

FIRST DAY - JANUARY 4, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 2023

PRAYER

The prayer was offered by Senator Dorn.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Aguilar.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Eighth Legislature, First Session of the Legislature of Nebraska assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 4, 2023, and was called to order by President Foley.

The roll was called and the following members were present:

Aguilar, Raymond	DeKay, Barry	Lippincott, Loren
Albrecht, Joni	Dorn, Myron	Lowe, John S. Sr.
Arch, John	Dover, Robert	McDonnell, Mike
Armendariz, Christy	Dungan, George III	McKinney, Terrell
Ballard, Beau	Erdman, Steve	Moser, Mike
Blood, Carol	Fredrickson, John	Murman, Dave
Bostar, Eliot	Geist, Suzanne	Raybould, Jane
Bostelman, Bruce	Halloran, Steve	Riepe, Merv
Brandt, Tom	Hansen, Ben	Sanders, Rita
Brewer, Tom	Hardin, Brian	Slama, Julie
Briese, Tom	Holdcroft, Rick	Vargas, Tony
Cavanaugh, John	Hughes, Jana	von Gillern, R. Brad
Cavanaugh, Machaela	Hunt, Megan	Walz, Lynne

Clements, Robert
Conrad, Danielle
Day, Jen
DeBoer, Wendy

Ibach, Teresa
Jacobson, Mike
Kauth, Kathleen
Linehan, Lou Ann

Wayne, Justin
Wishart, Anna

MOTION - Temporary Clerk and Sergeant at Arms

Senator Vargas moved to appoint Mr. Brandon Metzler as temporary Clerk of the Legislature and Mr. Burdette Burkhart as temporary Sergeant at Arms.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

June 7, 2022

Kathleen Kauth
6103 S. 178th Street
Omaha, NE 68135

Dear Ms. Kauth:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 31 effective June 7, 2022. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Kathleen Kauth as a member of the Nebraska Legislature representing District 31.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on June 7, 2022, and continue until

who would serve the remainder of former Congressman Fortenberry's term in the United States House of Representatives. I am humbled to have gained their confidence and trust.

I have recently been informed by Speaker Pelosi's office of my official swearing in tomorrow, Tuesday, July 12, 2022. Therefore, I will no longer be able to serve in my current role.

For ten years, I have been privileged to serve the people of District 19, and I am thankful to them the opportunity. I look forward to continuing to serve them and others as I enter a new role.

Please accept this letter as formal notice of my resignation from the Nebraska Legislature at 8:00 a.m. today, July 11, 2022.

Yours very truly,
(Signed) Michael J. Flood

MJF: jcf

cc: Senator Mike Hilgers, Speaker of the Legislature
Clerk of the Legislature Patrick J. O'Donnell

MESSAGE FROM THE GOVERNOR

July 22, 2022

Robert Edward Dover
3211 Dover Drive
Norfolk, NE 68701

Dear Mr. Dover:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 19 effective July 22, 2022. Your knowledge and input are valuable and your willingness to serve in this position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

RESIGNATION

November 22, 2022

Governor Pete Ricketts
Nebraska State Capitol
1445 K Street
Lincoln, NE 68509

Dear Governor Ricketts,

At the November 8, 2022, General Election, the people of Nebraska elected me to serve as Attorney General. Accordingly, I resign the office of State Senator for District 21 and as Speaker of the Nebraska Unicameral Legislature effective Tuesday, January 3, 2023 at 11:59 pm.

It has been an honor and a privilege to serve the people of Nebraska as a State Senator and Speaker of the Legislature. I look forward to continuing my public service to Nebraskans as their Attorney General.

Sincerely,
(Signed) Mike Hilgers
Speaker

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature

MESSAGE FROM THE GOVERNOR

December 22, 2022

Beau J. Ballard
6801 NW 2nd Street
Lincoln, NE 68521

Dear Mr. Ballard:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 21 effective January 4, 2023. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Eighth Legislature, First Session, 2023.

Finally, I hereby certify that all election returns, abstracts, canvass, and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2023.

(SEAL)

(Signed) Robert B. Evnen
Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama	November 3, 2020
2 Robert Clements	November 8, 2022
3 Carol Blood	November 3, 2020
4 R. Brad von Gillern	November 8, 2022
5 Mike McDonnell	November 3, 2020
6 Machaela Cavanaugh	November 8, 2022
7 Tony Vargas	November 3, 2020
8 Megan Hunt	November 8, 2022
9 John Cavanaugh	November 3, 2020
10 Wendy DeBoer	November 8, 2022
11 Terrell McKinney	November 3, 2020
12 Merv Riepe	November 8, 2022
13 Justin T. Wayne	November 3, 2020
14 John Arch	November 8, 2022
15 Lynne M. Walz	November 3, 2020
16 Ben Hansen	November 8, 2022
17 Joni Albrecht	November 3, 2020
18 Christy Armendariz	November 8, 2022
19 Robert Dover - Appointed	July 22, 2022
20 John A. Fredrickson	November 8, 2022
21 Beau Ballard - Appointed	January 4, 2023
22 Mike Moser	November 8, 2022
23 Bruce Bostelman	November 3, 2020
24 Jana Hughes	November 8, 2022
25 Suzanne Geist	November 3, 2020
26 George C. Dungan III	November 8, 2022
27 Anna Wishart	November 3, 2020
28 Jane Raybould	November 8, 2022
29 Eliot Bostar	November 3, 2020
30 Myron Dorn	November 8, 2022
31 Kathleen R. Kauth	November 8, 2022
32 Tom Brandt	November 8, 2022

valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Arch, John	Dorn, Myron	Jacobson, Mike
Armendariz, Christy	Dungan, George III	Kauth, Kathleen
Ballard, Beau	Fredrickson, John	Lippincott, Loren
Brandt, Tom	Hansen, Ben	Moser, Mike
Cavanaugh, Machaela	Hardin, Brian	Murman, Dave
Clements, Robert	Holdcroft, Rick	Raybould, Jane
Conrad, Danielle	Hughes, Jana	Riepe, Merv
DeBoer, Wendy	Hunt, Megan	von Gillern, R. Brad
DeKay, Barry	Ibach, Teresa	

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator Clements moved that the rules, as now in our possession, be adopted for today through Day Twelve, Friday, January 20, 2023.

The motion prevailed.

MOTION - Election of Officers

Senator Arch moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Eighth Legislature:

Clerk of the Legislature	Brandon Metzler
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Burdette Burkhart

The motion prevailed.

MOTION - Election of Speaker

Senator Briese moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Arch placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Arch.

The motion prevailed.

MOTION - Committee on Committees Members

Senator Walz moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Bostar, Bostelman, Sanders, and Moser were nominated from District 1.

Senators Vargas, Hunt, Linehan, and von Gillern were nominated from District 2.

Senators Lowe, Murman, Jacobson, and Erdman were nominated from District 3.

Senator Wayne moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Senator Arch moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Briese placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Briese.

The motion prevailed.

Senator Briese was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Senator Wishart moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Aguilar placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Aguilar.

The motion prevailed.

Senator Aguilar was duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Senator Linehan moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Bostar and Geist were nominated from District 1.

Senators Vargas and Riepe were nominated from District 2.

Senators Slama and Lowe were nominated from District 3.

Senator McDonnell moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing and Select Committee Chairpersons

Senator Riepe moved to proceed to the election of the standing and select committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

STANDING COMMITTEES

CHAIRPERSON - Agriculture

Senator Halloran placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Halloran.

The motion prevailed.

Senator Halloran was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Clements placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Clements.

The motion prevailed.

Senator Clements was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Slama placed her name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Slama.

The motion prevailed.

Senator Slama was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Riepe placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Riepe.

The motion prevailed.

Senator Riepe was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Murman placed his name in nomination.

Senator Walz placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Day, von Gillern, and Hansen as tellers.

Senator Murman	32
Senator Walz	<u>17</u>
	49

Senator Murman was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Lowe placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lowe.

The motion prevailed.

Senator Lowe was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brewer.

The motion prevailed.

Senator Brewer was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Hansen placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hansen.

The motion prevailed.

Senator Hansen was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Wayne placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wayne.

The motion prevailed.

Senator Wayne was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Bostelman placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Bostelman.

The motion prevailed.

Senator Bostelman was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator McDonnell placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McDonnell.

The motion prevailed.

Senator McDonnell was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Linehan placed her name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Linehan.

The motion prevailed.

Senator Linehan was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Brandt placed his name in nomination.

Senator M. Cavanaugh nominated Senator DeBoer.

Senator DeBoer declined the nomination.

Senator Moser placed his name in nomination.

Senator Lowe nominated Senator Geist

The Chair declared the nominations closed.

The Chair appointed Senators Ibach, Erdman, and J. Cavanaugh as tellers.

Senator Brandt	10
Senator Moser	8
Senator Geist	<u>29</u>
	47

Senator Geist was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator McKinney placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McKinney.

The motion prevailed.

Senator McKinney was duly elected Chairperson of the Urban Affairs Committee.

SELECT COMMITTEES

CHAIRPERSON - Rules

Senator Erdman placed his name in nomination.

Senator J. Cavanaugh placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hunt, Ballard, and Lippincott as tellers.

Senator Erdman	33
Senator J. Cavanaugh	<u>15</u>
	48

Senator Erdman was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator McKinney nominated Senator Ballard.

Senator McKinney moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ballard.

The motion prevailed.

Senator Ballard was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Senator Jacobson moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2022.

The motion prevailed.

The Chair appointed Senators Halloran, Dorn, and M. Cavanaugh to serve on said committee.

The committee escorted Secretary of State, Robert B. Evnen, to the rostrum where he delivered the following report:

REPORT FROM THE SECRETARY OF STATE

January 4, 2023

Speaker of the Legislature
One Hundred Eighth Legislature, First Session 2023
State Capitol
Lincoln, Nebraska

Honorable Speaker,

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 8, 2022 for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, Public Service Commissioner, State Board of Education, and Board of Regents of the University of Nebraska. These votes are required by law to be canvassed by the Nebraska State Legislature pursuant to Section 32-1039 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstracts containing the tabulation of votes from the ninety-three counties with reference to one Constitutional Amendment and two Initiative Measures is on file in this office. A certification of these returns is also attached.

CERTIFICATE

State of Nebraska

United States of America,)) ss.	Secretary of State
State of Nebraska)		

I, Robert B. Evnen, Secretary of State of the State of Nebraska, do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 8, 2022.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2023.

(SEAL)	(Signed) Robert B. Evnen
	Secretary of State

2022 General Election

Proposed Amendment No. 1

A constitutional amendment to authorize any city, county, or other political subdivision owning or operating an airport to expend its revenues for the public purpose of developing or encouraging the development of new or expanded regularly scheduled commercial passenger air service at such airport.

For	481,702
Against	129,699

Initiative Measure 432

A constitutional amendment to require that, before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature.

For	432,028
Against	228,031

Initiative Measure 433

A statutory initiative to amend the Nebraska statute establishing a minimum wage for employees to increase the state minimum wage from nine dollars (\$9.00) per hour to ten dollars and fifty cents (\$10.50) per hour on January

1, 2023, to twelve dollars (\$12.00) per hour on January 1, 2024, to thirteen dollars and fifty cents (\$13.50) per hour on January 1, 2025, and to fifteen dollars (\$15.00) per hour on January 1, 2026, to be adjusted annually thereafter to account for increases in the cost of living.

For	386,756
Against	272,603

Senator Dorn moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Senator Arch moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 2023, at 1:30 p.m.

The motion prevailed.

VISITORS

Visitors to the Chamber were Susan Foley and Peter Foley.

The Doctor of the Day was Dr. David Hoelting of Pender.

ADJOURNMENT

At 12:41 p.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Thursday, January 5, 2023.

Brandon Metzler
Clerk of the Legislature

SECOND DAY - JANUARY 5, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 2023

PRAYER

The prayer was offered by Senator DeBoer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Albrecht.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Bostar, Clements, Hunt, Slama, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 22-007

SUBJECT: Eligibility of Public Power Districts to Provide Advanced Metering Infrastructure Services and Related Administrative Services Under Neb. Rev. Stat. § 70-625(6).

REQUESTED BY: Senator Myron Dorn
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Darrin F. Schultz, Assistant Attorney General

INTRODUCTION

Nebraska law currently provides that "a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory." Neb. Rev. Stat. § 70-625(6) (Cum. Supp. 2020). You request our opinion on the eligibility of public power districts to provide advanced metering infrastructure ["AMI"] services and related administrative services under § 70-625(6).

As a reminder, it is our long-standing policy not to provide opinions to members of the Legislature on the interpretation or constitutionality of existing statutes. Op. Att'y Gen. No. 157 (Dec. 24, 1985). Rather, we only issue opinions to state legislators which pertain "to pending or proposed legislation." *Id.* at 1. You reference no pending or proposed legislation in your request letter. Nevertheless, your letter states you are considering introducing legislation to "clarify" the meaning of § 70-625(6). Accordingly, we will proceed to consider your question.

ANALYSIS

Public power districts are "public corporation[s]" and "political subdivision[s]" of the State. Neb. Rev. Stat. § 70-602 (2018). The Nebraska Supreme Court has stated that as "public corporations," public power districts "are subject to the plenary control of the Legislature," and, "[i]n the exercise of such power the Legislature may authorize, limit, control, or even destroy such public corporations." *Wittler v. Baumgartner*, 180 Neb. 446, 451, 144 N.W.2d 62, 67 (1966). Absent statutory authority to perform a service, a public power district shall be presumed prohibited from doing so. *See Schroll v. City of Beatrice*, 169 Neb. 162, 170-71, 98 N.W.2d 790, 795 (1959) (quoting *State ex rel. Johnson v. Consumers Public Power Dist.* 143 Neb. 753, 769-70, 10 N.W.2d 784, 795 (1943)) ("It seems clear that an express proviso that a corporation shall not do certain acts is no stronger than the failure to give authority, express or implied, to do them, for powers not granted either expressly or impliedly, are impliedly prohibited.").

"[S]tatutory interpretation begins with the text, and the text is to be given its plain and ordinary meaning. It is a fundamental canon of statutory construction that words generally should be interpreted as taking their ordinary meaning at the time the Legislature enacted the statute." *Dutcher v. Nebraska Dep't of Corr. Servs.*, 312 Neb. 405, 412-13, 979 N.W.2d 245, 251 (2022). "If the language of a statute is clear, the words of such statute are the end of any judicial inquiry regarding its meaning." *Stewart v. Nebraska Dep't of Revenue*, 294 Neb. 1010 1017, 885 N.W.2d 723, 729 (2016). Thus, our analysis begins with the text of the statute. Neb. Rev. Stat. § 70-625(6) provides:

(6) Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act or pursuant to this section. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory.

Except for natural gas services, § 70-625(6) authorizes public power districts to "own and operate, contract to operate or lease energy equipment" and "provide billing, meter reading, surveys, or evaluations and other administrative services...of public utility systems within a district's service territory." "Energy equipment," within Chapter 70, article 6, "includes, but is not limited to, equipment or facilities used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam for use by the district or the district's commercial and industrial customers." Neb. Rev. Stat. § 70-601(7) (2018). In your request letter, you describe AMI as "a utility metering setup which is an integrated system of smart meters, communications networks, and data management systems that enables two-way communication between utilities and customers." You also state that "AMI, in and of itself, is not considered 'operating' a utility system." Based on these general descriptions, AMI is not "used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam" under the definition of "energy equipment" in § 70-601(7).

Nor is it likely that AMI qualifies as "billing, meter reading, surveys, or evaluations and other administrative services" under § 70-625(6). As stated above, you represent that AMI is "an integrated system of smart meters, communications networks, and data management systems that enables two-way communication between utilities and customers." You "believe that these AMI services and administrative services may be provided with regard to the electric, water, and natural gas systems." It is unclear, however, whether AMI is in fact limited to "billing, meter reading, surveys, or evaluations and other administrative services," as the Legislature spelled out in § 70-625(6). AMI, and its accompanying "smart grid" technology, appear to provide capabilities beyond the type of services itemized in § 70-625(6).¹ Without more information detailing the functional parameters of AMI technology,² we are unable to conclude that the Legislature has authorized public power districts under § 70-625(6) to provide AMI services to other public utilities within a district's service territory.³

CONCLUSION

It is not clear that public power districts have authority to provide AMI services under § 70-625(6). AMI does not fit the definition of "energy

equipment" in § 70-601(7), and appears to involve more than billing, meter reading, surveys, evaluations, and related administrative services. Considering this uncertainty, you may wish to propose legislation clarifying that AMI fits within the services contemplated by the Legislature in § 70-625(6).

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Darrin F. Schultz
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

80-009-30

¹ See, e.g., 220 Ill. Comp. Stat. Ann. 5/16-108.6(a) (smart grid functions include, among others, "the ability to develop, store, send, and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information ... [and] use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual"); Okla. Stat. tit. 17, § 710.2 ("[T]he use of advanced metering technology may give electric utilities and consumers access to more detailed usage data than that collected by conventional electric utility services."); see also U.S. Dep't of Energy, *Advanced Metering Infrastructure and Customer Systems* 4 (Sept. 2016) (describing how AMI offers "functions that were not previously possible or had to be performed manually, such as the ability to automatically and remotely measure electricity use, connect and disconnect service, detect tampering, identify and isolate outages, and monitor voltage"), https://www.energy.gov/sites/prod/files/2016/12/f34/AMI%20Summary%20Report_09-26-16.pdf.

² See U.S. Dep't of Energy, *Data Access and Privacy Issues Related to Smart Grid Technologies* 6 (Oct. 2010) (noting that "experience with Internet technologies strongly suggests that it may be difficult or impossible to predict the uses to which a 'smarter' and more interactive electrical grid will ultimately be put"), https://www.energy.gov/sites/default/files/gcprod/documents/Broadband_Report_Data_Privacy_10_5.pdf.

³ Because we conclude that AMI likely is not within the grant of authorized activity under § 70-625(6), we need not address whether the exclusion for "natural gas services" would apply to AMI.

Opinion 23-001

SUBJECT: Authority of County Clerks or Election
Commissioners to Manually Count Ballots

REQUESTED BY: Senator Steve Erdman
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion of the Attorney General concerning the authority of individual county clerks or election commissioners to choose to exclusively hand count ballots without the use of vote counting machines. You have asked that we provide our opinion whether legislation would be needed to authorize those local election officials to opt to manually count ballots or whether current state law already permits them to do so. You are considering introducing legislation in January which would allow local election officials to make that choice.

ANALYSIS**I. Applicable Nebraska Statutes**

The State's Election Act ["the Act"] is found at Neb. Rev. Stat. §§ 32-101 to 32-1551 (2016 and Cum. Supp. 2022). The provisions of Article 10 of the Act pertain to counting and canvassing ballots.

Neb. Rev. Stat. § 32-1012 (Cum. Supp. 2022) provides requirements for counties using optical scanners at either a centralized location or at polling places while § 32-1027(6) (Cum. Supp. 2022) provides for the unfolding and flattening of early voting ballots for purposes of using the optical scanner. Section 32-1016 (2016) spells out how to treat a ballot that is damaged or defective so that it cannot properly be counted by a vote counting device. Section 32-1018 (2016) requires the sealing and storage of all tapes, programming boards, and other materials used with vote counting devices. Section 32-1049 (Cum. Supp. 2022) lists additional requirements for the use of a vote counting device in a centralized location. Sections 32-1041 (Cum. Supp. 2022), 32-1042 (2016), and 32-1043 (2016) all authorize the use of optical-scan ballots or voting systems approved by the Secretary of State. The term "voting system" is defined at Neb. Rev. Stat. § 32-119.01 (Cum. Supp. 2022) to mean "the process of creating, casting, and counting ballots and includes any software or service used in such process."

The only mention of manual counting currently found within Article 10 is § 32-1012 which provides that if "it becomes impracticable to count all or

a part of the ballots with optical scanners," the local election official "may direct that the ballots be counted manually following as closely as possible the provisions governing the manual counting of ballots." There are no current provisions in the Act which govern the procedure of manually counting the ballots. In fact, several provisions related to manual counting and counting boards were deleted from the Act by LB 646, Laws 2007. References to certain types of counting boards were eliminated because, "[w]ith the new voting equipment, counties no longer manually count ballots and therefore, these counting boards are no longer necessary." Committee Statement on LB 646, 100th Leg., 1st Sess. 2 (March 14, 2007).

The Election Act grants no general authority to local election officials with regard to hand counting or manually counting ballots. Rather, the Act, limits the discretion of election officials to employ manual counting to only those narrow circumstances in which it is "impracticable" to count the ballots with optical scanners. Statutory language is to be given its plain and ordinary meaning, and an appellate court's duty in discerning the meaning of a statute is to determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. *Pettit v. Nebraska Dept. of Correctional Services*, 291 Neb. 513, 522, 867 N.W.2d 553, 560 (2015). *Merriam-Webster's [Online] Dictionary* defines "impracticable" as "incapable of being performed or accomplished by the means employed or at command."¹ The context of § 32-1012 suggests that manual counting would, thus, be statutorily limited to unforeseen circumstances such as a temporary power outage or equipment failure.

Your opinion request letter refers to "county officials" and a "discrepancy regarding the extent of their control versus that of the Secretary of State." To the extent any local official may have discretion to choose a ballot counting method, it would be an election commissioner or county clerk. The Nebraska statutes provide for two types of local election officials: election commissioners and county clerks. Neb. Rev. Stat. § 32-207 (Cum. Supp. 2022) provides that "[t]he office of election commissioner shall be created for each county having a population of more than one hundred thousand inhabitants." Neb. Rev. Stat. § 32-211 (2016) provides that the county board of each county with not less than twenty thousand nor more than one hundred thousand inhabitants may create the office of election commissioner. And, Neb. Rev. Stat. § 32-218 (2016) provides that the county clerk will perform the duties assigned to the election commissioner, except in those counties which have an election commissioner pursuant to either § 32-207 or § 32-211. However, as explained above, the discretion of an election commissioner or county clerk to employ a manual count of ballots is limited to the narrow circumstances spelled out in § 32-1012.

Further, Neb. Rev. Stat. § 32-1041 requires that election commissioners and county clerks use vote counting devices and voting systems approved by the Secretary of State. "The election commissioner or county clerk may use vote counting devices and voting systems approved by the Secretary of State for

tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners." Neb. Rev. Stat. § 32-1401(1). "Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk." Neb. Rev. Stat. § 32-1401(3). It is our understanding that the voting system currently approved by the Secretary of State requires the use of optical scanning devices for tabulating the votes cast and that no counties are currently approved by the Secretary of State to use manual counting of ballots. Thus, any local election official who wishes to use a new manual counting system would first need to seek the approval of the Secretary of State.

Finally, you have stated that you are considering introducing legislation to allow local election officials to choose whether to count ballots by hand. We note that the federal Help America Vote Act of 2002 ["HAVA"], Public Law 107-252, 42 U.S.C. §§ 15301 to 15545 (2002), was enacted to address improvements to voting systems and voter access. A Nebraska State Plan to implement HAVA was adopted in 2004 and amended in 2009 and 2011.² HAVA provided federal funding to states, including funding for upgraded voting systems, and all Nebraska counties received new ballot tabulation equipment. HAVA also created new mandatory minimum standards for states to follow in certain areas of election administration. As we have only your general reference to introducing legislation, we will not discuss HAVA or the State Plan further within this opinion. However, we wanted to make you aware of the federal legislation and related State Plan as you determine whether to introduce legislation.

CONCLUSION

In conclusion, the Nebraska Election Act provides for two types of local election officials: election commissioners and county clerks. It is our opinion that current Nebraska statutes grant no general authority to those officials to choose to count their ballots by hand. Rather, the Act limits the discretion of local election officials to employ manual counting to only those narrow circumstances set out by Neb. Rev. Stat. § 32-1012 in which it is not possible to count a ballot with optical scanners. And, under current law, any local election official who wishes to use a new manual counting system would need to obtain the approval of the Nebraska Secretary of State.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-842-30

¹ <http://www.merriam-webster.com/dictionary/impracticable>(accessed December 5, 2022).

² See <https://sos.nebraska.gov/elections/help-america-vote-act-hava>.

Opinion 23-002

SUBJECT: Authority of the Legislature to Limit the Criteria Utilized by the Coordinating Commission for Postsecondary Education to Approve Programs Involving "Institutes" or "Centers."

REQUESTED BY: Senator Steve Halloran
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

INTRODUCTION

You have requested an opinion of the Attorney General regarding the authority of the Legislature to limit the criteria utilized by the Coordinating Commission for Postsecondary Education ["Commission"] to review and approve or disapprove institutes or centers. You state that you are "researching and contemplating legislation to define limitations on the authority of the" Commission "regarding the scope of organizational units, often referred to as institutes or centers, that may be joined or formed by postsecondary institutions." You explain further that you may introduce legislation to "codify an interpretation of 'institutes' found in the Commission's own regulations and guidance." You also describe the potential legislation as codifying certain criteria that the Commission currently employs in approving or disapproving certain programs. You ask whether "such legislation [would] be in conflict with the Commission's authority under Article VII, Section 14 [of the Nebraska Constitution]."

You suggest that the Commission may have exceeded its authority to approve particular centers and you ask "did the Commission exceed its authority, or fail to exercise its statutory duty, by approving these centers?" This office provides opinions to state officers upon questions of law which arise "in the discharge of their duties." Op. Att'y Gen. No. 157 (December 24, 1985). "[S]ince it is generally the duty of members of the Executive Branch of government to apply and enforce the existing statutes, we have made it our policy to issue opinions to Executive officers only with respect to their duties under existing statutes. . . ." Op. Att'y Gen. No. 97002 at 4 (Jan. 8, 1997). And, it has been our practice and policy to issue opinions to members of the Legislature only with respect to pending or proposed legislation and not with respect to the requirements of existing statutes. *Id.* For that reason, we will not address past decisions of the Commission or its

application of existing statutes. We will, however, address your question whether legislation to codify a definition or the criteria used by the Commission to review, approve or disapprove programs, including "institutes," may conflict with the Commission's constitutionality authority.

ANALYSIS

The State Constitution provides "there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions." Neb. Const. art. VII, § 14. The Constitution then defines the term "coordination" to include both "(1) [a]uthority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education" and "(2) [a]uthority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication." *Id.*

After the adoption of the constitutional provision in 1990, the Legislature enacted the Coordinating Commission for Postsecondary Education Act, Neb. Rev. Stat. §§ 85-1401 to 85-1420 (2014 and Cum. Supp. 2022) [the "Act"]. There are several statutory provisions relevant to your inquiry. Neb. Rev. Stat. § 85-1402(3)(a) (2014) uses the constitutional definition of the term coordination to include authority to adopt a comprehensive statewide plan for postsecondary education. Subsection (3)(b) uses the constitutional language above regarding the authority of the Commission "to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects. . . ." The term program is defined to include "the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs." Neb. Rev. Stat. § 85-1402(6) (2014).

Neb. Rev. Stat. § 85-1414 pertains to the Commission's authority to establish the process for approving or disapproving programs and, at subsections (7) and (8), provides that it is generally the responsibility of the Commission to establish criteria for the review, monitoring, and approval or disapproval of programs.

You ask whether legislation to codify a specific interpretation of the term "institute" or to codify particular criteria utilized by the Commission would conflict with the Commission's constitutional authority. You enclosed with your opinion request a copy of a document titled "Definition of Program(s)," which we understand to be an appendix to a guidance document issued by the Commission. A document titled "Guidelines for Submitting Proposals For New Instructional Programs and New Organizational Units" is found at the Commission's website, prefaced by the

statutory notice required by Neb. Rev. Stat. § 84-901.03(2) (Cum. Supp. 2022). That notice includes a statement that the "guidance document is advisory in nature but is binding on an agency until amended by such agency." Footnote 1 in that guidance document states "[f]or definitions of programs, see Appendix A" and the document you enclosed is Appendix A.¹

Your question is whether legislation to codify Appendix A's definition of institute and the criteria appearing in that definition may conflict with the Commission's constitutional authority. As previously discussed above, Neb. Const. art. VII, § 14 vests in the Commission the authority for the coordination of public postsecondary educational institutions and defines coordination to include the authority to review, monitor, and approve or disapprove programs and capital construction projects. Legislation to divest the Commission of its constitutional jurisdiction could be challenged on constitutional grounds.

This office has previously examined the scope of the Commission's constitutional authority regarding a bill which would have mandated the establishment of a college of engineering at the University of Nebraska at Omaha. Op. Att'y Gen. No. 95020 (March 13, 1995). We considered several rules of statutory construction. "First, the Nebraska Supreme Court has determined that constitutional provisions are to be construed more liberally than statutory provisions. *Nebraska P.P. Dist. v. Hershey School Dist.*, 207 Neb. 412, 299 N.W.2d 574 (1980). A second principle of statutory construction requires that before interpretation of the language of a constitutional provision may be engaged in, 'it must be demonstrated that the questioned language is unclear or ambiguous and, therefore, requires judicial construction. . . . *State ex rel. Spire v. Beermann*, 235 Neb. 384, 389, 455 N.W.2d 749, 752 (1990)." Op. Att'y Gen. No. 95020 at 4. In that opinion we found the language of Neb. Const. art. VII, § 14, which vests the Commission with the authority to review, monitor, and approve or disapprove programs, to be clear and unambiguous. *Id.* at 5.

Our 1995 opinion also discussed the history of the legislation implementing the 1990 constitutional amendment which changed the Commission from an advisory body to one vested with authority for the coordination of public postsecondary educational institutions. *Id.* at 6-7. We noted that, during floor debate on an amendment regarding education centers, one of the bill's sponsors stated: "We have established the commission constitutionally with the authority to approve or disapprove programs. We, as the legislature, have in effect said this. . .the floor of the Legislature is not the appropriate place to make those decisions. The appropriate place to make these decisions is within the coordinating commission." *Id.* at 7 (quoting Floor Debate on LB 663, 92nd Leg., 1st Sess. 2169 (March 25, 1991) (Statement of Sen. Withem)).

We further pointed out that "because the Nebraska Constitution 'is not a grant but, rather, a restriction on legislative power, . . .the Legislature is free to act on any subject not inhibited by the Constitution.' *State ex rel. Stenberg*

v. Douglas Racing Corp., 246 Neb. 901, 905, ___ N.W.2d ___ (1994); [additional citation omitted]. In so acting, however, the court has established that "[t]he people of the state, by adopting a Constitution, have put it beyond the power of the [L]egislature to pass laws in violation thereof." *State ex rel. Randall v. Hall*, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933). . . ." Op. Att'y Gen. No. 95020 at 4. As the bill in question at that time did not provide for a review or approval of the proposed establishment of a college of engineering by the Commission, we found the bill would violate art. VII, § 14 and that it would also conflict with provisions of the Act.

This office has also considered the scope of authority granted to the Commission to review capital construction projects. Op. Att'y Gen. No. 94015 (March 16, 1994). In that instance, the issue was whether a parking lot demolition and pedestrian plaza construction project fell within the statutory definition of "capital construction project" found at Neb. Rev. Stat. § 85-1402(1) (2014) and, specifically, whether the project fell within the term "capital structure" used in that statute. The Commission had defined the term "capital structure" in its regulations promulgated pursuant to the Act and we found its definition was consistent with the constitutional provision requiring that all capital construction projects which use tax funds designated by the Legislature be subject to Commission review. We concluded that "denying the Commission authority to review the project would be in direct contravention to the constitutional duty imposed upon the Commission. . . ." *Id.* at 3-4.

Neb. Const. art. VII, § 14 provides the Commission "shall, *under the direction of the Legislature*, be vested with the authority for the coordination of public postsecondary educational institutions." (emphasis added). Similar language is found in Neb. Const. art. VII, § 10, which provides in part: "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in. . .the Board of Regents of the University of Nebraska....Their duties and powers shall be prescribed by law." "[T]he purpose of [this] constitutional provision was to remove the University from the plenary control of the Legislature and establish the Board of Regents as an independent body charged with the power and responsibility to manage and operate the University as free from political influence and control as possible." *Board of Regents v. Exon*, 199 Neb. 146, 148, 256 N.W.2d 330, 332 (1977) ["*Exon*"]. Thus, art. VII, § 10, means that "[t]he general government of the University must remain vested in the Board of Regents....," and, "[i]n prescribing the power and duties of the Regents a legislative act must not be so detailed and specific in nature as to eliminate all discretion and authority on the part of the Regents as to how a duty shall be performed." *Id.* at 149, 256 N.W.2d at 333.

Article VII, § 14 vests the Commission with authority for the "coordination" of public postsecondary institutions. Subsection (2) of Article VII, § 14 defines coordination to include the "[a]uthority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs...in order to provide compliance and consistency with

the comprehensive plan and to prevent unnecessary duplication...." While Article VII, § 14 vests this authority in the Commission "under the direction of the Legislature," the Legislature's power to direct cannot be exercised in a manner which improperly infringes the Commission's constitutional "coordination" authority to approve or disapprove programs. "Program" is currently defined to "include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs...." Neb. Rev. Stat. § 85-1402(6). The Legislature has also provided that the Commission "shall establish criteria for the review, monitoring, and approval or disapproval of programs." Neb. Rev. Stat. § 85-1414(7). "The [C]ommission's criteria shall be designed to (a) meet educational needs and (b) assure efficiency and avoid unnecessary duplication," and "shall include: (i) Centrality to the role and mission of the public institution; (ii) Consistency with the comprehensive statewide plan; (iii) Evidence of need and demand; and (iv) Adequacy of resources to support proposed new programs." *Id.* Further, "[t]he criteria shall not infringe on the prerogative of the governing boards to make decisions on the quality of staff and the design of curriculum." *Id.*

The Legislature presently has directed the Commission to develop the criteria for approval of disapproval of programs. While § 85-1414(7) imposes some mandatory requirements for those criteria, it does so in general terms and in a manner which does not unduly restrict the Commission's exercise of its constitutional coordination authority. You have not provided a specific legislative bill for our review, but you appear to contemplate legislation which would put into statute specific criteria for the Commission to employ when engaging in its review of programs involving institutes or centers. Legislation "so detailed and specific in nature as to eliminate all discretion and authority on the part of the" Commission to exercise its coordination authority in this area may contravene art. VII, § 14. *Exon*, 199 Neb. at 149, 256 N.W.2d at 333. While the answer is not certain, a court could find that codifying specific and limiting criteria defining "institutes" would impermissibly restrict the Commission's constitutional "coordination" authority to approve or disapprove programs.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Brandon Metzler
Clerk of the Nebraska Legislature

09-843-30

¹ For your reference, a guidance document is defined at Neb. Rev. Stat. § 84-901(5) (Cum. Supp. 2022) to mean "any statement developed by an agency which lacks the force of law but provides information or direction of

general application to the public to interpret or implement statutes or such agency's rules or regulations." And Neb. Rev. Stat. § 84-901.03(3) (Cum. Supp. 2022) provides that "[a] person may request in writing that an agency revise or repeal a guidance document or convert a guidance document into a rule or regulation." The definition of institute [or center which the Commission uses interchangeably] which you bring to our attention is, thus, currently binding on the Commission. It could be amended by the Commission or incorporated into Commission rules or regulations. While binding, we note the definition is not inflexible, as it states "a working definition of centers will *normally be* interpreted to mean" an institution or sector's academic entities with certain characteristics, and "[i]t is *intended* that centers will not include interdisciplinary units with" certain characteristics. Appendix A at 6.b., c. (emphasis added). This qualifying language reserves a degree of discretion to the Commission in applying the definition.

MESSAGES FROM THE GOVERNOR

August 15, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Russell L. Kreachbaum Jr., 2077 P Road, Central City, NE 68826

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 15, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Jaime Kent Dodge, M.D., FAAFP, 7331 S. 64th Circle, Lincoln, NE 68516
Heather Cramer, RN, 17544 Adams Street, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to Coordinating Commission for Postsecondary Education:

Gwenniviere Aspen, 850 Fair Acres, Omaha, NE 68132
Molly O'Holleran, 1001 S. Deerwood Drive, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Dan O'Neill, 615 Sequoia Court, North Platte, NE 69101
Courtney C. Wittstruck, 3001 Sequoia Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Power Review Board:

Kristen L. Gottschalk, 1992 County Road T, Colon, NE 68018

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Commission on Problem Gambling:

John Pulverenti, 605 N. 126th Plaza, Omaha, NE 68154
Matthew John Monheiser, 107 Virginia Lane, Sidney, NE 69162

Contingent upon your approval, the following individual is being reappointed to the Nebraska Commission on Problem Gambling:

Susan E. Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Crime Victim's Reparations Committee:

David Nelson, 19002 S. 204th Street, Gretna, NE 68028
Lou Leone, 2114 2nd Avenue, Apt. A, Nebraska City, NE 68410
Weysan Dun, 16617 Cheyenne Road, Omaha, NE 68136

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Information Technology Commission:

Bret R. Blackman, UNO- 6001 Dodge Street, Omaha, NE 68182
Zachary J. Mellender, 16068 Franklin Street, Omaha, NE 68118
Kirk Langer, 3011 S. 74 Street, Lincoln, NE 68506
James Ediger, 1112 8th Street, Aurora, NE 68818
Leah Barrett, 1411 N. 30 Street, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Health Information Technology Board:

Phillip James Vuchetich, PHARM.D, MS, MBA, CPHIMS,
2809 Pinnacle Drive, Norfolk, NE 68701
Douglass Haas, DNP, APRN-NP, FNP-BC, AGACNP-BC,
1407 13th Avenue, Kearney, NE 68845

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Devin M. Brundage, 1615 Avenue F, Gothenburg, NE 69138

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Donald P. Batie, 43590 Road 761, Lexington, NE 68850
Mark Czaplewski, 2747 Lakewood Drive, Grand Island, NE 68801
Timothy E. Krause, 78580 Highway 183, Mason City, NE 68855
Dennis Strauch, 50189 Hilyard Drive, Mitchell, NE 69357

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 30, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to Board of Educational Lands and Funds:

Jerald Meyer, 5100 Bridle Lane, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 11, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to Child Abuse Prevention Fund Board:

Deacon Donald N. Blackbird, Jr., 202 North Sawyer Street, Walthill, NE 68067
Georgina Scurfield, 707 S. Beadle Street, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 11, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Brand Committee:

Steven F. Stroup, 33824 Road 711, Benkelman, NE 69021
Marie A. Farr, 43701 S. Snell Road, Moorefield, NE 69039

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing and Gaming Commission:

Trent Loos, 78009 472 Avenue, Litchfield, NE 68852

Also, contingent upon your approval, the following individuals are being reappointed to the State Racing and Gaming Commission:

Dennis Lee, 608 S. 123 Street, Omaha, NE 68154
Jeffrey Galyen, 3209 Golf View Drive, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 14, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to Nebraska State Fair Board:

Dawn Caldwell, 30650 Road T, Edgar, NE 68935
Beth Smith, 2310 Woodsdale Blvd., Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 24, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Noah Bernhardson, MD, NRP, FP-C, 8901 Ranch Gate Road, Lincoln, NE 68520

Jonathan L. Kilstrom, MPAS, PA-C, NRP, 7737 Pine Circle, Omaha, NE 68124

Brent E. Lottman, AEMT, 1007 3rd Street, Peru, NE 68421

Prince Harrison, M.D., 401 N. 46 Street, Apt. 4306, Omaha, NE 68132

Ryan K. Batenhorst, M.Ed., NRP, 1725 S. 45 Street, Lincoln, NE 68506

Leslie L. Vaughn, Jr., 9201 N. 36 Street, Omaha, NE 68112

Also, contingent upon your approval, the following individuals are being reappointed to the Board of Emergency Medical Services:

Karen Bowlin, 400 Road West 30, Ogallala, NE 69153

Linda L. Jensen, RN, 16181 County Road, #21, Herman, NE 68029

James Smith, M.D., 402 Flamingo Road, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 19, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

John F. Hiller, 335 S. 178th Avenue, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

October 19, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to State Personnel Board:

Patrick Guinan, 525 S. 58th Street, Omaha, NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

October 19, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to Nebraska Ethanol Board:

Bradley B. Bird, 12018 County Road, P 30, Blair, NE 68008
Michael S. Thede, 327 R Road, Palmer, NE 68864

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 19, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Rural Health Advisory Commission:

Myra Stoney, 38081 Skylark Trail, McCook, NE 69001
Katherine Kusek, DDS, 407 S. 4th Street, Albion, NE 68620
Kate Hesser, M.D., 1805 St. Andrews, Crete, NE 68333

Also, contingent upon your approval, the following individuals are being reappointed to the Rural Health Advisory Commission:

April Dexter, 84866 477th Avenue, Amelia, NE 68711
Martin Fattig, MHA, 73091 643A Avenue, Auburn, NE 68305

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 19, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Karen A. Harris, 913 W. 4th Street, York, NE 68467
Crystal Dunning, 1541 S Street, Lincoln, NE 68508

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Mark Laughlin, 5106 California Street, Omaha, NE 68102
Brenda M. Davis, 807 N. 7th Street, Beatrice, NE 68310
Sharon R. Hofschire, 2024 S. 86 Avenue, Omaha, NE 68124
Ann Michelle Dudley, 1006 Darrus Drive, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 24, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to Board of Educational Lands and Funds:

Robert H. Kobza, 4170 M Road, Bellwood, NE 68624

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 23, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee on Statewide Assessment:

Joshua P. Fields, Ed.D., 429 East Pinewood Avenue, Seward, NE 68434

Contingent upon your approval, the following individual is being reappointed to the Technical Advisory Committee on Statewide Assessment:

Chad W. Buckendahl Ph.D., 2467 Cordoba Bluff Court, Las Vegas, NV 89135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 23, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

John C. Ernst, 28202 Sandstone, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 23, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Investment Council:

Thomas E. Henning, 6015 The Knolls, Lincoln, NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 23, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Health Information Technology Board:

Mark A. Latta, DMD, MS, 13010 Craig Street, Omaha, NE 68142

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 23, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Information Technology Commission:

Katie Niemoller, RN, 710 Leprechaun Lane, Papillion, NE 68046

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 16, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Brian Botsford, 411 E. 26 Street, Kearney, NE 68847

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 21, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Daniel (Dan) L. Steinkruger, 7435 Whitestone Drive, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 21, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Andrew N. Ruess, 1410 S. 218th Street, Elkhorn, NE 68022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 21, 2022

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission for the Blind and Visually Impaired:

Miguel Rocha, 814 W. 26th Street, Scottsbluff, NE 69361

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

COMMUNICATIONS

Received a copy of House Concurrent Resolution No. 11 from the state of Louisiana relating to urging and requesting the legislatures of each state of the United States to pass similar concurrent resolutions calling upon the Congress of the United States of America to support legislation and to take such actions as a necessary to review and eliminate all provisions of federal law that reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

Received a copy of Joint Resolution H. 3205 from the state of South Carolina relating to an application to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

**2022 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
277	Interim study to determine what is needed to develop a plan to protect managed and native Nebraskan pollinators from current harmful practices		X	
328	Interim study to determine whether rules and regulations guiding the inspection and permitting of mobile food units are being applied consistently between jurisdiction		X	
400	Interim study to examine current farm economic conditions in Nebraska and how best to aid and support beginning farmers and livestock and dairy producers in the state		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
330	Interim study to determine what percentage should be used to forecast revenue when preparing fiscal notes and determine if state agencies or political subdivisions should use the same percentage		X	
396	Interim study to examine the funding needs of the Commission on Public Advocacy and to find a long-term funding solution		X	
405	Interim study to examine the operation of the statewide financial systems by the Accounting Administrator of the accounting division of the Department of Administrative Services and ensure that internal controls are properly implemented		X	
406	Interim study to examine the		X	

	implementation of the office of Chief Information Officer's information technology consolidation initiative to ensure efficient use of Nebraska taxpayer resources			
410	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund			X

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
372	Interim study to examine whether the Real Property Appraiser Act should be updated		X	
371	Interim study to review the requirements regarding occupational regulation as administered by the Department of Banking and Finance	X		
361	Interim study to examine insurance coverage for lung cancer screenings and make recommendations			X
364	Interim study to explore the establishment of an insurtech regulatory sandbox			X
415	Interim study to examine the lack of access to quality and affordable health insurance for Nebraska's early childhood workforce and potential solutions			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
373	Interim study to examine the feasibility of developing a policy and implementing a statewide process for awarding college credit in specific programs of study across all public educational institutions for military education and training		X	
414	Interim study to examine			X

	programming, opportunities, and interventions for students attending an alternative school, class, or educational program in Nebraska			
354	Interim study to examine the educational experiences and outcomes of youth in foster care		X	
420	Interim study to examine the education process and procedures for serving students with special needs			X
359	Interim study to examine whether section 79-458, which authorizes certain property holders to attach their property to a different school district through a freeholder petition, should be updated or eliminated			X

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
307	Provide the Executive Board of the Legislative Council appoint a special committee of the Legislature to be known as the Special Ethics Investigative Committee of the Legislature	Pending		
305	Interim study to examine issues relating to the personnel policies of the Legislature			X
311	Interim study to examine issues relating to workplace policies of the Legislature			X
370	Interim study to examine the coordination and administration of boundary layers in Nebraska	Pending		
374	Interim study to create a select interim committee of the Legislature known as the State and Local School Aid Committee			X
393	Interim study to examine the committee hearing procedures of the Legislature			X
279	Interim study to examine ways to further support the mission of the office of Public Counsel			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
337	Interim study to examine laws relating to brand registration of alcoholic beverages of all types and varieties		X	
338	Interim study to examine all licenses issued by the State Racing and Gaming Commission	X		
339	Interim study to examine matters relating to cemeteries in Nebraska		X	
340	Interim study to examine issues within the jurisdiction of the General Affairs Committee		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
388	Interim study to examine the rating and combined rating system that the Department of Veterans' Affairs uses to determine compensation payments and access to other benefits			X
376	Interim study to determine whether reports of the resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or represent isolated incidents			X

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
438	Interim study to identify policy changes for improving communication and sharing of case-specific information among state and local government agencies responsible for care, custody, treatment, and rehabilitation of youth		X	
409	Interim study to examine the		X	

	Department of Health and Human Services' capacity and resources to treat individuals who have been committed to the department for treatment to restore competency to stand trial			
417	Interim study to review the current medicaid reimbursement rates and processes for difficult to place patients in Nebraska's acute care hospitals		X	
390	Interim study to review the current medicaid reimbursement model and processes for Nebraska's critical access hospitals			X
327	Interim study to examine issues relating to severe maternal morbidity			X
407	Interim study to examine how Nebraska is utilizing Temporary Assistance for Needy Families funds		X	
404	Interim study to examine the racial and ethnic disproportionality within Nebraska's child welfare system		X	
366	Interim study to examine at least three of the current certified community behavioral health clinics established through the federal Substance Abuse and Mental Health Services Administration's demonstration program		X	
378	Interim study to examine the process for determining the rate of reimbursement for the child care subsidy program		X	
397	Interim study to examine the needs, workforce, and funding streams for mental health care across Nebraska		X	
368	Interim study to identify deficiencies and inefficiencies in Nebraska public policy surrounding disability-related service provision		X	
367	Interim study to examine home		X	

	visitation for families in Nebraska			
408	Interim study to examine ways to grow and diversify Nebraska's health care workforce		X	
360	Interim study to examine eligibility, enrollment, application, renewal, and redetermination practices for the medical assistance program and the Children's Health Insurance Program under the Department of Health and Human Services		X	
389	Interim study to examine how information on all Parkinson's disease cases can best be collected and reported to the Parkinson's Disease Registry		X	
266	Interim study to examine Nebraska's processes relating to investigation of reports of child abuse or neglect in licensed child care facilities		X	
411	Interim study to examine issues within the jurisdiction of the Health and Human Services Committee			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
375	Interim study to examine issues within the jurisdiction of the Judiciary Committee		X	
379	Interim study to examine fentanyl distribution in Nebraska			X
384	Interim study to investigate laws and procedures pertaining to the use of emergency protective custody			X
386	Interim study to examine the Nebraska Juvenile Code			X
395	Interim study to examine the judicial inefficiency and increased costs to the state arising from Nebraska's four separate statutory-based mechanisms for postconviction relief			X
399	Interim study to review and		X	

	identify what judicial resources are necessary to expand problem-solving courts across the state			
403	Interim study to examine the use of no-knock warrants			X
412	Interim study to examine if statutory rights and protections relating to crime victims and survivors are adequate			X
421	Interim study to examine property rights issues			X
423	Interim study to determine whether the current arrangement of court appointment of attorneys is appropriate			X
424	Interim study to research the topic of home equity theft			X
425	Interim study to examine the operational and statutory needs of law enforcement departments of the University of Nebraska			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
355	Interim study to examine and review Chapter 70 of the Nebraska Statutes relating to power districts and corporations		X	
362	Interim study to determine the water quality and quantity benefits and costs of permeable surfacing			X
363	Interim study to examine the reprocessing and recycling of spent nuclear fuel			X
394	Interim study to examine potential changes to Nebraska's net metering policy			X
402	Interim study to assess the ranking criteria and practices of the Nebraska Environmental Trust			X
419	Interim study to examine the existing federal rule process for nuclear generation license renewal applications			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
294	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board		X	
295	Interim study to monitor underfunded defined benefit plans administered by political subdivisions as required by section 13-2402		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
333	Interim study to examine modernization of Nebraska's tax system with the goal of facilitating economic growth		X Hearing held 11/04/22	
380	Interim study to examine a potential limit on taxation of public and private pension income		X	
383	Interim study to explore best practices for the implementation of a consumption tax in Nebraska		X Discussions held	
387	Interim study to review the statutes relating to homestead exemptions		X Hearing held 10/28/22	
416	Interim study to examine the risks and potential adverse economic consequences to the State of Nebraska and its residents from the transfer of business interests from one generation to the next			X
418	Interim study to examine the sales tax system in Nebraska with respect to exemptions provided to various industries		X Hearing held 10/28/22	
463	Interim study to examine the structure and administration of and compliance with certain taxes			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
401	Interim study to review the administration of the Nebraska Broadband Bridge Act		X	
398	Interim study to examine issues related to the funding of emergency communications in Nebraska			X
365	Interim study to review the operations of the Department of Motor Vehicles			X
351	Interim study to evaluate the feasibility of the construction, operation, and maintenance of public river port facilities on Nebraska waterways			X
392	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
276	Interim study to examine circumstances in which conditional use permits can be approved or revoked			X
347	Interim study to examine the statutes governing metropolitan utilities districts		X	
348	Interim study to review the occupational licenses for master plumbers	X		
349	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee			X
377	Interim study to examine statutes relating to the incorporation of new municipalities			X
413	Interim study to evaluate the		X	

	potential transition to a statewide professional license for heating, ventilation, and air conditioning technicians			
422	Interim study to examine issues related to the Middle Income Workforce Housing Investment Act			X

COMMUNICATIONS

April 28, 2022

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Good Afternoon,

The State of Nebraska Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2021, has been completed and is now available on the Department of Administrative Services-State Accounting website or by accessing the following link: 2021 ACFR.

The report will also be available on the Legislative website in the Reports area; and, on the Nebraska Library Commission website.

This e-mail is being distributed to the Governor of the State of Nebraska, the Director of Administrative Services, the Tax Commissioner, the Clerk of the Legislature and the Legislative Fiscal Analyst. Others receiving this report are the State Budget Director, Auditor of Public Accounts, and Audit Managers. The report is available to all State Senators through the Legislative website.

Respectfully Submitted,

Philip Olsen, CPA, C.L.S.S.E.G.B.
Administrator, State Accounting
Department of Administrative Services

November 28, 2022

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Good Afternoon,

We are writing to inform you of the anticipated delay in the issuance of the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2022. Auditing standards state that we are responsible for communicating significant matters related to the financial statement audit that are, in the auditor's professional judgment, relevant to the responsibilities of those charged with governance. In accordance with Neb. Rev. Stat. § 81-1125.01, the Director of Administrative Services is to provide the audited ACFR at least twenty days before the commencement of each regular session of the Legislature. However, based on the current progress of the ACFR and back log of items still to be completed, the ACFR will not likely be completed by the statutory deadline of December 15, 2022.

There are several underlying issues contributing to this anticipated delay, including the following:

The fiscal year 2021 ACFR was not completed until April 28, 2022, or four months after last year's deadline. This caused delays in issuing the agency management letters, as the corresponding 2021 DAS ACFR Management letter was not issued until June 2022. These delays, in turn, caused our office to start the fiscal year 2022 ACFR significantly later than usual.

Our process for completing the audit of the ACFR involves an extensive list of items (Prepared By Client Listing) to be provided by DAS on certain dates to assist with meeting the statutory deadline. For fiscal year 2022, DAS began to provide information to our office in two batches per month. We communicated our concerns with this process to DAS on several occasions with no changes in any of the corresponding dates. As of November 28, 2022, there are over 20 items still to be provided, which does not include the final prepared financial statements with all adjustments.

We have concluded that the Unemployment Insurance Fund will have a modified opinion as neither DAS nor the Department of Labor were able to provide accurate financial statements for the fund. This was communicated to Labor and DAS on November 21, 2022.

As you know, a modified audit opinion was issued with several comments and recommendations for the past two Annual Comprehensive Financial Reports. As part of the fiscal year 2022

ACFR, this has required follow-up on over 190 prior year findings for different agencies, adding significant time to the audit process.

Our office lost two staff members with over 25 combined years of experience, who managed and assisted with the ACFR audit. Both were hired by DAS. A third member of the ACFR team left for another position. Those three former APA employees accounted for over 3,600 hours on the 2021 ACFR.

We are still experiencing significant delays in response times from several State agencies.

Our staff continues to work hard on the fiscal year 2022 ACFR. However, given the items noted above, we feel it necessary at this time to communicate the situation to you, so you are aware of the noncompliance and the delay in the ACFR for this year. We had previously communicated such delays with DAS staff and to the Appropriations Committee as part of the LR405 Interim Study.

Please feel free to contact us with any questions you may have.

Thank you,

Craig Kubicek, CPA, CPE
Deputy Auditor
Auditor of Public Accounts

December 15, 2022

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Good morning,

The State of Nebraska Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2022, has been completed and is now available on the Department of Administrative Services-State Accounting website or by accessing the following link: [2022 ACFR - Unaudited](#).

Per Neb. Rev. Stat. § 81-1125.01 (Reissue 2014), the ACFR must be completed "at least twenty days before the commencement of each regular session of the Legislature[.]" For the fiscal year 2022, the ACFR was due on December 15, 2022. In order to ensure that the ACFR would be completed timely, an engagement letter was signed with the Auditor of Public Accounts on June 1, 2022. Additionally, a list of items to be submitted to the

APA for testing, with estimated completion dates, was provided on August 3, 2022. Of those 217 items to be provided, 213 were submitted by the due date. A completed draft was delivered to the APA on December 1, 2022, a full two weeks prior to the required issuance date. On November 28, 2022, the APA notified DAS, the Governor's Office, the Legislature, and the Department of Revenue of its anticipated delay in issuing the audited ACFR. An audit opinion has not been provided for this report, the APA expects to issue an Independent Auditor's Report by January 31, 2023. As of this date, all material errors identified by the APA have been corrected. The State Accounting Division of Administrative Services intends to submit an updated report once we are in receipt of the APA's independent audit.

The report will also be available on the Legislative website in the Reports area; and, on the Nebraska Library Commission website.

This e-mail is being distributed to the Governor of the State of Nebraska, the Director of Administrative Services, the Tax Commissioner, the Clerk of the Legislature, the Legislative Fiscal Analyst, and the State Budget Director. The report will be available to all State Senators through the Legislative website.

Respectfully Submitted,

Philip Olsen, CPA, C.L.S.S.E.G.B.
Administrator, State Accounting
Department of Administrative Services

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator Albrecht offered the following Committee on Committees report:

Agriculture (8)

Tuesday

Halloran (C), Brewer, Hansen, Holdcroft, Hughes, Ibach, Raybould, Riepe

Appropriations (9)

Monday, Tuesday, Wednesday, Thursday, & Friday

Clements (C), Armendariz, Dorn, Dover, Erdman, Lippincott, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Monday & Tuesday

Slama (C), Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, von Gillern

Business and Labor (7)

Monday

Riepe (C), Blood, Halloran, Hansen, Hunt, Ibach, McKinney

Education (8)

Monday & Tuesday

Murman (C), Albrecht, Briese, Conrad, Linehan, Sanders, Walz, Wayne

General Affairs (8)

Monday

Lowe (C), Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes,
RaybouldGovernment, Military and Veterans Affairs (8)

Wednesday, Thursday, & Friday

Brewer (C), Conrad, Halloran, Holdcroft, Hunt, Lowe, Raybould, Sanders

Health and Human Services (7)

Wednesday, Thursday, & Friday

Hansen (C), Ballard, Cavanaugh, M., Day, Hardin, Riepe, Walz

Judiciary (8)

Wednesday, Thursday, & Friday

Wayne (C), Blood, DeBoer, DeKay, Geist, Ibach, McKinney, Slama

Natural Resources (8)

Wednesday, Thursday, & Friday

Bostelman (C), Aguilar, Brandt, Cavanaugh, J., Fredrickson, Hughes,
Jacobson, MoserNebraska Retirement Systems (6)

At call of Chair

McDonnell (C), Clements, Conrad, Hardin, Ibach, Vargas

Revenue (8)

Wednesday, Thursday, & Friday

Linehan (C), Albrecht, Bostar, Briese, Dungan, Kauth, Murman, von Gillern

Transportation and Telecommunications (8)

Monday & Tuesday

Geist (C), Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson,
MoserUrban Affairs (7)

Tuesday

McKinney (C), Blood, Cavanaugh, J., Day, Hardin, Hunt, Lowe

Committee on Committees (13)

Albrecht (C)

<u>District 1:</u>	<u>District 2:</u>	<u>District 3:</u>
Bostar	Hunt	Erdman
Bostelman	Linehan	Jacobson
Moser	Vargas	Lowe
Sanders	von Gillern	Murman

Enrollment and Review (1)

Ballard (C)

Reference (9)

Briese (C), Aguilar (VC), Arch, Bostar, Geist, Lowe, Riepe, Slama, Vargas, Clements (nonvoting ex officio),

Rules (6)

Erdman (C), Bostar, DeBoer, Hansen, Ibach, Arch (ex officio),

Executive Board of the Legislative Council (9)

Briese (C), Aguilar (VC), Arch, Bostar, Geist, Lowe, Riepe, Slama, Vargas, Clements (nonvoting ex officio)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Briese, 41, Chairperson.

A BILL FOR AN ACT relating to agriculture; to eliminate obsolete funds that have terminated; and to outright repeal sections 54-706.12, 54-778, 54-1371, 54-2293, and 54-2757, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 2. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to government; to create the Commission on Asian American Affairs.

LEGISLATIVE BILL 3. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to bonds; to amend sections 10-110, 10-402, 10-403, 10-405, 10-507, 10-711, 10-804, and 13-509, Reissue Revised Statutes of Nebraska; to change provisions relating to the levying of taxes for bond sinking funds; to provide for the levying of taxes for bonds prior to the bond being issued and a deadline for notifying the county assessor of approved bonds in order to correct valuation of property; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 4. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3513 and 77-3522, Reissue Revised Statutes of Nebraska, and sections 77-3506 and 77-3512, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to veterans who qualify for exemption, application requirements, and penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 5. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2022; to provide for compensability of mental injuries and mental illness resulting from workplace violence; to define a term; to harmonize provisions; and to repeal the original section.

SENATOR DORN PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 6. Introduced by Blood, 3.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-2119, 19-929, and 23-114.01, Reissue Revised Statutes of Nebraska; to prohibit granting conditional use permits to persons delinquent in the payment of real property taxes and provide a waiver as prescribed; to provide a duty, a contracting requirement, and a waiver under the Community Development Law; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 7. Introduced by Blood, 3.

A BILL FOR AN ACT relating to civil actions; to amend section 25-224, Reissue Revised Statutes of Nebraska; to provide for a statute of limitations for actions based upon exposure to hazardous or toxic chemicals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 8. Introduced by Blood, 3.

A BILL FOR AN ACT relating to mobile homes; to amend sections 60-166, 60-192, 76-1450, 76-1453, 76-1457, 76-1475, 76-1491, 76-1494, 76-1495, 76-14,104, 76-14,105, 76-14,106, and 76-14,109, Reissue Revised Statutes of Nebraska, and section 60-149, Revised Statutes Cumulative Supplement, 2022; to change and eliminate provisions under the Mobile Home Landlord

and Tenant Act relating to rules and regulations, prohibited acts, termination of tenancy, landlord remedies, retaliatory conduct, and abandonment; to provide for in-park sales; to create liens for landlords as prescribed and provide for certificates of title, priority, enforcement, and challenges; to eliminate obsolete provisions; to provide for applicability; to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-14,101, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 9. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1403, 49-1463.01, 49-1467, and 49-1469, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Cumulative Supplement, 2022; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communications; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 10. Introduced by Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 60-3,185, 77-202.23, and 77-202.24, Reissue Revised Statutes of Nebraska; to change a motor vehicle tax exemption and a property tax exemption relating to certain disabled veterans; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 11. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-903 and 42-924, Revised Statutes Cumulative Supplement, 2022; to define a term; to provide for additional relief for protection orders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Blood, 3.

A BILL FOR AN ACT relating to relating to human breast milk; to create the Nebraska Human Breast Milk Bank.

LEGISLATIVE BILL 13. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901 and 68-911, Revised Statutes Cumulative Supplement, 2022; to require coverage of human breast milk; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to child welfare; to amend sections 43-4505

and 71-1902, Reissue Revised Statutes of Nebraska, and sections 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, and 43-4514, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to a written independent living transition proposal as prescribed; to restate intent; to change provisions relating to eligibility, extended services and support, and court-appointed representation under the Young Adult Bridge to Independence Act; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 15. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203.01, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2020, as amended by section 1, Initiative Law 2022, No. 433; to provide a youth minimum wage as prescribed; to change provisions relating to the training wage rate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 16. Introduced by Briese, 41.

A BILL FOR AN ACT relating to occupational licenses; to amend sections 81-2103 and 81-2120, Reissue Revised Statutes of Nebraska, and sections 84-933, 84-934, 84-940, and 84-947, Revised Statutes Cumulative Supplement, 2022; to change requirements for membership of the State Electrical Board; to provide powers and duties for the State Electrical Board; to define a term; to provide for federal preemption; to provide for applicability of provisions; to require occupational boards to make a determination regarding an applicant with a criminal conviction; to require occupational boards to issue an occupational license or government certification based on occupational licensure, government certification, private certification, or work experience in another state or in the United States Military; to provide for jurisprudential examinations and appeals from denial of a license; to change provisions relating to preliminary applications by individuals with a criminal conviction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 17. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to firearms; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2022; to authorize possession of firearms on school grounds by full-time, off-duty peace officers; and to repeal the original section.

LEGISLATIVE BILL 18. Introduced by Wayne, 13; McKinney, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2101 and 29-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for a new trial; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 9-262, 9-352, 9-434, 9-652, 23-135.01, 28-504, 28-514, 28-518, 28-519, 28-603, 28-604, 28-611.01, 28-620, 28-631, 28-638, 28-639, 28-1102, 28-1344, 28-1345, 45-191.03, 66-727, 68-1017, 68-1017.01, 71-2228, and 71-2229, Reissue Revised Statutes of Nebraska, and sections 28-611, 28-1354, 29-110, and 29-119, Revised Statutes Cumulative Supplement, 2022; to change dollar amount thresholds for criminal penalties for certain offenses; to redefine terms; to provide for applicability of changes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 20. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 32-313, and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-2264, 32-312, and 83-1,118, Revised Statutes Cumulative Supplement, 2022; to provide for the restoration of voting rights upon completion of a felony sentence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 21. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-201, 14-201.03, 32-536, 32-537, and 32-554, Reissue Revised Statutes of Nebraska, and section 32-539, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to elections, districts, terms, number of city council members, and redistricting procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 22. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to marijuana; to amend sections 2-505, 2-506, 2-509, 28-417, 28-419, 28-439, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-1354, and 28-1701, Revised Statutes Cumulative Supplement, 2022; to decriminalize use and possession of marijuana; to remove marijuana from the marijuana and controlled substances tax; to rename a fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-5701, 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 23. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to paternity; to amend section 43-1401, Reissue Revised Statutes of Nebraska, and section 43-1411, Revised

Statutes Cumulative Supplement, 2022; to define and redefine terms; to change provisions relating to interventions in paternity actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 24. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 25. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to state findings; to define terms; and to authorize punitive damages as prescribed.

LEGISLATIVE BILL 26. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to amend section 86-594, Revised Statutes Cumulative Supplement, 2022; to adopt the Rural Municipal Broadband Access Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2318, Reissue Revised Statutes of Nebraska; to provide for appointment of counsel for defendants; and to repeal the original section.

LEGISLATIVE BILL 28. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend section 77-5015, Reissue Revised Statutes of Nebraska; to change provisions relating to decisions on appeals; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 29. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-1301, 77-1307, 77-1308, 77-1309, and 77-1725.01, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the assessment of real property that suffers significant property damage; to redefine and eliminate terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 30. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-279 and 43-280, Reissue Revised Statutes of Nebraska; to

provide for answers of no contest in adjudication hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 31. Introduced by Jacobson, 42; Day, 49.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

SPEAKER ARCH PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 32. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Medical Supplement Insurance Minimum Standards Act; to amend section 44-3601, Reissue Revised Statutes of Nebraska; to change provisions relating to requirements for issuers of medicare supplement insurance policies or certificates and coverage of individuals under sixty-five years of age who are eligible for medicare by reason of disability or end-stage renal disease; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 33. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-312, 16-404, 16-503, 17-110, and 17-614, Reissue Revised Statutes of Nebraska; to change provisions relating to voting powers of mayors of cities of the first class and cities of the second class; to eliminate obsolete provisions relating to revised election district boundaries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 34. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the administration of justice; to amend section 29-2204.02, Reissue Revised Statutes of Nebraska, and sections 29-2204 and 43-245, Revised Statutes Cumulative Supplement, 2022; to provide a presumption of disposition under the Nebraska Juvenile Code for crimes committed by defendants under eighteen years of age; to change the definition of juvenile under the Nebraska Juvenile Code; and to repeal the original sections.

LEGISLATIVE BILL 35. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and 68-1724, Revised Statutes Cumulative Supplement, 2022; to adopt changes to federal law; to extend the applicability of criteria for eligibility

for assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 36. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2022; to change individual income tax rates; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-146, Revised Statutes Cumulative Supplement, 2022; to change identification inspection requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 38. Introduced by Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2022; to provide an income tax adjustment related to federal retirement annuities; and to repeal the original section.

LEGISLATIVE BILL 39. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Legislature; to state findings; to provide for disability impact statements for legislation; and to provide powers and duties for the office of Legislative Research.

LEGISLATIVE BILL 40. Introduced by Blood, 3.

A BILL FOR AN ACT relating to agriculture; to adopt the Riparian Protection and Water Quality Practices Act; and to provide an operative date.

LEGISLATIVE BILL 41. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Revised Statutes Cumulative Supplement, 2022; to prohibit state agencies from imposing annual filing and reporting requirements on charitable organizations as prescribed; to state intent; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to children and families; to amend sections 43-247 and 43-292, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-707, 28-710, and 43-2,129, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to change provisions relating to what constitutes child abuse and neglect under the Child

Protection and Family Safety Act and the Nebraska Juvenile Code; to change grounds for juvenile court jurisdiction and termination of parental rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Revised Statutes Cumulative Supplement, 2022; to require hearing officers to interpret state agency rules and regulations de novo on the record; to require courts and hearing officers to interpret statutes and regulations to limit agency power and maximize individual liberty; and to repeal the original section.

LEGISLATIVE BILL 44. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact.

LEGISLATIVE BILL 45. Introduced by Dorn, 30; Brandt, 32

A BILL FOR AN ACT relating to cities and villages; to create the Revitalize Rural Nebraska Grant Program; to provide powers and duties; to create a fund; to provide for fund transfers; and to declare an emergency.

LEGISLATIVE BILL 46. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for a rate study.

LEGISLATIVE BILL 47. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2022; to change a public notice requirement relating to meetings by a rural fire district or a suburban fire protection district; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the State Department of Education for educational service units.

LEGISLATIVE BILL 49. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to solar energy; to amend sections 66-901, 66-913, and 66-914, Reissue Revised Statutes of Nebraska; to restate legislative findings; to change provisions relating to considerations for zoning regulations, ordinances, and comprehensive development plans; to prohibit certain restrictions relating to solar energy collection and use; to provide a cause of action; to harmonize provisions; to provide severability;

and to repeal the original sections.

LEGISLATIVE BILL 50. Introduced by Geist, 25.

A BILL FOR AN ACT relating to criminal justice; to amend sections 24-1302, 29-2263, 29-2269, 29-2281, and 50-434, Reissue Revised Statutes of Nebraska, and sections 83-1,100.02, 83-1,111, 83-1,114, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to change provisions regarding problem solving courts, set asides, and restitution; to define terms; to restate legislative intent regarding appropriations; to create pilot programs relating to courts, probation, and parole; to terminate the Committee on Justice Reinvestment Oversight; to provide duties for courts, the probation administrator, the Board of Parole, the Division of Parole Supervision, and the State Court Administrator; to change provisions relating to parole and provide for streamlined parole contracts; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 51. Introduced by Briese, 41.

A BILL FOR AN ACT relating to state government; to amend section 81-1120.27, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of the state's telecommunications system; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Lippincott, 34; Brewer, 43; Holdcroft, 36; Lowe, 37; Sanders, 45; Wishart, 27.

A BILL FOR AN ACT relating to tuition credits; to amend section 85-505, Revised Statutes Cumulative Supplement, 2022; to change the amount of tuition credits allowed during a fiscal year; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 53. Introduced by McKinney, 11; Wayne, 13.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221 and 62-301, Revised Statutes Cumulative Supplement, 2022; to establish El-Hajj Malik El-Shabazz, Malcolm X Day; to change provisions relating to holidays; and to repeal the original sections.

LEGISLATIVE BILL 54. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Legislature; to state findings; to provide for racial impact statements for legislation; to provide powers and duties for the office of Legislative Research.

LEGISLATIVE BILL 55. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to self-sufficiency contracts; to amend

section 68-1735, Reissue Revised Statutes of Nebraska; to allow applicants to complete monthly work activity requirements remotely or online; to provide for verification requirements; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to public health; to adopt the Diaper Changing Accommodation Act; and to provide an operative date.

LEGISLATIVE BILL 57. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to employment; to amend section 48-652, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2022; to adopt the Paid Family and Medical Leave Insurance Act; to create a fund; to transfer funds; to change provisions relating to experience accounts under the Employment Security Law; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Revised Statutes Cumulative Supplement, 2022; to provide a sales and use tax exemption for diapers as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 59. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations for a postconviction relief action; and to repeal the original section.

LEGISLATIVE BILL 60. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to room confinement of juveniles and required reports; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 61. Introduced by Brandt, 32; DeKay, 40; Dorn, 30; Wayne, 13.

A BILL FOR AN ACT relating to dark fiber; to amend sections 18-419, 70-704, 70-1409, 75-132.01, 86-416, 86-574, and 86-575, Reissue Revised Statutes of Nebraska, and sections 70-625 and 86-577, Revised Statutes Cumulative Supplement, 2022; to authorize the licensing of dark fiber by any agency or political subdivision of the state as prescribed; to eliminate

Public Service Commission jurisdiction relating to certain violations and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-578, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 62. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-911, Revised Statutes Cumulative Supplement, 2022; to provide for coverage of translation and interpretation services; and to repeal the original section.

ANNOUNCEMENT

The Committee On Committees Committee elected Senator Lowe as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 63. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend sections 86-324 and 86-328, Revised Statutes Cumulative Supplement, 2022; to withhold universal service support from telecommunications companies using certain equipment or services identified as posing a national security threat as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 64. Introduced by Day, 49.

A BILL FOR AN ACT relating to child abuse or neglect; to amend section 28-713.01, Revised Statutes Cumulative Supplement, 2022; to require the Department of Health and Human Services to provide notice regarding certain persons entered into the central registry; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 65. Introduced by Day, 49.

A BILL FOR AN ACT relating to child care licensing; to amend sections 71-1918 and 71-1920, Reissue Revised Statutes of Nebraska; to add requirements for the complaint tracking system and notification for disciplinary actions against license holders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 66. Introduced by Slama, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 23-187, 60-103, 60-123, 60-135.01, 60-153, 60-305, 60-339, 60-358.01,

60-3,100, 60-3,104, 60-3,143, 60-3,187, 60-3,190, 60-471, 60-4,114, 60-4,123, 60-4,123.01, 60-601, 60-605, 60-6,252, 60-6,266, 60-6,270, 60-6,279, 60-6,355, and 60-6,356, Reissue Revised Statutes of Nebraska, and sections 60-3,135.01, 60-3,221, 60-462, 60-463, 60-4,124, and 60-501, Revised Statutes Cumulative Supplement, 2022; to authorize county boards to regulate the operation of certain all-terrain vehicles and utility-type vehicles; to redefine terms; to change provisions of the Motor Vehicle Certificate of Title Act relating to all-terrain vehicles and utility-type vehicles; to provide for registration, fees, and taxes for certain all-terrain vehicles and utility-type vehicles under the Motor Vehicle Registration Act; to change provisions of the Motor Vehicle Operator's License Act; to change certain safety provisions and to authorize the operation of certain all-terrain vehicles and utility-type vehicles on certain highways as prescribed under the Nebraska Rules of the Road; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the state government; to amend section 84-602, Revised Statutes Cumulative Supplement, 2022; to provide duties for the State Treasurer; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2824, 44-2825, 44-2827, 44-2831.01, 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska; to increase limits on and change provisions relating to medical malpractice liability; to change provisions relating to proof of financial responsibility and the Excess Liability Fund; to provide for applicability; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 69. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to insurance; to require issuers of certain life insurance policies to provide notice of lapse and termination of such policies as prescribed; and to authorize senior citizens with certain life insurance policies to designate a third party to receive certain notifications regarding such senior citizen's life insurance policy as prescribed.

LEGISLATIVE BILL 70. Introduced by Cavanaugh, M., 6; Conrad, 46.

A BILL FOR AN ACT relating to government; to amend section 71-612, Reissue Revised Statutes of Nebraska, and section 60-4,115, Revised Statutes Cumulative Supplement, 2022; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 71. Introduced by Sanders, 45; Albrecht, 17; Briese, 41; Linehan, 39; Murman, 38.

A BILL FOR AN ACT relating to schools; to amend sections 79-530, 79-531, 79-532, and 79-533, Reissue Revised Statutes of Nebraska; to change provisions relating to the involvement of parents and guardians in the education of their children; to require each public school district to develop and adopt a policy relating to the rights of each parent and guardian to access testing information and curriculum and excuse their child from certain instruction or activities; to provide powers and duties to the Commissioner of Education; and to repeal the original sections.

LEGISLATIVE BILL 72. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-606, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3717 and 81-3720, Reissue Revised Statutes of Nebraska; to change provisions related to authorized uses for a County Visitors Improvement Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 74. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2701, 77-2701.04, 77-2701.41, 77-2711, 77-2713, and 77-27,223, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to purchasing agents; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 75. Introduced by Vargas, 7; DeBoer, 10; Jacobson, 42.

A BILL FOR AN ACT relating to the Child and Maternal Death Review Act; to amend sections 71-3404, 71-3405, 71-3407, 71-3408, 71-3409, and 71-3410, Revised Statutes Cumulative Supplement, 2022; to provide for the review of incidents of severe maternal morbidity; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the administration of justice; to amend sections 29-2252, 29-2262, 43-2,108, and 83-1,125.01, Revised Statutes Cumulative Supplement, 2022; to provide access to certain information relating to probationers, juveniles, and parolees to law enforcement

agencies; to provide duties for the probation administrator, courts, the Board of Parole, and the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original sections.

LEGISLATIVE BILL 77. Introduced by Brewer, 43; Aguilar, 35; Albrecht, 17; Ballard, 21; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, 18-1703, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202, 28-1351, and 69-2436, Revised Statutes Cumulative Supplement, 2022; to prohibit regulation of weapons by cities, villages, and counties; to provide for the carrying of a concealed handgun without a permit; to change provisions relating to other concealed weapons; to provide for requirements, limits, and offenses relating to carrying a concealed handgun; to provide an affirmative defense; to change provisions of the Concealed Handgun Permit Act; to provide penalties; to change, provide, and eliminate definitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 78. Introduced by Day, 49.

A BILL FOR AN ACT relating to massage therapy; to amend section 38-1706, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Erdman, 47; Brewer, 43; Clements, 2; Halloran, 33; McDonnell, 5; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 13-501, 13-2813, 18-2147, 77-27,148, 77-3507, and 85-2231, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-2004, 77-2005, 77-2006, 77-2701, 77-3506, 77-3508, 77-6406, 77-6827, and 79-1001, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska EPIC Option Consumption Tax Act; to terminate the Nebraska Budget Act, tax-increment financing, the property tax, the inheritance tax, sales and use taxes, the income tax, the homestead exemption, the Tax Equity and Educational Opportunities Support Act, and the Community College Aid Act as prescribed; to change an application deadline under the ImagiNE Nebraska Act; and to repeal the original sections.

LEGISLATIVE BILL 80. Introduced by Aguilar, 35; Blood, 3; Brewer, 43; DeKay, 40; Lippincott, 34.

A BILL FOR AN ACT relating to appropriations; to state intent regarding

appropriations to the Department of Veterans' Affairs; and to declare an emergency.

LEGISLATIVE BILL 81. Introduced by Aguilar, 35; Blood, 3; Briese, 41; Conrad, 46; DeBoer, 10; Ibach, 44; Lippincott, 34; Slama, 1.

A BILL FOR AN ACT relating to county courts; to amend section 24-503, Reissue Revised Statutes of Nebraska; to change the number of county judges in Buffalo and Hall counties; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to corrections; to amend sections 83-4,114 and 83-918, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to certain reports; to define a term; to provide a duty for the Department of Correctional Services; to eliminate obsolete provisions relating to a work group; to repeal the original sections; and to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 83. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to community property; to amend section 24-517, Revised Statutes Cumulative Supplement, 2022; to adopt the Uniform Community Property Disposition at Death Act; to change provisions relating to court jurisdiction; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Day, 49; Blood, 3; Cavanaugh, M., 6; Conrad, 46; DeBoer, 10; Fredrickson, 20; McKinney, 11; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Supplemental Nutrition Assistance Program; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2022; to remove Legislative intent regarding federal funding for administrative costs; to change the gross income eligibility limit and a reporting requirement; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Day, 49; Blood, 3; Cavanaugh, M., 6; Conrad, 46; DeBoer, 10; Dungan, 26; Fredrickson, 20; McKinney, 11; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2022; to require the Department of Health and Human Services to implement express lane eligibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 86. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to state contracts; to amend section 73-104,

Reissue Revised Statutes of Nebraska; to require public works contractors to pay the state minimum wage; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to relating to minors; to amend section 43-2101, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the age of majority; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Hunt, 8; Fredrickson, 20.

A BILL FOR AN ACT relating to surrogate parenthood contracts; to eliminate provisions stating that such contracts are void and unenforceable; and to outright repeal section 25-21,200, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 90. Introduced by Day, 49.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1209, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to tax incentive performance audits for certain tax incentive programs; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by Hansen, B., 16; Aguilar, 35; Ballard, 21; Brandt, 32; Brewer, 43; Clements, 2; Dorn, 30; Dungan, 26; Erdman, 47; Holdcroft, 36; Jacobson, 42; Lowe, 37; Murman, 38; Slama, 1; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change provisions relating to helmets as prescribed; to require eye protection as prescribed; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Blood, 3.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 22:

III-22 (1) Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature.

(2) Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

(3) The Legislature shall not impose responsibility for a program created after the year 2024 or an increased level of service required under an existing program after the year 2024 on any political subdivision of the state unless the subdivision is fully reimbursed by the state for the cost of such program or increase in level of service. Reimbursement by the state shall be in the form of a specific appropriation or an increase in state distribution of revenue to such political subdivision.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require the state to reimburse political subdivisions for responsibilities imposed or increased levels of service required after the year 2024.

For

Against.

LEGISLATIVE RESOLUTION 2CA. Introduced by Erdman, 47; Halloran, 33; Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 17, 22, 24, and 27; Article IV, sections 1, 4, 7, 10, 12, 15, 16, and 27; Article V, section 5; Article VII, sections 10 and 14; Article XIII, section 1; and Article XVI, sections 1 and 2:

III-1 (1) Until the regular legislative session that begins in January 2027, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. Beginning with the regular legislative session that begins in January 2027, the legislative authority of the state shall be vested in a Legislature consisting of two chambers: a House of Representatives and a Senate.

(2) The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum.

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of each house of the Legislature.

III-5 (1) The Legislature shall by law determine the number of members to be elected to the House of Representatives, except that there shall not be more than sixty-three representatives. The legislative districts in effect on January 1, 2023, shall continue as the districts for the House of Representatives until such districts are redrawn following the 2030 federal census as provided in this section. Members of the unicameral Legislature elected or appointed to serve terms beginning in the regular legislative session that begins in January 2025 shall be representatives of the House of Representatives in January 2027 until their terms expire, they are not reelected, or they are otherwise removed from office in accordance with this Constitution.

(2) The Legislature shall by law and divide the state into legislative districts for the House of Representatives. Any bill to draw districts of the House of Representatives shall originate in the Senate. In the creation of such districts, any county that contains population sufficient to entitle it to two or more representativesmembers of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One representativemember of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state for the House of Representatives after each federal decennial census. In any such redistricting, county lines shall be followed

whenever practicable, but other established lines may be followed at the discretion of the Legislature.

(3)(a) The Senate shall consist of thirty-one members. Each senator shall represent a district composed of three contiguous counties.

(b) On or before May 1, 2025, the Legislature shall by law divide the state into legislative districts for the Senate. Thereafter, the Legislature may by law redistrict such districts whenever deemed appropriate, except that such districts shall always consist of three contiguous counties and such districts shall not be redrawn more often than once every ten years. Any bill to redistrict such districts shall originate in the House of Representatives.

~~III-6 The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.~~

III-7 (1) The members of the House of Representatives from even-numbered districts shall be elected for terms of four years at the statewide general election in November 2026 and each four years thereafter. The members of the House of Representatives from the odd-numbered districts shall be elected for terms of four years at the statewide general election in November 2028 and each four years thereafter.

(2) The members of the Senate from even-numbered districts shall be elected for terms of four years at the statewide general election in November 2026 and each four years thereafter. The members of the Senate from odd-numbered districts shall be elected for a term of two years at the statewide general election in November 2026. The members of the Senate from odd-numbered districts shall be elected for a term of four years at the statewide general election in November 2028 and each four years thereafter.

~~(3) The At the general election to be held in November 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such elections shall election to be determined by the Legislature.~~

(4) When the House of Representatives or Senate Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

(5) Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-10 (1) ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to each house of the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to each house of the Legislature.

(2) Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment.

(3) Neither house of the Legislature shall adjourn for more than three days without the consent of the other house.

(4) The Lieutenant Governor shall preside in the Senate, but shall vote only when the ~~Senate~~ Legislature is equally divided.

(5) A majority of the members elected to each house of the Legislature shall constitute a quorum for each house. ~~Each house; the Legislature~~ shall determine the rules of its proceedings; ~~and be the judge of the election, returns, and qualifications of its members; and, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~

(6) The Senate shall choose a President pro tempore to preside when the Lieutenant Governor is absent, incapacitated, or acting as Governor.

(7) The House of Representatives shall choose a Speaker. Beginning in 2027, the Secretary of State shall call the House of Representatives to order at the opening of each regular session of the Legislature and preside over the house until a Speaker is chosen.

(8) No member shall be expelled except by a vote of two-thirds of all members elected to such member's house of the Legislature, and no member shall be twice expelled for the same offense. The House of Representatives or Senate Legislature may punish by imprisonment any person not a member thereof who ~~is~~ shall be guilty of disrespect to the House of Representatives or Senate Legislature by disorderly or contemptuous behavior in its presence. ~~No, but no~~ such imprisonment shall extend beyond twenty-four hours at one time; unless the person ~~persistsshall persist~~ in such disorderly or contemptuous behavior.

III-11 The House of Representatives and Senate Legislature shall each keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal of the respective house. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.

III-12 (1) No person shall be eligible to serve as a member of the House of Representatives for four years next after the expiration of two consecutive terms in the House of Representatives regardless of the district represented.

~~(2)(4)~~ No person shall be eligible to serve as a member of the ~~Senate~~ Legislature for four years next after the expiration of two consecutive terms ~~in the Senate~~ regardless of the district represented.

~~(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

III-13 (1) The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to each house and the yeas and nays on the question of final passage of any bill shall be entered upon the journal of each house.

~~(2) All bills passed by one house may be amended by the other house. No amendment to a bill by one house shall be concurred in by the other house and no conference committee report as to any bill shall be adopted by either house, except by the assent of the same number of members as is required for the passage of the original bill. Any bill may originate in either house, except that bills appropriating money shall originate only in the House of Representatives and except as provided in section 5 of this article.~~

III-14 Every bill and resolution shall be read by title when introduced, and a printed ~~or~~ electronic copy thereof provided for the use of each member. The bill and all amendments thereto shall be made available in printed or electronic form ~~printed and presented~~ before the vote is taken upon its final passage and shall be read at large in each house unless three-fifths of all the members elected to ~~such house~~ the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The presiding officer of each house ~~Lieutenant Governor, or the Speaker if acting as presiding officer,~~ shall sign, in the presence of the respective house ~~Legislature~~ while it is in session and capable of transacting business, all bills and resolutions passed by such house ~~the Legislature~~.

III-17 (1) The Senate and House of Representatives in joint session ~~Legislature~~ shall have the sole power of impeachment, but a majority of all the members elected to each house must concur therein. Upon the introduction of a resolution of impeachment by either house, the other house shall at once be notified, and the two houses shall meet in joint session for the purpose of acting upon such resolution within five calendar days after such notification. Proceedings may be initiated in either a regular session or a special session of the Legislature.

(2) Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the House

of Representatives Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the House of Representatives Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside.

(3) The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by one Senator and one Representative ~~two senators~~, appointed by their respective houses ~~the Legislature~~, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

III-22 Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each house of the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of each house of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) This section shall not apply to any law which is enacted contemporaneously with the adoption of this subsection or at any time thereafter and which provides for the licensing, authorization, regulation, or taxation of all forms of games of chance when such games of chance are conducted by authorized gaming operators within a licensed racetrack enclosure.

III-27 No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, the Legislature otherwise direct shall by a vote of two-thirds of all the members elected to

~~each house otherwise direct.~~ All laws shall be published within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to each house of the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

IV-4 The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the President pro tempore of the Senate~~Speaker of the Legislature~~, who shall immediately after the organization of the Legislature, and before proceeding to other business, open and publish the same in a joint session of the Senate and House of Representatives and in the presence of a majority of the members of each house~~the Legislature~~. The person having the highest number of votes for each of such~~said~~ offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the Legislature shall choose one of such persons for said office. The conduct of election contests for any of such~~said~~ offices shall be in such manner as may be prescribed by law.

IV-7 The Governor may, at the commencement of each session, and at the close of the Governor's~~his~~ term of office and whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as the Governor~~he~~ shall deem expedient. At a time fixed by law, the Governor~~he~~ shall present, by message, a complete itemized budget of the financial requirements of all

departments, institutions, and agencies of the state and a budget bill to be introduced by the Speaker of the ~~House of Representatives~~ Legislature at the request of the Governor. ~~Such~~^{Said} budget bill shall be prepared with such expert assistance and under such regulations as may be required by the Governor. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of each house of the Legislature, and such excess so approved shall be subject to veto by the Governor.

IV-10 The Governor shall appoint with the approval of a majority of each house of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature. The Governor shall have power to remove, for cause and after a public hearing, any person whom the Governor~~he~~ may appoint for a term except officers provided for in Article V of the Constitution, and the Governor~~he~~ may declare such~~his~~ office vacant, and fill the same as herein provided as in other cases of vacancy. The Governor shall have power to remove any other person whom the Governor~~he~~ appoints at any time and for any reason.

IV-12 If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of each house of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of each house of the Legislature shall have the right to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified. No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature.

IV-15 Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If the Governor~~he~~ approves, he or she shall sign it, and thereupon it shall become a law. ~~If the Governor, but if he does not approve or reduces any item or items of appropriations, the Governor~~ shall return it with his or her objections to the Legislature, which shall enter the objections at large upon the~~its~~ journal of each house, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. If then three-fifths of the members elected to each house agree to pass the bill with objections, it shall become a law, or if three-fifths of the members elected to each house agree to repass any item or items disapproved or reduced, the bill with such repassage shall become a law. In all cases the vote shall be determined by yeas and nays, to be entered upon the journal of each house. Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to the Governor~~him~~, shall become a law in like manner as if the Governor~~he~~ had signed it; unless the Legislature by

their adjournment prevent its return; in which case it shall be filed, with the Governor's objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless the Legislature has reconsidered the item or items disapproved or reduced and has repassed any such item or items over the objection of the Governor by a three-fifths approval of the members elected to each house.

IV-16 In case of the conviction of the Governor on impeachment, or the Governor's removal from office, his resignation, or his death, the Lieutenant Governor, the Speaker of the House of Representatives, Legislature and such other persons designated by law shall in that order be Governor for the remainder of the Governor's term.

In case of the death of the Governor-elect, the Lieutenant Governor-elect, the Speaker of the House of Representatives, Legislature and such other persons designated by law shall become Governor in that order at the commencement of the Governor-elect's term.

If the Governor or the person in line of succession to serve as Governor is absent from the state, or suffering under an inability, the powers and duties of the office of Governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases as provided by law. ~~The After January 1, 1975, the~~ Lieutenant Governor shall serve on all boards and commissions in lieu of the Governor whenever so designated by the Governor, shall perform such duties as may be delegated ~~him~~ by the Governor, and shall devote his or her full time to the duties of the his office of Lieutenant Governor.

IV-27 No executive state office other than herein provided shall be created except by a two-thirds majority of all members elected to each house of the Legislature.

V-5 The Legislature shall divide the state into six contiguous and compact districts of approximately equal population, which shall be numbered from one to six, which shall be known as the Supreme Court judicial districts. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Such districts shall not be changed except upon the concurrence of a majority of the members of each house of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.

VII-10 The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student

body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of each house of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

VII-14 On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of each house of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected to each house ~~hereto~~ that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and

faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

XVI-1 The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to each house of the Legislature, such proposed amendments shall be entered on the journal of each house, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to each house of the Legislature for the purpose of submitting such proposed amendments to the electors. At such election ~~such~~ amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

XVI-2 When three-fifths of the members elected to each house of the Legislature deem it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members of the Legislature, for or against a convention, and if a majority of the electors voting on the proposition, vote for a convention, the Legislature shall, at its next session provide by law for calling the same; Provided, the votes cast in favor of calling a convention shall not be less than thirty-five per cent of the total votes cast at such election. The convention shall consist of not more than one hundred members, the exact number to be determined by the Legislature, and to be nominated and elected from districts in the manner to be prescribed by the Legislature. Such members shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

~~To repeal Article XVII, section 1:~~

~~Article XVII, section 1, of the Constitution of Nebraska is repealed.~~ Sec. 2. At the general election in November 2024, the following proposed

amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. ~~Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.~~ Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 3. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 10 and 11:

III-10 Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers and committee chairpersons by a public vote, viva voce, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no

such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

III-11 The Legislature shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, ~~except when the business shall be such as ought to be kept secret.~~ The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.

Sec. 4. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the Legislature from a unicameral body to a bicameral body with a House of Representatives and a Senate.

For

Against.

A constitutional amendment to change elections for members of the Legislature from a nonpartisan ballot to a partisan ballot.

For

Against.

A constitutional amendment to require election of legislative officers and committee chairpersons by public vote of the members of the Legislature and to require all meetings of the Legislature to be open to the public.

For

Against.

LEGISLATIVE RESOLUTION 3CA. Introduced by Cavanaugh, J., 9.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 (1) The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

(2) The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be

(a) ~~Chosen~~ chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified; ~~and~~.

(b) Nominated and elected in a nonpartisan manner and without any indication on the ballot that they are affiliated with or endorsed by any political party or organization.

(3) Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

(4) The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

(5) The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for nonpartisan nomination and election of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer.

For

Against.

LEGISLATIVE RESOLUTION 4CA. Introduced by Cavanaugh, M., 6.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VI, section 2:

VI-2 No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason ~~or felony~~ under the laws of the state or of the United States, unless restored to civil rights.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove felony convictions other than treason from being a disqualification for voting.

For

Against.

LEGISLATIVE RESOLUTION 5. Introduced by Blood, 3.

WHEREAS, the Sixty-eighth Congress of the United States of America at its first session, passed by the House of Representatives on April 26, 1924, and the United States Senate on June 2, 1924, resolved by a Constitutional majority of two-thirds of each house that the following article be proposed as an amendment to the Constitution of the United States of America:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislature of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

ARTICLE

Section 1. The Congress shall have the power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

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

1. That the Legislature ratifies the article proposed as an amendment to the Constitution of the United States as set forth in United States House Joint Resolution 184, dated June 2, 1924.

2. That the Secretary of State certify copies of this resolution by attaching the Great Seal of Nebraska to each copy and forwarding one such copy to each of the following: The Archivist of the United States, the Administrator of the United States General Services Administration, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

LEGISLATIVE RESOLUTION 6CA. Introduced by Erdman, 47; Brewer, 43; Clements, 2; Halloran, 33; McDonnell, 5; Murman, 38.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 Notwithstanding any other provision of this Constitution, beginning January 1, 2026, no governmental entity in the State of Nebraska may impose taxes other than retail consumption taxes or excise taxes.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that, beginning January 1, 2026, no governmental entity in the State of Nebraska may impose taxes other than retail consumption taxes or excise taxes.

For

Against.

LEGISLATIVE RESOLUTION 7CA. Introduced by Erdman, 47; Brewer, 43; Clements, 2; Halloran, 33; McDonnell, 5; Murman, 38.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 15 to Article VIII:

VIII-15 Beginning January 1, 2026, the State of Nebraska shall impose a retail consumption tax or an excise tax on all new goods and services, and the Legislature may authorize political subdivisions to do the same. There shall be no exemption from such taxes except for grocery items purchased for off-premises consumption.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that the State of Nebraska shall impose a retail consumption tax or an excise tax on all new goods and services, that the Legislature may authorize political subdivisions to do the same, and that there shall be no exemption from such taxes except for grocery items purchased for off-premises consumption.

For

Against.

MOTIONS - Print in Journal

Senator Conrad filed the following motion to [LB15](#):

[MO1](#)

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

Senator Conrad filed the following motion to [LB79](#):

[MO2](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

MOTION - Escort Committees

Senator Aguilar moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 11:43 a.m., on a motion by Senator McKinney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senator Blood who was excused; and Senators Vargas and Wayne who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

January 3, 2023

Mr. President, Speaker Hilgers
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Brett R. Lindstrom, 1330 Binney Street, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard, the Nebraska Department of Correctional Services, and the Nebraska State Patrol.

INAUGURAL CEREMONIES

Chief Justice Michael G. Heavican administered the Oath of Office to the newly elected state officials.

Governor Jim Pillen delivered his inaugural address. The text will appear in the following day's Journal.

The Governor and other newly elected state officials, along with their families, were escorted from the Chamber.

VISITORS

The Doctor of the Day was Dr. Dale Michels of Walton.

ADJOURNMENT

At 2:53 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 10:00 a.m., Friday, January 6, 2023.

Brandon Metzler
Clerk of the Legislature

THIRD DAY - JANUARY 6, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 2023

PRAYER

The prayer was offered by Senator Aguilar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Speaker Arch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar and Hansen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

ANNOUNCEMENT

Priority designation received:

Brewer - LB77

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

INAUGURAL ADDRESS

Governor Jim Pillen delivered the following address at the Inaugural Ceremonies on January 5, 2023:

Lieutenant Governor Kelly; Speaker Arch; Chief Justice Heavican; Members of the 108th Nebraska Legislature; Family, friends, and distinguished guests.

My fellow Nebraskans: We live in a very special place, where the son of a tenant farmer and a seamstress can get a good education, go to college, receive a doctorate in veterinary medicine, raise a family, build a business, and be elected to lead the greatest state in America. I am humbled and honored to stand before you today as the 41st governor of the great State of Nebraska, and I am excited to work with each one of you to serve the people of Nebraska.

We have long attracted the very best: those with a pioneering spirit, drive for innovation, and an appetite for risk-taking and hard work. Our forefathers came from places of fewer opportunities and fewer freedoms to build better lives for themselves and their children right here in Nebraska.

Over the last two years, I've had the privilege of meeting countless Nebraskans across our great state in their homes, farms, ranches, businesses, churches, and community gatherings in all 93 counties. I can tell you with absolute certainty: Wherever you travel, you won't find more innovative, hardworking, and God-fearing people. *I love Nebraska*. There truly is no place like it.

Since the beginning, when pioneers settled the territory of Nebraska, our strength has come from our people, not government. Our people bring their best every single day. We work to earn a good living, do our jobs to the best of our ability, raise our families, look after our neighbors, and build something better for our grandkids. *We all* do the hard work of keeping Nebraska great.

Growing up, our family would come to Lincoln once a year. My brothers and I were always so excited to be the first one to spot the Capitol as we drove into town. This chamber and this building are amazing. But it's important for us to remember that, as incredible as this building and chamber are, we don't look to this building for prosperity—prosperity comes from private-sector farmers, ranchers, and business leaders who work hard, innovate, and take risks.

We don't look to government for our rights and freedoms—they are endowed to us by God Almighty. And we don't want to be handed anything—we want to earn it.

But we do expect government that does well in those limited functions that only it can perform. We expect low taxes, carefully controlled spending, transparency, and accountability. We expect the business of the people to be handled like business. We expect good schools, quality roads, and safe neighborhoods. We expect a government that promotes opportunity instead

of limiting it. And we expect the leaders we elect to work together to find real solutions to difficult challenges.

Great people want limited government that respects their freedoms, does its job, and then gets out of their way. Great people want the opportunity to succeed through grit and determination. Great people want to live and work around other great people, and they want their children to do the same. That's why great people want to live in Nebraska.

The demand for the Good Life is as strong as ever, but today, we have real obstacles to overcome. Too much of our talent leaves the state. We have to do a better job of keeping our kids here, equipping them with the skills they'll need, and attracting even more top-tier talent from across the nation.

Our broken tax code is burdensome and uncompetitive. It weighs on all Nebraskans, and it limits our state's economic potential. That's why we have to achieve transformational tax change now.

Our state education funding formula is outdated and unfair to far too many of our students. State aid to education must be modernized so that it is more equitable, meeting the needs of communities across Nebraska. All Nebraskans agree: Our kids are our future. All Nebraskans agree: We can never, ever give up on our kids.

These are not easy feats to accomplish, and there will be even more to do this session. The question for us today, in this chamber, is whether we can live up to the example set for us by those we serve—whether we can come together and do the big, difficult things that are required to secure a more prosperous future.

As I look to the members of the 108th Nebraska Legislature, the answer is clear: we *can* do big things by working together. Together, we can.

Together, we can and must build productive working relationships of trust and good will.

Together, we can and must achieve attitudinal change and put our focus not on what's best just for your community, or for mine, but on what's best for the future of our entire state.

And together, we can and must rise to meet any challenge, overcome any obstacle, and do the hard work of keeping Nebraska great for generations to come.

I'm here to do my part: to bring my knowledge and experience to the table, and to listen to all Nebraskans. To advocate for the values and interests of our citizens, from the Missouri River to Harrison and everywhere in between. To hold our cabinet agencies to the highest standards of

performance and continuous improvement. And to treat tax dollars as I treat my own.

My dad taught me that every nickel matters, so we treat nickels like manhole covers, making decisions with fiscal conservatism and the constant drive to do more with less.

I will work hard as a good-faith partner with my fellow constitutional officers, the judiciary, and the Legislature in doing the people's work.

As we embark on a new chapter of Nebraska's history, I want to thank all of you for answering the call to public service. I thank your families, and mine, for providing the support we will all need to do the work that lies ahead this year. I thank our state teammates for all their efforts. I want to thank the brave men and women of our armed forces, law enforcement, and first responders for all they do to keep us safe and free. And, most of all, I want to express my thanks to the people of Nebraska for placing their trust in us. May we always prove worthy of their faith and confidence.

Today, I'm joined in the chamber by my bride, Suzanne, and our incredible family. We're so proud of our children, Sarah, Brock, Polly, and Izic; our son-in-law, Jerod, and daughter-in-law, Sarah; and our seven grandchildren: Will, Halle, Eloise, Henry, Harrison, Ava, and Thomas. They are my inspiration to work every single day to create a brighter future for all Nebraska's children—one grounded in faith, rooted in the values of family and freedom, and abundant in prosperity.

Together, we can make that vision a reality by putting in the work, day by day.

The great Nebraska statesman and my mentor, Coach Tom Osborne, taught me and my teammates that nobody ever just stays the same. Every day, we either decide to put in the effort to get better or we allow ourselves to get worse. We never stay the same. We never stay the same.

Let's all commit to getting better each day, aspiring to the greatest examples of our forefathers. When we do, we will look back on the first session of the 108th Nebraska Legislature with pride for all we've accomplished together.

May God guide all of us in our work, and bless us and our families. And may God continue to bless the great State of Nebraska. Thank you.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 92. Introduced by Slama, 1.

A BILL FOR AN ACT relating to insurance; to amend section 44-1993,

Reissue Revised Statutes of Nebraska; to eliminate the requirement that an annual review of a title insurance agent's practices by a title insurer must be onsite; and to repeal the original section.

LEGISLATIVE BILL 93. Introduced by Slama, 1.

A BILL FOR AN ACT relating to insurance; to amend sections 44-319.02, 44-319.03, 44-319.06, and 44-3308, Reissue Revised Statutes of Nebraska; to change provisions relating to security deposits required to be deposited by insurers with the Department of Insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-204, 1-301, 1-306, 2-102, 2-106, 2-201, 2-202, 2-203, 2-205, 2-209, 2A-102, 2A-103, 2A-107, 2A-201, 2A-202, 2A-203, 2A-205, 2A-208, 3-104, 3-105, 3-401, 3-604, 4A-103, 4A-201, 4A-202, 4A-203, 4A-207, 4A-208, 4A-210, 4A-211, 4A-305, 5-104, 5-116, 7-102, 7-106, 8-102, 8-103, 8-106, 8-110, 8-303, 9-104, 9-105, 9-203, 9-204, 9-207, 9-208, 9-209, 9-210, 9-304, 9-305, 9-313, 9-316, 9-317, 9-323, 9-324, 9-330, 9-332, 9-334, 9-341, 9-404, 9-408, 9-509, 9-513, 9-601, 9-605, 9-608, 9-611, 9-613, 9-614, 9-615, 9-616, 9-619, 9-620, 9-621, 9-624, and 9-628, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and sections 1-201, 9-102, 9-107A, 9-301, 9-310, 9-312, 9-314, 9-331, 9-406, 12-102, 12-103, 12-104, 12-105, 12-106, and 12-107, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2022; to adopt provisions on controllable electronic records, control of intangible property, controllable accounts, controllable payment intangibles, hybrid transactions, negotiable instruments, transactions involving digital assets, and security interest in digital assets and electronic money; to define, redefine, and eliminate terms; to provide transition rules; to harmonize provisions; to repeal the original sections; to provide an operative date; and to outright repeal sections 12-101A, 12-108, and 12-109, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 95. Introduced by Slama, 1.

A BILL FOR AN ACT relating to asbestos; to amend section 25-224, Reissue Revised Statutes of Nebraska; to adopt the Asbestos Trust Claims Transparency Act and the Asbestos Claims Priorities and Claims Legitimacy Act; to change provisions relating to a statute of limitations; and to repeal the original section.

LEGISLATIVE BILL 96. Introduced by Slama, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Revised Statutes Cumulative Supplement, 2022; to provide a sales and use tax exemption for twine as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Clements, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2015, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to required reports for inheritance tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 98. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2109 and 18-2155, Reissue Revised Statutes of Nebraska; to change provisions relating to substandard and blighted declarations and redevelopment plans receiving an expedited review; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,137, Reissue Revised Statutes of Nebraska; to adopt the Hunger-Free Schools Act; to restate legislative findings and state legislative intent; to eliminate provisions relating to reimbursement for school breakfast programs; to repeal the original section; and to outright repeal sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 100. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the ImagiNE Nebraska Act; to amend section 77-6818, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to qualified locations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 101. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Reissue Revised Statutes of Nebraska; to provide for an exemption from the act for certain agricultural operations; to provide for liability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 102. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to land surveying; to amend sections 15-106, 23-1901, 23-1901.01, 23-1901.02, 23-1908, 23-1911, 39-1311.02, 39-1410, 76-846, 76-1902, 76-2502, 76-2503, 76-2504, 76-2505, 76-2506, 81-8,110, 81-8,110.02, 81-8,110.04, 81-8,110.08, 81-8,110.13, 81-8,110.14, 81-8,113, 81-8,114, 81-8,115, 81-8,117, 81-8,121, 81-8,122, 81-8,122.02, 81-8,124, 81-8,125, 81-1704, 81-1716, 81-1717, 81-1718, 84-407, and 84-413, Reissue Revised Statutes of Nebraska, and sections 81-8,108,

81-8,108.01, 81-8,109, 81-8,110.01, 81-8,111, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, 81-8,127, and 81-8,184, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Nebraska Plane Coordinate System Act and the Land Surveyors Regulation Act; to define and redefine terms; to authorize certain land surveying activities; to provide for requirements, liability, licensure, duties, organizational practice, and disciplinary action as prescribed; to change requirements for the content and filing of land surveys; to change and provide penalties; to change and provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 79-920 and 84-1301, Revised Statutes Cumulative Supplement, 2022; to redefine terms under the School Employees Retirement Act and the State Employees Retirement Act; to change provisions relating to participation in the School Employees Retirement System of the State of Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 23-2301, Reissue Revised Statutes of Nebraska, and sections 24-701, 79-902, 81-2014, and 84-1301, Revised Statutes Cumulative Supplement, 2022; to redefine terms under the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 105. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 23-2323.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710.01, 24-710.04, 79-926, 81-2034, and 84-1325, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to applicable military service; to eliminate a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht offered the following Committee on Committees report:

Agriculture (8)

Tuesday

Halloran (C), Brewer, Hansen, Holdcroft, Hughes, Ibach, Raybould, Riepe

Appropriations (9)

Monday, Tuesday, Wednesday, Thursday, & Friday

Clements (C), Armendariz, Dorn, Dover, Erdman, Lippincott, McDonnell, Vargas, Wishart

Banking, Commerce and Insurance (8)

Monday & Tuesday

Slama (C), Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, von Gillern

Business and Labor (7)

Monday

Riepe (C), Blood, Halloran, Hansen, Hunt, Ibach, McKinney

Education (8)

Monday & Tuesday

Murman (C), Albrecht, Briese, Conrad, Linehan, Sanders, Walz, Wayne

General Affairs (8)

Monday

Lowe (C), Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Raybould

Government, Military and Veterans Affairs (8)

Wednesday, Thursday, & Friday

Brewer (C), Aguilar, Conrad, Halloran, Hunt, Lowe, Raybould, Sanders

Health and Human Services (7)

Wednesday, Thursday, & Friday

Hansen (C), Ballard, Cavanaugh, M., Day, Hardin, Riepe, Walz

Judiciary (8)

Wednesday, Thursday, & Friday

Wayne (C), Blood, DeBoer, DeKay, Geist, Holdcroft, Ibach, McKinney

Natural Resources (8)

Wednesday, Thursday, & Friday

Bostelman (C), Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama

Nebraska Retirement Systems (6)

At call of Chair

McDonnell (C), Clements, Conrad, Hardin, Ibach, Vargas

Revenue (8)

Wednesday, Thursday, & Friday

Linehan (C), Albrecht, Bostar, Briese, Dungan, Kauth, Murman, von Gillern

Transportation and Telecommunications (8)

Monday & Tuesday

Geist (C), Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Moser

Urban Affairs (7)

Tuesday

McKinney (C), Blood, Cavanaugh, J., Day, Hardin, Hunt, Lowe

Committee on Committees (13)

Albrecht (C)

District 1:Bostar
Bostelman
Moser
SandersDistrict 2:Hunt
Linehan
Vargas
von GillernDistrict 3:Erdman
Jacobson
Lowe (VC)
MurmanEnrollment and Review (1)

Ballard (C)

Reference (9)

Briese (C), Aguilar (VC), Arch, Bostar, Geist, Lowe, Riepe, Slama, Vargas, Clements (nonvoting ex officio)

Rules (6)

Erdman (C), Bostar, DeBoer, Hansen, Ibach, Arch (ex officio)

Executive Board of the Legislative Council (9)

Briese (C), Aguilar (VC), Arch, Bostar, Geist, Lowe, Riepe, Slama, Vargas, Clements (nonvoting ex officio)

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 106. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to offenses; to amend section 28-348, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2022; to prohibit using an electronic communication device or social media to engage in certain conduct with vulnerable adults; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to offenses; to amend section 28-833, Reissue Revised Statutes of Nebraska, and section 29-4003, Revised Statutes Cumulative Supplement, 2022; to prohibit using an electronic

communication device or social media to engage in certain conduct with minors; to define terms; to require registration under the Sex Offender Registration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to provide for allocation of certain appropriations to the Department of Health and Human Services; and to provide for a grant program.

LEGISLATIVE BILL 109. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to counties; to amend section 23-2802, Reissue Revised Statutes of Nebraska; to change provisions relating to county boards of corrections in certain counties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 110. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to bail; to provide for a pilot project relating to pretrial risk assessment services; to provide duties for the State Court Administrator; to state intent regarding appropriations; and to repeal the original section.

LEGISLATIVE BILL 111. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to state government; to adopt the Nebraska Volunteer Service Commission Act; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 112. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Health and Human Services; and to declare an emergency.

LEGISLATIVE BILL 113. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 114. Introduced by Vargas, 7; Raybould, 28.

A BILL FOR AN ACT relating to relating to appropriations; to state legislative intent to appropriate money to the Department of Health and

Human Services for evidence-based early intervention home visitation programs.

LEGISLATIVE BILL 115. Introduced by Raybould, 28; DeBoer, 10; Vargas, 7.

A BILL FOR AN ACT relating to family home visits; to adopt the Family Home Visitation Act.

LEGISLATIVE BILL 116. Introduced by Brandt, 32; Briese, 41; Cavanaugh, J., 9; DeKay, 40; Dorn, 30; Halloran, 33; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Lippincott, 34.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-5205 and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5209, and 77-5209.01, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change a selection criterion for the Beginning Farmer Board; to change provisions relating to beginning farmer or livestock producer qualifications, program participation, and rental agreement review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Nebraska Meat and Poultry Inspection Law; to amend section 54-1915.02, Reissue Revised Statutes of Nebraska; to change an applicant eligibility standard under the Independent Processor Assistance Program; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Brandt, 32; Dorn, 30; Hardin, 48; Holdcroft, 36; Ibach, 44; Lippincott, 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Rural Development Act; to amend sections 77-27,187.02 and 77-27,188, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the application fee and qualifying investment amount for a tax credit; and to repeal the original sections.

LEGISLATIVE BILL 119. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend section 86-1302, Revised Statutes Cumulative Supplement, 2022; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to public power; to eliminate obsolete provisions relating to a Nebraska Power Review Board study of state, regional, and national electric transmission infrastructure; and to outright

repeal sections 70-1029, 70-1030, 70-1031, and 70-1033, Reissue Revised Statutes of Nebraska, and section 70-1032, Revised Statutes Cumulative Supplement, 2022.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht reoffered the final Committee on Committees report found in this day's Journal.

Senator Wayne offered the following motion:
Recommit the Committee on Committees Report to Committee on Committees

Senator Wayne withdrew his motion to recommit to committee.

Senator M.Cavanaugh offered the following motion:
Recommit the Committee on Committees Report to Committee on Committees

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 121. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-912, 37-913, and 37-914, Reissue Revised Statutes of Nebraska; to change provisions relating to the National Trails System Act and the Cowboy Trail Fund; to repeal the Trail Development Assistance Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-1001, 37-1002, 37-1003, 37-1004, 37-1005, 37-1006, 37-1007, and 37-1008, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 122. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 81-502.03, Reissue Revised Statutes of Nebraska, and sections 76-2301, 76-2303, and 76-2325, Revised Statutes Cumulative Supplement, 2022; to define a term; to create the Underground Excavation Safety Committee; to provide powers and duties for the committee and the State Fire Marshal; to change civil penalty procedures; to provide for continuing education as prescribed; to provide an appeal exception; to eliminate an annual report requirement; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 76-2325.02, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 123. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-101, 38-121, 38-129.02, 38-131, 38-167, and 38-186, Revised Statutes Cumulative Supplement, 2022; to adopt the Behavior Analyst Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 124. Introduced by Moser, 22.

A BILL FOR AN ACT relating to the County Bridge Match Program; to amend section 39-2805, Reissue Revised Statutes of Nebraska; to change the termination date; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 125. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to irrigation districts; to amend section 46-1,164, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Surface Water Irrigation Infrastructure Fund; and to repeal the original section.

LEGISLATIVE BILL 126. Introduced by Day, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to homestead exemptions for certain disabled veterans and surviving spouses as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Day, 49; McKinney, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105.02, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to sentences for certain offenses committed by persons under eighteen years of age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 128. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for certain medicaid services; and to declare an emergency.

LEGISLATIVE BILL 129. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for medicaid nursing facilities and reports by the Department of Health and Human Services regarding appropriations for medicaid nursing facilities.

LEGISLATIVE BILL 130. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to create the medicaid nursing facility services program.

LEGISLATIVE BILL 131. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for medicaid assisted-living facilities to the Department of Health and Human Services.

LEGISLATIVE BILL 132. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to commerce; to adopt the Automatic Renewal Limitation Act.

LEGISLATIVE BILL 133. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1409, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to provide that entities exercising the power of eminent domain are public bodies subject to the Open Meetings Act; and to repeal the original section.

LEGISLATIVE BILL 134. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Small Wireless Facilities Deployment Act; to amend section 86-1236, Revised Statutes Cumulative Supplement, 2022; to provide duties for an authority and requirements for a wireless provider as prescribed; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to juveniles; to prohibit use of deception in questioning juveniles; to prohibit admission of certain evidence; and to define terms.

LEGISLATIVE BILL 136. Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-172, 60-3,205, and 60-4,146.01, Reissue Revised Statutes of Nebraska, and sections 60-144, 60-146, and 60-149, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Operator's License Act as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 137. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2022;

to provide for a penalty enhancement for a controlled substances violation resulting in serious bodily injury or death; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,142 and 60-4,172, Reissue Revised Statutes of Nebraska, and sections 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022; to adopt updates to federal law and update certain federal references; to change provisions of the Motor Vehicle Operator's License Act as prescribed; to change certain civil penalties; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to change the jurisdictional amount; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 140. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Reissue Revised Statutes of Nebraska; to provide for Czech Heritage Plates; to provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 141. Introduced by Briese, 41.

A BILL FOR AN ACT relating to schools; to provide for a moment of silence in public schools as prescribed; and to provide a duty to the State Department of Education.

LEGISLATIVE BILL 142. Introduced by Briese, 41.

A BILL FOR AN ACT relating to insurance; to limit the cost of prescription insulin drugs.

LEGISLATIVE BILL 143. Introduced by Briese, 41; Ballard, 21; Bostar, 29; Brandt, 32; Brewer, 43; DeBoer, 10; Dorn, 30; Dungan, 26; Hansen, B., 16; Hunt, 8; Linehan, 39; Lowe, 37; Slama, 1; Wayne, 13.

A BILL FOR AN ACT relating to time; to amend sections 49-1301, 49-1302, and 81-1323, Reissue Revised Statutes of Nebraska, and sections

32-908 and 81-1328, Revised Statutes Cumulative Supplement, 2022; to provide for year-round daylight saving time as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2112, 81-2114, 81-2117.02, 81-2119, 81-2126, 81-2132, and 81-2141, Reissue Revised Statutes of Nebraska, and sections 81-2102, 81-2106, 81-2107, 81-2108, 81-2113, 81-2117.01, 81-2118, and 81-2144, Revised Statutes Cumulative Supplement, 2022; to change and eliminate certain classes of licenses under the State Electrical Act; to change provisions related to eligibility for licensure, continuing education, and training; to change fees; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-2110, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 145. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to change provisions relating to coverage for screening mammography and breast examinations; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8. Introduced by DeKay, 40.

WHEREAS, the 2022 Nebraska School Activities Association State Volleyball Championships were held from November 2 through November 5 in Lincoln, Nebraska; and

WHEREAS, the Hartington Cedar Catholic Trojans volleyball team competed for the Class D-1 State Volleyball Championship; and

WHEREAS, the seventh seed Trojans prevailed over the first seed Norfolk Catholic Knights in five sets to win the final match and claim the Class D-1 State Volleyball Championship; and

WHEREAS, this is the third state volleyball championship won by the Trojans and the first since 2012; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates the Hartington Cedar Catholic Trojans volleyball team on winning the 2022 Nebraska School Activities Association Class D-1 State Volleyball Championship.

2. That copies of this resolution be sent to the Hartington Cedar Catholic Trojans volleyball team and Coach Denae Buss.

Laid over.

LEGISLATIVE RESOLUTION 9. Introduced by DeKay, 40.

WHEREAS, the 2022 Nebraska School Activities Association State Cross Country Championships were held on October 21 in Kearney, Nebraska; and

WHEREAS, Carson Noecker, a senior on the Hartington-Newcastle boys cross country team, placed first overall in the Class C State Cross Country Championship with a time of 14 minutes and 58.26 seconds; and

WHEREAS, Carson Noecker's performance set a new all-class state meet record; and

WHEREAS, Carson Noecker became the first boy in Nebraska high school cross country history to win four consecutive state cross country championships; 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, FIRST SESSION:

1. That the Legislature congratulates Carson Noecker for winning the 2022 Nebraska School Activities Association Class C State Cross Country Championship and becoming the first boy in Nebraska high school cross country history to win four consecutive state cross country championships.

2. That copies of this resolution be sent to Carson Noecker and Hartington-Newcastle head cross country coach Mandy Hochstein.

Laid over.

LEGISLATIVE RESOLUTION 10. Introduced by DeKay, 40.

WHEREAS, Kayla Key of Creighton, Nebraska, a member of Norfolk Boy Scout Troop 1119 and daughter of Josh and Corrie Key, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for Kayla's community service project she promoted respect for the American flag in her community by advocating for the purchase of a light illuminating the American flag at Creighton Community Public Schools, teaching fourth through sixth grade students about flag etiquette,

and collaborating with the local Veterans of Foreign Wars post to create and hold a flag retirement ceremony; and

WHEREAS, Kayla joined Alexandra Jensen in becoming the first female Eagle Scouts in the Diamond Dick District of the Boy Scouts of America Mid-America Council; and

WHEREAS, Kayla, through her hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Kayla Key on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kayla Key.

Laid over.

LEGISLATIVE RESOLUTION 11. Introduced by DeKay, 40.

WHEREAS, the 2022 Nebraska School Activities Association State Play Production Championships were held from December 7 through December 9 in Norfolk, Nebraska; and

WHEREAS, the Hartington-Newcastle High School one-act team competed for the Class C-2 State Play Production Championship; and

WHEREAS, under the guidance of directors A. J. Johnson, Linda Kathol, and Lindsay Stappert, the Hartington-Newcastle High School one-act team earned a first place finish with a score of one hundred eighty points for their production of Ug, the Caveman Musical; and

WHEREAS, this is the tenth such championship title for the Hartington-Newcastle High School one-act team; and

WHEREAS, Lane Heimes won the award for Outstanding Male Performer with his performance as Ug; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates the Hartington-Newcastle High School one-act team on winning the 2022 Nebraska School Activities Association Class C-2 State Play Production Championship.

2. That copies of this resolution be sent to the Hartington-Newcastle High School one-act team, Lane Heimes, A. J. Johnson, Linda Kathol, and Lindsay Stappert.

Laid over.

LEGISLATIVE RESOLUTION 12. Introduced by DeKay, 40.

WHEREAS, the 2022 Nebraska School Activities Association State Play Production Championships were held from December 7 through December 9 in Norfolk, Nebraska; and

WHEREAS, the Wausa High School one-act team competed for the Class D-1 State Play Production Championship; and

WHEREAS, under the guidance of directors Brad Hoelsing and Sheila Hoelsing, the Wausa High School one-act team earned a first place finish with a score of one hundred seventy-nine points for their production of Wonderland 2.0; and

WHEREAS, this is the twelfth such championship title for the Wausa High School one-act team and the first championship win since 2017 as a stand-alone team. Wausa High School also holds two championship titles and one runner-up title with Osmond High School as the Wausmond one-act team; and

WHEREAS, Holly Johnson won the award for Outstanding Female Performer with her performance as White Rabbit; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates the Wausa High School one-act team on winning the 2022 Nebraska School Activities Association Class D-1 State Play Production Championship.

2. That copies of this resolution be sent to the Wausa High School one-act team, Holly Johnson, Brad Hoelsing, and Sheila Hoelsing.

Laid over.

LEGISLATIVE RESOLUTION 13. Introduced by DeKay, 40; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, Gary, Gregory, and Kelly Sage were born to Ernest and Eunice (Cornish) Sage of Niobrara, Nebraska; and

WHEREAS, the Sage brothers enlisted in the United States Navy and requested they be stationed aboard the same ship together, the Allen M. Sumner class destroyer USS Frank E. Evans; and

WHEREAS, the Sage brothers and the crew of the USS Frank E. Evans admirably performed their duties when the ship was assigned to provide naval gunfire support for American forces during Operation Daring Rebel along the coast of Vietnam in early May of 1969; and

WHEREAS, the USS Frank E. Evans was ordered to operate with a multinational Southeast Asia Treaty Organization task force of forty ships in the South China Sea for joint naval exercise Operation Sea Spirit. Sea Spirit was one of the largest naval exercises in the history of the Southeast Asia Treaty Organization and served as a show of force demonstration towards North Vietnam and its allies operating in the region; and

WHEREAS, the USS Frank E. Evans was assigned to screen a multinational task force led by the Australian aircraft carrier HMAS Melbourne. Whilst taking up a new escort station, the USS Frank E. Evans was accidentally rammed and split in two by the HMAS Melbourne on June 3, 1969. At the time of the accident, the task force was sailing on base course 220 degrees. The actual coordinates of the collision occurred at latitude 08 degrees 59.2 north and longitude 110 degrees 47.7 east and corresponds to a position less than 200 miles southeast of the Vietnam mainland; and

WHEREAS, Boatswain's Mate 2nd Class Gary Sage, Radarman 3rd Class Gregory Sage, and Seaman Apprentice Kelly Sage were among the seventy-four sailors killed in this tragic accident. In performing their duties aboard the USS Frank E. Evans, the lost seventy-four answered the call to the colors, served in the finest traditions of the United States Navy, and sacrificed their lives so that future generations of Americans might continue to enjoy the fruits of freedom; and

WHEREAS, multiple unsuccessful efforts have been made to include the names of the seventy-four sailors on the Vietnam Veterans Memorial Wall in the District of Columbia; and

WHEREAS, the Ninety-First Legislature recognized that the Sage brothers served our country honorably during the Vietnam War and deserved to have their names listed on the Vietnam Veterans Memorial Wall; and

WHEREAS, the criteria for the Vietnam Service Medal and the criteria for the inclusion of names on the Vietnam Veterans Memorial Wall are similar. The USS Frank E. Evans was awarded the Vietnam Service Medal for the collision date along with the ships that came to its aid, including the aircraft carrier USS Kearsarge, destroyer USS Walke, destroyer USS James E. Keyes, and tug USS Tawasa. The ships, the men aboard the ships, and the sailors killed on the USS Frank E. Evans received the Vietnam Service Medal because of where they were and why; and

WHEREAS, it is appropriate for the Legislature to honor and respect the sacrifices of our military servicemen and servicewomen, as well as the families, organizations, and communities that support them.

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

1. That the Legislature supports action to include the names of the Sage brothers and the other seventy-one sailors of the USS Frank E. Evans killed on June 3, 1969, on the Vietnam Veterans Memorial Wall in the District of Columbia.

2. That a copy of this resolution be forwarded to each member of the Nebraska congressional delegation encouraging them to take action to see that the names of those killed on the USS Frank E. Evans be included on the Vietnam Veterans Memorial Wall.

Laid over.

LEGISLATIVE RESOLUTION 14CA. Introduced by Briese, 41.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 12 to Article XVII:

XVII-12 The Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, or Auditor of Public Accounts or any member of the Legislature may be recalled from office through the procedure and in the manner provided for by law. The procedure shall be known as recall and shall be in addition to any other method of removal from office provided by this Constitution.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for recall of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, or Auditor of Public Accounts and members of the Legislature as provided by law.

For

Against.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Raybould name added to LB15.

Senator Day name added to LB39.

VISITOR

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 11:39 a.m., on a motion by Speaker Arch, the Legislature adjourned until 10:00 a.m., Monday, January 9, 2023.

Brandon Metzler
Clerk of the Legislature

FOURTH DAY - JANUARY 9, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 2023

PRAYER

The prayer was offered by Pastor Tom Earhart, Johnson United Methodist Church, Johnson, and Brock United Methodist Church, Brock.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Armendariz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Dorn who was excused; and Senators Hunt, Murman, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1	General File
LB2	Government, Military and Veterans Affairs
LB3	Banking, Commerce and Insurance
LB4	Revenue
LB5	Business and Labor
LB6	Urban Affairs
LB7	Judiciary
LB8	Judiciary

LB9	Government, Military and Veterans Affairs
LB10	Revenue
LB11	Judiciary
LB12	Health and Human Services
LB13	Health and Human Services
LB14	Health and Human Services
LB15	Business and Labor
LB16	Government, Military and Veterans Affairs
LB17	Judiciary
LB18	Judiciary
LB19	Judiciary
LB20	Government, Military and Veterans Affairs
LB21	Urban Affairs
LB22	Judiciary
LB23	Judiciary
LB24	Revenue
LB25	Judiciary
LB26	Transportation and Telecommunications
LB27	Judiciary
LB28	Revenue
LB29	Revenue
LB30	Judiciary
LB31	Transportation and Telecommunications
LB32	Banking, Commerce and Insurance
LB33	Urban Affairs
LB34	Judiciary
LB35	Health and Human Services
LB36	Revenue
LB37	Transportation and Telecommunications
LB38	Revenue
LB39	Executive Board
LB40	Natural Resources
LB41	Government, Military and Veterans Affairs
LB42	Judiciary
LB43	Judiciary
LB44	Transportation and Telecommunications
LB45	Urban Affairs
LB46	Appropriations
LB47	Government, Military and Veterans Affairs
LB48	Appropriations
LB49	Judiciary
LB50	Judiciary
LB51	Government, Military and Veterans Affairs
LB52	Government, Military and Veterans Affairs
LB53	Government, Military and Veterans Affairs
LB54	Executive Board
LB55	Health and Human Services
LB56	Business and Labor
LB57	Business and Labor

LB58	Revenue
LB59	Judiciary
LB60	Judiciary
LB61	Transportation and Telecommunications
LB62	Health and Human Services
LB63	Transportation and Telecommunications
LB64	Health and Human Services
LB65	Health and Human Services
LB66	Transportation and Telecommunications
LB67	Banking, Commerce and Insurance
LB68	Banking, Commerce and Insurance
LB69	Banking, Commerce and Insurance
LB70	Government, Military and Veterans Affairs
LB71	Education
LB72	General Affairs
LB73	Government, Military and Veterans Affairs
LB74	Revenue
LB76	Judiciary
LB77	Judiciary
LB78	Health and Human Services
LB79	Revenue
LB80	Appropriations
LB81	Judiciary
LB82	Judiciary
LB83	Judiciary
LB84	Health and Human Services
LB85	Health and Human Services
LB86	Government, Military and Veterans Affairs
LB87	Judiciary
LB88	Health and Human Services
LB89	Judiciary
LB90	Executive Board
LB91	Transportation and Telecommunications
LR1CA	Government, Military and Veterans Affairs
LR2CA	Executive Board
LR3CA	Government, Military and Veterans Affairs
LR4CA	Government, Military and Veterans Affairs
LR5	Executive Board
LR6CA	Revenue
LR7CA	Revenue

Aspen, Gwenniviere - Coordinating Commission for Postsecondary
Education - Education

Barrett, Leah - Nebraska Information Technology Commission -
Transportation and Telecommunications

Batenhorst, Ryan K. - Board of Emergency Medical Services - Health and
Human Services

Batie, Donald P. - Nebraska Natural Resources Commission - Natural
Resources

Bernhardson, Noah - Board of Emergency Medical Services - Health and Human Services
Bird, Bradley B. - Nebraska Ethanol Board - Natural Resources
Blackbird, Jr., Deacon Donald N. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Blackman, Bret R. - Nebraska Information Technology Commission - Transportation and Telecommunications
Bowlins, Karen - Board of Emergency Medical Services - Health and Human Services
Brundage, Devin M. - Nebraska Natural Resources Commission - Natural Resources
Buckendahl, Chad W. - Technical Advisory Committee for Statewide Assessment - Education
Caldwell, Dawn - Nebraska State Fair Board - Agriculture
Cramer, Heather - State Board of Health - Health and Human Services
Czaplewski, Mark - Nebraska Natural Resources Commission - Natural Resources
Davis, Brenda M. - Nebraska Arts Council - General Affairs
Dexter, April - Nebraska Rural Health Advisory Commission - Health and Human Services
Dodge, Jaime Kent - State Board of Health - Health and Human Services
Dudley, Ann Michelle - Nebraska Arts Council - General Affairs
Dun, Weysan - Crime Victim's Reparations Committee - Judiciary
Dunning, Crystal - Nebraska Arts Council - General Affairs
Ediger, James - Nebraska Information Technology Commission - Transportation and Telecommunications
Ernst, John C. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Farr, Marie A. - Nebraska Brand Committee - Agriculture
Fattig, Martin - Nebraska Rural Health Advisory Commission - Health and Human Services
Fields, Joshua P. - Technical Advisory Committee for Statewide Assessment - Education
Galyen, Jeffrey - State Racing and Gaming Commission - General Affairs
Gottschalk, Kristen L. - Nebraska Power Review Board - Natural Resources
Guinan, Patrick - State Personnel Board - Government, Military and Veterans Affairs
Haas, Douglass - Health Information Technology Board - Health and Human Services
Harris, Karen A. - Nebraska Arts Council - General Affairs
Harrison, Prince - Board of Emergency Medical Services - Health and Human Services
Henning, Thomas E. - Nebraska Investment Council - Nebraska Retirement Systems
Hesser, Kate - Nebraska Rural Health Advisory Commission - Health and Human Services
Hiller, John F. - State Electrical Board - General Affairs
Hofschire, Sharon R. - Nebraska Arts Council - General Affairs

Jensen, Linda L. - Board of Emergency Medical Services - Health and Human Services
Kilstrom, Jonathan L. - Board of Emergency Medical Services - Health and Human Services
Kobza, Robert H. - Board of Educational Lands and Funds - Education
Krause, Timothy E. - Nebraska Natural Resources Commission - Natural Resources
Kreachbaum, Jr., Russell L. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Kusek, Katherine - Nebraska Rural Health Advisory Commission - Health and Human Services
Langer, Kirk - Nebraska Information Technology Commission - Transportation and Telecommunications
Latta, Mark A. - Health Information Technology Board - Health and Human Services
Laughlin, Mark - Nebraska Arts Council - General Affairs
Lee, Dennis - State Racing and Gaming Commission - General Affairs
Leone, Lou - Crime Victim's Reparations Committee - Judiciary
Lindstrom, Brett R. - Nebraska State Fair Board - Agriculture
Loos, Trent - State Racing and Gaming Commission - General Affairs
Lottman, Brent E. - Board of Emergency Medical Services - Health and Human Services
Lutz, Susan E. - Nebraska Commission on Problem Gambling - General Affairs
Mellender, Zachary J. - Nebraska Information Technology Commission - Transportation and Telecommunications
Meyer, Jerald - Board of Educational Lands and Funds - Education
Monheiser, Matthew John - Nebraska Commission on Problem Gambling - General Affairs
Nelson, David - Crime Victim's Reparations Committee - Judiciary
Niemoller, Katie - Nebraska Information Technology Commission - Transportation and Telecommunications
O'Holleran, Molly - Coordinating Commission for Postsecondary Education - Education
O'Neill, Dan - Nebraska Educational Telecommunications Commission - Education
Pulverenti, John - Nebraska Commission on Problem Gambling - General Affairs
Scurfield, Georgina - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Smith, Beth - Nebraska State Fair Board - Agriculture
Smith, James - Board of Emergency Medical Services - Health and Human Services
Stoney, Myra - Nebraska Rural Health Advisory Commission - Health and Human Services
Strauch, Dennis - Nebraska Natural Resources Commission - Natural Resources
Stroup, Steven F. - Nebraska Brand Committee - Agriculture
Thede, Michael S. - Nebraska Ethanol Board - Natural Resources

Vaughn, Jr., Leslie L. - Board of Emergency Medical Services - Health and Human Services
 Vuchetich, Phillip James - Health Information Technology Board - Health and Human Services
 Wittstruck, Courtney C. - Nebraska Educational Telecommunications Commission - Education

(Signed) Tom Briese, Chairperson
 Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 8, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
 Clerk of the Legislature

Abboud, Chris - Public Affairs Group
 Madonna Rehabilitation Hospital
 MasterCard
 Abraham, Christine K.
 League of Nebraska Municipalities
 Adler, Joseph
 OpenSky Policy Institute
 Albrecht, Tim
 Apple Inc.
 Alston, Garth R.
 Altria Client Services LLC and its Affiliates
 Amack, Angela K.
 Center for People in Need
 Everytown for Gun Safety Action Fund
 Grand Island Public Schools
 International Brotherhood of Electrical Workers (IBEW)
 Jensen Rogert Associates, Inc.
 Nebraska Professional Fire Fighters Association (NPPFA)
 American Communications Group, Inc.
 AARP Nebraska
 Advanced Power Alliance
 American Cancer Society Cancer Action Network
 Autism Speaks
 Center for Rural Affairs
 City of Lincoln
 EHPV Lottery Services LLC aka Big Red Keno
 Empyrean Brewing Company
 Food Bank of Lincoln
 Food Bank of the Heartland
 Friends of Public Health in Nebraska

Health Center Association of Nebraska
Legal Aid of Nebraska
NC2-Nebraska Cancer Coalition
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Health and Education Alliance
Nebraska Commission on Public Advocacy, The
Nebraska Investment Finance Authority
Nebraska Occupational Therapy Association
Nebraska School Psychologists Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
Nebraska State AFL-CIO
Nebraskans for Better Governance
Nonprofit Association of the Midlands
North Central States Regional Council of Carpenters
OneMain Holdings, Inc.
Regions II and V
The Nebraska Coalition for Lifesaving Cures
UNO Chapter of the AAUP
Windstream Communications
YMCA's of Nebraska

Ames, Ann
Independent Insurance Agents of Nebraska

Anderson, Josh
Christensen Farms & Feedlots, Inc.

Arneal, Lincoln
Nebraska Children and Families Foundation

Baier, Richard J.
Nebraska Bankers Association

Baird Holm LLP
BHE Renewables, LLC
Brickway Brewery & Distillery
City of Kimball, Nebraska
Kinkaider Brewing Co, LLC
Nebraska Craft Brewers Guild

Baker, A. J.
Caesars Enterprise Services, LLC

Baker, Cassi
Jazz Pharmaceuticals, Inc.

Barrett, John R.
Great Plains Communications, Inc.

Barwig, Michael
AARP Nebraska

Bass, Katherine
First Five Nebraska

Beck, Craig
OpenSky Policy Institute

Beck, Joyce
AARP Nebraska

Becker, Jill
Black Hills Energy

Behnke, Greer
Jensen Rogert Associates, Inc.

Bell, Robert
Nebraska Insurance Federation

Benjamin, Melody
Nebraska Cattlemen, Inc.

Benson, Jenni
Nebraska State Education Association

Biddison, Morgan
Tri-State Generation and Transmission Association

Billy, Stephen
Susan B. Anthony Pro-Life America

Blake, Jeremiah
Blue Cross and Blue Shield of Nebraska

Bodeen, Carol
Nebraska Housing Developers Association

Bohrer, Bruce J.
Lincoln Chamber of Commerce

Bolte, Lacie
Nebraska AIDS Project

Bonkiewicz, Luke
Nebraska Association of County Officials

Bowling, Karen
Nebraska Family Alliance

Bracht, David L.
Catalyst Public Affairs

Brady, Justin J.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady

Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
National Guard Association of Nebraska
Nebraska Bankers Association
Nebraska Bankers Insurance and Services Company (NBISCO)
Nebraska Fire Chiefs' Association
Nebraska Pharmacists Association
Nebraska State Volunteer Firefighters' Association
Nebraskans for Workers' Compensation Equity and Fairness

Bromm & Associates
Aflac
American Board For Certification of Teacher Excellence
Douglas County West Community Schools
Education Service Unit #3
Educational Service Unit Coordinating Council
Nebraska Council of School Administrators
Springfield Platteview Community Schools

Verizon Communications, Inc.
Bromm, Curt
Bromm & Associates
Bromm, Jason
Bromm & Associates
Brown, Paige
Nebraska Catholic Conference
Brown, Scott
Vertex Pharmaceuticals Incorporated
Brunkhorst, Kelly
Nebraska Corn Growers Association
Burk, Adelle
Planned Parenthood North Central States
Burkhardt, Carly
Husch Blackwell Strategies LLC
Caldwell, Dawn
Renewable Fuels Nebraska
Cannon, Jonathan
Nebraska Association of County Officials
Carpenter, Jalene
Nebraska Health Care Association, Inc.
Carroll-Shern, Linda
Pharmaceutical Research and Manufacturers of America
Catalyst Public Affairs
American National Bank
Bellino Enterprises
Binti, Inc.
Columbus Exposition and Racing
CRH Americas, Inc.
Home Instead, Inc.
Invenergy LLC
Jewish Community Relations Council of Omaha
Jobs for America's Graduates Nebraska
Koch Companies Public Sector, LLC and Affiliates
KVC Health Systems, Inc.
Lutheran Family Services of Nebraska
MAXIMUS, Inc.
Nebraska Alliance of Child Advocacy Centers
Nebraska Board of Engineers and Architects
Nebraska Health Information Initiative, Inc.
Nebraska Intergovernmental Risk Management Association
NextEra Energy Resources, LLC
Omaha Municipal Land Bank
Papillion - La Vista School District
Papio-Missouri River Natural Resources District
Sarpy County and Cities Wastewater Agency
Sarpy County Board of Commissioners
Chaffin, Lash
League of Nebraska Municipalities

Cheloha, John A.
City of Omaha

Christensen, Alicia
Together Inc. of Metropolitan Omaha

Christensen, Graham
GC Resolve, LLC

Clark, Mitchell
First Five Nebraska

Coash, Colby
Nebraska Association of School Boards

Couture-Lovelady, Travis
National Rifle Association

CP Strategies LLC
Centene Corporation on behalf of its affiliates and subsidiaries
KAAPA Ethanol, LLC
Nebraska Petroleum Producers Association
Nomi Health, Inc.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Summit Carbon Solutions
T-Mobile

Creager, Jennifer
Greater Omaha Chamber

Curry Grubb, Andi
Planned Parenthood North Central States

Danek, Sandy
Nebraska Right to Life

Dannenfelser, Marjorie
Susan B. Anthony Pro-Life America

Davis, Al
Independent Cattlemen of Nebraska (ICON)
Nebraska Chapter of the Sierra Club

Davis, Erin L.
Pear Therapeutics (US), Inc.

Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company

DeBow, Chris
Public Trust Advisors, LLC

Decamp, Suzan
AARP Nebraska

Delka, Krissa
Nebraska Health Care Association, Inc.

DeLong, Danny
AARP Nebraska

Dentlinger, Courtney
Nebraska Public Power District

Deretich, Savanna
Students for Life Action

DeRossett, Dennis M.
Nebraska Press Association

Dibbern, Chris
Nebraska Municipal Power Pool

Dobler, James B.
Professional Insurance Agents of Nebraska

Dubas, Annette
Nebraska Association of Behavioral Health Organizations

Dukesherer, James
Nebraska Rural Electric Association

Dulaney, Michael S.
Nebraska Council of School Administrators

Duncan, Drue
Pfizer Inc.

Dunkley, Andrew
Nebraska Farm Bureau Federation

Duren, Todd J.
Loup River Public Power District

Edson, Dean E.
Nebraska Association of Resources Districts

Edwards, Jon
Nowka & Edwards

Ehlert, Tim
Amazon.com Services LLC

Eickholt, Christopher/Spike
ACLU Nebraska
Education Rights Counsel
Nebraska Criminal Defense Attorneys Association
Nebraskans For Alternatives to the Death Penalty
Voices for Children in Nebraska

Ekeler, Jeremy
Nebraska Catholic Conference

Erdman, Phil
Iowa-Nebraska Equipment Dealers Association

Erickson, Julie S.
American Communications, Inc.

Ernst, Dan E.
Nebraska Council of School Administrators

Everett, Elizabeth
First Five Nebraska

Fairbairn, Kyle
Greater Nebraska Schools Association

Falk, W. Jarad
Charter Communications, Inc.

Farias, Andrew
Asian Community and Cultural Center

Faustman, Nicholas
Alzheimer's Association

Feagler, Mike
Nebraska Hospital Association

Feichtinger, Erin

Women's Fund of Greater Omaha, Inc.
Fellers, Ansley
Nebraska Grocery Industry Association
SHAZAM
Ferrell, Beth Bazyn
Nebraska Association of County Officials
Ferris, Jay
Nebraska Farm Bureau Federation
Feser, Adam
Nebraska Cooperative Council
Feuerborn, Jordan
Merck Sharp and Dohme LLC
Ficke, Melissa
Catalyst Public Affairs
Firestone, Rebecca
OpenSky Policy Institute
Foust, Andrew
SMART-TD
Fox, Nicole
Platte Institute for Economic Research
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
Mutual of Omaha
Garcia, Lauren
American Federation for Children
Gay, Tim
Catalyst Public Affairs
Geis, Gavin Lawrence
Common Cause National
George, Dee D
Novartis Services, Inc.
Gerrard, Eric
American Communications, Inc.
Gibson, Rachel
League of Women Voters of Nebraska
Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Glaser, Dylan
CP Strategies LLC
Glenn, Katharine
Susan B. Anthony Pro-Life America
Godinez, Rosangela
ACLU Nebraska
Gould, John 'Jack'
Common Cause National
Graeme, Iain
Gun Owners of America, Inc.
Grasz, Nate
Nebraska Family Alliance
Greene, Steven

Aunt Bertha
Opportunity Solutions Project
Grisham, Kent
Nebraska Trucking Association
Nebraska Trucking Association
Guereca, Dunixi
Stand for Schools
Guinan, Trish
Nebraska State Education Association
Gunsalus, Catherine
Heritage Action for America
Hale, Andy
Nebraska Hospital Association
Hallgren, Kathleen
Everytown for Gun Safety Action Fund
Hallstrom, Robert
Brandt, Horan, Hallstrom and Stilmock
Hansen, John K.
Nebraska Farmers Union
Hapgood, Wade
United Healthcare Services, Inc.
Harbeke, Dan
Google LLC and its Affiliates
Harner, Shannon R.
Nebraska Investment Finance Authority
Harris, Jasmine
RISE
Harris, Julie
Bike Walk Nebraska
Harvey, William F.
EHPV Lottery Services LLC aka Big Red Keno
Hassebrook, Kristen
Mueller Robak, LLC
Hayes, Jason W.
Nebraska State Education Association
Head, Craig J.
Nebraska Farm Bureau Federation
Heartland Strategy Group, LLC
Omaha Federation of Labor, AFL-CIO
Omaha Professional Firefighters Association
TransCanada
Henderson, Paul
Nebraska Medical Association
Higgins, Kersten
Mutual of Omaha
Higgins, Shirley
Nebraska Public Power District
Hill, Justin
Binti, Inc.

Hilton, Felicia
North Central States Regional Council of Carpenters

Hilton, Mary
Nebraska Christian Home Educators Association

Hind, Wendy
Elevance Health, and its Affiliates

Hladik, Johnathan
Center for Rural Affairs

Holmquist, David
AARP Nebraska

Honan, Scott
NioCorp

Howard, Sara
First Five Nebraska

Hrdlicka, Joseph
Genentech, Inc.

Hruza, Timothy
Mueller Robak, LLC

Huber, Eli
Heritage Action for America

Hubly, Justin
Nebraska Association of Public Employees NAPE/AFSCME Local 61

Hunzeker, Jonathan C.
Nebraska State Education Association

Husch Blackwell LLP
Nebraska Chiropractic Physicians Association

Husch Blackwell Strategies
AHIP - America's Health Insurance Plans
American Chemistry Council
Blue Cross and Blue Shield of Nebraska
Cameco Resources
Cargill
Charter Communications, Inc.
EBSCO
Fonner Park
Great Plains Communications, Inc.
Grow Grand Island
Hawkins Construction
JUUL Labs Inc.
Lindsay Corporation
Meta Platforms, Inc.
Monolith Materials
National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Corn Growers Association
Nebraska State Athletic Trainers Association
Nucor Corporation
Paige Wireless
Prime Therapeutics, LLC

Renewable Fuels Nebraska
Schneider Electric
Syngenta
Therap Services
Turo
Waste Management, Inc.
yes. every. kid.
Irsik, Ryan
Walmart Inc.
Jensen Rogert Associates, Inc.
ABATE of Nebraska, Inc.
AgMed, LLC
All Lines Interlocal Cooperative Aggregate Pool (ALICAP)
Altria Client Services LLC and its Affiliates
American Amusements Co.
American Massage Therapy Association, Nebraska Chapter
Associated Builders and Contractors, Inc.
AT&T, Inc.
Doane University
Eli Lilly and Company
Enterprise Rent-A-Car
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
Molina Healthcare, Inc.
Mosaic
Nebraska Association for Behavior Analysis
Nebraska Association of Former State Legislators
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Ponca Tribe of Nebraska
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Statewide Property Owners' Association
Wine Institute
Joekel, Tiffany
Nebraska Medicine
Johnson, Michael B.
Nebraska Chamber of Commerce & Industry
Johnson-Wiles, Milissa
FOP 88
Jones, Christine
Nebraska Children's Home Society
Juhnke, Alan R.
Nebraska Pork Producers Association
Karbo, Michael
American Petroleum Institute
Kay, Sara

American Institute of Architects, Nebraska Chapter
Nebraska County Attorneys Association
Keigher & Associates, LLC
Central Nebraska Public Power and Irrigation
Credit Management Services
Iowa-Nebraska Equipment Dealers Association
Molson Coors Beverage Company USA LLC
Nebraska AirBoat Association
Nebraska Auctioneers Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Independent Auto Dealers Association
Nebraska Land Improvement Contractors Association
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Keigher, Timothy P.
Keigher & Associates, LLC
Nebraska Petroleum Marketers & Convenience Store Association
Kelley Governmental Relations, LLC
Metro Area Transit (O-Metro)
Kelley Plucker, LLC
Advantage Capital
American Society of Interior Designers
Bennington Public Schools
Buildertrend Solutions, Inc.
Charter Communications, Inc.
Cigar Association of America, Inc.
City of Omaha
Community Alliance, Inc.
Creighton University
CVS Health
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
EHPV Lottery Services LLC aka Big Red Keno
Elevance Health, and its Affiliates
Elevator Industry Work Preservation Fund
Guardian Tax Partners
Johnson Brothers of Nebraska
Lincoln Police Union
Nebraska Auto Body Association
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Cooperative Council
Nebraska Credit Union League
Nebraska School Activities Association
Nebraska State Lodge of the Fraternal Order of Police
Omaha Airport Authority
Omaha Police Officers Association
Westside Community Schools
Kibbe, Scot

American Property Casualty Insurance Association (APCIA)
Kilgarin, Karen
Nebraska State Education Association
Kingery, Shannon L.
RAI Services Co. (Reynolds American Inc.)
Kissel Kohout ES Associates, LLC
Accel Entertainment, Inc.
Aksarben Equine, Inc.
Alliance Soccer Omaha LLC d/b/a Union Omaha
ALS Association
Associated Beverage Distributors of Nebraska
Autism Center of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
Enbridge (U.S.) Inc. (Formerly Spectra Energy)
Hands of Heartland
History Nebraska Foundation
Lancaster County Board of Commissioners
Lumen
Mentor Nebraska
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Golf Alliance
Nebraska Hearing Society
Nebraska Medicine
Nebraska Municipal Power Pool
Nebraska Psychological Association
Nebraska Regional Officials Council
Ollie Webb Center, Inc.
Omaha Public Schools
Park'N Go of Nebraska, LLC
Professional Engineers Coalition
Railway Supply Institute
Ralston Public School District
Unite Us
United Cities of Sarpy County
Kissler, Kieran
Nebraska Appleseed
Klute, Anne M. N.
Associated Builders and Contractors, Inc.
Knoche, Connie
OpenSky Policy Institute
Kohout, Joseph D.
Kissel Kohout ES Associates, LLC
Kolterman, Jessica A.
Lincoln Premium Poultry
Krannawitter, Brian
American Heart Association
Kruse Company

Nebraska Alliance for Family and Child Service Providers
Neilan Strategy Group
People United for Privacy
Philanthropy Roundtable
RAI Services Co. (Reynolds American Inc.)
Welcome Home

Kubat, Rick
Metropolitan Utilities District

Kuehn, John
Sand Creek Strategy Group LLC
Smart Approaches to Marijuana Nebraska

Larson, Olivia
RISE

Lee-Chambers, Gayla
Together We Achieve Miracles Inc - Ernie Chambers History-Arts-
Humanities Museum

LeFlore-Ejike, JoAnna
The Malcolm X Memorial Foundation

Levy, David C.
Baird Holm LLP

Lien, Ross
National Association of Mutual Insurance Companies (NAMIC)

Lindahl, Leah
Healthcare Distribution Alliance

Linden, Alexander
Central Nebraska Public Power and Irrigation

Lindsay, John C.
O'Hara Lindsay & Associates, Inc.

Linehan, Katie
American Federation for Children

Lively, Elizabeth
Dialysis Patient Citizens

Loeffler, Michael T.
Northern Natural Gas

Lofquist, Kraig
Educational Service Unit Coordinating Council

Lombardi, Richard A.
American Communications, Inc.

Loontjer, Pat
Gambling with the Good Life

Lostroh, David L.
Nebraska Christian Home Educators Association

Lucariello, Katelin
Pharmaceutical Research and Manufacturers of America

Luebbe, Lori
Nebraska Soybean Association

Luedtke, Joselyn
Zulkoski Weber LLC

Luetkenhaus, Brandon

Nebraska Credit Union League
Lyons, Liz
Children's Hospital & Medical Center
MacDonald, Blair E.
O'Hara Lindsay & Associates, Inc.
Mallett, Rochelle
Husch Blackwell Strategies LLC
Martin, Stephen
We Support Agriculture
Martin, Susan L.
Nebraska State AFL-CIO
McClure, Jeanne
American Council of Engineering Companies/Nebraska
McClure, John C.
Nebraska Public Power District
McClymont, Pete
Nebraska Cattlemen, Inc.
McDonald, Edison
Arc of Nebraska, The
GC Resolve, LLC
GC ReVOLT, LLC
McDonald, Vickie
Nebraska Association of Former State Legislators
McGowan, Kyle
Nebraska Council of School Administrators
McHargue, Mark
Nebraska Farm Bureau Federation
McIntosh, Ryan
Brandt, Horan, Hallstrom and Stilmock
McLaren, Jay
Medica
McNally, John
Nebraska Public Power District
McNally, Lynne
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Propane Gas Association
Melotz, Shawn
Papio Valley Preservation Association, Inc.
Menzel, Elaine
Nebraska Association of County Officials
Meredith, Candace
Nebraska Association of County Officials
Meurrens, Bradley
Disability Rights Nebraska
Mick, Nathan
Mick, Nathan
Mikkelsen, Brian
Nebraska State Education Association
Mikolajczyk, Megan

Nebraska Civic Engagement Table
Miller, Brennen
Kissel Kohout ES Associates, LLC
Miner, Marion
Nebraska Catholic Conference
Moles, Jack
Nebraska Rural Community Schools Association
Moody, Randall
Friends of the Nebraska Environmental Trust
Moore, Travis
Lincoln Electric System
Moulton, MaryLee
League of Women Voters of Nebraska
Mueller Robak
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
Athletico Management, Inc.
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Duncan Aviation, Inc.
Eastern Nebraska Development Council
Fiserv
Google LLC and its Affiliates
Innocence Project, The
Integrated Life Choices
Iowa-Nebraska Rental Dealers Association
Jazz Pharmaceuticals, Inc.
Lincoln Airport Authority
Lower Platte South Natural Resources District
Madonna Rehabilitation Hospital
Millard Public Schools
Millard Roofing and Gutter Company
Nationwide Mutual Insurance Company
Nature Conservancy, The
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Dental Association
Nebraska District Court Judges Association
Nebraska Interactive
Nebraska Land Title Association
Nebraska Medical Association
Nebraska Methodist Health Systems
Nebraska Oncology Society
Nebraska Press Association
Nebraska Society of Anesthesiologist
Nebraska Society of Independent Accountants
Nebraska State Bar Association

Nebraska Winery and Grape Growers Association (NWGGA)
Olsson
PayPal
Pharmaceutical Research and Manufacturers of America
POET
Smithfield Foods, Inc.
Stand for Schools
State Troopers Association of Nebraska, Inc.
Uber Technologies, Inc.
Union Bank & Trust Company
Mueller, William J.
Mueller Robak, LLC
Muetting, Marcia
Nebraska Pharmacists Association
Murty, Dayton
Charter Communications, Inc.
Neal, John P.
Lincoln Public Schools
Nebraska Strategies
Amazon.com Services LLC
Bayer U.S. LLC
Consumer Data Industry Association
Lancaster County Agricultural Society, Inc.
Lincoln Premium Poultry
Mark Anthony Brands
Nebraska Licensed Beverage Association
Pharmaceutical Care Management Association
Plasma Games
Public Trust Advisors, LLC
Tesla, Inc.
U.S. Cellular
Neilan Strategy Group
Independent Insurance Agents of Nebraska
People United for Privacy
Philanthropy Roundtable
Tenaska
Welcome Home
Wireless Infrastructure Association c/o MultiState Associates Inc.
Neilan, Jenn
Neilan Strategy Group
Neilan, Perre S.
Neilan Strategy Group
Neiles-Brasch, Megan
Omaha Public Schools
Nelson, Richard
Nebraska Rural Electric Association
Neville, Brennan S.
National Indemnity Company
Nielsen, Coleen J.

Husch Blackwell Strategies LLC
Nolan, James
Mutual of Omaha
Norby, Scott J.
Nebraska State Education Association
Nordquist, Jeremy
Nebraska Hospital Association
Nowka & Edwards
Adams Central Public Schools
Air-Conditioning, Heating, and Refrigeration Institute
Anheuser-Busch Companies
Bryan Health
Deloitte Consulting LLP
Educational Testing Service
Elkhorn Public Schools
Metropolitan Utilities District
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Academy of Family Physicians
Nebraska Assn for Home Healthcare and Hospice
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska Cattlemen, Inc.
Nebraska Funeral Directors Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Media Foundation
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs' Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska Water Coalition
Nebraska Well Drillers Association
Police Chiefs Association of Nebraska
Police Officers' Association of Nebraska
Rural Telecommunications Coalition of Nebraska
Southern Public Power District
Union Pacific Railroad
US Assets, LLC
Winners Marketing, Inc.
O'Brien, Kelli Erin
Union Pacific Railroad
O'Connor, Sheila
Associated General Contractors - Nebraska Building Chapter
O'Hara Lindsay & Associates, Inc.
All American Games LLC
Alliance for Automotive Innovation
Black Hills Energy
Center Pivot Manufacturers Association

City of Hastings
City of Lexington
Council of Independent Nebraska Colleges
First National of Nebraska, Inc.
Francis Energy
Greater Nebraska Cities
National Association of Housing and Redevelopment Officials, Nebraska
Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraska State Electrical Division
Nebraskans for Rate Equity
Northern Natural Gas
Omaha Public Power District
Omaha Public Schools
Tallgrass Energy
Winnebago Tribe of Nebraska
O'Neill, Thomas, Jr.
Nebraska Telecommunications Association
Omey, Samantha
Exxon Mobil Corporation
Ortner, Brian
AAA Nebraska and The Auto Club Group
Orton, Leroy W.
Nebraska Onsite Waste Water Association
Nebraska State Irrigation Association
Nebraska Well Drillers Association
Otto, James A.
Nebraska Hospitality Association
Nebraska Retail Federation
Otto, Richard J.
Nebraska Grocery Industry Association
Nebraska Hospitality Association
Nebraska Retail Federation
Owen, Rob
Bio Nebraska
Parr, Ann L.
Farmers Mutual of Nebraska
Peetz & Company
Advocates for Behavioral Health
Canopy South
CHI Health
Children's Hospital & Medical Center
Community Lottery System, Inc.
Cox Communications

Durham Museum
First Five Nebraska
Friends of Knox County
Friends of Nebraska Tech Collaborative
Kiewit Corporation
Lewis & Clark Natural Resources District
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Nurse Practitioners
Nebraska Trucking Association
Nebraskans for Better Governance
Omaha Zoological Society
Quality Living, Inc.
State Farm Insurance Companies
Tenaska
University of Nebraska
Yahoo Inc. and var. subs/affiliates

Peetz, Jack
Peetz & Company

Peetz, Natalie
Peetz & Company

Pellett, Stacey
Deere & Company

Peterson, Chris
CP Strategies LLC

Peterson, Patricia Schuett
Nebraska Investment Finance Authority

Pfeifer, Pat
Nebraska State Legislative Board - Brotherhood of Locomotive
Engineers and Trainmen

Pitts, Kathleen
Nebraska Appleseed

Plumadore, Genevieve
Bristol Myers Squibb Co.

Pollock, Andy
Rembolt Ludtke, LLP

Ponce, Laurie
Coalition for a Strong Nebraska

Potter, Cara E.
Medica

Potter, Tim
AARP Nebraska

Prem, Sara
American Lung Association

Prokop, Matthew
American Cancer Society Cancer Action Network

Prunier, Chanel
Students for Life Action

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady

Altria Client Services LLC and its Affiliates
American Institute of Architects, Nebraska Chapter
American Property Casualty Insurance Association (APCIA)
Apple Inc.
Bellevue Public Schools
Enterprise Rent-A-Car
Farm Credit Services of America
Father Flanagan's Boys' Home
Friends of Nebraska Parks
Growth Energy
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Housing Policy Network
League of Nebraska Municipalities
Lincoln Public Schools
Live On Nebraska
Media of Nebraska, Inc.
Medica
Metropolitan Community College
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cultural Endowment
Nebraska Health Care Association, Inc.
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Liquor Wholesalers
Nebraska New Car & Truck Dealers Association
Nebraska Optometric Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska State Home Builders Association
Nebraska Telecommunications Association
Pinnacle Bank
Speedway Motors, Inc.
Tyson Foods, Inc.
War Horse Gaming, LLC
Woodmen of the World Life Insurance Society and Subordinate Entities
Ragland, Jina
AARP Nebraska
Reandeu, Noah
Sandoz
Reece, Kaitlin
Catalyst Public Affairs
Reisher, Peggy
Brain Injury Alliance of Nebraska
Reuss, Alexis M.
Nebraska Chamber of Commerce & Industry
Rex, L. Lynn

League of Nebraska Municipalities
Reynolds, Margaret
Cigna Corporate Services LLC
Reynoldson, Amy
Nebraska Medical Association
Richters, Rebecca S.
ACLU Nebraska
Rieker, Bruce R.
Nebraska Farm Bureau Federation
Riley, Christopher T.
Archer Daniels Midland Company
Robak, Kim M.
Mueller Robak, LLC
Roberts, Eva
Front Porch Investments
Roberts, Laurie
Innocence Project, The
Robertson, Rob J.
Nebraska Farm Bureau Federation
Rockenbach, Tina
Community Action of Nebraska
Rogert, Kent
Jensen Rogert Associates, Inc.
Roque, Matthew
ProRail Nebraska, Inc.
Rubin, Barry R.
Heartland Strategy Group, LLC
Rush Chipman, Mindy
ACLU Nebraska
Russell, Daniel
Stand for Schools
Saffa, Sam
Hy-Vee
Sahling-Zart, Shelley R.
Lincoln Electric System
Salazar, AnahÃ-
Voices for Children in Nebraska
Sand Creek Strategy Group LLC
Caesars Enterprise Services, LLC
Navigator Heartland Greenway LLC
Schaefer, Matthew T.
Mueller Robak, LLC
Schafer, Jacy
Nebraska Cattlemen, Inc.
Schilz, Kenneth
Nebraska Strategies
Schneider, David
Convention of States Action
Schrader, Cora

Peetz & Company
Schrag, Wendy
Fresenius Medical Care North America
Schrodt, Dexter
Nebraska Independent Community Bankers
Schwend, Adam
Susan B. Anthony Pro-Life America
Scoggin, Bay
Innocence Project, The
Scott, Randi K.
O'Hara Lindsay & Associates, Inc.
Sedlacek, Ronald J.
Husch Blackwell LLP
Husch Blackwell Strategies LLC
Nebraska Chamber of Commerce & Industry
Seelhoff, Janet
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Assn for Home Healthcare and Hospice
Nebraska Optometric Association
Seu, Jane
ACLU Nebraska
Sharfstein, Daniela
Jazz Pharmaceuticals, Inc.
Shelburn, Jessica
Americans for Prosperity
Silke, Vanessa
Baird Holm LLP
Sims, Jim
NioCorp
Slade, Marcus
Airbnb, Inc
Slattery, David
Nebraska Hospital Association
Slone, Bryan
Nebraska Chamber of Commerce & Industry
Smoyer, Brent
Rembolt Ludtke, LLP
Sommer, Alex
Prime Therapeutics, LLC
Spady, Robin
Nebraska Municipal Power Pool
Spatz, John
Nebraska Association of School Boards
Spivey, Ashlei
I Be Black Girl
Stahly, Dee Ann
Dexcom, Inc.
Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock

Stubbendieck, Todd
AARP Nebraska

Sullivan, J. Scott
Nebraska Credit Union League

Sundquist, Joni
Nebraska Society of Certified Public Accountants

Swanson, Garret
Holland Children's Movement

Swanson, Heather
Nebraska Affiliate of the American College of Nurse-Midwives

Swatsworth, Abby
Outlinc

Tang, Cathy
Everytown for Gun Safety Action Fund

Teepell, Taylor
Lumen

Thielen, Nicholas
EHPV Lottery Services LLC aka Big Red Keno

Thomas, Laura
GC Resolve, LLC

Thompson, Brian
Consolidated Companies, Inc.

Thompson, Nyomi
I Be Black Girl

Tillinghast, Jill
American Council of Engineering Companies/Nebraska

Todd, A. Loy, Jr.
Nebraska New Car & Truck Dealers Association

Torpy, Katie
Nature Conservancy, The

Trocinski, Carol A.
United Healthcare Services, Inc.

Troyer, Adria
Google LLC and its Affiliates

Uhing, Heidi
Civic Nebraska

Vaggalis, Mary
Nebraska Strategies

Vaughan, Dustin
Husch Blackwell Strategies LLC

Venzor, Tom
Nebraska Catholic Conference

Vinton, Andrew
ALLO Communications

Voyles, Seth
Omaha Public Power District

Wagelie, Sarah
Kissel Kohout ES Associates, LLC

Waggoner, Erin

Verizon Communications, Inc.
Wagner, Chris
Project Extra Mile
Watson, James S.
Nebraska Association of Medicaid Health Plans
Weber, Michelle
Zulkoski Weber LLC
Weber, Rocky
Nebraska Cooperative Council
Welding, Nicholas J.
Nebraska State Education Association
Wesely, Don
O'Hara Lindsay & Associates, Inc.
Westerhold, Russell
Nowka & Edwards
Wickersham, William R.
Nebraska Association of Former State Legislators
Wicks, Cheryl
Mosaic
Wiebe, Claire
Planned Parenthood North Central States
Wightman, Anna Castner
First National of Nebraska, Inc.
Wiltgen, Jennifer
Centene Corporation on behalf of its affiliates and subsidiaries
Wittstruck, Courtney
Nebraska Community College Association
Word, Megan
American Cancer Society Cancer Action Network
Wurster, Donald F.
National Indemnity Company
Wyvill, John
Cox Communications
Young, Gary
FOP 88
Young, Hannah
Nonprofit Association of the Midlands
Zakery, Jordan
Excellence in Education National, Inc., d/b/a Excellence in Education in
Action
Zimmerman, Chad
Millard Public Schools
Zulkoski Weber LLC
American Council of Engineering Companies/Nebraska
Archer Daniels Midland Company
Audubon Nebraska
Bosselman Enterprises
Cardinal Health, Inc.
Cedars Youth Services

CNH Industrial America LLC c/o MultiState Associates
Consortia Consulting
Deere & Company
Dexcom, Inc.
Ducks Unlimited, Inc.
Kum & Go
McCain Foods
Merck Sharp and Dohme LLC
Nebraska Academy of Nutrition and Dietetics
Nebraska Academy of Physician Assistants
Nebraska Association of Resources Districts
Nebraska Broadband Coalition
Nebraska County Attorneys Association
Nebraska Domestic Violence Sexual Assault Coalition
Nebraska Early Childhood Collaborative
Nebraska Economic Developers Association
Nebraska Emergency Medical Services Association
Nebraska Hospital Association
Nebraska Humane Society
Nebraska Independent Community Bankers
Nebraska Land Trust
Nebraska Veterinary Medical Association
NetChoice
Novo Nordisk Inc.
Viaero Wireless
Women's Fund of Greater Omaha, Inc.
Zulkoski, Katie W.
Zulkoski Weber LLC <http://uninet/clerks/lobbyist/html/journal.html>

MESSAGES FROM THE GOVERNOR

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Nebraska State Fire Marshal - Nebraska State Fire Marshal's Office:

Michael Shane Hunter, 246 South 14th Street, Lincoln, NE 68504-1804

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Superintendent of the Nebraska State Patrol:

John Andrew Bolduc, 9954 White Pine Road, Lincoln, NE 68527

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Nebraska Department of Veterans' Affairs:

John Hilgert, 15672 Marcy Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Natural Resources:

Thomas E Riley, PE, 1338 South 202 Street, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Motor Vehicles:

Rhonda Lahm, 20216 North Shore Drive, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Commissioner of the Nebraska Department of Labor:

John Albin, 550 South 16th Street, Lincoln, NE 68509-4600

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Insurance:

Eric Dunning, 12811 Jones Street, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Health and Human Services - Division of Public Health:

Charity Merritt Menefee, 6700 NW 7th Street, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Health and Human Services - Division of Medicaid & Long-Term Care:

Kevin Bagley, 8101 Dundee Drive, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Health and Human Services - Division of Developmental Disabilities:

Anthony (Tony) R Green, 116 South 50th Avenue, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Executive Officer of the Nebraska Department of Health and Human Services:

Dannette R Smith, State Office Building, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Nebraska Department of Economic Development:

Anthony L Goins, 245 Fallbrook Blvd - Ste 002, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Nebraska Department of Administrative Services:

Jason Jackson, 1526 K Street, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Banking and Finance:

Kelly J Lammers, 1124 224th, Milford, NE 68405

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Agriculture:

Sherry Vinton, 245 Fallbrook Blvd - Ste 200, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 146. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1376 and 77-27,135, Reissue Revised Statutes of Nebraska; to change provisions relating to improvements on leased lands and methods for giving notice; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to property tax refunds; to amend section 77-1736.06, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the notification of political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 148. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend sections 2-1205 and 9-1106, Reissue Revised Statutes of Nebraska; to change powers and duties of the State Racing and Gaming Commission; to change dates related to required market analysis and socioeconomic-impact studies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations for the medical assistance program; to require an annual report; and to declare an emergency.

LEGISLATIVE BILL 150. Introduced by Dover, 19.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.17, Reissue Revised Statutes of Nebraska; to change provisions related to entertainment districts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 151. Introduced by Dover, 19.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend sections 81-885.18 and 81-885.25, Reissue Revised Statutes of Nebraska, and section 81-885.07, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the membership of the State Real Estate Commission and certain notice requirements; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Dover, 19.

A BILL FOR AN ACT relating to the Membership Campground Act; to

amend sections 76-2102, 76-2104, 76-2106, 76-2110, and 76-2117, Reissue Revised Statutes of Nebraska; to eliminate registration requirements and a penalty under the Membership Campground Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2103, 76-2105, 76-2107, 76-2108, 76-2109, 76-2114, 76-2115, and 76-2116, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 153. Introduced by DeBoer, 10; Wishart, 27.

A BILL FOR AN ACT relating to education; to amend section 79-1142, Revised Statutes Cumulative Supplement, 2022; to adopt the Extraordinary Increase in Special Education Expenditures Act; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 154. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to treasurer's tax deeds; to amend section 77-1835, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to notice; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Small Wireless Facilities Deployment Act; to amend section 86-1241, Revised Statutes Cumulative Supplement, 2022; to provide for applicability of a limitation on an authority's power relating to certain activities of a communications service provider; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Public Guardianship Act; to amend section 30-4115, Reissue Revised Statutes of Nebraska; to change the caseload ratio for public guardian and conservator appointments; and to repeal the original section.

LEGISLATIVE BILL 157. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to temporary guardians; to amend section 30-2626, Reissue Revised Statutes of Nebraska; to authorize appointment of temporary guardians for certain limited purposes; to exempt such guardians from caseload ratios; and to repeal the original section.

LEGISLATIVE BILL 158. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Agriculture to distribute grants for the management of vegetation within the banks or flood plain of a natural stream; and to declare an emergency.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht reoffered the final Committee on Committees report, found on pages 109 and 114.

M. Cavanaugh reoffered her motion to recommit the Committee on Committees report to Committee on Committees, found on page 114.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 159. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Fostering Independence Higher Education Grant Act.

LEGISLATIVE BILL 160. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend sections 23-2332 and 23-2332.01, Reissue Revised Statutes of Nebraska; to change contribution rates relating to supplemental retirement plans for certain law enforcement personnel; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Workplace Privacy Act; to amend sections 48-3502 and 48-3503, Reissue Revised Statutes of Nebraska; to redefine a term; to prohibit employers from taking certain actions; and to repeal the original sections.

LEGISLATIVE BILL 162. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2022; to prohibit tampering with an electronic monitoring device; to define a term; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to criminal justice; to amend sections 47-101.01, 47-108, 47-109, 47-116, 47-201.01, 47-206, 48-1202, 83-178, 83-917, and 83-960, Reissue Revised Statutes of Nebraska, and sections 28-936, 83-1,135, and 84-612, Revised Statutes Cumulative Supplement, 2022; to prohibit construction or expansion of prisons and jails until certain

benchmarks are met; to provide privacy protections for inmates' legal mail; to provide penalties; to define and redefine terms; to change provisions relating to possession of electronic communication devices in Department of Correctional Services facilities; to authorize possession of such devices by certain officials and attorneys as prescribed; to prohibit cities, counties, and the state from receiving revenue for operation of inmate telephone services and to provide requirements for negotiating contracts for such services; to provide a limitation on the mark-up of commissary goods in jails and prisons; to require the department to pay the minimum wage for work by committed offenders and to provide that such persons are subject to the Wage and Hour Act; to require collection of certain data upon admission of persons committed to the department; to require the department to provide culturally diverse books as prescribed; to provide for oversight of the department by the Judiciary Committee of the Legislature in the event of a prison overcrowding emergency or staffing shortage; to change provisions relating to the Reentry Cash Fund; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 164. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403, 71-6406, 72-804, 72-805, 72-806, 81-1608, 81-1611, and 81-1614, Revised Statutes Cumulative Supplement, 2022; to adopt updates to building and energy codes; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1801, 85-1805, 85-1811, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 68-1201, 72-1239.01, 77-3,110, 77-2716, 85-1802, 85-1804, 85-1806, 85-1807, 85-1808, 85-1809, 85-1810, 85-1812, 85-1813, 85-1815, 85-1816, 85-1817, 85-2802, 85-2803, and 85-2804, Revised Statutes Cumulative Supplement, 2022; to include savings plans for elementary and secondary education in the Nebraska educational savings plan trust; to define and redefine terms; to transfer provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to amend sections 39-2814, 39-2818, and 39-2825, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to criteria and weighting of criteria for design-build, progressive design-build, construction manager-general contractor, and public-private-partnership proposals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Slama, 1.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Revised Statutes Cumulative Supplement, 2022; to provide requirements for depositions of certain children; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to gaming; to amend sections 9-1103, 9-1110, and 9-1204, Reissue Revised Statutes of Nebraska, and section 85-1920, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change provisions relating to sports wagering; to provide for distribution of taxes collected from sports wagering on instate collegiate sporting events to the Nebraska Opportunity Grant Fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 169. Introduced by Hunt, 8; Fredrickson, 20.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, and 49-801, Reissue Revised Statutes of Nebraska; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 170. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-209.01, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 171. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 13-2802, 14-2101, 14-2102, 14-2103, 14-2104, 14-2105, 14-2106, 14-2107, 14-2108, 14-2109, 14-2110, 14-2111, 14-2112, 14-2113, 14-2114, 14-2115, 14-2116, 14-2117, 14-2118, 14-2119, 14-2120, 14-2121, 14-2122, 14-2123, 14-2124, 14-2125, 14-2126, 14-2127, 14-2128, 14-2129, 14-2130, 14-2131, 14-2132, 14-2133, 14-2134, 14-2135, 14-2136, 14-2137, 14-2138, 14-2139, 14-2141, 14-2142, 14-2143, 14-2144, 14-2145, 14-2146, 14-2147, 14-2148, 14-2149, 14-2150, 14-2151, 14-2152, 14-2153, 14-2154, 14-2155, 14-2156, 14-2157, 32-540, 60-336.02, 66-1861, and 71-6316, Reissue Revised Statutes of Nebraska, and sections 32-567, 84-304, and 84-304.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to metropolitan utilities districts; to name the Metropolitan Utilities District Act; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 172. Introduced by Bostar, 29; Aguilar, 35; McDonnell, 5.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2022; to adopt by reference provisions of the National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2733, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of nonresident income; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by Dungan, 26; Conrad, 46; DeBoer, 10; Wishart, 27.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Revised Statutes Cumulative Supplement, 2022; to change the statute of limitations on certain civil actions for sexual assault of a child; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Dungan, 26; Cavanaugh, J., 9; Conrad, 46.

A BILL FOR AN ACT relating to civil actions; to adopt the Residential Tenant Clean Slate Act; and to provide an operative date.

LEGISLATIVE BILL 176. Introduced by Dungan, 26; Bostar, 29; Cavanaugh, J., 9; Conrad, 46; Fredrickson, 20; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations; and to declare an emergency.

LEGISLATIVE BILL 177. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to school funding; to adopt the My Student, My Choice Act; and to provide an operative date.

LEGISLATIVE BILL 178. Introduced by Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to schools; to require display of the national motto; to authorize contributions; and to provide duties for the Attorney General.

LEGISLATIVE BILL 179. Introduced by Fredrickson, 20; Hunt, 8.

A BILL FOR AN ACT relating to conversion therapy; to amend sections 38-101, 38-178, and 38-2894, Revised Statutes Cumulative Supplement, 2022; to prohibit conversion therapy and provide for disciplinary sanctions under the Uniform Credentialing Act as prescribed; to provide for a deceptive trade practice; to define terms; to prohibit the use of funds for conversion therapy as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Brandt, 32; Bostar, 29; Dover, 19; Halloran, 33; Ibach, 44; Jacobson, 42; Lippincott, 34; Murman, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska Biodiesel Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-2801, Revised Statutes Cumulative Supplement, 2022; to provide for filling and refilling prescriptions in certain situations; to harmonize provisions; and to repeal the original section.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht reoffered the final Committee on Committees report, found on pages 109, 114, and in this day's Journal.

M. Cavanaugh reoffered her motion to recommit to Committee on Committees, found on page 114 and in this day's Journal.

SENATOR HANSEN PRESIDING

PRESIDENT KELLY PRESIDING

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

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

Senator Hunt requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Voting in the negative, 15:

Blood	Conrad	Dungan	McKinney	Walz
Bostar	Day	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hunt	Vargas	Wishart

Present and not voting, 1:

Cavanaugh, M

Excused and not voting, 1:

Dorn

The motion to cease debate prevailed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh withdrew her motion, found on page 114 and in this day's Journal, to recommit to Committee on Committees.

The Chair declared the call raised.

Senator Hunt offered the following motion:

Recommit the Committee on Committees Final Report to Committee on Committees.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 182. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to eviction proceedings; to amend sections 24-232 and 76-1441, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to a report on eviction proceedings and complaints for restitution; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 183. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to changes of name; to amend section 25-21,273, Reissue Revised Statutes of Nebraska; to provide for proceeding in forma pauperis; and to repeal the original section.

LEGISLATIVE BILL 184. Introduced by Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816 and 43-274, Revised Statutes Cumulative Supplement, 2022; to provide for inadmissibility of statements made by juveniles during proceedings to transfer cases to or from juvenile court; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 185. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Department of Revenue; to define terms; and to require the department to distribute funds to certain individuals as prescribed.

LEGISLATIVE BILL 186. Introduced by Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to real property; to adopt the Unlawful Restrictive Covenant Modification Act.

LEGISLATIVE BILL 187. Introduced by Cavanaugh, J., 9; McKinney, 11.

A BILL FOR AN ACT relating to civil actions; to amend sections 25-21,223, 76-1442, and 76-1450, Reissue Revised Statutes of Nebraska; to require appointment of counsel at county expense in eviction proceedings in certain counties; to define terms; to provide a duty for the Supreme Court; to require notice of the right to counsel in summonses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 188. Introduced by Hansen, B., 16; Blood, 3; Brewer, 43; Slama, 1.

A BILL FOR AN ACT relating to education; to amend section 79-8,145, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Alternative Certification for Quality Teachers Act; to authorize the Commissioner of Education to issue temporary certificates to teach to military veterans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend section 38-1042.01, Reissue Revised Statutes of Nebraska, and section 38-1075, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to change an exemption for natural hair braiding; to provide an exemption for natural hairstyling; and to repeal the original sections.

LEGISLATIVE BILL 190. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to county bridges; to authorize bridge project payment over a scheduled period of time extending beyond the completion date.

LEGISLATIVE BILL 191. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to provide for confidentiality of and access to certain injury reports; and to repeal the original section.

LEGISLATIVE BILL 192. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 193. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to elections; to amend section 32-1041, Revised Statutes Cumulative Supplement, 2022; to provide requirements for voting systems; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 194. Introduced by Halloran, 33; Aguilar, 35; Ballard, 21; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Erdman, 47; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Slama, 1.

A BILL FOR AN ACT relating to government; to adopt the Second Amendment Preservation Act; and to provide severability.

LEGISLATIVE BILL 195. Introduced by Halloran, 33; Aguilar, 35; Ballard, 21; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Erdman, 47; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Slama, 1; von Gillern, 4.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

LEGISLATIVE BILL 196. Introduced by Bostar, 29; Brewer, 43.

A BILL FOR AN ACT relating to retirement; to amend sections 81-2017, 81-2026, 81-2027.08, and 81-2027.09, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Nebraska State

Patrol Retirement System and benefits provided upon the death of an officer after retirement and annual benefit adjustment calculations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 197. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 68-621, Reissue Revised Statutes of Nebraska; to redefine terms relating to referendums on the state agreement extending certain federal benefits to certain public employees in the state; and to repeal the original section.

LEGISLATIVE BILL 198. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 79-955, Reissue Revised Statutes of Nebraska, and sections 79-901, 79-902, 79-920, 79-978, and 79-992, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to provide for a return to work and authorize contributions as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 199. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-474, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-463, Revised Statutes Cumulative Supplement, 2022; to provide for a driving privilege card to federally authorized aliens; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 200. Introduced by Briese, 41.

A BILL FOR AN ACT relating to public health; to adopt the Canadian Prescription Drug Importation Act.

LEGISLATIVE BILL 201. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-729, Revised Statutes Cumulative Supplement, 2022; to add a high school graduation requirement and provide an exception as prescribed; to provide a duty for schools to submit data to the State Department of Education; to provide duties for the Commissioner of Education and require an annual report to the Legislature; to provide for rules and regulations as prescribed; and to repeal the original section.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht reoffered the final Committee on Committees report, found on pages 109, 114, and in this day's Journal.

Senator Hunt reoffered her motion to recommit to Committee on Committees, found in this day's Journal.

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

Senator Hunt moved for a call of the house. The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Voting in the affirmative, 32:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Voting in the negative, 14:

Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J. Day		Fredrickson	Raybould	Wayne
Cavanaugh, M. DeBoer		Hunt	Vargas	

Excused and not voting, 3:

Blood	Dorn	Wishart
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The motion to cease debate prevailed with 32 ayes, 14 nays, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to recommit to Committee on Committees.

Voting in the affirmative, 13:

Bostar	Conrad	Dungan	Raybould	Wayne
Cavanaugh, J. Day		Fredrickson	Vargas	
Cavanaugh, M. DeBoer		McKinney	Walz	

Voting in the negative, 32:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Blood Dorn Wishart

The Hunt motion to recommit to committee failed with 13 ayes, 32 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered the following motion:

Reconsider the vote to recommit the final Committee on Committees report to Committee on Committees

SENATOR HANSEN PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 202. Introduced by Walz, 15.

A BILL FOR AN ACT relating to relating to the Pharmacy Practice Act; to amend section 38-2891, Revised Statutes Cumulative Supplement, 2022; to provide for vaccine administration by pharmacy technicians; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 203. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-146.02, Reissue Revised Statutes of Nebraska; to provide for release of employee medical records as prescribed; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2022; to establish reimbursement for pharmacy dispensing fees for pharmacies participating in the medical assistance program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by von Gillern, 4; Aguilar, 35; Brewer, 43; Halloran, 33; Holdcroft, 36; Hughes, 24; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Murman, 38; Riepe, 12.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

ANNOUNCEMENT

Senator Erdman announced the Rules Committee will meet Thursday, January 12, 2023, at 1:30 p.m. in Room 1525.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Albrecht reoffered the final Committee on Committees report, found on pages 109, 114, and in this day's Journal.

Senator Hunt reoffered her motion to reconsider the previous vote on recommit the Committee on Committees final report to Committee on Committees, found in this day's Journal.

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

Senator Hunt moved for a call of the house. The motion prevailed with 22 ayes, 8 nays, and 19 not voting.

Senator Hunt requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Aguilar	Briese	Hansen	Linehan	Sanders
Albrecht	Clements	Hardin	Lippincott	Slama
Arch	DeKay	Holdcroft	Lowe	von Gillern
Armendariz	Dover	Hughes	McDonnell	
Ballard	Erdman	Ibach	Moser	
Bostelman	Geist	Jacobson	Murman	
Brandt	Halloran	Kauth	Riepe	

Voting in the negative, 15:

Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J. Day		Fredrickson	Raybould	Wayne
Cavanaugh, M. DeBoer		Hunt	Vargas	Wishart

Excused and not voting, 3:

Blood	Brewer	Dorn
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The motion to cease debate prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 13:

Cavanaugh, J. Day	Hunt	Vargas	Wishart
Cavanaugh, M. Dungan	McKinney	Walz	
Conrad	Fredrickson	Raybould	Wayne

Voting in the negative, 32:

Aguilar	Brandt	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostar	Erdman	Ibach	Moser	
Bostelman	Geist	Jacobson	Murman	

Present and not voting, 1:

DeBoer

Excused and not voting, 3:

Blood	Brewer	Dorn
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The motion to reconsider failed with 13 ayes, 32 nays, 1 present and not voting, and 3 excused and not voting.

MOTION - Adjournment

Senator M. Cavanaugh moved to adjourn until 10:00 a.m., Tuesday, January 10, 2023.

Senator Wayne requested a record vote on the motion to adjourn.

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Conrad Day Dungan

Voting in the negative, 40:

Aguilar	Briese	Hansen	Linehan	Riepe
Albrecht	Clements	Hardin	Lippincott	Sanders
Arch	DeKay	Holdcroft	Lowe	Slama
Armendariz	Dover	Hughes	McDonnell	Vargas
Ballard	Erdman	Hunt	McKinney	von Gillern
Bostar	Fredrickson	Ibach	Moser	Walz
Bostelman	Geist	Jacobson	Murman	Wayne
Brandt	Halloran	Kauth	Raybould	Wishart

Present and not voting, 1:

DeBoer

Excused and not voting, 3:

Blood Brewer Dorn

The M. Cavanaugh motion to adjourn failed with 5 ayes, 40 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

MOTION - Suspend Rules

Senator Arch offered the following motion:

Suspend Rule 2, Section 10, and Rule 7, Sections 3 and 7, and vote on the adoption of the Committee on Committees report without further debate or motions.

Senator Wayne requested a point of order to divide the Arch motion

The Chair rules the Arch motion is not divisible.

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

Senator Wayne withdrew his motion to overrule the Chair.

Senator Arch withdrew his motion to suspend the rules.

Senator Albrecht moved to approve the final Committee on Committees report found on page 109, 114, and in this day's Journal.

Senator Albrecht moved for a call of the house. The motion prevailed with 35 ayes, 3 nays, and 11 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to approve the final Committee on Committees report.

The Albrecht motion to approve the final Committee on Committees report prevailed with 40 ayes, 7 nays, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 15. Introduced by Holdcroft, 36; Arch, 14; Blood, 3; Day, 49; Sanders, 45.

WHEREAS, the 2022 Nebraska School Activities Association State Football Class A Championship was played on November 21, 2022, at Memorial Stadium in Lincoln, Nebraska; and

WHEREAS, the Gretna High School Dragons football team entered the postseason with a 9-0 record; and

WHEREAS, the Dragons advanced through the quarterfinal and semifinal games to reach the championship game against the Omaha Westside Warriors; and

WHEREAS, the Dragons played a hard-fought game, losing by only two points in the final seconds; and

WHEREAS, the Dragons were awarded the runner-up trophy; 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, FIRST SESSION:

1. That the Legislature congratulates the Gretna High School Dragons football team on being the runner-up in the 2022 Nebraska School Activities Association Class A State Football Championship.

2. That copies of this resolution be sent to Gretna High School and head coach Mike Kayl.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by Day, 49.

WHEREAS, psychogenic nonepileptic seizures or PNES are a common disorder characterized by many different symptoms; and

WHEREAS, psychogenic nonepileptic seizures resemble epileptic seizures but the causes are psychological; and

WHEREAS, no known organic or physical cause exists for psychogenic nonepileptic seizures; and

WHEREAS, anxiety, dissociative disorders, post-traumatic stress disorders, family conflict, psychosis, brain injuries, and substance abuse can be possible contributors to a person developing psychogenic nonepileptic seizures; and

WHEREAS, treatment of this disorder is focused on addressing the underlying psychological or psychiatric problem; and

WHEREAS, many different types of mental and behavioral health providers are trained to deliver psychological therapies; and

WHEREAS, many advances have been made over the past decade in identifying and treating psychogenic nonepileptic seizures.

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

1. That the Legislature recognizes January 9, 2023, through January 15, 2023, as Psychogenic Nonepileptic Seizures Awareness Week.

2. That the Legislature encourages every individual in Nebraska to become better informed about and aware of psychogenic nonepileptic seizures.

Laid over.

VISITOR

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 3:02 p.m., on a motion by Senator Briese, the Legislature adjourned until 10:00 a.m., Tuesday, January 10, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTH DAY - JANUARY 10, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 2023

PRAYER

The prayer was offered by Senator Walz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Dorn and Hunt who were excused; and Senators Cavanaugh, J., Geist, Hansen, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB75	Health and Human Services
LB92	Banking, Commerce and Insurance
LB93	Banking, Commerce and Insurance
LB94	Banking, Commerce and Insurance
LB95	Judiciary
LB96	Revenue
LB97	Revenue
LB98	Urban Affairs
LB99	Education
LB100	Revenue

LB101 Business and Labor
LB102 Government, Military and Veterans Affairs
LB103 Nebraska Retirement Systems
LB104 Nebraska Retirement Systems
LB105 Nebraska Retirement Systems
LB106 Judiciary
LB107 Judiciary
LB108 Appropriations
LB109 Government, Military and Veterans Affairs
LB110 Judiciary
LB111 Government, Military and Veterans Affairs
LB112 Appropriations
LB113 Banking, Commerce and Insurance
LB114 Appropriations
LB115 Health and Human Services
LB116 Revenue
LB117 Agriculture
LB118 Revenue
LB119 Transportation and Telecommunications
LB120 Natural Resources
LB121 Natural Resources
LB122 Transportation and Telecommunications
LB123 Health and Human Services
LB124 Transportation and Telecommunications
LB125 Appropriations
LB126 Revenue
LB127 Judiciary
LB128 Appropriations
LB129 Appropriations
LB130 Appropriations
LB131 Appropriations
LB132 Banking, Commerce and Insurance
LB133 Government, Military and Veterans Affairs
LB134 Transportation and Telecommunications
LB135 Judiciary
LB136 Transportation and Telecommunications
LB137 Judiciary
LB138 Transportation and Telecommunications
LB139 Judiciary
LB140 Transportation and Telecommunications
LB141 Education
LB142 Banking, Commerce and Insurance
LB143 Government, Military and Veterans Affairs
LB144 General Affairs
LB145 Banking, Commerce and Insurance
LR14CA Government, Military and Veterans Affairs

(Signed) Tom Briese, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Natural Resources
Room 1525 1:30 PM

Wednesday, January 25, 2023

Dennis Strauch - Nebraska Natural Resources Commission
Devin M. Brundage - Nebraska Natural Resources Commission
Mark Czaplewski - Nebraska Natural Resources Commission
Kristen L. Gottschalk - Nebraska Power Review Board
Bradley B. Bird - Nebraska Ethanol Board
Michael S. Thede - Nebraska Ethanol Board

Room 1525 1:30 PM

Thursday, February 16, 2023

Donald P. Batie - Nebraska Natural Resources Commission

(Signed) Bruce Bostelman, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 206. Introduced by von Gillern, 4; Jacobson, 42; Linehan, 39; Murman, 38; Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2727 and 77-2775, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of partnerships; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 207. Introduced by von Gillern, 4; Armendariz, 18; Bostelman, 23; Dover, 19; Kauth, 31; Murman, 38.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1007, Reissue Revised Statutes of Nebraska; to change provisions relating to the location of the sale of trust property; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 208. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to counties; to define a term; to prohibit a county from prohibiting the use of property as a short-term rental as prescribed; to provide for regulation of short-term rentals; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 209. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.62, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Cumulative Supplement, 2022; to provide a property tax exemption and sales and use tax exemptions relating to data centers; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to adopt the Prior Authorization Reform Act.

LEGISLATIVE BILL 211. Introduced by Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2022; to adopt the Property Tax Circuit Breaker Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Slama, 1.

A BILL FOR AN ACT relating to roads; to require the Department of Transportation to plan, design, and purchase rights-of-way for U.S. Highway 75 and pave all unpaved state highways; and to declare legislative intent to appropriate funds.

LEGISLATIVE BILL 213. Introduced by Slama, 1.

A BILL FOR AN ACT relating to economic development; to amend sections 77-2902 and 77-2912, Reissue Revised Statutes of Nebraska, and section 81-1229, Revised Statutes Cumulative Supplement, 2022; to redefine a term and extend certain deadlines under the Nebraska Job Creation and Mainstreet Revitalization Act; to change a matching fund requirement under the Rural Workforce Housing Investment Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 214. Introduced by Slama, 1.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-135, 8-141, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1704, 8-1707, 8-2724, 8-2903, 8-3005, 8-3007, 21-17,115, 45-191.01, 45-191.04, 45-735, 45-1002, 45-1003, and 45-1006, Reissue Revised Statutes of Nebraska, sections 59-1722, 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2022, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2022; to adopt updates to federal law relating to banking and finance; to change provisions relating to the Nebraska Installment Loan Act and loan brokerage agreements; to provide for rules and regulations; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 215. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Legislature; to amend sections 28-711, 43-4302, 43-4303, 43-4317, 43-4320, 43-4321, 43-4322, 43-4324, 43-4326, 43-4329, 43-4330, 47-901, 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-909, 47-910, 47-911, 47-912, 47-913, 47-914, 47-915, 47-918, 47-919, 47-920, and 83-178, Reissue Revised Statutes of Nebraska, and sections 28-712.01, 43-2,108, 43-4301, 43-4318, 43-4323, 43-4325, 43-4327, 43-4328, 43-4331, 43-4332, and 81-8,244, Revised Statutes Cumulative Supplement, 2022; to provide, move, change, and eliminate definitions; to provide, move, change, and eliminate duties of the office of the Inspector General of Nebraska Child Welfare and the office of Inspector General of the Nebraska Correctional System as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-4304, 43-4304.01, 43-4304.02, 43-4305, 43-4306, 43-4306.01, 43-4307, 43-4307.01, 43-4308, 43-4309, 43-4310, 43-4311, 43-4312, 43-4313, 43-4314, 43-4315, 43-4316, 43-4319, and 47-906, Reissue Revised Statutes of Nebraska.

PRESIDENT KELLY PRESIDING

LEGISLATIVE BILL 216. Introduced by Hughes, 24; Brewer, 43; DeKay, 40; Halloran, 33; Ibach, 44.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2605 and 38-2614, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for certification requirements for optometrists performing certain procedures; and to repeal the original sections.

LEGISLATIVE BILL 217. Introduced by Hughes, 24.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Fund; to amend section 81-15,160, Revised Statutes Cumulative Supplement, 2022; to extend the sunset date for new scrap tire projects; and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Ibach, 44; Hughes, 24; Jacobson, 42.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend section 2-958.02, Reissue Revised Statutes of Nebraska; to change provisions relating to intent to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Ibach, 44.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2022; to provide

duties for the department regarding rates for critical access hospitals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 220. Introduced by Ibach, 44.

A BILL FOR AN ACT relating to pardons; to amend sections 81-1850 and 83-1,127, Reissue Revised Statutes of Nebraska; to change provisions relating to notices required to be given to crime victims and the Board of Pardons' powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Ibach, 44.

A BILL FOR AN ACT relating to retirement; to amend section 16-1021, Reissue Revised Statutes of Nebraska; to redefine a term relating to all firefighters of a city of the first class; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to postsecondary education; to prescribe requirements for publicly funded colleges and universities regarding the criminal history and juvenile court record information of applicants for admission; and to define a term.

LEGISLATIVE BILL 223. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Municipal Density and Missing Middle Housing Act; to amend sections 19-5504 and 19-5505, Reissue Revised Statutes of Nebraska; to change and provide reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to municipalities; to amend sections 13-518 and 13-522, Reissue Revised Statutes of Nebraska; to adopt the Aid to Municipalities Act; to create a fund; to change provisions relating to budget limitations; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 225. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the committee on American civics; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to transportation; to amend sections 39-2817 and 39-2825, Revised Statutes Cumulative Supplement, 2022; to

change provisions relating to construction manager-general contractor contracts and public-private partnerships under the Transportation Innovation Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 227. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Medical Assistance Act; to provide for reimbursement to certain hospitals for providing nursing facility level of care services.

LEGISLATIVE BILL 228. Introduced by Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to elections; to amend sections 25-2221, 32-101, and 62-301, Revised Statutes Cumulative Supplement, 2022; to provide for state holidays; to require in-person voting and photographic identification for certain elections; to provide exceptions; to require all ballots to be counted on election day; to require all ballots to be counted at the precinct level; to provide for further changes to the Election Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 229. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,122, Reissue Revised Statutes of Nebraska; to change provisions relating to inspection requirements at registered feedlots; and to repeal the original section.

LEGISLATIVE BILL 230. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to government; to amend sections 32-311.01, 32-321, 32-808, 32-914, 32-938, 32-941, 32-942, 32-943, 32-944, 39-1601, 39-1605, 39-1606, 60-484, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-221, 32-223, 32-230, 32-231, 32-559, 32-803, 32-908, 32-915, 32-939, 32-939.02, 32-947, 32-950.01, 32-1002, 32-1027, and 60-4,115, Revised Statutes Cumulative Supplement, 2022; to require qualifying photographic identification for voter registration and voting purposes; to change provisions relating to elections; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to eliminate certain identification requirements and provisions regarding conducting elections by mail; to harmonize provisions; to repeal the original sections; to outright repeal sections 32-110.02, 32-953, 32-954, 32-957, 32-958, 32-959, and 32-1551, Reissue Revised Statutes of Nebraska, and sections 32-110.03, 32-318.01, 32-939.03, 32-952, 32-956, and 32-960, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

LEGISLATIVE BILL 231. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Cumulative Supplement, 2022; to change provisions related to student attendance and require plans for excessive absences; and to repeal the original section.

LEGISLATIVE BILL 232. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, 9-607, 9-646.01, and 9-651, Reissue Revised Statutes of Nebraska; to change provisions relating to the game of keno; to provide for the sale of digital-on-premises tickets; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 233. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to child support enforcement; to amend sections 43-512, 43-512.07, and 68-1713, Reissue Revised Statutes of Nebraska, and section 68-1201, Revised Statutes Cumulative Supplement, 2022; to provide for a child support payment disregard; to eliminate child support income for purposes of determining eligibility for the aid to dependent children program; to require implementation of a child support disregard policy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 234. Introduced by Walz, 15; Aguilar, 35; Blood, 3; Brewer, 43; Day, 49; Jacobson, 42.

A BILL FOR AN ACT relating to railroads; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2022; to state findings; to provide for reporting blocked crossing complaints as prescribed; to provide jurisdiction and duties for the Public Service Commission; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the ImagiNE Nebraska Act; to amend sections 77-6801, 77-6803, 77-6831, and 77-6832, Revised Statutes Cumulative Supplement, 2022; to transfer a definition; to change provisions relating to the use of credits for certain child care expenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 236. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to provide appointment and powers of problem-solving court judicial officers; and to create a problem-solving court pilot project.

LEGISLATIVE BILL 237. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Environment and Energy.

LEGISLATIVE BILL 238. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2022; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2716, Revised Statutes Cumulative Supplement, 2022; to change individual income tax brackets and rates as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 240. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-286, Revised Statutes Cumulative Supplement, 2022; to provide for modification of disposition orders or conditions of probation or supervision upon motion by the juvenile; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the regulation of water; to amend section 46-613.01, Reissue Revised Statutes of Nebraska; to change provisions relating to transfers of water to another state; and to repeal the original section.

LEGISLATIVE BILL 242. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Property Tax Incentive Act; to amend sections 77-6702 and 77-6703, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change provisions relating to the amount of tax credits for school district taxes; and to repeal the original sections.

LEGISLATIVE BILL 243. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend section 77-4212, Revised Statutes Cumulative Supplement, 2022; to change the minimum amount of relief granted; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska Property Tax Incentive Act; to amend sections 77-6701 and 77-6702, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to provide an income tax credit for certain property taxes paid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Board of Barber Examiners; to amend section 71-222, Revised Statutes Cumulative Supplement, 2022; to change per diem compensation for board members; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727.01, 31-736, 31-767, 31-768, 31-769, and 31-771, Reissue Revised Statutes of Nebraska, and sections 31-727, 31-727.02, 31-728, 31-740, 31-744, and 31-749, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to powers and duties, extraterritorial zoning jurisdiction, and publication of notice; to require compliance with municipal planning requirements; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 28-431, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of a certificate of title for certain motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-139, 20-301, 20-303, 20-317, 20-318, 20-320, 20-321, 20-322, and 20-325, Reissue Revised Statutes of Nebraska; to define a term; to prohibit discrimination based upon lawful source of income or compliance with public assistance requirements; to create the Landlord Guarantee Program; to state intent regarding funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 249. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Rural Workforce Housing Investment Act; to amend section 19-5503, Reissue Revised Statutes of Nebraska, and sections 81-1228, 81-1229, 81-1230, and 81-1231, Revised Statutes Cumulative Supplement, 2022; to redefine and eliminate terms; to change provisions relating to grant limitations; to transfer funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 250. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Army National Guard; to state legislative findings; and to require a command climate survey of the guard and a report by the Adjutant General.

LEGISLATIVE BILL 251. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.03, 80-401.11, and 80-412, Reissue Revised Statutes of Nebraska, and sections 80-315, 80-411, and 81-1316, Revised Statutes Cumulative Supplement, 2022; to change references to a veterans' home; to change provisions relating to veterans aid, Department of Veterans' Affairs offices, and duties of the Director of Veterans' Affairs; to eliminate an obsolete provision; to repeal the original sections; and to outright repeal section 80-336, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 253. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend sections 81-1402, 81-1404, 81-1414.03, 81-1414.05, and 81-1414.06, Reissue Revised Statutes of Nebraska; to provide for another location for the center; to provide for administrators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 254. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-114, 50-402, 79-1312, 79-1313, and 79-1316, Reissue Revised Statutes of Nebraska; to require the Legislative Council, through the Executive Board of the Legislative Council, to develop and maintain a publicly accessible, digital Internet archive of closed-captioned video coverage of the Legislature as prescribed; to change provisions of the Nebraska Educational Telecommunications Act; to change powers and duties of the Nebraska Educational Telecommunications Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 255. Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to public power; to amend sections 15-229,

70-670, 70-1001.01, 70-1014.01, 70-1906, and 70-1909, Reissue Revised Statutes of Nebraska; to change eminent domain and renewable energy generation provisions relating to certain power suppliers; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 256. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to insurance; to amend section 44-312, Reissue Revised Statutes of Nebraska; to change provisions related to telehealth insurance coverage; and to repeal the original section.

LEGISLATIVE BILL 257. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-701, 12-702, and 17-938, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to abandonment and reversion of cemetery lots; to authorize investment of funds from the sale of cemetery lots as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 258. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103.03, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to near beer; to harmonize provisions; to repeal the original section; and to outright repeal sections 53-103.24 and 53-160.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 259. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.11, Reissue Revised Statutes of Nebraska; to allow farm wineries to obtain additional retail licenses under the Nebraska Liquor Control Act; and to repeal the original section.

LEGISLATIVE BILL 260. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the courts; to amend sections 24-209, 24-211, 24-212, 24-1109, 49-506, 49-617, and 49-702, Reissue Revised Statutes of Nebraska, and section 85-177, Revised Statutes Cumulative Supplement, 2022; to designate the Nebraska Appellate Courts Online Library as the repository for published judicial opinions of the Nebraska Supreme Court and the Nebraska Court of Appeals; to provide for sale of extra circulating copies of printed volumes of court decisions; to provide duties for the Reporter of Decisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 261. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming

Practice Act; to amend section 38-1416, Revised Statutes Cumulative Supplement, 2022; to change a provision relating to apprenticeships; and to repeal the original section.

LEGISLATIVE BILL 262. Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brewer, 43; Hansen, B., 16; Holdcroft, 36; Hughes, 24; Ibach, 44; Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,251.03, Reissue Revised Statutes of Nebraska, and sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,263, 81-2,270, 81-2,271, and 81-2,281, Revised Statutes Cumulative Supplement, 2022; to define, redefine, and eliminate terms; to change permit and fee provisions relating to food establishments, food processing plants, and salvage operations; to change permit posting and certain change of address, location, and inspection requirements; to eliminate water supply requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,242.03 and 81-2,251.02, Reissue Revised Statutes of Nebraska, and sections 81-2,245, 81-2,251.01, and 81-2,272.31, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 263. Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brewer, 43; Hansen, B., 16; Holdcroft, 36; Hughes, 24; Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Hemp Farming Act; to amend sections 2-503, 2-504, 2-505, 2-506, 2-508, 2-509, 2-510, 2-511, 2-514, 2-515, and 2-517, Reissue Revised Statutes of Nebraska, and section 28-401, Revised Statutes Cumulative Supplement, 2022; to change and update federal references; to define a term; to eliminate obsolete provisions; to change provisions relating to the state plan for regulation of hemp and rules and regulations, fees, duties, violations, and testing and transporting of hemp; to provide for remediation of certain hemp; to change a meeting requirement for the Nebraska Hemp Commission; to harmonize provisions; to repeal the original sections; to outright repeal section 2-5701, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

LEGISLATIVE BILL 264. Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brewer, 43; Holdcroft, 36; Hughes, 24; Ibach, 44; Riepe, 12.

A BILL FOR AN ACT relating to agriculture; to amend sections 75-902, 75-903, 75-903.02, 88-526, 88-527, and 88-528.01, Reissue Revised Statutes of Nebraska, and sections 75-156 and 88-530, Revised Statutes Cumulative Supplement, 2022; to change provisions under the Grain Dealer Act and the Grain Warehouse Act; to redefine terms; to change a fee; to change filed security provisions; to change criminal history record check requirements; to change references to warehouseman; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Brewer, 43; Blood, 3; Holdcroft, 36.

A BILL FOR AN ACT relating to state personnel; to amend section 83-173, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the duties of the Director of Correctional Services; to require protective vests for correctional officers as prescribed; to allow Department of Health and Human Services employees to use justified use of force as prescribed; and to repeal the original section.

LEGISLATIVE BILL 266. Introduced by Brewer, 43; Blood, 3; Holdcroft, 36.

A BILL FOR AN ACT relating to Military Honor Plates; to amend section 60-3,122.04, Reissue Revised Statutes of Nebraska; to change eligibility for Military Honor Plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 267. Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to emergency response; to adopt the Critical Infrastructure Utility Worker Protection Act.

LEGISLATIVE BILL 268. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the State Treasurer; to authorize the participation for certain entities in trusts or investment pools established by the State Treasurer.

LEGISLATIVE BILL 269. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to government; to amend sections 2-3213, 2-3214, 16-404, and 17-614, Reissue Revised Statutes of Nebraska, and sections 32-552, 32-553, 32-903, and 70-663, Revised Statutes Cumulative Supplement, 2022; to eliminate obsolete provisions relating to adjusting certain boundaries after the federal decennial census and charter amendment procedures for certain public power districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 270. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to rental property; to amend sections 76-1419 and 76-1435, Reissue Revised Statutes of Nebraska; to provide duties for cities and villages that have adopted rental registration ordinances; to change provisions relating to landlord duties and certain remedies under the Uniform Residential Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 271. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-711, 28-714, 28-715, and 28-729, Reissue Revised Statutes of Nebraska, and sections 28-710, 28-716, and 28-728, Revised Statutes Cumulative Supplement, 2022; to define terms; to change reporting requirements; to provide for training requirements for certain reporters; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to the date when compensation begins; and to repeal the original section.

LEGISLATIVE BILL 273. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Coordinating Commission for Postsecondary Education; and to declare an emergency.

LEGISLATIVE BILL 274. Introduced by Holdcroft, 36; Brewer, 43; Clements, 2; DeKay, 40; Hansen, B., 16; Hardin, 48; Hughes, 24; Ibach, 44; Lippincott, 34; Lowe, 37; von Gillern, 4.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736, 18-1737, 18-1741.01, 18-1741.03, 18-1741.04, 60-331.01, and 60-3,113.06, Reissue Revised Statutes of Nebraska, and section 60-3,124, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to handicapped parking; to provide for disabled veterans to park in handicapped parking spaces as prescribed; to redefine a term; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 275. Introduced by Wishart, 27; Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to state intent related to appropriations to the Foster Care Review Office; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-801, Revised Statutes Cumulative Supplement, 2022; to adopt the Certified Community Behavioral Health Clinic Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 277. Introduced by Brewer, 43; Albrecht, 17; Ballard, 21; Bostelman, 23; Clements, 2; DeKay, 40; Dover, 19; Erdman,

47; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4.

A BILL FOR AN ACT relating to government; to adopt the First Freedom Act; to authorize wearing of tribal regalia by students as prescribed; to define terms; to harmonize provisions; and to provide operative dates.

LEGISLATIVE BILL 278. Introduced by Walz, 15; Blood, 3; Briese, 41; Day, 49.

A BILL FOR AN ACT relating to persons with disabilities; to amend section 58-201, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska Investment Finance Authority and the Department of Economic Development relating to housing for persons with disabilities; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB5.
Senator Wishart name added to LB5.
Senator McDonnell name added to LB5.
Senator Bostar name added to LB5.
Senator Aguilar name added to LB5.
Senator Conrad name added to LB8.
Senator Raybould name added to LB9.
Senator Conrad name added to LB10.
Senator Conrad name added to LB12.
Senator Conrad name added to LB13.
Senator Conrad name added to LB14.
Senator Conrad name added to LB16.
Senator Conrad name added to LB27.
Senator Conrad name added to LB31.
Senator Raybould name added to LB31.
Senator Conrad name added to LB36.
Senator Conrad name added to LB38.
Senator M. Cavanaugh name added to LB39.
Senator Conrad name added to LB39.
Senator Blood name added to LB44.
Senator Raybould name added to LB46.
Senator Conrad name added to LB54.
Senator Conrad name added to LB56.
Senator Conrad name added to LB57.
Senator Conrad name added to LB58.
Senator Conrad name added to LB60.

Senator Hansen name added to LB66.
Senator Aguilar name added to LB126.
Senator Aguilar name added to LB188.

VISITORS

Visitors to the Chamber were Shawna Forsbery and Matt Wallen from The United Way of the Midlands; and Laura Tomaka and Tim Anderson from The Council of State Governments Midwest.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 11:36 a.m., on a motion by Senator Riepe, the Legislature adjourned until 10:00 a.m., Wednesday, January 11, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTH DAY - JANUARY 11, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 2023

PRAYER

The prayer was offered by Dr. Connie Dawson, Radiant Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Dorn who was excused; and Senators B. Hansen, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB146	Revenue
LB147	Revenue
LB148	General Affairs
LB149	Appropriations
LB150	General Affairs
LB151	Banking, Commerce and Insurance
LB152	Banking, Commerce and Insurance
LB153	Education
LB154	Revenue

LB155	Transportation and Telecommunications
LB156	Judiciary
LB157	Judiciary
LB158	Appropriations
LB159	Education
LB160	Nebraska Retirement Systems
LB161	Business and Labor
LB162	Judiciary
LB163	Judiciary
LB164	Urban Affairs
LB165	Revenue
LB166	Transportation and Telecommunications
LB167	Judiciary
LB168	General Affairs
LB169	Judiciary
LB170	Urban Affairs
LB171	Urban Affairs
LB172	Urban Affairs
LB173	Revenue
LB174	Judiciary
LB175	Judiciary
LB176	Appropriations
LB177	Education
LB178	Education
LB179	Health and Human Services
LB180	Revenue
LB181	Health and Human Services
LB182	Judiciary
LB183	Judiciary
LB184	Judiciary
LB185	Revenue
LB186	Judiciary
LB187	Judiciary
LB188	Education
LB189	Health and Human Services
LB190	Government, Military and Veterans Affairs
LB191	Business and Labor
LB192	Revenue
LB193	Government, Military and Veterans Affairs
LB194	Government, Military and Veterans Affairs
LB195	Government, Military and Veterans Affairs
LB196	Nebraska Retirement Systems
LB197	Nebraska Retirement Systems
LB198	Nebraska Retirement Systems
LB199	Transportation and Telecommunications
LB200	Health and Human Services
LB201	Education
LB202	Health and Human Services
LB203	Business and Labor

LB204 Health and Human Services
LB205 Government, Military and Veterans Affairs

Albin, John - Commissioner, Department of Labor - Business and Labor
Bagley, Kevin - Director, Medicaid & Long-Term Care - Department of
Health and Human Services - Health and Human Services
Bolduc, John Andrew - Superintendent, Nebraska State Patrol -
Government, Military and Veterans Affairs
Botsford, Brian - Nebraska Arts Council - General Affairs
Dunning, Eric - Director, Department of Insurance - Banking, Commerce
and Insurance
Goins, Anthony L. - Director, Department of Economic Development -
Banking, Commerce and Insurance
Green, Anthony (Tony) R. - Director, Developmental Disabilities -
Department of Health and Human Services - Health and Human Services
Hilgert, John - Director, Department of Veterans Affairs - Government,
Military and Veterans Affairs
Hunter, Michael Shane - State Fire Marshal - Government, Military and
Veterans Affairs
Jackson, Jason - Director, Department of Administrative Services -
Government, Military and Veterans Affairs
Lahm, Rhona - Director, Department of Motor Vehicles - Transportation and
Telecommunications
Lammers, Kelly J. - Director, Department of Banking and Finance -
Banking, Commerce and Insurance
Menefee, Charity Merritt - Director, Division of Public Health - Department
of Health and Human Services - Health and Human Services
Reuss, Andrew N. - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs
Riley, Thomas E. - Director, Department of Natural Resources - Natural
Resources
Rocha, Miguel - Commission for the Blind and Visually Impaired - Health
and Human Services
Smith, Dannette R. - Chief Executive Officer, Department of Health and
Human Services - Health and Human Services
Steinkruger, Daniel (Dan) L. - Nebraska Natural Resources Commission -
Natural Resources
Vinton, Sherry - Director, Department of Agriculture - Agriculture

(Signed) Tom Briese, Chairperson
Executive Board

ANNOUNCEMENTS

The Agriculture Committee elected Senator Ibach as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 279. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-143.01, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the report of loans, indebtedness, and credit of executive officers of banks; to adopt federal updates to law relating to extension of credit; and to repeal the original section.

LEGISLATIVE BILL 280. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend sections 38-1705, 38-1709, and 38-1710, Reissue Revised Statutes of Nebraska, and sections 38-1707.01 and 38-1720, Revised Statutes Cumulative Supplement, 2022; to adopt the Interstate Massage Compact; to change provisions relating to licensure and examination under the Massage Therapy Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 281. Introduced by Jacobson, 42; Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the Department of Economic Development to provide grants for youth outdoor education camp facilities; and to declare an emergency.

LEGISLATIVE BILL 282. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 283. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 284. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to law enforcement; to amend sections 29-411, 29-3517, and 81-1410, Reissue Revised Statutes of Nebraska, and sections 81-1414, 81-1414.15, and 81-1414.19, Revised Statutes Cumulative Supplement, 2022; to adopt the Municipal Police Oversight Act; to require city and county attorneys and the Attorney General to maintain public Brady and Giglio lists; to change and provide requirements for execution of no-knock search and arrest warrants; to define terms; to provide for exclusion of evidence; to prohibit criminal justice agencies from collecting, assembling, or preserving data relating to individuals' purported gang status; to require deletion of such records and notification of the subjects of such records; to provide a duty for the Nebraska Commission on

Law Enforcement and Criminal Justice; to require a bachelor's degree to gain admission to a law enforcement training academy; to require current law enforcement officers to obtain or begin obtaining a bachelor's degree by 2033; to change provisions relating to law enforcement officer records; to eliminate the offense of unlawful membership recruitment into an organization or association; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal section 28-1351, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 285. Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend sections 79-10,137, 79-10,138, and 79-10,139, Reissue Revised Statutes of Nebraska; to adopt the School Community Eligibility Provision Maximization Act; and to repeal the original sections.

LEGISLATIVE BILL 286. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-1,125, Revised Statutes Cumulative Supplement, 2022; to provide for participation in a physician wellness program; to provide an exception from reporting certain acts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 287. Introduced by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2508, Reissue Revised Statutes of Nebraska; to prohibit new joint public agencies as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 13. Read. Considered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Senator Wayne requested a point of order on whether Legislative Resolutions should have a hearing before being voted on on the floor.

Senator Wayne withdrew his point of order.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Dorn Slama

The Resolution was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 288. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301 and 60-2907, Reissue Revised Statutes of Nebraska; to require the Department of Motor Vehicles to establish and maintain an online verification system for accessing certain private passenger motor vehicle insurance and financial responsibility information; to authorize a disclosure under the Uniform Motor Vehicle Records Disclosure Act; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Municipal Cooperative Financing Act; to amend section 18-2441, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers of an agency; and to repeal the original section.

LEGISLATIVE BILL 290. Introduced by Cavanaugh, M., 6; Conrad, 46.

A BILL FOR AN ACT relating to the aid to dependent children program; to amend section 43-513, Reissue Revised Statutes of Nebraska; to change requirements related to the standard of need; and to repeal the original section.

LEGISLATIVE BILL 291. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101 and 38-129, Revised Statutes Cumulative Supplement, 2022; to require implicit bias or diversity, equity, and inclusion training for certain applicants and credential holders under the Uniform Credentialing Act; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 292. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Jobs and Economic Development Initiative Act; to amend section 61-404, Revised Statutes Cumulative Supplement, 2022; to prohibit the use of eminent domain as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 293. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to state government; to amend section 73-504, Reissue Revised Statutes of Nebraska; to provide formal protest procedures for certain contracts for services; to provide duties for the Department of Administrative Services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 294. Introduced by Conrad, 46; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 25-1553, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Cumulative Supplement, 2022; to adopt the Child Tax Credit Act; to exempt certain tax credit refunds from claims of creditors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 295. Introduced by Conrad, 46; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2022; to increase the earned income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to insurance; to adopt the Pet Insurance Act; and to provide an operative date.

LEGISLATIVE BILL 297. Introduced by Sanders, 45; Conrad, 46.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Revised Statutes Cumulative Supplement, 2022; to adopt the Personal Privacy Protection Act; to harmonize provisions; to

provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 298. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to require collection and reporting of information regarding dyslexia in schools as prescribed; and to require the State Department of Education to make a report to the Legislature.

LEGISLATIVE BILL 299. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-809, Reissue Revised Statutes of Nebraska; to require approval by the voters for the issuance of certain bonds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 300. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to sales and use tax exemptions for nonprofit organizations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160.04, Reissue Revised Statutes of Nebraska; to change a tax on ready-to-drink cocktails; and to repeal the original section.

LEGISLATIVE BILL 302. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change requirements for certain persons holding elective offices and to provide requirements for public employees relating to potential conflicts of interest; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to school funding; to amend section 79-1031, Reissue Revised Statutes of Nebraska; to change provisions relating to an annual estimate for necessary funding under the Tax Equity and Educational Opportunities Support Act; and to repeal the original section.

LEGISLATIVE BILL 304. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to political subdivisions; to provide for disclosure of certain membership dues and lobbying fees paid as prescribed.

LEGISLATIVE BILL 305. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-541, Reissue Revised Statutes of Nebraska; to change provisions relating to storage rates and charges; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to infants and juveniles; to define terms; to state intent; to create the Nebraska Youth in Care Bill of Rights; and to provide powers and duties.

LEGISLATIVE BILL 307. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-442, Revised Statutes Cumulative Supplement, 2022; to authorize pharmacies and local public health programs to provide hypodermic syringes or needles to prevent the spread of infectious disease; and to repeal the original section.

LEGISLATIVE BILL 308. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Genetic Information Privacy Act.

LEGISLATIVE BILL 309. Introduced by Bostar, 29; Halloran, 33; Hansen, B., 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1736.06, Revised Statutes Cumulative Supplement, 2022; to change an interest rate relating to property tax refunds; and to repeal the original section.

LEGISLATIVE BILL 310. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to public assistance; to amend section 43-512, Reissue Revised Statutes of Nebraska; to change the maximum payment level for monthly assistance; and to repeal the original section.

LEGISLATIVE BILL 311. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend section 9-1106, Reissue Revised Statutes of Nebraska; to change dates related to required market analysis and socioeconomic-impact studies; and to repeal the original section.

LEGISLATIVE BILL 312. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-522 and 19-2907, Reissue Revised Statutes of Nebraska; to change provisions relating to withholding money due to noncompliance with budget limits and annual audits for certain political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 313. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to elections; to amend sections 32-564 and 32-565, Reissue Revised Statutes of Nebraska, and section 32-405, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to special elections and filling vacancies; and to repeal the original sections.

LEGISLATIVE BILL 314. Introduced by Fredrickson, 20; Brewer, 43.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2426 and 69-2432, Reissue Revised Statutes of Nebraska; to require dissemination of information regarding suicide prevention and require suicide prevention training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 315. Introduced by Fredrickson, 20; Day, 49; Hughes, 24.

A BILL FOR AN ACT relating to relating to public health and welfare; to prohibit providers of services relating to examination or treatment of injuries arising from sexual assault, domestic assault, and child abuse from taking actions relating to victims' debts for such services.

LEGISLATIVE BILL 316. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to marriage; to amend sections 42-102, 42-103, 42-104, 42-106, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by von Gillern, 4; DeKay, 40; Holdcroft, 36; Sanders, 45.

A BILL FOR AN ACT relating to county assessors; to amend section 77-1311.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the inspection of real property; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3605 and 77-3606, Reissue Revised Statutes of Nebraska, and sections

71-1962, 77-2715.07, 77-2717, 77-2734.03, and 77-3604, Revised Statutes Cumulative Supplement, 2022; to adopt the Child Care Tax Credit Act; to reauthorize tax credits under and change provisions relating to the School Readiness Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 319. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to child care funding; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to create funds; to provide duties for the State Department of Education and the Department of Health and Human Services; to provide for transfers from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 320. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1016, and 79-1022, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to state aid value and the amount of state aid; to create a fund; to provide for transfers to and distributions from the fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Brandt, 32; Aguilar, 35; Ballard, 21; Blood, 3; Hansen, B., 16; Ibach, 44; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,245.01 and 81-2,280, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change and provide provisions relating to certain food sales directly to consumers; to construe intent; to provide for injunctive relief and a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2508, Reissue Revised Statutes of Nebraska; to prohibit new joint public agencies forming for tax purposes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 323. Introduced by Linehan, 39; Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a salary increase for legislative employees; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 324. Introduced by Wishart, 27; Brandt, 32; Conrad, 46; DeBoer, 10; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to reimbursements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to tort claims; to amend section 13-910, Reissue Revised Statutes of Nebraska, and section 81-8,219, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to claims for certain intentional torts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-949, Reissue Revised Statutes of Nebraska, and section 68-915, Revised Statutes Cumulative Supplement, 2022; to provide for eligibility for certain children; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Revised Statutes Cumulative Supplement, 2020, as amended by section 1, Initiative Law 2022, No. 433; to change provisions relating to the minimum wage; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to missing and murdered indigenous persons; to create the Office of Liaison for Missing and Murdered Indigenous Persons.

LEGISLATIVE BILL 329. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to the Building Construction Act; to amend section 71-6401, Reissue Revised Statutes of Nebraska; to prohibit application of the state building code in a manner that would prohibit or limit the use of certain refrigerant as prescribed; and to repeal the original section.

LEGISLATIVE BILL 330. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-24,125, Revised Statutes Cumulative Supplement, 2022; to provide for the endorsement or negotiation of any instrument evidencing a debt by a claiming successor; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 331. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-104.15 and 43-107, Reissue Revised Statutes of Nebraska, and sections 43-101, 43-101.01, 43-102, 43-104, 43-104.08, and 43-104.13, Revised Statutes Cumulative Supplement, 2022; to provide for adoption by two persons jointly; to define a term; to change provisions relating to consent to adoption, home studies, and terminology; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2508, Reissue Revised Statutes of Nebraska; to prohibit new joint public agencies forming for education purposes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 333. Introduced by Conrad, 46; Cavanaugh, M., 6; Hunt, 8.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2022; to require a state plan amendment for coverage of family planning services; and to repeal the original section.

LEGISLATIVE BILL 334. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 83-1,100.03, Revised Statutes Cumulative Supplement, 2022; to adopt the Reentry Housing Network Act; to provide a duty for the Department of Correctional Services and the Board of Parole; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Halloran, 33; Erdman, 47; Ibach, 44; McDonnell, 5; Murman, 38.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Staffing Agency Registration Act.

LEGISLATIVE BILL 336. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-501, 2-509, 2-517, 2-518, and 2-958, Reissue Revised Statutes of Nebraska, and section 81-2,162.27, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Nebraska Hemp Farming Act; to terminate the Nebraska Hemp Commission; to create the Nebraska Hemp Advisory Board; to change the use of a fund; to eliminate a fee, a penalty, and obsolete fund provisions; to harmonize provisions; to repeal the original

sections; to outright repeal section 2-519, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 337. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to mental health practitioners; to amend section 38-2136, Revised Statutes Cumulative Supplement, 2022; to provide for a confidentiality exception; and to repeal the original section.

RESOLUTIONS ON FIRST READING

The following resolutions were read for the first time by title:

LEGISLATIVE RESOLUTION 17CA. Introduced by McKinney, 11.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 9:

I-9 (1) All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(2) The death penalty shall not be imposed for any offense. Any sentence of death is commuted to a sentence of life imprisonment.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate the death penalty and commute sentences of death to life imprisonment.

For

Against.

LEGISLATIVE RESOLUTION 18CA. Introduced by Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 1:

I-1 All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, reproductive freedom, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such

rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to protect the right to reproductive freedom.

For

Against.

LEGISLATIVE RESOLUTION 19CA. Introduced by Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

I-31 (1) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including, but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.

(2) The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on the individual's actual, potential, perceived, or alleged pregnancy outcomes, including, but not limited to, miscarriage, stillbirth, or abortion, nor shall the state penalize, prosecute, or otherwise take adverse action against any person for aiding or assisting a pregnant individual in exercising such individual's right to reproductive freedom with such individual's voluntary consent.

(3) This section shall be self-executing.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to protect individuals' right to reproductive freedom and protect persons aiding and assisting pregnant individuals in exercising such right.

For

Against.

LEGISLATIVE RESOLUTION 20CA. Introduced by Conrad, 46; Cavanaugh, M., 6; Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

I-31 The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit infringement of the right of individual privacy without a compelling state interest.

For

Against.

ANNOUNCEMENT

The Natural Resources Committee elected Senator Moser as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Blood name added to LB20.

Senator Briese name added to LB91.

Senator Briese name added to LB106.

Senator Briese name added to LB107.

Senator Lippincott name added to LB254.

VISITORS

Visitor to the Chamber was Terry Jessen, Oshkosh.

The Doctor of the Day was Dr. Dale Michels of Walton.

ADJOURNMENT

At 11:31 a.m., on a motion by Senator Hardin, the Legislature adjourned until 10:00 a.m., Thursday, January 12, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTH DAY - JANUARY 12, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 2023

PRAYER

The prayer was offered by Pastor Doyle Karst, Christ Lutheran of Pickrell, Pickrell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brewer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Blood, M. Cavanaugh, and Conrad who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB206	Revenue
LB207	Banking, Commerce and Insurance
LB208	Government, Military and Veterans Affairs
LB209	Revenue
LB210	Banking, Commerce and Insurance
LB211	Revenue
LB212	Transportation and Telecommunications
LB213	Revenue
LB214	Banking, Commerce and Insurance

LB215	Executive Board
LB216	Health and Human Services
LB217	Natural Resources
LB218	Agriculture
LB219	Health and Human Services
LB220	Judiciary
LB221	Nebraska Retirement Systems
LB222	Education
LB223	Urban Affairs
LB224	Urban Affairs
LB225	Education
LB226	Transportation and Telecommunications
LB227	Health and Human Services
LB228	Government, Military and Veterans Affairs
LB229	Agriculture
LB230	Government, Military and Veterans Affairs
LB231	Education
LB232	General Affairs
LB233	Health and Human Services
LB234	Transportation and Telecommunications
LB235	Revenue
LB236	Judiciary
LB237	Appropriations
LB238	Education
LB239	Revenue
LB240	Judiciary
LB241	Natural Resources
LB242	Revenue
LB243	Revenue
LB244	Revenue
LB245	Health and Human Services
LB246	Urban Affairs
LB247	Transportation and Telecommunications
LB248	Judiciary
LB249	Business and Labor
LB250	Government, Military and Veterans Affairs
LB251	Revenue
LB252	Government, Military and Veterans Affairs
LB253	Judiciary
LB254	Executive Board
LB255	Natural Resources
LB256	Banking, Commerce and Insurance
LB257	General Affairs
LB258	General Affairs
LB259	General Affairs
LB260	Judiciary
LB261	Health and Human Services
LB262	Agriculture
LB263	Agriculture

LB264 Agriculture
 LB265 Judiciary
 LB266 Transportation and Telecommunications
 LB267 Business and Labor
 LB268 Government, Military and Veterans Affairs
 LB269 Government, Military and Veterans Affairs
 LB270 Judiciary
 LB271 Judiciary
 LB272 Business and Labor
 LB273 Appropriations
 LB274 Urban Affairs
 LB275 Appropriations
 LB276 Health and Human Services
 LB277 Government, Military and Veterans Affairs
 LB278 Banking, Commerce and Insurance

(Signed) Tom Briese, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Briese, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Clements
 Senator Dorn
 Senator Hughes
 Senator Ibach
 Senator McDonnell
 Senator von Gillern (Chair)

Committee on Justice Reinvestment Oversight

Senator John Cavanaugh
 Senator DeKay
 Senator Holdcroft
 Senator Raybould
 Senator Wayne (Chair)

Education Commission of the States

Senator Kauth
 Senator Linehan
 Senator Walz

Homeland Security Policy Group

Senator McDonnell
 Senator Sanders

Interstate Compact for Adult Offender Supervision

Senator Dungan

Legislative Performance Audit Committee

Senator Arch

Senator Briese

Senator Machaela Cavanaugh

Senator Clements

Senator Dorn

Speaker Geist

Senator Jacobson

Legislature's Planning Committee

Senator Arch

Senator Bostar

Senator Briese

Senator John Cavanaugh

Senator Clements

Senator DeBoer

Senator Holdcroft

Senator Ibach

Senator Vargas

Midwestern Higher Education Compact Commission (Midwest Compact)

Senator John Cavanaugh

Senator Walz

Nebraska Information Technology Commission

Senator DeBoer

Rural Broadband Task Force

Senator Bostelman

Senator Geist

State Council for Interstate Juvenile Supervision

Senator Fredrickson

State-Tribal Relations Committee

Senator Albrecht

Senator Brewer

Senator Day (Chair)

Senator DeKay (Vice-Chair)

Senator Hunt

Senator Wayne

Senator Wishart

Statewide Tourism and Recreational Water Access and Resource
Sustainability (STAR WARS) Special Committee

Senator Arch (Chair)
 Senator Ballard
 Senator Bostar
 Senator Bostelman
 Senator DeKay
 Senator Dover
 Senator Holdcroft
 Senator Jacobson
 Senator McDonnell
 Senator Raybould
 Senator Wishart

Streamlined Sales and Use Tax System

Senator Bostar
 Senator Linehan

(Signed) Tom Briese, Chairperson
 Legislative Council, Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR13.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 338. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-426, 29-908, 29-2262.06, 29-2266, 29-2266.01, 29-2266.02, 29-2267, 29-2270, 29-2284, 43-3301, 43-3314, 43-3318, and 83-1,110.03, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-901, 29-2268, 29-2278, 83-1,107.01, 83-1,119, 83-1,121, 83-1,122, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to require open court hours in certain counties; to change provisions relating to mandatory minimum sentences, penalties and warrants for failure to appear, and use of electronic or global-positioning monitoring or home confinement during pretrial release; to require sentencing credit for time monitored or under home confinement; to provide for non-imprisonment sentences for caregivers as prescribed; to automatically suspend child support obligations for defendants sentenced to one or more years' imprisonment; to change provisions relating to probation sanctions and revocations, suspension of operator's licenses under the License Suspension Act, and parole sanctions and revocations; to define and redefine terms; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 339. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-105.02, 29-401, 43-248.01, and 43-249, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2204, 43-245, 43-250, 43-253, and 43-2,129, Revised Statutes Cumulative Supplement, 2022; to require confidentiality for criminal prosecutions of minors tried as adults and certain adjudications under the Nebraska Juvenile Code; to change provisions relating to sentences for crimes committed by persons under twenty-two years of age; to extend jurisdiction under the Nebraska Juvenile Code to twenty-two years of age; to provide requirements for custodial interrogations of juveniles and young adults; to define terms; to prohibit the use of certain statements in court proceedings as prescribed; to provide for using and reimbursing day reporting and evening reporting centers for juveniles; to prohibit sending juveniles out-of-state as prescribed; to establish the family resource and juvenile assessment center pilot program; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 340. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-266, Reissue Revised Statutes of Nebraska; to change provisions relating to expelled students; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to civil actions; to amend sections 13-901 and 81-8,235, Reissue Revised Statutes of Nebraska, and section 25-228, Revised Statutes Cumulative Supplement, 2022; to adopt the State and Political Subdivisions Child Sexual Abuse Liability Act; to change provisions relating to a statute of limitations for actions by child sexual abuse victims; to exempt actions from the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 342. Introduced by Hardin, 48.

A BILL FOR AN ACT relating to home inspection; to amend sections 76-3602, 76-3603, and 76-3604, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to home inspector registration and change in information reporting; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Slama, 1.

A BILL FOR AN ACT relating to government; to prohibit public contracts with companies that boycott Israel as prescribed; to define terms; and to provide severability.

LEGISLATIVE BILL 344. Introduced by Armendariz, 18.

A BILL FOR AN ACT relating to the Nebraska Property Tax Incentive Act; to amend section 77-6702, Revised Statutes Cumulative Supplement, 2022; to exclude certain delinquent taxes from qualifying for tax credit; and to repeal the original section.

LEGISLATIVE BILL 345. Introduced by Armendariz, 18.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend sections 71-401 and 71-403, Revised Statutes Cumulative Supplement, 2022; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska; to redefine a qualifying business as prescribed; and to repeal the original section.

LEGISLATIVE BILL 347. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to scrap metal recycling; to amend sections 69-401, 69-402, 69-404, 69-405, and 69-408, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the purchase of and payment for certain regulated metals property; to provide for restrictions on the sale of catalytic converters; to change a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-912, 47-902, 47-903, and 81-8,240, Reissue Revised Statutes of Nebraska, and sections 29-2261, 81-8,244, 83-1,100, 83-1,102, 83-1,107, 83-901, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2022; to adopt the Community Work Release and Treatment Centers Act; to provide powers and duties for the Board of Parole, the Office of Probation Administration, the office of Inspector General of the Nebraska Correctional System, the Public Counsel, the Division of Parole Supervision, and the Department of Correctional Services; to change provisions relating to escape from official detention; to provide for access to presentence investigation reports and other records; to transfer responsibility for certain programs and services from the Department of Correctional Services to the Board of Parole; to require reports; to redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-933, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 349. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,156, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, and 81-12,163, Revised Statutes Cumulative Supplement, 2022; to provide a requirement relating to the selection of projects; to change funding limitations as prescribed; to state intent relating to appropriations; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 350. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2022; to adopt the Pioneer Economic Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2824, 44-2825, 44-2827, 44-2829, 44-2830, 44-2831, 44-2831.01, 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska; to increase and eliminate limits on medical malpractice liability; to change provisions relating to proof of financial responsibility and the Excess Liability Fund; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal justice; to amend sections 24-1302, 28-116, 28-507, 28-518, 29-2204.02, 29-2221, 29-2263, 29-2269, 29-2281, 29-3603, 50-434, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666, 71-5669.01, and 83-1,110, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-416, 28-1351, 28-1354, 29-2204, 71-5668, 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to change provisions regarding problem solving courts, mandatory minimums, penalties and provisions relating to controlled substances, theft, burglary, sentencing, set asides, restitution, pretrial diversion, and parole; to provide for applicability; to state legislative intent regarding appropriations; to create pilot programs relating to courts, probation, and parole; to create the Justice Reinvestment Oversight Task Force; to terminate the Committee on Justice Reinvestment Oversight; to provide for parole for geriatric offenders; to define terms; to provide duties for courts, the probation administrator, the Board of Parole, the Division of Parole Supervision, the State Court Administrator, and the Department of Correctional Services; to provide for additional benefits under the Rural Health Systems and Professional Incentive Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to nursing facilities; to provide for grants for certain projects relating to long-term care facility capacity; to provide duties for the Department of Health and Human Services; to state intent regarding appropriations; and to declare an emergency.

LEGISLATIVE BILL 354. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to insurance; to amend section 44-6412, Reissue Revised Statutes of Nebraska; to change underinsured motor vehicle insurance provisions relating to offers and agreements to settle; and to repeal the original section.

LEGISLATIVE BILL 355. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to transportation network companies; to amend section 75-333, Reissue Revised Statutes of Nebraska; to change a requirement relating to uninsured and underinsured motorist coverage; and to repeal the original section.

LEGISLATIVE BILL 356. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1906 and 85-1907, Reissue Revised Statutes of Nebraska; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 357. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend section 68-1512, Reissue Revised Statutes of Nebraska; to change the maximum support allowable under the Disabled Persons and Family Support Act; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2022; to state legislative intent for dental services reimbursement; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Hughes, 24.

A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend section 86-1304, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to application deadlines; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to government; to amend sections 81-8,241, 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement, 2022; to adopt the Office of Inspector General of Nebraska Procurement Act; to change provisions relating to the Public Counsel; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to the Precision Agriculture Infrastructure Grant Act; to amend section 86-1403, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Precision Agriculture Infrastructure Grant Program; to state legislative intent to appropriate money; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 362. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to state intent regarding a rate increase for behavioral health services; and to declare an emergency.

LEGISLATIVE BILL 363. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to courts; to amend sections 22-417, 23-120, 23-121, 24-337.04, 24-507, 32-524, and 43-512.05, Reissue Revised Statutes of Nebraska, and section 33-106.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to consolidation of county offices, duties of counties to supply materials, and residency requirements for elected clerks of the district courts; to provide for transitioning the duties of clerk of the district court in certain counties to clerk magistrates; to change certain county employees to state employees; to change provisions relating to elections for clerks of the district court, court fees, and reimbursement for costs relating to administration and enforcement of child, spousal, and medical support; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 364. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend sections 11-105, 11-115, 11-119, 11-125, 11-126, 22-417, 23-405, 23-2518, 32-211, 32-213, 32-214, 32-218, 32-219, 32-242, 32-555, 32-811, and 32-1201, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-207, 32-208, 32-217, 32-615, and 32-1049, Revised Statutes Cumulative Supplement, 2022; to provide for election of election commissioners; to change and eliminate provisions related to official bonds, consolidation of county offices, deputy county clerks for elections, civil service commissions, chief deputy election commissioners, removal from office, and vacancies; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-209 and 32-210, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 365. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2022; to permit counties to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and sections 81-1454, 84-712.03, and 84-712.05, Revised Statutes Cumulative Supplement, 2020; to provide that recordings from body-worn cameras of peace officers depicting the death of a person being apprehended or in custody are public records; to change public records provisions relating to residents, nonresidents, fees, and remedies; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to relating to labor; to amend section 48-202, Reissue Revised Statutes of Nebraska; to adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 368. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to criminal justice; to create a grant program to expand and enhance county criminal justice efforts relating to treatment, rehabilitation, and diversion; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to define terms; and to state intent regarding appropriations.

LEGISLATIVE BILL 369. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to property taxes; to amend section 77-120, Reissue Revised Statutes of Nebraska; to change provisions relating to net book value; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 370. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to property taxes; to amend section 77-1701, Reissue Revised Statutes of Nebraska; to require a notice relating to the availability of certain tax credits; and to repeal the original section.

LEGISLATIVE BILL 371. Introduced by Murman, 38; Albrecht, 17; Brewer, 43; Clements, 2; Erdman, 47; Halloran, 33; Holdcroft, 36; Kauth, 31; Lippincott, 34.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit an individual under nineteen years of age or under twenty-one years of age from being present at a drag show as prescribed; to define a term; to provide a penalty; and to prohibit a state agency from using state funds to host a drag show.

LEGISLATIVE BILL 372. Introduced by Murman, 38; Albrecht, 17; Ballard, 21; Brewer, 43; Clements, 2; Erdman, 47; Halloran, 33; Hansen, B., 16; Holdcroft, 36; Lippincott, 34; Moser, 22; Slama, 1; Vargas, 7; von Gillern, 4.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Revised Statutes Cumulative Supplement, 2022; to change provisions regarding part-time enrollment; to provide duties regarding extracurricular activities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Murman, 38; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Halloran, 33; Holdcroft, 36; Kauth, 31; Lippincott, 34; McDonnell, 5; Moser, 22; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the University of Nebraska.

LEGISLATIVE BILL 374. Introduced by Murman, 38; Albrecht, 17; Brewer, 43; Clements, 2; Erdman, 47; Halloran, 33; Hansen, B., 16; Holdcroft, 36; Lippincott, 34; Moser, 22.

A BILL FOR AN ACT relating to schools; to adopt the Parents' Bill of Rights and Academic Transparency Act; to eliminate provisions relating to parental involvement in public schools; to provide operative dates; and to outright repeal sections 79-530, 79-531, 79-532, and 79-533, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 375. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-175, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-123.14, and 53-123.16, Revised Statutes Cumulative Supplement, 2022; to define terms; to allow certain licensees to purchase alcoholic liquor for resale from a gas station, grocery store, liquor store, or similar establishment under certain circumstances; to provide powers and duties to the Nebraska Liquor Control Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 376. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska, and section

53-101, Revised Statutes Cumulative Supplement, 2022; to define a term; to require a licensed manufacturer, a licensed wholesaler, or a holder of a shipping license to submit a report and any applicable fees to the Nebraska Liquor Control Commission prior to the sale or shipment of any alcoholic liquor into the state; and to repeal the original sections.

LEGISLATIVE BILL 377. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.11, Revised Statutes Cumulative Supplement, 2022; to change provisions related to special designated licenses; and to repeal the original section.

LEGISLATIVE BILL 378. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 4-111, 23-2306, 24-703.01, 60-1304, 79-9,118, 81-2016, and 84-1504, Reissue Revised Statutes of Nebraska, and sections 79-915 and 84-1307, Revised Statutes Cumulative Supplement, 2022; to change retirement system participation provisions relating to aliens and lawful presence; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 379. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to civil actions; to amend section 60-6,273, Reissue Revised Statutes of Nebraska; to change provisions relating to civil liability; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1125 and 48-1126, Reissue Revised Statutes of Nebraska; to prohibit discrimination for exercise of rights under the Nebraska Workers' Compensation Act; to provide for jury trials; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-319, Reissue Revised Statutes of Nebraska, and sections 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2705, 77-2708, 77-2711, 77-2712.05, 77-6831, 77-6832, and 77-6922, Revised Statutes Cumulative Supplement, 2022; to adopt the Mental Health Wellness Act; to authorize county sales and use taxes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 382. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to law enforcement; to amend sections 20-502, 20-504, 25-21,303, 28-109, 28-359, 29-209, 29-406, 29-4103, 29-4502, 44-3,134, 48-202, 48-1108, 49-801, 53-1,121, 54-902, 60-3,135, 60-480.01, 60-646, 69-2429, and 86-802, Reissue Revised Statutes of Nebraska, and sections 28-311.09, 28-311.11, 28-322.05, 28-470, 28-710, 28-1008, 29-215, 42-903, 48-101.01, 71-507, 71-3414, 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes Cumulative Supplement, 2022; to provide powers and duties for University of Nebraska police departments and police officers as prescribed; to provide and change definitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,102, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to coverage for screenings for colorectal cancer; and to repeal the original section.

LEGISLATIVE BILL 384. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2022; to change the distribution of certain sales and use tax revenue as prescribed; to create a fund; to authorize the use of funds for certain infrastructure projects; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 385. Introduced by Linehan, 39; Brandt, 32.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Teacher Recruitment and Retention Act.

LEGISLATIVE BILL 386. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to schools; to amend sections 77-3446 and 79-1015.01, Revised Statutes Cumulative Supplement, 2022; to prohibit changes to the base limitation and the local effort rate calculation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to a certain tax rate; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change provisions relating to a commencement date; and to repeal the original section.

LEGISLATIVE BILL 389. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2147, Reissue Revised Statutes of Nebraska; to restrict the use of tax-increment financing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 390. Introduced by Clements, 2; Ballard, 21; Brewer, 43; Halloran, 33; Hansen, B., 16; Hardin, 48; Lippincott, 34; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-808 and 32-943, Reissue Revised Statutes of Nebraska; to change provisions relating to delivery of ballots for early voting; to provide for return of a ballot for early voting by a voter-appointed agent; to change an agent restriction; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Day, 49.

A BILL FOR AN ACT relating to pregnancy; to state intent; and to provide criminal and civil immunity for pregnancy outcomes as prescribed.

LEGISLATIVE BILL 392. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to insurance; to authorize the electronic delivery of certain health benefit plan documents as prescribed; and to define terms.

LEGISLATIVE BILL 393. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 48-301, 48-302.03, and 48-302.04, Reissue Revised Statutes of Nebraska, and section 81-2,157, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to provide reporting requirements relating to planting seed corn; to provide a duty for the Director of Agriculture; to change and provide work conditions and requirements relating to detasseling or roguing; to provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,155 and 81-2,156, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 394. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-710.01, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-904, Reissue Revised Statutes of Nebraska; to change provisions relating to the compensation of members of the commission; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Erdman, 47; Halloran, 33; Jacobson, 42.

A BILL FOR AN ACT relating to natural resources districts; to provide for augmentation projects and to require the sale of overlying surface interests and the retention of ground water rights as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 397. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-104, Reissue Revised Statutes of Nebraska; to provide for the relocation of commission headquarters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 398. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-335, Reissue Revised Statutes of Nebraska; to change provisions relating to certain payments in lieu of taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1014.02 and 70-1015, Revised Statutes Cumulative Supplement, 2022; to eliminate legislative findings; to change and provide procedures relating to board approval of an application for construction of a privately developed renewable energy generation facility; to change provisions relating to unauthorized construction of certain facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska Pheasant Restoration Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Dorn, 30; Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations; and to declare an emergency.

LEGISLATIVE BILL 402. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-417, Revised Statutes Cumulative Supplement, 2022; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 403. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.14, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to a craft brewery license; and to repeal the original section.

LEGISLATIVE BILL 404. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to liquor; to amend sections 53-103, 53-103.14, 53-103.41, 53-201, 53-202, 53-204, 53-216, 53-217, 53-218, 53-220, 53-221, 53-222, and 53-223, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to change provisions relating to agreements between wholesalers and suppliers for the distribution of beer as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Non-English-Speaking Workers Protection Act; to amend sections 48-2207, 48-2208, 48-2213, and 48-2214, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to a report, the powers and duties of the meatpacking industry worker rights coordinator and the Commissioner of Labor; to require certain disclosures by meatpacking operations; to provide for confidentiality; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 406. Introduced by Brandt, 32; McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1024 and 16-1025, Reissue Revised Statutes of Nebraska; to change retirement system contribution rates for firefighters of cities of the first class; and to repeal the original sections.

LEGISLATIVE BILL 407. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Transformational Projects Act; to amend section 81-12,182, Revised Statutes Cumulative Supplement, 2022; to extend an application deadline; and to repeal the original section.

LEGISLATIVE BILL 408. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change provisions relating to certain conflicts of interest; and to repeal the original section.

LEGISLATIVE BILL 409. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1493, Reissue Revised Statutes of Nebraska; to change provisions relating to individuals required to file a statement of financial interests; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 410. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change provisions relating to certain conflicts of interest; and to repeal the original section.

LEGISLATIVE BILL 411. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Wyuka Cemetery; and to declare an emergency.

LEGISLATIVE BILL 412. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend section 86-1312, Revised Statutes Cumulative Supplement, 2022; to provide for certain administration of federal funds by the Public Service Commission as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Blood, 3.

A BILL FOR AN ACT relating to education; to amend section 79-101, Revised Statutes Cumulative Supplement, 2022; to adopt the Interstate Teacher Mobility Compact; to redefine a term; to provide a duty for the State Board of Education; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to schools; to amend sections 79-239 and 79-244, Reissue Revised Statutes of Nebraska, and sections 79-238 and 79-2110, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the enrollment option program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 415. Introduced by Dorn, 30; Bostelman, 23.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services; and to declare an emergency.

LEGISLATIVE BILL 416. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2733, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxation of nonresident income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 417. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1423, Revised Statutes Cumulative Supplement, 2022; to provide authority for a leadership academy; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 418. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-502, 60-504, 60-523, 60-533, 60-536, 60-538, 60-539, 60-540, 60-545, 60-546, 60-550, 60-552, 60-553, 60-555, 60-556, 60-560, 60-565, 60-567, 60-568, and 60-569, Reissue Revised Statutes of Nebraska; to require certain policies issued by insurers to comply with federal minimum levels of financial responsibility for motor carriers as prescribed; to define a term; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Wishart, 27; Aguilar, 35; Albrecht, 17; Blood, 3; Cavanaugh, M., 6; Conrad, 46; Day, 49; DeBoer, 10; Dungan, 26; Geist, 25; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Raybould, 28; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2022; to require submission of a state plan amendment to extend postpartum coverage; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Reissue Revised Statutes of Nebraska; to change funding for county offices; to provide an operative date; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 21. Introduced by Brewer, 43; Erdman, 47.

WHEREAS, the State of Nebraska needs sustainable nuclear power generation to augment fossil fuel and renewable energy generation of electric energy; and

WHEREAS, nuclear power generation of electric energy helps lower carbon emissions and eliminate greenhouse gases; and

WHEREAS, a nuclear power plant with a small modular reactor can be housed in a retrofitted or converted existing fossil fuel power plant.

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

1. That a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee is created to study the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska.

2. That the members of the special committee shall include the chairperson of the Natural Resources Committee of the Legislature or his or her designee, the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee, the chairperson of the Transportation and Telecommunications Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and XX additional members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council.

3. That the special committee shall elect a chairperson from the membership of the committee. The executive board may provide the special committee with a legal counsel, committee clerk, and other staff required by the special committee from existing legislative staff. The special committee shall hold such meetings or public hearings at the call of the chairperson at such locations as the chairperson may decide. The special committee shall seek input from expert and interested sources, including the Nebraska Power Review Board and the public power industry in this state.

4. That the special committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Laid over.

MOTIONS - Print in Journal

Senator Conrad filed the following motion to LB327:

MO3

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

Senator Hunt filed the following motion to [LB371](#):

[MO4](#)

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

ANNOUNCEMENTS

The Rules Committee elected Senator DeBoer as Vice Chairperson.

The Transportation and Telecommunications Committee elected Senator Moser as Vice Chairperson.

The Banking, Insurance and Commerce Committee elected Senator Jacobson as Vice Chairperson.

The Legislature's Planning Committee elected Senator DeBoer as Chairperson.

The Legislature's Planning Committee elected Senator Vargas as Vice Chairperson.

Senator McDonnell announced the Nebraska Retirement Systems Committee will hold an executive session Friday, January 13, 2023, at 10:30 a.m., under the South Balcony.

Senator Clements announced the Appropriations Committee will hold an executive session Friday, January 13, 2023, at 10:15 a.m., under the South Balcony.

Senator Arch announced the Rules Committee will hold an executive session Friday, January 13, 2023, immediately after check-in, in the Wherry Room.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Conrad name added to LB18.

Senator Conrad name added to LB19.

Senator Dungan name added to LB20.

Senator Raybould name added to LB20.

Senator Hunt name added to LB20.

Senator Day name added to LB20.

Senator Conrad name added to LB20.

Senator Raybould name added to LB22.

Senator Conrad name added to LB22.

Senator Brewer name added to LB31.

Senator Jacobson name added to LB108.

Senator Hunt name added to LB323.

Senator Briese name added to LB323.

Senator Hunt name added to LB328.

Senator Conrad name added to LB328.

VISITORS

Visitors to the Chamber were students from all across Nebraska as part of Leadership Nebraska Class XIV.

The Doctor of the Day was Dr. David Hoelting of Pender.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator M. Cavanaugh, the Legislature adjourned until 10:00 a.m., Friday, January 13, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTH DAY - JANUARY 13, 2023

LEGISLATIVE JOURNAL

ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 13, 2023

PRAYER

The prayer was offered by Senator Halloran.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Clements.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Sanders who was excused; and Senators Dungan, Hunt, and Linehan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 234, line 39, strike "Referred to the Executive Board" and insert "Laid Over".

The Journal for the seventh day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Eickholt, Christopher/Spike
Planned Parenthood North Central States
Estrada, William

Parental Rights Foundation
 Harrold, Patricia
 Nebraska Firearms Owners Association (NFOA)
 Jonas, Carlie
 Center for Rural Affairs
 Keener, Chris
 U.S. Term Limits
 Kollasch, Keith
 Nebraska Firearms Owners Association (NFOA)
 Konenkamp, Matt
 Nextlink Internet
 Mueller Robak
 Werner Enterprises, Inc. and Subsidiaries
 O'Hara Lindsay & Associates, Inc.
 Michael J. Fox Foundation for Parkinson's Research
 Tuccio, Nicholas
 Nextlink Internet
 Zahn, Helen Michelle Clayton
 Nebraska Firearms Owners Association (NFOA)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB14	Judiciary (rereferred)
LB43	Government, Military and Veterans Affairs (rereferred)
LB73	General Affairs (rereferred)
LB279	Banking, Commerce and Insurance
LB280	Health and Human Services
LB281	Natural Resources
LB282	Business and Labor
LB283	Business and Labor
LB284	Judiciary
LB285	Education
LB286	Health and Human Services
LB287	Government, Military and Veterans Affairs
LB288	Transportation and Telecommunications
LB289	Natural Resources
LB290	Health and Human Services
LB291	Health and Human Services
LB292	Natural Resources
LB293	Government, Military and Veterans Affairs
LB294	Revenue

LB295	Revenue
LB296	Banking, Commerce and Insurance
LB297	Government, Military and Veterans Affairs
LB298	Education
LB299	Education
LB300	Revenue
LB301	General Affairs
LB302	Government, Military and Veterans Affairs
LB303	Revenue
LB304	Government, Military and Veterans Affairs
LB305	Agriculture
LB306	Judiciary
LB307	Judiciary
LB308	Banking, Commerce and Insurance
LB309	Revenue
LB310	Health and Human Services
LB311	General Affairs
LB312	Government, Military and Veterans Affairs
LB313	Government, Military and Veterans Affairs
LB314	Judiciary
LB315	Judiciary
LB316	Judiciary
LB317	Revenue
LB318	Revenue
LB319	Appropriations
LB320	Education
LB321	Agriculture
LB322	Revenue
LB323	Appropriations
LB324	Education
LB325	Judiciary
LB326	Health and Human Services
LB327	Business and Labor
LB328	Judiciary
LB329	Urban Affairs
LB330	Judiciary
LB331	Judiciary
LB332	Education
LB333	Health and Human Services
LB334	Judiciary
LB335	Business and Labor
LB336	Agriculture
LB337	Health and Human Services
LR17CA	Judiciary
LR18CA	Health and Human Services
LR19CA	Health and Human Services
LR20CA	Judiciary

(Signed) Tom Briese, Chairperson
Executive Board

MESSAGES FROM THE GOVERNOR

January 11, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Nebraska Department of Transportation:

Vicki Kramer, 26495 Ranch Road, Ashland, NE 68003

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

(Signed) Sincerely,
Jim Pillen
Governor

Enclosures

January 11, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Nebraska Department of Environment & Energy:

James Reed Macy, 1200 N Street - Suite 400, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

(Signed) Sincerely,
Jim Pillen
Governor

Enclosures

ANNOUNCEMENTS

The General Affairs Committee elected Senator Hughes as Vice Chairperson.

The Business and Labor Committee elected Senator Ibach as Vice Chairperson.

The Judiciary Committee elected Senator DeBoer as Vice Chairperson.

The Education Committee elected Senator Albrecht as Vice Chairperson.

NOTICE OF COMMITTEE HEARING

General Affairs
Room 1510 1:30 PM

Monday, January 23, 2023

Brian Botsford - Nebraska Arts Council
Brenda M. Davis - Nebraska Arts Council
Crystal Dunning - Nebraska Arts Council
Karen A. Harris - Nebraska Arts Council
Sharon R. Hofschire - Nebraska Arts Council
Mark Laughlin - Nebraska Arts Council
Ann Michelle Dudley - Nebraska Arts Council
Jeffrey Galyen - State Racing and Gaming Commission
Dennis Lee - State Racing and Gaming Commission
Trent Loos - State Racing and Gaming Commission
Susan E. Lutz - Nebraska Commission on Problem Gambling
Matthew John Monheiser - Nebraska Commission on Problem Gambling
John Pulverenti - Nebraska Commission on Problem Gambling
John F. Hiller - State Electrical Board

(Signed) John Lowe, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR21 was referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 421. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to local health directors; to amend sections 71-1630 and 71-1632, Reissue Revised Statutes of Nebraska; to provide procedures for directed health measures; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2037, Reissue Revised Statutes of Nebraska; to exempt certain activities from disciplinary action; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to provide for umbrella and excess insurance coverage to be stacked with uninsured and underinsured motorist coverage; and to repeal the original sections.

LEGISLATIVE BILL 424. Introduced by DeBoer, 10; Wayne, 13.

A BILL FOR AN ACT relating to state government; to amend sections 19-5503, 19-5504, 20-139, 58-226, 58-241, 58-703, 58-705, 58-708, 58-709, 58-711, 68-1603, 71-15,141, and 81-1281, Reissue Revised Statutes of Nebraska, and sections 81-101, 81-102, 81-1201.07, 81-1211, 81-1226, 81-1227, 81-1228, 81-1229, 81-1230, 81-1231, 81-1232, 81-1233, 81-1234, 81-1235, 81-1236, 81-1237, 81-1238, 81-1239, 81-1240, 81-1241, 81-1242, and 81-1243, Revised Statutes Cumulative Supplement, 2022; to state legislative findings; to create the Department of Housing and Urban Development; to provide duties; to provide for a director and staff; to create the Housing Advisory Commission; to provide for an annual report; to transfer duties, functions, responsibilities, and jurisdiction as prescribed; to provide for an updated housing affordability strategy; to change membership and duties of the Nebraska Investment Finance Authority; to change provisions relating to the source and use of the Affordable Housing Trust Fund; to eliminate a housing advisory committee; to remove obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 58-704, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 425. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-104, 37-451, 37-453, 37-457, 37-492, and 37-708, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-447, 37-448, and 37-449, Revised Statutes Cumulative Supplement, 2022; to change a quorum requirement for a Game and Parks Commission meeting; to change provisions relating to fees charged and permits issued by the Game and Parks Commission as prescribed; to change provisions related to prohibited acts in game refuges; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation

Act; to amend sections 48-152 and 48-153, Reissue Revised Statutes of Nebraska; to change the number of judges on the Nebraska Workers' Compensation Court; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 427. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2103 and 48-2107, Reissue Revised Statutes of Nebraska; to eliminate a definition and certain fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Emergency Management Agency; to provide for a dollar-for-dollar match for money for grants under the federal Hazard Mitigation Grant Program.

LEGISLATIVE BILL 429. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2022; to create a fund; to use certain unused tax credits for school funding as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 430. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-101, Revised Statutes Cumulative Supplement, 2022; to prohibit a multiple procedure payment reduction policy from being applied to physical therapy, occupational therapy, or speech-language pathology services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 431. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to criminal history record information checks; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 432. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to criminal justice; to amend sections 28-116, 28-507, 28-518, 29-2204.02, 29-2221, 29-2263, 29-3603, 81-1850, 83-175, and 83-1,110, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-105, 28-416, 28-1351, 28-1354, 29-2204, 81-1848, 83-184, 83-1,107, 83-1,110.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to adopt the

Second Look Act; to change provisions regarding mandatory minimums, penalties and provisions relating to controlled substances, theft, and burglary, sentencing, set asides, and pretrial diversion; to provide for release for medical treatment; to provide for good time for offenders serving mandatory minimum terms; to provide for parole for offenders who have served twenty-five years of their sentences; to change provisions relating to parole and medical parole; to provide for geriatric parole; to provide duties for courts, the Board of Parole, the State Court Administrator, and the Department of Correctional Services; to provide for applicability; to define terms; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 433. Introduced by Jacobson, 42; Ibach, 44.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2022; to provide duties regarding behavioral health funding as prescribed; to provide for an appeal under the Administrative Procedure Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 434. Introduced by Jacobson, 42; Ballard, 21; Fredrickson, 20.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2022; to provide for long-term acute care hospitals to be enrolled as providers; to require submission of a state plan amendment or waiver as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Geist, 25.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 29-2269 and 43-272.02, Reissue Revised Statutes of Nebraska; to provide duties for the Office of Probation Administration; to provide for court appointment of parental advisers in juvenile proceedings; to provide duties for parental advisers, to require cooperation, and to provide for confidentiality; to provide for relation of such provisions to the attorney-client privilege; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the schedules of controlled substances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 437. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to insurance; to amend section 44-4054, Reissue Revised Statutes of Nebraska; to change the renewal period for business entity licenses issued under the Insurance Producers Licensing Act from annual to biennial; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 438. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-323 and 25-331, Reissue Revised Statutes of Nebraska; to provide for awards of attorney's fees in appeals; to change provisions and modernize language relating to third-party practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services for a pilot project for the provision of domestic violence programming for individuals committed to the Department of Correctional Services; and to declare an emergency.

LEGISLATIVE BILL 440. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to school funding; to amend sections 77-3442, 79-1098, 79-10,100, 79-10,101, 79-10,120, and 79-10,126, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to certain school taxes and special funds; to provide a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

ANNOUNCEMENT

The Appropriations Committee elected Senator Wishart as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 441. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-815, Reissue Revised Statutes of Nebraska; to change provisions relating to defenses for offenses involving obscene materials; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 442. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Livestock Growth Act; to amend section 54-2804, Reissue Revised Statutes of Nebraska; to state intent regarding a transfer of funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 443. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation for total disability; and to repeal the original section.

LEGISLATIVE BILL 444. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to postsecondary education; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state intent; to create a fund; to provide for a grant for certain activities in relation to a postsecondary educational institution as prescribed; to provide powers and duties for the Department of Economic Development; to provide for a transfer from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 445. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 446. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Peer-to-Peer Vehicle Sharing Program Act; and to provide an operative date.

LEGISLATIVE BILL 447. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to first responders; to amend sections 77-2716, 85-2601, 85-2602, 85-2603, and 85-2604, Revised Statutes Cumulative Supplement, 2022; to provide an income tax deduction to retired firefighters for health insurance premiums; to rename the Law Enforcement Education Act; to change provisions of the act to include tuition waivers for professional firefighters and dependents of law enforcement officers and professional firefighters as prescribed; to provide powers and duties to the Department of Revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to prohibit certain provisions in a health plan in relation to clinician-administered drugs; and to define a term.

LEGISLATIVE BILL 449. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to amend sections 39-2805 and 39-2807, Reissue Revised Statutes of Nebraska, and section 39-2801, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the funds used to administer the County Bridge Match Program and the termination date; to state legislative intent regarding appropriations; to eliminate obsolete provisions; to create the County Bridge Match Fund; to provide for grants, applications for grants, and an evaluation process for grants, through the County Bridge Match Program; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 450. Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2039, Reissue Revised Statutes of Nebraska; to prohibit land disposal of wind turbine blades and their component parts; and to repeal the original section.

LEGISLATIVE BILL 451. Introduced by Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to health care facilities; to provide for a grant to certain health care facilities; and to declare an emergency.

LEGISLATIVE BILL 452. Introduced by Murman, 38; Brewer, 43; Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.16, 53-169, and 53-171, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to microdistilleries; to authorize self-distribution of microdistilled products as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by DeKay, 40; Geist, 25; Hughes, 24.

A BILL FOR AN ACT relating to transportation; to amend sections 3-107, 39-1348, and 66-4,100, Reissue Revised Statutes of Nebraska, and section 39-847, Revised Statutes Cumulative Supplement, 2022; to provide for the use of the Highway Cash Fund for administrative costs of the Division of Aeronautics of the Department of Transportation; to change the required county contribution for bridge replacement; to provide for adjustments to threshold amounts for road construction contracts; to harmonize provisions; and to repeal the original sections

LEGISLATIVE BILL 454. Introduced by DeKay, 40; Brandt, 32; Dover, 19; Geist, 25; Hughes, 24; Moser, 22.

A BILL FOR AN ACT relating to roads; to require the Department of Transportation to plan, design, and purchase rights-of-way for U.S. Highway 81; and to declare legislative intent to appropriate funds.

LEGISLATIVE BILL 455. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to education; to require the State Department of Education to establish a grant program to provide and distribute a monthly, nondigital publication to schools and homes.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance
Room 1507 1:30 PM

Monday, January 23, 2023

Kelly J. Lammers - Department of Banking and Finance
Anthony L. Goins - Department of Economic Development
LB279
LB207
LB94
LB214

Tuesday, January 24, 2023

Eric Dunning - Department of Insurance
LB132
LB151
LB296
LB92

(Signed) Julie Slama, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 456. Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to game animals; to amend sections 25-21,201, 37-301, 37-401, 37-402, 37-411, 37-559, and 84-205, Reissue Revised Statutes of Nebraska, and sections 37-504, 37-613, and 81-8,219, Revised Statutes Cumulative Supplement, 2022; to provide for claims for monetary compensation for damage caused by elk or mountain lions; to authorize the control of elk or mountain lion populations by counties as prescribed; to change provisions relating to the jurisdiction of district courts, applicability of the Game Law and the State Tort Claims Act as prescribed, and the duties of the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Holdcroft, 36; Erdman, 47; Halloran, 33; Hardin, 48; Lippincott, 34; Lowe, 37.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-806, 32-906, and 32-1018, Reissue Revised Statutes of Nebraska, and sections 32-904, 32-918, and 32-1041, Revised Statutes Cumulative Supplement, 2022; to provide requirements for paper ballots, vote scanning devices, and vote tabulating equipment; to require video surveillance of voting; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to Prescription Drug Safety Act; to amend sections 71-2461.01 and 71-2479, Revised Statutes Cumulative Supplement, 2022; to allow certain central fill pharmacies to deliver to a patient; to change a labeling requirement; and to repeal the original sections.

LEGISLATIVE BILL 459. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Firefighter Cancer Benefits Act; to amend section 35-1002, Revised Statutes Cumulative Supplement, 2022; to provide for reimbursement from the state as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 460. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-101.01 and 71-7104, Revised Statutes Cumulative Supplement, 2022; to provide for reimbursement for mental health examinations and resilience training; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Arch, 14.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 16-321.01, 17-568.02, 57-1503, 60-3,100, 70-1033, 71-5666, 71-5667, 71-5669.01, 73-101, 73-101.01, 73-301, 73-501, 73-502, 73-503, 73-504, 73-505, 73-506, 73-507, 73-508, 73-509, 73-510, 81-145, 81-154.01, 81-156, 81-161, 81-161.01, 81-161.02, 81-162, 81-1101, 81-1102, 81-1108.10, 81-1108.16, 81-1109, 81-1118.01, 81-1118.02, 81-1118.05, 81-1118.07, and 83-145, Reissue Revised Statutes of Nebraska, and sections 66-1009, 71-5668, 79-8,137, 79-8,137.04, 81-153, 81-161.03, 81-1118, 81-1119, 81-1120, and 81-3721, Revised Statutes Cumulative Supplement, 2022; to name an act; to change, transfer, and eliminate provisions relating to the materiel division of the Department of Administrative Services and procurement of services and personal property; to provide, change, and eliminate definitions; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-146, 81-159, 81-1118.03, 81-1118.04, and

81-1118.06, Reissue Revised Statutes of Nebraska, and sections 73-701 and 81-154, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 462. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Middle Income Workforce Housing Investment Act; to amend section 81-1237, Revised Statutes Cumulative Supplement, 2022; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Health and Human Services Committee: Hansen, B., 16, Chairperson; Ballard, 21; Cavanaugh, M., 6; Day, 49; Hardin, 48; Riepe, 12.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-433, Reissue Revised Statutes of Nebraska; to change provisions relating to an application for licensure to operate a health care facility or a health care service; and to repeal the original section.

LEGISLATIVE BILL 464. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to first responders; to amend sections 48-101.01 and 71-7104, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to first responders' claims for mental injuries and mental illness under the Nebraska Workers' Compensation Act; to transfer provisions relating to resilience training; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22CA. Introduced by Dover, 19; Aguilar, 35; Albrecht, 17; Ballard, 21; Blood, 3; Bostar, 29; Brandt, 32; Brewer, 43; Cavanaugh, M., 6; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dungan, 26; Erdman, 47; Geist, 25; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of ~~threetwo~~ consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms.

For

Against.

LEGISLATIVE RESOLUTION 23CA. Introduced by Riepe, 12.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 1C to Article VIII:

VIII-1C The state and any political subdivision thereof shall be prohibited from levying an inheritance tax.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit the levying of an inheritance tax by the state or any political subdivision thereof.

For

Against.

LEGISLATIVE RESOLUTION 24CA. Introduced by Albrecht, 17.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 2, Article VII, section 4, and Article XIII, section 1, and repeal Article VII, section 3:

~~VII-2 The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.~~

~~VII-4 The Governor State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers~~

and duties as the Legislature may direct. ~~The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.~~

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and, at the direction of the Governor, the Commissioner of Education ~~the State Board of Education~~ may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

Article VII, section 3, of the Constitution of Nebraska is repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate the State Board of Education and transfer the power to appoint the Commissioner of Education to the

Governor and the power to issue revenue bonds to the Commissioner of Education at the direction of the Governor.

For
Against.

LEGISLATIVE RESOLUTION 25. Introduced by Albrecht, 17.

WHEREAS, Leo "Pat" Engel was born on May 18, 1932, in South Sioux City, Nebraska, to Catherine and John Engel; and

WHEREAS, Pat was raised in South Sioux City, attended and graduated from South Sioux City public schools and the University of Nebraska-Lincoln; and

WHEREAS, Pat served in the United States Air Force as an intelligence officer; and

WHEREAS, Pat married the love of his life, Donna Dee Smith, on September 6, 1952, and the couple raised five children Kathie, Kim, Jeff, Julie, and Mike; and

WHEREAS, Pat was a distinguished member of this Legislature, serving from 1993 through 2009; and

WHEREAS, Pat served this Legislature as a member of the Executive Board, the Appropriations, Legislative Performance Audit, and Reference Committees, and served as Chairperson of the Executive Board and the Reference Committee; and

WHEREAS, Pat served his community as an insurance agent, a member of both the St. Michael's and South Sioux City school boards, and as Dakota County Commissioner; and

WHEREAS, Pat was active in Sertoma, the Cardinal Foundation, Siouxland National Bank, the Knights of Columbus, St. Michael's Catholic Church, the Catholic Church of Mesa, Arizona, the American Legion, Trinity Heights, and other organizations too numerous to mention; and

WHEREAS, Pat passed away on December 6, 2022, at his home surrounded by his children; and

WHEREAS, Pat lived a remarkable life, was a lifelong learner, and impacted so many people. He was a man of great faith and knew who he was and what he stood for.

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

1. That the Legislature honors Pat Engel for a life of leadership and service to his community, state, and country.
2. That the Legislature offers its condolences to the family of Pat Engel.
3. That a copy of this resolution be sent to the family of Pat Engel.

Laid over.

LEGISLATIVE RESOLUTION 26CA. Introduced by Day, 49; Cavanaugh, J., 9; Cavanaugh, M., 6; Fredrickson, 20; Hunt, 8.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article I, section 29:

Article I, section 29, of the Constitution of Nebraska is repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska.

For

Against.

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, January 23, 2023 1:30 PM

LB66

LB140

LB266

LB124

Tuesday, January 24, 2023 1:30 PM

LB247

LB288

LB91

Monday, January 30, 2023 9:30 AM

Rhonda Lahm - Department of Motor Vehicles

LB37

Monday, January 30, 2023 1:30 PM

LB136

LB138

Tuesday, January 31, 2023 9:30 AM

LB122

(Signed) Suzanne Geist, Chairperson

Education

Room 1525 1:30 PM

Monday, January 23, 2023

LB225

LB188

LB141

(Signed) Dave Murman, Chairperson

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Tuesday, January 17, 2023, immediately following adjournment, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Day name added to LB10.
Senator Hughes name added to LB314.
Senator Kauth name added to LB315.
Senator Wayne name added to LB323.
Senator M. Cavanaugh name added to LB328.
Senator Hardin name added to LB336.
Senator DeKay name added to LB374.
Senator J. Cavanaugh name added to LB419.
Senator DeKay name added to LB419.
Senator Bostar name added to LB419.
Senator Vargas name added to LB419.

VISITOR

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 11:31 a.m., on a motion by Senator Jacobson, the Legislature adjourned until 10:00 a.m., Tuesday, January 17, 2023.

Brandon Metzler
Clerk of the Legislature

NINTH DAY - JANUARY 17, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 2023

PRAYER

The prayer was offered by Senator Geist.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Holdcroft.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Blood, Slama, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB338	Judiciary
LB339	Judiciary
LB340	Education
LB341	Judiciary
LB342	Urban Affairs
LB343	Government, Military and Veterans Affairs
LB344	Revenue
LB345	Health and Human Services
LB346	Urban Affairs
LB347	Judiciary

LB348	Judiciary
LB349	Appropriations
LB350	Revenue
LB351	Judiciary
LB352	Judiciary
LB353	Health and Human Services
LB354	Banking, Commerce and Insurance
LB355	Transportation and Telecommunications
LB356	Education
LB357	Health and Human Services
LB358	Health and Human Services
LB359	Transportation and Telecommunications
LB360	Government, Military and Veterans Affairs
LB361	Appropriations
LB362	Appropriations
LB363	Judiciary
LB364	Government, Military and Veterans Affairs
LB365	Government, Military and Veterans Affairs
LB366	Government, Military and Veterans Affairs
LB367	Business and Labor
LB368	Judiciary
LB369	Revenue
LB370	Revenue
LB371	Judiciary
LB372	Education
LB373	Appropriations
LB374	Education
LB375	General Affairs
LB376	General Affairs
LB377	General Affairs
LB378	Nebraska Retirement Systems
LB379	Judiciary
LB380	Business and Labor
LB381	Revenue
LB382	Judiciary
LB383	Banking, Commerce and Insurance
LB384	Revenue
LB385	Education
LB386	Education
LB387	Revenue
LB388	Revenue
LB389	Urban Affairs
LB390	Government, Military and Veterans Affairs
LB391	Judiciary
LB392	Banking, Commerce and Insurance
LB393	Business and Labor
LB394	Judiciary
LB395	Natural Resources
LB396	Natural Resources

LB397 Natural Resources
 LB398 Revenue
 LB399 Natural Resources
 LB400 Natural Resources
 LB401 Appropriations
 LB402 Health and Human Services
 LB403 General Affairs
 LB404 General Affairs
 LB405 Business and Labor
 LB406 Nebraska Retirement Systems
 LB407 Revenue
 LB408 Government, Military and Veterans Affairs
 LB409 Government, Military and Veterans Affairs
 LB410 Government, Military and Veterans Affairs
 LB411 Appropriations
 LB412 Transportation and Telecommunications
 LB413 Education
 LB414 Education
 LB415 Appropriations
 LB416 Revenue
 LB417 Judiciary
 LB418 Banking, Commerce and Insurance
 LB419 Health and Human Services
 LB420 Government, Military and Veterans Affairs
 LR21 Executive Board

(Signed) Tom Briese, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Briese, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Economic Recovery Special Committee

Senator Arch
 Senator Armendariz
 Senator McDonnell
 Senator McKinney (Chair)
 Senator Vargas
 Senator Wayne
 Senator Wishart (Appropriations designee)

(Signed) Tom Briese, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING

Agriculture
Room 1524 2:15 PM

Tuesday, January 24, 2023
Sherry Vinton - Department of Agriculture
LB117

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT

The Urban Affairs Committee elected Senator Hunt as Vice Chairperson.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 8, 9, 10, 11, 12, 15, and 16 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 8, 9, 10, 11, 12, 15, and 16.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 465. Introduced by Moser, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2022; to change the allocation of fees for operators' licenses and state identification cards as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 466. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1030.01 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to service of garnishment summons, continuing liens, and notices upon corporate garnishees; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 467. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Critical Incident Stress Management Act; to amend section 71-7113, Reissue Revised Statutes of Nebraska; to require state correctional employees to complete mental health training as prescribed; and to repeal the original section.

LEGISLATIVE BILL 468. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 71-561, Revised Statutes Cumulative Supplement, 2022; to create the position of State Dementia Director; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to state personnel; to amend section 81-1373, Revised Statutes Cumulative Supplement, 2022; to include parole officers and probation officers as part of the protective service bargaining unit; and to repeal the original section.

LEGISLATIVE BILL 470. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to health and human services; to state intent regarding an increase in rates for child welfare aid; and to declare an emergency.

LEGISLATIVE BILL 471. Introduced by Geist, 25.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3256, 13-2039, 13-2903, 13-2907, 23-1901, 33-151, 39-1311.02, 46-1616, 54-2429, 61-201, 81-3405, 81-3426, 81-3440, and 81-3455, Reissue Revised Statutes of Nebraska, and sections 37-1719, 37-1723, 39-2306, 39-2504, 39-2514, 39-2814, 76-3505, 81-8,126, 81-8,198.01, 81-1609, 81-3401, 81-3402, 81-3403, 81-3407, 81-3408, 81-3409, 81-3411, 81-3416, 81-3420, 81-3421, 81-3422.01, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3436.01, 81-3437, 81-3437.01, 81-3437.02, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Revised Statutes Cumulative Supplement, 2022; to provide for regulation of registered interior designers under the Engineers and Architects Regulation Act; to rename the act; to provide and change definitions; to rename the Board of Engineers and Architects and change provisions relating to its powers, duties, and membership; to rename a fund; to provide for payment of qualified education debts of registered interior designers; to provide for a fee; to create a voluntary registry for interior designers; to authorize registered interior designers to obtain and use a seal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Geist, 25.

A BILL FOR AN ACT relating to civil actions; to amend section 60-6,273, Reissue Revised Statutes of Nebraska; to change provisions relating to admissibility of evidence of use of an occupant protection system or a three-point safety belt system; and to repeal the original section.

LEGISLATIVE BILL 473. Introduced by Geist, 25.

A BILL FOR AN ACT relating to juveniles; to create a grant program to operate a safe and secure treatment center for youth; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to define terms; and to state intent regarding appropriations.

LEGISLATIVE BILL 474. Introduced by Wayne, 13; Brewer, 43; Hardin, 48.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to provide duties relating to the Mayhew Cabin and Fort Robinson historical sites; and to state intent regarding funding.

LEGISLATIVE BILL 475. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to school funding; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska Education Formula; to terminate the Tax Equity and Educational Opportunities Support Act; and to repeal the original section.

LEGISLATIVE BILL 476. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to investment by public entities; to adopt the Public Entities Investment Trust Act.

LEGISLATIVE BILL 477. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Omaha Streetcar Authority; to state intent regarding disbursement of funds; and to declare an emergency.

LEGISLATIVE BILL 478. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to juveniles; to amend section 43-282, Reissue Revised Statutes of Nebraska, and sections 79-703 and 83-127, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Nebraska Juvenile Code; to change provisions relating to education programs in state institutions that house juveniles; to change and provide a termination date for provisions relating to the superintendent of institutional schools; to provide powers and duties to the State Department of Education and the State Board of Education relating to establishing an educational division responsible for the education of certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to administration of justice; to amend

sections 24-205, 24-227.01, 29-2249, 29-2250, 29-2251, 29-2253, 29-2257, 29-2258, 29-2259.01, 29-2259.02, 29-2262.07, 29-2269, 43-4316, 43-4319, 43-4320, 43-4321, 43-4324, 43-4326, 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 71-961, and 83-1,113, Reissue Revised Statutes of Nebraska, and sections 25-2902, 28-322, 29-2246, 29-2252, 29-2259, 29-2261, 29-2935, 29-4019, 43-4318, 43-4323, 81-1401, 83-171, 83-174.03, 83-174.04, 83-174.05, 83-192, 83-198, 83-1,100, 83-1,100.02, 83-1,101, 83-1,102, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, 83-1,119, 83-1,125.01, 83-1,135, and 83-933, Revised Statutes Cumulative Supplement, 2022; to transfer the Office of Probation Administration from the judicial branch to the executive branch; to provide for appointment of a probation administrator; to provide, change, and eliminate definitions; to change provisions relating to membership of the Advisory Council on Dispute Resolution, certain funds, reimbursement of counties, and the Office of Inspector General of Nebraska Child Welfare Act; to transfer the Division of Parole Supervision from the Board of Parole to an independent agency; to rename the division the Parole Supervision Agency; to provide for appointment of a Director of Supervision and Services; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 480. Introduced by Holdcroft, 36; Sanders, 45.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to provide for a lien for providers of emergency medical services; and to repeal the original section.

LEGISLATIVE BILL 481. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to housing incentives; to adopt the Housing Incentive District Act.

LEGISLATIVE BILL 482. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2406, 69-2407, and 69-2439, Reissue Revised Statutes of Nebraska, and section 25-2740, Revised Statutes Cumulative Supplement, 2022; to adopt the Suicide Risk Protection Order Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to investment of public funds; to amend sections 14-556, 15-847, 15-849, 16-691.01, 16-713, 16-715, 16-716, 17-607, 17-720, 30-3209, 72-1268.03, 77-2302, 77-2318, 77-2326.04, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, 77-2365.01, 77-2365.02, 77-2375, 77-2385, and 77-2389, Reissue Revised Statutes of Nebraska, and sections 77-2387, 77-2388, 77-2392, 77-2395, 77-2398, 77-23,100, 77-23,101, 77-23,102, and 77-23,105, Revised Statutes

Cumulative Supplement, 2022; to add credit unions to the definition of a qualifying mutual financial institution; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 484. Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1401 and 60-1404, Reissue Revised Statutes of Nebraska; to provide for continuing education for licensed motor vehicle dealers and for authorization to conduct an educational seminar for continuing education credit as prescribed; to eliminate a requirement for the Nebraska Motor Vehicle Industry Licensing Board to maintain an office in the State Capitol; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to state contracts for services; to amend section 73-502, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for applicability of provisions to certain state constitutional offices; and to repeal the original section.

LEGISLATIVE BILL 486. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to state officers; to amend section 84-733, Reissue Revised Statutes of Nebraska; to change the prohibition on use of state funds for advertising or promotional materials as prescribed; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to schools; to prohibit any school in Nebraska receiving public funds from discriminating as prescribed.

LEGISLATIVE BILL 488. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to sexual assault; to adopt the Sexual Assault Emergency Care Act; and to provide severability.

LEGISLATIVE BILL 489. Introduced by von Gillern, 4.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to provide that employment does not include service by a marketplace network contractor for a marketplace network platform; to define terms; and to repeal the original section.

LEGISLATIVE BILL 490. Introduced by von Gillern, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate federal funds to the Department of Health and Human Services for health aid; and to declare an emergency.

LEGISLATIVE BILL 491. Introduced by von Gillern, 4.

A BILL FOR AN ACT relating to the Nebraska Advantage Research and Development Act; to amend sections 77-5803, 77-5806, and 77-5808, Reissue Revised Statutes of Nebraska; to change provisions relating to claiming tax credits; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by von Gillern, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2716, Revised Statutes Cumulative Supplement, 2022; to allow income tax deductions for the cost of certain property and for certain research or experimental expenditures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 493. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-829, Reissue Revised Statutes of Nebraska; to remove the prohibition that a lottery ticket cannot be sold through a vending or dispensing device; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-902, Reissue Revised Statutes of Nebraska, and section 27-803, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the business records hearsay exception and provide additional self-authenticating items of evidence; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend section 85-1802, Revised Statutes Cumulative Supplement, 2022; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 496. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2022; to provide a sales and use tax exemption for business inputs; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 497. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to itemized deductions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 498. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2022; to provide a sales tax credit for certain franchise fees paid; to define terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 499. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the School Readiness Tax Credit Act; to amend section 77-3605, Reissue Revised Statutes of Nebraska, and section 77-3604, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the availability of tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 500. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1530 and 68-1534, Revised Statutes Cumulative Supplement, 2022; to eliminate a requirement relating to a medicaid waiver; to change a reporting requirement; to change a requirement relating to independent evaluation of the family support program; and to repeal the original sections.

LEGISLATIVE BILL 501. Introduced by Cavanaugh, M., 6; Blood, 3; Conrad, 46; Day, 49; Fredrickson, 20; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for compensability of certain cancers in firefighters; to create rebuttable presumptions; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 502. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to labor; to adopt the Warehouse Worker Protection Act; and to provide severability.

LEGISLATIVE BILL 503. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to nursing; to adopt the Rural Nebraska Nursing Workforce Act.

LEGISLATIVE BILL 504. Introduced by Aguilar, 35; Briese, 41.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to transfer and appropriate funds for workforce housing; and to declare an emergency.

LEGISLATIVE BILL 505. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to motor fuels; to amend sections 60-301, 60-302, 60-3,191, 66-4,105, 70-1001.01, and 70-1002.02, Reissue Revised Statutes of Nebraska, and sections 66-482, 77-2701, and 77-2701.04, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to change and provide alternative fuel fees; to change and provide excise fees as prescribed; to eliminate obsolete provisions; to provide rights and requirements relating to commercial electric vehicle charging stations; to provide powers for electric suppliers; to provide a sales and use tax exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate federal funds to the Department of Natural Resources; to appropriate federal funds to the Department of Environment and Energy; and to declare an emergency.

LEGISLATIVE BILL 507. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-709, 43-247, 43-252, 43-260.03, 43-260.05, 43-2404, 43-2404.03, 43-3504, 79-201, 79-207, 79-210, 79-267, 79-1601, and 79-2114, Reissue Revised Statutes of Nebraska, and sections 25-2912.01, 43-245, 43-247.03, 43-248, 43-251.01, 43-260.04, 43-274, 43-276, 43-286, 43-2404.02, 79-209, and 79-2506, Revised Statutes Cumulative Supplement, 2022; to change the jurisdiction of juvenile courts as prescribed; to change provisions and terminology related to truancy; to eliminate obsolete language; to change provisions related to funding and compulsory education; to transfer a duty; to clarify provisions; to add authority for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 508. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Supreme Court for the Office of Dispute Resolution; to state legislative intent; and to declare an emergency.

LEGISLATIVE BILL 509. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to relating to child welfare services; to

provide for a reimbursement rate increase for an increase in rates or a decrease in revenue for providers as prescribed.

LEGISLATIVE BILL 510. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to child welfare; to require the Legislature and the Department of Health and Human Services to include a cost-of-living adjustment in certain contracts as prescribed.

LEGISLATIVE BILL 511. Introduced by Brewer, 43; Jacobson, 42.

A BILL FOR AN ACT relating to the appropriations; to appropriate funds from the General Fund to the Department of Administrative Services; and to declare an emergency.

LEGISLATIVE BILL 512. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.01, Reissue Revised Statutes of Nebraska, and sections 53-123.14, 53-123.16, and 53-129, Revised Statutes Cumulative Supplement, 2022; to change the number of locations allowed for a craft brewery or microdistillery licensee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to government; to amend sections 25-1274, 58-230, and 58-817, Reissue Revised Statutes of Nebraska, and sections 31-727.02, 79-1218, and 84-1411, Revised Statutes Cumulative Supplement, 2022; to change proof of publication requirements for legal notices; to change published notice provisions and virtual conferencing requirements under the Open Meetings Act as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 514. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to elections; to amend sections 16-202, 18-2518, 32-307, 32-613, 32-617, 32-630, 32-632, 32-1205, 32-1301, 32-1304, and 32-1308, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-318.01, 32-320.01, 32-330, 32-404, 32-606, 32-607, 32-608, 32-615, 32-716, 32-802, 32-808.01, 32-947, 32-950.01, 32-1203, 32-1303, 32-1305, 32-1306, 32-1405, 32-1407, 32-1524, and 32-1525, Revised Statutes Cumulative Supplement, 2022; to change a provision relating to a remonstrance petition; to change provisions relating to the Municipal Initiative and Referendum Act; to define a term; to change provisions under the Election Act relating to voter registration, duties of political subdivisions, candidate filings, name changes, petitions, notices, ballots, secure ballot drop-boxes, recall procedures, initiatives and referendums, and electioneering; to provide a penalty for false swearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 515. Introduced by Walz, 15.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Economic Development Initiative Act.

LEGISLATIVE BILL 516. Introduced by Walz, 15.

A BILL FOR AN ACT relating to schools; to amend section 79-2,143, Reissue Revised Statutes of Nebraska, and section 79-3106, Revised Statutes Cumulative Supplement, 2022; to provide a duty to the Commissioner of Education and the state school security director; to change funding intent for the School Safety and Security Reporting System Act; to provide powers and duties to the State Department of Education and State Board of Education; to provide grants to school districts for security-related infrastructure projects; to provide grants to educational service units and local public health departments to hire school psychologists and licensed mental health practitioners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 517. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2022; to require the Department of Health and Human Services to pay discharge incentives to post-acute placement facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by Walz, 15.

A BILL FOR AN ACT relating to school funding; to amend section 9-1204, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, and 79-1022, Revised Statutes Cumulative Supplement, 2022; to adopt the Reducing Education Risk Factors and Property Tax Relief Act; to change the distribution of certain tax proceeds; to define terms, provide certain aid, and create a fund under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 519. Introduced by Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 79-809, 79-871, and 79-8,135, Reissue Revised Statutes of Nebraska, and sections 79-808, 79-810, 79-813, 79-861, and 79-8,137, Revised Statutes Cumulative Supplement, 2022; to eliminate certification fees for teaching certificates as prescribed; to create and terminate funds; to state intent regarding an appropriation; to change provisions of the Excellence in Teaching Act; to adopt the Student Teaching Assistance Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 79-729, 79-760.01, 79-3304, and 79-3305, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to high school graduation requirements and academic content standards; to change provisions relating to the Computer Science and Technology Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-470, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to immunity for administering naloxone; and to repeal the original section.

LEGISLATIVE BILL 522. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.06, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to poverty allowances; and to repeal the original section.

LEGISLATIVE BILL 523. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2022; to require submission of a state plan amendment to include school psychologists as providers; and to repeal the original section.

ANNOUNCEMENT

The Chair announced the birthdays of Senator M. Cavanaugh, which is today, and Senator McDonnell, which was yesterday.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 524. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2022; to provide an income tax credit for food donations as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to appropriate funds from the General Fund to the Department of Health and Human Services for rate increases; and to declare an emergency.

LEGISLATIVE BILL 526. Introduced by Fredrickson, 20; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services; and to declare an emergency.

LEGISLATIVE BILL 527. Introduced by Fredrickson, 20; Walz, 15.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.13 and 79-1018.01, Revised Statutes Cumulative Supplement, 2022; to state findings; to provide reimbursements for mental health expenditures; to state intent for appropriations; to change provisions relating to local system formula resources; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 528. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to education; to amend section 79-239, Reissue Revised Statutes of Nebraska; to define terms; to create the Nebraska Option Enrollment Tuition Account Program; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 529. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to the Property Tax Request Act; to amend sections 77-1631 and 77-1633, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change provisions relating to joint public hearings for property tax request increases more than the allowable growth percentage; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,104, 71-15,106, 71-15,150, and 71-15,157, Reissue Revised Statutes of Nebraska; to change provisions relating to selection, qualifications, terms, and conflicts of interest of certain commissioners; to change provisions relating to selection and removal of certain executive directors of local housing agencies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 531. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Economic Recovery Act; to amend sections 81-12,241, 81-12,243, and 81-12,244, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Economic Recovery

Incentives Division of the Department of Economic Development, the Qualified Census Tract Recovery Grant Program, and the Economic Recovery Contingency Fund; to eliminate an obsolete provision; to provide for credit of investment earnings; to change restrictions on the use of intended appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 532. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2101.02, 18-2105, 18-2117.02, and 18-2142.05, Reissue Revised Statutes of Nebraska; to change provisions relating to extremely blighted areas; to authorize guidelines for the consideration and approval of certain redevelopment projects; to change certain reporting requirements; to change provisions relating to the construction of workforce housing; to provide for review and removal of substandard and blighted area designations and extremely blighted area designations; to provide requirements for approval of certain redevelopment plans and redevelopment projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1901 and 18-1907, Reissue Revised Statutes of Nebraska; to change the plumbing board membership for cities of the primary class; to state that a city or village without a plumbing board may still require the licensure of plumbers; and to repeal the original sections.

LEGISLATIVE BILL 534. Introduced by Slama, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate federal funds to the Department of Environment and Energy; and to declare an emergency.

LEGISLATIVE BILL 535. Introduced by Slama, 1.

A BILL FOR AN ACT relating to government; to amend sections 32-308, 32-309, 32-914, 32-941, 32-942, 32-943, 60-484.02, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-304, 32-947, and 60-4,115, Revised Statutes Cumulative Supplement, 2022; to require valid photographic identification for voting purposes; to change provisions relating to elections and confidential information; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 536. Introduced by Slama, 1.

A BILL FOR AN ACT relating to insurance; to amend section 44-5140, Reissue Revised Statute of Nebraska, and section 44-5141, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to investment by insurers in preferred and common stock; and to repeal the original sections.

LEGISLATIVE BILL 537. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-193, Reissue Revised Statutes of Nebraska; to change provisions relating to publication of notice of organization, amendment of certificate of organization, merger, conversion, domestication, or dissolution; and to repeal the original section.

LEGISLATIVE BILL 538. Introduced by Slama, 1.

A BILL FOR AN ACT relating to banks; to amend section 8-124.01, Reissue Revised Statutes of Nebraska; to change provisions relating to notification of a vacancy in the board of directors of a bank to the Department of Banking and Finance; and to repeal the original section.

LEGISLATIVE BILL 539. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Tobacco Prevention and Control Program; to amend section 71-5714, Reissue Revised Statutes of Nebraska; to state legislative intent to appropriate money; and to repeal the original section.

LEGISLATIVE BILL 540. Introduced by Vargas, 7; Conrad, 46; Fredrickson, 20; Hunt, 8.

A BILL FOR AN ACT relating to public lettings; to amend section 73-101, Reissue Revised Statutes of Nebraska; to require public entities to notify bidders of certain requirements and provide for enforcement of such requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Lowe, 37; Aguilar, 35; Brewer, 43; Clements, 2; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16; Hardin, 48; Jacobson, 42; Kauth, 31; Murman, 38; Riepe, 12; von Gillern, 4.

A BILL FOR AN ACT relating to elections; to amend sections 32-512 and 32-609, Reissue Revised Statutes of Nebraska, and sections 32-404, 32-606, and 70-611, Revised Statutes Cumulative Supplement, 2022; to provide for nomination and election of the board of directors of a public power district or a public power and irrigation district on the partisan ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 542. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend section 9-1113, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.17, Reissue Revised Statutes of Nebraska; to remove redundant language relating to entertainment district licenses; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-204 and 9-204.04, Reissue Revised Statutes of Nebraska; to redefine terms relating to how bingo is played using technological aids; and to repeal the original sections.

LEGISLATIVE BILL 545. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to writs of restitution; and to repeal the original section.

LEGISLATIVE BILL 546. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to bed and breakfast establishments; to amend sections 81-2,242 and 81-2,292, Reissue Revised Statutes of Nebraska, and section 81-503.01, Revised Statutes Cumulative Supplement, 2022; to redefine a term and change provisions of the Nebraska Pure Food Act relating to bed and breakfast establishments; to require the State Fire Code to include provisions relating to bed and breakfast establishments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska State Capitol Preservation and Restoration Act; to amend section 72-2211, Reissue Revised Statutes of Nebraska, and section 72-2201, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Capitol Restoration Cash Fund; to create the Capitol Preservation, Restoration, and Enhancement Endowment Fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-2208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 548. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2852 and 38-2867.01, Reissue Revised Statutes of Nebraska; to change an examination requirement for licensure as a pharmacist; to change compounding standards for persons authorized to compound; and to repeal the original sections.

LEGISLATIVE BILL 549. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to protection of persons and property; to amend sections 30-3828 and 30-4002, Reissue Revised Statutes of Nebraska, and section 30-3402, Revised Statutes Cumulative Supplement, 2022; to redefine terms; to change provisions relating to health care powers of attorney, the Nebraska Uniform Trust Code, and the Nebraska Uniform Power of Attorney Act; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to schools; to amend sections 79-239, 79-240, 79-2,127, and 79-2,134, Reissue Revised Statutes of Nebraska, and sections 79-233, 79-234, 79-235, 79-237, 79-238, 79-241, 79-611, 79-1009, 79-10,143, 79-2104, 79-2118, and 79-2120, Revised Statutes Cumulative Supplement, 2022; to change and eliminate definitions and provisions relating to the enrollment option program; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-235.01 and 79-2110, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 551. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to state legislative intent for appropriations; and to declare an emergency.

LEGISLATIVE BILL 552. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Legislative Mental Health Care Capacity Strategic Planning Committee; to amend section 50-702, Revised Statutes Cumulative Supplement, 2022; to change contracting and reporting requirements; to change a termination date; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901.03, Reissue Revised Statutes of Nebraska; to provide for automatic review of bail and conditions of release cases involving a misdemeanor or violation of a city or village ordinance; and to repeal the original section.

LEGISLATIVE BILL 554. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Commission on Public Advocacy; and to declare an emergency.

LEGISLATIVE BILL 555. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend section 29-3921, Reissue Revised Statutes of Nebraska; to change funding provisions; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 556. Introduced by Brandt, 32; McDonnell, 5; von Gillern, 4.

A BILL FOR AN ACT relating to energy assistance; to adopt the Capacity Grant Act; and to declare an emergency.

LEGISLATIVE BILL 557. Introduced by Vargas, 7; DeBoer, 10; McKinney, 11.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-170, 83-173.03, and 83-4,114, Revised Statutes Cumulative Supplement, 2022; to provide, change, and eliminate definitions; to change provisions relating to restrictive housing and solitary confinement; and to repeal the original sections.

LEGISLATIVE BILL 558. Introduced by Day, 49.

A BILL FOR AN ACT relating to schools; to set a minimum wage for employees of school districts.

LEGISLATIVE BILL 559. Introduced by Blood, 3.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1493, Reissue Revised Statutes of Nebraska, and section 49-1496, Revised Statutes Cumulative Supplement, 2022; to require an elected official of a city of the first class to file a statement of financial interests; to provide for electronic filing of statements of financial interests; and to repeal the original sections.

LEGISLATIVE BILL 560. Introduced by Blood, 3.

A BILL FOR AN ACT relating to energy; to state intent to seek funds from the Inflation Reduction Act of 2022.

LEGISLATIVE BILL 561. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend section 38-1015, Reissue Revised Statutes of Nebraska, and sections 38-1001, 38-1004,

38-1058, and 38-1061, Revised Statutes Cumulative Supplement, 2022; to adopt the Cosmetology Licensure Compact; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 562. Introduced by Dorn, 30; Ballard, 21; Brandt, 32; Ibach, 44; Jacobson, 42; Lippincott, 34.

A BILL FOR AN ACT relating to ethanol; to amend section 66-2205, Revised Statutes Cumulative Supplement, 2022; to adopt the E-15 Access Standard Act; to change provisions relating to a grant program; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society; and to state intent regarding future appropriations.

LEGISLATIVE BILL 564. Introduced by Dorn, 30; Murman, 38.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to amend section 39-2806, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Economic Opportunity Program relating to the limit on program expenditures and program purposes; to eliminate an obsolete provision; and to repeal the original section.

LEGISLATIVE BILL 565. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to hydrogen hubs; to amend section 66-2301, Revised Statutes Cumulative Supplement, 2022; to state legislative findings; to state intent regarding appropriations; to provide for a grant program as prescribed; to provide duties and powers for the Department of Economic Development; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 566. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to natural resources; to require a study and report by the Natural Resources Committee of the Legislature on the economic impacts and risks of intermittent renewable energy generation in Nebraska; and to declare an emergency.

LEGISLATIVE BILL 567. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-619, 70-1001, 70-1001.01, and 70-1025, Reissue Revised Statutes of Nebraska; to change qualifications to be eligible to serve as a member of the board of directors of a public power and irrigation district; to change a provision relating to state policy; to define a term; to

change requirements for an annual report as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to energy; to adopt the Nuclear and Hydrogen Development Act.

LEGISLATIVE BILL 569. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to county government; to prohibit financial interests by certain county officers and their immediate family members relating to electric generation facilities as prescribed; to provide an exception; and to declare an emergency.

LEGISLATIVE BILL 570. Introduced by Vargas, 7; Hunt, 8.

A BILL FOR AN ACT relating to public health; to adopt the Overdose Fatality Review Teams Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 571. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Environment and Energy to aid in carrying out the provisions of the Water Well Standards and Contractors' Practice Act; and to declare an emergency.

LEGISLATIVE BILL 572. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Medical Nutrition Therapy Practice Act; to amend sections 38-1801, 38-1802, 38-1803, 38-1806, 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, and 38-1816, Reissue Revised Statutes of Nebraska, and section 38-1813, Revised Statutes Cumulative Supplement, 2022; to provide, change, and eliminate definitions; to restate intent; to change membership on a board; to provide and change licensure requirements; to change provisions regarding scope of practice; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-1804, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 573. Introduced by Hansen, B., 16; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 574. Introduced by Kauth, 31; Aguilar, 35; Albrecht, 17; Bostelman, 23; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Murman, 38; Sanders, 45; von Gillern, 4.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-179, Revised Statutes Cumulative Supplement, 2022; to adopt the Let Them Grow Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 575. Introduced by Kauth, 31; Aguilar, 35; Albrecht, 17; Ballard, 21; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Murman, 38; Riepe, 12; Sanders, 45; von Gillern, 4.

A BILL FOR AN ACT relating to schools; to adopt the Sports and Spaces Act; to provide an operative date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 576. Introduced by Cavanaugh, J., 9; DeKay, 40; Ibach, 44.

A BILL FOR AN ACT relating to land-management burning; to amend section 81-520.03, Reissue Revised Statutes of Nebraska; to provide limitations on liability and nuisance related to land-management burning; and to repeal the original section.

LEGISLATIVE BILL 577. Introduced by Cavanaugh, J., 9; Brandt, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1804, 77-1805, and 77-1818, Reissue Revised Statutes of Nebraska, and sections 77-1802 and 77-1837, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the notification of delinquent property taxes and the issuance of treasurer's tax deeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by DeBoer, 10; Dorn, 30; McDonnell, 5; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to appropriate funds to the Auditor of Public Accounts; and to declare an emergency.

LEGISLATIVE BILL 579. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Uniform Real Property Transfer on Death Act; to amend sections 76-3401 and 76-3410, Reissue Revised Statutes of Nebraska; to change provisions relating to required warnings on transfer on death deeds and insurance policies on certain real property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Holdcroft, 36; DeKay, 40; Dorn,

30; Hughes, 24; Ibach, 44; Lowe, 37.

A BILL FOR AN ACT relating to assessment of property; to amend sections 77-1344 and 77-1347, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the special valuation of agricultural or horticultural land; and to repeal the original sections.

LEGISLATIVE BILL 581. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to public health; to require the Office of Juvenile Services and the Department of Correctional Services to create pilot programs for doula services as prescribed; and to define terms.

LEGISLATIVE BILL 582. Introduced by Moser, 22.

A BILL FOR AN ACT relating to economic development; to adopt the Manufacturing Modernization Pilot Investment Act; and to declare an emergency.

LEGISLATIVE BILL 583. Introduced by Sanders, 45; at the request of the Governor.

A BILL FOR AN ACT relating to education; to amend sections 79-1001, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2022; to provide for foundation aid and special education supplemental aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 584. Introduced by Hughes, 24; Brandt, 32; Dover, 19; Hardin, 48; Holdcroft, 36; Lippincott, 34.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on electronic nicotine delivery systems; to provide for rules and regulations; and to declare an emergency.

LEGISLATIVE BILL 585. Introduced by Hughes, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-2,146, Reissue Revised Statutes of Nebraska, and section 79-2,144, Revised Statutes Cumulative Supplement, 2022; to change a duty of the state school security director; to require behavioral and mental health training for certain school personnel; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Hughes, 24; Lippincott, 34.

A BILL FOR AN ACT relating to the Nebraska Center for Nursing; to amend sections 71-1797 and 71-1798, Reissue Revised Statutes of Nebraska, and section 71-1799, Revised Statutes Cumulative Supplement,

2022; to state intent regarding appropriations; to provide for expanding clinical training sites for nurses; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to insurance; to adopt the Insurance Regulatory Sandbox Act.

LEGISLATIVE BILL 588. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 60-6,211.08, 77-2701.48, 77-2704.09, and 77-4303, Reissue Revised Statutes of Nebraska, and sections 28-416, 71-2454, and 77-27,132, Revised Statutes Cumulative Supplement, 2022; to adopt the Medicinal Cannabis Act; to provide civil and criminal penalties; to create a fund; to change provisions relating to controlled substances, open containers, the prescription drug monitoring system, and taxation; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 589. Introduced by Briese, 41; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1632 and 77-1633, Revised Statutes Cumulative Supplement, 2022; to adopt the School District Property Tax Limitation Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Holdcroft, 36; Briese, 41.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1006.01, Reissue Revised Statutes of Nebraska; to change the personal needs allowance for aged, blind, and disabled persons; and to repeal the original section.

LEGISLATIVE BILL 591. Introduced by Hardin, 48; Ballard, 21; Brewer, 43; Halloran, 33.

A BILL FOR AN ACT relating to agricultural leases; to require notice of termination of an oral lease of land used for agricultural purposes to be given as prescribed.

LEGISLATIVE BILL 592. Introduced by Hardin, 48; Ballard, 21.

A BILL FOR AN ACT relating to privacy; to adopt the Social Care Information Privacy Act.

LEGISLATIVE BILL 593. Introduced by Hardin, 48.

A BILL FOR AN ACT relating to the hearing instrument specialists; to amend sections 38-1501, 38-1502, and 38-1510, Reissue Revised Statutes of Nebraska, and section 38-1509, Revised Statutes Cumulative Supplement, 2022; to define terms; to change provisions relating to licensure and regulation of hearing instrument specialists; to harmonize provisions; and to repeal the original sections.

MOTION - Adjourn Sine Die

Senator Conrad moved to adjourn sine die.

Senator Ballard moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, 37 and not voting.

Senator Ballard requested a roll call vote on the motion to adjourn sine die.

Voting in the affirmative, 7:

Blood	Conrad	Hunt	Wayne
Cavanaugh,M.	Day	Raybould	

Voting in the negative, 33:

Aguilar	Brewer	Geist	Linehan	Riepe
Albrecht	Briese	Halloran	Lippincott	Sanders
Armendariz	Clements	Hansen	Lowe	Vargas
Ballard	DeBoer	Hardin	McDonnell	von Gillern
Bostar	DeKay	Holdcroft	McKinney	Walz
Bostelman	Dungan	Hughes	Moser	
Brandt	Fredrickson	Ibach	Murman	

Absent and not voting, 6:

Arch	Dover	Kauth
Cavanaugh, J.	Erdman	Wishart

Excused and not voting, 3:

Dorn	Jacobson	Slama
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The Conrad motion to adjourn sine die failed with 7 ayes, 33 nays, 6 absent and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 594. Introduced by Hardin, 48; Ballard, 21; Brewer, 43; Halloran, 33.

A BILL FOR AN ACT relating to political subdivisions; to provide for investment in commercial paper by local government investment pools.

LEGISLATIVE BILL 595. Introduced by Hardin, 48.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section 38-2866.01, Revised Statutes Cumulative Supplement, 2022; to change the number of pharmacy interns and pharmacy technicians supervised by a pharmacist; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Hardin, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-169, Revised Statutes Cumulative Supplement, 2022; to authorize a manufacturer or wholesaler or an agent of a manufacturer or wholesaler to enter into a sponsorship or advertising agreement with certain licensees or organizations as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Clements, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council; and to declare an emergency.

LEGISLATIVE BILL 598. Introduced by Clements, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 599. Introduced by Armendariz, 18.

A BILL FOR AN ACT relating to recycling; to amend sections 13-2001, 13-2003, 13-2010, 13-2023, and 13-2034, Reissue Revised Statutes of Nebraska, and sections 81-1502 and 81-15,160, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms and change provisions relating to regulatory authority over advanced recycling facilities under the Integrated Solid Waste Management Act; to define, redefine, and alphabetize terms under the Environmental Protection Act; to provide capital assistance for establishing advanced recycling facilities from the Waste Reduction and Recycling Incentive Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 600. Introduced by Lippincott, 34; Aguilar, 35; Briese, 41; Hardin, 48; McDonnell, 5; Riepe, 12.

A BILL FOR AN ACT relating to the Transportation Innovation Act; to amend section 39-2803, Reissue Revised Statutes of Nebraska, and section 39-2806, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Transportation Infrastructure Bank Fund; to change provisions relating to the purpose of the Economic Opportunity Program; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 601. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to state intent regarding developmental disability aid; and to declare an emergency.

LEGISLATIVE BILL 602. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2022; to exclude certain pensions and annuities from income taxes; to define a term; to limit deductions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to amend sections 79-101 and 79-8,143, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Alternative Certification for Quality Teachers Act; to authorize the Commissioner of Education to issue alternative certificates to teach as prescribed; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-941 and 32-950, Reissue Revised Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to voting early; and to repeal the original sections.

LEGISLATIVE BILL 605. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2102, 38-2103, and 38-2120, Reissue Revised Statutes of Nebraska, and sections 38-121, 38-2101, 38-2104, 38-2116, 38-2117, 38-2121, 38-2122, 38-2124, 38-2130, and 38-2139, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Mental Health Practice Act to include protections and requirements for certified art therapists; to define terms; to change the membership of the Board of Mental Health Practice; to provide powers and duties to the Board of Mental Health Practice; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 606. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska Pregnancy Help Act; to provide for tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-1101, Revised Statutes Cumulative Supplement, 2022; to eliminate a provision relating to an annual grant award amount for the 211 Information and Referral Network; to state intent regarding appropriations; and to repeal the original section.

LEGISLATIVE BILL 608. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to transfer and appropriate funds for capital grants; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 609. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to transfer and appropriate funds for construction of a memorial; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 610. Introduced by Lippincott, 34; Aguilar, 35; Briese, 41; Hardin, 48; Hughes, 24; Ibach, 44; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the State Department of Education to fund career and technical education programs and career education student organizations; and to declare an emergency.

LEGISLATIVE BILL 611. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-475, Reissue Revised Statutes of Nebraska; to provide requirements for health care facility-provided medications; and to repeal the original section.

LEGISLATIVE BILL 612. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services; and to declare an emergency.

LEGISLATIVE BILL 613. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to transfer and appropriate funds to replace lead service lines as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 614. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Agriculture to test emerging technologies for sustainable irrigation; and to declare an emergency.

LEGISLATIVE BILL 615. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the Nebraska Opioid Recovery Fund to the State Fire Marshal as prescribed; and to declare an emergency.

LEGISLATIVE BILL 616. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to economic development; to amend sections 77-6841 and 84-612, Revised Statutes Cumulative Supplement, 2022; to state intent to transfer funds; to provide duties for the Department of Economic Development to award funds; to transfer funds from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 617. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to transfer funds from the Cash Reserve Fund; to create a fund; to provide duties for the Department of Economic Development; to repeal the original section; and to declare an emergency.

The Chair declared the call raised.

LEGISLATIVE BILL 618. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to labor; to amend sections 4-109 and 48-628.04, Reissue Revised Statutes of Nebraska; to redefine public benefits as prescribed; to change provisions of the Employment Security Law relating to the disqualification of certain aliens; and to repeal the original sections.

LEGISLATIVE BILL 619. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-115, 28-929, 28-929.01, 28-929.02, 28-930, 28-931, 28-934, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2022; to prohibit assault on a public transportation driver; to change and eliminate provisions and penalties relating to offenses involving assault on an officer, emergency responder, certain employees, or a health care professional; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 620. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to juveniles; to amend section 43-246.01, Reissue Revised Statutes of Nebraska, and sections 29-1816 and 43-253, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to arraignment of certain juveniles; to eliminate an option to waive a hearing as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to economic development; to amend sections 81-12,147, 81-12,148, 81-12,149, and 84-612, Revised Statutes Cumulative Supplement, 2022; to provide additional uses of the Site and Building Development Fund; to provide requirements; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 622. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend sections 13-3102, 13-3103, and 13-3104, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to limitations on state assistance and application requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 623. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-3710 and 81-3711, Revised Statutes Cumulative Supplement, 2022; to provide for the administration of the Nebraska Tourism Commission as prescribed; to provide duties for the Director of Economic Development; to eliminate obsolete provisions; to change

commission duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 625. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-605, Reissue Revised Statutes of Nebraska; to define a term; to provide requirements for operation of autonomous vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 626. Introduced by Albrecht, 17; Aguilar, 35; Ballard, 21; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Geist, 25; Halloran, 33; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1; von Gillern, 4.

A BILL FOR AN ACT relating to abortion; to amend sections 38-192, 38-193, and 38-196, Reissue Revised Statutes of Nebraska, and sections 38-178, 38-179, 38-2021, and 38-2894, Revised Statutes Cumulative Supplement, 2022; to adopt the Nebraska Heartbeat Act; to provide for discipline under the Uniform Credentialing Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 627. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to schools; to adopt the Free Student Meals Act; to eliminate provisions relating to reimbursement for school breakfast programs; and to outright repeal sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

MOTIONS - Print in Journal

Senator Hunt filed the following motion to LB86:

[MO5](#)

Withdraw LB86.

Senator McDonnell filed the following motion to LB109:

[MO6](#)

Withdraw LB109.

Senator McDonnell filed the following motion to LB158:

[MO7](#)

Withdraw LB158.

Senator Brewer filed the following motion to LB251:

[MO8](#)

Withdraw LB251.

Senator Hunt filed the following motion to [LB574](#):
[MO9](#)
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt filed the following motion to [LB575](#):
[MO10](#)
Indefinitely postpone pursuant to Rule 6 Section 3(f).

AMENDMENTS - Print in Journal

Senator Albrecht filed the following amendment to [LB606](#):
[FA1](#)
Page 2, line 6, remove the comma after "emotional."

Senator Albrecht filed the following amendment to [LB606](#):
[FA2](#)
Page 2, line 6, remove the comma after "emotional."

Senator Albrecht filed the following amendment to [LB606](#):
[FA3](#)
Page 2, line 6, remove the comma after "emotional."

MOTIONS - Print in Journal

Senator Conrad filed the following motion to [LB626](#):
[MO11](#)
Bracket until June 2, 2023.

Senator Hunt filed the following motion to [LB626](#):
[MO12](#)
Indefinitely postpone pursuant to Rule 6, Section 3(f).

AMENDMENTS - Print in Journal

Senator Albrecht filed the following amendment to [LB626](#):
[FA4](#)
Page 4, line 22, remove comma after "refused renewal."

Senator Albrecht filed the following amendment to [LB626](#):
[FA5](#)
Page 4, line 22, remove comma after "refused renewal."

Senator Albrecht filed the following amendment to [LB626](#):
[FA6](#)
Page 4, line 22, remove comma after "refused renewal."

Senator Hunt filed the following amendment to [LB626](#):
[FA7](#)
Strike the enacting clause.

MOTION - Print in Journal

Senator Conrad filed the following motion to LB626:

MO13

Indefinitely postpone.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 1:30 PM

Tuesday, January 24, 2023

LB298

LB285

LB299

(Signed) Dave Murman, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, January 24, 2023

LB164

LB170

LB172

LB246

(Signed) Terrell McKinney, Chairperson

Health and Human Services
Room 1510 1:30 PM

Wednesday, January 25, 2023

LB75

LB200

Thursday, January 26, 2023

LB123

LB202

LB216

(Signed) Ben Hansen, Chairperson

ANNOUNCEMENTS

The Legislative Performance Audit Committee elected Senator Dorn as Chairperson.

The Legislative Performance Audit Committee elected Senator Jacobson as Vice Chairperson.

The Health and Human Services Committee elected Senator Hardin as Vice Chairperson.

The Nebraska Retirement Systems Committee elected Senator Ibach as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Ibach name added to LB38.
Senator Conrad name added to LB42.
Senator Conrad name added to LB52.
Senator Blood name added to LB78.
Senator Conrad name added to LB91.
Senator Conrad name added to LB99.
Senator Conrad name added to LB115.
Senator Blood name added to LB115.
Senator Blood name added to LB123.
Senator Conrad name added to LB126.
Senator Conrad name added to LB142.
Senator Conrad name added to LB143.
Senator Aguilar name added to LB168.
Senator Conrad name added to LB169.
Senator Conrad name added to LB183.
Senator Conrad name added to LB187.
Senator Conrad name added to LB211.
Senator Conrad name added to LB231.
Senator Blood name added to LB232.
Senator Aguilar name added to LB249.
Senator Conrad name added to LB254.
Senator Conrad name added to LB256.
Senator Conrad name added to LB278.
Senator Conrad name added to LB291.
Senator Conrad name added to LB306.
Senator Conrad name added to LB315.
Senator Blood name added to LB315.
Senator Conrad name added to LB316.
Senator Hughes name added to LB318.
Senator Brewer name added to LB322.
Senator Brewer name added to LB323.
Senator Blood name added to LB328.
Senator Brewer name added to LB332.
Senator Blood name added to LB357.
Senator Brewer name added to LB385.
Senator Fredrickson name added to LB419.
Senator Blood name added to LB500.
Senator Blood name added to LB519.

Senator Blood name added to LR3CA.

VISITOR

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 12:29 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 10:00 a.m., Wednesday, January 18, 2023.

Brandon Metzler
Clerk of the Legislature

TENTH DAY - JANUARY 18, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 2023

PRAYER

The prayer was offered by Senator Bostelman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeBoer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Blood who was excused; and Senators Bostar, Raybould, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB421	Health and Human Services
LB422	Health and Human Services
LB423	Banking, Commerce and Insurance
LB424	Urban Affairs
LB425	Natural Resources
LB426	Business and Labor
LB427	Business and Labor
LB428	Government, Military and Veterans Affairs
LB429	Revenue

LB430	Health and Human Services
LB431	Health and Human Services
LB432	Judiciary
LB433	Health and Human Services
LB434	Health and Human Services
LB435	Judiciary
LB436	Judiciary
LB437	Banking, Commerce and Insurance
LB438	Judiciary
LB439	Appropriations
LB440	Revenue
LB441	Judiciary
LB442	Agriculture
LB443	Business and Labor
LB444	Appropriations
LB445	Appropriations
LB446	Banking, Commerce and Insurance
LB447	Revenue
LB448	Banking, Commerce and Insurance
LB449	Transportation and Telecommunications
LB450	Natural Resources
LB451	Health and Human Services
LB452	General Affairs
LB453	Transportation and Telecommunications
LB454	Transportation and Telecommunications
LB455	Education
LB456	Natural Resources
LB457	Government, Military and Veterans Affairs
LB458	Health and Human Services
LB459	Business and Labor
LB460	Business and Labor
LB461	Government, Military and Veterans Affairs
LB462	Urban Affairs
LB463	Health and Human Services
LB464	Business and Labor
LR22CA	Executive Board
LR23CA	Revenue
LR24CA	Education
LR26CA	Judiciary

Kramer, Vicki - Director, Nebraska Department of Transportation -
Transportation and Telecommunications
Macy, James Reed - Director, Department of Environment and Energy -
Natural Resources

(Signed) Tom Briese, Chairperson
Executive Board

PROPOSED RULES CHANGES

The Rules Committee filed the following proposed rules changes:

Proposed Rule Change 1

Rule 1. Sec. 19. Journal, Governor's Messages, Amendments.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more, or such amendments which contain tables, charts, graphics, or other components which are incompatible with current Journal software, shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

Proposed Rule Change 2

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

...

(g) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be between the 40th legislative day and prior to the 45th legislative day in the ninety-day session and between the 25th legislative day and prior to the 30th legislative day in the sixty-day session.

Proposed Rule Change 3

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

...

(f) The Speaker may designate up to 25 additional priority bills. The principal introducer may decline the designation as a speaker priority bill and the Speaker shall not withdraw the designation once made.

Proposed Rule Change 4

Rule 3, Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

...

Model Committee Rules-Appendix A on file in the Clerk's office and available digitally.

Proposed Rule Change 5

Rule 3, Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

...

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing. The committee shall provide public notice of proposed rules changes at least three calendar days prior to conducting a public hearing.

Proposed Rule Change 6

Rule 2, Sec. 3. Chamber, Guests, Distribution of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

...

~~(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.~~

(k) Any mobile or wireless communication device shall be silenced prior to entering the Legislative Chamber, so as to prevent any emitting of an audible sound or signal. The Clerk shall designate areas for phone and video calls, so as to maintain decorum and avoid distraction.

Proposed Rule Change 7

Rule 6. Sec. 3. General File.

~~(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. The principal introducer shall be allowed to open on the bill, with the indefinitely postpone motion, having previously been filed under this rule, being taken up after the introducer's remarks, but prior to the opening on the committee amendments. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.~~

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee elected Senator Sanders as Vice Chairperson.

MESSAGE FROM THE GOVERNOR

January 12, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Please withdraw Michael Shane Hunter's name from confirmation as State Fire Marshal for the Nebraska Fire Marshal's Office due to his resignation. Please see attached letter.

Thank you.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

*The attached communication can be found in the Clerk's Office.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Wednesday, January 25, 2023
LB206
LB28
LB24

Thursday, January 26, 2023
LB4
LB10
LB58

Friday, January 27, 2023
LB29
LB154
LB96

(Signed) Lou Ann Linehan, Chairperson

Natural Resources
Room 1525 1:30 PM

Wednesday, January 25, 2023

Daniel (Dan) L. Steinkruger - Nebraska Natural Resources Commission
James Reed Macy - Department of Environment and Energy
Thomas E. Riley - Department of Natural Resources

Thursday, January 26, 2023

LB395
LB217
LB241
LB289

Thursday, February 16, 2023

Donald P. Batie - Nebraska Natural Resources Commission (cancel)

Thursday, February 2, 2023

Donald P. Batie - Nebraska Natural Resources Commission

(Signed) Bruce Bostelman, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 628. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-102, 21-185, 21-186, 21-188, 21-2202, and 21-2216, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to professional service by limited liability companies and professional corporations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 629. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1237, 81-1238, 81-1239, 81-1240, 81-1243, and 81-12,241, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Middle Income Workforce Housing Investment Act and the Economic Recovery Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to education; to provide a duty to the State Department of Education; and to require a school board or board of education to adopt a written dress code and grooming policy as prescribed.

LEGISLATIVE BILL 631. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to parole; to amend sections 83-189, 83-190, and 83-196, Reissue Revised Statutes of Nebraska, and section 83-1,114, Revised Statutes Cumulative Supplement, 2022; to change the qualifications of members of the Board of Parole; to provide for removal of a member of the Board of Parole as prescribed; to change quorum requirements for hearings of the Board of Parole and provisions relating to grounds for parole; and to repeal the original sections.

LEGISLATIVE BILL 632. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to education; to prohibit the suspension of students in pre-kindergarten through second grade in a school in a city of the metropolitan class as prescribed.

LEGISLATIVE BILL 633. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to provide duties for the Department of Economic Development; to create a fund; to provide for a transfer of funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 634. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 43-292, 60-6,211.08, 77-2701.02, 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-476, 28-1354, 28-1701, 71-5727, 77-27,132, 81-2,239, and 81-2,263, Revised Statutes Cumulative Supplement, 2022; to adopt the Cannabis Control Act and Cannabis Conviction Clean Slate Act; to remove cannabis as a controlled substance under the Uniform Controlled Substances Act; to change provisions relating to penalties for possession of a synthetic cannabinoid and drug paraphernalia; to define, redefine, and eliminate terms; to change provisions relating to termination of parental rights, visitation, custody, and other parenting matters; to prohibit possession of an open container of cannabis in a motor vehicle; to provide for the applicability of the Nebraska Clean Indoor Air Act and the Nebraska Pure Food Act; to impose a higher sales and use tax rate on sales of cannabis; to provide for the distribution of tax revenue; to remove cannabis from the cannabis and controlled substances tax; to rename a fund; to eliminate obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 635. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to schools; to define terms; to provide

powers and duties to school districts, schools, and the Nebraska Library Commission relating to an educational resource database provided to students in kindergarten through grade twelve; to require the Nebraska Library Commission and the State Department of Education to submit a report; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 636. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to political subdivisions; to prohibit restrictions on the provision of certain energy services as prescribed; and to provide an exception.

LEGISLATIVE BILL 637. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Revised Statutes Cumulative Supplement, 2022; to require a public body to allow members of the public an opportunity to speak at each meeting; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to education; to adopt the Nebraska K-12 Cybersecurity and Data Protection Act; and to declare an emergency.

LEGISLATIVE BILL 639. Introduced by Blood, 3.

A BILL FOR AN ACT relating to Nebraska Workers' Compensation Court; to amend sections 48-163, 48-164, 48-174, and 49-506, Reissue Revised Statutes of Nebraska; to change provisions under the Nebraska Workers' Compensation Act relating to notice for rules and regulations, case progression requirements, and summonses; to change requirements relating to distribution of session laws and legislative journals; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to insurance; to require an off-campus location of a hospital to obtain and use a separate National Provider Identifier in billing for health care services as prescribed; and to define terms.

LEGISLATIVE BILL 641. Introduced by Kauth, 31; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the taxation of social security benefits; and to repeal the original section.

SENATOR B. HANSEN PRESIDING

LEGISLATIVE BILL 642. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska National Guard; to state findings; to provide duties for the Adjutant General relating to members of the Guard impacted by the COVID-19 vaccine mandate; and to require a report to the Legislature.

LEGISLATIVE BILL 643. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to abandoned mobile homes; to amend sections 60-1901 and 76-14,109, Reissue Revised Statutes of Nebraska, and section 60-149, Revised Statutes Cumulative Supplement, 2022; to adopt the Abandoned Mobile Home Act; to change provisions relating to certificates of title, abandoned vehicles, and the Mobile Home Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Site and Building Development Fund; to amend sections 81-12,146, 81-12,147, 81-12,148, 81-12,150, and 84-612, Revised Statutes Cumulative Supplement, 2022; to provide for a transfer of funds; to change provisions related to use of the Site and Building Development Fund; to provide powers and duties for the Department of Economic Development for certain projects; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 645. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to roads; to amend sections 39-1365 and 39-2804, Reissue Revised Statutes of Nebraska, and sections 39-1365.01, 39-1365.02, and 39-2507, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to legislative findings, the state highway system plan, prioritization of projects, allocation of funding, and the Accelerated State Highway Capital Improvement Program; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-457, Reissue Revised Statutes of Nebraska, and sections 86-458 and 86-903, Revised Statutes Cumulative Supplement, 2022; to change provisions under the Enhanced Wireless 911 Services Act relating to surcharges and public hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 647. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to schools; to amend section 79-734,

Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the purchase and loan of textbooks for children enrolled in kindergarten to grade twelve of a private school as prescribed; to provide powers and duties to the State Department of Education; to define a term; and to repeal the original section.

LEGISLATIVE BILL 648. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to education; to amend sections 79-2302, 79-2303, 79-2304, and 79-2305, Reissue Revised Statutes of Nebraska; to change provisions relating to legislative intent to appropriate funding for assistance to institutions that offer high school equivalency programs; to provide powers and duties to the State Department of Education relating to the development of a workforce diploma program as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 649. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-501, 28-502, 28-503, 28-504, 28-505, 28-520, 28-522, and 28-524, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to arson, trespass, and unauthorized application of graffiti; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 650. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2022; to allow certain records relating to cybersecurity to be withheld from the public as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 651. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations for cybersecurity; to state findings; to provide duties for the office of Chief Information Officer relating to cybersecurity; to provide funding for enhancing political subdivisions' cybersecurity; and to declare an emergency.

LEGISLATIVE BILL 652. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate Federal Funds to the Department of Health and Human Services for the Jobs for America's Graduates program; and to declare an emergency.

LEGISLATIVE BILL 653. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate Federal

Funds to the Department of Health and Human Services for grants for mentorship organizations; and to declare an emergency.

LEGISLATIVE BILL 654. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Legislative Council for the purpose of awarding a planning grant relating to criminal justice; and to declare an emergency.

LEGISLATIVE BILL 655. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the State Fire Marshal to establish statewide firefighting crews; and to declare an emergency.

LEGISLATIVE BILL 656. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to funds; to amend section 2-1503.01, Reissue Revised Statutes of Nebraska; to state legislative intent to transfer money from the General Fund to the Small Watersheds Flood Control Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 657. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 84-1502, Revised Statutes Cumulative Supplement, 2022; to change the per diem of the Public Employees Retirement Board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 659. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to retirement; to amend section 84-1501, Revised Statutes Cumulative Supplement, 2022; to change provisions of the Public Employees Retirement Board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 660. Introduced by Ibach, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Commission on Public Advocacy for Legal Education for Public Service and Rural Practice Loan Repayment Assistance aid; and to declare an emergency.

LEGISLATIVE BILL 661. Introduced by Ibach, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Health and Human Services for grants for food security; and to declare an emergency.

LEGISLATIVE BILL 662. Introduced by Ballard, 21; DeKay, 40; Erdman, 47; Hansen, B., 16; Hardin, 48; Jacobson, 42.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to any action relating to certain public or private nuisances as prescribed; to change a statute of limitations; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to appropriate funds to the Department of Health and Human Services to fund the designated health information exchange; and to declare an emergency.

LEGISLATIVE BILL 664. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-944, 68-945, and 68-946, Reissue Revised Statutes of Nebraska; to provide powers and duties for the state medicaid fraud control unit and the Attorney General under the False Medicaid Claims Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 665. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-608, Reissue Revised Statutes of Nebraska; to clarify language on rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 666. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-649.03, 48-650, and 48-652, Reissue Revised Statutes of Nebraska; to change provisions relating to voluntary contributions and notice of determination regarding the experience account and the combined tax rate of an employer; and to repeal the original sections.

LEGISLATIVE BILL 667. Introduced by Hughes, 24.

A BILL FOR AN ACT relating to liquor; to amend section 53-103, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2022; to authorize wholesalers to employ channel pricing under the Nebraska Liquor Control Act; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 668. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to mental health; to amend sections 71-901, 71-919, 71-921, 71-922, 71-949, 71-1205, and 71-1206, Reissue Revised Statutes of Nebraska; to authorize mental health professionals and licensed independent mental health practitioners to take persons into emergency protective custody as prescribed; to provide a certification process and duties for the Department of Health and Human Services; to change provisions relating to commencement of mental health board proceedings; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 669. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-102, Reissue Revised Statutes of Nebraska; to provide powers as prescribed to the Director of Banking and Finance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 670. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1101, 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108.01, 48-1111, 48-1113, 48-1114, 48-1115, 48-1117, 48-1119, 48-1121, 48-1122, and 48-1124, Reissue Revised Statutes of Nebraska; to define and redefine terms; to prohibit discrimination on the basis of gender identity or sexual orientation; to prohibit discrimination by employers regardless of size; to provide an unlawful employment practice for a covered entity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Hansen, B., 16; at the request of the Governor.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Reissue Revised Statutes of Nebraska; to allow money in the Nebraska Training and Support Cash Fund to be used for retention of existing employees of Nebraska businesses; and to repeal the original section.

LEGISLATIVE BILL 672. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the Drinking Water Facilities Loan Fund to the Department of Environment and Energy for grants to municipal drinking water treatment plants; and to declare an emergency.

LEGISLATIVE BILL 673. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to schools; to provide grants to the school board or board of education of a school district, or the governing authority of a private, denominational, or parochial school to adopt a policy to provide emergency response mapping data to local law enforcement agencies as prescribed; and to provide powers and duties to the State Department of Education and the State Board of Education.

LEGISLATIVE BILL 674. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101.03, 8-115, 8-602, 8-3002, 8-3003, 8-3004, 8-3005, 8-3007, 8-3008, 8-3011, 8-3012, 8-3013, 8-3014, 8-3015, 8-3016, 8-3017, 8-3018, 8-3019, 8-3020, 8-3021, 8-3022, 8-3023, 8-3025, 8-3026, 8-3028, and 8-3030, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to appeals, digital asset depositories, digital asset depository accounts, charters, conditions to commence business, customers, required reports, surety bonds, voluntary dissolution, financial institutions, legislative findings and declarations, and powers and duties of the Director of Banking and Finance; to adopt updates to federal law relating to digital asset depositories and digital asset depository customers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 675. Introduced by Day, 49.

A BILL FOR AN ACT relating to government; to amend sections 32-308, 32-914, 32-941, 32-942, 32-943, 32-944, 32-948, 32-950, 60-484, 60-4,130, 60-4,130.02, 60-4,144, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-202, 32-907, 32-915, 32-947, 32-960, 32-1002, and 60-4,115, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to registering to vote and voting; to provide duties for the Secretary of State and election officials; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 676. Introduced by Day, 49.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to create the Nebraska Diaper Distribution Grant program.

LEGISLATIVE BILL 677. Introduced by Day, 49.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to create the Nebraska Knowing is Doing Something pilot program.

LEGISLATIVE BILL 678. Introduced by Day, 49.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice

Act; to amend sections 48-1102, 48-1111, and 48-1125, Reissue Revised Statutes of Nebraska; to change, provide, eliminate, and transfer definitions and provisions relating to discrimination on the basis of disability or pregnancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 679. Introduced by Day, 49.

A BILL FOR AN ACT relating to education; to create the Holocaust and Genocide Education Training Grant Program; to provide powers and duties to the State Department of Education, State Board of Education, and Commissioner of Education; to create a fund; to require a report.

LEGISLATIVE BILL 680. Introduced by Day, 49.

A BILL FOR AN ACT relating to the Parkinson's Disease Registry Act; to amend sections 81-6,101, 81-6,102, 81-6,105, 81-6,106, and 81-6,107, Reissue Revised Statutes of Nebraska, and section 81-6,103, Revised Statutes Cumulative Supplement, 2022; to require reporting of patients with Parkinson's disease or related movement disorders as prescribed; to provide duties for the state-designated health insurance exchange and the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 681. Introduced by Clements, 2; at the request of the Governor; Briese, 41; Linehan, 39; Sanders, 45.

A BILL FOR AN ACT relating to school funding; to amend sections 77-913 and 79-1021, Reissue Revised Statutes of Nebraska; to rename and change provisions relating to the Tax Equity and Educational Opportunities Fund; to transfer funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 682. Introduced by Vargas, 7; McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Economic Development for a South Omaha business park; and to declare an emergency.

LEGISLATIVE BILL 683. Introduced by Transportation and Telecommunications Committee: Geist, 25, Chairperson; Bostelman, 23; Brandt, 32; DeKay, 40; Moser, 22.

A BILL FOR AN ACT relating to broadband; to amend sections 86-331, 86-333, 86-1103, and 86-1309, Revised Statutes Cumulative Supplement, 2022; to create the Nebraska Broadband Office and provide duties; to change provisions relating to a broadband access map, the state broadband coordinator, and the Nebraska Broadband Bridge Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 684. Introduced by Briese, 41.

A BILL FOR AN ACT relating to state government; to provide for improvement of government services of state agencies as prescribed; and to declare an emergency.

LEGISLATIVE BILL 685. Introduced by Briese, 41.

A BILL FOR AN ACT relating to gaming; to amend sections 2-1201.01, 2-1202, 77-3002, 77-3003, 77-3004, 77-3005, and 77-3009, Reissue Revised Statutes of Nebraska, and sections 28-1107, 77-3001, 77-3003.01, 77-3003.02, 77-3006, 77-3007, 77-3010, 77-3011, and 77-5601, Revised Statutes Cumulative Supplement, 2022; to rename, transfer, and change provisions relating to the Mechanical Amusement Device Tax Act; to transfer powers and duties from the Department of Revenue to the State Racing and Gaming Commission; to change the age required to play a cash device; to provide a tax on cash devices; to increase penalties; to harmonize provisions; to eliminate provisions relating to the power to tax under the Mechanical Amusement Device Tax Act; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 77-3008, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 686. Introduced by Walz, 15.

A BILL FOR AN ACT relating to retirement; to amend section 16-1020, Reissue Revised Statutes of Nebraska; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 687. Introduced by Cavanaugh, M., 6; McKinney, 11.

A BILL FOR AN ACT relating to juveniles; to create and provide duties for the Nebraska Integrated Juvenile Data Governing Body; to create the Nebraska Integrated Juvenile Data and Information System; and to provide for reports.

LEGISLATIVE BILL 688. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to transfer and appropriate funds for purposes related to commercial drivers' licenses; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 689. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Property Tax Incentive Act;

to amend section 77-6706, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to credits for community college taxes paid; and to repeal the original section.

SPEAKER ARCH PRESIDING

LEGISLATIVE BILL 690. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to amend sections 79-302 and 79-306, Reissue Revised Statutes of Nebraska, and section 79-301, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to powers and duties of the State Department of Education, State Board of Education, and the Commissioner of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-3,109, Reissue Revised Statutes of Nebraska; to provide for payment of project-related costs associated with construction of a fixed rail or streetcar system; and to repeal the original section.

LEGISLATIVE BILL 692. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to economic development; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to adopt the Good Life Transformational Projects Act; to change provisions relating to the sales tax rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 693. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2120, Reissue Revised Statutes of Nebraska; to provide for payment of redevelopment project costs associated with construction of a fixed rail or streetcar system; and to repeal the original section.

LEGISLATIVE BILL 694. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.46 and 77-2701.47, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms under the Nebraska Revenue Act of 1967; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 695. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2022; to provide a

property tax exemption; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 696. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to settlement funds; to amend sections 59-1608.04 and 59-1608.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the State Settlement Cash Fund and State Settlement Trust Fund; to provide for legislative oversight; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend sections 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, and 77-2912, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to local preservation ordinances or resolutions, tax credits, and joint reports; to change certain deadlines for applications and the use of tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 698. Introduced by Murman, 38; Walz, 15.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to when a person shall be considered a resident student; and to repeal the original section.

LEGISLATIVE BILL 699. Introduced by Murman, 38.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-201, 77-5023, and 79-1036, Revised Statutes Cumulative Supplement, 2022; to change the valuation of certain real property for purposes of taxes levied by school districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-959, Reissue Revised Statutes of Nebraska; to remove redundant language relating to the community college system; and to repeal the original section.

LEGISLATIVE BILL 701. Introduced by Murman, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1002, Reissue Revised Statutes of Nebraska; to change legislative intent provisions; and to repeal the original section.

LEGISLATIVE BILL 702. Introduced by Murman, 38.

A BILL FOR AN ACT relating to education; to amend section 79-1204, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to educational service units; and to repeal the original section.

LEGISLATIVE BILL 703. Introduced by Murman, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-102, Reissue Revised Statutes of Nebraska; to change provisions relating to the University of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Murman, 38.

A BILL FOR AN ACT relating to the achieving a better life experience program; to amend section 77-1403, Revised Statutes Cumulative Supplement, 2022; to provide for distribution of certain account balances upon death; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Murman, 38; Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 9-836.01, 79-8,132, 79-8,135, 79-8,138, 79-8,139, and 79-8,140, Reissue Revised Statutes of Nebraska, and sections 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-1054, 79-1104.02, 79-1337, 84-304, 85-1412, and 85-1920, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to distribution of lottery funds used for education; to adopt the Behavioral Intervention Training and Teacher Support Act; to create funds; to establish a mental health training grant program; to define and redefine terms; to change provisions relating to an innovation grant program and the use of certain funds; to provide duties to the Coordinating Commission for Postsecondary Education; to change provisions relating to the Nebraska Opportunity Grant Fund; to adopt the Career-Readiness and Dual-Credit Education Grant Program Act; to transfer and change provisions of the Excellence in Teaching Act; to adopt the Door to College Scholarship Act; to eliminate obsolete provisions; to repeal the Master Teacher Program Act and provisions relating to a study and a statewide vision for education; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal sections 50-425, 50-426, 50-427, 50-428, 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 706. Introduced by Moser, 22; DeKay, 40; Dover, 19; Walz, 15.

A BILL FOR AN ACT relating to highways; to amend sections 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2703, and 39-2704, Reissue Revised Statutes of Nebraska, and section 39-2224,

Revised Statutes Cumulative Supplement, 2022; to authorize issuance of highway bonds under the Nebraska Highway Bond Act; to change provisions of the Build Nebraska Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to economic development; to amend section 58-703, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2022; to create the Transforming Cities of the Primary Class Program and provide for grants for construction of affordable housing; to change the Affordable Housing Trust Fund as prescribed; to transfer money from the Cash Reserve Fund as prescribed; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 708. Introduced by Speaker Arch, 14.

A BILL FOR AN ACT relating to children; to require the Office of Probation Administration, the State Court Administrator, the State Department of Education, and the Department of Health and Human Services to enter into a memorandum of understanding for the sharing of data regarding certain students; and to require a report.

LEGISLATIVE BILL 709. Introduced by Wishart, 27; Ballard, 21; Geist, 25.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to transfer money from the Cash Reserve Fund as prescribed; to create the Convention and Event Center Capital Construction Program and the Convention and Event Center Capital Construction Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 710. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to the Credit Union Act; to amend sections 21-1701, 21-1702, 21-1705, 21-1725.01, 21-1729, 21-1737, 21-1743, 21-1749, 21-1767, 21-1769, 21-17,102, and 21-17,109, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to establishing branches, articles of association, bylaws, principal place of business, records, membership, meetings, boards of directors, interest rates, credit committees, authorized investments, and mergers or consolidations; to provide for associate directors; to harmonize provisions; to repeal the original sections; and to outright repeal section 21-1788, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 711. Introduced by Armendariz, 18.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-3878, Reissue Revised Statutes of Nebraska, and section 30-3805, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to default and mandatory rules for trusts and the duty of a trustee to inform and report to a beneficiary; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 712. Introduced by Hardin, 48; Erdman, 47.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to create the Ground Based Strategic Deterrent Deployment Fund; to transfer money from the Cash Reserve Fund as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 713. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to criminal justice; to amend section 50-434, Reissue Revised Statutes of Nebraska; to change provisions relating to the Committee on Justice Reinvestment Oversight; to provide for a correctional forecasting tool; to require agencies to cooperate as prescribed; to require confidentiality and data security; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 714. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend sections 58-701, 58-706, 58-707, 58-708, and 58-711, Reissue Revised Statutes of Nebraska; to change provisions relating to the Affordable Housing Trust Fund, assistance for qualified recipients, and the Department of Economic Development; to state legislative intent; to define terms; to harmonize provisions; and to repeal the original sections.

MOTION - Withdraw LB86

Senator Hunt offered [MO5](#), found on page 288, to withdraw LB86.

The Hunt motion to withdraw the bill prevailed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB109

Senator McDonnell offered [MO6](#), found on page 288, to withdraw LB109.

The McDonnell motion to withdraw the bill prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB158

Senator McDonnell offered [MO7](#), found on page 288, to withdraw LB158.

The McDonnell motion to withdraw the bill prevailed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB251

Senator Brewer offered [MO8](#), found on page 288, to withdraw LB251.

The Brewer motion to withdraw the bill prevailed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 715. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to emergency rental assistance; to require the Governor to apply for emergency rental assistance under the federal American Rescue Plan Act of 2021; and to declare an emergency.

LEGISLATIVE BILL 716. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2135, Reissue Revised Statutes of Nebraska, and section 81-2118, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to license and registration fees and state inspection fees; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to juvenile justice; to amend section 43-246.01, Reissue Revised Statutes of Nebraska, and section 43-245, Revised Statutes Cumulative Supplement, 2022; to provide for criminal prosecution of persons under fourteen years of age accused of murder in the first or second degree; to change definitions and jurisdiction under the Nebraska Juvenile Code; to provide for transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 718. Introduced by Dover, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Arts Council; and to declare an emergency.

LEGISLATIVE BILL 719. Introduced by Dover, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 720. Introduced by Dover, 19.

A BILL FOR AN ACT relating to child support; to amend section 42-371, Reissue Revised Statutes of Nebraska; to change provisions relating to liens arising from child support orders; and to repeal the original section.

LEGISLATIVE BILL 721. Introduced by Ballard, 21; Brandt, 32; Conrad, 46; Dorn, 30; Dungan, 26; Geist, 25; Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the Department of Transportation to begin planning for the East Beltway project in Lancaster County; and to declare an emergency.

LEGISLATIVE BILL 722. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to broadband funding; to provide authority for the Public Service Commission to make determinations before certain funds for construction of broadband or other telecommunications infrastructure are awarded.

LEGISLATIVE BILL 723. Introduced by Bostelman, 23; at the request of the Governor.

A BILL FOR AN ACT relating to natural resources; to adopt the Public Water and Natural Resources Project Contracting Act.

LEGISLATIVE BILL 724. Introduced by Vargas, 7; Hughes, 24.

A BILL FOR AN ACT relating to teachers and administrators; to amend section 79-809, Reissue Revised Statutes of Nebraska, and sections 79-806, 79-807, 79-808, and 79-8,145, Revised Statutes Cumulative Supplement, 2022; to eliminate a defined term; to remove basic skills and content knowledge test requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-407, 70-408, 70-409, 70-701, 70-702, 70-705, 70-707, 70-712, 70-718, 70-724, 70-727, 70-728, 70-729, 70-730, 70-732, 70-736, 70-737, and 70-738, Reissue Revised Statutes of Nebraska; to change provisions relating to electric companies and electric cooperative corporations; to define and redefine terms; to restrict the use of ratepayer proceeds relating to certain activities; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to public power; to adopt the Nebraska Electric Consumer Right to Transparency and Local Control Act.

LEGISLATIVE BILL 727. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to sales and use tax exemptions for purchases by the state, schools, and governmental units; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-301, 60-302, 60-3,104, and 60-3,151, Reissue Revised Statutes of Nebraska; to define a term; to provide for boat trailer license plates and registration of such license plates every three years; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Jobs and Economic Development Initiative Fund; to amend section 61-405, Revised Statutes Cumulative Supplement, 2022; to authorize economic impact studies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 730. Introduced by Holdcroft, 36; Brewer, 43; Clements, 2; Halloran, 33; Hardin, 48; Ibach, 44; Kauth, 31; Linehan, 39; Lippincott, 34; Riepe, 12.

A BILL FOR AN ACT relating to financial institutions; to adopt the Fair Access to Financial Services Act.

LEGISLATIVE BILL 731. Introduced by Brewer, 43; Halloran, 33; Holdcroft, 36; McDonnell, 5; Riepe, 12; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to state government; to amend section 81-108, Reissue Revised Statutes of Nebraska; to provide for service by state agency department heads in the reserve components of the armed forces of the United States; and to repeal the original section.

LEGISLATIVE BILL 732. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2612, Reissue Revised Statutes of Nebraska; to extend the application acceptance deadline; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to telecommunications; to adopt the Broadband Pole Placement and Undergrounding Fund Act; to state intent for appropriations; and to declare an emergency.

LEGISLATIVE BILL 734. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska; to provide for an enhanced penalty for damage to certain infrastructure facilities resulting in serious bodily injury or death; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend section 81-2,165.01, Reissue Revised Statutes of Nebraska; to provide for the Department of Agriculture to create a work group relating to chemical exposure to bees; to create the Nebraska Stewardship Program as prescribed; to provide for a report to the Legislature; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 736. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to appropriate funds from the General Fund to the Department of Health and Human Services; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Revised Statutes Cumulative Supplement, 2022; to provide a limit on contributions made to a candidate committee as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-605, 60-611, 60-640, and 60-678, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for the regulation of electric bicycles as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

SENATOR B. HANSEN PRESIDING**LEGISLATIVE BILL 739.** Introduced by Raybould, 28.

A BILL FOR AN ACT relating to appropriations; to increase the appropriation to the Department of Health and Human Services for domestic violence services.

LEGISLATIVE BILL 740. Introduced by Vargas, 7; Aguilar, 35.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,251.04, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to provide for enforcement of health inspection permits for mobile food units as prescribed; to provide duties for the Department of Agriculture and certain cities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Vargas, 7; Aguilar, 35; Briese, 41.

A BILL FOR AN ACT relating to appropriations; to state legislative intent to transfer and appropriate funds for workforce housing; and to declare an emergency.

LEGISLATIVE BILL 742. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to elections; to amend sections 32-307, 32-308, 32-315, 32-1506, 60-484, 60-484.02, 60-4,130, 60-4,130.02, and 60-4,144, Reissue Revised Statutes of Nebraska, and sections 32-202, 32-301, 32-301.01, 32-312, and 32-1002, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to registration of voters and voting; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 743. Introduced by Kauth, 31.

A BILL FOR AN ACT relating to public funds; to adopt the Investment Neutrality in Public Funds Act.

LEGISLATIVE BILL 744. Introduced by Erdman, 47; Brewer, 43; Halloran, 33.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Game and Parks Commission for wildlife conservation.

SPEAKER ARCH PRESIDING

LEGISLATIVE BILL 745. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-2602, Revised Statutes Cumulative Supplement, 2022; to increase the cigarette tax and distribute tax proceeds as prescribed; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 746. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2147, Reissue Revised Statutes of Nebraska; to restrict the use of tax-increment financing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 747. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-4212, Revised Statutes Cumulative Supplement, 2022; to provide an income tax credit for renters as prescribed; to change provisions relating to a property tax credit; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to developmental disabilities; to adopt the Persons with Intellectual and Developmental Disabilities Assistance Act; and to declare an emergency.

LEGISLATIVE BILL 749. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to offenses; to amend sections 28-101, 28-1201, and 28-1351, Revised Statutes Cumulative Supplement, 2022; to prohibit the possession of deadly weapons in the State Capitol or on State Capitol grounds; to provide a penalty; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Albrecht, 17; at the request of the Governor.

A BILL FOR AN ACT relating to property taxes; to amend section 77-201, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the valuation of agricultural land and horticultural land; and to repeal the original section.

LEGISLATIVE BILL 751. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to education; to create a fund to provide state aid for public education as prescribed.

LEGISLATIVE BILL 752. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to discrimination; to prohibit discrimination by entities receiving state funding.

LEGISLATIVE BILL 753. Introduced by Linehan, 39; at the request of the Governor; Aguilar, 35; Albrecht, 17; Armendariz, 18; Ballard, 21; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dover, 19; Erdman, 47; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Kauth, 31; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1; von Gillern, 4; Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2022; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Linehan, 39; at the request of the Governor; Albrecht, 17; Briese, 41; Clements, 2; Jacobson, 42; Kauth, 31; Sanders, 45; von Gillern, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement, 2022; to reduce individual and corporate income tax rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 755. Introduced by Vargas, 7; Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund for purposes of the meatpacking industry worker rights coordinator; and to declare an emergency.

LEGISLATIVE BILL 756. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend sections 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, and 77-2912, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to local preservation ordinances or resolutions, tax credits, and joint reports; to change certain deadlines for applications and the use of tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by DeBoer, 10; Albrecht, 17; Cavanaugh, M., 6; Fredrickson, 20; Geist, 25; Hughes, 24; Ibach, 44; Kauth, 31; Linehan, 39; Sanders, 45; Slama, 1; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend section 81-1821, Revised Statutes Cumulative Supplement, 2022; to change requirements for applications to the Crime Victim's Reparations Committee; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to sexual assaults; to create the Sexual Violence Review Act.

LEGISLATIVE BILL 759. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to protection orders; to amend section 42-901, Reissue Revised Statutes of Nebraska, and sections 28-311.09, 28-311.11, and 42-924.02, Revised Statutes Cumulative Supplement, 2022; to provide for notification of pending expiration of a protection order; to provide duties for the Nebraska State Patrol and the State Court Administrator; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 760. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to state intent and requirements for victim advocate grants as prescribed.

LEGISLATIVE BILL 761. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Supreme Court for staffing; and to declare an emergency.

LEGISLATIVE BILL 762. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to education; to define terms; to provide powers and duties to the State Department of Education relating to a teacher apprenticeship program; to create a fund; and to state intent relating to funding.

LEGISLATIVE BILL 763. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to public assistance; to adopt the Emergency Food Assistance Act; and to declare an emergency.

LEGISLATIVE BILL 764. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the regional sections.

LEGISLATIVE BILL 765. Introduced by DeKay, 40; Bostelman, 23.

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to

amend sections 71-8202, 71-8228, 71-8230, 71-8231, 71-8234, 71-8235, 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245, and 71-8247, Reissue Revised Statutes of Nebraska, and sections 71-8236, 71-8237, and 71-8240, Revised Statutes Cumulative Supplement, 2022; to restate legislative findings; to change and eliminate definitions; to provide and eliminate powers and duties; to eliminate requirements and a fund; to repeal the original sections; and to outright repeal sections 71-8208, 71-8216, 71-8220, 71-8222, 71-8238, 71-8246, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 71-8226, 71-8227, and 71-8251, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 766. Introduced by DeKay, 40; Halloran, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate Federal Funds to the Department of Environment and Energy for reverse osmosis systems; and to declare an emergency.

LEGISLATIVE BILL 767. Introduced by DeKay, 40; Aguilar, 35; Brandt, 32; Brewer, 43; Dorn, 30.

A BILL FOR AN ACT relating to court fees; to amend section 33-156, Reissue Revised Statutes of Nebraska; to increase the indigent defense fee; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by DeKay, 40; Dover, 19; Slama, 1; Wishart, 27.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to provide for a transfer of money from the Cash Reserve Fund as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 769. Introduced by Holdcroft, 36; Day, 49; Sanders, 45.

A BILL FOR AN ACT relating to funds; to amend sections 61-224 and 84-612, Revised Statutes Cumulative Supplement, 2022; to change the Critical Infrastructure Facilities Cash Fund as prescribed; to provide for a transfer from the Cash Reserve Fund as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 770. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Revised Statutes Cumulative Supplement, 2022; to provide duties for the Secretary of State regarding an audit of certain offices to determine compliance with the federal Americans with Disabilities Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Holdcroft, 36; Linehan, 39.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to provide for a postsecondary institution grant program as prescribed; to provide powers and duties for the department; to state legislative intent for appropriations; and to declare an emergency.

LEGISLATIVE BILL 772. Introduced by Hughes, 24; Dungan, 26.

A BILL FOR AN ACT relating to children and families; to create the Residential Youth Parenting Facility Grant Program; to define terms; to provide powers and duties for the Division of Children and Family Services of the Department of Health and Human Services; to state intent regarding appropriations; and to declare an emergency.

LEGISLATIVE BILL 773. Introduced by Vargas, 7; Ballard, 21; Hardin, 48; Lowe, 37.

A BILL FOR AN ACT relating to wireless services; to require voters to approve certain taxes on wireless and prepaid wireless services as prescribed.

LEGISLATIVE BILL 774. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-254, 79-256, 79-265, 79-266, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Lowe, 37; Brewer, 43; Hardin, 48; Holdcroft, 36; Hughes, 24.

A BILL FOR AN ACT relating to the Nebraska Racetrack Gaming Act; to amend sections 9-1103 and 9-1106, Reissue Revised Statutes of Nebraska; to redefine a term; to change powers and duties of the State Racing and Gaming Commission; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to elections; to amend sections 32-212, 32-314, 32-401, 32-502, 32-503, 32-506, 32-507, 32-509, 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-557, 32-564, 32-603, 32-605, 32-609, 32-616, 32-617, 32-619.01, 32-622, 32-624, 32-625, 32-710, 32-720, 32-801, 32-810, 32-811, 32-813, 32-814, 32-817, 32-912, 32-1028, and 32-1032, Reissue Revised Statutes of Nebraska, and sections 32-223, 32-230, 32-312, 32-602,

32-607, 32-615, 32-618, 32-623, 32-716, 32-809, 32-961, 32-1002, 32-1027, and 32-1033, Revised Statutes Cumulative Supplement, 2022; to provide for nomination and election of candidates on a nonpartisan ballot; to change and eliminate provisions relating to selection of election workers, voter registration, the statewide primary election, filling vacancies, filing for office, write-in candidates, selection of Lieutenant Governor candidates, declining a nomination, political party provisions, ballot preparation, poll watchers, provisional ballots, county canvassing boards, and certificates of nomination; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-611, 32-612, 32-621, 32-627, 32-702, 32-721, 32-815, and 32-1507, Reissue Revised Statutes of Nebraska, and 32-610, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 777. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Automatic License Plate Reader Privacy Act; to amend sections 60-3203, 60-3204, 60-3205, 60-3206, 60-3207, and 60-3208, Reissue Revised Statutes of Nebraska; to provide for use of automatic license plate reader systems to investigate misdemeanors and felonies, recording of manual entry logs, and use of captured plate data and evidence derived from captured plate data as evidence as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 778. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the Pharmacy Benefit Manager Licensure and Regulation Act; to amend sections 44-4601, 44-4603, 44-4608, and 44-4611, Revised Statutes Cumulative Supplement, 2022; to define and redefine terms; to change provisions relating to an appeal process; to prohibit pharmacy benefit managers from taking certain actions; to provide for pharmacy benefit manager duties; to prohibit spread pricing as prescribed; to change enforcement provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to limit the out-of-pocket cost of prescription insulin drugs to a covered individual.

LEGISLATIVE BILL 780. Introduced by Halloran, 33; Erdman, 47.

A BILL FOR AN ACT relating to education; to provide state funding to cover the education costs of certain students if an educational facility for handicapped students closes as prescribed.

LEGISLATIVE BILL 781. Introduced by Halloran, 33; Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612,

Revised Statutes Cumulative Supplement, 2022; to transfer money and state legislative intent to appropriate funds to provide a grant to Axtell Public Schools; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 782. Introduced by DeKay, 40; Dungan, 26.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-171, 60-173, 60-1401, and 60-1401.02, Reissue Revised Statutes of Nebraska; to change provisions relating to salvage branded certificates of title; to define and redefine terms; to provide requirements for consumer care of motor vehicles as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 783. Introduced by Murman, 38; at the request of the Governor; Albrecht, 17; Briese, 41; Kauth, 31; Linehan, 39; von Gillern, 4.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1402, 85-1517, 85-1520, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-6706, Revised Statutes Cumulative Supplement, 2022; to eliminate the levy authority of community college areas; to harmonize provisions; to provide state funding to community college areas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 784. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 785. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to appropriate funds to the Department of Natural Resources and the Department of Economic Development; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 786. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 787. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to education; to adopt the STEEM Development Act.

LEGISLATIVE BILL 788. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend section 47-918, Reissue Revised Statutes of Nebraska; to require a report by the Inspector General of the Nebraska Correctional System; to designate the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services as prescribed; to provide powers and duties for the patrol; to provide for confidentiality of certain records; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 790. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-912, 47-902, 47-903, and 81-8,240, Reissue Revised Statutes of Nebraska, and sections 29-2261, 81-8,244, 83-1,100, 83-1,102, 83-1,107, 83-901, 83-903, and 83-904, Revised Statutes Cumulative Supplement, 2022; to adopt the Community Work Release and Treatment Centers Act; to provide powers and duties for the Board of Parole, the Office of Probation Administration, the office of Inspector General of the Nebraska Correctional System, the Public Counsel, the Division of Parole Supervision, and the Department of Correctional Services; to change provisions relating to escape from official detention; to provide for access to presentence investigation reports and other records; to transfer responsibility for certain programs and services from the Department of Correctional Services to the Board of Parole; to require reports; to redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-933, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 791. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Commission on African American Affairs; and to declare an emergency.

LEGISLATIVE BILL 792. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to health and human services; to provide for a pilot program for assessing and treating post traumatic stress disorder as prescribed; to state legislative intent to appropriate money; and to declare an emergency.

LEGISLATIVE BILL 793. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to courts; to amend section 24-1302, Reissue Revised Statutes of Nebraska; to provide duties for judges relating to problem solving courts; to provide for allocation of duties by the Supreme Court; and to repeal the original section.

LEGISLATIVE BILL 794. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Incentives Scholarship Act; and to declare an emergency.

LEGISLATIVE BILL 795. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-470, Revised Statutes Cumulative Supplement, 2022; to provide for immunity for administration of naloxone or other federally approved opioid antagonists as prescribed; to eliminate and provide definitions; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act; to amend section 13-1205, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers, duties, and responsibilities of the Department of Transportation; and to repeal the original section.

LEGISLATIVE BILL 797. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2603, 13-2610, and 13-2612, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the Convention Center Support Fund; to extend the application acceptance deadline; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by Vargas, 7; McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the General Fund to the Department of Economic Development for economic recovery; and to declare an emergency.

LEGISLATIVE BILL 799. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2022; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 800. Introduced by Murman, 38; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Halloran, 33; Linchan, 39; McDonnell, 5; Sanders, 45; Slama, 1; Vargas, 7.

A BILL FOR AN ACT relating to schools; to amend sections 79-566, 79-567, 79-1219, 79-2401, and 79-2402, Reissue Revised Statutes of Nebraska, and section 79-594, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Superintendent Pay Transparency Act; to change provisions relating to and provide a limit for superintendent and educational service unit administrator compensation; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 801. Introduced by Vargas, 7; Aguilar, 35.

A BILL FOR AN ACT relating to funds; to state legislative intent to transfer money from the General Fund to the Middle Income Workforce Housing Investment Fund and the Affordable Housing Trust Fund; and to declare an emergency.

LEGISLATIVE BILL 802. Introduced by Vargas, 7; Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to transfer and appropriate funds for pediatric cancer research; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 803. Introduced by von Gillern, 4; Lippincott, 34.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend sections 13-3102 and 13-3108, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to the Sports Arena Facility Support Fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 804. Introduced by von Gillern, 4; at the request of the Governor; Aguilar, 35; Albrecht, 17; Brewer, 43; Briesse, 41; Clements, 2; DeKay, 40; Dover, 19; Geist, 25; Hansen, B., 16; Holdcroft, 36; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2022; to change corporate income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by von Gillern, 4; Sanders, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-2,103, Reissue Revised Statutes of Nebraska; to require schools to allow youth organizations to provide information, services, and activities as prescribed; to define terms; to require background checks; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by von Gillern, 4; at the request of

the Governor; Aguilar, 35; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; DeKay, 40; Dover, 19; Geist, 25; Hansen, B., 16; Holdcroft, 36; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to income taxes; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2022; to change individual income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by von Gillern, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 37-327.04, 60-163, 60-180, 60-301, 60-308, 60-366, 60-370, 60-373, 60-374, 60-375, 60-376, 60-377, 60-378, 60-380, 60-382, 60-393, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,104, 60-3,104.01, 60-3,104.02, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,115, 60-3,116, 60-3,117, 60-3,120, 60-3,121, 60-3,122.01, 60-3,122.04, 60-3,129, 60-3,130, 60-3,130.01, 60-3,130.03, 60-3,130.04, 60-3,130.05, 60-3,134, 60-3,135, 60-3,141, 60-3,144, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,176, 60-3,180, 60-3,183, 60-3,205, 60-3,222, 60-3,228, 60-3,236, 60-3,254, 60-495, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, 60-1903, 60-1908, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 37-112, 37-811, 60-392, 60-3,101, 60-3,102, 60-3,119, 60-3,122, 60-3,122.02, 60-3,122.03, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,130.02, 60-3,135.01, 60-3,198, 60-3,203, 60-3,221, 60-3,253, 60-501, 66-1406.02, 80-414, 80-415, 80-416, 80-417, 81-8,310, 81-2517, 82-139, and 82-334, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to license plates and provide for the issuance of one license plate; to eliminate a fund; to eliminate obsolete provisions; to eliminate provisions relating to certain license plates; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-3,127, 60-3,223, 60-3,224, 60-3,225, 60-3,227, 60-3,230, 60-3,231, 60-3,234, 60-3,235, 60-3,238, 60-3,239, 60-3,240, 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, 60-3,255, 60-3,256, 60-3,257, and 60-3,258, Reissue Revised Statutes of Nebraska, and sections 60-3,128, 60-3,226, 60-3,232, 60-3,233, 60-3,237, 60-3,241, 60-3,243, 60-3,245, 60-3,247, 60-3,249, and 60-3,251, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 808. Introduced by Halloran, 33; Erdman, 47; Hughes, 24.

A BILL FOR AN ACT relating to elections; to amend sections 32-1118 and 32-1119, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, and 32-1041, Revised Statutes Cumulative Supplement, 2022; to define a term; to provide for the option of a hand count for elections and recounts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 809. Introduced by Murman, 38; Dorn, 30; Halloran, 33; Lippincott, 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Rural Development Act; to amend section 77-27,187.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to applications for tax credits; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Murman, 38; Aguilar, 35; Albrecht, 17; Brewer, 43; Clements, 2; DeKay, 40; Halloran, 33; Hardin, 48; Holdcroft, 36; Ibach, 44; Kauth, 31; Lippincott, 34; Riepe, 12; von Gillern, 4.

A BILL FOR AN ACT relating to health care; to adopt the Medical Ethics and Diversity Act; and to provide severability.

LEGISLATIVE BILL 811. Introduced by Murman, 38; Albrecht, 17; Brewer, 43; Clements, 2; Halloran, 33; Hardin, 48; Holdcroft, 36; Lippincott, 34; Moser, 22.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 79-254, 79-259, and 79-2,146, Reissue Revised Statutes of Nebraska, and sections 79-258, 79-2,144, and 79-1001, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to lottery funds used for education; to change provisions relating to the Student Discipline Act; to provide for use of physical contact or physical restraint or removal from a class in response to student behavior; to create a fund; to provide for behavioral awareness and intervention training; to provide powers and duties to the state school security director; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Clements, 2.

A BILL FOR AN ACT relating to funds; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to state legislative intent to appropriate funds; to transfer money from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 27CA. Introduced by McKinney, 11.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election to be held in conjunction with the statewide primary election in May 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 (1) For purposes of this section, offense means any offense against the criminal laws of this state except treason and cases of impeachment.

(2) The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any ~~offense~~ offenses committed against the criminal laws of this state except treason and cases of impeachment.

(3)(a) The Board of Pardons ~~Governor, Attorney General and Secretary of State, sitting as a board,~~ shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for an ~~offense~~ offenses against the laws of the state, except treason and cases of impeachment.

(b) The Board of Pardons shall consist of the Governor, the Attorney General, the Secretary of State, and the following members appointed by the Governor and approved by the Legislature to serve for the remainder of the Governor's term in office:

(i) An individual who was formerly incarcerated;

(ii) An individual with experience in restorative justice and reentry into society;

(iii) An individual with experience as a victim's rights representative; and

(iv) An individual with experience in mental health, conflict resolution, trauma counseling, and trauma therapy.

(c) The Board of Parole may advise the ~~Board of Pardons~~ Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on ~~the Board of Pardons~~ them.

(4) The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution, or grant a further reprieve. Sec. 2. At a special election to be held in conjunction with the statewide primary election in May 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 (1) For purposes of this section, offense means any offense against the criminal laws of this state except treason and cases of impeachment.

(2) The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any ~~offense~~ offenses committed against the criminal laws of this state except treason and cases of impeachment.

(3)(a) The Governor, Attorney General and Secretary of State, sitting as a ~~Board of Pardons~~ board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of

conviction for ~~an offense~~ offenses against the laws of the state, except treason and cases of impeachment.

(b) An individual is eligible for pardon immediately after conviction of an offense.

(c) The Board of Pardons shall not deny a hearing for a pardon for any individual convicted of an offense.

(d) The Board of Pardons shall make an individual decision for each request for a pardon.

(e) All members of the Board of Pardons shall meet at least twice each month to hear any requests for pardons from any individual convicted of an offense.

(f) The Board of Parole may advise the Board of Pardons~~Governor, Attorney General and Secretary of State~~ on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on the Board of Pardons~~them~~.

(4) The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence, or direct the execution, or grant a further reprieve.

Sec. 3. At a special election to be held in conjunction with the statewide primary election in May 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 (1) For purposes of this section, offense means any offense against the criminal laws of this state except treason and cases of impeachment.

(2) The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any ~~offense~~ offenses committed against the criminal laws of this state except treason and cases of impeachment.

(3)(a) The Governor, Attorney General and Secretary of State, sitting as a Board of Pardons~~board~~, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for ~~an offense~~ offenses against the laws of the state, except ~~treason and cases of impeachment~~.

(b) All members of the Board of Pardons shall meet at least twice each month to hear any requests for pardons from any individual convicted of an offense. If the Board of Pardons fails to meet as required by this subsection during three months within a calendar year, for the remainder of the calendar year the Judiciary Committee of the Legislature may hear and may grant or deny any requests for pardons received during such calendar year.

(c) The Board of Parole may advise the Board of Pardons~~Governor, Attorney General and Secretary of State~~ on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on the Board of Pardons~~them~~.

(4) The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution, or grant a further reprieve.

Sec. 4. At a special election to be held in conjunction with the statewide primary election in May 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 (1) For purposes of this section, offense means any offense against the criminal laws of this state except treason and cases of impeachment.

~~(2) The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offense offenses committed against the criminal laws of this state except treason and cases of impeachment.~~

~~(3)(a) The Governor, Attorney General and Secretary of State, sitting as a Board of Pardons board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for an offense offenses against the laws of the state, except treason and cases of impeachment.~~

~~(b) The Board of Parole may advise the Board of Pardons Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on the Board of Pardons them.~~

~~(4)(a) The Board of Commutation shall have power to commute the sentence of any individual convicted of an offense.~~

(b) The Board of Commutation shall consist of the following members:

(i) Two members shall be elected from each congressional district for two-year terms at the general election in 2026 and at each general election thereafter. If a vacancy occurs, the Governor shall appoint a replacement member to serve the remainder of the term. Such replacement member shall be subject to approval by the Legislature; and

(ii) One member appointed by the Governor in December of 2026 and during December of each even-numbered year thereafter. Such appointed member shall serve for a two-year term and shall have experience in restorative justice and reentry into society. Such appointed member shall be subject to approval by the Legislature. If a vacancy occurs, the Governor shall appoint a replacement member to serve the remainder of the term. Such replacement member shall be subject to approval by the Legislature.

(5) The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution, or grant a further reprieve.

Sec. 5. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the membership of the Board of Pardons.

For

Against.

A constitutional amendment to change the powers and duties of the Board of Pardons.

For

Against.

A constitutional amendment to allow the Judiciary Committee of the Legislature to hear requests for pardons during a year in which the Board of Pardons fails to meet as required.

For

Against.

A constitutional amendment to create the Board of Commutation and provide for its powers and membership.

For

Against.

LEGISLATIVE RESOLUTION 28CA. Introduced by Linehan, 39.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 3:

VII-3 The State Board of Education shall be composed of ~~seven~~eight members, who shall be appointed by the Governor, with the advice and consent of the Legislature, with initial appointments of two members for a term of two years, two members for a term of four years, and three members for a term of six years. As the terms of the members expire, the Governor shall appoint or reappoint a member for a term of six years to succeed the member whose term expires ~~selected from eight districts of substantially equal population as provided by the Legislature.~~ Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession ~~and they shall be elected on a nonpartisan ballot.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the composition of the State Board of Education to seven members appointed by the Governor with the advice and consent of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 29CA. Introduced by Linehan, 39.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 3:

VII-3 The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each and members shall not serve more than two consecutive terms. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to limit the terms of the members of the Board of Education to not more than two consecutive terms.

For

Against.

LEGISLATIVE RESOLUTION 30CA. Introduced by Murman, 38.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate

class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may provide that commercial real property, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing commercial real property which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of commercial real property; (7) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (8)(7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (9)(8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment allowing the Legislature to provide for a different method of taxing commercial real property.

For

Against.

LEGISLATIVE RESOLUTION 31. Introduced by Halloran, 33; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Dorn, 30; Erdman, 47; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Sanders, 45; Slama, 1.

WHEREAS, the Founders of the Constitution of the United States empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, to propose amendments to the Constitution of the United States through a convention of states under Article V to place clear restraints on these and related abuses of power; and

WHEREAS, in 2022 the One Hundred Seventh Legislature, Second Session, adopted Legislative Resolution 14 which contained an application for an Article V Convention to propose constitutional amendments identical to those proposed in this resolution, but provided that the application would be rescinded on February 1, 2027, five years after the passage of Legislative Resolution 14.

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

1. That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of states limited to proposing amendments to the Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress.

2. That the Legislature adopts this application with the following understandings, reservations, and declarations:

(a) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to call for a convention;

(b) Such ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(c) The power of Congress to call a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(d) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(e) Congress possesses no power to set the number of delegates to be sent by any of the states;

(f) Congress possesses no power whatsoever to determine any rules for such convention;

(g) By definition, a convention of states means that states vote on the basis of one state, one vote;

(h) A convention of states convened pursuant to this application is limited to consideration of topics specified in this resolution and no other;

(i) The Legislature may recall its delegates at any time for breach of their duties or violations of their instructions pursuant to the procedures adopted in this resolution;

(j) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The Legislature recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(k) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged in this resolution; and

(l) Nebraska places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I of the Constitution relative to the Article V process, and that Congress must act only as expressly specified in Article V.

3. That this application hereby repeals, rescinds, cancels, renders null and void, and supersedes the application to the Congress for a convention under Article V of the Constitution of the United States by this state in Legislative Resolution 14 as adopted by the One Hundred Seventh Legislature of Nebraska, Second Session, in 2022; and

4. That the Clerk of the Legislature shall prepare an official copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Nebraska Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

5. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications to Congress for an Article V convention on the same subject.

Laid over.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB626:

AM17

- 1 1. On page 2, lines 7, 26, and 31; and page 4, line 17, strike
- 2 "woman" and insert "woman or minor girl".
- 3 2. On page 2, in line 20; page 3, line 17; and page 4, lines 8 and
- 4 16, strike "woman's" and insert "woman's or minor girl's".

Senator Hunt filed the following amendment to LB626:

AM16

- 1 1. On page 2, lines 2, 3, and 5; page 3, line 23; page 4, line 18;
- 2 page 6, line 23; page 8, line 13; and page 11, line 4, strike "Nebraska
- 3 Heartbeat Act" and insert "Compulsory Pregnancy Act".

Senator Hunt filed the following amendment to LB626:

AM20

- 1 1. On page 2, strike lines 27 through 29 and insert "death; injury;
- 2 forced discomfort; undue pain; physical, mental, or emotional trauma; or
- 3 financial strain".

Senator Hunt filed the following amendment to LB626:

AM24

- 1 1. Strike original sections 7, 8, 9, 10, 11, 12, 13, and 15 and
- 2 insert the following new section:
- 3 Sec. 7. A physician who violates the Nebraska Heartbeat Act shall
- 4 pay a fine of fifty dollars to the Department of Health and Human
- 5 Services.
- 6 2. On page 2, line 1, strike "6" and insert "7".
- 7 3. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB626:

AM22

- 1 1. On page 3, line 23, strike "physician" and insert "chiropractor".

Senator Hunt filed the following amendment to LB626:

AM19

- 1 1. On page 2, lines 8 and 9, 13, 15, 17, and 20; page 3, lines 3,
- 2 14, 18 and 19, and 27, strike "unborn child" and insert "fetus".
- 3 2. On page 3, line 4, after the semicolon insert "and"; and strike
- 4 beginning with the semicolon in line 8 through "childbirth" in line 11.

Senator Hunt filed the following amendment to LB626:

AM25

- 1 1. Strike original section 16.

Senator Hunt filed the following amendment to LB626:

AM27

- 1 1. On page 3, line 16, strike "and"; in line 21 strike the period
- 2 and insert "; and
- 3 (d) Consult with a judge and the legislator having jurisdiction
- 4 where the pregnant woman or minor child resides.".

Senator Hunt filed the following amendment to LB626:

[AM18](#)

- 1 1. On page 2, strike beginning with "terminating" in line 8 through
- 2 "child" in line 9 and insert "ending an unwanted pregnancy, avoiding a
- 3 forced birth, or preserving the woman's health or quality of life".

Senator Hunt filed the following amendment to [LB626](#):

[AM21](#)

- 1 1. On page 2, line 24, strike "(3)(a)" and insert "(3)"; and strike
- 2 lines 30 and 31.
- 3 2. On page 3, strike lines 1 and 2.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB734](#):

[MO14](#)

Indefinitely postpone.

ANNOUNCEMENTS

The Building Maintenance Committee elected Senator Hughes as Vice Chairperson.

The Revenue Committee elected Senator von Gillern as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, January 25, 2023

LB52
LB252
LB250

Thursday, January 26, 2023

LB47
LB102

(Signed) Tom Brewer, Chairperson

Executive Board
Room 1525 12:00 PM

Friday, January 27, 2023

LB39
LB54

(Signed) Tom Briese, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, January 25, 2023

LB315
LB183
LB59
LB7
LB25

Thursday, January 26, 2023

LB314
LB17
LB77

(Signed) Wendy DeBoer, Vice Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB2.
Senator McKinney name added to LB42.
Senator Dover name added to LB314.
Senator Conrad name added to LB331.
Senator Blood name added to LB331.
Senator Dover name added to LB419.
Senator Hughes name added to LB706.
Senator Dungan name added to LB709.
Senator Lippincott name added to LB712.

VISITOR

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

ADJOURNMENT

At 12:33 p.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., or at the call of the Speaker, Thursday, January 19, 2023.

Brandon Metzler
Clerk of the Legislature

ELEVENTH DAY - JANUARY 19, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 2023

PRAYER

The prayer was offered by Senator Blood.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeKay.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Bostar, Day, Lowe, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

SENATOR DORN PRESIDING**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB465	Transportation and Telecommunications
LB466	Judiciary
LB467	Judiciary
LB468	Health and Human Services
LB469	Business and Labor
LB470	Appropriations
LB471	Health and Human Services
LB472	Judiciary

LB473 Judiciary
LB474 Government, Military and Veterans Affairs
LB475 Education
LB476 Banking, Commerce and Insurance
LB477 Appropriations
LB478 Education
LB479 Judiciary
LB480 Judiciary
LB481 Urban Affairs
LB482 Judiciary
LB483 Banking, Commerce and Insurance
LB484 Transportation and Telecommunications
LB485 Government, Military and Veterans Affairs
LB486 Government, Military and Veterans Affairs
LB487 Education
LB488 Health and Human Services
LB489 Business and Labor
LB490 Appropriations
LB491 Revenue
LB492 Revenue
LB493 General Affairs
LB494 Judiciary
LB495 Revenue
LB496 Revenue
LB497 Revenue
LB498 Revenue
LB499 Revenue
LB500 Health and Human Services
LB501 Business and Labor
LB502 Business and Labor
LB503 Health and Human Services
LB504 Appropriations
LB505 Revenue
LB506 Appropriations
LB507 Judiciary
LB508 Appropriations
LB509 Appropriations
LB510 Health and Human Services
LB511 Appropriations
LB512 General Affairs
LB513 Government, Military and Veterans Affairs
LB514 Government, Military and Veterans Affairs
LB515 Banking, Commerce and Insurance
LB516 Education
LB517 Health and Human Services
LB518 Education
LB519 Education
LB520 Education
LB521 Judiciary

LB522	Education
LB523	Health and Human Services
LB524	Revenue
LB525	Appropriations
LB526	Appropriations
LB527	Education
LB528	Education
LB529	Revenue
LB530	Urban Affairs
LB531	Urban Affairs
LB532	Urban Affairs
LB533	Urban Affairs
LB534	Appropriations
LB535	Government, Military and Veterans Affairs
LB536	Banking, Commerce and Insurance
LB537	Banking, Commerce and Insurance
LB538	Banking, Commerce and Insurance
LB539	Health and Human Services
LB540	Government, Military and Veterans Affairs
LB541	Government, Military and Veterans Affairs
LB542	General Affairs
LB543	General Affairs
LB544	General Affairs
LB545	Judiciary
LB546	Urban Affairs
LB547	Appropriations
LB548	Health and Human Services
LB549	Judiciary
LB550	Education
LB551	Appropriations
LB552	Executive Board
LB553	Judiciary
LB554	Appropriations
LB555	Judiciary
LB556	Natural Resources
LB557	Judiciary
LB558	Business and Labor
LB559	Government, Military and Veterans Affairs
LB560	Appropriations
LB561	Health and Human Services
LB562	Agriculture
LB563	Appropriations
LB564	Transportation and Telecommunications
LB565	Natural Resources
LB566	Executive Board
LB567	Natural Resources
LB568	Natural Resources
LB569	Government, Military and Veterans Affairs
LB570	Health and Human Services

LB571	Appropriations
LB572	Health and Human Services
LB573	Appropriations
LB574	Health and Human Services
LB575	Education
LB576	Judiciary
LB577	Revenue
LB578	Appropriations
LB579	Judiciary
LB580	Revenue
LB581	Judiciary
LB582	Banking, Commerce and Insurance
LB583	Education
LB584	Revenue
LB585	Education
LB586	Health and Human Services
LB587	Banking, Commerce and Insurance
LB588	Judiciary
LB589	Revenue
LB590	Health and Human Services
LB591	Agriculture
LB592	Health and Human Services
LB593	Health and Human Services
LB594	Banking, Commerce and Insurance
LB595	Health and Human Services
LB596	General Affairs
LB597	Appropriations
LB598	Appropriations
LB599	Natural Resources
LB600	Transportation and Telecommunications
LB601	Appropriations
LB602	Revenue
LB603	Education
LB604	Government, Military and Veterans Affairs
LB605	Health and Human Services
LB606	Revenue
LB607	Transportation and Telecommunications
LB608	Appropriations
LB609	Appropriations
LB610	Appropriations
LB611	Health and Human Services
LB612	Appropriations
LB613	Appropriations
LB614	Appropriations
LB615	Appropriations
LB616	Revenue
LB617	Banking, Commerce and Insurance
LB618	Business and Labor
LB619	Judiciary

LB620 Judiciary
LB621 Banking, Commerce and Insurance
LB622 Revenue
LB623 Revenue
LB624 Government, Military and Veterans Affairs
LB625 Transportation and Telecommunications
LB626 Health and Human Services
LB627 Education

(Signed) Tom Briese, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING

Health and Human Services
Room 1510 1:30 PM

Friday, January 27, 2023

Dannette R. Smith - Department of Health and Human Services
Anthony (Tony) R. Green - Department of Health and Human Services
Kevin Bagley - Department of Health and Human Services
Charity Merritt Menefee - Department of Health and Human Services

(Signed) Ben Hansen, Chairperson

MOTION - Adopt Permanent Rules

Senator Erdman moved to adopt permanent rules for the One Hundred Eighth Legislature, First Session and Second Session, and any special sessions held during the 2023- 2024 calendar years.

The Rules Committee offered the proposed rule change, Proposed Rule Change 1, found on page 295, to Rule 1, Sec. 19.

The Rules Committee's proposed rule change, Proposed Rule Change 1, to Rule 1, Sec. 19, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule 2, found on page 295, to Rule 5, Sec. 5.

The Rules Committee's proposed rule change, Proposed Rule Change 2, to Rule 5, Sec. 5, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 3, found on page 295, to Rule 5, Sec. 5.

The Rules Committee's proposed rule change, Proposed Rule Change 3, to Rule 5, Sec. 5, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 4, found on page 296, to Rule 3, Sec. 1.

The Rules Committee's proposed rule change, Proposed Rule Change 4, to Rule 3, Sec. 1, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 5, found on page 296, to Rule 3, Sec. 4.

The Rules Committee's proposed rule change, Proposed Rule Change 5, to Rule 3, Sec. 4, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 6, found on page 296, to Rule 2, Sec. 3.

The Rules Committee's proposed rule change, Proposed Rule Change 6, to Rule 2, Sec. 3, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 7, found on page 297, to Rule 6, Sec. 3.

Senator M. Cavanaugh offered the following motion:
Recommit Proposed Rule Change 7 to Rule 6, Sec. 3, to the Rules Committee

Senator M. Cavanaugh withdrew her motion to recommit to committee.

The Rules Committee's proposed rule change, Proposed Rule Change 7, to Rule 6, Sec. 3, was adopted with 46 ayes, 2 nays, and 1 excused and not voting.

Senator M. Cavanaugh offered the following proposed rules change:

Rule 2, Sec. 12. Firearms in the Capitol. All individuals are prohibited from carrying a deadly weapon in the Capitol and on capitol grounds except for law enforcement and military personnel during legislative proceedings.

The M. Cavanaugh proposed rule change to Rule 2, Sec. 12, failed with 7 ayes, 32 nays, 7 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh offered the following proposed rules change:

Rule 1, Sec. 19. Journal, Governor's Messages, Amendments.
(h) A verbatim record of all debate and questions on all bills and resolutions, ~~and~~ any amendments offered hereto, and all committee briefings shall be made, transcribed, and preserved under the direction of the Clerk.

The M. Cavanaugh proposed rule change to Rule 1, Sec. 19, failed with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Senator McDonnell offered the following proposed rules change:

Rule 1, Sec. 22. Opening Prayer and Pledge of Allegiance. The Clerk's office shall arrange for prayer and the Pledge of Allegiance at the beginning of each day of the legislative session. In addition to members of the body, a person who served in the active military, naval, air, space service, or those who are serving active or reserve duty in the military may be invited to lead the body in the Pledge of Allegiance. The Clerk's Office shall set procedures regarding individuals who may recite the prayer or pledge and shall have authority to enforce those procedures, including repudiation of the scheduled recitation.

The McDonnell proposed rule change to Rule 1, Sec. 22, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The Erdman motion to adopt permanent rules, as amended, prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to LB811:

MO15

Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB626:

AM13

1 1. Insert the following new section:

2 Sec. 6. (1) A hospital which provides emergency care for a sexual
3 assault survivor shall:

4 (a) Provide the sexual assault survivor with medically and factually
5 accurate and objective written and oral information about emergency
6 contraception;

7 (b) Provide the sexual assault survivor with written and oral
8 information in a language that the sexual assault survivor understands
9 about the option to receive emergency contraception at the hospital; and

10 (c) Dispense a complete course of emergency contraception, in
11 accordance with currently accepted professional standards of care and
12 established protocols for sexual assault forensic medical examinations,
13 to the sexual assault survivor.

14 (2) A hospital which provides emergency care for a sexual assault
15 survivor shall provide training for all personnel involved in such care
16 regarding the provision of medically and factually accurate objective
17 information about emergency contraception.

18 (3) A hospital which provides emergency care for a sexual assault
19 survivor shall ensure compliance with this section and shall develop
20 policies and procedures, as necessary, to ensure compliance with the act
21 in the case of moral or religious objections by individual health care

22 providers.

23 (4) For purposes of this section:

24 (a) Emergency care for a sexual assault survivor means a medical
 25 examination, procedure, or service provided by a hospital to a sexual
 26 assault survivor following a sexual assault;

27 (b) Emergency contraception means a federal Food and Drug
 1 Administration-approved drug administered after sexual intercourse that
 2 prevents pregnancy but which does not disrupt an existing pregnancy;

3 (c) Hospital means a hospital licensed under the Health Care
 4 Facility Licensure Act;

5 (d) Medically and factually accurate and objective means verified or
 6 supported by the weight of research conducted in compliance with accepted
 7 scientific methods and standards, the currently accepted professional
 8 standards of care and established protocols for medical care following
 9 sexual assault as established in section 29-4311, and recognized as
 10 accurate and objective by leading professional organizations and agencies
 11 with relevant expertise in the field of obstetrics and gynecology;

12 (e) Sexual assault means any sexual assault that involves sexual
 13 penetration as defined in section 28-318 or substantially similar
 14 conduct; and

15 (f) Sexual assault survivor means an individual who is a victim of
 16 sexual assault and who reports such sexual assault to a hospital,
 17 including anonymous reporting pursuant to section 28-902.

18 2. On page 2, line 1, strike "6" and insert "7".

19 3. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB626:

AM23

1 1. On page 6, line 23; page 8, line 13; and page 11, line 4 strike
 2 "Violation of the Nebraska Heartbeat Act" and insert "Refusal to provide
 3 life-saving care to a pregnant woman or minor girl or honor a woman or
 4 minor girl's wishes to terminate an unwanted pregnancy".

5 2. On page 9, strike beginning with "performed" in line 3 through
 6 "act" in line 4 and insert "refused to provide life-saving care to a
 7 pregnant woman or minor girl or honor a woman or minor girl's wishes to
 8 terminate an unwanted pregnancy"; and strike beginning with "performed"
 9 in line 20 through "act" in line 21 and insert "refused to provide life-
 10 saving care to a pregnant woman or minor girl or honor a woman or minor
 11 girl's wishes to terminate an unwanted pregnancy".

12 3. On page 10, strike beginning with "performing" in line 8 through
 13 "act" in line 9 and insert "refusing to provide life-saving care to a
 14 pregnant woman or minor girl or honor a woman or minor girl's wishes to
 15 terminate an unwanted pregnancy".

Senator Hunt filed the following amendment to LB626:

AM15

1 1. Strike section 2 and insert the following new section:
 2 Sec. 2. The Nebraska Heartbeat Act shall only apply within the
 3 boundaries of a city or village and only after the city council or
 4 village board holds a public hearing on the matter and determines, by
 5 majority vote, that the act shall apply within the city or village.

Senator Hunt filed the following amendment to LB626:

AM14

1 1. On page 2, line 4, after "pregnancies" insert "of married
 2 couples".

Senator Hunt filed the following amendment to LB626:

AM26

- 1 1. Strike original section 16 and insert the following new section:
- 2 Sec. 15. This act shall become operative at such time as the
- 3 Legislature has passed legislation and appropriated funds to be included
- 4 indefinitely in each biennial budget for programs to cover one hundred
- 5 percent of the costs of: Prenatal and postnatal healthcare expenses for
- 6 pregnant women and minor girls; early childhood care or education;
- 7 children's health care; and paid parental leave.
- 8 2. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507 1:30 PM

Friday, January 27, 2023

LB51

LB2

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McKinney name added to LB581.

Senator Day name added to LB588.

Senator McDonnell added to LB606.

Senator Bostar name added to LB709.

Senator Conrad name added to LB709.

Senator Raybould name added to LB709.

Senator Raybould name added to LB721.

Senator Bostar name added to LB721.

Senator Blood name added to LB769.

Senator Wayne name added to LB800.

VISITORS

Visitors to the Chamber were fourth-grade students from Trinity Lutheran School, Lincoln.

ADJOURNMENT

At 11:24 a.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Friday, January 20, 2023.

Brandon Metzler
Clerk of the Legislature

TWELFTH DAY - JANUARY 20, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 2023

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Blood and Slama who were excused; and Senators Albrecht, Armendariz, Day, Hansen, Hunt, Linehan, McDonnell, Sanders, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 19, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Ali, Iram
 AMERICAN CIVIL LIBERTIES UNION, INC.
 Bousquet, Kris
 Nebraska State Dairy Association
 Harr, Burke
 Houghton Bradford Whitted PC, LLO
 Haugaard, Treva
 Council of Independent Nebraska Colleges
 Keigher & Associates, LLC
 Nebraska Manufactured Housing Association
 Larson, Tyson
 SecurityScorecard, Inc.
 Mello, Heath
 University of Nebraska
 Morfeld, Adam
 Civic Nebraska
 Mueller Robak
 LKQ Corporation
 O'Hara Lindsay & Associates, Inc.
 Motorola Solutions, Inc.
 Peetz & Company
 Adams Land and Cattle
 JustData
 Telcoin
 Pitcher, Julia
 Michael J. Fox Foundation for Parkinson's Research
 Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
 Community Information Trust
 Foundation Consumer Healthcare
 Nebraska Chapter of the American College of Obstetricians and
 Gynecologists
 Orsted
 Reljic, Boro
 Abbott
 Zulkoski Weber LLC
 Americans for Affordable Clean Energy

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB116	Agriculture (rereferred)
LB355	Banking, Commerce and Insurance (rereferred)
LB539	Appropriations (rereferred)
LB628	Banking, Commerce and Insurance
LB629	Urban Affairs
LB630	Education

LB631	Judiciary
LB632	Education
LB633	Banking, Commerce and Insurance
LB634	Judiciary
LB635	Education
LB636	Natural Resources
LB637	Government, Military and Veterans Affairs
LB638	Education
LB639	Business and Labor
LB640	Banking, Commerce and Insurance
LB641	Revenue
LB642	Government, Military and Veterans Affairs
LB643	Judiciary
LB644	Banking, Commerce and Insurance
LB645	Transportation and Telecommunications
LB646	Transportation and Telecommunications
LB647	Education
LB648	Education
LB649	Judiciary
LB650	Government, Military and Veterans Affairs
LB651	Appropriations
LB652	Appropriations
LB653	Appropriations
LB654	Appropriations
LB655	Government, Military and Veterans Affairs
LB656	Natural Resources
LB657	Health and Human Services
LB658	Nebraska Retirement Systems
LB659	Nebraska Retirement Systems
LB660	Appropriations
LB661	Health and Human Services
LB662	Agriculture
LB663	Appropriations
LB664	Health and Human Services
LB665	Business and Labor
LB666	Business and Labor
LB667	General Affairs
LB668	Judiciary
LB669	Banking, Commerce and Insurance
LB670	Business and Labor
LB671	Business and Labor
LB672	Appropriations
LB673	Education
LB674	Banking, Commerce and Insurance
LB675	Government, Military and Veterans Affairs
LB676	Health and Human Services
LB677	Health and Human Services
LB678	Business and Labor
LB679	Education

LB680	Health and Human Services
LB681	Appropriations
LB682	Appropriations
LB683	Transportation and Telecommunications
LB684	Government, Military and Veterans Affairs
LB685	General Affairs
LB686	Nebraska Retirement Systems
LB687	Judiciary
LB688	Transportation and Telecommunications
LB689	Revenue
LB690	Education
LB691	Urban Affairs
LB692	Revenue
LB693	Urban Affairs
LB694	Revenue
LB695	Revenue
LB696	Executive Board
LB697	Revenue
LB698	Education
LB699	Revenue
LB700	Education
LB701	Education
LB702	Education
LB703	Education
LB704	Revenue
LB705	Education
LB706	Revenue
LB707	Urban Affairs
LB708	Education
LB709	Banking, Commerce and Insurance
LB710	Banking, Commerce and Insurance
LB711	Banking, Commerce and Insurance
LB712	Government, Military and Veterans Affairs
LB713	Executive Board
LB714	Health and Human Services
LB715	Government, Military and Veterans Affairs
LB716	General Affairs
LB717	Judiciary
LB718	Appropriations
LB719	Appropriations
LB720	Judiciary
LB721	Transportation and Telecommunications
LB722	Transportation and Telecommunications
LB723	Natural Resources
LB724	Education
LB725	Natural Resources
LB726	Natural Resources
LB727	Revenue
LB728	Transportation and Telecommunications

LB729 Natural Resources
LB730 Banking, Commerce and Insurance
LB731 Government, Military and Veterans Affairs
LB732 Revenue
LB733 Transportation and Telecommunications
LB734 Judiciary
LB735 Agriculture
LB736 Appropriations
LB737 Government, Military and Veterans Affairs
LB738 Transportation and Telecommunications
LB739 Appropriations
LB740 Agriculture
LB741 Appropriations
LB742 Government, Military and Veterans Affairs
LB743 Banking, Commerce and Insurance
LB744 Appropriations
LB745 Revenue
LB746 Urban Affairs
LB747 Revenue
LB748 Health and Human Services
LB749 Judiciary
LB750 Revenue
LB751 Education
LB752 Business and Labor
LB753 Revenue
LB754 Revenue
LB755 Appropriations
LB756 Revenue
LB757 Judiciary
LB758 Judiciary
LB759 Judiciary
LB760 Judiciary
LB761 Appropriations
LB762 Education
LB763 Health and Human Services
LB764 Government, Military and Veterans Affairs
LB765 Health and Human Services
LB766 Appropriations
LB767 Judiciary
LB768 Appropriations
LB769 Natural Resources
LB770 Government, Military and Veterans Affairs
LB771 Government, Military and Veterans Affairs
LB772 Health and Human Services
LB773 Transportation and Telecommunications
LB774 Education
LB775 General Affairs
LB776 Government, Military and Veterans Affairs
LB777 Judiciary

LB778 Banking, Commerce and Insurance
LB779 Banking, Commerce and Insurance
LB780 Education
LB781 Appropriations
LB782 Transportation and Telecommunications
LB783 Revenue
LB784 Appropriations
LB785 Appropriations
LB786 Appropriations
LB787 Education
LB788 Judiciary
LB789 Appropriations
LB790 Judiciary
LB791 Government, Military and Veterans Affairs
LB792 Health and Human Services
LB793 Judiciary
LB794 Health and Human Services
LB795 Judiciary
LB796 Transportation and Telecommunications
LB797 Revenue
LB798 Appropriations
LB799 Judiciary
LB800 Education
LB801 Appropriations
LB802 Appropriations
LB803 Revenue
LB804 Revenue
LB805 Education
LB806 Revenue
LB807 Transportation and Telecommunications
LB808 Government, Military and Veterans Affairs
LB809 Revenue
LB810 Health and Human Services
LB811 Education
LB812 Appropriations
LR27CA Judiciary
LR28CA Education
LR29CA Education
LR30CA Revenue
LR31 Government, Military and Veterans Affairs

(Signed) Tom Briese, Chairperson
Executive Board

MESSAGE FROM THE GOVERNOR

January 17, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Information Officer:

Edward A Toner, 3814 South 192nd Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

AMENDMENTS - Print in Journal

Senator Brewer filed the following amendment to LB77:

AM55

1 1. On page 2, in line 14, after the period insert "Any such
2 political subdivision with an ordinance, permit, or regulation prohibited
3 under this section shall publish prominently on the political
4 subdivision's website a notice to the public that such provision is void
5 and no longer has the force of law. Such notice shall remain on such
6 website until the political subdivision takes action to strike the
7 prohibited provision from its published ordinances or regulations.".

Senator Brewer filed the following amendment to LB77:

AM56

1 1. On page 3, line 22, after "Act" insert "or in protection of self
2 or others pursuant to sections 28-1409 through 28-1411".
3 2. On page 12, line 8, after "material" insert ", except in
4 protection of self or others pursuant to sections 28-1409 through
5 28-1411"; in line 22 after "firearms," insert "except in protection of
6 self or others pursuant to sections 28-1409 through 28-1411, or the
7 discharge of".
8 3. On page 13, line 10, after "firearms," insert "except in
9 protection of self or others pursuant to sections 28-1409 through
10 28-1411, or the discharge of".

Senator Brewer filed the following amendment to LB77:

AM57

1 1. On page 29, line 30, strike "possessing or carrying" and insert
2 "carrying and possessing".

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance
Room 1507 9:00 AM

Monday, January 30, 2023

LB669

LB674

LB67

LB68

(Signed) Julie Slama, Chairperson

MOTION - Suspend Rules

Senator Lowe offered the following motion:

Suspend Rule 3, Sec. 14, to permit cancellation of the public hearing by the General Affairs Committee scheduled for January 23, 2023, for Trent Loos and Brian Botsford.

The Lowe motion to suspend the rules prevailed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

General Affairs
Room 1510 1:30 PM

Monday, January 23, 2023

Brian Botsford - Nebraska Arts Council (cancel)

Trent Loos - State Racing and Gaming Commission (cancel)

(Signed) John Lowe, Chairperson

Banking, Commerce and Insurance
Room 1507 1:30 PM

Monday, January 30, 2023

LB278

LB633

LB621

LB644

(Signed) Julie Slama, Chairperson

Business and Labor
Room 1524 9:00 AM

Monday, January 30, 2023

LB469

LB267

LB161

LB56

LB57

John Albin - Department of Labor

LB427

LB426

LB282

LB283

LB249

LB15

LB558

LB393

LB101

(Signed) Merv Riepe, Chairperson

Judiciary
Room 1113 1:30 PM

Friday, January 27, 2023

LB334

LB557

LB265

LB82

LB467

(Signed) Justin Wayne, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hardin name added to LB67.

Senator Hardin name added to LB96.

Senator Hardin name added to LB142.

Senator Hardin name added to LB343.

Senator B. Hansen name added to LB795.

VISITOR

Visitor to the chamber was Eva Walz, Senator Walz's granddaughter, Fremont.

ADJOURNMENT

At 10:15 a.m., on a motion by Senator Erdman, the Legislature adjourned until 10:00 a.m., Monday, January 23, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 23, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 2023

PRAYER

The prayer was offered by Chaplain Mike Mennard, New Creation Community Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dover.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators DeBoer and Slama who were excused; and Senators Bostar, Briese, Day, Hansen, Raybould, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

MOTION - Print in Journal

Senator Hunt filed the following motion to [LB626](#):
[MO16](#)
Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 9:30 AM

Monday, January 30, 2023
LB413
LB324

Room 1525 1:30 PM

Monday, January 30, 2023

LB603
LB519
LB385

Room 1525 9:30 AM

Tuesday, January 31, 2023

LB762
LB787
LB800

Room 1525 1:30 PM

Tuesday, January 31, 2023

LB673
LB374
LB71

(Signed) Dave Murman, Chairperson

General Affairs
Room 1510 9:00 AM

Monday, January 30, 2023

LB258
LB259
LB376
LB377
LB596

Room 1510 1:30 PM

Monday, January 30, 2023

LB301
LB452
LB512
LB667

(Signed) John Lowe, Chairperson

Urban Affairs
Room 1510 9:00 AM

Tuesday, January 31, 2023
LB21
LB389

Room 1510 1:30 PM

Tuesday, January 31, 2023
LB33
LB98

(Signed) Terrell McKinney, Chairperson

Banking, Commerce and Insurance
Room 1507 9:00 AM

Tuesday, January 31, 2023
LB3
LB113
LB93
LB536
LB628

Room 1507 1:30 PM

Tuesday, January 31, 2023
LB617
LB582
LB709
LB515
LB711

Room 1507 9:00 AM

Tuesday, February 7, 2023
LB32
LB145
LB142
LB779

Room 1507 1:30 PM

Tuesday, February 7, 2023
LB383
LB308

Room 1507 1:30 PM

Monday, March 6, 2023

LB69

LB587

Room 1507 1:30 PM

Tuesday, March 7, 2023

LB640

LB483

LB594

LB476

Room 1507 1:30 PM

Monday, March 13, 2023

LB354

LB355

LB423

LB418

LB210

LB446

Room 1507 1:30 PM

Tuesday, March 21, 2023

LB710

LB778

LB448

LB538

LB537

(Signed) Julie Slama, Chairperson

Agriculture
Room 1524 9:30 AM

Tuesday, January 31, 2023

LB321

LB262

Room 1524 1:30 PM

Tuesday, January 31, 2023

Dawn Caldwell - Nebraska State Fair Board

Brett R. Lindstrom - Nebraska State Fair Board

Beth Smith - Nebraska State Fair Board

LB591

LB264
LB305

Room 1524 9:30 AM

Tuesday, February 7, 2023
LB116
LB442

Room 1524 1:30 PM

Tuesday, February 7, 2023
Marie A. Farr - Nebraska Brand Committee
Steven F. Stroup - Nebraska Brand Committee
LB229
LB562
LB218

(Signed) Steve Halloran, Chairperson

Business and Labor
Room 1524 9:00 AM

Monday, January 30, 2023
LB393 (cancel)
LB101 (cancel)

(Signed) Merv Riepe, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Dorn has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR25 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR25.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB626](#):
[AM59](#)

(Amendments to FA5)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 6, line 23; page 8, line 13; and page 11, line 4 strike
- 4 "Violation of the Nebraska Heartbeat Act" and insert "Refusal to provide
- 5 life-saving care to a pregnant woman or minor girl or honor a woman or
- 6 minor girl's wishes to terminate an unwanted pregnancy".
- 7 2. On page 9, strike beginning with "performed" in line 3 through
- 8 "act" in line 4 and insert "refused to provide life-saving care to a
- 9 pregnant woman or minor girl or honor a woman or minor girl's wishes to
- 10 terminate an unwanted pregnancy"; and strike beginning with "performed"
- 11 in line 20 through "act" in line 21 and insert "refused to provide life-
- 12 saving care to a pregnant woman or minor girl or honor a woman or minor
- 13 girl's wishes to terminate an unwanted pregnancy".
- 14 3. On page 10, strike beginning with "performing" in line 8 through
- 15 "act" in line 9 and insert "refusing to provide life-saving care to a
- 16 pregnant woman or minor girl or honor a woman or minor girl's wishes to
- 17 terminate an unwanted pregnancy".

Senator Hunt filed the following amendment to LB626:

AM60

(Amendments to FA5)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 2, line 24, strike "(3)(a)" and insert "(3)"; and strike
- 4 lines 30 and 31.
- 5 2. On page 3, strike lines 1 and 2.

Senator Hunt filed the following amendment to LB626:

AM62

(Amendments to FA6)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 2, strike beginning with "terminating" in line 8 through
- 4 "child" in line 9 and insert "ending an unwanted pregnancy, avoiding a
- 5 forced birth, or preserving the woman's health or quality of life".

Senator Hunt filed the following amendment to LB626:

AM61

(Amendments to FA6)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 2, lines 8 and 9, 13, 15, 17, and 20; page 3, lines 3,
- 4 14, 18 and 19, and 27, strike "unborn child" and insert "fetus".
- 5 2. On page 3, line 4, after the semicolon insert "and"; and strike
- 6 beginning with the semicolon in line 8 through "childbirth" in line 11.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator J. Cavanaugh name added to LB20.

Senator Aguilar name added to LB232.

Senator Hardin name added to LB253.

Senator Hardin name added to LB254.

Senator Conrad name added to LB285.
Senator Conrad name added to LB357.
Senator Conrad name added to LB365.
Senator Hardin name added to LB400.
Senator Hardin name added to LB450.
Senator Hardin name added to LB456.
Senator Conrad name added to LB487.
Senator Blood name added to LB509.
Senator Blood name added to LB510.
Senator Conrad name added to LB590.
Senator Aguilar name added to LB714.
Senator Aguilar name added to LB715.
Senator Lippincott name added to LB771.

VISITORS

Visitors to the Chamber were members of ABATE of Nebraska

The Doctor of the Day was Dr. Eric Thomsen of Beatrice.

ADJOURNMENT

At 10:33 a.m., on a motion by Senator Vargas, the Legislature adjourned until 10:00 a.m., Tuesday, January 24, 2023.

Brandon Metzler
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 24, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 2023

PRAYER

The prayer was offered by Father Evan Winter, Saint John the Baptist Church, Minden.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Erdman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Bostar, Day, B. Hansen, Slama, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 366, line 31, replace LB32 with LB321.
The Journal for the thirteenth day was approved as corrected.

MOTIONS - Print in Journal

Senator Hunt filed the following motion to LR18CA:
[MO17](#)
Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

Senator Hunt filed the following motion to LR19CA:
[MO18](#)
Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

Senator Wayne filed the following motion to LB790:
[MO19](#)
Withdraw LB790.

Senator Wayne filed the following motion to [LB626](#):

[MO20](#)

Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

Senator Wayne filed the following motion to [LR18CA](#):

[MO21](#)

Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

Senator Wayne filed the following motion to [LR19CA](#):

[MO22](#)

Rerefer to Judiciary Committee pursuant to Rule 6 Section 2(a).

NOTICE OF COMMITTEE HEARINGS

Natural Resources
Room 1525 9:30 AM

Wednesday, February 1, 2023

LB599

LB565

Room 1525 1:30 PM

Wednesday, February 1, 2023

LB769

LB556

Room 1525 9:30 AM

Thursday, February 2, 2023

LB567

Room 1525 1:30 PM

Thursday, February 2, 2023

LB723

(Signed) Bruce Bostelman, Chairperson

Transportation and Telecommunications
Room 1113 1:30 PM

Tuesday, January 31, 2023

LB465

LB484

LB728

LB782

LB688

Room 1113 9:30 AM

Tuesday, February 7, 2023
LB683
LB412

Room 1113 1:30 PM

Tuesday, February 7, 2023
LB119
LB359
LB722
LB155

(Signed) Suzanne Geist, Chairperson

Health and Human Services
1510 9:30 AM

Wednesday, February 1, 2023
LB12
LB181
LB245
LB261

Room 1510 1:30 PM

Wednesday, February 1, 2023
LB626

Room 1510 9:30 AM

Thursday, February 2, 2023
LB189
LB280
LB78

Room 1510 1:30 PM

Thursday, February 2, 2023
LB65
LB64
LB115
LB419

Room 1510 9:30 AM

Friday, February 3, 2023

LB345
LB337
LB548

Room 1510 1:30 PM

Friday, February 3, 2023

LB561
LB572
LB430

(Signed) Ben Hansen, Chairperson

Government, Military and Veterans Affairs
Room 1507 9:30 AM

Wednesday, February 1, 2023

LB269
LB313

Room 1507 1:30 PM

Wednesday, February 1, 2023

LB535

Room 1507 9:30 AM

Thursday, February 2, 2023

LB194
LB195
LR31

Room 1507 1:30 PM

Thursday, February 2, 2023

LB390
LB514

Room 1507 9:30 AM

Friday, February 3, 2023

Patrick Guinan - State Personnel Board
John Andrew Bolduc - Nebraska State Patrol
John Hilgert - Department of Veterans Affairs

Room 1507 1:30 PM

Friday, February 3, 2023

Andrew N. Reuss - Nebraska Accountability and Disclosure Commission
Edward A Toner - Office of the Chief Information Officer
Jason Jackson - Department of Administrative Services

(Signed) Tom Brewer, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee

LB471 Government, Military and Veterans Affairs (rereferred)
Toner, Edward A - Chief Information Officer, Office of the Chief
Information Officer - Government, Military and Veterans Affairs

(Signed) Tom Briese, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Briese, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Legislative Mental Health Care Capacity Strategic Planning Committee

Senator Armendariz (Appropriations designee)

Senator John Cavanaugh

Senator Day

Senator Geist

Senator Hansen (HHS Chair)

Senator McKinney (Judiciary designee)

Senator Sanders

(Signed) Tom Briese, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113 9:30 AM

Tuesday, January 31, 2023

Vicki Kramer - Nebraska Department of Transportation

(Signed) Suzanne Geist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hunt name added to LB22.
Senator Ibach name added to LB91.
Senator DeKay name added to LB91.
Senator Hardin name added to LB106.
Senator Hardin name added to LB107.
Senator Hardin name added to LB323.
Senator Wayne name added to LB577.
Senator Hunt name added to LB588.
Senator McDonnell name added to LB588.
Senator Lowe name added to LB712.
Senator Halloran name added to LB712.
Senator Raybould name added to LB740.
Senator J. Cavanaugh name added to LR4CA.
Senator DeKay name added to LR31.

VISITOR

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

ADJOURNMENT

At 10:20 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:30 a.m., Wednesday, January 25, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 25, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 2023

PRAYER

The prayer was offered by Pastor Kyle Campise, Bethel Baptist Church, Ord.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Geist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Blood, Bostar, Day, B. Hansen, Riepe, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARINGS

Executive Board
Room 1525 12:00 PM

Friday, February 3, 2023
LB552
LB713
LB215

Room 1525 12:00 PM

Friday, February 10, 2023
LB90
LB254

Room 1525 12:00 PM

Friday, February 24, 2023
LR21
LB566

Room 1525 12:00 PM

Friday, March 3, 2023
LR5
LR22CA

Room 1525 12:00 PM

Thursday, March 9, 2023
LB696
LR2CA

(Signed) Tom Briese, Chairperson

Revenue
Room 1524 9:30 AM

Wednesday, February 1, 2023
LB589

Room 1524 1:00 PM

Wednesday, February 1, 2023
LB74
LB146
LB147

(Signed) Lou Ann Linehan, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, February 1, 2023
LB368
LB163
LB432
LB50
LB352

(Signed) Justin Wayne, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Raybould has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB606](#):

[AM82](#)

(Amendments to FA1)

- 1 1. Strike the original amendment and insert the following new
- 2 amendments:
- 3 1. On page 2, lines 2, 16, and 20; page 4, line 18; page 5, lines 13
- 4 and 14; page 6, lines 4 and 25; page 7, line 10; page 8, line 21; page
- 5 11, line 5; page 15, line 13; page 16, lines 8 and 9; page 17, lines 1
- 6 and 19 and 20; and page 20, line 17, strike "[Nebraska Pregnancy Help](#)" and
- 7 insert "[Tax-Funded Forced Birth](#)".
- 8 2. On page 2, lines 4 and 11, strike "[Pregnancy help organizations](#)"
- 9 and insert "[Forced Birth Centers](#)"; in line 17 strike "[pregnancy help](#)
- 10 [organizations](#)" and insert "[Forced Birth Centers](#)"; and in line 28 strike
- 11 "[pregnancy help organization](#)" and insert "[Forced Birth Center](#)".

Senator Hunt filed the following amendment to [LB575](#):

[AM73](#)

- 1 1. On page 3, line 3, strike "[violation of](#)" and insert "[school's](#)
- 2 [compliance with](#)"; and in line 4 strike "[violation](#)" and insert
- 3 "[compliance](#)".

Senator Hunt filed the following amendment to [LB574](#):

[AM72](#)

- 1 1. On page 3, line 21; page 4, lines 2, 5, 23, and 29; page 5, lines
- 2 5, 16, and 19; page 6, lines 1, 2, 9, and 28; and page 7, lines 8, 10,
- 3 12, 18, 20, 24, and 25, strike "[altering](#)" and insert "[affirming](#)".
- 4 2. On page 4, lines 7, 30, and 31; page 5, lines 8 and 18; and page
- 5 6, lines 11, 27, and 30, strike "[alteration](#)" and insert "[affirmation](#)".
- 6 3. On page 7, line 6, after the comma insert "[breast augmentation](#)".

Senator Hunt filed the following amendment to [LB169](#):

[AM10](#)

- 1 1. Insert the following new sections:
- 2 Sec. 9. Section 48-1102, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 48-1102 For purposes of the Nebraska Fair Employment Practice Act,
- 5 unless the context otherwise requires:
- 6 (1) Person shall include one or more individuals, labor unions,
- 7 partnerships, limited liability companies, associations, corporations,
- 8 legal representatives, mutual companies, joint-stock companies, trusts,
- 9 unincorporated organizations, trustees, trustees in bankruptcy, or
- 10 receivers;
- 11 (2) Employer shall include a Class I employer and a Class II
- 12 employer;
- 13 (3) Class I employer shall mean a person engaged in an industry who
- 14 has fifteen or more employees for each working day in each of twenty or
- 15 more calendar weeks in the current or preceding calendar year, any agent

16 of such a person, and any party whose business is financed in whole or in
 17 part under the Nebraska Investment Finance Authority Act regardless of
 18 the number of employees and shall include the State of Nebraska,
 19 governmental agencies, and political subdivisions, but such term shall
 20 not include (a) the United States, a corporation wholly owned by the
 21 government of the United States, or an Indian tribe; or (b) a bona fide
 22 private membership club, other than a labor organization, which is exempt
 23 from taxation under section 501(c) of the Internal Revenue Code; or (c) a
 24 Class II employer;

25 (4) Class II employer shall mean a person engaged in an industry who
 26 has one or more employees for each working day in each of twenty or more
 27 calendar weeks in the current or preceding calendar year and any agent of
 1 such a person, but such term does not include (a) the United States, a
 2 corporation wholly owned by the government of the United States, or an
 3 Indian tribe; (b) a bona fide private membership club, other than a labor
 4 organization, which is exempt from taxation under section 501(c) of the
 5 Internal Revenue Code; or (c) a Class I employer;

6 (5) (3) Labor organization shall mean any organization which exists
 7 wholly or in part for one or more of the following purposes: Collective
 8 bargaining; dealing with employers concerning grievances, terms, or
 9 conditions of employment; or mutual aid or protection in relation to
 10 employment;

11 (6) (4) Employment agency shall mean any person regularly
 12 undertaking with or without compensation to procure employees for an
 13 employer or to procure for employees opportunities to work for an
 14 employer and shall include an agent of such a person but shall not
 15 include an agency of the United States, except that such term shall
 16 include the United States Employment Service and the system of state and
 17 local employment services receiving federal assistance;

18 (7) (5) Covered entity shall mean a Class I an employer, an
 19 employment agency, a labor organization, or a joint labor-management
 20 committee;

21 (8) (6) Privileges of employment shall mean terms and conditions of
 22 any employer-employee relationship, opportunities for advancement of
 23 employees, and plant conveniences;

24 (9) (7) Employee shall mean an individual employed by an employer;

25 (10) (8) Commission shall mean the Equal Opportunity Commission;

26 (11) (9) Disability shall mean (a) a physical or mental impairment
 27 that substantially limits one or more of the major life activities of
 28 such individual, (b) a record of such an impairment, or (c) being
 29 regarded as having such an impairment. Disability shall not include
 30 homosexuality, bisexuality, transvestism, transsexualism, pedophilia,
 31 exhibitionism, voyeurism, gender-identity disorders not resulting in
 1 physical impairments, other sexual behavior disorders, problem gambling,
 2 kleptomania, pyromania, or psychoactive substance use disorders resulting
 3 from current illegal use of drugs;

4 (12)(a) (10)(a) Qualified individual with a disability shall mean an
 5 individual with a disability who, with or without reasonable
 6 accommodation, can perform the essential functions of the employment
 7 position that such individual holds or desires. Consideration shall be
 8 given to the employer's judgment as to what functions of a job are
 9 essential, and if an employer has prepared a written description before
 10 advertising or interviewing applicants for the job, this description
 11 shall be considered evidence of the essential functions of the job;

12 (b) Qualified individual with a disability shall not include any
 13 employee or applicant who is currently engaged in the illegal use of
 14 drugs when the covered entity acts on the basis of such use; and
 15 (c) Nothing in this subdivision shall be construed to exclude as a
 16 qualified individual with a disability an individual who:

17 (i) Has successfully completed a supervised drug rehabilitation

18 program or otherwise been rehabilitated successfully and is no longer
19 engaging in the illegal use of drugs;
20 (ii) Is participating in a supervised rehabilitation program and is
21 no longer engaging in such use; or
22 (iii) Is erroneously regarded as engaging in such use but is not
23 engaging in such use;
24 ~~(13) (11)~~ Reasonable accommodation, with respect to disability,
25 shall include making existing facilities used by employees readily
26 accessible to and usable by individuals with disabilities, job
27 restructuring, part-time or modified work schedules, reassignment to a
28 vacant position, acquisition or modification of equipment or devices,
29 appropriate adjustment or modification of examinations, training manuals,
30 or policies, the provision of qualified readers or interpreters, and
31 other similar accommodations for individuals with disabilities.
1 Reasonable accommodation, with respect to pregnancy, childbirth, or
2 related medical conditions, shall include acquisition of equipment for
3 sitting, more frequent or longer breaks, periodic rest, assistance with
4 manual labor, job restructuring, light-duty assignments, modified work
5 schedules, temporary transfers to less strenuous or hazardous work, time
6 off to recover from childbirth, or break time and appropriate facilities
7 for breast-feeding or expressing breast milk. Reasonable accommodation
8 shall not include accommodations which the covered entity can demonstrate
9 require significant difficulty or expense thereby posing an undue
10 hardship upon the covered entity. Factors to be considered in determining
11 whether an accommodation would pose an undue hardship shall include:
12 (a) The nature and the cost of the accommodation needed under the
13 Nebraska Fair Employment Practice Act;
14 (b) The overall financial resources of the facility or facilities
15 involved in the provision of the reasonable accommodation, the number of
16 persons employed at such facility, the effect on expenses and resources,
17 or the impact otherwise of such accommodation upon the operation of the
18 facility;
19 (c) The overall financial resources of the covered entity, the
20 overall size of the business of a covered entity with respect to the
21 number of its employees, and the number, type, and location of its
22 facilities; and
23 (d) The type of operation or operations of the covered entity,
24 including the composition, structure, and functions of the work force of
25 such entity, and the geographic separateness and administrative or fiscal
26 relationship of the facility or facilities in question to the covered
27 entity;
28 ~~(14) (12)~~ Marital status shall mean the status of a person whether
29 married or single;
30 ~~(15) (13)~~ Because of sex or on the basis of sex shall include, but
31 not be limited to, because of or on the basis of pregnancy, childbirth,
1 or related medical conditions;
2 ~~(16) (14)~~ Harass because of sex shall include making unwelcome
3 sexual advances, requesting sexual favors, and engaging in other verbal
4 or physical conduct of a sexual nature if (a) submission to such conduct
5 is made either explicitly or implicitly a term or condition of an
6 individual's employment, (b) submission to or rejection of such conduct
7 by an individual is used as the basis for employment decisions affecting
8 such individual, or (c) such conduct has the purpose or effect of
9 unreasonably interfering with an individual's work performance or
10 creating an intimidating, hostile, or offensive working environment;
11 ~~(17) (15)~~ Unlawful under federal law or the laws of this state shall
12 mean acting contrary to or in defiance of the law or disobeying or
13 disregarding the law;
14 ~~(18) (16)~~ Drug shall mean a controlled substance as defined in
15 section 28-401;

16 (19) (17) Illegal use of drugs shall mean the use of drugs, the
 17 possession or distribution of which is unlawful under the Uniform
 18 Controlled Substances Act, but shall not include the use of a drug taken
 19 under supervision by a licensed health care professional or any other use
 20 authorized by the Uniform Controlled Substances Act or other provisions
 21 of state law;

22 (20) (18) Individual who is pregnant, who has given birth, or who
 23 has a related medical condition shall mean an individual with a known
 24 limitation who, with or without reasonable accommodation, can perform the
 25 essential functions of the employment position that such individual
 26 holds, desires, or may be temporarily assigned to. Consideration shall be
 27 given to the employer's judgment as to what functions of a job are
 28 essential, and if an employer has prepared a written description before
 29 advertising or interviewing applicants for the job, this description
 30 shall be considered evidence of the essential functions of the job;

31 (21) (19) Race is inclusive of characteristics such as skin color,
 1 hair texture, and protective hairstyles; and
 2 (22) (20) Protective hairstyles includes braids, locks, and twists.
 3 Sec. 14. Section 48-1108.01, Reissue Revised Statutes of Nebraska,
 4 is amended to read:

5 48-1108.01 It shall not be an unlawful employment practice for a
 6 covered entity or a Class II employer to:

7 (1) Prohibit the illegal use of drugs and the use of alcohol at the
 8 workplace by all employees;

9 (2) Require that employees not be under the influence of alcohol or
 10 be engaging in the illegal use of drugs at the workplace;

11 (3) Require employees to comply with any federal regulations
 12 concerning the use of alcohol or the illegal use of drugs which are
 13 applicable to the position of the employee or to the industry involved;
 14 or

15 (4) Hold an employee who engages in the illegal use of drugs or who
 16 is an alcoholic to the same qualification standards for employment or job
 17 performance and behavior that such entity or employer holds other
 18 employees even if any unsatisfactory performance or behavior is related
 19 to the drug use or alcoholism of such employee.

20 Sec. 17. Section 48-1114, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 48-1114 (1) It shall be an unlawful employment practice for an
 23 employer to discriminate against any of his or her employees or
 24 applicants for employment, for an employment agency to discriminate
 25 against any individual, or for a labor organization to discriminate
 26 against any member thereof or applicant for membership, because he or she
 27 has:

28 (a) Opposed ~~has opposed~~ any practice made an unlawful employment
 29 practice by the Nebraska Fair Employment Practice Act; or ~~;~~

30 (b) Made ~~has made~~ a charge, testified, assisted, or participated in
 31 any manner in an investigation, proceeding, or hearing under the act, ~~;~~
 1 (c)

2 (2) It shall be an unlawful employment practice for a Class I
 3 employer to discriminate against any of his or her employees or
 4 applicants for employment, for an employment agency to discriminate
 5 against any individual, or for a labor organization to discriminate
 6 against any member thereof or applicant for membership, because he or she
 7 has opposed any practice or refused to carry out any action unlawful
 8 under federal law or the laws of this state. ~~;~~ ~~(d)~~

9 (3)(a) It shall be an unlawful employment practice for a Class I
 10 employer to discriminate against any of his or her employees or
 11 applicants for employment, for an employment agency to discriminate
 12 against any individual, or for a labor organization to discriminate
 13 against any member thereof or applicant for membership, because he or she

14 has inquired about, discussed, or disclosed information regarding
 15 employee wages, benefits, or other compensation.
 16 (b) This ~~subsection subdivision (d)~~ shall not apply to instances in
 17 which an employee who has authorized access to the information regarding
 18 wages, benefits, or other compensation of other employees as a part of
 19 such employee's job functions discloses such information to a person who
 20 does not otherwise have authorized access to such information, unless
 21 such disclosure is in response to a charge or complaint or in furtherance
 22 of an investigation, proceeding, hearing, or other action, including an
 23 investigation conducted by the employer.
 24 (c) ~~(2) Nothing in this subsection or subdivision (1)(d) of this~~
 25 ~~section~~ shall be contrary to applicable state or federal law or:
 26 (i) ~~(a)~~ Create an obligation for any employer or employee to
 27 disclose information regarding employee wages, benefits, or other
 28 compensation;
 29 (ii) ~~(b)~~ Permit an employee, without the written consent of the
 30 employer, to disclose proprietary information, trade secret information,
 31 or information that is otherwise subject to a legal privilege or
 1 protected by law. For purposes of this subdivision, proprietary
 2 information does not include information regarding employee wages,
 3 benefits, or other compensation;
 4 (iii) ~~(e)~~ Permit an employee to disclose information regarding
 5 wages, benefits, or other compensation of other employees to a competitor
 6 of the employer;
 7 (iv) ~~(d)~~ Apply to a Class II employer or an employer which is
 8 ~~employers which are~~ exempt from the Nebraska Fair Employment Practice Act
 9 under section 48-1102;
 10 (v) ~~(e)~~ Permit an employee to discuss information regarding employee
 11 wages, benefits, or other compensation during working hours, as defined
 12 in existing workplace policies, or in violation of specific contractual
 13 obligations; or
 14 (vi) ~~(f)~~ Permit an employee to disseminate information regarding
 15 employee wages, benefits, or other compensation to the general public.
 16 For purposes of this subdivision, general public does not include public
 17 officials, judicial officers, legislators, trade associations, or other
 18 reasonable third parties for the employee's mutual aid or protection.
 19 (4) ~~(3)~~ The changes made to this section by Laws 2019, LB217, shall
 20 not be construed so as to impair or affect the obligation of any lawful
 21 contract in existence prior to September 1, 2019.
 22 Sec. 21. Section 48-1121, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 48-1121 Every Class I employer, employment agency, and labor
 25 organization subject to the Nebraska Fair Employment Practice Act shall
 26 post in a conspicuous place or places on his, her, or its premises a
 27 notice to be prepared or approved by the commission which shall set forth
 28 excerpts of the act and such other relevant information which the
 29 commission deems necessary to explain the act.
 30 2. Renumber the remaining sections and correct the repealer
 31 accordingly.

Senator Hunt filed the following amendment to LB574:

AM71

1 1. Strike original sections 5, 6, and 7 and insert the following new
 2 sections:
 3 Sec. 5. (1) No health care practitioner shall (a) perform gender
 4 altering procedures in this state for a legislator appointed by a
 5 Governor or (b) refer a legislator appointed by a Governor for gender
 6 altering procedures.
 7 (2) The intentional and knowing performance of or referral for
 8 gender altering procedures by a health care practitioner for a legislator

9 appointed by a Governor in violation of subsection (1) of this section
 10 shall be considered unprofessional conduct as defined in section 38-179.
 11 Sec. 6. State funds shall not be directly or indirectly used,
 12 granted, paid, or distributed to any entity, organization, or individual
 13 that provides gender altering procedures to a legislator appointed by a
 14 Governor.
 15 Sec. 7. A legislator appointed by a Governor that received a gender
 16 altering procedure may bring a civil action for appropriate relief
 17 against the health care practitioner who performed the gender altering
 18 procedure or referred the legislator for the gender altering procedure.
 19 Appropriate relief in an action under this section includes actual
 20 damages and reasonable attorney's fees. An action under this section
 21 shall be brought within two years after discovery of damages.
 22 2. On page 3, strike beginning with "an" in line 21 through "age" in
 23 line 22 and insert "a legislator appointed by a Governor".

Senator Hunt filed the following amendment to LB753:

AM87

1 1. On page 3, strike beginning with "complies" in line 16 through
 2 "2023" in line 17 and insert "does not discriminate on the basis of race,
 3 color, religion, national origin, ancestry, citizenship status, gender,
 4 sexual orientation, gender identity, disability, or special education
 5 status".

Senator Hunt filed the following amendment to LB371:

AM74

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) The Legislature finds that there is a well-
 3 documented history of indoctrination and sexual abuse perpetrated by
 4 religious leaders and clergy people upon children. Abusers within
 5 churches and other religious institutions often use events like church or
 6 youth-group-sponsored camps and retreats to earn children's trust and
 7 gain unsupervised access to such children in order to commit such abuse.
 8 (2) For purposes of this section, religious indoctrination camp
 9 means a camp, vacation Bible study, retreat, lock-in, or convention held
 10 by a church, youth group, or religious organization for the purpose of
 11 indoctrinating children with a specific set of religious beliefs.
 12 (3)(a) No individual under nineteen years of age shall be present at
 13 a religious indoctrination camp. Any person nineteen years of age or
 14 older who knowingly brings an individual under nineteen years of age to a
 15 religious indoctrination camp shall be guilty of a Class I misdemeanor.
 16 (b) No individual under twenty-one years of age shall be present at
 17 a religious indoctrination camp if alcoholic liquor is being served at
 18 such location, regardless if such alcoholic liquor is being served as
 19 part of a religious ceremony.
 20 (4)(a) Any business, establishment, or nonprofit organization that
 21 hosts a religious indoctrination camp and allows an individual (i) under
 22 nineteen years of age in violation of subdivision (3)(a) of this section
 23 or (ii) under twenty-one years of age in violation of subdivision (3)(b)
 24 of this section to be present at a religious indoctrination camp shall be
 25 fined ten thousand dollars for each violation of this section. Any fines
 26 collected under this section shall be remitted to the State Treasurer for
 27 distribution in accordance with Article VII, section 5, of the
 1 Constitution of Nebraska.
 2 (b) An officer or owner of a business, establishment, or nonprofit
 3 organization that hosts a religious indoctrination camp and knowingly
 4 allows an individual (i) under nineteen years of age in violation of
 5 subdivision (3)(a) of this section or (ii) under twenty-one years of age
 6 in violation of subdivision (3)(b) of this section to be present at a

7 religious indoctrination camp shall be guilty of a Class I misdemeanor.
 8 (5) No state agency that receives state funds shall use such funds
 9 to host a religious indoctrination camp.

Senator Hunt filed the following amendment to LB606:

AM80

1 1. On page 2, lines 2, 16, and 20; page 4, line 18; page 5, lines 13
 2 and 14; page 6, lines 4 and 25; page 7, line 10; page 8, line 21; page
 3 11, line 5; page 15, line 13; page 16, lines 8 and 9; page 17, lines 1
 4 and 19 and 20; and page 20, line 17, strike "Nebraska Pregnancy Help" and
 5 insert "Tax-Funded Forced Birth".
 6 2. On page 2, lines 4 and 11, strike "Pregnancy help organizations"
 7 and insert "Forced Birth Centers"; in line 17 strike "pregnancy help
 8 organizations" and insert "Forced Birth Centers"; and in line 28 strike
 9 "pregnancy help organization" and insert "Forced Birth Center".

Senator Hunt filed the following amendment to LB626:

AM36

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
 2 amendments:
 3 1. On page 2, line 24, strike "(3)(a)" and insert "(3)"; and strike
 4 lines 30 and 31.
 5 2. On page 3, strike lines 1 and 2.

Senator Hunt filed the following amendment to LB626:

AM42

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
 2 amendments:
 3 1. On page 3, line 16, strike "and"; in line 21 strike the period
 4 and insert "; and"
 5 (d) Consult with a judge and the legislator having jurisdiction
 6 where the pregnant woman or minor child resides."

Senator Hunt filed the following amendment to LB626:

AM41

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
 2 amendments:
 3 1. Strike original section 16 and insert the following new section:
 4 Sec. 15. This act shall become operative at such time as the
 5 Legislature has passed legislation and appropriated funds to be included
 6 indefinitely in each biennial budget for programs to cover one hundred
 7 percent of the costs of: Prenatal and postnatal healthcare expenses for
 8 pregnant women and minor girls; early childhood care or education;
 9 children's health care; and paid parental leave.
 10 2. Renumber the remaining section accordingly.

Senator Hunt filed the following amendment to LB626:

AM40

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
 2 amendments:
 3 1. Strike original section 16.

Senator Hunt filed the following amendment to [LB626](#):

[AM39](#)

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. Strike original sections 7, 8, 9, 10, 11, 12, 13, and 15 and
- 4 insert the following new section:
- 5 Sec. 7. A physician who violates the Nebraska Heartbeat Act shall
- 6 pay a fine of fifty dollars to the Department of Health and Human
- 7 Services.
- 8 2. On page 2, line 1, strike "6" and insert "7".
- 9 3. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to [LB626](#):

[AM38](#)

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 6, line 23; page 8, line 13; and page 11, line 4 strike
- 4 "Violation of the Nebraska Heartbeat Act" and insert "Refusal to provide
- 5 life-saving care to a pregnant woman or minor girl or honor a woman or
- 6 minor girl's wishes to terminate an unwanted pregnancy".
- 7 2. On page 9, strike beginning with "performed" in line 3 through
- 8 "act" in line 4 and insert "refused to provide life-saving care to a
- 9 pregnant woman or minor girl or honor a woman or minor girl's wishes to
- 10 terminate an unwanted pregnancy"; and strike beginning with "performed"
- 11 in line 20 through "act" in line 21 and insert "refused to provide life-
- 12 saving care to a pregnant woman or minor girl or honor a woman or minor
- 13 girl's wishes to terminate an unwanted pregnancy".
- 14 3. On page 10, strike beginning with "performing" in line 8 through
- 15 "act" in line 9 and insert "refusing to provide life-saving care to a
- 16 pregnant woman or minor girl or honor a woman or minor girl's wishes to
- 17 terminate an unwanted pregnancy".

Senator Hunt filed the following amendment to [LB626](#):

[AM37](#)

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 3, line 23, strike "physician" and insert "chiropractor".

Senator Hunt filed the following amendment to [LB626](#):

[AM31](#)

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 2, lines 2, 3, and 5; page 3, line 23; page 4, line 18;
- 4 page 6, line 23; page 8, line 13; and page 11, line 4, strike "Nebraska
- 5 Heartbeat Act" and insert "Compulsory Pregnancy Act".

Senator Hunt filed the following amendment to [LB626](#):

[AM32](#)

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. On page 2, lines 7, 26, and 31; and page 4, line 17, strike
- 4 "woman" and insert "woman or minor girl".

5 2. On page 2, in line 20; page 3, line 17; and page 4, lines 8 and
6 16, strike "woman's" and insert "woman's or minor girl's".

Senator Hunt filed the following amendment to [LB626](#):
[AM33](#)

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
2 amendments:
3 1. On page 2, strike beginning with "terminating" in line 8 through
4 "child" in line 9 and insert "ending an unwanted pregnancy, avoiding a
5 forced birth, or preserving the woman's health or quality of life".

Senator Hunt filed the following amendment to [LB626](#):
[AM34](#)

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
2 amendments:
3 1. On page 2, lines 8 and 9, 13, 15, 17, and 20; page 3, lines 3,
4 14, 18 and 19, and 27, strike "unborn child" and insert "fetus".
5 2. On page 3, line 4, after the semicolon insert "and"; and strike
6 beginning with the semicolon in line 8 through "childbirth" in line 11.

Senator Hunt filed the following amendment to [LB626](#):
[AM35](#)

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
2 amendments:
3 1. On page 2, strike lines 27 through 29 and insert "death; injury;
4 forced discomfort; undue pain; physical, mental, or emotional trauma; or
5 financial strain".

Senator Hunt filed the following amendment to [LB626](#):
[AM30](#)

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
2 amendments:
3 1. Strike section 2 and insert the following new section:
4 Sec. 2. The Nebraska Heartbeat Act shall only apply within the
5 boundaries of a city or village and only after the city council or
6 village board holds a public hearing on the matter and determines, by
7 majority vote, that the act shall apply within the city or village.

Senator Hunt filed the following amendment to [LB626](#):
[AM29](#)

(Amendments to FA4)

1 1. Strike the original amendments and insert the following new
2 amendments:
3 1. On page 2, line 4, after "pregnancies" insert "of married
4 couples".

MOTION - Withdraw LB790

Senator Wayne offered [MO19](#), found on page 371, to withdraw LB790.

Pending.

MOTION - Escort Governor

Senator Bostar moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators McKinney, Linehan, Clements, Dorn, and Walz to serve on said committee.

STATE OF THE STATE ADDRESS

Good Morning!

President Kelly; Speaker Arch; members of the 108th Legislature; tribal leaders; family, friends and distinguished guests; my fellow Nebraskans:

Our family has had an incredible experience over the last two years, ever since we accepted the calling to campaign across Nebraska to become its 41st Governor. We are truly humbled.

Since the morning of November 9th, we have been working very hard – building our team, working on our transition, and getting ready to compete for Nebraska. Thank you to all of you, everyone in this body, for your willingness to visit and engage and answer the call to public service. I also want to thank our state teammates for their commitment to serving Nebraskans.

Our family has had incredibly deep emotional experiences over the last several months – from election night, to taking my oath in this chamber on January 5th, to our inaugural ball – a celebration of Nebraskans on January 7th, to the passing of Suzanne’s mom, Donna, last Wednesday, and our celebration of her incredible life just 48 hours ago. You all have been so kind and gracious to me, Suzanne and our entire family. Thank you from the bottom of my heart.

When we talk about our greatest asset—our people—sometimes, we forget to acknowledge the amazing work done by Nebraska’s caregivers every single day. That care comes from doctors, nurses, other healthcare professionals, pastors, teachers, counselors, first responders, and many others, and they do a great job. Often, though, that care doesn’t come from a professional; it comes from a family member; a mom or dad, brother or sister, niece or nephew, daughter or son. I want to pause for a moment and acknowledge the amazing relationship that existed between Suzanne and her mom and the impact that bond had on all of us.

Our family watched as Suzanne faced the many blessings and challenges that came with being her mom’s caretaker and advocate. Whether caring for

a relative who is elderly, ill, disabled, or struggling with mental health or substance use, our family caregivers are truly heroes. Let's please take a second to recognize my wife, our First Lady, Suzanne, and the amazing efforts of caregivers across our state.

They are examples of perseverance, strength, and grace, and they're the essence of Nebraska—a place where we treasure family, care about one another, and value each and every life. That's the strength of Nebraska, and that is my focus everyday -- people, not politics. Because of our people, the state of our State has never been stronger.

We, the people of Nebraska, have the grit and determination needed to solve tough problems and overcome difficult obstacles, no matter the circumstances. Today, I am presenting an agenda that will help us overcome serious challenges and make life better for every family in our state.

Like many of our neighboring states, we have more money in our coffers than anyone can believe or comprehend. All of us think a million dollars is a lot – and by the way, it is a lot – and that every nickel matters. As my father would say, we need to treat them like manhole covers. What we do with the people's money this session is critical for my grandbabies, and yours, and the generations to come. We all agree -- we are taxed way too much. Our tax policy chases our kids and grandparents out of the state. We can't grow Nebraska that way. From my view, it's very simple. We must have the courage to say "No" to overspending and maintain a focus on investing in our kids and giving this money back to Nebraskans via historic property and income tax cuts. We, Nebraska's leaders, must compete for Nebraska to win. The cuts I am proposing to you today make us more competitive. These proposals will not get us in the top 10 states, but we will rank number 15. I hope you will support my vision and this strategy -- so Nebraska competes and wins. Together we can; together we will; together we win.

Today, I'm introducing a budget that restricts the growth of state spending to an annual average of just 1.3 percent over the biennium. With an inspirational systems approach of running agencies, we will improve services to Nebraskans and cut the cost of operations. This will enable Nebraskans to keep more of their hard-earned money. We have asked agencies to tighten their belts and focus on what is needed, not what is nice. Needs are our focus, and we are leading by example. In the budget I'm presenting today, the Governor's Office will not see one penny more than the prior budget. With just a 2 percent increase in its state appropriation for operations, the University of Nebraska, under the leadership of my former colleagues on the Board of Regents and President Ted Carter, will be challenged to focus on students' needs. All across state government, we will rise to better meet the high bar that Nebraskans have set for us through their example, of working hard and tightening their belts. While carefully controlling the growth of state spending, we will work to provide significant tax cuts for Nebraskans – beginning with property taxes. Our property taxes are so out of whack that you don't even need to own property to be

impacted by property taxes. We must lift this burden, and we have to do it now.

Today, I am recommending to the Legislature an additional \$2.4 Billion dollars in property tax cuts, for a total of \$7.1 Billion through fiscal year 26-27. As part of this total, I am recommending the investment of an additional \$390 Million dollars in the Property Tax Credit Relief Fund. I am also recommending that the state assume responsibility for funding our community colleges across the state, which will immediately cut property taxes by nearly \$300 Million a year.

We all agree that our kids are our future. We need more of them to pursue their degrees here. We need to attract more students from other states. We need better outcomes for Nebraska's workforce. We need more engineers, actuaries, accountants, architects, geneticists, scientists, nurses, and teachers. We need more welders, auto technicians, electricians, and technicians to fix computing dependencies on cars, trucks, tractors and combines – almost everything. It is essential. The success of our community colleges that we conceived over 50 years ago has a higher calling today than ever before. It's the twentieth century, yet 50 percent of our kids are not obtaining any training beyond high school. Together, we have to create better opportunities for all. The success of utilizing community colleges in Nebraska for students best suited for trades is a game changer. That is why this funding proposal is so important, helping us better meet that need while cutting property taxes.

In addition to these investments in property tax reform, I am also recommending \$1.5 Billion dollars in additional income tax cuts for individuals, families, businesses, and Social Security recipients. I am asking the Legislature to phase down our individual income and business tax rates to 3.99 percent by 2027, enabling Nebraska to be more competitive in attracting and retaining investment, talent, and new opportunities. This is key to stopping out-migration. I am also asking the Legislature to exempt Social Security income from state taxes by next year, providing considerable tax relief to retired Nebraskans.

In addition to these reforms, I am presenting a series of transformative bills to the Legislature, which, combined with fiscal responsibility in state and local government, will help to fix our broken tax code and reduce property taxes for years to come.

Let me be clear: the property tax problem can't be solved by levy limits alone. Levy caps are misleading Nebraskans. When valuations skyrocket, they have little impact. When a levy is capped but valuations increase, the cap does nothing to stop overspending. Our valuation system of our property tax is the problem, and it must be changed. Our first step is addressing valuations of ag and horticultural land. The market value of this land goes up almost every year, creating more and more money for government – and it is spent, simply vaporizing into thin air before our very

eyes, all without any regard for how much actual value that land created for the family that farms or ranches it. That is wrong, and it needs to change. By changing from market-based to income-based assessment of ag land and capping ag-land valuation growth, we can cut property taxes and keep government growth in check, living within its means.

My top priority, and that of all Nebraskans, is our kids. That is why, today, I'm proposing the creation of the Education Future Fund with an investment of \$1 Billion dollars in fiscal year 23-24 and \$250 Million each year thereafter. This investment ensures that Nebraska will never ever give up on a single kid – ever again. The Education Future Fund will provide further assistance to our school districts to help meet the needs of special education students across the State. It has been promised to local districts that 80 percent of special education funding would come from Federal and State sources, but we are only funding half that. The hard-core reality is that, at the state level, we have not sufficiently supported special education. This commitment is the State's job, not that of property taxpayers. This investment will ensure we meet our commitment to special education and enable property tax relief.

This investment also includes a major structural reform to our state aid to education formula, TEEOSA. This formula has long failed to meet the needs of those school districts that receive no equalization aid from the state. Today, I am recommending an allocation of \$1,500 dollars annually to every public school student in every Nebraska school district. This foundational aid provides much-needed support for our rural school districts, which have been underserved for far too long. This investment, combined with special education funding reform, will provide more funding to every school district in the state.

The Education Future Fund is a transformative investment of state tax dollars in education, but it must be combined with a framework that ensures dollar-for-dollar property tax relief. I am recommending a 3 percent growth cap on spending for school districts, which can only be overridden by 75 percent of local school board members or 60 percent of voters in a vote of the people. As the state shoulders a greater portion of the cost of educating our kids, the burden on property taxpayers must be reduced through careful spending control and constraint by our school districts. This 3 percent cap will ensure property tax relief while maintaining local control. It will enhance accountability to the taxpayers, and ensure government does a better job of treating nickels like manhole covers.

Our kids want to stay in Nebraska and get their post-secondary education here. To address this, my budget provides \$39.4 Million to fund over 4,200 scholarships for Nebraska students who attend any of Nebraska's institutes of higher education. This helps us to compete for our kids and keep them here. I want to inspire and challenge Nebraska stakeholders and business leaders to pick up the ball and do business differently. We need to reach out to K-12 and build relationships with our kids and give them hope.

Scholarship them so that they can get an education and work in your business for a minimum of five years in return. It is not only the right thing to do, but also a key to growing our workforce, growing your business, and growing Nebraska.

Focusing on all kids, I am recommending a \$50 Million dollar investment for scholarships for Nebraska kids whose needs are best met outside of public education. Opportunity scholarship tax credits will provide scholarships for kids who live in poverty, foster care systems, and those with special needs. We can't let one kid fall through the cracks.

Today, we are joined by Tanya Santos, principal of Holy Name Catholic School in North Omaha, and some of her amazing teachers and students. Would you all please stand and be recognized? Holy Name accepts kids from every race, religion, and walk of life, with a commitment to providing each one with the support they need to succeed. Ninety-nine percent of Holy Name families receive financial assistance to be able to send their kids to school. They believe, as I do, that limited means shouldn't deny a child an opportunity they need. These opportunity scholarships will help make that goal a reality for more kids, like those Principal Santos and her team serve.

My budget also includes a \$10 Million dollar investment for the biennium to help recruit and train students in high-need fields, such as teachers, nurses, and food animal veterinarians for food security. I am very proud to have Dr. Jais Ford, a new graduate who is practicing food animal medicine in Hyannis, in our beloved Sandhills. Dr. Ford, please stand and be recognized. With vet school debt, the decision to practice food animal medicine in rural communities can be a difficult one, but we can make it easier. Our food animal veterinarians are critical to our state's success, and we need more Dr. Fords to sustain animal agriculture and ensure food security in our state and in our nation.

I'm also committing \$20 Million dollars to continue the "The Good Life is Calling" Campaign to market Nebraska. We simply have to brag about Nebraska across this country, with a focus on attracting top talent. We will be reporting back to you next year the results of this investment. I know you, like me, have high expectations for solving our workforce challenge. This is a step forward. We must focus our future on the great careers that exist here in Nebraska.

Nebraska is a pro-life state. Many Nebraskans have been praying for 50 years to end abortion. We have to do more. This discussion has gotten too complicated and misleading. Here is what pro-life policy is NOT in Nebraska – it's NOT about preventative contraception. It's NOT about in-vitro fertilization. It's NOT a fertility medicine discussion. It is simply about stopping what started 50 years ago – the abortion of babies growing in mother's wombs. I am fighting for the rights of every baby with a beating heart. I am fighting to help women choose life and love. Nebraska will be a state that provides extensive resources to all women in need throughout

their pregnancies. And I'll fight with all my might to make sure Nebraska becomes a place where parents who want to provide a great home for a child can find an easier route for adoption instead of spending years on paperwork and red tape. Together we can. Love conquers all.

This is the most important time in the history of our State, and as Nebraska's leaders, we are making decisions that will impact our state for generations to come. These investments are more than education and tax cuts. Today, I am also recommending to the Legislature essential investments in law enforcement, infrastructure, and water. Water is vital to Nebraska. The drought makes it even more urgent. We must build the Perkins County Canal. We have had stakeholders from across many sectors in Nebraska working together for more than 20 years for Nebraska's water rights via the Perkins Canal. My budget recommendation includes fully funding the Canal.

Infrastructure needs for Nebraska are more important than ever before. To grow Nebraska, we must address roads and broadband. My budget includes \$100 Million dollars to leverage an additional \$400 Million in federal funds to improve our bridges and roads. Our team has also created the Nebraska Broadband Office. We have to get broadband across Nebraska completed. It will be the sole focus of the Nebraska Broadband Office.

Finally, our budget prioritizes even greater support for, and investment in, the brave men and women of law enforcement. Today, we are joined by Trooper Brandon Sutton, who has done a tremendous job removing dangerous drugs from our streets. In the past year of patrolling central Nebraska, he his efforts have led to the seizure of nearly 37 pounds of cocaine, 11 pounds of fentanyl, 2 pounds of meth, nearly 2-thousand pounds of marijuana, and two illegal guns. Trooper Sutton also serves as a TAC officer at the NSP Training Academy, helping the next generation of troopers begin their careers. Trooper Sutton, please stand and be recognized.

Our state troopers, police officers, sheriffs, deputies, and correctional officers put it all on the line every day to help keep us safe, and we must have their backs as well. Today, I am proposing significant law enforcement investments to the Legislature. The first is an \$18.6 Million dollar increase in funding for our treasured Nebraska State Patrol, to ensure we can continue to recruit and retain the very best to serve and keep us safe. Second, I am recommending finalizing the last phase of funding to replace the Nebraska State Penitentiary, which this body has approved. The facility was designed more than a century ago. At the time, the mission was different. Today, it can't sufficiently meet the security needs of the future. It can't meet the programming needs of our inmates to reduce recidivism and get people back to work after they pay their dues to society for their transgressions. A new facility, with additional space for programming, will help more people to become productive, law-abiding citizens.

One of the groups charged with protecting our state is the Nebraska National Guard. Over four thousand guards men and women answer that call in both the Army and Air Guard. We are fortunate today to have several distinguished members with us. As I call out their names, I would ask each one to stand and be recognized: Staff Sergeant Bryan Kummer, Senior Master Sergeant Nathan Schmaderer, Staff Sergeant Alicia Bushhousen, Senior Airman Corey Weber and Master Sergeant Crystal Puhalla. Each of these individuals has distinguished themselves by deploying on overseas missions, providing humanitarian relief, and supporting critical operations within the United States. They are among the best examples of Nebraska's well-trained and dedicated military soldiers and airmen. We salute your service to our State, and we thank you for safeguarding our liberty.

We all believe in our kids. We all believe in doing what's right, doing our best, and treating others the way we want to be treated. That's the Nebraska way. We are Nebraska. Together we can. Together this session will impact Nebraskans for generations. Folks, we have to compete for Nebraska.

As your Governor, it's really simple. I want Nebraska to win. I know you do as well. Together, we'll win for Nebraska. God Bless you and God Bless the Great State of Nebraska. Thank you!

The committee escorted Governor Pillen from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 813. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2021, LB380, sections 57, 68, and 83; Laws 2021, LB383, section 25; Laws 2022, LB1011, sections 56, 187, and 190; and Laws 2022, LB1014, sections 34 and 49; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2025; to appropriate funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 815. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2023-24 and FY2024-25; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 816. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2023-24 and FY2024-25; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 818. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 9-1,101 and 48-145, Reissue Revised Statutes of Nebraska, and sections 61-305, 75-109.01, and 86-163, Revised Statutes Cumulative Supplement, 2022; to provide for fund transfers; to change and eliminate provisions regarding the sources, uses, and transfers of funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-1278, 81-1279, and 81-1280, Reissue Revised Statutes of Nebraska, and sections 86-127 and 86-579, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

LEGISLATIVE BILL 819. Introduced by Arch, 14; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2022; to provide for and change fund transfers; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 820. Introduced by Albrecht, 17; at the request of the Governor; Briese, 41; Clements, 2; Linehan, 39; Sanders, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

19-2428, 46-294.03, 76-710.04, 77-103.01, 77-1327, 77-1359, 77-1371, 77-1507.01, 77-5007, and 77-5022, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1363, 77-4212, 77-5023, 79-1016, 79-1036, and 86-1403, Revised Statutes Cumulative Supplement, 2022; to adopt the Agricultural Valuation Fairness Act; to change and eliminate provisions relating to the valuation of agricultural land and horticultural land; to change the Tax Equalization and Review Commission Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1343, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and sections 77-1344 and 77-1347, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 151. Placed on General File.

LEGISLATIVE BILL 207. Placed on General File.

LEGISLATIVE BILL 296. Placed on General File.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kelly J. Lammers Director - Department of Banking and Finance

Aye: 8. Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Eric Dunning Director - Department of Insurance

Aye: 8. Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Anthony L. Goins Director - Department of Economic Development

Aye: 8. Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance
Room 1507 1:30 PM

Monday, February 13, 2023

LB152
LB392
LB437
LB256
LB730
LB743

(Signed) Julie Slama, Chairperson

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to LB371:

AM67

1 1. On page 2, strike lines 3 through 7 and insert the following new
2 subdivisions:
3 "(a) The main aspect of the performance is a drag artist engaged in
4 adult entertainment;
5 (b) The artist exhibits a gender identity that is different than the
6 artist's gender assigned at birth using clothing, excessive makeup, or
7 other artificial physical markers; and
8 (c) The artist sings, lip syncs, dances, reads books, or otherwise
9 performs before a live audience for entertainment or education
10 purposes."

Senator Murman filed the following amendment to LB452:

AM65

1 1. Strike the original section 1 and insert the following new
2 section:
3 Section 1. Section 53-123.16, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:
5 53-123.16 (1) Any person who operates a microdistillery shall
6 obtain a license pursuant to the Nebraska Liquor Control Act. A license
7 to operate a microdistillery shall permit the licensee to produce a
8 maximum of one hundred thousand gallons of liquor per year in the
9 aggregate from all physical locations comprising the licensed premises.
10 For purposes of this section, licensed premises may include up to five
11 separate physical locations. A microdistillery may also sell to licensed
12 wholesalers for sale and distribution to licensed retailers. A
13 microdistillery license issued pursuant to this section shall be the only
14 license required by the Nebraska Liquor Control Act for the manufacture
15 and retail sale of microdistilled product for consumption on or off the
16 licensed premises, except that the sale of any beer, wine, or alcoholic
17 liquor, other than microdistilled product manufactured by the
18 microdistillery licensee, by the drink for consumption on the
19 microdistillery premises shall require the appropriate retail license.
20 Any license held by the operator of a microdistillery shall be subject to
21 the act. A holder of a microdistillery license may obtain an annual
22 catering license pursuant to section 53-124.12, a special designated
23 license pursuant to section 53-124.11, an entertainment district license
24 pursuant to section 53-123.17, or a promotional farmers market special

25 designated license pursuant to section 53-124.16. The commission may,
 26 upon the conditions it determines, grant to any microdistillery licensed
 27 under this section a special license authorizing the microdistillery to
 1 purchase and to import, from such persons as are entitled to sell the
 2 same, wines or spirits to be used solely as ingredients and for the sole
 3 purpose of blending with and flavoring microdistillery products as a part
 4 of the microdistillation process.

5 (2) A holder of a microdistillery license may directly sell for
 6 resale up to five thousand gallons per calendar year of microdistilled
 7 products produced at its licensed premises directly to retail licensees
 8 located in the State of Nebraska which hold the appropriate retail
 9 license if the holder of the microdistillery license:

10 (a) Only self-distributes its brands of microdistilled products in a
 11 territory in which the microdistillery licensee has not entered into a
 12 distribution agreement for the same brands with a licensed Nebraska
 13 wholesaler for the territory where such retail licensee is located;

14 (b) Self-distributes its microdistilled products utilizing only a
 15 common carrier or person employed by the microdistillery licensee; and

16 (c) Complies with all relevant statutes, rules, and regulations that
 17 apply to Nebraska wholesalers regarding distribution of microdistilled
 18 products.

19 (3) A holder of a microdistillery license may store and warehouse
 20 tax paid products produced on such licensee's licensed premises in a
 21 designated, secure, offsite storage facility if the holder of the
 22 microdistillery license receives authorization from the commission and
 23 notifies the commission of the location of the storage facility and
 24 maintains, at the microdistillery and at the storage facility, a separate
 25 perpetual inventory of the product stored at the storage facility.

26 Consumption of alcoholic liquor at the storage facility is strictly
 27 prohibited.

28 (4) The commission may adopt and promulgate rules and regulations
 29 relating to the distribution rights of microdistillery licensees.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Walz name added to LB31.

Senator Halloran name added to LB153.

Senator Conrad name added to LB274.

Senator McDonnell name added to LB787.

Senator Slama name added to LB787.

VISITORS

Visitor to the Chamber was Former State Senator Lee Rupp, Columbus.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2023.

Brandon Metzler
 Clerk of the Legislature

SIXTEENTH DAY - JANUARY 26, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 2023

PRAYER

The prayer was offered by Senator Clements.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Halloran.

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 Albrecht, Dover, B. Hansen, Linehan, von Gillern, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

AMENDMENT - Print in Journal

Senator Holdcroft filed the following amendment to [LB769](#):
[AM102](#)

1 1. On page 2, line 14, strike "develop a sewer system" and insert
2 "provide a grant to an entity formed pursuant to the Interlocal
3 Cooperation Act to fund a portion of the cost of constructing a
4 wastewater system"; and in line 27 after the period insert "It is the
5 intent of the Legislature to appropriate sixty million dollars from the
6 Critical Infrastructure Facilities Cash Fund for fiscal year 2023-24 for
7 the purposes described in subdivision (3) of this section."

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 9:30 AM

Thursday, February 2, 2023

LB804
LB806
LB754

Room 1524 1:30 PM

Thursday, February 2, 2023

LB750
LB783

Room 1524 9:30 AM

Friday, February 3, 2023

LB641
LB602
LB38

Room 1524 1:30 PM

Friday, February 3, 2023

LB753

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT
Agriculture

The Agriculture Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Sherry Vinton Director - Department of Agriculture

Aye: 8. Brewer, Halloran, Hansen, B., Holdcroft, Hughes, Ibach, Raybould, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

MOTION - Rerefer LB626

Senator Hunt offered [MO16](#), found on page 363, to rerefer LB626 to Judiciary Committee pursuant to Rule 6 Section 2(a).

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

Senator Hunt moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Hunt requested a roll call vote on the motion to cease debate.

Senator M. Cavanaugh requested the roll call vote be in reverse order on the motion to cease debate

Voting in the affirmative, 32:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dorn	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	McKinney	Walz
Bostar	Conrad	Dungan	Raybould	Wayne
Cavanaugh, J.	Day	Fredrickson	Vargas	Wishart

Present and not voting, 1:

Hunt

Excused and not voting, 1:

Dover

The motion to cease debate prevailed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

Senator Hunt requested a roll call vote on the motion to rerefer LB626.

Voting in the affirmative, 14:

Blood	Conrad	Dungan	Raybould	Wayne
Bostar	Day	Fredrickson	Vargas	Wishart
Cavanaugh, M.	DeBoer	McKinney	Walz	

Voting in the negative, 32:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdercroft	Lowe	von Gillern
Ballard	Dorn	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Present and not voting, 2:

Cavanaugh, J. Hunt

Excused and not voting, 1:

Dover

The Hunt motion to rerefer LB626 failed with 14 ayes, 32 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 94. Placed on General File with amendment.

[AM77](#)

1 1. On page 160, line 4, strike "22A-306" and insert "12A-306"; and
2 in line 30 strike "22A-306" and insert "12A-306".

LEGISLATIVE BILL 279. Placed on General File with amendment.

[AM86](#)

1 1. On page 3, after line 24 insert the following new subsection:
2 "(5)(a) Except as provided in subdivision (b) of this subsection,
3 the board of directors of a bank may obtain a credit report from a
4 recognized credit agency, on an annual basis, for any or all of its
5 executive officers.
6 (b) Subdivision (a) of this subsection does not apply to any
7 executive officer if such officer is excluded by a resolution of the
8 board of directors or by the bylaws of the bank from participating in the
9 major policymaking functions of the bank and does not actually
10 participate in the major policymaking functions of the bank."
11 2. On page 4, lines 11, 17, and 31; and page 5, lines 25 and 29,
12 strike the new matter and reinstate the stricken matter.

(Signed) Julie Slama, Chairperson

Natural Resources

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

James Reed Macy Director - Department of Environment and Energy

Aye: 7. Bostelman, Brandt, Fredrickson, Hughes, Jacobson, Moser, Slama.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, J..

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

Bradley B. Bird - Nebraska Ethanol Board
Michael S. Thede - Nebraska Ethanol Board

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 listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kristen L. Gottschalk - Nebraska Power Review Board

Aye: 7. Bostelman, Brandt, Fredrickson, Hughes, Jacobson, Moser, Slama.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, J..

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

Devin M. Brundage - Nebraska Natural Resources Commission
Mark Czaplewski - Nebraska Natural Resources Commission
Daniel (Dan) L. Steinkruger - Nebraska Natural Resources Commission
Dennis Strauch - 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 listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas E. Riley Director - Department of Natural Resources

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

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113 9:30 AM

Thursday, February 2, 2023

LB83
LB330
LB579

Room 1113 1:30 PM

Thursday, February 2, 2023

LB19
LB18
LB553
LB555
LB27

Room 1113 1:30 PM

Friday, February 3, 2023

LB81
LB363
LB260
LB236
LB793

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator Brandt filed the following amendment to LB449:

[AM84](#)

1 1. On page 3, line 8, strike "sixty-eight" and insert "eight"; and
2 in line 10 strike "beginning fiscal year 2023-24" and insert "for fiscal
3 year 2023-24 through fiscal year 2027-28".

Senator M.Cavanaugh filed the following amendment to LB820:

[AM112](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB750:

[AM113](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB641:

[AM108](#)

1 1. Strike section 1.

Senator M.Cavanaugh filed the following amendment to LB804:

[AM109](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB806](#):

[AM110](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB754](#):

[AM111](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB783](#):

[AM114](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB589](#):

[AM115](#)

1 1. Strike section 1.

Senator Sanders filed the following amendment to [LB4](#):

[AM105](#)

1 1. On page 3, lines 12 and 20; and page 4, line 14, strike "once
2 every five years" and insert "in every subsequent year evenly divisible
3 by five".

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB820](#):

[MO23](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

RESOLUTION

LEGISLATIVE RESOLUTION 32. Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Bostelman, 23; Brandt, 32; DeKay, 40; Dover, 19; Kauth, 31; Lowe, 37; Moser, 22; von Gillern, 4.

WHEREAS, Marlin Oliver Briscoe was born on September 10, 1945, in Oakland, California; and

WHEREAS, at five years old, Briscoe moved with his mother to Omaha; and

WHEREAS, Briscoe attended Omaha South High School, where he played multiple sports, including football; and

WHEREAS, after graduating from Omaha South High School, Briscoe attended Omaha University, graduating in 1967 with a bachelor's degree in education; and

WHEREAS, Briscoe played quarterback for the Omaha University football team, leading the team to three conference championships and setting 21 records; and

WHEREAS, Briscoe was drafted by the Denver Broncos in the fourteenth round of the 1968 National Football League/American Football League joint draft; and

WHEREAS, On October 6, 1968, Briscoe became the first starting African-American quarterback in the modern National Football League; and

WHEREAS, Briscoe threw fourteen touchdown passes in eleven games that year, becoming the runner-up for the American Football League Rookie of The Year award; and

WHEREAS, Briscoe played for five more professional football teams at the position of wide receiver, earned Pro Bowl honors in 1970, and won two Super Bowls with the Miami Dolphins; and

WHEREAS, Briscoe led the National Football League's only ever undefeated team, the 1972 Miami Dolphins, in touchdown receptions with four; and

WHEREAS, on December 6, 2016, Briscoe was inducted into the College Football Hall of Fame as an alumnus of the University of Nebraska at Omaha; and

WHEREAS, Briscoe passed away at the age of seventy-six on June 27, 2022.

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

1. That the Legislature honors Marlin Oliver Briscoe's dedication, resilience, hard work, and talent.

2. That the Legislature recognizes Marlin Oliver Briscoe's part in advancing the cause of equality in the National Football League and the United States.

3. That the Legislature offers its condolences to the family of Marlin Oliver Briscoe.

4. That a copy of this resolution be sent to the family of Marlin Oliver Briscoe.

Laid over.

MOTION - Print in Journal

Senator Hunt offered the following motion to LB626:

MO24

Reconsider MO16.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Day, 49.

WHEREAS, Jason Ryan is a longtime coach and the current Papillion-La Vista High School principal; and

WHEREAS, Ryan began his career as an assistant at Papillion-La Vista High School; and

WHEREAS, Ryan has been an educator, assistant coach, head coach and assistant director at several Omaha-area schools; and

WHEREAS, Ryan's experience with the Metro Tournament spans back to his childhood when he watched and played sports himself; and

WHEREAS, Ryan served on the Metro Basketball Committee for over six years; and

WHEREAS, Ryan has prioritized young athletes having the best Metro Tournament experience for twenty-six years; and

WHEREAS, Jason Ryan was honored with the Special Recognition Award at the Metro Tournament for twenty-five years of Metro service.

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

1. That the Legislature congratulates Jason Ryan on his Special Recognition award for twenty-five years of Metro service.
2. That a copy of this resolution be sent to Jason Ryan.

Laid over.

ANNOUNCEMENT

Senator Linehan announced the Revenue Committee will hold executive sessions immediately following Committee hearings that end before 4 PM except on Fridays.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hunt name added to LB52.

Senator McDonnell name added to LB91.

Senator Hunt name added to LB632.

Senator Jacobson name added to LB641.

Senator Aguilar name added to LB712.

VISITOR

The Doctor of the Day was Dr. Dave Hoelting of Pender.

MOTION - Adjournment

Senator von Gillern moved to adjourn until 9:00 a.m., Friday, January 27, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 13 ayes, 24 nays, and 12 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to adjourn.

The von Gillern motion to adjourn prevailed with 37 ayes, 7 nays, 0 present not voting, 3 absent not voting, 2 excused not voting, and at 12:06 p.m., the Legislature adjourned until 9:00 a.m., Friday, January 27, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 27, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 2023

PRAYER

The prayer was offered by Deacon Tom Deall, St. Matthew the Evangelical Catholic Church, Bellevue.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

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 Senator McDonnell who was excused; and Senators Bostar, McKinney, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Bohlmeyer, Katie
Lincoln Independent Business Association (LIBA)

Chandler, Thomas
Aircraft Owners and Pilots Association (AOPA)

Curry, Heather
Barry Goldwater Institute for Public Policy Research

Engelhardt, Ritchard
Ancestry

Ewer, Brett
CrossFit, LLC

Forbes, Meagan
Institute for Justice

Heartland Strategy Group, LLC
Nebraska Families 4 Medical Cannabis

Houghton Bradford Whitted PC, LLO
City of Ralston
Completely Kids
Houghton Bradford Whitted PC, LLO
Madonna Rehabilitation Hospital
Omaha Performing Arts

Husch Blackwell Strategies
Kleo, Inc,

Jensen Rogert Associates, Inc.
Mueller Robak, LLC

Joseph J. Johnson
Olsson

Mammoser, Matthew
National Association for Gun Rights

Mueller Robak
JustData
Nebraska Council of School Administrators

Nebraska Strategies
Mueller Robak, LLC

Nowka & Edwards
Mueller Robak, LLC

O'Hara Lindsay & Associates, Inc.
Mueller Robak, LLC

Peetz & Company
Goldfinch Health
Mueller Robak, LLC

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
PMA Financial Network

Synhorst, Bud
Lincoln Independent Business Association (LIBA)

Upshaw, Arlyn
Autonomous Vehicle Industry Association

Watson, Todd
Nebraska Republican Party

Wolf, Ariel
Autonomous Vehicle Industry Association
Zielske, Pamela
Dialysis Patient Citizens

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB763	Appropriations (rereferred)
LB813	Appropriations
LB814	Appropriations
LB815	Appropriations
LB816	Appropriations
LB817	Appropriations
LB818	Appropriations
LB819	Appropriations
LB820	Revenue

(Signed) Tom Briese, Chairperson
Executive Board

MESSAGES FROM THE GOVERNOR

January 25, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the State Fire Marshal:

Scott C Cordes, 600 Opal Lane, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Jim Pillen
Governor

Enclosures

January 25, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of Policy Research:

Kenny Zoeller, State Capitol Building, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

NOTICE OF COMMITTEE HEARINGS

Natural Resources
Room 1525 9:30 AM

Wednesday, February 8, 2023

LB400
LB450

Room 1525 1:30 PM

Wednesday, February 8, 2023

LB292
LB636

Room 1525 9:30 AM

Thursday, February 9, 2023

LB397
LB425

Room 1525 1:30 PM

Thursday, February 9, 2023

LB456

(Signed) Bruce Bostelman, Chairperson

AMENDMENT - Print in Journal

Senator DeKay filed the following amendment to [LB782](#):

[AM116](#)

1 1. On page 6, strike beginning with "estimating" in line 11 through
 2 "guidelines" in line 12 and insert "original equipment manufacturer
 3 procedures".

MOTIONS - Confirmation Reports

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Economic Development
 Anthony L. Goins, Director

Voting in the affirmative, 39:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Raybould
Arch	Clements	Fredrickson	Kauth	Sanders
Armendariz	Conrad	Halloran	Linehan	Slama
Blood	Day	Hansen	Lippincott	Vargas
Bostelman	DeBoer	Hardin	Lowe	von Gillern
Brandt	DeKay	Holdcroft	McKinney	Walz
Brewer	Dorn	Hughes	Moser	Wishart
Briese	Dungan	Ibach	Murman	

Voting in the negative, 0.

Present and not voting, 6:

Aguilar	Cavanaugh, M.	Hunt
Ballard	Geist	Riepe

Excused and not voting, 4:

Bostar	Dover	McDonnell	Wayne
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Banking and Finance
 Kelly J. Lammers, Director

Voting in the affirmative, 40:

Albrecht	Briese	Erdman	Ibach	Murman
Arch	Cavanaugh, J.	Fredrickson	Jacobson	Raybould
Armendariz	Clements	Geist	Kauth	Sanders
Ballard	Conrad	Halloran	Linehan	Slama
Blood	Day	Hansen	Lippincott	Vargas
Bostelman	DeKay	Hardin	Lowe	von Gillern
Brandt	Dorn	Holdcroft	McKinney	Walz
Brewer	Dungan	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 5:

Aguilar	Cavanaugh, M.	DeBoer	Hunt	Riepe
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Excused and not voting, 4:

Bostar	Dover	McDonnell	Wayne
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The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Insurance
Eric Dunning, Director

Voting in the affirmative, 41:

Albrecht	Cavanaugh, J.	Geist	Kauth	Slama
Arch	Cavanaugh, M.	Halloran	Linehan	Vargas
Armendariz	Conrad	Hansen	Lippincott	von Gillern
Ballard	Day	Hardin	Lowe	Walz
Blood	DeBoer	Holdcroft	McKinney	Wishart
Bostelman	DeKay	Hughes	Moser	
Brandt	Dorn	Hunt	Murman	
Brewer	Dungan	Ibach	Raybould	
Briese	Fredrickson	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Aguilar	Erdman	Riepe
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Excused and not voting, 5:

Bostar Clements Dover McDonnell Wayne

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Department of Natural Resources
Thomas E. Riley, Director

Voting in the affirmative, 40:

Albrecht	Briese	Dungan	Hunt	Moser
Arch	Cavanaugh, J.	Fredrickson	Ibach	Murman
Armendariz	Cavanaugh, M.	Geist	Jacobson	Raybould
Ballard	Conrad	Halloran	Kauth	Sanders
Blood	Day	Hansen	Linehan	Slama
Bostelman	DeBoer	Hardin	Lippincott	Vargas
Brandt	DeKay	Holdcroft	Lowe	von Gillern
Brewer	Dorn	Hughes	McKinney	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Aguilar Riepe Walz

Excused and not voting, 6:

Bostar Dover McDonnell
Clements Erdman Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Power Review Board
Kristen L. Gottschalk, Director

Voting in the affirmative, 36:

Albrecht	Conrad	Hansen	Linehan	Vargas
Arch	Day	Hardin	Lippincott	von Gillern
Armendariz	DeKay	Holdcroft	Lowe	Walz
Ballard	Dorn	Hughes	Moser	Wishart
Blood	Dungan	Hunt	Murman	
Bostelman	Fredrickson	Ibach	Raybould	
Brandt	Geist	Jacobson	Sanders	
Brewer	Halloran	Kauth	Slama	

Voting in the negative, 0.

Present and not voting, 7:

Aguilar	Cavanaugh, J.	DeBoer	Riepe
Briese	Cavanaugh, M.	McKinney	

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 403:

Nebraska Natural Resources Commission
 Devin M. Brundage
 Mark Czapslewski
 Daniel (Dan) L. Steinkruger
 Dennis Strauch

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
 Devin M. Brundage

Voting in the affirmative, 40:

Aguilar	Brewer	Dungan	Hunt	Murman
Albrecht	Briese	Fredrickson	Ibach	Raybould
Arch	Cavanaugh, J.	Geist	Jacobson	Sanders
Armendariz	Conrad	Halloran	Kauth	Slama
Ballard	Day	Hansen	Linehan	Vargas
Blood	DeBoer	Hardin	Lippincott	von Gillern
Bostelman	DeKay	Holdcroft	Lowe	Walz
Brandt	Dorn	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Riepe

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
Mark Czaplewski

Voting in the affirmative, 39:

Aguilar	Brewer	Dungan	Hunt	Murman
Albrecht	Briese	Fredrickson	Ibach	Sanders
Arch	Cavanaugh, J.	Geist	Jacobson	Slama
Armendariz	Conrad	Halloran	Kauth	Vargas
Ballard	Day	Hansen	Linehan	von Gillern
Blood	DeBoer	Hardin	Lippincott	Walz
Bostelman	DeKay	Holdcroft	Lowe	Wishart
Brandt	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. McKinney Raybould Riepe

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The third division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission

Daniel (Dan) L. Steinkruger

Voting in the affirmative, 34:

Aguilar	Brewer	Fredrickson	Ibach	Murman
Albrecht	Briese	Geist	Jacobson	Sanders
Armendariz	Cavanaugh, J.	Halloran	Kauth	Slama
Ballard	Conrad	Hansen	Linehan	von Gillern
Blood	DeKay	Hardin	Lippincott	Walz
Bostelman	Dorn	Hughes	Lowe	Wishart
Brandt	Dungan	Hunt	Moser	

Voting in the negative, 0.

Present and not voting, 9:

Arch	Day	Holdcroft	Raybould	Vargas
Cavanaugh, M.	DeBoer	McKinney	Riepe	

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The fourth division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission

Dennis Strauch

Voting in the affirmative, 39:

Aguilar	Brewer	Fredrickson	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Geist	Kauth	Sanders
Arch	Clements	Halloran	Linehan	Slama
Armendariz	Conrad	Hansen	Lippincott	Vargas
Ballard	DeBoer	Hardin	Lowe	von Gillern
Blood	DeKay	Hughes	Moser	Walz
Bostelman	Dorn	Hunt	Murman	Wishart
Brandt	Erdman	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M. Day Dungan Holdcroft McKinney

Excused and not voting, 5:

Bostar Briese Dover McDonnell Wayne

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Print in Journal

Senator Halloran filed the following motion to LB780:

[MO25](#)

Withdraw LB780.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB207:

[AM132](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB296:

[AM133](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB767:

[AM134](#)

1 1. Strike the enacting clause.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 9:30 AM

Wednesday, February 8, 2023

LB590

LB664

LB13

Room 1510 1:30 PM

Wednesday, February 8, 2023

LB574

Room 1510 9:30 AM

Thursday, February 9, 2023

LB433

LB451

LB219

LB458

Room 1510 1:30 PM

Thursday, February 9, 2023

LB286

LB326

LB468

LB353

Room 1510 9:30 AM

Friday, February 10, 2023

LB611

LB810

Room 1510 1:30 PM

Friday, February 10, 2023

LB227

LB434

LB517

LB772

(Signed) Ben Hansen, Chairperson

Revenue

Room 1524 9:30 AM

Friday, February 3, 2023

LB602 (cancel)

LB38 (cancel)

Room 1524 9:30 AM

Friday, February 3, 2023
LB820

(Signed) Lou Ann Linehan, Chairperson

MOTIONS - Confirmation Reports

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 403:

Nebraska Ethanol Board
Bradley B. Bird
Michael S. Thede

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Ethanol Board
Bradley B. Bird

Voting in the affirmative, 39:

Aguilar	Brewer	Erdman	Ibach	Raybould
Albrecht	Cavanaugh, J.	Fredrickson	Jacobson	Riepe
Arch	Clements	Geist	Kauth	Slama
Armendariz	Conrad	Halloran	Linehan	Vargas
Ballard	Day	Hansen	Lippincott	von Gillern
Blood	DeBoer	Hardin	Lowe	Walz
Bostelman	DeKay	Hughes	Moser	Wishart
Brandt	Dorn	Hunt	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M. Dungan Holdcroft McKinney Sanders

Excused and not voting, 5:

Bostar Briese Dover McDonnell Wayne

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Ethanol Board
Michael S. Thede

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh, M.	Holdcroft	Murman
Day	McKinney	Raybould

Excused and not voting, 4:

Briese	Dover	McDonnell	Wayne
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Rerefer LB626

Senator Hunt reoffered [MO24](#), found on page 406, to reconsider MO16.

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

Senator Lowe moved for a call of the house. The motion prevailed with 20 ayes, 9 nays, and 20 not voting.

Senator Hunt requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Aguilar	Brandt	Erdman	Ibach	Moser
Albrecht	Briese	Halloran	Jacobson	Murman
Arch	Clements	Hansen	Kauth	Riepe
Armendariz	DeKay	Hardin	Linehan	Sanders
Ballard	Dorn	Holdcroft	Lippincott	Slama
Bostelman	Dover	Hughes	Lowe	von Gillern

Voting in the negative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

Excused and not voting, 3:

Brewer	Geist	McDonnell
--------	-------	-----------

The motion to cease debate prevailed with 30 ayes, 16 nays, and 3 excused and not voting.

Senator Hunt requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

Voting in the negative, 30:

Aguilar	Brandt	Erdman	Ibach	Moser
Albrecht	Briese	Halloran	Jacobson	Murman
Arch	Clements	Hansen	Kauth	Riepe
Armendariz	DeKay	Hardin	Linehan	Sanders
Ballard	Dorn	Holdcroft	Lippincott	Slama
Bostelman	Dover	Hughes	Lowe	von Gillern

Excused and not voting, 3:

Brewer	Geist	McDonnell
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The Hunt motion to reconsider failed with 16 ayes, 30 nays, and 3 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

Speaker Arch announced the Health and Human Services Committee will conduct its hearing on Wednesday, February 1, 2023, in Room 1525 and the Natural Resources Committee conduct its hearing in Room 1510, both at 1:30 p.m.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Brewer name added to LB16.
Senator Sanders name added to LB16.
Senator Lippincott name added to LB17.
Senator Kauth name added to LB91.
Senator Lowe name added to LB374.
Senator Jacobson name added to LB374.
Senator Brewer name added to LB712.

VISITORS

The Doctors of the Day were Dr. Kip Anderson and Dr. Deb Anderson of Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, January 30, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 30, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 30, 2023

PRAYER

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Holdcroft.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Day, DeBoer, Hunt, Raybould, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 52. Placed on General File.

LEGISLATIVE BILL 250. Placed on General File with amendment.

AM107

- 1 1. Strike the original sections and insert the following new
- 2 section:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) The state mission of the Nebraska National Guard is to provide
- 5 trained and equipped units to protect life and property and to preserve
- 6 peace, order, and public safety;
- 7 (b) The federal mission of the Nebraska National Guard is to provide
- 8 the armed forces of the United States with trained and equipped units in

9 times of national emergency or war; and
 10 (c) The readiness, morale, and command structure and leadership
 11 climate of the Nebraska National Guard requires review to determine
 12 whether any problems exist which may affect command and organizational
 13 readiness, senior-leader performance, discipline, recruiting and
 14 retention, and the process in which members of the Guard are promoted and
 15 assigned to positions of greater responsibility.
 16 (2) The Adjutant General shall cause to be conducted periodic top-
 17 down command climate surveys of the Nebraska National Guard to assess the
 18 leadership climate, morale, and combat readiness of each echelon of
 19 command in the organization. Such echelons include separate companies,
 20 detachments, battalions, brigades, and major subordinate commands in the
 21 Nebraska Army National Guard, and separate flights, squadrons, groups,
 22 and wings in the Nebraska Air National Guard. The surveys shall be
 23 conducted pursuant to applicable regulations of the United States
 24 Department of the Army, United States Department of the Air Force, Army
 25 National Guard, and Air National Guard. Each survey shall be performed by
 26 (a) a team of Nebraska Army National Guard officers and senior
 27 noncommissioned officers to assess the Nebraska Air National Guard and
 1 (b) a team of Nebraska Air National Guard officers and senior
 2 noncommissioned officers to assess the Nebraska Army National Guard.
 3 Survey responses and participation by individual members of the Guard
 4 shall be kept anonymous.
 5 (3) The Adjutant General shall cause survey teams described in
 6 subsection (2) of this section to be selected and begin a command climate
 7 survey no later than ninety days after the effective date of this act.
 8 The officer in charge of each survey team shall be a brigadier general.
 9 Each officer in charge shall report to, but work independently of, the
 10 Adjutant General. The Adjutant General shall submit a report to the
 11 Governor and electronically to the Government, Military and Veterans
 12 Affairs Committee of the Legislature on the findings of the command
 13 climate survey. New command climate surveys shall be conducted and new
 14 reports submitted as provided in this section (a) biennially each odd-
 15 numbered year and (b) each time a successor Adjutant General is appointed
 16 with such survey commencing no later than ninety days after such
 17 appointment.

(Signed) Tom Brewer, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Transportation and Telecommunications
 Room 1113 9:30 AM

Tuesday, February 7, 2023
 Kirk Langer - Nebraska Information Technology Commission

Room 1113 1:30 PM

Tuesday, February 7, 2023
 Russell L. Kreachbaum, Jr. - Board of Public Roads Classifications and
 Standards

Room 1113 1:30 PM

Monday, February 13, 2023

LB773
LB26
LB607

Room 1113 1:30 PM

Tuesday, February 14, 2023
James Ediger - Nebraska Information Technology Commission
LB63
LB625
LB199
LB807
LB738

Room 1113 1:30 PM

Tuesday, February 21, 2023
Leah Barrett - Nebraska Information Technology Commission
Katie Niemoller - Nebraska Information Technology Commission
LB61
LB134
LB733

Room 1113 1:30 PM

Tuesday, February 28, 2023
LB453
LB212
LB454
LB721
LB645

Room 1113 1:30 PM

Monday, March 6, 2023
LB31
LB44
LB234
LB796
LB646

Room 1113 1:30 PM

Tuesday, March 7, 2023
LB166
LB226
LB564
LB600
LB449

(Signed) Suzanne Geist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 34. Introduced by Kauth, 31.

WHEREAS, Alexander R. Koerner of Omaha, Nebraska, a member of Omaha Boy Scout Troop 408 and son of J.D. and Jeni Koerner, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for Alex's community service project he organized a clothing and toiletry drive for the Stephen Center in Omaha to help provide necessities for homeless and low-income individuals; and

WHEREAS, Alex, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Alexander R. Koerner on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Alexander R. Koerner.

Laid over.

AMENDMENT - Print in Journal

Senator Brandt filed the following amendment to LB180:

AM142

- 1 I. Strike original section 6 and insert the following new section:
- 2 Sec. 6. Any tax credit allowable to a partnership, a limited
- 3 liability company, a subchapter S corporation, a cooperative corporation,
- 4 or an estate or trust may be distributed to the partners, limited
- 5 liability company members, shareholders, cooperative members, or
- 6 beneficiaries in the same manner as income is distributed.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hunt name added to LB5.

Senator Hunt name added to LB8.

Senator Hunt name added to LB9.
Senator Hunt name added to LB10.
Senator Hunt name added to LB11.
Senator Hunt name added to LB12.
Senator Hunt name added to LB13.
Senator Murman name added to LB16.
Senator Hunt name added to LB18.
Senator Hunt name added to LB19.
Senator Hunt name added to LB42.
Senator Aguilar name added to LB108.
Senator Blood name added to LB431.
Senator Hunt name added to LB631.

VISITOR

Visitor to the Chamber was Gracie Lee, Minden.

ADJOURNMENT

At 9:09 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 2023.

Brandon Metzler
Clerk of the Legislature

NINETEENTH DAY - JANUARY 31, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 2023

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Day, Linehan, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMUNICATION

January 30, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Good Afternoon,

The audited State of Nebraska Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2022, has been completed and is now available on the Department of Administrative Services-State Accounting website or by accessing the following link: 2022 ACFR.

Per Neb. Rev. Stat. § 81-1125.01 (Reissue 2014), the ACFR must be completed "at least twenty days before the commencement of each regular session of the Legislature[.]" For the fiscal year 2022, the ACFR was due on December 15, 2022. In order to ensure that the ACFR would be completed timely, an engagement letter was signed with the Auditor of Public Accounts on June 1, 2022. Additionally, a list of items to be submitted to the APA for testing, with estimated completion dates, was provided on August 3, 2022. Of those 217 items to be provided, 213 were submitted by the due date. A completed draft was delivered to the APA on December 1, 2022, two weeks prior to the required issuance date. On November 28, 2022, the APA notified DAS, the Governor's Office, the Legislature, and the Department of Revenue of its anticipated delay in issuing the audited ACFR. An unaudited ACFR was submitted by DAS on the statutory due date of December 15, 2022.

The report will also be available on the Legislative website in the Reports area; and, on the Nebraska Library Commission website.

This e-mail is being distributed to the Governor of the State of Nebraska, the Director of Administrative Services, the Tax Commissioner, the Clerk of the Legislature, the Legislative Fiscal Analyst, and the State Budget Director. The report will be available to all State Senators through the Legislative website.

Respectfully Submitted,

Krista Davis
Deputy Administrator, State Accounting
Department of Administrative Services

COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 68. Placed on General File.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems
Room 1525 12:00 PM

Tuesday, February 7, 2023
LB104
LB105
NPERS Briefing
Nebraska Investment Council Briefing

(Signed) Mike McDonnell, Chairperson

Education
Room 1525 9:30 AM

Tuesday, February 7, 2023
LB585
LB520
LB153
LB805

Room 1525 1:30 PM

Tuesday, February 7, 2023
LB583
LB698
LB414

(Signed) Dave Murman, Chairperson

Government, Military and Veterans Affairs
Room 1507 9:30 AM

Wednesday, February 8, 2023
LB143
LR14CA
LB208

Room 1507 1:30 PM

Wednesday, February 8, 2023
LB277
LB228
LB230
LB70
LB675

Room 1507 9:30 AM

Thursday, February 9, 2023
LB471
LB16
LB43

Room 1507 1:30 PM

Thursday, February 9, 2023
LB41
LB304
LB312
LB268

Room 1507 9:30 AM

Friday, February 10, 2023

LB360

LB205

LB343

Room 1507 1:30 PM

Friday, February 10, 2023

LB293

LB461

LB133

LB513

(Signed) Tom Brewer, Chairperson

AMENDMENT - Print in Journal

Senator Brandt filed the following amendment to [LB321](#):
[AM136](#) is available in the Bill Room.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 1, 2023, after the morning hearing, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hunt name added to LB14.

Senator McDonnell name added to LB16.

Senator Brewer name added to LB17.

Senator Halloran name added to LB17.

Senator Hunt name added to LB35.

Senator Hunt name added to LB36.

Senator Hunt name added to LB39.

Senator Hunt name added to LB44.

Senator Aguilar name added to LB44.

Senator Bostar name added to LB44.

Senator Hunt name added to LB46.

Senator Hunt name added to LB49.

Senator Hunt name added to LB54.

Senator Hunt name added to LB55.

Senator Hunt name added to LB56.

Senator Fredrickson name added to LB56.
Senator Hunt name added to LB57.
Senator Hunt name added to LB58.
Senator Hunt name added to LB60.
Senator Hunt name added to LB62.
Senator Hunt name added to LB70.
Senator Hunt name added to LB85.
Senator Hunt name added to LB99.
Senator Hunt name added to LB115.
Senator Hunt name added to LB135.
Senator Hunt name added to LB142.
Senator Hunt name added to LB163.
Senator Hunt name added to LB175.
Senator Hunt name added to LB181.
Senator Hunt name added to LB182.
Senator Hunt name added to LB183.
Senator Hunt name added to LB185.
Senator Hunt name added to LB187.
Senator Hunt name added to LB202.
Senator Hunt name added to LB222.
Senator Hunt name added to LB225.
Senator Hunt name added to LB233.
Senator Hunt name added to LB254.
Senator Hunt name added to LB256.
Senator Hunt name added to LB270.
Senator Hunt name added to LB276.
Senator Hunt name added to LB278.
Senator Hunt name added to LB280.
Senator Hunt name added to LB284.
Senator Hunt name added to LB291.
Senator Hunt name added to LB292.
Senator Hunt name added to LB294.
Senator Hunt name added to LB295.
Senator Hunt name added to LB310.
Senator Hunt name added to LB314.
Senator Hunt name added to LB315.
Senator Hunt name added to LB316.
Senator Hunt name added to LB324.
Senator Hunt name added to LB326.
Senator Hunt name added to LB331.
Senator Hunt name added to LB334.
Senator Hunt name added to LB338.
Senator Hunt name added to LB339.
Senator Hunt name added to LB340.
Senator Hunt name added to LB352.
Senator Hunt name added to LB353.
Senator Hunt name added to LB357.
Senator Hunt name added to LB358.
Senator Hunt name added to LB362.

Senator Hunt name added to LB366.
Senator Hunt name added to LB367.
Senator Hunt name added to LB380.
Senator Hunt name added to LB381.
Senator Hunt name added to LB391.
Senator Hunt name added to LB408.
Senator Hunt name added to LB409.
Senator Hunt name added to LB410.
Senator Hunt name added to LB413.
Senator McKinney name added to LB419.
Senator Hunt name added to LB420.
Senator Hunt name added to LB432.
Senator Hunt name added to LB439.
Senator Hunt name added to LB467.
Senator Hunt name added to LB470.
Senator Hunt name added to LB482.
Senator Hunt name added to LB499.
Senator Hunt name added to LB500.
Senator Hunt name added to LB501.
Senator Hunt name added to LB502.
Senator Hunt name added to LB503.
Senator Hunt name added to LB509.
Senator Hunt name added to LB511.
Senator Hunt name added to LB521.
Senator Hunt name added to LB523.
Senator Hunt name added to LB524.
Senator Hunt name added to LB527.
Senator Armendariz name added to LB535.
Senator Hunt name added to LB553.
Senator Hunt name added to LB558.
Senator Hunt name added to LB560.
Senator Hunt name added to LB561.
Senator Armendariz name added to LB575.
Senator Hunt name added to LB581.
Senator Hunt name added to LB585.
Senator Hunt name added to LB601.
Senator Hunt name added to LB604.
Senator Hunt name added to LB618.
Senator Hunt name added to LB630.
Senator Hunt name added to LB634.
Senator Hunt name added to LB675.
Senator Hunt name added to LB678.
Senator Hunt name added to LB679.
Senator Hunt name added to LB715.
Senator Hunt name added to LB746.
Senator Hunt name added to LB747.
Senator Hunt name added to LB758.
Senator Hunt name added to LB759.
Senator Hunt name added to LB762.

Senator Hunt name added to LB763.
Senator Hunt name added to LB770.
Senator Hunt name added to LB794.
Senator Hunt name added to LB795.
Senator Hunt name added to LR3CA.
Senator Hunt name added to LR4CA.
Senator Hunt name added to LR14CA.
Senator Hunt name added to LR17CA.
Senator Hunt name added to LR27CA.
Senator Linehan name added to LR32.

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 1, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 2023

PRAYER

The prayer was offered by Senator Lippincott.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Ibach.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Day, Dover, B. Hansen, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

MOTIONS - Print in Journal

Senator Hunt filed the following motion to LB374:
MO27
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt filed the following motion to LB374:
MO28
Bracket.

Senator Hunt filed the following motion to LB811:
MO29
Bracket.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 8, 2023

LB228 (cancel)

LB230 (cancel)

LB675 (cancel)

(Signed) Tom Brewer, Chairperson

Revenue
Room 1524 9:30 AM

Wednesday, February 8, 2023

LB447

LB497

LB492

Room 1524 1:30 PM

Wednesday, February 8, 2023

LB318

LB294

LB295

Room 1524 9:30 AM

Thursday, February 9, 2023

LB732

LB797

LB803

Room 1524 1:30 PM

Thursday, February 9, 2023

LB242

LB243

LB244

(Signed) Lou Ann Linehan, Chairperson

Transportation and Telecommunications
Room 1113 1:30 PM

Tuesday, February 21, 2023

Zachary J. Mellender - Nebraska Information Technology Commission

Room 1113 1:30 PM

Tuesday, February 28, 2023

Bret R. Blackman - Nebraska Information Technology Commission

(Signed) Suzanne Geist, Chairperson

Judiciary
Room 1113 9:30 AM

Wednesday, February 8, 2023

LB328
LB135
LB284

Room 1113 1:30 PM

Wednesday, February 8, 2023

LB253
LB417
LB382
LB777
LB788

(Signed) Justin Wayne, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 35. Introduced by McKinney, 11.

WHEREAS, on February 1, 2013, Jacquez Lamar Lewis of Omaha, Nebraska, passed away; and

WHEREAS, Lewis was the son of Mark and LaRonda and brother of Latyza, Toni Marie, Mark, Markala, Brittany, and Anthony; and

WHEREAS, Lewis was a graduate of Omaha North High School and a member of the wrestling team; and

WHEREAS, Lewis was studying criminal justice and forensic science at Iowa Western Community College; and

WHEREAS, Lewis was enlisted in the United State Marine Corps and was set to leave for boot camp prior to his death; and

WHEREAS, February 1, 2023, marks the tenth year since Jacquez Lamar Lewis passed away.

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

1. That the Legislature offers its condolences to the family of Jacquez Lamar Lewis in memory of being the tenth year since he passed away.

2. That a copy of this resolution be sent to the family of Jacquez Lamar Lewis.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Dorn name added to LB31.

Senator Dungan name added to LB31.

Senator McDonnell name added to LB84.

Senator McDonnell name added to LB88.

Senator Dungan name added to LB88.

Senator Dorn name added to LB90.

Senator Hunt name added to LB385.

ADJOURNMENT

At 9:06 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 2, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 2023

PRAYER

The prayer was offered by Pastor Peter Sample, Calvary Bible Church, Neligh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Jacobson.

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 Briese, Day, B. Hansen, Linehan, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 3. Placed on General File.

LEGISLATIVE BILL 93. Placed on General File.

LEGISLATIVE BILL 278. Placed on General File.

LEGISLATIVE BILL 536. Placed on General File.

LEGISLATIVE BILL 628. Placed on General File with amendment.

AM175

1 1. On page 2, line 8, and page 10, line 11, after "all" insert "of

2 those".

3 2. On page 6, lines 9 and 28; page 8, lines 7 and 18; and page 9,

4 line 5, after "all" insert "of those".

5 3. On page 8, line 22, strike "applicant" and reinstate the stricken
6 matter.

7 4. On page 10, line 25, strike "services", show as stricken, and
8 insert "service"; and in line 26 strike "at law" and show as stricken.

(Signed) Julie Slama, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 51. Placed on General File.

LEGISLATIVE BILL 252. Placed on General File with amendment.

AM153

1 1. On page 4, after line 18 insert the following new subdivision:

2 "(i) Died while on active duty;"; in line 19 strike "(i)", show as

3 stricken, and insert "(ii)"; in line 20 strike "(ii)", show as stricken,

4 and insert "(iii)"; in line 23 strike "(iii)", show as stricken, and

5 insert "(iv)"; and in line 27 strike "(iv)", show as stricken, and insert

6 "(v)".

(Signed) Tom Brewer, Chairperson

General Affairs

The General Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Brenda M. Davis - Nebraska Arts Council

Ann Michelle Dudley - Nebraska Arts Council

Crystal Dunning - Nebraska Arts Council

Karen A. Harris - Nebraska Arts Council

Sharon R. Hofschire - Nebraska Arts Council

Mark Laughlin - Nebraska Arts Council

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jeffrey Galyen - State Racing and Gaming Commission

Dennis Lee - State Racing and Gaming Commission

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

John F. Hiller - State Electrical Board

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Susan E. Lutz - Nebraska Commission on Problem Gambling
Matthew John Monheiser - Nebraska Commission on Problem Gambling
John Pulverenti - Nebraska Commission on Problem Gambling

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Lowe, Chairperson

NOTICE OF COMMITTEE HEARINGS

Business and Labor
Room 1524 1:30 PM

Monday, February 13, 2023

LB639
LB5
LB101 (reschedule)
LB393 (reschedule)
LB327
LB678
LB671
LB670
LB335

Room 1524 1:30 PM

Monday, March 6, 2023

LB405
LB272
LB464
LB203
LB460
LB380
LB443
LB191

Room 1524 1:30 PM

Monday, March 13, 2023

LB618
LB489
LB665
LB666
LB459
LB501
LB502
LB752
LB367

(Signed) Merv Riepe, Chairperson

Judiciary
Room 1113 9:30 AM

Thursday, February 9, 2023
LB588

Room 1113 1:30 PM

Thursday, February 9, 2023
LB436
LB307
LB22
LB634

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB371](#):
[AM204](#)

(Amendments to AM67)

1 1. Strike the original amendment and insert the following new
2 amendment:
3 1. Strike the original section and insert the following new section:
4 Section 1. (1) No manufacturer shall distribute chocolate-coated
5 candy for consumption by an individual under nineteen years of age
6 without the manufacturer of such candy explicitly identifying the candy's
7 gender assigned at birth on the packaging of such candy.
8 (2) Any manufacturer who distributes chocolate-coated candy for
9 consumption by an individual under nineteen years of age without
10 explicitly identifying the candy's gender assigned at birth on the
11 packaging of such candy shall be fined ten thousand dollars for each
12 violation of this section. Any fines collected by this section shall be
13 remitted to the State Treasurer for distribution in accordance with
14 Article VII, section 5, of the Constitution of Nebraska.
15 (3) Any person nineteen years of age or older who knowingly provides
16 chocolate-coated candy without the candy's gender assigned at birth
17 explicitly identified on the packaging of such candy to an individual
18 under nineteen years of age for consumption shall be guilty of a Class I
19 misdemeanor.

Senator Hunt filed the following amendment to [LB371](#):

[AM178](#)

(Amendments to AM67)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike the original section 1 and insert the following new
- 4 section:
- 5 Section 1. (1) No individual under nineteen years of age shall watch
- 6 any television program depicting sexual themes or violence without a
- 7 parent or guardian present.
- 8 (2) Any parent or guardian who knowingly allows an individual under
- 9 nineteen years of age to watch a television program depicting sexual
- 10 themes or violence without a parent or guardian present shall be guilty
- 11 of a Class I misdemeanor.

Senator Hunt filed the following amendment to [LB371](#):

[AM206](#)

(Amendments to AM67)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike the original section and insert the following new section:
- 4 Section 1. (1) No individual under nineteen years of age shall be
- 5 present at a movie theater showing of a movie rated R by the Motion
- 6 Picture Association of America.
- 7 (2) Any movie theater that knowingly allows an individual under
- 8 nineteen years of age to be present at a movie rated R by the Motion
- 9 Picture Association of America shall be fined ten thousand dollars for
- 10 each violation of this section. Any fines collected under this section
- 11 shall be remitted to the State Treasurer for distribution in accordance
- 12 with Article VII, section 5, of the Constitution of Nebraska.
- 13 (3) Any individual nineteen years of age or older who knowingly
- 14 brings an individual under nineteen years of age to a movie theater
- 15 showing of a movie rated R by the Motion Picture Association of America
- 16 shall be guilty of a Class I misdemeanor.

Senator Hunt filed the following amendment to [LB606](#):

[AM209](#)

(Amendments to FA2)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike original section 14 and insert the following new section:
- 4 Sec. 14. This act becomes operative when the Foster Care Review
- 5 Office or the Department of Health and Human Services certifies and
- 6 reports to the Legislature that zero children in the foster care system
- 7 who have a court-ordered permanency objective of adoption are free for
- 8 and awaiting adoption.

Senator Hunt filed the following amendment to [LB606](#):

[AM188](#) is available in the Bill Room.

Senator Hunt filed the following amendment to [LB89](#):

[AM203](#)

- 1 1. Strike the original section and insert the following new
- 2 sections:
- 3 Section 1. Section 25-21,200, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 25-21,200 (1) A surrogate parenthood contract entered into shall not

6 ~~limit the right of the gestational mother to make decisions to safeguard~~
 7 ~~her health or the health of an embryo be void and unenforceable. The~~
 8 ~~biological father of a child born pursuant to such a contract shall have~~
 9 ~~all the rights and obligations imposed by law with respect to such child.~~
 10 (2) For purposes of this section, ~~unless the context otherwise~~
 11 ~~requires~~, a surrogate parenthood contract shall mean a contract by which
 12 a woman is to be compensated for bearing a child of a man who is not her
 13 husband.
 14 Sec. 2. Original section 25-21,200, Reissue Revised Statutes of
 15 Nebraska, is repealed.

Senator Hunt filed the following amendment to [LB374](#):

[AM197](#)

1 1. Strike original sections 6 and 7 of this act.
 2 2. On page 3, strike lines 8 and 9; in line 10, strike "(7)" and
 3 insert "(6)"; in line 18 strike "(8)" and insert "(7)"; and in line 22
 4 strike "(9)" and insert "(8)".
 5 3. On page 6, strike beginning with "Be" in line 1 through "inspect"
 6 in line 2 and insert "Inspect".
 7 4. On page 10, line 23, strike "parental transparency portal" and
 8 insert "school's website".
 9 5. On page 11, strike beginning with "parental" in line 19 through
 10 "act" in line 20 and insert "school's website".
 11 6. Renumber the remaining sections and correct internal references
 12 accordingly.

Senator Hunt filed the following amendment to [LB374](#):

[AM200](#)

1 1. On page 12, strike beginning with the colon in line 28 through
 2 line 31 and insert "such parent has contributed to, or is likely to
 3 exacerbate, the child's suicidal ideation.".
 4 2. On page 13, strike line 1.

Senator Hunt filed the following amendment to [LB374](#):

[AM199](#)

1 1. Insert the following new section:
 2 Sec. 2. The Legislature finds that there is a growing fear among
 3 some parents about the factual information their children are being
 4 exposed to in schools contradicting the parents' beliefs about human
 5 sexuality, the family unit, American history, and systemic racism. The
 6 Legislature further finds that:
 7 (1) The Parents' Bill of Rights and Academic Transparency Act is
 8 necessary to appease a minority of public school parents who may pay
 9 taxes and vote for members of the Legislature;
 10 (2) Public school districts and the educational experts they employ,
 11 including administrators and teachers, are incapable of making informed
 12 decisions about factual curriculum that is appropriate for children to
 13 learn; and
 14 (3) Concepts such as same sex relationships, nontraditional family
 15 structures and gender identities, America's history of slavery, the
 16 realities of genocidal events such as the Holocaust, and belief systems
 17 other than evangelical Christian doctrines are too intellectually
 18 advanced and possibly emotionally distressing for Nebraska children.
 19 2. Renumber the remaining sections and correct internal references
 20 accordingly.

Senator Hunt filed the following amendment to [LB374](#):

[AM196](#)

1 1. Insert the following new section:
2 Sec. 14. (1) Each school district shall develop an estimate of the
3 number of full-time employees necessary for such school district to carry
4 out the requirements of section 6 of this act. Each school district shall
5 report such estimate to the Education Committee of the Legislature and
6 the Appropriations Committee of the Legislature by January 1, 2024.
7 (2) It is the intent of the Legislature to appropriate sufficient
8 money from the General Fund to cover each school district's costs
9 reported pursuant to subsection (1) of this section.
10 2. On page 2, line 1, strike "13" and insert "14".
11 3. Renumber the remaining sections and correct internal references
12 accordingly.

Senator Hunt filed the following amendment to LB374:
[AM198](#)

1 1. On page 1, lines 2 and 3 and 4; page 15, lines 17 and 18; and
2 page 16, lines 14 and 15, strike "Parents' Bill of Rights and Academic
3 Transparency Act" and insert "Teacher Surveillance Act".

Senator Hunt filed the following amendment to LB374:
[AM191](#)

1 1. On page 8, line 29, strike "and"; in line 31 strike the period
2 and insert "; and"; and after line 31 insert the following new
3 subdivision:
4 "(11) A list organized by school, grade level, and area of
5 instruction, if applicable, that includes the personal religious beliefs
6 of any teacher or administrator of the school district."

Senator Hunt filed the following amendment to LB606:
[AM187](#) is available in the Bill Room.

Senator Linehan filed the following amendment to LB589:
[FA8](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB641:
[FA9](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB750:
[FA10](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB753:
[FA11](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB754:
[FA12](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB783:
[FA13](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB804:

[FA14](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB806:

[FA15](#)

Strike Section 1.

Senator Linehan filed the following amendment to LB820:

[FA16](#)

Strike Section 1.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Lippincott name added to LB71.

Senator Slama name added to LB565.

Senator Lippincott name added to LB606.

WITHDRAW - Cointroducer

Senator Hunt name withdrawn from LB385.

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Friday, February 3, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 3, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 2023

PRAYER

The prayer was offered by Pastor John Nelson Jr., Christ Lutheran Church, O'Neill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Kauth.

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 Erdman, Halloran, and Moser who were excused; and Senators Day, B. Hansen, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 2, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Amack, Angela K.
Alter Trading Corporation
American Communications Group, Inc.
Health Partners Initiative

Dougherty, Gary
American Diabetes Association
Feely, William
Nebraska Republican Party
Gutman, Daniel
ACLU Nebraska
Husch Blackwell Strategies
JUUL Labs Inc. (Withdrawn 02/01/2023)
Kelley Plucker, LLC
Mueller Robak, LLC
Kelley, Michael A.
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kelley, Sean
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kissel Kohout ES Associates, LLC
Caseys General Stores, Inc.
Mines, Mick
Husch Blackwell Strategies LLC
Nowka & Edwards
Nantero Inc.
Pierucci, Andy
Northrop Grumman Systems Corporation
Plucker, Julia
Kelley Plucker, LLC
Rathner, Todd
Firearms Policy Coalition
Vankat, Hannah
Smart Gen Society
Winston, Kenneth C.
Bold Alliance, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 9:30 AM

Friday, February 10, 2023
LB300
LB384
LB496

Room 1524 1:30 PM

Friday, February 10, 2023

LB440
LB309
LB809

(Signed) Lou Ann Linehan, Chairperson

General Affairs
Room 1510 1:30 PM

Monday, February 13, 2023

LB72
LB73
LB168
LB232
LB775
LB311
LB685

(Signed) John Lowe, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, February 14, 2023

LB274
LB346
LB691
LB693

(Signed) Terrell McKinney, Chairperson

Transportation and Telecommunications
Room 1113 1:30 PM

Monday, February 13, 2023

John C. Ernst - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Suzanne Geist, Chairperson

Agriculture
Room 1524 1:30 PM

Tuesday, February 14, 2023

LB662
LB740

Room 1524 1:30 PM

Tuesday, February 21, 2023

LB263
LB336
LB735

(Signed) Steve Halloran, Chairperson

Judiciary
Room 1113 9:30 AM

Friday, February 10, 2023

LB220
LB757
LB760

Room 1113 1:30 PM

Friday, February 10, 2023

LB482
LB11
LB759
LB758

(Signed) Justin Wayne, Chairperson

Education
Room 1525 1:30 PM

Monday, February 13, 2023

LB99
LB201
LB575

(Signed) Dave Murman, Chairperson

Natural Resources
Room 1525 1:30 PM

Wednesday, February 15, 2023

LB281

Room 1525 1:30 PM

Thursday, February 16, 2023

LB120
LB121
LB568

(Signed) Bruce Bostelman, Chairperson

Appropriations
Room 1307 1:30 PM

Monday, February 13, 2023

LB813
LB814
LB815
LB816
LB817
LB818
LB819

Room 1307 1:30 PM

Tuesday, February 14, 2023

Agency 32 - Educational Lands and Funds, Board of
Agency 34 - Library Commission, Nebraska
Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 75 - Investment Council, Nebraska
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 41 - State Real Estate Commission
Agency 53 - Real Property Appraiser Board
Agency 63 - Public Accountancy, Nebraska Board of
Agency 58 - Board of Engineers and Architects
Agency 59 - Board of Geologists
Agency 62 - Land Surveyors, State Board of Examiners for
Agency 66 - Abstracters Board of Examiners
Agency 73 - Landscape Architects, State Board of

Room 1307 1:30 PM

Wednesday, February 15, 2023

Agency 3 - Legislative Council
Agency 11 - Attorney General
Agency 30 - Electrical Board, State
Agency 57 - Oil and Gas Conservation Commission, Nebraska
Agency 74 - Power Review Board, Nebraska
LB323
LB597
LB654

Room 1307 1:30 PM

Thursday, February 16, 2023

Agency 36 - Racing Commission, Nebraska State
Agency 56 - Wheat Board, Nebraska
Agency 60 - Ethanol Board, Nebraska
Agency 61 - Dairy Industry Development Board, Nebraska

Agency 86 - Dry Bean Commission
Agency 88 - Corn Development, Utilization and Marketing Board
Agency 92 - Grain Sorghum Board, Nebraska
Agency 95 - Dry Pea & Lentil Commission
Agency 97 - Hemp Commission

Room 1507 1:30 PM

Tuesday, February 21, 2023

Agency 46 - Correctional Services, Department of
Agency 64 - State Patrol, Nebraska
Agency 94 - Public Advocacy, Commission on
LB439
LB554
LB660

Room 1307 1:30 PM

Wednesday, February 22, 2023

Agency 18 - Agriculture, Department of
Agency 18 - Agriculture, Department of
Note: Potato Board & Poultry/Egg
Agency 39 - Brand Committee, Nebraska
Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 67 - Equal Opportunity Commission
Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 81 - Commission for the Blind and Visually Impaired
Agency 23 - Labor, Department of
LB614
LB755

Room 1307 1:30 PM

Thursday, February 23, 2023

Agency 5 - Supreme Court
Agency 15 - Parole, Nebraska Board of
Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice
LB176
LB508
LB761

Room 1307 1:30 PM

Friday, February 24, 2023

Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts
Agency 12 - State Treasurer
Agency 87 - Accountability and Disclosure Commission
LB477
LB551
LB578
LB598

Room 1524 1:30 PM

Tuesday, February 28, 2023
Agency 28 - Veterans' Affairs, Department of
Agency 33 - Game and Parks Commission
Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 52 - State Fair Board
Agency 91 - Nebraska Tourism Commission
LB80
LB609
LB744

Room 1307 1:30 PM

Wednesday, March 1, 2023
Agency 14 - Public Service Commission
Agency 21 - State Fire Marshal
Agency 54 - Historical Society, Nebraska State
Agency 69 - Arts Council, Nebraska
LB361
LB563
LB615
LB718

(Signed) Robert Clements, Chairperson

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB606:

[AM220](#)

1 1. On page 2, line 31, after the semicolon insert "and".
2 2. On page 3, strike lines 1 through 4; in line 5 strike "(iv)" and
3 insert "(iii)"; strike lines 7 through 10 and insert the following new
4 subdivision:
5 "(d) Provides, pays for, provides coverage of, refers for,
6 recommends, or provides medically accurate information about abortion
7 procedures and emergency contraception if the patient requests; and"; in
8 line 22 after the semicolon insert "and"; and strike beginning with the
9 semicolon in line 24 through "abortions" in line 29.

Senator Hunt filed the following amendment to LB606:

[AM221](#)

(Amendments to FA3)

- 1 1. Strike the original amendment and insert the following new
- 2 amendments:
- 3 1. On page 2, line 31, after the semicolon insert "and".
- 4 2. On page 3, strike lines 1 through 4; in line 5 strike "(iv)" and
- 5 insert "(iii)"; strike lines 7 through 10 and insert the following new
- 6 subdivision:
- 7 "(d) Provides, pays for, provides coverage of, refers for,
- 8 recommends, or provides medically accurate information about abortion
- 9 procedures and emergency contraception if the patient requests; and"; in
- 10 line 22 after the semicolon insert "and"; and strike beginning with the
- 11 semicolon in line 24 through "abortions" in line 29.

Senator Hunt filed the following amendment to [LB371](#):
[AM219](#)

(Amendments to AM67)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. On page 2, strike lines 1 through 7 and insert the following new
- 3 subsection:
- 4 "(1) For purposes of this section, beauty pageant means an event in
- 5 which:
- 6 (a) Women or minor girls wear dresses, costumes, makeup, or other
- 7 accessories which may or may not be age appropriate; and
- 8 (b) Women or minor girls sing, lip sync, dance, or otherwise perform
- 9 before an audience for entertainment in a manner that may be sexualizing
- 10 or provocative."; and in lines 9, 10, 13, 14 and 15, 18, 23, 26, and 29
- 11 strike "drag show" and insert "beauty pageant".

Senator Walz filed the following amendment to [LB517](#):
[AM170](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 71-401, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 71-401 Sections 71-401 to 71-479 and section 2 of this act shall be
- 6 known and may be cited as the Health Care Facility Licensure Act.
- 7 Sec. 2. (1) The department shall pay a transfer incentive to each
- 8 skilled nursing facility, nursing facility, or swing-bed hospital as
- 9 described in 42 U.S.C. 1395tt, that accepts a patient with complex health
- 10 needs when such patient is medically stable and ready to be discharged
- 11 from an acute care hospital if the acute care hospital (a) is not
- 12 designated as a critical access hospital by the Centers for Medicare and
- 13 Medicaid Services and (b) has reached or exceeded eighty percent of
- 14 available staffed capacity for adult intensive-care-unit beds and acute
- 15 care inpatient medical-surgical beds.
- 16 (2) The one-time transfer incentives for post-acute skilled nursing
- 17 facility care shall be paid as follows:
- 18 (a) Six thousand dollars for each patient placement in a nursing
- 19 facility; and
- 20 (b) Three thousand dollars for each patient placement in a skilled
- 21 nursing facility or swing-bed hospital.
- 22 (3) The department shall work with representatives of acute care
- 23 hospitals, skilled nursing facilities, and nursing care facilities to
- 24 determine the:
- 25 (a) Criteria to define patients with complex health needs eligible
- 26 for the transfer incentives;
- 27 (b) Process by which acute care hospitals shall determine and report
- 1 changes in capacity to the department; and

2 (c) Process by which the transfer incentives may be subject to
 3 recoupment by the department upon readmission to an acute care inpatient
 4 hospital setting.

5 (4) For purposes of this section, patient means a person who is
 6 medically stable and who the provider believes, with a reasonable medical
 7 probability and in accordance with recognized medical standards, is safe
 8 to be discharged or transferred and is not expected to have his or her
 9 condition negatively impacted during, or as a result of, the discharge or
 10 transfer.

11 (5) Any transfer incentive payment made for a patient with medicaid
 12 or medicare shall comply with all medicaid and medicare reimbursement
 13 policies for skilled nursing facilities, nursing facilities, and swing-
 14 bed hospitals.

15 (6) Nothing in this section shall create any new requirement to
 16 accept a patient transfer for skilled nursing facilities, nursing
 17 facilities, or swing-bed hospitals.

18 (7) Transfer incentives are not available for transfers that occur
 19 between facilities under common ownership.

20 Sec. 3. This act becomes operative on September 10, 2023.

21 Sec. 4. Original section 71-401, Revised Statutes Cumulative
 22 Supplement, 2022, is repealed.

COMMITTEE REPORTS

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Rhonda Lahm Director - Department of Motor Vehicles

Aye: 8. Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Vicki Kramer Director - Nebraska Department of Transportation

Aye: 8. Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 136. Placed on General File.

LEGISLATIVE BILL 138. Placed on General File.

LEGISLATIVE BILL 140. Placed on General File.

LEGISLATIVE BILL 247. Placed on General File.

(Signed) Suzanne Geist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Dover name added to LB31.

Senator Hardin name added to LB64.

Senator Hardin name added to LB65.

Senator Day name added to LB80.

Senator Hunt name added to LB274.

Senator Slama name added to LB274.

Senator Aguilar name added to LB274.

Senator Hardin name added to LB419.

Senator Blood name added to LB588.

Senator B. Hansen name added to LB588.

Senator Sanders name added to LB712.

Senator Brewer name added to LB805.

VISITOR

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Kauth, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 7, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 2023

PRAYER

The prayer was offered by Pastor James Irwin, Holy Savior Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

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 Senator Hardin who was excused; and Senators M. Cavanaugh, Dungan, Hunt, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 454, line 21, replace "9:30 a.m." with "1:30 p.m."
The Journal for the twenty-second day was approved as corrected.

MESSAGES FROM THE GOVERNOR

January 26, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Trustees of the Nebraska State College System:

Carter Peterson, 502 Douglas Street, Wayne, NE 68787

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

January 26, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Trustees of the Nebraska State College System:

Adolfo "Danny" Reynaga, 1828 Center Avenue, Mitchell, NE 69357

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

February 2, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed a member of the Nebraska Game & Parks Commission-District 5:

Dan Hughes, 74868 318 Avenue, Venango, NE 69168

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

NOTICE OF COMMITTEE HEARINGS

Appropriations
Room 1307 1:30 PM

Thursday, March 2, 2023

Agency 37 - Workers' Compensation Court
Agency 77 - Industrial Relations, Commission of
Agency 45 - Barber Examiners, Board of
Agency 68 - Latino-American Commission
Agency 70 - Foster Care Review Board, State
Agency 76 - Indian Commission, Nebraska
Agency 90 - African American Affairs Commission
LB275

Room 1525 1:30 PM

Friday, March 3, 2023

Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System
Agency 83 - Community College Aid
LB273
LB373
LB802

Room 1307 1:30 PM

Monday, March 6, 2023

Agency 16 - Revenue, Department of
Agency 35 - Liquor Control Commission, Nebraska
Agency 93 - Tax Equalization and Review Commission
Agency 24 - Motor Vehicles, Department of
Agency 27 - Transportation, Department of
Agency 31 - Military Department
LB560

Room 1524 1:30 PM

Tuesday, March 7, 2023

Agency 72 - Economic Development, Department of
LB349
LB444
LB682
LB784
LB798

Room 1525 1:30 PM

Wednesday, March 8, 2023

LB504
LB741
LB786
LB789
LB801

Room 1525 1:30 PM

Thursday, March 9, 2023

LB445
LB573
LB608
LB719
LB785

Room 1307 1:30 PM

Monday, March 13, 2023

Agency 84 - Environmental Quality, Department of
LB237
LB534
LB571
LB613
LB672
LB766

Room 1524 1:30 PM

Tuesday, March 14, 2023

Agency 29 - Natural Resources, Department of
LB125
LB401
LB506
LB768

Room 1525 1:30 PM

Wednesday, March 15, 2023

Agency 13 - Education, Department of
LB48
LB319
LB610
LB681
LB781

Room 1525 1:30 PM

Thursday, March 16, 2023
Agency 65 - Administrative Services, Department of
LB411
LB511
LB547
LB612
LB651
LB812

Room 1524 1:30 PM

Tuesday, March 21, 2023
Agency 25 - Health and Human Services
Note: (Operations, Medicaid and Long Term Care, Children and Family
Services)
LB112
LB415
LB470
LB509
LB663
LB739

Room 1525 1:30 PM

Wednesday, March 22, 2023
Agency 25 - Health and Human Services
Note: (Division of Developmental Disabilities, Public Health, Behavioral
Health)
LB362
LB526
LB601

Room 1525 1:30 PM

Thursday, March 23, 2023
LB46
LB128
LB129
LB130
LB131

LB149
LB525

Room 1525 1:30 PM

Friday, March 24, 2023

LB108
LB114
LB490
LB539
LB652
LB653
LB736
LB763

(Signed) Robert Clements, Chairperson

Education
Room 1525 1:30 PM

Tuesday, February 14, 2023

LB647
LB630
LB487
LB320

(Signed) Dave Murman, Chairperson

Nebraska Retirement Systems
Room 1525 12:00 PM

Tuesday, February 14, 2023

LB160
LB103
LB658
LB659

(Signed) Mike McDonnell, Chairperson

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Thursday, February 16, 2023

LB111
LB655
LB297

(Signed) Tom Brewer, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 298. Placed on General File.**LEGISLATIVE BILL 299.** Placed on General File.

(Signed) Dave Murman, Chairperson

Revenue

LEGISLATIVE BILL 146. Placed on General File.**LEGISLATIVE BILL 147.** Placed on General File.**LEGISLATIVE BILL 4.** Placed on General File with amendment.[AM284](#)

1 1. On page 3, lines 12 and 20; and page 4, line 14, strike "once
 2 every five years" and insert "in every subsequent year evenly divisible
 3 by five".

LEGISLATIVE BILL 74. Placed on General File with amendment.[AM169](#)

1 1. Insert the following new section:
 2 Sec. 4. Buyer-based exemption means an exemption based on who
 3 purchases the product. An exemption that is available to all individuals
 4 shall not be considered a buyer-based exemption.
 5 2. On page 2, line 10, after "77-2701.55" insert "and section 4 of
 6 this act".
 7 3. On page 2, lines 4, 9, and 15; page 3, line 10; page 6, line 10;
 8 page 8, line 8; page 12, line 27; page 13, lines 6, 21, 23 and 24, and
 9 29; and page 14, line 12, strike "section 4" and insert "sections 4 and
 10 5".
 11 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 206. Placed on General File with amendment.[AM138](#)

1 1. On page 5, lines 8 and 13, after "tax" insert ", penalties, or
 2 interest".

(Signed) Lou Ann Linehan, Chairperson

AMENDMENTS - Print in JournalSenator Murman filed the following amendment to LB810:[AM247](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to LB810:[AM248](#)

1 1. Strike section 2.

Senator Murman filed the following amendment to LB810:[AM250](#)

1 1. Strike section 4.

Senator Murman filed the following amendment to [LB810](#):

[AM249](#)

1 1. Strike section 3.

Senator Murman filed the following amendment to [LB71](#):

[AM252](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to [LB71](#):

[AM253](#)

1 1. Strike section 2.

Senator Murman filed the following amendment to [LB71](#):

[AM254](#)

1 1. Strike section 3.

Senator Murman filed the following amendment to [LB71](#):

[AM255](#)

1 1. Strike section 4.

Senator Murman filed the following amendment to [LB71](#):

[AM256](#)

1 1. Strike section 5.

Senator Murman filed the following amendment to [LB71](#):

[AM257](#)

1 1. Strike section 6.

Senator Murman filed the following amendment to [LB811](#):

[AM258](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to [LB811](#):

[AM259](#)

1 1. Strike section 2.

Senator Murman filed the following amendment to [LB811](#):

[AM260](#)

1 1. Strike section 3.

Senator Murman filed the following amendment to [LB811](#):

[AM261](#)

1 1. Strike section 4.

Senator Hunt filed the following amendment to [LB574](#):

[AM263](#)

1 1. Strike original section 3 and insert the following new section:

2 Sec. 3. The Legislature finds that:

3 (1) The state has a compelling government interest in protecting the

4 health and safety of its citizens, especially vulnerable children;

5 (2) Genital and nongenital altering surgeries are rarely performed

6 on youth, and no gender-affirming medical interventions are offered until
 7 puberty;
 8 (3) Under established medical and mental health standards of care,
 9 providers generally encourage caregivers to focus on acceptance and
 10 affirmation of youth experiencing gender dysphoria; and
 11 (4) If a transgender youth is started on puberty blockers, such
 12 youth's puberty is temporarily stalled, and the effects of such
 13 medications are completely reversible.

Senator Hunt filed the following amendment to [LB626](#):

[AM251](#)

1 1. On page 4, after line 3, insert the following new subsection:
 2 "(4) Notwithstanding any provision of law in conflict with the
 3 Nebraska Heartbeat Act, it shall be unlawful for any employee or agent of
 4 the State of Nebraska to perform a procedure that will stop the cardiac
 5 activity of a person convicted of a Class I felony."

Senator Hunt filed the following amendment to [LB575](#):

[AM239](#)

1 1. On page 2, lines 2 and 3; page 3, line 29; and page 4, lines 3,
 2 10, 14, 16 and 17, and 20 and 21 strike "Sports and Spaces" and insert
 3 "Genital Inspection".

Senator Brandt filed the following amendment to [LB116](#):

[AM262](#)

1 1. Insert the following new section:
 2 Section 1. Section 58-242, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 58-242 Prior to exercising any of the powers authorized by the
 5 Nebraska Investment Finance Authority Act regarding agricultural projects
 6 as defined in subdivision (2) of section 58-219, the authority shall
 7 require:
 8 (1) That no loan will be made to any person with a net worth of more
 9 than one million five hundred thousand dollars;
 10 (2) That the lender certify and agree that it will use the proceeds
 11 of such loan, investment, sale, or assignment within a reasonable period
 12 of time to make loans or purchase loans to provide agricultural
 13 enterprises or, if such lender has made a commitment to make loans to
 14 provide agricultural enterprises on the basis of a commitment from the
 15 authority to purchase such loans, such lender will make such loans and
 16 sell the same to the authority within a reasonable period of time;
 17 (3) That the lender certify that the borrower is an individual who
 18 is actively engaged in or who will become actively engaged in an
 19 agricultural enterprise after he or she receives the loan or that the
 20 borrower is a firm, partnership, limited liability company, corporation,
 21 or other entity with all owners, partners, members, or stockholders
 22 thereof being natural persons who are actively engaged in or who will be
 23 actively engaged in an agricultural enterprise after the loan is
 24 received;
 25 (4) That the aggregate amount of the loan received by a borrower
 26 shall not exceed five hundred seventeen thousand seven hundred dollars,
 27 as such amount shall be adjusted for inflation in accordance with section
 1 147(c) of the Internal Revenue Code of 1986, as amended. In computing
 2 such amount a loan received by an individual shall be aggregated with
 3 those loans received by his or her spouse and minor children and a loan
 4 received by a firm, partnership, limited liability company, or
 5 corporation shall be aggregated with those loans received by each owner,
 6 partner, member, or stockholder thereof; and

7 (5) That the recipient of the loan be identified in the minutes of
 8 the authority prior to or at the time of adoption by the authority of the
 9 resolution authorizing the issuance of the bonds which will provide for
 10 financing of the loan.

11 2. On page 7, line 2, strike "77-5205" and insert "58-242,
 12 77-5205,".

13 3. Renumber the remaining sections accordingly.

Senator Brandt filed the following amendment to LB321:

AM184

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

2 sections:

3 Section 1. Section 2-3966, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 2-3966 For purposes of the Nebraska Milk Act, unless the context
 6 otherwise requires:

7 (1) 3-A Sanitary Standards has the same meaning as in the Grade A
 8 Pasteurized Milk Ordinance;

9 (2) Acceptable milk means milk that qualifies under sections 2-3979
 10 to 2-3982 as to sight and odor and that is classified acceptable for
 11 somatic cells, bacterial content, drug residues, and sediment content;

12 (3) Components of milk means whey, whey and milk protein
 13 concentrate, whey cream, cream, butter, skim milk, condensed milk, ultra-
 14 filtered milk, milk powder, dairy blends that are at least fifty-one
 15 percent dairy components, and any similar milk byproduct;

16 (4) C-I-P or cleaned-in-place means the procedure by which sanitary
 17 pipelines or pieces of dairy equipment are mechanically cleaned in place
 18 by circulation;

19 (5) Dairy products means products allowed to be made from milk for
 20 manufacturing purposes and not required to be of Grade A quality;

21 (6) Department means the Department of Agriculture;

22 (7) Director means the Director of Agriculture or his or her duly
 23 authorized agent or designee;

24 (8) Field representative means an individual qualified and trained
 25 in the sanitary methods of production and handling of milk as set forth
 26 in the Nebraska Milk Act and who is generally employed by a processing or
 27 manufacturing milk plant or cooperative for the purpose of quality
 1 control work;

2 (9) First purchaser means a person who purchases raw milk directly
 3 from the farm for processing or for resale to a processor, who purchases
 4 milk products or components of milk for processing or resale to a
 5 processor, or who utilizes milk from the first purchaser's own farm for
 6 the manufacturing of milk products or dairy products;

7 (10) Grade A Pasteurized Milk Ordinance means the documents
 8 delineated in subsection (3) of section 2-3965;

9 (11) Milk for manufacturing purposes means milk produced for
 10 processing and manufacturing into products not required by law to be of
 11 Grade A quality;

12 (12) Milk distributor means a person who distributes milk, fluid
 13 milk, milk products, or dairy products whether or not the milk is shipped
 14 within or into the state. The term does not include (a) a milk plant, a
 15 bulk milk hauler/sampler, or a milk producer, as such terms are defined
 16 in the Grade A Pasteurized Milk Ordinance, ~~or~~ (b) a food establishment,
 17 as defined in the Nebraska Pure Food Act, ~~or~~ (c) an operation not
 18 included in the definition of a food establishment in section
 19 81-2,245.01;

20 (13) Probational milk means milk classified undergrade for somatic
 21 cells, bacterial content, or sediment content that may be accepted by
 22 plants for specific time periods; and

23 (14) Reject milk means milk that does not qualify under sections

24 2-3979 to 2-3982.

25 Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 81-2,245.01 Food establishment shall mean an operation that stores,
28 prepares, packages, serves, sells, vends, delivers, or otherwise provides
29 food for human consumption. The term does not include:

30 (1) An establishment or vending machine operation that offers only
31 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
1 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
2 or corn chips; pretzels; cheese puffs and curls; crackers; popped
3 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
4 pastries, that are not time/temperature control for safety foods;
5 (2) A produce stand that only offers whole, uncut fresh fruits and
6 vegetables;

7 (3) A food processing plant;

8 (4) A salvage operation;

9 (5) A private home where food is prepared or served for personal
10 use, a small day care in the home, or a hunting lodge, guest ranch, or
11 other operation where no more than ten paying guests eat meals in the
12 home;

13 (6) A private home or other area where food that is not
14 time/temperature control for safety food is prepared for sale or service
15 at a religious, charitable, or fraternal organization's bake sale or
16 similar function;

17 (7) ~~An operation A private home or other area where food that meets~~
18 ~~the requirements of section 81-2,280 is not time/temperature control for~~
19 ~~safety food is prepared at a private home or onsite at a farmers market,~~
20 ~~fair, festival, craft show, or other public event;~~

21 (a) ~~For~~ sale directly to the consumer ~~including, but not limited~~
22 ~~to,~~ at ~~such~~ a farmers market, fair, festival, craft show, or other public
23 event; or

24 (b) ~~For pickup for pick up~~ at or delivery from such private home or
25 such farmers market, fair, festival, craft show, or other public event;
26 other area, if:

27 (a) ~~The consumer is informed by a clearly visible notification that~~
28 ~~the food was prepared in a kitchen that is not subject to regulation and~~
29 ~~inspection by the regulatory authority and may contain allergens. For~~
30 ~~sales conducted at a farmers market, fair, festival, craft show, or other~~
31 ~~public event, such notification shall be at the sale location. For sales~~
1 ~~conducted for pick up at or delivery from a private home or other area,~~
2 ~~such notification shall be at such private home or other area, on the~~
3 ~~producer's website if one exists, and in any print, radio, television, or~~
4 ~~Internet advertisement for such sales;~~

5 (b) ~~The name and address of the producer is provided to the consumer~~
6 ~~on the package or container label;~~

7 (c) ~~Product delivery is made directly from the producer to the~~
8 ~~actual customer in a person-to-person transaction or by United States~~
9 ~~mail or a commercial mail delivery service;~~

10 (d) ~~The producer follows any food safety and handling guidelines for~~
11 ~~sale at a farmers market, fair, festival, craft show, or other public~~
12 ~~event required by the county, city, or village where the food is sold;~~

13 (e) ~~Prior to conducting any food sales, the producer, other than one~~
14 ~~selling directly to the consumer at a farmers market, has successfully~~
15 ~~completed (i) a nationally accredited food safety and handling education~~

16 ~~course that covers topics such as food safety issues, regulations, and~~
17 ~~techniques to maintain a food safe environment or (ii) a certified food~~
18 ~~safety and handling training course offered at a culinary school or as~~
19 ~~required by a county, city, or village to obtain a food handler permit;~~

20 (f) ~~The producer, if using private well water to produce food sold~~
21 ~~under this subdivision (7), has had such well water tested for~~

22 ~~contamination by nitrates or bacteria prior to conducting any food~~
 23 ~~production and sales; and~~

24 ~~(g) The producer complies with section 81-2,280;~~

25 (8) A private home or other area where food is prepared for
 26 distribution at a fundraising event for a charitable purpose if the
 27 consumer is informed by a clearly visible placard at the serving location
 28 that the food was prepared in a kitchen that is not subject to regulation
 29 and inspection by the regulatory authority. This subdivision does not
 30 apply to a caterer or other establishment providing food for the event if
 31 the caterer or establishment receives compensation for providing the
 1 food;

2 (9) The location where food prepared by a caterer is served so long
 3 as the caterer only minimally handles the food at the serving location;

4 (10) Educational institutions, health care facilities, nursing
 5 homes, and governmental organizations which are inspected by a state
 6 agency or a political subdivision other than the regulatory authority for
 7 sanitation in the food preparation areas;

8 (11) A pharmacy as defined in section 71-425 if the pharmacy only
 9 sells prepackaged pharmaceutical, medicinal, or health supplement foods
 10 that are not time/temperature control for safety or foods described in
 11 subdivision (1) of this section; and

12 (12) An establishment which is not a commercial food establishment
 13 and which sells only commercially packaged foods that are not
 14 time/temperature control for safety foods.

15 Sec. 3. Section 81-2,280, Revised Statutes Cumulative Supplement,
 16 2022, is amended to read:

17 81-2,280 (1) A producer of food at an operation described in
 18 subdivision (7) of section 81-2,245.01 shall meet the requirements of
 19 this section.

20 (2) The producer shall only provide food that is not adulterated and
 21 is not any of the following types of time/temperature control for safety
 22 food:

23 (a) Any part of an animal, vertebrate or invertebrate, or animal by-
 24 product;

25 (b) Fluid milk or milk products as defined in the Grade A
 26 Pasteurized Milk Ordinance adopted by reference in the Nebraska Milk Act;

27 (c) Raw eggs;

28 (d) Unpasteurized juice;

29 (e) Infused oils or honey;

30 (f) Sprouts;

31 (g) Low-acid canned food and hermetically sealed acidified food;

1 (h) Tofu, tempeh, or similar meat substitutes; or

2 (i) Kimchi, kombucha, or similar fermented foods.

3 (3) Prior to conducting any food sales, the producer, other than a
 4 producer only selling food that is not time/temperature control for
 5 safety food directly to the consumer at a farmers market, shall
 6 successfully complete:

7 (a) A nationally accredited food safety and handling education
 8 course that covers topics such as food safety issues, regulations, and
 9 techniques to maintain a food-safe environment;

10 (b) A certified food safety and handling training course offered at
 11 a culinary school or as required by a county, city, or village to obtain
 12 a food handler permit; or

13 (c) A food safety and handling education course approved by the
 14 department.

15 (4) The producer, other than a producer only selling food that is
 16 not time/temperature control for safety food directly to the consumer at
 17 a farmers market, shall register with the department prior to conducting
 18 any sales of food. The registration shall be made on forms prescribed by
 19 the department and include (a) (4) the name, address, and telephone

20 number of the producer, (b) (2) the type of food safety and handling
 21 education or training course taken pursuant to this section and the date
 22 of its successful completion, and (c) (3) proof of private well water
 23 testing for contamination by nitrates or bacteria if the producer uses
 24 private well water pursuant to subdivision (7)(f) of section 81-2,245.01,
 25 if applicable. This section shall not apply to a producer of food selling
 26 directly to the consumer at a farmers market.
 27 (5) The producer shall inform the consumer by a clearly visible
 28 notification that the food was prepared in a kitchen that is not subject
 29 to regulation and inspection by a regulatory authority and may contain
 30 allergens. For sales conducted at a farmers market, fair, festival, craft
 31 show, or other public event, such notification shall be provided at the
 1 sale location. For sales conducted for pickup or delivery, such
 2 notification shall be provided at the pickup location, on the producer's
 3 website, if such website exists, and in any print, radio, television, or
 4 Internet advertisement for such sales.
 5 (6) The producer shall label the food so that the name and address
 6 of the producer is provided to the consumer on the package or container
 7 label. Food that is time/temperature control for safety food shall also
 8 have labeling that includes ingredients in descending order of
 9 predominance.
 10 (7) The producer shall deliver the food to the customer as follows:
 11 (a) For food that is not time/temperature control for safety food,
 12 the food may be delivered in person or by United States mail or a
 13 commercial mail delivery service; and
 14 (b) For food that is time/temperature control for safety food, the
 15 food shall be delivered only by the producer to the consumer in person
 16 and when transported, maintained at a temperature in accordance with the
 17 Nebraska Pure Food Act and not transported for longer than two hours.
 18 (8) The provisions of this section supersede and preempt any
 19 ordinance, rule, regulation, or resolution regulating food safety and
 20 handling adopted or enacted by a political subdivision that is not in
 21 conformance with this section.
 22 Sec. 4. Original section 2-3966, Reissue Revised Statutes of
 23 Nebraska, and sections 81-2,245.01 and 81-2,280, Revised Statutes
 24 Cumulative Supplement, 2022, are repealed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 36. Introduced by Lippincott, 34;
 Aguilar, 35.

WHEREAS, Robert Falldorf faithfully served the community of Grand Island in the Grand Island Police Department for over thirty-six years; and

WHEREAS, Robert worked as a police officer, investigative sergeant, patrol sergeant, administrative captain, and patrol captain in the Grand Island Police Department; and

WHEREAS, Robert held the office of Grand Island Police Chief for the past six and one-half years; and

WHEREAS, Robert will continue to serve the community of Grand Island as the head track coach for the seventh and eighth grade girls and head cross country coach for boys and girls at Westridge Middle School; and

WHEREAS, Robert Falldorf retired from the Grand Island Police Department on January 13, 2023.

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

1. That the Legislature congratulates Robert Falldorf on his retirement from the Grand Island Police Department.
2. That a copy of this resolution be sent to Robert Falldorf.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by Raybould, 28.

WHEREAS, February 2023 is Turner Syndrome Awareness Month; and
WHEREAS, there are approximately 85,337 individuals living with Turner Syndrome in the United States, many of whom live in Nebraska; and
WHEREAS, Turner Syndrome is a chromosomal abnormality that affects only those born female and occurs when the secondary X chromosome is partially or completely missing; and

WHEREAS, three in ten individuals diagnosed with Turner Syndrome have Mosaic Turner Syndrome, for which the number of X chromosomes can vary; and

WHEREAS, one in every two thousand female births has Turner Syndrome; and

WHEREAS, more than ninety-eight percent of fetuses with Turner Syndrome will die before birth, resulting in about ten percent of all first-trimester miscarriages; and

WHEREAS, more than thirty percent of individuals born with Turner Syndrome are not diagnosed until they are fifteen years of age and only three and one-half percent receive adequate care; and

WHEREAS, those who do survive often face lifelong physical, emotional, cognitive, and psychological challenges that can be mitigated with early diagnosis and treatment; and

WHEREAS, with increased awareness, the lives of those affected by Turner Syndrome can be greatly improved.

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

1. That the Legislature recognizes the essential role of the state in raising awareness of Turner Syndrome.
2. That the Legislature encourages the Nebraska Department of Health and Human Services to continue working to educate people in Nebraska on the impact of Turner Syndrome including the necessity of early diagnosis and treatment.
3. That the Legislature encourages national action on Turner Syndrome to eliminate the condition's negative outcomes and improve support for those affected through increased research and educational initiatives.
4. That the Legislature recognizes February 2023 as Turner Syndrome Awareness Month.

5. That copies of this resolution be sent to the Nebraska Department of Health and Human Services, and each member of Nebraska's congressional delegation.

Laid over.

ANNOUNCEMENTS

Speaker Arch announced the Health and Human Services Committee will conduct its hearing on Wednesday, February 8, 2023, in Room 1525, and the Natural Resources Committee will conduct its hearing in Room 1510.

Speaker Arch announced the Education Committee will meet Monday, February 13, 2023, on LBs 99, 201, and 575, at 1:30 p.m. instead of 9:30 a.m.

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 8, 2023, after their afternoon hearing.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 32, 33, and 34 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 32, 33, and 34.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Aguilar name added to LB10.
Senator DeBoer name added to LB94.
Senator Conrad name added to LB199.
Senator Hunt name added to LB201.
Senator Aguilar name added to LB216.
Senator Conrad name added to LB236.
Senator Hunt name added to LB248.
Senator Hunt name added to LB272.
Senator Hunt name added to LB405.
Senator Erdman name added to LB419.
Senator Lippincott name added to LB419.
Senator Hardin name added to LB458.
Senator Hunt name added to LB557.
Senator Conrad name added to LB736.
Senator Hunt name added to LB755.

Senator Brewer name added to LB772.
Senator Hunt name added to LB773.
Senator Hunt name added to LB774.
Senator McDonnell name added to LB805.
Senator Clements name added to LB805.
Senator Wayne name added to LB805.
Senator Erdman name added to LB805.

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Sanders, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 8, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 2023

PRAYER

The prayer was offered by Monsignor Robert Tucker, St. Vincent de Paul Catholic Church, Seward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator McDonnell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Hardin who was excused; and Senators Day, Geist, B. Hansen, Hunt, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 15, 2023

LB408
LB410
LB409
LB569
LB302

(Signed) Tom Brewer, Chairperson

Health and Human Services
Room 1510 1:30 PM

Wednesday, February 15, 2023

LB431
LB421
LB500
LB402
LB661

Room 1510 1:30 PM

Thursday, February 16, 2023

LB422
LB592
LB680
LB358

(Signed) Ben Hansen, Chairperson

General Affairs
Room 1510 1:30 PM

Monday, March 6, 2023

LB144
LB257
LB542
LB543
LB544
LB716
Trent Loos - State Racing and Gaming Commission

Room 1510 1:30 PM

Monday, March 13, 2023

LB148
LB150
LB375
LB403
LB404
LB493

(Signed) John Lowe, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, February 15, 2023

LB30
LB60
LB184
LB507
LB473
LB339

(Signed) Justin Wayne, Chairperson

Revenue
Room 1524 1:30 PM

Wednesday, February 15, 2023
LB602 (reschedule)
LB416
LB38 (reschedule)

(Signed) Lou Ann Linehan, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, February 21, 2023
LB171
LB45
LB224
LB707
LB629

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to [LB589](#):
[AM212](#) is available in the Bill Room.

Senator Briese filed the following amendment to [LB685](#):
[AM242](#)

1 1. On page 8, line 4, after "year" insert "and shall be accompanied
2 by the licensee fee as required by this subsection"; strike lines 5
3 through 7 and insert the following new subdivisions:
4 "(b) No license fee shall be required for a mechanical amusement
5 device that is not a cash device.
6 (c) Until January 1, 2024, no license fee shall be required for a
7 mechanical amusement device that is also a cash device. Beginning January
8 1, 2024, the license fee for a mechanical amusement device that is also a
9 cash device shall be one thousand dollars."; in line 28 after "year"
10 insert "and shall be accompanied by the license fee as required by this
11 section"; and strike beginning with "Until" in line 28 through the period
12 in line 30 and insert "No license fee shall be required for a license to
13 distribute a mechanical amusement device that is not a cash device. Until
14 January 1, 2024, no license fee shall be required for a license to

15 distribute a mechanical amusement device that is also a cash device.
 16 Beginning January 1, 2024, the license fee for a license to distribute a
 17 mechanical amusement device that is also a cash device shall be one
 18 thousand dollars."
 19 2. On page 10, line 13, strike "selected" and insert "certified".
 20 3. On page 17, line 5, strike "until January 1, 2024,"; in line 6
 21 strike "devises" and insert "devices"; and strike beginning with
 22 "Beginning" in line 8 through line 10.

Senator Briese filed the following amendment to LB242:

FA17

Strike Section 1.

Senator Briese filed the following amendment to LB243:

FA18

Strike Section 1.

Senator Briese filed the following amendment to LB244:

FA19

Strike Section 1.

Senator Briese filed the following amendment to LB15:

AM11

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
 4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
 5 to read:
 6 48-1203 (1) Except as otherwise provided in this section and section
 7 48-1203.01, every employer shall pay to each of his or her employees a
 8 minimum wage of:
 9 (a) Nine dollars per hour through December 31, 2022;
 10 (b) Ten dollars and fifty cents per hour on and after January 1,
 11 2023, through December 31, 2023;
 12 (c) Twelve dollars per hour on and after January 1, 2024, through
 13 December 31, 2024;
 14 (d) Thirteen dollars and fifty cents per hour on and after January
 15 1, 2025, through December 31, 2025; and
 16 (e) Fifteen dollars per hour on and after January 1, 2026, through
 17 December 31, 2026.
 18 (2) The minimum wage established in subdivision (1)(e) of this
 19 section shall be increased on January 1, 2027, and on January 1 of
 20 successive years, by the increase in the cost of living. The increase in
 21 the cost of living shall be measured by the percentage increase, if any,
 22 as of August of the previous year over the level as of August of the year
 23 preceding that year in the consumer price index for all urban consumers
 24 (CPI-U) for the Midwest Region, or its successor index, as published by
 25 the U.S. Department of Labor, or its successor agency, with the amount of
 26 the minimum wage increase rounded up to the nearest multiple of five
 27 cents. No later than October 15 of each year, commencing October 15,
 1 2026, the Nebraska Department of Labor shall calculate and publish the
 2 minimum wage rate that will take effect the following January 1.
 3 (3) For persons compensated by way of gratuities such as waitresses,
 4 waiters, hotel bellhops, porters, and shoeshine persons, the employer
 5 shall pay wages at the minimum rate of two dollars and thirteen cents per
 6 hour, plus all gratuities given to them for services rendered. The sum of
 7 wages and gratuities received by each person compensated by way of
 8 gratuities shall equal or exceed the applicable minimum wage rate

9 provided in subsection (1) or (2) of this section. In determining whether
10 or not the individual is compensated by way of gratuities, the burden of
11 proof shall be upon the employer.

12 (4) Any employer employing student-learners as part of a bona fide
13 vocational training program shall pay such student-learners' wages at a
14 rate of at least seventy-five percent of the minimum wage rate which
15 would otherwise be applicable under this section.

16 (5) An employer may pay an employee who is at least fourteen years
17 of age but no more than seventeen years of age a youth minimum wage of
18 ten dollars and fifty cents per hour.

19 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1203.01 (1) An employer may pay a new employee who is at least
22 eighteen years of age but under younger than twenty years of age and who
23 is not a seasonal or migrant worker a training wage rate as described in
24 subsection (2) of this section ~~of at least seventy-five percent of the~~
25 ~~federal minimum wage~~ for ninety days from the date the new employee was
26 hired. An employer may pay such new employee the training wage rate for
27 an additional ninety-day period while the new employee is participating
28 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or
29 other skills which are necessary for his or her employment and (b) ~~(2)~~ is
30 approved by the Commissioner of Labor. No more than one-fourth of the
31 total hours paid by the employer shall be at the training wage rate.

1 (2) For purposes of this section, the training wage rate shall be:

2 (a) Ten dollars and fifty cents per hour through December 31, 2026;
3 and

4 (b) A rate of seventy-five percent of the minimum wage rate that
5 would otherwise be applicable under section 48-1203 on and after January
6 1, 2027.

7 (3) An employer shall not pay the training wage rate if the hours of
8 any other employee are reduced or if any other employee is laid off and
9 the hours or position to be filled by the new employee is substantially
10 similar to the hours or position of such other employee. An employer
11 shall not dismiss or reduce the hours of any employee with the intention
12 of replacing such employee or his or her hours with a new employee
13 receiving the training wage rate.

14 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
15 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
16 2020, as amended by section 1, Initiative Law 2022, No. 433, are
17 repealed.

Senator Clements filed the following amendment to LB681:

AM193

1 1. On page 3, line 8, after "purposes" insert ", in order of
2 priority"; strike lines 9 through 12 and insert the following new
3 subdivisions:

4 "(a) To fully fund equalization aid under the Tax Equity and
5 Educational Opportunities Support Act;

6 (b) To fund special education supplemental aid under the Tax Equity
7 and Educational Opportunities Support Act;

8 (c) To fund foundation aid under the Tax Equity and Educational
9 Opportunities Support Act;"; in line 13 strike "(c)" and insert "(d)"; in
10 line 16 strike "(d)" and insert "(e)"; in line 19 strike "(e)" and insert
11 "(f)"; and in line 24 strike "(f)" and insert "(g)".

Senator Holdcroft filed the following amendment to LB590:

AM276

1 1. On page 2, line 4, strike "at" and show as stricken; and in line
2 5 strike "least" and show as stricken.

Senator Slama filed the following amendment to LB535:

FA20

Strike Section 1.

Senator Brandt filed the following amendment to LB144:

AM229

1 1. On page 5, line 9, strike the new matter and reinstate the
2 stricken matter; and in line 10 strike "solar installation".

Senator Erdman filed the following amendment to LB230:

AM281

1 1. Strike original section 20 and insert the following new sections:
2 Sec. 3. Physically incapacitated, in reference to a voter, means a
3 handicap or a medical condition that prevents a registered voter from
4 voting in person at a polling place on the day of a statewide election
5 and that was diagnosed by a licensed physician no fewer than thirty days
6 prior to the date of such statewide election.
7 Sec. 20. Section 32-941, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 32-941 (1) Any registered voter who is physically incapacitated and
10 who is permitted to vote early pursuant to section 32-938 may register to
11 vote early by mail by completing an application provided by the Secretary
12 of State and submitting such application at least thirty days prior to
13 the date of a statewide election to the election commissioner or county
14 clerk in the county where the voter has established his or her home. Such
15 application shall expire on January 1 of the following year. The
16 application request shall include the voter's party affiliation for a
17 ballot for a primary election, a color copy of a qualifying photographic
18 identification, the voter's residence address, the address to which the
19 ballot is to be mailed if different, and the voter's telephone number if
20 available. The signature on the application and on the envelope used to
21 return the ballot for early voting must match the signature in the voter
22 registration record or the ballot shall be rejected. The voter shall be
23 informed that a color copy of the qualifying photographic identification
24 must be included with the ballot being returned unless the qualifying
25 photographic identification is shown in person to an election worker by
26 the voter voting the ballot when the ballot is returned to the election
27 office.
1 (2)(a) Any registered voter who is a member of the armed forces of
2 the United States or the Nebraska National Guard and who is permitted to
3 vote early pursuant to section 32-938 may, not more than one hundred
4 twenty days before any election and not later than the close of business
5 on the second Friday preceding the election, request a ballot for the
6 election to be mailed to a specific address. ~~The A~~ registered voter shall
7 request a ballot in writing to the election commissioner or county clerk
8 in the county where the registered voter has established his or her home
9 and shall indicate his or her residence address, the address to which the
10 ballot is to be mailed if different, and his or her telephone number if
11 available. The registered voter may use the form published by the
12 election commissioner or county clerk pursuant to section 32-808. The
13 registered voter shall sign the request. ~~The A~~ registered voter may use a
14 facsimile machine or electronic mail for the submission of a request for
15 a ballot.
16 (b) A voter who is a member of the armed forces of the United States
17 or the Nebraska National Guard shall submit a separate request for a
18 ballot for early voting for every election, except that if the voter will
19 be deployed for both a primary and subsequent general election, the

20 request for a ballot for early voting may cover both elections. In
 21 addition to the requirements in subdivision (2)(a) of this section, the
 22 request for a ballot for early voting shall include the voter's military
 23 address, the voter's party affiliation for a ballot for a primary
 24 election, a color copy of a qualifying photographic identification, and a
 25 sworn oath that the voter is a member of the armed forces of the United
 26 States or the Nebraska National Guard and qualifies to request a ballot
 27 for early voting. The signature on the request and on the envelope used
 28 to return the ballot for early voting must match the signature in the
 29 voter registration record or the ballot shall be rejected. The voter
 30 shall be informed that a color copy of the qualifying photographic
 31 identification must be included with the ballot being returned and that
 1 the voter's signature on the identification envelope must be notarized.
 2 (c) The election commissioner or county clerk shall include a
 3 registration application with the ballots if the person is not
 4 registered. Registration applications shall not be mailed after the third
 5 Friday preceding the election. If the person is not registered to vote,
 6 the registration application shall be returned not later than the closing
 7 of the polls on the day of the election. No ballot issued under this
 8 ~~subsection~~ shall be counted unless such registration application
 9 is properly completed and processed.
 10 2. On page 19, line 20; page 27, line 23; page 34, line 8; and page
 11 39, line 24, strike "Tuesday" and insert "Thursday".
 12 3. On page 20, strike beginning with "handicapped" in line 13
 13 through the second comma in line 14 and insert "physically
 14 incapacitated".
 15 4. On page 27, line 11, strike "elderly or handicapped", show as
 16 stricken, and insert "physically incapacitated".
 17 5. On page 30, line 6, strike "and" and show as stricken; in line 8
 18 strike the period, show as stricken, and insert "; and"; and after line 8
 19 insert the following new subdivision:
 20 "(e) I swear or affirm that I am physically incapacitated or a
 21 member of the armed forces of the United States or Nebraska National
 22 Guard and I cannot vote in person."
 23 6. Renumber the remaining sections and correct internal references
 24 accordingly.

ANNOUNCEMENT

Priority designation received:

General Affairs - LB376

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by DeKay, 40.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair electric infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hard working lineworkers.

2. That the Legislature recognizes April 18, 2023, as Lineworkers Appreciation Day in Nebraska.

Laid over.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR35 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR35.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Aguilar name added to LB4.

Senator von Gillern name added to LB145.

Senator Brewer name added to LB218.

Senator Slama name added to LB610.

Senator Blood name added to LB736.

VISITOR

The Doctor of the Day was Dr. Steven M. Williams of Omaha.

ADJOURNMENT

At 9:10 a.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 9, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 2023

PRAYER

The prayer was offered by Senator Erdman.

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., Speaker Arch presiding.

The roll was called and all members were present except Senators Blood and Hardin who were excused; and Senators Bostar, Day, B. Hansen, Hunt, McKinney, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 47. Placed on General File.

LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 102. Placed on General File with amendment.

AM183

- 1 1. On page 7, line 30, strike "the county courthouse", show as
- 2 stricken, and insert "a county owned building".
- 3 2. On page 12, line 30, strike "by" and insert "or located in
- 4 reference to".
- 5 3. On page 13, line 6, strike "which has been established" and
- 6 insert "adopted by the Geographic Information Systems Council, supported
- 7 and published"; in line 23 strike "system" and show as stricken; and in
- 8 line 31 strike the new matter.

9 4. On page 14, lines 1 and 2, strike the new matter.
10 5. On page 15, line 26, strike "need" and insert "shall"; and in
11 line 30 strike "wholly".
12 6. On page 30, line 30, strike "and", show as stricken, and insert
13 "that include a statement of reference to a boundary survey filed of
14 record, and in which".
15 7. On page 33, line 20, strike "registration", show as stricken, and
16 insert "license".

(Signed) Tom Brewer, Chairperson

MESSAGES FROM THE GOVERNOR

February 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Power Review Board (Attorney Member):

David D Begley, Enterprise Center, 4611 South 96th Street - Suite 234,
Omaha, NE 68127

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

February 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Coordinating Commission for Postsecondary Education, District 5:

Tamara D Weber, 6260 Country Club Drive, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Thursday, February 16, 2023

LB370
LB704
LB317

(Signed) Lou Ann Linehan, Chairperson

Judiciary
Room 1113 1:30 PM

Thursday, February 16, 2023

LB687
LB306
LB34
LB435
LB240

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jason Jackson Director - Department of Administrative Services

Aye: 6. Aguilar, Brewer, Conrad, Lowe, Raybould, Sanders. Nay: 0. Absent: 0. Present and not voting: 2. Halloran, Hunt.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Hilgert Director - Department of Veterans Affairs

Aye: 7. Aguilar, Brewer, Conrad, Hunt, Lowe, Raybould, Sanders. Nay: 0.
Absent: 0. Present and not voting: 1. Halloran.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Edward A Toner Chief Information Officer - Office of the Chief Information Officer

Aye: 7. Aguilar, Brewer, Conrad, Hunt, Lowe, Raybould, Sanders. Nay: 0.
Absent: 0. Present and not voting: 1. Halloran.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Andrew Bolduc Superintendent - Nebraska State Patrol

Aye: 6. Aguilar, Brewer, Conrad, Lowe, Raybould, Sanders. Nay: 0. Absent:
0. Present and not voting: 2. Halloran, Hunt.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Andrew N. Reuss - Nebraska Accountability and Disclosure Commission

Aye: 5. Aguilar, Brewer, Halloran, Lowe, Sanders. Nay: 2. Hunt, Raybould.
Absent: 0. Present and not voting: 1. Conrad.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Patrick Guinan - State Personnel Board

Aye: 7. Aguilar, Brewer, Conrad, Hunt, Lowe, Raybould, Sanders. Nay: 0.
Absent: 0. Present and not voting: 1. Halloran.

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hunt name added to LB84.
Senator Brewer name added to LB145.
Senator Dungan name added to LB323.
Senator Conrad name added to LB391.
Senator McDonnell name added to LB397.
Senator Brewer name added to LB397.
Senator Hunt name added to LB676.
Senator Hunt name added to LB677.
Senator Walz name added to LB736.
Senator Brewer name added to LB768.

WITHDRAW - Cointroducer

Senator Day name withdrawn from LB90.

ADJOURNMENT

At 9:12 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Friday, February 10, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 10, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 2023

PRAYER

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Murman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Dorn presiding.

The roll was called and all members were present except Senators Armendariz, Blood, Conrad, Dover, Hardin, and Moser who were excused; and Senators Day, Hunt, McDonnell, McKinney, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 9, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Avery, David
Windstream Communications
Borgmann, Holly

ADT LLC dba ADT Security Services
 Butchello, Travis
 Healthcare Distribution Alliance
 Dove, Willie
 Carpe diem Enterprises
 Gruber, John
 Human Rights Campaign
 Hoffman, Jon
 American Kidney Fund
 Rembolt Ludtke, LLP
 American Society of Composers, Authors & Publishers
 Nebraska Defense Counsel Association
 Nebraska Library Association
 Nebraska Rural Broadband Alliance
 Nebraska Transportation Association
 Nebraska Travel Association (NETA)
 NorthWestern Energy
 United Healthcare Services, Inc.
 Waste Connections of Nebraska, Inc.
 Schweppe, Jonathan
 American Principles Project
 Smith, Jim
 Platte Institute for Economic Research
 Tointon, Christopher
 Chris S. Mehaffey
 Welsh, Matt
 Opiant Pharmaceuticals, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 289. Placed on General File.

LEGISLATIVE BILL 395. Placed on General File.

(Signed) Bruce Bostelman, Chairperson

Revenue

LEGISLATIVE BILL 753. Placed on General File with amendment.
[AM338](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Urban Affairs

LEGISLATIVE BILL 21. Placed on General File.
LEGISLATIVE BILL 98. Placed on General File.
LEGISLATIVE BILL 170. Placed on General File.
LEGISLATIVE BILL 172. Placed on General File.
LEGISLATIVE BILL 246. Placed on General File.

(Signed) Terrell McKinney, Chairperson

Natural Resources

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

Donald P. Batie - Nebraska Natural Resources Commission

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

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources
Room 1525 1:30 PM

Wednesday, February 22, 2023

LB255
LB399

Room 1525 1:30 PM

Thursday, February 23, 2023

LB40
LB729

(Signed) Bruce Bostelman, Chairperson

AMENDMENT - Print in Journal

Senator Dorn filed the following amendment to [LR23CA](#):

[AM139](#)

1 1. On page 1, line 8, after the period insert "Each county shall be
2 reimbursed annually for revenue lost due to the prohibition from levying
3 an inheritance tax by a transfer of funds by the State Treasurer based on
4 the five-year average of inheritance tax receipts for each county for the
5 five years prior to the adoption of this amendment. The reimbursement
6 amount shall be adjusted each year by the annual change in consumer
7 prices, in such manner as the Legislature shall determine."; and in line
8 13 after "thereof" insert "and to provide reimbursement to counties".

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB35.
Senator Conrad name added to LB80.
Senator McDonnell name added to LB274.
Senator Halloran name added to LB274.
Senator Jacobson name added to LB274.
Senator Albrecht name added to LB274.
Senator Slama name added to LB574.
Senator DeBoer name added to LB588.
Senator Walz name added to LB590.

VISITOR

The Doctor of the Day was Dr. Joe Miller of Omaha.

ADJOURNMENT

At 9:14 a.m., on a motion by Senator Wayne, the Legislature adjourned until 10:00 a.m., Monday, February 13, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 13, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 2023

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Day, DeBoer, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 33. Placed on General File.

(Signed) Terrell McKinney, Chairperson

Revenue

LEGISLATIVE BILL 28. Placed on General File with amendment.

AM351

1 I. Strike original section 1 and insert the following new section:
2 Section 1. Section 77-5015, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-5015 (1) In any case appealed to the commission, all parties

5 shall be afforded an opportunity for hearing after reasonable notice. The
 6 notice shall state the time and place of the hearing. Opportunity shall
 7 be afforded all parties to present evidence and argument. The commission
 8 shall prepare an official record, which includes testimony and exhibits,
 9 in each case, but it shall not be necessary to transcribe the record of
 10 the proceedings unless requested for purposes of rehearing, in which
 11 event the transcript and record shall be furnished by the commission upon
 12 request and tender of the cost of preparation.

13 (2)(a) If the commission has not reached a decision on an appeal by
 14 the date when the first half of the following year's property taxes
 15 become delinquent, then the assessed value of the property for the year
 16 in question shall be reset to the previous year's assessed value and
 17 shall remain at such value until a decision has been made.

18 (b) If the commission reaches a decision on an appeal after the
 19 property taxes for the property become delinquent and if the commission
 20 determines that the assessed value of the property is higher than the
 21 value of the previous year's assessed value, then interest shall accrue
 22 on the difference in the value between the previous year's assessed value
 23 and the assessed value determined by the commission. The interest rate
 24 shall be the rate set in section 45-103 plus three percent, and the
 25 interest shall accrue from the date that the property taxes became
 26 delinquent.

27 (3) Informal disposition may also be made of any case by
 1 stipulation, agreed settlement, consent order, or default.

(Signed) Lou Ann Linehan, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Begley, David D. - Nebraska Power Review Board - Natural Resources
 Cordes, Scott C. - State Fire Marshal - Government, Military and Veterans
 Affairs
 Hughes, Dan - Game and Parks Commission - Natural Resources
 Peterson, Carter - Board of Trustees of the Nebraska State Colleges -
 Education
 Reynaga, Adolfo "Danny" - Board of Trustees of the Nebraska State
 Colleges - Education
 Weber, Tamara D. - Coordinating Commission for Postsecondary Education
 - Education
 Zoeller, Kenny - Director, Policy Research - Government, Military and
 Veterans Affairs

(Signed) Tom Briese, Chairperson
 Executive Board

AMENDMENTS - Print in Journal

Senator Raybould filed the following amendment to [LB194](#):
[AM342](#) is available in the Bill Room.

Senator Holdcroft filed the following amendment to [LB730](#):
[AM312](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 6 of this act shall be known and may be
4 cited as the Fair Access to Financial Services Act.
5 Sec. 2. The Legislature recognizes the rights of Nebraska
6 residents, including the freedom of speech and association, and that such
7 rights may be infringed if banks, credit unions, or insurance providers
8 limit access to financial products or services for any reason other than
9 objective financial criteria. The protection of the rights of Nebraska
10 residents and businesses, including financial freedom, is a fundamental
11 role of government, and any limitations on access to financial products
12 or services based on nontraditional criteria not only threatens the
13 rights and proper privileges of Nebraska residents and businesses, but
14 also is a menace to the institutions and foundation of a free democratic
15 state and a threat to the peace, order, health, safety, and general
16 welfare of the state and its residents.
17 Sec. 3. For purposes of the Fair Access to Financial Services Act:
18 (1) Environmental, social, and governance criteria means an
19 investment strategy that encourages an organization to act responsibly
20 based on the organization's environmental footprint, stance on social
21 issues, and internal corporate governance; and
22 (2) Person means any natural person, partnership, corporation, or
23 other business or legal entity.
24 Sec. 4. (1) To provide fair access to financial products and
25 services, a bank shall not, except as otherwise provided in the act:
26 (a) Deny any person a financial product or service the bank offers
27 except to the extent justified by such person's documented failure to
1 meet quantitative, impartial, and risk-based financial standards
2 established in advance by the bank;
3 (b) Deny any person a financial product or service the bank offers,
4 other than as provided in subdivision (a) of this subsection, when the
5 effect of the denial is to prevent, limit, or otherwise disadvantage the
6 person:
7 (i) From entering or competing in a market or business segment; or
8 (ii) In such a way that benefits another person or business activity
9 in which the bank has a financial interest; and
10 (c) Deny, in coordination with another person, any person a
11 financial product or service the bank offers.
12 (2) A bank that utilizes standards or guidelines based on subjective
13 measures such as environmental, social, and governance criteria, or
14 political and ideological factors shall:
15 (a) Disclose to any state authority that oversees the bank the
16 specific standards, guidelines, and criteria used by the bank to
17 determine access or denial of a financial product or service to a person
18 in this state;
19 (b) Comply with any rules and regulations adopted and promulgated by
20 any state authority that oversees the bank; and
21 (c) Disclose to any person denied a financial product or service the
22 specific data, information, criteria, and standards used to support such
23 denial. Such disclosure shall be in bold fourteen-point type.
24 Sec. 5. A credit union may not deny membership, a loan, or services
25 to a person that meets the scope and field of membership for that credit
26 union, based solely on subjective measures such as environmental, social,
27 and governance criteria, or political and ideological factors without
28 actual notice delivered to the person of the measures, criteria, or
29 factors used in making the denial.
30 Sec. 6. An insurance provider may not refuse to insure and may not
31 charge a different rate solely in consideration of the risks relating to
1 environmental, social, and governance criteria, diversity, equity, and
2 inclusion policies, or political and ideological factors, unless the

3 refusal or different rate is the result of the application of sound
4 underwriting and actuarial principles related to actual or reasonably
5 anticipated loss experience.

Senator J. Cavanaugh filed the following amendment to [LB753](#):
[AM353](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 4, line 4, after the semicolon insert "and"; and strike
2 lines 9 through 17.

ANNOUNCEMENT

Priority designation received:

Dorn - LB562

MOTION- Confirmation Report

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Department of Environment and Energy
James Reed Macy

Senator Blood offered the following motion:

Recommit the nomination of James Reed Macy to the Natural Resources Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

The Chair declared the call raised.

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the McDonnell motion.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 22 ayes, 14 nays, and 13 not voting.

The Bostelman motion to overrule the Chair prevailed with 32 ayes, 12 nays, 2 present and not voting, and 3 excused and not voting.

The Chair was overruled.

The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 10 nays, and 8 not voting.

Senator Hunt requested a roll call vote on the motion to recommit to committee.

Senator Blood requested the roll vote be in reverse order on the motion to recommit to committee.

Voting in the affirmative, 10:

Blood	Conrad	Fredrickson	McKinney	Vargas
Cavanaugh, J.	Dungan	Hunt	Raybould	Wayne

Voting in the negative, 33:

Aguilar	Brewer	Halloran	Kauth	Riepe
Albrecht	Clements	Hansen	Linehan	Sanders
Arch	DeKay	Hardin	Lippincott	Slama
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	Wishart
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	

Present and not voting, 3:

Cavanaugh, M.	DeBoer	Walz
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Excused and not voting, 3:

Bostar	Briese	Day
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The Blood motion to recommit to committee failed with 10 ayes, 33 nays, 3 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS
Judiciary

- LEGISLATIVE BILL 77.** Placed on General File.
- LEGISLATIVE BILL 81.** Placed on General File.
- LEGISLATIVE BILL 83.** Placed on General File.
- LEGISLATIVE BILL 183.** Placed on General File.

(Signed) Justin Wayne, Chairperson

Revenue

- LEGISLATIVE BILL 300.** Placed on General File.
- LEGISLATIVE BILL 384.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to [LB79](#):
[AM314](#) is available in the Bill Room.

Senator M. Cavanaugh. filed the following amendment to [LB77](#):
[AM157](#)

1 1. Strike original sections 1, 2, 3, 4, and 5 and insert the
2 following new section:
3 Section 1. Section 18-1703, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 18-1703 (1) The Legislature finds and declares that the regulation
6 of the ownership, possession, storage, transportation, sale, and transfer
7 of firearms and other weapons is a matter of both statewide and local
8 concern.
9 (2) All counties, cities, and villages shall have the power to:
10 (a) Regulate the ownership, possession, storage, transportation,
11 sale, or transfer of firearms or other weapons, except for the carrying
12 of a concealed handgun in compliance with the Concealed Handgun Permit
13 Act; and
14 (b) Require registration of firearms or other weapons.
15 ~~Cities and villages shall not have the power to regulate the~~
16 ~~ownership, possession, or transportation of a concealed handgun, as such~~
17 ~~ownership, possession, or transportation is authorized under the~~
18 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~
19 ~~and shall not have the power to require registration of a concealed~~
20 ~~handgun owned, possessed, or transported by a permit holder under the act.~~
21 ~~Any existing city or village ordinance, permit, or regulation regulating~~
22 ~~the ownership, possession, or transportation of a concealed handgun, as~~
23 ~~such ownership, possession, or transportation is authorized under the~~
24 ~~act, except as expressly provided under state law, and any existing city~~
25 ~~or village ordinance, permit, or regulation requiring the registration of~~
26 ~~a concealed handgun owned, possessed, or transported by a permit holder~~
27 ~~under the act, is declared to be null and void as against any~~
1 ~~permit holder possessing a valid permit under the act.~~
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

Senator M.Cavanaugh filed the following amendment to [LB77](#):
[AM158](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM159](#)

1 1. On page 15, lines 7 and 10; page 19, line 30; page 20, line 28;
2 page 21, line 7; and page 22, line 12, strike "1" and insert "30".

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM160](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to [LB77](#):
[AM161](#)

1 1. On page 20, line 7, strike "(2), (3), and (4)" and insert "(2)
2 and (3)"; strike lines 15 through 17; in line 18 strike "(3)" and insert
3 "(2)"; in line 25 strike "(4)" and insert "(3)"; and in line 29 strike
4 "(5)" and insert "(4)".

Senator Fredrickson filed the following amendment to LB626:

AM343

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. Insert the following new section:
- 4 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 5 upon detection of a fetal heartbeat, would be legally allowed to choose
- 6 to terminate such person's pregnancy and who is accordingly compelled by
- 7 the state to carry the pregnancy to term and give birth to a child, is
- 8 entitled to be compensated by the state for reasonable living, legal,
- 9 medical, and psychological expenses that are directly related to
- 10 prenatal, intrapartum, and postpartum periods.
- 11 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM344

(Amendments to FA4)

- 1 1. Strike the original amendments and insert the following new
- 2 amendments:
- 3 1. Insert the following new section:
- 4 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 5 upon detection of a fetal heartbeat, would be legally allowed to choose
- 6 to terminate such person's pregnancy and who is accordingly compelled by
- 7 the state to carry the pregnancy to term and give birth to a child, shall
- 8 be automatically eligible for any public assistance program for children
- 9 or families, including, but not limited to, the Temporary Assistance for
- 10 Needy Families program, the Supplemental Nutrition Assistance Program,
- 11 and the Special Supplemental Nutrition Program for Women, Infants, and
- 12 Children. Any such public assistance benefits shall not be reduced or
- 13 suspended before the child reaches eighteen years of age.
- 14 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM345

- 1 1. Insert the following new section:
- 2 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 3 upon detection of a fetal heartbeat, would be legally allowed to choose
- 4 to terminate such person's pregnancy and who is accordingly compelled by
- 5 the state to carry the pregnancy to term and give birth to a child, is
- 6 entitled to reimbursement from the state for all associated funeral and
- 7 burial expenses if such person, fetus, or both, die during the
- 8 gestational period or during labor and delivery.
- 9 2. Renumber the remaining sections accordingly.

Senator Fredrickson filed the following amendment to LB626:

AM346

- 1 1. Insert the following new section:
- 2 Sec. 7. A pregnant person who, but for a law prohibiting an abortion
- 3 upon detection of a fetal heartbeat, would be legally allowed to choose
- 4 to terminate such person's pregnancy and who is accordingly compelled by
- 5 the state to carry the pregnancy to term and give birth to a child, is
- 6 entitled to reimbursement from the state for all costs associated with
- 7 the health, dental, and vision insurance for the child until the age of
- 8 eighteen, including payment of any premiums, copays, deductibles, and
- 9 other expenses.
- 10 2. Renumber the remaining sections accordingly.

Senator Hunt filed the following amendment to LB485:

AM269

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 73-501, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 73-501 (1) The purposes of sections 73-501 to 73-510 are to
 6 establish a standardized, open, and fair process for selection of
 7 contractual services, using performance-based contracting methods to the
 8 maximum extent practicable, and to create an accurate reporting of
 9 expended funds for contractual services. This process shall promote a
 10 standardized method of selection for state contracts for services,
 11 assuring a fair assessment of qualifications and capabilities for project
 12 completion. There shall also be an accountable, efficient reporting
 13 method of expenditures for these services.
 14 (2) The provisions of sections 73-501 to 73-510 shall not apply to
 15 contracts for services executed for the purpose of managing educational
 16 lands by the Board of Educational Lands and Funds, pursuant to sections
 17 72-201 to 72-251 and Article VII, section 6, of the Constitution of
 18 Nebraska.
 19 Sec. 2. Section 73-502, Reissue Revised Statutes of Nebraska, is
 20 amended to read:
 21 73-502 For purposes of sections 73-501 to 73-510:
 22 (1) Contract for services means any contract that directly engages
 23 the time or effort of an independent contractor whose purpose is to
 24 perform an identifiable task, study, or report rather than to furnish an
 25 end item of supply, goods, equipment, or material;
 26 (2) Division means the materiel division of the Department of
 27 Administrative Services;
 1 (3) Emergency means necessary to meet an urgent or unexpected
 2 requirement or when health and public safety or the conservation of
 3 public resources is at risk;
 4 (4) Occasional means seasonal, irregular, or fluctuating in nature;
 5 (5) Sole source means of such a unique nature that the contractor
 6 selected is clearly and justifiably the only practicable source to
 7 provide the service. Determination that the contractor selected is
 8 justifiably the sole source is based on either the uniqueness of the
 9 service or sole availability at the location required;
 10 (6) State agency means any agency, board, or commission of this
 11 state, including any officer or state agency established by the
 12 Constitution of Nebraska other than the University of Nebraska, the
 13 Nebraska state colleges, the courts, or the Legislature; ~~or any officer~~
 14 or state agency established by the Constitution of Nebraska; and
 15 (7) State agency director means (a) for contracts entered into by a
 16 state agency other than an officer or agency established by the
 17 Constitution of Nebraska, the director or executive head of the agency,
 18 (b) for contracts entered into by a board, commission, or department
 19 established by the Constitution of Nebraska, the designee of the board,
 20 commission, or department, and (c) for contracts entered into by any
 21 other state constitutional officer, the state constitutional officer or
 22 the designee of the state constitutional officer; and
 23 (8) ~~(7)~~ Temporary means a finite period of time with respect to a
 24 specific task or result relating to a contract for services.
 25 Sec. 3. Original sections 73-501 and 73-502, Reissue Revised
 26 Statutes of Nebraska, are repealed.

MOTIONS - Print in Journal

Senator Hardin filed the following motion to LB594:

MO30

Withdraw LB594.

AMENDMENT - Print in Journal

Senator Walz filed the following amendment to [LB278](#):

[AM125](#)

1 1. On page 2, line 12, after "with" insert "the Department of
2 Economic Development and"; in line 21 after "with" insert "the Nebraska
3 Investment Finance Authority and"; and in line 22 after the period insert
4 "The Department of Economic Development shall use its best efforts to
5 coordinate and contract with the Nebraska Investment Finance Authority to
6 develop and administer grant programs under this section."

MOTIONS - Print in Journal

Senator Wayne filed the following motion to [LB476](#):

[MO31](#)

Withdraw LB476.

Senator M. Cavanaugh filed the following motion:

Reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525 1:30 PM

Tuesday, February 21, 2023

LB222

LB231

LB386

LB455

LB705

LB702

LB701

(Signed) Dave Murman, Chairperson

Banking, Commerce and Insurance

Room 1507 1:30 PM

Tuesday, March 7, 2023

LB594 (cancel)

(Signed) Julie Slama, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39. Introduced by Briese, 41.

WHEREAS, on January 29, 2023, a seven-month-old boy, the youngest of three children kidnapped over that weekend, spent more than two hours

outside on a deck in near zero degrees temperature before being rescued; and

WHEREAS, the baby was left outside the home of Chuck and Susanne Sorahan near Alda, Nebraska, at 3:12 a.m. by two suspects in a car theft and kidnapping; and

WHEREAS, Chuck Sorahan, awakened by an alert asking people to look for the child, found the baby outside at 5:25 a.m. and along with his wife Susanne took the baby inside their home and warmed and cared for the child; and

WHEREAS, the baby survived this near-tragedy thanks to the alertness, dedication, and care of Chuck and Susanne Sorahan.

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

1. That the Legislature offers its gratitude to Chuck and Susanne Sorahan for saving the seven-month-old boy.
2. That a copy of this resolution be sent to Chuck and Susanne Sorahan.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator DeBoer name added to LB11.
 Senator Aguilar name added to LB254.
 Senator Linehan name added to LB274.
 Senator Dorn name added to LB274.
 Senator Halloran name added to LB397.
 Senator Brewer name added to LB735.
 Senator Lippincott name added to LR23CA.

VISITORS

Visitors to the Chamber were Megan Boldt, Marley Boldt, Mya Boldt, and Merritt Boldt, Lincoln; and Eddie Goff, Steven Dillman, and Mike Sidlo, Hastings.

The Doctor of the Day was Dr. Joe Miller of Omaha.

ADJOURNMENT

At 12:39 p.m., Speaker Arch moved to adjourn the Legislature until 9:00 a.m., Tuesday, February 14, 2023.

Senator M. Cavanaugh requested a record vote on the motion to adjourn.

Voting in the affirmative, 30:

Arch	Clements	Fredrickson	Kauth	Murman
Armendariz	DeBoer	Geist	Linehan	Raybould
Ballard	DeKay	Halloran	Lippincott	Riepe
Blood	Dover	Holdcroft	McDonnell	Slama
Brandt	Dungan	Hughes	McKinney	Vargas
Brewer	Erdman	Jacobson	Moser	Walz

Voting in the negative, 13:

Aguilar	Cavanaugh, J.	Hansen	Lowe	Wayne
Albrecht	Cavanaugh, M.	Hunt	Sanders	
Bostelman	Conrad	Ibach	von Gillern	

Present and not voting, 3:

Dorn	Hardin	Wishart
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Excused and not voting, 3:

Bostar	Briese	Day
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The Arch motion to adjourn prevailed with 30 ayes, 13 nays, 3 present and not voting, and 3 excused and not voting.

Brandon Metzler
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 14, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 2023

PRAYER

The prayer was offered by Pastor Bill Forbes, Paxton New Life Lutheran Church, Paxton.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator von Gillern.

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 J. Cavanaugh, Day, DeBoer, B. Hansen, Raybould, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 22, 2023
LB53
LB791
LB20

Room 1507 1:30 PM

Thursday, February 23, 2023

LB712
LB642
LB731
LB771

Room 1507 1:30 PM

Friday, February 24, 2023

LB637
LB190
LR1CA
LB420

(Signed) Tom Brewer, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 36 and 37 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 36 and 37.

MOTION- Confirmation Report

Senator Bostelman renewed his motion to adopt the Natural Resources Committee report, found on page 498, for the confirmation of James Reed Macy.

Senator M. Cavanaugh offered her motion, found on page 503, to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

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

Senator Blood moved for a call of the house. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

The motion to cease debate prevailed with 30 ayes, 10 nays, and 9 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

Voting in the affirmative, 10:

Blood	Cavanaugh, M.	Dungan	Hunt	Vargas
Cavanaugh, J.	Conrad	Fredrickson	McKinney	Wayne

Voting in the negative, 35:

Aguilar	Brewer	Erdman	Ibach	Moser
Albrecht	Briese	Geist	Jacobson	Murman
Arch	Clements	Halloran	Kauth	Riepe
Armendariz	DeBoer	Hansen	Linehan	Sanders
Ballard	DeKay	Hardin	Lippincott	Slama
Bostelman	Dorn	Holdcroft	Lowe	von Gillern
Brandt	Dover	Hughes	McDonnell	Wishart

Present and not voting, 1:

Walz

Excused and not voting, 3:

Bostar	Day	Raybould
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The M. Cavanaugh motion to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee failed with 10 ayes, 35 nays, 1 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a point of order concerning bracketing the gubernatorial appointment of James Reed Macy.

Senator M. Cavanaugh withdrew her point of order prior to a ruling.

The Chair declared the call raised.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 13 nays, and 18 not voting.

The motion to cease debate prevailed with 34 ayes, 9 nays, and 6 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the adoption of the Natural Resources Committee report.

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 8:

Blood	Cavanaugh, M.	Dungan	Hunt
Cavanaugh, J.	Conrad	Fredrickson	McKinney

Excused and not voting, 3:

Bostar	Day	Raybould
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 376. Placed on General File with amendment.
[AM336](#) is available in the Bill Room.

(Signed) John Lowe, Chairperson

MOTIONS - Confirmation Reports

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

State Personnel Board
 Patrick Guinan

Voting in the affirmative, 34:

Aguilar	Brewer	Erdman	Ibach	Riepe
Arch	Cavanaugh, J.	Fredrickson	Jacobson	Slama
Armendariz	Conrad	Halloran	Kauth	Vargas
Ballard	DeKay	Hansen	Lippincott	von Gillern
Blood	Dorn	Holdcroft	Lowe	Walz
Bostelman	Dover	Hughes	McDonnell	Wishart
Brandt	Dungan	Hunt	Moser	

Voting in the negative, 0.

Present and not voting, 11:

Albrecht	DeBoer	Linehan	Sanders
Cavanaugh, M.	Geist	McKinney	Wayne
Clements	Hardin	Murman	

Excused and not voting, 4:

Bostar	Briese	Day	Raybould
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Nebraska State Patrol
John Andrew Bolduc, Superintendent

Voting in the affirmative, 31:

Aguilar	Brewer	Fredrickson	Kauth	Vargas
Arch	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Armendariz	DeKay	Hansen	McDonnell	Wishart
Ballard	Dorn	Holdcroft	McKinney	
Blood	Dover	Hughes	Moser	
Bostelman	Dungan	Ibach	Riepe	
Brandt	Erdman	Jacobson	Slama	

Voting in the negative, 0.

Present and not voting, 14:

Albrecht	Conrad	Hardin	Lowe	Walz
Cavanaugh, M.	DeBoer	Hunt	Murman	Wayne
Clements	Geist	Linehan	Sanders	

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Department of Veterans Affairs
John Hilgert, Director

Voting in the affirmative, 32:

Aguilar	Brewer	Erdman	Ibach	Slama
Arch	Cavanaugh, J.	Fredrickson	Jacobson	Vargas
Armendariz	Clements	Geist	Kauth	von Gillern
Ballard	DeBoer	Halloran	Lippincott	Wishart
Blood	Dorn	Hardin	McDonnell	
Bostelman	Dover	Holdcroft	Moser	
Brandt	Dungan	Hunt	Riepe	

Voting in the negative, 0.

Present and not voting, 13:

Albrecht	DeKay	Linehan	Murman	Wayne
Cavanaugh, M.	Hansen	Lowe	Sanders	
Conrad	Hughes	McKinney	Walz	

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Nebraska Accountability and Disclosure Commission
Andrew N. Reuss

Voting in the affirmative, 29:

Aguilar	Brewer	Erdman	Jacobson	Riepe
Arch	Clements	Fredrickson	Kauth	Slama
Armendariz	DeBoer	Geist	Lippincott	Vargas
Ballard	Dorn	Halloran	Lowe	von Gillern
Bostelman	Dover	Hardin	McDonnell	Wishart
Brandt	Dungan	Holdcroft	Moser	

Voting in the negative, 0.

Present and not voting, 16:

Albrecht	Conrad	Hunt	Murman
Blood	DeKay	Ibach	Sanders
Cavanaugh, J.	Hansen	Linehan	Walz
Cavanaugh, M.	Hughes	McKinney	Wayne

Excused and not voting, 4:

Bostar	Briese	Day	Raybould
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The appointment was confirmed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Office of the Chief Information Officer

Edward A Toner, Chief Information Officer

Voting in the affirmative, 30:

Aguilar	Brandt	Dungan	Hunt	Moser
Arch	Brewer	Fredrickson	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Geist	Kauth	Slama
Ballard	DeBoer	Halloran	Lippincott	Vargas
Blood	Dorn	Hardin	Lowe	von Gillern
Bostelman	Dover	Holdcroft	McDonnell	Wishart

Voting in the negative, 0.

Present and not voting, 15:

Albrecht	Conrad	Hansen	Linehan	Sanders
Cavanaugh, M.	DeKay	Hughes	McKinney	Walz
Clements	Erdman	Ibach	Murman	Wayne

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 487:

Department of Administrative Services
Jason Jackson, Director

Senator M. Cavanaugh offered the following motion:
Recommit the nomination of Jason Jackson to the Government, Military and Veteran Affairs Committee.

Senator M. Cavanaugh withdrew her motion to recommit to the Government, Military and Veteran Affairs committee.

Senator Brewer moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Voting in the affirmative, 36:

Aguilar	Brewer	Geist	Kauth	Slama
Albrecht	Briese	Halloran	Lippincott	von Gillern
Arch	Clements	Hansen	Lowe	Walz
Armendariz	Conrad	Hardin	McDonnell	Wayne
Ballard	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	
Brandt	Erdman	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 11:

Blood	Dover	Hunt	Vargas
Cavanaugh, J.	Dungan	Linehan	Wishart
Cavanaugh, M.	Fredrickson	McKinney	

Excused and not voting, 2:

Day Raybould

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 315. Placed on General File.

(Signed) Justin Wayne, Chairperson

Health and Human Services

LEGISLATIVE BILL 78. Placed on General File.

LEGISLATIVE BILL 123. Placed on General File.

LEGISLATIVE BILL 245. Placed on General File.

LEGISLATIVE BILL 261. Placed on General File.

LEGISLATIVE BILL 337. Placed on General File.

LEGISLATIVE BILL 345. Placed on General File.

LEGISLATIVE BILL 548. Placed on General File.

LEGISLATIVE BILL 572. Placed on General File.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Charity Merritt Menefee Director-Division of Public Health - Department of Health and Human Services

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Anthony (Tony) R. Green Director-Developmental Disabilities - Department of Health and Human Services

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kevin Bagley Director-Medicaid & Long-Term Care - Department of Health and Human Services

Aye: 6. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Walz. Nay: 1. Riepe. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dannette R. Smith Chief Executive Officer - Department of Health and Human Services

Aye: 4. Ballard, Hansen, B., Hardin, Riepe. Nay: 1. Cavanaugh, M.. Absent: 0. Present and not voting: 2. Day, Walz.

(Signed) Ben Hansen, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 1:30 PM

Wednesday, February 22, 2023

LB593
LB586
LB792
LB765

Room 1510 1:30 PM

Thursday, February 23, 2023

LB276
LB605
LB570
LB657

Room 1510 1:30 PM

Friday, February 24, 2023

LB794
LB503
LB463
LB714

(Signed) Ben Hansen, Chairperson

Appropriations
Room 1525 1:30 PM

Wednesday, March 15, 2023

LB781 (cancel)

(Signed) Robert Clements, Chairperson

Banking, Commerce and Insurance
Room 1507 1:30 PM

Tuesday, March 7, 2023
LB476 (cancel)

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

Priority designation received:

Slama - LB343

MOTION - Print in Journal

Senator Halloran filed the following motion to LB781:

MO32

Withdraw LB781.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 15, 2023, after their hearing, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Day name added to LB44.
Senator Vargas name added to LB52.
Senator Vargas name added to LB278.
Senator Vargas name added to LB323.

VISITORS

Visitors to the Chamber were Leadership Wayne; League of Women Voters, Omaha; and members of the Young Bankers of Nebraska.

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Ibach, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2023.

Brandon Metzler
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 15, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 2023

PRAYER

The prayer was offered by Tom Starkjohn, Louisville Evangelical Free Church, Louisville.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Wayne.

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 Fredrickson and Wishart who were excused; and Senators Bostar, Day, DeBoer, B. Hansen, Hunt, Raybould, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 90. Placed on General File with amendment.

AM327

1 1. On page 5, strike beginning with "111110" in line 17 through
2 "541712" in line 21 and insert "111110, 111150, 111199, 111930, 111991,
3 113310, 221111, 221113, 221114, 221115, 221116, 221117, 221118, 221121,
4 221122, 221330, 237130, 237990, 325193, 331511, 331512, 331513, 331523,
5 331524, 331529, 332111, 332112, 333511, 333611, 333612, 333613, 334519,
6 423830, 482111, 484230, 488510, 541360, 541370, 541620, 541690, 541714,
7 or 541715".

LEGISLATIVE BILL 552. Placed on General File with amendment.

[AM391](#)

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

4 2. On page 2, line 15, after the period insert "The contract shall

5 be awarded based on competitive bids and be subject to the approval of

6 the Executive Board of the Legislative Council upon a recommendation of a

7 majority of the committee.".

(Signed) Tom Briese, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524 1:30 PM

Wednesday, February 22, 2023

LB584

LB706

LB97

LB126

(Signed) Lou Ann Linehan, Chairperson

General Affairs

Room 1510 1:30 PM

Monday, March 6, 2023

Trent Loos - State Racing and Gaming Commission (cancel)

Room 1510 1:30 PM

Monday, March 13, 2023

Trent Loos - State Racing and Gaming Commission

(Signed) John Lowe, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR38 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR38.

MOTIONS - Confirmation Reports

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment found on page 400:

Department of Agriculture
Sherry Vinton, Director

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 37:

Aguilar	Brewer	Erdman	Kauth	Riepe
Albrecht	Briese	Geist	Linehan	Sanders
Arch	Cavanaugh, J.	Halloran	Lippincott	Slama
Armendariz	Cavanaugh, M.	Hardin	Lowe	von Gillern
Ballard	Clements	Holdcroft	McDonnell	Wayne
Blood	Conrad	Hughes	McKinney	
Bostelman	Dorn	Ibach	Moser	
Brandt	Dungan	Jacobson	Murman	

Voting in the negative, 0.

Absent and not voting, 2:

DeKay Dover

Excused and not voting, 10:

Bostar	DeBoer	Hansen	Raybould	Walz
Day	Fredrickson	Hunt	Vargas	Wishart

The appointment was confirmed with 37 ayes, 0 nays, 2 absent and not voting, and 10 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointments found on page 444:

Nebraska Arts Council
Brenda M. Davis
Ann Michelle Dudley
Crystal Dunning
Karen A. Harris
Sharon R. Hofschire
Mark Laughlin

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Brenda M. Davis

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 38:

Aguilar	Brewer	Dungan	Kauth	Riepe
Albrecht	Briese	Geist	Linehan	Sanders
Arch	Cavanaugh, J.	Halloran	Lippincott	Slama
Armendariz	Cavanaugh, M.	Hardin	Lowe	von Gillern
Ballard	Clements	Holdcroft	McDonnell	Walz
Blood	Conrad	Hughes	McKinney	Wayne
Bostelman	DeKay	Ibach	Moser	
Brandt	Dover	Jacobson	Murman	

Voting in the negative, 0.

Absent and not voting, 2:

Dorn Erdman

Excused and not voting, 9:

Bostar	DeBoer	Hansen	Raybould	Wishart
Day	Fredrickson	Hunt	Vargas	

The appointment was confirmed with 38 ayes, 0 nays, 2 absent and not voting, and 9 excused and not voting.

The second division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Crystal Dunning

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to adopt the confirmation report.

Voting in the affirmative, 37:

Albrecht	Cavanaugh, J.	Halloran	Kauth	Sanders
Arch	Cavanaugh, M.	Hansen	Linehan	Slama
Ballard	Clements	Hardin	Lippincott	von Gillern
Blood	Conrad	Holdcroft	Lowe	Walz
Bostelman	Dorn	Hughes	McDonnell	Wayne
Brandt	Dover	Hunt	McKinney	
Brewer	Dungan	Ibach	Murman	
Briese	Geist	Jacobson	Riepe	

Voting in the negative, 0.

Absent and not voting, 6:

Aguilar	Bostar	Erdman
Armendariz	DeKay	Moser

Excused and not voting, 6:

Day	Fredrickson	Vargas
DeBoer	Raybould	Wishart

The appointment was confirmed with 37 ayes, 0 nays, 6 absent and not voting, and 6 excused and not voting.

The third division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Karen A. Harris

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 34:

Aguilar	Brewer	Dover	Ibach	Murman
Albrecht	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Geist	Lippincott	Slama
Ballard	Cavanaugh, M.	Halloran	Lowe	von Gillern
Blood	Clements	Hansen	McDonnell	Walz
Bostelman	Conrad	Holdcroft	McKinney	Wayne
Brandt	Dorn	Hunt	Moser	

Voting in the negative, 0.

Absent and not voting, 9:

Armendariz	DeKay	Hardin	Kauth	Sanders
Bostar	Erdman	Hughes	Linehan	

Excused and not voting, 6:

Day	Fredrickson	Vargas
DeBoer	Raybould	Wishart

The appointment was confirmed with 34 ayes, 0 nays, 9 absent and not voting, and 6 excused and not voting.

The fourth division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Sharon R. Hofschire

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to adopt the confirmation report.

Voting in the affirmative, 36:

Aguilar	Cavanaugh, J.	Geist	Linehan	Sanders
Albrecht	Cavanaugh, M.	Halloran	Lippincott	Slama
Ballard	Clements	Hardin	Lowe	von Gillern
Blood	Conrad	Holdcroft	McDonnell	Wayne
Bostar	DeKay	Hunt	McKinney	
Bostelman	Dorn	Ibach	Moser	
Brandt	Dover	Jacobson	Murman	
Brewer	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Absent and not voting, 6:

Arch	Briese	Hughes
Armendariz	Erdman	Walz

Excused and not voting, 7:

Day	Fredrickson	Raybould	Wishart
DeBoer	Hansen	Vargas	

The appointment was confirmed with 36 ayes, 0 nays, 6 absent and not voting, and 7 excused and not voting.

The fifth division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report

for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Mark Laughlin

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 37:

Albrecht	Cavanaugh, J.	Geist	Linehan	Sanders
Arch	Cavanaugh, M.	Halloran	Lippincott	Slama
Ballard	Clements	Hardin	Lowe	von Gillern
Blood	Conrad	Holdcroft	McDonnell	Walz
Bostar	DeBoer	Hunt	McKinney	Wayne
Bostelman	DeKay	Ibach	Moser	
Brewer	Dorn	Jacobson	Murman	
Briese	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Absent and not voting, 6:

Aguilar	Brandt	Erdman
Armendariz	Dover	Hughes

Excused and not voting, 6:

Day	Hansen	Vargas
Fredrickson	Raybould	Wishart

The appointment was confirmed with 37 ayes, 0 nays, 6 absent and not voting, and 6 excused and not voting.

The sixth division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

Nebraska Arts Council
Ann Michelle Dudley

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 33:

Aguilar	Briese	Dorn	Kauth	Riepe
Albrecht	Cavanaugh, J.	Erdman	Lippincott	Sanders
Arch	Cavanaugh, M.	Geist	Lowe	Slama
Ballard	Clements	Halloran	McDonnell	von Gillern
Blood	Conrad	Hardin	McKinney	Wayne
Bostelman	DeBoer	Hunt	Moser	
Brewer	DeKay	Jacobson	Murman	

Voting in the negative, 0.

Absent and not voting, 10:

Armendariz	Brandt	Dungan	Hughes	Linehan
Bostar	Dover	Holdcroft	Ibach	Walz

Excused and not voting, 6:

Day	Hansen	Vargas
Fredrickson	Raybould	Wishart

The appointment was confirmed with 33 ayes, 0 nays, 10 absent and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 465. Placed on General File.

(Signed) Suzanne Geist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113 1:30 PM

Wednesday, February 22, 2023

LB42

LB14

LB174

LB271

LB87

(Signed) Justin Wayne, Chairperson

Nebraska Retirement Systems
Room 1525 12:00 PM

Thursday, February 23, 2023

Thomas E. Henning - Nebraska Investment Council
LB198
LB197

(Signed) Mike McDonnell, Chairperson

Banking, Commerce and Insurance
Room 1507 1:30 PM

Monday, March 13, 2023
LB418 (cancel)

(Signed) Julie Slama, Chairperson

AMENDMENTS - Print in Journal

Senator Riepe filed the following amendment to [LB572](#):

[AM390](#)

- 1 1. On page 10, line 1, after "Provide" insert "individualized".
- 2 2. On page 11, line 15, after "Perform" insert "individualized".
- 3 3. On page 18, line 24, strike "dietician".

Senator Riepe filed the following amendment to [LB282](#):
[AM89](#) is available in the Bill Room.

Senator Riepe filed the following amendment to [LB611](#):

[AM310](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 71-475, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 71-475 (1)(a) When administration of a drug occurs in a hospital
- 6 pursuant to a chart order, hospital personnel may provide the unused
- 7 portion of the drug to the patient upon discharge from the hospital for
- 8 continued use in treatment of the patient if:
- 9 (i) The drug has been opened and used for treatment of the patient
- 10 at the hospital and is necessary for the continued treatment of the
- 11 patient and would be wasted if not used by the patient; and
- 12 (ii) The drug is:
- 13 (A) In a multidose device or a multidose container; or
- 14 (B) In the form of a liquid reconstituted from a dry stable state to
- 15 a liquid resulting in a limited stability.
- 16 (b) A drug provided to a patient in accordance with this subsection
- 17 shall be labeled with the name of the patient, the name of the drug
- 18 including the quantity if appropriate, the date the drug was provided,
- 19 and the directions for use.
- 20 (2)(a) A licensed health care practitioner authorized to prescribe
- 21 controlled substances may provide to his or her patients being discharged
- 22 from a hospital a sufficient quantity of drugs adequate, in the judgment
- 23 of the practitioner, to continue treatment, which began in the hospital,
- 24 until the patient is reasonably able to access a pharmacy.
- 25 (b) The pharmacist-in-charge at the hospital shall maintain records
- 26 of the drugs provided to patients in accordance with this subsection
- 27 which shall include the name of the patient, the name of the drug
- 1 including the quantity if appropriate, the date the drug was provided,

2 and the directions for use.

3 (3) If a drug is provided to a patient in accordance with subsection

4 (1) or (2) of this section:

5 (a) The drug shall be kept in a locked cabinet or automated
6 medication system with access only by a licensed health care practitioner
7 authorized to prescribe, dispense, or administer controlled substances;

8 (b) Prior to providing the drug to the patient, a written or
9 electronic order shall be in the patient's record;

10 (c) The process at the hospital shall be under the direct
11 supervision of the prescriber;

12 (d) If the label is prepared by a nurse, the prescriber shall verify
13 the drug and the directions for the patient;

14 (e) When possible, the directions for the patient shall be
15 preprinted on the label by the pharmacist;

16 (f) The label shall include the name of the patient, the name of the
17 drug including the quantity if appropriate, the date the drug was
18 provided, and the directions for use;

19 (g) A written information sheet shall be given to the patient for
20 each drug provided; and

21 (h) Documentation in a readily retrievable format shall be
22 maintained each time a drug is provided to a patient from the hospital
23 pharmacy's inventory which shall include the date, the patient, the drug,
24 and the prescriber.

25 (4)(a) When a hospital, an ambulatory surgical center, or a health
26 care practitioner facility provides medication that is ordered at least
27 twenty-four hours in advance for surgical procedures and is administered
28 to a patient at the hospital, ambulatory surgical center, or health care
29 practitioner facility, any unused portion of the medication shall be
30 offered to the patient upon discharge when it is required for continuing
31 treatment. The unused portion of any such medication accepted by the
1 patient upon discharge shall be labeled by the prescriber or a pharmacist
2 consistent with labeling requirements in section 71-2479.

3 (b) For purposes of this subsection, medication means any topical
4 antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment
5 that a hospital, ambulatory surgical center, or health care practitioner
6 facility has on stand-by or is retrieved from a dispensing system for a
7 specified patient for use during a procedure or visit.

8 (c) If the medication is used in an operating room or emergency
9 department setting, the prescriber is responsible for counseling the
10 patient on its proper use and administration and no other patient
11 counseling is required under section 38-2869.

12 Sec. 2. Original section 71-475, Reissue Revised Statutes of
13 Nebraska, is repealed.

Senator Raybould filed the following amendment to LB77:
AM384 is available in the Bill Room.

COMMITTEE REPORT

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kirk Langer - Nebraska Information Technology Commission

Aye: 8. Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Suzanne Geist, Chairperson

ANNOUNCEMENTS

Priority designation received:

Erdman - LB79

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 15, 2023, summarizing the recommended appropriations for the following biennium.

RESOLUTION

LEGISLATIVE RESOLUTION 40. Introduced by Cavanaugh, J., 9; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13.

WHEREAS, the 2022 Creighton University Bluejays men's soccer team reached the College Cup semifinals in the National Collegiate Athletic Association Division I Men's Soccer Tournament for the sixth time in program history and the first time since 2012; and

WHEREAS, the Bluejays won their first Big East Conference Tournament Championship in men's soccer, defeating Georgetown in the final by a 3-0 score; and

WHEREAS, junior Duncan McGuire won the Missouri Athletic Club Hermann Trophy, given annually to the top NCAA Division I soccer player in the nation, after leading the nation in goals and setting a single-season Creighton record with twenty-three goals scored; and

WHEREAS, junior Duncan McGuire was drafted sixth overall by Orlando City and sophomore Owen O'Malley was drafted ninth overall by St. Louis in the first round of the Major League Soccer SuperDraft; and

WHEREAS, Johnny Torres, in his fourth season as head coach of the Bluejays, led the team to a record of thirteen wins, five losses, and six draws, including seven straight wins in the postseason before ultimately falling in the College Cup semifinal to eventual national champion Syracuse by a 3-2 score; and

WHEREAS, Creighton's stretch of seven postseason wins sent them from the last team to qualify for the Big East Conference Tournament to one of the final four teams competing in the College Cup.

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

1. That the Legislature congratulates the Creighton University Bluejays men's soccer team on reaching the 2022 College Cup semifinals.
2. That copies of this resolution be sent to Head Coach Johnny Torres and the Creighton University Bluejays men's soccer team.

Laid over.

MOTION- Confirmation Reports

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointments found on page 444:

State Racing and Gaming Commission
 Jeffrey Galyen
 Dennis Lee

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

State Racing and Gaming Commission
 Jeffrey Galyen

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Aguilar	DeKay	Hardin	Linehan	Sanders
Arch	Dorn	Holdcroft	Lippincott	Slama
Ballard	Dover	Hughes	Lowe	von Gillern
Blood	Erdman	Ibach	McDonnell	
Bostelman	Halloran	Jacobson	Moser	
Brandt	Hansen	Kauth	Raybould	

Voting in the negative, 7:

Cavanaugh, J.	Conrad	Hunt	Wayne
Cavanaugh, M.	Dungan	McKinney	

Present and not voting, 2:

Geist Walz

Absent and not voting, 9:

Albrecht Bostar Briese DeBoer Riepe
 Armendariz Brewer Clements Murman

Excused and not voting, 4:

Day Fredrickson Vargas Wishart

The motion to cease debate prevailed with 27 ayes, 7 nays, 2 present and not voting, 9 absent and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 36:

Aguilar	Clements	Hansen	Lippincott	Slama
Arch	Conrad	Hardin	Lowe	von Gillern
Ballard	DeKay	Holdcroft	McDonnell	Walz
Blood	Dover	Hughes	McKinney	Wayne
Bostelman	Dungan	Hunt	Moser	
Brandt	Erdman	Ibach	Murman	
Cavanaugh, J.	Geist	Jacobson	Raybould	
Cavanaugh, M.	Halloran	Kauth	Sanders	

Voting in the negative, 0.

Absent and not voting, 9:

Albrecht Bostar Briese Dorn Riepe
 Armendariz Brewer DeBoer Linehan

Excused and not voting, 4:

Day Fredrickson Vargas Wishart

The appointment was confirmed with 36 ayes, 0 nays, 9 absent and not voting, and 4 excused and not voting.

The second division is as follows:

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 444:

State Racing and Gaming Commission
 Dennis Lee

Senator M. Cavanaugh requested a point of order regarding the speaking queue not being cleared between gubernatorial appointments.

The Chair sustained the point of order. The President cleared the speaking queue.

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Erdman motion.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 11 nays, and 18 not voting.

The Slama motion to overrule the Chair prevailed with 31 ayes, 11 nays, 2 present and not voting, and 5 excused and not voting.

The Chair was overruled.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

Aguilar	Brewer	Geist	Jacobson	Murman
Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	

Voting in the negative, 10:

Blood	Cavanaugh, J.	DeBoer	Hunt	Raybould
Bostar	Conrad	Dungan	McKinney	Walz

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Day Fredrickson Vargas Wayne Wishart

The motion to cease debate prevailed with 33 ayes, 10 nays, 1 present and not voting, and 5 excused and not voting.

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. DeBoer

Excused and not voting, 5:

Day Fredrickson Vargas Wayne Wishart

The appointment was confirmed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion:

Reconsider the vote to confirm the appointment of Dennis Lee to the State Racing and Gaming Commission

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Briese name added to LB52.

Senator M. Cavanaugh name added to LB199.

Senator Murman name added to LB274.

Senator Wayne name added to LB389.

Senator Dungan name added to LB610.

VISITORS

Visitors to the Chamber were Leadership Beatrice; Beatrice Area Chamber of Commerce; Nebraska Christian Home Educators Association; students and alumni from the Boys Town High School Futures Program; Michael Blue from United Way of the Midlands; and Enoch Starkjohn, Louisville.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 16, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 2023

PRAYER

The prayer was offered by Senator Hughes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Aguilar.

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 Albrecht, Armendariz, Blood, Day, Fredrickson, McKinney, Vargas, and Wishart who were excused; and Senators Bostar, B. Hansen, Hunt, McDonnell, Raybould, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Boden, Kevin
Home School Legal Defense Association
Field, Laura
Nebraska Cattlemen, Inc.

Kelley Plucker, LLC
American Staffing Association
Nebraska Strategies
ShiftKey, LLC
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Concerned Property Owners of Sioux County

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Thursday, February 23, 2023
LB727
LB491
LB173
LB689

Room 1524 1:30 PM

Friday, February 24, 2023
LB213
LB606

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Senator M. Cavanaugh offered [AM132](#), found on page 419.

The M. Cavanaugh amendment was withdrawn.

SPEAKER ARCH PRESIDING

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Senator M. Cavanaugh offered [AM133](#), found on page 419.

The M. Cavanaugh amendment was withdrawn.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Committee [AM77](#), found on page 402, was offered.

PRESIDENT KELLY PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Committee [AM86](#), found on page 402, was offered.

The committee amendment was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Senator Lowe offered the following amendment:

[AM377](#)

1 1. On page 2, strike beginning with the comma in line 19 through the
2 period in line 21 and show the old matter as stricken.

The Lowe amendment was adopted with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 2 present and not voting, and 13 excused and not voting.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 143. Placed on General File.
LEGISLATIVE BILL 205. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.
LEGISLATIVE BILL 312. Placed on General File.
LEGISLATIVE BILL 343. Placed on General File.
LEGISLATIVE BILL 513. Placed on General File.
LEGISLATIVE RESOLUTION 14CA. Placed on General File.

LEGISLATIVE BILL 195. Placed on General File with amendment.

[AM92](#)

1 1. On page 3, line 15, strike "by the United States Congress or".

(Signed) Tom Brewer, Chairperson

Business and Labor

LEGISLATIVE BILL 161. Placed on General File.
LEGISLATIVE BILL 267. Placed on General File.
LEGISLATIVE BILL 283. Placed on General File.
LEGISLATIVE BILL 426. Placed on General File.
LEGISLATIVE BILL 427. Placed on General File.

(Signed) Merv Riepe, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113 1:30 PM

Thursday, February 23, 2023

LB49
LB186
LB394
LB379
LB472

Room 1113 1:30 PM

Friday, February 24, 2023

LB95
LB325
LB341
LB521
LB795
LB351

(Signed) Justin Wayne, Chairperson

Natural Resources
Room 1525 1:30 PM

Wednesday, March 1, 2023

LB396

LB656

Dan Hughes - Game and Parks Commission

Room 1525 1:30 PM

Thursday, March 2, 2023

LB725

LB726

(Signed) Bruce Bostelman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 278A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 278, One Hundred Eighth Legislature, First Session, 2023.

COMMITTEE REPORT

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Albin Commissioner - Department of Labor

Aye: 5. Halloran, Hansen, B., Hunt, Ibach, Riepe. Nay: 1. Blood. Absent: 0.
Present and not voting: 1. McKinney.

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT

Priority designation received:

Hardin - LB277

GENERAL FILE

LEGISLATIVE BILL 250. Title read. Considered.

Committee [AM107](#), found on page 425, was offered.

The committee amendment was adopted with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 1 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 68. Title read. Considered.

Senator Slama offered the following amendment:

[AM371](#)

1 1. On page 2, line 7; page 3, line 28; page 4, lines 11 and 12; page
2 5, lines 16, 19 and 20, and 30; page 6, line 5; and page 7, line 6,
3 strike "one million" and insert "eight hundred thousand".
4 2. On page 4, after line 4 insert the following new subsection:
5 "(4) Nothing in the Nebraska Hospital-Medical Liability Act shall be
6 construed to require the Excess Liability Fund to serve as primary
7 coverage or to provide a defense for or on behalf of a qualified health
8 care provider for claims filed against such provider after such claims
9 have exhausted the provider's per incident or annual aggregate limit of
10 liability amount as set forth in sections 44-2824 and 44-2827, whether
11 paid by a professional liability insurer or directly by such provider.".
12 3. On page 4, lines 23 and 29; page 5, lines 2, 6, and 9; and page
13 7, line 18, strike "2024" and insert "2025".

The Slama amendment was adopted with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

Priority designation received:

Geist - LB447

GENERAL FILE

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 2 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 93. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 2 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 278. Title read. Considered.

Senator Walz offered [AM125](#), found on page 503.

The Walz amendment was adopted with 37 ayes, 0 nays, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Holdcroft name added to LB126.

VISITORS

Visitor to the Chamber was Oliver Kavan, Lincoln.

The Doctor of the Day was Dr. Rob Rhodes of Eagle.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Slama, the Legislature adjourned until 9:30 a.m., Tuesday, February 21, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 21, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 2023

PRAYER

The prayer was offered by Senator Murman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Slama who was excused; and Senators Bostar, Day, DeBoer, Hughes, Hunt, Raybould, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 1:30 PM

Tuesday, February 28, 2023
LB708
LB550
LB528
LB356
LB811
LB703
LB700

(Signed) Dave Murman, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, February 28, 2023
LB223
LB6
LB530
LB462
LB746

(Signed) Terrell McKinney, Chairperson

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, March 1, 2023
LB675 (reschedule)
LB228 (reschedule)
LB230 (reschedule)

Room 1507 1:30 PM

Thursday, March 2, 2023
LB650
LB776
LB684
LB366

Room 1507 1:30 PM

Friday, March 3, 2023
LB485
LB486

(Signed) Tom Brewer, Chairperson

MESSAGES FROM THE GOVERNOR

February 21, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

On August 30, 2022, former Governor Ricketts appointed Lou Leone to the

Crime Victim's Reparations Committee. Mr. Leone has since moved out of the state. Accordingly, I hereby respectfully request you withdraw him from consideration for confirmation. His contact information is as follow:

Lou Leone
2114 2nd Avenue, Apt. A
Nebraska City, NE 68410

Sincerely,
(Signed) Jim Pillen
Governor

February 21, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Please withdraw David Begley from consideration to be confirmed as attorney member of the Nebraska Power Review Board. Mr. Begley has withdrawn his application to serve as a member of the Power Review Board.

David Begley
4611 South 96th St., Ste. 234
Omaha, NE 68127

Sincerely,
(Signed) Jim Pillen
Governor

MOTIONS - Withdraw LB790

Senator Wayne renewed [MO19](#), found on page 371, and considered on page 387, to withdraw LB790.

The Wayne motion to withdraw the bill prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

MOTION - Withdraw LB780

Senator Halloran offered [MO25](#), found on page 419, to withdraw LB780.

The Halloran motion to withdraw the bill prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB594

Senator Hardin offered [MO30](#), found on page 502, to withdraw LB594.

The Hardin motion to withdraw the bill prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB476

Senator Wayne offered [MO31](#), found on page 503, to withdraw LB476.

The Wayne motion to withdraw the bill prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB781

Senator Halloran offered [MO32](#), found on page 517, to withdraw LB781.

The Halloran motion to withdraw the bill prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 9:46 a.m. until 9:56 a.m.

MOTION - Escort Chief Justice

Senator J. Cavanaugh moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Holdcroft, Conrad, DeBoer, McKinney, and Ibach to serve on said committee.

STATE OF THE JUDICIARY**2023 State of the Judiciary**

February 21, 2023

Chief Justice Michael G. Heavican

Mr. President, Mr. Speaker, and Members of the Legislature. Thanks to all of you, particularly Speaker Arch, for inviting me to address you this morning. As always, it is an honor for me to report on the annual accomplishments of our Judicial Branch and to discuss our upcoming plans with you.

With me in the Chamber today are my fellow Justices:
Justice William Cassel of O'Neill
Justice Stephanie Stacy of Lincoln
Justice Jeff Funke of Nebraska City
Justice Jonathan Papik of Omaha, and
Justice John Freudenberg of Rushville

Justice Lindsey Miller-Lerman of Omaha could not be with us today.

Notwithstanding the pandemic and other challenges, we have had many successes and accomplishments in 2022, and we look forward to 2023. Today I will highlight some of our accomplishments, including our response to ongoing staff shortages, our access to justice initiatives, and what's new with probation, problem-solving courts, and the Office of Public Guardian.

Judicial Branch Workforce

I will first speak to you about our outstanding Judicial Branch workforce. We have staff and judges working in all 93 of Nebraska's counties, including county court clerks, probation officers, court reporters, and associate public guardians.

Our staff is hardworking and loyal. However, similar to other State employees in this post-pandemic era, many have retired and some have moved on, lured by better-paying jobs in county or city governments or the private sector.

We are grateful to this Legislature for funding salary upgrades for approximately 1/3 of our workforce last year based on a comprehensive salary survey conducted in 2021. But, of course, we need to complete the further recommendations of that survey for the remaining 2/3 of our workers, including our probation officers and support staff.

In July of last year, up to 12% of our 1,600 judicial branch employee positions statewide were vacant. To fulfill our mission of providing access to justice for all, and protecting the public safety of Nebraska citizens through the work of our probation officers, we have implemented extraordinary measures.

Along with the new and partially-implemented comprehensive salary study, we began giving hiring and referral bonuses as well as retention benefits. We also upgraded our Judicial Branch Education opportunities to improve skills and encourage advancement to leadership positions. And we continue to improve our court system's efficiency by upgrading technology.

Probation

I call special attention to our probation officers and probation administrators. Nebraska's probation system has always been part of the judiciary -- trial court judges initiated probation in Nebraska over 100 years ago. We often speak of probation as "the right hand of our judges."

Originally, all the expenses of our trial courts, including local probation officers, were paid out of local property tax dollars. As part of property tax reform efforts, probation officer salaries were shifted to the Supreme Court's budget in 1985. However, counties still pay for office space and supplies for local probation offices.

Under the supervision of the Supreme Court, probation has been transformed in the last 25 years into the dynamic, forward-looking, proactive organization it is today. It is guided by evidence-based practices and the long-standing credo that probation "works for the judges."

More than a decade ago, probation ceased being a place where probationers simply "checked in." Instead, probation became an organization that actively case manages its clients. It is also an organization providing job training, substance abuse treatment, mental health treatment, and behavioral modification.

Innovative programs in recent years have included the Specialized Substance Abuse Supervision (SSAS) Program, the navigator programs used in post-release supervision, and day and evening reporting centers. We currently have 17 Reporting Center locations in Nebraska including:

- Bellevue (Sarpy)
- Nebraska City (Otoe)
- Lincoln (Lancaster; 2 locations)
- Omaha (Douglas; 2 locations)
- South Sioux City (Dakota)
- Kearney (Buffalo)
- Lexington (Dawson)
- Gering (Scotts Bluff)
- Columbus (Platte)
- Norfolk (Madison)
- Grand Island (Hall)
- Beatrice (Gage)
- Hastings (Adams)
- North Platte (Lincoln)
- Fremont (Dodge)

Nebraska's probation system, under Supreme Court supervision, has received national acclaim. It has an enviable, community-friendly recidivism rate for both adults and juveniles.

It was because of the above that this Legislature chose to remove the Department of Health and Human Services from its role in juvenile justice supervision in 2013 and vest that role with probation; and why this body placed post-release supervision with probation rather than the Executive Branch in 2015; and why this Court has probation do the bulk of problem-solving court supervision.

We are especially proud of the innovations probation used to supervise probationers during the pandemic. Like police officers, medical personnel, and other essential services, including the courts themselves, probation had to remain 'open' and supervision had to continue. Largely by utilizing technology such as ZOOM and modified electronic monitoring, probation succeeded in its supervisory and public safety roles.

We are also proud to point out that because of the efficient and economical management of both adult and juvenile probation, the Nebraska Supreme Court has returned over \$35 million to the State general fund in the last two bienniums. Please contrast that to returns received from any part of the Executive Branch.

I reiterate what I have said in earlier State of the Judiciary speeches. On any given day in Nebraska, there are approximately 14,000 adults and approximately 2,500 juveniles on probation. The average annual cost of supervision of an adult probationer is \$5,500 per year. Compare that to the cost of incarceration in the Nebraska prison system, which is approximately \$42,000 per year. If even a fraction of the 14,000 adult probationers were instead incarcerated, this body would need to build more than one new prison.

Technology

I have also spoken to you in past years about technology in the courts. I have stated that the future of our courts is technology. The pandemic accelerated our reliance on technology, and the future became the present. The mandate in our Constitution that the courts must be open would have been an empty charade without ZOOM and Webex hearings, e-filing in our clerks' offices, and enhanced use of our electronic case management system.

A year ago e-filing became mandatory for lawyers in this State. While that rollout was not without some glitches, thanks to the cooperation of our clerks, judges, and Nebraska's lawyers, the system is working well and the efficiencies and conveniences are many.

A court working group consisting of clerks, court reporters, judges, and technology staff is now refining the implementation of a uniform system of filing electronic trial exhibits. Thanks to all involved for their work on that complex but promising project.

Also as part of the court's technology initiative, we have begun to install modern, standardized courtroom audio-visual technology in all of our trial courts across the State. The project goals are that all courts will have the ability to hold quality remote and hybrid hearings and be better equipped to handle the aforementioned electronic exhibits. The courts will also have the ability to capture higher-quality digital recordings of proceedings.

Standardizing courtroom technology throughout the State makes it easier for judges, court staff, and attorneys to do their jobs. Heeding this body's quest to reduce property taxes, these upgrades are being accomplished without using county property tax dollars.

Cameras in the trial court courtrooms 5th anniversary

In keeping with the theme of technology and transparency in the court system, I direct your attention to the annual report in your packet. There you will find that we celebrated the 5th anniversary of cameras in trial courts this year.

In 2008, Nebraska Public Media installed permanent cameras in the Supreme Court and Court of Appeals courtrooms in the State Capitol Building, from which we Livestream our argument sessions to the public. Five years ago our trial courts followed suit and began allowing the media fuller audio and visual access to court proceedings. One of our judges even broadcasts all of his proceedings on a You-Tube channel. In other words, access to the courts in the 21st Century means more than the courtroom door is unlocked.

Access to Justice Commission

I now report to you on our other access initiatives and the Access to Justice Commission. The Access to Justice Commission is in the second phase of a three-phase initiative focused on equal access to the courts. This initiative is designed to engage the public in an ongoing discussion of equal access by learning, directly from Nebraska court users, what we might do better.

Phase I was a statewide Court User Survey that measured current perceptions of access and fairness among those using our State courts. Phase II is underway and will convene focus groups with community leaders across the State to learn about local and regional concerns impacting equity in Nebraska's court and probation systems. Phase III will consist of public engagement sessions that facilitate a statewide discussion of the various concerns developed in Phases I and II.

The Nebraska Judicial Branch's primary strategic goal is to "provide access to swift, fair justice." To achieve this goal, we continuously examine our court processes and outcomes and ask whether there is a way to do it better. We appreciate the efforts of the Access to Justice Commission and its standing committees as we work to improve access to justice for all Nebraska court users.

Last summer, as part of our annual tour of courthouses in greater Nebraska, this Court and our Access to Justice Commission completed a series of focus group hearings with Native Americans and their interaction with our courts. Those hearings took place in Scottsbluff and Rushville.

The hearings complemented Native American focused hearings we had in 2019 -- prior to the pandemic -- in Omaha, Macy, Winnebago, and Santee. These hearings are all part of our larger consortium begun in 2018 of State, Tribal, and Federal courts working specifically on access issues of Native Americans.

Language Access Program

I also speak to you annually of language access in the courts. The Language Access Program recruits, trains, and certifies court interpreters. It also coordinates the appointment of qualified professional interpreters across the State to help limited English proficient court and probation users understand their court proceedings, regardless of what language they speak or the type of case involved. This service is mandated by the Legislature to be cost-free to all court users.

Forty-six different languages were interpreted in Nebraska's courts last year. Spanish continues to be the most commonly interpreted language, but the courts and probation offices across the State interpreted a broad range of spoken languages including Kunama (coo-na-ma), Indonesian, Pohnpeian (pon-pea-an), Turkish, and Uzbek (ooze-bek). The Language Access Program also coordinated American Sign Language interpreters, certified deaf interpreters, and assistive listening devices for the deaf and hard of hearing community members who appeared in court either as a party or witness, or to serve on a jury.

Although most court-appointed interpreters were from Nebraska, our interpreter program leveraged resources from across the country to meet our language access needs. Interpreters from an additional 14 states supplemented our Nebraska interpreters. Our contract interpreters are hopeful this body will fund an increase in their daily rates this year.

Office of Public Guardian

I speak to you now about the Office of Public Guardian (OPG). IN 2022, the OPG began its eighth year of service. This Legislature created the OPG in response to the discovery of widespread financial malfeasance and neglect by a professional guardian who had over 200 court-appointed wards across Nebraska.

The Nebraska OPG provides guardianships and conservatorships for individuals that have been deemed by a county court to be incapacitated and have no other individual who can serve as guardian. Individuals who are under guardianship can suffer from mental illness, dementia, chronic debilitating physical ailments, have developmental disabilities, or struggle with substance abuse and addictions. A review of the individuals served by the OPG during the last eight years reveals that OPG wards have, on average, at least three of these conditions.

The wards the OPG serves have complex, chronic, pervasive issues made worse by poverty, homelessness, exploitation, abuse, isolation, and neglect. The Office of Public Guardian completes a comprehensive annual report each year, and the 2021 Report has been provided to you. The activities of the past year can be summarized as "*Challenge and Commitment.*"

The challenge was exacerbated by COVID. The population the OPG serves that suffered the most during the pandemic: the elderly, those in congregate care, the chronically ill, and the mentally and physically fragile. The COVID crisis continued to impact the OPG in 2022 with additional challenges: staff shortages, an expanding wait list for OPG guardianships, nursing home closures, and increased demands for ward services.

In addition, private and family guardian support and education for certification of new private/family guardians has increased. The most difficult challenge, however, for the OPG has been the continuing shortage of appropriate mental health services.

Despite the reality of the challenges, what stood out even more was the amazing commitment of individuals working at the OPG to ensure the most vulnerable adults received the care and services they deserved.

Notwithstanding the vacancies of five Associate Public Guardians throughout most of 2022, the 15 Associate Public Guardians working for the OPG committed to additional demanding workloads to safeguard, and care for, wards. They spent hours seeking, advocating, and demanding that facilities, providers, and agencies respond to the critical needs of their clients.

Thanks to this Legislature for supporting the commitment of OPG's dedicated staff. The OPG will continue to work to improve the care and empowerment of Nebraska's most vulnerable citizens.

Court Improvement Project

I turn next to Nebraska's Court Improvement Project. It is largely federally-funded and focuses on the needs of children, youth, and families involved in the juvenile court system. The Program provides high-quality education to judges, attorneys, probation officers, caseworkers, and other court participants, and searches for ways to make our juvenile courts work better.

In 2022, the Court Improvement Project hosted a Children's Summit wherein over 500 professionals learned from national experts how to better engage children, youth, and families to support positive behavioral change and family reunification. At the conference, special recognition was given to a Douglas County project which focuses on court responses to victims of domestic violence and their children. Recognition was also given to the local Through the Eyes of the Child teams in Saline, Jefferson, Gage, and Fillmore Counties, which provided gift bags containing essential items to children who were removed from their homes because of abuse or neglect.

At the behest of the Court Improvement Project, our Commission on Children in the Courts, and our Probation staff, this past year the Supreme Court adopted best practice guidelines for practice in our juvenile courts.

Further Juvenile Justice System Improvement

Last year we had the juvenile probation programs in Lancaster County evaluated by national experts. The experts made recommendations to enhance juvenile justice best practices and will continue to provide technical assistance to prioritize and implement these recommendations statewide. The recommendations include better screening and assessment practices, better court order implementation, and enhanced mental health and substance abuse treatment.

The Court and the Court Improvement Project also continue to encourage and work with the University of Nebraska College of Law in several programs to improve lawyer skills and services in our juvenile courts. These programs are recognized nationally.

One program began as a clinical project with soon-to-graduate law students representing clients as guardians ad litem in Lancaster County Juvenile Court. This program continues to raise the standard for guardian-ad-litem practices in our juvenile courts.

The University of Nebraska has also implemented a fellowship program for practicing attorneys to provide extensive training, expert case consultation, and best practice enhancements to transform legal representation for vulnerable children across the State.

Behavioral Health

In this presentation I have made several references to the difficulty of obtaining behavioral health resources for various court users and wards of our courts. In criminal cases, our judges are frequently confronted with defendants who have mental health issues. Our judges turn to their probation officers, both adult and juvenile, to find services for such individuals.

Probation has attacked the problem systematically. In September 2022, Probation and the Supreme Court sponsored a Behavioral Health

Conference in La Vista. The conference was attended by over 900 participants, including Nebraska State, County, and municipal employees, providers from around the State, and other providers and government employees from surrounding states.

Nebraska Probation highlighted various accomplishments, including our first Mental Health Court in Sarpy County and our cooperation with other State agencies, most especially the Department of Health and Human Services. In that regard, we meet regularly with DHHS to improve mental health and substance abuse provider services, particularly in Greater Nebraska.

Thanks again to this Legislature for increasing provider reimbursements – a very helpful step. We will continue to seek the help of psychiatrists, psychologists, behavioral health technicians, and other medical staff to expand the availability of provider services, particularly 24-hour care facilities for the mentally ill. Unfortunately, county jails are the default 24-hour facility if such services are lacking.

I would also call your attention to the ongoing and long-standing problem of mental health competency determinations for criminal defendants to stand trial. The Lincoln Regional Center currently has a 6-month backlog to perform such evaluations. This problem has festered for years and needs a resource supplement.

Problem-Solving Courts

Every year I also give you an update on problem-solving courts. In the past year, both the Mental Health Court in Sarpy County and the DUI Court in Lancaster County had their first graduations. Our budget request this year includes adding a Veterans Treatment Court in Sarpy County and a Drug Court in Platte County. I would invite you all to visit your local problem-solving courts or attend a problem-solving court graduation in person.

Conclusion

In closing, you are also invited to visit our local probation offices, especially those day and evening reporting centers where our probation officers carry out the orders of our judges. And, of course, please view our Supreme Court oral arguments either live or by webcast.

Again, thank you so much for inviting me to speak to you today. Please be assured that Nebraska's judicial branch is always striving to find ways to do it better.

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510 1:30 PM

Wednesday, March 1, 2023

LB488

LB204

LB62

LB179

Room 1510 1:30 PM

Thursday, March 2, 2023

LB35

LB84

LB357

LB748

Room 1510 1:30 PM

Friday, March 3, 2023

LB523

LB676

LB233

(Signed) Ben Hansen, Chairperson

AMENDMENT - Print in Journal

Senator Hunt filed the following amendment to LB140:

AM470

1 1. Insert the following new section:

2 Sec. 11. The following sections are outright repealed: Sections

3 60-3,232 and 60-3,233, Revised Statutes Cumulative Supplement, 2022.

4 2. On page 2, lines 22 and 31; and page 5, line 14, strike

5 "60-3,233," and show as stricken.

6 3. On page 6, strike lines 19 and 20 and show as stricken; in line

7 21 strike "(8)", show as stricken and insert "(7)"; in line 23 strike

8 "(9)" and insert "(8)"; and in lines 25, 27, 29, and 31 strike the new

9 matter and reinstate the stricken matter.

10 4. On page 7, lines 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26,

11 28, and 31; page 8, lines 1, 3, 5, 7, 9, 11, 13, 15, 18, 21, 23, 25, 29,

12 and 31; page 9, lines 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 27, and

13 30; and page 10, lines 1, 2, 4, 10, 12, and 14, strike the new matter and

14 reinstate the stricken matter.

15 5. On page 11, line 14, strike "Choose Life License Plates," and

16 show as stricken.

GENERAL FILE

LEGISLATIVE BILL 628. Title read. Considered.

Committee AM175, found on page 443, was offered.

The committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 51. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB77:

[AM393](#)

1 1. On page 20, line 29, strike "misdemeanor" and insert "felony".

Senator M. Cavanaugh filed the following amendment to LB77:

[AM394](#)

1 1. On page 20, line 30, strike "misdemeanor" and insert "felony".

Senator M. Cavanaugh filed the following amendment to LB77:

[AM395](#)

1 1. On page 20, line 24, after "a" insert "locked and labeled".

Senator M. Cavanaugh filed the following amendment to LB77:

[AM396](#)

1 1. On page 21, line 19, strike "enclosed in a" and insert "kept in a
2 locked and labeled".

Senator M. Cavanaugh filed the following amendment to LB77:

[AM397](#)

1 1. On page 2, strike lines 12 through 14.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Introduced by McKinney, 11; Wayne, 13.

WHEREAS, Coach Curlee Alexander has been selected for the 2023 Omaha Sports Hall of Fame induction class; and

WHEREAS, the Omaha Sports Hall of Fame honors individuals with strong ties to Omaha who have achieved tremendous success through athletics; and

WHEREAS, Alexander won the 115-pound National Association of Intercollegiate Athletics National Wrestling Championship in 1969 for the University of Nebraska at Omaha and was inducted into the University of Nebraska at Omaha Hall of Fame in 1986; and

WHEREAS, Alexander coached wrestling at Omaha Technical High School starting in 1971 before moving to Omaha North High School in 1984 where he continued coaching wrestling until he retired in 2008; and

WHEREAS, Alexander's teams won seven state wrestling championships, one at Omaha Tech in 1978 and six at Omaha North in 1985, 1990, 1993, 1994, 1995, and 1999, and four runner-up trophies; and

WHEREAS, Alexander coached more than fifty individual state wrestling champions; and

WHEREAS, Alexander is a four-time Metro Coach of the Year, the 1990 Nebraska Scholastic Wrestling Coaches Association Coach of the Year, and the 1994 Omaha World Herald Boys Sports Coach of the Year.

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

1. That the Legislature congratulates Coach Curlee Alexander on being selected for induction into the Omaha Sports Hall of Fame.
2. That a copy of this resolution be sent to Coach Curlee Alexander.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 252. Title read. Considered.

Committee [AM153](#), found on page 444, was offered.

The committee amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 136. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Senator Hunt offered [AM470](#), found in this day's Journal.

Senator Hunt moved for a call of the house. The motion failed with 13 ayes, 16 nays, and 20 not voting.

Senator Hunt requested a roll call vote on the amendment.

The Hunt amendment lost with 4 ayes, 26 nays, 4 present and not voting, 9 absent and not voting, and 6 excused and not voting.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 7 ayes, 17 nays, and 25 not voting.

Pending.

AMENDMENTS - Print in Journal

Senator McDonnell filed the following amendment to [LB205](#):
[AM452](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require federal Davis-Bacon Act language to be included in the
- 5 contract.
- 6 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):
[AM453](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require a project labor agreement for any construction project.
- 5 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):
[AM454](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require at least fifty-two percent of the workforce on any
- 5 construction project to reside within a fifty-mile radius of such
- 6 project.
- 7 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):
[AM455](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require at least eleven percent of the workforce on any
- 5 construction project to be women.
- 6 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):
[AM456](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require at least five percent of the workforce on any construction
- 5 project to be military veterans.
- 6 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):
[AM457](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require at least thirty percent of the workforce on any
- 5 construction project to be members of an ethnic minority group.
- 6 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):

[AM458](#)

- 1 1. Insert the following new section:
- 2 Sec. 9. Notwithstanding any other provision of the Government
- 3 Neutrality in Contracting Act, any public contract subject to the act
- 4 shall require not less than ten percent of the workforce on any
- 5 construction project to be part of a United States Department of Labor
- 6 registered apprenticeship.
- 7 2. On page 2, line 1, strike "8" and insert "9".

Senator McDonnell filed the following amendment to [LB205](#):

[AM459](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 48-3502, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 48-3502 For purposes of the Workplace Privacy Act:
- 6 (1) Adverse action means the discharge of an employee, a threat
- 7 against an employee, or any other act against an employee that negatively
- 8 affects the employee's employment;
- 9 (2) Applicant means a prospective employee applying for employment;
- 10 (3) Electronic communication device means a cellular telephone,
- 11 personal digital assistant, electronic device with mobile data access,
- 12 laptop computer, pager, broadband personal communication device, two-way
- 13 messaging device, electronic game, or portable computing device;
- 14 (4) Employee means an individual employed by an employer;
- 15 (5) Employer means (a) a public or nonpublic entity or an individual
- 16 engaged in a business, an industry, a profession, a trade, or other
- 17 enterprise in the state, including any agent, representative, or designee
- 18 acting directly or indirectly in the interest of such an employer, (b) a
- 19 subcontractor of such an employer, and (c) a customer of such an
- 20 employer; and
- 21 (6)(a) Personal Internet account means an individual's online
- 22 account that requires login information in order to access or control the
- 23 account.
- 24 (b) Personal Internet account does not include:
- 25 (i) An online account that an employer or educational institution
- 26 supplies or pays for, except when the employer or educational institution
- 27 pays only for additional features or enhancements to the online account;
- 1 or
- 2 (ii) An online account that is used exclusively for a business
- 3 purpose of the employer.
- 4 Sec. 2. Section 48-3503, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 48-3503 No employer shall:
- 7 (1) Require or request that an employee or applicant provide or
- 8 disclose any user name or password or any other related account
- 9 information in order to gain access to the employee's or applicant's
- 10 personal Internet account by way of an electronic communication device;
- 11 (2) Require or request that an employee or applicant log into a
- 12 personal Internet account by way of an electronic communication device in
- 13 the presence of the employer in a manner that enables the employer to
- 14 observe the contents of the employee's or applicant's personal Internet
- 15 account or provides the employer access to the employee's or applicant's
- 16 personal Internet account;
- 17 (3) Require an employee or applicant to add anyone, including the
- 18 employer, to the list of contacts associated with the employee's or
- 19 applicant's personal Internet account or require or otherwise coerce an
- 20 employee or applicant to change the settings on the employee's or

21 applicant's personal Internet account which affects the ability of others
 22 to view the content of such account; ~~or~~
 23 (4) Require an electronic communication device to be worn by an
 24 employee to track the employee's location or travel patterns or to
 25 confirm contacts with other employees, unless the Governor proclaims a
 26 state of emergency for a pandemic pursuant to section 81-829.40 and the
 27 following conditions are met:
 28 (a) The state of emergency proclamation permits an employer to use
 29 an electronic communication device for contact tracing purposes only;
 30 (b) The contact tracing is permitted only on the employer's premises
 31 during employee work hours; and
 32 (c) The data collected during the contact tracing is not included in
 33 the employee's personnel files and is destroyed within forty-eight hours
 34 after the expiration of any tracing period recommended by the Centers for
 35 Disease Control and Prevention; or
 36 (5) (4) Take adverse action against, fail to hire, or otherwise
 37 penalize an employee or applicant for failure to provide or disclose any
 38 of the information or to take any of the actions specified in
 39 subdivisions (1) through (4) (3) of this section.
 40 Sec. 3. Original sections 48-3502 and 48-3503, Reissue Revised
 41 Statutes of Nebraska, are repealed.

Senator McDonnell filed the following amendment to LB205:
AM460

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 71-6403, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 71-6403 (1) There is hereby created the state building code. The
 6 Legislature hereby adopts by reference:
 7 (a) The International Building Code (IBC), chapter 13 of the 2021
 8 edition, and all but such chapter of the 2018 edition, except section
 9 101.4.3 and chapter 29, published by the International Code Council,
 10 except that (i) section 305.2.3 applies to a facility having twelve or
 11 fewer children and (ii) section 310.4.1 applies to a care facility for
 12 twelve or fewer persons;
 13 (b) The International Residential Code (IRC), chapter 11 of the 2021
 14 edition, and all but such chapter of the 2018 edition, except section
 15 R313 and chapters 25 through 33, published by the International Code
 16 Council;
 17 (c) The International Existing Building Code, 2018 edition, except
 18 section 809, published by the International Code Council; and
 19 (d) The Uniform Plumbing Code, 2018 edition, designated by the
 20 American National Standards Institute as an American National Standard.
 21 (2) The codes adopted by reference in subsection (1) of this section
 22 and the minimum standards for radon resistant new construction adopted
 23 under section 76-3504 shall constitute the state building code except as
 24 amended pursuant to the Building Construction Act or as otherwise
 25 authorized by state law.
 26 Sec. 2. Section 71-6406, Revised Statutes Cumulative Supplement,
 27 2022, is amended to read:
 28 71-6406 (1)(a) Any county, city, or village may enact, administer,
 29 or enforce a local building or construction code if or as long as such
 30 county, city, or village:
 31 (i) Adopts the state building code; or
 32 (ii) Adopts a building or construction code that conforms generally
 33 with the state building code.
 34 (b) If a county, city, or village does not adopt a code as
 35 authorized under subdivision (a) of this subsection within two years
 36 after an update to the state building code, the state building code shall

10 apply in the county, city, or village, except that such code shall not
 11 apply to construction on a farm or for farm purposes.

12 (2) A local building or construction code shall be deemed to conform
 13 generally with the state building code if it:

14 (a) Adopts a special or differing building standard by amending,
 15 modifying, or deleting any portion of the state building code in order to
 16 reduce unnecessary costs of construction, increase safety, durability, or
 17 efficiency, establish best building or construction practices within the
 18 county, city, or village, or address special local conditions within the
 19 county, city, or village;

20 (b) Adopts any supplement, new edition, appendix, or component or
 21 combination of components of the state building code;

22 (c) Adopts any of the following:

23 (i) Chapter 13 of the 2021 edition of the International Building
 24 Code;

25 (ii) ~~(i)~~ Section 305 or 310 of the 2018 edition of the International
 26 Building Code without the exceptions described in subdivision (1)(a) of
 27 section 71-6403;

28 (iii) ~~(ii)~~ Section 101.4.3 or any portion of chapter 29 of the 2018
 29 edition of the International Building Code;

30 (iv) Chapter 11 of the 2021 edition of the International Residential
 31 Code;

1 (v) ~~(iii)~~ Section R313 or any portion of chapters 25 through 33 of
 2 the 2018 edition of the International Residential Code; or

3 (vi) ~~(iv)~~ Section 809 of the 2018 edition of the International
 4 Existing Building Code;

5 (d) Adopts a plumbing code, an electrical code, a fire prevention
 6 code, or any other standard code as authorized under section 14-419,
 7 15-905, 18-132, or 23-172;

8 (e) Adopts a local energy code as authorized under section 81-1618;
 9 or

10 (f) Adopts minimum standards for radon resistant new construction
 11 which meet the minimum standards adopted under section 76-3504.

12 (3) A local building or construction code shall not be deemed to
 13 conform generally with the state building code if it:

14 (a) Includes a prior edition of any component or combination of
 15 components of the state building code; or

16 (b) Does not include minimum standards for radon resistant new
 17 construction that meet the minimum standards adopted under section
 18 76-3504.

19 (4) A county, city, or village shall notify the Department of
 20 Environment and Energy if it amends or modifies its local building or
 21 construction code in such a way as to delete any portion of (a) chapter
 22 13 of the ~~2018~~ 2021 edition of the International Building Code or (b)
 23 chapter 11 of the ~~2018~~ 2021 edition of the International Residential
 24 Code. The notification shall be made within thirty days after the
 25 adoption of such amendment or modification.

26 (5) A county, city, or village shall not adopt or enforce a local
 27 building or construction code other than as provided by this section.

28 (6) A county, city, or village which adopts or enforces a local
 29 building or construction code under this section shall regularly update
 30 its code. For purposes of this section, a code shall be deemed to be
 31 regularly updated if the most recently enacted state building code or a
 1 code that conforms generally with the state building code is adopted by
 2 the county, city, or village within two years after an update to the
 3 state building code.

4 (7) A county, city, or village may adopt amendments for the proper
 5 administration and enforcement of its local building or construction code
 6 including organization of enforcement, qualifications of staff members,
 7 examination of plans, inspections, appeals, permits, and fees. Any

8 amendment adopted pursuant to this section shall be published separately
9 from the local building or construction code. Any local building or
10 construction code adopted under subdivision (1)(a) of this section or the
11 state building code if applicable under subdivision (1)(b) of this
12 section shall be the legally applicable code regardless of whether the
13 county, city, or village has provided for the administration or
14 enforcement of its local building or construction code under this
15 subsection.

16 (8) A county, city, or village which adopts one or more standard
17 codes as part of its local building or construction code under this
18 section shall keep at least one copy of each adopted code, or portion
19 thereof, for use and examination by the public in the office of the clerk
20 of the county, city, or village prior to the adoption of the code and as
21 long as such code is in effect.

22 (9) Notwithstanding the provisions of the Building Construction Act,
23 a public building of any political subdivision shall be built in
24 accordance with the applicable local building or construction code. Fees,
25 if any, for services which monitor a builder's application of codes shall
26 be negotiable between the political subdivisions involved, but such fees
27 shall not exceed the actual expenses incurred by the county, city, or
28 village doing the monitoring.

29 Sec. 3. Section 72-804, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 72-804 (1) Any new state building shall meet or exceed the
1 requirements of the ~~2021~~ 2018 International Energy Conservation Code
2 published by the International Code Council.

3 (2) Any new lighting, heating, cooling, ventilating, or water
4 heating equipment or controls in a state-owned building and any new
5 building envelope components installed in a state-owned building shall
6 meet or exceed the requirements of the ~~2021~~ 2018 International Energy
7 Conservation Code.

8 (3) The State Building Administrator of the Department of
9 Administrative Services, in consultation with the Department of
10 Environment and Energy, may specify:

11 (a) A more recent edition of the International Energy Conservation
12 Code;

13 (b) Additional energy efficiency or renewable energy requirements
14 for buildings; and

15 (c) Waivers of specific requirements which are demonstrated through
16 life-cycle cost analysis to not be in the state's best interest. The
17 agency receiving the funding shall be required to provide a life-cycle
18 cost analysis to the State Building Administrator.

19 Sec. 4. Section 72-805, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 72-805 The ~~2021~~ 2018 International Energy Conservation Code,
22 published by the International Code Council, applies to all new buildings
23 constructed in whole or in part with state funds after the effective date
24 of this act July 1, 2020. The Department of Environment and Energy shall
25 review building plans and specifications necessary to determine whether a
26 building will meet the requirements of this section. The department shall
27 provide a copy of its review to the agency receiving funding. The agency
28 receiving the funding shall verify that the building as constructed meets
29 or exceeds the code. The verification shall be provided to the
30 department. The Director of Environment and Energy may, in consultation
31 with the State Building Administrator of the Department of Administrative
1 Services, adopt and promulgate rules and regulations to carry out this
2 section.

3 Sec. 5. Section 72-806, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 72-806 The enforcement provisions of Chapter 1 of the ~~2021~~ 2018

6 International Energy Conservation Code, published by the International
7 Code Council, shall not apply to buildings subject to section 72-804.

8 Sec. 6. Section 81-1608, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 81-1608 The Legislature finds that consumers have an expectation
11 that newly built houses or buildings they buy meet uniform energy
12 efficiency standards. Therefor, the Legislature finds that there is a
13 need to adopt the ~~2021~~ 2018 International Energy Conservation Code,
14 published by the International Code Council, in order (1) to ensure that
15 a minimum energy efficiency standard is maintained throughout the state,
16 (2) to harmonize and clarify energy building code statutory references,
17 (3) to ensure compliance with the federal Energy Policy Act of 1992, (4)
18 to increase energy savings for all Nebraska consumers, especially low-
19 income Nebraskans, (5) to reduce the cost of state programs that provide
20 assistance to low-income Nebraskans, (6) to reduce the amount of money
21 expended to import energy, (7) to reduce the growth of energy
22 consumption, (8) to lessen the need for new power plants, and (9) to
23 provide training for local code officials and residential and commercial
24 builders who implement the ~~2021~~ 2018 International Energy Conservation
25 Code.

26 Sec. 7. Section 81-1611, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1611 The Legislature hereby adopts the ~~2021~~ 2018 International
29 Energy Conservation Code published by the International Code Council as
30 the Nebraska Energy Code. The Director of Environment and Energy may
31 adopt regulations specifying alternative standards for building systems,
1 techniques, equipment designs, or building materials that shall be deemed
2 equivalent to the Nebraska Energy Code. Regulations specifying
3 alternative standards may be deemed equivalent to the Nebraska Energy
4 Code and may be approved for general or limited use if the use of such
5 alternative standards would not result in energy consumption greater than
6 would result from the strict application of the Nebraska Energy Code.

7 Sec. 8. Section 81-1614, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 81-1614 The Nebraska Energy Code shall apply to all new buildings,
10 or renovations of or additions to any existing buildings, on which
11 construction is initiated on or after the effective date of this act July
12 ~~1, 2020~~.

13 Sec. 9. Original sections 71-6403, 71-6406, 72-804, 72-805, 72-806,
14 81-1608, 81-1611, and 81-1614, Revised Statutes Cumulative Supplement,
15 2022, are repealed.

Senator McDonnell filed the following amendment to LB205:
AM461

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

3 Section 1. Section 81-2104, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 81-2104 The board shall have power to:

6 (1) Elect its own officers;

7 (2) Engage and fix the compensation of such officers, inspectors,
8 and employees as may be required in the performance of its duties;

9 (3) Pay such other expenses as may be necessary in the performance
10 of its duties;

11 (4) Provide upon request such additional voluntary inspections and
12 reviews as it deems appropriate;

13 (5) Adopt, promulgate, and revise rules and regulations necessary to
14 enable it to carry into effect the State Electrical Act. In adopting and
15 promulgating such rules and regulations, the board shall be governed by
16 the minimum standards set forth in the 2023 edition of the National

17 Electrical Code issued and adopted by the National Fire Protection
 18 Association in 2017, Publication Number 70-2023 70-2017, which code shall
 19 be filed in the offices of the Secretary of State and the board and shall
 20 be a public record. The board shall adopt and promulgate rules and
 21 regulations establishing wiring standards that protect public safety and
 22 health and property and that apply to all electrical wiring which is
 23 installed subject to the State Electrical Act;
 24 (6) Revoke, suspend, or refuse to renew any license or registration
 25 granted pursuant to the State Electrical Act when the licensee or
 26 registrant (a) violates any provision of the National Electrical Code as
 27 adopted pursuant to subdivision (5) of this section, the act, or any rule
 1 or regulation adopted and promulgated pursuant to the act, (b) fails or
 2 refuses to pay any examination, registration, or license renewal fee
 3 required by law, (c) is an electrical contractor or master electrician
 4 and fails or refuses to provide and keep in force a public liability
 5 insurance policy as required by the board, or (d) violates any political
 6 subdivision's approved inspection ordinances;
 7 (7) Order disconnection of power to any electrical installation that
 8 is proximately dangerous to health and property;
 9 (8) Order removal of electrical wiring and apparatus from premises
 10 when such wiring and apparatus is proximately dangerous to health and
 11 property;
 12 (9) Investigate, for the purpose of identifying dangerous electrical
 13 wiring or violations of the National Electrical Code as adopted pursuant
 14 to subdivision (5) of this section, any death by electrocution that
 15 occurs within the State of Nebraska;
 16 (10) Refuse to renew any license granted pursuant to the act when
 17 the licensee fails to submit evidence of completing the continuing
 18 education requirements under section 81-2117.01;
 19 (11) Provide for the amount and collection of fees for inspection
 20 and other services;
 21 (12) Adopt a seal, and the executive secretary shall have the care
 22 and custody thereof; and
 23 (13) Enforce the provisions of the National Electrical Code as
 24 adopted pursuant to subdivision (5) of this section.
 25 Sec. 2. Original section 81-2104, Revised Statutes Cumulative
 26 Supplement, 2022, is repealed.

Senator McDonnell filed the following amendment to [LB205](#):
[AM462](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and may be
 4 cited as the Critical Infrastructure Utility Worker Protection Act.
 5 Sec. 2. For purposes of the Critical Infrastructure Utility Worker
 6 Protection Act, unless the context otherwise requires:
 7 (1) Civil defense emergency has the same meaning as in section
 8 81-829.39;
 9 (2) Critical infrastructure utility worker means an essential
 10 critical infrastructure worker identified in the Guidance on the
 11 Essential Critical Infrastructure Workforce, Version 4.1, as released on
 12 August 5, 2021, by the United States Department of Homeland Security
 13 Cybersecurity and Infrastructure Security Agency;
 14 (3) Disaster has the same meaning as in section 81-829.39;
 15 (4) Emergency has the same meaning as in section 81-829.39;
 16 (5) Priority access means access at least equal to that provided to
 17 hospital and medical personnel, law enforcement personnel, or other
 18 emergency responders;
 19 (6) Utility means any legal entity, including a political
 20 subdivision, that owns or operates a utility system, or any part thereof,

21 in this state; and

22 (7) Utility system means the physical and cyber assets and
 23 infrastructure used in providing utility services to wholesale or retail
 24 customers. Utility system includes electrical, gas, water, steam, sewage,
 25 and telecommunications services.

26 Sec. 3. The purposes of the Critical Infrastructure Utility Worker
 27 Protection Act are to:

1 (1) Provide for protection of critical infrastructure utility
 2 workers during any civil defense emergency, disaster, or emergency;
 3 (2) Provide priority access to personal protective equipment;
 4 medical screening, testing, and preventative health services; medical
 5 treatment; and the administration of vaccines for critical infrastructure
 6 utility workers in the event of an emergency involving a severe threat to
 7 human health; and

8 (3) Authorize federal and state financial aid for critical
 9 infrastructure utility workers during any civil defense emergency,
 10 disaster, or emergency involving a severe threat to human health.

11 Sec. 4. Utilities shall maintain a list of critical infrastructure
 12 utility workers by position description without listing individual names.
 13 The list shall not be deemed a public record subject to disclosure
 14 pursuant to sections 84-712 to 84-712.09, but shall be made available to
 15 the Nebraska Emergency Management Agency upon request. The list shall be
 16 kept confidential by the agency.

17 Sec. 5. In the event of any civil defense emergency, disaster, or
 18 emergency involving a severe threat to human health, the Governor shall:

19 (1) Ensure that critical infrastructure utility workers are provided
 20 priority access to personal protective equipment, medical screening,
 21 testing, preventive health services, medical treatment, and the
 22 administration of vaccines approved by the federal Food and Drug
 23 Administration; and

24 (2) Take all necessary measures to provide available federal funding
 25 for the adequate protection and care of critical infrastructure utility
 26 workers in accordance with federal law and regulations regarding
 27 eligibility for such funding.

Senator McDonnell filed the following amendment to [LB205](#):

[AM463](#)

- 1 1. Strike original sections 4 to 7.
- 2 2. On page 2, line 1, strike "8" and insert "4".
- 3 3. Renumber the remaining section accordingly.

Senator McDonnell filed the following amendment to [LB205](#):

[AM464](#)

- 1 1. Strike the enacting clause.

Senator McDonnell filed the following amendment to [LB205](#):

[AM465](#)

- 1 1. On page 3, line 26, strike "Unless otherwise required by federal
- 2 law, a" and insert "A"; and in line 29 strike "do not".

MOTION - Print in Journal

Senator Hunt filed the following motion to [LB140](#):

[MO33](#)

Reconsider the vote on AM470.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Jacobson name added to LB563.

Senator Slama name added to LB568.

Senator von Gillern name added to LB606.

Senator Kauth name added to LB805.

VISITORS

Visitors to the Chamber were Jason Grams and Liz Neeley from the Nebraska State Bar Association; Steve Seglin, Steve Gealy, and Doris Huffman from the Nebraska State Bar Foundation; Nebraska Chapter of American Physical Therapy Association; students from Creighton University, College of St. Mary, Clarkson College, UNMC, Southeast Community College, and Northeast Community College; members from the Nebraska Grocery Industry Association; students and a teacher from Blair High School; members from NSEA-Retired; Peggy Clements, Elmwood; Sarah Mayo, Eleanor Mayo, and Jocelyn Mayo, Lincoln; Jerry Lucas and Nina Lucas, Broomfield, Colorado; Addison Scofield and Wyatt Scofield, Lincoln.

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 12:26 p.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 22, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 2023

PRAYER

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Speaker Arch.

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 Slama and Walz who were excused; and Senators Blood, M. Cavanaugh, Conrad, Day, B. Hansen, and Raybould who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.

LEGISLATIVE BILL 151. Placed on Select File.

LEGISLATIVE BILL 207. Placed on Select File.

LEGISLATIVE BILL 296. Placed on Select File with amendment.

ER1

1 1. On page 2, line 3, before "The" insert "(1)"; in line 6 before

2 "The" insert "(2)"; and in line 11 before "All" insert "(3)".

3 2. On page 9, line 13, strike "require" and insert "required"; and

4 in line 17 strike "has" and insert "have".

(Signed) Beau Ballard, Chairperson

MESSAGE FROM THE GOVERNOR

February 13, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Chief Medical Officer of the Department of Health and Human Services, Division of Public Health:

Timothy A Tesmer, MD, 3721 Doonbeg Road, Lincoln, Nebraska 68520

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

AMENDMENT - Print in Journal

Senator Moser filed the following amendment to [LB706](#):
[AM450](#) is available in the Bill Room.

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524 1:30 PM

Wednesday, March 1, 2023

LB303
LB580
LB495
LB180
LB209

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 140. The Hunt motion, [MO33](#), found on page 564, to reconsider the vote on AM470, was offered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

The Hunt motion to reconsider the vote taken on AM470 failed with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

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

The Chair declared the call raised.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 321. Placed on General File with amendment.

AM483

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 2-3966, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 2-3966 For purposes of the Nebraska Milk Act, unless the context
6 otherwise requires:
7 (1) 3-A Sanitary Standards has the same meaning as in the Grade A
8 Pasteurized Milk Ordinance;
9 (2) Acceptable milk means milk that qualifies under sections 2-3979
10 to 2-3982 as to sight and odor and that is classified acceptable for
11 somatic cells, bacterial content, drug residues, and sediment content;
12 (3) Components of milk means whey, whey and milk protein
13 concentrate, whey cream, cream, butter, skim milk, condensed milk, ultra-
14 filtered milk, milk powder, dairy blends that are at least fifty-one
15 percent dairy components, and any similar milk byproduct;
16 (4) C-I-P or cleaned-in-place means the procedure by which sanitary
17 pipelines or pieces of dairy equipment are mechanically cleaned in place
18 by circulation;
19 (5) Dairy products means products allowed to be made from milk for
20 manufacturing purposes and not required to be of Grade A quality;
21 (6) Department means the Department of Agriculture;
22 (7) Director means the Director of Agriculture or his or her duly
23 authorized agent or designee;
24 (8) Field representative means an individual qualified and trained
25 in the sanitary methods of production and handling of milk as set forth
26 in the Nebraska Milk Act and who is generally employed by a processing or
27 manufacturing milk plant or cooperative for the purpose of quality
1 control work;
2 (9) First purchaser means a person who purchases raw milk directly
3 from the farm for processing or for resale to a processor, who purchases
4 milk products or components of milk for processing or resale to a
5 processor, or who utilizes milk from the first purchaser's own farm for
6 the manufacturing of milk products or dairy products;
7 (10) Grade A Pasteurized Milk Ordinance means the documents
8 delineated in subsection (3) of section 2-3965;
9 (11) Milk for manufacturing purposes means milk produced for
10 processing and manufacturing into products not required by law to be of
11 Grade A quality;
12 (12) Milk distributor means a person who distributes milk, fluid
13 milk, milk products, or dairy products whether or not the milk is shipped
14 within or into the state. The term does not include (a) a milk plant, a

15 bulk milk hauler/sampler, or a milk producer, as such terms are defined
 16 in the Grade A Pasteurized Milk Ordinance, ~~or (b) a food establishment,~~
 17 as defined in the Nebraska Pure Food Act, ~~or (c) a private home not~~
 18 ~~included in the definition of a food establishment in section~~
 19 ~~81-2,245.01;~~

20 (13) Probationary milk means milk classified undergrade for somatic
 21 cells, bacterial content, or sediment content that may be accepted by
 22 plants for specific time periods; and

23 (14) Reject milk means milk that does not qualify under sections
 24 2-3979 to 2-3982.

25 Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement,
 26 2022, is amended to read:

27 81-2,245.01 Food establishment shall mean an operation that stores,
 28 prepares, packages, serves, sells, vends, delivers, or otherwise provides
 29 food for human consumption. The term does not include:

30 (1) An establishment or vending machine operation that offers only
 31 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
 1 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
 2 or corn chips; pretzels; cheese puffs and curls; crackers; popped
 3 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
 4 pastries, that are not time/temperature control for safety foods;

5 (2) A produce stand that only offers whole, uncut fresh fruits and
 6 vegetables;

7 (3) A food processing plant;

8 (4) A salvage operation;

9 (5) A private home where food is prepared or served for personal
 10 use, a small day care in the home, or a hunting lodge, guest ranch, or
 11 other operation where no more than ten paying guests eat meals in the
 12 home;

13 (6) A private home or other area where food that is not
 14 time/temperature control for safety food is prepared for sale or service
 15 at a religious, charitable, or fraternal organization's bake sale or
 16 similar function;

17 (7) A private home ~~or other area where a producer of food that meets~~
 18 ~~the requirements of section 81-2,280 is not time/temperature control for~~
 19 ~~safety food~~ is prepared for sale directly to the consumer including, but
 20 not limited to, at a farmers market, fair, festival, craft show, or other
 21 public event or for pick up at or delivery from such private home; ~~or~~
 22 ~~other area, if:~~

23 (a) ~~The consumer is informed by a clearly visible notification that~~
 24 ~~the food was prepared in a kitchen that is not subject to regulation and~~
 25 ~~inspection by the regulatory authority and may contain allergens. For~~
 26 ~~sales conducted at a farmers market, fair, festival, craft show, or other~~
 27 ~~public event, such notification shall be at the sale location. For sales~~
 28 ~~conducted for pick up at or delivery from a private home or other area,~~
 29 ~~such notification shall be at such private home or other area, on the~~
 30 ~~producer's website if one exists, and in any print, radio, television, or~~
 31 ~~Internet advertisement for such sales;~~

1 (b) ~~The name and address of the producer is provided to the consumer~~
 2 ~~on the package or container label;~~

3 (c) ~~Product delivery is made directly from the producer to the~~
 4 ~~actual customer in a person-to-person transaction or by United States~~
 5 ~~mail or a commercial mail delivery service;~~

6 (d) ~~The producer follows any food safety and handling guidelines for~~
 7 ~~sale at a farmers market, fair, festival, craft show, or other public~~
 8 ~~event required by the county, city, or village where the food is sold;~~

9 (e) ~~Prior to conducting any food sales, the producer, other than one~~
 10 ~~selling directly to the consumer at a farmers market, has successfully~~
 11 ~~completed (i) a nationally accredited food safety and handling education~~
 12 ~~course that covers topics such as food safety issues, regulations, and~~

13 techniques to maintain a food-safe environment or (ii) a certified food
14 safety and handling training course offered at a culinary school or as
15 required by a county, city, or village to obtain a food handler permit;
16 (f) The producer, if using private well water to produce food sold
17 under this subdivision (7), has had such well water tested for
18 contamination by nitrates or bacteria prior to conducting any food
19 production and sales; and
20 (g) The producer complies with section 81-2,280;
21 (8) A private home or other area where food is prepared for
22 distribution at a fundraising event for a charitable purpose if the
23 consumer is informed by a clearly visible placard at the serving location
24 that the food was prepared in a kitchen that is not subject to regulation
25 and inspection by the regulatory authority. This subdivision does not
26 apply to a caterer or other establishment providing food for the event if
27 the caterer or establishment receives compensation for providing the
28 food;
29 (9) The location where food prepared by a caterer is served so long
30 as the caterer only minimally handles the food at the serving location;
31 (10) Educational institutions, health care facilities, nursing
1 homes, and governmental organizations which are inspected by a state
2 agency or a political subdivision other than the regulatory authority for
3 sanitation in the food preparation areas;
4 (11) A pharmacy as defined in section 71-425 if the pharmacy only
5 sells prepackaged pharmaceutical, medicinal, or health supplement foods
6 that are not time/temperature control for safety or foods described in
7 subdivision (1) of this section; and
8 (12) An establishment which is not a commercial food establishment
9 and which sells only commercially packaged foods that are not
10 time/temperature control for safety foods.
11 Sec. 3. Section 81-2,280, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:
13 81-2,280 (1) A producer of food at a private home as described in
14 subdivision (7) of section 81-2,245.01 shall meet the requirements of
15 this section.
16 (2) Such producer shall only provide food that is not adulterated
17 and is not any of the following types of time/temperature control for
18 safety food:
19 (a) Any part of an animal, vertebrate or invertebrate, or animal by-
20 product;
21 (b) Fluid milk or milk products as defined in the Grade A
22 Pasteurized Milk Ordinance adopted by reference in the Nebraska Milk Act;
23 (c) Raw eggs;
24 (d) Unpasteurized juice;
25 (e) Infused oils or honey;
26 (f) Sprouts;
27 (g) Low-acid canned food and hermetically sealed acidified food;
28 (h) Tofu, tempeh, or similar meat substitutes; or
29 (i) Kimchi, kombucha, or similar fermented foods.
30 (3) Prior to conducting any food sales, the producer, other than a
31 producer selling food that is not time/temperature control for safety
1 food directly to the consumer at a farmers market, shall successfully
2 complete:
3 (a) A nationally accredited food safety and handling education
4 course that covers topics such as food safety issues, regulations, and
5 techniques to maintain a food-safe environment;
6 (b) A certified food safety and handling training course offered at
7 a culinary school or as required by a county, city, or village to obtain
8 a food handler permit; or
9 (c) A food safety and handling education course approved by the
10 department.

11 (4) The producer shall register with the department prior to
 12 conducting any sales of food. The registration shall be made on forms
 13 prescribed by the department and include (a) ~~(1)~~ the name, address, and
 14 telephone number of the producer, (b) ~~(2)~~ the type of food safety and
 15 handling education or training course taken pursuant to subsection (3) of
 16 this section and the date of its successful completion, and (c) ~~(3)~~ proof
 17 of private well water testing for contamination by nitrates or bacteria
 18 if the producer uses private well water pursuant to subdivision (7)(f) of
 19 section 81-2,245.01, if applicable. This subsection section shall not
 20 apply to a producer of food that is not time/temperature control for
 21 safety food selling directly to the consumer at a farmers market.
 22 (5) The producer shall inform the consumer by a clearly visible
 23 notification that the food was prepared in a kitchen that is not subject
 24 to regulation and inspection by a regulatory authority and may contain
 25 allergens. For sales conducted at a farmers market, fair, festival, craft
 26 show, or other public event, such notification shall be provided at the
 27 sale location. For sales conducted for pickup or delivery, such
 28 notification shall be provided at the producer's private home, on the
 29 producer's website, if such website exists, and in any print, radio,
 30 television, or Internet advertisement for such sales.
 31 (6) The producer shall label the food so that the name and address
 1 of the producer is provided to the consumer on the package or container
 2 label. Food that is time/temperature control for safety food shall also
 3 have labeling that includes ingredients in descending order of
 4 predominance.
 5 (7)(a) The producer shall deliver the food to the customer in a
 6 person-to-person transaction, except that food that is not
 7 time/temperature control for safety food may be delivered by United
 8 States mail or a commercial mail delivery service.
 9 (b) Food that is time/temperature control for safety food shall be
 10 delivered only by the producer to the consumer in person. Such food when
 11 transported shall be maintained at a temperature in accordance with the
 12 Nebraska Pure Food Act and not be transported for longer than two hours.
 13 (8) The provisions of this section supersede and preempt any
 14 ordinance, rule, regulation, or resolution regulating food safety and
 15 handling adopted or enacted by a political subdivision that is not in
 16 conformance with this section.
 17 Sec. 4. Original section 2-3966, Reissue Revised Statutes of
 18 Nebraska, and sections 81-2,245.01 and 81-2,280, Revised Statutes
 19 Cumulative Supplement, 2022, are repealed.

LEGISLATIVE BILL 442. Placed on General File with amendment.

[AM372](#)

1 1. On page 2, lines 7 through 9, strike the new matter and insert
 2 "The State Treasurer shall transfer two million dollars from the General
 3 Fund to the Livestock Growth Act Cash Fund on July 31, 2023, or as soon
 4 thereafter as administratively possible."

(Signed) Steve Halloran, Chairperson

Judiciary

LEGISLATIVE BILL 30. Placed on General File.

LEGISLATIVE BILL 59. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 436. Placed on General File.

LEGISLATIVE BILL 27. Placed on General File with amendment.**AM174**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-2315.02, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 29-2315.02 If the application ~~is be granted in cases where the court~~
6 ~~finds a defendant to be indigent, the trial court shall first contact the~~
7 ~~public defender or, in counties not having a public defender, an attorney~~
8 ~~licensed to practice law in this state, to inquire whether or not the~~
9 ~~public defender or attorney is able to accept the appointment appoint-a~~
10 ~~lawyer to argue the case against the prosecuting attorney. If the public~~
11 ~~defender or the attorney declines the appointment because of a conflict~~
12 ~~of interest or is unable to accept the appointment, the court shall~~
13 ~~appoint another attorney. An attorney other than the public defender~~
14 ~~appointed under this section shall file an application for fees and~~
15 ~~expenses in the court which appointed such attorney for all fees and~~
16 ~~expenses reasonably necessary to permit such attorney to effectively and~~
17 ~~competently represent the defendant and to argue the case against the~~
18 ~~prosecuting attorney. Such fees and expenses shall, which lawyer shall~~
19 ~~receive for his services a fee not exceeding two hundred dollars, to be~~
20 ~~fixed by such court, and to be paid out of the treasury of the county in~~
21 ~~the full amount determined by the court. If the court does not find a~~
22 ~~defendant indigent and does not appoint the public defender or another~~
23 ~~attorney, the defendant may be represented by an attorney of the~~
24 ~~defendant's choice. For such purpose, the court may appoint the~~
25 ~~defendant's attorney, but if he is not appointed the defendant may in any~~
26 ~~event appear and participate through an attorney of his own choice.~~
27 Sec. 2. Section 29-2318, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 29-2318 When a notice is filed in cases where the court finds a
3 defendant to be indigent, the trial court shall first contact the public
4 defender or, in counties not having a public defender, an attorney
5 licensed to practice law in this state, to inquire whether or not the
6 public defender or attorney is able to accept the appointment appoint-a
7 lawyer to argue the case against the prosecuting attorney. If the public
8 defender or the attorney declines the appointment because of a conflict
9 of interest or is unable to accept the appointment, the court shall
10 appoint another attorney. An attorney other than the public defender
11 appointed under this section shall file an application for fees and
12 expenses in the court which appointed such attorney for all fees and
13 expenses reasonably necessary to permit such attorney to effectively and
14 competently represent the defendant and to argue the case against the
15 prosecuting attorney. Such fees and expenses shall, which lawyer shall
16 receive for his or her services a fee not exceeding two hundred dollars
17 to be fixed by the court and to be paid out of the treasury of the county
18 in the full amount determined by the court. If the court does not find a
19 defendant indigent and does not appoint the public defender or another
20 The court may appoint the defendant's attorney, but if an attorney, is
21 not appointed the defendant may be represented by an attorney of the
22 defendant's his or her choice.
23 Sec. 3. Original sections 29-2315.02 and 29-2318, Reissue Revised
24 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 314. Placed on General File with amendment.**AM68**

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 69-2426, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923
 5 Dealers of firearms shall distribute to all firearm purchasers;
 6 (a) Information information developed by the Department of Health
 7 and Human Services regarding the dangers of leaving loaded firearms
 8 unattended around children; and -
 9 (b) Information on suicide prevention, including materials that
 10 provide evidence-based information aligned with best practices in suicide
 11 prevention. Such materials shall include information on the 988 Suicide
 12 and Crisis Lifeline or other similar resources. The Nebraska State Patrol
 13 shall maintain and publish a list of materials that may be used to comply
 14 with this subdivision.
 15 (2) There is hereby created the Firearm Information Fund. Private
 16 contributions shall be credited by the State Treasurer to such fund for
 17 the implementation of the provisions of this section.

(Signed) Justin Wayne, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 42. Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Rita Stinner at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Rita dedicated her professional endeavors to improving the quality of life for the residents of Nebraska, to the arts, and to music education after earning both Bachelor of Music in Education and Master of Music degrees from the University of Nebraska-Lincoln; and

WHEREAS, Rita was a Director of Choral Music for Lincoln Public Schools for seventeen years before moving to western Nebraska and becoming the Director of Choral Activities and Music Program Director at Western Nebraska Community College in 1997, for which she received many awards, including the Award for Teaching Excellence from Phi Theta Kappa, the Governor's Award for Excellence in Arts Education from the Nebraska Arts Council, and induction into the Nebraska Music Educators Hall of Fame; and

WHEREAS, Rita's many accomplishments include reorganizing The Valley Voices Community Chorus in 1990 and founding The Valley Eight, both of which performed live on Nebraska Public Radio's Big Band Spotlight, NPR Friday Live, Oregon Trail Days, the Willow Tree Festival, and the Valley Voices at Carnegie Hall, and expanding the Western Nebraska Community College choral program, which performed at two Nebraska Governor's Inaugurations, on NPR Live from the Mill, and semiannually at Carnegie Hall; and

WHEREAS, Rita's many accomplishments culminated while celebrating her retirement in an extraordinary opportunity to perform in the opera Medea in a month-long engagement with Western Nebraska Community College students in the Festival of the Aegean on the island of Syros, Greece; and

WHEREAS, Rita is currently President of the Nebraska Cultural Endowment and serves on the Hixson-Lied College of Fine and Performing

Arts Advisory Board and University of Nebraska-Lincoln Friends of Opera, she also previously served with distinction as the North Central Chairperson of the American Choral Directors for Repertoire and Standards in Two Year College Choirs, and served on the boards of both the Nebraska Music Educators and Nebraska Choral Directors; and

WHEREAS, Rita was honored as the Scottsbluff Star-Herald Citizen of the Year and was the recipient of the Association of Fundraising Professionals Outstanding Philanthropist Award, and accepted the Scottsbluff/Gering United Chamber of Commerce Trailblazer Award for her exceptional work related to economic development, tourism, public relations, marketing, and philanthropy, while continuing a solo singing career.

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

1. That the Legislature congratulates Rita Stinner as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.
2. That a copy of this resolution be sent to Rita Stinner.

Laid over.

LEGISLATIVE RESOLUTION 43. Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to former Nebraska State Senator John Stinner at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Senator Stinner was recruited by then Coach Bob Devaney to come from his hometown of Pittsburgh, Pennsylvania, to accept a football scholarship at the University of Nebraska-Lincoln, playing on the 1970 and 1971 Husker National Championship teams, earned a Bachelor of Science Degree in Business Administration and later a Master of Arts Degree in Economics at the University of Nebraska-Lincoln, and became a certified public accountant employed by Peat Marwick and Mitchell which is now KPMG; and

WHEREAS, Senator Stinner transitioned from public accounting to a distinguished banking career, initially working with First Commerce Group of Lincoln, a bank holding company, and then running troubled banks during the agricultural crisis of 1981 to 1985, culminating in fulfilling his lifelong ambition of bank ownership in 1988 when he organized a group of investors to establish Gering State Bank, which later became known as Valley Bank and Trust and then Western States Bank until its merger with First National Bank of Omaha; and

WHEREAS, during Senator Stinner's tenure, the bank received numerous awards from the Small Business Administration for business development and supporting women and minority business owners, including being

named One of the 100 Most Business-Friendly Banks in the United States; and

WHEREAS, Senator Stinner worked tirelessly on behalf of his community and state, serving as a member of the Gering School Board for ten years and on twenty-two other boards and numerous associations throughout his career, and was selected as Chair of the Board of Directors of the Nebraska Bankers Association in 2013; and

WHEREAS, Senator Stinner was elected to the Legislature in 2014, representing District 48 in Western Nebraska for two terms and served as Chairperson of the Appropriations Committee of the Legislature for six of his eight years in the Legislature; and

WHEREAS, Senator Stinner served District 48 with distinction, successfully leading and advocating for passage of numerous initiatives to overcome challenges facing Nebraska, including solving the state's budget deficit when he first took office, addressing the University of Nebraska's longstanding deferred maintenance issues, enacting land bank legislation to assist communities with dilapidated buildings, as well as increasing needed funding for early childhood development, mental health services, nursing home reimbursements, provider rates, the arts, and many other critically important programs serving Nebraskans.

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

1. That the Legislature congratulates former Nebraska State Senator John Stinner as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to former Nebraska State Senator John Stinner.

Laid over.

LEGISLATIVE RESOLUTION 44. Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to former United States Secretary of Defense Chuck Hagel at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Secretary Hagel served two terms as a United States Senator representing the State of Nebraska with distinction from 1997 to 2009 before being appointed the twenty-fourth United States Secretary of Defense from February 2013 to February 2015, and during his tenure as Secretary of Defense directed significant steps to modernize our country's partnerships and alliances, bolstered support for European allies, and enhanced defense cooperation in the Middle East while overseeing America's combat mission in Afghanistan; and

WHEREAS, Secretary Hagel was the first enlisted combat veteran and Vietnam veteran to serve as Secretary of Defense, leading major initiatives to assist service members and their families, including increasing resources

for suicide prevention, combating sexual assault, and accounting for missing personnel while improving partnerships with the United States Department of Veterans Affairs to provide for health record interoperability, service treatment record transferability, and continuity of mental health services and support; and

WHEREAS, Secretary Hagel also served as a Distinguished Professor at Georgetown University and served on many high-profile boards and civic organizations, including serving as Co-Chairperson of the President's Intelligence Advisory Board, Chairperson of the Atlantic Council, Chairperson of the United States of America Vietnam War Commemoration Advisory Committee, Co-Chairperson of the Vietnam Veterans Memorial Fund Corporate Council, and serving as a member of the Secretary of Defense's Policy Board, Secretary of Energy's Blue Ribbon Commission on America's Nuclear Future, Georgetown's Institute for the Study of Diplomacy, United States Global Leadership Coalition, United States Institute of Peace Middle East Senior Working Group, Bread for the World, and Lung Cancer Alliance; and

WHEREAS, prior to being elected to the United States Senate, Secretary Hagel graduated from the University of Nebraska at Omaha, was President of McCarthy & Company and co-founded VANGUARD Cellular Systems, Inc., served as President and chief executive officer of the World USO, became the chief operating officer of the 1990 Economic Summit of Industrialized Nations, served as Deputy Administrator of the Veterans Administration under President Ronald Reagan, and also was deputy commissioner general of the United States of the 1982 World's Fair; and

WHEREAS, Secretary Hagel is a fourth-generation Nebraskan, who has received numerous prestigious awards, including two Purple Hearts, and authored the book, "America: Our Next Chapter" while dedicating his private, public, and volunteer career to make the world better by empowering people and organizations to succeed.

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

1. That the Legislature congratulates former United States Secretary of Defense Chuck Hagel as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to former United States Secretary of Defense Chuck Hagel.

Laid over.

LEGISLATIVE RESOLUTION 45. Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Dr. Maryanne Stevens at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Dr. Stevens joined the Sisters of Mercy in 1966 after graduating from Mercy High School in Omaha and earning a bachelor's degree in math and sociology from Misericordia University in Dallas, Pennsylvania, a master's degree in theology from St. Louis University, and a Ph.D. in religion and education from Boston College; and

WHEREAS, Dr. Stevens served as the Creighton University Theology Program Chair before she decided to leave the classroom in 1996 and pursue a mission of higher education opportunities for women by accepting the position of President of the College of Saint Mary in Omaha; and

WHEREAS, due to the dynamic leadership and guidance of Dr. Stevens, the College of Saint Mary transformed from a struggling, debt-ridden institution into the thriving, financially sound university it is today offering several innovative programs, including a residence hall allowing college-age single mothers to live with their children on campus, scholarships for low-income women majoring in math or science, graduate programs in education, physician assistant studies, occupational therapy, kinesiology, organizational leadership training, a unique doctoral program in physical therapy, and the Latina and African-American Summer Academies for high school girls; and

WHEREAS, Dr. Stevens has a passion for the education and advancement of women as evidenced by her exceptional leadership of numerous capital campaigns and scholarship initiatives, including the recently completed forty million dollar "Striding Forward Campaign" at the College of St. Mary, allowing for growth in the endowment, new scholarships, and the building of an addition to its fitness center; and

WHEREAS, Dr. Stevens made affordability and transparency a high priority by rolling all student fees into the tuition rate so students know and better understand the cost of attending the College of Saint Mary and slashing undergraduate tuition rates to enable students to borrow less and have more affordable access to higher education; and

WHEREAS, Dr. Stevens will retire in May 2023 after twenty-five years of distinguished service as the longest-serving President of the College of Saint Mary in Omaha; and

WHEREAS, Dr. Stevens serves on several local, state, and national boards, including the Council of Independent Nebraska Colleges, Greater Omaha Chamber of Commerce, Nebraska Educational Finance Authority, Council of Independent Nebraska Colleges Foundation, the Tri-Faith Initiative, and the Association of Catholic Colleges and Universities; and

WHEREAS, Dr. Stevens has been honored by a multitude of organizations for her leadership and dedication to the education of women, including The Women's Fund of Greater Omaha, the Aksarben Foundation, the League of Women Voters, Girls Inc., Essential Pregnancy Services, Women's Center for Advancement, Mercy High School, Roncalli High School, the Greater Omaha Chamber of Commerce, and the Council for Advancement and Support of Education.

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

1. That the Legislature congratulates Dr. Maryanne Stevens as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.
2. That a copy of this resolution be sent to Dr. Maryanne Stevens.

Laid over.

LEGISLATIVE RESOLUTION 46. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the Division of Aeronautics of the Department of Transportation presented the 2022 Airport of the Year award, which recognizes Nebraska airports that have demonstrated benefits to aviation and involvement in the community, to Thomas County Airport in Thedford, Nebraska; and

WHEREAS, in October of 2022, over 18,000 acres in and near the Nebraska National Forest succumbed to the Bovee Fire; and

WHEREAS, Thomas County Airport served as a base for firefighters who used the airport and all amenities, services, and assistance available during the Bovee Fire disaster; and

WHEREAS, Thomas County Airport boasts many services to pilots and passengers, modern updates to the facility, and authority members ready to serve and assist.

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

1. That the Legislature congratulates Thomas County Airport on being named the Division of Aeronautics of the Department of Transportation 2022 Airport of the Year.
2. That copies of this resolution be sent to Thomas County Airport and to each member of the Thomas County Airport Authority, which includes Jack Johnson, Roy Licking, Ron Masten, Herb Hall, and Tim Maseberg.

Laid over.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB179](#):

[AM145](#)

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

3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the
6 following practice acts shall be known and may be cited as the Uniform
7 Credentialing Act:

- 8 (1) The Advanced Practice Registered Nurse Practice Act;
- 9 (2) The Alcohol and Drug Counseling Practice Act;
- 10 (3) The Athletic Training Practice Act;
- 11 (4) The Audiology and Speech-Language Pathology Practice Act;
- 12 (5) The Certified Nurse Midwifery Practice Act;
- 13 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
17 Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Dialysis Patient Care Technician Registration Act;
- 20 (12) The Emergency Medical Services Practice Act;
- 21 (13) The Environmental Health Specialists Practice Act;
- 22 (14) The Funeral Directing and Embalming Practice Act;
- 23 (15) The Genetic Counseling Practice Act;
- 24 (16) The Hearing Instrument Specialists Practice Act;
- 25 (17) The Licensed Practical Nurse-Certified Practice Act until
26 November 1, 2017;
- 27 (18) The Massage Therapy Practice Act;
- 1 (19) The Medical Nutrition Therapy Practice Act;
- 2 (20) The Medical Radiography Practice Act;
- 3 (21) The Medicine and Surgery Practice Act;
- 4 (22) The Mental Health Practice Act;
- 5 (23) The Nurse Practice Act;
- 6 (24) The Nurse Practitioner Practice Act;
- 7 (25) The Nursing Home Administrator Practice Act;
- 8 (26) The Occupational Therapy Practice Act;
- 9 (27) The Optometry Practice Act;
- 10 (28) The Perfusion Practice Act;
- 11 (29) The Pharmacy Practice Act;
- 12 (30) The Physical Therapy Practice Act;
- 13 (31) The Podiatry Practice Act;
- 14 (32) The Psychology Practice Act;
- 15 (33) The Respiratory Care Practice Act;
- 16 (34) The Surgical First Assistant Practice Act; and
- 17 (35) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to
19 38-1,147 and section 3 of this act and any provision of a practice act,
20 the provision of the practice act shall prevail except as otherwise
21 specifically provided in section 38-129.02.

22 Sec. 2. Section 38-178, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 38-178 Except as otherwise provided in sections 38-1,119 to
25 38-1,123, a credential to practice a profession may be denied, refused
26 renewal, or have other disciplinary measures taken against it in
27 accordance with section 38-185 or 38-186 on any of the following grounds:

- 28 (1) Misrepresentation of material facts in procuring or attempting
29 to procure a credential;
- 30 (2) Immoral or dishonorable conduct evidencing unfitness to practice
31 the profession in this state;
- 1 (3) Abuse of, dependence on, or active addiction to alcohol, any
2 controlled substance, or any mind-altering substance;
- 3 (4) Failure to comply with a treatment program or an aftercare
4 program, including, but not limited to, a program entered into under the

5 Licensee Assistance Program established pursuant to section 38-175;
 6 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or
 7 federal law, or (b) a crime in any jurisdiction which, if committed
 8 within this state, would have constituted a misdemeanor or felony under
 9 Nebraska law and which has a rational connection with the fitness or
 10 capacity of the applicant or credential holder to practice the
 11 profession;
 12 (6) Practice of the profession (a) fraudulently, (b) beyond its
 13 authorized scope, (c) with gross incompetence or gross negligence, or (d)
 14 in a pattern of incompetent or negligent conduct;
 15 (7) Practice of the profession while the ability to practice is
 16 impaired by alcohol, controlled substances, drugs, mind-altering
 17 substances, physical disability, mental disability, or emotional
 18 disability;
 19 (8) Physical or mental incapacity to practice the profession as
 20 evidenced by a legal judgment or a determination by other lawful means;
 21 (9) Illness, deterioration, or disability that impairs the ability
 22 to practice the profession;
 23 (10) Permitting, aiding, or abetting the practice of a profession or
 24 the performance of activities requiring a credential by a person not
 25 credentialed to do so;
 26 (11) Performing or offering to perform scleral tattooing as defined
 27 in section 38-10,172 by a person not credentialed to do so;
 28 (12) Having had his or her credential denied, refused renewal,
 29 limited, suspended, revoked, or disciplined in any manner similar to
 30 section 38-196 by another state or jurisdiction based upon acts by the
 31 applicant or credential holder similar to acts described in this section;
 1 (13) Use of untruthful, deceptive, or misleading statements in
 2 advertisements, including failure to comply with section 38-124;
 3 (14) Conviction of fraudulent or misleading advertising or
 4 conviction of a violation of the Uniform Deceptive Trade Practices Act;
 5 (15) Distribution of intoxicating liquors, controlled substances, or
 6 drugs for any other than lawful purposes;
 7 (16) Violations of the Uniform Credentialing Act or the rules and
 8 regulations relating to the particular profession;
 9 (17) Unlawful invasion of the field of practice of any profession
 10 regulated by the Uniform Credentialing Act which the credential holder is
 11 not credentialed to practice;
 12 (18) Violation of the Uniform Controlled Substances Act or any rules
 13 and regulations adopted pursuant to the act;
 14 (19) Failure to file a report required by section 38-1,124,
 15 38-1,125, or 71-552;
 16 (20) Failure to maintain the requirements necessary to obtain a
 17 credential;
 18 (21) Violation of an order issued by the department;
 19 (22) Violation of an assurance of compliance entered into under
 20 section 38-1,108;
 21 (23) Failure to pay an administrative penalty;
 22 (24) Unprofessional conduct as defined in section 38-179;
 23 (25) Violation of the Automated Medication Systems Act; ~~or~~
 24 (26) Failure to comply with section 38-1,147; ~~or~~ -
 25 (27) Providing conversion therapy, gender identity conversion
 26 therapy, or sexual orientation conversion therapy in violation of section
 27 3 of this act.
 28 Sec. 3. (1) Except as provided in subsection (3) of this section, a
 29 person holding a credential under the Medicine and Surgery Practice Act,
 30 the Mental Health Practice Act, the Nurse Practice Act, the Pharmacy
 31 Practice Act, or the Psychology Practice Act shall not provide conversion
 1 therapy, gender identity conversion therapy, or sexual orientation
 2 conversion therapy to any individual under nineteen years of age.

3 (2) A violation of subsection (1) of this section shall constitute a
4 deceptive trade practice under the Uniform Deceptive Trade Practices Act
5 and shall be subject to any remedies or penalties available for a
6 violation of such act.

7 (3) This section does not apply to a practice or treatment conducted
8 by a clergy member or religious counselor who is acting in a pastoral or
9 religious capacity and not in the capacity of a health care professional.

10 (4) For purposes of this section:

11 (a)(i) Conversion therapy means a practice that seeks to change an
12 individual's sexual orientation or gender identity; and

13 (ii) Conversion therapy does not mean a practice that does not seek
14 to change an individual's sexual orientation or gender identity and that:

15 (A) Is neutral with respect to sexual orientation and gender
16 identity;

17 (B) Provides assistance to a patient or client undergoing gender
18 transition;

19 (C) Provides acceptance, support, and understanding to a patient or
20 client;

21 (D) Facilitates a patient's or client's ability to cope, develop
22 social support, and explore or understand the patient or client; or

23 (E) Addresses unlawful or unsafe sexual activities in a manner that
24 is neutral with respect to sexual orientation and gender identity;

25 (b) Gender identity conversion therapy means any psychotherapy,
26 counseling, or treatment, the goal of which is to alter the gender-
27 related identity of an individual so that such individual's gender
28 identity, appearance, expression, or behavior is eliminated, reduced, or
29 redirected to the individual's assigned sex at birth; and

30 (c) Sexual orientation conversion therapy means any psychotherapy,
31 counseling, or treatment, the goal of which is to alter the sexual or
1 romantic attraction, desire, or behavior of an individual toward other
2 individuals of the same sex so that the attraction and behavior of such
3 individual is eliminated, reduced, or redirected toward individuals of
4 the opposite sex.

5 (5) No state funds or funds belonging to a political subdivision of
6 this state shall be expended for the purpose of:

7 (a) Conducting conversion therapy, gender identity conversion
8 therapy, or sexual orientation conversion therapy;

9 (b) Referring a person for conversion therapy, gender identity
10 conversion therapy, or sexual orientation conversion therapy; or

11 (c) Providing health benefits coverage for conversion therapy,
12 gender identity conversion therapy, or sexual orientation conversion
13 therapy.

14 Sec. 4. Section 38-2894, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 38-2894 (1) A registration to practice as a pharmacy technician may
17 be denied, refused renewal, removed, or suspended or have other
18 disciplinary measures taken against it by the department, with the
19 recommendation of the board, for failure to meet the requirements of or
20 for violation of any of the provisions of subdivisions (1) through (18)
21 and (20) through (27) (26) of section 38-178 and sections 38-2890 to
22 38-2897 or the rules and regulations adopted under such sections.

23 (2) If the department proposes to deny, refuse renewal of, or remove
24 or suspend a registration, it shall send the applicant or registrant a
25 notice setting forth the action to be taken and the reasons for the
26 determination. The denial, refusal to renew, removal, or suspension shall
27 become final thirty days after mailing the notice unless the applicant or
28 registrant gives written notice to the department of his or her desire
29 for an informal conference or for a formal hearing.

30 (3) Notice may be served by any method specified in section
31 25-505.01, or the department may permit substitute or constructive

1 service as provided in section 25-517.02 when service cannot be made with
2 reasonable diligence by any of the methods specified in section
3 25-505.01.
4 (4) Pharmacy technicians may participate in the Licensee Assistance
5 Program described in section 38-175.
6 Sec. 5. Original sections 38-101, 38-178, and 38-2894, Revised
7 Statutes Cumulative Supplement, 2022, are repealed.

Senator Fredrickson filed the following amendment to [LB315](#):
[AM490](#)

1 1. On page 2, line 12, after the semicolon insert "or"; and after
2 line 17, insert the following new subsections:
3 "(3) If a collection agency or an attorney is referred a debt for a
4 bill described in subsection (1) of this section, then upon notice of the
5 applicability of this section, the collection agency or attorney shall
6 return the debt to the referring health care provider, emergency medical
7 services provider, laboratory, or pharmacy.
8 (4) No private cause of action shall exist under this section
9 against a debt collector."

Senator Fredrickson filed the following amendment to [LB626](#):
[AM431](#)

1 1. On page 2, line 24, strike "(3)(a)" and insert "(3)"; in line 29
2 strike the period and insert an underscored semicolon; and strike lines
3 30 and 31.
4 2. On page 3, strike lines 1 and 2.

ANNOUNCEMENT

Priority designation received:

Halloran - LB195

NOTICE OF COMMITTEE HEARING

Judiciary
Room 1113 1:30 PM

Wednesday, March 1, 2023

LB480
LB331
LB169
LB316
LR26CA

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 247. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 299. Title read. Considered.

SPEAKER ARCH PRESIDING

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

LEGISLATIVE BILL 146. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO34](#)

Bracket until February 24, 2023.

The M. Cavanaugh motion to bracket failed with 5 ayes, 27 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

AMENDMENT - Print in Journal

Senator McKinney filed the following amendment to [LB530](#):

[AM494](#)

1 1. On page 7, after line 28, insert the following new subdivision:

2 "(b) No person shall qualify for election or hold office as

3 executive director of a housing agency established by a city of the

4 metropolitan class unless such person resides in the county containing

5 such city."; and in line 29 strike "(b)" and insert "(c)".

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB147](#):

[MO35](#)

Bracket until February 24, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Blood name added to LB140.

Senator Sanders name added to LB274.

Senator DeBoer name added to LB298.

Senator Briese name added to LB562.

Senator Aguilar name added to LR39.

Senator Raybould name added to LR40.

VISITORS

Visitors to the Chamber were students and a teacher from Kimball High School; Nebraska Early Childhood Collaborative Parent Ambassadors; Leadership York; members of the Community College Association; Laura Laughlin, Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Holdcroft, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 23, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 2023

PRAYER

The prayer was offered by Reverend Jeffrey Bloom, Immanuel Lutheran Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Armendariz.

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 Geist and Walz who were excused; and Senators Day, B. Hansen, Hunt, McDonnell, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Thursday, March 2, 2023

LB407
LB616
LB165
LB699
LR30CA

Room 1524 1:30 PM

Friday, March 3, 2023

LB79

LR6CA

LR7CA

(Signed) Lou Ann Linehan, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 94. Placed on Select File with amendment.[ER2](#)

1 1. On page 161, line 18, after the first comma insert "a" and after
 2 "or" insert "a".
 3 2. On page 1, line 19, strike "to define, redefine, and eliminate
 4 terms" and insert "to provide, change, and eliminate definitions"; in
 5 line 20, after the second semicolon insert "to provide an operative
 6 date;"; and in line 21 strike "to provide an operative date;".

LEGISLATIVE BILL 279. Placed on Select File with amendment.[ER3](#)

1 1. On page 1, line 2, after "to" insert "change and".

LEGISLATIVE BILL 52. Placed on Select File with amendment.[ER6](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 85-505, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 85-505 Any member of the Nebraska National Guard who enrolls in any
 6 state-supported university, college, or community college or any
 7 independent, not-for-profit, accredited college or university in this
 8 state shall be entitled to a credit of one hundred percent of the
 9 resident tuition charges of such school for a diploma, certificate,
 10 associate degree, or baccalaureate degree program or fifty percent of the
 11 resident tuition charges of such school for a graduate or professional
 12 degree program, except that any member who attends an independent, not-
 13 for-profit, accredited college or university in this state shall receive
 14 a credit in an amount no higher than such member would receive if
 15 attending the University of Nebraska-Lincoln. Such entitlement shall,
 16 subject to the requirements of sections 85-505 to 85-508, continue for as
 17 long as the member maintains satisfactory performance with the guard and
 18 pursues a course of study in such institution in a manner which satisfies
 19 the normal requirements of the institution. The number of individuals
 20 granted tuition credit shall not exceed the number specified in section
 21 85-505.01 during any fiscal year, ~~and the amount of tuition credits~~
 22 ~~granted shall not exceed nine hundred thousand dollars during any fiscal~~
 23 ~~year.~~ When determining to whom such tuition credit shall be awarded,
 24 priority shall be given to those individuals who have previously received
 25 tuition credits while a National Guard member, and the Nebraska National
 26 Guard shall apply those program qualifications and limitations consistent
 27 with efficient and effective program management as determined by the
 1 Adjutant General.

2 Sec. 2. Original section 85-505, Revised Statutes Cumulative
 3 Supplement, 2022, is repealed.
 4 Sec. 3. Since an emergency exists, this act takes effect when
 5 passed and approved according to law.
 6 2. On page 1, strike beginning with "change" in line 2 through
 7 "allowed" in line 3 and insert "eliminate a limitation on the amount of
 8 tuition credits available to National Guard members".

LEGISLATIVE BILL 250. Placed on Select File with amendment.

[ER4](#)

1 1. In the Standing Committee amendments, AM107:
 2 a. On page 1, line 14, before "Guard" insert "National"; and
 3 b. On page 2, line 3, before "Guard" insert "National".
 4 2. On page 1, strike beginning with "Army" in line 1 through line 3
 5 and insert "National Guard; to state legislative findings; to require
 6 periodic command climate surveys of the National Guard as prescribed; to
 7 provide duties; and to require a report by the Adjutant General."

LEGISLATIVE BILL 68. Placed on Select File with amendment.

[ER5](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 44-2824, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 44-2824 (1) To be qualified under the Nebraska Hospital-Medical
 6 Liability Act, a health care provider or such health care provider's
 7 employer, employee, partner, or limited liability company member shall:
 8 (a) File with the director proof of financial responsibility,
 9 pursuant to section 44-2827 or 44-2827.01, in the amount of eight hundred
 10 thousand five hundred thousand dollars for each occurrence. ~~An In the~~
 11 ~~case of physicians or certified registered nurse anesthetists and their~~
 12 ~~employers, employees, partners, or limited liability company members an~~
 13 ~~aggregate liability amount of three one million dollars for all~~
 14 ~~occurrences or claims made in any policy year or risk-loss trust year for~~
 15 ~~each named insured shall be provided. In the case of hospitals and their~~
 16 ~~employees, an aggregate liability amount of three million dollars for all~~
 17 ~~occurrences or claims made in any policy year or risk-loss trust year~~
 18 ~~shall be provided.~~ Such policy may be written on either an occurrence or
 19 a claims-made basis. Any risk-loss trust shall be established and
 20 maintained only on an occurrence basis. Such qualification shall remain
 21 effective only as long as insurance coverage or risk-loss trust coverage
 22 as required remains effective; and
 23 (b) Pay the surcharge and any special surcharge levied on all health
 24 care providers pursuant to sections 44-2829 to 44-2831.
 25 (2) Subject to the requirements in subsections (1) and (4) of this
 26 section, the qualification of a health care provider shall be either on
 27 an occurrence or claims-made basis and shall be the same as the insurance
 1 coverage provided by the insured's policy.
 2 (3) The director shall have authority to permit qualification of
 3 health care providers who have retired or ceased doing business if such
 4 health care providers have primary insurance coverage under subsection
 5 (1) of this section.
 6 (4) A health care provider who is not qualified under the act at the
 7 time of the alleged occurrence giving rise to a claim shall not, for
 8 purposes of that claim, qualify under the act notwithstanding subsequent
 9 filing of proof of financial responsibility and payment of a required
 10 surcharge.
 11 (5) Qualification of a health care provider under the Nebraska
 12 Hospital-Medical Liability Act shall continue only as long as the health

13 care provider meets the requirements for qualification. A health care
14 provider who has once qualified under the act and who fails to renew or
15 continue his or her qualification in the manner provided by law and by
16 the rules and regulations of the Department of Insurance shall cease to
17 be qualified under the act.

18 Sec. 2. Section 44-2825, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 44-2825 (1) The total amount recoverable under the Nebraska
21 Hospital-Medical Liability Act from any and all health care providers and
22 the Excess Liability Fund for any occurrence resulting in any injury or
23 death of a patient may not exceed (a) five hundred thousand dollars for
24 any occurrence on or before December 31, 1984, (b) one million dollars
25 for any occurrence after December 31, 1984, and on or before December 31,
26 1992, (c) one million two hundred fifty thousand dollars for any
27 occurrence after December 31, 1992, and on or before December 31, 2003,
28 (d) one million seven hundred fifty thousand dollars for any occurrence
29 after December 31, 2003, and on or before December 31, 2014, and (e) two
30 million two hundred fifty thousand dollars for any occurrence after
31 December 31, 2014.

1 (2) A health care provider qualified under the act shall not be
2 liable to any patient or his or her representative who is covered by the
3 act for an amount in excess of ~~eight hundred thousand five hundred~~
4 ~~thousand~~ dollars for all claims or causes of action arising from any
5 occurrence during the period that the act is effective with reference to
6 such patient.

7 (3) Subject to the overall limits from all sources as provided in
8 subsection (1) of this section, any amount due from a judgment or
9 settlement which is in excess of the total liability of all liable health
10 care providers shall be paid from the Excess Liability Fund pursuant to
11 sections 44-2831 to 44-2833.

12 (4) Nothing in the Nebraska Hospital-Medical Liability Act shall be
13 construed to require the Excess Liability Fund to serve as primary
14 coverage or to provide a defense for or on behalf of a qualified health
15 care provider for claims filed against such provider after such claims
16 have exhausted the provider's per incident or annual aggregate limit of
17 liability amount as set forth in sections 44-2824 and 44-2827, whether
18 paid by a professional liability insurer or directly by such provider.

19 Sec. 3. Section 44-2827, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 44-2827 Financial responsibility of a health care provider may be
22 established only by filing with the director proof that the health care
23 provider is insured pursuant to sections 44-2837 to 44-2839 or by a
24 policy of professional liability insurance in a company authorized to do
25 business in Nebraska. Such insurance shall be in the amount of ~~eight~~
26 ~~hundred thousand five hundred thousand~~ dollars per occurrence, and, ~~in~~
27 ~~cases involving physicians or certified registered nurse anesthetists,~~
28 ~~but not with respect to hospitals, an aggregate liability of at least one~~
29 ~~million dollars for all occurrences or claims made in any policy year~~
30 ~~shall be provided. In the case of hospitals and their employees, an~~
31 aggregate liability amount of three million dollars for all occurrences
1 or claims made in any policy year shall be provided. The filing shall
2 state the premium charged for the policy of insurance.

3 Sec. 4. Section 44-2831.01, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 44-2831.01 (1) Any health care provider who has furnished proof of
6 financial responsibility prior to January 1, ~~2025~~ 2005, under sections
7 44-2824 and 44-2827 shall be qualified under section 44-2824 for the
8 remainder of the policy year or risk-loss trust year.

9 (2) The increases in coverage requirements made by Laws 2004, LB
10 998, in sections 44-2824 and 44-2827 shall apply to policies issued or

11 renewed and risk-loss trust years ~~that which~~ commence after January 1,
12 2005, and before January 1, 2025.

13 (3) The changes made to sections 44-2825, 44-2832, and 44-2833 by
14 Laws 2004, LB 998, apply commencing with policies issued or renewed and
15 risk-loss trust years ~~that which~~ commence after January 1, 2005, and
16 before January 1, 2025.

17 (4) The increases in coverage requirements made by this legislative
18 bill in sections 44-2824 and 44-2827 shall apply to policies issued or
19 renewed and risk-loss trust years that commence on or after January 1,
20 2025.

21 (5) The changes made to sections 44-2825, 44-2832, and 44-2833 by
22 this legislative bill apply commencing with policies issued or renewed
23 and risk-loss trust years that commence on or after January 1, 2025.

24 Sec. 5. Section 44-2832, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 44-2832 (1) The Director of Administrative Services shall issue a
27 warrant drawn on the fund in the amount of each claim submitted by the
28 director. All claims against the fund shall be made on a voucher or other
29 appropriate request by the director after he or she has received:

30 (a) A certified copy of a final judgment in excess of eight hundred
31 ~~thousand five hundred thousand~~ dollars against a health care provider and
1 in excess of the amount recoverable from all health care providers;

2 (b) A certified copy of a court-approved settlement in excess of
3 eight hundred thousand ~~five hundred thousand~~ dollars against a health
4 care provider and in excess of the amount recoverable from all health
5 care providers; or

6 (c) In case of claims based on primary insurance issued by the risk
7 manager under sections 44-2837 to 44-2839, a certified copy of a final
8 judgment or court-approved settlement requiring payment from the fund.

9 (2) The amount paid from the fund for excess liability when added to
10 the payments by all health care providers may not exceed the maximum
11 amount recoverable pursuant to subsection (1) of section 44-2825. The
12 amount paid from the fund on account of a primary insurance policy issued
13 by the risk manager to a health care provider under sections 44-2837 to
14 44-2839 may not exceed eight hundred thousand ~~five hundred thousand~~
15 dollars for any one occurrence covered by such policy under any
16 circumstances.

17 Sec. 6. Section 44-2833, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 44-2833 (1) If the insurer of a health care provider shall agree to
20 settle its liability on a claim against its insured by payment of its
21 policy limits of eight hundred thousand ~~five hundred thousand~~ dollars and
22 the claimant shall demand an amount in excess thereof for a complete and
23 final release and if no other health care provider is involved, the
24 procedures prescribed in this section shall be followed.

25 (2) A motion shall be filed by the claimant with the court in which
26 the action is pending against the health care provider or, if no action
27 is pending, the claimant shall file a complaint in one of the district
28 courts of the State of Nebraska, seeking approval of an agreed
29 settlement, if any, or demanding payment of damages from the Excess
30 Liability Fund.

31 (3) A copy of such motion or complaint shall be served on the
1 director, the health care provider, and the health care provider's
2 insurer and shall contain sufficient information to inform the parties
3 concerning the nature of the claim and the additional amount demanded.
4 The health care provider and his or her insurer shall have a right to
5 intervene and participate in the proceedings.

6 (4) The director, with the consent of the health care provider, may
7 agree to a settlement with the claimant from the Excess Liability Fund.
8 Either the director or the health care provider may file written

9 objections to the payment of the amount demanded. The agreement or
 10 objections to the payment demanded shall be filed within twenty days
 11 after the motion or complaint is filed.
 12 (5) After the motion or complaint, agreement, and objections, if
 13 any, have been filed, the judge shall set the matter for trial as soon as
 14 practicable. The court shall give notice of the trial to the claimant,
 15 the health care provider, and the director.
 16 (6) At the trial, the director, the claimant, and the health care
 17 provider may introduce relevant evidence to enable the court to determine
 18 whether or not the settlement should be approved if it has been submitted
 19 on agreement without objections. If the director, the health care
 20 provider, and the claimant shall be unable to agree on the amount, if
 21 any, to be paid out of the Excess Liability Fund, the amount of
 22 claimant's damages, if any, in excess of the eight hundred thousand five
 23 ~~hundred thousand~~ dollars already paid by the insurer of the health care
 24 provider shall be determined at trial.
 25 (7) The court shall determine the amount for which the fund is
 26 liable and render a finding and judgment accordingly. In approving a
 27 settlement or determining the amount, if any, to be paid from the Excess
 28 Liability Fund in such a case, the court shall consider the liability of
 29 the health care provider as admitted and established by evidence.
 30 (8) Any settlement approved by the court may not be appealed. Any
 31 judgment of the court fixing damages recoverable in any such contested
 1 proceeding shall be appealable pursuant to the rules governing appeals in
 2 any other civil case.
 3 Sec. 7. This act becomes operative on January 1, 2025.
 4 Sec. 8. Original sections 44-2824, 44-2825, 44-2827, 44-2831.01,
 5 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 3. Placed on Select File with amendment.

[ER7](#)

1 1. On page 1, line 4, strike "for bond sinking funds" and insert
 2 "and propositions"; and in line 5 strike "bonds" and insert "a bond".

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 278. Placed on Select File.

LEGISLATIVE BILL 536. Placed on Select File.

(Signed) Beau Ballard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Senator M. Cavanaugh offered [MO35](#), found on page 584, to
 bracket until February 24, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO37](#)

Bracket until March 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO38](#)

Bracket until March 2, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 7 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 3:

Conrad McKinney Wayne

Voting in the negative, 40:

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

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Dungan Hunt

Excused and not voting, 2:

Geist Walz

The M. Cavanaugh motion to bracket failed with 3 ayes, 40 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO39](#)

Reconsider the vote on MO38.

Pending.

COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 308. Placed on General File with amendment.

[AM270](#)

1 1. On page 5, line 8, strike "on behalf of a consumer".

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Room 1525 12:00 PM

Thursday, March 2, 2023

LB196

LB378

(Signed) Mike McDonnell, Chairperson

Judiciary

Room 1113 1:30 PM

Thursday, March 2, 2023

LB110

LB631

LB76

LB479

LB348

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB206](#):

[AM524](#)

(Amendments to Standing Committee amendments, AM138)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike the enacting clause.

Senator M.Cavanaugh filed the following amendment to [LB74](#):

[AM523](#)

(Amendments to Standing Committee amendments, AM169)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB4](#):

[AM522](#)

(Amendments to Standing Committee amendments, AM284)

- 1 1. Strike the original amendment and insert the following new
- 2 amendment:
- 3 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB98:
[AM531](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB395:
[AM530](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB289:
[AM529](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB102:
[AM527](#)

(Amendments to Standing Committee amendments, AM183)

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

2 amendment:

3 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB47:
[AM525](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB33:
[AM532](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB28:
[AM533](#)

(Amendments to Standing Committee amendments, AM351)

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

2 amendment:

3 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB81:
[AM534](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB83:
[AM535](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB183:
[AM536](#)

1 1. Strike the enacting clause.

Senator Linehan filed the following amendment to LB206:
[AM556](#) is available in the Bill Room.

Senator Hunt filed the following amendment to LB753:
[AM507](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 2, strike beginning with "complies" in line 16 through
 2 "2023" in line 17 and insert "does not discriminate on the basis of race,
 3 color, religion, national origin, ancestry, citizenship status, gender,
 4 sexual orientation, gender identity, disability, or special education
 5 status".

Senator Hunt filed the following amendment to LB422:

AM489

1 1. On page 2, strike beginning with "is" in line 15 through
 2 "deceive" in line 16 and insert "interferes with a patient's ability to
 3 receive care in a timely manner".

Senator Erdman filed the following amendment to LB28:

AM435

(Amendments to Standing Committee amendments, AM351)

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 77-5003, Reissue Revised Statutes of Nebraska, is
 5 amended to read:
 6 77-5003 (1) The Tax Equalization and Review Commission is created.
 7 The Tax Commissioner has no supervision, authority, or control over the
 8 actions or decisions of the commission relating to its duties prescribed
 9 by law. Beginning July 1, 2023 ~~Prior to July 1, 2011, the commission~~
 10 ~~shall have four commissioners, one commissioner from each congressional~~
 11 ~~district and one at-large commissioner. On July 1, 2011, the term of each~~
 12 ~~commissioner shall expire, and thereafter the commission shall have three~~
 13 ~~commissioners, one from each congressional district, with terms as~~
 14 ~~provided in subsection (2) of this section. All commissioners shall be~~
 15 ~~appointed by the Governor with the approval of a majority of the members~~
 16 ~~of the Legislature. The salaries of the commissioners shall be fixed by~~
 17 ~~the Governor.~~
 18 (2) The term of the commissioner from district 1 expires January 1,
 19 2028 ~~2016~~, the term of the commissioner from district 2 expires January
 20 1, 2024 ~~2018~~, and the term of the commissioner from district 3 expires
 21 January 1, 2026, and the term of the at-large commissioner expires
 22 January 1, 2028 ~~2014~~. After the terms of the commissioners are completed
 23 as provided in this subsection, each subsequent term shall be for six
 24 years beginning and ending on January 1 of the applicable year. Vacancies
 25 occurring during a term shall be filled by appointment for the unexpired
 26 term. Upon the expiration of his or her term of office, a commissioner
 1 shall continue to serve until his or her successor has been appointed.
 2 (3) The commission shall designate pursuant to rule and regulation
 3 its chairperson and vice-chairperson on a two-year, rotating basis.
 4 (4) A commissioner may be removed by the Governor for misfeasance,
 5 malfeasance, or willful neglect of duty or other cause after notice and a
 6 public hearing unless notice and hearing are expressly waived in writing
 7 by the commissioner.
 8 Sec. 2. Section 77-5004, Revised Statutes Cumulative Supplement,
 9 2022, is amended to read:
 10 77-5004 (1) Each commissioner shall be a qualified voter and
 11 resident of the state and a domiciliary of the district ~~from which he or~~
 12 ~~she is appointed represents~~.
 13 (2) Each commissioner shall devote his or her full time and efforts
 14 to the discharge of his or her duties and shall not hold any other office
 15 under the laws of this state, any city or county in this state, or the
 16 United States Government while serving on the commission. Each
 17 commissioner shall possess:

18 (a) Appropriate knowledge of terms commonly used in or related to
19 real property appraisal and of the writing of appraisal reports;
20 (b) Adequate knowledge of depreciation theories, cost estimating,
21 methods of capitalization, and real property appraisal mathematics;
22 (c) An understanding of the principles of land economics, appraisal
23 processes, and problems encountered in the gathering, interpreting, and
24 evaluating of data involved in the valuation of real property, including
25 complex industrial properties and mass appraisal techniques;
26 (d) Knowledge of the law relating to taxation, civil and
27 administrative procedure, due process, and evidence in Nebraska;
28 (e) At least thirty hours of successfully completed class hours in
29 courses of study, approved by the Real Property Appraiser Board, which
30 relate to appraisal and which include the fifteen-hour National Uniform
31 Standards of Professional Appraisal Practice Course. If a commissioner
1 has not received such training prior to his or her appointment, such
2 training shall be completed within one year after appointment; and
3 (f) Such other qualifications and skills as reasonably may be
4 requisite for the effective and reliable performance of the commission's
5 duties.

6 (3) At least one commissioner shall possess the certification or
7 training required to become a licensed residential real property
8 appraiser as set forth in section 76-2230.

9 (4) ~~At least two commissioners~~ one commissioner shall have been
10 engaged in the practice of law in the State of Nebraska for at least five
11 years, which may include prior service as a judge, and shall be currently
12 admitted to practice before the Nebraska Supreme Court. The attorney
13 commissioners shall be presiding hearing officers for commission
14 proceedings involving appeal hearings and other proceedings involving
15 panels of more than one commissioner.

16 (5) No commissioner or employee of the commission shall hold any
17 position of profit or engage in any occupation or business interfering
18 with or inconsistent with his or her duties as a commissioner or
19 employee. A person is not eligible for appointment and may not hold the
20 office of commissioner or be appointed by the commission to or hold any
21 office or position under the commission if he or she holds any official
22 office or position.

23 (6) Each commissioner shall annually attend a seminar or class of at
24 least two days' duration that is:

25 (a) Sponsored by a recognized assessment or appraisal organization,
26 in each of these areas: Utility and railroad appraisal; appraisal of
27 complex industrial properties; appraisal of other hard to assess
28 properties; and mass appraisal, residential or agricultural appraisal, or
29 assessment administration; or

30 (b) Pertaining to management, law, civil or administrative
31 procedure, or other knowledge or skill necessary for performing the
1 duties of the office.

2 (7) Each commissioner shall within two years after his or her
3 appointment attend at least thirty hours of instruction that constitutes
4 training for judges or administrative law judges.

5 (8) The commissioners shall be considered employees of the state for
6 purposes of sections 81-1320 to 81-1328 and 84-1601 to 84-1615.

7 (9) The commissioners shall be reimbursed as prescribed in sections
8 81-1174 to 81-1177 for expenses in the performance of their official
9 duties pursuant to the Tax Equalization and Review Commission Act.

10 (10) Due to the domicile requirements of subsection (1) of this
11 section and subsection (1) of section 77-5003, each commissioner shall be
12 reimbursed for mileage at the rate provided in section 81-1176 for actual
13 round trip travel from the commissioner's residence to the state office
14 building described in section 81-1108.37 or to the location of any
15 hearing or other official business of the commission. Reimbursements

16 under this subsection shall be made from the Tax Equalization and Review
17 Commission Cash Fund.

18 (11) The salary for commissioners serving as a presiding hearing
19 officer for commission hearings and proceedings involving a panel of more
20 than one commissioner shall be in an amount equal to eighty-five percent
21 of the salary set for the Chief Justice and judges of the Supreme Court.
22 The salary for commissioners not serving as a presiding hearing officer
23 for commission hearings or proceedings involving a panel of more than one
24 commissioner shall be in an amount equal to seventy percent of the salary
25 set for the Chief Justice and judges of the Supreme Court.

26 Sec. 3. Section 77-5015.02, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-5015.02 (1) A single commissioner may hear an appeal and cross
29 appeal and appeals and cross appeals consolidated with any such appeal
30 and cross appeal when:

31 (a) The taxable value of each parcel is ~~two~~ ~~one~~ million dollars or
1 less as determined by the county board of equalization; and

2 (b) The appeal and cross appeal has been designated for hearing
3 pursuant to this section by the chairperson of the commission or in such
4 manner as the commission may provide in its rules and regulations.

5 (2) A proceeding held before a single commissioner shall be
6 informal. The usual common-law or statutory rules of evidence, including
7 rules of hearsay, shall not apply, and the commissioner may consider and
8 utilize all matters presented at the proceeding in making his or her
9 determination.

10 (3) Any party to an appeal designated for hearing before a single
11 commissioner pursuant to this section may, prior to a hearing, elect in
12 writing to have the appeal heard by the commission. The commissioner
13 conducting a proceeding pursuant to this section may at any time
14 designate the appeal for hearing by the commission.

15 (4) Documents necessary to establish jurisdiction of the commission
16 shall constitute the record of a proceeding before a single commissioner.
17 No recording shall be made of a proceeding before a single commissioner.

18 (5) A party to a proceeding before a single commissioner may request
19 a rehearing pursuant to section 77-5005.

20 (6) An order entered by a single commissioner pursuant to this
21 section may not be appealed pursuant to section 77-5019 or any other
22 provision of law.

23 (7) Subdivisions (3), (6), (8), (9), (10), (11), and (12) of section
24 77-5016 apply to proceedings before a single commissioner.

25 Sec. 4. This act becomes operative on July 1, 2023.

26 Sec. 5. If any section in this act or any part of any section is
27 declared invalid or unconstitutional, the declaration shall not affect
28 the validity or constitutionality of the remaining portions.

29 Sec. 6. Original sections 77-5003 and 77-5015.02, Reissue Revised
30 Statutes of Nebraska, and section 77-5004, Revised Statutes Cumulative
31 Supplement, 2022, are repealed.

1 Sec. 7. Since an emergency exists, this act takes effect when
2 passed and approved according to law.

Senator DeKay filed the following amendment to LB453:

AM333

1 1. Insert the following new section:

2 Sec. 4. Section 39-1351, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 39-1351 (1) Except as provided in subsection (2) of this section,
5 any person desiring to submit to the department a bid for the performance
6 of any contract for the construction, reconstruction, improvement,
7 maintenance, or repair of roads, bridges, and their appurtenances, which
8 the department proposes to let, shall apply to the department for

9 prequalification. Such application shall be made not later than five days
 10 before the letting of the contract unless fewer than five days is
 11 specified by the department. The department shall determine the extent of
 12 any applicant's qualifications by a full and appropriate evaluation of
 13 the applicant's experience, bonding capacity as determined by a bonding
 14 agency licensed to do business in the State of Nebraska or other
 15 sufficient financial showing deemed satisfactory by the department, and
 16 performance record. In determining the qualification of an applicant to
 17 bid on any particular contract, the department shall consider the
 18 resources available for the particular contract contemplated.
 19 (2) The department may, in its sole discretion, grant an exemption
 20 from all prequalification requirements for (a) any contract for the
 21 construction, reconstruction, improvement, maintenance, or repair of
 22 roads, bridges, and their appurtenances if the estimate of the department
 23 for such work is ~~two hundred fifty one hundred~~ thousand dollars or less
 24 or (b) any contract for the construction, reconstruction, improvement,
 25 maintenance, or repair of roads, bridges, and their appurtenances if such
 26 work is of an emergency nature.
 27 2. Renumber the remaining sections and correct the repealer
 1 accordingly.

Senator Blood filed the following amendment to LB40:
AM469

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 11 of this act shall be known and may be
 4 cited as the Riparian Protection and Water Quality Practices Act.
 5 Sec. 2. For the purposes of the Riparian Protection and Water
 6 Quality Practices Act:
 7 (1) Buffer means an area consisting of perennial vegetation,
 8 excluding invasive plants and noxious weeds, adjacent to all bodies of
 9 water within the state that protects the water resources of the state
 10 from runoff pollution, stabilizes soils, shores, and banks, and protects
 11 or provides riparian corridors;
 12 (2) Buffer-protection map means buffer maps established and
 13 maintained by the department;
 14 (3) Department means the Department of Natural Resources;
 15 (4) Director means the Director of Natural Resources;
 16 (5) Local water management authority means a natural resources
 17 district, metropolitan utilities district, county, city, or village
 18 operating separately or jointly in its role as a local water management
 19 authority; and
 20 (6) Normal water level means the level evidenced by the long-term
 21 presence of surface water as indicated directly by hydrophytic plants or
 22 hydric soils or indirectly determined via hydrological models or
 23 analysis.
 24 Sec. 3. (1) The Legislature hereby declares it is the policy of
 25 this state to establish riparian buffers and water quality practices to
 26 (a) protect state water resources from erosion and runoff pollution, (b)
 27 stabilize soils, shores, and banks, and (c) protect or provide riparian
 1 corridors.
 2 (2) It is the purpose of the Riparian Protection and Water Quality
 3 Practices Act to utilize riparian buffers and water quality practices to
 4 help purify the public waters and ground water of this state from
 5 nitrates, pesticides, and other chemical contaminants. The department
 6 shall have the authority and responsibility to implement and administer
 7 the act.
 8 Sec. 4. (1) This section does not apply to a landowner in any
 9 county that falls in the bottom third tier of nitrate levels in ground
 10 water as measured by the Department of Environment and Energy.

11 (2) Except as otherwise provided in subsection (3) of this section,
12 a landowner owning property adjacent to a water body identified and
13 mapped on a buffer-protection map created by the department may apply for
14 available grant funding as provided under section 5 of this act to plant
15 and maintain a buffer to protect the state's water resources as follows:
16 (a) For all public waters of this state, the more restrictive of:
17 (i) A fifty-foot-average width, a thirty-foot-minimum width, with a
18 continuous buffer of perennially rooted vegetation; or
19 (ii) State standards and criteria set by the department pursuant to
20 rules and regulations adopted and promulgated pursuant to the Riparian
21 Protection and Water Quality Practices Act; or
22 (b) For public drainage systems, a sixteen and one-half-foot-minimum
23 width continuous buffer. The buffer vegetation shall not impede future
24 maintenance of the ditch.
25 (3) A landowner owning property adjacent to a water body identified
26 on a buffer-protection map created by the department and whose property
27 is used for cultivation farming may qualify for grant funding provided
28 under section 5 of this act by adopting an alternative riparian water
29 quality practice, or a combination of structural, vegetative, and
30 management practices, based on common alternative practices or other
31 practices approved by the department, or practices based on local
1 conditions approved by the local water management authority consistent
2 with the practices approved by the department, and that provide riparian
3 water quality protection comparable to the buffer protection for the
4 water body that the property abuts. Such practices include retention
5 ponds and alternative measures that prevent overland flow to the water
6 resource.
7 (4) The width of a buffer on any public waters of this state shall
8 be measured from the top or crown of the bank. For public waters where
9 there is no defined bank, measurement shall be from the edge of the
10 normal water level. The width of the buffer on public drainage systems
11 shall be measured outward from the top edge of the constructed channel or
12 to the crown of the leveled spoil bank, whichever is greater.
13 (5) Nothing in this section limits the eligibility of a landowner or
14 the authorized agent or operator of a landowner to participate in federal
15 or other state conservation programs, including enrolling or reenrolling
16 in federal conservation programs.
17 (6) Only seed mixes verified by the department to prevent
18 contamination with Palmer amaranth or other noxious weed seeds shall be
19 used to plant buffers pursuant to this section.
20 Sec. 5. The department shall establish and administer the Riparian
21 Protection and Water Quality Practices Grant Program which is hereby
22 created. The purpose of the program is to provide grants to plant buffers
23 pursuant to section 4 of this act. A landowner may apply for grant
24 funding on a form prescribed by the department. No applicant may receive
25 more than one grant per year, and no single grant shall exceed XX
26 dollars. Grants may be awarded until grant funds are no longer available.
27 Sec. 6. Land adjacent to waters described in section 4 of this act
28 is not eligible for grant funding under the Riparian Protection and Water
29 Quality Practices Act if it is:
30 (1) Utilized for grazing, pasture, or grassland;
31 (2) Enrolled in the federal Conservation Reserve Program;
1 (3) Used as a public or private water access or recreational use
2 area including stairways, landings, picnic areas, access paths, or beach
3 and watercraft access areas;
4 (4) Covered by a road, trail, building, or other structure; or
5 (5) Regulated by a national pollutant discharge elimination system
6 in any of the following categories:
7 (a) A municipal separate storm sewer system;
8 (b) Construction stormwater; or

9 (c) Industrial stormwater;
10 (6) Part of a water-inundation cropping system; or
11 (7) Located in a temporary non-vegetated condition due to drainage
12 tile installation and maintenance, alfalfa or other perennial crop or
13 plant seeding, or construction or conservation projects authorized by a
14 federal, state, or local government unit.
15 Sec. 7. (1) Local water management authorities may, by agreement
16 with the department, assist landowners receiving grant funding under
17 section 5 of this act with implementation of the riparian water quality
18 protection standards established under the Riparian Protection and Water
19 Quality Practices Act. Such assistance may include planning, technical
20 assistance, implementation of approved alternative practices, and
21 tracking progress toward compliance with such standards.
22 (2) Upon request by a landowner or the authorized agent or operator
23 of a landowner, a technical professional employee or contractor of the
24 local water management authority authorized by agreement with the
25 department may issue a validation of compliance certifying compliance
26 with the requirements of section 4 of this act. Denial of such validation
27 may be appealed as provided in section 9 of this act.
28 (3) The department shall provide sufficient resources, dependent on
29 available funding, to local water management authorities to assist in
30 implementing this section.
31 Sec. 8. (1) A local water management authority may notify the
1 department if it determines that a landowner who has received grant
2 funding under section 5 of this act is not in compliance with the
3 Riparian Protection and Water Quality Practices Act. Upon such
4 notification, the department shall provide the landowner with a list of
5 corrective actions needed to come into compliance and a reasonable
6 timeline to meet the standards under the act. A corrective action is not
7 required for conditions resulting from a flood or other act of nature. If
8 such landowner does not comply with the list of actions and timeline
9 provided, the department may, following notice and hearing, enforce the
10 act by issuing an order imposing an administrative penalty. Such penalty
11 shall not exceed one thousand dollars for any single violation. Any
12 penalty collected pursuant to this subsection shall be remitted to the
13 State Treasurer for distribution in accordance with Article VII, section
14 5, of the Constitution of Nebraska. Any grant recipient who fails to
15 comply with this subsection shall repay any grant funds received under
16 section 5 of this act upon order of the department.
17 (2) An order issued under subsection (1) of this section may be
18 appealed to the department as provided under section 9 of this act.
19 (3) A landowner, landowner agent, or operator of a landowner shall
20 not remove or willfully degrade a riparian buffer, wholly or partially,
21 unless the landowner, agent, or operator has obtained a signed statement
22 from the department stating that permission for the work has been granted
23 by the department. A buffer planted using grant funds obtained pursuant
24 to section 5 of this act shall not be removed or degraded except as
25 permitted pursuant to rules and regulations adopted and promulgated
26 pursuant to the Riparian Protection and Water Quality Practices Act.
27 Sec. 9. A landowner or an agent or operator of such landowner may
28 appeal the denial of a validation by a local water management authority
29 as described in section 7 of this act or an administrative order of the
30 department issued pursuant to section 8 of this act within thirty days of
31 receipt of notice of denial of such validation or such order. The request
1 for an appeal shall be in writing. If a written request for appeal is not
2 submitted within thirty days, the validation denial or order shall be
3 final. The director shall review the request and supporting evidence and
4 issue a decision within sixty days of receipt of the appeal request. The
5 director's decision is appealable pursuant to the Administrative
6 Procedure Act.

7 Sec. 10. A landowner may contact the department for information on
 8 how to apply for local, state, or federal cost-sharing grants, contracts,
 9 or loans that are available to establish buffers or other water resource
 10 protection measures in addition to grant funding available under the
 11 Riparian Protection and Water Quality Practices Act.

12 Sec. 11. The department shall adopt and promulgate rules and
 13 regulations to carry out the Riparian Protection and Water Quality
 14 Practices Act.

15 Sec. 12. Section 2-15,122, Reissue Revised Statutes of Nebraska, is
 16 amended to read:

17 2-15,122 (1) There is hereby created the Natural Resources Water
 18 Quality Fund. The State Treasurer shall credit to the fund for the uses
 19 and purposes of section 2-15,123 such money as is specifically
 20 appropriated or transferred by the Legislature, such funds, fees,
 21 donations, gifts, services, or devises or bequests of real or personal
 22 property received by the department from any source, federal, state,
 23 public, or private, to be used by the department for the purpose of
 24 funding programs listed in subsection (2) of section 2-15,123 and for
 25 purposes of section 5 of this act, and such money credited under sections
 26 2-2634, 2-2638, and 2-2641. The department shall allocate money from the
 27 fund pursuant to section 2-15,123 and section 5 of this act. The fund
 28 shall be exempt from provisions relating to lapsing of appropriations,
 29 and the unexpended and unencumbered balance existing in the fund on June
 30 30 each year shall be reappropriated, except that transfers may be made
 31 from the fund to the General Fund at the direction of the Legislature.

1 Any money in the Natural Resources Water Quality Fund available for
 2 investment shall be invested by the state investment officer pursuant to
 3 the Nebraska Capital Expansion Act and the Nebraska State Funds
 4 Investment Act.

5 (2) It is the intent of the Legislature to transfer XX million
 6 dollars from the General Fund to the Natural Resources Water Quality Fund
 7 for fiscal year 2023-24 for the purpose of providing grants under the
 8 Riparian Protection and Water Quality Practices Grant Program.

9 Sec. 13. This act becomes operative on January 1, 2024.

10 Sec. 14. Original section 2-15,122, Reissue Revised Statutes of
 11 Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 147. Senator M. Cavanaugh renewed [MO39](#), found in this day's Journal, to reconsider the vote on MO38.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider the vote on MO38.

The M. Cavanaugh motion to reconsider the vote on MO38, failed with 5 ayes, 23 nays, 3 present and not voting, 14 absent and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO40](#)

Recommit to Revenue Committee.

Pending.

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to LB51:

[AM541](#)

- 1 1. On page 2, line 30, strike "and the cost of the call" and show as
- 2 stricken.
- 3 2. On page 3, strike beginning with the second "the" in line 4
- 4 through "and" in line 5 and show as stricken.

Senator M. Cavanaugh filed the following amendment to LB147:

[FA21](#)

Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB147:

[AM557](#)

- 1 1. On page 2, line 25, after "writing" insert "and electronically".

Senator M. Cavanaugh filed the following amendment to LB147:

[AM558](#)

- 1 1. On page 2, line 26, strike "(i)"; and strike beginning with "or"
- 2 in line 27 through "subdivision" in line 29.

Senator M. Cavanaugh filed the following amendment to LB147:

[AM521](#)

- 1 1. On page 2, line 23, strike "one thousand" and insert "two
- 2 hundred".

BILL ON FIRST READING

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

LEGISLATIVE BILL 395A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, One Hundred Eighth Legislature, First Session, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Albrecht name added to LB91.
Senator Murman name added to LB562.
Senator Linehan name added to LB562.
Senator Halloran name added to LB562.
Senator Conrad name added to LB637.
Senator Dover name added to LB805.

VISITORS

Visitors to the Chamber were Kara Hahn, Julie Williams, and members of the Nebraska School Counselor Association; Cause Collective and other Nebraska Nonprofits, Lincoln and Omaha; students from Norfolk High School; students from Columbia Independent School, Columbia, Missouri; members of the Nebraska Petroleum Producers Association; members of the Nebraska Nurses Association; students from Knickrehm Elementary School, Grand Island; community organizers from Heartland Workers Center; military family from Offut Air Force Base.

The Doctor of the Day was Dr. David Hoelting of Pender.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 24, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 2023

PRAYER

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann Seton, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

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 Senator Walz who was excused; and Senators Bostar, J. Cavanaugh, Day, Geist, B. Hansen, Hunt, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 23, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Bromm & Associates
 Nebraska Vape Vendors Association
 Husch Blackwell Strategies
 American Hotel and Lodging Association
 City of Ralston
 Smith, Caitlin
 The Trevor Project

COMMITTEE REPORT
 Enrollment and Review

LEGISLATIVE BILL 628. Placed on Select File with amendment.

[ER8](#)

- 1 1. On page 8, line 24, strike "organization" and insert "organizations".
- 3 2. On page 10, line 18; page 12, line 15; and page 13, line 2, 4 strike "regulatory body" and insert "regulating board".
- 5 3. On page 1, line 4, strike "professional service by".

LEGISLATIVE BILL 51. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File with amendment.

[ER11](#)

- 1 1. On page 1, line 6, after the comma insert "waiver of tuition and 2 fees for dependents of certain veterans,".

LEGISLATIVE BILL 136. Placed on Select File.

LEGISLATIVE BILL 138. Placed on Select File.

LEGISLATIVE BILL 140. Placed on Select File.

LEGISLATIVE BILL 247. Placed on Select File with amendment.

[ER10](#)

- 1 1. On page 1, line 1, strike "motor vehicles" and insert 2 "certificates of title"; and in line 3 strike "motor".

LEGISLATIVE BILL 298. Placed on Select File.

(Signed) Beau Ballard, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Hansen, B., 16; Albrecht, 17; Dover, 19.

WHEREAS, Northeast Community College has been selected to receive a grant targeted towards rural communities from National Endowment for the Arts Big Read, a partnership between the National Endowment for the Arts and Arts Midwest, and is working in collaboration with Arts Midwest; and

WHEREAS, Big Read in Northeast Nebraska is an opportunity for individuals in the region to read a book and create and attend workshops and events to heighten awareness and reduce stereotypes around disabilities and available services so that individuals with disabilities may seek the support they need. These activities take place at the main campus of Northeast Community College in Norfolk and the extended campuses of Northeast Community College in West Point, South Sioux City, and O'Neill; and

WHEREAS, Big Read in Northeast Nebraska offers a chance for Nebraska communities to learn more about supporting people with disabilities through the power of a shared reading experience; and

WHEREAS, the program is centered around events being held between February and May 2023 in Northeast Nebraska. Events will focus on disabilities in general, disability support services, accessibility, and promoting open dialogue leading to a deeper understanding of how best to respect and support one another; and

WHEREAS, Big Read in Northeast Nebraska aims to inspire meaningful conversations, artistic responses, and new discoveries and connections in the communities served by Northeast Community College to heighten awareness around disabilities and available services so individuals may seek the support they need to empower them to achieve their academic and workforce goals.

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

1. That the Legislature recognizes the importance of the Big Read project and the breadth of engagement across Northeast Nebraska.

Laid over.

ANNOUNCEMENT

Priority designation received:

Albrecht - LB626

AMENDMENT - Print in Journal

Senator Brewer filed the following amendment to [LB77](#):

[AM588](#)

(Amendments to AM56)

- 1 1. Strike amendments 1, 2, and 3 and insert the following new
- 2 amendments:
- 3 1. Insert the following new sections:
- 4 Sec. 13. Section 28-1205, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
- 7 knuckles, or any other deadly weapon to commit any felony which may be
- 8 prosecuted in a court of this state commits the offense of use of a
- 9 deadly weapon to commit a felony.
- 10 (b) Use of a deadly weapon, other than a firearm, to commit a felony
- 11 is a Class II felony.
- 12 (c) Use of a deadly weapon, which is a firearm, to commit a felony
- 13 is a Class IC felony.
- 14 (2)(a) Any person who possesses a firearm, a knife, brass or iron

15 knuckles, or a destructive device during the commission of any felony
 16 which may be prosecuted in a court of this state commits the offense of
 17 possession of a deadly weapon during the commission of a felony.
 18 (b) Possession of a deadly weapon, other than a firearm, during the
 19 commission of a felony is a Class III felony.
 20 (c) Possession of a deadly weapon, which is a firearm, during the
 21 commission of a felony is a Class II felony.
 22 (3)(a) Any person who carries a firearm or a destructive device
 23 during the commission of a dangerous misdemeanor commits the offense of
 24 carrying a firearm or destructive device during the commission of a
 25 dangerous misdemeanor.
 26 (b) A violation of this subsection is a:
 1 (i) Class I misdemeanor for a first or second offense; and
 2 (ii) A Class IV felony for any third or subsequent offense.
 3 (4) A violation of this section ~~(3)~~ The crimes defined in this
 4 section shall be treated as a separate and distinct offense offenses from
 5 the underlying crimes felony being committed, and a sentence sentences
 6 imposed under this section shall be consecutive to any other sentence
 7 imposed.
 8 (5) (4) Possession of a deadly weapon may be proved through evidence
 9 demonstrating either actual or constructive possession of a firearm, a
 10 knife, brass or iron knuckles, or a destructive device during,
 11 immediately prior to, or immediately after the commission of a felony.
 12 (6) (5) For purposes of this section:
 13 (a) Dangerous misdemeanor means a misdemeanor violation of any of
 14 the following offenses:
 15 (i) Stalking under section 28-311.03;
 16 (ii) Knowing violation of a harassment protection order under
 17 section 28-311.09;
 18 (iii) Knowing violation of a sexual assault protection order under
 19 section 28-311.11;
 20 (iv) Domestic assault under section 28-323;
 21 (v) Assault of an unborn child in the third degree under section
 22 28-399;
 23 (vi) Theft by shoplifting under section 28-511.01;
 24 (vii) Unauthorized use of a propelled vehicle under section 28-516;
 25 (viii) Criminal mischief under section 28-519 if such violation
 26 arises from an incident involving the commission of a misdemeanor crime
 27 of domestic violence;
 28 (ix) Impersonating a police officer under section 28-610;
 29 (x) Resisting arrest under section 28-904;
 30 (xi) Operating a motor vehicle or vessel to avoid arrest under
 31 section 28-905;
 1 (xii) Obstructing a peace officer under section 28-906;
 2 (xiii) Knowing violation of a domestic abuse protection order under
 3 section 42-924; or
 4 (xiv) Any attempt under section 28-201 to commit an offense
 5 described in subdivisions (6)(a)(i) through (xiii) of this section;
 6 (b) ~~(a)~~ Destructive device has the same meaning as in section
 7 28-1213; and
 8 (c) Misdemeanor crime of domestic violence has the same meaning as
 9 in section 28-1206; and
 10 (d) ~~(b)~~ Use of a deadly weapon includes the discharge, employment,
 11 or visible display of any part of a firearm, a knife, brass or iron
 12 knuckles, any other deadly weapon, or a destructive device during,
 13 immediately prior to, or immediately after the commission of a felony or
 14 communication to another indicating the presence of a firearm, a knife,
 15 brass or iron knuckles, any other deadly weapon, or a destructive device
 16 during, immediately prior to, or immediately after the commission of a
 17 felony, regardless of whether such firearm, knife, brass or iron
 18 knuckles, deadly weapon, or destructive device was discharged, actively
 19 employed, or displayed.
 20 Sec. 15. Section 28-1354, Revised Statutes Cumulative Supplement,
 21 2022, is amended to read:

22 28-1354 For purposes of the Public Protection Act:

23 (1) Enterprise means any individual, sole proprietorship,
24 partnership, corporation, trust, association, or any legal entity, union,
25 or group of individuals associated in fact although not a legal entity,
26 and shall include illicit as well as licit enterprises as well as other
27 entities;

28 (2) Pattern of racketeering activity means a cumulative loss for one
29 or more victims or gains for the enterprise of not less than one thousand
30 five hundred dollars resulting from at least two acts of racketeering
31 activity, one of which occurred after August 30, 2009, and the last of
1 which occurred within ten years, excluding any period of imprisonment,
2 after the commission of a prior act of racketeering activity;

3 (3) Until January 1, 2017, person means any individual or entity, as
4 defined in section 21-2014, holding or capable of holding a legal,
5 equitable, or beneficial interest in property. Beginning January 1, 2017,
6 person means any individual or entity, as defined in section 21-214,
7 holding or capable of holding a legal, equitable, or beneficial interest
8 in property;

9 (4) Prosecutor includes the Attorney General of the State of
10 Nebraska, the deputy attorney general, assistant attorneys general, a
11 county attorney, a deputy county attorney, or any person so designated by
12 the Attorney General, a county attorney, or a court of the state to carry
13 out the powers conferred by the act;

14 (5) Racketeering activity includes the commission of, criminal
15 attempt to commit, conspiracy to commit, aiding and abetting in the
16 commission of, aiding in the consummation of, acting as an accessory to
17 the commission of, or the solicitation, coercion, or intimidation of
18 another to commit or aid in the commission of any of the following:

19 (a) Offenses against the person which include: Murder in the first
20 degree under section 28-303; murder in the second degree under section
21 28-304; manslaughter under section 28-305; assault in the first degree
22 under section 28-308; assault in the second degree under section 28-309;
23 assault in the third degree under section 28-310; terroristic threats
24 under section 28-311.01; kidnapping under section 28-313; false
25 imprisonment in the first degree under section 28-314; false imprisonment
26 in the second degree under section 28-315; sexual assault in the first
27 degree under section 28-319; and robbery under section 28-324;

28 (b) Offenses relating to controlled substances which include: To
29 unlawfully manufacture, distribute, deliver, dispense, or possess with
30 intent to manufacture, distribute, deliver, or dispense a controlled
31 substance under subsection (1) of section 28-416; possession of marijuana
1 weighing more than one pound under subsection (12) of section 28-416;
2 possession of money used or intended to be used to facilitate a violation
3 of subsection (1) of section 28-416 prohibited under subsection (17) of
4 section 28-416; any violation of section 28-418; to unlawfully
5 manufacture, distribute, deliver, or possess with intent to distribute or
6 deliver an imitation controlled substance under section 28-445;
7 possession of anhydrous ammonia with the intent to manufacture
8 methamphetamine under section 28-451; and possession of ephedrine,
9 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
10 methamphetamine under section 28-452;

11 (c) Offenses against property which include: Arson in the first
12 degree under section 28-502; arson in the second degree under section
13 28-503; arson in the third degree under section 28-504; burglary under
14 section 28-507; theft by unlawful taking or disposition under section
15 28-511; theft by shoplifting under section 28-511.01; theft by deception
16 under section 28-512; theft by extortion under section 28-513; theft of
17 services under section 28-515; theft by receiving stolen property under
18 section 28-517; criminal mischief under section 28-519; and unlawfully
19 depriving or obtaining property or services using a computer under
20 section 28-1344;

21 (d) Offenses involving fraud which include: Burning to defraud an
22 insurer under section 28-505; forgery in the first degree under section
23 28-602; forgery in the second degree under section 28-603; criminal

24 possession of a forged instrument under section 28-604; criminal
 25 possession of written instrument forgery devices under section 28-605;
 26 criminal impersonation under section 28-638; identity theft under section
 27 28-639; identity fraud under section 28-640; false statement or book
 28 entry under section 28-612; tampering with a publicly exhibited contest
 29 under section 28-614; issuing a false financial statement for purposes of
 30 obtaining a financial transaction device under section 28-619;
 31 unauthorized use of a financial transaction device under section 28-620;
 1 criminal possession of a financial transaction device under section
 2 28-621; unlawful circulation of a financial transaction device in the
 3 first degree under section 28-622; unlawful circulation of a financial
 4 transaction device in the second degree under section 28-623; criminal
 5 possession of a blank financial transaction device under section 28-624;
 6 criminal sale of a blank financial transaction device under section
 7 28-625; criminal possession of a financial transaction forgery device
 8 under section 28-626; unlawful manufacture of a financial transaction
 9 device under section 28-627; laundering of sales forms under section
 10 28-628; unlawful acquisition of sales form processing services under
 11 section 28-629; unlawful factoring of a financial transaction device
 12 under section 28-630; and fraudulent insurance acts under section 28-631;
 13 (e) Offenses involving governmental operations which include: Abuse
 14 of public records under section 28-911; perjury or subornation of perjury
 15 under section 28-915; bribery under section 28-917; bribery of a witness
 16 under section 28-918; tampering with a witness or informant or jury
 17 tampering under section 28-919; bribery of a juror under section 28-920;
 18 assault on an officer, an emergency responder, a state correctional
 19 employee, a Department of Health and Human Services employee, or a health
 20 care professional in the first degree under section 28-929; assault on an
 21 officer, an emergency responder, a state correctional employee, a
 22 Department of Health and Human Services employee, or a health care
 23 professional in the second degree under section 28-930; assault on an
 24 officer, an emergency responder, a state correctional employee, a
 25 Department of Health and Human Services employee, or a health care
 26 professional in the third degree under section 28-931; and assault on an
 27 officer, an emergency responder, a state correctional employee, a
 28 Department of Health and Human Services employee, or a health care
 29 professional using a motor vehicle under section 28-931.01;
 30 (f) Offenses involving gambling which include: Promoting gambling in
 31 the first degree under section 28-1102; possession of gambling records
 1 under section 28-1105; gambling debt collection under section 28-1105.01;
 2 and possession of a gambling device under section 28-1107;
 3 (g) Offenses relating to firearms, weapons, and explosives which
 4 include: Carrying a concealed weapon under section 28-1202;
 5 transportation or possession of machine guns, short rifles, or short
 6 shotguns under section 28-1203; unlawful possession of a handgun under
 7 section 28-1204; unlawful transfer of a firearm to a juvenile under
 8 section 28-1204.01; possession of a firearm by a prohibited juvenile
 9 offender under section 28-1204.05; using a deadly weapon to commit a
 10 felony, or possession of a deadly weapon during the commission of a
 11 felony, or carrying a firearm or destructive device during the commission
 12 of a dangerous misdemeanor under section 28-1205; possession of a deadly
 13 weapon by a prohibited person under section 28-1206; possession of a
 14 defaced firearm under section 28-1207; defacing a firearm under section
 15 28-1208; unlawful discharge of a firearm under section 28-1212.02;
 16 possession, receipt, retention, or disposition of a stolen firearm under
 17 section 28-1212.03; unlawful possession of explosive materials in the
 18 first degree under section 28-1215; unlawful possession of explosive
 19 materials in the second degree under section 28-1216; unlawful sale of
 20 explosives under section 28-1217; use of explosives without a permit
 21 under section 28-1218; obtaining an explosives permit through false
 22 representations under section 28-1219; possession of a destructive device
 23 under section 28-1220; threatening the use of explosives or placing a
 24 false bomb under section 28-1221; using explosives to commit a felony
 25 under section 28-1222; using explosives to damage or destroy property

26 under section 28-1223; and using explosives to kill or injure any person
 27 under section 28-1224;
 28 (h) Any violation of the Securities Act of Nebraska pursuant to
 29 section 8-1117;
 30 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
 31 section 77-2713;
 1 (j) Offenses relating to public health and morals which include:
 2 Prostitution under section 28-801; pandering under section 28-802;
 3 keeping a place of prostitution under section 28-804; labor trafficking,
 4 sex trafficking, labor trafficking of a minor, or sex trafficking of a
 5 minor under section 28-831; a violation of section 28-1005; and any act
 6 relating to the visual depiction of sexually explicit conduct prohibited
 7 in the Child Pornography Prevention Act; and
 8 (k) A violation of the Computer Crimes Act;
 9 (6) State means the State of Nebraska or any political subdivision
 10 or any department, agency, or instrumentality thereof; and
 11 (7) Unlawful debt means a debt of at least one thousand five hundred
 12 dollars:
 13 (a) Incurred or contracted in gambling activity which was in
 14 violation of federal law or the law of the state or which is
 15 unenforceable under state or federal law in whole or in part as to
 16 principal or interest because of the laws relating to usury; or
 17 (b) Which was incurred in connection with the business of gambling
 18 in violation of federal law or the law of the state or the business of
 19 lending money or a thing of value at a rate usurious under state law if
 20 the usurious rate is at least twice the enforceable rate.
 21 2. On page 15, strike lines 3 through 7 and insert the following new
 22 subdivisions:
 23 "(11)(a) Prohibited person means:
 24 (i) A person prohibited from possessing a firearm or ammunition by
 25 state law, including, but not limited to, section 28-1206; or
 26 (ii) A person prohibited from possessing a firearm or ammunition by
 27 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.
 28 (b) This definition does not apply to the use of the term prohibited
 29 person in section 28-1206;"
 30 3. On page 24, line 9, strike beginning with "and" through "second"
 31 and insert ", a Class I misdemeanor for a second offense, and a Class IV
 1 felony for a third".
 2 4. Renumber the remaining sections and correct the repealer
 3 accordingly.

GENERAL FILE

LEGISLATIVE BILL 147. Senator M. Cavanaugh withdrew her amendments: [AM557](#), [AM558](#), [AM521](#), and [FA21](#), found on page 603.

Senator M. Cavanaugh withdrew [MO40](#), found and considered on page 602, to recommit to committee.

Senator Conrad offered the following motion:

[MO41](#)

Pass over LB 147 pursuant to Rule 6, Section 3(d).

Senator Conrad moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Conrad motion to pass over LB 147 pursuant to Rule 6, Section 3(d) failed with 10 ayes, 32 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO43](#)

Recommit to Revenue Committee.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

The M. Cavanaugh motion to recommit to committee failed with 2 ayes, 28 nays, 2 present and not voting, 11 absent and not voting, and 6 excused and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 299. Placed on Select File.

LEGISLATIVE BILL 146. Placed on Select File.

(Signed) Beau Ballard, Chairperson

Health and Human Services

LEGISLATIVE BILL 286. Placed on General File.

LEGISLATIVE BILL 664. Placed on General File.

(Signed) Ben Hansen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 111. Placed on General File.

LEGISLATIVE BILL 302. Placed on General File with amendment.

[AM503](#)

1 1. On page 2, line 26; and page 3, lines 17 and 18, strike "person

2 holding an elective office", show as stricken, and insert "public

3 official".

4 2. On page 3, lines 14, 15, and 28, strike "person holding elective

5 office", show as stricken, and insert "public official"; and in line 26

6 strike "person holding elective", show as stricken, and insert "public

7 official holding".

8 3. On page 4, line 5, after "49-1499.02" insert "whose annual salary

9 and benefits exceed one hundred fifty thousand dollars and".

LEGISLATIVE BILL 461. Placed on General File with amendment.

[AM389](#)

1 1. Strike original section 39 and insert the following new section:

2 Sec. 40. Section 73-603, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 73-603 (1) The Department of Administrative Services shall create an
5 annual report that includes:

6 (a) The total number and value of contracts awarded by the
7 department;

8 (b) The total number and value of contracts awarded by the
9 department to contractors within this state; and

10 (c) The total number and value of contracts awarded by the
11 department to foreign contractors; ~~and~~

12 ~~(d) The total number of contracts awarded by the department for
13 which a preference was given under section 73-101.01.~~

14 (2) Such report ~~The first such report created pursuant to subsection~~
15 ~~(1) of this section shall be submitted to the Governor and the~~
16 ~~Legislature on or before September 1, 2015, and shall include the~~
17 ~~information specified in such subsection from FY2014-15. Subsequent~~
18 ~~reports shall be submitted on or before September 1 each year thereafter~~
19 and shall include the required information from the most recent fiscal
20 year ending prior to such date. The reports submitted to the Legislature
21 and the Governor shall be submitted electronically. Each annual report
22 shall be made available to the public through publication on the
23 department's website on or before September 1 of each year.

24 2. On page 4, line 1, after "Nebraska" insert "or the Nebraska state
25 colleges".

26 3. On page 5, line 11, after the second occurrence of "Nebraska"
27 insert "or the Nebraska state colleges"; strike lines 12 and 13 and show
1 the old matter as stricken; and in line 14 strike "(4)", show as
2 stricken, and insert "(3)".

3 4. On page 19, line 12, after "Nebraska" insert "or the Nebraska
4 state colleges"; and in line 25 after "Nebraska" insert "or the Nebraska
5 state colleges".

6 5. On page 50, line 25, strike "73-101.01," and after "73-301,"
7 insert "73-603,".

8 6. On page 51, line 2, after "Sections" insert "73-101.01,
9 73-101.02,".

10 7. Renumber the remaining section accordingly.

(Signed) Tom Brewer, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525 1:30 PM

Monday, March 6, 2023

LB159

LB178

LB679

LB372

LB635

LB638

(Signed) Dave Murman, Chairperson

Judiciary

Room 1113 1:30 PM

Friday, March 3, 2023

LB494
LB576
LB139
LB767
LB799
LB156
LB157

(Signed) Justin Wayne, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, March 7, 2023

LB532
LB531
LB424

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to LB810:

[AM518](#)

1 1. On page 6, after line 6 insert the following new subsection:
2 "(3) A medical practitioner, health care institution, or health care
3 payer who refuses to provide any health care service pursuant to the
4 Medical Ethics and Diversity Act shall disclose, prior to a patient's
5 appointment for any health care service being refused, notice of such
6 refusal of the health care service. Such notice shall be provided on all
7 intake forms, online applications, and websites. Notwithstanding any
8 other provision of the act, a civil action for damages or injunctive
9 relief, or both, may be brought by any person harmed by a failure to
10 disclose refusal of a health care service under the act."
11 2. Renumber the remaining subsections accordingly.

Senator Raybould filed the following amendment to LB77:

[AM569](#) is available in the Bill Room.

Senator Raybould filed the following amendment to LB77:

[AM570](#) is available in the Bill Room.

ANNOUNCEMENT

Priority designations received:

Kauth - LB574

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 346. Placed on General File.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE**LEGISLATIVE BILL 147.** Senator M. Cavanaugh offered the following motion:[MO44](#)

Reconsider the vote on MO43.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider the vote on MO43.

The M. Cavanaugh motion to reconsider the vote on MO43 failed with 7 ayes, 29 nays, 1 present and not voting, 6 absent and not voting, and 6 excused and not voting.

Pending.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 92. Placed on General File with amendment.[AM484](#) is available in the Bill Room.**LEGISLATIVE BILL 214.** Placed on General File with amendment.[AM398](#) is available in the Bill Room.

(Signed) Julie Slama, Chairperson

AMENDMENTS - Refile in JournalSenator M. Cavanaugh refiled [AM557](#), [AM558](#), [AM521](#), and [FA21](#), found on page 603 and withdrawn in this day's Journal, to [LB147](#).**MOTION - Print in Journal**Senator M. Cavanaugh filed the following motion to [LB147](#):[MO42](#)

Indefinitely postpone.

AMENDMENTS - Print in JournalSenator M. Cavanaugh filed the following amendment to [LB147](#):[AM573](#)

1 1. On page 4, strike beginning with "(5)" in line 3 through the
 2 semicolon in line 9 and show as stricken; in line 10 strike "(6)", show
 3 as stricken, and insert "(5)"; and in line 17 strike "(7)", show as
 4 stricken, and insert "(6)".

Senator M. Cavanaugh filed the following amendment to LB147:
[AM574](#)

1 1. On page 2, strike beginning with "(b)" in line 15 through the
 2 period in line 29 and show the old matter as stricken; and in line 30
 3 strike "(c)" and insert "(b)".

Senator M. Cavanaugh filed the following amendment to LB147:
[AM575](#)

1 1. On page 2, line 5, strike "thirty", show as stricken, and insert
 2 "sixty".

Senator M. Cavanaugh filed the following amendment to LB147:
[AM576](#)

1 1. On page 2, lines 30 and 31, strike "his or her", show as
 2 stricken, and insert "the county treasurer's".

Senator M. Cavanaugh filed the following amendment to LB147:
[AM577](#)

1 1. On page 4, line 18, strike "nine", show as stricken, and insert
 2 "five".

Senator J. Cavanaugh filed the following amendment to LB753:
[AM559](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 2, line 19, strike "and"; and in line 21 after "79-318"
 2 insert ", and (e) has adopted a written dress code and grooming policy
 3 that:
 4 (i) Facilitates and encourages an inclusive and positive learning
 5 environment while complying with any applicable health or safety law,
 6 rule, regulation, ordinance, or resolution;
 7 (ii) Does not:
 8 (A) Target, disproportionately impact, or discriminate against any
 9 students on the basis of race, religion, sex, disability, or national
 10 origin;
 11 (B) Prohibit a student from wearing attire, including religious
 12 attire, natural and protective hairstyles, adornments, or other
 13 characteristics associated with race, national origin, or religion; or
 14 (C) Require a student's hair to be permanently or temporarily
 15 altered; and
 16 (iii) Treats violations of the policy as minor on the continuum of
 17 school rule violations. No violation of the policy shall:
 18 (A) Subject a student to long-term suspension or expulsion;
 19 (B) Require the student to miss substantial classroom time,
 20 instruction time, or school activities; or
 21 (C) Allow an administrator, teacher, or other staff member to
 22 permanently or temporarily alter or cut a student's hair".

ANNOUNCEMENTS

Priority designations received:

Arch - LB461
Conrad - LB294
Banking, Commerce and Insurance - LB92
Banking, Commerce and Insurance - LB214

RESOLUTION

LEGISLATIVE RESOLUTION 48. Introduced by Blood, 3; Aguilar, 35; Arch, 14; Armendariz, 18; Ballard, 21; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Vargas, 7; von Gillern, 4; Wishart, 27.

WHEREAS, the month of March is Women's History Month and celebrates the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and

WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in the male-dominated field, and thus, providing opportunities to support women in public office is imperative; and

WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire young people to serve their communities.

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

1. That the Legislature recognizes March 19, 2023, as Celebrating Women in Public Office Day and calls upon the people of Nebraska to unite in support of the success of women in public office and to observe March 19 with appropriate activities, events, and programs.

Laid over.

ANNOUNCEMENT

Senator Halloran announced the Agriculture Committee will hold an executive session Tuesday, February 28, 2023, at 1:30 p.m., in Room 1307.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Day name added to LB276.
Senator Brandt name added to LB563.
Senator Kauth name added to LB642.
Senator Raybould name added to LR1CA.

WITHDRAW - Cointroducer

Senator Linehan name withdrawn from LB562.

VISITORS

Visitors to the Chamber were Noah Philson, Elmwood; students and teachers from Bluestem Montessori, Lincoln; Faith Pair, Harvard; students and teachers from Ashbury Elementary, Papillion; members of RISE, Nebraska Day of Empathy.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Dorn, the Legislature adjourned until 10:00 a.m., Tuesday, February 28, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 28, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 2023

PRAYER

The prayer was offered by Senator von Gillern.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Slama who was excused; and Senators Bostar, Day, Hunt, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

MESSAGE FROM THE SECRETARY OF STATE

February 27, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2028

Dear Clerk Metzler:

On Saturday, February 11, 2023 I selected Janet Chung to replace Ann Ashford on the Nebraska Accountability and Disclosure Commission. She was appointed to an unexpired term ending June 30, 2027.

Kind Regards,
(Signed) Robert B. Evnen
Nebraska Secretary of State

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 1:30 PM

Tuesday, March 7, 2023

LB632
LB340
LB690
LR24CA
LR28CA
LR29CA

(Signed) Dave Murman, Chairperson

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, March 8, 2023

LB770
LR3CA

Room 1507 1:30 PM

Thursday, March 9, 2023

LB624
LB474

(Signed) Tom Brewer, Chairperson

AMENDMENT - Print in Journal

Senator von Gillern filed the following amendment to LB489:

AM236

1 1. On page 13, line 1, strike the semicolon and insert an
2 underscored period; and after line 1 insert the following new
3 subdivision:
4 "(iii) Subdivision (6)(w) of this section shall not apply to
5 services performed by a marketplace network contractor:
6 (A) For any employer described in subdivision (4)(a) or (4)(b) of
7 this section or in section 48-603.01; or
8 (B) If with respect to such services a tax is required to be paid
9 under any federal law imposing a tax against which credit may be taken
10 for contributions required to be paid into a state unemployment
11 compensation fund or which as a condition for full tax credit against the
12 tax imposed by the Federal Unemployment Tax Act, as amended, is required
13 to be covered under the Employment Security Law;".

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 39 and 40 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 39 and 40.

GENERAL FILE

LEGISLATIVE BILL 376. Title read. Considered.

Committee [AM336](#), found on page 510, was offered.

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM611](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act
 6 shall be known and may be cited as the Nebraska Liquor Control Act.
 7 Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 53-103 For purposes of the Nebraska Liquor Control Act, the
 10 definitions found in sections 53-103.01 to 53-103.49 and sections 3 and 4
 11 of this act apply.
 12 Sec. 4. (1) Primary source of supply in the United States means:
 13 (a) The manufacturer, producer, or owner of any alcoholic liquor at
 14 the time it becomes a marketable product in the United States;
 15 (b) The bottler of any alcoholic liquor in the United States;
 16 (c) The exclusive agent within the United States or any of the
 17 states of any manufacturer, producer, owner, or bottler of any alcoholic
 18 liquor outside the United States; or
 19 (d) A licensed Nebraska craft brewery, farm winery, microdistillery,
 20 or manufacturer.
 21 (2) To be the primary source of supply in the United States, the
 22 licensee causing such alcoholic liquor to be imported into Nebraska must
 23 be the first source, such as the manufacturer or the source closest to
 24 the manufacturer, in the channel of commerce from which the product can
 25 be secured by Nebraska licensed wholesalers.
 26 Sec. 5. (1)(a) Beginning July 1, 2024, prior to the sale or
 27 shipment of any alcoholic liquor into the State of Nebraska, each
 1 licensed manufacturer, licensed wholesaler, or holder of a shipping
 2 license shall submit to the commission, along with any applicable fee set
 3 by the commission not to exceed thirty dollars, a report on a form
 4 prescribed and furnished by the commission, which shall include:
 5 (i) The licensee's name and license number;
 6 (ii) The designated Nebraska licensed wholesaler for such product,
 7 if applicable;
 8 (iii) The name of the primary source of supply in the United States;
 9 (iv) The products to be imported, including the brand name, class or
 10 type of product, and fanciful name if applicable;

11 (v) Evidence of compliance with federal label requirements pursuant
 12 to the Federal Alcohol Administration Act 27 U.S.C. chapter 8, and rules
 13 and regulations adopted pursuant to such act, as such act and regulations
 14 existed on January 1, 2023, or a sample of the actual label if federal
 15 approval is not required; and
 16 (vi) Any other information the commission may require related to
 17 such sale or shipment.
 18 (b) If the licensed manufacturer, licensed wholesaler, or holder of
 19 a shipping license is not the product manufacturer, such licensee shall
 20 also include with such form a separate letter from the product
 21 manufacturer designating such licensee as the primary source of supply in
 22 the United States or the sole source of supply in Nebraska. A separate
 23 letter is required for each primary source.
 24 (2) If the primary source of supply in the United States for such
 25 alcoholic liquor changes, the new licensed manufacturer, licensed
 26 wholesaler, or holder of a shipping license importing such alcoholic
 27 liquor shall submit the information required pursuant to subsection (1)
 28 of this section at least thirty days prior to the shipment of such
 29 alcoholic liquor into this state. The licensed manufacturer, licensed
 30 wholesaler, or holder of a shipping license shall also remit to the
 31 commission any applicable fee set by the commission not to exceed thirty
 1 dollars.
 2 (3) Nothing in this section shall restrict or prohibit the
 3 importation of alcoholic liquor to a Nebraska licensed wholesaler from an
 4 affiliated wholesaler if (a) the report required by this section has
 5 previously been submitted for the alcoholic liquor product being
 6 imported, (b) the report designates the Nebraska licensed wholesaler for
 7 such product, and (c) the product was obtained by the affiliated
 8 wholesaler from the same primary source of supply identified on the
 9 report.
 10 (4) The commission shall remit any fees collected pursuant to this
 11 section to the State Treasurer for credit to the Nebraska Liquor Control
 12 Commission Rule and Regulation Cash Fund.
 13 (5) The commission may adopt and promulgate rules and regulations to
 14 carry out this section.
 15 Sec. 8. Section 53-117.06, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 53-117.06 Any money collected by the commission pursuant to section
 18 53-117.05 or 53-167.02 or section 5 of this act shall be credited to the
 19 Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which
 20 fund is hereby created. The purpose of the fund shall be to cover any
 21 administrative costs, including salary and benefits, incurred by the
 22 commission in producing or distributing the material referred to in such
 23 sections and to defray the costs associated with electronic regulatory
 24 transactions, industry education events, enforcement training, and
 25 equipment for regulatory work. Transfers may be made from the fund to the
 26 General Fund at the direction of the Legislature. Any money in the
 27 Nebraska Liquor Control Commission Rule and Regulation Cash Fund
 28 available for investment shall be invested by the state investment
 29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 30 State Funds Investment Act.
 31 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
 1 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
 2 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The second committee amendment is as follows:

[AM612](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Sec. 9. Section 53-123.11, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 53-123.11 (1) A farm winery license shall entitle the holder to:

6 (a) Sell wines produced at the farm winery onsite at wholesale and
7 retail and to sell wines produced at the farm winery at off-premises
8 sites holding the appropriate retail license;

9 (b) Sell wines produced at the farm winery at retail for consumption
10 on the premises as designated pursuant to section 53-123.12;

11 (c) Permit a customer to remove one unsealed bottle of wine for
12 consumption off the premises. The licensee or his or her agent shall (i)
13 securely reseal such bottle and place the bottle in a bag designed so
14 that it is visibly apparent that the resealed bottle of wine has not been
15 opened or tampered with and (ii) provide a dated receipt to the customer
16 and attach to such bag a copy of the dated receipt for the resealed
17 bottle of wine. If the resealed bottle of wine is transported in a motor
18 vehicle, it must be placed in the trunk of the motor vehicle or the area
19 behind the last upright seat of such motor vehicle if the area is not
20 normally occupied by the driver or a passenger and the motor vehicle is
21 not equipped with a trunk;

22 (d) Ship wines produced at the farm winery by common carrier and
23 sold at retail to recipients in and outside the State of Nebraska, if the
24 output of such farm winery for each calendar year as reported to the
25 commission by December 31 of each year does not exceed thirty thousand
26 gallons. In the event such amount exceeds thirty thousand gallons, the
27 farm winery shall be required to use a licensed wholesaler to distribute
1 its wines for the following calendar year, except that this requirement
2 shall not apply to wines produced and sold onsite at the farm winery
3 pursuant to subdivision (1)(a) of this section;

4 (e) Allow sampling and sale of the wine at the farm winery and at
5 four branch outlets in the state in reasonable amounts;

6 (f) Sell wines produced at the farm winery to other Nebraska farm
7 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
8 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
9 regulations existed on January 1, 2008;

10 (g) Purchase distilled spirits from licensed microdistilleries in
11 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
12 winery wine to be used in the production of fortified wine at the
13 purchasing licensed farm winery;

14 (h) Store and warehouse products produced at the farm winery in a
15 designated, secure, offsite storage facility if the holder of the farm
16 winery license notifies the commission of the location of the facility
17 and maintains, at the farm winery and at the facility, a separate
18 perpetual inventory of the product stored at the facility. Consumption of
19 alcoholic liquor at the facility is strictly prohibited; and

20 (i) Sell alcoholic liquor authorized under a farm winery license not
21 in its original package, such as sangria or wine slushies, to a person
22 twenty-one years of age or older for consumption off the premises if (i)
23 the alcoholic liquor is (A) not partially consumed and (B) in a labeled
24 and sealed container with a tamper-evident lid, cap, or seal, as approved
25 by the commission, and (ii) for alcoholic liquor transported in a motor
26 vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle
27 or the area behind the last upright seat of such motor vehicle if the
28 area is not normally occupied by the driver or a passenger and the motor
29 vehicle is not equipped with a trunk. A farm winery which sells alcoholic
30 liquor authorized under a farm winery license not in its original package
31 for consumption off the premises shall provide notice to the commission
1 during a farm winery licensee's initial licensure or at the time of the
2 annual renewal of such license regarding such sales.

3 (2) No farm winery shall manufacture wine in excess of fifty
4 thousand gallons per year.

5 (3) A farm winery may manufacture and sell hard cider on its

6 licensed premises. A farm winery shall not otherwise distribute the hard
 7 cider it manufactures except by sale to a wholesaler licensed under the
 8 Nebraska Liquor Control Act.
 9 (4) A holder of a farm winery license may sell beer or other
 10 alcoholic liquor not produced by the farm winery at retail for
 11 consumption on the premises if the holder is also issued the appropriate
 12 retail license for such sales at such location.
 13 ~~(5)~~ (4) A holder of a farm winery license may obtain a special
 14 designated license pursuant to section 53-124.11.
 15 ~~(6)~~ (5) A holder of a farm winery license may obtain an annual
 16 catering license pursuant to section 53-124.12.
 17 ~~(7)~~ (6) A holder of a farm winery license may obtain a promotional
 18 farmers market special designated license pursuant to section 53-124.16.
 19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
 20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
 21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The third committee amendment is as follows:

[AM613](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Sec. 10. Section 53-124.11, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 53-124.11 (1) The commission may issue a special designated license
 6 for sale or consumption of alcoholic liquor at a designated location to a
 7 retail licensee, a craft brewery licensee, a microdistillery licensee, a
 8 farm winery licensee, the holder of a manufacturer's license issued
 9 pursuant to subsection (2) of section 53-123.01, a municipal corporation,
 10 a fine arts museum incorporated as a nonprofit corporation, a religious
 11 nonprofit corporation which has been exempted from the payment of federal
 12 income taxes, a political organization which has been exempted from the
 13 payment of federal income taxes, or any other nonprofit corporation the
 14 purpose of which is fraternal, charitable, or public service and which
 15 has been exempted from the payment of federal income taxes, under
 16 conditions specified in this section. The applicant shall demonstrate
 17 meeting the requirements of this subsection.
 18 (2)(a) No retail licensee, craft brewery licensee, microdistillery
 19 licensee, farm winery licensee, holder of a manufacturer's license issued
 20 pursuant to subsection (2) of section 53-123.01, organization, or
 21 corporation enumerated in subsection (1) of this section may be issued a
 22 special designated license under this section for more than six calendar
 23 days in any one calendar year, except that a nonprofit corporation, the
 24 purpose of which is fraternal, charitable, or public service and which
 25 has been exempted from the payment of federal income taxes, may be issued
 26 a special designated license for up to twelve calendar days in any one
 27 calendar year. Only one special designated license shall be required for
 1 any application for two or more consecutive days.
 2 (b) A municipal corporation, a fine arts museum incorporated as a
 3 nonprofit corporation, a religious nonprofit corporation which has been
 4 exempted from the payment of federal income taxes, a political
 5 organization which has been exempted from the payment of federal income
 6 taxes, or any other nonprofit corporation, the purpose of which is
 7 fraternal, charitable, or public service and which has been exempted from
 8 the payment of federal income taxes, may apply for special designated
 9 licenses for the same location in a single application. The application
 10 shall include all dates and times for which a special designated license
 11 is being requested at such location.
 12 (c) This subsection shall not apply to any holder of a catering
 13 license.
 14 (3) Except for any special designated license issued to a holder of

15 a catering license or to an organization or corporation as provided in
16 subdivision (2)(b) of this section, there shall be a fee of forty dollars
17 for each day identified in the special designated license. For a special
18 designated license issued to an organization or corporation as provided
19 in subdivision (2)(b) of this section, there shall be a fee of forty
20 dollars for the initial special designated license and ten dollars for
21 each additional day beyond the first at the same location in such
22 application. Such fee shall be submitted with the application for the
23 special designated license, collected by the commission, and remitted to
24 the State Treasurer for credit to the General Fund. The applicant shall
25 be exempt from the provisions of the Nebraska Liquor Control Act
26 requiring an application or renewal fee and the provisions of the act
27 requiring the expiration of forty-five days from the time the application
28 is received by the commission prior to the issuance of a license, if
29 granted by the commission. The retail licensees, craft brewery licensees,
30 microdistillery licensees, farm winery licensees, holders of
31 manufacturer's licenses issued pursuant to subsection (2) of section
1 53-123.01, municipal corporations, organizations, and nonprofit
2 corporations enumerated in subsection (1) of this section seeking a
3 special designated license shall file an application on such forms as the
4 commission may prescribe. Such forms shall contain, along with other
5 information as required by the commission, (a) the name of the applicant,
6 (b) the premises for which a special designated license is requested,
7 identified by street and number if practicable and, if not, by some other
8 appropriate description which definitely locates the premises, (c) the
9 name of the owner or lessee of the premises for which the special
10 designated license is requested, (d) sufficient evidence that the holder
11 of the special designated license, if issued, will carry on the
12 activities and business authorized by the license for himself, herself,
13 or itself and not as the agent of any other person, group, organization,
14 or corporation, for profit or not for profit, (e) a statement of the type
15 of activity to be carried on during the time period for which a special
16 designated license is requested, and (f) sufficient evidence that the
17 activity will be supervised by persons or managers who are agents of and
18 directly responsible to the holder of the special designated license.
19 (4) No special designated license provided for by this section shall
20 be issued by the commission without the approval of the local governing
21 body. The local governing body may establish criteria for approving or
22 denying a special designated license. The local governing body may
23 designate an agent to determine whether a special designated license is
24 to be approved or denied. Such agent shall follow criteria established by
25 the local governing body in making his or her determination. The
26 determination of the agent shall be considered the determination of the
27 local governing body unless otherwise provided by the local governing
28 body. For purposes of this section, the local governing body shall be the
29 city or village within which the premises for which the special
30 designated license is requested are located or, if such premises are not
31 within the corporate limits of a city or village, then the local
1 governing body shall be the county within which the premises for which
2 the special designated license is requested are located.
3 (5) If the applicant meets the requirements of this section, a
4 special designated license shall be granted and issued by the commission
5 for use by the holder of the special designated license. All statutory
6 provisions and rules and regulations of the commission that apply to a
7 retail licensee shall apply to the holder of a special designated license
8 with the exception of such statutory provisions and rules and regulations
9 of the commission so designated by the commission and stated upon the
10 issued special designated license, except that the commission may not
11 designate exemption of sections 53-180 to 53-180.07. The decision of the
12 commission shall be final. If the applicant does not qualify for a

13 special designated license, the application shall be denied by the
14 commission.

15 (6) A special designated license issued by the commission shall be
16 mailed or delivered electronically to the city, village, or county clerk
17 who shall deliver such license to the licensee upon receipt of any fee or
18 tax imposed by such city, village, or county.

19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The fourth committee amendment is as follows:

AM614

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

3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 7. (1) A manufacturer, a wholesaler, or any agent of a
8 manufacturer or wholesaler may enter into a sponsorship or advertising
9 agreement with (a) the holder of a special designated license pursuant to
10 section 53-124.11 that is a municipal corporation, a fine arts museum
11 incorporated as a nonprofit corporation, a religious nonprofit
12 corporation exempted from payment of federal income taxes, a political
13 organization exempted from payment of federal income taxes, or any other
14 nonprofit corporation the purpose of which is fraternal, charitable, or
15 public service and which has been exempted from payment of federal income
16 taxes, (b) a political subdivision of the State of Nebraska, or (c) an
17 operator of property owned by a political subdivision of the State of
18 Nebraska, to sponsor and advertise for events held by such organization,
19 licensee, or political subdivision.

20 (2) The commission may adopt and promulgate rules and regulations to
21 carry out this section.

22 Sec. 11. Section 53-168, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 53-168 (1) It shall be unlawful for any person having a retail
25 license to sell beer to accept credit for the purchase of beer from any
26 manufacturer or wholesaler of beer and for any person having a retail
27 license to sell alcoholic liquor or any officer, associate, member,
1 representative, or agent of such licensee to accept, receive, or borrow
2 money or anything else of value or to accept or to receive credit, other
3 than merchandising credit in the ordinary course of business for a period
4 not to exceed thirty days, directly or indirectly, from (a) any person,
5 partnership, limited liability company, or corporation engaged in
6 manufacturing or wholesaling such liquor, (b) any person connected with
7 or in any way representing such manufacturer or wholesaler, (c) any
8 member of the family of such manufacturer or wholesaler, (d) any
9 stockholders in any corporation engaged in manufacturing or wholesaling
10 such liquor, or (e) any officer, manager, agent, member, or
11 representative of such manufacturer or wholesaler.

12 (2) It shall be unlawful for any manufacturer or wholesaler to give
13 or lend money or otherwise loan or extend credit, except the
14 merchandising credit referred to in subsection (1) of this section,
15 directly or indirectly, to any such licensee or to the manager,
16 representative, agent, member, officer, or director of such licensee. It
17 shall be unlawful for any wholesaler to participate in any manner in a
18 merchandising and coupon plan of any manufacturer involving alcoholic
19 liquor and the redemption in cash. The redemption of any merchandising
20 and coupon plan involving cash shall be made by the manufacturer to the
21 consumer.

22 (3) If any holder of a license to sell alcoholic liquor at retail or
 23 wholesale violates subsection (1) or (2) of this section, such license
 24 shall be suspended or revoked by the commission in the manner provided by
 25 the Nebraska Liquor Control Act.

26 (4) It shall not be a violation of subsection (1) or (2) of this
 27 section for a manufacturer or wholesaler to sell or provide alcoholic
 28 liquor exclusively or in minimum quantities in containers bearing a
 29 private label or to sell or provide alcoholic liquor in containers
 30 bearing a generic label to a wholesaler or retailer.

31 (5) It shall not be a violation of subsection (1) or (2) of this
 1 section for a wholesaler or retailer to accept or purchase from a
 2 manufacturer or wholesaler alcoholic liquor exclusively or in minimum
 3 quantities in containers bearing a private label or for a wholesaler or
 4 retailer to accept or purchase from a manufacturer or wholesaler
 5 alcoholic liquor in containers bearing a generic label.

6 (6) It shall not be a violation of subsection (1) or (2) of this
 7 section for a wholesaler or manufacturer or the agent of a wholesaler or
 8 manufacturer to enter into a sponsorship or advertising agreement with a
 9 licensee, organization, or political subdivision of the State of Nebraska
 10 pursuant to section 7 of this act.

11 Sec. 12. Section 53-169, Revised Statutes Cumulative Supplement,
 12 2022, is amended to read:

13 53-169 (1) Except as provided in subsection (2) or (3) of this
 14 section, no manufacturer or wholesaler shall directly or indirectly: (a)
 15 Pay for any license to sell alcoholic liquor at retail or advance,
 16 furnish, lend, or give money for payment of such license; (b) purchase or
 17 become the owner of any note, mortgage, or other evidence of indebtedness
 18 of such licensee or any form of security therefor; (c) be interested in
 19 the ownership, conduct, or operation of the business of any licensee
 20 authorized to sell alcoholic liquor at retail; or (d) be interested
 21 directly or indirectly or as owner, part owner, lessee, or lessor thereof
 22 in any premises upon which alcoholic liquor is sold at retail.

23 (2) This section does not apply to the holder of a farm winery
 24 license. The holder of a craft brewery license shall have the privileges
 25 and duties listed in section 53-123.14 and the holder of a manufacturer's
 26 license shall have the privileges and duties listed in section 53-123.01
 27 with respect to the manufacture, distribution, and retail sale of beer,
 28 and except as provided in subsection (2) of section 53-123.14, the
 29 Nebraska Liquor Control Act shall not be construed to permit the holder
 30 of a craft brewery license or of a manufacturer's license issued pursuant
 31 to section 53-123.01 to engage in the wholesale distribution of beer. The
 1 holder of a microdistillery license shall have the privileges and duties
 2 listed in section 53-123.16 with respect to the manufacture of alcoholic
 3 liquor, and the Nebraska Liquor Control Act shall not be construed to
 4 permit the holder of a microdistillery license to engage in the wholesale
 5 distribution of alcoholic liquor.

6 (3) It shall not be a violation of this section for a wholesaler or
 7 manufacturer or the agent of a wholesaler or manufacturer to enter into a
 8 sponsorship or advertising agreement with a licensee, organization, or
 9 political subdivision of the State of Nebraska pursuant to section 7 of
 10 this act.

11 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
 12 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
 13 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The fifth committee amendment is as follows:

AM615

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,

4 2022, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 53-103 For purposes of the Nebraska Liquor Control Act, the
10 definitions found in sections 53-103.01 to 53-103.49 and sections 3 and 4
11 of this act apply.

12 Sec. 3. Channel pricing means a pricing strategy that differentiates
13 the price charged for a product based upon the type of license held by
14 the retailer and the primary use of the premises on which the retailer
15 operates.

16 Sec. 6. (1) For purposes of this section, alcoholic product means a
17 particular brand of alcoholic liquor in a designated size container or a
18 mix of brands and containers when sold on a combined basis, as
19 established by the wholesaler.

20 (2) A wholesaler may employ channel pricing to sell such
21 wholesaler's alcoholic product to retail licensees at a different price
22 than the wholesaler sells alcoholic product to other retail licensees. If
23 a wholesaler employs channel pricing, such pricing shall be made equally
24 available to similarly situated retail licensees.

25 (3) Whether an establishment is similarly situated to another
26 licensee is to be determined by the type of license held by the retailer
27 and the primary use of the premises.

1 (4) A wholesaler may also provide discounts on the alcoholic product
2 to retailers that are otherwise similarly situated if those discounts are
3 based on the volume of the alcoholic product being purchased.

4 (5) A wholesaler may also provide discounts on the alcoholic product
5 to retailers that are otherwise similarly situated if those discounts are
6 based on the electronic ordering of the alcoholic product being
7 purchased.

8 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
9 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
10 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The first committee amendment, [AM611](#), found in this day's Journal, was offered.

Senator M. Cavanaugh offered the following motion:

[MO45](#)

Bracket until March 1, 2023.

Pending.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 75. Placed on General File.

LEGISLATIVE BILL 419. Placed on General File.

LEGISLATIVE BILL 574. Placed on General File.

LEGISLATIVE BILL 626. Placed on General File.

(Signed) Ben Hansen, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 298A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 298, One Hundred Eighth Legislature, First Session, 2023.

LEGISLATIVE BILL 442A. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 442, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to [LB373](#):

[AM589](#)

1 1. On page 2, strike beginning with "Agency" in line 1 through "781"
2 in line 2 and insert "Agency No. 18, Department of Agriculture, for
3 Program 78".

Senator Murman filed the following amendment to [LB811](#):

[AM562](#) is available in the Bill Room.

Senator Murman filed the following amendment to [LB703](#):

[AM606](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-145, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 81-145 As used in sections 81-145 to 81-162, unless the context
6 otherwise requires:
7 (1) Materiel division means ~~shall mean~~ the head of the division of
8 the state government charged with the administration of sections 81-145
9 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of
10 and subject to the supervision of the office of the Director of
11 Administrative Services;
12 (2) Personal property includes ~~shall include~~ all materials,
13 supplies, furniture, equipment, printing, stationery, automotive and road
14 equipment, and other chattels, goods, wares, and merchandise whatsoever;
15 (3) Using agencies means and includes ~~shall mean and include~~ all
16 officers of the state, departments, bureaus, boards, commissions,
17 councils, and institutions receiving legislative appropriations, except
18 that using agencies does not include the University of Nebraska and the
19 Nebraska state colleges; and
20 (4) Lease or contract means ~~shall mean~~ an agreement entered into by
21 the state or using agency with another party whereby, for a stated
22 consideration, the state or using agency is to receive the personal
23 property or use thereof furnished by the other party.
24 Sec. 2. Section 81-161.04, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 81-161.04 (1) Whenever any using agency has any personal property
27 for which it no longer has any need or use, it shall notify the materiel
1 division in writing setting forth a description of the property and the
2 approximate length of time that the property has been in the possession
3 of the using agency. The materiel division shall appraise the property
4 and notify all other using agencies of the state that the materiel
5 division has the property for sale and that the property can be bought at
6 the appraised price. No property will be sold until first offered to
7 using agencies as provided by this section unless the property is
8 unusable. If the materiel division fails to receive an offer from any
9 using agency, it may sell or dispose of the property by any method which
10 is most advantageous to the State of Nebraska, including auction, sealed
11 bid, private or public sale, or trade-in for other property, with
12 priorities given to the other political subdivisions. All sales shall be
13 made in the name of the State of Nebraska. The materiel division shall
14 charge an administrative fee for the disposition of surplus property.
15 Such administrative fee shall be a percentage of the amount of the sale
16 of the surplus property. In the event surplus property is determined to
17 have no market value, the materiel administrator may waive the
18 administrative fee.

19 (2) Except as otherwise provided in this subsection, the proceeds of
20 ~~such~~ the sales shall be deposited with the State Treasurer and credited
21 to the General Fund unless the using agency certifies to the materiel
22 division that the property was purchased in part or in total from either
23 cash accounts or federal funds or from a percentage of such accounts or
24 funds, in which case the proceeds of the sale to that extent shall be
25 credited to the cash or federal account in the percentage used in
26 originally purchasing the property. The cost of selling surplus property
27 shall be deducted from the proceeds of the surplus property sold. The
28 proceeds received from the sale of passenger-carrying motor vehicles
29 originally purchased with money from the General Fund, other than
30 passenger-carrying motor vehicles used by the Nebraska State Patrol, less
31 selling costs, shall be deposited in the state treasury and credited by
1 the State Treasurer to the Transportation Services Bureau Revolving Fund.
2 The proceeds received from the sale of passenger-carrying motor vehicles
3 used by the Nebraska State Patrol, less selling costs, shall be deposited
4 in the state treasury and credited by the State Treasurer to the Nebraska
5 State Patrol Vehicle Replacement Cash Fund. The proceeds received from
6 the sale of micrographic equipment, ~~other than that of the University of~~
7 ~~Nebraska and state colleges~~, less selling costs, shall be deposited in
8 the state treasury and credited by the State Treasurer to the Records
9 Management Micrographics Services Revolving Fund. The proceeds received
10 from the sale of aircraft, less selling costs, shall be deposited in the
11 state treasury and credited by the State Treasurer to the Aeronautics
12 Cash Fund.

13 Sec. 3. Section 81-1118, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 81-1118 The materiel division of the Department of Administrative
16 Services is hereby established and shall be managed by the materiel
17 administrator.

18 There are hereby established the following seven branches of the
19 materiel division of the Department of Administrative Services which
20 shall have the following duties, powers, and responsibilities:

21 (1) The office supplies bureau shall be responsible for providing
22 office supplies, paper, and forms to using agencies;

23 (2) Central mail shall be responsible for all mailing operations,
24 transportation of material, tracking shipments, and making freight
25 claims;

26 (3) The print shop shall be responsible for specifications and for
27 receiving bids and placing orders to the lowest and best commercial

28 bidder for all printing and reproduction operations for the state. The
29 print shop shall also be responsible for coordinating all existing
30 printing and reproduction operations of the state;
31 (4) Copy services shall be responsible for the purchasing and
1 placement of all copier requirements;
2 (5) The state purchasing bureau shall be responsible for all
3 purchases by all state agencies other than the University of Nebraska and
4 the Nebraska state colleges. The materiel division shall administer the
5 public notice and bidding procedures and any other areas designated by
6 the Director of Administrative Services to carry out the lease or
7 purchase of personal property. All purchases of and contracts for
8 materials, supplies, or equipment and all leases of personal property
9 shall be made in the following manner except in emergencies approved by
10 the Governor:
11 (a) By a competitive formal sealed bidding process through the
12 materiel division in all cases in which the purchases are of estimated
13 value exceeding fifty thousand dollars;
14 (b) By a competitive informal bidding process through the materiel
15 division in all cases in which the purchases are of estimated value equal
16 to or exceeding twenty-five thousand dollars but equal to or less than
17 fifty thousand dollars;
18 (c) By unrestricted open market purchases through the materiel
19 division in all cases in which purchases are of estimated value of less
20 than twenty-five thousand dollars;
21 (d) All requisitions for whatever purpose coming to the state
22 purchasing bureau shall be in conformance with the approved budget of the
23 requisitioning department or agency;
24 (e) All contracts for purchases and leases shall be bid as a single
25 whole item. In no case shall contracts be divided or fractionated in
26 order to produce several contracts which are of an estimated value below
27 that required for competitive bidding; and
28 (f) No contract for purchase or lease shall be amended to extend the
29 duration of the contract for a period of more than fifty percent of the
30 initial contract term. Following the adoption of any amendment to extend
31 the contract for a period of fifty percent or less of the initial
1 contract term, no further extensions of the original contract shall be
2 permitted. This subdivision (f) does not prohibit the exercise of any
3 renewal option expressly provided in the original contract;
4 (6) The state recycling office shall be responsible for the
5 administration and operation of the State Government Recycling Management
6 Act; and
7 (7) State surplus property shall be responsible for the disposition
8 of the state's surplus property and the maintenance of all inventory
9 records.
10 Nothing in this section shall be construed to require that works of
11 art must be procured through the materiel division.
12 Sec. 4. Section 81-1118.02, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 81-1118.02 (1) Except as otherwise provided in subsection (4) of
15 this section, each Each executive, department, commission, or other state
16 agency, and including the Supreme Court, the Board of Regents of the
17 University of Nebraska, and the Board of Trustees of the Nebraska State
18 Colleges, shall annually make or cause to be made an inventory of all
19 property, including furniture and equipment, belonging to the State of
20 Nebraska and in the possession, custody, or control of any executive,
21 department, commission, or other state agency. The inventory shall
22 include property in the possession, custody, or control of each
23 executive, department, commission, or other state agency as of June 30
24 and shall be completed and filed with the materiel administrator by
25 August 31 of each year.

26 (2) If any of the property of the state, referred to in subsection
 27 (1) of this section, is lost, destroyed, or unaccounted for by the
 28 negligence or carelessness of the executive, department, commission, or
 29 other state agency, the administrator shall, with the advice of the
 30 Attorney General, take the proper steps to recover such state property or
 31 the reasonable value thereof from the executive, department, commission,
 1 or other state agency charged with the same and from the person bonding
 2 such executive, department, commission, or other state agency, if any.

3 (3) Each such executive, department, commission, or other state
 4 agency shall indelibly tag, mark, or stamp all such property belonging to
 5 the State of Nebraska, with the following: Property of the State of
 6 Nebraska. In the inventory required by subsection (1) of this section,
 7 each such executive, department, commission, or other state agency shall
 8 state positively that each item of such property has been so tagged,
 9 marked, or stamped.

10 (4) This section does not apply to the Board of Regents of the
 11 University of Nebraska or the Board of Trustees of the Nebraska State
 12 Colleges.

13 Sec. 5. Section 85-102, Reissue Revised Statutes of Nebraska, is
 14 amended to read:

15 85-102 The object of the University of Nebraska ~~such institution~~

16 shall be to afford to the inhabitants of this state the means of

17 acquiring a thorough knowledge of the various branches of literature,

18 science and arts.

19 Sec. 6. Section 85-328, Reissue Revised Statutes of Nebraska, is

20 amended to read:

21 85-328 The State College Capitol Improvement Facility Fee Fund is
 22 created. Revenue credited to the fund shall include amounts generated
 23 through assessment of a capital improvement facilities fee under the
 24 authority of the Board of Trustees of the Nebraska State Colleges.

25 Amounts accumulated in the fund are authorized to be expended for the
 26 purpose of paying the cost of capital improvement projects approved by
 27 the board of trustees for any facilities on campuses or lands owned or
 28 controlled by the board, except that no such amounts shall be expended
 29 for capital improvement projects relating to facilities from which
 30 revenue is derived and pledged for the retirement of revenue bonds issued
 31 under the provisions of sections 85-403 to 85-411. All money accruing to
 1 the fund is appropriated to the board of trustees and shall be used for
 2 capital improvement projects authorized by the board. No expenditure may
 3 be made from the fund without prior approval by a resolution of the board
 4 of trustees. Any money in the fund available for investment shall be
 5 invested by the state investment officer pursuant to the Nebraska Capital
 6 Expansion Act and the Nebraska State Funds Investment Act. All revenue,
 7 fund balances, and expenditures shall be recorded in the Nebraska State
 8 Accounting System.

9 Sec. 7. Section 85-601, Reissue Revised Statutes of Nebraska, is
 10 amended to read:

11 85-601 It shall be grounds for the dismissal of any member of the
 12 faculty or administrative staff employed by, or the expulsion of any
 13 student attending, the University of Nebraska or any community college
 14 ~~any public institution of higher education~~ in this state to use or assist
 15 others in any way in the use of force or to counsel, recommend, or urge
 16 the use of force or the threat of force or the seizure of property under
 17 the control of such institution, or by any act or action not sanctioned
 18 by law to prevent the faculty, administrative officers, employees, or
 19 students in such institution from engaging in their normal duties in
 20 connection with the operation of the institution or pursuing their
 21 studies at such institution.

22 Sec. 8. Section 85-602, Reissue Revised Statutes of Nebraska, is
 23 amended to read:

24 85-602 No person shall be dismissed or expelled under ~~the provisions~~
 25 of section 85-601 until ~~such person~~ he has been accorded a public hearing
 26 under rules and regulations for the administration of sections 85-601 to
 27 85-605 established by the governing body ~~of the institution~~. Notice of
 28 such hearing and a formal written statement of the charges against such
 29 person ~~him~~ shall be served by either registered or certified mail, sent
 30 to such person's ~~his~~ current address as shown on the records of the
 31 University of Nebraska or community college institution, at least twenty
 1 days before the date set for hearing. Such person ~~He~~ shall be entitled to
 2 file a written response to such charges, to be present in person and by
 3 counsel at the hearing, and to testify and produce other witnesses on his
 4 or her behalf.

5 Sec. 9. Section 85-603, Reissue Revised Statutes of Nebraska, is
 6 amended to read:

7 85-603 Dismissal or expulsion of any person under ~~the provisions of~~
 8 section 85-601 shall be by written order, which shall contain findings of
 9 fact upon which dismissal or expulsion is based, and shall be signed by
 10 an authorized agent of the governing body. The order shall be entered
 11 within thirty days after the hearing, shall state its effective date, and
 12 shall be served by either registered or certified mail, return receipt
 13 requested, sent to such person's ~~his~~ current address as shown on the
 14 records of the University of Nebraska or community college institution.

15 Sec. 10. Section 85-604, Reissue Revised Statutes of Nebraska, is
 16 amended to read:

17 85-604 ~~Each~~ The governing body of each public institution of higher
 18 education in this state shall adopt rules and regulations for the
 19 administration of ~~the provisions of~~ sections 85-601 to 85-605.

20 Sec. 11. Section 85-605, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does
 23 shall not include the failure to renew a probationary appointment of any
 24 faculty member or administrative staff member and (2) governing body
 25 means the Board of Regents of the University of Nebraska or the Community
 26 College Board of Governors, as applicable public institution of higher
 27 education shall include the University of Nebraska, the state colleges,
 28 and the community colleges.

29 Sec. 12. Original sections 81-145, 81-1118.02, 85-102, 85-328,
 30 85-601, 85-602, 85-603, 85-604, and 85-605, Reissue Revised Statutes of
 31 Nebraska, and sections 81-161.04 and 81-1118, Revised Statutes Cumulative
 1 Supplement, 2022, are repealed.

Senator Brewer filed the following amendment to LB138:
AM585 is available in the Bill Room.

Senator Lowe filed the following amendment to LB542:
AM516

1 1. Insert the following new sections:

2 Section 1. Section 2-1205, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 2-1205 (1) If the commission is satisfied that its rules and
 5 regulations and all provisions of sections 2-1201 to 2-1218 have been and
 6 will be complied with, it may issue a license for a period of not more
 7 than five years. The license shall set forth the name of the licensee,
 8 the place where the races or race meetings are to be held, and the time
 9 and number of days during which racing may be conducted by such licensee.
 10 Any such license issued shall not be transferable or assignable. The
 11 commission shall have the power to revoke any license issued at any time
 12 for good cause upon reasonable notice and hearing. No license shall be
 13 granted to any corporation or association except upon the express

14 condition that it shall not, by any lease, contract, understanding, or
15 arrangement of whatever kind or nature, grant, assign, or turn over to
16 any person, corporation, or association the operation or management of
17 any racing or race meeting licensed under such sections or of the
18 parimutuel system of wagering described in section 2-1207 or in any
19 manner permit any person, corporation, or association other than the
20 licensee to have any share, percentage, or proportion of the money
21 received for admissions to the racing or race meeting or from the
22 operation of the parimutuel system; and any violation of such conditions
23 shall authorize and require the commission immediately to revoke such
24 license. No licensee shall be considered in violation of this section
25 with respect to an agreement with an authorized gaming operator regarding
26 employees and the acceptance of any parimutuel wager or sports wager
27 pursuant to section 9-1110.

1 (2)(a) Any racetrack for which a licensee is issued a license to
2 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
3 in existence and operational as of April 20, 2022, shall:
4 (i) Hold a minimum of five live racing meet days and fifty live
5 horseraces annually beginning January 1, 2026, through December 31, 2030;
6 and

7 (ii) Beginning January 1, 2031, hold a minimum of fifteen live
8 racing meet days and one hundred twenty live horseraces annually.

9 (b) Any racetrack for which a licensee is issued a license to
10 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
11 not in existence and operational until after April 20, 2022, shall:

12 (j) Hold a minimum of one live racing meet day annually for the
13 first three years of operation;

14 (ii) Hold a minimum of five live racing meet days and fifty live
15 horseraces annually for the fourth year of operation through the seventh
16 year of operation; and

17 (iii) Beginning with the eighth year of operation, hold a minimum of
18 fifteen live racing meet days and one hundred twenty live horseraces
19 annually.

20 (c) A racetrack that fails to meet the minimum requirements under
21 this subsection is subject to discipline by the commission, including
22 revocation of the license issued under sections 2-1201 to 2-1218.

23 (3) A racetrack for which a licensee is issued a license to conduct
24 a race or race meeting under sections 2-1201 to 2-1218 in existence on
25 November 1, 2020, which is located in the counties of Adams, Dakota,
26 Douglas, Hall, Lancaster, and Platte, may move such racetrack location to
27 another county in Nebraska that does not have a racetrack one time only,
28 subject to approval by the commission as provided in subdivision (27) of
29 section 9-1106, subsequent to the initial issuance of the market analysis
30 and socioeconomic-impact studies conducted pursuant to section 9-1106.
31 Sec. 2. Section 9-1110, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 9-1110 (1) The commission may permit an authorized gaming operator
3 to conduct sports wagering. Any sports wager shall be placed in person or
4 at a wagering kiosk in the designated sports wagering area at the
5 licensed racetrack enclosure. A parimutuel wager in accordance with
6 sections 2-1201 to 2-1218 may be placed in the designated sports wagering
7 area at the licensed racetrack enclosure. An individual employed and
8 authorized to accept a sports wager may also accept a parimutuel wager.

9 (2) A floor plan identifying the designated sports wagering area,
10 including the location of any wagering kiosks, shall be filed with the
11 commission for review and approval. Modification to a previously approved
12 plan must be submitted for approval at least ten days prior to
13 implementation. The area shall not be accessible to persons under twenty-
14 one years of age and shall have a sign posted to restrict access.
15 Exceptions to this subsection must be approved in writing by the
16 commission.

17 (3) The authorized gaming operator shall submit controls for
18 approval by the commission, that include the following for operating the
19 designated sports wagering area:
20 (a) Specific procedures and technology partners to fulfill the
21 requirements set forth by the commission;
22 (b) Other specific controls as designated by the commission;
23 (c) A process to easily and prominently impose limitations or
24 notification for wagering parameters, including, but not limited to,
25 deposits and wagers; and
26 (d) An easy and obvious method for a player to make a complaint and
27 to enable the player to notify the commission if such complaint has not
28 been or cannot be addressed by the sports wagering operator.
29 (4) The commission shall develop policies and procedures to ensure a
30 prohibited participant is unable to place a sports wager or parimutuel
31 wager.
1 2. Renumber the remaining sections and correct the repealer
2 accordingly.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 1:00 PM

Wednesday, March 8, 2023

Deacon Donald N. Blackbird, Jr. - Nebraska Child Abuse Prevention Fund
Board

Miguel Rocha - Commission for the Blind and Visually Impaired

Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board

LB290

LB310

LB510

LB595

Room 1510 1:00 PM

Thursday, March 9, 2023

Heather Cramer - State Board of Health

Jaime Kent Dodge - State Board of Health

LB333

LB291

LB677

(Signed) Ben Hansen, Chairperson

ANNOUNCEMENTS

Priority designations received:

General Affairs - LB775

Linehan - LB753

RESOLUTION

LEGISLATIVE RESOLUTION 49. Introduced by Day, 49.

WHEREAS, Benjamin Austin, son of Robert and Peggy Austin, a junior at Gretna High School, and a member of Omaha Boy Scout Troop 282, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Benjamin is a Brotherhood Member of the Order of the Arrow of the Boy Scouts of America, a National Honor Society Member, and a member of the Gretna High School marching band, as well as involved in Revolution show choir, and the Gretna High School's spring musical; and

WHEREAS, Benjamin is the longest serving Senior Patrol Leader of the ninety-six scouts of Troop 282, having served through the COVID-19 lockdowns; and

WHEREAS, Benjamin was the Mid-America Council Leadership VLOG Interviewer of Valmont CEO Stephen Kaniewski; and

WHEREAS, Benjamin obtained the rank of Eagle Scout on January 30, 2023; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, Benjamin has gone above and beyond in the areas of service and leadership in all activities he takes part in; and

WHEREAS, Benjamin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Benjamin Austin on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Benjamin Austin.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 376. The first committee amendment, [AM611](#), found and considered in this day's Journal, was renewed.

The M. Cavanaugh motion, [MO45](#), found and considered in this day's Journal, to bracket until March 1, 2023, was renewed.

Pending.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 201. Placed on General File.**LEGISLATIVE BILL 285.** Placed on General File.**LEGISLATIVE BILL 630.** Placed on General File.**LEGISLATIVE BILL 647.** Placed on General File.**LEGISLATIVE BILL 787.** Placed on General File.

(Signed) Dave Murman, Chairperson

Judiciary

LEGISLATIVE BILL 11. Placed on General File with amendment.[AM482](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 42-903, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 42-903 For purposes of the Protection from Domestic Abuse Act,
6 unless the context otherwise requires:
7 (1) Abuse means the occurrence of one or more of the following acts
8 between family or household members:
9 (a) Attempting to cause or intentionally and knowingly causing
10 bodily injury with or without a dangerous instrument;
11 (b) Placing, by means of credible threat, another person in fear of
12 bodily injury. For purposes of this subdivision, credible threat means a
13 verbal or written threat, including a threat performed through the use of
14 an electronic communication device, or a threat implied by a pattern of
15 conduct or a combination of verbal, written, or electronically
16 communicated statements and conduct that is made by a person with the
17 apparent ability to carry out the threat so as to cause the person who is
18 the target of the threat to reasonably fear for his or her safety or the
19 safety of his or her family. It is not necessary to prove that the person
20 making the threat had the intent to actually carry out the threat. The
21 present incarceration of the person making the threat shall not prevent
22 the threat from being deemed a credible threat under this section; or
23 (c) Engaging in sexual contact or sexual penetration without consent
24 as defined in section 28-318;
25 (2) Department means the Department of Health and Human Services;
26 (3) Family or household members includes spouses or former spouses,
27 children, persons who are presently residing together or who have resided
1 together in the past, persons who have a child in common whether or not
2 they have been married or have lived together at any time, other persons
3 related by consanguinity or affinity, and persons who are presently
4 involved in a dating relationship with each other or who have been
5 involved in a dating relationship with each other. For purposes of this
6 subdivision, dating relationship means frequent, intimate associations
7 primarily characterized by the expectation of affectional or sexual
8 involvement, but does not include a casual relationship or an ordinary
9 association between persons in a business or social context; ~~and~~
10 (4) Household pet means any animal maintained for companionship or
11 pleasure but does not include any animal kept primarily for commercial
12 purposes or for consumption or any livestock animal as defined in section
13 54-902; and
14 (5) (4) Law enforcement agency means the police department or town
15 marshal in incorporated municipalities, the office of the sheriff in

16 unincorporated areas, and the Nebraska State Patrol.

17 Sec. 2. Section 42-924, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 42-924 (1)(a) Any victim of domestic abuse may file a petition and
20 affidavit for a protection order as provided in this section. Upon the
21 filing of such a petition and affidavit in support thereof, the court may
22 issue a protection order without bond granting the following relief:

23 (i) Enjoining the respondent from imposing any restraint upon the
24 petitioner or upon the liberty of the petitioner;

25 (ii) Enjoining the respondent from threatening, assaulting,
26 molesting, attacking, or otherwise disturbing the peace of the
27 petitioner;

28 (iii) Enjoining the respondent from telephoning, contacting, or
29 otherwise communicating with the petitioner;

30 (iv) Removing and excluding the respondent from the residence of the
31 petitioner, regardless of the ownership of the residence;

1 (v) Ordering the respondent to stay away from any place specified by
2 the court;

3 (vi) Awarding the petitioner temporary custody of any minor children
4 not to exceed ninety days;

5 (vii) Enjoining the respondent from possessing or purchasing a
6 firearm as defined in section 28-1201; ~~or~~

7 ~~(viii) Directing that the petitioner have sole possession of any
8 household pet owned, possessed, leased, kept, or held by the petitioner,
9 the respondent, or any family or household member residing in the
10 household of the petitioner or respondent;~~

11 ~~(ix) Enjoining the respondent from coming into contact with,
12 harming, or killing any household pet owned, possessed, leased, kept, or
13 held by the petitioner, the respondent, or any family or household member
14 of the petitioner or respondent; or~~

15 ~~(x) (viii) Ordering such other relief deemed necessary to provide
16 for the safety and welfare of the petitioner and any designated family or
17 household member.~~

18 ~~(b) If sole possession of a household pet is ordered by a court
19 pursuant to subdivision (1)(a)(viii) of this section, such possession
20 shall be for the duration of the protection order or until further order
21 of the court. The grant of sole possession of a household pet under such
22 subdivision is not intended to permanently determine ownership of such
23 household pet. The petitioner shall not permanently transfer, sell, or
24 dispose of a household pet placed in the petitioner's possession without
25 prior court approval, except that court approval shall not be required in
26 cases where humane euthanasia of a seriously ill or injured household pet
27 is recommended by a licensed veterinarian.~~

28 ~~(c) (b) The petition for a protection order shall state the events
29 and dates or approximate dates of acts constituting the alleged domestic
30 abuse, including the most recent and most severe incident or incidents.~~

31 ~~(d) (e) The protection order shall specify to whom relief under this
1 section was granted.~~

2 (2) Petitions for protection orders shall be filed with the clerk of
3 the district court, and the proceeding may be heard by the county court
4 or the district court as provided in section 25-2740. A petition for a
5 protection order may not be withdrawn except upon order of the court.

6 (3)(a) A protection order shall specify that it is effective for a
7 period of one year and, if the order grants temporary custody, the number
8 of days of custody granted to the petitioner unless otherwise modified by
9 the court.

10 (b)(i) Any victim of domestic abuse may file a petition and
11 affidavit to renew a protection order. Such petition and affidavit for
12 renewal shall be filed any time within forty-five days before the
13 expiration of the previous protection order, including the date the order

14 expires.

15 (ii) A protection order may be renewed on the basis of the
16 petitioner's affidavit stating that there has been no material change in
17 relevant circumstances since entry of the order and stating the reason
18 for the requested renewal if:

19 (A) The petitioner seeks no modification of the order; and

20 (B)(I) The respondent has been properly served with notice of the
21 petition for renewal and notice of hearing and fails to appear at the
22 hearing; or

23 (II) The respondent indicates that he or she does not contest the
24 renewal.

25 (iii) Such renewed order shall specify that it is effective for a
26 period of one year to commence on the first calendar day following the
27 expiration of the previous order or on the calendar day the court grants
28 the renewal if such day is subsequent to the first calendar day after
29 expiration of the previous order and, if the court grants temporary
30 custody, the number of days of custody granted to the petitioner unless
31 otherwise modified by the court.

1 (4) Any person, except the petitioner, who knowingly violates a
2 protection order issued pursuant to this section or section 42-931 after
3 service or notice as described in subsection (2) of section 42-926 shall
4 be guilty of a Class I misdemeanor, except that any person convicted of
5 violating such order who has a prior conviction for violating a
6 protection order shall be guilty of a Class IV felony.

7 (5) If there is any conflict between sections 42-924 to 42-926 and
8 any other provision of law, sections 42-924 to 42-926 shall govern.

9 Sec. 3. Original sections 42-903 and 42-924, Revised Statutes

10 Cumulative Supplement, 2022, are repealed.

LEGISLATIVE BILL 25. Placed on General File with amendment.

[AM440](#)

1 1. On page 2, strike beginning with "against" in line 30 through
2 "in" in line 31 and insert "if the party seeking punitive damages proves
3 by clear and convincing evidence that the conduct of the opposing party
4 from which the action arose constituted a willfully".

LEGISLATIVE BILL 265. Placed on General File with amendment.

[AM499](#)

1 1. Strike original section 3.
2 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 307. Placed on General File with amendment.

[AM381](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-441, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 28-441 (1) It shall be unlawful for any person to use, or to possess
6 with intent to use, drug paraphernalia to manufacture, inject, ingest,
7 inhale, or otherwise introduce into the human body a controlled substance
8 in violation of sections 28-101, 28-431, and 28-439 to 28-444.
9 (2) Any person who violates this section shall be guilty of an
10 infraction.
11 (3) A person shall not be in violation of this section if section
12 28-472 or 28-1701 applies.
13 (4) This section does not apply to:
14 (a) The staff of a public or behavioral health program, authorized
15 by a local jurisdiction, who distribute hypodermic needles for the

16 purpose of prevention of the spread of infectious diseases; or
 17 (b) A person identified by such a program as a program participant.
 18 Sec. 2. Section 28-442, Revised Statutes Cumulative Supplement,
 19 2022, is amended to read:
 20 28-442 (1) It shall be unlawful for any person to deliver, possess
 21 with intent to deliver, or manufacture with intent to deliver, drug
 22 paraphernalia, knowing, or under circumstances in which one reasonably
 23 should know, that it will be used to manufacture, inject, ingest, or
 24 inhale or otherwise be used to introduce into the human body a controlled
 25 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.
 26 (2) This section shall not apply to:
 27 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
 1 technicians, and pharmacy clerks who sell hypodermic syringes or needles
 2 for the prevention of the spread of infectious diseases; -
 3 (b) The staff of a public or behavioral health program, authorized
 4 by a local jurisdiction, who distribute hypodermic needles for the
 5 purpose of prevention of the spread of infectious diseases; or
 6 (c) A person identified by such a program as a program participant.
 7 (3) Any person who violates this section shall be guilty of a Class
 8 II misdemeanor.
 9 Sec. 3. Original sections 28-441 and 28-442, Revised Statutes
 10 Cumulative Supplement, 2022, are repealed.

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator Lowe filed the following amendment to LB376:
AM472

(Amendments to Standing Committee amendments, AM336)

1 1. Strike section 12 and insert the following new sections:
 2 Sec. 10. Section 53-123.16, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 53-123.16 (1) Any person who operates a microdistillery shall
 5 obtain a license pursuant to the Nebraska Liquor Control Act. A license
 6 to operate a microdistillery shall permit the licensee to produce a
 7 maximum of one hundred thousand gallons of liquor per year in the
 8 aggregate from all physical locations comprising the licensed premises.
 9 For purposes of this section, licensed premises may include up to five
 10 separate physical locations. A microdistillery may also sell to licensed
 11 wholesalers for sale and distribution to licensed retailers. A
 12 microdistillery license issued pursuant to this section shall be the only
 13 license required by the Nebraska Liquor Control Act for the manufacture
 14 and retail sale of microdistilled product for consumption on or off the
 15 licensed premises, except that the sale of any beer, wine, or alcoholic
 16 liquor, other than microdistilled product manufactured by the
 17 microdistillery licensee, by the drink for consumption on the
 18 microdistillery premises shall require the appropriate retail license.
 19 Any license held by the operator of a microdistillery shall be subject to
 20 the act. A holder of a microdistillery license may obtain an annual
 21 catering license pursuant to section 53-124.12, a special designated
 22 license pursuant to section 53-124.11, an entertainment district license
 23 pursuant to section 53-123.17, or a promotional farmers market special
 24 designated license pursuant to section 53-124.16. The commission may,
 25 upon the conditions it determines, grant to any microdistillery licensed
 26 under this section a special license authorizing the microdistillery to
 1 purchase and to import, from such persons as are entitled to sell the
 2 same, wines or spirits to be used solely as ingredients and for the sole
 3 purpose of blending with and flavoring microdistillery products as a part

4 of the microdistillation process.

5 (2) A holder of a microdistillery license may directly sell for
6 resale up to five hundred gallons per calendar year of microdistilled
7 products produced at its licensed premises directly to retail licensees
8 located in the State of Nebraska which hold the appropriate retail
9 license if the holder of the microdistillery license:

10 (a) Self-distributes its microdistilled products utilizing only
11 persons employed by the microdistillery licensee; and
12 (b) Complies with all relevant statutes, rules, and regulations that
13 apply to Nebraska wholesalers regarding distribution of microdistilled
14 products.

15 (3) A holder of a microdistillery license may store and warehouse
16 tax paid products produced on such licensee's licensed premises in a
17 designated, secure, offsite storage facility if the holder of the
18 microdistillery license receives authorization from the commission and
19 notifies the commission of the location of the storage facility and
20 maintains, at the microdistillery and at the storage facility, a separate
21 perpetual inventory of the product stored at the storage facility.
22 Consumption of alcoholic liquor at the storage facility is strictly
23 prohibited.

24 (4) The commission may adopt and promulgate rules and regulations
25 relating to the distribution rights of microdistillery licensees.

26 Sec. 13. Section 53-169, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 53-169 (1) Except as provided in subsection (2) of this section, no
29 manufacturer or wholesaler shall directly or indirectly: (a) Pay for any
30 license to sell alcoholic liquor at retail or advance, furnish, lend, or
31 give money for payment of such license; (b) purchase or become the owner
1 of any note, mortgage, or other evidence of indebtedness of such licensee
2 or any form of security therefor; (c) be interested in the ownership,
3 conduct, or operation of the business of any licensee authorized to sell
4 alcoholic liquor at retail; or (d) be interested directly or indirectly
5 or as owner, part owner, lessee, or lessor thereof in any premises upon
6 which alcoholic liquor is sold at retail.

7 (2) This section does not apply to the holder of a farm winery
8 license. The holder of a craft brewery license shall have the privileges
9 and duties listed in section 53-123.14 and the holder of a manufacturer's
10 license shall have the privileges and duties listed in section 53-123.01
11 with respect to the manufacture, distribution, and retail sale of beer,
12 and except as provided in subsection (2) of section 53-123.14, the
13 Nebraska Liquor Control Act shall not be construed to permit the holder
14 of a craft brewery license or of a manufacturer's license issued pursuant
15 to section 53-123.01 to engage in the wholesale distribution of beer. The
16 holder of a microdistillery license shall have the privileges and duties
17 listed in section 53-123.16 with respect to the manufacture of alcoholic
18 liquor, and except as provided in subsection (2) of section 53-123.16,
19 the Nebraska Liquor Control Act shall not be construed to permit the
20 holder of a microdistillery license to engage in the wholesale
21 distribution of alcoholic liquor.

22 (3) It shall not be a violation of this section for a wholesaler or
23 manufacturer or the agent of a wholesaler or manufacturer to enter into a
24 sponsorship or advertising agreement with a licensee, organization, or
25 political subdivision of the State of Nebraska pursuant to section 7 of
26 this act.

27 Sec. 14. Section 53-171, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 53-171 (1) No person licensed as a wholesaler of alcoholic liquor
30 shall be permitted to receive any retail license at the same time. No
31 person licensed as a manufacturer shall be permitted to receive any
1 retail license at the same time except as set forth in subsection (2) of

2 section 53-123.01 with respect to the manufacture, distribution, and
 3 retail sale of beer, and the Nebraska Liquor Control Act shall not be
 4 construed to permit the holder of a manufacturer's license issued
 5 pursuant to such subsection to engage in the wholesale distribution of
 6 alcoholic liquor. No person licensed as a retailer of alcoholic liquor
 7 shall be permitted to receive any manufacturer's or wholesale license at
 8 the same time.
 9 (2) This section shall not apply to the holder of a farm winery
 10 license. The holder of a craft brewery license shall have the privileges
 11 and duties listed in section 53-123.14 with respect to the manufacture,
 12 distribution, and retail sale of beer, and except as provided in
 13 subsection (2) of section 53-123.14, the Nebraska Liquor Control Act
 14 shall not be construed to permit the holder of a craft brewery license to
 15 engage in the wholesale distribution of beer. The holder of a
 16 microdistillery license shall have the privileges and duties listed in
 17 section 53-123.16 with respect to the manufacture of alcoholic liquor,
 18 and except as provided in subsection (2) of section 53-123.16, the
 19 Nebraska Liquor Control Act shall not be construed to permit the holder
 20 of a microdistillery license to engage in the wholesale distribution of
 21 alcoholic liquor.
 22 2. Renumber the remaining sections and correct the repealer
 23 accordingly.

Senator Lowe filed the following amendment to [LB376](#):

[AM571](#)

(Amendments to Standing Committee amendments, AM336)

1 1. Insert the following new section:
 2 Sec. 14. Since an emergency exists, this act takes effect when
 3 passed and approved according to law.

Senator Hunt filed the following amendment to [LB637](#):

[AM617](#)

1 1. On page 2, line 11, after "meeting" insert ", unless a member or
 2 members of such public body are found or declared to be too tired to hear
 3 citizen testimony".

Senator Hunt filed the following amendment to [LB637](#):

[AM616](#)

1 1. On page 2, strike beginning with "Except" in line 9 through
 2 "meeting" in line 11 and insert "A body shall not limit public
 3 participation in any meeting at which citizens are allowed to speak".

Senator Raybould filed the following amendment to [LB77](#):

[FA22](#)

Strike the enacting clause.

ANNOUNCEMENT

Speaker Arch announced the Government, Military and Veterans Affairs Committee will conduct its hearing on Wednesday, March 1, 2023, in Room 1525, and the Natural Resources Committee will conduct its hearing in Room 1507, both at 1:30 p.m.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Ibach name added to LB31.
Senator Hardin name added to LB91.
Senator DeBoer name added to LB323.
Senator DeKay name added to LB563.
Senator Wayne name added to LB693.
Senator Moser name added to LB754.
Senator Halloran name added to LB805.
Senator Brewer name added to LR1CA.
Senator DeKay name added to LR47.

VISITORS

Visitors to the Chamber were Hobert Rupe, Executive Director of the Nebraska Liquor Commission; Deborah Levitov, Omaha; Shannon Coryell, Omaha; Ann Fintel, Lincoln; fourth grade students from St. Columbkille School, Papillion.

The Doctor of the Day was Dr. Brady Beecham of Lexington.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 1, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 2023

PRAYER

The prayer was offered by Father Lawrence Stoley, St. Michael Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brewer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, DeBoer, Dorn, B. Hansen, Hunt, Lowe, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 50. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Kauth, 31; Linehan, 39; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information between the brain and the body; and

WHEREAS, although there has been significant progress in MS research, including more than twenty disease modifying treatments to slow the progression of the disease, there is still no known cause or cure; and

WHEREAS, an estimated one million people in the United States are living with MS, including more than three thousand two hundred people in Nebraska; and

WHEREAS, the National Multiple Sclerosis Society exists to help each person address the challenges of living with MS by funding cutting-edge research, facilitating professional education, and providing programs and services that help people with MS and their families move their lives forward; and

WHEREAS, MS Awareness Month is recognized annually in March to unite people in Nebraska, the United States, and worldwide in the fight to end MS, to create connections stronger than the ones MS destroys, and to educate people about MS and what they can do to make a difference.

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

1. That the Legislature recognizes March 2023 as Multiple Sclerosis Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the Mid America Chapter of the National Multiple Sclerosis Society.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Hardin, 48; Erdman, 47; Jacobson, 42.

WHEREAS, community transportation is a growing need in the Panhandle of Nebraska; and

WHEREAS, under the leadership of Christy Warner, Kimball County Transit Service has expanded to meet the needs of the community; and

WHEREAS, Kimball County Transit Service and its drivers have received both state and national recognition; and

WHEREAS, in 2022, Kimball County Transit Service was the first Nebraska transit service to be invited to have a representative speak at the annual American Planning Association National Planning Conference; and

WHEREAS, Kimball County Transit Service has the fifth largest transit service area in the state of Nebraska including the counties of Kimball, Banner, Scotts Bluff, Cheyenne, Deuel, Keith, Morrill, and Lincoln; and

WHEREAS, Kimball County Transit Service also offers interstate travel to Cheyenne and Pine Bluffs, Wyoming, and Fort Collins, Loveland, and Denver, Colorado; and

WHEREAS, Kimball County Transit Service was awarded the 2018 Award of Excellence and the 2021 Connecting Rural Communities Award by the Federal Transit Administration; and

WHEREAS, in just five years, Kimball County Transit Service has grown from 7,000 annual rides to nearly 30,000 annual rides, totaling 96,905 boardings and covering 1,213,806 miles over those five years.

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

1. The Legislature recognizes the work Christy Warner and Kimball County Transit Service have done to meet the transit needs of the Panhandle.
2. That the Legislature congratulates Christy Warner and Kimball County Transit Service on receiving a multitude of state and national awards.
3. That a copy of this resolution be sent to the Kimball County Transit Service.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 77. Title read. Considered.

Senator Brewer asked unanimous consent to withdraw [AM55](#), found on page 359, and replace it with substitute amendment, [AM640](#).

[AM640](#)

1 1. Insert the following new sections:

2 Sec. 13. Section 28-1205, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
5 knuckles, or any other deadly weapon to commit any felony which may be
6 prosecuted in a court of this state commits the offense of use of a
7 deadly weapon to commit a felony.

8 (b) Use of a deadly weapon, other than a firearm, to commit a felony
9 is a Class II felony.

10 (c) Use of a deadly weapon, which is a firearm, to commit a felony
11 is a Class IC felony.

12 (2)(a) Any person who possesses a firearm, a knife, brass or iron
13 knuckles, or a destructive device during the commission of any felony
14 which may be prosecuted in a court of this state commits the offense of
15 possession of a deadly weapon during the commission of a felony.

16 (b) Possession of a deadly weapon, other than a firearm, during the
17 commission of a felony is a Class III felony.

18 (c) Possession of a deadly weapon, which is a firearm, during the
19 commission of a felony is a Class II felony.

20 (3)(a) Any person who carries a firearm or a destructive device
21 during the commission of a dangerous misdemeanor commits the offense of
22 carrying a firearm or destructive device during the commission of a
23 dangerous misdemeanor.

24 (b) A violation of this subsection is a:

25 (i) Class I misdemeanor for a first or second offense; and

26 (ii) A Class IV felony for any third or subsequent offense.

27 (4) A violation of this section (3) The crimes defined in this
1 section shall be treated as a separate and distinct offense offenses from
2 the underlying crimes felony being committed, and a sentence sentences
3 imposed under this section shall be consecutive to any other sentence
4 imposed.

5 (5) (4) Possession of a deadly weapon may be proved through evidence

6 demonstrating either actual or constructive possession of a firearm, a
7 knife, brass or iron knuckles, or a destructive device during,
8 immediately prior to, or immediately after the commission of a felony.
9 ~~(6) (5)~~ For purposes of this section:
10 (a) Dangerous misdemeanor means a misdemeanor violation of any of
11 the following offenses:
12 (i) Stalking under section 28-311.03;
13 (ii) Knowing violation of a harassment protection order under
14 section 28-311.09;
15 (iii) Knowing violation of a sexual assault protection order under
16 section 28-311.11;
17 (iv) Domestic assault under section 28-323;
18 (v) Assault of an unborn child in the third degree under section
19 28-399;
20 (vi) Theft by shoplifting under section 28-511.01;
21 (vii) Unauthorized use of a propelled vehicle under section 28-516;
22 (viii) Criminal mischief under section 28-519 if such violation
23 arises from an incident involving the commission of a misdemeanor crime
24 of domestic violence;
25 (ix) Impersonating a police officer under section 28-610;
26 (x) Resisting arrest under section 28-904;
27 (xi) Operating a motor vehicle or vessel to avoid arrest under
28 section 28-905;
29 (xii) Obstructing a peace officer under section 28-906;
30 (xiii) Knowing violation of a domestic abuse protection order under
31 section 42-924; or
1 (xiv) Any attempt under section 28-201 to commit an offense
2 described in subdivisions (6)(a)(i) through (xiii) of this section;
3 (b) (a) Destructive device has the same meaning as in section
4 28-1213; and
5 (c) Misdemeanor crime of domestic violence has the same meaning as
6 in section 28-1206; and
7 (d) (b) Use of a deadly weapon includes the discharge, employment,
8 or visible display of any part of a firearm, a knife, brass or iron
9 knuckles, any other deadly weapon, or a destructive device during,
10 immediately prior to, or immediately after the commission of a felony or
11 communication to another indicating the presence of a firearm, a knife,
12 brass or iron knuckles, any other deadly weapon, or a destructive device
13 during, immediately prior to, or immediately after the commission of a
14 felony, regardless of whether such firearm, knife, brass or iron
15 knuckles, deadly weapon, or destructive device was discharged, actively
16 employed, or displayed.
17 Sec. 15. Section 28-1354, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:
19 28-1354 For purposes of the Public Protection Act:
20 (1) Enterprise means any individual, sole proprietorship,
21 partnership, corporation, trust, association, or any legal entity, union,
22 or group of individuals associated in fact although not a legal entity,
23 and shall include illicit as well as licit enterprises as well as other
24 entities;
25 (2) Pattern of racketeering activity means a cumulative loss for one
26 or more victims or gains for the enterprise of not less than one thousand
27 five hundred dollars resulting from at least two acts of racketeering
28 activity, one of which occurred after August 30, 2009, and the last of
29 which occurred within ten years, excluding any period of imprisonment,
30 after the commission of a prior act of racketeering activity;
31 (3) Until January 1, 2017, person means any individual or entity, as
1 defined in section 21-2014, holding or capable of holding a legal,
2 equitable, or beneficial interest in property. Beginning January 1, 2017,
3 person means any individual or entity, as defined in section 21-214,

4 holding or capable of holding a legal, equitable, or beneficial interest
5 in property;

6 (4) Prosecutor includes the Attorney General of the State of
7 Nebraska, the deputy attorney general, assistant attorneys general, a
8 county attorney, a deputy county attorney, or any person so designated by
9 the Attorney General, a county attorney, or a court of the state to carry
10 out the powers conferred by the act;

11 (5) Racketeering activity includes the commission of, criminal
12 attempt to commit, conspiracy to commit, aiding and abetting in the
13 commission of, aiding in the consummation of, acting as an accessory to
14 the commission of, or the solicitation, coercion, or intimidation of
15 another to commit or aid in the commission of any of the following:

16 (a) Offenses against the person which include: Murder in the first
17 degree under section 28-303; murder in the second degree under section
18 28-304; manslaughter under section 28-305; assault in the first degree
19 under section 28-308; assault in the second degree under section 28-309;
20 assault in the third degree under section 28-310; terroristic threats
21 under section 28-311.01; kidnapping under section 28-313; false
22 imprisonment in the first degree under section 28-314; false imprisonment
23 in the second degree under section 28-315; sexual assault in the first
24 degree under section 28-319; and robbery under section 28-324;

25 (b) Offenses relating to controlled substances which include: To
26 unlawfully manufacture, distribute, deliver, dispense, or possess with
27 intent to manufacture, distribute, deliver, or dispense a controlled
28 substance under subsection (1) of section 28-416; possession of marijuana
29 weighing more than one pound under subsection (12) of section 28-416;
30 possession of money used or intended to be used to facilitate a violation
31 of subsection (1) of section 28-416 prohibited under subsection (17) of
1 section 28-416; any violation of section 28-418; to unlawfully
2 manufacture, distribute, deliver, or possess with intent to distribute or
3 deliver an imitation controlled substance under section 28-445;
4 possession of anhydrous ammonia with the intent to manufacture
5 methamphetamine under section 28-451; and possession of ephedrine,
6 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
7 methamphetamine under section 28-452;

8 (c) Offenses against property which include: Arson in the first
9 degree under section 28-502; arson in the second degree under section
10 28-503; arson in the third degree under section 28-504; burglary under
11 section 28-507; theft by unlawful taking or disposition under section
12 28-511; theft by shoplifting under section 28-511.01; theft by deception
13 under section 28-512; theft by extortion under section 28-513; theft of
14 services under section 28-515; theft by receiving stolen property under
15 section 28-517; criminal mischief under section 28-519; and unlawfully
16 depriving or obtaining property or services using a computer under
17 section 28-1344;

18 (d) Offenses involving fraud which include: Burning to defraud an
19 insurer under section 28-505; forgery in the first degree under section
20 28-602; forgery in the second degree under section 28-603; criminal
21 possession of a forged instrument under section 28-604; criminal
22 possession of written instrument forgery devices under section 28-605;
23 criminal impersonation under section 28-638; identity theft under section
24 28-639; identity fraud under section 28-640; false statement or book
25 entry under section 28-612; tampering with a publicly exhibited contest
26 under section 28-614; issuing a false financial statement for purposes of
27 obtaining a financial transaction device under section 28-619;
28 unauthorized use of a financial transaction device under section 28-620;
29 criminal possession of a financial transaction device under section
30 28-621; unlawful circulation of a financial transaction device in the
31 first degree under section 28-622; unlawful circulation of a financial
1 transaction device in the second degree under section 28-623; criminal

2 possession of a blank financial transaction device under section 28-624;
3 criminal sale of a blank financial transaction device under section
4 28-625; criminal possession of a financial transaction forgery device
5 under section 28-626; unlawful manufacture of a financial transaction
6 device under section 28-627; laundering of sales forms under section
7 28-628; unlawful acquisition of sales form processing services under
8 section 28-629; unlawful factoring of a financial transaction device
9 under section 28-630; and fraudulent insurance acts under section 28-631;
10 (e) Offenses involving governmental operations which include: Abuse
11 of public records under section 28-911; perjury or subornation of perjury
12 under section 28-915; bribery under section 28-917; bribery of a witness
13 under section 28-918; tampering with a witness or informant or jury
14 tampering under section 28-919; bribery of a juror under section 28-920;
15 assault on an officer, an emergency responder, a state correctional
16 employee, a Department of Health and Human Services employee, or a health
17 care professional in the first degree under section 28-929; assault on an
18 officer, an emergency responder, a state correctional employee, a
19 Department of Health and Human Services employee, or a health care
20 professional in the second degree under section 28-930; assault on an
21 officer, an emergency responder, a state correctional employee, a
22 Department of Health and Human Services employee, or a health care
23 professional in the third degree under section 28-931; and assault on an
24 officer, an emergency responder, a state correctional employee, a
25 Department of Health and Human Services employee, or a health care
26 professional using a motor vehicle under section 28-931.01;
27 (f) Offenses involving gambling which include: Promoting gambling in
28 the first degree under section 28-1102; possession of gambling records
29 under section 28-1105; gambling debt collection under section 28-1105.01;
30 and possession of a gambling device under section 28-1107;
31 (g) Offenses relating to firearms, weapons, and explosives which
1 include: Carrying a concealed weapon under section 28-1202;
2 transportation or possession of machine guns, short rifles, or short
3 shotguns under section 28-1203; unlawful possession of a handgun under
4 section 28-1204; unlawful transfer of a firearm to a juvenile under
5 section 28-1204.01; possession of a firearm by a prohibited juvenile
6 offender under section 28-1204.05; using a deadly weapon to commit a
7 felony, ~~or~~ possession of a deadly weapon during the commission of a
8 felony, or carrying a firearm or destructive device during the commission
9 of a dangerous misdemeanor under section 28-1205; possession of a deadly
10 weapon by a prohibited person under section 28-1206; possession of a
11 defaced firearm under section 28-1207; defacing a firearm under section
12 28-1208; unlawful discharge of a firearm under section 28-1212.02;
13 possession, receipt, retention, or disposition of a stolen firearm under
14 section 28-1212.03; unlawful possession of explosive materials in the
15 first degree under section 28-1215; unlawful possession of explosive
16 materials in the second degree under section 28-1216; unlawful sale of
17 explosives under section 28-1217; use of explosives without a permit
18 under section 28-1218; obtaining an explosives permit through false
19 representations under section 28-1219; possession of a destructive device
20 under section 28-1220; threatening the use of explosives or placing a
21 false bomb under section 28-1221; using explosives to commit a felony
22 under section 28-1222; using explosives to damage or destroy property
23 under section 28-1223; and using explosives to kill or injure any person
24 under section 28-1224;
25 (h) Any violation of the Securities Act of Nebraska pursuant to
26 section 8-1117;
27 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
28 section 77-2713;
29 (j) Offenses relating to public health and morals which include:
30 Prostitution under section 28-801; pandering under section 28-802;

31 keeping a place of prostitution under section 28-804; labor trafficking,
 1 sex trafficking, labor trafficking of a minor, or sex trafficking of a
 2 minor under section 28-831; a violation of section 28-1005; and any act
 3 relating to the visual depiction of sexually explicit conduct prohibited
 4 in the Child Pornography Prevention Act; and
 5 (k) A violation of the Computer Crimes Act;
 6 (6) State means the State of Nebraska or any political subdivision
 7 or any department, agency, or instrumentality thereof; and
 8 (7) Unlawful debt means a debt of at least one thousand five hundred
 9 dollars:
 10 (a) Incurred or contracted in gambling activity which was in
 11 violation of federal law or the law of the state or which is
 12 unenforceable under state or federal law in whole or in part as to
 13 principal or interest because of the laws relating to usury; or
 14 (b) Which was incurred in connection with the business of gambling
 15 in violation of federal law or the law of the state or the business of
 16 lending money or a thing of value at a rate usurious under state law if
 17 the usurious rate is at least twice the enforceable rate.
 18 2. On page 15, strike lines 3 through 7 and insert the following new
 19 subdivisions:
 20 "(11)(a) Prohibited person means:
 21 (i) A person prohibited from possessing a firearm or ammunition by
 22 state law, including, but not limited to, section 28-1206; or
 23 (ii) A person prohibited from possessing a firearm or ammunition by
 24 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.
 25 (b) This definition does not apply to the use of the term prohibited
 26 person in section 28-1206;".
 27 3. On page 24, line 9, strike beginning with "and" through "second"
 28 and insert ", a Class I misdemeanor for a second offense, and a Class IV
 29 felony for a third".
 30 4. Renumber the remaining sections and correct the repealer
 31 accordingly.

Senator Raybould objected.

Senator Brewer offered the following motion:

[MO46](#)

Withdraw and Substitute with AM640

SPEAKER ARCH PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 41, 42, 43, 44, 45, and 46 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business,
 the Speaker signed the following: LRs 41, 42, 43, 44, 45, and 46.

PRESIDENT KELLY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 77. The Brewer motion, [MO46](#), found in this day's Journal, to withdraw and substitute with AM640, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO48](#)

Bracket until March 02, 2023.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 698. Placed on General File.

LEGISLATIVE BILL 141. Placed on General File with amendment.

[AM433](#)

1 1. On page 2, strike lines 3 through 5 and insert the following new
2 subsection:
3 "(2) On or before January 1, 2024, the State Department of Education
4 shall develop guidelines which school districts may use for the
5 implementation of a moment of silence or quiet reflection during each
6 school day."

(Signed) Dave Murman, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 321A. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 321, One Hundred Eighth Legislature, First Session, 2023.

LEGISLATIVE BILL 552A. Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 552, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524 1:30 PM

Wednesday, March 8, 2023

LB622

LB429

LB505
LB692
LB499

(Signed) Lou Ann Linehan, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, March 8, 2023

LB248
LB175
LB182
LB187
LB545
LB270

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas E. Henning - Nebraska Investment Council

Aye: 5. Clements, Conrad, Ibach, McDonnell, Vargas. Nay: 0. Absent: 1. Hardin. Present and not voting: 0.

(Signed) Mike McDonnell, Chairperson

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to [LB302](#):

[AM603](#)

(Amendments to Standing Committee amendments, AM503)

- 1 1. Strike amendment 2 and insert the following new amendment:
- 2 2. On page 3, lines 14, 15, and 28, strike "person holding elective
- 3 office", show as stricken, and insert "public official"; in lines 24 and
- 4 25 strike "city, village, or school district", show as stricken, and
- 5 insert "political subdivision"; and in line 26 strike "person holding
- 6 elective", show as stricken, and insert "public official holding".

Senator Raybould filed the following amendment to [LB77](#):

[FA24](#)

The provision of AM640 to LB77 shall terminate on January 1, 2024.

Senator Holdcroft filed the following amendment to [LB580](#):

[AM634](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. Section 77-1344, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 77-1344 (1) Agricultural or horticultural land which has an actual
6 value as defined in section 77-112 reflecting purposes or uses other than
7 agricultural or horticultural purposes or uses shall be assessed as
8 provided in subsection (3) of section 77-201 if the land meets the
9 qualifications of this subsection and an application for such special
10 valuation is filed and approved pursuant to section 77-1345. In order for
11 the land to qualify for special valuation, ~~all of the following criteria~~
12 ~~shall be met:~~ (a) ~~The land must be located outside the corporate~~
13 ~~boundaries of any sanitary and improvement district, city, or village~~
14 ~~except as provided in subsection (2) of this section; and (b) the land~~
15 ~~must be agricultural or horticultural land. If the land consists of five~~
16 ~~contiguous acres or less, the owner or lessee of the land must also~~
17 ~~provide an Internal Revenue Service Schedule F documenting a profit or~~
18 ~~loss from farming for two out of the last three years in order for such~~
19 ~~land to qualify for special valuation.~~
20 ~~(2) Special valuation may be applicable to agricultural or~~
21 ~~horticultural land included within the corporate boundaries of a city or~~
22 ~~village if:~~
23 ~~(a) The land is subject to a conservation or preservation easement~~
24 ~~as provided in the Conservation and Preservation Easements Act and the~~
25 ~~governing body of the city or village approves the agreement creating the~~
26 ~~easement;~~
27 ~~(b) The land is subject to air installation compatible use zone~~
1 ~~regulations; or~~
2 ~~(c) The land is within a flood plain.~~
3 (2) (3) The eligibility of land for the special valuation provisions
4 of this section shall be determined each year as of January 1. If the
5 land so qualified becomes disqualified on or before December 31 of that
6 year, it shall continue to receive the special valuation until January 1
7 of the year following.
8 (3) (4) The special valuation placed on such land by the county
9 assessor under this section shall be subject to equalization by the
10 county board of equalization and the Tax Equalization and Review
11 Commission.
12 Sec. 2. Section 77-1347, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:
14 77-1347 (1) Upon approval of an application, the county assessor
15 shall value the land as provided in section 77-1344 until the land
16 becomes disqualified for such valuation by:
17 (a) (1) Written notification by the applicant or his or her
18 successor in interest to the county assessor to remove such special
19 valuation;
20 (2) ~~Except as provided in subsection (2) of section 77-1344,~~
21 ~~inclusion of the land within the corporate boundaries of any sanitary and~~
22 ~~improvement district, city, or village;~~
23 (b) (3) The land no longer qualifying as agricultural or
24 horticultural land; or
25 (c) (4) For land that consists of five contiguous acres or less, the
26 owner or lessee of the land not being able to provide an Internal Revenue
27 Service Schedule F documenting a profit or loss from farming for two out
28 of the last three years.
29 (2) The changes made in this section by this legislative bill shall
30 apply retroactively to January 1, 2023.
31 Sec. 3. Original sections 77-1344 and 77-1347, Revised Statutes
1 Cumulative Supplement, 2022, are repealed.
2 Sec. 4. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to LB751:

[MO47](#)

Withdraw LB751.

Senator Riepe filed the following motion to LB464:

[MO49](#)

Suspend Rule 3, Section 14 to permit cancellation of the public hearing for LB 464.

Senator Vargas filed the following motion to LB464:

[MO51](#)

Withdraw LB464.

ANNOUNCEMENT

Priority designation received:

Legislative Performance Audit - LB90

RESOLUTIONS

LEGISLATIVE RESOLUTION 52. Introduced by Armendariz, 18.

WHEREAS, the 2023 Nebraska School Activities Association State Wrestling Tournament was held from February 16 through February 18 at the CHI Health Center Omaha; and

WHEREAS, Maycee Peacher competed in the tournament for the Bennington High School wrestling team; and

WHEREAS, Maycee Peacher won the Girls 110-pound state championship by defeating Ella Reeves of Battle Creek in the Girls 110-pound championship match 16-0; 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, FIRST SESSION:

1. That the Legislature congratulates Bennington High School wrestler Maycee Peacher on winning the 2023 Girls 110-pound State Wrestling Championship.

2. That copies of this resolution be sent to Bennington High School and Maycee Peacher.

Laid over.

LEGISLATIVE RESOLUTION 53. Introduced by Armendariz, 18.

WHEREAS, the 2023 Nebraska School Activities Association State Wrestling Tournament was held from February 16 through February 18 at the CHI Health Center Omaha; and

WHEREAS, Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen competed in the tournament for the Bennington High School wrestling team; and

WHEREAS, Cadyn Coyle won the Class B 113-pound state championship by defeating Daylen Naylor of Lexington in the Class B 113-pound championship match 3-1; and

WHEREAS, Kael Lauridsen won the Class B 126-pound state championship by defeating John Alden of O'Neill in the Class B 126-pound championship match 5-3; and

WHEREAS, Kyler Lauridsen won the Class B 138-pound state championship by defeating Ely Olberding of Fort Calhoun in the Class B 138-pound championship match 12-4; 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, FIRST SESSION:

1. That the Legislature congratulates Bennington High School wrestlers Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen on winning the 2023 Class B 113-pound, 126-pound, and 138-pound State Wrestling Championships respectively.

2. That copies of this resolution be sent to Bennington High School, Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen.

Laid over.

ANNOUNCEMENTS

Senator B. Hansen announced the Health and Human Services Committee will hold an executive session Friday, March 3, 2023, immediately after their hearing, in Room 1510.

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, March 2, 2023, after their hearing, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Holdcroft name added to LB80.

Senator Day name added to LB748.

VISITORS

Visitors to the Chamber were leaders from the Nebraska Health Care Association; students from Heartland Community School, Henderson; students from Christ Lincoln School, Lincoln.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 12:10 p.m., on a motion by Senator Day, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 2, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 2023

PRAYER

The prayer was offered by Pastor Stephen Griffith, Kountze Memorial Lutheran Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Clements.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Conrad, Day, Dover, B. Hansen, Hunt, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Thursday, March 9, 2023

LB322
LB192
LB398
LB529
LB344

(Signed) Lou Ann Linehan, Chairperson

General Affairs
Room 1510 1:30 PM

Monday, March 13, 2023

LB148

LB150

LB375

LB403

LB404

LB493

Trent Loos - State Racing and Gaming Commission

Brian Botsford - Nebraska Arts Council

(Signed) John Lowe, Chairperson

ANNOUNCEMENT

Priority designation received:

Moser - LB706

AMENDMENT - Print in Journal

Senator Brewer filed the following amendment to [LB451](#):

[AM659](#)

1 1. On page 2, line 1, strike "Health and Human Services" and insert

2 "Economic Development".

MOTION - Suspend Rules

Senator Riepe offered [MO49](#), found on page 655, to suspend Rule 3, Section 14 to permit cancellation of the public hearing for LB 464.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Aguilar	Brewer	Geist	Kauth	Riepe
Albrecht	Briese	Halloran	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeBoer	Holdcroft	McDonnell	Vargas
Ballard	DeKay	Hughes	Moser	von Gillern
Bostelman	Dorn	Ibach	Murman	Wishart
Brandt	Erdman	Jacobson	Raybould	

Voting in the negative, 5:

Blood	Cavanaugh, J.	Conrad	Day	Wayne
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Present and not voting, 4:

Cavanaugh, M.	Dungan	Fredrickson	McKinney
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Excused and not voting, 6:

Bostar	Hansen	Lowe
Dover	Hunt	Walz

The motion to cease debate prevailed with 34 ayes, 5 nays, 4 present and not voting, and 6 excused and not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to suspend the rules.

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Bostar Hansen Hunt Lowe Walz

The Riepe motion to suspend the rules prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO52](#)

Reconsider the vote on MO49.

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate prevailed with 29 ayes, 7 nays, 9 present and not voting, and 4 excused and not voting.

SENATOR DORN PRESIDING

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 6 ayes, 31 nays, 7 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB464

Speaker Arch requested to pass over the motion to withdraw LB464.

MOTION - Withdraw LB751

Speaker Arch requested to pass over the motion to withdraw LB751.

GENERAL FILE

LEGISLATIVE BILL 77. Senator Brewer renewed [MO46](#), found on page 651, and considered on pages 651 and 652, to withdraw and substitute with AM640.

Senator M. Cavanaugh renewed [MO48](#), found and considered on page 652, to bracket until March 02, 2023.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO53](#)

Bracket until March 03, 2023.

Pending.

NOTICE OF COMMITTEE HEARINGS

Business and Labor
Room 1524 1:30 PM

Monday, March 6, 2023
LB464 (cancel)

(Signed) Merv Riepe, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, March 21, 2023
LB481
LB533

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 218. Placed on General File.

LEGISLATIVE BILL 263. Placed on General File.

LEGISLATIVE BILL 264. Placed on General File.

LEGISLATIVE BILL 305. Placed on General File with amendment.

[AM526](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 88-541, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 88-541 (1) Each warehouse licensee shall file with the commission a
6 schedule of the licensee's storage rates and charges existing as of the
7 date of filing, and each applicant for a warehouse license shall file
8 with the commission a schedule of the applicant's storage rates and
9 charges existing on the date the application is filed. A warehouse
10 licensee shall post the filed schedule of rates and charges on signage
11 issued by the commission in a conspicuous place at the licensee's
12 warehouse location. Such rates and charges shall be full compensation for
13 receiving, handling, storing, delivering, and insuring grain.
14 (2) A warehouse licensee may increase or decrease such rates and
15 charges by (a) filing notice of such change of rates and charges with the
16 commission and also sending such notice to all grain owners of record not
17 less than thirty days prior to such change of rates and charges and (b)
18 posting notice of such change of rates and charges on signage issued by

19 ~~the commission in a conspicuous place at the warehouse licensee's~~
 20 ~~warehouse. The new rates and charges shall be charged on all grain in~~
 21 ~~storage at the time of, and all grain received for storage after, the~~
 22 ~~effective date of the change of rates and charges. Not less than once~~
 23 ~~each year, the commission shall by order fix reasonable storage rates,~~
 24 ~~and no warehouse licensee shall charge a lesser or greater rate, except~~
 25 ~~upon application to and a hearing before the commission. If, after a~~
 26 ~~hearing, the commission finds that a lesser or greater rate should be~~
 27 ~~ordered, it shall enter a supplemental order fixing a different rate for~~
 1 ~~such applicant. Such charges shall be full compensation for the~~
 2 ~~receiving, handling, storing, delivering, and insuring of grain.~~
 3 (3) No discrimination shall be made between different customers by
 4 any state-licensed grain warehouse either in facilities, rates, charges,
 5 or handling of any grain, except that members of a cooperative may be
 6 given preference in storage facilities in warehouses of the cooperative.
 7 The rates charged to any governmental agency shall be exempt from
 8 commission regulation.
 9 Sec. 2. Section 88-549, Reissue Revised Statutes of Nebraska, is
 10 amended to read:
 11 88-549 (1) At least once each calendar year and not later than one
 12 year from the date of receipt of the previous written notice, each
 13 warehouse licensee shall send written notice to each person who stores
 14 grain in such warehouse at such person's last-known address specifying
 15 the type and amount of grain in storage, the location at which the grain
 16 is being stored, and the current rate of storage.
 17 (2) A warehouse licensee shall not charge any storage rates and
 18 charges other than or in addition to the schedule of storage rates and
 19 charges duly filed and posted pursuant to section 88-541.
 20 (3) Any warehouse licensee who violates subsection (1) or (2) of
 21 this section shall be guilty of a Class V misdemeanor.
 22 Sec. 3. Original sections 88-541 and 88-549, Reissue Revised
 23 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 740. Placed on General File with amendment.

AM619

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 81-2,239 Sections 81-2,239 to 81-2,292 and sections 3 to 6 of this
 6 act and the provisions of the Food Code and the Current Good
 7 Manufacturing Practice In Manufacturing, Packing, or Holding Human Food
 8 adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known
 9 and may be cited as the Nebraska Pure Food Act.
 10 Sec. 2. Section 81-2,240, Revised Statutes Cumulative Supplement,
 11 2022, is amended to read:
 12 81-2,240 For purposes of the Nebraska Pure Food Act, unless the
 13 context otherwise requires, the definitions found in sections 81-2,241 to
 14 81-2,254 and section 3 of this act shall be used. In addition, the
 15 definitions found in the code and practice adopted by reference in
 16 sections 81-2,257.01 and 81-2,259 shall be used.
 17 Sec. 3. Guidance document has the same meaning as in section
 18 84-901.
 19 Sec. 4. (1) A political subdivision acting as a regulatory
 20 authority may enter into an agreement under the Interlocal Cooperation
 21 Act with other public agencies to grant and provide reciprocity for local
 22 licensing of mobile food establishments for purposes of regulating food
 23 safety and handling.
 24 (2) On or before December 1, 2023, a political subdivision acting as
 25 a regulatory authority that is eligible to participate in an agreement

26 under this section shall submit a report electronically to the
 27 Legislature. Such report shall contain the following information:
 1 (a) A description of any reciprocity agreement entered into pursuant
 2 to this section; or
 3 (b) If a reciprocity agreement has not been entered into pursuant to
 4 this section, a summary of actions taken to develop such an agreement and
 5 a description of any impediments to such an agreement.
 6 Sec. 5. (1) For purposes of this section, city means a city of the
 7 first class or a city of the second class.
 8 (2) The department shall establish and maintain the Mobile Food
 9 Establishment Ordinance Registry. The registry shall be made available
 10 for review by the public on the department's website. The purpose of the
 11 registry is to record in a central location the municipal ordinances used
 12 to regulate mobile food establishments.
 13 (3) Each city shall participate in the registry. Except as provided
 14 in subsection (4) of this section, each city shall provide the department
 15 with the following information for the registry:
 16 (a) The name and address of each person responsible for regulating
 17 mobile food establishment operations;
 18 (b) A sample copy of any form that is required to be submitted in
 19 order for the mobile food establishment to operate in the city;
 20 (c) A complete electronic record of the ordinances used to regulate
 21 mobile food establishments; and
 22 (d) Any other information the department deems necessary.
 23 (4) Any city that does not regulate the operation of mobile food
 24 establishments in any way shall submit to the department for publication
 25 on the registry a written statement confirming that the city does not
 26 regulate the operation of mobile food establishments.
 27 (5) To ensure an accurate and updated registry, each city shall:
 28 (a) Upon a request by the department, make available to the
 29 department all information required pursuant to this section; and
 30 (b) Beginning in 2023, by December 31 of each calendar year notify
 31 the department of any new or modified ordinance adopted within such
 1 calendar year regulating mobile food establishments.
 2 (6) The department may adopt and promulgate rules and regulations to
 3 carry out this section.
 4 Sec. 6. The department shall develop and make available to the
 5 public a guidance document for mobile food establishment operators. The
 6 guidance document shall describe food establishment permit requirements
 7 applicable to mobile food establishments, including permit requirements
 8 applicable to reciprocity agreements between participating regulatory
 9 authorities under section 4 of this act.
 10 Sec. 7. Original sections 81-2,239 and 81-2,240, Revised Statutes
 11 Cumulative Supplement, 2022, are repealed.

(Signed) Steve Halloran, Chairperson

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to LB698:

AM636

- 1 1. Insert the following new sections:
- 2 Sec. 2. This act becomes operative on July 1, 2023.
- 3 Sec. 4. Since an emergency exists, this act takes effect when passed
- 4 and approved according to law.
- 5 2. Renumber the remaining section accordingly.

Senator J. Cavanaugh filed the following amendment to LB77:

AM666

(Amendments to FA22)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 69-2436, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 69-2436 (1) A permit to carry a concealed handgun is valid
- 6 throughout the state for a period of five years after the date of
- 7 issuance. ~~There shall be no fee for issuance or renewal of a permit. The~~
- 8 ~~fee for issuing a permit is one hundred dollars.~~
- 9 (2) The Nebraska State Patrol shall renew a permitholder's permit to
- 10 carry a concealed handgun for a renewal period of five years, subject to
- 11 continuing compliance with the requirements of section 69-2433, except as
- 12 provided in subsection (4) of section 69-2443. ~~Renewal. The renewal fee is~~
- 13 ~~fifty dollars, and renewal may be applied for no earlier than four months~~
- 14 ~~before expiration of the permit and no later than thirty business days~~
- 15 ~~after the date of expiration of the permit. At least four months before~~
- 16 ~~expiration of a permit to carry a concealed handgun, the Nebraska State~~
- 17 ~~Patrol shall send to the permitholder by United States mail or~~
- 18 ~~electronically notice of expiration of the permit.~~
- 19 (3) ~~The applicant shall submit the fee with the application to the~~
- 20 ~~Nebraska State Patrol. The fee shall be remitted to the State Treasurer~~
- 21 ~~for credit to the Nebraska State Patrol Cash Fund.~~
- 22 Sec. 2. Original section 69-2436, Revised Statutes Cumulative
- 23 Supplement, 2022, is repealed.

Senator Raybould filed the following amendment to [LB77](#):

[FA25](#)

Strike the enacting clause.

Senator Geist filed the following amendment to [LB77](#):

[AM653](#) is available in the Bill Room.

Senator McKinney filed the following amendment to [LB631](#):

[AM147](#)

- 1 1. Insert the following new sections:
- 2 Sec. 4. The Board of Parole shall adopt and promulgate rules and
- 3 regulations that include:
- 4 (1) Clearly defined, easily understood written mission statements
- 5 and strategic plans encompassing public safety and rehabilitation;
- 6 (2) Procedures to ensure that victims are appropriately notified and
- 7 given the opportunity to provide input in the rulemaking process;
- 8 (3) A requirement that board members receive initial and ongoing
- 9 training on cultural competency, implicit bias, an understanding of the
- 10 historical perspective of how and why parole was created, the powers and
- 11 duties of the board, and ethics. Such training shall address current
- 12 suggested best practices and enhance and strengthen members'
- 13 decisionmaking skills;
- 14 (4) A code of ethics for members of the board;
- 15 (5) Requirements and procedures for the board to incorporate
- 16 evidence-based practices that reduce recidivism. This includes, but is
- 17 not limited to, a requirement that the board measure performance outcomes
- 18 and develop transparent, written criteria that shall be considered when
- 19 making decisions on whether to grant or revoke parole and when setting
- 20 the conditions of parole;
- 21 (6) Methods by which the board will enhance opportunities for the
- 22 success of people released on parole by collaborating with partners
- 23 within and outside of the criminal justice system, supporting the
- 24 supervision of people released on parole in their communities, employing

25 informal social controls, and enabling people released on parole to
26 participate meaningfully in the supervision process; and

27 (7) Policies and standard practices that will assist in ensuring
1 neutrality, impartiality, and objectivity as an integral part of the
2 board's culture and practices.

3 Sec. 5. (1) This section applies to the Board of Parole whenever it
4 makes a determination of whether to grant or deny parole, sets the
5 conditions of parole, or determines the sanctions for a violation of
6 parole.

7 (2) The board shall serve as a neutral, impartial, and objective
8 decisionmaker and shall be insulated from undue influences of specific
9 ideological views and positions and from predetermined conceptions of the
10 desired outcomes of proceedings before the board.

11 (3) If the board collaborates with or receives input from other
12 entities within the criminal justice system, the board shall do so in a
13 manner that respects and reinforces impartiality, neutrality, and
14 objectivity.

15 (4) The board shall consider all evidence regarding a committed
16 offender in an impartial, objective, and neutral manner.

17 Sec. 7. Section 83-1,135, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 83-1,135 Sections 83-170 to 83-1,135.05 and sections 4 and 5 of this
20 act shall be known and may be cited as the Nebraska Treatment and
21 Corrections Act.

22 Sec. 8. Section 83-962, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 83-962 (1) ~~Until July 1, 2020, the Governor may declare a~~
25 ~~correctional system overcrowding emergency whenever the director~~
26 ~~certifies that the department's inmate population is over one hundred~~
27 ~~forty percent of design capacity. Beginning July 1, 2020, a correctional~~
28 ~~system overcrowding emergency shall exist whenever the director certifies~~
29 ~~that the department's inmate population is over one hundred forty percent~~
30 ~~of design capacity. The director shall so certify within thirty days~~
31 ~~after the date on which the population first exceeds one hundred forty~~
1 ~~percent of design capacity.~~

2 (2) During a correctional system overcrowding emergency, the board
3 shall immediately consider or reconsider committed offenders eligible for
4 parole who have not been released on parole.

5 (3) Upon such consideration or reconsideration, and for all other
6 consideration of committed offenders eligible for parole while the
7 correctional system overcrowding emergency is in effect, the board shall
8 order the release of each committed offender unless it is of the opinion
9 that such release should be deferred because:

10 (a) The board has determined that it is more likely than not that
11 the committed offender will not conform to the conditions of parole;

12 (b) The board has determined that release of the committed offender
13 would have a very significant and quantifiable effect on institutional
14 discipline; or

15 (c) The board has determined that there is a very substantial risk
16 that the committed offender will commit a violent act against a person.

17 (4) In making the determination regarding the risk that a committed
18 offender will not conform to the conditions of parole, the board shall
19 take into account the factors set forth in subsection (2) of section
20 83-1,114 and shall comply with the requirements of subsection (3) of
21 section 83-1,114 and section 5 of this act.

22 (5) The board shall continue granting parole to offenders under this
23 section until the director certifies that the population is at
24 operational capacity. The director shall so certify within thirty days
25 after the date on which the population first reaches operational
26 capacity.

27 2. Renumber the remaining sections and correct the repealer
28 accordingly.

GENERAL FILE

LEGISLATIVE BILL 77. Senator M. Cavanaugh renewed [MO53](#), found in this day's Journal, to bracket until March 03, 2023.

SENATOR DEBOER PRESIDING

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

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

[FA26](#)

Strike the enacting clause.

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113 1:30 PM

Thursday, March 9, 2023

LB438

LB466

LB668

LB643

LB8

(Signed) Justin Wayne, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator M. Cavanaugh name added to LB316.

Senator Hughes name added to LB563.

Senator M. Cavanaugh name added to LB615.

Senator Hughes name added to LB647.

Senator Lippincott name added to LR50.

VISITORS

Visitors to the Chamber were Carol Windrum and Madeline Baugous, Omaha; Cassidy Bell, Lincoln; members of the American Cancer

Society/Cancer Action Network; Kim Metz, Logan Metz, Kolby Lusetto, Bridgeport.

The Doctor of the Day was Dr. Dale Michels of Walton.

MOTION - Adjournment

At 1:18 p.m., Senator Ballard moved to adjourn the Legislature until 9:00 a.m., Friday, March 3, 2023.

Senator M. Cavanaugh requested a roll call vote on the motion to adjourn.

The motion prevailed with 27 ayes, 1 nay, 13 absent and not voting, and 8 excused and not voting.

Brandon Metzler
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 3, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 3, 2023

PRAYER

The prayer was offered by Speaker Arch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lippincott.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, Dover, B. Hansen, Hunt, Moser, Slama, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 2, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

American Communications Group, Inc.
Civic Nebraska
Husch Blackwell Strategies
GeoComm
Lynch, Tim
National Insurance Crime Bureau
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Community Resources for Justice, Inc.
Stembridge, Kurt
Jazz Pharmaceuticals, Inc.
Zetsche, Hannes
Baird Holm LLP

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 20. Placed on General File.
LEGISLATIVE BILL 712. Placed on General File.
LEGISLATIVE BILL 731. Placed on General File.
LEGISLATIVE BILL 771. Placed on General File.

(Signed) Tom Brewer, Chairperson

Natural Resources

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

Dan Hughes - Game and Parks Commission

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

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARING

Urban Affairs
Room 1510 1:30 PM

Tuesday, March 14, 2023
LB546
LB329
LB342

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 639. Placed on General File.
LEGISLATIVE BILL 671. Placed on General File.

LEGISLATIVE BILL 282. Placed on General File with amendment.
[AM687](#) is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT

Priority designation received:

Natural Resources - LB565

GENERAL FILE

LEGISLATIVE BILL 77. Senator Brewer renewed [MO46](#), found on page 651 and considered on pages 651, 652, and 662, to withdraw and substitute with AM640.

Senator M. Cavanaugh renewed [MO53](#), found on page 663 and considered on pages 663 and 668, to bracket until March 03, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO54](#)

Bracket until June 9, 2023.

Senator Brewer offered the following motion:

[MO55](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 38 ayes, 1 nays, and 10 not voting.

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

Voting in the affirmative, 36:

Aguilar	Briese	Hansen	Lippincott	Slama
Albrecht	Clements	Hardin	Lowe	von Gillern
Arch	DeKay	Holdcroft	McDonnell	Wayne
Armendariz	Dorn	Hughes	McKinney	Wishart
Ballard	Dover	Ibach	Moser	
Bostelman	Erdman	Jacobson	Murman	
Brandt	Geist	Kauth	Riepe	
Brewer	Halloran	Linehan	Sanders	

Voting in the negative, 10:

Bostar	Cavanaugh, M.	Day	Dungan	Raybould
Cavanaugh, J.	Conrad	DeBoer	Fredrickson	Vargas

Present and not voting, 3:

Blood	Hunt	Walz
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The Brewer motion to invoke cloture prevailed with 36 ayes, 10 nays, and 3 present and not voting.

The M. Cavanaugh motion to bracket failed with 4 ayes, 41 nays, and 4 present and not voting.

The Brewer motion to withdraw AM55 and substitute with AM640 prevailed with 35 ayes, 9 nays, and 5 present and not voting.

The Brewer amendment was adopted with 34 ayes, 11 nays, and 4 present and not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 36:

Aguilar	Briese	Hansen	Lippincott	Slama
Albrecht	Clements	Hardin	Lowe	von Gillern
Arch	DeKay	Holdcroft	McDonnell	Wayne
Armendariz	Dorn	Hughes	McKinney	Wishart
Ballard	Dover	Ibach	Moser	
Bostelman	Erdman	Jacobson	Murman	
Brandt	Geist	Kauth	Riepe	
Brewer	Halloran	Linehan	Sanders	

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Raybould
Cavanaugh, J.	Day	Fredrickson	Vargas

Present and not voting, 1:

Walz

Advanced to Enrollment and Review Initial with 36 ayes, 12 nays, and 1 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 1CA. Placed on General File with amendment.

[AM591](#)

1 1. On page 1, line 6, after "22" insert ", and to add a new section
 2 31 to Article III"; and after line 21 insert:
 3 III-31 Beginning on January 1, 2025, if the Legislature by general
 4 law imposes a program upon any political subdivision of the state, or
 5 increased level of expenditure required under an existing program upon
 6 any political subdivision of the state, as those terms are defined by the
 7 Legislature, the costs of such programs or increased level of service
 8 shall be reimbursed by the state in such manner as the Legislature may
 9 prescribe.
 10 2. On page 2, line 3, after "responsibilities" insert "and
 11 programs".

(Signed) Tom Brewer, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 787A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 787, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENT - Print in Journal

Senator McKinney filed the following amendment to [LB784](#):

[AM598](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) There is hereby appropriated (a) \$15,000,000 from
 4 the General Fund for FY2023-24 and (b) \$10,000,000 from the General Fund

5 for FY2024-25 to the Department of Economic Development, Agency 72, to
 6 contract with an iHub partner as defined in section 81-12.108 located
 7 within two miles of an airport located within a city of the metropolitan
 8 class.
 9 (2) The money appropriated in this section shall only be used for
 10 the following purposes:
 11 (a) Wet and dry laboratory space within two miles of an airport
 12 located within a city of the metropolitan class and satellite laboratory
 13 space locations at a university;
 14 (b) Commercialization of bioscience, agritech, life sciences, and
 15 health industries; and
 16 (c) Small business development.
 17 Sec. 2. Since an emergency exists, this act takes effect when
 18 passed and approved according to law.

ANNOUNCEMENT

Priority designation received:

Urban Affairs - LB531

GENERAL FILE

LEGISLATIVE BILL 278A. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO56](#)

Bracket until June 9, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 298A. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO58](#)

Bracket until June 9, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator von Gillern filed the following amendment to [LB805](#):

[AM677](#)

1 1. On page 2, line 2, strike "and"; after line 2 insert the
 2 following new subdivision:

3 "(b) School district has the same meaning as in section 79-101;

4 and"; in line 3 strike "(b)" and insert "(c)"; in lines 5, 7, and 10
 5 after "school" insert "district"; in line 13 strike "the" and insert "a";
 6 in line 14 after the second "school" insert "district"; and in lines 15
 7 and 18 after "school" insert "district".

Senator Dover filed the following amendment to LB718:

AM679

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) For purposes of this section:
 4 (a) Department means the Department of Economic Development; and
 5 (b) Eligible applicant means a city of the first class that is
 6 developing or constructing one or more riverfront improvement projects.
 7 (2) The department shall create the Riverfront Improvement Project
 8 Program to award a one-time grant of two million dollars. This grant
 9 shall be awarded to one eligible applicant.
 10 (3) An eligible applicant may apply to the department for a grant
 11 under the Riverfront Improvement Project Program within one year after
 12 the effective date of this act. Prior to being awarded a grant under this
 13 section, an eligible applicant shall provide proof of matching funds in
 14 the amount of two dollars for every one dollar of grant money to be
 15 awarded to the eligible applicant.
 16 (4) A grant received pursuant to this section shall only be used for
 17 one or more riverfront improvement projects.
 18 (5) The department may adopt and promulgate rules and regulations to
 19 carry out this section.
 20 Sec. 2. Section 84-612, Revised Statutes Cumulative Supplement,
 21 2022, is amended to read:
 22 84-612 (1) There is hereby created within the state treasury a fund
 23 known as the Cash Reserve Fund which shall be under the direction of the
 24 State Treasurer. The fund shall only be used pursuant to this section.
 25 (2) The State Treasurer shall transfer funds from the Cash Reserve
 26 Fund to the General Fund upon certification by the Director of
 27 Administrative Services that the current cash balance in the General Fund
 1 is inadequate to meet current obligations. Such certification shall
 2 include the dollar amount to be transferred. Any transfers made pursuant
 3 to this subsection shall be reversed upon notification by the Director of
 4 Administrative Services that sufficient funds are available.
 5 (3) In addition to receiving transfers from other funds, the Cash
 6 Reserve Fund shall receive federal funds received by the State of
 7 Nebraska for undesignated general government purposes, federal revenue
 8 sharing, or general fiscal relief of the state.
 9 (4) The State Treasurer shall transfer fifty-four million seven
 10 hundred thousand dollars on or after July 1, 2019, but before June 15,
 11 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
 12 Fund on such dates and in such amounts as directed by the budget
 13 administrator of the budget division of the Department of Administrative
 14 Services.
 15 (5) The State Treasurer shall transfer two hundred fifteen million
 16 five hundred eighty thousand dollars from the Cash Reserve Fund to the
 17 Nebraska Capital Construction Fund on or after July 1, 2022, but before
 18 June 15, 2023, on such dates and in such amounts as directed by the
 19 budget administrator of the budget division of the Department of
 20 Administrative Services.
 21 (6) The State Treasurer shall transfer fifty-three million five
 22 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
 23 Canal Project Fund on or before June 30, 2023, on such dates and in such
 24 amounts as directed by the budget administrator of the budget division of
 25 the Department of Administrative Services.
 26 (7) No funds shall be transferred from the Cash Reserve Fund to

27 fulfill the obligations created under the Nebraska Property Tax Incentive
28 Act unless the balance in the Cash Reserve Fund after such transfer will
29 be at least equal to five hundred million dollars.

30 (8) The State Treasurer shall transfer thirty million dollars from
31 the Cash Reserve Fund to the Military Base Development and Support Fund
1 on or before June 30, 2023, but not before July 1, 2022, on such dates
2 and in such amounts as directed by the budget administrator of the budget
3 division of the Department of Administrative Services.

4 (9) The State Treasurer shall transfer eight million three hundred
5 thousand dollars from the Cash Reserve Fund to the Trail Development and
6 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
7 such dates and in such amounts as directed by the budget administrator of
8 the budget division of the Department of Administrative Services.

9 (10) The State Treasurer shall transfer fifty million dollars from
10 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
11 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
12 as directed by the budget administrator of the budget division of the
13 Department of Administrative Services.

14 (11) The State Treasurer shall transfer thirty million dollars from
15 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
16 or after July 1, 2022, but before July 15, 2023, on such dates and in
17 such amounts as directed by the budget administrator of the budget
18 division of the Department of Administrative Services.

19 (12) The State Treasurer shall transfer twenty million dollars from
20 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
21 1, 2022, but before June 15, 2023, on such dates and in such amounts as
22 directed by the budget administrator of the budget division of the
23 Department of Administrative Services.

24 (13) The State Treasurer shall transfer twenty million dollars from
25 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
26 Fund on July 15, 2022, or as soon thereafter as administratively
27 possible, and in such amounts as directed by the budget administrator of
28 the budget division of the Department of Administrative Services.

29 (14) The State Treasurer shall transfer eighty million dollars from
30 the Cash Reserve Fund to the Jobs and Economic Development Initiative
31 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
1 and in such amounts as directed by the budget administrator of the budget
2 division of the Department of Administrative Services.

3 (15) The State Treasurer shall transfer twenty million dollars from
4 the Cash Reserve Fund to the Site and Building Development Fund on July
5 15, 2022, or as soon thereafter as administratively possible, and in such
6 amounts as directed by the budget administrator of the budget division of
7 the Department of Administrative Services.

8 (16) The State Treasurer shall transfer fifty million dollars from
9 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
10 on or after July 15, 2022, but before January 1, 2023, on such dates and
11 in such amounts as directed by the budget administrator of the budget
12 division of the Department of Administrative Services.

13 (17) The State Treasurer shall transfer fifteen million dollars from
14 the Cash Reserve Fund to the Site and Building Development Fund on or
15 before June 30, 2022, on such dates and in such amounts as directed by
16 the budget administrator of the budget division of the Department of
17 Administrative Services.

18 (18) The State Treasurer shall transfer fifty-five million dollars
19 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
20 or before June 30, 2022, on such dates and in such amounts as directed by
21 the budget administrator of the budget division of the Department of
22 Administrative Services.

23 (19) The State Treasurer shall transfer two million dollars from the
24 Cash Reserve Fund to the General Fund as soon as administratively

25 possible after the effective date of this act, on such dates and in such
 26 amounts as directed by the budget administrator of the budget division of
 27 the Department of Administrative Services.
 28 Sec. 3. Original section 84-612, Revised Statutes Cumulative
 29 Supplement, 2022, is repealed.
 30 Sec. 4. Since an emergency exists, this act takes effect when passed
 31 and approved according to law.

Senator DeKay filed the following amendment to [LB766](#):

[AM651](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) There is hereby appropriated (a) \$1,625,000 from
 4 Federal Funds for FY2023-24 and (b) \$1,625,000 from Federal Funds for
 5 FY2024-25 to the Department of Environment and Energy, Program 513, for
 6 the purposes described in subsection (2) of this section. The Federal
 7 Funds appropriated in this section are from the funds allocated to the
 8 State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund
 9 pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802,
 10 as amended.
 11 (2)(a) The Department of Environment and Energy shall award a grant
 12 to any person if a test result for nitrates in the person's drinking
 13 water pumped from one or more of such person's private wells is above ten
 14 parts per million. The grant shall be used to install a reverse osmosis
 15 system.
 16 (b) Any grant awarded pursuant to this section shall be coordinated
 17 and administered by the Department of Environment and Energy in
 18 compliance with the federal American Rescue Plan Act of 2021.
 19 Sec. 2. Since an emergency exists, this act takes effect when
 20 passed and approved according to law.

Senator Albrecht filed the following amendment to [LB635](#):

[AM672](#)

1 1. On page 3, line 12, strike "and"; in line 16 strike the period
 2 and insert "; and"; after line 16 insert the following new subdivision:
 3 "(c) Allow an individual user to label a search result entry so that
 4 such entry will no longer appear in future search results returned to
 5 that user."; and strike lines 24 to 31 and insert the following new
 6 subsections:
 7 "(5) Notwithstanding any contract provision to the contrary for a
 8 contract entered into or renewed or extended after the operative date of
 9 this act, compliance with subsections (2) and (3) of this section shall
 10 be a material element of any contract with a vendor or provider. If a
 11 vendor or provider of an educational resource database fails to comply
 12 with subsections (2) and (3) of this section, no further payments from
 13 the school district, the school, or the Nebraska Library Commission shall
 14 be due to the vendor or provider until the vendor or provider complies
 15 with subsection (2) or (3) of this section, including eliminating access
 16 to electronic resource database materials reported in violation of
 17 subsection (3) of this section. The withholding of such payments under
 18 this subsection shall not be considered a breach of contract on the part
 19 of the school district, the school, or the Nebraska Library Commission.
 20 (6) A student in kindergarten through grade twelve or any parent or
 21 guardian of such student may send a notice in writing alleging any
 22 noncompliance of subsection (3) or (4) of this section, including
 23 providing sufficient information to identify and locate any material
 24 obscene as to minors or harmful as to minors specified in the notice, to
 25 a school principal or other school administrator of the school in which
 26 the student is enrolled or to the Nebraska Library Commission.

27 (7)(a) If the principal or other school administrator of a school
 1 receives a notice pursuant to subsection (6) of this section, such
 2 principal or other school administrator for such school shall (i) review
 3 the notice of noncompliance and, within seven days after receipt of such
 4 notice, make a determination as to whether noncompliance with subsection
 5 (3) or (4) of this section has occurred, (ii) notify in writing the
 6 student or parent or guardian who sent the notice of noncompliance of
 7 such determination, and (iii) forward the notice, the determination
 8 concerning the notice, and any related documentation to the Nebraska
 9 Library Commission.
 10 (b) A determination by the principal or other school administrator
 11 pursuant to subdivision (a) of this subsection as to whether
 12 noncompliance with subsection (3) or (4) of this section has occurred,
 13 shall be ratified or rejected by a majority vote of the school board of
 14 such school, if one exists, at the next school board meeting and evidence
 15 of such ratification or rejection shall be sent to the Nebraska Library
 16 Commission.
 17 (8) No later than December 1 of each year, the Nebraska Library
 18 Commission and the State Department of Education shall electronically
 19 submit to the Governor and to the Education Committee of the Legislature
 20 a comprehensive written report on any noncompliance with subsection (2),
 21 (3), or (4) of this section."
 22 2. On page 4, strike lines 1 through 15.

MOTION - Print in Journal

Senator McKinney filed the following motion to LB55:

MO57

Withdraw LB55.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Monday, March 6, 2023, at 10:00 a.m., under the south balcony.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McDonnell name added to LB20.

Senator Walz name added to LB44.

Senator Conrad name added to LB114.

Senator Wishart name added to LB169.

Senator Linehan name added to LB562.

VISITORS

Visitors to the Chamber were Anneliese Barga, Firth; Ava Vargas, Omaha; students from Cody-Kilgore Middle School, Cody; students and teachers from Omaha Christian Academy, Omaha; Finn, Abby, and Grace Lagrange, Grant.

ADJOURNMENT

At 12:16 p.m., on a motion by Senator Lippincott, the Legislature adjourned until 9:00 a.m., Monday, March 6, 2023.

Brandon Metzler
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 6, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 6, 2023

PRAYER

The prayer was offered by Reverend Glen Emery, Grace Lutheran Church, Fairbury.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeBoer.

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 Aguilar and Raybould who were excused; and Senators Bostar, Day, Hunt, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 647A. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, One Hundred Eighth Legislature, First Session, 2023.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Chung, Janet - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs
Tesmer, Timothy A. - Chief Medical Officer, Division of Public Health -
Department of Health and Human Services - Health and Human Services

(Signed) Tom Briese, Chairperson
Executive Board

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 47 and 48 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business,
the President signed the following: LRs 47 and 48.

GENERAL FILE

LEGISLATIVE BILL 753. Title read. Considered.

Committee [AM338](#), found on page 492, was offered.

Senator J. Cavanaugh offered [AM353](#), found on page 498, to the committee
amendment.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 217. Placed on General File.

LEGISLATIVE BILL 450. Placed on General File.

LEGISLATIVE BILL 636. Placed on General File.

(Signed) Bruce Bostelman, Chairperson

Revenue

LEGISLATIVE BILL 447. Placed on General File.

LEGISLATIVE BILL 29. Placed on General File with amendment.

[AM130](#)

1 1. On page 4, line 11, after "Commissioner" insert "and shall
2 include all reports filed under this section by property owners".

LEGISLATIVE BILL 97. Placed on General File with amendment.

[AM504](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2015, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 77-2015 (1) Each petitioner in a proceeding to determine
6 inheritance tax personal representative of an estate shall, upon the
7 entry of an order determining inheritance tax, if any distribution of any
8 proceeds from an estate, submit a report regarding inheritance taxes to
9 the county treasurer of the county in which the inheritance tax
10 determination was conducted. The report shall be submitted on a form
11 prescribed by the Department of Revenue and shall include the following
12 information: estate was administered.
13 (a) The amount of inheritance tax revenue generated under section
14 77-2004 and the number of persons receiving property that was subject to
15 tax under section 77-2004 and on which inheritance tax was assessed;
16 (b) The amount of inheritance tax revenue generated under section
17 77-2005 and the number of persons receiving property that was subject to
18 tax under section 77-2005 and on which inheritance tax was assessed;
19 (c) The amount of inheritance tax revenue generated under section
20 77-2006 and the number of persons receiving property that was subject to
21 tax under section 77-2006 and on which inheritance tax was assessed; and
22 (d) The number of persons who do not reside in this state and who
23 received any property that was subject to tax under section 77-2004,
24 77-2005, or 77-2006 and on which inheritance tax was assessed.
25 (2) The On or before July 1, 2023, and on or before July 1 of each
26 year thereafter, the county treasurer of each county shall compile and
27 submit a report regarding inheritance taxes generated from January 1,
1 2023, through June 30, 2023, to the Department of Revenue on or before
2 August 1, 2023. Beginning July 1, 2023, the county treasurer of each
3 county shall compile and submit a report regarding annual inheritance
4 taxes generated from July 1 of each year through June 30 of the next
5 year, to the Department of Revenue on or before August 1, 2024, and on or
6 before August 1 of each year thereafter. The reports shall be submitted
7 on a form prescribed by the Department of Revenue and shall include the
8 following information:
9 (a) ~~(1)~~ The amount of inheritance tax revenue generated under
10 section 77-2004 and the number of persons receiving property that was
11 subject to tax under section 77-2004 and on which inheritance tax was
12 assessed;
13 (b) ~~(2)~~ The amount of inheritance tax revenue generated under
14 section 77-2005 and the number of persons receiving property that was
15 subject to tax under section 77-2005 and on which inheritance tax was
16 assessed;
17 (c) ~~(3)~~ The amount of inheritance tax revenue generated under
18 section 77-2006 and the number of persons receiving property that was
19 subject to tax under section 77-2006 and on which inheritance tax was
20 assessed; and
21 (d) ~~(4)~~ The number of persons who do not reside in this state and
22 who received any property that was subject to tax under section 77-2004,
23 77-2005, or 77-2006 and on which inheritance tax was assessed.
24 (3) On or before September 1, 2023, and on or before September 1 of
25 each year thereafter, the Department of Revenue shall compile and
26 aggregate such treasurer reports received from each county and make each
27 county report and a statewide aggregate of such county reports available
28 to the public on the Department of Revenue's website.
29 Sec. 2. Original section 77-2015, Revised Statutes Cumulative
30 Supplement, 2022, is repealed.
31 Sec. 3. Since an emergency exists, this act takes effect when
1 passed and approved according to law.

LEGISLATIVE BILL 706. Placed on General File with amendment. [AM692](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Urban Affairs

LEGISLATIVE BILL 171. Placed on General File.

(Signed) Terrell McKinney, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525 1:30 PM

Monday, March 13, 2023

LB648

LB724

LB475

LB238

LB522

LB516

(Signed) Dave Murman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 54. Introduced by Arch, 14; Bostelman, 23; Brewer, 43; Holdcroft, 36; Lippincott, 34.

WHEREAS, the American Legion was founded in Paris on March 15, 1919; and

WHEREAS, the American Legion is one of the largest nonprofit United States veterans organization in the world; and

WHEREAS, the American Legion provides support to the United States military and veterans as well as their families, their communities, and young people; and

WHEREAS, the American Legion's motto is "Veterans Strengthening America."; and

WHEREAS, the Nebraska American Legion has over 27,000 Legionnaires in 352 posts statewide; and

WHEREAS, the members of American Legion posts in Nebraska help promote the four pillars of the American Legion which are veterans affairs and rehabilitation, national security, Americanism, and children and youth; and

WHEREAS, March 15, 2023, marks the 104th anniversary of the founding of the American Legion.

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

1. That the Legislature congratulates the American Legion on its 104th anniversary.
2. That the Legislature expresses appreciation to all Nebraska Legionnaires for their contributions to our state and to the nation.
3. That a copy of this resolution be sent to the American Legion Department of Nebraska.

Laid over.

ANNOUNCEMENT

Priority designation received:

von Gillern - LB805

BILL ON FIRST READING

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

LEGISLATIVE BILL 102A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, One Hundred Eighth Legislature, First Session, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Holdcroft name added to LB10.

Senator M. Cavanaugh name added to LB31.

VISITORS

Visitors to the Chamber were Vickie Emery, Fairbury; students from Bluestem Montessori, Lincoln.

The Doctor of the Day was Dr. Amy Jespersen of Papillion.

ADJOURNMENT

At 12:14 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 2023.

Brandon Metzler
Clerk of the Legislature

FORTIETH DAY - MARCH 7, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 2023

PRAYER

The prayer was offered by Senator Dorn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeKay.

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 Aguilar, Murman, and Raybould who were excused; and Senators Blood, Bostar, Clements, Day, Geist, B. Hansen, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 684, line 2, strike "Ann" and insert "Janet".
The Journal for the thirty-ninth day was approved as corrected.

COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 452. Placed on General File with amendment.

AM710

1 I. Strike original section 1 and insert the following new section:
2 Section 1. Section 53-123.16, Revised Statutes Cumulative
3 Supplement, 2022, is amended to read:
4 53-123.16 (1) Any person who operates a microdistillery shall
5 obtain a license pursuant to the Nebraska Liquor Control Act. A license
6 to operate a microdistillery shall permit the licensee to produce a
7 maximum of one hundred thousand gallons of liquor per year in the
8 aggregate from all physical locations comprising the licensed premises.
9 For purposes of this section, licensed premises may include up to five

10 separate physical locations. A microdistillery may also sell to licensed
 11 wholesalers for sale and distribution to licensed retailers. A
 12 microdistillery license issued pursuant to this section shall be the only
 13 license required by the Nebraska Liquor Control Act for the manufacture
 14 and retail sale of microdistilled product for consumption on or off the
 15 licensed premises, except that the sale of any beer, wine, or alcoholic
 16 liquor, other than microdistilled product manufactured by the
 17 microdistillery licensee, by the drink for consumption on the
 18 microdistillery premises shall require the appropriate retail license.
 19 Any license held by the operator of a microdistillery shall be subject to
 20 the act. A holder of a microdistillery license may obtain an annual
 21 catering license pursuant to section 53-124.12, a special designated
 22 license pursuant to section 53-124.11, an entertainment district license
 23 pursuant to section 53-123.17, or a promotional farmers market special
 24 designated license pursuant to section 53-124.16. The commission may,
 25 upon the conditions it determines, grant to any microdistillery licensed
 26 under this section a special license authorizing the microdistillery to
 27 purchase and to import, from such persons as are entitled to sell the
 1 same, wines or spirits to be used solely as ingredients and for the sole
 2 purpose of blending with and flavoring microdistillery products as a part
 3 of the microdistillation process.

4 (2) A holder of a microdistillery license may directly sell for
 5 resale up to five hundred gallons per calendar year of microdistilled
 6 product produced at its licensed premises directly to retail licensees
 7 located in the State of Nebraska which hold the appropriate retail
 8 license if the holder of the microdistillery license:
 9 (a) Self-distributes its microdistilled product utilizing only
 10 persons employed by the microdistillery licensee; and
 11 (b) Complies with all relevant statutes, rules, and regulations that
 12 apply to Nebraska wholesalers regarding distribution of microdistilled
 13 products.

14 (3) A holder of a microdistillery license may store and warehouse
 15 tax-paid products produced on such licensee's licensed premises in a
 16 designated, secure, offsite storage facility if the holder of the
 17 microdistillery license receives authorization from the commission and
 18 notifies the commission of the location of the storage facility and
 19 maintains, at the microdistillery and at the storage facility, a separate
 20 perpetual inventory of the product stored at the storage facility.
 21 Consumption of alcoholic liquor at the storage facility is strictly
 22 prohibited.

23 (4) The commission may adopt and promulgate rules and regulations
 24 relating to the distribution rights of microdistillery licensees.

(Signed) John Lowe, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Government, Military and Veterans Affairs
 Room 1507 1:30 PM

Wednesday, March 15, 2023
 LR4CA
 LB764
 LB541
 LB364

Room 1507 1:30 PM

Thursday, March 16, 2023

LB742

LB604

LB365

(Signed) Tom Brewer, Chairperson

AMENDMENTS - Print in JournalSenator J. Cavanaugh filed the following amendment to LB277:[AM638](#)

- 1 1. Strike sections 1 to 5 and 8 and insert the following new
- 2 section:
- 3 Sec. 3. This act becomes operative on July 1, 2024.
- 4 2. Renumber the remaining sections accordingly.

Senator J. Cavanaugh filed the following amendment to LB277:[AM637](#)

- 1 1. On page 3, line 6, strike "Notwithstanding any other provision of
- 2 law" and insert "Except as provided in subsection (2) of section 5 of
- 3 this act".
- 4 2. On page 4, line 2, strike "The" and insert "(1) Except as
- 5 provided in subsection (2) of this section, the"; and after line 5 insert
- 6 the following new subsection:
- 7 "(2) The First Freedom Act shall not apply to:
- 8 (a) Any provision of law or the implementation of a law that
- 9 provides for or requires:
- 10 (i) Protections against discrimination or the promotion of equal
- 11 opportunity, including the Age Discrimination in Employment Act, the
- 12 Nebraska Fair Employment Practice Act, and the Nebraska Fair Housing Act,
- 13 and implementation of the federal Americans with Disabilities Act of
- 14 1990;
- 15 (ii) Employers to provide wages, other compensation, or benefits,
- 16 including leave, or standards protecting collective activity in the
- 17 workplace;
- 18 (iii) Protections against child labor, abuse, or exploitation; or
- 19 (iv) Access to, information about, referral for, provision of, or
- 20 coverage for, any health care item or service;
- 21 (b) Any term of a government contract, grant, cooperative agreement,
- 22 or other award that requires goods, services, functions, or activities to
- 23 be performed for or provided to beneficiaries or participants in a
- 24 program or activity funded by such government contract, grant,
- 25 cooperative agreement, or other award; or
- 26 (c) Any good, service, benefit, facility, privilege, advantage, or
- 27 accommodation provided by the government to the extent that the
- 1 application of the First Freedom Act would result in denying a person the
- 2 full and equal enjoyment of such good, service, benefit, facility,
- 3 privilege, advantage, or accommodation.".

Senator Brewer filed the following amendment to LB256:[AM681](#)

- 1 1. On page 3, strike lines 10 and 11 and insert the following new
- 2 subsection:
- 3 "(4) Except as otherwise provided in section 44-793, the

4 reimbursement rate for any telehealth service shall, at a minimum, be the
 5 same as a comparable in-person health care service if the licensed
 6 provider providing the telehealth service also provides in-person health
 7 care services at a physical location in Nebraska or is employed by or
 8 holds medical staff privileges at a licensed facility in Nebraska and
 9 such facility provides in-person health care services in Nebraska."

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 49 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 49.

GENERAL FILE

LEGISLATIVE BILL 753. Committee [AM338](#), found on page 492 and considered on page 684, was renewed.

Senator J. Cavanaugh renewed [AM353](#), found on page 498 and considered on page 684, to the committee amendment.

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

Senator Slama moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Slama requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 12:

Cavanaugh, J.	Day	Fredrickson	Vargas
Cavanaugh, M.	DeBoer	Hunt	Walz
Conrad	Dungan	McKinney	Wishart

Voting in the negative, 29:

Albrecht	Brewer	Halloran	Jacobson	Moser
Arch	Clements	Hansen	Kauth	Riepe
Armendariz	DeKay	Hardin	Linehan	Sanders
Ballard	Dorn	Holdercroft	Lippincott	Slama
Bostelman	Dover	Hughes	Lowe	von Gillern
Brandt	Geist	Ibach	McDonnell	

Absent and not voting, 1:

Erdman

Excused and not voting, 7:

Aguilar	Bostar	Murman	Wayne
Blood	Briese	Raybould	

The motion to cease debate failed with 12 ayes, 29 nays, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 650. Placed on General File.

LEGISLATIVE BILL 297. Placed on General File with amendment.

[AM633](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 84-920, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
6 Act and the Personal Privacy Protection Act shall be known and may be
7 cited as the Administrative Procedure Act.
8 Sec. 2. Sections 2 to 5 of this act shall be known and may be cited
9 as the Personal Privacy Protection Act.
10 Sec. 3. For purposes of the Personal Privacy Protection Act:
11 (1) Nonprofit organization means a nonprofit organization holding a
12 certificate of exemption under section 501(c) of the Internal Revenue
13 Code;
14 (2) Person means any individual, partnership, limited liability
15 company, corporation, association, firm, or agent or employee of any such
16 individual or business entity;
17 (3) Personal information means any list, record, register, registry,
18 roll, roster, or other compilation of data that directly or indirectly
19 identifies a person as a member, supporter, or volunteer of, or donor of
20 financial or nonfinancial support to, any nonprofit organization; and
21 (4) Public agency means any state or local governmental unit,
22 including, but not limited to:
23 (a) The State of Nebraska;
24 (b) Any agency, department, division, office, commission, board,
25 bureau, committee, council, or other entity of the state;
26 (c) The University of Nebraska or any state college;
27 (d) Any political subdivision of the state, including, but not
1 limited to, any county, city, village, township, school district,
2 community college area, public power district, rural fire district, or
3 other local governmental unit, or agency, authority, council, board, or
4 commission thereof;
5 (e) Any state or local court, tribunal, or other judicial or quasi-
6 judicial body; or
7 (f) Any public corporation whose primary function is to act as an
8 instrumentality or agency of the state or of any other public agency.
9 Sec. 4. (1) Notwithstanding any provision of law to the contrary,
10 and except as otherwise provided in this section, each public agency is

11 prohibited from:
12 (a) Requiring any individual to provide personal information or
13 otherwise compelling the release of personal information;
14 (b) Requiring any nonprofit organization to provide such public
15 agency with personal information or otherwise compelling the release of
16 personal information;
17 (c) Publicizing, or otherwise publicly disclosing personal
18 information in the possession of such public agency without the express
19 permission of every individual who is identifiable from the potential
20 release of such personal information, including individuals identifiable
21 as members, supporters, or volunteers of, or donors to, a nonprofit
22 organization; or
23 (d) Requesting or requiring a current or prospective contractor or
24 grantee to provide such public agency with a list of nonprofit
25 organizations to which such contractor or grantee has provided financial
26 or nonfinancial support.
27 (2) Personal information is exempt from disclosure under public
28 records laws, including, but not limited to, sections 84-712 to 84-712.09
29 and section 84-1413.
30 (3) This section does not prohibit:
31 (a) Any report or disclosure required by the Nebraska Political
1 Accountability and Disclosure Act;
2 (b) Any report or disclosure by a public agency regarding testimony
3 received at a public hearing conducted by such public agency;
4 (c) Any lawful warrant, subpoena, or order issued by a court of
5 competent jurisdiction for the production of personal information;
6 (d) Any lawful request for discovery of personal information in
7 litigation if both of the following conditions are met:
8 (i) The requestor demonstrates a compelling need for such personal
9 information by clear and convincing evidence; and
10 (ii) The requestor obtains an order barring disclosure of such
11 personal information to any person not named in the litigation;
12 (e) Admission of personal information as relevant evidence before a
13 court of competent jurisdiction. However, no court shall publicly reveal
14 personal information absent a specific finding of good cause;
15 (f) Any report or disclosure required by state or federal law or
16 regulation for an employee of the University of Nebraska or any state
17 college. Except as otherwise required by law, no such report or
18 disclosure shall be subject to release under the state public records
19 laws;
20 (g) Any report or disclosure required by conflict of interest,
21 conflict of commitment, or outside income policies for an employee or
22 contractor of the University of Nebraska or any state college. Except as
23 otherwise required by law, no such report or disclosure shall be subject
24 to release under the state public records laws;
25 (h) Any document required or permitted to be filed with the
26 Secretary of State disclosing the identity of any director, officer,
27 incorporator, or registered agent of a nonprofit organization;
28 (i)(A) The Auditor of Public Accounts from accessing personal
29 information during an examination undertaken pursuant to express
30 statutory authority. The auditor may publicly disclose personal
31 information obtained during such examination only if that information:
1 (I) Pertains specifically to a person who has violated or is alleged
2 to have violated a state or federal law, rule, or regulation or an
3 ordinance of a city or village; or
4 (II) Pertains to a person directly associated with a violation
5 described in subdivision (3)(i)(A)(I) of this section.
6 (B) This subdivision (3)(i) shall be strictly construed and only
7 authorizes disclosure of a person who meets the criteria described in
8 subdivision (3)(i)(A) of this section.
9 (C) All other personal information accessed by the Auditor of Public
10 Accounts shall be subject to the restrictions on working papers contained
11 in section 84-311;
12 (j) Any request for information required by the Uniform

13 Credentialing Act or Health Care Facility Licensure Act or by a federal
 14 funding agency;
 15 (k) A request for information required for a criminal history record
 16 information check undertaken pursuant to express statutory authority,
 17 except that such information shall only be used in connection with the
 18 specific criminal history record information check and for any related
 19 proceedings; or
 20 (l) Subject to compliance with section 8-112, any request for, or
 21 release of, information, a record, or a report, obtained by the
 22 Department of Banking and Finance from a nonprofit organization.
 23 Sec. 5. Any person aggrieved by a violation of the Personal Privacy
 24 Protection Act may bring a civil action for appropriate relief.
 25 Appropriate relief includes:
 26 (1) The greater of actual damages or two thousand five hundred
 27 dollars in liquidated damages per violation; and
 28 (2) Such preliminary and other equitable or declaratory relief as
 29 may be appropriate.
 30 Sec. 6. This act becomes operative on January 1, 2024.
 31 Sec. 7. If any section in this act or any part of any section is
 1 declared invalid or unconstitutional, the declaration shall not affect
 2 the validity or constitutionality of the remaining portions.
 3 Sec. 8. Original section 84-920, Revised Statutes Cumulative
 4 Supplement, 2022, is repealed.

(Signed) Tom Brewer, Chairperson

General Affairs

LEGISLATIVE BILL 775. Placed on General File with amendment.
[AM709](#) is available in the Bill Room.

(Signed) John Lowe, Chairperson

Urban Affairs

LEGISLATIVE BILL 45. Placed on General File.
LEGISLATIVE BILL 224. Placed on General File.
LEGISLATIVE BILL 707. Placed on General File.

(Signed) Terrell McKinney, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 250A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 250, One Hundred Eighth Legislature, First Session, 2023.

RESOLUTION

LEGISLATIVE RESOLUTION 55. Introduced by Brewer, 43.

WHEREAS, Jerry Adams is a major principal of Adams Land & Cattle, LLC, one of the premiere cattle feeding operations in the world; and

WHEREAS, Adams Land & Cattle, LLC, has one of the largest cattle research and development facilities in the world and uses innovation, tools, and devices on the cutting edge of cattle research and development; and

WHEREAS, Adams Land & Cattle, LLC, provides consistent and quality beef while utilizing best practices to ensure food safety, animal welfare, and environmental stewardship; and

WHEREAS, Adams Land & Cattle, LLC, is committed to a successful workplace, the safety and well-being of its animals, investing in advanced technology, and the continued education of its employees; and

WHEREAS, Adams Land & Cattle, LLC, provides employment opportunities in many communities of Nebraska; and

WHEREAS, Jerry Adams of Adams Land & Cattle, LLC, was inducted into the Cattle Feeders Hall of Fame on January 31, 2023, in New Orleans, Louisiana, for his commitment and lasting contributions to the cattle feeding industry.

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

1. That the Legislature congratulates Jerry Adams of Adams Land & Cattle, LLC, on being inducted into the Cattle Feeders Hall of Fame.

2. That copies of this resolution be sent to Adams Land & Cattle, LLC, and Jerry Adams.

Laid over.

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB298](#):

[AM657](#)

1 1. On page 2, strike lines 6 through 12 and insert the following new
2 subdivisions:

3 "[\(a\) Tested for a specific learning disability in the area of](#)
4 [reading, including tests that identify characteristics of dyslexia and](#)
5 [the results of such tests;](#)

6 [\(b\) Identified as having a reading issue, including dyslexia,](#)
7 [pursuant to the assessment administered under the Nebraska Reading](#)
8 [Improvement Act; and](#)

9 [\(c\) Identified as described in subdivision \(b\) of this subsection](#)
10 [that have shown growth on the measure used to identify the reading](#)
11 [issue."](#)

ANNOUNCEMENT

Priority designations received:

Government, Military and Veterans Affairs - LB514 and LB535

GENERAL FILE

LEGISLATIVE BILL 753. Committee [AM338](#), found on page 492 and considered on page 684 and in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM353](#), found on page 498 and considered on page 684 and in this day's Journal, to the committee amendment.

The J. Cavanaugh amendment was withdrawn.

Senator Hunt offered [AM507](#), found on page 595, to the committee amendment.

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 431. Placed on General File.

LEGISLATIVE BILL 765. Placed on General File.

LEGISLATIVE BILL 276. Placed on General File with amendment.

[AM674](#)

- 1 1. Insert the following new section:
- 2 Sec. 7. It is the intent of the Legislature to appropriate no more
- 3 than four million five hundred thousand dollars annually beginning in
- 4 fiscal year 2025-26 from the General Fund for the purpose of the
- 5 Certified Community Behavioral Health Clinic Act.
- 6 2. On page 2, line 6, strike "6" and insert "7".
- 7 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 402. Placed on General File with amendment.

[AM392](#)

- 1 1. On page 2, line 10, strike "provides only social work services"
- 2 and insert "engages only in social work practice as defined in section
- 3 38-2119".

LEGISLATIVE BILL 590. Placed on General File with amendment.

[AM725](#)

- 1 1. On page 2, line 4, strike "at" and show as stricken; in line 5
- 2 strike "least" and show as stricken and strike "one hundred" and insert
- 3 "seventy-five".

(Signed) Ben Hansen, Chairperson

Enrollment and Review

LEGISLATIVE BILL 77. Placed on Select File with amendment.

[ER12](#)

- 1 1. On page 1, line 2, after "18-1703," insert "28-1205,"; in line 4
- 2 after "28-1351," insert "28-1354,,"; and in line 10 after the second
- 3 semicolon insert "to create the offense of carrying a firearm or
- 4 destructive device during the commission of a dangerous misdemeanor";
- 5 2. On page 30, line 2, after "18-1703," insert "28-1205,,"; and in
- 6 line 5 after "28-1351," insert "28-1354,,".

LEGISLATIVE BILL 278A. Placed on Select File.

LEGISLATIVE BILL 298A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525 1:30 PM

Tuesday, March 14, 2023

Jerald Meyer - Board of Educational Lands and Funds

Joshua P. Fields - Technical Advisory Committee for Statewide Assessment

Courtney C. Wittstruck - Nebraska Educational Telecommunications
Commission

Tamara D. Weber - Coordinating Commission for Postsecondary Education

Robert H. Kobza - Board of Educational Lands and Funds

Carter Peterson - Board of Trustees of the Nebraska State Colleges

Adolfo Reynaga - Board of Trustees of the Nebraska State Colleges

LB627

LB478

LB518

(Signed) Dave Murman, Chairperson

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to LB692:

AM727

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

2 sections:

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

4 cited as the Good Life Transformational Projects Act.

5 Sec. 2. (1) The purpose of the Good Life Transformational Projects

6 Act is to promote and develop the general and economic welfare of this

7 state and its communities by providing support for unique Nebraska

8 projects that will attract new industries and employment opportunities

9 and further grow and strengthen Nebraska's retail, entertainment, and

10 tourism industries.

11 (2) The Legislature finds that it will be beneficial to the economic

12 well-being of the people of this state to encourage transformational

13 development projects within the state that create jobs, infrastructure,

14 and other improvements and attract and retain tourists and college

15 graduates from around the state.

16 (3) The Legislature further finds that such projects will (a)

17 generate new economic activity, as well as additional state and local

18 taxes from persons residing within and outside the state, (b) create new

19 economic opportunities and jobs for residents, and (c) promote new-to-

20 market retail, entertainment, and dining attractions.

21 Sec. 3. For purposes of the Good Life Transformational Projects

22 Act:

23 (1) Department means the Department of Economic Development; and

24 (2) Good life district means a district established pursuant to

25 section 5 of this act.

26 Sec. 4. (1) Until December 31, 2024, any person may apply to the

27 department to create a good life district. All applications shall be in
 1 writing and shall contain:
 2 (a) A description of the proposed project to be undertaken within
 3 the good life district, including an estimate of the total development
 4 costs for the project and the number of new jobs to be created as a
 5 result of the project;
 6 (b) A map identifying the good life district to be used for purposes
 7 of the project;
 8 (c) A description of the proposed financing of the project;
 9 (d) Documentation of local financial commitment to support the
 10 project, including all public and private resources pledged or committed
 11 to the project and including a copy of any operating agreement or lease
 12 with substantial users of the project area; and
 13 (e) Sufficient documents, plans, and specifications as required by
 14 the department to define the project, including the following:
 15 (i) A statement of how the jobs and taxes obtained from the project
 16 will contribute significantly to the economic development of the state
 17 and region;
 18 (ii) Visitation expectations and a plan describing how the number of
 19 visitors to the good life district will be tracked and reported on an
 20 annual basis;
 21 (iii) Any unique qualities of the project;
 22 (iv) An economic impact study, including the anticipated effect of
 23 the project on the regional and statewide economies;
 24 (v) Project accountability, measured according to best industry
 25 practices;
 26 (vi) The expected return on state and local investment the project
 27 is anticipated to produce; and
 28 (vii) A summary of community involvement, participation, and support
 29 for the project.
 30 (2) Upon receiving an application, the department shall review the
 31 application and notify the applicant of any additional information needed
 1 for a proper evaluation of the application.
 2 (3) The application and all supporting information shall be
 3 confidential except for the location of the project, the total
 4 development costs estimated for the project, and the number of new jobs
 5 estimated to be created as a result of the project.
 6 Sec. 5. (1) If the department finds that the project described in
 7 the application meets the eligibility requirements of this section, the
 8 application shall be approved.
 9 (2) A project is eligible if:
 10 (a) The applicant demonstrates that the total development costs of
 11 the project will exceed:
 12 (i) One billion dollars if the project will be located in a city of
 13 the metropolitan class;
 14 (ii) Seven hundred fifty million dollars if the project will be
 15 located in a city of the primary class;
 16 (iii) Five hundred million dollars if the project will be located in
 17 a city of the first class, city of the second class, or village within a
 18 county with a population of one hundred thousand inhabitants or more; or
 19 (iv) One hundred million dollars if the project will be located in a
 20 city of the first class, city of the second class, or village within a
 21 county with a population of less than one hundred thousand inhabitants;
 22 (b) The applicant demonstrates that the project will directly or
 23 indirectly result in the creation of:
 24 (i) One thousand new jobs if the project will be located in a city
 25 of the metropolitan class;
 26 (ii) Five hundred new jobs if the project will be located in a city
 27 of the primary class;
 28 (iii) Two hundred fifty new jobs if the project will be located in a

29 city of the first class, city of the second class, or village within a
30 county with a population of one hundred thousand inhabitants or more; or
31 (iv) Fifty new jobs if the project will be located in a city of the
1 first class, city of the second class, or village within a county with a
2 population of less than one hundred thousand inhabitants; and
3 (c)(i) For a project that will be located in a county with a
4 population of one hundred thousand inhabitants or more, the applicant
5 demonstrates that, upon completion of the project, at least twenty
6 percent of sales at the project will be made to persons residing outside
7 the State of Nebraska and the project will attract new-to-market retail
8 to the state and will generate a minimum of three million visitors per
9 year; or
10 (ii) For a project that will be located in a county with a
11 population of less than one hundred thousand inhabitants, the applicant
12 demonstrates that, upon completion of the project, at least twenty
13 percent of sales at the project will be made to persons residing outside
14 the State of Nebraska.
15 (3) A project is not eligible if the project includes a licensed
16 racetrack enclosure or an authorized gaming operator as such terms are
17 defined in section 9-1103.
18 (4) Approval of an application under this section shall establish
19 the good life district as that area depicted in the map accompanying the
20 application as submitted pursuant to subdivision (1)(b) of section 4 of
21 this act. Such district shall last for twenty-five years and shall not
22 exceed one thousand acres in size.
23 (5) Upon establishment of a good life district under this section,
24 any transactions occurring within the district shall be subject to a
25 reduced sales tax rate as provided in section 77-2701.02.
26 Sec. 6. No provision in the Good Life Transformational Projects Act
27 shall be construed to limit the existing statutory authority of any
28 political subdivision.
29 Sec. 7. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 77-2701.02 Pursuant to section 77-2715.01:
1 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to
2 section 77-2703 shall be five percent;
3 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the
4 sales tax levied pursuant to section 77-2703 shall be four and one-half
5 percent;
6 (3) Commencing July 1, 1999, and until the start of the first
7 calendar quarter after July 20, 2002, the rate of the sales tax levied
8 pursuant to section 77-2703 shall be five percent; and
9 (4) Commencing on the start of the first calendar quarter after July
10 20, 2002, the rate of the sales tax levied pursuant to section 77-2703
11 shall be five and one-half percent; and -
12 (5) Commencing July 1, 2023, the rate of the sales tax levied
13 pursuant to section 77-2703 shall be five and one-half percent, except
14 that such rate shall be two and three-quarters percent on transactions
15 occurring within a good life district as defined in section 3 of this
16 act.
17 Sec. 8. Original section 77-2701.02, Reissue Revised Statutes of
18 Nebraska, is repealed.
19 Sec. 9. Since an emergency exists, this act takes effect when
20 passed and approved according to law.

Senator J. Cavanaugh filed the following amendment to LB753:

FA27

On page 4, line 8, after the semicolon insert "and", and strike lines 13 through 17.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Fredrickson name added to LB254.

Senator Conrad name added to LB526.

Senator Slama name added to LB587.

Senator Conrad name added to LB601.

WITHDRAW - Cointroducer

Senator Wayne name withdrawn from LR2CA.

VISITORS

Visitors to the Chamber were students, teachers, and sponsors from the Nebraska Thespians; students from 1-R and St. Libory Elementary, Grand Island; Nebraska AFL-CIO members; AARP Nebraska members; Erin Dorn and Anna Wolken, Adams.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

ADJOURNMENT

At 12:16 p.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 8, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 2023

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

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 Aguilar and Raybould who were excused; and Senators Bostar, Brewer, Geist, Hunt, Murman, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Wednesday, March 15, 2023

LB235
LB350
LB185
LB36
LB211

Room 1524 1:30 PM

Thursday, March 16, 2023

LB623
LB100
LB118
LB498
LR23CA

(Signed) Lou Ann Linehan, Chairperson

ANNOUNCEMENTS

Priority designations received:

Sanders - LB583
Hughes - LB584

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 50, 51, 52, and 53 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 50, 51, 52, and 53.

GENERAL FILE

LEGISLATIVE BILL 753. Committee [AM338](#), found on page 492 and considered on pages 684, 692 and 696, was renewed.

Senator Hunt renewed [AM507](#), found on page 595 and considered on page 697, to the committee amendment.

Senator M. Cavanaugh offered the following motion:

[MO59](#)

Bracket until May 22, 2023.

Senator Linehan offered the following motion:

[MO61](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 40 ayes, 1 nays, and 8 not voting.

Senator Linehan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Clements	Hansen	Linehan	Riepe
Arch	DeKay	Hardin	Lippincott	Sanders
Armendariz	Dorn	Holdcroft	Lowe	Slama
Ballard	Dover	Hughes	McDonnell	von Gillern
Bostelman	Erdman	Ibach	McKinney	Wayne
Brewer	Geist	Jacobson	Moser	
Briese	Halloran	Kauth	Murman	

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Walz
Cavanaugh, J.	Day	Fredrickson	Wishart

Present and not voting, 2:

Brandt Vargas

Excused and not voting, 2:

Aguilar Raybould

The Linehan motion to invoke cloture prevailed with 33 ayes, 12 nays, 2 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

Voting in the affirmative, 3:

Cavanaugh, J. Cavanaugh, M. Day

Voting in the negative, 42:

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

Present and not voting, 2:

Blood Bostar

Excused and not voting, 2:

Aguilar Raybould

The M. Cavanaugh motion to bracket failed with 3 ayes, 42 nays, 2 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt amendment, AM507.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Walz
Bostar	Conrad	Dungan	McKinney	Wayne
Cavanaugh, J.	Day	Fredrickson	Vargas	Wishart

Voting in the negative, 31:

Albrecht	Clements	Hansen	Linehan	Sanders
Arch	DeKay	Hardin	Lippincott	Slama
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	
Briese	Halloran	Kauth	Riepe	

Present and not voting, 1:

Brandt

Excused and not voting, 2:

Aguilar Raybould

The Hunt amendment lost with 15 ayes, 31 nays, 1 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the committee amendment.

Voting in the affirmative, 43:

Albrecht	Clements	Fredrickson	Kauth	Sanders
Arch	Conrad	Geist	Linehan	Slama
Armendariz	Day	Halloran	Lippincott	Vargas
Ballard	DeBoer	Hansen	Lowe	von Gillern
Blood	DeKay	Hardin	McDonnell	Walz
Bostar	Dorn	Holdcroft	McKinney	Wayne
Bostelman	Dover	Hunt	Moser	Wishart
Brewer	Dungan	Ibach	Murman	
Briese	Erdman	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 4:

Brandt Cavanaugh, J. Cavanaugh, M. Hughes

Excused and not voting, 2:

Aguilar Raybould

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

Senator Slama requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 31:

Albrecht	Clements	Hardin	Lowe	Slama
Arch	DeKay	Holdcroft	McDonnell	von Gillern
Armendariz	Dover	Ibach	McKinney	Wayne
Ballard	Erdman	Jacobson	Moser	
Bostelman	Geist	Kauth	Murman	
Brewer	Halloran	Linehan	Riepe	
Briese	Hansen	Lippincott	Sanders	

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Walz
Cavanaugh, J.	Day	Fredrickson	Wishart

Present and not voting, 4:

Brandt Dorn Hughes Vargas

Excused and not voting, 2:

Aguilar Raybould

Advanced to Enrollment and Review Initial with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 1:00 PM

Wednesday, March 15, 2023

Douglass Haas - Health Information Technology Board
Mark A. Latta - Health Information Technology Board
Phillip James Vuchetich - Health Information Technology Board
LB88
LB85

Room 1510 1:30 PM

Thursday, March 16, 2023

LR18CA
LR19CA

(Signed) Ben Hansen, Chairperson

Nebraska Retirement Systems
Room 1307 12:30 PM

Wednesday, March 15, 2023

LB221
LB406

(Signed) Mike McDonnell, Chairperson

Judiciary
Room 1113 1:30 PM

Wednesday, March 15, 2023

LB549
LB167
LB127
LB620
LB717

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator von Gillern filed the following amendment to LB805:
AM711

- 1 1. Strike original sections 2 and 3 and insert the following new
- 2 section:
- 3 Sec. 2. The following section is outright repealed: Section
- 4 79-2,103, Reissue Revised Statutes of Nebraska.

Senator McDonnell filed the following amendment to LB624:
AM688

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 81-3710, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 81-3710 (1) The Nebraska Tourism Commission is created. ~~The terms of~~
- 6 ~~the members serving pursuant to subsection (2) of this section terminate~~
- 7 ~~thirty days after August 24, 2017. The terms of the members serving~~
- 8 ~~pursuant to subsection (3) of this section begin thirty days after August~~
- 9 ~~24, 2017. (2) Until thirty days after August 24, 2017, the commission~~
- 10 ~~shall consist of the following members: (a) One representative from the~~
- 11 ~~Game and Parks Commission; (b) One representative from the Nebraska~~
- 12 ~~Travel Association; (c) One representative from the Nebraska Hotel and~~
- 13 ~~Motel Association; (d) One representative from a tourism attraction that~~
- 14 ~~records at least two thousand out-of-state visitors per year; (e) One~~
- 15 ~~representative from the Nebraska Association of Convention and Visitors~~
- 16 ~~Bureaus; (f) One representative from the Western Nebraska Tourism~~
- 17 ~~Coalition; (g) One representative who resides in eastern Nebraska and is~~
- 18 ~~employed by a business that derives a majority of its revenue from out-~~
- 19 ~~of-state visitors; (h) One representative from the Central Nebraska~~
- 20 ~~Tourism Partnership; and (i) One representative of a business that~~
- 21 ~~derives a majority of its revenue from out-of-state visitors. (3)(a) The~~
- 22 ~~Governor shall, within thirty days after August 24, 2017, appoint the~~
- 23 ~~members of the commission to begin serving at such time, prior to~~
- 24 ~~approval by the Legislature. The members of the commission shall consist~~
- 25 ~~of the Director of Economic Development and twelve eleven residents of~~
- 26 ~~the State of Nebraska appointed by the Governor, to include one member~~
- 27 ~~representing a state chamber of commerce organized under the Nebraska~~
- 1 ~~Nonprofit Corporation Act, and one member appointed from each of the~~
- 2 ~~eleven districts described in subsection (2) of this section. The members~~
- 3 ~~appointed by the Governor shall be subject to approval by the majority of~~
- 4 ~~the members of the Legislature. The term of the member representing a~~
- 5 ~~state chamber of commerce shall be four years, and the terms of the~~
- 6 ~~district members shall be as provided in subdivision (2)(b) of this~~
- 7 ~~section. No appointed member may serve more than two successive terms.~~
- 8 Four of the district members shall have professional, volunteer, or
- 9 public service experience that contributes to the fiduciary and
- 10 governance duties of the commission. Seven of the district members shall
- 11 be affiliated with the tourism industry. ~~One member shall be appointed~~
- 12 ~~from each of the eleven districts designated in subdivision (b) of this~~
- 13 ~~subsection.~~
- 14 ~~(2)(a) (b)~~ For purposes of this section, the state is hereby divided
- 15 into eleven districts. The limits and designations of the eleven
- 16 districts shall be as follows:
- 17 (i) District No. 1. Douglas County;
- 18 (ii) District No. 2. Lancaster County;
- 19 (iii) District No. 3. The counties of Richardson, Pawnee, Nemaha,
- 20 Johnson, Otoe, Gage, Saline, and Jefferson;
- 21 (iv) District No. 4. The counties of Cass and Sarpy;

22 (v) District No. 5. The counties of Saunders, Washington, Dodge,
 23 Colfax, Stanton, Cuming, Burt, Thurston, Wayne, Cedar, Dixon, and Dakota;
 24 (vi) District No. 6. The counties of Butler, Polk, Platte, Merrick,
 25 Nance, Boone, Madison, Pierce, Antelope, Knox, Holt, and Boyd;
 26 (vii) District No. 7. The counties of Thayer, Nuckolls, Webster,
 27 Adams, Clay, Fillmore, Seward, York, Hamilton, Franklin, and Harlan;
 28 (viii) District No. 8. The counties of Kearney, Phelps, Hall,
 29 Howard, Greeley, Wheeler, Buffalo, Sherman, Valley, and Garfield;
 30 (ix) District No. 9. The counties of Lincoln, Keya Paha, Rock,
 31 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker,
 1 Thomas, and Cherry;
 2 (x) District No. 10. The counties of Furnas, Red Willow, Hitchcock,
 3 Dundy, Chase, Hayes, Frontier, Gosper, Dawson, Perkins, and Keith; and
 4 (xi) District No. 11. The counties of Deuel, Garden, Sheridan,
 5 Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and
 6 Kimball.
 7 (b) (e) The Governor shall appoint members representing district
 8 numbers 1, 6, 8, and 11 to serve for terms ending April 1, 2019; members
 9 representing district numbers 2, 5, 7, and 10 to serve for terms ending
 10 April 1, 2021; and members representing district numbers 3, 4, and 9 to
 11 serve for terms ending April 1, 2023. The terms of their successors shall
 12 be four years. ~~The Governor shall appoint their successors with the~~
 13 ~~approval of the majority of the members of the Legislature. A person~~
 14 ~~appointed to serve pursuant to this subsection may serve only two~~
 15 ~~successive terms.~~
 16 Sec. 2. Original section 81-3710, Revised Statutes Cumulative
 17 Supplement, 2022, is repealed.

Senator J. Cavanaugh filed the following amendment to [LB753](#):
[AM739](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 4, line 8, after the semicolon insert "and"; in line 12
 2 strike "and"; and strike lines 13 through 17.

Senator Murman filed the following amendment to [LB783](#):
[AM655](#) is available in the Bill Room.

MOTION - Print in Journal

Senator Dungan filed the following motion to [LB418](#):
[MO60](#)
 Withdraw LB418.

ANNOUNCEMENTS

Priority designations received:

Ibach - LB249
 Blood - LR1CA
 Agriculture - LB116 and LB262

RESOLUTIONS

LEGISLATIVE RESOLUTION 56. Introduced by Lowe, 37; Arch, 14;
 Ballard, 21; Brewer, 43; Briese, 41; Dorn, 30; Halloran, 33; Hardin, 48;

Holdercroft, 36; Hughes, 24; Ibach, 44; Kauth, 31; Lippincott, 34; McDonnell, 5; Moser, 22; Sanders, 45; von Gillern, 4.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and

WHEREAS, Nebraska and Taiwan have enjoyed a mutually beneficial bilateral trade relationship with Taiwan ranking as Nebraska's eleventh largest export market; and

WHEREAS, Taiwan is a major global trading partner for the United States and is a major export market for American agricultural products; and

WHEREAS, this year marks the forty-fourth anniversary of the Taiwan Relations Act, Public Law 96-8, which built a strong foundation for United States - Taiwan ties, and assures the continuation of commercial, cultural, and other relations between the two countries.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the fortieth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.

Laid over.

LEGISLATIVE RESOLUTION 57. Introduced by Wishart, 27.

WHEREAS, during the week of March 6 through March 10, Beyond School Bells, the Nebraska Department of Education, and Nebraska 4-H Extension are hosting two hundred seventy-five attendees from across the state and nation at Nebraska's ELO Innovation Invitational, at the University of Nebraska-Lincoln's Innovation Campus Conference Center in Lincoln, Nebraska, to help design new and expand existing high-quality expanded learning opportunity programs; and

WHEREAS, expanded learning opportunity programs, which are high-quality afterschool and summer programs for school-age youth powered by collaboration between schools and communities, create vital learning opportunities for youth to gain the skills necessary for careers and citizenship; and

WHEREAS, the people of Nebraska stand firmly committed to developing and supporting partnerships between schools and community-based organizations to provide high-quality, sustainable expanded learning opportunities beyond the traditional school day and academic year; and

WHEREAS, expanded learning opportunity programs provide school-age youth with safe, challenging, and enriching learning experiences and opportunities to develop their social, emotional, cultural, physical, and academic skills; and

WHEREAS, expanded learning opportunity programs engage school-age youth in hands-on science, technology, engineering, and math learning opportunities that inspire habits of mind, which, as has been demonstrated by research, motivate young people to prepare for the science, technology, engineering, and math careers that will power the future prosperity of Nebraska; and

WHEREAS, expanded learning opportunity programs support working families by ensuring that children are in safe, stimulating, nurturing environments both before and after the regular school day and traditional academic year; and

WHEREAS, expanded learning opportunity programs allow parents and families to become involved in year-round learning activities that encourage their children's educational, social, and emotional development; and

WHEREAS, expanded learning opportunity programs encourage families, schools, and diverse community organizations to work together to expand learning opportunities that create rich learning environments that benefit all children.

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

1. That the Legislature recognizes the week of March 6 through March 10, 2023, as Expanded Learning Opportunities Week in Nebraska.

2. That the Legislature encourages all people to take time this week to consider how school and community partnerships can be formed and existing partnerships can be strengthened to help expand learning opportunities for all youth.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 376. The first committee amendment, [AM611](#), found on page 621 and considered on pages 628 and 636, was renewed.

The M. Cavanaugh motion, [MO45](#), found on page 628 and considered on pages 628 and 636, to bracket until March 1, 2023, was renewed.

Senator M. Cavanaugh withdrew her motion to bracket.

The first committee amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB376](#):

[MO62](#)

Bracket until June 1, 2023.

RESOLUTION

LEGISLATIVE RESOLUTION 58. Introduced by Blood, 3; Conrad, 46; Day, 49; Dorn, 30; Dover, 19; Dungan, 26; Fredrickson, 20; Hughes, 24; Kauth, 31; Sanders, 45; Walz, 15; Wishart, 27.

WHEREAS, the sixty-first annual United States Senate Youth Program will be held in Washington, D.C., on March 4, 2023, through March 11, 2023; and

WHEREAS, Nebraska high school students Jayden Speed and Kristie Trinh were selected as student delegates from Nebraska for the United States Senate Youth Program and will join United States Senator Deb Fisher in representing Nebraska at the program in addition to receiving a \$10,000 scholarship; and

WHEREAS, this extremely competitive and merit-based program selects two of the most accomplished high school students in each state, the District of Columbia, and the Department of Defense Education Activity; and

WHEREAS, the intensive week-long process is meant to instill these candidates with a more profound knowledge of the American political process and lifelong commitment to public service; and

WHEREAS, Jayden is a senior at Conestoga Junior-Senior High School, where he serves as the Student Council President, and also as a member of the Students Demand Action National Advisory Board and the Conestoga mock trial team and speech and debate team. Jayden believes representation and free expression are core tenants of our ideals as individuals living in a democratic society; and

WHEREAS, Kristie is a senior at Lincoln High School where she serves as the National Honor Society President, working to make the honors program more accessible to students of color while helping to increase accessibility for students in the local community to create art; and

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

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

1. That the Legislature congratulates Jayden Speed and Kristie Trinh on being selected as student delegates to the sixty-first annual United States Senate Youth Program.

2. That copies of this resolution be sent to Jayden Speed and Kristie Trinh.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Slama name added to LB563.

Senator Aguilar name added to LR54.

VISITORS

Visitors to the Chamber were students from Trumble Park Elementary, Papillion; Kearney Youth Leadership; students from St. James Elementary, Crete; students from Golden Hills Elementary, Bellevue; Planned Parenthood Advocates of Nebraska.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Dungan, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 9, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 2023

PRAYER

The prayer was offered by Senator Halloran.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator McDonnell.

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 Aguilar, Briese, Dover, and Murman who were excused; and Senators Blood, Bostar, Day, Hunt, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 8, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Amack, Angela K.
Institute of Scrap Recycling Industries, Upper Mid-West Chapter
Baker, Cassi
Jazz Pharmaceuticals, Inc. (Withdrawn 03/04/2023)
Barko, Ruthie
TechNet

Jensen Rogert Associates, Inc.
El Toro Plaza
O'Hara Lindsay & Associates, Inc.
Prospect Hill Cemetery and Arboretum
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
Motion Picture Association, Inc.
Sharfstein, Daniela
Jazz Pharmaceuticals, Inc. (Withdrawn 03/04/2023)
Todd-Harlin, Andrea
Sanofi US

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

ANNOUNCEMENT

Priority designation received:

Dover - LR22CA

AMENDMENT - Print in Journal

Senator Brewer filed the following amendment to [LB511](#):
[AM771](#)

1 1. On page 2, strike beginning with "Priority" in line 18 through
2 line 20.

GENERAL FILE

LEGISLATIVE BILL 376. The second committee amendment [AM612](#), found on page 622, was offered.

Senator M. Cavanaugh offered [MO62](#), found on page 712, to bracket until June 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:
[MO63](#)
Recommit to General Affairs Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 38:

Albrecht	Brewer	Erdman	Kauth	Riepe
Arch	Cavanaugh, J.	Fredrickson	Linehan	Sanders
Armendariz	Clements	Geist	Lippincott	Slama
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wishart
Bostelman	Dorn	Hughes	Moser	
Brandt	Dungan	Jacobson	Raybould	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 10:

Aguilar	Day	Halloran	Ibach	Vargas
Briese	Dover	Hunt	Murman	Wayne

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 38 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 7 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the second committee amendment.

Voting in the affirmative, 40:

Albrecht	Cavanaugh, J.	Dungan	Jacobson	Raybould
Arch	Cavanaugh, M.	Erdman	Kauth	Riepe
Armendariz	Clements	Fredrickson	Linehan	Sanders
Blood	Conrad	Geist	Lippincott	Slama
Bostar	Day	Hansen	Lowe	von Gillern
Bostelman	DeBoer	Hardin	McDonnell	Walz
Brandt	DeKay	Holdcroft	McKinney	Wayne
Brewer	Dorn	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Ballard

Excused and not voting, 8:

Aguilar	Dover	Hunt	Murman
Briese	Halloran	Ibach	Vargas

The second committee amendment was adopted with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 691. Indefinitely postponed.

LEGISLATIVE BILL 693. Indefinitely postponed.

(Signed) Terrell McKinney, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 103. Placed on General File with amendment. [AM417](#) is available in the Bill Room.

(Signed) Mike McDonnell, Chairperson

AMENDMENTS - Print in Journal

Senator Armendariz filed the following amendment to [LB345](#):

[AM205](#)

1 1. On page 2, line 10, strike "medical", after the second "care"
2 insert "or treatment", and strike "people" and insert "a person"; and in
3 lines 12 and 14 after "care" insert "or treatment".

Senator Erdman filed the following amendment to [LR2CA](#):

[AM745](#)

1 1. On page 5, after line 9 insert the following new section:
2 III-8 No person shall be eligible to the office of member of the
3 Legislature unless on the date of the general election at which such
4 person he is elected or appointed, or on such other the date of his
5 appointment, such person he is a registered voter, has attained the age
6 of twenty-one years, and has resided within the district from which such
7 person he is elected or appointed for the term of one year next before
8 his election or appointment, unless such person was he shall have been
9 absent on the public business of the United States or of this State. No
10 And no person so elected or appointed as aforesaid shall hold his office
11 if such person ceases being a resident of after he shall have removed
12 from such district.
13 2. On page 1, line 6, after "7," insert "8,".
14 3. On page 4, line 10, after the period insert "The manner of such
15 elections shall be determined by the Legislature."; strike lines 11
16 through 24, show the old matter as stricken, and insert the following new
17 subsection:
18 "(2)(a) The members of the Senate shall be appointed by senator

19 appointment committees as provided in this subsection. The members of the
 20 Senate appointed from even-numbered districts shall serve for terms of
 21 four years beginning in 2027. The members of the Senate appointed from
 22 odd-numbered districts shall serve for terms of two years beginning in
 23 2027. The members of the Senate from odd-numbered districts shall
 24 thereafter be appointed for terms of four years beginning in 2029.
 25 (b) On or before August 1, 2027, and on or before each August 1 each
 26 four years thereafter, each county board of a county in an even-numbered
 27 Senate district shall select, by majority vote, one of such county
 1 board's members to serve on the senator appointment committee for such
 2 Senate district. The committee shall select, by majority vote, a Senator
 3 to serve in such Senate district. Such selection shall be made on the
 4 same date as the November statewide general election for such year.
 5 (c) On or before August 1, 2027, each county board of a county in an
 6 odd-numbered Senate district shall select, by majority vote, one of such
 7 county board's members to serve on the senator appointment committee for
 8 such Senate district. The committee shall select, by majority vote, a
 9 Senator to serve in such Senate district. Such selection shall be made on
 10 the same date as the November statewide general election for such year.
 11 (d) On or before August 1, 2029, and on or before each August 1 each
 12 four years thereafter, each county board of a county in an odd-numbered
 13 Senate district shall select, by majority vote, one of such county
 14 board's members to serve on the senator appointment committee for such
 15 Senate district. The committee shall select, by majority vote, a Senator
 16 to serve in such Senate district. Such selection shall be made on the
 17 same date as the November statewide general election for such year.
 18 (e) A member of a senator appointment committee is not eligible to
 19 be appointed as a Senator.
 20 (f) If a Senator is not appointed for a district by the deadline
 21 provided in this subsection, the office shall be considered vacant and
 22 shall be filled by the Governor.": in line 25 strike "(4)" and insert
 23 "(3)"; in line 26, after "elected" insert "or appointed"; in line 30
 24 strike "(5)" and insert "(4)" and after "member" insert "of the House".
 25 4. On page 5, line 1, after the period insert paragraphing and
 26 "(5)"; in lines 15, 17, and 27 strike "elected to", show as stricken, and
 27 insert "of"; and in line 30 after "election" insert "or appointment".
 28 5. On page 6, line 10; page 7, line 28; page 9, line 23; page 12,
 29 line 29; page 16, line 11; page 20, line 26; and page 21, lines 1 and 12,
 30 strike "elected to", show as stricken, and insert "of".
 31 6. On page 7, line 12; page 8, line 12; page 12, line 1; page 15,
 1 lines 5, 6, and 22; and page 19, line 25, strike "elected to", show the
 2 old matter as stricken, and insert "of".
 3 7. On page 20, line 31; and page 21, line 15, strike "Legislature",
 4 show as stricken, and insert "House of Representatives".
 5 8. On page 21, remove the stricken matter in lines 28 through 30.
 6 9. On page 24, strike beginning with "and" in line 5 through
 7 "Senate" in line 6 and insert "elected by popular vote and a Senate
 8 appointed by senator appointment committees selected by county boards".

ANNOUNCEMENT

Priority designation received:

Holdcroft - LB769

RESOLUTION

LEGISLATIVE RESOLUTION 59. Introduced by Raybould, 28.

WHEREAS, families are adversely affected by problem gambling in Nebraska; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, awareness of the signs and symptoms is the key to recognizing problem gambling; and

WHEREAS, providing education to the residents of Nebraska about the dangers of problem gambling is needed to promote the prevention of problem gambling in the future.

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

1. That the Legislature recognizes March 2023 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 460. Placed on General File.

LEGISLATIVE BILL 15. Placed on General File with amendment.

[AM772](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
 4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
 5 to read:
 6 48-1203 (1) Except as otherwise provided in this section and section
 7 48-1203.01, every employer shall pay to each of his or her employees a
 8 minimum wage of:
 9 (a) Nine dollars per hour through December 31, 2022;
 10 (b) Ten dollars and fifty cents per hour on and after January 1,
 11 2023, through December 31, 2023;
 12 (c) Twelve dollars per hour on and after January 1, 2024, through
 13 December 31, 2024;
 14 (d) Thirteen dollars and fifty cents per hour on and after January
 15 1, 2025, through December 31, 2025; and
 16 (e) Fifteen dollars per hour on and after January 1, 2026, through
 17 December 31, 2026.
 18 (2) The minimum wage established in subdivision (1)(e) of this
 19 section shall be increased on January 1, 2027, and on January 1 of
 20 successive years, by the increase in the cost of living. The increase in
 21 the cost of living shall be measured by the percentage increase, if any,
 22 as of August of the previous year over the level as of August of the year
 23 preceding that year in the consumer price index for all urban consumers
 24 (CPI-U) for the Midwest Region, or its successor index, as published by
 25 the U.S. Department of Labor, or its successor agency, with the amount of
 26 the minimum wage increase rounded up to the nearest multiple of five

27 cents. No later than October 15 of each year, commencing October 15,
1 2026, the Nebraska Department of Labor shall calculate and publish the
2 minimum wage rate that will take effect the following January 1.

3 (3) For persons compensated by way of gratuities such as waitresses,
4 waiters, hotel bellhops, porters, and shoeshine persons, the employer
5 shall pay wages at the minimum rate of two dollars and thirteen cents per
6 hour, plus all gratuities given to them for services rendered. The sum of
7 wages and gratuities received by each person compensated by way of
8 gratuities shall equal or exceed the applicable minimum wage rate
9 provided in subsection (1) or (2) of this section. In determining whether
10 or not the individual is compensated by way of gratuities, the burden of
11 proof shall be upon the employer.

12 (4) Any employer employing student-learners as part of a bona fide
13 vocational training program shall pay such student-learners' wages at a
14 rate of at least seventy-five percent of the minimum wage rate which
15 would otherwise be applicable under this section.

16 (5) An employer may pay an employee who is at least fourteen years
17 of age but no more than seventeen years of age a youth minimum wage of
18 ten dollars and fifty cents per hour.

19 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1203.01 (1) An employer may pay a new employee who is at least
22 eighteen years of age but under younger than twenty years of age and who
23 is not a seasonal or migrant worker a training wage rate as described in
24 subsection (2) of this section of at least seventy-five percent of the
25 federal minimum wage for ninety days from the date the new employee was
26 hired. An employer may pay such new employee the training wage rate for
27 an additional ninety-day period while the new employee is participating
28 in on-the-job training which (a) (+) requires technical, personal, or
29 other skills which are necessary for his or her employment and (b) (2) is
30 approved by the Commissioner of Labor. No more than one-fourth of the
31 total hours paid by the employer shall be at the training wage rate.

1 (2) For purposes of this section, the training wage rate shall be:

2 (a) Ten dollars and fifty cents per hour through December 31, 2026;
3 and

4 (b) A rate of seventy-five percent of the minimum wage rate that
5 would otherwise be applicable under section 48-1203 on and after January
6 1, 2027.

7 (3) An employer shall not pay the training wage rate if the hours of
8 any other employee are reduced or if any other employee is laid off and
9 the hours or position to be filled by the new employee is substantially
10 similar to the hours or position of such other employee. An employer
11 shall not dismiss or reduce the hours of any employee with the intention
12 of replacing such employee or his or her hours with a new employee
13 receiving the training wage rate.

14 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
15 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
16 2020, as amended by section 1, Initiative Law 2022, No. 433, are
17 repealed.

LEGISLATIVE BILL 249. Placed on General File with amendment.

AM400

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

3 Section 1. Section 81-1228, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 81-1228 For purposes of the Rural Workforce Housing Investment Act:

6 (1) Department means the Department of Economic Development;

7 (2) Director means the Director of Economic Development;

8 (3) Eligible activities of a nonprofit development organization

9 means:

10 (a) New construction of owner-occupied or rental housing in a
11 community with demonstrated workforce housing needs;

12 (b) Substantial repair or rehabilitation of dilapidated housing
13 stock; or

14 (c) Upper-story housing development;

15 (4) HOME funds means funds awarded as formula grants under the HOME

16 Investment Partnerships Program administered by the United States

17 Department of Housing and Urban Development;

18 (5) Matching funds means dollars contributed by individuals,
19 businesses, foundations, local, regional, and statewide political

20 subdivisions, or other nonprofit organizations to a workforce housing

21 investment fund administered by a nonprofit development organization;

22 (6) Nonprofit development organization means a local, regional, or

23 statewide nonprofit development organization approved by the director;

24 (7) Qualified activities include, but are not limited to, purchase

25 and rental guarantees, loan guarantees, loan participations, and other

26 credit enhancements or any other form of assistance designed to reduce

27 the cost of workforce housing related to eligible activities of the

1 nonprofit development organization;

2 (8) Qualified investment means a cash investment in a workforce

3 housing investment fund administered by a nonprofit development

4 organization;

5 (9) Rural community means any municipality in a county with a

6 population of fewer than one hundred thousand inhabitants as determined

7 by the most recent federal decennial census;

8 (10) Workforce housing means:

9 (a) Housing that meets the needs of today's working families;

10 (b) Housing that is attractive to new residents considering

11 relocation to a rural community;

12 (c) Owner-occupied housing units that cost not more than three

13 hundred twenty-five thousand dollars to construct or rental housing units

14 that cost not more than two hundred fifty thousand dollars per unit to

15 construct. For purposes of this subdivision (c), housing unit costs shall

16 be updated annually by the department based upon the most recent increase

17 or decrease in the Producer Price Index for all commodities, published by

18 the United States Department of Labor, Bureau of Labor Statistics;

19 (d) Owner-occupied and rental housing units for which the cost to

20 substantially rehabilitate exceeds fifty percent of a unit's assessed

21 value;

22 (e) Upper-story housing; and

23 (f) Housing units that do does not receive federal or state low-

24 income housing tax credits, community development block grants, HOME

25 funds, or funds from the National Housing Trust Fund, which would impose

26 individual or household income limitations or restrictions on such

27 housing units, or funding or funds from the Affordable Housing Trust Fund

28 restricting the level of individual or household income to anything less

29 than one hundred percent of area median income as calculated by the

30 United States Department of Housing and Urban Development; and

31 (11) Workforce housing investment fund means a fund that has been

1 created by a nonprofit development organization and certified by the

2 director to encourage development of workforce housing in rural

3 communities.

4 Sec. 2. Section 81-1229, Revised Statutes Cumulative Supplement,

5 2022, is amended to read:

6 81-1229 (1) The director shall establish a workforce housing grant

7 program to foster and support the development of workforce housing in

8 rural communities.

9 (2) A nonprofit development organization may apply to the director

10 for approval of a workforce housing grant for a workforce housing

11 investment fund. The application shall be in a form and manner prescribed
 12 by the director. Through fiscal year 2026-27, grants shall be awarded by
 13 the director on a competitive basis until grant funds are no longer
 14 available. A nonprofit development organization may apply for more than
 15 one grant, subject to the following limits:

16 (a) The maximum amount of grant funds awarded to any one nonprofit
 17 development organization over a two-year period shall not exceed five
 18 million dollars; and

19 (b) The maximum amount of grant funds awarded to any one nonprofit
 20 development organization for all program years shall not exceed an
 21 aggregate limit determined by the department at the discretion of the
 22 director. Grant maximums shall not exceed one million dollars to any one
 23 nonprofit development organization over a two-year period, with the
 24 cumulative amount for any single grantee to be determined by the
 25 department at the discretion of the director.

26 (3) An applicant shall provide matching funds of at least one-half
 27 of the amount of workforce housing grant funds awarded. Unallocated
 28 workforce housing grant funds held by the department shall be rolled to
 29 the next program year.

30 (4) (3) Grants shall be awarded based upon:

31 (a) A demonstrated and ongoing housing need as identified by a
 1 recent housing study;

2 (b) A community or region that has a low unemployment rate and is
 3 having difficulty attracting workers and filling employment positions;

4 (c) A community or region that exhibits a demonstrated commitment to
 5 growing its housing stock;

6 (d) Projects that can reasonably be ready for occupancy in a period
 7 of twenty-four months; and

8 (e) A demonstrated ability to grow and manage a workforce housing
 9 investment fund.

10 (5) (4) A nonprofit development organization shall:

11 (a) Invest or intend to invest in workforce housing eligible
 12 activities;

13 (b) Use any fees, interest, loan repayments, or other funds it
 14 received as a result of the administration of the grant to support
 15 qualified activities; and

16 (c) Have an active board of directors with expertise in development,
 17 construction, and finance that meets at least quarterly to approve all
 18 qualified investments made by the nonprofit development organization. A
 19 nonprofit development organization shall have a formal plan and proven
 20 expertise to invest unused workforce housing investment fund balances and
 21 shall have an annual review of all financial records conducted by an
 22 independent certified public accountant.

23 Sec. 3. Section 81-1230, Revised Statutes Cumulative Supplement,
 24 2022, is amended to read:

25 81-1230 (1) The Rural Workforce Housing Investment Fund is created.
 26 Funding for the grant program described in section 81-1229 shall come
 27 from the Rural Workforce Housing Investment Fund. The Rural Workforce
 28 Housing Investment Fund may include revenue from appropriations from the
 29 Legislature, grants, private contributions, and other sources. In
 30 addition, the State Treasurer shall transfer twenty million dollars on or
 31 before October 1, 2023, from the General Fund ~~make a one-time transfer of~~
 1 ~~seven million three hundred thousand dollars on or before October 1,~~
 2 ~~2017, from the Affordable Housing Trust Fund~~ to the Rural Workforce
 3 Housing Investment Fund. Any money in the Rural Workforce Housing
 4 Investment Fund available for investment shall be invested by the state
 5 investment officer pursuant to the Nebraska Capital Expansion Act and the
 6 Nebraska State Funds Investment Act.

7 (2) The department shall administer the Rural Workforce Housing
 8 Investment Fund and may seek additional private or nonstate funds to use

9 in the grant program, including, but not limited to, contributions from
10 the Nebraska Investment Finance Authority and other interested parties.

11 (3) Interest earned by the department on grant funds shall be
12 applied to the grant program.

13 (4) If a nonprofit development organization fails to engage in the
14 initial qualified activity within twenty-four months after receiving
15 initial grant funding, the nonprofit development organization shall
16 return the grant funds to the department for credit to the General Fund.

17 (5) If a nonprofit development organization fails to allocate any
18 remaining initial grant funding on a qualified activity within twenty-
19 four months after engaging in the initial qualified activity, the
20 nonprofit development organization shall return such unallocated grant
21 funds to the department for credit to the Rural Workforce Housing
22 Investment Fund.

23 (6) Beginning July 1, 2027, any funds held by the department in the
24 Rural Workforce Housing Investment Fund shall be transferred to the
25 General Fund.

26 Sec. 4. Section 81-1231, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1231 (1) Each nonprofit development organization shall submit an
29 annual report to the director to be included as a part of the
30 department's annual status report required under section 81-1201.11. The
31 report shall certify that the nonprofit development organization meets
1 the requirements of the Rural Workforce Housing Investment Act and shall
2 include a breakdown of program activities.

3 (2) The annual report shall include, but not necessarily be limited
4 to:

5 (a) The name and geographical location of the reporting nonprofit
6 development organization;

7 (b) The number, amount, and type of workforce housing investment
8 funds invested in qualified activities;

9 (c) The number, geographical location, type, and amount of
10 investments made;

11 (d) A summary of matching funds and where such matching funds were
12 generated; and

13 (e) The results of the annual review of all financial records
14 required under subsection ~~(5)~~ (4) of section 81-1229.

15 (3) If a nonprofit development organization ceases administration of
16 a workforce housing investment fund, it shall file a final report with
17 the director in a form and manner required by the director. Before July
18 1, 2027, any unallocated grant funds shall be returned to the department
19 for credit to the Rural Workforce Housing Investment Fund. On and after
20 July 1, 2027, any unallocated grant funds shall be returned to the
21 department for transfer to the General Fund.

22 (4) If a nonprofit development organization fails to file a complete
23 annual report by February 15, the director may, in his or her discretion,
24 impose a civil penalty of not more than five thousand dollars for such
25 violation. All money collected by the department pursuant to this
26 subsection shall be remitted to the State Treasurer for distribution in
27 accordance with Article VII, section 5, of the Constitution of Nebraska.

28 Sec. 5. Original sections 81-1228, 81-1229, 81-1230, and 81-1231,
29 Revised Statutes Cumulative Supplement, 2022, are repealed.

LEGISLATIVE BILL 327. Placed on General File with amendment.

[AM713](#)

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

3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
5 to read:

6 48-1203 (1) Except as otherwise provided in this section and section
7 48-1203.01, every employer shall pay to each of his or her employees a
8 minimum wage of:

9 (a) Nine dollars per hour through December 31, 2022;

10 (b) Ten dollars and fifty cents per hour on and after January 1,
11 2023, through December 31, 2023;

12 (c) Twelve dollars per hour on and after January 1, 2024, through
13 December 31, 2024;

14 (d) Thirteen dollars and fifty cents per hour on and after January
15 1, 2025, through December 31, 2025; and

16 (e) Fifteen dollars per hour on and after January 1, 2026, through
17 December 31, 2026.

18 (2) The minimum wage established in subdivision (1)(e) of this
19 section shall be increased on January 1, 2027, and on January 1 of
20 successive years, by the lesser of (a) one and one-half percent, rounded
21 to the nearest cent, or (b) the increase in the cost of living. The
22 increase in the cost of living, which shall be measured by the percentage
23 increase, if any, as of August of the previous year over the level as of
24 August of the year preceding that year in the consumer price index for
25 all urban consumers (CPI-U) for the Midwest Region, or its successor
26 index, as published by the U.S. Department of Labor, or its successor
27 agency, with the amount of the minimum wage increase rounded up to the
1 nearest multiple of five cents. No later than October 15 of each year,
2 commencing October 15, 2026, the Nebraska Department of Labor shall
3 calculate and publish the minimum wage rate that will take effect the
4 following January 1.

5 (3) For persons compensated by way of gratuities such as waitresses,
6 waiters, hotel bellhops, porters, and shoeshine persons, the employer
7 shall pay wages at the minimum rate of two dollars and thirteen cents per
8 hour, plus all gratuities given to them for services rendered. The sum of
9 wages and gratuities received by each person compensated by way of
10 gratuities shall equal or exceed the applicable minimum wage rate
11 provided in subsection (1) or (2) of this section. In determining whether
12 or not the individual is compensated by way of gratuities, the burden of
13 proof shall be upon the employer.

14 (4) Any employer employing student-learners as part of a bona fide
15 vocational training program shall pay such student-learners' wages at a
16 rate of at least seventy-five percent of the minimum wage rate which
17 would otherwise be applicable under this section.

18 (5) An employer may pay a youth minimum wage of ten dollars and
19 fifty cents per hour to an employee who:

20 (a) Is at least fourteen years of age but no more than seventeen
21 years of age; and

22 (b) Is not an emancipated minor.

23 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1203.01 (1) An employer may pay a new employee who is at least
26 eighteen years of age but under younger than twenty years of age and who
27 is not a seasonal or migrant worker a training wage rate as described in
28 subsection (2) of this section of at least seventy-five percent of the
29 federal minimum wage for ninety days from the date the new employee was
30 hired. An employer may pay such new employee the training wage rate for
31 an additional ninety-day period while the new employee is participating
1 in on-the-job training which (a) (1) requires technical, personal, or
2 other skills which are necessary for his or her employment and (b) (2) is
3 approved by the Commissioner of Labor. No more than one-fourth of the
4 total hours paid by the employer shall be at the training wage rate.

5 (2) For purposes of this section, the training wage rate shall be:

6 (a) Ten dollars and fifty cents per hour through December 31, 2026;
7 and

8 (b) A rate of seventy-five percent of the minimum wage rate that
 9 would otherwise be applicable under section 48-1203 on and after January
 10 1, 2027.

11 (3) An employer shall not pay the training wage rate if the hours of
 12 any other employee are reduced or if any other employee is laid off and
 13 the hours or position to be filled by the new employee is substantially
 14 similar to the hours or position of such other employee. An employer
 15 shall not dismiss or reduce the hours of any employee with the intention
 16 of replacing such employee or his or her hours with a new employee
 17 receiving the training wage rate.

18 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
 19 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
 20 2020, as amended by section 1, Initiative Law 2022, No. 433, are
 21 repealed.

LEGISLATIVE BILL 335. Placed on General File with amendment.

[AM737](#)

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Health Care Staffing Agency Registration Act.

5 Sec. 2. For purposes of the Health Care Staffing Agency
 6 Registration Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) Department means the Department of Labor;

9 (3)(a) Direct services means services provided to consumers through
 10 person-to-person contact; and

11 (b) Direct services does not mean:

12 (i) Services performed by an individual in a health care entity that
 13 do not involve the provision of any direct service or treatment to a
 14 consumer of a health care entity;

15 (ii) The practice of medicine and surgery or osteopathic medicine
 16 and surgery by an individual licensed under the Medicine and Surgery
 17 Practice Act; or

18 (iii) The practice of nursing by a nurse practitioner licensed under
 19 the Nurse Practitioner Practice Act;

20 (4) Health care entity means a health care facility or a health care
 21 service;

22 (5) Health care facility has the same meaning as in section 71-413;

23 (6) Health care service has the same meaning as in section 71-415;

24 (7) Health care staffing agency means an individual, a trust, a
 25 partnership, a corporation, a limited liability partnership, a limited
 26 liability company, or any other business entity that provides one or more
 27 temporary staff workers to a separate, third-party health care entity;

1 (8)(a) Nursing services means services that may be provided only by
 2 or under the supervision of a nurse; and

3 (b) Nursing services does not mean the practice of nursing by a
 4 nurse practitioner licensed under the Nurse Practitioner Practice Act;
 5 and

6 (9) Staff worker means an individual who contracts with or is
 7 employed by a health care staffing agency to provide direct services or
 8 nursing services for a health care entity.

9 Sec. 3. (1) A health care staffing agency operating in the state
 10 shall register annually with the department. As a condition of
 11 eligibility for registration, the applicant shall certify that the health
 12 care staffing agency will not enforce any noncompete clause in any
 13 contract existing prior to registration with any health care entity or
 14 staff worker that restricts in any manner the employment opportunities of
 15 a staff worker.

16 (2) An applicant for registration and renewal of registration shall,

17 for each separate location at which the applicant intends to operate as a
18 health care staffing agency in Nebraska, file an application in a form
19 prescribed by the department and pay an annual registration fee of one
20 thousand dollars to the department. An application for the renewal of a
21 registration shall be made at least sixty days prior to the expiration of
22 the then-current registration period. The department shall issue the
23 applicant a separate certification of registration for each location at
24 which the applicant intends to operate as a health care staffing agency
25 in Nebraska upon approval of registration and payment of the fee. The
26 application shall include appropriate evidence of ability to comply with
27 the requirements of section 4 of this act. The department shall remit the
28 fees to the State Treasurer for credit to the General Fund.
29 (3) If the commissioner denies an application for registration or
30 renewal of registration of a health care staffing agency, the
31 commissioner shall issue a notice of denial. The health care staffing
1 agency may file an appeal with the commissioner within twenty days after
2 the date of mailing of the notice of denial. Except as otherwise provided
3 in the Health Care Staffing Agency Registration Act, an appeal under this
4 section shall be governed by the Administrative Procedure Act.
5 Sec. 4. (1) A health care staffing agency shall:
6 (a) Ensure that each staff worker complies with all applicable
7 requirements relating to the health requirements and qualifications for
8 personnel providing direct services or nursing services in a health care
9 entity;
10 (b) Document that each staff worker meets the minimum licensing,
11 certification, training, and health requirements and the continuing
12 education standards for the staff worker's position in the health care
13 entity;
14 (c) Maintain a record for each staff worker and report, file, or
15 otherwise provide any required documentation to any external party or
16 regulator if such duties would otherwise be the responsibility of the
17 health care entity if the staff worker was an employee of the health care
18 entity; and
19 (d) Maintain professional and general liability insurance coverage
20 with minimum per occurrence coverage of one million dollars and aggregate
21 coverage of three million dollars to insure against loss, damage, or
22 expense incident to a claim arising out of the death or injury of any
23 individual as the result of negligence or malpractice in the provision of
24 services by the health care staffing agency or a staff worker of the
25 agency.
26 (2) A health care staffing agency shall submit a report to the
27 department on a quarterly basis, in the form and manner prescribed by the
28 commissioner, for each health care entity participating in medicare or
29 medicaid and contracting with the agency, that includes the following
30 information by provider type:
31 (a) A detailed list of the average amount charged to the health care
1 entity for each category of staff worker in Nebraska, including any
2 ancillary charges or fees; and
3 (b) A detailed list by licensing category of the average amount paid
4 by the agency to staff workers in Nebraska.
5 (3) A health care staffing agency shall provide the department with
6 (a) proof of a certificate or policy of insurance written by an insurance
7 carrier duly authorized to do business in this state which gives the
8 effective dates of workers' compensation insurance coverage indicating
9 that it is in force, (b) proof of a certificate evidencing approval of
10 self-insurance privileges as provided by the Nebraska Workers'
11 Compensation Court pursuant to section 48-145, or (c) a signed statement
12 indicating that the health care staffing agency is not required to carry
13 workers' compensation insurance pursuant to the Nebraska Workers'
14 Compensation Act.

15 (4) A health care staffing agency that ceases to engage in the
16 business of or act as a health care staffing agency shall advise the
17 department as to the disposition of all files and other records relating
18 to its business as a health care staffing agency.
19 Sec. 5. (1) A health care staffing agency shall not:
20 (a) Include in any contract with a staff worker or a health care
21 entity a noncompete clause restricting in any manner the employment
22 opportunities of a staff worker; or
23 (b) In any contract with a staff worker or a health care entity,
24 require payment of liquidated damages, employment fees, or other
25 compensation if the staff worker is subsequently hired as a permanent
26 employee of the health care entity.
27 (2) Any clause of a contract that violates this section is void.
28 Sec. 6. (1) If the commissioner determines that a health care
29 staffing agency (a) failed to register as required by the Health Care
30 Staffing Agency Registration Act, (b) violated section 4 or 5 of this
31 act, (c) failed to provide documentation pursuant to section 7 of this
1 act, or (d) knowingly provided to a health care entity a staff worker who
2 has an illegally or fraudulently obtained or issued diploma,
3 registration, license, certification, or background check, the
4 commissioner may take one or more of the following actions:
5 (i) Assess a civil penalty of not more than five hundred dollars for
6 a first offense and five thousand dollars for each offense thereafter; or
7 (ii) Revoke the registration for a period of one calendar year. This
8 revocation shall apply to all locations of the health care staffing
9 agency.
10 (2) If the commissioner determines that a civil penalty or
11 revocation is warranted under this section, the commissioner shall issue
12 a notice of citation that notifies the health care staffing agency of the
13 proposed civil penalty or revocation. The notice of citation shall be
14 sent by certified mail or any other manner of delivery by which the
15 United States Postal Service can verify delivery.
16 (3) A health care staffing agency may appeal any notice of citation
17 by filing an appeal with the commissioner within twenty days after the
18 date of mailing of the notice of citation. Except as otherwise provided
19 in the Health Care Staffing Agency Registration Act, an appeal under this
20 subsection shall be governed by the Administrative Procedure Act.
21 (4) No penalty or revocation shall become effective until the later
22 of the day following expiration of the appeal period or thirty days after
23 a decision on appeal has become final. Once a revocation becomes
24 effective, it is effective for one calendar year and applies to revoke
25 any then-current registration for all locations of the health care
26 staffing agency and to preclude the health care staffing agency for
27 applying for a new registration for any location during the revocation
28 period. A health care staffing agency that has substantially common
29 ownership or management as a health care staffing agency whose
30 registration has been revoked under this section shall not be eligible
31 for registration during the revocation period.
1 (5) In any civil action to enforce the Health Care Staffing Agency
2 Registration Act, the commissioner and the state may be represented by
3 any qualified attorney who is employed by the commissioner and is
4 designated by the commissioner for this purpose or, at the commissioner's
5 request, by the Attorney General.
6 Sec. 7. (1) The commissioner shall establish a system for the
7 public to report complaints against a health care staffing agency or
8 staff worker regarding compliance with the Health Care Staffing Agency
9 Registration Act. The commissioner shall investigate any complaint
10 received.
11 (2) The commissioner may investigate to determine if a health care
12 staffing agency is in compliance with the Health Care Staffing Agency

13 Registration Act and shall conduct random audits of health care staffing
14 agencies with staff workers in Nebraska. Any investigation or audit shall
15 take place at such times and places as the commissioner directs. An
16 investigation or audit may be conducted without prior notice.
17 (3) For purposes of any investigation or audit under this section,
18 the commissioner or any officer designated by the commissioner may
19 administer oaths and affirmations, subpoena witnesses, compel their
20 attendance, take evidence, and require the production of any books,
21 papers, correspondence, memoranda, agreements, or other documents or
22 records that the commissioner deems relevant or material to the
23 investigation.
24 (4) In case of contumacy by or refusal to obey a subpoena issued to
25 any person, any court of competent jurisdiction, upon application by the
26 commissioner, may issue to such person an order requiring such person to
27 appear before the commissioner or the officer designated by the
28 commissioner and produce documentary evidence, if so ordered, or give
29 evidence affecting the matter under investigation or in question. Any
30 failure to obey the order of the court may be punished by the court as
31 contempt.
1 Sec. 8. (1) The department shall create a database of health care
2 staffing agencies registered under the Health Care Staffing Agency
3 Registration Act. The department shall make the database accessible to
4 the public on its website.
5 (2) The database shall include, but not be limited to, the following
6 information:
7 (a) The name, telephone number, and address of the health care
8 staffing agency;
9 (b) The name of each owner, member, officer, and partner associated
10 with the health care staffing agency;
11 (c) The date of registration approval for the health care staffing
12 agency; and
13 (d) The date of expiration or revocation of the registration of the
14 health care staffing agency.
15 Sec. 9. The department may adopt and promulgate rules and
16 regulations to carry out the Health Care Staffing Agency Registration
17 Act.
18 Sec. 10. Section 81-401, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:
20 81-401 The Governor, through the agency of the Department of Labor
21 created by section 81-101, shall have power:
22 (1) To foster, promote, and develop the welfare of wage earners;
23 (2) To improve working conditions;
24 (3) To advance opportunities for profitable employment;
25 (4) To collect, collate, assort, systematize, and report statistical
26 details relating to all departments of labor, especially in its relation
27 to commercial, industrial, social, economic, and educational conditions
28 and to the permanent prosperity of the manufacturing and productive
29 industries;
30 (5) To acquire and distribute useful information on subjects
31 connected with labor in the most general and comprehensive sense of the
1 word;
2 (6) To acquire and distribute useful information concerning the
3 means of promoting the material, social, intellectual, and moral
4 prosperity of laboring men and women;
5 (7) To acquire and distribute information as to the conditions of
6 employment and such other facts as may be deemed of value to the
7 industrial interests of the state;
8 (8) To acquire and distribute information in relation to the
9 prevention of accidents, occupational diseases, and other related
10 subjects;

11 (9) To acquire and distribute useful information regarding the role
12 of the part-time labor force and the manner in which such labor force
13 affects the economy and citizens of the state; and
14 (10) To administer and enforce all of the provisions of the
15 Employment Security Law, the Farm Labor Contractors Act, the Health Care
16 Staffing Agency Registration Act, and the Wage and Hour Act and Chapter
17 48, articles 2, 3, 4, and 5, and for that purpose there is imposed upon
18 the Commissioner of Labor the duty of executing all of the provisions of
19 such acts, law, and articles.
20 Sec. 11. This act becomes operative on January 1, 2024.
21 Sec. 12. Original section 81-401, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 376. The third committee amendment [AM613](#), found on page 624, was offered.

Senator M. Cavanaugh offered the following motion:

[MO64](#)

Bracket until May 31, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 33 nays, 2 present and not voting, 7 absent and not voting, and 7 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO65](#)

Reconsider the vote taken on MO64.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 6 nays, and 35 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 7:

Aguilar	Dover	Hunt	Murman
Briese	Halloran	Ibach	

The M. Cavanaugh motion to reconsider failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh requested a roll call vote on the third committee amendment.

The third committee amendment was adopted with 37 ayes, 0 nays, 1 present and not voting, 4 absent and not voting, and 7 excused and not voting.

Pending.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 67. Placed on General File.

LEGISLATIVE BILL 587. Placed on General File.

LEGISLATIVE BILL 617. Placed on General File.

LEGISLATIVE BILL 644. Placed on General File.

(Signed) Julie Slama, Chairperson

Education

LEGISLATIVE BILL 585. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 414. Placed on General File with amendment.

[AM689](#)

1 1. On page 2, strike beginning with "and" in line 6 through
 2 "students" in line 7 and show as stricken; in line 12, before
 3 "Individuals" insert "federal"; in line 15 after "district" insert "or
 4 the director's designee"; and in line 16 after "district" insert "and the
 5 appropriate class, grade level, or school building in such school
 6 district".
 7 2. On page 5, line 2, after "the" insert "federal"; after line 16
 8 insert the following new subsection:
 9 "(3)(a) Beginning July 1, 2024, and on or before July 1 of each year
 10 thereafter, each school district shall provide to the State Department of
 11 Education, on forms prescribed by the department, information relating to
 12 all applications rejected by the option school district. Such information
 13 shall include, but not be limited to, (a) the number of applications
 14 rejected in each public school in such district, (b) an explanation why
 15 each application was rejected, (c) whether each application for option
 16 enrollment indicated that the student had an individualized education
 17 plan under the federal Individuals with Disabilities Education Act, 20
 18 U.S.C. 1400 et seq., or had been diagnosed with a disability as defined
 19 in section 79-118.01, and (d) whether information regarding the
 20 requirements of subsection (4) of section 79-238 was provided to the
 21 applicant.
 22 (b) The State Department of Education shall annually compile the
 23 information received pursuant to this subsection and provide a report on
 24 such information electronically to the Legislature beginning on September
 25 1, 2024, and on or before September 1 of each year thereafter. The State
 26 Board of Education may adopt and promulgate rules and regulations to
 27 carry out this subsection."

(Signed) Joni Albrecht, Vice Chairperson

ANNOUNCEMENT

Priority designation received:

DeKay - LB768

NOTICE OF COMMITTEE HEARING

Judiciary
 Room 1113 1:30 PM

Thursday, March 16, 2023

LB162
 LB338
 LR27CA
 LR17CA
 LB749

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT

Senator Geist announced the Transportation and Telecommunications Committee will hold an executive session Monday, March 13, 2023, at 1:30 p.m., in Room 1113.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Holdcroft name added to LB76.
Senator Blood name added to LB513.
Senator Holdcroft name added to LB720.
Senator Bostelman name added to LB766.

VISITORS

Visitors to the Chamber were Nemaha County Leadership; Leadership Nebraska City; students from Bel-Air Elementary, Norfolk; Matriarchs for Change, Omaha and Hastings; students, teachers, and sponsors from Sidney High School Dance and Cheer; I Be Black Girl, Omaha; students from Heritage Elementary, Bennington; Crista and Colton Eggers, Friend; students from Westside Elementary, Norfolk.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Arch, the Legislature adjourned until 9:00 a.m., Monday, March 13, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 13, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 2023

PRAYER

The prayer was offered by Reverend Les Parmenter, Thomas County Parish, Thedford.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Erdman.

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 Senator Aguilar who was excused; and Senators Albrecht, Conrad, Day, DeBoer, Geist, Hunt, Murman, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 53. Placed on General File.

LEGISLATIVE BILL 684. Placed on General File.

LEGISLATIVE BILL 16. Placed on General File with amendment.
[AM748](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Natural Resources

LEGISLATIVE BILL 769. Placed on General File with amendment.

[AM635](#)

- 1 1. On page 2, line 14, strike "develop a sewer system" and insert
- 2 "provide a grant to an entity formed pursuant to the Interlocal
- 3 Cooperation Act to fund a portion of the cost of constructing a
- 4 wastewater system"; and in line 27 after the period insert "It is the
- 5 intent of the Legislature to appropriate fifteen million dollars from the
- 6 Critical Infrastructure Facilities Cash Fund for fiscal year 2023-24 for
- 7 the purposes described in subdivision (3) of this section.".
- 8 2. On page 5, line 27, strike "sixty" and insert "fifteen".

(Signed) Bruce Bostelman, Chairperson

Enrollment and Review

LEGISLATIVE BILL 753. Placed on Select File.

(Signed) Beau Ballard, Chairperson

ANNOUNCEMENTS

Priority designations received:

Health and Human Services - LB181

DeBoer - LB35

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR54 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR54.

GENERAL FILE

LEGISLATIVE BILL 376. The fourth committee amendment [AM614](#), found on page 626, was offered.

Senator Lowe offered [AM472](#), found on page 640, to the fourth committee amendment.

Senator M. Cavanaugh requested a roll call vote on the amendment.

The Lowe amendment was adopted with 31 ayes, 0 nays, 1 present and not voting, 5 absent and not voting, and 12 excused and not voting.

The fourth committee amendment, as amended, was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

The fifth committee amendment [AM615](#), found on page 627, was offered.

Senator M. Cavanaugh requested a roll call vote on the fifth committee amendment.

The fifth committee amendment was adopted with 33 ayes, 0 nays, 1 present and not voting, 4 absent and not voting, and 11 excused and not voting.

Senator Lowe offered [AM571](#), found on page 642.

Senator M. Cavanaugh offered the following motion:

[MO66](#)

Bracket until June 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Pending.

COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 254. Placed on General File with amendment.

[AM698](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) The Legislative Council, through the Executive Board
4 of the Legislative Council, shall develop and maintain a publicly
5 accessible, digital Internet archive of closed-captioned video coverage
6 of the Legislature, including floor debate and public committee hearings
7 indexed by legislative bill or resolution number or by date, beginning
8 with the coverage of the One Hundred Ninth Legislature, First Session, in
9 January 2025 or as soon as live, closed-captioned video coverage of the
10 Legislature is available for use, whichever is sooner, as provided in
11 section 79-1316.
12 (2) Applicable historical video coverage of the Legislature shall be
13 collected and added to the digital archive as available. Applicable
14 historical video coverage shall only consist of video coverage of the
15 Legislature captured by the Nebraska Educational Telecommunications
16 Commission and closed-captioned prior to January 1, 2025.
17 (3) Such archive is intended solely for educational and
18 informational purposes and to enhance access for the public, in keeping
19 with the Legislature's commitment to transparency in state government.
20 (4) Audio and video recordings of the proceedings of the Legislature
21 or of a committee or division of the Legislature are not official records
22 of such proceedings and shall not be admissible in any proceeding as
23 evidence of legislative history, action, or intent.
24 (5) The Executive Board of the Legislative Council shall develop
25 policies and procedures surrounding the creation and ongoing usage of the
26 publicly accessible, indexed, digital Internet archive of closed-
27 captioned video coverage of the Legislature developed pursuant to this
1 section. Such policies shall include, but not be limited to:

2 (a) The usage of archived video recordings for purposes other than
3 legislative purposes;

4 (b) A determination regarding which committee hearings and committee
5 briefings shall be recorded and added to the digital archive;

6 (c) Parameters surrounding long-term storage of archived video
7 recordings; and

8 (d) Management of costs in relation to supporting public
9 accessibility of archived video recordings.

10 Sec. 2. Section 50-114, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 50-114 (1) It shall be the duty of the Clerk of the Legislature to
13 attend the sessions of the Legislature, to call the roll, to read the
14 journals, bills, memorials, resolutions, petitions, and all other papers
15 or documents necessary to be read in the Legislature, to keep a correct
16 journal of the proceedings in the Legislature, and to do and perform such
17 other duties as may be imposed upon the clerk him by the Legislature or
18 by the Executive Board of the Legislative Council.

19 (2) The records of floor debate and committee hearings as prepared
20 and permanently maintained by the Clerk of the Legislature are the
21 official records of the Legislature.

22 (3) Any government website offering access to audio and video
23 recordings of the proceedings of the Legislature or of a committee or
24 division of the Legislature shall require notification to any website
25 user, using appropriate technology, that such recordings shall not be
26 used, reproduced, or redistributed without express permission by the
27 Legislative Council and in accordance with the policies developed by the
28 Executive Board of the Legislative Council pursuant to section 1 of this
29 act.

30 Sec. 3. Section 50-402, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 50-402 The Legislative Council shall occupy and maintain offices in
2 the State Capitol.

3 It shall be the duty of the council:

4 (1) To collect information concerning the government and general
5 welfare of the state;

6 (2) To examine the effects of previously enacted statutes and
7 recommend amendments thereto;

8 (3) To deal with important issues of public policy and questions of
9 statewide interest;

10 (4) To prepare a legislative program in the form of bills or
11 otherwise as in its opinion the welfare of the state may require, to be
12 presented at the next session of the Legislature;

13 (5) To study federal aid to the state and its political subdivisions
14 and advise the Legislature of money, land, or buildings available from
15 the federal government, matching funds necessary, grants and aids, and
16 what new legislation will be needed;

17 (6) To establish and maintain a complete and efficient bill drafting
18 service for the purpose of aiding and assisting members of the
19 Legislature and the executive departments of the state in the preparation
20 of bills, resolutions, and measures and in drafting the same in proper
21 form, and for this purpose there shall be assigned to the council for
22 such work, rooms in the State Capitol conveniently situated in reference
23 to the legislative chamber;

24 (7) To provide, through the Revisor of Statutes, for the publication
25 of supplements and replacement volumes of the statutes of Nebraska; ~~and~~

26 (8) To provide, through the Executive Board of the Legislative
27 Council, for the development and maintenance of a publicly accessible,
28 indexed, digital Internet archive of closed-captioned video coverage of
29 the Legislature as provided in section 1 of this act; and

30 (9) (8) To set up subcommittees within the executive board to carry

31 out functions such as investigation of any area which it may decide is in
1 the public interest with power to employ such additional personnel as may
2 be needed to carry out the intent and activities of the executive board
3 or the Legislature.
4 Sec. 4. Section 79-1312, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 79-1312 Sections 79-1312 to 79-1322 and section 7 of this act shall
7 be known and may be cited as the Nebraska Educational Telecommunications
8 Act.
9 Sec. 5. Section 79-1313, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 79-1313 The Nebraska Educational Telecommunications Act creates the
12 Nebraska Educational Telecommunications Commission for the purpose of (1)
13 promoting and establishing noncommercial educational telecommunications
14 facilities within the State of Nebraska, (2) providing noncommercial
15 educational telecommunications programs throughout the State of Nebraska
16 by digital broadcast, by closed-circuit transmission, by Internet-based
17 delivery, or by other telecommunications technology distribution systems,
18 and (3) operating statewide educational and public radio and television
19 networks, facilities, and services, and (4) providing closed-captioned
20 live video coverage of the Legislature as provided in section 79-1316.
21 The commission shall seek funding from federal, state, foundation, and
22 private sources for capital construction and annual operations.
23 Sec. 6. Section 79-1316, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 79-1316 The powers and duties of the Nebraska Educational
26 Telecommunications Commission are:
27 (1) To promote and sponsor a noncommercial educational television
28 network to serve a series of interconnecting units throughout the State
29 of Nebraska;
30 (2) To promote and support locally operated or state-operated
31 noncommercial educational radio stations with satellite receiving
1 capabilities and improved transmitter coverage;
2 (3) To apply for and to receive and hold such authorizations,
3 licenses, and assignments of channels from the Federal Communications
4 Commission as may be necessary to conduct such educational
5 telecommunications programs by standard radio and television broadcast or
6 by other telecommunications technology broadcast systems and to prepare,
7 file, and prosecute before the Federal Communications Commission all
8 applications, reports, or other documents or requests for authorization
9 of any kind necessary or appropriate to achieve the purposes set forth in
10 the Nebraska Educational Telecommunications Act;
11 (4) To receive gifts and contributions from public and private
12 sources to be expended in providing educational telecommunications
13 facilities and programs;
14 (5) To acquire real estate and other property as an agency of the
15 State of Nebraska and to hold and use the same for educational
16 telecommunications purposes;
17 (6) To contract for the construction, repair, maintenance, and
18 operation of telecommunications facilities;
19 (7) To contract with common carriers, qualified under the laws of
20 the State of Nebraska, to provide interconnecting channels or satellite
21 facilities in support of radio, television, and other telecommunications
22 technology services unless it is first determined by the Nebraska
23 Educational Telecommunications Commission that state-owned
24 interconnecting channels can be constructed and operated that would
25 furnish a comparable quality of service at a cost to the state that would
26 be less than if such channels were provided by qualified common carriers;
27 (8) To provide for programming for the visually impaired, other
28 print-handicapped persons, and the deaf and hard of hearing as authorized

29 by the Federal Communications Commission under subsidiary communications
30 authority rules, through contracts with appropriate nonprofit
31 corporations or organizations which have been created for such purpose;
1 (9) To arrange for the operation of statewide educational
2 telecommunications networks, as directed by the Nebraska Educational
3 Telecommunications Commission, consistent with the provisions of the
4 federal Communications Act of 1934, as amended, and applicable rules and
5 regulations, with policies of the Federal Communications Commission, in
6 cooperation with the State Board of Education insofar as elementary and
7 secondary education programs are concerned, and in cooperation with the
8 Coordinating Commission for Postsecondary Education insofar as
9 postsecondary education programs are concerned;
10 (10) After taking into consideration the needs of the entire state,
11 to establish and maintain general policies relating to the nature and
12 character of educational telecommunications broadcasts or transmissions;
13 (11) To review, or cause to be reviewed by a person designated by
14 the Nebraska Educational Telecommunications Commission ~~commission~~, all
15 programs presented on the network prior to broadcast or transmission to
16 insure that the programs are suitable for viewing and listening. Such
17 suitability shall be determined by evaluating the content of the program,
18 and screening the programs if necessary, as to their educational value
19 and whether they enhance the cultural appreciation of the viewer and
20 listener and do not appeal to his or her prurient interest. When it is
21 obvious from an examination of the descriptive program materials that a
22 program is suitable for presenting on the network, no further review
23 shall be required;
24 (12) To cooperate with federal or state agencies for the purpose of
25 obtaining matching federal or state funds and providing educational
26 telecommunications facilities of all types throughout the state and to
27 make such reports as may be required of recipients of matching funds;
28 (13) To arrange for and provide digital radio and television
29 broadcast and other telecommunications technology transmissions of
30 noncommercial educational telecommunications programs to Nebraska
31 citizens and institutions, but no tax funds shall be used for program
1 advertising which may only be financed out of funds received from
2 foundations or individual gifts;
3 (14) To coordinate with Nebraska agencies that deal with
4 telecommunications activities and are supported in whole or in part by
5 public funds;
6 (15) To adopt bylaws for the conduct of its affairs;
7 (16) To make certain that the facilities are not used for any
8 purpose which is contrary to the United States Constitution or the
9 Constitution of Nebraska or for broadcasting propaganda or attempting to
10 influence legislation;
11 (17) To publish such informational material as it deems necessary
12 and it may, at its discretion, charge appropriate fees therefor. The
13 proceeds of all such fees shall be remitted to the State Treasurer for
14 credit to the State Educational Telecommunications Fund and shall be used
15 by the commission solely for publishing such informational material. The
16 commission shall provide to newspapers, radio stations, and other news
17 media program schedules informing the public of programs approved by the
18 commission; ~~and~~
19 (18) To maintain a digital archive of programs and educational
20 content containing stories, events, individuals, and performances which
21 are significant or prominent in Nebraska history; ~~and~~ -
22 (19) Subject to policies and procedures developed by the Executive
23 Board of the Legislative Council pursuant to section 1 of this act, to
24 provide live, closed-captioned video coverage of the Legislature,
25 including floor debate and public committee hearings, beginning with
26 coverage of the One Hundred Ninth Legislature, First Session, in January

27 2025 or as soon as the commission has closed-captioning capabilities,
 28 whichever is sooner.
 29 Sec. 7. Nothing in the Nebraska Educational Telecommunications Act
 30 shall be construed to require the Nebraska Educational Telecommunications
 31 Commission to post or distribute any work in a manner that would
 1 constitute a violation of federal copyright law.
 2 Sec. 8. The Revisor of Statutes shall assign section 1 of this act
 3 to Chapter 50.
 4 Sec. 9. Original sections 50-114, 50-402, 79-1312, 79-1313, and
 5 79-1316, Reissue Revised Statutes of Nebraska, are repealed.
 6 Sec. 10. Since an emergency exists, this act takes effect when
 7 passed and approved according to law.

LEGISLATIVE RESOLUTION 21. Reported to the Legislature for further consideration with amendment.

[AM478](#)

1 1. In the second RESOLVED clause, strike "XX" and insert "three".

(Signed) Tom Briese, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 709. Placed on General File with amendment.

[AM767](#)

1 1. On page 2, strike lines 3 and 4 and insert the following new
 2 subdivision:
 3 "(b) Eligible applicant means:
 4 (i) Any city of the primary class;
 5 (ii) Any county in which a city of the primary class is located;
 6 (iii) Any city of the first class that hosts at least one national
 7 or regional livestock show; and
 8 (iv) Any county in which a city of the first class is located if
 9 such city hosts at least one national or regional livestock show; and";
 10 and in line 20 after "class" insert "or city of the first class".

(Signed) Julie Slama, Chairperson

Agriculture

LEGISLATIVE BILL 116. Placed on General File with amendment.

[AM718](#) is available in the Bill Room.

LEGISLATIVE BILL 262. Placed on General File with amendment.

[AM719](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

ANNOUNCEMENT

Priority designation received:

Lowe - LB297

AMENDMENT - Print in Journal

Senator Lowe filed the following amendment to LB775:
AM813

(Amendments to Standing Committee amendments, AM709)

1 1. Insert the following new sections:

2 Section 1. Section 2-1205, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-1205 (1) If the commission is satisfied that its rules and
5 regulations and all provisions of sections 2-1201 to 2-1218 have been and
6 will be complied with, it may issue a license for a period of not more
7 than five years. The license shall set forth the name of the licensee,
8 the place where the races or race meetings are to be held, and the time
9 and number of days during which racing may be conducted by such licensee.
10 Any such license issued shall not be transferable or assignable. The
11 commission shall have the power to revoke any license issued at any time
12 for good cause upon reasonable notice and hearing. No license shall be
13 granted to any corporation or association except upon the express
14 condition that it shall not, by any lease, contract, understanding, or
15 arrangement of whatever kind or nature, grant, assign, or turn over to
16 any person, corporation, or association the operation or management of
17 any racing or race meeting licensed under such sections or of the
18 parimutuel system of wagering described in section 2-1207 or in any
19 manner permit any person, corporation, or association other than the
20 licensee to have any share, percentage, or proportion of the money
21 received for admissions to the racing or race meeting or from the
22 operation of the parimutuel system; and any violation of such conditions
23 shall authorize and require the commission immediately to revoke such
24 license. No licensee shall be considered in violation of this section
25 with respect to an agreement with an authorized gaming operator regarding
26 employees and the acceptance of any parimutuel wager or sports wager
1 pursuant to section 9-1110.

2 (2)(a) Any racetrack for which a licensee is issued a license to
3 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
4 in existence and operational as of April 20, 2022, shall:

5 (i) Hold a minimum of five live racing meet days and fifty live
6 horseraces annually beginning January 1, 2026, through December 31, 2030;
7 and

8 (ii) Beginning January 1, 2031, hold a minimum of fifteen live
9 racing meet days and one hundred twenty live horseraces annually.

10 (b) Any racetrack for which a licensee is issued a license to
11 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
12 not in existence and operational until after April 20, 2022, shall:

13 (i) Hold a minimum of one live racing meet day annually for the
14 first three years of operation;

15 (ii) Hold a minimum of five live racing meet days and fifty live
16 horseraces annually for the fourth year of operation through the seventh
17 year of operation; and

18 (iii) Beginning with the eighth year of operation, hold a minimum of
19 fifteen live racing meet days and one hundred twenty live horseraces
20 annually.

21 (c) A racetrack that fails to meet the minimum requirements under
22 this subsection is subject to discipline by the commission, including
23 revocation of the license issued under sections 2-1201 to 2-1218.

24 (3) A racetrack for which a licensee is issued a license to conduct
25 a race or race meeting under sections 2-1201 to 2-1218 in existence on
26 November 1, 2020, which is located in the counties of Adams, Dakota,
27 Douglas, Hall, Lancaster, and Platte, may move such racetrack location to
28 another county in Nebraska that does not have a racetrack one time only,

29 subject to approval by the commission as provided in subdivision (27) of
 30 section 9-1106, subsequent to the initial issuance of the market analysis
 31 and socioeconomic-impact studies conducted pursuant to section 9-1106.
 1 Sec. 12. Section 9-1110, Reissue Revised Statutes of Nebraska, is
 2 amended to read:

3 9-1110 (1) The commission may permit an authorized gaming operator
 4 to conduct sports wagering. Any sports wager shall be placed in person or
 5 at a wagering kiosk in the designated sports wagering area at the
 6 licensed racetrack enclosure. A parimutuel wager in accordance with
 7 sections 2-1201 to 2-1218 may be placed in the designated sports wagering
 8 area at the licensed racetrack enclosure. An individual employed and
 9 authorized to accept a sports wager may also accept a parimutuel wager.

10 (2) A floor plan identifying the designated sports wagering area,
 11 including the location of any wagering kiosks, shall be filed with the
 12 commission for review and approval. Modification to a previously approved
 13 plan must be submitted for approval at least ten days prior to
 14 implementation. The area shall not be accessible to persons under twenty-
 15 one years of age and shall have a sign posted to restrict access.
 16 Exceptions to this subsection must be approved in writing by the
 17 commission.

18 (3) The authorized gaming operator shall submit controls for
 19 approval by the commission, that include the following for operating the
 20 designated sports wagering area:

21 (a) Specific procedures and technology partners to fulfill the
 22 requirements set forth by the commission;

23 (b) Other specific controls as designated by the commission;

24 (c) A process to easily and prominently impose limitations or
 25 notification for wagering parameters, including, but not limited to,
 26 deposits and wagers; and

27 (d) An easy and obvious method for a player to make a complaint and
 28 to enable the player to notify the commission if such complaint has not
 29 been or cannot be addressed by the sports wagering operator.

30 (4) The commission shall develop policies and procedures to ensure a
 31 prohibited participant is unable to place a sports wager or parimutuel
 1 wager.

2 2. Renumber the remaining sections, correct internal references, and
 3 correct the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 376. Senator M. Cavanaugh offered the following
 motion:

[MO67](#)

Bracket until March 14, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO68](#)

Recommit to General Affairs Committee.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh requested a roll call vote on the motion to recommit
 to committee.

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 32 nays, 13 absent and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO69](#)

Bracket until March 15, 2023.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 39 nays, 6 absent and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the amendment.

The Lowe amendment was adopted with 40 ayes, 0 nays, 5 absent and not voting, and 4 excused and not voting.

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

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

ANNOUNCEMENTS

Priority designations received:

Murman - LB810
Urban Affairs - LB629
Lippincott - LB71
Dungan - LB14

GENERAL FILE

LEGISLATIVE BILL 775. Title read. Considered.

Committee [AM709](#), found on page 695, was offered.

Senator M. Cavanaugh offered the following motion:

[MO70](#)

Bracket until March 15, 2023.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 757. Placed on General File.

LEGISLATIVE BILL 328. Placed on General File with amendment.**AM620**

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) There is established within the Department of
 3 Justice, under the direction of the Attorney General, the position of
 4 liaison for missing and murdered indigenous persons. The purpose of the
 5 position shall be to coordinate with local, state, tribal, and federal
 6 entities in reporting and investigating missing and murdered indigenous
 7 persons.
 8 (2) The Attorney General and the Commission on Indian Affairs shall
 9 partner in the hiring and selection of the liaison, giving preference to
 10 applicants of indigenous descent.
 11 (3) The duties of the liaison shall include, but not be limited to:
 12 (a) Identifying, collecting, and directing resources and information
 13 to aid in combating the prevalence of missing and murdered indigenous
 14 persons in Nebraska;
 15 (b) Synthesizing information regarding missing and murdered
 16 indigenous persons from state, local, tribal, and federal law enforcement
 17 entities involved in such cases; aiding in communication among such
 18 entities; and reporting information to tribes, communities, the media,
 19 and the public as appropriate to aid in locating missing and murdered
 20 indigenous persons;
 21 (c) Consulting and coordinating with the Commission on Indian
 22 Affairs regularly in the course of the liaison's duties;
 23 (d) Pursuing any available federal grant funding to carry out the
 24 duties of the position; and
 25 (e) Coordinating with the Attorney General, the United States
 26 Attorney, the United States Department of Justice, and state and tribal
 27 law enforcement.
 1 (4) It is the intent of the Legislature to appropriate money from
 2 the General Fund to the Attorney General for the salary, travel, and
 3 operating expenses necessary for the liaison to carry out the duties
 4 described in subsection (3) of this section.

LEGISLATIVE BILL 799. Placed on General File with amendment.**AM671**

1 1. On page 2, strike beginning with "fourteen" in line 11 through
 2 "sixty-three" in line 12 and insert "twelve thousand three hundred
 3 sixteen dollars and thirty-seven"; and strike beginning with "thirty-one"
 4 in line 14 through "sixty-eight" in line 15 and insert "twenty-five
 5 thousand fifty-five dollars and thirty-five".

(Signed) Justin Wayne, Chairperson

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs
 Room 1525 1:30 PM

Wednesday, March 22, 2023

LB457

LB193

LB808

Room 1507 1:30 PM

Thursday, March 23, 2023

Scott C Cordes - State Fire Marshal
Janet Chung - Nebraska Accountability and Disclosure Commission
Kenny Zoeller - Policy Research
LB9
LB559
LB737

Room 1507 1:30 PM

Friday, March 24, 2023
LB540
LB715
LB428
LB287

(Signed) Tom Brewer, Chairperson

ANNOUNCEMENTS

Priority designations received:

Education - LB705 and LB385
McKinney - LB631
Armendariz - LB684

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Hardin name added to LB100.
Senator Dungan name added to LB169.
Senator Hunt name added to LB176.

VISITORS

Visitors to the Chamber were Coral Parmenter; Molly Leyden, Lincoln; Girl Scout Troops from across the state; students from Fort Calhoun Elementary, Fort Calhoun; students from Bruning-Davenport, Davenport; Pam Langewisch, Seward.

The Doctor of the Day was Dr. Marlon Weiss of Lincoln.

ADJOURNMENT

At 12:18 p.m., on a motion by Senator Holdcroft, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 14, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 2023

PRAYER

The prayer was offered by Reverend Coral Parmenter, Purdum UCC, Thedford.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Geist.

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 Senator Aguilar who was excused; and Senators J. Cavanaugh, Conrad, Day, Hunt, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 257. Placed on General File.
LEGISLATIVE BILL 544. Placed on General File.

LEGISLATIVE BILL 144. Placed on General File with amendment.
[AM778](#)

1 1. On page 5, line 9, strike the new matter and reinstate the
2 stricken matter; and in line 10 strike "solar installation".

LEGISLATIVE BILL 542. Placed on General File with amendment.
[AM779](#)

1 1. Insert the following new sections:

2 Section 1. Section 2-1205, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-1205 (1) If the commission is satisfied that its rules and
5 regulations and all provisions of sections 2-1201 to 2-1218 have been and
6 will be complied with, it may issue a license for a period of not more
7 than five years. The license shall set forth the name of the licensee,
8 the place where the races or race meetings are to be held, and the time
9 and number of days during which racing may be conducted by such licensee.
10 Any such license issued shall not be transferable or assignable. The
11 commission shall have the power to revoke any license issued at any time
12 for good cause upon reasonable notice and hearing. No license shall be
13 granted to any corporation or association except upon the express
14 condition that it shall not, by any lease, contract, understanding, or
15 arrangement of whatever kind or nature, grant, assign, or turn over to
16 any person, corporation, or association the operation or management of
17 any racing or race meeting licensed under such sections or of the
18 parimutuel system of wagering described in section 2-1207 or in any
19 manner permit any person, corporation, or association other than the
20 licensee to have any share, percentage, or proportion of the money
21 received for admissions to the racing or race meeting or from the
22 operation of the parimutuel system; and any violation of such conditions
23 shall authorize and require the commission immediately to revoke such
24 license. No licensee shall be considered in violation of this section
25 with respect to an agreement with an authorized gaming operator regarding
26 employees and the acceptance of any parimutuel wager or sports wager
27 pursuant to section 9-1110.

1 (2)(a) Any racetrack for which a licensee is issued a license to
2 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
3 in existence and operational as of April 20, 2022, shall:

4 (i) Hold a minimum of five live racing meet days and fifty live
5 horseraces annually beginning January 1, 2026, through December 31, 2030;
6 and

7 (ii) Beginning January 1, 2031, hold a minimum of fifteen live
8 racing meet days and one hundred twenty live horseraces annually.

9 (b) Any racetrack for which a licensee is issued a license to
10 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
11 not in existence and operational until after April 20, 2022, shall:

12 (i) Hold a minimum of one live racing meet day annually for the
13 first three years of operation;

14 (ii) Hold a minimum of five live racing meet days and fifty live
15 horseraces annually for the fourth year of operation through the seventh
16 year of operation; and

17 (iii) Beginning with the eighth year of operation, hold a minimum of
18 fifteen live racing meet days and one hundred twenty live horseraces
19 annually.

20 (c) A racetrack that fails to meet the minimum requirements under
21 this subsection is subject to discipline by the commission, including
22 revocation of the license issued under sections 2-1201 to 2-1218.

23 (3) A racetrack for which a licensee is issued a license to conduct
24 a race or race meeting under sections 2-1201 to 2-1218 in existence on
25 November 1, 2020, which is located in the counties of Adams, Dakota,
26 Douglas, Hall, Lancaster, and Platte, may move such racetrack location to
27 another county in Nebraska that does not have a racetrack one time only,
28 subject to approval by the commission as provided in subdivision (27) of
29 section 9-1106, subsequent to the initial issuance of the market analysis
30 and socioeconomic-impact studies conducted pursuant to section 9-1106.

31 Sec. 2. Section 9-1110, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 9-1110 (1) The commission may permit an authorized gaming operator
3 to conduct sports wagering. Any sports wager shall be placed in person or

4 at a wagering kiosk in the designated sports wagering area at the
5 licensed racetrack enclosure. A parimutuel wager in accordance with
6 sections 2-1201 to 2-1218 may be placed in the designated sports wagering
7 area at the licensed racetrack enclosure. An individual employed and
8 authorized to accept a sports wager may also accept a parimutuel wager.
9 (2) A floor plan identifying the designated sports wagering area,
10 including the location of any wagering kiosks, shall be filed with the
11 commission for review and approval. Modification to a previously approved
12 plan must be submitted for approval at least ten days prior to
13 implementation. The area shall not be accessible to persons under twenty-
14 one years of age and shall have a sign posted to restrict access.
15 Exceptions to this subsection must be approved in writing by the
16 commission.
17 (3) The authorized gaming operator shall submit controls for
18 approval by the commission, that include the following for operating the
19 designated sports wagering area:
20 (a) Specific procedures and technology partners to fulfill the
21 requirements set forth by the commission;
22 (b) Other specific controls as designated by the commission;
23 (c) A process to easily and prominently impose limitations or
24 notification for wagering parameters, including, but not limited to,
25 deposits and wagers; and
26 (d) An easy and obvious method for a player to make a complaint and
27 to enable the player to notify the commission if such complaint has not
28 been or cannot be addressed by the sports wagering operator.
29 (4) The commission shall develop policies and procedures to ensure a
30 prohibited participant is unable to place a sports wager or parimutuel
31 wager.
1 2. Renumber the remaining sections and correct the repealer
2 accordingly.

LEGISLATIVE BILL 716. Placed on General File with amendment.

[AM271](#)

1 1. On page 2, line 7, after "shall" insert "by a unanimous vote of
2 the board.".
3 2. On page 3, line 16, after "shall" insert "by a unanimous vote
4 of the board.".

(Signed) John Lowe, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 22CA. Placed on General File.

(Signed) Tom Briese, Chairperson

ANNOUNCEMENTS

Priority designations received:

Aguilar - LB81
Clements - LB575
Executive Board - LB254 and LB552
Vargas - LB570
Day - LB84

J. Cavanaugh - LB184
Briese - LB243

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to LB385:

[AM841](#)

1 1. Strike section 1.

Senator Linehan filed the following amendment to LB385:

[AM842](#)

1 1. Strike section 2.

Senator Murman filed the following amendment to LB705:

[AM843](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to LB705:

[AM844](#)

1 1. Strike section 2.

Senator Briese filed the following amendment to LB684:

[AM808](#)

1 1. On page 2, line 2, after "entity" insert ", that has previously
2 conducted an efficiency review or study for another state."

Senator Briese filed the following amendment to LB327:

[AM764](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
5 to read:
6 48-1203 (1) Except as otherwise provided in this section and section
7 48-1203.01, every employer shall pay to each of his or her employees a
8 minimum wage of:
9 (a) Nine dollars per hour through December 31, 2022;
10 (b) Ten dollars and fifty cents per hour on and after January 1,
11 2023, through December 31, 2023;
12 (c) Twelve dollars per hour on and after January 1, 2024, through
13 December 31, 2024;
14 (d) Thirteen dollars and fifty cents per hour on and after January
15 1, 2025, through December 31, 2025; and
16 (e) Fifteen dollars per hour on and after January 1, 2026, through
17 December 31, 2026.
18 (2) The minimum wage established in subdivision (1)(e) of this
19 section shall be increased on January 1, 2027, and on January 1 of
20 successive years, by the lesser of (a) one and one-half percent, rounded
21 to the nearest cent, or (b) the increase in the cost of living. The
22 increase in the cost of living, which shall be measured by the percentage
23 increase, if any, as of August of the previous year over the level as of
24 August of the year preceding that year in the consumer price index for
25 all urban consumers (CPI-U) for the Midwest Region, or its successor
26 index, as published by the U.S. Department of Labor, or its successor
27 agency, with the amount of the minimum wage increase rounded up to the
1 nearest multiple of five cents. No later than October 15 of each year,
2 commencing October 15, 2026, the Nebraska Department of Labor shall

3 calculate and publish the minimum wage rate that will take effect the
4 following January 1.

5 (3) For persons compensated by way of gratuities such as waitresses,
6 waiters, hotel bellhops, porters, and shoeshine persons, the employer
7 shall pay wages at the minimum rate of two dollars and thirteen cents per
8 hour, plus all gratuities given to them for services rendered. The sum of
9 wages and gratuities received by each person compensated by way of
10 gratuities shall equal or exceed the applicable minimum wage rate
11 provided in subsection (1) or (2) of this section. In determining whether
12 or not the individual is compensated by way of gratuities, the burden of
13 proof shall be upon the employer.

14 (4) Any employer employing student-learners as part of a bona fide
15 vocational training program shall pay such student-learners' wages at a
16 rate of at least seventy-five percent of the minimum wage rate which
17 would otherwise be applicable under this section.

18 (5) An employer may pay a youth minimum wage of ten dollars and
19 fifty cents per hour to an employee who:

20 (a) Is at least fourteen years of age but no more than seventeen
21 years of age; and

22 (b) Is not an emancipated minor.

23 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1203.01 (1) An employer may pay a new employee who is at least
26 eighteen years of age but under younger than twenty years of age and who
27 is not a seasonal or migrant worker a training wage rate as described in
28 subsection (2) of this section of at least seventy-five percent of the
29 federal minimum wage for ninety days from the date the new employee was

30 hired. An employer may pay such new employee the training wage rate for
31 an additional ninety-day period while the new employee is participating
1 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or
2 other skills which are necessary for his or her employment and (b) ~~(2)~~ is
3 approved by the Commissioner of Labor. No more than one-fourth of the
4 total hours paid by the employer shall be at the training wage rate.

5 (2) For purposes of this section, the training wage rate shall be:

6 (a) Ten dollars and fifty cents per hour through December 31, 2026;
7 and

8 (b) A rate of seventy-five percent of the minimum wage rate that
9 would otherwise be applicable under section 48-1203 on and after January
10 1, 2027.

11 (3) An employer shall not pay the training wage rate if the hours of
12 any other employee are reduced or if any other employee is laid off and
13 the hours or position to be filled by the new employee is substantially
14 similar to the hours or position of such other employee. An employer
15 shall not dismiss or reduce the hours of any employee with the intention
16 of replacing such employee or his or her hours with a new employee
17 receiving the training wage rate.

18 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
19 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
20 2020, as amended by section 1, Initiative Law 2022, No. 433, are
21 repealed.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR55 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business,
the President signed the following: LR55.

GENERAL FILE

LEGISLATIVE BILL 775. Committee [AM709](#), found on page 695 and considered on page 744, was renewed.

Senator M. Cavanaugh renewed [MO70](#), found and considered on page 744, to bracket until March 15, 2023.

Senator Erdman requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:
[AM856](#) is available in the bill Room.

The second committee amendment is as follows:
[AM832](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 9-601, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 9-601 Sections 9-601 to 9-653 and sections 3 and 8 of this act shall
6 be known and may be cited as the Nebraska County and City Lottery Act.
7 Sec. 2. Section 9-603, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 9-603 For purposes of the Nebraska County and City Lottery Act, the
10 definitions found in sections 9-603.02 to 9-618 and section 3 of this act
11 shall be used.
12 Sec. 3. Digital-on-premises ticket means a digital ticket purchased
13 in person on a mobile or other electronic device verified to be present
14 at the location of the lottery operator or an authorized sales outlet
15 location in accordance with subdivision (3)(b) of section 8 of this act.
16 Sec. 5. Section 9-607, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 9-607 (1) Lottery shall mean a gambling scheme in which:
19 (a) The players pay or agree to pay something of value for an
20 opportunity to win;
21 (b) Winning opportunities are represented by tickets;
22 (c) Winners are solely determined by one of the following two
23 methods:
24 (i) By a random drawing of tickets differentiated by sequential
25 enumeration from a receptacle by hand whereby each ticket has an equal
26 chance of being chosen in the drawing; or
27 (ii) By use of a game known as keno in which a player selects up to
1 twenty numbers from a total of eighty numbers on a ~~paper~~ ticket and a
2 computer, other electronic selection device, or electrically operated
3 blower machine which is not player-activated randomly selects up to
4 twenty numbers from the same pool of eighty numbers and the winning
5 players are determined by the correct matching of the numbers on the
6 ~~paper~~ ticket selected by the players with the numbers randomly selected
7 by the computer, other electronic selection device, or electrically
8 operated blower machine, except that (A) no keno game shall permit or
9 require player activation of lottery equipment and (B) the random
10 selection of numbers by the computer, other electronic selection device,
11 or electrically operated blower machine shall not occur within five
12 minutes of the completion of the previous selection of random numbers;
13 ~~and~~
14 (d) The holders of the winning ~~paper~~ tickets are to receive cash or

15 prizes redeemable for cash. Selection of a winner or winners shall be
16 predicated solely on chance; and -

17 (e) Tickets are issued either (i) on paper or (ii) with the consent
18 of the governing body of the county, city, or village conducting the
19 lottery, digitally to a mobile or other device which, at the time of
20 purchase, is verified to be present at the location of the lottery
21 operator or an authorized sales outlet location as provided in
22 subdivision (3)(b) of section 8 of this act.

23 (2) Lottery shall not include:

24 (a) Any gambling scheme which uses any mechanical gaming device,
25 computer gaming device, electronic gaming device, or video gaming device
26 which has the capability of awarding something of value, free games
27 redeemable for something of value, or tickets or stubs redeemable for
28 something of value;

29 (b) Any activity authorized or regulated under the Nebraska Bingo
30 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card
31 Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery
1 Act, section 9-701, or Chapter 2, article 12; or

2 (c) Any activity prohibited under Chapter 28, article 11.

3 (3) Notwithstanding the requirement in subdivision (1)(c)(ii) of
4 this section that a player select up to twenty numbers, a player may
5 select more than twenty numbers on a paper ticket when a top or bottom,
6 left or right, edge, or way ticket is played. For a top or bottom ticket,
7 the player shall select all numbers from one through forty or all numbers
8 from forty-one through eighty. For a left or right ticket, the player
9 shall select all numbers ending in one through five or all numbers ending
10 in six through zero. For an edge ticket, the player shall select all of
11 the numbers comprising the outside edge of the ticket. For a way ticket,
12 the player shall select a combination of groups of numbers in multiple
13 ways on a single ticket.

14 (4) A county, city, or village conducting a keno lottery shall
15 designate the method of winning number selection to be used in the
16 lottery and submit such designation in writing to the department prior to
17 conducting a keno lottery. Only those methods of winning number selection
18 described in subdivision (1)(c)(ii) of this section shall be permitted,
19 and the method of winning number selection initially utilized may only be
20 changed once during that business day as set forth in the designation. A
21 county, city, or village shall not change the method or methods of
22 winning number selection filed with the department or allow it to be
23 changed once such initial designation has been made unless (a) otherwise
24 authorized in writing by the department based upon a written request from
25 the county, city, or village or (b) an emergency arises in which case a
26 ball draw method of number selection would be switched to a number
27 selection by a random number generator. An emergency situation shall be
28 reported by the county, city, or village to the department within twenty-
29 four hours of its occurrence.

30 Sec. 6. Section 9-646.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 9-646.01 (1)(a) No person or licensee, or any employee or agent
2 thereof, accepting wagers on a lottery conducted pursuant to the Nebraska
3 County and City Lottery Act shall extend credit from the gross proceeds
4 of a lottery to participants in the lottery for the purchase of lottery
5 tickets. No person shall purchase or be allowed to purchase any lottery
6 ticket or make or be allowed to make any wager pursuant to the act unless
7 he or she pays for such ticket or wager with cash, a debit card, the cash
8 balance of a payment application, a transfer from a deposit account at a
9 financial institution, or an account established in the name of the
10 player with the lottery operator and funded as provided in subsection (2)
11 of this section. For purposes of this section, cash shall mean United
12 States currency having the same face value as the price of the ticket or
13 wager. A credit card shall not be accepted for payment for any wager on
14 keno.

15 (b) A participant shall not use a debit card to purchase more than
16 two hundred dollars of keno wagers from a lottery operator in a single

17 calendar day.

18 (2) A lottery operator may allow participants to create an account
 19 to be used for lottery play. Such accounts may only be funded with cash,
 20 a debit card, the cash balance of a payment application, or a transfer
 21 from a deposit account at a financial institution. The lottery operator
 22 may also allow a participant to deposit prize money won from the lottery
 23 and refunds from the lottery into a lottery play account. A participant
 24 shall not deposit funds into any such account from a debit card
 25 transaction if the total amount of funds from all such debit card
 26 transactions in that calendar day would exceed two hundred dollars.

27 Sec. 7. Section 9-651, Reissue Revised Statutes of Nebraska, is
 28 amended to read:

29 9-651 Each county, city, or village conducting a lottery shall have
 30 its name clearly associated with ~~printed on~~ each ticket used in the
 31 lottery. No such ticket shall be sold unless such ~~the~~ name is clearly

1 identified printed thereon.
 2 Sec. 8. (1) Any purchase of a ticket for a keno game shall be made
 3 in person at the location of the lottery operator or an authorized sales
 4 outlet location.

5 (2) The lottery operator shall file with the department the address
 6 of each location where digital-on-premises tickets are sold. The lottery
 7 operator shall use reasonable safeguards approved by the department to
 8 ensure that digital-on-premises tickets are only accessible to
 9 individuals nineteen years of age or older.

10 (3) The lottery operator shall submit controls, for approval by the
 11 department, that include the following at the location of the lottery
 12 operator or the locations of its associated authorized sales outlets at
 13 which digital-on-premises tickets are sold:

14 (a) Any specific procedure and any technology partner used to
 15 fulfill the requirements set forth by the department;

16 (b) Any location detection procedure to reasonably detect and
 17 dynamically monitor the location of a player attempting to purchase a
 18 digital-on-premises ticket for a keno game. The location procedures shall
 19 be designed so that a player outside the permitted boundary is rejected
 20 and the player is notified. The permitted boundary shall be established
 21 in such a manner that access is not regularly available away from the
 22 property on which the licensed premises is situated and such boundary is
 23 as closely matching to the actual or legal boundaries of the licensed
 24 premises as reasonably possible;

25 (c) Any other specific controls as designated by the department;

26 (d) A process to prominently display and easily impose any
 27 limitation parameters relating to the purchase of a digital-on-premises
 28 ticket for a keno game; and

29 (e) An easy and obvious method for a player to make a complaint and
 30 to enable the player to notify the department if such complaint has not
 31 been or cannot be addressed by the lottery operator.

1 (4) The department shall approve or deny the controls within thirty
 2 days after submission. If denied, the department shall provide the
 3 reasons for denial and allow the lottery operator to resubmit revised
 4 controls.

5 (5) The department may adopt and promulgate rules and regulations
 6 relating to digital-on-premises tickets. Such rules and regulations shall
 7 be adopted and promulgated no later than January 1, 2024.

8 Sec. 13. Original sections 9-601, 9-603, 9-606, 9-607, 9-646.01,
 9 9-651, 9-1103, 9-1106, 81-3717, and 81-3720, Reissue Revised Statutes of
 10 Nebraska, are repealed.

The first committee amendment, [AM856](#), found in this day's Journal, was offered.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO72](#)

Recommit to General Affairs Committee.

Senator M. Cavanaugh offered the following motion:

[MO71](#)

Bracket until May 16, 2023.

Pending.

ANNOUNCEMENTS

Priority designations received:

Bostelman - LB165

Ballard - LB732

Nebraska Retirement Systems - LB198 and LB103

Revenue - LB727 and LB754

Appropriations - LB597 and LB598

Walz - LB516

Judiciary - LB341 and LB50

Wayne - LB792

McDonnell - LB617

Transportation and Telecommunications - LB683 and LB412

Natural Resources - LB425

Wishart - LB709

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 45A. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 45, One Hundred Eighth Legislature, First Session, 2023; to provide for fund transfers; and to declare an emergency.

LEGISLATIVE BILL 276A. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO72](#), found and considered in this day's Journal, to recommit to General Affairs Committee.

Senator M. Cavanaugh renewed [MO71](#), found and considered in this day's Journal, to bracket until May 16, 2023.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 1:

Aguilar

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 47 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 1:30 PM

Tuesday, March 21, 2023

Dan O'Neill - Nebraska Educational Telecommunications Commission

Molly O'Holleran - Coordinating Commission for Postsecondary Education

LB774

LB527

LB177

LB332

(Signed) Dave Murman, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, March 21, 2023

LB532

(Signed) Terrell McKinney, Chairperson

ANNOUNCEMENTS

Priority designations received:

State-Tribal Relations - LB474

Riepe - LB586

Business and Labor - LB267 and LB191

Raybould - LB327

Brandt - LB61

Bostar - LB63

M. Cavanaugh - LB348

Fredrickson - LB256

Hunt - LB307

Jacobson - LB644

Legislature's Planning Committee - LB157

BILL ON FIRST READING

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

LEGISLATIVE BILL 140A. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to [LB404: AM782](#) is available in the Bill Room.

Senator Blood filed the following amendment to [LB5: AM476](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) For an employee other than a first responder,
 4 frontline state employee, or county correctional officer, personal injury
 5 includes mental injuries and mental illness unaccompanied by physical
 6 injury if such employee:
 7 (a) Establishes that such employee was physically present during an
 8 incident of workplace violence which occurred in such employee's
 9 workplace;
 10 (b) Establishes that such incident of workplace violence produced
 11 the mental injury or mental illness which brought about the need for
 12 medical attention and the interruption of employment; and
 13 (c) Establishes through a mental health professional the medical
 14 causation between the mental injury or mental illness and the incident of
 15 workplace violence by medical evidence.
 16 (2) For purposes of this section:
 17 (a) County correctional officer has the same meaning as in section
 18 48-101.01;
 19 (b) First responder has the same meaning as in section 48-101.01;
 20 (c) Frontline state employee has the same meaning as in section
 21 48-101.01;
 22 (d) Mental health professional has the same meaning as in section
 23 48-101.01; and
 24 (e) Workplace violence means a shooting, a hostage situation, or an
 25 act of terrorism occurring in the workplace.
 26 (3) All other provisions of the Nebraska Workers' Compensation Act
 27 apply to this section.
 1 Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is
 2 amended to read:
 3 48-151 Throughout the Nebraska Workers' Compensation Act, the
 4 following words and phrases shall be considered to have the following
 5 meaning, respectively, unless the context clearly indicates a different
 6 meaning in the construction used:
 7 (1) Physician means any person licensed to practice medicine and
 8 surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in
 9 the State of Nebraska or in the state in which the physician is
 10 practicing;
 11 (2) Accident means an unexpected or unforeseen injury happening
 12 suddenly and violently, with or without human fault, and producing at the
 13 time objective symptoms of an injury. The claimant has the burden of
 14 proof to establish by a preponderance of the evidence that such
 15 unexpected or unforeseen injury was in fact caused by the employment.
 16 There is no presumption from the mere occurrence of such unexpected or
 17 unforeseen injury that the injury was in fact caused by the employment;
 18 (3) Occupational disease means only a disease which is due to causes
 19 and conditions which are characteristic of and peculiar to a particular
 20 trade, occupation, process, or employment and excludes all ordinary
 21 diseases of life to which the general public is exposed;
 22 (4) Injury and personal injuries mean only violence to the physical
 23 structure of the body and such disease or infection as naturally results
 24 therefrom and personal injuries described in section 48-101.01 and
 25 section 1 of this act. The terms include disablement resulting from

26 occupational disease arising out of and in the course of the employment
 27 in which the employee was engaged and which was contracted in such
 28 employment. The terms include an aggravation of a preexisting
 29 occupational disease, the employer being liable only for the degree of
 30 aggravation of the preexisting occupational disease. The terms do not
 31 include disability or death due to natural causes but occurring while the
 1 employee is at work and do not include an injury, disability, or death
 2 that is the result of a natural progression of any preexisting condition;
 3 (5) Death, when mentioned as a basis for the right to compensation,
 4 means only death resulting from such violence and its resultant effects
 5 or from occupational disease;
 6 (6) Without otherwise affecting either the meaning or the
 7 interpretation of the abridged clause, personal injuries arising out of
 8 and in the course of employment, it is hereby declared not to cover
 9 workers except while engaged in, on, or about the premises where their
 10 duties are being performed or where their service requires their presence
 11 as a part of such service at the time of the injury and during the hours
 12 of service as such workers, and not to cover workers who on their own
 13 initiative leave their line of duty or hours of employment for purposes
 14 of their own. Property maintained by an employer is considered the
 15 premises of such employer for purposes of determining whether the injury
 16 arose out of employment;
 17 (7) Willful negligence consists of (a) a deliberate act, (b) such
 18 conduct as evidences reckless indifference to safety, or (c) intoxication
 19 at the time of the injury, such intoxication being without the consent,
 20 knowledge, or acquiescence of the employer or the employer's agent;
 21 (8) Intoxication includes, but is not limited to, being under the
 22 influence of a controlled substance not prescribed by a physician;
 23 (9) Prospective loss costs means prospective loss costs as defined
 24 in section 44-7504 and prepared, filed, or distributed by an advisory
 25 organization which has been issued a certificate of authority pursuant to
 26 section 44-7518;
 27 (10) Client means client as defined in section 48-2702;
 28 (11) Professional employer organization means professional employer
 29 organization as defined in section 48-2702;
 30 (12) Multiple coordinated policy means multiple coordinated policy
 31 as defined in section 48-2702;
 1 (13) Master policy means master policy as defined in section
 2 48-2702; and
 3 (14) Whenever in the Nebraska Workers' Compensation Act the singular
 4 is used, the plural is considered included; when the masculine gender is
 5 used, the feminine is considered included.
 6 Sec. 3. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
 7 amended to read:
 8 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall
 9 be known and may be cited as the Nebraska Workers' Compensation Act.
 10 Sec. 4. Original sections 48-151 and 48-1,110, Reissue Revised
 11 Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO73](#)

Reconsider the vote taken on [MO72](#).

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 10 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Wayne

Voting in the negative, 42:

Albrecht	Cavanaugh, J.	Geist	Linehan	Sanders
Arch	Clements	Halloran	Lippincott	Slama
Armendariz	Conrad	Hansen	Lowe	Vargas
Ballard	DeKay	Hardin	McDonnell	von Gillern
Blood	Dorn	Holdcroft	McKinney	Walz
Bostar	Dover	Hughes	Moser	Wishart
Bostelman	Dungan	Hunt	Murman	
Brandt	Erdman	Ibach	Raybould	
Brewer	Fredrickson	Jacobson	Riepe	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Aguilar	Briese	Day	DeBoer	Kauth
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The M. Cavanaugh motion to reconsider failed with 1 aye, 42 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

ANNOUNCEMENTS

Priority designations received:

B. Hansen - LB91
Health and Human Services - LB227

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 605. Placed on General File.

LEGISLATIVE BILL 451. Placed on General File with amendment.
[AM854](#)

1 1. On page 2, line 1, strike "Health and Human Services" and insert
 2 "Economic Development".

LEGISLATIVE BILL 772. Placed on General File with amendment.
[AM702](#)

1 1. On page 3, line 21, after the period insert "The grant shall be
 2 awarded in an amount equal to matching funds that the licensed
 3 residential child-caring agency commits to spending on such facility.".
 4 2. On page 3, line 5, strike "two" and insert "one".

LEGISLATIVE BILL 792. Placed on General File with amendment.
[AM765](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) The Department of Health and Human Services shall
 4 create a statewide pilot program to assess the need for substantial
 5 efforts to prevent post-traumatic stress disorder through the reduction
 6 of community gun violence.
 7 (2) The Department of Health and Human Services shall:
 8 (a) Assess the degree of community exposure to acts of violence,
 9 including, but not limited to, witnessing incidents of fighting or
 10 shooting, hearing gunshots, or experiencing an act of community violence;
 11 (b) Identify treatment services;
 12 (c) Ensure that pilot program providers use the best available
 13 evidence-supported assessment procedures and intervention strategies that
 14 include non-office-based treatment settings and parent-operated programs;
 15 (d) Build a sustainable and accessible program beyond the pilot
 16 community to engage community partnerships with key stakeholders,
 17 including, but not limited to, churches, law enforcement agencies, civic
 18 organizations, and businesses; and
 19 (e) Conduct periodic evaluations for all post-traumatic stress
 20 disorder assessment and treatment services, including costs and settings
 21 for care, and proximal and distal client outcomes.
 22 (3) It is the intent of the Legislature to appropriate twenty-five
 23 million dollars from the General Fund to carry out this section.
 24 Sec. 2. Since an emergency exists, this act takes effect when
 25 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 52A. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 52, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB775](#):

[MO74](#)

Bracket until May 17, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator von Gillern name added to LB254.

Senator Fredrickson name added to LB256.

VISITORS

Visitors to the Chamber were Les Parmenter, Thedford; Habitat for Humanity Affiliates; Nebraska Appleseed; Nebraska Civic Engagement Table; Collective Impact Lincoln; Front Porch Investments; Spark; Neighborworks Lincoln; Together, Inc.; Women's Fund; students from St. Thomas More School, Omaha; Nebraska Manufacturing Alliance; teachers from the Omaha area/NSEA; students from Wildewood Elementary, Ralston; Dan and Stephanie Nantkes, Seward; Caroline and Will Conrad, Lincoln.

ADJOURNMENT

At 12:11 p.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 15, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 2023

PRAYER

The prayer was offered by Bruce Phillips, Neligh Faith Community Church, Neligh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Halloran.

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 Aguilar and DeKay who were excused; and Senators M. Cavanaugh, Conrad, Day, Geist, Hardin, Hunt, Linehan, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

AMENDMENT - Print in Journal

Senator Briese filed the following amendment to [LB243](#):

[FA28](#)

Strike Section 1.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 565. Placed on General File with amendment. [AM827](#) is available in the Bill Room.

(Signed) Bruce Bostelman, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524 1:30 PM

Wednesday, March 22, 2023

LB697
LB756
LB524
LB747
LB239

Room 1524 1:30 PM

Thursday, March 23, 2023

LB745
LB381
LB577
LB695
LB694

Room 1524 1:30 PM

Friday, March 24, 2023

LB369
LB387
LB388

(Signed) Lou Ann Linehan, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 56, 57, and 58 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 56, 57, and 58.

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found on page 752 and considered on pages 754, 755, and 759, was renewed.

Senator M. Cavanaugh offered [MO74](#), found on page 762, to bracket until May 17, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO76](#)

Bracket until May 18, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Pending.

ANNOUNCEMENT

Speaker priority bill designations are as follows:

LBs 11, 78, 138, 206, 220, 276, 286, 296, 298, 308, 314, 335, 387, 388, 426, 462, 465, 580, 585, 630, 647, 664, 671, 757, and 799.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 181. Placed on General File with amendment.

[AM812](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-2801, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 38-2801 Sections 38-2801 to 38-28,107 and section 2 of this act and
 6 the Nebraska Drug Product Selection Act shall be known and may be cited
 7 as the Pharmacy Practice Act.
 8 Sec. 2. A prescription that is valid when written remains valid for
 9 the period stated in the medical order notwithstanding the prescribing
 10 practitioner's subsequent death or retirement or the suspension or
 11 revocation of the prescribing practitioner's credential by the
 12 appropriate board, and a pharmacist may use professional judgment to fill
 13 or refill such a prescription which has sufficient fills remaining. This
 14 section shall not apply to a prescription issued by a veterinarian.
 15 Sec. 3. Section 38-2852, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 38-2852 Every applicant for licensure as a pharmacist shall be
 18 required to attain a grade to be determined by the board in an
 19 examination in pharmacy and ~~a grade of seventy-five~~ in an examination in
 20 jurisprudence of pharmacy.
 21 Sec. 4. Section 38-2867.01, Reissue Revised Statutes of Nebraska, is
 22 amended to read:
 23 38-2867.01 (1) Any person authorized to compound shall compound in
 24 compliance with the standards of chapters 795 and 797 of The United
 25 States Pharmacopeia and The National Formulary, as such chapters existed
 26 on January 1, ~~2023~~ ~~2015~~, and shall compound (a) as the result of a
 27 practitioner's medical order or initiative occurring in the course of
 1 practice based upon the relationship between the practitioner, patient,
 2 and pharmacist, (b) for the purpose of, or as an incident to, research,
 3 teaching, or chemical analysis and not for sale or dispensing, or (c) for
 4 office use only and not for resale.
 5 (2) Compounding in a hospital pharmacy may occur for any hospital
 6 which is part of the same health care system under common ownership or
 7 which is a member of or an affiliated member of a formal network or
 8 partnership agreement.
 9 (3)(a) Any authorized person may reconstitute a commercially
 10 available drug product in accordance with directions contained in

11 approved labeling provided by the product's manufacturer and other
12 manufacturer directions consistent with labeling.
13 (b) Any authorized person using beyond-use dating must follow the
14 approved product manufacturer's labeling or the standards of The United
15 States Pharmacopeia and The National Formulary if the product
16 manufacturer's labeling does not specify beyond-use dating.
17 (c) Any authorized person engaged in activities listed in this
18 subsection is not engaged in compounding, except that any variance from
19 the approved product manufacturer's labeling will result in the person
20 being engaged in compounding.
21 (4) Any authorized person splitting a scored tablet along scored
22 lines or adding flavoring to a commercially available drug product is not
23 engaged in compounding.
24 (5) No person shall compound:
25 (a) A drug that has been identified by the federal Food and Drug
26 Administration as withdrawn or removed from the market because the drug
27 was found to be unsafe or ineffective;
28 (b) A drug that is essentially a copy of an approved drug unless
29 there is a drug shortage as determined by the board or unless a patient
30 has an allergic reaction to the approved drug; or
31 (c) A drug that has been identified by the federal Food and Drug
1 Administration or the board as a product which may not be compounded.
2 Sec. 5. Section 38-2891, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 38-2891 (1) A pharmacy technician shall only perform tasks which do
5 not require the professional judgment of a pharmacist and which are
6 subject to verification to assist a pharmacist in the practice of
7 pharmacy.
8 (2) A pharmacy technician may administer vaccines, and such
9 administration shall not be considered to be performing a task requiring
10 the professional judgment of a pharmacist, when:
11 (a) The vaccines are verified by the pharmacist responsible for the
12 supervision and verification of the activities of the pharmacy technician
13 prior to administration;
14 (b) Administration is limited to intra-muscular in the deltoid
15 muscle or subcutaneous on the arm to a person three years of age or
16 older;
17 (c) The pharmacy technician is certified as required by section
18 38-2890;
19 (d) The pharmacy technician has completed certificate training in
20 vaccine administration that includes, at a minimum, vaccine
21 administration, blood-borne pathogen exposure, safety measures during
22 administration, and biohazard handling;
23 (e) The pharmacy technician is currently certified in basic life-
24 support skills for health care providers as determined by the board; and
25 (f) The pharmacist responsible for the supervision and verification
26 of the activities of the pharmacy technician is on site.
27 (3) (2) The functions and tasks which shall not be performed by
28 pharmacy technicians include, but are not limited to:
29 (a) Receiving oral medical orders from a practitioner or his or her
30 agent except as otherwise provided in subsection (4) of section 38-2870;
31 (b) Providing patient counseling;
1 (c) Performing any evaluation or necessary clarification of a
2 medical order or performing any functions other than strictly clerical
3 functions involving a medical order;
4 (d) Supervising or verifying the tasks and functions of pharmacy
5 technicians;
6 (e) Interpreting or evaluating the data contained in a patient's
7 record maintained pursuant to section 38-2869;
8 (f) Releasing any confidential information maintained by the

9 pharmacy;

10 (g) Performing any professional consultations; and

11 (h) Drug product selection, with regard to an individual medical
12 order, in accordance with the Nebraska Drug Product Selection Act.

13 (4) ~~(3)~~ The director shall, with the recommendation of the board,

14 waive any of the limitations in subsection (2) of this section for
15 purposes of a scientific study of the role of pharmacy technicians
16 approved by the board. Such study shall be based upon providing improved
17 patient care or enhanced pharmaceutical care. Any such waiver shall state
18 the length of the study and shall require that all study data and results
19 be made available to the board upon the completion of the study. Nothing
20 in this subsection requires the board to approve any study proposed under
21 this subsection.

22 Sec. 6. Section 71-475, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-475 (1)(a) When administration of a drug occurs in a hospital
25 pursuant to a chart order, hospital personnel may provide the unused
26 portion of the drug to the patient upon discharge from the hospital for
27 continued use in treatment of the patient if:

28 (i) The drug has been opened and used for treatment of the patient
29 at the hospital and is necessary for the continued treatment of the
30 patient and would be wasted if not used by the patient; and

31 (ii) The drug is:

1 (A) In a multidose device or a multidose container; or

2 (B) In the form of a liquid reconstituted from a dry stable state to
3 a liquid resulting in a limited stability.

4 (b) A drug provided to a patient in accordance with this subsection
5 shall be labeled with the name of the patient, the name of the drug
6 including the quantity if appropriate, the date the drug was provided,
7 and the directions for use.

8 (2)(a) A licensed health care practitioner authorized to prescribe
9 controlled substances may provide to his or her patients being discharged
10 from a hospital a sufficient quantity of drugs adequate, in the judgment
11 of the practitioner, to continue treatment, which began in the hospital,
12 until the patient is reasonably able to access a pharmacy.

13 (b) The pharmacist-in-charge at the hospital shall maintain records
14 of the drugs provided to patients in accordance with this subsection
15 which shall include the name of the patient, the name of the drug
16 including the quantity if appropriate, the date the drug was provided,
17 and the directions for use.

18 (3) If a drug is provided to a patient in accordance with subsection
19 (1) or (2) of this section:

20 (a) The drug shall be kept in a locked cabinet or automated
21 medication system with access only by a licensed health care practitioner
22 authorized to prescribe, dispense, or administer controlled substances;

23 (b) Prior to providing the drug to the patient, a written or
24 electronic order shall be in the patient's record;

25 (c) The process at the hospital shall be under the direct
26 supervision of the prescriber;

27 (d) If the label is prepared by a nurse, the prescriber shall verify
28 the drug and the directions for the patient;

29 (e) When possible, the directions for the patient shall be
30 preprinted on the label by the pharmacist;

31 (f) The label shall include the name of the patient, the name of the
1 drug including the quantity if appropriate, the date the drug was
2 provided, and the directions for use;

3 (g) A written information sheet shall be given to the patient for
4 each drug provided; and

5 (h) Documentation in a readily retrievable format shall be
6 maintained each time a drug is provided to a patient from the hospital

7 pharmacy's inventory which shall include the date, the patient, the drug,
8 and the prescriber.

9 (4)(a) When a hospital, an ambulatory surgical center, or a health
10 care practitioner facility provides medication that is ordered at least
11 twenty-four hours in advance for surgical procedures and is administered
12 to a patient at the hospital, ambulatory surgical center, or health care
13 practitioner facility, any unused portion of the medication shall be
14 offered to the patient upon discharge when it is required for continuing
15 treatment. The unused portion of any such medication accepted by the
16 patient upon discharge shall be labeled by the prescriber or a pharmacist
17 consistent with labeling requirements in section 71-2479.

18 (b) For purposes of this subsection, medication means any topical
19 antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment
20 that a hospital, ambulatory surgical center, or health care practitioner
21 facility has on stand-by or is retrieved from a dispensing system for a
22 specified patient for use during a procedure or visit.

23 (c) If the medication is used in an operating room or emergency
24 department setting, the prescriber is responsible for counseling the
25 patient on its proper use and administration and no other patient
26 counseling is required under section 38-2869.

27 Sec. 7. Section 71-2461.01, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 71-2461.01 (1) Central fill means the preparation, other than by
30 compounding, of a drug, device, or biological pursuant to a medical order
31 where the preparation occurs in a pharmacy other than the pharmacy
1 dispensing to the patient or caregiver as defined in section 38-2809.

2 (2) If the dispensing pharmacy and central fill pharmacy are under
3 common ownership, the central fill pharmacy may deliver such drug,
4 device, or biological to the patient or caregiver on behalf of the
5 dispensing pharmacy.

6 Sec. 8. Section 71-2479, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 71-2479 (1) Any prescription for a legend drug which is not a
9 controlled substance shall be kept by the pharmacy or the practitioner
10 who holds a pharmacy license in a readily retrievable format and shall be
11 maintained for a minimum of five years. The pharmacy or practitioner
12 shall make all such files readily available to the department and law
13 enforcement for inspection without a search warrant.

14 (2) Before dispensing a legend drug which is not a controlled
15 substance pursuant to a written, oral, or electronic prescription, a
16 label shall be affixed to the container in which the drug is dispensed.
17 Such label shall bear (a) the name, address, and telephone number of the
18 pharmacy or practitioner and the name and address of the central fill
19 pharmacy if central fill is used, (b) the name of the patient, (c) the
20 date of filling, (d) the serial number of the prescription under which it
21 is recorded in the practitioner's prescription records, (e) the name of
22 the prescribing practitioner, (f) the directions for use, (g) the name of
23 the drug, device, or biological unless instructed to omit by the
24 prescribing practitioner, (h) the strength of the drug or biological, if
25 applicable, (i) the quantity of the drug, device, or biological in the
26 container, except unit-dose containers, (j) the dosage form of the drug
27 or biological, and (k) any cautionary statements contained in the
28 prescription.

29 (3) For multidrug containers, more than one drug, device, or
30 biological may be dispensed in the same container when (a) such container
31 is prepackaged by the manufacturer, packager, or distributor and shipped
1 directly to the pharmacy in this manner or (b) the container does not
2 accommodate greater than a thirty-one-day supply of compatible dosage
3 units and is labeled to identify each drug or biological in the container
4 in addition to all other information required by law.

5 Sec. 9. Sections 1, 2, 3, 4, 6, 7, 8, and 10 of this act become
 6 operative three calendar months after adjournment of this legislative
 7 session. The other sections of this act become operative on their
 8 effective date.
 9 Sec. 10. Original sections 38-2852, 38-2867.01, and 71-475, Reissue
 10 Revised Statutes of Nebraska, and sections 38-2801, 71-2461.01, and
 11 71-2479, Revised Statutes Cumulative Supplement, 2022, are repealed.
 12 Sec. 11. Original section 38-2891, Revised Statutes Cumulative
 13 Supplement, 2022, is repealed.
 14 Sec. 12. Since an emergency exists, this act takes effect when
 15 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary
 Room 1113 1:30 PM

Wednesday, March 22, 2023

LB581
 LB89
 LB23
 LB391
 LR20CA

(Signed) Justin Wayne, Chairperson

Urban Affairs
 Room 1510 1:30 PM

Tuesday, March 21, 2023

LB532 (cancel)

Room 1510 1:30 PM

Tuesday, March 21, 2023

AM861

Note: AMENDMENT TO LB 532

(Signed) Terrell McKinney, Chairperson

Nebraska Retirement Systems
 Room 1307 12:30 PM

Wednesday, March 22, 2023

LB686

(Signed) Mike McDonnell, Chairperson

AMENDMENTS - Print in Journal

Senator Riepe filed the following amendment to LB626:

[AM626](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 28-3,102, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 28-3,102 Sections 28-3,102 to 28-3,111 shall be known and may be

6 cited as the ~~Pain-Capable~~ Unborn Child Protection Act.

7 Sec. 2. Section 28-3,103, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 28-3,103 For purposes of the ~~Pain-Capable~~ Unborn Child Protection

10 Act:

11 (1) Abortion means the use or prescription of any instrument,

12 medicine, drug, or other substance or device to terminate the pregnancy

13 of a woman known to be pregnant with an intention other than to increase

14 the probability of a live birth, to preserve the life or health of the

15 child after live birth, or to remove a dead unborn child who died as the

16 result of natural causes in utero, accidental trauma, or a criminal

17 assault on the pregnant woman or her unborn child, and which causes the

18 premature termination of the pregnancy;

19 (2) Attempt to perform or induce an abortion means an act, or an

20 omission of a statutorily required act, that, under the circumstances as

21 the actor believes them to be, constitutes a substantial step in a course

22 of conduct planned to culminate in the performance or induction of an

23 abortion in this state in violation of the ~~Pain-Capable~~ Unborn Child

24 Protection Act;

25 (3) Fertilization means the fusion of a human spermatozoon with a

26 human ovum;

27 (4) Medical emergency means a condition which, in reasonable medical

1 judgment, so complicates the medical condition of the pregnant woman as

2 to necessitate the immediate abortion of her pregnancy to avert her death

3 or for which a delay will create a serious risk of substantial and

4 irreversible physical impairment of a major bodily function. No condition

5 shall be deemed a medical emergency if based on a claim or diagnosis that

6 the woman will engage in conduct which would result in her death or in

7 substantial and irreversible physical impairment of a major bodily

8 function;

9 (5) Postfertilization age means the age of the unborn child as

10 calculated from the fertilization of the human ovum;

11 (6) Reasonable medical judgment means a medical judgment that would

12 be made by a reasonably prudent physician, knowledgeable about the case

13 and the treatment possibilities with respect to the medical conditions

14 involved;

15 (7) Physician means any person licensed to practice medicine and

16 surgery or osteopathic medicine under the Uniform Credentialing Act;

17 (8) Probable postfertilization age of the unborn child means what,

18 in reasonable medical judgment, will with reasonable probability be the

19 postfertilization age of the unborn child at the time the abortion is

20 planned to be performed;

21 (9) Unborn child or fetus each mean an individual organism of the

22 species homo sapiens from fertilization until live birth; and

23 (10) Woman means a female human being whether or not she has reached

24 the age of majority.

25 Sec. 3. Section 28-3,106, Reissue Revised Statutes of Nebraska, is

26 amended to read:

27 28-3,106 (1) Except as provided in subsection (2) of this section,

28 ~~no~~ ~~No~~ person shall perform or induce or attempt to perform or induce an

29 abortion upon a woman when it has been determined, by the physician

30 performing or inducing the abortion or by another physician upon whose

31 determination that physician relies, that the probable postfertilization

1 age of the woman's unborn child is ~~twelve~~ ~~twenty~~ or more weeks.

2 (2) Subsection (1) of this section does not apply if ~~unless~~, in

3 reasonable medical judgment:

4 (a) The woman (1) she has a condition which so complicates her
 5 medical condition as to necessitate the abortion of her pregnancy to
 6 avert her death or to avert serious risk of substantial and irreversible
 7 physical impairment of a major bodily function or (2) it is necessary to
 8 preserve the life of an unborn child. No such condition shall be deemed
 9 to exist if it is based on a claim or diagnosis that the woman will
 10 engage in conduct which would result in her death or in substantial and
 11 irreversible physical impairment of a major bodily function; -

12 (b) An abortion is necessary to preserve the life of an unborn
 13 child; or

14 (c) There is a fetal anomaly incompatible with life.

15 (3) If an abortion is necessary under subdivision (2)(a) of this
 16 section. In such a case, the physician shall terminate the pregnancy in
 17 the manner which, in reasonable medical judgment, provides the best
 18 opportunity for the unborn child to survive, unless, in reasonable
 19 medical judgment, termination of the pregnancy in that manner would pose
 20 a greater risk either of the death of the pregnant woman or of the
 21 substantial and irreversible physical impairment of a major bodily
 22 function of the woman than would another available method. No such
 23 greater risk shall be deemed to exist if it is based on a claim or
 24 diagnosis that the woman will engage in conduct which would result in her
 25 death or in substantial and irreversible physical impairment of a major
 26 bodily function.

27 (4) For purposes of this section, fetal anomaly incompatible with
 28 life means a fetal anomaly diagnosed before birth that will with
 29 reasonable certainty result in the death of the unborn child within three
 30 months. Fetal anomaly incompatible with life does not include a condition
 31 which can be treated.

1 Sec. 4. Section 28-3,107, Reissue Revised Statutes of Nebraska, is

2 amended to read:

3 28-3,107 (1) Any physician who performs or induces or attempts to
 4 perform or induce an abortion shall report to the Department of Health
 5 and Human Services, on a schedule and in accordance with forms and rules
 6 and regulations adopted and promulgated by the department:

7 (a) If a determination of probable postfertilization age was made,
 8 the probable postfertilization age determined and the method and basis of
 9 the determination;

10 (b) If a determination of probable postfertilization age was not
 11 made, the basis of the determination that a medical emergency existed;

12 (c) If the probable postfertilization age was determined to be
 13 ~~twelve twenty~~ or more weeks, the basis of the determination that an
 14 abortion was necessary for a reason provided in subsection (2) of section
 15 28-3,106 the pregnant woman had a condition which so complicated her
 16 medical condition as to necessitate the abortion of her pregnancy to
 17 avert her death or to avert serious risk of substantial and irreversible
 18 physical impairment of a major bodily function, or the basis of the
 19 determination that it was necessary to preserve the life of an unborn
 20 child; and

21 (d) The method used for the abortion and, in the case of an abortion
 22 performed when the probable postfertilization age was determined to be
 23 ~~twelve twenty~~ or more weeks, whether the method of abortion used was one
 24 that, in reasonable medical judgment, provided the best opportunity for
 25 the unborn child to survive or, if such a method was not used, the basis
 26 of the determination that termination of the pregnancy in that manner
 27 would pose a greater risk either of the death of the pregnant woman or of
 28 the substantial and irreversible physical impairment of a major bodily
 29 function of the woman than would other available methods.

30 (2) By June 30 of each year, the department shall issue a public
 31 report providing statistics for the previous calendar year compiled from

1 all of the reports covering that year submitted in accordance with this
2 section for each of the items listed in subsection (1) of this section.
3 Each such report shall also provide the statistics for all previous
4 calendar years during which this section was in effect, adjusted to
5 reflect any additional information from late or corrected reports. The
6 department shall take care to ensure that none of the information
7 included in the public reports could reasonably lead to the
8 identification of any pregnant woman upon whom an abortion was performed.
9 (3) Any physician who fails to submit a report by the end of thirty
10 days following the due date shall be subject to a late fee of five
11 hundred dollars for each additional thirty-day period or portion of a
12 thirty-day period the report is overdue. Any physician required to report
13 in accordance with the ~~Pain-Capable~~ Unborn Child Protection Act who has
14 not submitted a report, or has submitted only an incomplete report, more
15 than one year following the due date, may, in an action brought in the
16 manner in which actions are brought to enforce the Uniform Credentialing
17 Act pursuant to section 38-1,139, be directed by a court of competent
18 jurisdiction to submit a complete report within a time period stated by
19 court order or be subject to civil contempt. Failure by any physician to
20 conform to any requirement of this section, other than late filing of a
21 report, constitutes unprofessional conduct pursuant to section 38-2021.
22 Failure by any physician to submit a complete report in accordance with a
23 court order constitutes unprofessional conduct pursuant to section
24 38-2021. Intentional or reckless falsification of any report required
25 under this section is a Class V misdemeanor.
26 (4) Within ninety days after October 15, 2010, the department shall
27 adopt and promulgate rules and regulations to assist in compliance with
28 this section.
29 Sec. 5. Section 28-3,109, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 28-3,109 (1) Any woman upon whom an abortion has been performed in
1 violation of the ~~Pain-Capable~~ Unborn Child Protection Act or the father
2 of the unborn child who was the subject of such an abortion may maintain
3 an action against the person who performed the abortion in an intentional
4 or a reckless violation of the ~~Pain-Capable~~ Unborn Child Protection Act
5 for actual damages. Any woman upon whom an abortion has been attempted in
6 violation of the ~~Pain-Capable~~ Unborn Child Protection Act may maintain an
7 action against the person who attempted to perform the abortion in an
8 intentional or a reckless violation of the ~~Pain-Capable~~ Unborn Child
9 Protection Act for actual damages.
10 (2) A cause of action for injunctive relief against any person who
11 has intentionally violated the ~~Pain-Capable~~ Unborn Child Protection Act
12 may be maintained by the woman upon whom an abortion was performed or
13 attempted to be performed in violation of the ~~Pain-Capable~~ Unborn Child
14 Protection Act, by any person who is the spouse, parent, sibling, or
15 guardian of, or a current or former licensed health care provider of, the
16 woman upon whom an abortion has been performed or attempted to be
17 performed in violation of the ~~Pain-Capable~~ Unborn Child Protection Act,
18 by a county attorney with appropriate jurisdiction, or by the Attorney
19 General. The injunction shall prevent the abortion provider from
20 performing further abortions in violation of the ~~Pain-Capable~~ Unborn
21 Child Protection Act in this state.
22 (3) If judgment is rendered in favor of the plaintiff in an action
23 described in this section, the court shall also render judgment for
24 reasonable attorney's fees in favor of the plaintiff against the
25 defendant.
26 (4) If judgment is rendered in favor of the defendant and the court
27 finds that the plaintiff's suit was frivolous and brought in bad faith,
28 the court shall also render judgment for reasonable attorney's fees in
29 favor of the defendant against the plaintiff.

30 (5) No damages or attorney's fees may be assessed against the woman
31 upon whom an abortion was performed or attempted to be performed except
1 as provided in subsection (4) of this section.

2 Sec. 6. Section 28-3,110, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-3,110 In every civil or criminal proceeding or action brought
5 under the ~~Pain-Capable~~ Unborn Child Protection Act, the court shall rule
6 whether the anonymity of any woman upon whom an abortion has been
7 performed or attempted shall be preserved from public disclosure if she
8 does not give her consent to such disclosure. The court, upon motion or
9 sua sponte, shall make such a ruling and, upon determining that her
10 anonymity should be preserved, shall issue orders to the parties,
11 witnesses, and counsel and shall direct the sealing of the record and
12 exclusion of individuals from courtrooms or hearing rooms to the extent
13 necessary to safeguard her identity from public disclosure. Each such
14 order shall be accompanied by specific written findings explaining why
15 the anonymity of the woman should be preserved from public disclosure,
16 why the order is essential to that end, how the order is narrowly
17 tailored to serve that interest, and why no reasonable less restrictive
18 alternative exists. In the absence of written consent of the woman upon
19 whom an abortion has been performed or attempted, anyone, other than a
20 public official, who brings an action under section 28-3,109 shall do so
21 under a pseudonym. This section shall not be construed to conceal the
22 identity of the plaintiff or of witnesses from the defendant or from
23 attorneys for the defendant.

24 Sec. 7. Section 28-3,111, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 28-3,111 If any one or more provisions, sections, subsections,
27 sentences, clauses, phrases, or words of the ~~Pain-Capable~~ Unborn Child
28 Protection Act or the application thereof to any person or circumstance
29 is found to be unconstitutional, the same is hereby declared to be
30 severable and the balance of the ~~Pain-Capable~~ Unborn Child Protection Act
31 shall remain effective notwithstanding such unconstitutionality. The
1 Legislature hereby declares that it would have passed the ~~Pain-Capable~~
2 Unborn Child Protection Act, and each provision, section, subsection,
3 sentence, clause, phrase, or word thereof, irrespective of the fact that
4 any one or more provisions, sections, subsections, sentences, clauses,
5 phrases, or words of the ~~Pain-Capable~~ Unborn Child Protection Act, or the
6 application of the ~~Pain-Capable~~ Unborn Child Protection Act, would be
7 declared unconstitutional.

8 Sec. 8. Section 38-2021, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 38-2021 Unprofessional conduct means any departure from or failure
11 to conform to the standards of acceptable and prevailing practice of
12 medicine and surgery or the ethics of the profession, regardless of
13 whether a person, patient, or entity is injured, or conduct that is
14 likely to deceive or defraud the public or is detrimental to the public
15 interest, including, but not limited to:

16 (1) Performance by a physician of an abortion as defined in
17 subdivision (1) of section 28-326 under circumstances when he or she will
18 not be available for a period of at least forty-eight hours for
19 postoperative care unless such postoperative care is delegated to and
20 accepted by another physician;
21 (2) Performing an abortion upon a minor without having satisfied the
22 requirements of sections 71-6901 to 71-6911;
23 (3) The intentional and knowing performance of a partial-birth
24 abortion as defined in subdivision (8) of section 28-326, unless such
25 procedure is necessary to save the life of the mother whose life is
26 endangered by a physical disorder, physical illness, or physical injury,
27 including a life-endangering physical condition caused by or arising from

28 the pregnancy itself; and
 29 (4) Performance by a physician of an abortion in violation of the
 30 ~~Pain-Capable~~ Unborn Child Protection Act.
 31 Sec. 9. Original sections 28-3,102, 28-3,103, 28-3,106, 28-3,107,
 1 28-3,109, 28-3,110, and 28-3,111, Reissue Revised Statutes of Nebraska,
 2 and section 38-2021, Revised Statutes Cumulative Supplement, 2022, are
 3 repealed.
 4 Sec. 10. The following section is outright repealed: Section
 5 28-3,104, Reissue Revised Statutes of Nebraska.
 6 Sec. 11. Since an emergency exists, this act takes effect when
 7 passed and approved according to law.

Senator Brewer filed the following amendment to [LB138](#):
[AM837](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to [LB749](#):
[AM759](#)

1 1. On page 3, line 17, strike "IV felony" and insert "I
 2 misdemeanor".

Senator Brandt filed the following amendment to [LB61](#):
[FA29](#)

Strike the enacting clause.

Senator Brandt filed the following amendment to [LB61](#):
[FA30](#)

Strike the enacting clause.

COMMITTEE REPORT

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Russell L. Kreachbaum, Jr. - Board of Public Roads Classifications and Standards

Aye: 6. Bostelman, Brandt, DeKay, Fredrickson, Geist, Moser. Nay: 0.
 Absent: 0. Present and not voting: 2. Cavanaugh, M., DeBoer.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John C. Ernst - Nebraska Motor Vehicle Industry Licensing Board

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
 Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

James Ediger - Nebraska Information Technology Commission

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Leah Barrett - Nebraska Information Technology Commission

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Bret R. Blackman - Nebraska Information Technology Commission

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Katie Niemoller - Nebraska Information Technology Commission

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Zachary J. Mellender - Nebraska Information Technology Commission

Aye: 7. Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser.
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, M..

(Signed) Suzanne Geist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found on page 752 and considered on pages 754, 755, and 759 and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO79](#)

Bracket until May 19, 2023.

Pending.

POINT OF ORDER

Senator Slama requested a point of order regarding Rule 2, Section 9.

EASE

The Legislature was at ease from 11:34 a.m. until 11:43 a.m.

The Chair sustained the point of order.

Pursuant to Rule 2, Section 9, Senator Slama took exception to the words spoken by Senator M. Cavanaugh in debate, "we are witnessing a genocide".

Senator Slama offered the following motion:

Censure Senator M. Cavanaugh pursuant to the point of order taken previously.

Speaker Arch did not immediately take up the Slama motion to censure.

AMENDMENTS - Print in Journal

Senator Kauth filed the following amendment to [LB574](#):

[AM872](#)

1 1. On page 7, line 29, strike "October 1, 2023" and insert "October 22, 2023".

Senator Kauth filed the following amendment to [LB574](#):

[AM873](#)

(Amendments to Final Reading copy)

1 1. On page 7, line 29, strike "October 1, 2023" and insert "October 22, 2023".

Senator Kauth filed the following amendment to [LB575](#):

[AM874](#)

1 1. On page 4, line 22, strike "August 1, 2023" and insert "August 2, 2023".

Senator Kauth filed the following amendment to [LB575](#):

[AM875](#)

(Amendments to Final Reading copy)

1 1. On page 4, line 22, strike "August 1, 2023" and insert "August 2,
2 2023".

RESOLUTIONS

LEGISLATIVE RESOLUTION 60. Introduced by Jacobson, 42; Kauth, 31.

WHEREAS, the Nebraska School Counselors Association presented the 2022 Nebraska Elementary School Counselor of the Year and 2023 Nebraska School Counselor of the Year awards to Kara Hahn of Jefferson Elementary School in the North Platte Public School District; and

WHEREAS, school counselors work with all students to support them in three areas: academic achievement, career planning and readiness, and social and emotional development; and

WHEREAS, school counselors deliver their services through classroom instruction, small group intervention, and individual advisement and counseling; and

WHEREAS, Ms. Hahn demonstrated excellence as a school counselor by developing and implementing a comprehensive school counseling program, which reduced the number of students who were identified as being at risk for both internalizing behaviors and externalizing behaviors on the Student Risk Screening Scale in her school.

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

1. That the Legislature congratulates Kara Hahn on receiving the 2022 Nebraska Elementary School Counselor of the Year and 2023 Nebraska School Counselor of the Year awards.

2. That copies of this resolution be sent to Kara Hahn and Jefferson Elementary School in the North Platte Public School District.

Laid over.

LEGISLATIVE RESOLUTION 61. Introduced by Kauth, 31; Armendariz, 18; Blood, 3; Bostar, 29; Bostelman, 23; Brewer, 43; DeBoer, 10; Dungan, 26; Ibach, 44; Jacobson, 42; McDonnell, 5; Moser, 22; Murman, 38; Raybould, 28.

WHEREAS, on February 22, 2023, Sergeant Tu Tran of the Lincoln Police Department's Southeast Team selflessly risked his own life rescuing a woman from her car that had slid off the road and into a pond in south Lincoln during freezing conditions; and

WHEREAS, this incident is Sergeant Tran's second water rescue in less than six months following a similar situation, when he and two bystanders saved a man after his car crashed into a pond in southeast Lincoln; and

WHEREAS, Sergeant Tran's actions in these situations are exemplary and indicative of the professionalism and dedication to duty the people of

Nebraska have come to expect from Nebraska's law enforcement officers; and

WHEREAS, Sergeant Tran's bravery and quick action in the line of duty are a credit to his profession; and

WHEREAS, Sergeant Tran's heroic actions are deserving of the gratitude and recognition of the Legislature and the people of the State of Nebraska.

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

1. That the Legislature expresses gratitude to Sergeant Tu Tran of the Lincoln Police Department for his heroic actions, bravery, and dedication to his duty as a law enforcement officer.

2. That the Legislature recognizes the many contributions of law enforcement officers who selflessly risk their own lives protecting the people they serve.

3. That a copy of this resolution be sent to Sergeant Tu Tran of the Lincoln Police Department.

Laid over.

LEGISLATIVE RESOLUTION 62. Introduced by Kauth, 31; Armendariz, 18; Blood, 3; Bostar, 29; Bostelman, 23; Brewer, 43; Dungan, 26; Geist, 25; Hughes, 24; Ibach, 44; Jacobson, 42; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28.

WHEREAS, the 2023 Nebraska School Activities Association Class A Girls State Basketball Championship was held on March 4, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Millard South High School girls basketball team won the 2023 Class A Girls State Basketball Championship; and

WHEREAS, Millard South defeated Lincoln High in the championship game by a score of 72-60; and

WHEREAS, this is a first state championship for the Millard South girls basketball team since 1996; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates Millard South High School girls basketball team and its coaches on winning the 2023 Class A Girls State Basketball Championship.

2. That copies of this resolution be sent to the Millard South High School girls basketball team.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Brewer, 43; Albrecht, 17; Arch, 14; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; DeBoer, 10; Dover, 19; Dungan, 26; Erdman, 47; Geist, 25; Halloran, 33; Hansen, B., 16; Holdcroft, 36; Hughes, 24; Ibach, 44; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13.

WHEREAS, Paralyzed Veterans of America is a congressionally chartered veterans service organization that was founded in 1946; and

WHEREAS, Paralyzed Veterans of America has developed a unique expertise on issues faced by veterans of the armed forces who have experienced spinal cord injury and dysfunction; and

WHEREAS, Paralyzed Veterans of America uses its expertise to be a leading advocate for quality health care for its members; and

WHEREAS, Paralyzed Veterans of America is a leader in research and education addressing spinal cord injury and dysfunction; and

WHEREAS, Paralyzed Veterans of America is a national advocate for the civil rights of paralyzed veterans and strives to find opportunities that maximize the independence of its members; and

WHEREAS, Paralyzed Veterans of America Great Plains Chapter has been serving veterans across Nebraska and Western Iowa for over fifty years; and

WHEREAS, Paralyzed Veterans of America members from across the country will be gathering in Omaha, Nebraska, for the 77th Annual Convention.

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

1. That the Legislature recognizes the week of May 8 through May 13, 2023, as Paralyzed Veterans of America Week in Nebraska.

Laid over.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, March 16, 2023, after their hearing, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McDonnell name added to LB256.

Senator Fredrickson name added to LB294.

Senator Fredrickson name added to LB307.

Senator Conrad name added to LB504.
Senator Fredrickson name added to LB516.
Senator Fredrickson name added to LB585.
Senator Fredrickson name added to LB586.
Senator Conrad name added to LB629.
Senator Dungan name added to LB736.
Senator Conrad name added to LB741.
Senator Conrad name added to LB801.

VISITORS

Visitors to the Chamber were students from St. Wenceslaus Elementary, Wahoo; students, teachers, and sponsors from Central Valley Public High School, Greeley; students from Guardian Angels Central Catholic, West Point; TeenPact Leadership Schools; Isaac, Kathee, Gideon, Hope, Esther, and Eve Terwilleger, Lincoln.

The Doctor of the Day was Dr. John Jacobsen of Kearney.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 16, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 2023

PRAYER

The prayer was offered by Charles Tschetter, Community Bible Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

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 Aguilar, Conrad, and DeKay who were excused; and Senators Blood, Bostar, J. Cavanaugh, Day, Raybould, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 776, line 26, strike "LB874" and insert "LB574".
The Journal for the forty-fifth day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 15, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Lively, Elizabeth
Dialysis Patient Citizens (Withdrawn 03/10/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 376. Placed on Select File with amendment. [ER13](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found on page 752 and considered on pages 754, 755, 759, 764 and 776, was renewed.

Senator M. Cavanaugh renewed [MO79](#), found and considered on page 776, to bracket until May 19, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

The first committee amendment was adopted with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

The second committee amendment [AM832](#), found on page 752, was offered.

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

Senator Lowe requested a roll call vote, in reverse order, on the second committee amendment.

Voting in the affirmative, 21:

Armendariz	DeBoer	Hunt	McKinney	Wishart
Blood	Dorn	Ibach	Raybould	
Brandt	Dungan	Jacobson	Vargas	
Cavanaugh, M.	Fredrickson	Linehan	Walz	
Day	Hughes	McDonnell	Wayne	

Voting in the negative, 17:

Albrecht	Briese	Halloran	Moser	von Gillern
Ballard	Clements	Hardin	Murman	
Bostelman	Erdman	Holdcroft	Riepe	
Brewer	Geist	Lippincott	Slama	

Present and not voting, 7:

Arch	Dover	Kauth	Sanders
Cavanaugh, J.	Hansen	Lowe	

Excused and not voting, 4:

Aguilar	Bostar	Conrad	DeKay
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The second committee amendment lost with 21 ayes, 17 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator J. Cavanaugh offered the following motion:

[MO80](#)

Reconsider the vote taken on AM832.

Senator J. Cavanaugh offered the following motion:

[MO81](#)

Bracket until March 21, 2023.

Senator J. Cavanaugh withdrew his motion to bracket.

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

Senator J. Cavanaugh requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 31:

Arch	Cavanaugh, M.	Geist	Lippincott	Walz
Armendariz	Day	Hansen	Lowe	Wayne
Blood	DeBoer	Hughes	McDonnell	Wishart
Bostar	Dorn	Hunt	McKinney	
Brandt	Dover	Ibach	Raybould	
Brewer	Dungan	Jacobson	Riepe	
Cavanaugh, J.	Fredrickson	Linehan	Vargas	

Voting in the negative, 14:

Albrecht	Briese	Halloran	Moser	Slama
Ballard	Clements	Hardin	Murman	von Gillern
Bostelman	Erdman	Holdcroft	Sanders	

Excused and not voting, 4:

Aguilar	Conrad	DeKay	Kauth
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The J. Cavanaugh motion to reconsider prevailed with 31 ayes, 14 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman requested a roll call vote on the second committee amendment.

The second committee amendment was adopted with 32 ayes, 12 nays, 1 absent and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 6 nays, 6 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 227. Placed on General File with amendment.

[AM848](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 68-901 Sections 68-901 to 68-9,101 and sections 2 to 4 of this act
 6 shall be known and may be cited as the Medical Assistance Act.
 7 Sec. 2. The department shall enroll long-term acute care hospitals
 8 in Nebraska as providers eligible to receive funding under the medical
 9 assistance program.
 10 Sec. 3. No later than July 1, 2023, the department shall submit a
 11 state plan amendment or waiver to the federal Centers for Medicare and
 12 Medicaid Services to provide coverage under the medical assistance
 13 program for long-term acute care hospitals.
 14 Sec. 4. The department shall provide for rebasing inpatient interim
 15 per diem rates for critical access hospitals. The department shall rebase
 16 the rates every two years, and the most recent audited medicare cost
 17 report shall be used as the basis for the rebasing process within ninety
 18 days after receiving the cost report.
 19 Sec. 5. Section 68-1006.01, Reissue Revised Statutes of Nebraska, is
 20 amended to read:
 21 68-1006.01 The Department of Health and Human Services shall include
 22 in the standard of need for eligible aged, blind, and disabled persons
 23 ~~seventy-five at least sixty~~ dollars per month for a personal needs
 24 allowance if such persons reside in an alternative living arrangement.
 25 For purposes of this section, an alternative living arrangement
 26 shall include board and room, a boarding home, a certified adult family

27 home, a licensed assisted-living facility, a licensed residential child-
1 caring agency as defined in section 71-1926, a licensed center for the
2 developmentally disabled, and a long-term care facility.
3 Sec. 6. (1) The state shall provide medicaid reimbursement to a
4 hospital at one hundred percent of the statewide average nursing facility
5 per diem rate for an individual if the individual: (a) Is enrolled in the
6 medical assistance program; (b) has been admitted as an inpatient to such
7 hospital; (c) no longer requires acute inpatient care and discharge
8 planning as described in 42 C.F.R. 482.43; (d) requires nursing facility
9 level of care upon discharge; and (e) is unable to be transferred to a
10 nursing facility due to a lack of available nursing facility beds
11 available to the individual or, in cases where the transfer requires a
12 guardian, has been approved for appointment of a public guardian and the
13 State Court Administrator is unable to appoint a public guardian.
14 (2) Reimbursement for services shall be subject to federal approval.
15 Sec. 7. (1) The Department of Health and Human Services shall
16 either directly, or through a contract or grant to an eligible entity,
17 implement a pilot program to facilitate the transfer of patients with
18 complex health needs from eligible acute care hospitals to appropriate
19 post-acute care settings, including facilities that provide skilled
20 nursing or long-term care.
21 (2) The purposes of the pilot program are to ensure that:
22 (a) Patients with complex health needs are able to access timely
23 transition from an acute care hospital to a post-acute care setting;
24 (b) Patients receive the appropriate type of care at the appropriate
25 time to best meet their needs; and
26 (c) Acute-care hospitals have available capacity to meet the needs
27 of patients.
28 (3) For purposes of this section:
29 (a) Eligible acute care hospital means a facility that is not
30 designated as a critical access hospital by the Centers for Medicare and
31 Medicaid Services and has reached or exceeded eighty percent of available
1 staffed capacity for adult intensive-care-unit beds and acute care
2 inpatient medical-surgical beds;
3 (b) Eligible entity means a nonprofit statewide association whose
4 members include eligible acute care hospitals; and
5 (c) Patient means a person who is medically stable and who the
6 provider believes, with a reasonable medical probability and in
7 accordance with recognized medical standards, is safe to be discharged or
8 transferred and is not expected to have his or her condition negatively
9 impacted during, or as a result of, the discharge or transfer.
10 (4) The department or other eligible entity responsible for
11 developing the pilot program shall:
12 (a) Determine criteria to define patients with complex health needs;
13 (b) Develop a process for eligible acute care hospitals to determine
14 capacity and the manner and frequency of reporting changes in capacity;
15 (c) Develop a process to ensure funding is utilized for the purposes
16 described in this section and in compliance with all applicable state and
17 federal laws;
18 (d) Include regular consultation with the department and
19 representatives of acute care hospitals, skilled nursing facilities, and
20 nursing facilities; and
21 (e) Include quarterly updates to the department.
22 (5) The pilot program may include direct payments to post-acute care
23 facilities that support care to patients with complex health needs.
24 (6) Funding utilized under the pilot program shall comply with all
25 medicaid and medicare reimbursement policies for skilled nursing
26 facilities, nursing facilities, and swing-bed hospitals.
27 (7) It is the intent of the Legislature to appropriate one million
28 dollars from the General Fund to carry out this section.

29 Sec. 8. Sections 4, 5, 6, 7, and 9 of this act become operative
 30 three calendar months after the adjournment of this legislative session.
 31 The other sections of this act become operative on their effective date.
 1 Sec. 9. Original section 68-1006.01, Reissue Revised Statutes of
 2 Nebraska, is repealed.
 3 Sec. 10. Original section 68-901, Revised Statutes Cumulative
 4 Supplement, 2022, is repealed.
 5 Sec. 11. Since an emergency exists, this act takes effect when
 6 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 453. Placed on General File with amendment.

[AM333](#)

1 1. Insert the following new section:
 2 Sec. 4. Section 39-1351, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 39-1351 (1) Except as provided in subsection (2) of this section,
 5 any person desiring to submit to the department a bid for the performance
 6 of any contract for the construction, reconstruction, improvement,
 7 maintenance, or repair of roads, bridges, and their appurtenances, which
 8 the department proposes to let, shall apply to the department for
 9 prequalification. Such application shall be made not later than five days
 10 before the letting of the contract unless fewer than five days is
 11 specified by the department. The department shall determine the extent of
 12 any applicant's qualifications by a full and appropriate evaluation of
 13 the applicant's experience, bonding capacity as determined by a bonding
 14 agency licensed to do business in the State of Nebraska or other
 15 sufficient financial showing deemed satisfactory by the department, and
 16 performance record. In determining the qualification of an applicant to
 17 bid on any particular contract, the department shall consider the
 18 resources available for the particular contract contemplated.
 19 (2) The department may, in its sole discretion, grant an exemption
 20 from all prequalification requirements for (a) any contract for the
 21 construction, reconstruction, improvement, maintenance, or repair of
 22 roads, bridges, and their appurtenances if the estimate of the department
 23 for such work is two hundred fifty ~~one hundred~~ thousand dollars or less
 24 or (b) any contract for the construction, reconstruction, improvement,
 25 maintenance, or repair of roads, bridges, and their appurtenances if such
 26 work is of an emergency nature.
 27 2. Renumber the remaining sections and correct the repealer
 1 accordingly.

LEGISLATIVE BILL 484. Placed on General File with amendment.

[AM790](#)

1 1. Strike original section 5.
 2 2. On page 2, strike lines 12 through 19 and insert the following
 3 new subsection:
 4 "(1) Beginning January 1, 2025:
 5 (a) Every person applying for an initial motor vehicle dealer's
 6 license shall have completed eight hours of continuing education
 7 authorized by the board within the twelve-month period immediately
 8 preceding the date of application; and
 9 (b) Every licensee applying for renewal of a motor vehicle dealer's
 10 license shall have completed four hours of continuing education
 11 authorized by the board within the twelve-month period immediately

12 preceding the date of application."

13 3. On page 3, line 3, after "credit" insert "provided".

14 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 683. Placed on General File with amendment.

AM870

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

2 sections:

3 Section 1. Section 66-4,100, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund

6 are hereby created. If bonds are issued pursuant to subsection (2) of

7 section 39-2223, the balance of the share of the Highway Trust Fund

8 allocated to the Department of Transportation and deposited into the

9 Highway Restoration and Improvement Bond Fund as provided in subsection

10 (6) of section 39-2215 and the balance of the money deposited in the

11 Highway Restoration and Improvement Bond Fund as provided in section

12 39-2215.01 shall be transferred by the State Treasurer, on or before the

13 last day of each month, to the Highway Cash Fund. If no bonds are issued

14 pursuant to subsection (2) of section 39-2223, the share of the Highway

15 Trust Fund allocated to the Department of Transportation shall be

16 transferred by the State Treasurer on or before the last day of each

17 month to the Highway Cash Fund.

18 The Legislature may direct the State Treasurer to transfer funds

19 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds

20 shall be expended by the department (1) for acquiring real estate, road

21 materials, equipment, and supplies to be used in the construction,

22 reconstruction, improvement, and maintenance of state highways, (2) for

23 the construction, reconstruction, improvement, and maintenance of state

24 highways, including grading, drainage, structures, surfacing, roadside

25 development, landscaping, and other incidentals necessary for proper

26 completion and protection of state highways as the department shall,

27 after investigation, find and determine shall be for the best interests

1 of the highway system of the state, either independent of or in

2 conjunction with federal-aid money for highway purposes, (3) for the

3 share of the department of the cost of maintenance of state aid bridges,

4 (4) for planning studies in conjunction with federal highway funds for

5 the purpose of analyzing traffic problems and financial conditions and

6 problems relating to state, county, township, municipal, federal, and all

7 other roads in the state and for incidental costs in connection with the

8 federal-aid grade crossing program for roads not on state highways, (5)

9 for tests and research by the department or proportionate costs of

10 membership, tests, and research of highway organizations when

11 participated in by the highway departments of other states, (6) for the

12 payment of expenses and costs of the Board of Examiners for County

13 Highway and City Street Superintendents as set forth in section 39-2310,

14 (7) for support of the public transportation assistance program

15 established under section 13-1209 and the intercity bus system assistance

16 program established under section 13-1213, ~~and~~ (8) for purchasing from

17 political or governmental subdivisions or public corporations, pursuant

18 to section 39-1307, any federal-aid transportation funds available to

19 such entities, and (9) for furnishing the Nebraska Broadband Office with

20 necessary office space, furniture, equipment, and supplies as well as

21 providing administrative and budgetary support, including salaries for

22 professional, technical, and clerical assistants, as provided in section

23 2 of this act.

24 Any money in the Highway Cash Fund and the Roads Operations Cash

25 Fund not needed for current operations of the department shall, as

26 directed by the Director-State Engineer to the State Treasurer, be

27 invested by the state investment officer pursuant to the Nebraska Capital

28 Expansion Act and the Nebraska State Funds Investment Act, subject to
29 approval by the board of each investment. All income received as a result
30 of such investment shall be placed in the Highway Cash Fund.

31 Transfers may be made from the Roads Operations Cash Fund to the
1 General Fund at the direction of the Legislature through June 30, 2019.

2 The State Treasurer shall transfer seven million five hundred thousand
3 dollars from the Roads Operations Cash Fund to the General Fund on or
4 before June 30, 2018, on such date as directed by the budget

5 administrator of the budget division of the Department of Administrative
6 Services. The State Treasurer shall transfer seven million five hundred
7 thousand dollars from the Roads Operations Cash Fund to the General Fund
8 on or after July 1, 2018, but on or before June 30, 2019, on such date as
9 directed by the budget administrator of the budget division of the
10 Department of Administrative Services.

11 Sec. 2. (1) The Department of Transportation shall furnish the
12 Nebraska Broadband Office with necessary office space, furniture,
13 equipment, and supplies along with administrative and budgetary support,
14 including salaries for professional, technical, and clerical assistants,
15 except as limited in subsection (2) of this section. The Department of
16 Transportation and the Nebraska Broadband Office shall, whenever
17 practicable, seek reimbursement of such costs from federal-aid funds to
18 the extent such costs are eligible for reimbursement.

19 (2) Broadband installation, operation, or maintenance projects of
20 the Nebraska Broadband Office shall not be funded by the Department of
21 Transportation, except as provided in subsection (3) of this section.
22 Such restriction shall not apply to any fund or appropriation of the
23 Legislature that has been specifically designated for projects of the
24 Nebraska Broadband Office.

25 (3) The Department of Transportation may use state highway funds for
26 projects to install, operate, and maintain fiber optic, broadband, or
27 other similar technology infrastructure on state highway property solely
28 to meet the state's present and future transportation technology needs
29 along the state highway system. The department is further authorized to
30 enter into public-private partnerships, or to use other alternative
31 project delivery methods set out in the Transportation Innovation Act.

1 The department is authorized to work with the Nebraska Broadband Office
2 for such projects and to seek or solicit the use of eligible federal
3 highway funds to pay some or all of the state's costs for such projects.
4 Nothing in this subsection authorizes the department to own, operate,
5 manage, construct, or maintain fiber optic, broadband, or other similar
6 technology outside of state highway property.

7 Sec. 3. Section 86-331, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 86-331 (1) It is the intent of the Legislature to ensure that all
10 federal, state, and local government funding for broadband infrastructure
11 and services in Nebraska be leveraged strategically to ensure that all
12 Nebraskans have access to affordable, reliable broadband services before
13 January 1, 2028. To accomplish this intent, the Nebraska Broadband Office
14 is created. The office shall be headed by the Director of Broadband. The
15 director shall be appointed by and serve at the pleasure of the Governor
16 with the approval of a majority of the Legislature. For administrative
17 and budgetary purposes, the Nebraska Broadband Office shall be located in
18 the Department of Transportation. All administrative and budgetary
19 decisions for the Nebraska Broadband Office shall be made by the Director
20 of Broadband.

21 (2) The Nebraska Broadband Office shall:

22 (a) Through active outreach, collaborate with officials at all
23 levels of government and with stakeholders, which may include, but not be
24 limited to, businesses and industries, community foundations, local
25 governments, local or regional economic development organizations,

26 schools, colleges, other educational entities, public libraries, health
 27 care institutions, financial institutions, agricultural producers,
 28 telecommunications providers, public power districts, electric
 29 cooperatives, nonprofit organizations, and other interested entities;
 30 (b) Through such collaboration, develop a strategic plan that
 31 maximizes the use of public and private resources and encourages
 1 innovative models for ownership of infrastructure that is used for both
 2 private and public purposes;
 3 (c) Direct the coordination among state agencies, boards, and
 4 commissions on policy matters affecting use of federal or state funding
 5 for broadband infrastructure deployment, operation, and maintenance;
 6 (d) Conduct state advocacy on broadband issues at the federal level,
 7 including the accuracy of federal mapping and speed data;
 8 (e) Ensure that all governmental funding is utilized in a cost-
 9 effective and accountable manner for Nebraska broadband projects;
 10 (f) Oversee the coordination of programs for broadband users, such
 11 as libraries and schools, and digital equity and inclusion projects;
 12 (g) Provide resources and assistance for local and regional
 13 broadband planning; and
 14 (h) Provide resources and information to the public through a
 15 website and other communication modes.
 16 (3) If any final decision of the Nebraska Broadband Office relating
 17 to funding for broadband projects is appealed to district court, the
 18 appeal shall, except as to cases the court considers of greater
 19 importance, take precedence on the trial docket over all other cases and
 20 shall be assigned for hearing, trial, or argument at the earliest
 21 practicable date and expedited in every way.
 22 (4)(a) On or before December 1 of each year, the Nebraska Broadband
 23 Office shall file with the Clerk of the Legislature an annual report on
 24 the status of broadband within the State of Nebraska. The report shall:
 25 (i) Describe the status of all publicly administered broadband
 26 deployment programs, including the number of projects funded through
 27 October of the report year;
 28 (ii) Describe the quality of broadband service being provided to
 29 Nebraska residents;
 30 (iii) Provide any updates to the strategic plan developed under
 31 subdivision (2)(b) of this section;
 1 (iv) Summarize the Nebraska Broadband Office's outreach efforts and
 2 collaboration with all interested stakeholders;
 3 (v) Provide an update on efforts to promote digital equity and
 4 inclusion on behalf of Nebraska residents; and
 5 (vi) Provide an update on state advocacy on broadband issues being
 6 conducted at the federal level.
 7 (b) Upon receipt of such report, the Transportation and
 8 Telecommunications Committee of the Legislature shall hold a public
 9 hearing to allow an opportunity for public comment on the report.
 10 (1) It is the intent of the Legislature to encourage local and
 11 regional broadband planning and to encourage public-private partnerships
 12 to enhance broadband services in unserved and underserved areas of the
 13 state.
 14 (2) The position of state broadband coordinator is created. The
 15 position shall be located in the office of Chief Information Officer. The
 16 coordinator shall:
 17 (a) Encourage each county or region comprising a group of counties
 18 to appoint a broadband coordinator to facilitate broadband planning and
 19 coordination;
 20 (b) Encourage each county or region to work with groups of
 21 stakeholders, which may include, but not be limited to, businesses and
 22 industries, community foundations, local governments, local or regional
 23 economic development organizations, schools, colleges, other educational

24 entities, public libraries, health care institutions, financial
 25 institutions, telecommunications providers, public power districts,
 26 electric cooperatives, nonprofit organizations, and other interested
 27 entities;

28 (c) Assist such counties, regions, and stakeholders in determining
 29 what broadband assets are available, the areas for improvement, and
 30 strategies to improve broadband availability and use; and

31 (d) Explore the creation of broadband cooperatives in unserved or
 1 underserved areas of the state.

2 Sec. 4. Section 86-333, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:

4 86-333 (1) The ~~Nebraska Broadband Office Public Service Commission~~
 5 may create and maintain an official Nebraska location fabric broadband
 6 access map showing broadband availability and quality of service for all
 7 serviceable locations in Nebraska utilizing any federal funding that is
 8 made available for such purpose. For purposes of this section,
 9 serviceable location means any residence, dwelling, business, or building
 10 where an entity provides or may provide broadband services.

11 (2) The ~~Nebraska Broadband Office Public Service Commission~~ may
 12 contract with private parties to create, improve, and maintain the map.
 13 When contracting with private parties, the ~~office Public Service~~
 14 ~~Commission~~ shall give preference to contractors providing mapping
 15 services to the Federal Communications Commission. The ~~office Public~~
 16 ~~Service Commission~~ may collect from providers of broadband services any
 17 information necessary to establish and update the map. Any information
 18 provided to the ~~office Public Service Commission~~ by a provider of
 19 broadband services pursuant to this section that is confidential,
 20 proprietary, or a trade secret as defined in section 87-502 shall be
 21 treated as such by the ~~office Public Service Commission~~.

22 (3) Any recipient of support from the Nebraska Telecommunications
 23 Universal Service Fund shall comply with the provisions of this section.
 24 Any grant recipient under the Nebraska Broadband Bridge Act, including
 25 any entity that operates as an eligible telecommunications carrier in
 26 Nebraska as defined in section 86-1302 that wishes to participate in the
 27 Broadband Bridge Program created under section 86-1303, either directly
 28 or as a challenging party under section 86-1307, shall comply with the
 29 provisions of this section. Any grant recipient of federal broadband
 30 funding administered by the ~~Nebraska Broadband Office Public Service~~
 31 ~~Commission~~ shall comply with the provisions of this section.

1 (4) After the Federal Communications Commission completes the
 2 national Broadband Serviceable Location Fabric and accompanying National
 3 Broadband Availability Map, the ~~Nebraska Broadband Office Public Service~~
 4 ~~Commission~~ shall annually evaluate whether the continued maintenance of
 5 any annually updated Nebraska location fabric broadband access map
 6 created and maintained in accordance with this section is necessary. The
 7 ~~office Public Service Commission~~ shall report its annual findings
 8 pursuant to this subsection to the Transportation and Telecommunications
 9 Committee of the Legislature.

10 (5) The ~~Nebraska Broadband Office Public Service Commission~~ shall
 11 utilize funding provided by the federal Broadband Equity, Access, and
 12 Deployment Program authorized under the federal Infrastructure Investment
 13 and Jobs Act, Public Law 117-58, to carry out this section.

14 Sec. 5. Section 86-1103, Revised Statutes Cumulative Supplement,
 15 2022, is amended to read:

16 86-1103 The Rural Broadband Task Force Fund is created. The fund
 17 shall be used to carry out the purposes of the Rural Broadband Task Force
 18 as described in section 86-1102 ~~and to provide for a state broadband~~
 19 ~~coordinator~~. For administrative purposes, the fund shall be located in
 20 the Nebraska Information Technology Commission. The fund shall consist of
 21 money appropriated or transferred by the Legislature and gifts, grants,

22 or bequests from any source, including federal, state, public, and
 23 private sources. Any money in the fund available for investment shall be
 24 invested by the state investment officer pursuant to the Nebraska Capital
 25 Expansion Act and the Nebraska State Funds Investment Act.
 26 Sec. 6. Section 86-1309, Revised Statutes Cumulative Supplement,
 27 2022, is amended to read:
 28 86-1309 (1) The Nebraska Broadband Bridge Fund is created. The fund
 29 shall consist of money appropriated by the Legislature and federal funds
 30 designated by the Governor received for broadband enhancement purposes.
 31 The commission shall administer the fund and use the fund to finance
 1 grants for qualifying projects under the Nebraska Broadband Bridge Act
 2 and for expenses of the commission as appropriated by the Legislature for
 3 administering the fund. ~~Any federal funds which are used for purposes of~~
 4 ~~the act shall be in addition to the state General Funds appropriated for~~
 5 ~~purposes of the act. Such federal funds shall not be used as a~~
 6 ~~substitution for any such state General Funds.~~
 7 (2) Any money in the Nebraska Broadband Bridge Fund available for
 8 investment shall be invested by the state investment officer pursuant to
 9 the Nebraska Capital Expansion Act and the Nebraska State Funds
 10 Investment Act.
 11 Sec. 7. Original section 66-4,100, Reissue Revised Statutes of
 12 Nebraska, and sections 86-331, 86-333, 86-1103, and 86-1309, Revised
 13 Statutes Cumulative Supplement, 2022, are repealed.
 14 Sec. 8. Since an emergency exists, this act takes effect when
 15 passed and approved according to law.

LEGISLATIVE BILL 738. Placed on General File with amendment.

[AM356](#)

1 1. On page 2, line 15, strike "tandem wheels either of which is",
 2 show as stricken, and insert ", three, or four wheels any one or more of
 3 which being".
 4 2. On page 2, line 25; and page 3, lines 7 and 21, strike "or three"
 5 and insert ", three, or four".

(Signed) Suzanne Geist, Chairperson

Revenue

LEGISLATIVE BILL 303. Placed on General File.

LEGISLATIVE BILL 317. Placed on General File.

LEGISLATIVE BILL 344. Placed on General File.

LEGISLATIVE BILL 495. Placed on General File.

LEGISLATIVE BILL 580. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENTS - Print in Journal

Senator McKinney filed the following amendment to [LB531](#):
[AM864](#) is available in the Bill Room.

Senator McKinney filed the following amendment to [LB785](#):
[AM865](#)

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

3 Section 1. (1) It is the intent of the Legislature to appropriate
4 two hundred million dollars from Federal Funds for fiscal year 2023-24 to
5 the Department of Natural Resources for the purposes described in this
6 section. The Federal Funds described in this section are from the funds
7 allocated to the State of Nebraska from the federal Coronavirus State
8 Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of
9 2021, Public Law 117-2, Subtitle M, Sec. 9901.

10 (2) On or before September 30, 2023, the Department of Natural
11 Resources shall award a grant of two hundred million dollars to a city of
12 the primary class. Eligible expenses for the funding from this grant
13 include costs for a water treatment plant; water treatment, transmission,
14 and distribution in furtherance of additional water; land acquisition;
15 permitting; a wellfield; and pumping and transportation of water over
16 twenty-five miles for the purpose of providing potable water to the city
17 of the primary class. The department shall develop criteria and
18 procedures that are consistent with projects and eligibility listed in 40
19 C.F.R. 35.3520.

20 Sec. 2. (1) It is the intent of the Legislature to appropriate
21 twenty million dollars from Federal Funds for fiscal year 2023-24 to the
22 Department of Environment and Energy for the purposes described in this
23 section. The Federal Funds appropriated in this section are from the
24 funds allocated to the State of Nebraska from the federal Coronavirus
25 State Fiscal Recovery Fund pursuant to the federal American Rescue Plan
26 Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901.

27 (2)(a) The Department of Environment and Energy shall award grants
1 to install reverse osmosis systems in:

2 (i) Small and rural communities where drinking water test levels are
3 above ten parts per million of nitrates; and

4 (ii) Private water systems if test levels for nitrates in drinking
5 water pumped from private wells are above ten parts per million.

6 (b) Any grant awarded pursuant to this section shall be coordinated
7 and administered by the Department of Environment and Energy in
8 compliance with the federal American Rescue Plan Act of 2021.

9 (c) The recipient of a grant pursuant to this section shall only
10 spend the grant in compliance with the federal American Rescue Plan Act
11 of 2021.

12 Sec. 3. (1) It is the intent of the Legislature to appropriate
13 thirty million dollars from Federal Funds for fiscal year 2023-24 to the
14 Department of Environment and Energy for the purposes described in this
15 section. The Federal Funds appropriated in this section are from the
16 funds allocated to the State of Nebraska from the federal Coronavirus
17 State Fiscal Recovery Fund pursuant to the federal American Rescue Plan
18 Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901.

19 (2)(a) The Department of Environment and Energy shall award a grant
20 for thirty million dollars to a utilities district headquartered in a
21 city of the metropolitan class.

22 (b) The utilities district shall use the grant to replace lead
23 service pipes in the city of the metropolitan class in which the
24 utilities district provides services.

25 (c) The utilities district that receives the grant under this
26 section shall only spend the grant in compliance with the federal
27 American Rescue Plan Act of 2021.

28 Sec. 4. (1) For purposes of this section, qualified census tract
29 means a qualified census tract as defined in 26 U.S.C. 42(d)(5)(B)(ii)
30 (I), as such section existed on January 1, 2022.

31 (2)(a) The Economic Recovery and Incentives Division of the
1 Department of Economic Development shall create and administer the North
2 and South Omaha Recovery Grant Program to provide grants to public and
3 private entities to respond to the negative impact of the COVID-19 public
4 health emergency and build resilient and innovative communities.

5 (b) To be eligible for a grant under the North and South Omaha
6 Recovery Grant Program, an applicant shall:
7 (i) Be listed in the coordination plan or appendixes dated January
8 10, 2023, submitted to the Economic Recovery Special Committee of the
9 Legislature or have an independent third-party evaluation; and
10 (ii) Explain how the grant will relieve the negative impact of the
11 COVID-19 public health emergency within a qualified census tract located
12 within the boundaries of a city of the metropolitan class and build
13 resilient and innovative communities, with an emphasis on assistance for
14 small businesses, innovation, workforce development, and business
15 development within such communities.
16 (3) When considering applications for grants under this section, the
17 Economic Recovery and Incentives Division of the Department of Economic
18 Development shall use the coordination plan and appendixes dated January
19 10, 2023. Grant applications that would benefit communities and
20 neighborhoods within qualified census tracts located within the
21 boundaries of a city of the metropolitan class with a priority on small
22 business development, job creation, and economic development within such
23 communities and neighborhoods shall be prioritized.
24 (4) The Economic Recovery and Incentives Division of the Department
25 of Economic Development shall award additional grants for the following
26 purposes:
27 (a) Not to exceed twenty million dollars in grants for the purpose
28 of creating a museum located in one or more qualified census tracts
29 located within the boundaries of a city of the metropolitan class and
30 that is named in honor of a person inducted into the Nebraska Hall of
31 Fame on or before June 30, 2023;
1 (b) Not to exceed twenty million dollars in grants to federally
2 qualified health centers located in a city of the metropolitan class.
3 Such grants shall be used for persons receiving services under
4 subsections (g), (h), and (i) of section 330 of the federal Public Health
5 Services Act, 42 U.S.C. 254b, as such section existed on January 1, 2023;
6 and
7 (c) Not to exceed fifteen million dollars for contracted program
8 management services for the North and South Omaha Recovery Grant Program
9 and the Qualified Census Tract Recovery Grant Program provided in a city
10 of the metropolitan class. No person providing such contracted program
11 management services shall have any conflict of interest or contractual
12 relationship with any recipient of a grant under the North and South
13 Omaha Recovery Grant Program or the Qualified Census Tract Recovery Grant
14 Program.
15 (5) It is the intent of the Legislature to appropriate three hundred
16 fifty million dollars from the General Fund for fiscal year 2023-24 to
17 the Department of Economic Development for the purposes described in this
18 section.
19 Sec. 5. Section 84-612, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:
21 84-612 (1) There is hereby created within the state treasury a fund
22 known as the Cash Reserve Fund which shall be under the direction of the
23 State Treasurer. The fund shall only be used pursuant to this section.
24 (2) The State Treasurer shall transfer funds from the Cash Reserve
25 Fund to the General Fund upon certification by the Director of
26 Administrative Services that the current cash balance in the General Fund
27 is inadequate to meet current obligations. Such certification shall
28 include the dollar amount to be transferred. Any transfers made pursuant
29 to this subsection shall be reversed upon notification by the Director of
30 Administrative Services that sufficient funds are available.
31 (3) In addition to receiving transfers from other funds, the Cash
1 Reserve Fund shall receive federal funds received by the State of
2 Nebraska for undesignated general government purposes, federal revenue

3 sharing, or general fiscal relief of the state.

4 (4) The State Treasurer shall transfer fifty-four million seven
5 hundred thousand dollars on or after July 1, 2019, but before June 15,
6 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
7 Fund on such dates and in such amounts as directed by the budget
8 administrator of the budget division of the Department of Administrative
9 Services.

10 (5) The State Treasurer shall transfer two hundred fifteen million
11 five hundred eighty thousand dollars from the Cash Reserve Fund to the
12 Nebraska Capital Construction Fund on or after July 1, 2022, but before
13 June 15, 2023, on such dates and in such amounts as directed by the
14 budget administrator of the budget division of the Department of
15 Administrative Services.

16 (6) The State Treasurer shall transfer fifty-three million five
17 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
18 Canal Project Fund on or before June 30, 2023, on such dates and in such
19 amounts as directed by the budget administrator of the budget division of
20 the Department of Administrative Services.

21 (7) No funds shall be transferred from the Cash Reserve Fund to
22 fulfill the obligations created under the Nebraska Property Tax Incentive
23 Act unless the balance in the Cash Reserve Fund after such transfer will
24 be at least equal to five hundred million dollars.

25 (8) The State Treasurer shall transfer thirty million dollars from
26 the Cash Reserve Fund to the Military Base Development and Support Fund
27 on or before June 30, 2023, but not before July 1, 2022, on such dates
28 and in such amounts as directed by the budget administrator of the budget
29 division of the Department of Administrative Services.

30 (9) The State Treasurer shall transfer eight million three hundred
31 thousand dollars from the Cash Reserve Fund to the Trail Development and
1 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
2 such dates and in such amounts as directed by the budget administrator of
3 the budget division of the Department of Administrative Services.

4 (10) The State Treasurer shall transfer fifty million dollars from
5 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
6 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
7 as directed by the budget administrator of the budget division of the
8 Department of Administrative Services.

9 (11) The State Treasurer shall transfer thirty million dollars from
10 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
11 or after July 1, 2022, but before July 15, 2023, on such dates and in
12 such amounts as directed by the budget administrator of the budget
13 division of the Department of Administrative Services.

14 (12) The State Treasurer shall transfer twenty million dollars from
15 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
16 1, 2022, but before June 15, 2023, on such dates and in such amounts as
17 directed by the budget administrator of the budget division of the
18 Department of Administrative Services.

19 (13) The State Treasurer shall transfer twenty million dollars from
20 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
21 Fund on July 15, 2022, or as soon thereafter as administratively
22 possible, and in such amounts as directed by the budget administrator of
23 the budget division of the Department of Administrative Services.

24 (14) The State Treasurer shall transfer eighty million dollars from
25 the Cash Reserve Fund to the Jobs and Economic Development Initiative
26 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
27 and in such amounts as directed by the budget administrator of the budget
28 division of the Department of Administrative Services.

29 (15) The State Treasurer shall transfer twenty million dollars from
30 the Cash Reserve Fund to the Site and Building Development Fund on July
31 15, 2022, or as soon thereafter as administratively possible, and in such

1 amounts as directed by the budget administrator of the budget division of
2 the Department of Administrative Services.

3 (16) The State Treasurer shall transfer fifty million dollars from
4 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
5 on or after July 15, 2022, but before January 1, 2023, on such dates and
6 in such amounts as directed by the budget administrator of the budget
7 division of the Department of Administrative Services.

8 (17) The State Treasurer shall transfer fifteen million dollars from
9 the Cash Reserve Fund to the Site and Building Development Fund on or
10 before June 30, 2022, on such dates and in such amounts as directed by
11 the budget administrator of the budget division of the Department of
12 Administrative Services.

13 (18) The State Treasurer shall transfer fifty-five million dollars
14 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
15 or before June 30, 2022, on such dates and in such amounts as directed by
16 the budget administrator of the budget division of the Department of
17 Administrative Services.

18 (19) The State Treasurer shall transfer four hundred fifty million
19 dollars from the Cash Reserve Fund to the General Fund as soon as
20 administratively possible after the effective date of this act, on such
21 dates and in such amounts as directed by the budget administrator of the
22 budget division of the Department of Administrative Services.

23 Sec. 6. Original section 84-612, Revised Statutes Cumulative
24 Supplement, 2022, is repealed.

25 Sec. 7. Since an emergency exists, this act takes effect when
26 passed and approved according to law.

Senator Erdman filed the following amendment to LB744:

AM887

1 1. Insert the following new sections:

2 Sec. 2. Section 37-811, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 37-811 There is hereby created the Wildlife Conservation Fund. The
5 fund shall be used to assist in carrying out the Nongame and Endangered
6 Species Conservation Act, to pay for research into and management of the
7 ecological effects of the release, importation, commercial exploitation,
8 and exportation of wildlife species pursuant to section 37-548, to
9 reimburse property owners for damages done to property caused by
10 wildlife, and to pay any expenses incurred by the Department of Revenue
11 or any other agency in the administration of the income tax designation
12 program required by section 77-27,119.01. The fund shall consist of money
13 credited pursuant to section 60-3,238 and any other money as determined
14 by the Legislature. The fund shall also consist of money transferred from
15 the General Fund by the State Treasurer in an amount to be determined by
16 the Tax Commissioner which shall be equal to the total amount of
17 contributions designated pursuant to section 77-27,119.01. Any money in
18 the Wildlife Conservation Fund available for investment shall be invested
19 by the state investment officer pursuant to the Nebraska Capital
20 Expansion Act and the Nebraska State Funds Investment Act.
21 Sec. 3. Original section 37-811, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.

Senator Erdman filed the following amendment to LB688:

AM885

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

3 Section 1. (1) The Legislature hereby finds and declares that the
4 transport and delivery of goods by vehicle plays a critical role in the
5 Nebraska supply chain and economy, and, in many Nebraska communities,

6 ground transportation is the only available form of delivery. A stable
7 and safe ground transportation workforce, needed to deliver supplies to
8 communities and offer good-paying jobs to Nebraskans, is important to the
9 economic welfare of the state.

10 (2) The Department of Motor Vehicles may contract with a nonprofit
11 entity based in Nebraska to approve training providers to receive grants
12 pursuant to this section.

13 (3) A training provider may apply for a grant if it (a) is listed on
14 the Federal Motor Carrier Safety Administration Training Provider
15 Registry, (b) is licensed in Nebraska to provide such training, and (c)
16 meets applicable requirements of the rules and regulations for driver
17 training schools and instructors adopted and promulgated by the
18 department. A recipient of a grant under this subsection shall provide
19 training to obtain a commercial driver's license at no cost to
20 individuals.

21 (4) Any postsecondary educational institution in Nebraska, Nebraska-
22 based employer, or third-party training provider that is licensed to
23 provide diesel technology training in Nebraska may apply for a grant to
24 provide training at no cost to individuals training to obtain a diesel
25 technology degree or certificate.

26 (5) Any Nebraska-based employer, Nebraska-based employer consortium,
27 or Nebraska-based nonprofit organization that sponsors or provides
1 support for any individual described in subsection (3) or (4) of this
2 section may apply for a grant to cover the costs of such sponsorship or
3 support.

4 (6) The department, or any entity with which the department
5 contracts for such purpose, may use up to seven percent of funds
6 appropriated to carry out this section for administrative services.

7 (7) The department may adopt and promulgate rules and regulations to
8 carry out this section.

9 (8) It is the intent of the Legislature to appropriate five million
10 dollars for fiscal year 2023-24 to the department to carry out this
11 section.

12 Sec. 2. Section 84-612, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 84-612 (1) There is hereby created within the state treasury a fund
15 known as the Cash Reserve Fund which shall be under the direction of the
16 State Treasurer. The fund shall only be used pursuant to this section.

17 (2) The State Treasurer shall transfer funds from the Cash Reserve
18 Fund to the General Fund upon certification by the Director of
19 Administrative Services that the current cash balance in the General Fund
20 is inadequate to meet current obligations. Such certification shall
21 include the dollar amount to be transferred. Any transfers made pursuant
22 to this subsection shall be reversed upon notification by the Director of
23 Administrative Services that sufficient funds are available.

24 (3) In addition to receiving transfers from other funds, the Cash
25 Reserve Fund shall receive federal funds received by the State of
26 Nebraska for undesignated general government purposes, federal revenue
27 sharing, or general fiscal relief of the state.

28 (4) The State Treasurer shall transfer fifty-four million seven
29 hundred thousand dollars on or after July 1, 2019, but before June 15,
30 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
31 Fund on such dates and in such amounts as directed by the budget
1 administrator of the budget division of the Department of Administrative
2 Services.

3 (5) The State Treasurer shall transfer two hundred fifteen million
4 five hundred eighty thousand dollars from the Cash Reserve Fund to the
5 Nebraska Capital Construction Fund on or after July 1, 2022, but before
6 June 15, 2023, on such dates and in such amounts as directed by the
7 budget administrator of the budget division of the Department of

8 Administrative Services.

- 9 (6) The State Treasurer shall transfer fifty-three million five
10 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
11 Canal Project Fund on or before June 30, 2023, on such dates and in such
12 amounts as directed by the budget administrator of the budget division of
13 the Department of Administrative Services.
- 14 (7) No funds shall be transferred from the Cash Reserve Fund to
15 fulfill the obligations created under the Nebraska Property Tax Incentive
16 Act unless the balance in the Cash Reserve Fund after such transfer will
17 be at least equal to five hundred million dollars.
- 18 (8) The State Treasurer shall transfer thirty million dollars from
19 the Cash Reserve Fund to the Military Base Development and Support Fund
20 on or before June 30, 2023, but not before July 1, 2022, on such dates
21 and in such amounts as directed by the budget administrator of the budget
22 division of the Department of Administrative Services.
- 23 (9) The State Treasurer shall transfer eight million three hundred
24 thousand dollars from the Cash Reserve Fund to the Trail Development and
25 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
26 such dates and in such amounts as directed by the budget administrator of
27 the budget division of the Department of Administrative Services.
- 28 (10) The State Treasurer shall transfer fifty million dollars from
29 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
30 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
31 as directed by the budget administrator of the budget division of the
1 Department of Administrative Services.
- 2 (11) The State Treasurer shall transfer thirty million dollars from
3 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
4 or after July 1, 2022, but before July 15, 2023, on such dates and in
5 such amounts as directed by the budget administrator of the budget
6 division of the Department of Administrative Services.
- 7 (12) The State Treasurer shall transfer twenty million dollars from
8 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
9 1, 2022, but before June 15, 2023, on such dates and in such amounts as
10 directed by the budget administrator of the budget division of the
11 Department of Administrative Services.
- 12 (13) The State Treasurer shall transfer twenty million dollars from
13 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
14 Fund on July 15, 2022, or as soon thereafter as administratively
15 possible, and in such amounts as directed by the budget administrator of
16 the budget division of the Department of Administrative Services.
- 17 (14) The State Treasurer shall transfer eighty million dollars from
18 the Cash Reserve Fund to the Jobs and Economic Development Initiative
19 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
20 and in such amounts as directed by the budget administrator of the budget
21 division of the Department of Administrative Services.
- 22 (15) The State Treasurer shall transfer twenty million dollars from
23 the Cash Reserve Fund to the Site and Building Development Fund on July
24 15, 2022, or as soon thereafter as administratively possible, and in such
25 amounts as directed by the budget administrator of the budget division of
26 the Department of Administrative Services.
- 27 (16) The State Treasurer shall transfer fifty million dollars from
28 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
29 on or after July 15, 2022, but before January 1, 2023, on such dates and
30 in such amounts as directed by the budget administrator of the budget
31 division of the Department of Administrative Services.
- 1 (17) The State Treasurer shall transfer fifteen million dollars from
2 the Cash Reserve Fund to the Site and Building Development Fund on or
3 before June 30, 2022, on such dates and in such amounts as directed by
4 the budget administrator of the budget division of the Department of
5 Administrative Services.

6 (18) The State Treasurer shall transfer fifty-five million dollars
 7 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
 8 or before June 30, 2022, on such dates and in such amounts as directed by
 9 the budget administrator of the budget division of the Department of
 10 Administrative Services.

11 (19) The State Treasurer shall transfer five million dollars from
 12 the Cash Reserve Fund to the General Fund as soon as administratively
 13 possible after September 10, 2023, on such dates and in such amounts as
 14 directed by the budget administrator of the budget division of the
 15 Department of Administrative Services.

16 Sec. 3. Original section 84-612, Revised Statutes Cumulative
 17 Supplement, 2022, is repealed.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113 1:30 PM

Thursday, March 23, 2023

LB106

LB107

LB619

LB649

LB137

Room 1113 1:30 PM

Friday, March 24, 2023

LB720

LB347

LB734

LB441

LB371

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 552. Title read. Considered.

Committee [AM391](#), found on page 520, was adopted with 30 ayes, 0 nays,
 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present
 and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

Committee [AM417](#), found on page 718, was adopted with 30 ayes, 0 nays,
 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present
 and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Fredrickson name added to LB35.
Senator Raybould name added to LB128.
Senator Raybould name added to LB227.
Senator Conrad name added to LB237.
Senator Raybould name added to LB586.

VISITORS

Visitors to the Chamber were students and sponsors from Friend Public Schools, Friend; students from Bryan Elementary, Omaha; Jon and Noah Day, Omaha; the Simple Foundation, Omaha; students from Niehardt Elementary, Omaha.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 11:36 a.m., on a motion by Senator Dover, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 21, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 2023

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Petty Officer R G Smith, A, Navy, Bellevue.

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 Senator Aguilar who was excused; and Senators Bostar, Brewer, Day, Geist, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 566. Placed on General File.

(Signed) Tom Briese, Chairperson

Revenue

LEGISLATIVE BILL 235. Placed on General File.

LEGISLATIVE BILL 370. Placed on General File with amendment.

[AM920](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1704.01, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:
5 77-1704.01 (1) The county treasurer shall include with each tax
6 notice to every taxpayer and with each receipt provided to a taxpayer the
7 following information:
8 (a) The total amount of aid from state sources appropriated to the
9 county and each city, village, and school district in the county;
10 (b) The net amount of property taxes to be levied by the county and
11 each city, village, school district, and learning community in the
12 county;
13 (c) For real property, the amount of taxes reflected on the
14 statement that are levied by the county, city, village, school district,
15 learning community, and other subdivisions for the tax year and for the
16 immediately past year on the same parcel;
17 (d) For real property that has its taxes divided under section
18 18-2147 as part of a redevelopment project under the Community
19 Development Law, the amount of taxes reflected on the statement that are
20 allocated to the county, city, village, school district, learning
21 community, and other subdivisions, the amount of taxes reflected on the
22 statement that are allocated to the redevelopment project, and a
23 statement explaining that taxes on the real property have been divided as
24 part of a redevelopment project under the Community Development Law; ~~and~~
25 (e) For taxes levied for fiscal year 2017-18 on real property within
26 a learning community, statements explaining that the school district
27 levies for learning community member districts are increasing, in part,
1 as a result of the expiration of the learning community common levies,
2 the proceeds of which were distributed directly to school districts, and
3 that the remaining learning community levies fund activities of the
4 learning community; ~~and~~ -
5 (f) For real property, statements regarding the availability of tax
6 credits, which shall be printed in at least twelve-point type in
7 substantially the following form:
8 DON'T FORGET TO CLAIM YOUR NEBRASKA PROPERTY TAX INCENTIVE ACT
9 CREDIT
10 You may be eligible for a refundable income tax credit based on the
11 amount you paid for school district and community college property taxes.
12 To claim this credit, visit the Department of Revenue's website at
13 (insert current website address).
14 If you failed to claim this credit on your income tax return, you
15 can still receive the credit by submitting an amended return. The amended
16 return must be submitted within three years from the date your original
17 income tax return was filed.
18 If you have questions or need assistance filling out these forms,
19 please contact the Department of Revenue at (insert current telephone
20 number) or fill out the "Contact Us Form" located on the department's
21 website at (insert current website address).
22 (2) The necessary form for furnishing the information required by
23 subdivisions (1)(a), (b), and (e) of this section shall be prescribed by
24 the Department of Revenue. The necessary information required by
25 subdivision (1)(a) of this section shall be furnished to the county
26 treasurer by the Department of Revenue prior to October 1 of each year.
27 The form prescribed by the Department of Revenue shall contain the
28 following statement:
29 THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN
30 ADDITIONAL
31 PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY, VILLAGE, AND
32 SCHOOL
33 DISTRICT BY THE LEGISLATURE.

1 Sec. 2. Original section 77-1704.01, Revised Statutes Cumulative
2 Supplement, 2022, is repealed.

LEGISLATIVE BILL 754. Placed on General File with amendment.
[AM906](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File with amendment.
[ER16](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "gambling; to amend sections 9-601, 9-603, 9-606, 9-607,
3 9-646.01, 9-651, 9-1103, 9-1106, 81-3717, and 81-3720, Reissue Revised
4 Statutes of Nebraska; to change provisions of the Nebraska County and
5 City Lottery Act, the Nebraska Racetrack Gaming Act, and the Nebraska
6 Visitors Development Act; and to repeal the original sections."

LEGISLATIVE BILL 552. Placed on Select File with amendment.
[ER14](#)

1 1. On page 1, line 4, strike "and"; and in line 5 after "section"
2 insert "; and to declare an emergency".

LEGISLATIVE BILL 103. Placed on Select File with amendment.
[ER15](#)

1 1. On page 1, strike beginning with "79-920" in line 1 through line
2 7 and insert "23-2301 and 23-2323.01, Reissue Revised Statutes of
3 Nebraska, and sections 24-701, 24-710.01, 24-710.04, 79-902, 79-920,
4 79-926, 81-2014, 81-2034, 84-1301, and 84-1325, Revised Statutes
5 Cumulative Supplement, 2022; to redefine and eliminate terms under the
6 County Employees Retirement Act, the Judges Retirement Act, the School
7 Employees Retirement Act, the Nebraska State Patrol Retirement Act, and
8 the State Employees Retirement Act; to change provisions relating to
9 applicable military service; to change provisions relating to
10 participation in the School Employees Retirement System of the State of
11 Nebraska; to harmonize provisions; to repeal the original sections; and
12 to declare an emergency."

(Signed) Beau Ballard, Chairperson

MINORITY COMMITTEE STATEMENT
Health and Human Services

LEGISLATIVE BILL 574. Minority committee statement filed.

(Signed) Jen Day
Machaela Cavanaugh

BILL ON FIRST READING

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

LEGISLATIVE BILL 328A. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, One Hundred Eighth Legislature, First Session, 2023.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR59 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR59.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt offered [MO9](#), found on page 289, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Kauth opened on her bill, LB574.

Senator Hunt opened on her motion, MO9.

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Hunt motion.

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

Senator Hunt raised a point of order on whether a member may ask another member to yield to a question during debate on a motion to overrule the Chair, pursuant to Rule 1, Section 12.

The Chair ruled that members may not yield to questions during debate on a motion to overrule the Chair.

The Chair called Senator Hunt to order for engaging in debate when recognized to raise a point of order.

Pending.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB757](#):

[AM903](#)

1 I. Insert the following new section:

2 Sec. 2. (1) A health care provider, an emergency medical services

3 provider, a laboratory, or a pharmacy providing medical services,

4 transportation, medications, or other services related to the examination

5 or treatment of injuries arising out of sexual assault as defined in

6 section 29-4309, domestic assault under section 28-323, or child abuse
 7 under section 28-707 shall not:
 8 (a) Refer a bill for such services to a collection agency or an
 9 attorney for collection against the victim or the victim's guardian or
 10 family;
 11 (b) Distribute information regarding such services and status of
 12 payment in any way that would affect the credit rating of the victim or
 13 the victim's guardian or family; or
 14 (c) Take any other action adverse to the victim or the victim's
 15 guardian or family on account of providing such services.
 16 (2) This section shall not be construed to prevent an entity
 17 described in subsection (1) of this section from otherwise seeking
 18 payment for such services from the victim or any other source.
 19 (3) If a collection agency or an attorney is referred a debt for a
 20 bill described in subsection (1) of this section, then upon notice of the
 21 applicability of this section, the collection agency or attorney shall
 22 return the debt to the referring health care provider, emergency medical
 23 services provider, laboratory, or pharmacy.
 24 (4) No private cause of action shall exist under this section
 25 against a debt collector.
 26 2. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to LB532:
AM861

1 1. Insert the following new sections:
 2 Section 1. It is the intent of the Legislature to appropriate one
 3 hundred million dollars from the General Fund for fiscal year 2023-24 to
 4 the State Treasurer for Program No. 120, Aid to Municipalities, to
 5 provide assistance to a city of the metropolitan class for the purposes
 6 of establishing, maintaining, and operating a streetcar within two and
 7 one-half miles of a major airport as defined in section 13-3303.
 8 Such streetcar shall be established, maintained, and operated within
 9 two and one-half miles of a major airport as defined in section 13-3303
 10 and shall connect to the major airport without going outside the
 11 boundaries of the city of the metropolitan class.
 12 Sec. 5. Section 18-2117.01, Reissue Revised Statutes of Nebraska, is
 13 amended to read:
 14 18-2117.01 (1)(a) On or before December 1 each year, each city which
 15 has approved one or more redevelopment plans which are financed in whole
 16 or in part through the division of taxes as provided in section 18-2147
 17 shall provide a report to the Property Tax Administrator on each such
 18 redevelopment plan which includes the following information:
 19 (i) A copy of the redevelopment plan and any amendments thereto,
 20 including the date upon which the redevelopment plan was approved, the
 21 effective date for dividing the ad valorem tax as provided to the county
 22 assessor pursuant to subsection (6) (5) of section 18-2147, and the
 23 location and boundaries of the property in the redevelopment project; and
 24 (ii) A short narrative description of the type of development
 25 undertaken by the city or village with the financing and the type of
 26 business or commercial activity locating within the redevelopment project
 27 area as a result of the redevelopment project.
 1 (b) If a city has approved one or more redevelopment plans using an
 2 expedited review under section 18-2155, the city may file a single report
 3 under this subsection for all such redevelopment plans.
 4 (2) The report required under subsection (1) of this section must be
 5 filed each year, regardless of whether the information in the report has
 6 changed, except that a city is not required to refile a copy of the
 7 redevelopment plan or an amendment thereto if such copy or amendment has
 8 previously been filed.
 9 (3) The Property Tax Administrator shall compile a report for each

10 active redevelopment project, based upon information provided by the
11 cities pursuant to subsection (1) of this section and information
12 reported by the county assessor or county clerk on the certificate of
13 taxes levied pursuant to section 77-1613.01. Each report shall be
14 electronically transmitted to the Clerk of the Legislature not later than
15 March 1 each year. The report may include any recommendations of the
16 Property Tax Administrator as to what other information should be
17 included in the report from the cities so as to facilitate analysis of
18 the uses, purposes, and effectiveness of tax-increment financing and the
19 process for its implementation or to streamline the reporting process
20 provided for in this section to eliminate unnecessary paperwork.

21 Sec. 8. Section 18-2147, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-2147 (1) Any redevelopment plan as originally approved or as
24 later modified pursuant to section 18-2117 may contain a provision that
25 any ad valorem tax levied upon real property, or any portion thereof, in
26 a redevelopment project for the benefit of any public body shall be
27 divided, for the applicable period described in subsection (4) (3) of
28 this section, as follows:

29 (a) That portion of the ad valorem tax which is produced by the levy
30 at the rate fixed each year by or for each such public body upon the
31 redevelopment project valuation shall be paid into the funds of each such
1 public body in the same proportion as are all other taxes collected by or
2 for the body. When there is not a redevelopment project valuation on a
3 parcel or parcels, the county assessor shall determine the redevelopment
4 project valuation based upon the fair market valuation of the parcel or
5 parcels as of January 1 of the year prior to the year that the ad valorem
6 taxes are to be divided. The county assessor shall provide written notice
7 of the redevelopment project valuation to the authority as defined in
8 section 18-2103 and the owner. The authority or owner may protest the
9 valuation to the county board of equalization within thirty days after
10 the date of the valuation notice. All provisions of section 77-1502
11 except dates for filing of a protest, the period for hearing protests,
12 and the date for mailing notice of the county board of equalization's
13 decision are applicable to any protest filed pursuant to this section.
14 The county board of equalization shall decide any protest filed pursuant
15 to this section within thirty days after the filing of the protest. The
16 county clerk shall mail a copy of the decision made by the county board
17 of equalization on protests pursuant to this section to the authority or
18 owner within seven days after the board's decision. Any decision of the
19 county board of equalization may be appealed to the Tax Equalization and
20 Review Commission, in accordance with section 77-5013, within thirty days
21 after the date of the decision;

22 (b) That portion of the ad valorem tax on real property, as provided
23 in the redevelopment contract, bond resolution, or redevelopment plan, as
24 applicable, in the redevelopment project in excess of such amount, if
25 any, shall be allocated to and, when collected, paid into a special fund
26 of the authority to be used solely to pay the principal of, the interest
27 on, and any premiums due in connection with the bonds of, loans, notes,
28 or advances of money to, or indebtedness incurred by, whether funded,
29 refunded, assumed, or otherwise, such authority for financing or
30 refinancing, in whole or in part, the redevelopment project. When such
31 bonds, loans, notes, advances of money, or indebtedness, including
1 interest and premiums due, have been paid, the authority shall so notify
2 the county assessor and county treasurer and all ad valorem taxes upon
3 taxable real property in such a redevelopment project shall be paid into
4 the funds of the respective public bodies. An authority may use a single
5 fund for purposes of this subdivision for all redevelopment projects or
6 may use a separate fund for each redevelopment project; and

7 (c) Any interest and penalties due for delinquent taxes shall be

8 paid into the funds of each public body in the same proportion as are all
9 other taxes collected by or for the public body.

10 (2) To the extent that a redevelopment plan authorizes the division
11 of ad valorem taxes levied upon only a portion of the real property
12 included in such redevelopment plan, any improvements funded by such
13 division of taxes shall be related to the redevelopment plan that
14 authorized such division of taxes.

15 (3)(a) For any redevelopment plan located in a city of the
16 metropolitan class that includes a division of taxes, as provided in this
17 section, that produces, in whole or in part, funds to be used directly or
18 indirectly for (i) new construction, rehabilitation, or acquisition of
19 housing for households with annual incomes below the area median income
20 for households and located within six hundred yards of a public passenger
21 streetcar, or (ii) new construction, rehabilitation, or acquisition of
22 single-family housing or condominium housing used as primary residences
23 for individuals with annual incomes below the area median income for
24 individuals, such housing shall be deemed related to the redevelopment
25 plan that authorized such division of taxes regardless of whether such
26 housing is or will be located on real property within such redevelopment
27 plan, as long as such housing supports activities occurring on or
28 identified in such redevelopment plan.

29 (b) During each fiscal year in which the funds described in
30 subdivision (a) of this subsection are available, the authority and city
31 shall make best efforts to allocate not less than thirty percent of such
1 funds to single family housing deemed related to the redevelopment plan
2 described under such subdivision.

3 (c) In selecting projects to receive funding, the authority and city
4 shall develop a qualified allocation plan and give first priority to
5 financially viable projects that serve the lowest income occupants for
6 the longest period of time.

7 (4)(a) (3)(a) For any redevelopment plan for which more than fifty
8 percent of the property in the redevelopment project area has been
9 declared an extremely blighted area in accordance with section
10 18-2101.02, ad valorem taxes shall be divided for a period not to exceed
11 twenty years after the effective date as identified in the project
12 redevelopment contract or in the resolution of the authority authorizing
13 the issuance of bonds pursuant to section 18-2124.

14 (b) For all other redevelopment plans, ad valorem taxes shall be
15 divided for a period not to exceed fifteen years after the effective date
16 as identified in the project redevelopment contract, in the resolution of
17 the authority authorizing the issuance of bonds pursuant to section
18 18-2124, or in the redevelopment plan, whichever is applicable.

19 (5) (4) The effective date of a provision dividing ad valorem taxes
20 as provided in subsection (4) (3) of this section shall not occur until
21 such time as the real property in the redevelopment project is within the
22 corporate boundaries of the city. This subsection shall not apply to a
23 redevelopment project involving a formerly used defense site as
24 authorized in section 18-2123.01.

25 (6) (5) Beginning August 1, 2006, all notices of the provision for
26 dividing ad valorem taxes shall be sent by the authority to the county
27 assessor on forms prescribed by the Property Tax Administrator. The
28 notice shall be sent to the county assessor on or before August 1 of the
29 year of the effective date of the provision. Failure to satisfy the
30 notice requirement of this section shall result in the taxes, for all
31 taxable years affected by the failure to give notice of the effective
1 date of the provision, remaining undivided and being paid into the funds
2 for each public body receiving property taxes generated by the property
3 in the redevelopment project. However, the redevelopment project
4 valuation for the remaining division of ad valorem taxes in accordance
5 with subdivisions (1)(a) and (b) of this section shall be the last

6 certified valuation for the taxable year prior to the effective date of
 7 the provision to divide the taxes for the remaining portion of the
 8 twenty-year or fifteen-year period pursuant to subsection (4) ~~(3)~~ of this
 9 section.

10 2. On page 2, line 12, strike "(3)(a)", show as stricken, and insert
 11 "(4)(a)".

12 3. Renumber the remaining sections and correct the repealer and
 13 internal references accordingly.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 455. Placed on General File.

LEGISLATIVE BILL 71. Placed on General File with amendment.

AM833

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

3 Section 1. Section 79-530, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 79-530 (1) For purposes of sections 79-530 to 79-533 and sections 5
 6 to 7 of this act, educational decisionmaker means a person designated or
 7 ordered by a court to make educational decisions on behalf of a child.

8 (2) The Legislature finds and declares:

9 (a) ~~(1)~~ That ~~parental~~ involvement of parents, guardians, and
 10 educational decisionmakers is a key factor in the education of children;

11 (b) ~~(2)~~ That such individuals parents need to be informed of the
 12 educational practices affecting their children; and

13 (c) ~~(3)~~ That public schools should foster and facilitate access by
 14 such individuals to ~~parental~~ information about and involvement in
 15 educational practices affecting their children.

16 (3) It is the intent of the Legislature, through the enactment of
 17 sections 79-531 to 79-533 and sections 5 to 7 of this act, to strengthen
 18 the level of ~~parental~~ involvement and participation by parents,
 19 guardians, and educational decisionmakers in the public school system of
 20 the state.

21 Sec. 2. Section 79-531, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 79-531 (1) On or before July 1, ~~2024~~ 1995, each public school
 24 district in the state shall develop and adopt a policy stating how the
 25 district will ~~seek to~~ involve parents, guardians, or educational
 26 decisionmakers in the education of their children schools and the rights
 27 of each parent, guardian, or educational decisionmaker to: ~~what parents'~~
 1 rights shall be relating to access to the schools;

2 (a) ~~Access~~ testing information; and curriculum; and matters.

3 (b) Request that a child be excused from specific instruction or
 4 activities.

5 (2) The policy of each public school district relating to how the
 6 district will seek to involve parents in the schools and what rights
 7 parents have relating to access to schools that is in effect prior to the
 8 effective date of this act shall remain in effect until a new policy is
 9 developed and adopted on or before July 1, 2024, pursuant to subsection
 10 (1) of this section.

11 Sec. 3. Section 79-532, Reissue Revised Statutes of Nebraska, is
 12 amended to read:

13 79-532 (1) The policy required by section 79-531 shall include, but
 14 need not be limited to, the following:

15 (a) ~~(1)~~ How the school district will provide access to parents,
 16 guardians, or educational decisionmakers concerning textbooks; tests;

17 activities information; digital materials; websites or applications used
18 for learning; training materials for teachers, administrators, and staff;
19 procedures for the review and approval of training materials, learning
20 materials, and activities; and other curriculum materials used in the
21 school district;
22 (b) (2) How the school district will accommodate ~~handle~~ requests by
23 parents, guardians, or educational decisionmakers to attend and monitor
24 courses, assemblies, counseling sessions, and other instructional
25 activities;
26 (c) (3) Under what circumstances parents, guardians, or educational
27 decisionmakers may ask that their children be excused from testing,
28 classroom instruction, learning materials, activities, guest speaker
29 events, and other school experiences the parents, guardians, or
30 educational decisionmakers may find objectionable;
31 (d) (4) How the school district will provide access to records of
1 students;
2 (e) (5) What the school district's testing policy will be; and
3 (f) (6) How the school district participates in surveys of students
4 and the right of parents, guardians, or educational decisionmakers to
5 remove their children from such surveys.
6 (2) Nothing in this section shall be construed to require disclosure
7 of information in violation of the federal Family Educational Rights and
8 Privacy Act of 1974, as amended, 20 U.S.C. 1232g, or any federal
9 regulations and applicable guidelines adopted in accordance with such
10 act, as such act, regulations, and guidelines existed on January 1, 2023.
11 Sec. 4. Section 79-533, Reissue Revised Statutes of Nebraska, is
12 amended to read:
13 79-533 The policy required by section 79-531 shall be developed with
14 ~~parental~~ input from parents, guardians, and educational decisionmakers
15 and shall be the subject of a public hearing before the school board or
16 board of education of the school district before adoption by the board.
17 The policy shall be reviewed annually and either altered and adopted as
18 altered or reaffirmed by the board following a public hearing. Any public
19 hearing under this section shall include a reasonable opportunity for
20 public comments.
21 Sec. 5. By August 1, 2024, each school district shall make the
22 policy required by section 79-531 accessible on the school district's
23 public website. The policy shall be accessible by a prominently displayed
24 link on such website. If the policy is altered, the new version of the
25 policy shall be made accessible within a reasonable time thereafter.
26 Sec. 6. To the extent practicable, each public school district
27 shall make a reasonable effort to make any learning materials, including
28 original materials, available for inspection by a parent, guardian, or
29 educational decisionmaker upon request.
30 Sec. 7. If the Commissioner of Education determines that any school
31 district has intentionally refused, in a material manner, to comply with
1 sections 79-530 to 79-533 and sections 5 and 6 of this act, the
2 commissioner shall notify the school district of the noncompliance and
3 allow the school district a reasonable time to comply. If the
4 commissioner determines, after such time has elapsed, that the school
5 district is not in compliance and has not made a good faith attempt to
6 comply, the commissioner shall take appropriate remedial action within
7 the commissioner's authority, up to and including qualifying such
8 noncompliance as a violation of the rules and regulations for the
9 accreditation of schools.
10 Sec. 8. Original sections 79-530, 79-531, 79-532, and 79-533,
11 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 222. Placed on General File with amendment.
[AM699](#)

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) Except as provided in subsection (2) of this section,
 3 no publicly funded college or university in this state shall, as part of
 4 the student application and admission process for disciplines not
 5 requiring licensure or clinical or field placements, inquire about or
 6 consider any applicant's criminal history or juvenile court record
 7 information.
 8 (2)(a) Subsection (1) of this section does not prohibit an inquiry
 9 regarding an applicant's criminal history or juvenile court record
 10 information or consideration of such matters to the extent required by
 11 state or federal law or when such matters are voluntarily submitted by an
 12 applicant.
 13 (b) Any inquiry regarding an applicant's criminal history or
 14 juvenile court record information and any consideration of such matters
 15 shall be strictly limited to the extent permitted by this subsection.
 16 (3) This section does not apply to inquiries or consideration of
 17 criminal history or juvenile court record information (a) occurring
 18 subsequent to the student application and admission process as part of a
 19 professional licensure process or an academically required clinical or
 20 field placement, (b) any application or other process relating to student
 21 housing, or (c) any application or other process relating to any athletic
 22 program.
 23 (4) For purposes of this section, criminal history or juvenile court
 24 record information means all records relating to an applicant's criminal
 25 history record or juvenile court record, including, but not limited to,
 26 any information or other data concerning any proceedings relating to a
 27 case, any arrest, being taking into custody, a petition, a complaint, an
 1 indictment, an information, a trial, a hearing, an adjudication, any
 2 correctional supervision, a dismissal, or any other disposition or
 3 sentence.

(Signed) Dave Murman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 684A. Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt renewed [MO9](#), found on page 289 and considered in this day's Journal, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Slama renewed her motion, found in this day's Journal, to overrule the Chair on the ruling of her previous question.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Senator Wayne requested a roll call vote on the motion to overrule the chair.

Voting in the affirmative, 27:

Albrecht	Dorn	Hardin	Lippincott	Sanders
Ballard	Dover	Holdcroft	Lowe	Slama
Bostelman	Erdman	Hughes	McDonnell	von Gillern
Brandt	Geist	Ibach	Moser	
Clements	Halloran	Jacobson	Murman	
DeKay	Hansen	Kauth	Riepe	

Voting in the negative, 16:

Armendariz	Conrad	Fredrickson	Vargas
Blood	Day	Hunt	Walz
Bostar	DeBoer	McKinney	Wayne
Cavanaugh, J.	Dungan	Raybould	Wishart

Present and not voting, 4:

Arch	Briese	Cavanaugh, M.	Linehan
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Excused and not voting, 2:

Aguilar	Brewer
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The Slama motion to overrule the Chair prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair was overruled.

Senator Hunt requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Albrecht	Clements	Halloran	Kauth	Riepe
Armendariz	DeKay	Hansen	Lippincott	Sanders
Ballard	Dorn	Hardin	Lowe	Slama
Bostelman	Dover	Holdcroft	McDonnell	von Gillern
Brandt	Erdman	Ibach	Moser	
Briese	Geist	Jacobson	Murman	

Voting in the negative, 15:

Blood	Conrad	Dungan	McKinney	Walz
Bostar	Day	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hughes	Vargas	Wishart

Present and not voting, 4:

Arch Cavanaugh, M. Hunt Linehan

Excused and not voting, 2:

Aguilar Brewer

The motion to cease debate prevailed with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

Senator Hunt requested a roll call vote on her motion to indefinitely postpone prior to the bill being read.

Voting in the affirmative, 13:

Blood	Day	Fredrickson	Vargas	Wishart
Cavanaugh, J.	DeBoer	McKinney	Walz	
Conrad	Dungan	Raybould	Wayne	

Voting in the negative, 31:

Albrecht	Clements	Hansen	Linehan	Sanders
Arch	DeKay	Hardin	Lippincott	Slama
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	
Briese	Halloran	Kauth	Riepe	

Present and not voting, 3:

Bostar Cavanaugh, M. Hunt

Excused and not voting, 2:

Aguilar Brewer

The Hunt motion to indefinitely postpone prior to the bill being read failed with 13 ayes, 31 nays, 3 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Kauth filed the following amendment to [LB574](#):

[AM901](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 38-179, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 38-179 For purposes of section 38-178, unprofessional conduct means

6 any departure from or failure to conform to the standards of acceptable
7 and prevailing practice of a profession or the ethics of the profession,
8 regardless of whether a person, consumer, or entity is injured, or
9 conduct that is likely to deceive or defraud the public or is detrimental
10 to the public interest, including, but not limited to:
11 (1) Receipt of fees on the assurance that an incurable disease can
12 be permanently cured;
13 (2) Division of fees, or agreeing to split or divide the fees,
14 received for professional services with any person for bringing or
15 referring a consumer other than (a) with a partner or employee of the
16 applicant or credential holder or his or her office or clinic, (b) with a
17 landlord of the applicant or credential holder pursuant to a written
18 agreement that provides for payment of rent based on gross receipts, or
19 (c) with a former partner or employee of the applicant or credential
20 holder based on a retirement plan or separation agreement;
21 (3) Obtaining any fee for professional services by fraud, deceit, or
22 misrepresentation, including, but not limited to, falsification of third-
23 party claim documents;
24 (4) Cheating on or attempting to subvert the credentialing
25 examination;
26 (5) Assisting in the care or treatment of a consumer without the
27 consent of such consumer or his or her legal representative;
28 (6) Use of any letters, words, or terms, either as a prefix, affix,
29 or suffix, on stationery, in advertisements, or otherwise, indicating
30 that such person is entitled to practice a profession for which he or she
31 is not credentialed;
32 (7) Performing, procuring, or aiding and abetting in the performance
33 of procurement of a criminal abortion;
34 (8) Knowingly disclosing confidential information except as
35 otherwise permitted by law;
36 (9) Commission of any act of sexual abuse, misconduct, or
37 exploitation related to the practice of the profession of the applicant
38 or credential holder;
39 (10) Failure to keep and maintain adequate records of treatment or
40 service;
41 (11) Prescribing, administering, distributing, dispensing, giving,
42 or selling any controlled substance or other drug recognized as addictive
43 or dangerous for other than a medically accepted therapeutic purpose;
44 (12) Prescribing any controlled substance to (a) oneself or (b)
45 except in the case of a medical emergency (i) one's spouse, (ii) one's
46 child, (iii) one's parent, (iv) one's sibling, or (v) any other person
47 living in the same household as the prescriber;
48 (13) Failure to comply with any federal, state, or municipal law,
49 ordinance, rule, or regulation that pertains to the applicable
50 profession;
51 (14) Disruptive behavior, whether verbal or physical, which
52 interferes with consumer care or could reasonably be expected to
53 interfere with such care; ~~and~~
54 (15) Performing gender-reassignment surgery for an individual
55 younger than nineteen years of age in violation of section 2 of this act;
56 and
57 (16) (45) Such other acts as may be defined in rules and
58 regulations.
59 Nothing in this section shall be construed to exclude determination
60 of additional conduct that is unprofessional by adjudication in
61 individual contested cases.
62 Sec. 2. (1) For purposes of this section:
63 (a) Biological sex means the biological indication of male and
64 female in the context of reproductive potential or capacity, such as sex
65 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
66 internal and external genitalia present at birth, without regard to an
67 individual's psychological, chosen, or subjective experience of gender;
68 (b) Gender means the psychological, behavioral, social, and cultural
69 aspects of being male or female;

12 (c) Gender transition means the process in which a person goes from
 13 identifying with and living as a gender that corresponds to the person's
 14 biological sex to identifying with and living as a gender different from
 15 the person's biological sex and may involve social, legal, or physical
 16 changes;

17 (d) Irreversible gender-reassignment surgery means a medical
 18 procedure performed for the purpose of assisting an individual with a
 19 gender transition, including any of the following:

20 (i) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or
 21 vulvoplasty for biologically male patients or hysterectomy or ovariectomy
 22 for biologically female patients;

23 (ii) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or
 24 implantation of erection or testicular prostheses for biologically female
 25 patients; or

26 (iii) Augmentation mammoplasty for biologically male patients and
 27 subcutaneous mastectomy for biologically female patients; and

28 (e) Physician means a person who is licensed as a physician pursuant
 29 to the Medicine and Surgery Practice Act.

30 (2) A physician shall not provide irreversible gender-reassignment
 31 surgery to any individual who is under nineteen years of age.

1 (3) A physician may provide any of the following to an individual
 2 who is under nineteen years of age:

3 (a) Services to an individual born with a medically verifiable
 4 disorder of sex development, including an individual with external
 5 biological sex characteristics that are irresolvably ambiguous, such as
 6 being born with forty-six XX chromosomes with virilization or forty-six
 7 XY chromosomes with undervirilization or having both ovarian and
 8 testicular tissue;

9 (b) Services provided when a physician has otherwise diagnosed a
 10 disorder of sexual development and has determined through genetic or
 11 biochemical testing that the individual does not have normal sex
 12 chromosome structure, sex steroid hormone production, or sex steroid
 13 hormone action;

14 (c) The treatment of any infection, injury, disease, or disorder
 15 that has been caused by or exacerbated by the performance of gender
 16 transition procedures, whether or not the gender transition procedure was
 17 performed in accordance with state and federal law; or

18 (d) Any procedure undertaken because the individual suffers from a
 19 physical disorder, physical injury, or physical illness that would, as
 20 certified by a physician, place the individual in imminent danger of
 21 death or impairment of major bodily function unless surgery is performed.

22 Sec. 3. Original section 38-179, Revised Statutes Cumulative
 23 Supplement, 2022, is repealed.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO82](#)
 Bracket until June 1, 2023.

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO83](#)
 Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO84](#)
 Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):

[MO85](#)

Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):

[MO86](#)

Bracket until May 29, 2023.

Senator Hunt filed the following motion to [LB574](#):

[MO87](#)

Reconsider the vote taken on MO9.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McDonnell named added to LB511.

Senator Bostar name added to LB736.

VISITORS

Visitors to the Chamber were students, parents, and teachers from Platte Valley Christian School, Paxton; Matriarchs for Change from across the state; Children and Family Coalition of Nebraska; Family Focused Treatment Association; Nebraska Association of Nebraska; NABHO; Nebraska Alliance of Family and Child Service Providers; Douglas County Democrats, Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator J. Cavanaugh the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 2023.

Brandon Metzler
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 22, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 2023

PRAYER

The prayer was offered by Senator DeBoer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Sergeant Tom Brown, Marine Corps, Fort Calhoun.

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 Senator Aguilar who was excused; and Senators Bostar, Brewer, J. Cavanaugh, Day, B. Hansen, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

ATTORNEY GENERAL'S OPINIONOpinion 23-003

SUBJECT: Authority of the Legislature to change the location of the headquarters of the Nebraska Game and Parks Commission (LB 397).

REQUESTED BY: Senator Steve Erdman
Nebraska Legislature

WRITTEN BY: Mike Hilgers, Attorney General
Carlton W. Wiggam, Assistant Attorney General

INTRODUCTION

You have requested our opinion concerning the Legislature's authority to change a statute which specifies the location of a state office. Specifically, you ask whether the Legislature may change the location of the headquarters for the Nebraska Game and Parks Commission (the "Commission") by statute or if such change is prohibited by the Nebraska Constitution. Neb. Rev. Stat. § 37-104 (2016) provides, in part, that the Commission may enter into an agreement with the city of Lincoln for a headquarters building, and other related facilities, to be located at described property within Lincoln. LB 397 would amend § 37-104 to provide that, beginning on January 1, 2025, the location of the Commission headquarters will be in Sidney, Nebraska, and that all Commission regular meetings will be held in Sidney. The bill would authorize the Commission to enter into an agreement with the city of Sidney for a headquarters building and other related facilities.

As a preliminary note, § 37-104 is not the only statutory section which describes the location of the Commission headquarters as being in the city of Lincoln. Neb. Rev. Stat. § 37-328 (2016) provides that the Commission may "acquire a site in Lincoln and erect thereon one or more buildings to serve the commission as a state headquarters." To avoid a potential conflict between the two statutory provisions, § 37-328 would also need to be amended to account for the change in location of the Commission headquarters.

ANALYSIS

We begin with an examination of the authority the Legislature has and, thus, what it may change via the legislative process. Neb. Const., art. III, § 1,

vests complete legislative authority of the state in the Legislature, subject only to the rights of initiative and referendum reserved by the constitution to the people and to any specific restrictions on the legislative authority found in the constitution itself. In other words, the Legislature has plenary legislative authority limited only by the state and federal Constitutions. The Nebraska Constitution is not a grant, but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the constitution. Consequently, courts can enforce only those limitations which the Nebraska Constitution imposes.

State ex rel. Peterson v. Shively, 310 Neb. 1, 11, 963 N.W.2d 508, 516-17 (2021). The Legislature has the authority to legislate on any subject not specifically restricted by the Nebraska Constitution. Given these boundaries, we turn to the Nebraska Constitution to determine what, if any, restrictions

would prohibit the Legislature from statutorily changing the location of the Commission headquarters.

The Nebraska Constitution does not provide any restrictions explicitly preventing the relocation of the Commission headquarters from Lincoln to Sidney. However, Article III, § 18, of the Nebraska Constitution does provide a general restriction against local or special laws. Article III, § 18, contains a list of specific cases where the Legislature is prohibited from passing local or special laws, none of which are applicable to the present legislation. In addition to the list of specific restrictions, Article III, § 18, provides a more general restriction that the Legislature "shall not pass local or special laws in any of the following cases.... Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever.... In all other cases where a general law can be made applicable no special law shall be enacted." Unlike the specific prohibitions contained in Article III, § 18, the general restriction does not completely prohibit special legislation. The Nebraska Supreme Court has stated:

[i]f ... the section in question is special legislation, still it is within the power of the Legislature to enact such special legislation covering the matters ... where, in its judgment, the subject or matters sought to be remedied could not be properly remedied by a general law, and where the Legislature has a reasonable basis for the enactment of the special law.

State ex rel. Spillman v. Wallace, 117 Neb. 588, 594, 221 N.W. 712, 713-14 (1928). Thus, we must examine LB 397 to determine if it is special legislation, and if it is, whether such special legislation is permissible.

In *Yant v. City of Grand Island*, 279 Neb. 935, 784 N.W.2d 101 (2010), the Nebraska Supreme Court addressed a similar question to the one presented by your request. In *Yant*, the Legislature had changed a statute from providing that the State Fair must be located in or near the city of Lincoln to the city of Grand Island. *Id.* at 937, 784 N.W.2d at 105. Plaintiffs sued on the basis that this move constituted impermissible special legislation because it provided a specific city for the location of the State Fair rather than a broad framework for determining where the State Fair should be located. *Id.* at 940-44, 784 N.W.2d at 106-109. To determine whether the legislative act constituted special legislation, the Court examined two issues: (1) whether it created a permanently closed class and (2) whether it created an arbitrary and unreasonable method of classification. *Id.* at 940, 784 N.W.2d at 106. First, the Court concluded that it was not a permanently closed class because many other areas of statute specify locations of state offices, facilities, and infrastructure. The Court also concluded the location of state facilities are for a public purpose which is not a special privilege even though cities where these facilities are located may receive incidental benefits. *Id.* at 940-43, 784 N.W.2d at 106-107. Second, the Court concluded designating one city was not an unreasonable and arbitrary classification because there is only one State Fair, which "necessarily requires selecting one location." *Id.* at 943-44, 784 N.W.2d at

108-110. In addition, the Court noted the Legislature had not randomly picked a location on the map, rather the decision was the culmination of three years of studies, public hearings and, ultimately, discussion at the committee hearing and during floor debate of the bill. *Id.* at 944, 784 N.W.2d at 108. Based on these facts, the Court concluded that the Legislature's decision to relocate the State Fair and its choice of location was not arbitrary and unreasonable. Thus, the Court held the move was not unconstitutional special legislation. *Id.*, 784 N.W.2d at 108-109.

LB 397 presents facts similar to *Yant* as to the question of creating a permanently closed class. The Legislature previously made similar designations and it is not granting a special privilege to the city of Sidney because monetary benefits are incidental to the public benefits expressed in the committee hearing of LB 397 held on February 9, 2023. As to the question of whether such legislation is arbitrary and unreasonable, we note that while the fact that there can only be one location for the Commission headquarters is identical to moving the State Fair, the Court in *Yant* focused on the process that was followed in making the determination for the new location of a state facility. From the facts presented in your letter and the testimony offered at the committee hearing on February 9, 2023, we cannot say whether, if LB 397 were enacted, the process for its adoption would satisfy a court that the legislation was not arbitrary and unreasonable. However, what is clear is that the more public input that is generated in deciding a legislative proposal like LB 397, the more likely a court will be to determine that the resulting decision was not arbitrary or unreasonable.

CONCLUSION

In summary, based on *Yant*, it is permissible for the Legislature to pass a bill which relocates state government infrastructure, such as the Commission headquarters, to a particular city so long as there is an express public purpose for the move and the determination of the location is not arbitrary or unreasonable. While LB 397 satisfies the first of these requirements, it is uncertain from the record presented whether the second requirement would be met. Thus, we conclude that LB 397 is not on its face unconstitutional special legislation. We are unable, however, to reach a conclusion as to whether a court would consider the decision to move the Commission headquarters arbitrary and unreasonable.

Sincerely,
MICHAEL T. HILGERS
Attorney General
(Signed) Carlton W. Wiggam
Assistant Attorney General

pc. Brandon Metzler
Clerk of the Nebraska Legislature

BILL ON FIRST READING

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

LEGISLATIVE BILL 769A. Introduced by Holdcroft, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 769, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 64. Introduced by Holdcroft, 36.

WHEREAS, on January 6, 2023, in its thirty-eighth year of honoring the nation's best athletes, Gatorade announced senior quarterback Zane Flores of Gretna High School as the 2022-23 Gatorade Nebraska Football Player of the Year; and

WHEREAS, the Gatorade Player of the Year program annually recognizes one winner in each of the fifty states and the District of Columbia that sanction high school football, girls volleyball, boys and girls cross country, boys and girls basketball, boys and girls soccer, baseball, softball, and boys and girls track and field, and also recognizes one National Player of the Year in each sport; and

WHEREAS, this award, which recognizes not only outstanding athletic excellence but also high standards of academic achievement and exemplary character demonstrated on and off the field, distinguishes Flores as Nebraska's best high school football player; and

WHEREAS, Flores is the first Gatorade Nebraska Football Player of the Year to be chosen from Gretna High School; and

WHEREAS, Flores, who was also recognized as MaxPreps Nebraska Player of the Year, led the Gretna Dragons to a 12-1 record and a berth in the Class A state championship game; and

WHEREAS, Flores completed 235 of 359 passes, a 65.5 completion percentage, for 3,117 yards and 31 touchdowns with 7 interceptions and he added 79 carries for 262 yards and 10 touchdowns on the ground. He concluded his high school career with 9,163 career passing yards and 724 completions, the most in both categories in Class A history; and

WHEREAS, Flores has volunteered locally as a coach and referee for a fourth-grade flag football team every Sunday during football season. He also has donated his time organizing youth football and track summer camps; and

WHEREAS, Flores has maintained a 3.97 GPA in the classroom. Taking advantage of NCAA early signing rules, Flores signed a financial-aid agreement that paved the way for him to enroll early at Oklahoma State University, where he will play football. He graduated from high school in December 2022 and will attend classes at Oklahoma State during this spring's semester; 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, FIRST SESSION:

1. That the Legislature congratulates Zane Flores on being named the 2022-23 Gatorade Nebraska Football Player of the Year.
2. That a copy of this resolution be sent to Zane Flores.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 60, 61, 62, and 63 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 60, 61, 62, and 63.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt offered [MO87](#), found on page 815, to reconsider the vote taken on MO9.

Senator Hunt withdrew her motion to reconsider.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 190. Placed on General File.

LEGISLATIVE BILL 474. Placed on General File.

LEGISLATIVE BILL 637. Placed on General File.

LEGISLATIVE BILL 390. Placed on General File with amendment. [AM233](#) is available in the Bill Room.

LEGISLATIVE BILL 514. Placed on General File with amendment. [AM853](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 61. Placed on General File.

LEGISLATIVE BILL 155. Placed on General File.

LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 122. Placed on General File with amendment.
[AM647](#) is available in the Bill Room.

LEGISLATIVE BILL 412. Placed on General File with amendment.
[AM868](#) is available in the Bill Room.

LEGISLATIVE BILL 722. Placed on General File with amendment.
[AM789](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Rural Communications Sustainability Act.
5 Sec. 2. It is hereby declared to be the policy of this state to
6 ensure that all Nebraskans have access to affordable and reliable
7 communications services in rural high-cost areas, and to ensure the long-
8 term sustainability of infrastructure necessary to preserve such access.
9 Sec. 3. For purposes of the Rural Communications Sustainability
10 Act:
11 (1) Broadband deployment program means a federal or state program
12 authorizing payment of public funds for the purpose of deployment of
13 communications infrastructure;
14 (2) Commission means the Public Service Commission;
15 (3) Communications infrastructure means infrastructure, facilities,
16 and equipment capable of providing broadband or telecommunications
17 services;
18 (4) Competitive provider means a communications provider as defined
19 in section 86-125, including, but not limited to, lawfully franchised
20 cable providers and competitive providers in a local exchange area;
21 (5) Deployment project area means a contiguous geographic area
22 consisting of locations serviceable by broadband or telecommunications
23 services determined by the granting agency for a project funded under a
24 broadband deployment program. A deployment project area may consist of
25 geographical areas in more than one local exchange area;
26 (6) Eligible telecommunications carrier has the same meaning as in
27 section 86-134;
1 (7) Granting agency means any state agency or political subdivision
2 of the state which has authority to award, grant, direct, or redirect
3 public funds under a broadband deployment program;
4 (8) Incumbent carrier means an incumbent carrier in a local exchange
5 area as defined by rules and regulations adopted and promulgated by the
6 commission; and
7 (9) Local exchange area has the same meaning as in section 86-115.
8 Sec. 4. When determining a deployment project area, the granting
9 agency shall collaborate with the Nebraska Broadband Office and the
10 commission to ensure compliance with the Rural Communications
11 Sustainability Act.
12 Sec. 5. After a granting agency makes final payment of public funds
13 under a broadband deployment program to a competitive provider in a
14 deployment project area that is part of a local exchange area served by
15 an incumbent carrier, upon request by the incumbent carrier the
16 commission shall:
17 (1) Upon finding that the granting agency has determined the
18 competitive provider is in compliance with all requirements of the
19 broadband deployment program, relieve the incumbent carrier of eligible
20 telecommunications carrier obligations and carrier of last resort
21 obligations in the deployment project area;
22 (2) Consistent with rules of procedure adopted and promulgated by

23 the commission, make determinations related to allocations and
 24 distributions of support from the Nebraska Telecommunications Universal
 25 Service Fund for the deployment project area; and
 26 (3) In coordination with the Federal Communications Commission, and
 27 in consultation with the incumbent carrier and the competitive provider,
 28 determine whether eligible telecommunications carrier and carrier of last
 29 resort obligations corresponding with support from the Nebraska
 30 Telecommunications Universal Service Fund in the deployment project area
 31 should be transferred to the competitive provider.
 1 Sec. 6. In carrying out the Rural Communications Sustainability
 2 Act, the commission shall not:
 3 (1) Require a competitive provider to accept or receive support from
 4 the Nebraska Telecommunications Universal Service Fund;
 5 (2) Impose eligible telecommunications carrier responsibilities or
 6 carrier of last resort obligations relating to the Nebraska
 7 Telecommunications Universal Service Fund Act on a competitive provider
 8 in any deployment project area where the incumbent carrier or competitive
 9 provider is not actually receiving support from the Nebraska
 10 Telecommunications Universal Service Fund; or
 11 (3) Impose eligible telecommunications carrier responsibilities or
 12 carrier of last resort obligations on an incumbent carrier that are not
 13 in existence as of the date of final payment made pursuant to section 5
 14 of this act.
 15 Sec. 7. The commission may adopt and promulgate rules and
 16 regulations as necessary to carry out the Rural Communications
 17 Sustainability Act.

(Signed) Suzanne Geist, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 123A. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 123, One Hundred Eighth Legislature, First Session, 2023.

LEGISLATIVE BILL 81A. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 81, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENTS - Print in Journal

Senator Dungan filed the following amendment to LB14:

[AM946](#)

1 1. On page 12, line 15, strike "individual", show as stricken, and
 2 insert "personal".

Senator Dungan filed the following amendment to LB14:

[AM947](#)

1 1. On page 13, line 9, strike "he or she", show as stricken, and
 2 insert "the young adult".

RESOLUTIONS**LEGISLATIVE RESOLUTION 65.** Introduced by Albrecht, 17.

WHEREAS, Jack Schlickbernd of Wayne, Nebraska, a member of Wayne Boy Scout Troop 174 and son of Mike and Sara Schlickbernd, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for his community service project, Jack was inspired by his love of baseball and his desire to honor veterans and chose to install a Prisoner of War/Missing in Action Seat of Honor and other major league stadium seats at Paul Eaton Field in Wakefield, Nebraska; and

WHEREAS, Jack has served his Boy Scout troop as Senior Patrol Leader, Assistant Senior Patrol Leader, Troop Guide, Quartermaster, Historian, and Librarian; and

WHEREAS, Jack is the 150th scout from Troop 174 to earn the rank of Eagle Scout; and

WHEREAS, Jack's father Mike also attained the rank of Eagle Scout during his days with the Boy Scout troop of Tekamah, Nebraska, making Jack a second-generation Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Schlickbernd on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Schlickbernd.

Laid over.

LEGISLATIVE RESOLUTION 66. Introduced by Albrecht, 17.

WHEREAS, a few years ago, the teachers of South Sioux City Middle School in South Sioux City, Nebraska, began applying a new method of teaching called well made schools; and

WHEREAS, due to the hard work and dedication of the students, teachers, and community of South Sioux City Middle School, the new method of teaching has achieved outstanding results; and

WHEREAS, The New Teacher Project is a nonprofit organization using data from the Stanford Educational Data Archive to study South Sioux City Middle School along with other schools that have accelerated learning programs for students who come to school behind grade level; and

WHEREAS, according to The New Teacher Project, students at South Sioux City Middle School who enter their first tested grade below grade level grow their learning by 1.43 grade levels per year which is faster than students at 98% of other schools; and

WHEREAS, the success of South Sioux City Middle School in the advancement of education in Nebraska is a model for the state.

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

1. That the Legislature congratulates South Sioux City Middle School in South Sioux City, Nebraska, on the outstanding success in applying the well made schools method of teaching to advance and grow the education of students.

2. That a copy of this resolution be sent to South Sioux City Middle School.

Laid over.

LEGISLATIVE RESOLUTION 67. Introduced by Albrecht, 17.

WHEREAS, the 2023 Nebraska School Activities Association Class C-2 Girls State Basketball Championship was held on March 4, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Pender Public Schools girls basketball team won the 2023 Class C-2 Girls State Basketball Championship; and

WHEREAS, Pender defeated Oakland-Craig in the championship game by a score of 45-42; and

WHEREAS, this is a first state championship for the Pender girls basketball team since 2013; and

WHEREAS, this achievement is the culmination of years of dedication, determination, and hard work by the members of the Pender girls basketball team; and

WHEREAS, the Pender girls basketball team has been competing at a high level for well over a decade, including four consecutive appearances in the state basketball tournament from 2011 through 2014; and

WHEREAS, the hard work, dedication, commitment, passion, and care for each other of the members of the Pender girls basketball team is the root of their success; and

WHEREAS, the members of the 2023 Class C-2 State Championship Basketball team are seniors Jacie Bonneau, Rylie Bonneau, Isabelle Felber, Kirsten Frey, Breanna Kruger, Olyvia Nelson, and Lillie Timm, junior Avery Wegner, sophomore Maya Dolliver, freshmen Madalyn Dolliver, Allie Rutar, and Hadley Walsh, student managers Megan Breitbarth, Giselle Leggett, Myra Hansen, Samantha Kinning, Adelyn Kneifl, Matti Trimble,

and Mayci Dolliver, and coaches Jason Dolliver, Payton Blanke, Melissa Hansen, and Liz Hoffman; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates Pender Public Schools girls basketball team on winning the 2023 Class C-2 Girls State Basketball Championship.

2. That copies of this resolution be sent to the Pender Public Schools girls basketball team.

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by McDonnell, 5.

WHEREAS, Robert McDonnell was hired by the Omaha Fire Department on February 1, 1993; and

WHEREAS, Robert was promoted to Captain on January 15, 2001; and

WHEREAS, Robert was promoted to Battalion Chief on August 24, 2008; and

WHEREAS, Robert retired after thirty years with the Omaha Fire Department on February 10, 2023.

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

1. That the Legislature congratulates and thanks Battalion Chief Robert McDonnell for thirty years of service and dedication as a firefighter with the city of Omaha.

2. That a copy of this resolution be sent to Robert McDonnell.

Laid over.

LEGISLATIVE RESOLUTION 69. Introduced by Walz, 15.

WHEREAS, all individuals possess the basic human right to the preservation of personal dignity; and

WHEREAS, all individuals deserve the investment of every possible resource to maintain their lasting physical, mental, and emotional well-being; and

WHEREAS, post-traumatic stress can result from any number of stressors including combat, interpersonal violence, severe impact collisions, natural disasters, and exposure to the suffering of others; and

WHEREAS, the diagnosis known as Post-Traumatic Stress Disorder was initially formulated in 1980 by the American Psychiatric Association to

commonly describe and categorize the psychological aftermath of severe traumatic distress; and

WHEREAS, post-traumatic stress has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and association with the term "disorder" generates a stigma that perpetuates this misconception; and

WHEREAS, electro-magnetic imaging now shows that severe post-traumatic stress causes physical changes within the brain which are more accurately described as an injury than a disorder; and

WHEREAS, referring to post-traumatic stress as a disorder can disparage the injured and discourage them from seeking timely care for their behavioral health needs; and

WHEREAS, post-traumatic stress injury that is consistent with the description of post-traumatic stress disorder in section 309.81 criteria A through H of the Diagnostic Statistical Manual of Mental Disorders deserves equal compensation strictly matching that currently allowed under the law for post-traumatic stress disorder; and

WHEREAS, all individuals suffering from post-traumatic stress injury deserve our compassion and consideration and the brave men and women who received these wounds while risking their lives to protect our freedom, health, and welfare deserve special recognition of their gallantry, commitment, devotion, and sacrifice; and

WHEREAS, timely access to appropriate treatment of post-traumatic stress injury can diminish complications and prevent suicide.

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

1. That the Legislature recognizes June 2023 as Post-Traumatic Stress Injury Awareness Month and June 27, 2023, as Post-Traumatic Stress Injury Awareness Day in Nebraska.

2. That the Legislature encourages the Division of Public Health of the Department of Health and Human Services and the Nebraska Department of Veterans' Affairs to continue working to educate victims of interpersonal violence, combat, life-threatening accidents, and natural disasters, their families, and the general public about the causes, symptoms, and treatment of post-traumatic stress injury.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 574. Senator M. Cavanaugh offered [MO83](#), found on page 814, to recommit to the Health and Human Services Committee.

Pending.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 63. Placed on General File with amendment.**AM869**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 86-125, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 86-125 Notwithstanding the provisions of section 86-124:
6 (1) ~~Any~~ All communications ~~provider~~ providers providing service in
7 Nebraska shall file a registration form with and pay a registration fee
8 to the Public Service Commission. ~~A communications provider which~~
9 ~~provides such service prior to August 1, 2007, and which continues to~~
10 ~~provide such service on and after August 1, 2007, shall register with the~~
11 ~~commission no later than January 1, 2008.~~ Any communications provider
12 ~~which begins to provide service in Nebraska on or after August 1, 2007,~~
13 shall register with the commission prior to providing such service. ~~The~~
14 ~~commission shall prescribe the registration form to be filed pursuant to~~
15 ~~this section;~~
16 (2) A communications provider providing the services described in
17 ~~The commission shall prescribe the registration form to be filed pursuant~~
18 ~~to this section. Communications providers as defined in subdivision (7)~~
19 (a) ~~(8)(a)~~ of this section shall provide the commission with the ~~:(a)~~
20 The name, address, telephone number, and email address of a contact
21 person concerning:
22 (a) ~~The the~~ Nebraska Telecommunications Universal Service Fund Act
23 and related surcharges, if applicable;
24 (b) ~~The name, address, telephone number, and email address of a~~
25 ~~contact person concerning the Telecommunications Relay System Act and~~
26 related surcharges, if applicable;
27 (c) ~~The name, address, telephone number, and email address of a~~
28 ~~contact person concerning the Enhanced Wireless 911 Services Act and~~
29 related surcharges, if applicable; and
30 (d) ~~Consumer The name, address, telephone number, and email address~~
31 ~~of a contact person concerning consumer complaints and inquiries;~~
32 (3) A communications provider providing the services described in
33 ~~Communications providers as defined in subdivision (7)(b) (8)(b) of this~~
34 section shall provide the commission with the name, address, telephone
35 number, and email address of a person with managerial responsibility for
36 Nebraska operations;
37 (4) ~~A~~ The communications provider shall:
38 (a) ~~Submit~~ submit a registration fee at the time of submission of
39 the registration form. The commission shall set the fee in an amount
40 sufficient to cover the costs of administering the registration process
41 but not to exceed fifty dollars;
42 (b) ~~Keep~~ (5) ~~The communications provider shall keep~~ the information
43 required by this section current and shall notify the commission of any
44 changes to such information within sixty days after the change; and
45 (c) ~~Certify to the commission by January 1 each year that such~~
46 ~~communications provider does not use or provide any communications~~
47 ~~equipment or service deemed to pose a threat to national security~~
48 ~~identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,~~
49 ~~as such regulation existed on January 1, 2023, and published by the~~
50 ~~Public Safety and Homeland Security Bureau of the Federal Communications~~
51 ~~Commission pursuant to the federal Secure and Trusted Communications~~
52 ~~Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on~~
53 ~~January 1, 2023, and the rules adopted pursuant to such act by the~~
54 ~~Federal Communications Commission on November 11, 2022, in its Report and~~
55 ~~Order FCC 22-84;~~
56 (5) (6) The commission may, pursuant to section 75-156,
57 administratively fine pursuant to section 75-156 any communications
58 provider which violates this section;
59 (6) (7) This section applies to all communications providers
60 providing service in Nebraska except for those communications providers
61 otherwise regulated under the Nebraska Telecommunications Regulation Act;
62 and

5 (7) (8) For purposes of this section, communications provider means
6 any entity that:

7 (a) Uses telephone numbers or Internet protocol addresses or their
8 functional equivalents or successors to provide information of a user's
9 choosing by aid of wire, cable, wireless, satellite, or other like
10 connection, whether part of a bundle of services or offered separately,
11 (i) which provides or enables real-time or interactive voice
12 communications and (ii) in which the voice component is the primary
13 function; or
14 (b) Provides any service, whether part of a bundle of services or
15 offered separately, used for transmission of information of a user's
16 choosing regardless of the transmission medium or technology employed,
17 that connects to a network that permits the end user to engage in
18 electronic communications, including, but not limited to, service
19 provided directly (i) to the public or (ii) to such classes of users as
20 to be effectively available directly to the public.

21 Sec. 2. Section 86-324, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
24 hereby created. The fund shall provide the assistance necessary to make
25 universal access to telecommunications services available to all persons
26 in the state consistent with the policies set forth in the Nebraska
27 Telecommunications Universal Service Fund Act. Only eligible
28 telecommunications companies designated by the commission shall be
29 eligible to receive support to serve high-cost areas from the fund. A
30 telecommunications company that receives such support shall use that
31 support only for the provision, maintenance, and upgrading of facilities
1 and services for which the support is intended. Any such support should
2 be explicit and sufficient to achieve the purpose of the act.

3 (2) Notwithstanding the provisions of section 86-124, in addition to
4 other provisions of the act, and to the extent not prohibited by federal
5 law, the commission:

6 (a) Shall have authority and power to subject eligible
7 telecommunications companies to service quality, customer service, and
8 billing regulations. Such regulations shall apply only to the extent of
9 any telecommunications services or offerings made by an eligible
10 telecommunications company which are eligible for support by the fund.
11 The commission shall be reimbursed from the fund for all costs related to
12 drafting, implementing, and enforcing the regulations and any other
13 services provided on behalf of customers pursuant to this subdivision;
14 (b) Shall have authority and power to issue orders carrying out its
15 responsibilities and to review the compliance of any eligible
16 telecommunications company receiving support for continued compliance
17 with any such orders or regulations adopted pursuant to the act;

18 (c) May withhold all or a portion of the funds to be distributed
19 from any telecommunications company failing to continue compliance with
20 the commission's orders or regulations;
21 (d)(i) Shall withhold support distributed from the fund from any
22 telecommunications company using or providing any communications
23 equipment or service deemed to pose a threat to national security
24 identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
25 as such regulation existed on January 1, 2023, and published by the
26 Public Safety and Homeland Security Bureau of the Federal Communications
27 Commission pursuant to the federal Secure and Trusted Communications
28 Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
29 January 1, 2023, and the rules adopted pursuant to such act by the
30 Federal Communications Commission on November 11, 2022, in its Report and
31 Order FCC 22-84.

1 (ii) Any telecommunications company that removes, discontinues, or
2 replaces any communications equipment or service identified on the
3 Covered List described in subdivision (2)(d)(i) of this section in
4 compliance with federal law shall not be required to obtain any
5 additional permits or authorization from any state agency or political
6 subdivision in the removal, discontinuance, or replacement of such

7 communications equipment or service;

8 (e) ~~(d)~~ Shall require every telecommunications company to contribute
9 to any universal service mechanism established by the commission pursuant
10 to state law. The commission shall require, as reasonably necessary, an
11 annual audit of any telecommunications company to be performed by a
12 third-party certified public accountant to insure the billing,
13 collection, and remittance of a surcharge for universal service. The
14 costs of any audit required pursuant to this subdivision shall be paid by
15 the telecommunications company being audited;

16 ~~(f)~~ (e) Shall require an audit of information provided by a
17 telecommunications company to be performed by a third-party certified
18 public accountant for purposes of calculating universal service fund
19 payments to such telecommunications company. The costs of any audit
20 required pursuant to this subdivision shall be paid by the
21 telecommunications company being audited; and

22 ~~(g)~~ (f) May administratively fine pursuant to section 75-156 any
23 person who violates the Nebraska Telecommunications Universal Service
24 Fund Act.

25 (3) Any money in the fund available for investment shall be invested
26 by the state investment officer pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act.

28 (4) Transfers may be made from earnings on the Nebraska
29 Telecommunications Universal Service Fund to the 211 Cash Fund at the
30 direction of the Legislature. The State Treasurer shall transfer nine
31 hundred fifty-five thousand dollars on July 1 beginning in 2022 from the
1 earnings on the Nebraska Telecommunications Universal Service Fund to the
2 211 Cash Fund.

3 Sec. 3. Section 86-328, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 86-328 (1) Annually the commission shall hold a public hearing to
6 determine the level of the fund necessary to carry out the Nebraska
7 Telecommunications Universal Service Fund Act. The commission shall
8 publish notice of the hearing in at least one newspaper of general
9 circulation in the state at least once each week for two consecutive
10 weeks before the hearing. After the hearing, the commission shall
11 determine the amount of the fund for the following year, including a
12 reasonable reserve. In the initial year of the fund's operation, the
13 commission shall determine the amount of the fund to be equivalent to the
14 amount which, in the commission's judgment, after careful analysis, is
15 necessary to keep approximately ninety-six percent of Nebraska households
16 subscribed to local telecommunications service.

17 (2) In an emergency as determined by the commission, the commission
18 may adjust the level of the fund, but only after a public hearing for
19 such purpose.

20 (3) For purposes of service by a prepaid wireless telecommunications
21 service provider, universal service fund contribution and surcharge
22 obligations shall be governed by the Prepaid Wireless Surcharge Act,
23 except that a prepaid wireless telecommunications service provider shall
24 continue to be subject to the audit requirements in subdivision ~~(2)~~(e)
25 ~~(2)~~(d) of section 86-324.

26 Sec. 4. Section 86-1304, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 86-1304 (1)(a) A provider, a cooperative, a political subdivision,
29 or an Indian tribe may apply to the commission for a grant on forms
30 provided by the commission. The grant shall only be used for development
31 costs for a qualifying project. The application shall indicate the
1 project area. The applicant shall provide matching funds equal to fifty
2 percent of the total development costs of the project if located outside
3 a high-cost area, or twenty-five percent of the total development costs
4 of the project if located inside a high-cost area, as such areas are
5 determined by the commission. The matching funds requirement in this
6 subdivision shall not apply to any portion of a grant comprised of
7 federal funds. In order to qualify, the project is required to provide
8 broadband Internet service scalable to one hundred megabits per second

9 for downloading and one hundred megabits per second for uploading, or
 10 greater. Applications shall be submitted on or before July 1 for each
 11 fiscal year.

12 (b) An application from a political subdivision or an Indian tribe
 13 shall be made as part of a public-private partnership with a provider.

14 (2)(a) As part of the application, the applicant shall agree to
 15 complete the project within eighteen months after the date the grant is
 16 awarded. The commission may permit extensions upon request and for good
 17 cause shown.

18 (b) If a grant recipient fails to complete the project by the agreed
 19 or extended deadline, as the case may be, the recipient shall repay the
 20 grant as provided in this subdivision. If no extension is permitted, ten
 21 percent of the grant shall be repaid for each month that the project is
 22 not complete after the eighteen-month period, up to one hundred percent
 23 of the grant. If an extension is permitted, twenty percent of the grant
 24 shall be repaid for each month that the project is not complete after the
 25 extension period, up to one hundred percent of the grant.

26 (3)(a) As part of the application, the applicant shall agree to
 27 submit the broadband network completed as a result of the grant to speed
 28 tests as determined by the commission. The grant recipient shall conduct
 29 the speed tests and submit the results to the commission. The speed tests
 30 shall be conducted for one week using a random sample of locations of
 31 consumers who subscribe to the network completed as a result of the
 1 grant.

2 (b) If the broadband network does not provide service at the speeds
 3 required pursuant to subdivision (1)(a) of this section according to the
 4 speed tests under subdivision (3)(a) of this section, the grant recipient
 5 shall be allowed a reasonable time to address the speed deficiencies and
 6 conduct a second set of speed tests as described in subdivision (3)(a) of
 7 this section. If the broadband network does not provide service at the
 8 speeds required pursuant to subdivision (1)(a) of this section according
 9 to the second set of speed tests, the grant recipient shall repay the
 10 grant.

11 (4) No applicant shall be eligible to receive a grant if such
 12 applicant uses or provides any communications equipment or service deemed
 13 to pose a threat to national security identified on the Covered List
 14 developed pursuant to 47 C.F.R. 1.50002, as such regulation existed on
 15 January 1, 2023, and published by the Public Safety and Homeland Security
 16 Bureau of the Federal Communications Commission pursuant to the federal
 17 Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. 1601 et
 18 seq., as such act existed on January 1, 2023, and the rules adopted
 19 pursuant to such act by the Federal Communications Commission on November
 20 11, 2022, in its Report and Order FCC 22-84.

21 Sec. 5. Original section 86-125, Reissue Revised Statutes of
 22 Nebraska, and sections 86-324, 86-328, and 86-1304, Revised Statutes
 23 Cumulative Supplement, 2022, are repealed.

24 Sec. 6. Since an emergency exists, this act takes effect when passed
 25 and approved according to law.

(Signed) Suzanne Geist, Chairperson

AMENDMENT - Print in Journal

Senator Hunt filed the following amendment to [LB574](#):
[AM945](#)

(Amendments to AM901)

1 1. Insert the following new section:

2 Sec. 2. The Legislature finds that:

3 (1) The state has a compelling government interest in protecting the
 4 health and safety of its citizens, especially vulnerable children;

5 (2) Genital and nongenital altering surgeries are rarely performed
 6 on youth, and no gender-affirming medical interventions are offered until

- 7 puberty;
 8 (3) Under established medical and mental health standards of care,
 9 providers generally encourage caregivers to focus on acceptance and
 10 affirmation of youth experiencing gender dysphoria; and
 11 (4) If a transgender youth is started on puberty blockers, such
 12 youth's puberty is temporarily stalled, and the effects of such
 13 medications are completely reversible.
 14 2. On page 2, line 28, strike "2" and insert "3".
 15 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Health and Human Services
 Room 1510 1:00 PM

Wednesday, March 29, 2023

April Dexter - Nebraska Rural Health Advisory Commission
 Martin Fattig - Nebraska Rural Health Advisory Commission
 Katherine Kusek - Nebraska Rural Health Advisory Commission
 Kate Hesser - Nebraska Rural Health Advisory Commission
 Linda L. Jensen - Board of Emergency Medical Services
 Jonathan L. Kilstrom - Board of Emergency Medical Services
 Karen Bowlin - Board of Emergency Medical Services
 Prince Harrison - Board of Emergency Medical Services
 Ryan K. Batenhorst - Board of Emergency Medical Services
 Brent E. Lottman - Board of Emergency Medical Services
 Leslie L. Vaughn, Jr. - Board of Emergency Medical Services
 Myra Stoney - Nebraska Rural Health Advisory Commission
 James Smith - Board of Emergency Medical Services

(Signed) Ben Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Albrecht name added to LB736.
 Senator DeKay name added to LR63.

VISITORS

Visitors to the Chamber were Black Hills Energy employees from across the state.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Dungan, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 2023.

Brandon Metzler
 Clerk of the Legislature

FORTY-NINTH DAY - MARCH 23, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 2023

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Saviour Lutheran Church, La Vista.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Ibach.

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 Aguilar, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

AMENDMENTS - Print in Journal

Senator Geist filed the following amendment to [LB61](#):
[AM905](#)

1 1. Insert the following new section:
2 Sec. 6. Section 77-202, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 77-202 (1) The following property shall be exempt from property
5 taxes:
6 (a) Property of the state and its governmental subdivisions to the
7 extent used or being developed for use by the state or governmental
8 subdivision for a public purpose. For purposes of this subdivision:
9 (i) Property of the state and its governmental subdivisions means
10 (A) property held in fee title by the state or a governmental subdivision
11 or (B) property beneficially owned by the state or a governmental
12 subdivision in that it is used for a public purpose and is being acquired

13 under a lease-purchase agreement, financing lease, or other instrument
14 which provides for transfer of legal title to the property to the state
15 or a governmental subdivision upon payment of all amounts due thereunder.
16 If the property to be beneficially owned by a governmental subdivision
17 has a total acquisition cost that exceeds the threshold amount or will be
18 used as the site of a public building with a total estimated construction
19 cost that exceeds the threshold amount, then such property shall qualify
20 for an exemption under this section only if the question of acquiring
21 such property or constructing such public building has been submitted at
22 a primary, general, or special election held within the governmental
23 subdivision and has been approved by the voters of the governmental
24 subdivision. For purposes of this subdivision, threshold amount means the
25 greater of fifty thousand dollars or six-tenths of one percent of the
26 total actual value of real and personal property of the governmental
27 subdivision that will beneficially own the property as of the end of the
1 governmental subdivision's prior fiscal year; and
2 (ii) Public purpose means use of the property (A) to provide public
3 services with or without cost to the recipient, including the general
4 operation of government, public education, public safety, transportation,
5 public works, civil and criminal justice, public health and welfare,
6 developments by a public housing authority, parks, culture, recreation,
7 community development, and cemetery purposes, or (B) to carry out the
8 duties and responsibilities conferred by law with or without
9 consideration. Public purpose does not include the leasing of property to
10 a private party unless the lease of the property is at fair market value
11 for a public purpose. Public purpose does not include the leasing or
12 licensing of dark fiber and related infrastructure by an agency or
13 political subdivision of the state to a private telecommunications
14 carrier. Leases of property by a public housing authority to low-income
15 individuals as a place of residence are for the authority's public
16 purpose;
17 (b) Unleased property of the state or its governmental subdivisions
18 which is not being used or developed for use for a public purpose but
19 upon which a payment in lieu of taxes is paid for public safety, rescue,
20 and emergency services and road or street construction or maintenance
21 services to all governmental units providing such services to the
22 property. Except as provided in Article VIII, section 11, of the
23 Constitution of Nebraska, the payment in lieu of taxes shall be based on
24 the proportionate share of the cost of providing public safety, rescue,
25 or emergency services and road or street construction or maintenance
26 services unless a general policy is adopted by the governing body of the
27 governmental subdivision providing such services which provides for a
28 different method of determining the amount of the payment in lieu of
29 taxes. The governing body may adopt a general policy by ordinance or
30 resolution for determining the amount of payment in lieu of taxes by
31 majority vote after a hearing on the ordinance or resolution. Such
1 ordinance or resolution shall nevertheless result in an equitable
2 contribution for the cost of providing such services to the exempt
3 property;
4 (c) Property owned by and used exclusively for agricultural and
5 horticultural societies;
6 (d) Property owned by educational, religious, charitable, or
7 cemetery organizations, or any organization for the exclusive benefit of
8 any such educational, religious, charitable, or cemetery organization,
9 and used exclusively for educational, religious, charitable, or cemetery
10 purposes, when such property is not (i) owned or used for financial gain
11 or profit to either the owner or user, (ii) used for the sale of
12 alcoholic liquors for more than twenty hours per week, or (iii) owned or
13 used by an organization which discriminates in membership or employment
14 based on race, color, or national origin. For purposes of this

15 subdivision, educational organization means (A) an institution operated
16 exclusively for the purpose of offering regular courses with systematic
17 instruction in academic, vocational, or technical subjects or assisting
18 students through services relating to the origination, processing, or
19 guarantying of federally reinsured student loans for higher education or
20 (B) a museum or historical society operated exclusively for the benefit
21 and education of the public. For purposes of this subdivision, charitable
22 organization includes an organization operated exclusively for the
23 purpose of the mental, social, or physical benefit of the public or an
24 indefinite number of persons and a fraternal benefit society organized
25 and licensed under sections 44-1072 to 44-10,109; and
26 (e) Household goods and personal effects not owned or used for
27 financial gain or profit to either the owner or user.

28 (2) The increased value of land by reason of shade and ornamental
29 trees planted along the highway shall not be taken into account in the
30 valuation of land.

31 (3) Tangible personal property which is not depreciable tangible
1 personal property as defined in section 77-119 shall be exempt from
2 property tax.

3 (4) Motor vehicles, trailers, and semitrailers required to be
4 registered for operation on the highways of this state shall be exempt
5 from payment of property taxes.

6 (5) Business and agricultural inventory shall be exempt from the
7 personal property tax. For purposes of this subsection, business
8 inventory includes personal property owned for purposes of leasing or
9 renting such property to others for financial gain only if the personal
10 property is of a type which in the ordinary course of business is leased
11 or rented thirty days or less and may be returned at the option of the
12 lessee or renter at any time and the personal property is of a type which
13 would be considered household goods or personal effects if owned by an
14 individual. All other personal property owned for purposes of leasing or
15 renting such property to others for financial gain shall not be
16 considered business inventory.

17 (6) Any personal property exempt pursuant to subsection (2) of
18 section 77-4105 or section 77-5209.02 shall be exempt from the personal
19 property tax.

20 (7) Livestock shall be exempt from the personal property tax.

21 (8) Any personal property exempt pursuant to the Nebraska Advantage
22 Act or the ImagiNE Nebraska Act shall be exempt from the personal
23 property tax.

24 (9) Any depreciable tangible personal property used directly in the
25 generation of electricity using wind as the fuel source shall be exempt
26 from the property tax levied on depreciable tangible personal property.
27 Any depreciable tangible personal property used directly in the
28 generation of electricity using solar, biomass, or landfill gas as the
29 fuel source shall be exempt from the property tax levied on depreciable
30 tangible personal property if such depreciable tangible personal property
31 was installed on or after January 1, 2016, and has a nameplate capacity
1 of one hundred kilowatts or more. Depreciable tangible personal property
2 used directly in the generation of electricity using wind, solar,
3 biomass, or landfill gas as the fuel source includes, but is not limited
4 to, wind turbines, rotors and blades, towers, solar panels, trackers,
5 generating equipment, transmission components, substations, supporting
6 structures or racks, inverters, and other system components such as
7 wiring, control systems, switchgears, and generator step-up transformers.

8 (10) Any tangible personal property that is acquired by a person
9 operating a data center located in this state, that is assembled,
10 engineered, processed, fabricated, manufactured into, attached to, or
11 incorporated into other tangible personal property, both in component
12 form or that of an assembled product, for the purpose of subsequent use

13 at a physical location outside this state by the person operating a data
 14 center shall be exempt from the personal property tax. Such exemption
 15 extends to keeping, retaining, or exercising any right or power over
 16 tangible personal property in this state for the purpose of subsequently
 17 transporting it outside this state for use thereafter outside this state.
 18 For purposes of this subsection, data center means computers, supporting
 19 equipment, and other organized assembly of hardware or software that are
 20 designed to centralize the storage, management, or dissemination of data
 21 and information, environmentally controlled structures or facilities or
 22 interrelated structures or facilities that provide the infrastructure for
 23 housing the equipment, such as raised flooring, electricity supply,
 24 communication and data lines, Internet access, cooling, security, and
 25 fire suppression, and any building housing the foregoing.
 26 (11) For tax years prior to tax year 2020, each person who owns
 27 property required to be reported to the county assessor under section
 28 77-1201 shall be allowed an exemption amount as provided in the Personal
 29 Property Tax Relief Act. For tax years prior to tax year 2020, each
 30 person who owns property required to be valued by the state as provided
 31 in section 77-601, 77-682, 77-801, or 77-1248 shall be allowed a
 1 compensating exemption factor as provided in the Personal Property Tax
 2 Relief Act.
 3 2. Renumber the remaining sections and correct the repealer
 4 accordingly.

Senator Geist filed the following amendment to LB61:

AM893

1 1. On page 12, line 17, strike "not" and show as stricken; and in
 2 line 18 after "86-593" insert "and shall register with the Public Service
 3 Commission pursuant to section 86-125".

Senator Geist filed the following amendment to LB61:

AM896

1 1. Insert the following new section:
 2 Sec. 10. Any agency or political subdivision of the state owning
 3 fiber optic cable facilities and related infrastructure shall, beginning
 4 January 1, 2024, provide to the Nebraska Broadband Office on January 1
 5 and July 1 of each year a map of such facilities and related
 6 infrastructure owned and a statement as to which such facilities and
 7 related infrastructure, if any, are available to telecommunications
 8 carriers for dark fiber purposes to promote broadband telecommunications
 9 service deployment. The Nebraska Broadband Office shall show the location
 10 of all such fiber optic facilities and related infrastructure on
 11 Nebraska's broadband map.
 12 2. Renumber the remaining sections accordingly.

Senator Geist filed the following amendment to LB61:

AM895

1 1. On page 13, line 2, before the stricken "(2)" insert "(1)"; and
 2 after line 6 insert the following new subsection:
 3 "(2) For any agency or political subdivision of the state that
 4 engages in the leasing or licensing of dark fiber and related
 5 infrastructure, such agency or political subdivision shall not make such
 6 dark fiber and related infrastructure available to any private
 7 telecommunications carrier on an exclusive basis. Any telecommunications
 8 carrier shall have the right to the lease or license of such dark fiber
 9 and related infrastructure on the same terms and conditions as provided
 10 in any other similar lease or license entered into or granted by the
 11 agency or political subdivision.".

Senator Geist filed the following amendment to [LB61](#):

[AM894](#)

1 1. On page 13, line 6, after the period insert "Any agency or
 2 political subdivision of the state that leases or licenses its dark fiber
 3 and related infrastructure pursuant to this section shall publish any
 4 such lease or license by making it publicly available on its website and
 5 shall also file such lease or license with the Nebraska Broadband
 6 Office".

Senator Geist filed the following amendment to [LB61](#):

[AM892](#)

1 1. On page 2, line 6; page 3, line 26; page 5, line 23; page 9, line
 2 7; page 10, line 15; and page 12, line 15, strike the new matter and
 3 reinstate the stricken matter.
 4 2. On page 12, line 14, strike "or license"; and in line 16 strike
 5 "licenses".
 6 3. On page 13, lines 2 and 3, strike "or license".

Senator Geist filed the following amendment to [LB61](#):

[AM781](#) is available in the Bill Room.

Senator Dover filed the following amendment to [LB720](#):

[AM951](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 42-371, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 42-371 Under the Uniform Interstate Family Support Act and sections
 6 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:
 7 (1)(a) Except as provided in subdivision (1)(b) of this section, all
 8 (1) All judgments and orders for payment of money shall be liens, as in
 9 other actions, upon real property and any personal property registered
 10 with any county office and may be enforced or collected by execution and
 11 the means authorized for collection of money judgments. ;
 12 (b) A judgment or order for payment of child support or spousal
 13 support creates a lien upon the real or personal property of the judgment
 14 debtor which attaches when the payment is due and extinguishes when the
 15 payment is made.
 16 (c) For purposes of this section, a current child support or spousal
 17 support order payment history from the Title IV-D Division of the
 18 Department of Health and Human Services setting forth evidence that all
 19 support payments are current is prima facie evidence that such payments
 20 are in fact current and such evidence operates to release the lien
 21 described in subdivision (1)(b) of this section;
 22 (2) The judgment creditor may execute a partial or total release of
 23 the judgment or a document subordinating the lien of the judgment to any
 24 other lien, generally or on specific real or personal property.
 25 Release of a judgment for child support or spousal support or
 26 subordination of a lien of a judgment for child support or spousal
 27 support may, if all such payments are current and not delinquent or in
 1 arrears, be released or subordinated by a release or subordination
 2 document executed by the judgment creditor, and such document shall be
 3 sufficient to remove or subordinate the lien. A properly executed,
 4 notarized release or subordination document explicitly reciting that all
 5 child support payments or spousal support payments are current is prima
 6 facie evidence that such payments are in fact current. For purposes of
 7 this section, any delinquency or arrearage of support payments shall be

8 determined as provided in subsection (2) of section 42-358.02;

9 (3) If a judgment creditor refuses to execute a release of the
10 judgment or subordination of a lien as provided in subdivision (2) of
11 this section or the support payments are not current, the person desiring
12 such release or subordination may file an application for the relief
13 desired in the court which rendered the original judgment. A copy of the
14 application and a notice of hearing shall be served on the judgment
15 creditor either personally or by registered or certified mail no later
16 than ten days before the date of hearing. If the court finds that the
17 release or subordination is not requested for the purpose of avoiding
18 payment and that the release or subordination will not unduly reduce the
19 security, the court may issue an order releasing real or personal
20 property from the judgment lien or issue an order subordinating the
21 judgment lien. As a condition for such release or subordination, the
22 court may require the posting of a bond with the clerk in an amount fixed
23 by the court, guaranteeing payment of the judgment. If the court orders a
24 release or subordination, the court may order a judgment creditor who,
25 without a good faith reason, refused to execute a release or
26 subordination to pay the judgment debtor's court costs and attorney's
27 fees involved with the application brought under this subdivision. A
28 showing that all support payments are current shall be evidence that the
29 judgment creditor did not have a good faith reason to refuse to execute
30 such release or subordination. For purposes of this section, a current
31 certified copy of support order payment history from the Title IV-D
1 Division of the Department of Health and Human Services setting forth
2 evidence that all support payments are current is prima facie evidence
3 that such payments are in fact current and is valid for thirty days after
4 the date of certification;

5 (4) Full faith and credit shall be accorded to a lien arising by
6 operation of law against real and personal property for amounts overdue
7 relating to a support order owed by a judgment debtor or obligor who
8 resides or owns property in this state when another state agency, party,
9 or other entity seeking to enforce such lien complies with the procedural
10 rules relating to the filing of the lien in this state. The state agency,
11 party, or other entity seeking to enforce such lien shall send a
12 certified copy of the support order with all modifications, the notice of
13 lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E), and the
14 appropriate fee to the clerk of the district court in the jurisdiction
15 within this state in which the lien is sought. Upon receiving the
16 appropriate documents and fee, the clerk of the district court shall
17 accept the documents filed and such acceptance shall constitute entry of
18 the foreign support order for purposes of this section only. Entry of a
19 lien arising in another state pursuant to this section shall result in
20 such lien being afforded the same treatment as liens arising in this
21 state. The filing process required by this section shall not be construed
22 as requiring an application, complaint, answer, and hearing as might be
23 required for the filing or registration of foreign judgments under the
24 Nebraska Uniform Enforcement of Foreign Judgments Act or the Uniform
25 Interstate Family Support Act;

26 (5) Support order judgments shall cease to be liens on real or
27 registered personal property ten years from the date (a) the youngest
28 child becomes of age or dies or (b) the most recent execution was issued
29 to collect the judgment, whichever is later, and such lien shall not be
30 reinstated;

31 (6) Alimony and property settlement award judgments, if not covered
1 by subdivision (5) of this section, shall cease to be a lien on real or
2 registered personal property ten years from the date (a) the judgment was
3 entered, (b) the most recent payment was made, or (c) the most recent
4 execution was issued to collect the judgment, whichever is latest, and
5 such lien shall not be reinstated;

6 (7) The court may in any case, upon application or its own motion,
 7 after notice and hearing, order a person required to make payments to
 8 post sufficient security, bond, or other guarantee with the clerk to
 9 insure payment of both current and any delinquent amounts. Upon failure
 10 to comply with the order, the court may also appoint a receiver to take
 11 charge of the debtor's property to insure payment. Any bond, security, or
 12 other guarantee paid in cash may, when the court deems it appropriate, be
 13 applied either to current payments or to reduce any accumulated
 14 arrearage;

15 (8)(a) The lien of a mortgage or deed of trust which secures a loan,
 16 the proceeds of which are used to purchase real property, and (b) any
 17 lien given priority pursuant to a subordination document under this
 18 section shall attach prior to any lien authorized by this section. Any
 19 mortgage or deed of trust which secures the refinancing, renewal, or
 20 extension of a real property purchase money mortgage or deed of trust
 21 shall have the same lien priority with respect to any lien authorized by
 22 this section as the original real property purchase money mortgage or
 23 deed of trust to the extent that the amount of the loan refinanced,
 24 renewed, or extended does not exceed the amount used to pay the principal
 25 and interest on the existing real property purchase money mortgage or
 26 deed of trust, plus the costs of the refinancing, renewal, or extension;
 27 and

28 (9) Any lien authorized by this section against personal property
 29 registered with any county consisting of a motor vehicle or mobile home
 30 shall attach upon notation of the lien against the motor vehicle or
 31 mobile home certificate of title and shall have its priority established
 1 pursuant to the terms of section 60-164 or a subordination document
 2 executed under this section.

3 Sec. 2. Original section 42-371, Reissue Revised Statutes of
 4 Nebraska, is repealed.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Sanders, 45.

WHEREAS, the 2023 Nebraska School Activities Association Class A Boys State Basketball Championship was held on March 11, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Bellevue West High School Thunderbirds boys basketball team won the 2023 Class A Boys State Basketball Championship; and

WHEREAS, Bellevue West ended the season with twenty-nine wins and no losses after a victory over the Millard North High School Mustangs in the championship game by a score of 64 to 41; and

WHEREAS, Bellevue West is the first undefeated Class A state champion in eleven years; and

WHEREAS, Bellevue West is only the fourth undefeated Class A state champion since 1960; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; and

WHEREAS, the Bellevue West boys basketball Head Coach Doug Woodard is retiring after 453 wins and 146 losses with Bellevue West; 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, FIRST SESSION:

1. That the Legislature recognizes and congratulates Bellevue West High School boys basketball team and its coaches on winning the 2023 Class A Boys State Basketball Championship.

2. That the Legislature recognizes and congratulates Head Coach Doug Woodard on his accomplished career as a basketball coach and as a developer of character.

3. That copies of this resolution be sent to the Bellevue West High School boys basketball team and Doug Woodard.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 574. Title read. Considered.

Senator M. Cavanaugh renewed [MO83](#), found on page 814 and considered on page 828, to recommit to the Health and Human Services Committee.

Senator M. Cavanaugh offered [MO82](#), found on page 814, to bracket until June 1, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Conrad offered the following motion:

[MO88](#)

Bracket until May 2, 2023.

Senator Conrad withdrew her motion to bracket.

Senator Fredrickson offered the following motion:

[MO89](#)

Bracket until May 3, 2023.

Senator Fredrickson withdrew his motion to bracket.

Senator Hunt offered the following motion:

[MO90](#)

Bracket until May 4, 2023.

Senator Hunt withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO91](#)

Bracket until May 5, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Day offered the following motion:

[MO92](#)

Bracket until May 8, 2023.

Senator Day withdrew her motion to bracket.

Senator Blood offered the following motion:

[MO94](#)

Bracket until May 10, 2023.

Senator Blood withdrew her motion to bracket.

Senator Walz offered the following motion:

[MO93](#)

Bracket until May 9, 2023.

Senator Walz withdrew her motion to bracket.

Senator J. Cavanaugh offered the following motion:

[MO95](#)

Bracket until May 11, 2023.

Senator J. Cavanaugh withdrew his motion to bracket.

Senator Dungan offered the following motion:

[MO96](#)

Bracket until May 16, 2023.

Senator Dungan withdrew his motion to bracket.

Senator Vargas offered the following motion:

[MO97](#)

Bracket until May 18, 2023.

Senator Vargas withdrew his motion to bracket.

Senator Conrad offered the following motion:

[MO98](#)

Bracket until May 17, 2023.

Senator Conrad withdrew her motion to bracket.

Senator Day offered the following motion:

[MO99](#)

Bracket until May 19, 2023.

Senator Day withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO100](#)

Bracket until May 22, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Fredrickson offered the following motion:

[MO101](#)

Bracket until May 23, 2023.

Senator Fredrickson withdrew his motion to bracket.

Senator Kauth offered the following motion:

[MO103](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kauth moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Kauth requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Brewer	Geist	Jacobson	Murman
Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	

Voting in the negative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

The Kauth motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 15:

Blood	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wayne
Cavanaugh, M.	DeBoer	Hunt	Vargas	Wishart

Voting in the negative, 33:

Aguilar	Brewer	Geist	Jacobson	Murman
Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	

Present and not voting, 1:

Bostar

The M. Cavanaugh motion to recommit to committee failed with 15 ayes, 33 nays, and 1 present and not voting.

Senator Kauth requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Aguilar	Briese	Geist	Jacobson	Moser
Albrecht	Clements	Halloran	Kauth	Murman
Arch	DeKay	Hansen	Linehan	Riepe
Ballard	Dorn	Hardin	Lippincott	Sanders
Bostelman	Dover	Holdcroft	Lowe	Slama
Brewer	Erdman	Ibach	McDonnell	von Gillern

Voting in the negative, 17:

Armendariz	Cavanaugh, M.	Dungan	Raybould	Wishart
Blood	Conrad	Fredrickson	Vargas	
Bostar	Day	Hunt	Walz	
Cavanaugh, J.	DeBoer	McKinney	Wayne	

Present and not voting, 2:

Brandt Hughes

Advanced to Enrollment and Review Initial with 30 ayes, 17 nays, and 2 present and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB181](#):
[AM904](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to [LB276](#):
[AM964](#)

- 1 1. On page 4, line 2, after "clinics" insert ", including, but not
- 2 limited to, clinics in Nebraska,".

Senator M. Cavanaugh filed the following amendment to [LB276](#):
[AM963](#)

- 1 1. On page 3, line 31, after "implemented" insert "on or".

Senator M. Cavanaugh filed the following amendment to [LB276](#):
[AM961](#)

- 1 1. On page 3, lines 19 and 26, strike "daily" and insert "weekly".

VISITORS

Visitors to the Chamber were Raiyah Nader, Bellevue; students from Central High School, Omaha; students from Aurora Elementary, Aurora; members of Elkhorn Rural Public Power District, Battle Creek; students and teachers from Southwest High School, Bartley.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

MOTION - Adjournment

Senator Briese moved to adjourn until 9:00 a.m., Friday, March 24, 2023.

Senator Wayne requested a roll call vote on the motion to adjourn.

The Briese motion to adjourn prevailed with 42 ayes, 6 nays, 1 absent and not voting, and at 11:50 a.m., the Legislature adjourned until 9:00 a.m., Friday, March 24, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTIETH DAY - MARCH 24, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 24, 2023

PRAYER

The prayer was offered by Pastor Jim Haynes, Christ Lincoln, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Dorn presiding.

The roll was called and all members were present except Senators Aguilar and Jacobson who were excused; and Senators Bostar, Hunt, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 23, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Head, Bill
Pharmaceutical Care Management Association
Peetz & Company
Yahoo Inc. and var. subs/affiliates (Withdrawn 03/23/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

AMENDMENTS - Print in Journal

Senator Kauth filed the following amendment to [LB574](#):
[AM975](#)

(Amendments to AM872)

- 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 38-179, Revised Statutes Cumulative Supplement,
- 5 2022, is amended to read:
- 6 38-179 For purposes of section 38-178, unprofessional conduct means
- 7 any departure from or failure to conform to the standards of acceptable
- 8 and prevailing practice of a profession or the ethics of the profession,
- 9 regardless of whether a person, consumer, or entity is injured, or
- 10 conduct that is likely to deceive or defraud the public or is detrimental
- 11 to the public interest, including, but not limited to:
- 12 (1) Receipt of fees on the assurance that an incurable disease can
- 13 be permanently cured;
- 14 (2) Division of fees, or agreeing to split or divide the fees,
- 15 received for professional services with any person for bringing or
- 16 referring a consumer other than (a) with a partner or employee of the
- 17 applicant or credential holder or his or her office or clinic, (b) with a
- 18 landlord of the applicant or credential holder pursuant to a written
- 19 agreement that provides for payment of rent based on gross receipts, or
- 20 (c) with a former partner or employee of the applicant or credential
- 21 holder based on a retirement plan or separation agreement;
- 22 (3) Obtaining any fee for professional services by fraud, deceit, or
- 23 misrepresentation, including, but not limited to, falsification of third-
- 24 party claim documents;
- 25 (4) Cheating on or attempting to subvert the credentialing
- 26 examination;
- 1 (5) Assisting in the care or treatment of a consumer without the
- 2 consent of such consumer or his or her legal representative;
- 3 (6) Use of any letters, words, or terms, either as a prefix, affix,
- 4 or suffix, on stationery, in advertisements, or otherwise, indicating
- 5 that such person is entitled to practice a profession for which he or she
- 6 is not credentialed;
- 7 (7) Performing, procuring, or aiding and abetting in the performance
- 8 or procurement of a criminal abortion;
- 9 (8) Knowingly disclosing confidential information except as
- 10 otherwise permitted by law;
- 11 (9) Commission of any act of sexual abuse, misconduct, or
- 12 exploitation related to the practice of the profession of the applicant
- 13 or credential holder;
- 14 (10) Failure to keep and maintain adequate records of treatment or
- 15 service;
- 16 (11) Prescribing, administering, distributing, dispensing, giving,
- 17 or selling any controlled substance or other drug recognized as addictive
- 18 or dangerous for other than a medically accepted therapeutic purpose;
- 19 (12) Prescribing any controlled substance to (a) oneself or (b)
- 20 except in the case of a medical emergency (i) one's spouse, (ii) one's
- 21 child, (iii) one's parent, (iv) one's sibling, or (v) any other person
- 22 living in the same household as the prescriber;

23 (13) Failure to comply with any federal, state, or municipal law,
24 ordinance, rule, or regulation that pertains to the applicable
25 profession;
26 (14) Disruptive behavior, whether verbal or physical, which
27 interferes with consumer care or could reasonably be expected to
28 interfere with such care; ~~and~~
29 (15) Performing gender-reassignment surgery for an individual
30 younger than nineteen years of age in violation of section 2 of this act;
31 and
1 (16) (15) Such other acts as may be defined in rules and
2 regulations.
3 Nothing in this section shall be construed to exclude determination
4 of additional conduct that is unprofessional by adjudication in
5 individual contested cases.
6 Sec. 2. (1) For purposes of this section:
7 (a) Biological sex means the biological indication of male and
8 female in the context of reproductive potential or capacity, such as sex
9 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
10 internal and external genitalia present at birth, without regard to an
11 individual's psychological, chosen, or subjective experience of gender;
12 (b) Gender means the psychological, behavioral, social, and cultural
13 aspects of being male or female;
14 (c) Gender transition means the process in which a person goes from
15 identifying with and living as a gender that corresponds to the person's
16 biological sex to identifying with and living as a gender different from
17 the person's biological sex and may involve social, legal, or physical
18 changes;
19 (d) Irreversible gender-reassignment surgery means a medical
20 procedure performed for the purpose of assisting an individual with a
21 gender transition, including any of the following:
22 (i) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or
23 vulvoplasty for biologically male patients or hysterectomy or ovariectomy
24 for biologically female patients;
25 (ii) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or
26 implantation of erection or testicular prostheses for biologically female
27 patients; or
28 (iii) Augmentation mammoplasty for biologically male patients and
29 subcutaneous mastectomy for biologically female patients; and
30 (e) Physician means a person who is licensed as a physician pursuant
31 to the Medicine and Surgery Practice Act.
1 (2) A physician shall not provide irreversible gender-reassignment
2 surgery to any individual who is under nineteen years of age.
3 (3) A physician may provide any of the following to an individual
4 who is under nineteen years of age:
5 (a) Services to an individual born with a medically verifiable
6 disorder of sex development, including an individual with external
7 biological sex characteristics that are irresolvably ambiguous, such as
8 being born with forty-six XX chromosomes with virilization or forty-six
9 XY chromosomes with undervirilization or having both ovarian and
10 testicular tissue;
11 (b) Services provided when a physician has otherwise diagnosed a
12 disorder of sexual development and has determined through genetic or
13 biochemical testing that the individual does not have normal sex
14 chromosome structure, sex steroid hormone production, or sex steroid
15 hormone action;
16 (c) The treatment of any infection, injury, disease, or disorder
17 that has been caused by or exacerbated by the performance of gender
18 transition procedures, whether or not the gender transition procedure was
19 performed in accordance with state and federal law; or
20 (d) Any procedure undertaken because the individual suffers from a

21 physical disorder, physical injury, or physical illness that would, as
 22 certified by a physician, place the individual in imminent danger of
 23 death or impairment of major bodily function unless surgery is performed.
 24 Sec. 3. Original section 38-179, Revised Statutes Cumulative
 25 Supplement, 2022, is repealed.

Senator Kauth filed the following amendment to LB574:
AM976

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 38-179, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 38-179 For purposes of section 38-178, unprofessional conduct means
 6 any departure from or failure to conform to the standards of acceptable
 7 and prevailing practice of a profession or the ethics of the profession,
 8 regardless of whether a person, consumer, or entity is injured, or
 9 conduct that is likely to deceive or defraud the public or is detrimental
 10 to the public interest, including, but not limited to:
 11 (1) Receipt of fees on the assurance that an incurable disease can
 12 be permanently cured;
 13 (2) Division of fees, or agreeing to split or divide the fees,
 14 received for professional services with any person for bringing or
 15 referring a consumer other than (a) with a partner or employee of the
 16 applicant or credential holder or his or her office or clinic, (b) with a
 17 landlord of the applicant or credential holder pursuant to a written
 18 agreement that provides for payment of rent based on gross receipts, or
 19 (c) with a former partner or employee of the applicant or credential
 20 holder based on a retirement plan or separation agreement;
 21 (3) Obtaining any fee for professional services by fraud, deceit, or
 22 misrepresentation, including, but not limited to, falsification of third-
 23 party claim documents;
 24 (4) Cheating on or attempting to subvert the credentialing
 25 examination;
 26 (5) Assisting in the care or treatment of a consumer without the
 1 consent of such consumer or his or her legal representative;
 2 (6) Use of any letters, words, or terms, either as a prefix, affix,
 3 or suffix, on stationery, in advertisements, or otherwise, indicating
 4 that such person is entitled to practice a profession for which he or she
 5 is not credentialed;
 6 (7) Performing, procuring, or aiding and abetting in the performance
 7 or procurement of a criminal abortion;
 8 (8) Knowingly disclosing confidential information except as
 9 otherwise permitted by law;
 10 (9) Commission of any act of sexual abuse, misconduct, or
 11 exploitation related to the practice of the profession of the applicant
 12 or credential holder;
 13 (10) Failure to keep and maintain adequate records of treatment or
 14 service;
 15 (11) Prescribing, administering, distributing, dispensing, giving,
 16 or selling any controlled substance or other drug recognized as addictive
 17 or dangerous for other than a medically accepted therapeutic purpose;
 18 (12) Prescribing any controlled substance to (a) oneself or (b)
 19 except in the case of a medical emergency (i) one's spouse, (ii) one's
 20 child, (iii) one's parent, (iv) one's sibling, or (v) any other person
 21 living in the same household as the prescriber;
 22 (13) Failure to comply with any federal, state, or municipal law,
 23 ordinance, rule, or regulation that pertains to the applicable
 24 profession;
 25 (14) Disruptive behavior, whether verbal or physical, which

26 interferes with consumer care or could reasonably be expected to
 27 interfere with such care; ~~and~~
 28 (15) Performing gender-reassignment surgery for an individual
 29 younger than nineteen years of age in violation of section 2 of this act;
 30 and
 31 (16) Such other acts as may be defined in rules and
 1 regulations.
 2 Nothing in this section shall be construed to exclude determination
 3 of additional conduct that is unprofessional by adjudication in
 4 individual contested cases.
 5 Sec. 2. (1) For purposes of this section:
 6 (a) Biological sex means the biological indication of male and
 7 female in the context of reproductive potential or capacity, such as sex
 8 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
 9 internal and external genitalia present at birth, without regard to an
 10 individual's psychological, chosen, or subjective experience of gender;
 11 (b) Gender means the psychological, behavioral, social, and cultural
 12 aspects of being male or female;
 13 (c) Gender transition means the process in which a person goes from
 14 identifying with and living as a gender that corresponds to the person's
 15 biological sex to identifying with and living as a gender different from
 16 the person's biological sex and may involve social, legal, or physical
 17 changes;
 18 (d) Irreversible gender-reassignment surgery means a medical
 19 procedure performed for the purpose of assisting an individual with a
 20 gender transition, including any of the following:
 21 (i) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or
 22 vulvoplasty for biologically male patients or hysterectomy or ovariectomy
 23 for biologically female patients;
 24 (ii) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or
 25 implantation of erection or testicular prostheses for biologically female
 26 patients; or
 27 (iii) Augmentation mammoplasty for biologically male patients and
 28 subcutaneous mastectomy for biologically female patients; and
 29 (e) Physician means a person who is licensed as a physician pursuant
 30 to the Medicine and Surgery Practice Act.
 31 (2) A physician shall not provide irreversible gender-reassignment
 1 surgery to any individual who is under nineteen years of age.
 2 (3) A physician may provide any of the following to an individual
 3 who is under nineteen years of age:
 4 (a) Services to an individual born with a medically verifiable
 5 disorder of sex development, including an individual with external
 6 biological sex characteristics that are irresolvably ambiguous, such as
 7 being born with forty-six XX chromosomes with virilization or forty-six
 8 XY chromosomes with undervirilization or having both ovarian and
 9 testicular tissue;
 10 (b) Services provided when a physician has otherwise diagnosed a
 11 disorder of sexual development and has determined through genetic or
 12 biochemical testing that the individual does not have normal sex
 13 chromosome structure, sex steroid hormone production, or sex steroid
 14 hormone action;
 15 (c) The treatment of any infection, injury, disease, or disorder
 16 that has been caused by or exacerbated by the performance of gender
 17 transition procedures, whether or not the gender transition procedure was
 18 performed in accordance with state and federal law; or
 19 (d) Any procedure undertaken because the individual suffers from a
 20 physical disorder, physical injury, or physical illness that would, as
 21 certified by a physician, place the individual in imminent danger of
 22 death or impairment of major bodily function unless surgery is performed.
 23 Sec. 3. Original section 38-179, Revised Statutes Cumulative

24 Supplement, 2022, is repealed.

25 2. On page 1, strike beginning with "to" in line 2 through line 4
26 and insert "to prohibit a physician from performing gender-reassignment
27 surgery for an individual younger than nineteen years of age as
28 prescribed; to harmonize provisions; and to repeal the original
29 section."

MOTION - Print in Journal

Senator Hunt filed the following motion to LB574:

MO102

Bracket until May 24, 2023.

BILL ON FIRST READING

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

LEGISLATIVE BILL 455A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 455, One Hundred Eighth Legislature, First Session, 2023.

GENERAL FILE

LEGISLATIVE BILL 276. Title read. Considered.

Committee AM674, found on page 697, was offered.

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 23 ayes, 1 nay, and 25 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Cavanaugh, M.

Present and not voting, 1:

Cavanaugh, J.

Excused and not voting, 3:

Aguilar Hunt Jacobson

The motion to cease debate prevailed with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the committee amendment.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Aguilar Hunt Jacobson

The committee amendment was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO104](#)

Reconsider the vote taken on AM674.

Senator M. Cavanaugh withdrew her motion to reconsider.

Pending.

COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 6. Placed on General File.
LEGISLATIVE BILL 223. Placed on General File.

(Signed) Terrell McKinney, Chairperson

Enrollment and Review

LEGISLATIVE BILL 574. Placed on Select File.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to LB92:

[FA31](#)

Strike Section 1.

Senator Slama filed the following amendment to LB214:

[FA32](#)

Strike Section 1.

Senator Conrad filed the following amendment to LB343:

[AM942](#)

1 1. On page 2, line 28, strike ", state universities."

Senator Conrad filed the following amendment to LB535:

[AM934](#)

1 1. Strike original section 22.
2 2. Renumber the remaining sections and correct the repealer and
3 internal references accordingly.

Senator Conrad filed the following amendment to LB277:

[AM935](#)

1 1. Strike original section 5.
2 2. Renumber the remaining sections and correct internal references
3 accordingly.

Senator M. Cavanaugh filed the following amendment to LB78:

[AM965](#)

1 1. On page 2, line 5, strike "wellness" and insert "well-being".

Senator M. Cavanaugh filed the following amendment to LB78:

[AM962](#)

1 1. Strike the enacting clause.

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Wishart, 27; Dorn, 30; Hansen, B., 16; Riepe, 12; Walz, 15.

WHEREAS, almost one-fifth of the Nebraska population is over the age of sixty-five, the rate of growth of Nebraskans over the age of sixty-five is predicted to rise by approximately thirty-six percent by the year 2035, and aging Nebraskans deserve to have a variety of support options to choose as they age; and

WHEREAS, over 35,000 Nebraskans work in aging services in a variety of settings including: home care, home health, independent and assisted living, nursing facilities, adult day services, housing, government, universities, and nonprofit supports for those that are aging. These workers provide services through their careers as nurses, health care workers, housekeepers, dietary staff, social workers, maintenance professionals, administrators, and activity professionals; and

WHEREAS, aging services professionals have developed a passion for supporting and caring for aging Nebraskans in every aspect of their lives and advocate for aging Nebraskans to receive the best care possible through the systems and supports of their choice; and

WHEREAS, aging services professionals recognize that each person has a unique story to tell and wisdom to share, provide older adults with a friendly face and caring support, and help assure older adults are treated with dignity and respect throughout the rest of their lives; and

WHEREAS, a multitude of careers exist in aging services including direct services, health care, education, administration, and support positions, thousands of Nebraskans have found rewarding careers in aging services, and there is a need for more Nebraskans to find a career in aging services with a larger aging population.

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

1. That the Legislature recognizes the week of March 26 through April 1, 2023, as Careers in Aging Week in Nebraska and thanks all who have chosen careers in aging services.

Laid over.

MOTION - Suspend Rules

Senator Erdman filed the following motion:

Suspend the rules, Rule 2, Section 2; Rule 3, Section 4(f); and Rule 7, Section 6, to provide that for the remainder of the 108th Legislature, First Session, only one motion to postpone to a time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition.

VISITORS

Visitors to the Chamber were home visitation staff from Public Health Solutions; Becky Haynes, Lincoln; students from Syracuse Middle School, Syracuse; members of the Eastern Nebraska Community Action Partnership; students and teachers from Jackson Elementary, Omaha; members of Nebraska Farm Bureau Promotion and Education Committee; students and teachers from Cody Elementary, Omaha; students from Cather Elementary, Omaha.

MOTION - Adjournment

Senator Armendariz moved to adjourn until 9:00 a.m., Tuesday, March 28, 2023.

Senator M. Cavanaugh requested a roll call vote on the motion to adjourn.

The Armendariz motion to adjourn prevailed with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting, and at 12:02 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 28, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 2023

PRAYER

The prayer was offered by Scott Bruick, St. John Lutheran, Seward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Kauth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator B. Hansen presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Bostar, Day, Geist, Hunt, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 35A. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 35, One Hundred Eighth Legislature, First Session, 2023.

LEGISLATIVE BILL 753A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 753, One Hundred Eighth Legislature, First Session, 2023.

ANNOUNCEMENT

The Chair announced the birthday of Senator Fredrickson.

MOTION - Suspend Rules

Senator Erdman offered his motion, found on page 855, to suspend Rule 2, Section 2; Rule 3, Section 4(f); and Rule 7, Section 6, to provide that for the remainder of the 108th Legislature, First Session, only one motion to postpone to a time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition.

Senator Wayne requested a point of order that the motion to suspend rules is out of order as the rules cannot be suspended and amended at the same time.

The Chair overruled the Wayne point of order.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his motion to overrule the chair.

Voting in the affirmative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

Voting in the negative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Excused and not voting, 1:

Aguilar

The Wayne motion to overrule the Chair failed with 16 ayes, 32 nays, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 91. Placed on General File with amendment.

[AM926](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-431, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
6 29-434, 48-1231, and 53-173, unless the context otherwise requires,
7 infraction means the violation of any law, ordinance, order, rule, or
8 regulation, not including those related to traffic, which is not
9 otherwise declared to be a misdemeanor or a felony. Infraction includes
10 violations of section 60-6,267 and beginning January 1, 2024, section
11 60-6,279.
12 Sec. 2. Section 60-6,279, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 60-6,279 (1) A person shall not operate or be a passenger ~~in an~~
15 ~~autoeycle described in subsection (2) of this section,~~ on a motorcycle
16 ~~other than an autoeycle,~~ or on a moped on any highway in this state
17 unless such person is:
18 (a) ~~Wearing~~ wearing a protective helmet of the type and design
19 manufactured for use by operators of such vehicles and unless such helmet
20 is secured properly on ~~the user's his or her~~ head with a chin strap while
21 the vehicle is in motion. All such protective helmets shall be designed
22 to reduce injuries to the user resulting from head impacts and shall be
23 designed to protect the user by remaining on the user's head, deflecting
24 blows, resisting penetration, and spreading the force of impact. Each
25 such helmet shall consist of lining, padding, and chin strap and shall
26 meet or exceed the standards established in the United States Department
27 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
28 C.F.R. 571.218, for motorcycle helmets; or -
29 (b) Beginning January 1, 2024:
30 (i) At least twenty-one years of age; and
31 (ii)(A) For a resident of Nebraska, has completed the basic
32 motorcycle safety course as provided in the Motorcycle Safety Education
33 Act and submitted proof of such completion to the Department of Motor
34 Vehicles. Proof of such completion shall be in a manner approved by the
35 department; or
36 (B) For a nonresident of Nebraska, has completed an equivalent to
37 the Motorcycle Safety Foundation basic motorcycle rider course or some
38 other substantially similar motorcycle rider course approved by the state
39 of the person's residence and provides proof of such completion to a law
40 enforcement officer upon request.
41 (2) The Department of Motor Vehicles shall modify the existing
42 system of the department by January 1, 2024, to allow the date of
43 completion of such course to be recorded on the person's record provided
44 for in section 60-483.
45 (3) A person shall not operate a motorcycle or moped on any highway
46 in this state unless such person employs one of the following forms of

20 eye protection: (a) Glasses that cover the orbital region of the person's
 21 face, (b) a protective face shield attached to a protective helmet, (c)
 22 goggles, or (d) a windshield on the motorcycle or moped that protects the
 23 operator's and passenger's horizontal line of vision in all operating
 24 positions (2) This section applies to an autoeycle that has a seating
 25 area that is not completely enclosed.

26 Sec. 3. Section 60-6,282, Reissue Revised Statutes of Nebraska, is
 27 amended to read:

28 60-6,282 (1) Until December 31, 2023, a Any person who violates
 29 section 60-6,279 shall be guilty of a traffic infraction and shall be
 30 fined fifty dollars.

31 (2) Beginning January 1, 2024:

1 (a) A person violating any provision of subsection (1) or (3) of
 2 section 60-6,279 shall be guilty of an infraction as defined in section
 3 29-431 and shall be fined two hundred fifty dollars for each violation.

4 (b) Enforcement of subsection (1) or (3) of section 60-6,279 shall
 5 be accomplished only as a secondary action when an operator of a
 6 motorcycle or moped has been cited or charged with a violation or some
 7 other offense unless the violation involves a person under the age of
 8 eighteen years riding on any portion of the motorcycle or moped not
 9 designed or intended for the use of passengers when the motorcycle or
 10 moped is in motion.

11 Sec. 4. Original sections 29-431, 60-6,279, and 60-6,282, Reissue
 12 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 688. Placed on General File with amendment.

AM982

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

3 Section 1. (1) The Legislature hereby finds and declares that the
 4 transport and delivery of goods by vehicle plays a critical role in the
 5 Nebraska supply chain and economy, and, in many Nebraska communities,
 6 ground transportation is the only available form of delivery. A stable
 7 and safe ground transportation workforce, needed to deliver supplies to
 8 communities and offer good-paying jobs to Nebraskans, is important to the
 9 economic welfare of the state.

10 (2) The Department of Motor Vehicles may contract with a nonprofit
 11 entity based in Nebraska to approve training providers to receive grants
 12 pursuant to this section.

13 (3) A training provider may apply for a grant if it (a) is listed on
 14 the Federal Motor Carrier Safety Administration Training Provider
 15 Registry, (b) is licensed in Nebraska to provide such training, and (c)
 16 meets applicable requirements of the rules and regulations for driver
 17 training schools and instructors adopted and promulgated by the
 18 department. A recipient of a grant under this subsection shall provide
 19 training to obtain a commercial driver's license at no cost to
 20 individuals.

21 (4) Any postsecondary educational institution in Nebraska, Nebraska-
 22 based employer, or third-party training provider that is licensed to
 23 provide diesel technology training in Nebraska may apply for a grant to
 24 provide training at no cost to individuals training to obtain a diesel
 25 technology degree or certificate.

26 (5) Any Nebraska-based employer, Nebraska-based employer consortium,
 27 or Nebraska-based nonprofit organization that sponsors or provides
 1 support for any individual described in subsection (3) or (4) of this
 2 section may apply for a grant to cover the costs of such sponsorship or
 3 support.

4 (6) The department, or any entity with which the department
 5 contracts for such purpose, may use up to seven percent of funds
 6 appropriated to carry out this section for administrative services.

7 (7) The department may adopt and promulgate rules and regulations to
8 carry out this section.

9 (8) It is the intent of the Legislature to appropriate five million
10 dollars for fiscal year 2023-24 to the department to carry out this
11 section.

12 Sec. 2. Section 84-612, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 84-612 (1) There is hereby created within the state treasury a fund
15 known as the Cash Reserve Fund which shall be under the direction of the
16 State Treasurer. The fund shall only be used pursuant to this section.

17 (2) The State Treasurer shall transfer funds from the Cash Reserve
18 Fund to the General Fund upon certification by the Director of
19 Administrative Services that the current cash balance in the General Fund
20 is inadequate to meet current obligations. Such certification shall
21 include the dollar amount to be transferred. Any transfers made pursuant
22 to this subsection shall be reversed upon notification by the Director of
23 Administrative Services that sufficient funds are available.

24 (3) In addition to receiving transfers from other funds, the Cash
25 Reserve Fund shall receive federal funds received by the State of
26 Nebraska for undesignated general government purposes, federal revenue
27 sharing, or general fiscal relief of the state.

28 (4) The State Treasurer shall transfer fifty-four million seven
29 hundred thousand dollars on or after July 1, 2019, but before June 15,
30 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
31 Fund on such dates and in such amounts as directed by the budget
1 administrator of the budget division of the Department of Administrative
2 Services.

3 (5) The State Treasurer shall transfer two hundred fifteen million
4 five hundred eighty thousand dollars from the Cash Reserve Fund to the
5 Nebraska Capital Construction Fund on or after July 1, 2022, but before
6 June 15, 2023, on such dates and in such amounts as directed by the
7 budget administrator of the budget division of the Department of
8 Administrative Services.

9 (6) The State Treasurer shall transfer fifty-three million five
10 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
11 Canal Project Fund on or before June 30, 2023, on such dates and in such
12 amounts as directed by the budget administrator of the budget division of
13 the Department of Administrative Services.

14 (7) No funds shall be transferred from the Cash Reserve Fund to
15 fulfill the obligations created under the Nebraska Property Tax Incentive
16 Act unless the balance in the Cash Reserve Fund after such transfer will
17 be at least equal to five hundred million dollars.

18 (8) The State Treasurer shall transfer thirty million dollars from
19 the Cash Reserve Fund to the Military Base Development and Support Fund
20 on or before June 30, 2023, but not before July 1, 2022, on such dates
21 and in such amounts as directed by the budget administrator of the budget
22 division of the Department of Administrative Services.

23 (9) The State Treasurer shall transfer eight million three hundred
24 thousand dollars from the Cash Reserve Fund to the Trail Development and
25 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
26 such dates and in such amounts as directed by the budget administrator of
27 the budget division of the Department of Administrative Services.

28 (10) The State Treasurer shall transfer fifty million dollars from
29 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
30 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
31 as directed by the budget administrator of the budget division of the
1 Department of Administrative Services.

2 (11) The State Treasurer shall transfer thirty million dollars from
3 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
4 or after July 1, 2022, but before July 15, 2023, on such dates and in

5 such amounts as directed by the budget administrator of the budget
6 division of the Department of Administrative Services.
7 (12) The State Treasurer shall transfer twenty million dollars from
8 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
9 1, 2022, but before June 15, 2023, on such dates and in such amounts as
10 directed by the budget administrator of the budget division of the
11 Department of Administrative Services.
12 (13) The State Treasurer shall transfer twenty million dollars from
13 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
14 Fund on July 15, 2022, or as soon thereafter as administratively
15 possible, and in such amounts as directed by the budget administrator of
16 the budget division of the Department of Administrative Services.
17 (14) The State Treasurer shall transfer eighty million dollars from
18 the Cash Reserve Fund to the Jobs and Economic Development Initiative
19 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
20 and in such amounts as directed by the budget administrator of the budget
21 division of the Department of Administrative Services.
22 (15) The State Treasurer shall transfer twenty million dollars from
23 the Cash Reserve Fund to the Site and Building Development Fund on July
24 15, 2022, or as soon thereafter as administratively possible, and in such
25 amounts as directed by the budget administrator of the budget division of
26 the Department of Administrative Services.
27 (16) The State Treasurer shall transfer fifty million dollars from
28 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
29 on or after July 15, 2022, but before January 1, 2023, on such dates and
30 in such amounts as directed by the budget administrator of the budget
31 division of the Department of Administrative Services.
1 (17) The State Treasurer shall transfer fifteen million dollars from
2 the Cash Reserve Fund to the Site and Building Development Fund on or
3 before June 30, 2022, on such dates and in such amounts as directed by
4 the budget administrator of the budget division of the Department of
5 Administrative Services.
6 (18) The State Treasurer shall transfer fifty-five million dollars
7 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
8 or before June 30, 2022, on such dates and in such amounts as directed by
9 the budget administrator of the budget division of the Department of
10 Administrative Services.
11 (19) The State Treasurer shall transfer five million dollars from
12 the Cash Reserve Fund to the General Fund as soon as administratively
13 possible after September 10, 2023, on such dates and in such amounts as
14 directed by the budget administrator of the budget division of the
15 Department of Administrative Services.
16 Sec. 3. Original section 84-612, Revised Statutes Cumulative
17 Supplement, 2022, is repealed.

(Signed) Suzanne Geist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Brandt, 32; Dorn, 30.

WHEREAS, Dr. Josue Gutierrez from Crete, Nebraska, was named the 2022 Family Physician of the Year by the Nebraska Academy of Family Physicians; and

WHEREAS, the Family Physician of the Year award is given annually to a family physician who exemplifies a compassionate commitment to

improving the health and well-being of people and communities throughout Nebraska; and

WHEREAS, Dr. Gutierrez is a family practice physician and owner of Saline Medical Specialties in Crete, Nebraska, an owner of Innovative Clinical Solutions, LLC, a managed services organization providing independent physicians with private practice resources, and an adjunct faculty at the Lincoln Medical Education Program in Lincoln, Nebraska; and

WHEREAS, Dr. Gutierrez currently serves his local health department as medical officer and as a member of the executive board. He works with the local health department to provide chronic disease care for uninsured and under-insured members of the community. This partnership, labeled Healthy Community Alliance, has yielded life-changing results for its participants, while mobilizing several community stakeholders to participate in the care and service of the area's community members. He also currently serves as Legislative Co-Chairperson for the Legislative Committee of the Nebraska Academy of Family Physicians and has been extremely active in promoting advocacy efforts for family medicine in Nebraska; and

WHEREAS, Dr. Gutierrez is an influential member of the Nebraska medical community and his commitment to this field is evident through his dedication to his work and community.

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

1. That the Legislature congratulates Dr. Josue Gutierrez on being named the 2022 Nebraska Family Physician of the Year.
2. That a copy of this resolution be sent to Dr. Josue Gutierrez.

Laid over.

VISITORS

Visitors to the Chamber were members of Leading Age Nebraska; Jim Ballard, Lincoln; Phil Wharton, Lincoln; students from Hickory Hill Elementary, Papillion; Spike Gordon, Harrison; students from St. Paul's Lutheran, St. Paul; members of Jobs for America's Graduates – Nebraska; members of the Nebraska Association of County Extension Board; Virginia Hughes, Doug Gremel, and Vicki Gremel, Seward.

RECESS

At 11:50 a.m., on a motion by Senator Geist, the Legislature recessed until 1:00 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Conrad, Day, Dorn, Hunt, Slama, Walz, Wayne, and Wishart who were excused until they arrive.

MOTION - Suspend Rules

Senator Erdman renewed his motion, found on page 855 and considered in this day's Journal, to suspend Rule 2, Section 2; Rule 3, Section 4(f); and Rule 7, Section 6, to provide that for the remainder of the 108th Legislature, First Session, only one motion to postpone to a time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition.

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

Senator Wayne requested a point of order on whether the presiding officer can rule that there has been full and fair debate on a motion to cease debate.

The Chair ruled that under Rule 7, Section 4, the members of the legislature, and not the presiding officer decides if there has been full and fair debate.

Senator Wayne withdrew his point of order.

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

Senator M. Cavanaugh withdrew her motion to overrule the Chair.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Voting in the negative, 12:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	McKinney	Walz
Cavanaugh, J.	Dungan	Raybould	Wayne

Present and not voting, 3:

Cavanaugh, M.	DeBoer	Hunt
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Excused and not voting, 2:

Aguilar	Wishart
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The motion to cease debate prevailed with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Voting in the negative, 13:

Blood	Conrad	Dungan	Raybould	Wayne
Bostar	Day	Fredrickson	Vargas	
Cavanaugh, J.	DeBoer	McKinney	Walz	

Present and not voting, 3:

Cavanaugh, M.	Hunt	Wishart
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Excused and not voting, 1:

Aguilar

The Erdman motion to suspend Rule 2, Section 2; Rule 3, Section 4(f); and Rule 7, Section 6, to provide that for the remainder of the 108th Legislature, First Session, only one motion to postpone to a time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition prevailed with 32 ayes, 13 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:
Reconsider vote on rules suspension.

SENATOR SLAMA PRESIDING

SENATOR B. HANSEN PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	Dungan	McKinney	Walz
Bostar	Conrad	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hunt	Vargas	Wishart

Voting in the negative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Excused and not voting, 2:

Aguilar Day

The M. Cavanaugh motion to reconsider failed with 15 ayes, 32 nays, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 243. Placed on General File with amendment.
[AM977](#) is available in the Bill Room.

LEGISLATIVE BILL 584. Placed on General File with amendment.
[AM509](#)

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

2 sections:

3 Section 1. Section 77-4001, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-4001 Sections 77-4001 to 77-4025 and sections 3 and 4 of this act
6 shall be known and may be cited as the Tobacco Products Tax Act.

7 Sec. 2. Section 77-4002, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-4002 For purposes of the Tobacco Products Tax Act, unless the
10 context otherwise requires, the definitions found in sections 77-4003 to
11 77-4007 and sections 3 and 4 of this act shall be used.

12 Sec. 3. Consumable material means any liquid solution or other
13 material containing nicotine that is depleted as an electronic nicotine
14 delivery system is used.

15 Sec. 4. Electronic nicotine delivery system has the same meaning as
16 in section 28-1418.01.

17 Sec. 5. Section 77-4007, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 77-4007 Tobacco products shall mean (1) cigars, (2) cheroots, (3)
20 stogies, (4) periques, (5) granulated, plug cut, crimp cut, ready rubbed,
21 and other smoking tobacco, (6) snuff, (7) snuff flour, (8) cavendish, (9)
22 plug and twist tobacco, (10) fine cut and other chewing tobacco, (11)
23 shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and
24 (12) other kinds and forms of tobacco, prepared in such manner as to be
25 suitable for chewing or smoking in a pipe or otherwise or both for
26 chewing and smoking, and (13) electronic nicotine delivery systems,
27 except that tobacco products shall not mean cigarettes as defined in
1 section 77-2601.

2 Sec. 6. Section 77-4008, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 77-4008 (1)(a) A tax is hereby imposed upon the first owner of
5 tobacco products to be sold in this state.

6 (b) The tax on snuff shall be forty-four cents per ounce and a
7 proportionate tax at the like rate on all fractional parts of an ounce.
8 Such tax shall be computed based on the net weight as listed by the
9 manufacturer.

10 (c) The tax on an electronic nicotine delivery system containing
11 three milliliters or less of consumable material shall be five cents per
12 milliliter of consumable material and a proportionate tax at the like
13 rate on all fractional parts of a milliliter.

14 (d) The tax on an electronic nicotine delivery system containing
15 more than three milliliters of consumable material shall be ten percent
16 of (i) the purchase price of such electronic nicotine delivery system
17 paid by the first owner or (ii) the price at which the first owner who
18 made, manufactured, or fabricated the electronic nicotine delivery system
19 sells the item to others.

20 (e) For electronic nicotine delivery systems in the possession of
21 retail dealers for which tax has not been paid, the tax under this
22 subsection shall be imposed at the earliest time the retail dealer: (i)
23 Brings or causes to be brought into the state any electronic nicotine
24 delivery system for sale; (ii) makes, manufactures, or fabricates any
25 electronic nicotine delivery system in this state for sale in this state;
26 or (iii) sells any electronic nicotine delivery system to consumers
27 within this state.

28 (f) (e) The tax on tobacco products other than snuff and electronic
29 nicotine delivery systems shall be twenty percent of (i) the purchase
30 price of such tobacco products paid by the first owner or (ii) the price
31 at which a first owner who made, manufactured, or fabricated the tobacco
1 product sells the items to others.

2 (g) (d) The tax on tobacco products shall be in addition to all
3 other taxes.

4 (2) Whenever any person who is licensed under section 77-4009
 5 purchases tobacco products from another person licensed under section
 6 77-4009, the seller shall be liable for the payment of the tax.
 7 (3) Amounts collected pursuant to this section shall be used and
 8 distributed pursuant to section 77-4025.
 9 Sec. 7. This act becomes operative on January 1, 2024.
 10 Sec. 8. Original sections 77-4001, 77-4002, 77-4007, and 77-4008,
 11 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB78:

AM996

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the
 6 following practice acts shall be known and may be cited as the Uniform
 7 Credentialing Act:
 8 (1) The Advanced Practice Registered Nurse Practice Act;
 9 (2) The Alcohol and Drug Counseling Practice Act;
 10 (3) The Athletic Training Practice Act;
 11 (4) The Audiology and Speech-Language Pathology Practice Act;
 12 (5) The Certified Nurse Midwifery Practice Act;
 13 (6) The Certified Registered Nurse Anesthetist Practice Act;
 14 (7) The Chiropractic Practice Act;
 15 (8) The Clinical Nurse Specialist Practice Act;
 16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
 17 Body Art Practice Act;
 18 (10) The Dentistry Practice Act;
 19 (11) The Dialysis Patient Care Technician Registration Act;
 20 (12) The Emergency Medical Services Practice Act;
 21 (13) The Environmental Health Specialists Practice Act;
 22 (14) The Funeral Directing and Embalming Practice Act;
 23 (15) The Genetic Counseling Practice Act;
 24 (16) The Hearing Instrument Specialists Practice Act;
 25 (17) The Licensed Practical Nurse-Certified Practice Act until
 26 November 1, 2017;
 27 (18) The Massage Therapy Practice Act;
 1 (19) The Medical Nutrition Therapy Practice Act;
 2 (20) The Medical Radiography Practice Act;
 3 (21) The Medicine and Surgery Practice Act;
 4 (22) The Mental Health Practice Act;
 5 (23) The Nurse Practice Act;
 6 (24) The Nurse Practitioner Practice Act;
 7 (25) The Nursing Home Administrator Practice Act;
 8 (26) The Occupational Therapy Practice Act;
 9 (27) The Optometry Practice Act;
 10 (28) The Perfusion Practice Act;
 11 (29) The Pharmacy Practice Act;
 12 (30) The Physical Therapy Practice Act;
 13 (31) The Podiatry Practice Act;
 14 (32) The Psychology Practice Act;
 15 (33) The Respiratory Care Practice Act;
 16 (34) The Surgical First Assistant Practice Act; and
 17 (35) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to
19 38-1,147 and section 3 of this act and any provision of a practice act,
20 the provision of the practice act shall prevail except as otherwise
21 specifically provided in section 38-129.02.
22 Sec. 2. Section 38-178, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:
24 38-178 Except as otherwise provided in sections 38-1,119 to
25 38-1,123, a credential to practice a profession may be denied, refused
26 renewal, or have other disciplinary measures taken against it in
27 accordance with section 38-185 or 38-186 on any of the following grounds:
28 (1) Misrepresentation of material facts in procuring or attempting
29 to procure a credential;
30 (2) Immoral or dishonorable conduct evidencing unfitness to practice
31 the profession in this state;
1 (3) Abuse of, dependence on, or active addiction to alcohol, any
2 controlled substance, or any mind-altering substance;
3 (4) Failure to comply with a treatment program or an aftercare
4 program, including, but not limited to, a program entered into under the
5 Licensee Assistance Program established pursuant to section 38-175;
6 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or
7 federal law, or (b) a crime in any jurisdiction which, if committed
8 within this state, would have constituted a misdemeanor or felony under
9 Nebraska law and which has a rational connection with the fitness or
10 capacity of the applicant or credential holder to practice the
11 profession;
12 (6) Practice of the profession (a) fraudulently, (b) beyond its
13 authorized scope, (c) with gross incompetence or gross negligence, or (d)
14 in a pattern of incompetent or negligent conduct;
15 (7) Practice of the profession while the ability to practice is
16 impaired by alcohol, controlled substances, drugs, mind-altering
17 substances, physical disability, mental disability, or emotional
18 disability;
19 (8) Physical or mental incapacity to practice the profession as
20 evidenced by a legal judgment or a determination by other lawful means;
21 (9) Illness, deterioration, or disability that impairs the ability
22 to practice the profession;
23 (10) Permitting, aiding, or abetting the practice of a profession or
24 the performance of activities requiring a credential by a person not
25 credentialed to do so;
26 (11) Performing or offering to perform scleral tattooing as defined
27 in section 38-10,172 by a person not credentialed to do so;
28 (12) Having had his or her credential denied, refused renewal,
29 limited, suspended, revoked, or disciplined in any manner similar to
30 section 38-196 by another state or jurisdiction based upon acts by the
31 applicant or credential holder similar to acts described in this section;
1 (13) Use of untruthful, deceptive, or misleading statements in
2 advertisements, including failure to comply with section 38-124;
3 (14) Conviction of fraudulent or misleading advertising or
4 conviction of a violation of the Uniform Deceptive Trade Practices Act;
5 (15) Distribution of intoxicating liquors, controlled substances, or
6 drugs for any other than lawful purposes;
7 (16) Violations of the Uniform Credentialing Act or the rules and
8 regulations relating to the particular profession;
9 (17) Unlawful invasion of the field of practice of any profession
10 regulated by the Uniform Credentialing Act which the credential holder is
11 not credentialed to practice;
12 (18) Violation of the Uniform Controlled Substances Act or any rules
13 and regulations adopted pursuant to the act;
14 (19) Failure to file a report required by section 38-1,124,
15 38-1,125, or 71-552;

16 (20) Failure to maintain the requirements necessary to obtain a
 17 credential;
 18 (21) Violation of an order issued by the department;
 19 (22) Violation of an assurance of compliance entered into under
 20 section 38-1,108;
 21 (23) Failure to pay an administrative penalty;
 22 (24) Unprofessional conduct as defined in section 38-179;
 23 (25) Violation of the Automated Medication Systems Act; or
 24 (26) Failure to comply with section 38-1,147; or -
 25 (27) Providing conversion therapy, gender identity conversion
 26 therapy, or sexual orientation conversion therapy in violation of section
 27 3 of this act.
 28 Sec. 3. (1) Except as provided in subsection (3) of this section, a
 29 person holding a credential under the Medicine and Surgery Practice Act,
 30 the Mental Health Practice Act, the Nurse Practice Act, the Pharmacy
 31 Practice Act, or the Psychology Practice Act shall not provide conversion
 1 therapy, gender identity conversion therapy, or sexual orientation
 2 conversion therapy to any individual under nineteen years of age.
 3 (2) A violation of subsection (1) of this section shall constitute a
 4 deceptive trade practice under the Uniform Deceptive Trade Practices Act
 5 and shall be subject to any remedies or penalties available for a
 6 violation of such act.
 7 (3) This section does not apply to a practice or treatment conducted
 8 by a clergy member or religious counselor who is acting in a pastoral or
 9 religious capacity and not in the capacity of a health care professional.
 10 (4) For purposes of this section:
 11 (a)(i) Conversion therapy means a practice that seeks to change an
 12 individual's sexual orientation or gender identity; and
 13 (ii) Conversion therapy does not mean a practice that does not seek
 14 to change an individual's sexual orientation or gender identity and that:
 15 (A) Is neutral with respect to sexual orientation and gender
 16 identity;
 17 (B) Provides assistance to a patient or client undergoing gender
 18 transition;
 19 (C) Provides acceptance, support, and understanding to a patient or
 20 client;
 21 (D) Facilitates a patient's or client's ability to cope, develop
 22 social support, and explore or understand the patient or client; or
 23 (E) Addresses unlawful or unsafe sexual activities in a manner that
 24 is neutral with respect to sexual orientation and gender identity;
 25 (b) Gender identity conversion therapy means any psychotherapy,
 26 counseling, or treatment, the goal of which is to alter the gender-
 27 related identity of an individual so that such individual's gender
 28 identity, appearance, expression, or behavior is eliminated, reduced, or
 29 redirected to the individual's assigned sex at birth; and
 30 (c) Sexual orientation conversion therapy means any psychotherapy,
 31 counseling, or treatment, the goal of which is to alter the sexual or
 1 romantic attraction, desire, or behavior of an individual toward other
 2 individuals of the same sex so that the attraction and behavior of such
 3 individual is eliminated, reduced, or redirected toward individuals of
 4 the opposite sex.
 5 (5) No state funds or funds belonging to a political subdivision of
 6 this state shall be expended for the purpose of:
 7 (a) Conducting conversion therapy, gender identity conversion
 8 therapy, or sexual orientation conversion therapy;
 9 (b) Referring a person for conversion therapy, gender identity
 10 conversion therapy, or sexual orientation conversion therapy; or
 11 (c) Providing health benefits coverage for conversion therapy,
 12 gender identity conversion therapy, or sexual orientation conversion
 13 therapy.

14 Sec. 4. Section 38-1706, Reissue Revised Statutes of Nebraska, is
 15 amended to read:
 16 38-1706 Massage therapy means a health care service involving the
 17 physical, mechanical, or electrical manipulation of soft tissue for ~~the~~
 18 therapeutic purposes or to enhance wellness of enhancing muscle
 19 ~~relaxation, reducing stress, improving circulation, or instilling a~~
 20 ~~greater sense of well-being~~ and may include the use of oil, salt glows,
 21 heat lamps, and hydrotherapy. Massage therapy does not include diagnosis
 22 or treatment or use of procedures for which a license to practice
 23 medicine or surgery, chiropractic, or podiatry is required nor the use of
 24 microwave diathermy, shortwave diathermy, ultrasound, transcutaneous
 25 electrical nerve stimulation, electrical stimulation of over thirty-five
 26 volts, neurological hyperstimulation, or spinal and joint adjustments.
 27 Sec. 5. Section 38-2894, Revised Statutes Cumulative Supplement,
 28 2022, is amended to read:
 29 38-2894 (1) A registration to practice as a pharmacy technician may
 30 be denied, refused renewal, removed, or suspended or have other
 31 disciplinary measures taken against it by the department, with the
 1 recommendation of the board, for failure to meet the requirements of or
 2 for violation of any of the provisions of subdivisions (1) through (18)
 3 and (20) through ~~(27)~~ ~~(26)~~ of section 38-178 and sections 38-2890 to
 4 38-2897 or the rules and regulations adopted under such sections.
 5 (2) If the department proposes to deny, refuse renewal of, or remove
 6 or suspend a registration, it shall send the applicant or registrant a
 7 notice setting forth the action to be taken and the reasons for the
 8 determination. The denial, refusal to renew, removal, or suspension shall
 9 become final thirty days after mailing the notice unless the applicant or
 10 registrant gives written notice to the department of his or her desire
 11 for an informal conference or for a formal hearing.
 12 (3) Notice may be served by any method specified in section
 13 25-505.01, or the department may permit substitute or constructive
 14 service as provided in section 25-517.02 when service cannot be made with
 15 reasonable diligence by any of the methods specified in section
 16 25-505.01.
 17 (4) Pharmacy technicians may participate in the Licensee Assistance
 18 Program described in section 38-175.
 19 Sec. 6. Original section 38-1706, Reissue Revised Statutes of
 20 Nebraska, and sections 38-101, 38-178, and 38-2894, Revised Statutes
 21 Cumulative Supplement, 2022, are repealed.

Senator M. Cavanaugh filed the following amendment to LB78:
[AM995](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the
 6 following practice acts shall be known and may be cited as the Uniform
 7 Credentialing Act:
 8 (1) The Advanced Practice Registered Nurse Practice Act;
 9 (2) The Alcohol and Drug Counseling Practice Act;
 10 (3) The Athletic Training Practice Act;
 11 (4) The Audiology and Speech-Language Pathology Practice Act;
 12 (5) The Certified Nurse Midwifery Practice Act;
 13 (6) The Certified Registered Nurse Anesthetist Practice Act;
 14 (7) The Chiropractic Practice Act;
 15 (8) The Clinical Nurse Specialist Practice Act;
 16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
 17 Body Art Practice Act;
 18 (10) The Dentistry Practice Act;
 19 (11) The Dialysis Patient Care Technician Registration Act;

20 (12) The Emergency Medical Services Practice Act;
 21 (13) The Environmental Health Specialists Practice Act;
 22 (14) The Funeral Directing and Embalming Practice Act;
 23 (15) The Genetic Counseling Practice Act;
 24 (16) The Hearing Instrument Specialists Practice Act;
 25 (17) The Licensed Practical Nurse-Certified Practice Act until
 26 November 1, 2017;
 27 (18) The Massage Therapy Practice Act;
 1 (19) The Medical Nutrition Therapy Practice Act;
 2 (20) The Medical Radiography Practice Act;
 3 (21) The Medicine and Surgery Practice Act;
 4 (22) The Mental Health Practice Act;
 5 (23) The Nurse Practice Act;
 6 (24) The Nurse Practitioner Practice Act;
 7 (25) The Nursing Home Administrator Practice Act;
 8 (26) The Occupational Therapy Practice Act;
 9 (27) The Optometry Practice Act;
 10 (28) The Perfusion Practice Act;
 11 (29) The Pharmacy Practice Act;
 12 (30) The Physical Therapy Practice Act;
 13 (31) The Podiatry Practice Act;
 14 (32) The Psychology Practice Act;
 15 (33) The Respiratory Care Practice Act;
 16 (34) The Surgical First Assistant Practice Act; and
 17 (35) The Veterinary Medicine and Surgery Practice Act.
 18 If there is any conflict between any provision of sections 38-101 to
 19 38-1,147 and section 3 of this act and any provision of a practice act,
 20 the provision of the practice act shall prevail except as otherwise
 21 specifically provided in section 38-129.02.
 22 Sec. 2. Section 38-129, Revised Statutes Cumulative Supplement,
 23 2022, is amended to read:
 24 38-129 (1) No individual shall be issued a credential under the
 25 Uniform Credentialing Act until the individual he or she has furnished
 26 satisfactory evidence to the department that the individual:
 27 (a) Is he or she is of good character;
 28 (b) Has and has attained the age of nineteen years except as
 29 otherwise specifically provided by statute, rule, or regulation; and -
 30 (c) Except as provided in subsection (2) of section 3 of this act,
 31 beginning October 1, 2024, has completed implicit bias or diversity,
 1 equity, and inclusion training as defined in section 3 of this act.
 2 (2) A credential may only be issued to (a) a citizen of the United
 3 States, (b) an alien lawfully admitted into the United States who is
 4 eligible for a credential under the Uniform Credentialing Act, (c) a
 5 nonimmigrant lawfully present in the United States who is eligible for a
 6 credential under the Uniform Credentialing Act, or (d) a person who
 7 submits (i) an unexpired employment authorization document issued by the
 8 United States Department of Homeland Security, Form I-766, and (ii)
 9 documentation issued by the United States Department of Homeland
 10 Security, the United States Citizenship and Immigration Services, or any
 11 other federal agency, such as one of the types of Form I-797 used by the
 12 United States Citizenship and Immigration Services, demonstrating that
 13 such person is described in section 202(c)(2)(B)(i) through (x) of the
 14 federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be
 15 valid only for the period of time during which such person's employment
 16 authorization document is valid.
 17 Sec. 3. (1) Except as provided in subsection (2) of this section,
 18 beginning with the first credential renewal period which begins on or
 19 after October 1, 2024, every person holding a credential under the
 20 Uniform Credentialing Act shall annually complete implicit bias or
 21 diversity, equity, and inclusion training.
 22 (2) This section and subdivision (1)(c) of section 38-129 do not
 23 apply to persons credentialed to engage in the practice of asbestos
 24 abatement, inspection, project design, and training; athletic training;
 25 body art; cosmetology; electrology; esthetics; funeral directing and

26 ~~embalming; hearing instrument dispensing and fitting; lead-based paint~~
 27 ~~abatement, inspection, project design, and training; nail technology;~~
 28 ~~radon detection, measurement, and mitigation; or veterinary medicine and~~
 29 ~~surgery or to a registered environmental health specialist.~~
 30 (3)(a) For purposes of this section, implicit bias or diversity,
 31 equity, and inclusion training means a program designed to increase
 1 awareness of prejudices or partialities, provide tools that facilitate
 2 positive interpersonal and intergroup interaction, reduce prejudice and
 3 discrimination, and afford all individuals the opportunity to interact
 4 fully and effectively in medical settings, thereby reducing inequitable
 5 health treatments and outcomes.
 6 (b) The department may approve implicit bias training or diversity,
 7 equity, and inclusion training provided by a national or state medical
 8 association to qualify as implicit bias training under this section.
 9 Sec. 4. Section 38-1706, Reissue Revised Statutes of Nebraska, is
 10 amended to read:
 11 38-1706 Massage therapy means a health care service involving the
 12 physical, mechanical, or electrical manipulation of soft tissue for the
 13 therapeutic purposes ~~or to enhance wellness of enhancing muscle~~
 14 ~~relaxation, reducing stress, improving circulation, or instilling a~~
 15 ~~greater sense of well-being~~ and may include the use of oil, salt glows,
 16 heat lamps, and hydrotherapy. Massage therapy does not include diagnosis
 17 or treatment or use of procedures for which a license to practice
 18 medicine or surgery, chiropractic, or podiatry is required nor the use of
 19 microwave diathermy, shortwave diathermy, ultrasound, transcutaneous
 20 electrical nerve stimulation, electrical stimulation of over thirty-five
 21 volts, neurological hyperstimulation, or spinal and joint adjustments.
 22 Sec. 5. Original section 38-1706, Reissue Revised Statutes of
 23 Nebraska, and sections 38-101 and 38-129, Revised Statutes Cumulative
 24 Supplement, 2022, are repealed.

Senator M. Cavanaugh filed the following amendment to [LB78](#):
[AM998](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to [LB138](#):
[AM1003](#)

1 1. On page 20, line 15, after "involving" insert "(i)"; and in line
 2 17 after "2023" insert ", or (ii) a violation of sections 28-803 to
 3 28-831".

Senator M. Cavanaugh filed the following amendment to [LB138](#):
[AM999](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB138](#):
[AM1000](#)

1 1. On pages 2 through 38, strike all occurrences of "2023" and
 2 insert "1963".

Senator M. Cavanaugh filed the following amendment to [LB138](#):
[AM1001](#)

1 1. On page 18, line 15, strike "one year" and insert "eleven
 2 months".

Senator M. Cavanaugh filed the following amendment to [LB296](#):
[AM984](#)

1 1. On page 2, line 11, after "this" insert "backwards, hate-filled".

Senator M. Cavanaugh filed the following amendment to LB296:

AM983

- 1 1. On page 2, lines 2, 3, 6, 13, 21, 24, and 25; page 3, line 8; and
- 2 page 10, lines 2 and 3, strike "Pet" and insert "Unicorn".
- 3 2. On page 2, lines 5, 6, 8, 12, 14, 15, 16, 17, 19, 20, 22, and 23;
- 4 page 3, lines 11, 14, 15, and 22; page 4, lines 1, 7, 13, 15, 22, 29, and
- 5 30; page 5, lines 3, 4, 5, 9, 14, 15, 17, 20, 21, 25, 26, 27, 29, 30, and
- 6 31; page 6, lines 3, 4, 5, 7, 11, 14, 16, 18, 24, and 28; page 7, lines
- 7 3, 4, 5, 10, 17, 19, 22, 26, 27, and 28; page 8, lines 4, 5, 8, 9, 10,
- 8 12, 14, 17, 18, 19, 21, 23, 26, and 29; and page 9, lines 2, 7, 9, 12,
- 9 15, 17, 22, and 25, strike each occurrence of "pet" and insert "unicorn".
- 10 3. On page 3, line 9, strike "pets" and insert "unicorns".

Senator M. Cavanaugh filed the following amendment to LB296:

AM985

- 1 1. On page 2, line 19; and page 7, line 2, after "conspicuous"
- 2 insert "rainbow-colored".

Senator M. Cavanaugh filed the following amendment to LB296:

AM986

- 1 1. On page 2, line 24, after "Act" insert "in order to avoid
- 2 coverage of legitimate expenses".

Senator M. Cavanaugh filed the following amendment to LB296:

AM987

- 1 1. On page 3, line 15, after "sources" insert "or on
- 2 misinformation".

Senator M. Cavanaugh filed the following amendment to LB296:

AM988

- 1 1. On page 3, line 31, after "veterinarian" insert ". Veterinary
- 2 expenses does not include species dysphoria treatment for unicorns under
- 3 five years of age".

Senator M. Cavanaugh filed the following amendment to LB296:

AM989

- 1 1. On page 4, line 3, after "begin" insert "or the period of time it
- 2 takes willfully-ignorant insurers to learn how to treat all unicorns
- 3 equitably".

Senator M. Cavanaugh filed the following amendment to LB296:

AM990

- 1 1. On page 4, line 30, after "history" insert "or gender
- 2 identification".

Senator M. Cavanaugh filed the following amendment to LB296:

AM991

- 1 1. On page 5, line 2, after "product" insert "in order to confuse
- 2 the insured and their unicorn".

Senator M. Cavanaugh filed the following amendment to LB296:

AM993

- 1 1. On page 8, line 31, after "misleading" insert ". especially if it
- 2 contains purposeful or accidental misinformation, inaccurate information,
- 3 or outdated alternative-research data".

Senator M. Cavanaugh filed the following amendment to [LB296](#):
[AM994](#)

1 1. On page 10, line 7, after "state" insert ", including swats with
2 a punishment board".

MOTIONS - Print in Journal

Senator Slama filed the following motion to [LB376](#):
[MO105](#)

Recommit to General Affairs Committee.

Senator Slama filed the following motion to [LB376](#):
[MO106](#)

Indefinitely postpone.

Senator Slama filed the following motion to [LB376](#):
[MO107](#)

Bracket until June 9, 2023.

Senator Lowe filed the following motion to [LB77](#):
[MO108](#)

Bracket until April 12, 2023.

Senator Lowe filed the following motion to [LB77](#):
[MO109](#)

Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB376](#):
[AM1033](#)

(Amendments to E&R amendments, ER13)

1 1. On page 2, line 7; and page 3, lines 4 and 5, strike "not to
2 exceed thirty dollars".

Senator Hunt filed the following amendment to [LB376](#):
[AM1034](#)

(Amendments to E & R amendments, ER13)

1 1. On page 3, line 17; and page 9, line 5, strike "may" and insert
2 "shall".

Senator Hunt filed the following amendment to [LB78](#):
[AM1037](#)

1 1. On page 2, strike beginning with "and" in line 7 through
2 "hydrotherapy" in line 8 and show as stricken.

Senator M. Cavanaugh filed the following amendment to [LB298](#):
[AM1009](#)

1 1. On page 2, strike lines 17 and 18.

Senator M. Cavanaugh filed the following amendment to LB298:

[AM1006](#)

1 1. On page 2, line 1, strike "July 1" and insert "July 2".

Senator M. Cavanaugh filed the following amendment to LB298:

[AM1007](#)

1 1. On page 2, line 12, strike "grade" and insert "class".

Senator M. Cavanaugh filed the following amendment to LB298:

[AM1004](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB298:

[AM1005](#)

1 1. On page 2, line 13, strike "annually" and insert "monthly".

Senator M. Cavanaugh filed the following amendment to LB298:

[AM1008](#)

1 1. On page 2, strike lines 1 through 12; in line 13 strike "(2)" and
2 insert "(1)"; strike beginning with "the" in line 13 through "section" in
3 line 14 and insert "information regarding students with dyslexia in
4 Nebraska"; and in line 17 strike "(3)" and insert "(2)".

RESOLUTIONS

LEGISLATIVE RESOLUTION 73. Introduced by Holdcroft, 36.

WHEREAS, the 2023 Nebraska School Activities Association Boys State Basketball Championships were held from March 8 through March 11, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Platteview High School boys basketball team placed second in the 2023 Class B Boys State Basketball Championship; and

WHEREAS, Platteview defeated York in the semi-finals by a score of 80 to 54 before falling to Skutt Catholic in the championship game by a score of 57 to 50; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates the Platteview High School boys basketball team on placing second in the 2023 Class B State Basketball Championship.

2. That copies of this resolution be sent to the Platteview High School boys basketball team and Head Coach Tim Brotzki.

Laid over.

LEGISLATIVE RESOLUTION 74. Introduced by Linehan, 39; Armendariz, 18; Dover, 19; von Gillern, 4.

WHEREAS, the 2023 Nebraska School Activities Association Class B Girls State Basketball Championship was held on March 4, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Elkhorn North High School girls basketball team won the 2023 Class B Girls State Basketball Championship; and

WHEREAS, the Elkhorn North Wolves defeated Omaha Skutt Skyhawks in the championship game by a score of 64-51; and

WHEREAS, Elkhorn North finished the season with twenty-five wins and one loss; and

WHEREAS, that single loss to Omaha Skutt was vindicated when Elkhorn North defeated Omaha Skutt in the championship game; and

WHEREAS, Elkhorn North High School has been in existence for three years and the Elkhorn North girls basketball team has won the Class B State Championship all three of those years; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates Elkhorn North High School girls basketball team and its coaches on winning the 2023 Class B Girls State Basketball Championship.

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

Laid over.

GENERAL FILE

LEGISLATIVE BILL 276. Senator Hunt offered the following motion:

[MO112](#)

Bracket until June 1, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered the following motion:

[MO111](#)

Recommit to Health and Human Services Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator M. Cavanaugh offered [AM964](#), found on page 846.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM963](#), found on page 846.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM961](#), found on page 846.

The M. Cavanaugh amendment was withdrawn.

Senator Hunt offered the following motion:

[MO110](#)

Indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

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

LEGISLATIVE BILL 276A. Title read. Considered.

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

SELECT FILE

LEGISLATIVE BILL 77. [ER12](#), found on page 697, was offered.

Senator Lowe offered [MO108](#), found in this day's Journal, to bracket until April 12, 2023.

Senator Lowe withdrew his motion to bracket.

ER12 was adopted.

Senator Raybould offered [FA22](#), found on page 642.

Senator J. Cavanaugh offered [AM666](#), found on page 665, to the Raybould amendment.

Senator Raybould offered the following motion:

[MO113](#)

Recommit to Judiciary Committee.

SPEAKER ARCH PRESIDING

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 419A. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 419, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB754](#):
[AM1038](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 5 of this act shall be known and may be
3 cited as the Child Tax Credit Act.

4 Sec. 2. For purposes of the Child Tax Credit Act:

5 (1) Department means the Department of Revenue;

6 (2) Qualifying child means an individual who:

7 (a) Is under eighteen years of age at the end of the taxable year;

8 (b) Is claimed as a dependent on the taxpayer's federal income tax
9 return; and

10 (c) Has been issued either a social security number or an individual
11 taxpayer identification number; and

12 (3) Taxpayer means an individual who is subject to the income tax
13 imposed by the Nebraska Revenue Act of 1967.

14 Sec. 3. (1) For taxable years beginning or deemed to begin on or
15 after January 1, 2023, under the Internal Revenue Code of 1986, as
16 amended, any taxpayer with a qualifying child shall be eligible to
17 receive a credit against the income tax imposed by the Nebraska Revenue
18 Act of 1967.

19 (2) The credit provided in this section shall be a refundable credit
20 in an amount calculated as follows:

21 (a) For taxpayers with a filing status of married filing jointly,
22 the credit shall be equal to one thousand dollars per qualifying child,
23 except that the credit amount shall be reduced, but not below zero, by
24 five percent for each two thousand dollars, or fraction thereof, by which
25 the taxpayer's federal adjusted gross income exceeds one hundred ten
26 thousand dollars;

1 (b) For taxpayers with a filing status of head of household, the
2 credit shall be equal to one thousand dollars per qualifying child,
3 except that the credit amount shall be reduced, but not below zero, by
4 five percent for each one thousand five hundred dollars, or fraction
5 thereof, by which the taxpayer's federal adjusted gross income exceeds
6 ninety-two thousand five hundred dollars; and

7 (c) For taxpayers with any other filing status, the credit shall be
8 equal to one thousand dollars per qualifying child, except that the
9 credit amount shall be reduced, but not below zero, by five percent for
10 each one thousand dollars, or fraction thereof, by which the taxpayer's
11 federal adjusted gross income exceeds seventy-five thousand dollars.

12 (3) For taxable years beginning or deemed to begin on or after
13 January 1, 2024, under the Internal Revenue Code of 1986, as amended, the
14 department shall adjust the amounts in subsection (2) of this section for
15 inflation by the same percentage used to adjust individual income tax
16 brackets under section 77-2715.03. Such adjustment shall be made to:

17 (a) The tax credit amounts;
 18 (b) The threshold amounts at which the tax credit amounts begin to
 19 be reduced; and
 20 (c) The increments at which the tax credit amounts are reduced.
 21 Sec. 4. Beginning in 2024, the department shall submit an annual
 22 report to the Legislature on the usage of credits under the Child Tax
 23 Credit Act. The report shall be submitted no later than July 15 of each
 24 year and shall include the following information for the most recently
 25 completed tax year:
 26 (1) The number of taxpayers who claimed the credit;
 27 (2) The number of taxpayers who claimed the credit disaggregated by
 28 race and ethnicity, to the extent possible by the department;
 29 (3) The number of taxpayers who were eligible for the credit but did
 30 not claim it;
 31 (4) The income levels of the taxpayers who claimed the credit;
 1 (5) The income levels of the taxpayers who were eligible for the
 2 credit but did not claim it;
 3 (6) The total amount of credits claimed;
 4 (7) The effectiveness of the credits in lifting children out of
 5 poverty; and
 6 (8) Any problems that exist with taxpayers being able to claim the
 7 credit.
 8 Sec. 5. The department may adopt and promulgate rules and
 9 regulations to carry out the Child Tax Credit Act.
 10 Sec. 11. Section 25-1553, Reissue Revised Statutes of Nebraska, is
 11 amended to read:
 12 25-1553 In bankruptcy and in the collection of a money judgment, the
 13 full amount of (1) any federal or state earned income tax credit refund
 14 and (2) any tax credit refund received under the Child Tax Credit Act
 15 shall be exempt from attachment, garnishment, or other legal or equitable
 16 process and from all claims of creditors.
 17 2. On page 15, line 12, after "in" insert "the Child Tax Credit
 18 Act".
 19 3. Renumber the remaining sections, correct internal references, and
 20 correct the repealer accordingly.

Senator Hunt filed the following amendment to [LB754](#):
[AM1036](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Strike section 9 and insert the following new section:
 2 Sec. 9. Section 77-2715.07, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 77-2715.07 (1) There shall be allowed to qualified resident
 5 individuals as a nonrefundable credit against the income tax imposed by
 6 the Nebraska Revenue Act of 1967:
 7 (a) A credit equal to the federal credit allowed under section 22 of
 8 the Internal Revenue Code; and
 9 (b) A credit for taxes paid to another state as provided in section
 10 77-2730.
 11 (2) There shall be allowed to qualified resident individuals against
 12 the income tax imposed by the Nebraska Revenue Act of 1967:
 13 (a) For returns filed reporting federal adjusted gross incomes of
 14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
 15 to twenty-five percent of the federal credit allowed under section 21 of
 16 the Internal Revenue Code of 1986, as amended, except that for taxable
 17 years beginning or deemed to begin on or after January 1, 2015, such
 18 nonrefundable credit shall be allowed only if the individual would have
 19 received the federal credit allowed under section 21 of the code after
 20 adding back in any carryforward of a net operating loss that was deducted
 21 pursuant to such section in determining eligibility for the federal

22 credit;

23 (b) For returns filed reporting federal adjusted gross income of
 24 twenty-nine thousand dollars or less, a refundable credit equal to a
 25 percentage of the federal credit allowable under section 21 of the
 26 Internal Revenue Code of 1986, as amended, whether or not the federal
 1 credit was limited by the federal tax liability. The percentage of the
 2 federal credit shall be one hundred percent for incomes not greater than
 3 twenty-two thousand dollars, and the percentage shall be reduced by ten
 4 percent for each one thousand dollars, or fraction thereof, by which the
 5 reported federal adjusted gross income exceeds twenty-two thousand
 6 dollars, except that for taxable years beginning or deemed to begin on or
 7 after January 1, 2015, such refundable credit shall be allowed only if
 8 the individual would have received the federal credit allowed under
 9 section 21 of the code after adding back in any carryforward of a net
 10 operating loss that was deducted pursuant to such section in determining
 11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
 13 individuals who qualify for an income tax credit as a qualified beginning
 14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
 15 for all taxable years beginning or deemed to begin on or after January 1,
 16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income
 18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
 19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
 20 and Development Act, or the Volunteer Emergency Responders Incentive Act;
 21 and

22 (e)(i) (e) A refundable credit equal to:

23 (A) ~~Ten ten~~ percent of the federal credit allowed under section 32
 24 of the Internal Revenue Code of 1986, as amended, for taxable years
 25 beginning or deemed to begin before January 1, 2024; and
 26 (B) Seventeen percent of the federal credit allowed under section 32
 27 of the Internal Revenue Code of 1986, as amended, for taxable years
 28 beginning or deemed to begin on or after January 1, 2024.

29 (ii) ~~For except that for~~ taxable years beginning or deemed to begin
 30 on or after January 1, 2015, ~~the such~~ refundable credit provided in
 31 subdivision (2)(c)(i) of this section shall be allowed only if the
 1 individual would have received the federal credit allowed under section
 2 32 of the code after adding back in any carryforward of a net operating
 3 loss that was deducted pursuant to such section in determining
 4 eligibility for the federal credit.

5 (3) There shall be allowed to all individuals as a nonrefundable
 6 credit against the income tax imposed by the Nebraska Revenue Act of
 7 1967:

8 (a) A credit for personal exemptions allowed under section
 9 77-2716.01;

10 (b) A credit for contributions to certified community betterment
 11 programs as provided in the Community Development Assistance Act. Each
 12 partner, each shareholder of an electing subchapter S corporation, each
 13 beneficiary of an estate or trust, or each member of a limited liability
 14 company shall report his or her share of the credit in the same manner
 15 and proportion as he or she reports the partnership, subchapter S
 16 corporation, estate, trust, or limited liability company income;

17 (c) A credit for investment in a biodiesel facility as provided in
 18 section 77-27,236;

19 (d) A credit as provided in the New Markets Job Growth Investment
 20 Act;

21 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
 22 Revitalization Act;

23 (f) A credit to employers as provided in sections 77-27,238 and
 24 77-27,240; and

25 (g) A credit as provided in the Affordable Housing Tax Credit Act.

26 (4) There shall be allowed as a credit against the income tax

27 imposed by the Nebraska Revenue Act of 1967:

28 (a) A credit to all resident estates and trusts for taxes paid to

29 another state as provided in section 77-2730;

30 (b) A credit to all estates and trusts for contributions to

31 certified community betterment programs as provided in the Community

1 Development Assistance Act; and

2 (c) A refundable credit for individuals who qualify for an income

3 tax credit as an owner of agricultural assets under the Beginning Farmer

4 Tax Credit Act for all taxable years beginning or deemed to begin on or

5 after January 1, 2009, under the Internal Revenue Code of 1986, as

6 amended. The credit allowed for each partner, shareholder, member, or

7 beneficiary of a partnership, corporation, limited liability company, or

8 estate or trust qualifying for an income tax credit as an owner of

9 agricultural assets under the Beginning Farmer Tax Credit Act shall be

10 equal to the partner's, shareholder's, member's, or beneficiary's portion

11 of the amount of tax credit distributed pursuant to subsection (6) of

12 section 77-5211.

13 (5)(a) For all taxable years beginning on or after January 1, 2007,

14 and before January 1, 2009, under the Internal Revenue Code of 1986, as

15 amended, there shall be allowed to each partner, shareholder, member, or

16 beneficiary of a partnership, subchapter S corporation, limited liability

17 company, or estate or trust a nonrefundable credit against the income tax

18 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the

19 partner's, shareholder's, member's, or beneficiary's portion of the

20 amount of franchise tax paid to the state under sections 77-3801 to

21 77-3807 by a financial institution.

22 (b) For all taxable years beginning on or after January 1, 2009,

23 under the Internal Revenue Code of 1986, as amended, there shall be

24 allowed to each partner, shareholder, member, or beneficiary of a

25 partnership, subchapter S corporation, limited liability company, or

26 estate or trust a nonrefundable credit against the income tax imposed by

27 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,

28 member's, or beneficiary's portion of the amount of franchise tax paid to

29 the state under sections 77-3801 to 77-3807 by a financial institution.

30 (c) Each partner, shareholder, member, or beneficiary shall report

31 his or her share of the credit in the same manner and proportion as he or

1 she reports the partnership, subchapter S corporation, limited liability

2 company, or estate or trust income. If any partner, shareholder, member,

3 or beneficiary cannot fully utilize the credit for that year, the credit

4 may not be carried forward or back.

5 (6) There shall be allowed to all individuals nonrefundable credits

6 against the income tax imposed by the Nebraska Revenue Act of 1967 as

7 provided in section 77-3604 and refundable credits against the income tax

8 imposed by the Nebraska Revenue Act of 1967 as provided in section

9 77-3605.

10 (7)(a) For taxable years beginning or deemed to begin on or after

11 January 1, 2020, and before January 1, 2026, under the Internal Revenue

12 Code of 1986, as amended, a nonrefundable credit against the income tax

13 imposed by the Nebraska Revenue Act of 1967 in the amount of five

14 thousand dollars shall be allowed to any individual who purchases a

15 residence during the taxable year if such residence:

16 (i) Is located within an area that has been declared an extremely

17 blighted area under section 18-2101.02;

18 (ii) Is the individual's primary residence; and

19 (iii) Was not purchased from a family member of the individual or a

20 family member of the individual's spouse.

21 (b) The credit provided in this subsection shall be claimed for the

22 taxable year in which the residence is purchased. If the individual

23 cannot fully utilize the credit for such year, the credit may be carried
 24 forward to subsequent taxable years until fully utilized.
 25 (c) No more than one credit may be claimed under this subsection
 26 with respect to a single residence.
 27 (d) The credit provided in this subsection shall be subject to
 28 recapture by the Department of Revenue if the individual claiming the
 29 credit sells or otherwise transfers the residence or quits using the
 30 residence as his or her primary residence within five years after the end
 31 of the taxable year in which the credit was claimed.
 1 (e) For purposes of this subsection, family member means an
 2 individual's spouse, child, parent, brother, sister, grandchild, or
 3 grandparent, whether by blood, marriage, or adoption.
 4 (8) There shall be allowed to all individuals refundable credits
 5 against the income tax imposed by the Nebraska Revenue Act of 1967 as
 6 provided in the Nebraska Higher Blend Tax Credit Act, the Nebraska
 7 Property Tax Incentive Act, and the Renewable Chemical Production Tax
 8 Credit Act.
 9 (9)(a) For taxable years beginning or deemed to begin on or after
 10 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a
 11 refundable credit against the income tax imposed by the Nebraska Revenue
 12 Act of 1967 shall be allowed to the parent of a stillborn child if:
 13 (i) A fetal death certificate is filed pursuant to subsection (1) of
 14 section 71-606 for such child;
 15 (ii) Such child had advanced to at least the twentieth week of
 16 gestation; and
 17 (iii) Such child would have been a dependent of the individual
 18 claiming the credit.
 19 (b) The amount of the credit shall be two thousand dollars.
 20 (c) The credit shall be allowed for the taxable year in which the
 21 stillbirth occurred.
 22 (10) There shall be allowed to all individuals refundable credits
 23 against the income tax imposed by the Nebraska Revenue Act of 1967 as
 24 provided in section 3 of this act and nonrefundable credits against the
 25 income tax imposed by the Nebraska Revenue Act of 1967 as provided in
 26 section 4 of this act.

Senator Conrad filed the following amendment to [LB514](#):
[AM1013](#)

(Amendments to Standing Committee amendments, AM853)

- 1 1. Strike sections 8, 9, 10, 46, and 47.
- 2 2. Renumber the remaining sections and correct the repealer and
- 3 internal references accordingly.

Senator Hunt filed the following amendment to [LB754](#):
[AM1039](#)

(Amendments to Standing Committee amendments, AM906)

- 1 1. Insert the following new section:
- 2 Sec. 20. Section 77-4212, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 77-4212 (1) For tax year 2007, the amount of relief granted under
- 5 the Property Tax Credit Act shall be one hundred five million dollars.
- 6 For tax year 2008, the amount of relief granted under the act shall be
- 7 one hundred fifteen million dollars. It is the intent of the Legislature
- 8 to fund the Property Tax Credit Act for tax years after tax year 2008
- 9 using available revenue. For tax year 2017, the amount of relief granted
- 10 under the act shall be two hundred twenty-four million dollars. For tax
- 11 ~~years year 2020 through 2022 and each tax year thereafter~~, the minimum
- 12 amount of relief granted under the act shall be two hundred seventy-five
- 13 million dollars. For tax year 2023 and each tax year thereafter, the

14 amount of relief granted under the act shall be two hundred million
15 dollars. If money is transferred or credited to the Property Tax Credit
16 Cash Fund pursuant to any other state law, such amount shall be added to
17 the minimum amount provided in required under this subsection when
18 determining the total amount of relief granted under the act. The relief
19 shall be in the form of a property tax credit which appears on the
20 property tax statement.

21 (2)(a) For tax years prior to tax year 2017, to determine the amount
22 of the property tax credit, the county treasurer shall multiply the
23 amount disbursed to the county under subdivision (4)(a) of this section
24 by the ratio of the real property valuation of the parcel to the total
25 real property valuation in the county. The amount determined shall be the
26 property tax credit for the property.

1 (b) Beginning with tax year 2017, to determine the amount of the
2 property tax credit, the county treasurer shall multiply the amount
3 disbursed to the county under subdivision (4)(b) of this section by the
4 ratio of the credit allocation valuation of the parcel to the total
5 credit allocation valuation in the county. The amount determined shall be
6 the property tax credit for the property.

7 (3) If the real property owner qualifies for a homestead exemption
8 under sections 77-3501 to 77-3529, the owner shall also be qualified for
9 the relief provided in the act to the extent of any remaining liability
10 after calculation of the relief provided by the homestead exemption. If
11 the credit results in a property tax liability on the homestead that is
12 less than zero, the amount of the credit which cannot be used by the
13 taxpayer shall be returned to the Property Tax Administrator by July 1 of
14 the year the amount disbursed to the county was disbursed. The Property
15 Tax Administrator shall immediately credit any funds returned under this
16 subsection to the Property Tax Credit Cash Fund. Upon the return of any
17 funds under this subsection, the county treasurer shall electronically
18 file a report with the Property Tax Administrator, on a form prescribed
19 by the Tax Commissioner, indicating the amount of funds distributed to
20 each taxing unit in the county in the year the funds were returned, any
21 collection fee retained by the county in such year, and the amount of
22 unused credits returned.

23 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
24 each county shall be equal to the amount available for disbursement
25 determined under subsection (1) of this section multiplied by the ratio
26 of the real property valuation in the county to the real property
27 valuation in the state. By September 15, the Property Tax Administrator
28 shall determine the amount to be disbursed under this subdivision to each
29 county and certify such amounts to the State Treasurer and to each
30 county. The disbursements to the counties shall occur in two equal
31 payments, the first on or before January 31 and the second on or before
1 April 1. After retaining one percent of the receipts for costs, the
2 county treasurer shall allocate the remaining receipts to each taxing
3 unit levying taxes on taxable property in the tax district in which the
4 real property is located in the same proportion that the levy of such
5 taxing unit bears to the total levy on taxable property of all the taxing
6 units in the tax district in which the real property is located.

7 (b) Beginning with tax year 2017, the amount disbursed to each
8 county shall be equal to the amount available for disbursement determined
9 under subsection (1) of this section multiplied by the ratio of the
10 credit allocation valuation in the county to the credit allocation
11 valuation in the state. By September 15, the Property Tax Administrator
12 shall determine the amount to be disbursed under this subdivision to each
13 county and certify such amounts to the State Treasurer and to each
14 county. The disbursements to the counties shall occur in two equal
15 payments, the first on or before January 31 and the second on or before
16 April 1. After retaining one percent of the receipts for costs, the

17 county treasurer shall allocate the remaining receipts to each taxing
18 unit based on its share of the credits granted to all taxpayers in the
19 taxing unit.

20 (5) For purposes of this section, credit allocation valuation means
21 the taxable value for all real property except agricultural land and
22 horticultural land, one hundred twenty percent of taxable value for
23 agricultural land and horticultural land that is not subject to special
24 valuation, and one hundred twenty percent of taxable value for
25 agricultural land and horticultural land that is subject to special
26 valuation.

27 (6) The State Treasurer shall transfer from the General Fund to the
28 Property Tax Credit Cash Fund one hundred five million dollars by August
29 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

30 (7) The Legislature shall have the power to transfer funds from the
31 Property Tax Credit Cash Fund to the General Fund.

1 2. On page 16, after line 1 insert the following new subsection:

2 "(11) For taxable years beginning or deemed to begin on or after
3 January 1, 2023, under the Internal Revenue Code of 1986, as amended, a
4 refundable credit against the income tax imposed by the Nebraska Revenue
5 Act of 1967 shall be allowed to any individual who rents a house,
6 apartment, or other residential unit in this state during the taxable
7 year for use as such individual's primary residence. The credit shall be
8 equal to the greater of (a) four percent of the total amount of rent paid
9 by the individual during the taxable year or (b) two hundred dollars, but
10 in no case shall the credit exceed one thousand dollars."

11 3. Renumber the remaining sections and correct the repealer
12 accordingly.

Senator Hunt filed the following amendment to [LB296](#):

[AM1020](#)

1 1. On page 4, line 31, strike "and".

2 2. On page 5, line 2, strike the period and insert "; and"; and

3 after line 2 insert the following new subdivision:

4 "(f) That the Legislature prioritizes regulating pet insurance
5 before providing gender-affirming health care and protecting youth from
6 political attacks by elected officials."

Senator Hunt filed the following amendment to [LB296](#):

[AM1021](#)

1 1. Insert the following new section:

2 Sec. 11. Any violation of the Pet Insurance Act or the rules and
3 regulations adopted and promulgated under the act shall be referred to
4 the State Board of Health for a recommendation regarding the consequences
5 of such violation of the act.

6 2. On page 2, line 1, strike "10" and insert "11".

7 3. Renumber the remaining section accordingly.

EASE

The Legislature was at ease from 5:29 p.m. until 6:00 p.m.

SENATOR B. HANSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 77. Senator Raybould renewed [FA22](#), found on page
642 and considered in this day's Journal.

Senator J. Cavanaugh renewed [AM666](#), found on page 665 and considered in this day's Journal, to the Raybould amendment.

Senator Raybould renewed [MO113](#), found and considered in this day's Journal, to recommit to Judiciary Committee.

SPEAKER ARCH PRESIDING

Senator Raybould moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Raybould requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Conrad Hunt Raybould

Voting in the negative, 35:

Albrecht	Briese	Halloran	Kauth	Murman
Arch	Clements	Hansen	Linehan	Riepe
Armendariz	DeKay	Hardin	Lippincott	Sanders
Ballard	Dorn	Holdcroft	Lowe	Slama
Bostelman	Dover	Hughes	McDonnell	Vargas
Brandt	Erdman	Ibach	McKinney	von Gillern
Brewer	Geist	Jacobson	Moser	Wayne

Present and not voting, 5:

Bostar DeBoer Dungan Fredrickson Wishart

Excused and not voting, 4:

Aguilar Blood Day Walz

The Raybould motion to recommit to committee failed with 5 ayes, 35 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brewer offered the following motion:

[MO114](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Slama moved for a call of the house. The motion prevailed with 36 ayes, 2 nays, and 11 not voting.

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

Voting in the affirmative, 33:

Albrecht	Briese	Hansen	Linehan	Riepe
Arch	Clements	Hardin	Lippincott	Sanders
Armendariz	DeKay	Holdcroft	Lowe	Slama
Ballard	Dorn	Hughes	McDonnell	von Gillern
Bostelman	Dover	Ibach	McKinney	Wayne
Brandt	Erdman	Jacobson	Moser	
Brewer	Halloran	Kauth	Murman	

Voting in the negative, 10:

Bostar	Cavanaugh, M.	DeBoer	Fredrickson	Raybould
Cavanaugh, J.	Conrad	Dungan	Hunt	Vargas

Present and not voting, 2:

Geist	Wishart
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Excused and not voting, 4:

Aguilar	Blood	Day	Walz
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The Brewer motion to invoke cloture prevailed with 33 ayes, 10 nays, 2 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the J. Cavanaugh amendment.

Voting in the affirmative, 10:

Bostar	Cavanaugh, M.	DeBoer	Fredrickson	Raybould
Cavanaugh, J.	Conrad	Dungan	Hunt	Vargas

Voting in the negative, 33:

Albrecht	Briese	Halloran	Kauth	Murman
Arch	Clements	Hansen	Linehan	Riepe
Armendariz	DeKay	Hardin	Lippincott	Sanders
Ballard	Dorn	Holdcroft	Lowe	Slama
Bostelman	Dover	Hughes	McDonnell	von Gillern
Brandt	Erdman	Ibach	McKinney	
Brewer	Geist	Jacobson	Moser	

Present and not voting, 2:

Wayne Wishart

Excused and not voting, 4:

Aguilar Blood Day Walz

The J. Cavanaugh amendment lost with 10 ayes, 33 nays, 2 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on Raybould amendment.

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Conrad Hunt Raybould

Voting in the negative, 35:

Albrecht	Briese	Halloran	Kauth	Murman
Arch	Clements	Hansen	Linehan	Riepe
Armendariz	DeKay	Hardin	Lippincott	Sanders
Ballard	Dorn	Holdcroft	Lowe	Slama
Bostelman	Dover	Hughes	McDonnell	Vargas
Brandt	Erdman	Ibach	McKinney	von Gillern
Brewer	Geist	Jacobson	Moser	Wayne

Present and not voting, 5:

Bostar DeBoer Dungan Fredrickson Wishart

Excused and not voting, 4:

Aguilar Blood Day Walz

The Raybould amendment lost with 5 ayes, 35 nays, 5 present and not voting, and 4 excused and not voting.

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

Voting in the affirmative, 31:

Albrecht	Briese	Hansen	Linehan	Sanders
Arch	Clements	Hardin	Lippincott	Slama
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	
Brandt	Erdman	Jacobson	Murman	
Brewer	Halloran	Kauth	Riepe	

Voting in the negative, 10:

Bostar	Cavanaugh, M.	DeBoer	Fredrickson	Raybould
Cavanaugh, J.	Conrad	Dungan	Hunt	Vargas

Present and not voting, 4:

Geist	McKinney	Wayne	Wishart
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Excused and not voting, 4:

Aguilar	Blood	Day	Walz
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Advanced to Enrollment and Review for Engrossment with 31 ayes, 10 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 376. [ER13](#), found on page 782, was offered.

Senator Slama offered [MO107](#), found in this day's Journal, to bracket until June 9, 2023.

Senator Slama withdrew her motion to bracket.

Senator Slama offered [MO105](#), found in this day's Journal, to recommit to General Affairs Committee.

Senator Slama withdrew her motion to recommit to committee.

Senator Hunt offered [AM1033](#), found on page 875, to [ER13](#).

SENATOR DORN PRESIDING

Pending.

AMENDMENTS - Withdraw and Refile in Journal to LB77

Senator M. Cavanaugh withdrew and refiled [AM157](#), found on page 500.
 Senator M. Cavanaugh withdrew and refiled [AM158](#), found on page 500.
 Senator M. Cavanaugh withdrew and refiled [AM159](#), found on page 500.
 Senator M. Cavanaugh withdrew and refiled [AM160](#), found on page 500.
 Senator M. Cavanaugh withdrew and refiled [AM161](#), found on page 500.
 Senator M. Cavanaugh withdrew and refiled [AM393](#), found on page 555.
 Senator M. Cavanaugh withdrew and refiled [AM394](#), found on page 555.
 Senator M. Cavanaugh withdrew and refiled [AM395](#), found on page 555.
 Senator M. Cavanaugh withdrew and refiled [AM396](#), found on page 555.
 Senator M. Cavanaugh withdrew and refiled [AM397](#), found on page 555.
 Senator Raybould withdrew and refiled [FA24](#), found on page 653.

MOTION - Print in Journal

Senator Raybould filed the following motion to [LB77](#):
[MO115](#)
 Recommit to Judiciary Committee.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB376](#):
[AM1035](#)

(Amendments to E&R amendments, ER13)

- 1 1. Strike sections 7 and 12.
- 2 2. On page 1, line 5, strike "7" and insert "6".
- 3 3. On page 14, strike line 31.
- 4 4. On page 15, strike lines 1 through 4.
- 5 5. Renummer the remaining sections and correct the repealer
- 6 6 accordingly.

Senator Lowe filed the following amendment to [LB376](#):
[AM851](#)

(Amendments to E&R amendments, ER13)

- 1 1. On page 3, line 30, after the period insert "Disputes regarding
- 2 channel pricing, such as whether an establishment is similarly situated
- 3 to another licensee or to what channel a licensee belongs, shall be
- 4 resolved by the commission."

RESOLUTION

LEGISLATIVE RESOLUTION 75. Introduced by Vargas, 7; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15; Wishart, 27.

WHEREAS, Burdette Burkhart served in the United States Navy during the Vietnam War; and

WHEREAS, Burdette was active duty from 1967 through 1969 in the United States Navy Construction Battalions, better known as the Navy Seabees; and

WHEREAS, Burdette was stationed near the ancient city of Hue in Vietnam, Midway Atoll in the Pacific Ocean, and Port Hueneme and San Diego in California; and

WHEREAS, it is appropriate for the Legislature to recognize and honor the veterans of the United States military.

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

1. That the Legislature thanks Burdette Burkhart for his service in the United States Navy during the Vietnam War.
2. That a copy of this resolution be sent to Burdette Burkhart.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Vargas name added to LB276.

Senator Blood name added to LB276.

Senator Geist name added to LB447.

VISITORS

Visitors to the Chamber were students from Washington Elementary, Norfolk; Girl Scout Troop 28801 from Beattie and Sheridan Elementary, Lincoln.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 9:03 p.m., on a motion by Senator Fredrickson, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 29, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 29, 2023

PRAYER

The prayer was offered by Senior Pastor Tom Barnes, Minden Evangelical Free Church, Minden.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Sergeant Gregory R Holloway, 1st Cavalry Division, Army, Bee.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Bostar, Day, Jacobson, Slama, Vargas, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, 66, 67, 68, and 69 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 64, 65, 66, 67, 68, and 69.

SELECT FILE

LEGISLATIVE BILL 376. [ER13](#), found on page 782 and considered on page 889, was renewed.

Senator Hunt renewed [AM1033](#), found on page 875 and considered on page 889, to [ER13](#).

Senator Hunt offered the following motion:

[MO117](#)

Bracket until June 2, 2023.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Introduced by Clements, 2; Brewer, 43.

WHEREAS, the 2023 Nebraska School Activities Association Class C-2 State Speech Championship was held on March 16, 2023, at Kearney High School in Kearney, Nebraska; and

WHEREAS, the Elmwood-Murdock Public Schools speech team won the 2023 Class C-2 State Speech Championship; and

WHEREAS, Elmwood-Murdock prevailed over runner-up Hartington-Newcastle by a score of 136 to 132; and

WHEREAS, the members of the Elmwood-Murdock Public Schools speech team placed in six different categories; and

WHEREAS, Hanna Josoff and Haylee Josoff won the championship in Duet Acting, Bri Ross was runner-up in Entertainment Speaking, Lily Pope won the championship and Hanna Josoff was runner-up in Oral Interpretation Humorous Prose, Macy Howard, Marion Day, Haylee Josoff, and Averi Hogue placed fifth in Oral Interpretation of Drama, Averi Hogue was runner-up in Oral Interpretation of Poetry, and Wyatt Baker placed third and Lily Pope placed fourth in Program Oral Interpretation; and

WHEREAS, such team and individual achievements are made possible through the support of teachers, administrators, parents, and the community; 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, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Elmwood-Murdock Public Schools speech team and its coaches on winning the 2023 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Elmwood-Murdock Public Schools speech team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 376. [ER13](#), found on page 782 and considered on page 889 and in this day's Journal, was renewed.

Senator Hunt renewed [AM1033](#), found on page 875 and considered on page 889 and in this day's Journal, to [ER13](#).

Senator Hunt renewed [MO117](#), found and considered in this day's Journal, to bracket until June 2, 2023.

SENATOR B. HANSEN PRESIDING

SPEAKER ARCH PRESIDING

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

Senator Hunt requested a roll call vote on her motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Aguilar Briese Vargas

The Hunt motion to bracket failed with 0 ayes, 45 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered the following motion:

[MO118](#)

Recommit to General Affairs Committee.

Pending.

AMENDMENT - Print in Journal

Senator von Gillern filed the following amendment to LB807:
[AM726](#)

1 1. Strike original sections 27, 30, and 64, and insert the following
 2 new sections:
 3 Sec. 27. Section 60-3,100, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 60-3,100 (1)(a) ~~(1)~~ The department shall issue to every person
 6 whose motor vehicle or trailer is registered;
 7 (i) Until the license plate issuance cycle beginning in 2029, one or
 8 two fully reflectorized license plates; and
 9 (ii) For the license plate issuance cycle beginning in 2029, one
 10 fully reflectorized license plate.
 11 (b) ~~Upon each plate there upon which shall be displayed (i) (a) the~~
 12 registration number consisting of letters and numerals assigned to such
 13 motor vehicle or trailer in figures not less than two and one-half inches
 14 nor more than three inches in height and ~~(ii) (b) also the word Nebraska~~
 15 suitably lettered so as to be attractive.
 16 (c) ~~The license plate plates shall be of a color designated by the~~
 17 director. The color of the ~~plate plates~~ shall be changed each time the
 18 license plate is ~~plates are~~ changed. Each time the license plate is
 19 ~~plates are~~ changed, the director shall secure competitive bids for
 20 materials pursuant to sections 81-145 to 81-162.
 21 (d) Autocycle, motorcycle, minitruck, low-speed vehicle, and trailer
 22 license plate letters and numerals may be one-half the size of those
 23 required in subdivision (b) of this ~~subsection this section~~.
 24 (2)(a) Except as otherwise provided in this subsection, only one
 25 license plate ~~two license plates shall be issued for a every motor~~
 26 vehicle or trailer is required to be displayed on such motor vehicle or
 27 trailer and shall be prominently displayed on the rear of such motor
 1 vehicle or trailer. ~~(b) One license plate shall be issued for (i)~~
 2 apportionable vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v)
 3 motorcycles, other than autocycles, (vi) special interest motor vehicles
 4 that use the special interest motor vehicle license plate authorized by
 5 and issued under section 60-3,135.01, (vii) trailers, and (viii) truck-
 6 tractors. ~~(c)(i) One license plate shall be issued, upon request and~~
 7 compliance with this subdivision, for any passenger car which is not
 8 manufactured to be equipped with a bracket on the front of the vehicle to
 9 display a license plate. A license decal shall be issued with the license
 10 plate as provided in subdivision (ii) of this subdivision and shall be
 11 displayed on the driver's side of the windshield. In order to request a
 12 single license plate and license decal, there shall be an additional
 13 annual nonrefundable registration fee of fifty dollars plus the cost of
 14 the decal paid to the county treasurer at the time of registration. All
 15 fees collected under this subdivision shall be remitted to the State
 16 Treasurer for credit to the Highway Trust Fund. ~~(ii) The department shall~~
 17 design, procure, and furnish to the county treasurers a license decal
 18 which shall be displayed as evidence that a license plate has been
 19 obtained under this subdivision. Each county treasurer shall furnish a
 20 license decal to the person obtaining the plate. ~~(d) When two license~~
 21 plates are issued, one shall be prominently displayed at all times on the
 22 front and one on the rear of the registered motor vehicle or trailer.
 23 When only one plate is issued, it shall be prominently displayed on the
 24 rear of the registered motor vehicle or trailer.
 25 (b) The license plate ~~When only one plate is issued for motor~~
 26 vehicles registered pursuant to section 60-3,198 and truck-tractors, it
 27 shall be prominently displayed on the front of such ~~the~~ apportionable
 28 vehicle.

29 Sec. 30. Section 60-3,104, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-3,104 The department shall issue the following types of license
1 plates:

2 (1) Alternate license plates issued pursuant to sections 85, 86, and
3 87 of this act;

4 (2) (1) Amateur radio station license plates issued pursuant to
5 section 60-3,126;

6 (3) (2) Apportionable vehicle license plates issued pursuant to
7 section 60-3,203;

8 (4) (3) Autocycle license plates issued pursuant to section
9 60-3,100;

10 (5) (4) Boat dealer license plates issued pursuant to section
11 60-3,379;

12 (5) Breast Cancer Awareness Plates issued pursuant to sections
13 60-3,230 and 60-3,231;

14 (6) Bus license plates issued pursuant to section 60-3,144;

15 (7) Choose Life License Plates issued pursuant to sections 60-3,232
16 and 60-3,233;

17 (7) (8) Commercial motor vehicle license plates issued pursuant to
18 section 60-3,147;

19 (8) (9) Dealer or manufacturer license plates issued pursuant to
20 sections 60-3,114 and 60-3,115;

21 (9) (10) Disabled veteran license plates issued pursuant to section
22 60-3,124;

23 (11) Donate Life Plates issued pursuant to sections 60-3,245 and
24 60-3,246;

25 (12) Down Syndrome Awareness Plates issued pursuant to sections
26 60-3,247 and 60-3,248;

27 (10) (13) Farm trailer license plates issued pursuant to section
28 60-3,151;

29 (11) (14) Farm truck license plates issued pursuant to section
30 60-3,146;

31 (12) (15) Farm trucks with a gross weight of over sixteen tons
1 license plates issued pursuant to section 60-3,146;

2 (13) (16) Fertilizer trailer license plates issued pursuant to
3 section 60-3,151;

4 (14) (17) Former military vehicle license plates issued pursuant to
5 section 60-3,236;

6 (15) (18) Gold Star Family license plates issued pursuant to
7 sections 60-3,122.01 and 60-3,122.02;

8 (16) (19) Handicapped or disabled person license plates issued
9 pursuant to section 60-3,113;

10 (17) (20) Historical vehicle license plates issued pursuant to
11 sections 60-3,130 to 60-3,134;

12 (21) Josh the Otter Be Safe Around Water Plates issued pursuant to
13 section 60-3,258;

14 (18) (22) Local truck license plates issued pursuant to section
15 60-3,145;

16 (19) (23) Metropolitan utilities district license plates issued
17 pursuant to section 60-3,228;

18 (20) (24) Military Honor Plates issued pursuant to sections
19 60-3,122.03 and 60-3,122.04;

20 (21) (25) Minitruck license plates issued pursuant to section
21 60-3,100;

22 (22) (26) Motor vehicle license plates for motor vehicles owned or
23 operated by the state, counties, municipalities, or school districts
24 issued pursuant to section 60-3,105;

25 (23) (27) Motor vehicles exempt pursuant to section 60-3,107;

26 (24) (28) Motorcycle license plates issued pursuant to section

27 60-3,100;
 28 ~~(29) Mountain Lion Conservation Plates issued pursuant to sections~~
 29 ~~60-3,226 and 60-3,227;~~
 30 ~~(30) Native American Cultural Awareness and History Plates issued~~
 31 ~~pursuant to sections 60-3,234 and 60-3,235;~~
 1 ~~(31) Nebraska Cornhusker Spirit Plates issued pursuant to sections~~
 2 ~~60-3,127 to 60-3,129;~~
 3 ~~(32) Nebraska History Plates issued pursuant to sections 60-3,255~~
 4 ~~and 60-3,256;~~
 5 ~~(33) Nebraska 150 Sesquicentennial Plates issued pursuant to~~
 6 ~~sections 60-3,223 to 60-3,225;~~
 7 ~~(25) (34) Nonresident owner thirty-day license plates issued~~
 8 ~~pursuant to section 60-382;~~
 9 ~~(26) Organizational license plates issued pursuant to sections~~
 10 ~~60-3,104.01 and 60-3, 104.02;~~
 11 ~~(27) (35) Passenger car having a seating capacity of ten persons or~~
 12 ~~less and not used for hire issued pursuant to section 60-3,143 other than~~
 13 ~~autocycles;~~
 14 ~~(28) (36) Passenger car having a seating capacity of ten persons or~~
 15 ~~less and used for hire issued pursuant to section 60-3,143 other than~~
 16 ~~autocycles;~~
 17 ~~(29) (37) Pearl Harbor license plates issued pursuant to section~~
 18 ~~60-3,122;~~
 19 ~~(30) (38) Personal-use dealer license plates issued pursuant to~~
 20 ~~section 60-3,116;~~
 21 ~~(31) (39) Personalized message license plates for motor vehicles,~~
 22 ~~trailers, and semitrailers, except motor vehicles, trailers, and~~
 23 ~~semitrailers registered under section 60-3,198, issued pursuant to~~
 24 ~~sections 60-3,118 to 60-3,121;~~
 25 ~~(40) Pets for Vets Plates issued pursuant to sections 60-3,249 and~~
 26 ~~60-3,250;~~
 27 ~~(32) (41) Prisoner-of-war license plates issued pursuant to section~~
 28 ~~60-3,123;~~
 29 ~~(42) Prostate Cancer Awareness Plates issued pursuant to section~~
 30 ~~60-3,240;~~
 31 ~~(33) (43) Public power district license plates issued pursuant to~~
 1 ~~section 60-3,228;~~
 2 ~~(34) (44) Purple Heart license plates issued pursuant to section~~
 3 ~~60-3,125;~~
 4 ~~(35) (45) Recreational vehicle license plates issued pursuant to~~
 5 ~~section 60-3,151;~~
 6 ~~(36) (46) Repossession license plates issued pursuant to section~~
 7 ~~60-375;~~
 8 ~~(47) Sammy's Superheroes license plates for childhood cancer~~
 9 ~~awareness issued pursuant to section 60-3,242;~~
 10 ~~(48) Special interest motor vehicle license plates issued pursuant~~
 11 ~~to section 60-3,135.01;~~
 12 ~~(49) Specialty license plates issued pursuant to sections~~
 13 ~~60-3,104.01 and 60-3,104.02;~~
 14 ~~(50) Support the Arts Plates issued pursuant to sections 60-3,251~~
 15 ~~and 60-3,252;~~
 16 ~~(51) Support Our Troops Plates issued pursuant to sections 60-3,243~~
 17 ~~and 60-3,244;~~
 18 ~~(52) The Good Life Is Outside Plates issued pursuant to sections~~
 19 ~~60-3,253 and 60-3,254;~~
 20 ~~(37) (53) Trailer license plates issued for trailers owned or~~
 21 ~~operated by the state, counties, municipalities, or school districts~~
 22 ~~issued pursuant to section 60-3,106;~~
 23 ~~(38) (54) Trailer license plates issued for trailers owned or~~
 24 ~~operated by a metropolitan utilities district or public power district~~

25 pursuant to section 60-3,228;
 26 (39) ~~(55)~~ Trailer license plates issued pursuant to section
 27 60-3,100;
 28 (40) ~~(56)~~ Trailers exempt pursuant to section 60-3,108;
 29 (41) ~~(57)~~ Transporter license plates issued pursuant to section
 30 60-378;
 31 (42) ~~(58)~~ Trucks or combinations of trucks, truck-tractors, or
 1 trailers which are not for hire and engaged in soil and water
 2 conservation work and used for the purpose of transporting pipe and
 3 equipment exclusively used by such contractors for soil and water
 4 conservation construction license plates issued pursuant to section
 5 60-3,149;
 6 (43) ~~(59)~~ Utility trailer license plates issued pursuant to section
 7 60-3,151; and
 8 (44) ~~(60)~~ Well-boring apparatus and well-servicing equipment license
 9 plates issued pursuant to section 60-3,109; ~~and~~
 10 (61) ~~Wildlife Conservation Plates issued pursuant to section~~
 11 ~~60-3,238.~~
 12 Sec. 43. Section 60-3,118, Reissue Revised Statutes of Nebraska, is
 13 amended to read:
 14 60-3,118 (1) In lieu of the license plates provided for by section
 15 60-3,100, the department shall issue personalized message license plates
 16 for motor vehicles, trailers, or semitrailers, except for motor vehicles
 17 and trailers registered under section 60-3,198, to all applicants who
 18 meet the requirements of sections 60-3,119 to 60-3,121. Personalized
 19 message license plates shall be the same size and of the same basic
 20 design as regular license plates issued pursuant to section 60-3,100. The
 21 characters used shall consist only of the registration number in letters
 22 and numerals of the same size and design specified in and shall comply
 23 ~~with the requirements of subdivision (1)(a) of section 60-3,100. A~~
 24 maximum of seven characters may be used, except that for an autocycle or
 25 a motorcycle, a maximum of six characters may be used.
 26 (2) The following conditions apply to all personalized message
 27 license plates:
 28 (a) County prefixes shall not be allowed except in counties using
 29 the alphanumeric system for motor vehicle registration. The numerals in
 30 the county prefix shall be the numerals assigned to the county, pursuant
 31 to subsection (2) of section 60-370, in which the motor vehicle or
 1 trailer is registered. Renewal of a personalized message license plate
 2 containing a county prefix shall be conditioned upon the motor vehicle or
 3 trailer being registered in such county. The numerals in the county
 4 prefix, including the hyphen or any other unique design for an existing
 5 license plate style, count against the maximum number of characters
 6 allowed under this section;
 7 (b) The characters in the order used shall not conflict with or
 8 duplicate any number used or to be used on the regular license plates or
 9 any number or license plate already approved pursuant to sections
 10 60-3,118 to 60-3,121;
 11 (c) The characters in the order used shall not express, connote, or
 12 imply any obscene or objectionable words or abbreviations; and
 13 (d) An applicant receiving a personalized message license plate for
 14 a farm truck with a gross weight of over sixteen tons or a commercial
 15 truck or truck-tractor with a gross weight of five tons or over shall
 16 affix the appropriate tonnage decal to such license plate.
 17 (3) The department shall have sole authority to determine if the
 18 conditions prescribed in subsection (2) of this section have been met.
 19 Sec. 111. Since an emergency exists, this act takes effect when
 20 passed and approved according to law.
 21 2. On page 111, after line 12 insert the following new subdivisions:
 22 "(14)(a) Special interest motor vehicle license plates. The

23 department shall design such plates to include the words special
 24 interest.
 25 (b) Alphanumeric special interest motor vehicle license plates shall
 26 be assigned a designation of up to seven characters and not use a county
 27 designation. No alternate plate fee shall be charged for alphanumeric
 28 special interest motor vehicle license plates. There is no designated
 29 recipient for alphanumeric special interest motor vehicle license plates.
 30 (c) Personalized message special interest motor vehicle license
 31 plates shall be issued subject to the same conditions specified for
 1 personalized message license plates in section 60-3,118 and a maximum of
 2 seven characters may be used. The alternate plate fee for personalized
 3 message special interest motor vehicle license plates is ten dollars and
 4 shall be credited to the Department of Motor Vehicles Cash Fund. There is
 5 no designated recipient for personalized message special interest motor
 6 vehicle license plates;"; in line 13 strike "(14)" and insert "(15)"; in
 7 line 17 strike "(15)" and insert "(16)"; in line 21 strike "(16)" and
 8 insert "(17)"; and in line 27 strike "(17)" and insert "(18)".
 9 3. On page 133, line 13, after "60-3,117," insert "60-3,118,,"; in
 10 line 22 strike "60-3,135.01,,"; and in line 29 after "60-3,128," insert
 11 "60-3,135.01,,".
 12 4. Renumber the remaining sections and correct internal references
 13 accordingly.

MOTION - Print in Journal

Senator Hunt filed the following motion to LB376:

MO119

Recommit to General Affairs Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 77. Introduced by Dorn, 30; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Day, 49; DeBoer, 10; DeKay, 40; Dover, 19; Dungan, 26; Fredrickson, 20; Halloran, 33; Hardin, 48; Holdcroft, 36; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the 2023 Nebraska School Activities Association Class C-2 Boys State Basketball Championship was held on March 11, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Freeman High School boys basketball team won the 2023 Class C-2 Boys State Basketball Championship; and

WHEREAS, the Freeman Falcons defeated Amherst in the championship game by a score of 53-35; and

WHEREAS, this is the second state championship overall for the Freeman boys basketball team and the first state championship since 2010; and

WHEREAS, head coach Jim McLaughlin and his staff helped guide the Freeman boys basketball team to finish a near perfect season with a record of twenty-nine wins and just one loss; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates Freeman High School boys basketball team and its coaches on winning the 2023 Class C-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Freeman High School boys basketball team.

Laid over.

VISITORS

Visitors to the Chamber were Karen Barnes, Minden; members of the Nebraska Association of Behavioral Health Organizations; members of the Nebraska Chapter of the American Foundation for Suicide Prevention; Keith County Leadership, Ogallala; students from Gretna Elementary, Gretna; members of the Nebraska State Athletic Trainers Association; community organizers from the Heartland Workers Center; students from Plainview Elementary, Plainview.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Blood, Briese, Conrad, Day, DeBoer, Dungan, B. Hansen, Hardin, Ibach, Linehan, McKinney, Riepe, Slama, Walz, and Wayne who were excused until they arrive.

MOTIONS- Print in Journal

Senator M. Cavanaugh filed the following motions to bracket:

LR1CA - [MO122](#)

LR1CA - [MO125](#)

LR22CA - [MO129](#)

LR22CA - [MO132](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LR1CA - [MO120](#)
LR22CA - [MO127](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LR1CA - [MO123](#)
LR22CA - [MO130](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LR1CA - [MO121](#)
LR1CA - [MO124](#)
LR1CA - [MO126](#)
LR22CA - [MO128](#)
LR22CA - [MO131](#)
LR22CA - [MO133](#)

SELECT FILE

LEGISLATIVE BILL 376. [ER13](#), found on page 782 and considered on page 889 and in this day's Journal, was renewed.

Senator Hunt renewed [AM1033](#), found on page 875 and considered on page 889 and in this day's Journal, to [ER13](#).

Senator Hunt renewed [MO118](#), found and considered in this day's Journal, to recommit to General Affairs Committee.

Senator Hunt moved for a call of the house. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Senator Hunt requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 1:

Halloran

Voting in the negative, 47:

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

Excused and not voting, 1:

Aguilar

The Hunt motion to recommit to committee failed with 1 aye, 47 nays, and 1 excused and not voting.

Senator Lowe offered the following motion:

[MO141](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Wayne

Present and not voting, 1:

Blood

Excused and not voting, 1:

Aguilar

The Lowe motion to invoke cloture prevailed with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt amendment.

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 1:

Aguilar

The Hunt amendment lost with 0 ayes, 47 nays, 1 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ballard

Excused and not voting, 1:

Aguilar

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

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ballard

Excused and not voting, 1:

Aguilar

Advanced to Enrollment and Review for Engrossment with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MOTIONS- Print in Journal

Senator M. Cavanaugh filed the following motion to [LB754](#):

[MO137](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB754 - [MO138](#)

LB754 - [MO140](#)

Senator M. Cavanaugh filed the following motion to [LB754](#):

[MO139](#)

Bracket until June 2, 2023.

Senator Hunt filed the following motion to [LB376](#):

[MO116](#)

Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB376](#):

[FA33](#)

Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB376](#):

[AM1056](#)

(Amendments to E & R amendments, ER13)

1 1. On page 8, line 25, after "[regarding](#)" insert "[production and](#)".

Senator M. Cavanaugh filed the following amendment to [LB376](#):

[AM1055](#)

(Amendments to E & R amendments, ER13)

1 1. On page 3, line 17; page 4, line 20; and page 9, line 5, strike

2 "[may](#)" and insert "[shall](#)".

GENERAL FILE

LEGISLATIVE BILL 754. Title read. Considered.

Committee [AM906](#), found on page 803, was offered.

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM1063](#) is available in the Bill Room.

The second committee amendment is as follows:

[AM1064](#) is available in the Bill Room.

The first committee amendment, [AM1063](#), found in this day's Journal, was offered.

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

[AM1068](#)

(Amendments to Standing Committee amendments, AM906)

1 1. On page 8, line 25, after the semicolon insert "and"; in line 26
 2 strike "4.55%" and insert "4.99%"; in line 27 strike ", and before
 3 January 1, 2027; and", show as stricken, and insert an underscored
 4 period; and strike lines 28 and 29 and show the old matter as stricken.
 5 2. On page 43, line 4, after the semicolon insert "and"; after line
 6 4 insert the following new subdivision:
 7 "(g) For taxable years beginning or deemed to begin on or after
 8 January 1, 2026, at a rate equal to 3.99 percent on the first one hundred
 9 thousand dollars of taxable income and at the rate of 4.99 percent on all
 10 taxable income in excess of one hundred thousand dollars."; and strike
 11 lines 5 through 13 and show the old matter as stricken.

Pending.

AMENDMENTS - Withdraw and Refile in Journal to LB754

Senator Hunt withdrew and refiled [AM1039](#), found on page 883.
 Senator Hunt withdrew and refiled [AM1036](#), found on page 880.
 Senator Hunt withdrew and refiled [AM1038](#), found on page 879.

MOTIONS - Print in Journal

Senator Hunt filed the following motion to [LB531](#):

[MO142](#)

Indefinitely postpone pursuant to Rule 6 Section 3 (f).

Senator Hunt filed the following motions to recommit to committee:

LB531 - [MO143](#)

LB531 - [MO146](#)

Senator Hunt filed the following motions to bracket:

LB531 - [MO144](#)

LB531 - [MO147](#)

LB531 - [MO148](#)

Senator Hunt filed the following motion to [LB531](#):

[MO145](#)

Indefinitely postpone.

Senator Hunt filed the following motion to [LB630](#):

[MO149](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt filed the following motions to bracket:

LB630 - [MO151](#)
 LB630 - [MO154](#)

Senator Hunt filed the following motions to recommit to committee:

LB630 - [MO150](#)
 LB630 - [MO153](#)
 LB630 - [MO155](#)

Senator Hunt filed the following motion to [LB630](#):
[MO152](#)
 Indefinitely postpone.

AMENDMENT - Print in Journal

Senator Kauth filed the following amendment to [LB754](#):
[FA34](#)
 Strike the enacting clause

GENERAL FILE

LEGISLATIVE BILL 754. Committee [AM1063](#), found and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1068](#), found and considered in this day's Journal, to the first committee amendment.

Pending.

AMENDMENT - Print in Journal

Senator Walz filed the following amendment to [LB516](#):
[AM803](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-2,143, Reissue Revised Statutes of Nebraska,
 4 is amended to read:
 5 79-2,143 (1) The position of state school security director is
 6 created within the State Department of Education. The Commissioner of
 7 Education shall appoint the director based on experience, knowledge, and
 8 skills in the field of school security.
 9 (2) It is the intent of the Legislature that regionally focused
 10 specialists be hired as employees to be placed to assist approved or
 11 accredited public and nonpublic schools and to increase the availability
 12 of training, provide tailored technical support for the unique needs of
 13 each region, and serve as a central point of contact for schools. Such
 14 employees shall be placed under the direction of the state school
 15 security director.
 16 Sec. 2. Section 79-3106, Revised Statutes Cumulative Supplement,
 17 2022, is amended to read:
 18 79-3106 (1) It is the intent of the Legislature that federal funds

19 shall be used to implement the School Safety and Security Reporting
 20 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The
 21 Commissioner of Education shall electronically report data, a cost-
 22 benefit analysis, and a funding recommendation regarding the continued
 23 viability of the Safe2HelpNE report line to the Appropriations Committee
 24 of the Legislature and the Education Committee of the Legislature on or
 25 before January 5, 2024.

26 (2) Beginning in fiscal year 2024-25, it is the intent of the
 27 Legislature to fund the School Safety and Security Reporting System Act
 1 using General Funds.

2 Sec. 3. (1) The Commissioner of Education shall create and
 3 administer a grant program to provide funding to school districts and
 4 educational service units on behalf of approved or accredited nonpublic
 5 schools, for security-related infrastructure projects. Such projects may
 6 include, but are not limited to, surveillance equipment, door-locking
 7 systems, and double-entry doors for school buildings. Subject to
 8 available appropriations, the department shall provide a grant to any
 9 school district or educational service unit that applies for such grant
 10 for use for qualifying projects. The amount of such grant shall be a
 11 proportionate share of the total amount appropriated for such grants in
 12 subsection (4) of this section and:

13 (a) A school district's share shall be based on the percentage of
 14 students attending such school district according to the most recent
 15 enrollment data collected by the State Department of Education; and
 16 (b) An educational service unit's share shall be based on the number
 17 of approved or accredited nonpublic schools that contract with such
 18 educational service unit for funding for qualifying projects as provided
 19 in subdivision (2)(b) of this section.

20 (2)(a) A school district may apply to the department for a grant on
 21 forms and in a manner prescribed by the Commissioner of Education. A
 22 school district receiving a grant under this section shall divide the use
 23 of such grant funds as evenly as possible among all eligible school
 24 buildings within such district.

25 (b) An educational service unit may apply to the department for a
 26 grant on forms and in a manner prescribed by the Commissioner of
 27 Education for use for funding qualifying projects at approved or
 28 accredited nonpublic schools which contract with such educational service
 29 unit on such qualifying projects. An approved or accredited nonpublic
 30 school may apply to and contract with the appropriate educational service
 31 unit in the school's area in a manner prescribed by the educational
 1 service unit for funding for qualifying projects pursuant to this
 2 section.

3 (3) The State Board of Education may adopt and promulgate rules and
 4 regulations to carry out this section.

5 (4) It is the intent of the Legislature to appropriate fifteen
 6 million dollars from the General Fund to the State Department of
 7 Education to administer the grant program pursuant to this section.

8 Sec. 4. (1) The State Department of Education shall create and
 9 administer a grant program to provide funding to hire mental health
 10 practitioners and school psychologists to provide access to mental and
 11 behavioral health supports to students at an approved or accredited
 12 public or nonpublic school and within the community.

13 (2) A local public health department or an educational service unit
 14 may apply to the department, on forms and in a manner prescribed by the
 15 department, for a grant to hire a mental health practitioner or school
 16 psychologist to provide mental and behavioral health supports to students
 17 and serve as a liaison to approved and accredited public and nonpublic
 18 schools within the area served by such local public health department or
 19 educational service unit.

20 (3) It is the intent of the Legislature to appropriate five million

21 dollars from the General Fund to administer such grant program.
22 Sec. 5. Original section 79-2,143, Reissue Revised Statutes of
23 Nebraska, and section 79-3106, Revised Statutes Cumulative Supplement,
24 2022, are repealed.

GENERAL FILE

LEGISLATIVE BILL 754. Committee [AM1063](#), found and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1068](#), found and considered in this day's Journal, to the first committee amendment.

SENATOR B. HANSEN PRESIDING

Senator Wayne offered the following motion:

[MO156](#)

Bracket until March 30, 2023.

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:27 p.m. until 6:02 p.m.

SENATOR B. HANSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 754. Committee [AM1063](#), found and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1068](#), found and considered in this day's Journal, to the first committee amendment.

Senator Wayne renewed [MO156](#), found and considered in this day's Journal, to bracket until March 30, 2023.

SPEAKER ARCH PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Wayne withdrew his motion to bracket.

The Chair declared the call raised.

Senator J. Cavanaugh moved for a call of the house. The motion prevailed

with 24 ayes, 4 nays, and 21 not voting.

Senator M. Cavanaugh requested a roll call vote on the J. Cavanaugh amendment.

Voting in the affirmative, 8:

Cavanaugh, J.	Day	Dungan	Hunt
Cavanaugh, M.	DeBoer	Fredrickson	Raybould

Voting in the negative, 32:

Albrecht	Clements	Hansen	Linehan	Slama
Arch	DeKay	Hardin	Lippincott	Vargas
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	Wishart
Brandt	Erdman	Ibach	Murman	
Brewer	Geist	Jacobson	Riepe	
Briese	Halloran	Kauth	Sanders	

Present and not voting, 5:

Bostar	Bostelman	McKinney	Walz	Wayne
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Excused and not voting, 4:

Aguilar	Blood	Conrad	Moser
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The J. Cavanaugh amendment lost with 8 ayes, 32 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Dungan offered the following amendment to the first committee amendment:

[AM1047](#) is available in the Bill Room.

Pending.

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB214](#):

[AM1026](#)

(Amendments to Standing Committee amendments, AM398)

- 1 1. Strike section 6 and insert the following new sections:
- 2 Sec. 6. Section 8-143.01, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 8-143.01 (1) No bank shall extend credit to any of its executive
- 5 officers, directors, or principal shareholders or to any related interest
- 6 of such persons in an amount that, when aggregated with the amount of all

7 other extensions of credit by the bank to that person and to all related
 8 interests of that person, exceeds the higher of twenty-five thousand
 9 dollars or five percent of the bank's unimpaired capital and unimpaired
 10 surplus unless (a) the extension of credit has been approved in advance
 11 by a majority vote of the entire board of directors of the bank, a record
 12 of which shall be made and kept as a part of the records of such bank,
 13 and (b) the interested party has abstained from participating directly or
 14 indirectly in such vote.

15 (2) No bank shall extend credit to any of its executive officers,
 16 directors, or principal shareholders or to any related interest of such
 17 persons in an amount that, when aggregated with the amount of all other
 18 extensions of credit by the bank to that person and to all related
 19 interests of that person, exceeds five hundred thousand dollars except by
 20 complying with the requirements of subdivisions (1)(a) and (b) of this
 21 section.

22 (3) No bank shall extend credit to any of its executive officers,
 23 and no such executive officer shall borrow from or otherwise become
 24 indebted to his or her bank, except in the amounts and for the purposes
 25 set forth in subsection (4) of this section.

26 (4) A bank shall be authorized to extend credit to any of its
 1 executive officers:

2 (a) In any amount to finance the education of such executive
 3 officer's children;

4 (b)(i) In any amount to finance or refinance the purchase,
 5 construction, maintenance, or improvement of a residence of such
 6 executive officer if the extension of credit is secured by a first lien
 7 on the residence and the residence is owned or is expected to be owned
 8 after the extension of credit by the executive officer and (ii) in the
 9 case of a refinancing, only the amount of the refinancing used to repay
 10 the original extension of credit, together with the closing costs of the
 11 refinancing, and any additional amount thereof used for any of the
 12 purposes enumerated in this subdivision are included within this category
 13 of credit;

14 (c) In any amount if the extension of credit is (i) secured by a
 15 perfected security interest in bonds, notes, certificates of
 16 indebtedness, or treasury bills of the United States or in other such
 17 obligations fully guaranteed as to principal and interest by the United
 18 States, (ii) secured by unconditional takeout commitments or guarantees
 19 of any department, agency, bureau, board, commission, or establishment of
 20 the United States or any corporation wholly owned directly or indirectly
 21 by the United States, or (iii) secured by a perfected security interest
 22 in a segregated deposit account in the lending bank; or

23 (d) For any other purpose not specified in subdivisions (a), (b),
 24 and (c) of this subsection if the aggregate amount of such other
 25 extensions of credit to such executive officer does not exceed, at any
 26 one time, the greater of two and one-half percent of the bank's
 27 unimpaired capital and unimpaired surplus or twenty-five thousand
 28 dollars, but in no event greater than one hundred thousand dollars or the
 29 amount of the bank's lending limit as prescribed in section 8-141,
 30 whichever is less.

31 ~~(5)(a) Except as provided in subdivision (b) or (c) of this
 1 subsection, any executive officer shall make, on an annual basis, a
 2 written report to the board of directors of the bank of which he or she
 3 is an executive officer stating the date and amount of all loans or
 4 indebtedness on which he or she is a borrower, cosigner, or guarantor,
 5 the security therefor, and the purpose for which the proceeds have been
 6 or are to be used.~~

7 ~~(5)(a) (b) Except as provided in subdivision (b) (e) of this
 8 subsection, in lieu of the reports required by subdivision (a) of this
 9 subsection, the board of directors of a bank may obtain a credit report~~

10 from a recognized credit agency, on an annual basis, for any or all of
11 its executive officers.

12 (b) Subdivision ~~(e)~~ Subdivisions (a) and (b) of this subsection does
13 ~~do~~ not apply to any executive officer if such officer is excluded by a
14 resolution of the board of directors or by the bylaws of the bank from
15 participating in the major policymaking functions of the bank and does
16 not actually participate in the major policymaking functions of the bank.
17 (6) No bank shall extend credit to any of its executive officers,
18 directors, or principal shareholders or to any related interest of such
19 persons in an amount that, when aggregated with the amount of all other
20 extensions of credit by the bank to that person and to all related
21 interests of that person, exceeds the lending limit of the bank as
22 prescribed in section 8-141.

23 (7)(a) Except as provided in subdivision (b) of this subsection, no
24 bank shall extend credit to any of its executive officers, directors, or
25 principal shareholders or to any related interest of such persons unless
26 the extension of credit (i) is made on substantially the same terms,
27 including interest rates and collateral, as, and following credit-
28 underwriting procedures that are not less stringent than, those
29 prevailing at the time for comparable transactions by the bank with other
30 persons that are not covered by this section and who are not employed by
31 the bank and (ii) does not involve more than the normal risk of repayment
1 or present other unfavorable features.

2 (b) Nothing in subdivision (a) of this subsection shall prohibit any
3 extension of credit made by a bank pursuant to a benefit or compensation
4 program under the provisions of 12 C.F.R. 215.4(a)(2), as such regulation
5 existed on January 1, 2023 ~~2022~~.

6 (8) For purposes of this section:

7 (a) Executive officer means a person who participates or has
8 authority to participate, other than in the capacity of director, in the
9 major policymaking functions of the bank, whether or not the officer has
10 an official title, the title designates such officer as an assistant, or
11 such officer is serving without salary or other compensation. Executive
12 officer includes the chairperson of the board of directors, the
13 president, all vice presidents, the cashier, the corporate secretary, and
14 the treasurer, unless the executive officer is excluded by a resolution
15 of the board of directors or by the bylaws of the bank from
16 participating, other than in the capacity of director, in the major
17 policymaking functions of the bank, and the executive officer does not
18 actually participate in such functions. A manager or assistant manager of
19 a branch of a bank shall not be considered to be an executive officer
20 unless such individual participates or is authorized to participate in
21 the major policymaking functions of the bank; and

22 (b) Unimpaired capital and unimpaired surplus means the sum of:
23 (i) The total equity capital of the bank reported on its most recent
24 consolidated report of condition filed under section 8-166;
25 (ii) Any subordinated notes and debentures approved as an addition
26 to the bank's capital structure by the appropriate federal banking
27 agency; and

28 (iii) Any valuation reserves created by charges to the bank's income
29 reported on its most recent consolidated report of condition filed under
30 section 8-166.

31 (9) Any executive officer, director, or principal shareholder of a
1 bank or any other person who intentionally violates this section or who
2 aids, abets, or assists in a violation of this section is guilty of a
3 Class IV felony.

4 (10) The Director of Banking and Finance may adopt and promulgate
5 rules and regulations to carry out this section, including rules and
6 regulations defining or further defining terms used in this section,
7 consistent with the provisions of 12 U.S.C. 84 and implementing

8 Regulation O as such section and regulation existed on January 1, 2023
9 2022.

10 Sec. 54. Section 76-1007, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 76-1007 (1) The trustee or the attorney for the trustee shall give
13 written notice of the time and place of sale particularly describing the
14 property to be sold by publication of such notice, at least five times,
15 once a week for five consecutive weeks, the last publication to be at
16 least ten days but not more than thirty days prior to the sale, in some
17 newspaper having a general circulation in each county in which the
18 property to be sold, or some part thereof, is situated.

19 (2) The sale shall be held at the time and place designated in the
20 notice of sale which shall be between the hours of nine a.m. and five
21 p.m. and at (a) the premises, (b) ~~or at~~ the courthouse of the county in
22 which the property to be sold, or some part thereof, is situated, or (c)
23 a public building wherein one or more county offices are located within
24 the county in which the property to be sold, or some part thereof, is
25 situated.

26 (3) The notice of sale shall be sufficient if made in substantially
27 the following form:

28 Notice of Trustee's Sale

29 The following described property will be sold at public auction to

30 the highest bidder at the door of the county courthouse

31 in, County of, Nebraska, on,

1 20.... .

2 (Name of Trustee)

3 2. Renumber the remaining sections and correct the repealer

4 accordingly.

Senator B. Hansen filed the following amendment to LB91:

AM1082

(Amendments to Standing Committee amendments, AM926)

1 1. On page 2, line 18, strike "A person shall not" and insert "No

2 person shall".

Senator B. Hansen filed the following amendment to LB91:

AM1081

(Amendments to Standing Committee amendments, AM926)

1 1. On page 2, line 9, after "of" insert "the State of".

Senator B. Hansen filed the following amendment to LB91:

AM1080

(Amendments to Standing Committee amendments, AM926)

1 1. On page 2, line 4, after "of" insert "the State of".

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to LB91:

MO177

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB91 - MO178

LB91 - MO181

LB91 - [MO183](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB91 - [MO179](#)

LB91 - [MO182](#)

Senator M. Cavanaugh filed the following motion to LB91:

[MO180](#)

Indefinitely postpone.

Senator B. Hansen filed the following motion to LB91:

[MO184](#)

Bracket until June 9, 2023.

Senator B. Hansen filed the following motion to LB91:

[MO185](#)

Recommit to Transportation and Telecommunications.

Senator B. Hansen filed the following motion to LB91:

[MO186](#)

Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 754. Committee [AM1063](#), found and considered in this day's Journal, was renewed.

Senator Dungan renewed [AM1047](#), found and considered in this day's Journal, to the first committee amendment.

Senator Dungan moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Dungan requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Cavanaugh, J.	Conrad	Dungan
Cavanaugh, M.	Day	Raybould

Voting in the negative, 29:

Albrecht	Briese	Geist	Jacobson	Riepe
Arch	Clements	Halloran	Kauth	Sanders
Armentariz	DeKay	Hardin	Linehan	Slama
Ballard	Dorn	Holdercroft	Lippincott	von Gillern
Brandt	Dover	Hughes	Lowe	Wishart
Brewer	Erdman	Ibach	Murman	

Present and not voting, 8:

Bostar	Fredrickson	McKinney	Walz
DeBoer	Hunt	Vargas	Wayne

Excused and not voting, 6:

Aguilar	Bostelman	McDonnell
Blood	Hansen	Moser

The Dungan amendment lost with 6 ayes, 29 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator von Gillern offered the following amendment to the first committee amendment:

[AM1066](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Insert the following new sections:
 2 Sec. 14. Section 77-2727, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 77-2727 (1) Except as provided in subsection (6) of this section and
 5 subsection (5) of section 77-2775, a partnership as such shall not be
 6 subject to the income tax imposed by the Nebraska Revenue Act of 1967.
 7 Persons or their authorized representatives carrying on business as
 8 partners shall be liable for the income tax imposed by the Nebraska
 9 Revenue Act of 1967 only in their separate or individual capacities.
 10 (2) The partners of such partnership who are residents of this state
 11 or corporations shall include in their incomes their proportionate share
 12 of such partnership's income.
 13 (3) If any partner of such partnership is a nonresident individual
 14 during any part of the partnership's reporting year, he or she shall file
 15 a Nebraska income tax return which shall include in Nebraska adjusted
 16 gross income that portion of the partnership's Nebraska income, as
 17 determined under the provisions of sections 77-2728 and 77-2729,
 18 allocable to his or her interest in the partnership and shall execute and
 19 forward to the partnership, on or before the original due date of the
 20 Nebraska partnership return, an agreement which states that he or she
 21 will file a Nebraska income tax return and pay income tax on all income
 22 derived from or attributable to sources in this state, and such agreement
 23 shall be attached to the partnership's Nebraska return for such reporting
 24 year.
 25 (4)(a) Except as provided in subdivision (c) of this subsection, in
 26 the absence of the nonresident individual partner's executed agreement
 1 being attached to the Nebraska partnership return, the partnership shall

2 remit a portion of such partner's income which was derived from or
3 attributable to Nebraska sources with its Nebraska return for the
4 reporting year. For tax years beginning or deemed to begin before January
5 1, 2013, the amount of remittance, in such instance, shall be the highest
6 individual income tax rate determined under section 77-2715.02 multiplied
7 by the nonresident individual partner's share of the partnership income
8 which was derived from or attributable to sources within this state. For
9 tax years beginning or deemed to begin on or after January 1, 2013, the
10 amount of remittance, in such instance, shall be the highest individual
11 income tax rate determined under section 77-2715.03 multiplied by the
12 nonresident individual partner's share of the partnership income which
13 was derived from or attributable to sources within this state.

14 (b) Any amount remitted on behalf of any partner shall be allowed as
15 a credit against the Nebraska income tax liability of the partner.

16 (c) Subdivision (a) of this subsection does not apply to a publicly
17 traded partnership as defined by section 7704(b) of the Internal Revenue
18 Code of 1986, as amended, that is treated as a partnership for the
19 purposes of the code and that has agreed to file an annual information
20 return with the Department of Revenue reporting the name, address,
21 taxpayer identification number, and other information requested by the
22 department of each unit holder with an income in the state in excess of
23 five hundred dollars.

24 (5) The Tax Commissioner may allow a nonresident individual partner
25 to not file a Nebraska income tax return if the nonresident individual
26 partner's only source of Nebraska income was his or her share of the
27 partnership's income which was derived from or attributable to sources
28 within this state, the nonresident did not file an agreement to file a
29 Nebraska income tax return, and the partnership has remitted the amount
30 required by subsection (4) of this section on behalf of such nonresident
31 individual partner. The amount remitted shall be retained in satisfaction
1 of the Nebraska income tax liability of the nonresident individual
2 partner.

3 (6) Notwithstanding any provision of this section to the contrary:

4 (a) For tax years beginning or deemed to begin on or after January
5 1, 2018, a partnership may annually make an irrevocable election to pay
6 the taxes, interest, or penalties levied by the Nebraska Revenue Act of
7 1967 at the entity level for the taxable period covered by such return.
8 For tax years beginning on or after January 1, 2023, such election must
9 be made on or before the due date for filing the applicable income tax
10 return, including any extensions that have been granted;

11 (b) An electing partnership with respect to a taxable period shall
12 pay an income tax equivalent to the highest individual income tax rate
13 provided in section 77-2715.03 multiplied by the electing partnership's
14 net income as apportioned or allocated to this state in accordance with
15 the Nebraska Revenue Act of 1967, for such taxable period;

16 (c) An electing partnership shall be treated as a corporation with
17 respect to the requirements of section 77-2769 for payments of estimated
18 tax. The requirement for payment of estimated tax under section 77-2769
19 shall not apply for tax years beginning prior to January 1, 2024.

20 Payments of estimated tax made by an eligible partnership that does not
21 make an election under this subsection shall be treated as income tax
22 withholding on behalf of the partners;

23 (d) Except as provided in subdivision (e) of this subsection, the
24 partners of an electing partnership must file a Nebraska return to report
25 their pro rata or distributive share of the income of the electing
26 partnership in accordance with the Nebraska Revenue Act of 1967, as
27 applicable. In determining the sum of its pro rata or distributive share
28 and computing the tax under this subsection, an electing partnership
29 shall add back any amount of Nebraska tax imposed under the Nebraska
30 Revenue Act of 1967 and deducted by the electing partnership for federal

31 income tax purposes under section 164 of the Internal Revenue Code;

1 (e) A nonresident individual who is a partner of an electing
2 partnership shall not be required to file a Nebraska tax return for a
3 taxable year if, for such taxable year, the only source of income derived
4 from or connected with sources within this state for such partner, or for
5 the partner and the partner's spouse if a joint federal income tax return
6 is filed, is from one or more electing partnerships or electing small
7 business corporations as defined in subdivision (9)(a) of section
8 77-2734.01 for such taxable year and such nonresident individual
9 partner's tax under the Nebraska Revenue Act of 1967 would be fully
10 satisfied by the credit allowed to such partner under subdivision (g) of
11 this subsection;

12 (f) If the amount calculated under subdivision (a) of this
13 subsection results in a net operating loss, such net operating loss may
14 not be carried forward to succeeding taxable years;

15 (g)(i) A refundable credit shall be available to the partners in an
16 amount equal to their pro rata or distributive share of the Nebraska
17 income tax paid by the electing partnership;

18 (ii) In the case of a partnership or small business corporation that
19 is a partner of an electing partnership, the refundable credit under this
20 subdivision (g) shall (A) be allowed to its partners or shareholders in
21 accordance with the determination of income and distributive share of the
22 Nebraska income tax paid by the electing partnership or (B) be applied
23 against the partner's tax, interest, and penalty. Any excess credit
24 deemed an overpayment may be refunded or applied to the subsequent tax
25 year;

26 (iii) If a partnership making the election under this subsection is
27 a partner of another electing partnership, net income shall be computed
28 as provided in subsection (1) of this section. The upper tier electing
29 partnership shall claim a credit for the tax paid by the lower tier
30 electing partnership. The upper tier electing partnership shall
31 distribute out the pro rata or distributive share of the credits to its
1 partners for tax paid under this subsection by all tiers of electing
2 partnerships. As used in this subdivision, the term lower tier electing
3 partnership means an electing partnership in which some or all of the
4 partners are an electing partnership. The term upper tier electing
5 partnership means an electing partnership that is a partner of a lower
6 tier electing partnership. An electing partnership may have two or more
7 tiers; and

8 (h)(i) For tax years beginning or deemed to begin on or after
9 January 1, 2018, but prior to January 1, 2023, the electing partnership
10 must make the election under this subsection on or after January 1, 2023,
11 but before December 31, 2025, in the form and manner prescribed by the
12 Tax Commissioner for all years for which the election under this
13 subsection is made on behalf of the electing partnership. The Tax
14 Commissioner shall establish the form and manner, which shall not include
15 any changes to the past returns other than those that are directly
16 related to the election under this subsection.

17 (ii) Notwithstanding any other provision of law, if an electing
18 partnership files in the form and manner as specified in subdivision (h)

19 (i) of this subsection, the deadline for filing a claim for credit or
20 refund prescribed in section 77-2793 shall be extended for affected
21 partners of the electing partnership until the timeframe specified in
22 section 77-2793 or January 31, 2026, whichever is later. The resulting
23 claim of refund for tax years beginning prior to January 1, 2023, shall
24 be submitted in the form and manner as prescribed by the Tax
25 Commissioner. Neither the electing partnership nor its partners shall
26 incur any penalties for late filing nor owe interest on such amounts. The
27 Tax Commissioner shall not be required to pay interest on any amounts
28 owed to the partners resulting from such refund claims.

29 (iii) Notwithstanding the dates provided in subdivision (h)(i) of
30 this subsection, the Tax Commissioner shall have one year from the date
31 an electing partnership files in the form and manner as specified in
1 subdivision (h)(i) of this subsection to review and make a written
2 proposed deficiency determination in accordance with section 77-2786. Any
3 notice of deficiency determination made as specified in this subdivision
4 may be enforced at any time within six years from the date of the notice
5 of deficiency determination.

6 (7) For purposes of this section:

7 (a) Electing partnership means, with respect to a taxable period, an
8 eligible partnership that has made an election pursuant to subsection (6)
9 of this section with respect to such taxable period; and
10 (b) Eligible partnership means any partnership as provided for in
11 section 7701(a)(2) of the Internal Revenue Code that has a filing
12 requirement under the Nebraska Revenue Act of 1967 other than a publicly
13 traded partnership as defined in section 7704 of the Internal Revenue
14 Code. An eligible partnership includes any entity, including a limited
15 liability company, treated as a partnership for federal income tax
16 purposes that otherwise meets the requirements of this subdivision.

17 (8) (6) For purposes of this section, any partner that is a grantor
18 trust of a nonresident shall be disregarded and this section shall apply
19 as though the nonresident grantor was the partner.

20 Sec. 15. Section 77-2730, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-2730 (1) A resident individual and a resident estate or trust
23 shall be allowed a credit against the income tax otherwise due for the
24 amount of any income tax imposed on him or her for each taxable year
25 commencing on or after January 1, 1983, by another state of the United
26 States or a political subdivision thereof or the District of Columbia on
27 income derived from sources therein and which is also subject to income
28 tax under sections 77-2714 to 77-27,123.

29 (2) The credit provided under sections 77-2714 to 77-27,135 shall
30 not exceed the proportion of the income tax otherwise due under such
31 sections that the amount of the taxpayer's adjusted gross income or total
1 income derived from sources in the other taxing jurisdiction bears to
2 federal adjusted gross income or total federal income.

3 (3) For purposes of subsection (1) of this section, a resident
4 individual, estate, or trust shall be deemed to have paid a portion of
5 the income tax imposed by another state, a political subdivision thereof,
6 or the District of Columbia on the income of any partnership, trust, or
7 estate when such resident individual, estate, or trust is a partner, or
8 beneficiary and (a) the income taxed is included in the federal taxable
9 income of the resident individual, estate, or trust and (b) the taxation
10 of such partnership, trust, or estate by the other state is inconsistent
11 with the taxation of such entity under the Internal Revenue Code,
12 including any tax similar to the tax imposed under subsection (6) of
13 section 77-2727 and subsection (8) of section 77-2734.01 for the taxable
14 year imposed by another state of the United States or a political
15 subdivision of such a state, or by the District of Columbia, with respect
16 to the direct and indirect taxable income attributable to the resident
17 individual, estate, or trust from an entity that is also subject to tax
18 under sections 77-2714 to 77-2734.16. The amount of income tax deemed
19 paid by the resident individual, estate, or trust shall be the same
20 percentage of the total tax paid by the entity as the income included in
21 federal taxable income of the resident is to the total taxable income of
22 the entity as computed for the other state.

23 Sec. 17. Section 77-2734.01, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 77-2734.01 (1) Residents of Nebraska who are shareholders of a small
26 business corporation having an election in effect under subchapter S of

27 the Internal Revenue Code or who are members of a limited liability
28 company organized pursuant to the Nebraska Uniform Limited Liability
29 Company Act shall include in their Nebraska taxable income, to the extent
30 includable in federal gross income, their proportionate share of such
31 corporation's or limited liability company's federal income adjusted
1 pursuant to this section. Income or loss from such corporation or limited
2 liability company conducting a business, trade, profession, or occupation
3 shall be included in the Nebraska taxable income of a shareholder or
4 member who is a resident of this state to the extent of such
5 shareholder's or member's proportionate share of the net income or loss
6 from the conduct of such business, trade, profession, or occupation
7 within this state, determined under subsection (2) of this section. A
8 resident of Nebraska shall include in Nebraska taxable income fair
9 compensation for services rendered to such corporation or limited
10 liability company. Compensation actually paid shall be presumed to be
11 fair unless it is apparent to the Tax Commissioner that such compensation
12 is materially different from fair value for the services rendered or has
13 been manipulated for tax avoidance purposes.

14 (2) The income of any small business corporation having an election
15 in effect under subchapter S of the Internal Revenue Code or limited
16 liability company organized pursuant to the Nebraska Uniform Limited
17 Liability Company Act that is derived from or connected with Nebraska
18 sources shall be determined in the following manner:

19 (a) If the small business corporation is a member of a unitary
20 group, the small business corporation shall be deemed to be doing
21 business within this state if any part of its income is derived from
22 transactions with other members of the unitary group doing business
23 within this state, and such corporation shall apportion its income by
24 using the apportionment factor determined for the entire unitary group,
25 including the small business corporation, under sections 77-2734.05 to
26 77-2734.15;

27 (b) If the small business corporation or limited liability company
28 is not a member of a unitary group and is subject to tax in another
29 state, it shall apportion its income under sections 77-2734.05 to
30 77-2734.15; and

31 (c) If the small business corporation or limited liability company
1 is not subject to tax in another state, all of its income is derived from
2 or connected with Nebraska sources.

3 (3) Nonresidents of Nebraska who are shareholders of such
4 corporations or members of such limited liability companies shall file a
5 Nebraska income tax return and shall include in Nebraska adjusted gross
6 income their proportionate share of the corporation's or limited
7 liability company's Nebraska income as determined under subsection (2) of
8 this section.

9 (4) The nonresident shareholder or member shall execute and forward
10 to the corporation or limited liability company before the filing of the
11 corporation's or limited liability company's return an agreement which
12 states he or she will file a Nebraska income tax return and pay the tax
13 on the income derived from or connected with sources in this state, and
14 such agreement shall be attached to the corporation's or limited
15 liability company's Nebraska return for such taxable year.

16 (5) For taxable years beginning or deemed to begin before January 1,
17 2013, in the absence of the nonresident shareholder's or member's
18 executed agreement being attached to the Nebraska return, the corporation
19 or limited liability company shall remit with the return an amount equal
20 to the highest individual income tax rate determined under section
21 77-2715.02 multiplied by the nonresident shareholder's or member's share
22 of the corporation's or limited liability company's income which was
23 derived from or attributable to this state. For taxable years beginning
24 or deemed to begin on or after January 1, 2013, in the absence of the

25 nonresident shareholder's or member's executed agreement being attached
26 to the Nebraska return, the corporation or limited liability company
27 shall remit with the return an amount equal to the highest individual
28 income tax rate determined under section 77-2715.03 multiplied by the
29 nonresident shareholder's or member's share of the corporation's or
30 limited liability company's income which was derived from or attributable
31 to this state. The amount remitted shall be allowed as a credit against
1 the Nebraska income tax liability of the shareholder or member.

2 (6) The Tax Commissioner may allow a nonresident individual
3 shareholder or member to not file a Nebraska income tax return if the
4 nonresident individual shareholder's or member's only source of Nebraska
5 income was his or her share of the small business corporation's or
6 limited liability company's income which was derived from or attributable
7 to sources within this state, the nonresident did not file an agreement
8 to file a Nebraska income tax return, and the small business corporation
9 or limited liability company has remitted the amount required by
10 subsection (5) of this section on behalf of such nonresident individual
11 shareholder or member. The amount remitted shall be retained in
12 satisfaction of the Nebraska income tax liability of the nonresident
13 individual shareholder or member.

14 (7) A small business corporation or limited liability company return
15 shall be filed if the small business corporation or limited liability
16 company has income derived from Nebraska sources.

17 (8) Notwithstanding any provision of this section to the contrary:

18 (a) For tax years beginning or deemed to begin on or after January
19 1, 2018, a small business corporation may annually make an irrevocable
20 election to pay the taxes, interest, or penalties levied by the Nebraska
21 Revenue Act of 1967 at the entity level for the taxable period covered by
22 such return. For tax years beginning on or after January 1, 2023, such
23 election must be made on or before the due date for filing the applicable
24 income tax return, including any extensions that have been granted;

25 (b) An electing small business corporation with respect to a taxable
26 period shall pay an income tax equivalent to the highest individual
27 income tax rate provided in section 77-2715.03 multiplied by the electing
28 small business corporation's net income as apportioned or allocated to
29 this state in accordance with the Nebraska Revenue Act of 1967, for such
30 taxable period;

31 (c) An electing small business corporation shall be treated as a
1 corporation with respect to the requirements of section 77-2769 for
2 payments of estimated tax. The requirement for payment of estimated tax
3 under section 77-2769 shall not apply for tax years beginning prior to
4 January 1, 2024. Payments of estimated tax made by an eligible small
5 business corporation that does not make an election under this subsection
6 shall be treated as income tax withholding on behalf of the shareholders;
7 (d) Except as provided in subdivision (e) of this subsection, the
8 shareholders of an electing small business corporation must file a
9 Nebraska return to report their pro rata or distributive share of the
10 income of the electing small business corporation in accordance with the
11 Nebraska Revenue Act of 1967, as applicable. In determining the sum of
12 its pro rata or distributive share and computing the tax under this
13 subsection, an electing small business corporation shall add back any
14 amount of Nebraska tax imposed under the Nebraska Revenue Act of 1967 and
15 deducted by the electing small business corporation for federal income
16 tax purposes under section 164 of the Internal Revenue Code;

17 (e) A nonresident individual who is a shareholder of an electing
18 small business corporation shall not be required to file a Nebraska tax
19 return for a taxable year if, for such taxable year, the only source of
20 income derived from or connected with sources within this state for such
21 shareholder, or for the shareholder and the shareholder's spouse if a
22 joint federal income tax return is filed, is from one or more electing

23 small business corporations or electing partnerships as defined in
24 subdivision (7)(a) of section 77-2727 for such taxable year and such
25 nonresident individual shareholder's tax under the Nebraska Revenue Act
26 of 1967 would be fully satisfied by the credit allowed to such
27 shareholder under subdivision (g) of this subsection;
28 (f) If the amount calculated under subdivision (a) of this
29 subsection results in a net operating loss, such net operating loss may
30 not be carried forward to succeeding taxable years;
31 (g) A refundable credit shall be available to the shareholders in an
1 amount equal to their pro rata or distributive share of the Nebraska
2 income tax paid by the electing small business corporation; and
3 (h)(i) For tax years beginning or deemed to begin on or after
4 January 1, 2018, but prior to January 1, 2023, the electing small
5 business corporation must make the election under this subsection on or
6 after January 1, 2023, but before December 31, 2025, in the form and
7 manner prescribed by the Tax Commissioner for all years for which the
8 election under this subsection is made on behalf of the electing small
9 business corporation. The Tax Commissioner shall establish the form and
10 manner, which shall not include any changes to the past returns other
11 than those that are directly related to the election under this
12 subsection.
13 (ii) Notwithstanding any other provision of law, if an electing
14 small business corporation files in the form and manner as specified in
15 subdivision (h)(i) of this subsection, the deadline for filing a claim
16 for credit or refund prescribed in section 77-2793 shall be extended for
17 affected shareholders of the electing small business corporation until
18 the timeframe specified in section 77-2793 or January 31, 2026, whichever
19 is later. The resulting claim of refund for tax years beginning prior to
20 January 1, 2023, shall be submitted in the form and manner as prescribed
21 by the Tax Commissioner. Neither the electing small business corporation
22 nor its shareholders shall incur any penalties for late filing nor owe
23 interest on such amounts. The Tax Commissioner shall not be required to
24 pay interest on any amounts owed to the shareholders resulting from such
25 refund claims.
26 (iii) Notwithstanding the dates provided in subdivision (h)(i) of
27 this subsection, the Tax Commissioner shall have one year from the date
28 an electing small business corporation files in the form and manner as
29 specified in subdivision (h)(i) of this subsection to review and make a
30 written proposed deficiency determination in accordance with section
31 77-2786. Any notice of deficiency determination made as specified in this
1 subdivision may be enforced at any time within six years from the date of
2 the notice of deficiency determination.
3 (9) For purposes of this section:
4 (a) Electing small business corporation means, with respect to a
5 taxable period, an eligible small business corporation having an election
6 in effect under subchapter S of the Internal Revenue Code that has made
7 an election pursuant to subsection (8) of this section with respect to
8 such taxable period; and
9 (b) Eligible small business corporation means an entity subject to
10 taxation under subchapter S of the Internal Revenue Code and the
11 regulations thereunder.
12 (10) (8) For purposes of this section, any shareholder or member of
13 the corporation or limited liability company that is a grantor trust of a
14 nonresident shall be disregarded and this section shall apply as though
15 the nonresident grantor was the shareholder or member.
16 Sec. 20. Section 77-2775, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 77-2775 (1) If the amount of a taxpayer's federal adjusted gross
19 income, taxable income, or tax liability reported on his or her federal
20 income tax return for any taxable year is changed or corrected by the

21 Internal Revenue Service or other competent authority or as the result of
 22 a renegotiation of a contract or subcontract with the United States, the
 23 taxpayer shall report such change or correction in federal adjusted gross
 24 income, taxable income, or tax liability within sixty days after the
 25 final determination of such change, correction, or renegotiation.

26 (2) Whenever the amount of a taxpayer's income which is taxable in
 27 any state for any taxable year or any tax credits allowable in such state
 28 are changed or corrected in a way material to the tax liability owed to
 29 this state by the agency having authority to examine returns filed with
 30 such state or any other competent authority or whenever an amended return
 31 is filed by any taxpayer with a change or correction material to the tax
 1 liability owed to this state with another state, such change or
 2 correction shall be reported to the Tax Commissioner within sixty days
 3 after the final change or correction or filing of the amended return. The
 4 Tax Commissioner shall by rule and regulation provide the nature of any
 5 change or correction which must be reported.

6 (3) The taxpayer shall report all changes or corrections required to
 7 be reported under this section by filing an amended income tax return and
 8 shall give such information as the Tax Commissioner may require. The
 9 taxpayer shall concede the accuracy of any change or correction or state
 10 why it is erroneous.

11 (4) Any taxpayer filing an amended federal income tax return shall
 12 also file within sixty days thereafter an amended income tax return under
 13 the Nebraska Revenue Act of 1967 and shall give such information as the
 14 Tax Commissioner may require. For any amended federal income tax return
 15 requesting a credit or refund, the amended Nebraska income tax return
 16 shall be filed within sixty days after the taxpayer has received proof of
 17 federal acceptance of the credit or refund or within the time for filing
 18 an amended Nebraska income tax return that would otherwise be applicable
 19 notwithstanding the amended federal income tax return, whichever is
 20 later.

21 (5) Notwithstanding the foregoing, any partnership that is required
 22 to file an amended return pursuant to this section shall be allowed, at
 23 the partnership's election, to file an amended Nebraska income tax return
 24 and to pay all Nebraska income tax, penalties, or interest associated
 25 with such amended return, determined after taking into consideration
 26 offsetting positive and negative adjustments of partnership items, at the
 27 top individual tax rate set forth in section 77-2715.03 as if the
 28 partnership were an individual. For a partnership making an election
 29 pursuant to this subsection and paying the tax, penalties, or interest
 30 arising from the amended return, (a) the partners of such electing
 31 partnership shall not be required to file amended Nebraska income tax
 1 returns for the year of the election and shall not be required to pay
 2 Nebraska income tax, penalties, or interest arising as a result of such
 3 amended return and (b) the basis, and other tax items in the hands of the
 4 partner, arising from the partner's interest in the partnership shall be
 5 determined as if the election under this subsection had not been made and
 6 shall be determined in a similar manner as set forth for federal income
 7 tax purposes.

8 2. Renumber the remaining sections and correct the repealer
 9 accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed
 with 27 ayes, 1 nay, and 21 not voting.

The von Gillern amendment was adopted with 40 ayes, 1 nay, 1 present and
 not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator DeBoer offered the following amendment to the first committee amendment:

[AM1070](#)

(Amendments to Standing Committee amendments, AM906)

1 1. On page 8, strike lines 11 through 16 and insert the following
2 new subdivisions:

3 "(i) 5.01% for taxable years beginning or deemed to begin on or
4 after January 1, 2014, and before January 1, 2025;

5 (ii) 4.55% for taxable years beginning or deemed to begin on or
6 after January 1, 2025, and before January 1, 2026;

7 (iii) 3.99% for taxable years beginning or deemed to begin on or
8 after January 1, 2026, and before January 1, 2027; and

9 (iv) 3.75% for taxable years beginning or deemed to begin on or
10 after January 1, 2027."

Pending.

MOTIONS- Print in Journal

Senator M.Cavanaugh filed the following motion to LB754:

[MO134](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to LB754:

[MO135](#)

Recommit to Revenue Committee.

Senator M. Cavanaugh filed the following motion to LB754:

[MO136](#)

Bracket until June 1, 2023.

Senator Conrad filed the following motion to LB683:

[MO157](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Conrad filed the following motion to LB683:

[MO160](#)

Indefinitely postpone.

Senator Conrad filed the following motions to recommit to committee:

LB683 - [MO158](#)

LB683 - [MO161](#)

LB683 - [MO163](#)

Senator Conrad filed the following motions to bracket:

LB683 - [MO159](#)

LB683 - [MO162](#)

Senator Geist filed the following motion to LB683:
[MO173](#)
Recommit to Transportation and Telecommunications Committee.

Senator Geist filed the following motion to LB683:
[MO172](#)
Indefinitely postpone.

Senator Geist filed the following motion to LB683:
[MO171](#)
Bracket until June 2, 2023.

Senator M. Cavanaugh filed the following motion to LB243:
[MO164](#)
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motion to LB243:
[MO167](#)
Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit:

LB243 - [MO165](#)
LB243 - [MO168](#)
LB243 - [MO170](#)

Senator M. Cavanaugh filed the following the motions to bracket:

LB243 - [MO166](#)
LB243 - [MO169](#)

Senator Briese filed the following motion to LB243:
[MO174](#)
Indefinitely postpone.

Senator Briese filed the following motion to LB243:
[MO175](#)
Recommit to Revenue Committee.

Senator Briese filed the following motion to LB243:
[MO176](#)
Bracket until May 30, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Raybould name added to LB14.

Senator Vargas name added to LB111.
Senator Raybould name added to LB256.
Senator Raybould name added to LB362.
Senator McDonnell name added to LB562.
Senator Raybould name added to LB565.

VISITORS

Visitors to the Chamber were students from Ashland-Greenwood Elementary, Ashland.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 8:59 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 30, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 2023

PRAYER

The prayer was offered by Reverend Brenda Peters, Unity of Omaha, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Specialist 4th Class Ronald Leishman, 145th Aviation Battalion, Army, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Bostar, Conrad, Day, B, Hansen, Hunt, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB11 - [MO187](#)
LB14 - [MO194](#)
LB50 - [MO208](#)
LB71 - [MO229](#)
LB77 - [MO236](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB11 - [MO190](#)
LB14 - [MO197](#)
LB50 - [MO211](#)
LB71 - [MO232](#)
LB77 - [MO239](#)

Senator Hunt filed the following motions to recommit to committee:

LB11 - [MO188](#)
LB11 - [MO191](#)
LB11 - [MO193](#)
LB14 - [MO195](#)
LB14 - [MO198](#)
LB14 - [MO200](#)
LB50 - [MO209](#)
LB50 - [MO212](#)
LB50 - [MO214](#)
LB71 - [MO230](#)
LB71 - [MO233](#)
LB71 - [MO235](#)
LB77 - [MO237](#)
LB77 - [MO240](#)
LB77 - [MO242](#)

Senator Hunt filed the following motions to bracket:

LB11 - [MO189](#)
LB11 - [MO192](#)
LB14 - [MO196](#)
LB14 - [MO199](#)
LB50 - [MO210](#)
LB50 - [MO213](#)
LB71 - [MO231](#)
LB71 - [MO234](#)
LB77 - [MO238](#)
LB77 - [MO241](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB35 - [MO201](#)
LB61 - [MO215](#)
LB63 - [MO222](#)
LB78 - [MO243](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB35 - [MO204](#)

LB61 - [MO218](#)
LB63 - [MO225](#)
LB78 - [MO246](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB35 - [MO202](#)
LB35 - [MO205](#)
LB35 - [MO207](#)
LB61 - [MO216](#)
LB61 - [MO219](#)
LB61 - [MO221](#)
LB63 - [MO223](#)
LB63 - [MO226](#)
LB63 - [MO228](#)
LB78 - [MO244](#)
LB78 - [MO247](#)
LB78 - [MO249](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB35 - [MO203](#)
LB35 - [MO206](#)
LB61 - [MO217](#)
LB61 - [MO220](#)
LB63 - [MO224](#)
LB63 - [MO227](#)
LB78 - [MO245](#)
LB78 - [MO248](#)

GENERAL FILE

LEGISLATIVE BILL 754. The first committee [AM1063](#), found on page 906 and considered on pages 906, 908, 910, and 915, was renewed.

Senator DeBoer withdrew [AM1070](#), found and considered on page 924, to the first committee amendment.

Senator DeBoer offered the following amendment to the first committee amendment:

[AM1092](#)

(Amendments to Standing Committee amendments, AM906)

1 1. On page 8, line 14, strike the second occurrence of "and"; in
2 line 16 strike the period and insert ", and before January 1, 2028; and";
3 and after line 16 insert the following new subdivision:
4 "(iv) 3.75% for taxable years beginning or deemed to begin on or
5 after January 1, 2028."

Senator DeBoer withdrew and refiled, [AM1092](#).

SENATOR B. HANSEN PRESIDING**SPEACKER ARCH PRESIDING**

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

Senator Linehan requested a roll call vote on the first committee amendment, as amended.

Voting in the affirmative, 40:

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

Voting in the negative, 4:

Cavanaugh, J. Cavanaugh, M. Conrad Dungan

Present and not voting, 3:

McKinney Raybould Wayne

Excused and not voting, 2:

Aguilar Hunt

The first committee amendment, as amended, was adopted with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB78 - [MO250](#)

LB79 - [MO258](#)

LB84 - [MO272](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB78 - [MO253](#)
LB79 - [MO261](#)
LB84 - [MO275](#)

Senator Hunt filed the following motions to recommit to committee:

LB78 - [MO251](#)
LB78 - [MO254](#)
LB78 - [MO257](#)
LB79 - [MO259](#)
LB79 - [MO262](#)
LB79 - [MO264](#)
LB84 - [MO273](#)
LB84 - [MO276](#)
LB84 - [MO278](#)

Senator Hunt filed the following motions to bracket:

LB78 - [MO252](#)
LB78 - [MO255](#)
LB79 - [MO260](#)
LB79 - [MO263](#)
LB84 - [MO274](#)
LB84 - [MO277](#)

Senator M. Cavanaugh filed the following motion to LB81:
[MO265](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motion to LB81:
[MO268](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB81 - [MO266](#)
LB81 - [MO269](#)
LB81 - [MO271](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB81 - [MO267](#)
LB81 - [MO270](#)

Senator Day filed the following motions to indefinitely postpone:

LB84 - [MO279](#)

LB84 - [MO282](#)

Senator Day filed the following motions to recommit to committee:

LB84 - [MO280](#)

LB84 - [MO283](#)

LB84 - [MO285](#)

Senator Day filed the following motions to bracket:

LB84 - [MO281](#)

LB84 - [MO284](#)

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 425. Placed on General File with amendment. [AM1010](#) is available in the Bill Room.

(Signed) Bruce Bostelman, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 607. Placed on General File.

LEGISLATIVE BILL 796. Placed on General File.

LEGISLATIVE BILL 234. Placed on General File with amendment. [AM714](#)

1 1. On page 2, lines 11 and 12, strike "blocked railroad crossings"
2 and insert "railroad crossings blocked for ten minutes or longer"; in
3 line 24 after "to" insert "the Department of Transportation and"; and in
4 line 26 strike "1" and insert "31".

(Signed) Suzanne Geist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 754. The second committee [AM1064](#), found on page 907, was offered.

Senator Linehan offered the following motion:

[MO324](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	Dungan	McKinney	Wayne
Cavanaugh, M.	Hunt	Raybould	

Excused and not voting, 1:

Aguilar

The Linehan motion to invoke cloture prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The second committee amendment, [AM1064](#), found on page 907, was not further considered.

Senator Raybould requested a roll call vote on the original undivided committee amendment, [AM906](#), as amended.

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Hunt

Present and not voting, 6:

Cavanaugh, J. Dungan Raybould
 Cavanaugh, M. McKinney Wayne

Excused and not voting, 1:

Aguilar

The original undivided committee amendment, [AM906](#), found on page 803, as amended, was adopted, with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Senator Raybould requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	Dungan	McKinney	Wayne
Cavanaugh, M.	Hunt	Raybould	

Excused and not voting, 1:

Aguilar

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB90 - [MO286](#)

LB92 - [MO293](#)

LB116 - [MO307](#)

LB181 - [MO336](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB90 - [MO289](#)

LB92 - [MO296](#)

LB116 - [MO310](#)

LB181 - [MO339](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB90 - [MO287](#)

LB90 - [MO290](#)

LB90 - [MO292](#)

LB92 - [MO294](#)

LB92 - [MO297](#)

LB92 - [MO299](#)

LB116 - [MO308](#)

LB116 - [MO311](#)

LB116 - [MO313](#)

LB181 - [MO337](#)

LB181 - [MO340](#)

LB181 - [MO342](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB90 - [MO288](#)

LB90 - [MO291](#)

LB92 - [MO295](#)

LB92 - [MO298](#)

LB116 - [MO309](#)

LB116 - [MO312](#)

LB181 - [MO338](#)

LB181 - [MO341](#)

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB103 - [MO300](#)

LB138 - [MO314](#)

LB157 - [MO321](#)

LB165 - [MO329](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB103 - [MO303](#)

LB138 - [MO317](#)

LB157 - [MO325](#)

LB165 - [MO332](#)

Senator Hunt filed the following motions to recommit to committee:

LB103 - [MO301](#)

LB103 - [MO304](#)

LB103 - [MO306](#)

LB138 - [MO315](#)

LB138 - [MO318](#)

LB138 - [MO320](#)

LB157 - [MO322](#)

LB157 - [MO326](#)

LB157 - [MO328](#)

LB165 - [MO330](#)

LB165 - [MO333](#)

LB165 - [MO335](#)

Senator Hunt filed the following motions to bracket:

LB103 - [MO302](#)

LB103 - [MO305](#)

LB138 - [MO316](#)

LB138 - [MO319](#)

LB157 - [MO323](#)

LB157 - [MO327](#)

LB165 - [MO331](#)

LB165 - [MO334](#)

GENERAL FILE

LEGISLATIVE BILL 683. Senator Conrad offered [MO157](#), found on page 924, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Geist opened on the Transportation and Telecommunications Committee bill, LB683.

Senator Conrad opened on her motion, MO157.

Senator Conrad withdrew her motion to indefinitely postpone prior to the bill being read.

Title read. Considered.

Senator Conrad offered [MO159](#), found on page 924, to bracket until June 1, 2023.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 77. Placed on Final Reading.

LEGISLATIVE BILL 276. Placed on Select File with amendment.

[ER17](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 71-801 Sections 71-801 to 71-830 and the Certified Community
6 Behavioral Health Clinic Act shall be known and may be cited as the
7 Nebraska Behavioral Health Services Act.
8 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
9 as the Certified Community Behavioral Health Clinic Act.
10 Sec. 3. The intent of the Legislature is to increase access to
11 mental health and substance use treatment and expand capacity for
12 comprehensive, holistic services, respond to local needs, incorporate
13 evidence-based practices, and establish care coordination as a linchpin
14 for service delivery including effective community partnerships with law
15 enforcement, schools, hospitals, primary care providers, and public and
16 private service organizations to improve care, reduce recidivism, and
17 address health disparities.
18 Sec. 4. For purposes of the Certified Community Behavioral Health
19 Clinic Act:
20 (1) Certified community behavioral health clinic means a nonprofit
21 organization, a unit of the local behavioral health authority, an entity
22 operated under authority of the Indian Health Service, an Indian tribe,
23 or tribal organization pursuant to a contract, grant, cooperative
24 agreement, or compact with the Indian Health Service pursuant to the
25 Indian Self-Determination and Education Assistance Act of 1975, or an
26 entity that is an urban Indian organization pursuant to a grant or
27 contract with the Indian Health Service under Title V of the Indian
1 Health Care Improvement Act, Public Law 94-437, providing community-based
2 mental health and substance use health services that are nationally
3 accredited that:
4 (a) Meet the federal certification criteria of the federal
5 Protecting Access to Medicare Act of 2014 or a state certification system
6 for certified community behavioral health clinics to be established by
7 the department and which shall be substantially equivalent to the federal
8 Protecting Access to Medicare Act of 2014; and
9 (b) Provide, at a minimum, the following community-based services
10 either directly or indirectly through formal referral relationships with
11 other providers:
12 (i) Outpatient mental health and substance use services;
13 (ii) Crisis mental health services;
14 (iii) Screening, assessment, and diagnosis, including risk
15 assessments;
16 (iv) Person-centered treatment planning;
17 (v) Outpatient clinic primary care screening and monitoring of key
18 health indicators and health risks;
19 (vi) Targeted case management;
20 (vii) Psychiatric rehabilitation services;
21 (viii) Peer support and counselor services and family supports; and
22 (ix) Community-based mental health care for members of the armed

23 forces and veterans consistent with minimum clinical mental health
 24 guidelines promulgated by the Veterans Health Administration; and
 25 (2) Prospective payment system means a daily or monthly medicaid
 26 payment methodology that allows providers to be reimbursed based on
 27 anticipated costs of providing required services to persons enrolled in
 28 medicaid.
 29 Sec. 5. (1) The department shall develop a prospective payment
 30 system under the medical assistance program for funding certified
 31 community behavioral health clinics. Such system shall permit either
 1 daily or monthly payment rates.
 2 (2) The department shall submit to the federal Centers for Medicare
 3 and Medicaid Services any approval request necessary for a medicaid state
 4 plan amendment to implement this section.
 5 (3) Subject to such approval, such prospective payment system shall
 6 be implemented before January 1, 2026.
 7 (4) The department shall solicit input from current certified
 8 community behavioral health clinics during the development of the
 9 medicaid state plan amendment.
 10 Sec. 6. The department shall adopt and promulgate rules and
 11 regulations to implement sections 3 to 6 of this act.
 12 Sec. 7. It is the intent of the Legislature to appropriate no more
 13 than four million five hundred thousand dollars annually beginning in
 14 fiscal year 2025-26 from the General Fund for the purpose of the
 15 Certified Community Behavioral Health Clinic Act.
 16 Sec. 8. Original section 71-801, Revised Statutes Cumulative
 17 Supplement, 2022, is repealed.
 18 Sec. 9. Since an emergency exists, this act takes effect when
 19 passed and approved according to law.

LEGISLATIVE BILL 276A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB184 - [MO343](#)
 LB195 - [MO357](#)
 LB206 - [MO371](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB184 - [MO346](#)
 LB195 - [MO360](#)
 LB206 - [MO374](#)

Senator Hunt filed the following motions to recommit to committee:

LB184 - [MO344](#)
 LB184 - [MO347](#)
 LB184 - [MO349](#)
 LB195 - [MO358](#)

LB195 - [MO361](#)
LB195 - [MO363](#)
LB206 - [MO372](#)
LB206 - [MO375](#)
LB206 - [MO377](#)

Senator Hunt filed the following motions to bracket:

LB184 - [MO345](#)
LB184 - [MO348](#)
LB195 - [MO359](#)
LB195 - [MO362](#)
LB206 - [MO373](#)
LB206 - [MO376](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB191 - [MO350](#)
LB198 - [MO364](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB191 - [MO353](#)
LB198 - [MO367](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB191 - [MO351](#)
LB191 - [MO354](#)
LB191 - [MO356](#)
LB198 - [MO365](#)
LB198 - [MO368](#)
LB198 - [MO370](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB191 - [MO352](#)
LB191 - [MO355](#)
LB198 - [MO366](#)
LB198 - [MO369](#)

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB461](#):
[AM1065](#)

(Amendments to Standing Committee amendments, AM389)

1 1. Strike amendment 2 and insert the following new amendment:

2 "2. On page 4, lines 1 and 2, strike the new matter and insert
 3 'including any officer or state agency established by the Constitution of
 4 Nebraska except for the University of Nebraska or the Nebraska state
 5 colleges. For purposes of procurement of services, state agency includes
 6 any officer or state agency established by the Constitution of Nebraska
 7 but does not include'; strike line 5 and show as stricken; after line 5
 8 insert the following new subdivision:
 9 '(12) State agency director means (a) for contracts entered into by
 10 a state agency other than an officer or agency established by the
 11 Constitution of Nebraska, the director or executive head of the agency,
 12 (b) for contracts entered into by a board, commission, or department
 13 established by the Constitution of Nebraska, the designee of the board,
 14 commission, or department, and (c) for contracts entered into by any
 15 other state constitutional officer, the state constitutional officer or
 16 the designee of the state constitutional officer; and'; and in line 6
 17 strike '(12)' and insert '(13)'."

Senator Hunt filed the following amendment to [LB461](#):
[AM1067](#)

(Amendments to Standing Committee amendments, AM389)

1 1. Strike amendment 7 and insert the following new amendments:
 2 "2. On page 2, line 1, strike '19' and insert '20'.
 3 8. Renumber the remaining sections and correct internal references
 4 accordingly."
 5 2. On page 1, line 1, strike the second occurrence of "section" and
 6 insert "sections"; and after line 1 insert the following new section:
 7 Sec. 20. The state shall not enter into any contract for personal
 8 property or services with an entity unless the contract includes a
 9 written certification that such entity has a policy stating that it does
 10 not tolerate discrimination against its employees on the basis of race,
 11 color, religion, national origin, ancestry, citizenship, gender, sexual
 12 orientation, gender identity, disability, or special education status.
 13 3. Renumber section 40 as section 41.
 14 4. Renumber the remaining amendments accordingly.

Senator Raybould filed the following amendment to [LB754](#):
[AM1099](#) is available in the Bill Room.

Senator Dungan filed the following amendment to [LB683](#):
[AM1096](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 5, strike beginning with the comma in line 18 through the
 2 comma in line 19.

ANNOUNCEMENT

Senator B. Hansen announced the Health and Human Services Committee will hold an executive session Friday, March 31, 2023, at 10:30 a.m., under the South Balcony.

VISITORS

Visitors to the Chamber were Betty and Eric Leishman, Lincoln; students from St. Stephen the Martyr Catholic Church, Omaha; students from Immanuel Lutheran School, Columbus; members of Overton FFA; members

of the Jewish Community Relations Council of the Jewish Federation of Omaha; students from Jobs for America's Graduates-Nebraska; Homeschool students, Lincoln; Tara Heights Elementary, Papillion; members of Riverside Public School-FFA Chapter.

RECESS

At 11:54 a.m., on a motion by Senator von Gillern, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Aguilar and Blood who were excused; and Senators Ballard, Bostar, Briese, Day, B, Hansen, Hunt, Kauth, Linehan, McKinney, Murman, Slama, von Gillern, and Wayne who were excused until they arrive.

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant Rule 6, Section 3(f):

LB214 - [MO378](#)
LB227 - [MO392](#)
LB249 - [MO399](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB214 - [MO381](#)
LB227 - [MO395](#)
LB249 - [MO402](#)

Senator Hunt filed the following motions recommit to committee:

LB214 - [MO379](#)
LB214 - [MO382](#)
LB214 - [MO384](#)
LB227 - [MO393](#)
LB227 - [MO396](#)
LB227 - [MO398](#)
LB249 - [MO400](#)
LB249 - [MO403](#)
LB249 - [MO405](#)

Senator Hunt filed the following motions to bracket:

LB214 - [MO380](#)
LB214 - [MO383](#)
LB227 - [MO394](#)
LB227 - [MO397](#)
LB249 - [MO401](#)
LB249 - [MO404](#)

Senator M. Cavanaugh field the following motions to indefinitely postpone pursuant Rule 6, Section 3(f):

LB220 - [MO385](#)
LB254 - [MO406](#)
LB256 - [MO413](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB220 - [MO388](#)
LB254 - [MO409](#)
LB256 - [MO416](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB220 - [MO386](#)
LB220 - [MO389](#)
LB220 - [MO391](#)
LB254 - [MO407](#)
LB254 - [MO410](#)
LB254 - [MO412](#)
LB256 - [MO414](#)
LB256 - [MO417](#)
LB256 - [MO419](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB220 - [MO387](#)
LB220 - [MO390](#)
LB254 - [MO408](#)
LB254 - [MO411](#)
LB256 - [MO415](#)
LB256 - [MO418](#)

GENERAL FILE

LEGISLATIVE BILL 683. Senator Conrad renewed [MO159](#), found on page 924 and considered in this day's Journal, to bracket until June 1, 2023.

Senator Conrad withdrew her motion to bracket.

Pending.

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB262 - [MO420](#)
LB267 - [MO427](#)
LB276 - [MO434](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB262 - [MO423](#)
LB267 - [MO430](#)

Senator Hunt filed the following motions to recommit to committee:

LB262 - [MO421](#)
LB262 - [MO424](#)
LB262 - [MO426](#)
LB267 - [MO428](#)
LB267 - [MO431](#)
LB267 - [MO433](#)
LB276 - [MO435](#)
LB276 - [MO437](#)

Senator Hunt filed the following motions to bracket:

LB262 - [MO422](#)
LB262 - [MO425](#)
LB267 - [MO429](#)
LB267 - [MO432](#)
LB276 - [MO436](#)

Senator M. Cavanaugh filed the following motion to [LB277](#):
[MO438](#)
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motion to [LB277](#):
[MO441](#)
Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB277 - [MO439](#)
LB277 - [MO442](#)
LB277 - [MO444](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB277 - [MO440](#)

LB277 - [MO443](#)

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 376. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787, was offered.

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

[AM1083](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 8, line 30, strike the new matter and reinstate the
2 stricken matter.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

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

Voting in the affirmative, 6:

Cavanaugh, M.	Day	Raybould
Conrad	Hunt	Wayne

Voting in the negative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Vargas
Ballard	Dorn	Holdercroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Present and not voting, 6:

Bostar DeBoer Fredrickson
Cavanaugh, J. Dungan Walz

Excused and not voting, 5:

Aguilar Blood McKinney Slama Wishart

The M. Cavanaugh amendment, to the committee amendment, lost with 6 ayes, 32 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB286 - [MO445](#)
LB296 - [MO459](#)
LB297 - [MO466](#)
LB298 - [MO473](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB286 - [MO448](#)
LB296 - [MO462](#)
LB297 - [MO469](#)
LB298 - [MO476](#)

Senator Hunt filed the following motions to recommit to committee:

LB286 - [MO446](#)
LB286 - [MO449](#)
LB286 - [MO451](#)
LB296 - [MO460](#)
LB296 - [MO463](#)
LB296 - [MO465](#)
LB297 - [MO467](#)
LB297 - [MO470](#)
LB297 - [MO472](#)
LB298 - [MO474](#)
LB298 - [MO477](#)
LB298 - [MO479](#)

Senator Hunt filed the following motions to bracket:

LB286 - [MO447](#)
LB286 - [MO450](#)
LB296 - [MO461](#)
LB296 - [MO464](#)
LB297 - [MO468](#)
LB297 - [MO471](#)
LB298 - [MO475](#)
LB298 - [MO478](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB294 - [MO452](#)
LB307 - [MO480](#)
LB308 - [MO487](#)
LB314 - [MO494](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB294 - [MO455](#)
LB307 - [MO483](#)
LB308 - [MO490](#)
LB314 - [MO497](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB294 - [MO453](#)
LB294 - [MO456](#)
LB294 - [MO458](#)
LB307 - [MO481](#)
LB307 - [MO484](#)
LB307 - [MO486](#)
LB308 - [MO488](#)
LB308 - [MO491](#)
LB308 - [MO493](#)
LB314 - [MO495](#)
LB314 - [MO498](#)
LB314 - [MO500](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB294 - [MO454](#)
LB294 - [MO457](#)
LB307 - [MO482](#)
LB307 - [MO485](#)
LB308 - [MO489](#)
LB308 - [MO492](#)
LB314 - [MO496](#)
LB314 - [MO499](#)

RESOLUTION

LEGISLATIVE RESOLUTION 78. Introduced by McDonnell, 5.

WHEREAS, Caterina Malara was born Caterina Giulivo on November 11, 1935, in Reggio Calabria, Italy, and entered into eternal rest on March 12, 2023, in Papillion, Nebraska; and

WHEREAS, Caterina, along with her husband Luigi and their growing family, immigrated to Omaha, Nebraska, in 1964, in order to care for her mother, Maria Baldanza; and

WHEREAS, tragedy struck the young family when Luigi passed away unexpectedly, leaving Caterina as the sole provider for her four daughters; and

WHEREAS, demonstrating immense resilience and fortitude, Caterina committed herself to keeping her family together and used her exceptional talents as a cook and seamstress to sell homemade raviolis and pasta out of her basement and create wedding dresses for her daughters; and

WHEREAS, through her strong will, determination, and hard work, Caterina realized her dream of opening her own restaurant in 1984 providing a gathering place for the community and a lasting legacy for her family; and

WHEREAS, Caterina, also known lovingly as Nani, has been a beloved matriarch of her family with her love and influence extending to her children, grandchildren, and great-grandchildren.

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

1. That Legislature recognizes and honors the life and contributions of Caterina Malara to the Omaha community and her family and celebrates her inspiring legacy of resilience, determination, and love in the face of adversity.

2. That the Legislature acknowledges the strength and dedication of Caterina Malara in overcoming personal tragedy, becoming a pillar of her family and community, and impacting the lives of those around her.

3. That the Legislature offers its condolences to the family of Caterina Malara and expresses appreciation for her contributions to the state and her community.

4. That a copy of this resolution be sent to the family of Caterina Malara.

Laid over.

SPEAKER ARCH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered in this day's Journal, was renewed.

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

[AM1094](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 4, line 15, strike "and serve at the pleasure of".

PRESIDENT KELLY PRESIDING

Pending.

MOTIONS - Print in the Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB327 - [MO501](#)

LB335 - [MO508](#)

LB343 - [MO522](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB327 - [MO504](#)

LB335 - [MO511](#)

LB343 - [MO525](#)

Senator Hunt filed the following motions to recommit to committee:

LB327 - [MO502](#)

LB327 - [MO505](#)

LB327 - [MO507](#)

LB335 - [MO509](#)

LB335 - [MO512](#)

LB335 - [MO514](#)

LB343 - [MO523](#)

LB343 - [MO526](#)

LB343 - [MO528](#)

Senator Hunt filed the following motions to bracket:

LB327 - [MO503](#)

LB327 - [MO506](#)

LB335 - [MO510](#)

LB335 - [MO513](#)

LB343- [MO524](#)

LB343 - [MO527](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB341 - [MO515](#)
LB348 - [MO529](#)
LB385 - [MO536](#)
LB387 - [MO543](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB341 - [MO518](#)
LB348 - [MO532](#)
LB385 - [MO539](#)
LB387 - [MO546](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB341 - [MO516](#)
LB341 - [MO519](#)
LB341 - [MO521](#)
LB348 - [MO530](#)
LB348 - [MO533](#)
LB348 - [MO535](#)
LB385 - [MO537](#)
LB385 - [MO540](#)
LB385 - [MO542](#)
LB387 - [MO544](#)
LB387 - [MO547](#)
LB387 - [MO549](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB341 - [MO517](#)
LB341 - [MO520](#)
LB348 - [MO531](#)
LB348 - [MO534](#)
LB385 - [MO538](#)
LB385 - [MO541](#)
LB387 - [MO545](#)
LB387 - [MO548](#)

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to [LB243](#):
[AM1079](#)

(Amendments to Standing Committee amendments, AM977)

- 1 1. Strike section 21 and insert the following new sections:
- 2 Sec. 14. Section 77-5003, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 77-5003 (1) The Tax Equalization and Review Commission is created.
- 5 The Tax Commissioner has no supervision, authority, or control over the
- 6 actions or decisions of the commission relating to its duties prescribed

7 by law. ~~Beginning July 1, 2023~~ Prior to July 1, 2011, the commission
8 shall have four commissioners, one commissioner from each congressional
9 district and one at-large commissioner. ~~On July 1, 2011, the term of each~~
10 ~~commissioner shall expire, and thereafter the commission shall have three~~
11 ~~commissioners, one from each congressional district, with terms as~~
12 provided in subsection (2) of this section. All commissioners shall be
13 appointed by the Governor with the approval of a majority of the members
14 of the Legislature. ~~The salaries of the commissioners shall be fixed by~~
15 ~~the Governor.~~

16 (2) The term of the commissioner from district 1 expires January 1,
17 ~~2028~~ ~~2016~~, the term of the commissioner from district 2 expires January
18 1, ~~2024~~ ~~2018~~, and the term of the commissioner from district 3 expires
19 January 1, ~~2026~~, and the term of the at-large commissioner expires
20 ~~January 1, 2028~~ ~~2014~~. After the terms of the commissioners are completed
21 as provided in this subsection, each subsequent term shall be for six
22 years beginning and ending on January 1 of the applicable year. Vacancies
23 occurring during a term shall be filled by appointment for the unexpired
24 term. Upon the expiration of his or her term of office, a commissioner
25 shall continue to serve until his or her successor has been appointed.

26 (3) The commission shall designate pursuant to rule and regulation
1 its chairperson and vice-chairperson on a two-year, rotating basis.

2 (4) A commissioner may be removed by the Governor for misfeasance,
3 malfeasance, or willful neglect of duty or other cause after notice and a
4 public hearing unless notice and hearing are expressly waived in writing
5 by the commissioner.

6 Sec. 15. Section 77-5004, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 77-5004 (1) Each commissioner shall be a qualified voter and
9 resident of the state and a domiciliary of the district ~~from which he or~~
10 ~~she is appointed~~ represents.

11 (2) Each commissioner shall devote his or her full time and efforts
12 to the discharge of his or her duties and shall not hold any other office
13 under the laws of this state, any city or county in this state, or the
14 United States Government while serving on the commission. Each
15 commissioner shall possess:

16 (a) Appropriate knowledge of terms commonly used in or related to
17 real property appraisal and of the writing of appraisal reports;

18 (b) Adequate knowledge of depreciation theories, cost estimating,
19 methods of capitalization, and real property appraisal mathematics;

20 (c) An understanding of the principles of land economics, appraisal
21 processes, and problems encountered in the gathering, interpreting, and
22 evaluating of data involved in the valuation of real property, including
23 complex industrial properties and mass appraisal techniques;

24 (d) Knowledge of the law relating to taxation, civil and
25 administrative procedure, due process, and evidence in Nebraska;

26 (e) At least thirty hours of successfully completed class hours in
27 courses of study, approved by the Real Property Appraiser Board, which
28 relate to appraisal and which include the fifteen-hour National Uniform
29 Standards of Professional Appraisal Practice Course. If a commissioner
30 has not received such training prior to his or her appointment, such
31 training shall be completed within one year after appointment; and

1 (f) Such other qualifications and skills as reasonably may be
2 requisite for the effective and reliable performance of the commission's
3 duties.

4 (3) At least one commissioner shall possess the certification or
5 training required to become a licensed residential real property
6 appraiser as set forth in section 76-2230.

7 (4) At least ~~two commissioners~~ ~~one commissioner~~ shall have been
8 engaged in the practice of law in the State of Nebraska for at least five
9 years, which may include prior service as a judge, and shall be currently

10 admitted to practice before the Nebraska Supreme Court. The attorney
11 commissioners shall be presiding hearing officers for commission
12 proceedings involving appeal hearings and other proceedings involving
13 panels of more than one commissioner.
14 (5) No commissioner or employee of the commission shall hold any
15 position of profit or engage in any occupation or business interfering
16 with or inconsistent with his or her duties as a commissioner or
17 employee. A person is not eligible for appointment and may not hold the
18 office of commissioner or be appointed by the commission to or hold any
19 office or position under the commission if he or she holds any official
20 office or position.
21 (6) Each commissioner shall annually attend a seminar or class of at
22 least two days' duration that is:
23 (a) Sponsored by a recognized assessment or appraisal organization,
24 in each of these areas: Utility and railroad appraisal; appraisal of
25 complex industrial properties; appraisal of other hard to assess
26 properties; and mass appraisal, residential or agricultural appraisal, or
27 assessment administration; or
28 (b) Pertaining to management, law, civil or administrative
29 procedure, or other knowledge or skill necessary for performing the
30 duties of the office.
31 (7) Each commissioner shall within two years after his or her
1 appointment attend at least thirty hours of instruction that constitutes
2 training for judges or administrative law judges.
3 (8) The commissioners shall be considered employees of the state for
4 purposes of sections 81-1320 to 81-1328 and 84-1601 to 84-1615.
5 (9) The commissioners shall be reimbursed as prescribed in sections
6 81-1174 to 81-1177 for expenses in the performance of their official
7 duties pursuant to the Tax Equalization and Review Commission Act.
8 (10) Due to the domicile requirements of subsection (1) of this
9 section and subsection (1) of section 77-5003, each commissioner shall be
10 reimbursed for mileage at the rate provided in section 81-1176 for actual
11 round trip travel from the commissioner's residence to the state office
12 building described in section 81-1108.37 or to the location of any
13 hearing or other official business of the commission. Reimbursements
14 under this subsection shall be made from the Tax Equalization and Review
15 Commission Cash Fund.
16 (11) The salary for commissioners serving as a presiding hearing
17 officer for commission hearings and proceedings involving a panel of more
18 than one commissioner shall be in an amount equal to eighty-five percent
19 of the salary set for the Chief Justice and judges of the Supreme Court.
20 The salary for commissioners not serving as a presiding hearing officer
21 for commission hearings or proceedings involving a panel of more than one
22 commissioner shall be in an amount equal to seventy percent of the salary
23 set for the Chief Justice and judges of the Supreme Court.
24 Sec. 17. Section 77-5015.02, Reissue Revised Statutes of Nebraska,
25 is amended to read:
26 77-5015.02 (1) A single commissioner may hear an appeal and cross
27 appeal and appeals and cross appeals consolidated with any such appeal
28 and cross appeal when:
29 (a) The taxable value of each parcel is ~~two one~~ million dollars or
30 less as determined by the county board of equalization; and
31 (b) The appeal and cross appeal has been designated for hearing
1 pursuant to this section by the chairperson of the commission or in such
2 manner as the commission may provide in its rules and regulations.
3 (2) A proceeding held before a single commissioner shall be
4 informal. The usual common-law or statutory rules of evidence, including
5 rules of hearsay, shall not apply, and the commissioner may consider and
6 utilize all matters presented at the proceeding in making his or her
7 determination.

8 (3) Any party to an appeal designated for hearing before a single
 9 commissioner pursuant to this section may, prior to a hearing, elect in
 10 writing to have the appeal heard by the commission. The commissioner
 11 conducting a proceeding pursuant to this section may at any time
 12 designate the appeal for hearing by the commission.
 13 (4) Documents necessary to establish jurisdiction of the commission
 14 shall constitute the record of a proceeding before a single commissioner.
 15 No recording shall be made of a proceeding before a single commissioner.
 16 (5) A party to a proceeding before a single commissioner may request
 17 a rehearing pursuant to section 77-5005.
 18 (6) An order entered by a single commissioner pursuant to this
 19 section may not be appealed pursuant to section 77-5019 or any other
 20 provision of law.
 21 (7) Subdivisions (3), (6), (8), (9), (10), (11), and (12) of section
 22 77-5016 apply to proceedings before a single commissioner.
 23 Sec. 24. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 29 of this act
 24 become operative on January 1, 2024. Sections 11, 12, 13, 18, 19, 20, 21,
 25 22, 23, and 28 of this act become operative three calendar months after
 26 the adjournment of this legislative session. Sections 14, 15, 17, and 27
 27 of this act become operative on July 1, 2023. The other sections of this
 28 act become operative on their effective date.
 29 Sec. 25. If any section in this act or any part of any section is
 30 declared invalid or unconstitutional, the declaration shall not affect
 31 the validity or constitutionality of the remaining portions.
 1 Sec. 27. Original sections 77-5003 and 77-5015.02, Reissue Revised
 2 Statutes of Nebraska, and section 77-5004, Revised Statutes Cumulative
 3 Supplement, 2022, are repealed.
 4 2. Renumber the remaining sections and correct internal references
 5 accordingly.

Senator Hunt filed the following amendment to [LB243](#):
[AM1077](#)

(Amendments to Standing Committee amendments, AM977)

1 1. Strike section 13 and insert the following new sections:
 2 Sec. 12. Section 77-2715.07, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 77-2715.07 (1) There shall be allowed to qualified resident
 5 individuals as a nonrefundable credit against the income tax imposed by
 6 the Nebraska Revenue Act of 1967:
 7 (a) A credit equal to the federal credit allowed under section 22 of
 8 the Internal Revenue Code; and
 9 (b) A credit for taxes paid to another state as provided in section
 10 77-2730.
 11 (2) There shall be allowed to qualified resident individuals against
 12 the income tax imposed by the Nebraska Revenue Act of 1967:
 13 (a) For returns filed reporting federal adjusted gross incomes of
 14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
 15 to twenty-five percent of the federal credit allowed under section 21 of
 16 the Internal Revenue Code of 1986, as amended, except that for taxable
 17 years beginning or deemed to begin on or after January 1, 2015, such
 18 nonrefundable credit shall be allowed only if the individual would have
 19 received the federal credit allowed under section 21 of the code after
 20 adding back in any carryforward of a net operating loss that was deducted
 21 pursuant to such section in determining eligibility for the federal
 22 credit;
 23 (b) For returns filed reporting federal adjusted gross income of
 24 twenty-nine thousand dollars or less, a refundable credit equal to a
 25 percentage of the federal credit allowable under section 21 of the
 26 Internal Revenue Code of 1986, as amended, whether or not the federal
 1 credit was limited by the federal tax liability. The percentage of the

2 federal credit shall be one hundred percent for incomes not greater than
3 twenty-two thousand dollars, and the percentage shall be reduced by ten
4 percent for each one thousand dollars, or fraction thereof, by which the
5 reported federal adjusted gross income exceeds twenty-two thousand
6 dollars, except that for taxable years beginning or deemed to begin on or
7 after January 1, 2015, such refundable credit shall be allowed only if
8 the individual would have received the federal credit allowed under
9 section 21 of the code after adding back in any carryforward of a net
10 operating loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
13 individuals who qualify for an income tax credit as a qualified beginning
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
15 for all taxable years beginning or deemed to begin on or after January 1,
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
19 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research
20 and Development Act, or the Volunteer Emergency Responders Incentive Act;
21 and

22 (e) A refundable credit equal to ten percent of the federal credit
23 allowed under section 32 of the Internal Revenue Code of 1986, as
24 amended, except that for taxable years beginning or deemed to begin on or
25 after January 1, 2015, such refundable credit shall be allowed only if
26 the individual would have received the federal credit allowed under
27 section 32 of the code after adding back in any carryforward of a net
28 operating loss that was deducted pursuant to such section in determining
29 eligibility for the federal credit.

30 (3) There shall be allowed to all individuals as a nonrefundable
31 credit against the income tax imposed by the Nebraska Revenue Act of
1 1967:

2 (a) A credit for personal exemptions allowed under section
3 77-2716.01;

4 (b) A credit for contributions to certified community betterment
5 programs as provided in the Community Development Assistance Act. Each
6 partner, each shareholder of an electing subchapter S corporation, each
7 beneficiary of an estate or trust, or each member of a limited liability
8 company shall report his or her share of the credit in the same manner
9 and proportion as he or she reports the partnership, subchapter S
10 corporation, estate, trust, or limited liability company income;

11 (c) A credit for investment in a biodiesel facility as provided in
12 section 77-27,236;

13 (d) A credit as provided in the New Markets Job Growth Investment
14 Act;

15 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
16 Revitalization Act;

17 (f) A credit to employers as provided in sections 77-27,238 and
18 77-27,240; and

19 (g) A credit as provided in the Affordable Housing Tax Credit Act.

20 (4) There shall be allowed as a credit against the income tax
21 imposed by the Nebraska Revenue Act of 1967:

22 (a) A credit to all resident estates and trusts for taxes paid to
23 another state as provided in section 77-2730;

24 (b) A credit to all estates and trusts for contributions to
25 certified community betterment programs as provided in the Community
26 Development Assistance Act; and

27 (c) A refundable credit for individuals who qualify for an income
28 tax credit as an owner of agricultural assets under the Beginning Farmer
29 Tax Credit Act for all taxable years beginning or deemed to begin on or
30 after January 1, 2009, under the Internal Revenue Code of 1986, as

31 amended. The credit allowed for each partner, shareholder, member, or
1 beneficiary of a partnership, corporation, limited liability company, or
2 estate or trust qualifying for an income tax credit as an owner of
3 agricultural assets under the Beginning Farmer Tax Credit Act shall be
4 equal to the partner's, shareholder's, member's, or beneficiary's portion
5 of the amount of tax credit distributed pursuant to subsection (6) of
6 section 77-5211.

7 (5)(a) For all taxable years beginning on or after January 1, 2007,
8 and before January 1, 2009, under the Internal Revenue Code of 1986, as
9 amended, there shall be allowed to each partner, shareholder, member, or
10 beneficiary of a partnership, subchapter S corporation, limited liability
11 company, or estate or trust a nonrefundable credit against the income tax
12 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
13 partner's, shareholder's, member's, or beneficiary's portion of the
14 amount of franchise tax paid to the state under sections 77-3801 to
15 77-3807 by a financial institution.

16 (b) For all taxable years beginning on or after January 1, 2009,
17 under the Internal Revenue Code of 1986, as amended, there shall be
18 allowed to each partner, shareholder, member, or beneficiary of a
19 partnership, subchapter S corporation, limited liability company, or
20 estate or trust a nonrefundable credit against the income tax imposed by
21 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
22 member's, or beneficiary's portion of the amount of franchise tax paid to
23 the state under sections 77-3801 to 77-3807 by a financial institution.

24 (c) Each partner, shareholder, member, or beneficiary shall report
25 his or her share of the credit in the same manner and proportion as he or
26 she reports the partnership, subchapter S corporation, limited liability
27 company, or estate or trust income. If any partner, shareholder, member,
28 or beneficiary cannot fully utilize the credit for that year, the credit
29 may not be carried forward or back.

30 (6) There shall be allowed to all individuals nonrefundable credits
31 against the income tax imposed by the Nebraska Revenue Act of 1967 as
1 provided in section 77-3604 and refundable credits against the income tax
2 imposed by the Nebraska Revenue Act of 1967 as provided in section
3 77-3605.

4 (7)(a) For taxable years beginning or deemed to begin on or after
5 January 1, 2020, and before January 1, 2026, under the Internal Revenue
6 Code of 1986, as amended, a nonrefundable credit against the income tax
7 imposed by the Nebraska Revenue Act of 1967 in the amount of five
8 thousand dollars shall be allowed to any individual who purchases a
9 residence during the taxable year if such residence:

10 (i) Is located within an area that has been declared an extremely

11 blighted area under section 18-2101.02;

12 (ii) Is the individual's primary residence; and

13 (iii) Was not purchased from a family member of the individual or a
14 family member of the individual's spouse.

15 (b) The credit provided in this subsection shall be claimed for the
16 taxable year in which the residence is purchased. If the individual
17 cannot fully utilize the credit for such year, the credit may be carried
18 forward to subsequent taxable years until fully utilized.

19 (c) No more than one credit may be claimed under this subsection
20 with respect to a single residence.

21 (d) The credit provided in this subsection shall be subject to
22 recapture by the Department of Revenue if the individual claiming the
23 credit sells or otherwise transfers the residence or quits using the
24 residence as his or her primary residence within five years after the end
25 of the taxable year in which the credit was claimed.

26 (e) For purposes of this subsection, family member means an
27 individual's spouse, child, parent, brother, sister, grandchild, or
28 grandparent, whether by blood, marriage, or adoption.

29 (8) There shall be allowed to all individuals refundable credits
30 against the income tax imposed by the Nebraska Revenue Act of 1967 as
31 provided in the Nebraska Higher Blend Tax Credit Act, the Nebraska
1 Property Tax Incentive Act, and the Renewable Chemical Production Tax
2 Credit Act.

3 (9)(a) For taxable years beginning or deemed to begin on or after
4 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a
5 refundable credit against the income tax imposed by the Nebraska Revenue
6 Act of 1967 shall be allowed to the parent of a stillborn child if:
7 (i) A fetal death certificate is filed pursuant to subsection (1) of
8 section 71-606 for such child;
9 (ii) Such child had advanced to at least the twentieth week of
10 gestation; and
11 (iii) Such child would have been a dependent of the individual
12 claiming the credit.

13 (b) The amount of the credit shall be two thousand dollars.

14 (c) The credit shall be allowed for the taxable year in which the
15 stillbirth occurred.

16 (10) For taxable years beginning or deemed to begin on or after
17 January 1, 2023, under the Internal Revenue Code of 1986, as amended, a
18 refundable credit against the income tax imposed by the Nebraska Revenue
19 Act of 1967 shall be allowed to any individual who rents a house,
20 apartment, or other residential unit in this state during the taxable
21 year for use as such individual's primary residence. The credit shall be
22 equal to the greater of (a) four percent of the total amount of rent paid
23 by the individual during the taxable year or (b) two hundred dollars, but
24 in no case shall the credit exceed one thousand dollars.

25 Sec. 14. Section 77-4212, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 77-4212 (1) For tax year 2007, the amount of relief granted under
28 the Property Tax Credit Act shall be one hundred five million dollars.
29 For tax year 2008, the amount of relief granted under the act shall be
30 one hundred fifteen million dollars. It is the intent of the Legislature
31 to fund the Property Tax Credit Act for tax years after tax year 2008
1 using available revenue. For tax year 2017, the amount of relief granted
2 under the act shall be two hundred twenty-four million dollars. For tax
3 ~~years year 2020 through 2022 and each tax year thereafter~~, the minimum
4 amount of relief granted under the act shall be two hundred seventy-five
5 million dollars. ~~For tax year 2023 and each tax year thereafter, the~~
6 ~~amount of relief granted under the act shall be two hundred million~~
7 ~~dollars. If money is transferred or credited to the Property Tax Credit~~
8 ~~Cash Fund pursuant to any other state law, such amount shall be added to~~
9 ~~the minimum amount provided in required under this subsection when~~
10 ~~determining the total amount of relief granted under the act. The relief~~
11 ~~shall be in the form of a property tax credit which appears on the~~
12 ~~property tax statement.~~

13 (2)(a) For tax years prior to tax year 2017, to determine the amount
14 of the property tax credit, the county treasurer shall multiply the
15 amount disbursed to the county under subdivision (4)(a) of this section
16 by the ratio of the real property valuation of the parcel to the total
17 real property valuation in the county. The amount determined shall be the
18 property tax credit for the property.

19 (b) Beginning with tax year 2017, to determine the amount of the
20 property tax credit, the county treasurer shall multiply the amount
21 disbursed to the county under subdivision (4)(b) of this section by the
22 ratio of the credit allocation valuation of the parcel to the total
23 credit allocation valuation in the county. The amount determined shall be
24 the property tax credit for the property.

25 (3) If the real property owner qualifies for a homestead exemption
26 under sections 77-3501 to 77-3529, the owner shall also be qualified for

27 the relief provided in the act to the extent of any remaining liability
28 after calculation of the relief provided by the homestead exemption. If
29 the credit results in a property tax liability on the homestead that is
30 less than zero, the amount of the credit which cannot be used by the
31 taxpayer shall be returned to the Property Tax Administrator by July 1 of
1 the year the amount disbursed to the county was disbursed. The Property
2 Tax Administrator shall immediately credit any funds returned under this
3 subsection to the Property Tax Credit Cash Fund. Upon the return of any
4 funds under this subsection, the county treasurer shall electronically
5 file a report with the Property Tax Administrator, on a form prescribed
6 by the Tax Commissioner, indicating the amount of funds distributed to
7 each taxing unit in the county in the year the funds were returned, any
8 collection fee retained by the county in such year, and the amount of
9 unused credits returned.

10 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
11 each county shall be equal to the amount available for disbursement
12 determined under subsection (1) of this section multiplied by the ratio
13 of the real property valuation in the county to the real property
14 valuation in the state. By September 15, the Property Tax Administrator
15 shall determine the amount to be disbursed under this subdivision to each
16 county and certify such amounts to the State Treasurer and to each
17 county. The disbursements to the counties shall occur in two equal
18 payments, the first on or before January 31 and the second on or before
19 April 1. After retaining one percent of the receipts for costs, the
20 county treasurer shall allocate the remaining receipts to each taxing
21 unit levying taxes on taxable property in the tax district in which the
22 real property is located in the same proportion that the levy of such
23 taxing unit bears to the total levy on taxable property of all the taxing
24 units in the tax district in which the real property is located.

25 (b) Beginning with tax year 2017, the amount disbursed to each
26 county shall be equal to the amount available for disbursement determined
27 under subsection (1) of this section multiplied by the ratio of the
28 credit allocation valuation in the county to the credit allocation
29 valuation in the state. By September 15, the Property Tax Administrator
30 shall determine the amount to be disbursed under this subdivision to each
31 county and certify such amounts to the State Treasurer and to each
1 county. The disbursements to the counties shall occur in two equal
2 payments, the first on or before January 31 and the second on or before
3 April 1. After retaining one percent of the receipts for costs, the
4 county treasurer shall allocate the remaining receipts to each taxing
5 unit based on its share of the credits granted to all taxpayers in the
6 taxing unit.

7 (5) For purposes of this section, credit allocation valuation means
8 the taxable value for all real property except agricultural land and
9 horticultural land, one hundred twenty percent of taxable value for
10 agricultural land and horticultural land that is not subject to special
11 valuation, and one hundred twenty percent of taxable value for
12 agricultural land and horticultural land that is subject to special
13 valuation.

14 (6) The State Treasurer shall transfer from the General Fund to the
15 Property Tax Credit Cash Fund one hundred five million dollars by August
16 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

17 (7) The Legislature shall have the power to transfer funds from the
18 Property Tax Credit Cash Fund to the General Fund.

19 2. Renumber the remaining sections and correct internal references
20 accordingly.

21 3. Correct the operative date and repealer sections so that the
22 sections added by this amendment become operative three calendar months
23 after the adjournment of this legislative session.

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [AM1094](#), found and considered in this day's Journal, to the committee amendment.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

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

Voting in the affirmative, 8:

Cavanaugh, J.	Conrad	Dungan	Hunt
Cavanaugh, M.	Day	Fredrickson	Wayne

Voting in the negative, 34:

Albrecht	Briese	Geist	Jacobson	Murman
Arch	Clements	Halloran	Kauth	Riepe
Armendariz	DeBoer	Hansen	Linehan	Sanders
Ballard	DeKay	Hardin	Lippincott	Vargas
Bostelman	Dorn	Holdcroft	Lowe	von Gillern
Brandt	Dover	Hughes	McDonnell	Wishart
Brewer	Erdman	Ibach	Moser	

Present and not voting, 2:

Bostar	Walz
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Excused and not voting, 5:

Aguilar	Blood	McKinney	Raybould	Slama
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The M. Cavanaugh amendment, to the committee amendment, lost with 8 ayes, 34 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB388 - [MO550](#)
LB425 - [MO564](#)
LB426 - [MO571](#)
LB447 - [MO578](#)
LB461 - [MO585](#)
LB462 - [MO592](#)
LB465 - [MO599](#)
LB514 - [MO613](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB388 - [MO553](#)
LB425 - [MO567](#)
LB426 - [MO574](#)
LB447 - [MO581](#)
LB461 - [MO588](#)
LB462 - [MO595](#)
LB465 - [MO602](#)
LB514 - [MO616](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB388 - [MO551](#)
LB388 - [MO554](#)
LB388 - [MO556](#)
LB425 - [MO565](#)
LB425 - [MO568](#)
LB425 - [MO570](#)
LB426 - [MO572](#)
LB426 - [MO575](#)
LB426 - [MO577](#)
LB447 - [MO579](#)
LB447 - [MO582](#)
LB447 - [MO584](#)
LB461 - [MO586](#)
LB461 - [MO589](#)
LB461 - [MO591](#)
LB462 - [MO593](#)
LB462 - [MO596](#)
LB462 - [MO598](#)
LB465 - [MO600](#)
LB465 - [MO603](#)
LB465 - [MO605](#)
LB514 - [MO614](#)
LB514 - [MO617](#)
LB514 - [MO619](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB388 - [MO552](#)
LB388 - [MO555](#)
LB425 - [MO566](#)
LB425 - [MO569](#)
LB426 - [MO573](#)
LB426 - [MO576](#)
LB447 - [MO580](#)
LB447 - [MO583](#)
LB461 - [MO587](#)
LB461 - [MO590](#)
LB462 - [MO594](#)
LB462 - [MO597](#)
LB465 - [MO601](#)
LB465 - [MO604](#)
LB514 - [MO615](#)
LB514 - [MO618](#)

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB412 - [MO557](#)
LB474 - [MO606](#)
LB516 - [MO620](#)
LB535 - [MO627](#)
LB552 - [MO634](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB412 - [MO560](#)
LB474 - [MO609](#)
LB516 - [MO623](#)
LB535 - [MO630](#)
LB552 - [MO637](#)

Senator Hunt filed the following motions to recommit to committee:

LB412 - [MO558](#)
LB412 - [MO561](#)
LB412 - [MO563](#)
LB474 - [MO607](#)
LB474 - [MO610](#)
LB474 - [MO612](#)
LB516 - [MO621](#)
LB516 - [MO624](#)
LB516 - [MO626](#)
LB535 - [MO628](#)
LB535 - [MO631](#)
LB535 - [MO633](#)

LB552 - [MO635](#)
LB552 - [MO638](#)
LB552 - [MO640](#)

Senator Hunt filed the following motions to bracket:

LB412 - [MO559](#)
LB412 - [MO562](#)
LB474 - [MO608](#)
LB474 - [MO611](#)
LB516 - [MO622](#)
LB516 - [MO625](#)
LB535 - [MO629](#)
LB535 - [MO632](#)
LB552 - [MO636](#)
LB552 - [MO639](#)

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered in this day's Journal, was renewed.

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

[AM1095](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 6, after line 9 insert the following new subsection:
2 "(5) The Nebraska Broadband Office shall be subject to the Open
3 Meetings Act."

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 583. Placed on General File with amendment. [AM970](#) is available in the Bill Room.

(Signed) Dave Murman, Chairperson

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB562 - [MO641](#)
LB565 - [MO648](#)
LB570 - [MO655](#)
LB575 - [MO666](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB562 - [MO644](#)
LB565 - [MO651](#)
LB570 - [MO658](#)
LB574 - [MO662](#)
LB575 - [MO669](#)

Senator Hunt filed the following motions to recommit to committee:

LB562 - [MO642](#)
LB562 - [MO645](#)
LB562 - [MO647](#)
LB565 - [MO649](#)
LB565 - [MO652](#)
LB565 - [MO654](#)
LB570 - [MO656](#)
LB570 - [MO659](#)
LB570 - [MO661](#)
LB574 - [MO663](#)
LB574 - [MO665](#)
LB575 - [MO667](#)
LB575 - [MO670](#)
LB575 - [MO672](#)

Senator Hunt filed the following motions to bracket:

LB562 - [MO643](#)
LB562 - [MO646](#)
LB565 - [MO650](#)
LB565 - [MO653](#)
LB570 - [MO657](#)
LB570 - [MO660](#)
LB574 - [MO664](#)
LB575 - [MO668](#)
LB575 - [MO671](#)

Senator M. Cavanaugh filed the following motion to [LB580](#):
[MO673](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motion to [LB580](#):
[MO676](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB580 - [MO674](#)

LB580 - [MO677](#)

LB580 - [MO679](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB580 - [MO675](#)

LB580 - [MO678](#)

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB683](#):

[AM1097](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 6, line 9, after "report" insert "or on any other matter
2 related to the Nebraska Broadband Office".

Senator Hunt filed the following amendment to [LB683](#):

[AM1072](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 6, after line 9 insert the following new subsection:
2 "(5) The Nebraska Broadband Office shall provide grants for the
3 purposes of assisting lower-income Nebraskans in accessing home broadband
4 service. Such grants shall utilize federal funds and be available to
5 residents who report an annual household income for the most recently
6 completed tax year of less than the state median household income for
7 such tax year, as determined by the office."

Senator Hunt filed the following amendment to [LB683](#):

[AM1073](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 6, after line 9 insert the following new subsection:
2 "(5) The Nebraska Broadband Office shall establish and maintain a
3 satellite office in each congressional district to increase accessibility
4 for Nebraska residents."

Senator Hunt filed the following amendment to [LB683](#):

[AM1074](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 8, line 30, strike the new matter and reinstate the
2 stricken matter.

Senator Hunt filed the following amendment to [LB683](#):

[AM1075](#)

(Amendments to Standing Committee amendments, AM870)

1 1. On page 4, strike beginning with "appointed" in line 15 through
2 "Legislature" in line 16 and insert "elected at each statewide general
3 election".

Senator Hunt filed the following amendment to [LB683](#):

[AM1076](#)

(Amendments to Standing Committee amendments, AM870)

1 1. Strike section 8.

Senator M. Cavanaugh filed the following amendment to [LB683](#):

[AM1101](#)

(Amendments to Standing Committee amendments, AM870)

1 1. Strike section 8.

ANNOUNCEMENT

Senator Linehan announced the Revenue Committee will hold a briefing on LB243 as amended by AM 977 (the Property Tax Package) tomorrow, March 31, 2023, at 8 a.m. in Room 1524.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Ballard name added to LB243.

Senator Clements name added to LB254.

Senator Fredrickson name added to LB276.

Senator McDonnell name added to LB419.

Senator Ballard name added to LB754.

VISITORS

Visitors to the Chamber were Bud Henderson, Lincoln; students from Rockbrook Elementary, Omaha; students and teacher from Boarding School Solling, Germany; students and teacher from Wauneta-Palisade High School.

The Doctor of the Day was Dr. Rob Rhodes of Eagle.

ADJOURNMENT

At 5:19 p.m., on a motion by Senator B. Hansen the Legislature adjourned until 9:00 a.m., Friday, March 31, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 31, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 31, 2023

PRAYER

The prayer was offered by Pastor Ben Schlegel, Salem Mennonite Church, Shickley.

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 Senator Aguilar who was excused; and Senators Bostar, Day, Hunt, Linehan, Vargas, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 30, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Davis, Erin L.
Pear Therapeutics (US), Inc. (Withdrawn 03/27/2023)
McClymont, Pete
Nebraska Cattlemen, Inc. (Withdrawn 03/28/2023)

Schmeling, Richard L.
ProRail Nebraska, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

MOTIONS - Print in Journal

Senator Hunt filed the following motions to indefinitely postpone pursuant Rule 6. Section 3(f):

LB583 - [MO680](#)
LB584 - [MO687](#)
LB586 - [MO701](#)
LB597 - [MO708](#)
LB598 - [MO715](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB583 - [MO683](#)
LB584 - [MO690](#)
LB586 - [MO704](#)
LB597 - [MO711](#)
LB598 - [MO718](#)

Senator Hunt filed the following motions to recommit to committee:

LB583 - [MO681](#)
LB583 - [MO684](#)
LB583 - [MO686](#)
LB584 - [MO688](#)
LB584 - [MO691](#)
LB584 - [MO693](#)
LB586 - [MO702](#)
LB586 - [MO705](#)
LB586 - [MO707](#)
LB597 - [MO709](#)
LB597 - [MO712](#)
LB597 - [MO714](#)
LB598 - [MO716](#)
LB598 - [MO719](#)
LB598 - [MO721](#)

Senator Hunt filed the following motions to bracket:

LB583 - [MO682](#)
LB583 - [MO685](#)

LB584 - [MO689](#)
LB584 - [MO692](#)
LB586 - [MO703](#)
LB586 - [MO706](#)
LB597 - [MO710](#)
LB597 - [MO713](#)
LB598 - [MO717](#)
LB598 - [MO720](#)

Senator Conrad filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB585 - [MO694](#)
LB617 - [MO722](#)

Senator Conrad filed the following motions to indefinitely postpone:

LB585 - [MO697](#)
LB617 - [MO725](#)

Senator Conrad filed the following motions to recommit to committee:

LB585 - [MO695](#)
LB585 - [MO698](#)
LB585 - [MO700](#)
LB617 - [MO723](#)
LB617 - [MO726](#)
LB617 - [MO728](#)

Senator Conrad filed the following motions to bracket:

LB585 - [MO696](#)
LB585 - [MO699](#)
LB617 - [MO724](#)
LB617 - [MO727](#)

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR70 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR70.

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered on pages 944, 947, 957, and 960, was renewed.

Senator M. Cavanaugh renewed [AM1095](#), found and considered on page 960, to the committee amendment.

Pending.

MOTIONS - Print in Journal

Senator Hunt filed the following motion to [LB626](#):

[MO736](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt filed the following motion to [LB626](#):

[MO739](#)

Indefinitely postpone.

Senator Hunt filed the following motions to recommit to committee:

LB626 - [MO737](#)

LB626 - [MO740](#)

LB626 - [MO742](#)

Senator Hunt filed the following motions to bracket:

LB626 - [MO738](#)

LB626 - [MO741](#)

Senator Conrad filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB629 - [MO729](#)

LB631 - [MO743](#)

LB644 - [MO750](#)

LB647 - [MO757](#)

LB664 - [MO764](#)

Senator Conrad filed the following motions to indefinitely postpone:

LB629 - [MO732](#)

LB631 - [MO746](#)

LB644 - [MO753](#)

LB647 - [MO760](#)

LB664 - [MO767](#)

Senator Conrad filed the following motions to recommit to committee:

LB629 - [MO730](#)

LB629 - [MO733](#)

LB629 - [MO735](#)

LB631 - [MO744](#)

LB631 - [MO747](#)
 LB631 - [MO749](#)
 LB644 - [MO751](#)
 LB644 - [MO754](#)
 LB644 - [MO756](#)
 LB647 - [MO758](#)
 LB647 - [MO761](#)
 LB647 - [MO763](#)
 LB664 - [MO765](#)
 LB664 - [MO768](#)
 LB664 - [MO770](#)

Senator Conrad filed the following motions to bracket:

LB629 - [MO731](#)
 LB629 - [MO734](#)
 LB631 - [MO745](#)
 LB631 - [MO748](#)
 LB644 - [MO752](#)
 LB644 - [MO755](#)
 LB647 - [MO759](#)
 LB647 - [MO762](#)
 LB664 - [MO766](#)
 LB664 - [MO769](#)

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered on pages 944, 947, 957, 960, and in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [AM1095](#), found on page 960 and considered on page 960 and in this day's Journal, to the committee amendment.

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

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

Voting in the affirmative, 11:

Blood	Conrad	Dungan	Walz
Cavanaugh, J.	Day	Fredrickson	Wayne
Cavanaugh, M.	DeBoer	Raybould	

Voting in the negative, 32:

Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	Vargas
Bostelman	Dover	Hughes	McDonnell	von Gillern
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	
Briese	Halloran	Kauth	Riepe	

Present and not voting, 3:

Bostar McKinney Wishart

Excused and not voting, 3:

Aguilar Albrecht Hunt

The M. Cavanaugh amendment, to the committee amendment, lost with 11 ayes, 32 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator Conrad filed the following motions to indefinitely postpone pursuant Rule 6, Section 3(f):

LB671 - [MO771](#)
 LB684 - [MO778](#)
 LB705 - [MO785](#)
 LB706 - [MO792](#)
 LB727 - [MO806](#)

Senator Conrad filed the following motions to indefinitely postpone:

LB671 - [MO774](#)
 LB684 - [MO781](#)
 LB705 - [MO788](#)
 LB706 - [MO795](#)
 LB727 - [MO809](#)

Senator Conrad filed the following motions to recommit to committee:

LB671 - [MO772](#)
 LB671 - [MO775](#)
 LB671 - [MO777](#)
 LB684 - [MO779](#)
 LB684 - [MO782](#)

LB684 - [MO784](#)
LB705 - [MO786](#)
LB705 - [MO789](#)
LB705 - [MO791](#)
LB706 - [MO793](#)
LB706 - [MO796](#)
LB706 - [MO798](#)
LB727 - [MO807](#)
LB727 - [MO810](#)
LB727 - [MO812](#)

Senator Conrad filed the following motions to bracket:

LB671 - [MO773](#)
LB671 - [MO776](#)
LB684 - [MO780](#)
LB684 - [MO783](#)
LB705 - [MO787](#)
LB705 - [MO790](#)
LB706 - [MO794](#)
LB706 - [MO797](#)
LB727 - [MO808](#)
LB727 - [MO811](#)

Senator M. Cavanaugh filed the following motion to [LB709](#):
[MO799](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh filed the following motion to [LB709](#):

[MO802](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB709 - [MO800](#)
LB709 - [MO803](#)
LB709 - [MO805](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB709 - [MO801](#)
LB709 - [MO804](#)

GENERAL FILE

LEGISLATIVE BILL 683. Committee [AM870](#), found on page 787 and considered on pages 944, 947, 957, 960, and in this day's Journal, was renewed.

Senator M. Cavanaugh offered [AM1097](#), found on page 962, to the committee amendment.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

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

Senator Erdman withdrew his motion to cease debate.

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

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

Voting in the affirmative, 12:

Blood	Conrad	Fredrickson	Vargas
Cavanaugh, J.	Day	Hunt	Walz
Cavanaugh, M.	DeBoer	Raybould	Wayne

Voting in the negative, 32:

Albrecht	Briese	Halloran	Kauth	Riepe
Arch	Clements	Hansen	Linehan	Sanders
Armendariz	DeKay	Hardin	Lippincott	Slama
Ballard	Dorn	Holdcroft	Lowe	von Gillern
Bostelman	Dover	Hughes	McDonnell	
Brandt	Erdman	Ibach	Moser	
Brewer	Geist	Jacobson	Murman	

Present and not voting, 4:

Bostar	Dungan	McKinney	Wishart
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Excused and not voting, 1:

Aguilar

The M. Cavanaugh amendment, to the committee amendment, lost with 12 ayes, 32 nays, 4 present and not voting, and 1 excused and not voting.

Senator Geist offered the following motion:

[MO887](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Cavanaugh, M.

Present and not voting, 4:

Blood Cavanaugh, J. Hunt McKinney

Excused and not voting, 1:

Aguilar

The Geist motion to invoke cloture prevailed with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The committee amendment was adopted with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MOTIONS - Print in Journal

Senator Conrad filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB732 - [MO813](#)

LB768 - [MO834](#)

LB810 - [MO878](#)

Senator Conrad filed the following motions to indefinitely postpone:

LB732 - [MO816](#)

LB768 - [MO837](#)

LB810 - [MO881](#)

Senator Conrad filed the following motions to recommit to committee:

LB732 - [MO814](#)

LB732 - [MO817](#)

LB732 - [MO819](#)

LB768 - [MO835](#)

LB768 - [MO838](#)

LB768 - [MO840](#)

LB810 - [MO879](#)

LB810 - [MO882](#)

LB810 - [MO884](#)

Senator Conrad filed the following motions to bracket:

LB732 - [MO815](#)

LB732 - [MO818](#)

LB768 - [MO836](#)

LB768 - [MO839](#)

LB810 - [MO880](#)

LB810 - [MO883](#)

Senator Hunt filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB753 - [MO820](#)

LB775 - [MO848](#)

Senator Hunt filed the following motions to indefinitely postpone:

LB753 - [MO823](#)

LB775 - [MO851](#)

Senator Hunt filed the following motions to recommit to committee:

LB753 - [MO821](#)

LB753 - [MO824](#)

LB753 - [MO826](#)

LB775 - [MO849](#)

LB775 - [MO852](#)

LB775 - [MO854](#)

Senator Hunt filed the following motions to bracket:

LB753 - [MO822](#)

LB753 - [MO825](#)

LB775 - [MO850](#)

LB775 - [MO853](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone pursuant to Rule 6, Section 3(f):

LB757 - [MO827](#)

LB769 - [MO841](#)

LB792 - [MO857](#)

LB799 - [MO864](#)

LB805 - [MO871](#)

Senator M. Cavanaugh filed the following motions to indefinitely postpone:

LB757 - [MO830](#)

LB769 - [MO844](#)

LB792 - [MO860](#)

LB799 - [MO867](#)

LB805 - [MO874](#)

Senator M. Cavanaugh filed the following motions to recommit to committee:

LB757 - [MO828](#)

LB757 - [MO831](#)

LB757 - [MO833](#)

LB769 - [MO842](#)

LB769 - [MO845](#)

LB769 - [MO847](#)

LB792 - [MO858](#)

LB792 - [MO861](#)

LB792 - [MO863](#)

LB799 - [MO865](#)

LB799 - [MO868](#)

LB799 - [MO870](#)

LB805 - [MO872](#)

LB805 - [MO875](#)

LB805 - [MO877](#)

Senator M. Cavanaugh filed the following motions to bracket:

LB757 - [MO829](#)

LB757 - [MO832](#)

LB769 - [MO843](#)

LB769 - [MO846](#)

LB792 - [MO859](#)

LB792 - [MO862](#)

LB799 - [MO866](#)

LB799 - [MO869](#)

LB805 - [MO873](#)

LB805 - [MO876](#)

Senator Lowe filed the following motion to [LB775](#):
[MO856](#)
Recommit to General Affairs Committee.

Senator Lowe filed the following motion to [LB775](#):
[MO855](#)
Bracket until April 20, 2023.

GENERAL FILE

LEGISLATIVE BILL 243. Senator M. Cavanaugh offered [MO164](#), found on page 925, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Briese opened on his bill, LB243.

Senator M. Cavanaugh opened on her motion, MO164.

Senator M. Cavanaugh withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Title Read. Considered.

Committee [AM977](#), found on page 866, was offered.

Senator Erdman offered [AM1079](#), found on page 949, to the committee amendment.

Senator Hunt moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

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

The Chair declared the call raised.

Senator Hunt offered [AM1077](#), found on page 952, to the committee amendment.

Senator Hunt moved for a call of the house. The motion prevailed with 14 ayes, 3 nays, and 21 not voting.

Senator Hunt requested a roll call vote on her amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	Conrad	Dungan	McKinney	Wayne
Cavanaugh, J.	Day	Fredrickson	Raybould	
Cavanaugh, M.	DeBoer	Hunt	Vargas	

Voting in the negative, 30:

Albrecht	Brewer	Erdman	Hughes	Moser
Arch	Briese	Geist	Ibach	Murman
Armendariz	Clements	Halloran	Jacobson	Riepe
Ballard	DeKay	Hansen	Linehan	Sanders
Bostelman	Dorn	Hardin	Lippincott	Slama
Brandt	Dover	Holdcroft	Low	von Gillern

Present and not voting, 2:

Bostar Walz

Excused and not voting, 4:

Aguilar Kauth McDonnell Wishart

The Hunt amendment, to the committee amendment, lost with 13 ayes, 30 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 629. Placed on General File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT - Print in Journal

Senator DeBoer filed the following amendment to LB243:

[AM1090](#)

(Amendments to Standing Committee amendments, AM977)

1 1. On page 28, reinstate the stricken matter in lines 1 through 3.

RESOLUTIONS

LEGISLATIVE RESOLUTION 79. Introduced by Walz, 15.

WHEREAS, the American Occupational Therapy Association has declared the month of April 2023 to be Occupational Therapy Month; and

WHEREAS, the profession of occupational therapy makes valuable contributions in helping people live life to its fullest after an illness or injury; and

WHEREAS, occupational therapy services are available to residents of Nebraska through occupational therapists and occupational therapy assistants at hospitals, home health agencies, schools, clinics, community organizations, and nursing homes; and

WHEREAS, the health and productivity of the residents of Nebraska depends upon the effective use of health care resources, including the important services of occupational therapists and occupational therapy assistants.

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

1. That the Legislature recognizes April 2023 as Occupational Therapy Month in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by McDonnell, 5.

WHEREAS, Mark Lampe was hired by the Omaha Fire Department on September 14, 1998; and

WHEREAS, Mark was promoted to Fire Captain on January 15, 2001; and

WHEREAS, Mark retired after twenty-four and one-half years with the Omaha Fire Department on March 14, 2023.

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

1. That the Legislature congratulates and extends its appreciation, admiration, and gratitude to Fire Captain Mark Lampe for his commitment, courage, and selflessness throughout his twenty-four and one-half years of outstanding service to the city of Omaha and its residents.

2. That the Legislature wishes Mark Lampe a happy and fulfilling retirement and commends him for his exemplary career with the Omaha Fire Department.

3. That a copy of this resolution be sent to Mark Lampe.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Lippincott name added to LB243.

Senator Lippincott name added to LB754.

VISITORS

Visitors to the Chamber were students and a teacher from Lawrence-Nelson FFA; students and a teacher from Blair FFA; students from O'Neill FFA; students from Paddock Lane Elementary, Beatrice; students from Fillmore Central FFA; students from Cedar Bluffs Elementary, Cedar Bluffs; students and a teacher from Wayne FFA; members of the Armenian Parliament hosted by the Lincoln Council for International Visitors; students from Wheeler Elementary, Omaha.

The Doctor of the Day was Dr. Lane Handke of Pierce.

ADJOURNMENT

At 3:01 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, April 3, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 3, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 3, 2023

PRAYER

The prayer was offered by Pastor Gary Wissel, Cross Roads Bible Church, Manley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

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 Senator Aguilar who was excused; and Senators Bostar, Brewer, Day, Hunt, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 342. Placed on General File.

(Signed) Terrell McKinney, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR71 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR71.

GENERAL FILE

LEGISLATIVE BILL 243. Committee [AM977](#), found on page 866 and considered on page 976, was renewed.

Senator DeBoer offered [AM1090](#), found on page 977, to the committee amendment.

Senator M. Cavanaugh offered [MO166](#), found on page 925, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Aguilar Day Vargas

The M. Cavanaugh motion to bracket failed with 0 ayes, 45 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Briese offered [MO175](#), found on page 925, to recommit to Revenue Committee.

Senator Briese withdrew his motion to recommit to committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the DeBoer amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	DeBoer	Hunt	Raybould	Wishart
Cavanaugh, J.	Dungan	McDonnell	Walz	
Conrad	Fredrickson	McKinney	Wayne	

Voting in the negative, 31:

Albrecht	Briese	Halloran	Kauth	Sanders
Arch	Clements	Hansen	Linehan	Slama
Armendariz	DeKay	Hardin	Lippincott	von Gillern
Ballard	Dorn	Holdcroft	Lowe	
Bostelman	Dover	Hughes	Moser	
Brandt	Erdman	Ibach	Murman	
Brewer	Geist	Jacobson	Riepe	

Present and not voting, 2:

Bostar Cavanaugh, M.

Excused and not voting, 3:

Aguilar Day Vargas

The DeBoer amendment, to the committee amendment, lost with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO888](#)

Reconsider the vote taken on AM1090.

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

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 7:

Cavanaugh, M.	McDonnell	Walz	Wishart
DeBoer	Raybould	Wayne	

Voting in the negative, 36:

Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Fredrickson	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Geist	Kauth	Sanders
Ballard	Clements	Halloran	Linchan	von Gillern
Blood	Conrad	Hansen	Lippincott	
Bostar	DeKay	Holdcroft	Lowe	
Bostelman	Dorn	Hughes	McKinney	
Brandt	Dover	Hunt	Moser	

Excused and not voting, 6:

Aguilar	Erdman	Slama
Day	Hardin	Vargas

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

The Chair declared the call raised.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kauth has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITORS

Visitors to the Chamber were members from OutNebraska; students from Prairie Hill Learning Center, Roca.

RECESS

At 11:52 a.m., on a motion by Senator B. Hansen, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Aguilar, Albrecht, Bostar, Conrad, DeKay, Dover, Dungan, Erdman, Kauth, Linehan, Murman, Vargas, von Gillern, and Walz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 243. Committee [AM977](#), found on page 866 and considered on page 976 and in this day's Journal, was renewed.

Senator Blood offered the following amendment to the committee amendment:

[AM1117](#) is available in the Bill Room.

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

Senator Blood requested a roll call vote, in reverse order, on her amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	Conrad	Dungan	McDonnell	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	
Cavanaugh, M.	DeBoer	Hunt	Vargas	

Voting in the negative, 32:

Aguilar	Brandt	Erdman	Ibach	Riepe
Albrecht	Brewer	Geist	Jacobson	Sanders
Arch	Briese	Halloran	Kauth	Slama
Armendariz	Clements	Hansen	Linehan	von Gillern
Ballard	DeKay	Hardin	Lippincott	
Bostar	Dorn	Holdcroft	Moser	
Bostelman	Dover	Hughes	Murman	

Present and not voting, 1:

Wishart

Excused and not voting, 3:

Lowe McKinney Wayne

The Blood amendment, to the committee amendment, lost with 13 ayes, 32 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

[AM1118](#)

(Amendments to Standing Committee amendments, AM977)

1 1. On page 3, strike beginning with "(1)" in line 9 through line 23
 2 and insert the following new subsection:
 3 "(1) A school district's property tax request may exceed its
 4 property tax request authority by an amount approved by the legal voters
 5 of the school district voting on the issue at a special election called
 6 for such purpose upon the recommendation of the school board of such
 7 school district or upon the receipt by the county clerk or election
 8 commissioner of a petition requesting an election signed by at least five
 9 percent of the legal voters of the school district. The recommendation of
 10 the school board or the petition of the legal voters shall include the
 11 amount by which the school board would increase its property tax request
 12 for the year over and above the property tax request authority of such
 13 school district. The county clerk or election commissioner shall call for
 14 a special election on the issue within thirty days after the receipt of
 15 such school board recommendation or legal voter petition. The election
 16 shall be held pursuant to the Election Act, and all costs shall be paid
 17 by the school district. The school district shall be empowered to exceed
 18 such limit if:
 19 (a) For any school district in a city of the metropolitan class or
 20 city of the primary class, a majority of the votes cast on the issue are
 21 in favor of exceeding such limit; or
 22 (b) For any other school district, a sixty percent majority of the
 23 votes cast on the issue are in favor of exceeding such limit."

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

PRESIDENT KELLY PRESIDING

Senator J. Cavanaugh requested a roll call vote, in reverse order, on his amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	Cavanaugh, M.	Dungan	Hughes	Raybould
Brandt	Conrad	Erdman	Hunt	
Cavanaugh, J.	Day	Fredrickson	Jacobson	

Voting in the negative, 32:

Aguilar	Brewer	Hansen	Lowe	Vargas
Albrecht	Briese	Hardin	McDonnell	von Gillern
Arch	DeBoer	Holdcroft	Moser	Walz
Armendariz	DeKay	Ibach	Murman	Wishart
Ballard	Dorn	Kauth	Riepe	
Bostar	Dover	Linehan	Sanders	
Bostelman	Halloran	Lippincott	Slama	

Present and not voting, 2:

McKinney Wayne

Excused and not voting, 2:

Clements Geist

The J. Cavanaugh amendment, to the committee amendment, lost with 13 ayes, 32 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 81. Introduced by Bostelman, 23; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linchan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the National Wild Turkey Federation was incorporated on March 28, 1973, in Fredericksburg, Virginia; and

WHEREAS, over the course of fifty years, the National Wild Turkey Federation and its chapters and millions of members across the nation have worked with state, federal, and nongovernmental partners to promote the conservation of the wild turkey and the preservation of hunting heritage and to participate in one of the greatest conservation success stories in American history, which is the return of the wild turkey from the brink of extinction; and

WHEREAS, the National Wild Turkey Federation and its chapters and members have been at the vanguard of reversing declining hunting participation through nationwide investment in hunter recruitment, retention, and reactivation efforts and have partnered with states to develop opportunities to engage people from all walks of life in the outdoors tradition. Since 2012, the Federation has recruited and reactivated more than one million five hundred thousand hunters; and

WHEREAS, since 1985, the National Wild Turkey Federation and its chapters and members have invested more than five hundred million dollars to conserve or enhance more than twenty-two million acres of critical wildlife habitat, forest, and grassland across public and private lands; and

WHEREAS, the National Wild Turkey Federation and its chapters and members have invested more than eight million five hundred thousand dollars in research throughout North America to ensure healthy wild turkey populations in the future; and

WHEREAS, the National Wild Turkey Federation is the largest and longest-serving nongovernmental stewardship partner of the United States Department of Agriculture Forest Service, conserving habitats on National Forest System Lands for more than forty years and heavily engaged in the development and implementation of the United States Department of Agriculture Wildfire Crisis Strategy; and

WHEREAS, along with the aforementioned accomplishments of the National Wild Turkey Federation at the national level, the Federation chapter system in Nebraska, much like the Nebraska Game and Parks Commission which the Federation frequently partners with, has established itself as a leader amongst its peers by working to restore wild turkeys in Nebraska, which were extirpated from the state by 1915, through reintroduction efforts starting in the Pine Ridge National Recreation Area during the decade of 1950 through 1959; and

WHEREAS, the National Wild Turkey Federation has been a strong partner in many public land habitat projects by helping to increase public access on private lands, assisting with acquiring wildlife management areas, funding shooting sports, and providing many volunteer hours as mentor hunters with youth.

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

1. That the Legislature recognizes and celebrates the fiftieth anniversary of the National Wild Turkey Federation and salutes the organization and its chapters and members from across the United States for their tremendous efforts to further scientific state-led wildlife management and the conservation of America's wild turkey and its habitat.

2. That the Legislature expresses support for the National Wild Turkey Federation and its chapters and members in their future work.

Laid over.

COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 358. Placed on General File.

LEGISLATIVE BILL 595. Placed on General File.

LEGISLATIVE BILL 570. Placed on General File with amendment.

[AM1025](#) is available in the Bill Room.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Miguel Rocha - Commission for the Blind and Visually Impaired

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Deacon Donald N. Blackbird, Jr. - Nebraska Child Abuse Prevention Fund Board

Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Douglass Haas - Health Information Technology Board

Mark A. Latta - Health Information Technology Board

Phillip James Vuchetich - Health Information Technology Board

Aye: 6. Ballard, Day, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0.
Present and not voting: 1. Cavanaugh, M..

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

April Dexter - Nebraska Rural Health Advisory Commission

Kate Hesser - Nebraska Rural Health Advisory Commission

Katherine Kusek - Nebraska Rural Health Advisory Commission

Myra Stoney - Nebraska Rural Health Advisory Commission

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ryan K. Batenhorst - Board of Emergency Medical Services

Karen Bowlin - Board of Emergency Medical Services

Prince Harrison - Board of Emergency Medical Services

Linda L. Jensen - Board of Emergency Medical Services

Jonathan L. Kilstrom - Board of Emergency Medical Services

Brent E. Lottman - Board of Emergency Medical Services

James Smith - Board of Emergency Medical Services
 Leslie L. Vaughn, Jr. - Board of Emergency Medical Services

Aye: 6. Ballard, Day, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0.
 Present and not voting: 1. Cavanaugh, M..

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Martin Fattig - Nebraska Rural Health Advisory Commission

Aye: 6. Ballard, Day, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0.
 Present and not voting: 1. Cavanaugh, M..

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Heather Cramer - State Board of Health

Aye: 5. Ballard, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0. Present and not voting: 2. Cavanaugh, M., Day.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jaime Kent Dodge - State Board of Health

Aye: 6. Ballard, Day, Hansen, B., Hardin, Riepe, Walz. Nay: 1. Cavanaugh, M.. Absent: 0. Present and not voting: 0.

(Signed) Ben Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 243. Committee [AM977](#), found on page 866 and considered on page 976 and in this day's Journal, was renewed.

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

[AM1115](#)

(Amendments to Standing Committee amendments, AM977)

- 1 1. On page 3, strike beginning with "(1)" in line 9 through line 23
- 2 and insert the following new subsection:
- 3 "(1) A school district's property tax request may exceed its
- 4 property tax request authority by an amount approved by the legal voters
- 5 of the school district voting on the issue at a statewide primary or
- 6 statewide general election. Such issue shall be placed on the ballot upon

7 the recommendation of the school board of such school district or upon
 8 the receipt by the county clerk or election commissioner of a petition
 9 requesting such issue to be placed on the ballot signed by at least five
 10 percent of the legal voters of the school district. The recommendation of
 11 the school board or the petition of the legal voters shall include the
 12 amount by which the school board would increase its property tax request
 13 for the year over and above the property tax request authority of such
 14 school district. If a majority of the votes cast on the issue, and not
 15 less than thirty-five percent of the total votes cast at the election at
 16 which the same was submitted, are cast in favor of exceeding such limit,
 17 the school district shall be empowered to do so."

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator J. Cavanaugh requested a roll call vote on his amendment, to the committee amendment.

Voting in the affirmative, 15:

Blood	Conrad	Dungan	McDonnell	Vargas
Cavanaugh, J.	Day	Fredrickson	McKinney	Walz
Cavanaugh, M.	DeBoer	Hunt	Raybould	Wayne

Voting in the negative, 31:

Aguilar	Brandt	Halloran	Kauth	Sanders
Albrecht	Brewer	Hansen	Linehan	Slama
Arch	Briese	Hardin	Lippincott	von Gillern
Armendariz	DeKay	Holdcroft	Lowe	
Ballard	Dorn	Hughes	Moser	
Bostar	Dover	Ibach	Murman	
Bostelman	Erdman	Jacobson	Riepe	

Excused and not voting, 3:

Clements	Geist	Wishart
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The J. Cavanaugh amendment, to the committee amendment, lost with 15 ayes, 31 nays, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hunt moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Linehan requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Hunt	Walz	

Excused and not voting, 1:

Clements

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 516. Placed on General File with amendment.

[AM1107](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-2,143, Reissue Revised Statutes of Nebraska,
 4 is amended to read:
 5 79-2,143 (1) The position of state school security director is
 6 created within the State Department of Education. The Commissioner of
 7 Education shall appoint the director based on experience, knowledge, and
 8 skills in the field of school security.
 9 (2) It is the intent of the Legislature that regionally focused
 10 specialists be hired as employees to be placed to assist approved or
 11 accredited public and nonpublic schools and to increase the availability
 12 of training, provide tailored technical support for the unique needs of
 13 each region, and serve as a central point of contact for schools. Such
 14 employees shall be placed under the direction of the state school
 15 security director.
 16 Sec. 2. Section 79-3106, Revised Statutes Cumulative Supplement,
 17 2022, is amended to read:
 18 79-3106 (1) It is the intent of the Legislature that federal funds
 19 shall be used to implement the School Safety and Security Reporting
 20 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The
 21 Commissioner of Education shall electronically report data, a cost-

22 benefit analysis, and a funding recommendation regarding the continued
23 viability of the Safe2HelpNE report line to the Appropriations Committee
24 of the Legislature and the Education Committee of the Legislature on or
25 before January 5, 2024.

26 (2) It is the intent of the Legislature to appropriate eight hundred
27 seventy thousand dollars from the General Fund for fiscal year 2024-25
1 and each fiscal year thereafter to the State Department of Education to
2 carry out the School Safety and Security Reporting System Act.

3 Sec. 3. (1) The Commissioner of Education shall create and
4 administer a grant program to provide funding to school districts and
5 educational service units on behalf of approved or accredited nonpublic
6 schools, for security-related infrastructure projects. Such projects may
7 include, but are not limited to, surveillance equipment, door-locking
8 systems, and double-entry doors for school buildings. Subject to
9 available appropriations, the department shall provide a grant to any
10 school district or educational service unit that applies for such grant
11 for use for qualifying projects. The amount of such grant shall be a
12 proportionate share of the total amount appropriated for such grants and:
13 (a) A school district's share shall be based on the percentage of
14 students attending such school district according to the most recent
15 enrollment data collected by the State Department of Education; and
16 (b) An educational service unit's share shall be based on the number
17 of approved or accredited nonpublic schools that contract with such
18 educational service unit for funding for qualifying projects as provided
19 in subdivision (2)(b) of this section.

20 (2)(a) A school district may apply to the department for a grant on
21 forms and in a manner prescribed by the Commissioner of Education. A
22 school district receiving a grant under this section shall divide the use
23 of such grant funds as evenly as possible among all eligible school
24 buildings within such district.

25 (b) An educational service unit may apply to the department for a
26 grant, on forms and in a manner prescribed by the Commissioner of
27 Education, for use for funding qualifying projects at approved or
28 accredited nonpublic schools which contract with such educational service
29 unit on such qualifying projects. An approved or accredited nonpublic
30 school may apply to and contract with the appropriate educational service
31 unit in the school's area in a manner prescribed by the educational
1 service unit for funding for qualifying projects pursuant to this
2 section.

3 (3) The State Board of Education may adopt and promulgate rules and
4 regulations to carry out this section.

5 (4) It is the intent of the Legislature to appropriate fifteen
6 million dollars from the General Fund to the State Department of
7 Education to administer the grant program pursuant to this section.

8 Sec. 4. (1) The State Department of Education shall create and
9 administer a grant program to provide funding to hire mental health
10 practitioners and school psychologists to provide access to mental and
11 behavioral health support to students at an approved or accredited public
12 or nonpublic school and within the community.

13 (2) A local public health department or an educational service unit
14 may apply to the department, on forms and in a manner prescribed by the
15 department, for a grant to hire a mental health practitioner or school
16 psychologist to provide mental and behavioral health supports to students
17 and serve as a liaison to approved and accredited public and nonpublic
18 schools within the area served by such local public health department or
19 educational service unit.

20 (3) It is the intent of the Legislature to appropriate five million
21 dollars from the General Fund to administer such grant program.

22 Sec. 5. Original section 79-2,143, Reissue Revised Statutes of
23 Nebraska, and section 79-3106, Revised Statutes Cumulative Supplement,
24 2022, are repealed.

(Signed) Dave Murman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 243. Senator Briese offered [MO174](#), found on page 925, to indefinitely postpone.

Senator Briese withdrew his motion to indefinitely postpone.

Senator M. Cavanaugh offered the following amendment:
[AM1134](#) is available in the Bill Room.

Senator Briese offered the following motion:
[MO891](#)
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 30 ayes, 1 nays, and 18 not voting.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 6:

Blood	Cavanaugh, M.	Hunt
Cavanaugh, J.	DeBoer	Wayne

The Briese motion to invoke cloture prevailed with 43 ayes, 0 nays, and 6 present and not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 7:

Bostelman	Erdman	McDonnell	Wayne
Clements	Halloran	Murman	

Voting in the negative, 41:

Aguilar	Briese	Fredrickson	Kauth	Slama
Albrecht	Cavanaugh, J.	Geist	Linehan	Vargas
Arch	Conrad	Hansen	Lippincott	von Gillern
Armendariz	Day	Hardin	Lowe	Walz
Ballard	DeBoer	Holdcroft	McKinney	Wishart
Blood	DeKay	Hughes	Moser	
Bostar	Dorn	Hunt	Raybould	
Brandt	Dover	Ibach	Riepe	
Brewer	Dungan	Jacobson	Sanders	

Present and not voting, 1:

Cavanaugh, M.

The M. Cavanaugh amendment lost with 7 ayes, 41 nays, and 1 present and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 1 nay, and 7 present and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 583. Senator Hunt offered [MO680](#), found on page 966, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Sanders opened on her bill, LB583.

Senator Hunt opened on her motion, MO680.

SPEAKER ARCH PRESIDING

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

The Hunt motion to indefinitely postpone, prior to the bill being read, failed with 1 aye, 42 nays, 5 present and not voting, 1 absent and not voting, and 0 excused and not voting.

The Chair declared the call raised.

Pending.

MINORITY COMMITTEE STATEMENT

Health and Human Services

LEGISLATIVE BILL 626. Minority Committee Statement was filed.

(Signed) Machaela Cavanaugh
Jen Day

RESOLUTIONS**LEGISLATIVE RESOLUTION 82.** Introduced by Ballard, 21.

WHEREAS, Logan Lovelace of Lincoln, Nebraska, a member of Lincoln Boy Scout Troop 55 and son of Dane and Thuy Lovelace, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Logan is a Brotherhood Member of the Order of the Arrow of the Boy Scouts of America and an honor roll student at Lincoln Southwest High School and will be attending the University of Nebraska for computer engineering in the fall of 2023; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for his community service project, Logan was inspired to give back to the Willard Community Center in Lincoln, Nebraska, where Troop 55 meets so his project consisted of leveling the outside preschool play area at the Willard Community Center and having rubber tiles laid; and

WHEREAS, Logan has served his Boy Scout troop as Senior Patrol Leader, Patrol Leader, Assistant Patrol Leader, Scribe, and Den Chief; and

WHEREAS, Logan is the seventh scout from Troop 55 to earn the rank of Eagle Scout; and

WHEREAS, Logan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Logan Lovelace on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Logan Lovelace.

Laid over.

LEGISLATIVE RESOLUTION 83. Introduced by Ballard, 21.

WHEREAS, the 2023 Nebraska School Activities Association Class D-2 Boys State Basketball Championship was held on March 11, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Parkview Christian Patriots boys basketball team won the 2023 Class D-2 Boys State Basketball Championship; and

WHEREAS, Parkview Christian finished the season with twenty-six wins and three losses after a victory over Wynot in the championship game by a score of 52 to 49; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Parkview Christian School boys basketball team and its coaches on winning the 2023 Class D-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Parkview Christian School boys basketball team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 583. Senator Wayne offered the following motion:

[MO892](#)

Reconsider the vote taken on MO680.

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 10:

Blood	Cavanaugh, M.	Day	Erdman	Raybould
Cavanaugh, J.	Conrad	DeBoer	McKinney	Wayne

Voting in the negative, 33:

Albrecht	Briese	Hansen	Kauth	Slama
Arch	Clements	Hardin	Linehan	Vargas
Armendariz	DeKay	Holdcroft	Lippincott	von Gillern
Ballard	Dorn	Hughes	Lowe	Walz
Bostelman	Dover	Hunt	Moser	Wishart
Brandt	Dungan	Ibach	Murman	
Brewer	Geist	Jacobson	Sanders	

Present and not voting, 3:

Bostar Halloran Riepe

Excused and not voting, 3:

Aguilar Fredrickson McDonnell

The Wayne motion to reconsider failed with 10 ayes, 33 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB583:

[AM1112](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. Strike sections 5, 6, and 7.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

Senator Hunt filed the following amendment to LB583:

[AM1111](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. On page 11, line 9, strike "eighty" and insert "one hundred".

Senator Brandt filed the following amendment to LB583:

[AM1124](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to LB583:

[AM1129](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. Insert the following new sections:
- 2 Section 1. Sections 1 to 9 of this act shall be known and may be
- 3 cited as the Hunger-Free Schools Act.
- 4 Sec. 2. Section ~~79-10,137~~, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 ~~79-10,137~~ The Legislature finds that, for Nebraska to compete
- 7 effectively in the world, it must have an educated and productive work
- 8 force. In order to have an educated and productive work force, it must

9 prepare its children to learn, and in order to do so the children must be
 10 well-nourished. The Legislature further finds that school breakfast and
 11 lunch programs are integral parts of Nebraska's educational system, and
 12 that every student deserves access to healthy food during the school day.

13 Sec. 3. For purposes of the Hunger-Free Schools Act:

14 (1) Community eligibility provision has the same meaning as in
 15 section 79-101;

16 (2) Department means the State Department of Education;

17 (3) Eligible breakfast means a school breakfast served to a student
 18 which is reimbursable, in total or in part, with federal funds as
 19 specified under regulations promulgated by the United States Department
 20 of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42
 21 U.S.C. 1771 et seq., as such act and regulations existed on January 1,
 22 2023;

23 (4) Eligible lunch means a school lunch served to a student which is
 24 reimbursable, in total or in part, with federal funds as specified under
 25 regulations promulgated by the United States Department of Agriculture
 26 pursuant to the federal Richard B. Russell National School Lunch Act, 42
 1 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
 2 2023;

3 (5) Federal reimbursement rate means the payment levels received by
 4 the qualified public school for an eligible breakfast or an eligible
 5 lunch for the school year in which the eligible breakfast or the eligible
 6 lunch was served, as published by the United States Department of
 7 Agriculture pursuant to the federal Child Nutrition Act of 1966, 42
 8 U.S.C. 1771 et seq., and the federal Richard B. Russell National School
 9 Lunch Act, 42 U.S.C. 1751 et seq., and regulations promulgated under such
 10 acts, as such acts and regulations existed on January 1, 2023; and

11 (6) Qualified public school means a school operated by a school
 12 district which is participating in the school breakfast program or the
 13 national school lunch program under the federal Child Nutrition Act of
 14 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National
 15 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January
 16 1, 2023.

17 Sec. 4. Each qualified public school that is eligible to receive
 18 one hundred percent of the federal reimbursement rate at the free rate
 19 for all eligible breakfasts and eligible lunches shall operate under the
 20 community eligibility provision.

21 Sec. 5. Section 79-10,138, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 79-10,138 The department State Department of Education shall
 24 reimburse each qualified public school in Nebraska a portion of the cost
 25 of such school's school breakfast program in the amount of five cents per
 26 eligible school breakfast served by such school in the second preceding
 27 school year. ~~Each To qualify,~~ a school district shall ~~operate a school~~
 28 ~~lunch program and shall~~ submit information regarding the number of
 29 eligible breakfasts served by each qualified public school in the school
 30 district in a manner prescribed by the department. The Legislature shall
 31 appropriate money from the General Fund to carry out this section.

1 Sec. 6. Section 79-10,139, Reissue Revised Statutes of Nebraska, is
 2 amended to read:

3 79-10,139 Payments pursuant to section 5 of this act 79-10,138 shall
 4 be made to each school district according to rules and regulations for
 5 disbursements adopted and promulgated by the department State Department
 6 of Education.

7 Sec. 7. Nothing in the Hunger-Free Schools Act shall prevent a
 8 school district from collecting information from the parent or guardian
 9 of a student to determine eligibility for other services of the school
 10 district.

11 Sec. 8. The department may grant a waiver of the requirement under
 12 section 4 of this act to a school or district which lacks facilities,
 13 equipment, or staff to offer a school breakfast program and in which the
 14 acquisition of such facilities, equipment, or staff would cause extreme
 15 hardship to such school or district. A waiver may also be granted if

16 participation in the program is too small to allow the program to be
17 cost-effective or may create substantial scheduling difficulties. The
18 waiver may be permanent or for a specified length of time as determined
19 by the department.
20 Sec. 9. The State Board of Education shall adopt and promulgate
21 rules and regulations to carry out the Hunger-Free Schools Act.
22 Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 25 of this act
23 become operative on August 1, 2023. The other sections of this act become
24 operative on their effective date.
25 Sec. 25. Original sections 79-10,137, 79-10,138, and 79-10,139,
26 Reissue Revised Statutes of Nebraska, are repealed.
27 2. Renumber the remaining sections, correct internal references, and
28 correct the repealer accordingly.

MOTIONS - Print in Journal

Senator Conrad filed the following motion to [LB385](#):
[MO893](#)
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Conrad filed the following motion to [LB385](#):
[MO894](#)
Recommit to Education Committee.

Senator Conrad filed the following motion to [LB385](#):
[MO895](#)
Bracket until June 9, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Raybould name added to LB138.
Senator Brewer name added to LB138.
Senator Bostelman name added to LB165.
Senator Day name added to LB715.

VISITORS

Visitors to the Chamber were members of Hemingford High School FCCLA.

ADJOURNMENT

At 6:59 p.m., on a motion by Senator Raybould, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 4, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 2023

PRAYER

The prayer was offered by Senator Holdcroft.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

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 Senator Aguilar who was excused; and Senators Bostar, Conrad, Day, DeBoer, Kauth, Slama, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine different methods, including potential statutory changes, to address the concerns raised by restaurant, bar, craft brewery, microdistillery, and farm winery owners relating to receiving shipments of alcoholic liquor and the available options such entities have to obtain and sell alcoholic liquor products under the Nebraska Liquor Control Act. This study shall include, but need not be limited to, an examination of:

(1) The effects of providing entities which hold a license that authorizes on-premises consumption of alcoholic liquor, the ability to purchase alcoholic liquor products from retail locations which hold a license to sell

alcoholic liquor for off-premises consumption and how best to accomplish such change;

(2) The concepts, needs, and concerns raised at the public hearing for Legislative Bill 375 introduced in the First Session of the One Hundred Eighth Legislature of Nebraska; and

(3) Methods and ideas that will improve access by restaurant, bar, craft brewery, microdistillery, and farm winery licensees to the wholesaler tier.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 72, 73, 74, and 75 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 72, 73, 74, and 75.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Senator Hunt offered [MO682](#), found on page 966, to bracket until June 1, 2023.

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

Senator Hunt requested a roll call vote on her motion to bracket.

Voting in the affirmative, 7:

Cavanaugh, J.	Day	Hunt	Raybould
Cavanaugh, M.	DeBoer	McKinney	

Voting in the negative, 38:

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

Excused and not voting, 4:

Aguilar Bostar Slama Wayne

The Hunt motion to bracket failed with 7 ayes, 38 nays, and 4 excused and not voting.

The Chair declared the call raised.

Committee [AM970](#), found on page 960, was offered.

Senator Brandt offered [AM1124](#), found on page 998, to the committee amendment.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 754. Placed on Select File with amendment.

[ER19](#)

1 1. In the Standing Committee amendments, AM906, on page 49, line 18,
 2 strike "77-2733" and insert "77-2727, 77-2730, 77-2733, 77-2775"; and in
 3 line 20 after "77-2717," insert "77-2734.01,".
 4 2. On page 1, strike lines 2 through 4 and insert "77-2727, 77-2730,
 5 77-2733, 77-2775, 77-3605, and 77-3606, Reissue Revised Statutes of
 6 Nebraska, and sections 71-1962, 77-2701, 77-2715.03, 77-2715.07, 77-2716,
 7 77-2716.01, 77-2717, 77-2734.01, 77-2734.02, 77-2734.03, and 77-3604,
 8 Revised Statutes Cumulative Supplement, 2022; to adopt the Child Care Tax
 9 Credit Act; to reduce individual and corporate income tax rates as
 10 prescribed; to provide for certain income tax deductions; to change
 11 provisions relating to taxation of partnerships, small business
 12 corporations, and nonresident income; to define terms; to reauthorize tax
 13 credits under and change provisions relating to the School Readiness Tax
 14 Credit Act; to harmonize provisions; to provide severability; to repeal
 15 the original sections; and to declare an emergency."

LEGISLATIVE BILL 683. Placed on Select File with amendment.

[ER18](#)

1 1. In the Standing Committee amendments, AM870, on page 3, line 30,
2 strike the comma.
3 2. On page 1 strike beginning with "sections" in line 1 through line
4 7 and insert "section 66-4,100, Reissue Revised Statutes of Nebraska, and
5 sections 86-331, 86-333, 86-1103, and 86-1309, Revised Statutes
6 Cumulative Supplement, 2022; to provide duties for the Department of
7 Transportation; to create the Nebraska Broadband Office and provide
8 duties; to change provisions relating to a broadband access map, the
9 state broadband coordinator, the Highway Cash Fund, the Roads Operations
10 Cash Fund, and the Nebraska Broadband Bridge Fund; to provide for
11 priority on the district court trial docket as prescribed; to require a
12 report; to harmonize provisions; to repeal the original sections; and to
13 declare an emergency."

(Signed) Beau Ballard, Chairperson

Urban Affairs

LEGISLATIVE RESOLUTION 531. Placed on General File with amendment.

[AM1128](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator McKinney filed the following amendment to [LB629](#):
[AM1123](#) is available in the Bill Room.

Senator Hardin filed the following amendment to [LB342](#):
[AM75](#)

1 1. On page 3, line 7, strike "business", show as stricken, and
2 insert "calendar".

RESOLUTION

LEGISLATIVE RESOLUTION 85. Introduced by Holdcroft, 36.

WHEREAS, the third annual Animals in War & Peace Medal Ceremony, which recognizes and honors unsung United States animal heroes for their accomplishments in both war and peace, took place on March 8, 2023, at the Rayburn House Office Building in Washington, D.C.; and

WHEREAS, Military Working Dog Paco P352, a Belgian Malinois, received the Animals in War & Peace Medal of Bravery and Distinguished Service Medal for his service for the United States Army in Afghanistan; and

WHEREAS, Paco was deployed in October 2012 in support of Operation Detachment Alpha/Special Operations Task Force; and

WHEREAS, Paco led the unit during night raids on villages in extremely hostile territories, positively identified thirty-three IEDs during different missions, and likely saved the lives of one hundred twenty soldiers; and

WHEREAS, Paco was awarded the Purple Heart after being wounded with shrapnel but returned to duty after being treated for injuries and, upon his return, Paco led a convoy of thirty trucks twenty miles during an evacuation that was constantly fired upon with small arms and rocket propelled grenades; and

WHEREAS, Paco served side-by-side with his military working dog handler Staff Sergeant Brad Mrsny from 2009 through 2017;

WHEREAS, Paco now lives with Brad, his wife Brittany, and their two daughters Braelynn and Blakely in Gretna, Nebraska; and

WHEREAS, it is appropriate for the Legislature to recognize and honor the veterans of the United States military.

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

1. That the Legislature thanks Military Working Dog Paco P352 and his military working dog handler Staff Sergeant Brad Mrsny for their service to the United States in the United States Army.

2. That the Legislature congratulates Paco on receiving the Animals in War & Peace Medal of Bravery and Distinguished Service Medal.

3. That a copy of this resolution be sent to Staff Sergeant Brad Mrsny and Paco.

Laid over.

VISITORS

Visitors to the Chamber were students from Yutan Elementary, Yutan; students from St. John's Elementary, Lincoln; students from St. Wenceslaus Catholic School, Omaha.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Bostar, Clements, Conrad, Day, DeKay, Dorn, Dover, Erdman, Hunt, Lippincott, McDonnell, Vargas, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 583. Committee [AM970](#), found on page 960 and considered in this day's Journal, was renewed.

Senator Brandt renewed [AM1124](#), found on page 998 and considered in this day's Journal, to the committee amendment

Senator Wayne 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, 4 nays, and 25 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 45:

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

Voting in the negative, 4:

Blood	Conrad	Hunt	Vargas
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The motion to cease debate prevailed with 45 ayes, 4 nays, and 0 not voting.

The Brandt amendment, to the committee amendment, lost with 17 ayes, 29 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1129](#), found on page 998, to the committee amendment.

Senator Sanders offered the following motion:

[MO896](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sanders moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

The Sanders motion to invoke cloture prevailed with 43 ayes, 3 nays, and 3 present and not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 16 ayes, 30 nays, and 3 present and not voting.

The committee amendment was adopted with 41 ayes, 3 nays, and 5 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, and 7 present and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB123](#):
[AM744](#) is available in the Bill Room.

Senator Geist filed the following amendment to [LB683](#):
[AM1142](#) is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 753. Speaker Arch requested to pass over LB753.

GENERAL FILE

LEGISLATIVE BILL 753A. Speaker Arch requested to pass over LB753A.

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803, was offered.

SPEAKER ARCH PRESIDING

Senator Hunt offered [MO850](#), found on page 975, to bracket until June 1, 2023.

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

Senator Hunt requested a roll call vote on her motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Present and not voting, 2:

Cavanaugh, M. Hunt

The Hunt motion to bracket failed with 0 ayes, 47 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO897](#)

Reconsider the vote taken on MO850.

SENATOR B. HANSEN PRESIDING

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:31 p.m. until 6:00 p.m.

SENATOR B. HANSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803 and considered in today's Journal, was renewed.

Senator M. Cavanaugh renewed [MO897](#), found and considered in this day's Journal, to reconsider the vote taken on MO850.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 6 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 2:

Cavanaugh, M. Hunt

Voting in the negative, 44:

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

Absent and not voting, 1:

Geist

Excused and not voting, 2:

Blood Dungan

The M. Cavanaugh motion to reconsider failed with 2 ayes, 44 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [MO849](#), found on page 974, to recommit to General Affairs Committee.

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

Senator Hunt moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

Albrecht	Brewer	Halloran	Kauth	Sanders
Arch	Briese	Hansen	Linehan	Slama
Armendariz	DeBoer	Hardin	Lippincott	von Gillern
Ballard	DeKay	Holdcroft	Lowe	Walz
Bostar	Dorn	Hughes	McDonnell	Wishart
Bostelman	Dover	Ibach	Murman	
Brandt	Erdman	Jacobson	Riepe	

Voting in the negative, 5:

Cavanaugh, J.	Conrad	Day	Dungan	Vargas
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Present and not voting, 6:

Cavanaugh, M.	Hunt	Raybould
Fredrickson	McKinney	Wayne

Excused and not voting, 5:

Aguilar	Blood	Clements	Geist	Moser
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The motion to cease debate prevailed with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 2:

Cavanaugh, M.	Hunt
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Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The Hunt motion to recommit to committee failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to LB705:

[FA35](#)

Strike Section 3.

Senator Murman filed the following amendment to LB705:

[FA36](#)

Strike Section 4.

Senator Murman filed the following amendment to LB705:

[FA37](#)

Strike Section 1.

Senator Murman filed the following amendment to LB705:

[FA38](#)

Strike Section 2.

Senator McDonnell filed the following amendment to LB103:

[AM969](#)

(Amendments to Standing Committee amendments, AM417)

1 1. On page 6, lines 12, 14, 15, 17, and 18; page 17, lines 8, 10,
2 11, 13, and 14; page 28, lines 1, 3, 4, 6, and 7; page 40, lines 12, 14,
3 15, 17, and 18; page 49, lines 28, 30, and 31; and page 50, lines 2 and
4 3, strike the new matter and reinstate the stricken matter.

5 2. On page 6, strike lines 20 through 24; on page 17, strike lines
6 16 through 20; on page 28, strike lines 9 through 13; on page 40, strike
7 lines 20 through 24; and on page 50, strike lines 5 through 9, and insert
8 the following new subdivisions:

9 "(C) Attained at least seventy-three years of age for a member who
10 attained seventy-two years of age after December 31, 2022, and seventy-
11 three years of age prior to January 1, 2033; or

12 (D) Attained at least seventy-five years of age for a member who
13 attained seventy-four years of age after December 31, 2032; or".

14 3. On page 11, line 15; page 21, line 2; page 37, line 5; page 44,
15 line 5; and page 55, line 4, strike "of active" and insert "during
16 active".

17 4. On page 11, line 16; page 21, line 3; page 37, line 6; page 44,
18 line 6; and page 55, line 5, reinstate the stricken "provided".

19 5. On page 17, line 6; page 27, line 30; page 40, line 10; and page
20 49, line 26, after "distributions" insert "and the commencement of
21 mandatory distributions pursuant to section 401(a)(9) of the Internal
22 Revenue Code and the regulations issued thereunder".

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems
Room 1525 1:30 PM

Wednesday, April 12, 2023

Briefing on Nebraska Public Employees Retirement System's Annual Report

Note: Pursuant to Nebraska Revised Statute 84-1503(3)

Briefing on Nebraska Investment Council's Annual Report

Note: Pursuant to Nebraska Revised Statute 72-1243(3)

(Signed) Mike McDonnell, Chairperson

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803 and considered in this day's Journal, was renewed.

Senator Hunt offered the following motion:

[MO898](#)

Reconsider the vote taken on MO849.

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

Senator Day moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Albrecht	Brandt	Erdman	Ibach	McDonnell
Arch	Brewer	Halloran	Jacobson	Murman
Armendariz	Briese	Hansen	Kauth	Riepe
Ballard	DeKay	Hardin	Linehan	Sanders
Bostar	Dorn	Holdcroft	Lippincott	Slama
Bostelman	Dover	Hughes	Lowe	von Gillern

Voting in the negative, 12:

Cavanaugh, J.	Day	Fredrickson	Vargas
Cavanaugh, M.	DeBoer	Hunt	Walz
Conrad	Dungan	Raybould	Wayne

Present and not voting, 2:

McKinney Wishart

Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The motion to cease debate prevailed with 30 ayes, 12 nays, 2 present and not voting, and 5 excused and not voting.

Senator Hunt requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The Hunt motion to reconsider failed with 0 ayes, 44 nays, and 5 excused and not voting.

The Chair declared the call raised.

ER16 was adopted.

Senator Lowe offered [AM813](#), found on page 742.

The Lowe amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Senator Conrad offered the following amendment:

[AM1178](#)

(Amendments to Standing Committee amendments, AM709)

1 1. Insert the following new sections:

2 Section 1. Section 9-204, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 9-204 (1) Bingo shall mean that form of gambling in which:

5 (a) The winning numbers are determined by random selection from a

6 pool of seventy-five or ninety numbered designators; and
 7 (b) A player marks ~~Players mark~~ by physically daubing or covering
 8 or, ~~automatically or manually~~ with the aid of a bingo card monitoring
 9 device, ~~enters or otherwise conceals~~ ~~concealing~~ those randomly selected
 10 numbers which match on a bingo card that the player has ~~cards which they~~
 11 have purchased or leased only at the time and place of the bingo
 12 occasion.
 13 (2) Bingo shall not mean or include:
 14 (a) Any scheme which uses any mechanical gaming device, computer
 15 gaming device, electronic gaming device, or video gaming device which has
 16 the capability of awarding something of value, free games redeemable for
 17 something of value, or tickets or stubs redeemable for something of
 18 value;
 19 (b) Any activity which is authorized or regulated under the Nebraska
 20 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the
 21 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle
 22 Act, the State Lottery Act, section 9-701, or Chapter 2, article 12; or
 23 (c) Any activity which is prohibited under Chapter 28, article 11.
 24 Sec. 2. Section 9-204.04, Reissue Revised Statutes of Nebraska, is
 25 amended to read:
 26 9-204.04 Bingo card monitoring device shall mean a technological aid
 1 which allows a bingo player to ~~automatically or manually~~ enter bingo
 2 numbers as they are announced at a bingo occasion and which ~~enters marks~~
 3 or otherwise conceals those numbers on bingo cards which are
 4 electronically stored in and displayed on the device. A bingo card
 5 monitoring device shall not mean or include any device (1) into which
 6 currency, coins, or tokens may be inserted or from which currency, coins,
 7 tokens, or any receipt for monetary value can be dispensed or (2) which,
 8 once provided to a bingo player, is capable of communicating with any
 9 other bingo card monitoring device or any other form of electronic device
 10 or computer, ~~except that such device may communicate with its host~~
 11 ~~system~~.
 12 2. Renumber the remaining sections, correct internal references, and
 13 correct the repealer accordingly.

The Conrad amendment was adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Senator Hunt offered [MO851](#), found on page 974, to indefinitely postpone.

Senator Lowe offered the following motion:

[MO899](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lowe moved for a call of the house. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Senator Lowe requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Albrecht

Excused and not voting, 4:

Aguilar Blood Geist Moser

The Lowe motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Aguilar Blood Geist Moser

The Hunt motion to indefinitely postpone failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

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

Voting in the affirmative, 35:

Arch	Cavanaugh, J.	Dover	Kauth	Riepe
Armendariz	Cavanaugh, M.	Dungan	Linehan	Sanders
Ballard	Conrad	Fredrickson	Lowe	Slama
Bostar	Day	Hansen	McDonnell	Vargas
Brandt	DeBoer	Hughes	McKinney	Walz
Brewer	DeKay	Ibach	Murman	Wayne
Briese	Dorn	Jacobson	Raybould	Wishart

Voting in the negative, 8:

Albrecht	Erdman	Hardin	Lippincott
Clements	Halloran	Holdcroft	von Gillern

Present and not voting, 2:

Bostelman Hunt

Excused and not voting, 4:

Aguilar Blood Geist Moser

Advanced to Enrollment and Review for Engrossment with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 296. [ER1](#), found on page 567, was adopted.

Senator Fredrickson offered the following amendment:

[AM1179](#)

1 1. Strike section 11 and insert the following new sections:
 2 Sec. 11. Section 44-312, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 44-312 (1) For purposes of this section:
 5 (a)(i) Telehealth means the use of medical information
 6 electronically exchanged from one site to another, whether synchronously
 7 or asynchronously, to aid a health care provider in the diagnosis or
 8 treatment of a patient.
 9 (ii) Telehealth includes (A) services originating from a patient's
 10 home or any other location where such patient is located, (B)
 11 asynchronous services involving the acquisition and storage of medical
 12 information at one site that is then forwarded to or retrieved by a
 13 health care provider at another site for medical evaluation, and (C)
 14 telemonitoring.
 15 (iii) Telehealth also includes audio-only services for the delivery
 16 of individual behavioral health services for an established patient, when
 17 appropriate, or crisis management and intervention for an established

18 patient as allowed by federal law; and
 19 (b) Telemonitoring means the remote monitoring of a patient's vital
 20 signs, biometric data, or subjective data by a monitoring device which
 21 transmits such data electronically to a health care provider for analysis
 22 and storage.
 23 (2) Any insurer offering (a) any individual or group sickness and
 24 accident insurance policy, certificate, or subscriber contract delivered,
 25 issued for delivery, or renewed in this state, (b) any hospital, medical,
 26 or surgical expense-incurred policy, except for policies that provide
 27 coverage for a specified disease or other limited-benefit coverage, or
 1 (c) any self-funded employee benefit plan to the extent not preempted by
 2 federal law, shall provide upon request to a policyholder, certificate
 3 holder, or health care provider a description of the telehealth and
 4 telemonitoring services covered under the relevant policy, certificate,
 5 contract, or plan.
 6 (3) The description shall include:
 7 (a) A description of services included in telehealth and
 8 telemonitoring coverage, including, but not limited to, any coverage for
 9 transmission costs;
 10 (b) Exclusions or limitations for telehealth and telemonitoring
 11 coverage, including, but not limited to, any limitation on coverage for
 12 transmission costs; and
 13 (c) Requirements for the licensing status of health care providers
 14 providing telehealth and telemonitoring services.
 15 (4) Except as otherwise provided in section 44-793, the
 16 reimbursement rate for any telehealth service shall, at a minimum, be the
 17 same as a comparable in-person health care service if the licensed
 18 provider providing the telehealth service also provides in-person health
 19 care services at a physical location in Nebraska or is employed by or
 20 holds medical staff privileges at a licensed facility in Nebraska and
 21 such facility provides in-person health care services in Nebraska.
 22 Sec. 12. (1) For purposes of this section:
 23 (a) National Provider Identifier means the standard, unique health
 24 identifier number for a health care provider that is issued by the
 25 National Provider System in accordance with 45 C.F.R. part 162, as such
 26 regulations existed on January 1, 2023; and
 27 (b) Off-campus location means a facility:
 28 (i) With operations that are directly or indirectly owned or
 29 controlled by, in whole or in part, a hospital, or that is affiliated
 30 with a hospital, regardless of whether such off-campus location is
 31 operated by the same governing body as the hospital;
 1 (ii) That is located in its entirety, including all real estate,
 2 structures, and permanent fixtures, more than one mile from the main
 3 campus of the hospital as measured from the closest real estate,
 4 structure, or permanent fixture of the main campus;
 5 (iii) That provides services which are organizationally and
 6 functionally integrated with the hospital; and
 7 (iv) That is an outpatient facility providing ambulatory surgery,
 8 urgent care, or emergency room services.
 9 (2) An off-campus location of a hospital shall obtain a National
 10 Provider Identifier that is distinct from the National Provider
 11 Identifier used by the main campus of the affiliated hospital and any
 12 other off-campus location of such hospital and shall use such identifier
 13 on all claims for reimbursement or payment for health care services
 14 provided at such location.
 15 Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this act
 16 become operative on January 1, 2024. The other sections of this act
 17 become operative on their effective date.
 18 Sec. 14. Original section 44-312, Reissue Revised Statutes of
 19 Nebraska, is repealed.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

The Fredrickson amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Hunt offered [MO461](#), found on page 946, to bracket until June 1, 2023.

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

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Senator Wayne requested a record vote on the motion to cease debate.

Voting in the affirmative, 30:

Albrecht	Brewer	Erdman	Jacobson	Raybould
Arch	Briese	Hansen	Kauth	Sanders
Armendariz	Clements	Hardin	Linehan	Slama
Ballard	DeKay	Holdcroft	Lippincott	von Gillern
Bostar	Dorn	Hughes	McDonnell	Wayne
Brandt	Dover	Ibach	Murman	Wishart

Voting in the negative, 8:

Cavanaugh, J.	Conrad	Fredrickson	McKinney
Cavanaugh, M.	Day	Hunt	Vargas

Present and not voting, 4:

DeBoer	Dungan	Riepe	Walz
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Excused and not voting, 7:

Aguilar	Bostelman	Halloran	Moser
Blood	Geist	Lowe	

The motion to cease debate prevailed with 30 ayes, 8 nays, 4 present and not voting, and 7 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 1:

Hunt

Excused and not voting, 7:

Aguilar	Bostelman	Halloran	Moser
Blood	Geist	Lowe	

The Hunt motion to bracket failed with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Brandt filed the following amendment to [LB683](#):
[AM1162](#) is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 296. Senator Hunt offered [MO460](#), found on page 945, to recommit to Banking, Commerce and Insurance Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator M. Cavanaugh offered the following motion:

[MO901](#)

Reconsider the vote taken on MO461.

Senator M. Cavanaugh withdrew her motion to reconsider.

Senator M. Cavanaugh offered [AM984](#), found on page 873.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM983](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM985](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM986](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM987](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM988](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM989](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM990](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM991](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM993](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM994](#), found on page 875.

The M. Cavanaugh amendment was withdrawn.

Senator Hunt offered [AM1020](#), found on page 885.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1021](#), found on page 885.

The Hunt amendment was withdrawn.

Senator Hunt offered [MO462](#), found on page 945, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Senator Hunt offered [MO459](#), found on page 945, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew her motion to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt offered [MO463](#), found on page 945, to recommit to Banking, Commerce and Insurance Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO464](#), found on page 946, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. Senator Linchan offered [AM657](#), found on page 696.

The Linchan amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator McKinney offered the following amendment:

[AM1188](#)

1 Insert the following new sections:

- 2 Sec. 2. (1) On or before July 1, 2025, the school board of each
 3 school district shall adopt a written dress code and grooming policy to
 4 be implemented at the start of the 2025-26 school year that is consistent
 5 with the model policy developed by the State Department of Education in
 6 accordance with section 3 of this act and may include any other
 7 procedures and provisions the school board deems appropriate.
 8 (2) Enforcement of violations of the written dress code and grooming
 9 policy shall:
 10 (a) Be treated as minor on the continuum of school rule violations
 11 and shall not constitute student conduct subject to long-term suspension,
 12 expulsion, or mandatory reassignment as provided in section 79-267;
 13 (b) Not require the student to miss substantial classroom time,
 14 instruction time, or school activities; and
 15 (c) Not, under any circumstance, allow an administrator, teacher,
 16 other member of the staff, or contractor to permanently or temporarily
 17 alter or cut a student's hair.
 18 (3) No student shall be disproportionately affected by a dress code
 19 or grooming policy enforcement because of the student's gender, race,
 20 color, religion, disability, or national origin.
 21 Sec. 3. (1) For purposes of this section:
 22 (a) Department means the State Department of Education;
 23 (b) National origin includes characteristics associated with actual
 24 or perceived place of birth, ancestry, or ethnicity including, but not
 25 limited to, skin color, natural and protective hairstyles, headdress,
 26 tribal regalia, and attire;
 27 (c) Natural and protective hairstyles include, but are not limited

1 to, braids, locks, twists, tight coils or curls, cornrows, bantu knots,
2 afros, weaves, wigs or head wraps;
3 (d) Race includes characteristics associated with actual or
4 perceived race, ancestry, or ethnicity including, but not limited to,
5 skin color, natural and protective hairstyles, tribal regalia, and
6 attire;
7 (e) Religious attire and characteristics associated with religion
8 includes, but is not limited to, natural and protective hairstyles,
9 tribal regalia, burkas, hijabs, head wraps, or other headdress,
10 adornments, and clothing garments used to express or observe one's
11 religious beliefs; and
12 (f) Tribal regalia includes natural and protective hairstyles and
13 traditional garments, jewelry, or other adornments or similar objects of
14 cultural significance worn by members of an indigenous tribe of the
15 United States or another country. Tribal regalia does not include any
16 dangerous weapon or, except in compliance with an appropriate federal
17 permit, any object that is otherwise prohibited by federal law.
18 (2) On or before December 1, 2024, the department shall develop and
19 distribute a model dress code and grooming policy for schools that
20 facilitates and encourages an inclusive and positive learning environment
21 while complying with any applicable health or safety law, rule,
22 regulation, ordinance, or resolution. Such model policy shall not:
23 (a) Target, disproportionately impact, discriminate, or be applied
24 in a discriminatory manner against any students on the basis of race,
25 religion, sex, disability, or national origin;
26 (b) Prohibit a student from wearing attire, including religious
27 attire, natural and protective hairstyles, adornments or other
28 characteristics associated with race, national origin, or religion; or
29 (c) Require a student's hair be permanently or temporarily altered.
30 (3) Such model policy shall include a statement that specifies that
31 enforcement of a violation of such policy shall be done in a manner that
1 is consistent with a school's overall discipline plan and in a consistent
2 manner.
3 (4) The department may develop as part of the dress code and
4 grooming policy a health and safety standard that allows for the
5 regulation of characteristics associated with race, national origin, or
6 religion in the dress code and grooming policy under certain
7 circumstances. Such standard shall:
8 (a) Demonstrate that without the implementation of such standard, it
9 is reasonably certain that the health and safety of the student or
10 another individual will be impaired;
11 (b) Require adoption of the standard for nondiscriminatory reasons;
12 (c) Require that the standard be applied equally;
13 (d) Require that the school engage in a good faith effort to
14 reasonably accommodate the student and notify the student's parent or
15 guardian, in a language that such parent or guardian understands, of such
16 an attempt to accommodate the student's appearance or any attire, tribal
17 regalia, hairstyles, adornment, or other characteristic associated with
18 race, national origin, or religion;
19 (e) Provide a process to obtain consent from a student's parent or
20 guardian prior to altering a student's appearance or removing or altering
21 a student's attire, tribal regalia, hairstyle, adornment, or other
22 characteristic associated with race, national origin, or religion; and
23 (f) Provide a process to ensure records are kept on each effort to
24 reasonably accommodate a student's appearance, attire, hairstyle,
25 adornment, or other characteristics associated with race, national
26 origin, or religion occurring at school, on school grounds, or at a
27 school-sponsored event and ensure that such records allow for analysis of
28 related data and delineate:
29 (i) The reason for such student's referral relating to the dress

30 code and grooming policy; and
31 (ii) Federally identified demographic characteristics of such
1 student.

The McKinney amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Hunt offered [MO478](#), found on page 946, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO477](#), found on page 945, to recommit to Education Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO476](#), found on page 945, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Senator Hunt offered [MO475](#), found on page 946, to bracket until June 1, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO474](#), found on page 945, to recommit to Education Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO473](#), found on page 945, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew her motion to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh offered [AM1008](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1005](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1004](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1007](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1006](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1009](#), found on page 875.

The M. Cavanaugh amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298A. Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Fredrickson name added to LB181.

VISITORS

Visitors to the Chamber were students from St. Michael's, Albion; students from Bancroft Elementary, Omaha; students from St. Paul's Lutheran, Beatrice; students from Wisner-Pilger Public Schools, Wisner.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 10:16 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 5, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 2023

PRAYER

The prayer was offered by Senator Walz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator von Gillern.

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 Aguilar, Bostar, Conrad, Day, Erdman, Hunt, Linehan, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 76 and 77 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 76 and 77.

SELECT FILE

LEGISLATIVE BILL 276. [ER17](#), found on page 937, was adopted.

Senator Hunt offered [MO436](#), found on page 943, to bracket until June 2, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

The Hunt motion to bracket failed with 0 ayes, 45 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 815. Placed on General File.

LEGISLATIVE BILL 816. Placed on General File with amendment. [AM1136](#) is available in the Bill Room.

(Signed) Robert Clements, Chairperson

MOTIONS - Print in Journal

Senator Riepe filed the following motion to LB282:

[MO902](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Riepe filed the following motions to recommit to committee to LB282:

[MO903](#)

[MO906](#)

[MO907](#)

Senator Riepe filed the following motions to bracket to LB282:

[MO904](#)

[MO905](#)

Senator Linehan filed the following motion to LB183:

[MO908](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Linehan filed the following motion to LB183:

[MO909](#)

Recommit to Judiciary Committee.

Senator Linehan filed the following motion to LB183:

[MO910](#)

Bracket until June 9, 2023.

SELECT FILE

LEGISLATIVE BILL 276. Senator M. Cavanaugh offered the following motion:

[MO911](#)

Reconsider the vote taken on MO436.

Senator Hunt moved for a call of the house. The motion prevailed with 13 ayes, 9 nays, and 27 not voting.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 46 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [MO435](#), found on page 943, to recommit to Health and Human Services Committee.

SPEAKER ARCH PRESIDING

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO434](#), found on page 943, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 276A. Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 799A. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 256. Placed on General File with amendment.

[AM1176](#)

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

3 Section 1. Section 44-312, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 44-312 (1) For purposes of this section:

6 (a)(i) Telehealth means the use of medical information
7 electronically exchanged from one site to another, whether synchronously
8 or asynchronously, to aid a health care provider in the diagnosis or
9 treatment of a patient.

10 (ii) Telehealth includes (A) services originating from a patient's
11 home or any other location where such patient is located, (B)
12 asynchronous services involving the acquisition and storage of medical
13 information at one site that is then forwarded to or retrieved by a
14 health care provider at another site for medical evaluation, and (C)
15 telemonitoring.

16 (iii) Telehealth also includes audio-only services for the delivery
17 of individual behavioral health services for an established patient, when
18 appropriate, or crisis management and intervention for an established
19 patient as allowed by federal law; and

20 (b) Telemonitoring means the remote monitoring of a patient's vital
21 signs, biometric data, or subjective data by a monitoring device which
22 transmits such data electronically to a health care provider for analysis
23 and storage.

24 (2) Any insurer offering (a) any individual or group sickness and
25 accident insurance policy, certificate, or subscriber contract delivered,
26 issued for delivery, or renewed in this state, (b) any hospital, medical,
27 or surgical expense-incurred policy, except for policies that provide
1 coverage for a specified disease or other limited-benefit coverage, or
2 (c) any self-funded employee benefit plan to the extent not preempted by
3 federal law, shall provide upon request to a policyholder, certificate
4 holder, or health care provider a description of the telehealth and
5 telemonitoring services covered under the relevant policy, certificate,
6 contract, or plan.

7 (3) The description shall include:

8 (a) A description of services included in telehealth and
9 telemonitoring coverage, including, but not limited to, any coverage for
10 transmission costs;

11 (b) Exclusions or limitations for telehealth and telemonitoring
12 coverage, including, but not limited to, any limitation on coverage for
13 transmission costs; and

14 (c) Requirements for the licensing status of health care providers
15 providing telehealth and telemonitoring services.

16 (4) Except as otherwise provided in section 44-793, the
17 reimbursement rate for any telehealth service shall, at a minimum, be the
18 same as a comparable in-person health care service if the licensed
19 provider providing the telehealth service also provides in-person health
20 care services at a physical location in Nebraska or is employed by or
21 holds medical staff privileges at a licensed facility in Nebraska and
22 such facility provides in-person health care services in Nebraska.

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

24 (a) National Provider Identifier means the standard, unique health
25 identifier number for a health care provider that is issued by the
26 National Provider System in accordance with 45 C.F.R. part 162, as such
27 regulations existed on January 1, 2023; and

28 (b) Off-campus location means a facility:
29 (i) With operations that are directly or indirectly owned or
30 controlled by, in whole or in part, a hospital, or that is affiliated
31 with a hospital, regardless of whether such off-campus location is
1 operated by the same governing body as the hospital;

2 (ii) That is located in its entirety, including all real estate,
3 structures, and permanent fixtures, more than one mile from the main
4 campus of the hospital as measured from the closest real estate.

5 structure, or permanent fixture of the main campus;
 6 (iii) That provides services which are organizationally and
 7 functionally integrated with the hospital; and
 8 (iv) That is an outpatient facility providing ambulatory surgery,
 9 urgent care, or emergency room services.
 10 (2) An off-campus location of a hospital shall obtain a National
 11 Provider Identifier that is distinct from the National Provider
 12 Identifier used by the main campus of the affiliated hospital and any
 13 other off-campus location of such hospital and shall use such identifier
 14 on all claims for reimbursement or payment for health care services
 15 provided at such location.
 16 Sec. 3. Original section 44-312, Reissue Revised Statutes of
 17 Nebraska, is repealed.

(Signed) Julie Slama, Chairperson

AMENDMENTS - Print in Journal

Senator Sanders filed the following amendment to LB583:

AM1174

(Amendments to Standing Committee amendments, AM970)

1 1. On page 1, lines 6 and 7, strike "Tax Equity and Educational
 2 Opportunities Support Act", show as stricken, and insert "Education
 3 Future Act".

Senator Sanders filed the following amendment to LB583:

AM1175

(Amendments to Standing Committee amendments, AM970)

1 1. On page 14, strike beginning with "A" in line 18 through "result"
 2 in line 19, show as stricken, and insert "If this calculation produces a
 3 negative result, such district's net option funding shall be equal to
 4 zero".

VISITORS

Visitors to the Chamber were Larry Peters; Lincoln; students from Northeast High School, Lincoln; students from Milford Elementary, Milford; Noah Day, Omaha; students and sponsors from GFWC/Nebraska Federation of Women's Club; teachers and staff from Papillion-La Vista Public Schools; students from Arbor Park Elementary, Blair.

RECESS

At 11:54 a.m., on a motion by Senator DeKay, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senator Aguilar who was excused and Senators Brewer, Briese, Day, Dorn, Dover, Holdcroft, Jacobson, Lippincott, and Wayne who were excused until they arrive.

SPEAKER'S MAJOR PROPOSALS

April 5, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Metzler:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Arch's request that LB813, LB814, LB818, LB282, and LB799 be designated as a 2023 Speaker's Major Proposal.

Respectfully,
(Signed) Senator Tom Briese
Chair, Executive Board

SELECT FILE

LEGISLATIVE BILL 683. [ER18](#), found on page 1004, was adopted.

Senator Dungan offered [AM1096](#), found on page 940.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Senator Blood requested a roll call vote, in reverse order, on the Dungan amendment.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Aguilar

The Dungan 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 Geist offered [AM1142](#), found on page 1007.

Senator M. Cavanaugh offered the following motion:

[MO912](#)

Bracket until May 18, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 44 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO915](#)

Reconsider the vote taken on MO912.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh withdrew her motion to reconsider.

Senator Bostar offered the following amendment to the Geist amendment:

AM1181

(Amendments to AM1142)

1 1. Insert the following new sections:
 2 Sec. 18. Section 86-125, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 86-125 Notwithstanding the provisions of section 86-124:
 5 (1) Any ~~All~~ communications ~~provider~~ ~~providers~~ providing service in
 6 Nebraska shall file a registration form with and pay a registration fee
 7 to the Public Service Commission. ~~A communications provider which~~
 8 ~~provides such service prior to August 1, 2007, and which continues to~~
 9 ~~provide such service on and after August 1, 2007, shall register with the~~
 10 ~~commission no later than January 1, 2008. Any communications provider~~
 11 ~~which begins to provide service in Nebraska on or after August 1, 2007,~~
 12 ~~shall register with the commission prior to providing such service. The~~
 13 ~~commission shall prescribe the registration form to be filed pursuant to~~
 14 ~~this section;~~
 15 (2) A communications provider providing the services described in
 16 ~~The commission shall prescribe the registration form to be filed pursuant~~
 17 ~~to this section. Communications providers as defined in subdivision (7)~~
 18 ~~(a) (8)(a) of this section shall provide the commission with the (a)~~
 19 ~~The name, address, telephone number, and email address of a contact~~
 20 ~~person concerning:~~
 21 ~~(a) The the Nebraska Telecommunications Universal Service Fund Act~~
 22 ~~and related surcharges, if applicable;~~
 23 ~~(b) The name, address, telephone number, and email address of a~~
 24 ~~contact person concerning the Telecommunications Relay System Act and~~
 25 ~~related surcharges, if applicable;~~
 26 ~~(c) The name, address, telephone number, and email address of a~~
 27 ~~contact person concerning the Enhanced Wireless 911 Services Act and~~
 28 ~~related surcharges, if applicable; and~~
 29 ~~(d) Consumer The name, address, telephone number, and email address~~
 30 ~~of a contact person concerning consumer complaints and inquiries;~~
 31 A communications provider providing the services described in
Communications providers as defined in subdivision (7)(b) (8)(b) of this
section shall provide the commission with the name, address, telephone
number, and email address of a person with managerial responsibility for
Nebraska operations;
 (4) A ~~The~~ communications provider shall:
 (a) Submit ~~submit~~ a registration fee at the time of submission of
 the registration form. The commission shall set the fee in an amount
 sufficient to cover the costs of administering the registration process
 but not to exceed fifty dollars;
 (b) Keep ~~(5) The communications provider shall keep~~ the information
 required by this section current and ~~shall~~ notify the commission of any
 changes to such information within sixty days after the change; and
 (c) Certify to the commission by January 1 each year that such
communications provider does not use or provide any communications
equipment or service deemed to pose a threat to national security
identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
as such regulation existed on January 1, 2023, and published by the
Public Safety and Homeland Security Bureau of the Federal Communications
Commission pursuant to the federal Secure and Trusted Communications
Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
January 1, 2023, and the rules adopted pursuant to such act by the
Federal Communications Commission on November 11, 2022, in its Report and
Order FCC 22-84;
 (5) ~~(6)~~ The commission may, pursuant to section 75-156,
 administratively fine ~~pursuant to section 75-156~~ any communications
 provider which violates this section;

1 (6) (7) This section applies to all communications providers
2 providing service in Nebraska except for those communications providers
3 otherwise regulated under the Nebraska Telecommunications Regulation Act;
4 and

5 (7) (8) For purposes of this section, communications provider means
6 any entity that:

7 (a) Uses telephone numbers or Internet protocol addresses or their
8 functional equivalents or successors to provide information of a user's
9 choosing by aid of wire, cable, wireless, satellite, or other like
10 connection, whether part of a bundle of services or offered separately,
11 (i) which provides or enables real-time or interactive voice
12 communications and (ii) in which the voice component is the primary
13 function; or

14 (b) Provides any service, whether part of a bundle of services or
15 offered separately, used for transmission of information of a user's
16 choosing regardless of the transmission medium or technology employed,
17 that connects to a network that permits the end user to engage in
18 electronic communications, including, but not limited to, service
19 provided directly (i) to the public or (ii) to such classes of users as
20 to be effectively available directly to the public.

21 Sec. 19. Section 86-324, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
24 hereby created. The fund shall provide the assistance necessary to make
25 universal access to telecommunications services available to all persons
26 in the state consistent with the policies set forth in the Nebraska
27 Telecommunications Universal Service Fund Act. Only eligible
28 telecommunications companies designated by the commission shall be
29 eligible to receive support to serve high-cost areas from the fund. A
30 telecommunications company that receives such support shall use that
31 support only for the provision, maintenance, and upgrading of facilities
1 and services for which the support is intended. Any such support should
2 be explicit and sufficient to achieve the purpose of the act.

3 (2) Notwithstanding the provisions of section 86-124, in addition to
4 other provisions of the act, and to the extent not prohibited by federal
5 law, the commission:

6 (a) Shall have authority and power to subject eligible
7 telecommunications companies to service quality, customer service, and
8 billing regulations. Such regulations shall apply only to the extent of
9 any telecommunications services or offerings made by an eligible
10 telecommunications company which are eligible for support by the fund.
11 The commission shall be reimbursed from the fund for all costs related to
12 drafting, implementing, and enforcing the regulations and any other
13 services provided on behalf of customers pursuant to this subdivision;

14 (b) Shall have authority and power to issue orders carrying out its
15 responsibilities and to review the compliance of any eligible
16 telecommunications company receiving support for continued compliance
17 with any such orders or regulations adopted pursuant to the act;

18 (c) May withhold all or a portion of the funds to be distributed
19 from any telecommunications company failing to continue compliance with
20 the commission's orders or regulations;

21 (d) Shall withhold support distributed from the fund from any
22 telecommunications company using or providing any communications
23 equipment or service deemed to pose a threat to national security
24 identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
25 as such regulation existed on January 1, 2023, and published by the
26 Public Safety and Homeland Security Bureau of the Federal Communications
27 Commission pursuant to the federal Secure and Trusted Communications
28 Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
29 January 1, 2023, and the rules adopted pursuant to such act by the

30 Federal Communications Commission on November 11, 2022, in its Report and

31 Order FCC 22-84. Any telecommunications company that removes,

1 discontinues, or replaces any communications equipment or service

2 identified on the Covered List described in this subdivision in

3 compliance with federal law shall not be required to obtain any

4 additional permits from any state agency or political subdivision in the

5 removal, discontinuance, or replacement of such communications equipment

6 or service as long as the state agency or political subdivision is

7 properly notified of the necessary replacements and the replacement of

8 any communications equipment is similar to the existing communications

9 equipment;

10 (c) (d) Shall require every telecommunications company to contribute

11 to any universal service mechanism established by the commission pursuant

12 to state law. The commission shall require, as reasonably necessary, an

13 annual audit of any telecommunications company to be performed by a

14 third-party certified public accountant to insure the billing,

15 collection, and remittance of a surcharge for universal service. The

16 costs of any audit required pursuant to this subdivision shall be paid by

17 the telecommunications company being audited;

18 (f) (e) Shall require an audit of information provided by a

19 telecommunications company to be performed by a third-party certified

20 public accountant for purposes of calculating universal service fund

21 payments to such telecommunications company. The costs of any audit

22 required pursuant to this subdivision shall be paid by the

23 telecommunications company being audited; and

24 (g) (f) May administratively fine pursuant to section 75-156 any

25 person who violates the Nebraska Telecommunications Universal Service

26 Fund Act.

27 (3) Any money in the fund available for investment shall be invested

28 by the state investment officer pursuant to the Nebraska Capital

29 Expansion Act and the Nebraska State Funds Investment Act.

30 (4) Transfers may be made from earnings on the Nebraska

31 Telecommunications Universal Service Fund to the 211 Cash Fund at the

1 direction of the Legislature. The State Treasurer shall transfer nine

2 hundred fifty-five thousand dollars on July 1 beginning in 2022 from the

3 earnings on the Nebraska Telecommunications Universal Service Fund to the

4 211 Cash Fund.

5 Sec. 20. Section 86-328, Revised Statutes Cumulative Supplement,

6 2022, is amended to read:

7 86-328 (1) Annually the commission shall hold a public hearing to

8 determine the level of the fund necessary to carry out the Nebraska

9 Telecommunications Universal Service Fund Act. The commission shall

10 publish notice of the hearing in at least one newspaper of general

11 circulation in the state at least once each week for two consecutive

12 weeks before the hearing. After the hearing, the commission shall

13 determine the amount of the fund for the following year, including a

14 reasonable reserve. In the initial year of the fund's operation, the

15 commission shall determine the amount of the fund to be equivalent to the

16 amount which, in the commission's judgment, after careful analysis, is

17 necessary to keep approximately ninety-six percent of Nebraska households

18 subscribed to local telecommunications service.

19 (2) In an emergency as determined by the commission, the commission

20 may adjust the level of the fund, but only after a public hearing for

21 such purpose.

22 (3) For purposes of service by a prepaid wireless telecommunications

23 service provider, universal service fund contribution and surcharge

24 obligations shall be governed by the Prepaid Wireless Surcharge Act,

25 except that a prepaid wireless telecommunications service provider shall

26 continue to be subject to the audit requirements in subdivision (2)(e)

27 ~~(2)(d)~~ of section 86-324.

28 Sec. 28. Original section 86-125, Reissue Revised Statutes of
 29 Nebraska, and sections 86-324 and 86-328, Revised Statutes Cumulative
 30 Supplement, 2022, are repealed.
 31 3. On page 16, after line 10 insert the following new subsection:
 1 "(4) Beginning January 1, 2025, no applicant shall be eligible to
 2 receive a grant if such applicant uses or provides any communications
 3 equipment or service deemed to pose a threat to national security
 4 identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
 5 as such regulation existed on January 1, 2023, and published by the
 6 Public Safety and Homeland Security Bureau of the Federal Communications
 7 Commission pursuant to the federal Secure and Trusted Communications
 8 Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
 9 January 1, 2023, and the rules adopted pursuant to such act by the
 10 Federal Communications Commission on November 11, 2022, in its Report and
 11 Order FCC 22-84."
 12 4. Renumber the remaining sections and correct internal references
 13 accordingly and provide an operative date section so that the sections
 14 added by this amendment become operative on January 1, 2025.

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

Senator Bostar requested a roll call vote on his amendment, to the Geist amendment.

Voting in the affirmative, 39:

Albrecht	Briese	Erdman	Jacobson	Murman
Arch	Clements	Geist	Kauth	Raybould
Armendariz	Day	Halloran	Linehan	Riepe
Ballard	DeBoer	Hansen	Lippincott	Sanders
Bostar	DeKay	Hardin	Lowe	Slama
Bostelman	Dorn	Holdcroft	McDonnell	Vargas
Brandt	Dover	Hughes	McKinney	von Gillern
Brewer	Dungan	Ibach	Moser	

Voting in the negative, 0.

Present and not voting, 4:

Blood Cavanaugh, J. Cavanaugh, M. Hunt

Excused and not voting, 6:

Aguilar	Fredrickson	Wayne
Conrad	Walz	Wishart

The Bostar amendment, to the Geist amendment, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Geist amendment, as amended, was adopted with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

Senator Conrad offered [MO158](#), found on page 924, to recommit to Transportation and Telecommunications Committee.

Senator Conrad withdrew her motion to recommit to committee.

Senator Conrad offered [MO160](#), found on page 924, to indefinitely postpone.

Senator Conrad withdrew her motion to indefinitely postpone.

Senator Conrad offered [MO161](#), found on page 924, to recommit to Transportation and Telecommunications Committee.

Senator Conrad withdrew her motion to recommit to committee.

Senator Conrad offered [MO162](#), found on page 924, to bracket until June 2, 2023.

Senator Conrad withdrew her motion to bracket.

Senator Geist offered [MO171](#), found on page 925, to bracket until June 2, 2023.

Senator Geist withdrew her motion to bracket.

Senator Geist offered [MO172](#), found on page 925, to indefinitely postpone.

Senator Geist withdrew her motion to indefinitely postpone.

Senator Geist offered [MO173](#), found on page 925, to recommit to Transportation and Telecommunications Committee.

Senator Geist withdrew her motion to recommit to committee.

Senator Hunt offered [AM1072](#), found on page 962.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1073](#), found on page 962.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1074](#), found on page 962.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1075](#), found on page 962.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1076](#), found on page 962.

The Hunt amendment was withdrawn.

Senator M. Cavanaugh offered [AM1101](#), found on page 962.

The M. Cavanaugh amendment was withdrawn.

Senator Brandt offered [AM1162](#), found on page 1019.

The Brandt amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 138. Senator Hunt offered [MO314](#), found on page 935, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew her motion to indefinitely postpone pursuant to Rule 6, Section 3(f).

Senator Hunt offered [MO315](#), found on page 936, to recommit to Transportation and Telecommunications Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO316](#), found on page 936, to bracket until June 1, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO317](#), found on page 935, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Senator Hunt offered [MO318](#), found on page 936, to recommit to Transportation and Telecommunications Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO319](#), found on page 936, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Brewer offered [AM585](#), found on page 633.

The Brewer amendment was withdrawn.

Senator Brewer offered [AM837](#), found on page 774.

The Brewer amendment was adopted with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

Senator Moser offered the following amendment:

[AM1138](#) is available in the Bill Room.

The Moser amendment was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Senator Raybould offered the following amendment:

[AM1207](#)

1 1. Insert the following new sections:

2 Sec. 20. Section 60-601, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 60-601 Sections 60-601 to 60-6,383 and sections 23, 24, 25, and 26

5 of this act shall be known and may be cited as the Nebraska Rules of the

6 Road.

7 Sec. 21. Section 60-605, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 60-605 For purposes of the Nebraska Rules of the Road, the

10 definitions found in sections 60-606 to 60-676 and sections 23, 24, 25,

11 and 26 of this act shall be used.

12 Sec. 22. Section 60-611, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 60-611 Bicycle shall mean:

15 (1) ~~Every~~ ~~every~~ device propelled solely by human power, upon which

16 any person may ride, and having two, ~~three, or four~~ three, or four wheels ~~any one or~~

17 ~~more of which being tandem wheels either of which is more than fourteen~~

18 ~~inches in diameter; and or~~

19 (2) ~~An electric bicycle, a device with two or three wheels, fully~~

20 ~~operative pedals for propulsion by human power, and an electric motor~~

21 ~~with a capacity not exceeding seven hundred fifty watts which produces no~~

22 ~~more than one brake horsepower and is capable of propelling the bicycle~~

23 ~~at a maximum design speed of no more than twenty miles per hour on level~~

24 ~~ground.~~

25 Sec. 23. Class I electric bicycle means a device with the following

26 components:

27 (1) Two, three, or four wheels;

1 (2) A saddle or seat for the rider;

2 (3) Fully operative pedals for propulsion by human power; and

3 (4) An electric motor:

4 (a) Not exceeding seven hundred fifty watts of power;

5 (b) That produces no more than one brake horsepower;

6 (c) Capable of propelling the bicycle at a maximum design speed of

7 no more than twenty miles per hour on level ground;

8 (d) That only provides power when the rider is pedaling; and

9 (e) That does not provide power if the electric bicycle is traveling

10 at a speed of more than twenty miles per hour.

11 Sec. 24. Class II electric bicycle means a device with the

12 following components:

13 (1) Two, three, or four wheels;

14 (2) A saddle or seat for the rider;

15 (3) Fully operative pedals for propulsion by human power; and

16 (4) An electric motor;

17 (a) Not exceeding seven hundred fifty watts of power;
 18 (b) That produces no more than one brake horsepower;
 19 (c) Capable of propelling the bicycle at a maximum design speed of
 20 no more than twenty miles per hour on level ground;
 21 (d) Capable of providing power whether or not the rider is pedaling;
 22 and
 23 (e) That does not provide power if the electric bicycle is traveling
 24 at a speed of more than twenty miles per hour.
 25 Sec. 25. Class III electric bicycle means a device with the
 26 following components:
 27 (1) Two, three, or four wheels;
 28 (2) A saddle or seat for the rider;
 29 (3) Fully operative pedals for propulsion by human power; and
 30 (4) An electric motor;
 31 (a) Not exceeding seven hundred fifty watts of power;
 1 (b) That produces no more than one brake horsepower;
 2 (c) Capable of propelling the bicycle at a maximum design speed of
 3 no more than twenty-eight miles per hour on level ground;
 4 (d) That only provides power when the rider is pedaling; and
 5 (e) That does not provide power if the electric bicycle is traveling
 6 at a speed of more than twenty-eight miles per hour.
 7 Sec. 26. Electric bicycle means a Class I electric bicycle, a Class
 8 II electric bicycle, and a Class III electric bicycle.
 9 Sec. 28. Section 60-640, Reissue Revised Statutes of Nebraska, is
 10 amended to read:
 11 60-640 (1) Motor-driven cycle means every motorcycle, including
 12 every motor scooter, with a motor which produces not to exceed five brake
 13 horsepower as measured at the drive shaft, mopeds, and every bicycle with
 14 a motor attached except for an electric bicycle as described in
 15 subdivision (2) of section 60-644. Motor-driven cycle shall not include
 16 an electric personal assistive mobility device.
 17 (2) For purposes of this section, motorcycle does not include an
 18 autocycle.
 19 Sec. 29. Section 60-678, Reissue Revised Statutes of Nebraska, is
 20 amended to read:
 21 60-678 (1) The State of Nebraska or any department, board,
 22 commission, or governmental subdivision thereof is hereby authorized, in
 23 its respective jurisdiction, to enact regulations permitting,
 24 prohibiting, and controlling the use of motor vehicles, minibikes,
 25 motorcycles, off-road recreation vehicles of any and all types, electric
 26 bicycles, other powered vehicles, electric personal assistive mobility
 27 devices, and vehicles which are not self-propelled. Any person who
 28 operates any of such vehicles without the permission of the appropriate
 29 governmental entity or in a place, time, or manner which has been
 30 prohibited by such entity shall be guilty of a Class III misdemeanor.
 31 (2) Such governmental entity described in subsection 1 of this
 1 section may further authorize the supervising official of any area under
 2 its ownership or control to permit, control, or prohibit operation of any
 3 motor vehicle, minibike, motorcycle, off-road recreational vehicle of any
 4 or all types, electric bicycles, other powered vehicle, electric personal
 5 assistive mobility device, or vehicle which is not self-propelled on all
 6 or any portion of any area under its ownership or control at any time by
 7 posting or, in case of an emergency, by personal notice. Any person
 8 operating any such vehicle where prohibited, where not permitted, or in a
 9 manner so as to endanger the peace and safety of the public or as to harm
 10 or destroy the natural features or manmade features of any such area
 11 shall be guilty of a Class III misdemeanor.
 12 2. Renumber the remaining sections and correct the repealer
 13 accordingly.

The Raybould amendment was adopted with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

Senator DeBoer offered the following amendment:

AM1218

1 I. Insert the following new sections:

2 Section 1. Section 3-107, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 3-107 (1) The division shall have general supervision over
5 aeronautics within this state. It is empowered and directed to encourage,
6 foster, and assist in the development of aeronautics in this state and
7 encourage the establishment of airports and other air navigation
8 facilities.

9 (2) The Department of Transportation may budget for and pay any of
10 the costs related to the administration of the division, including, but
11 not limited to, employee salaries and benefits, out of the Highway Cash
12 Fund, as the Director-State Engineer determines, in his or her sole
13 discretion, to be in the best interest of transportation in Nebraska.
14 Such costs do not include costs related to the construction,
15 reconstruction, repair, operation, or maintenance of airport
16 infrastructure, including runways, concrete surfacing, hangers or capital
17 improvements, buildings, and structures.

18 (3) No state funds for the acquisition, engineering, construction,
19 improvement, or maintenance of airports shall be expended upon any
20 project or for any work upon any such project which is not done under the
21 supervision of the division. When any airport which has received state
22 grant funds pursuant to the State Aeronautics Act ceases to be an airport
23 or a privately owned public use airport, the division shall, consistent
24 with all other provisions of state and federal law, seek to recover so
25 much of the state funds provided to the airport as it may and shall
26 deposit any such funds so recovered into the Aeronautics Cash Fund.

27 Sec. 2. Section 13-1205, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 13-1205 The department shall have the following powers, duties, and

3 responsibilities:

4 (1) To collect and maintain data on the level of public
5 transportation services and needs in the state and identify areas not
6 being adequately served by existing public or private transportation
7 services;

8 (2) To assess the regional and statewide effect of changes,
9 improvement, and route abandonments in the state's public transportation
10 system;

11 (3) To develop a six-year statewide transit plan and programs for
12 public transportation in coordination with local plans and programs
13 developed by municipalities, counties, transit authorities, and regional
14 metropolitan transit authorities;

15 (4) To provide planning and technical assistance to agencies of the
16 state, political subdivisions, or groups seeking to improve public
17 transportation;

18 (5) To advise, consult, and cooperate with agencies of the state,
19 the federal government, and other states, interstate agencies, political
20 subdivisions, and groups concerned with public transportation;

21 (6) To cooperate with the Public Service Commission by providing
22 periodic assessments to the commission when determining the effect of
23 proposed regulatory decisions on public transportation;

24 (7) To administer federal and state programs providing financial
25 assistance to public transportation, except those federal and state
26 programs in which a municipality, county, transit authority, regional
27 metropolitan transit authority, or other state agency is designated as
28 the administrator; ~~and~~

29 (8) To develop and administer a safety oversight program to oversee
30 rail transit systems operated by the state, an interstate agency, or any
31 political subdivision; and

1 (9) ~~(8)~~ To exercise all other powers necessary and proper for the
2 discharge of its duties, including the adoption and promulgation of
3 reasonable rules and regulations to carry out the Nebraska Public
4 Transportation Act.
5 Sec. 3. Section 39-847, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:
7 39-847 (1) Any county board may apply, in writing, to the Department
8 of Transportation for state aid in the replacement of any bridge under
9 the jurisdiction of such board. The application shall contain a
10 description of the bridge, with a preliminary estimate of the cost of
11 replacement thereof, and a certified copy of the resolution of such
12 board, pledging such county to furnish up to twenty ~~forty~~ percent of the
13 cost of replacement of such bridge. The county's share of replacement
14 cost may be from any source except the State Aid Bridge Fund, except that
15 where there is any bridge which is the responsibility of two counties,
16 either county may make application to the department and, if the
17 application is approved by the department, such county and the department
18 may replace such bridge and recover, by suit, one-half of the county's
19 cost of such bridge from the county failing or refusing to join in such
20 application. All requests for bridge replacement under sections 39-846 to
21 39-847.01 shall be forwarded by the department to the Board of Public
22 Roads Classifications and Standards. Such board shall establish
23 priorities for bridge replacement based on critical needs. The board
24 shall consider such applications and establish priorities for a period of
25 time consistent with sections 39-2115 to 39-2119. The board shall return
26 the applications to the department with the established priorities.
27 (2) The plans and specifications for each bridge shall be furnished
28 by the department and replacement shall be under the supervision of the
29 department and the county board.
30 (3) Any contract for the replacement of any such bridge shall be
31 made by the department consistent with procedures for contracts for state
1 highways and federal-aid secondary roads.
2 (4) After the replacement of any such bridge and the acceptance
3 thereof by the department, any county having jurisdiction over it shall
4 have sole responsibility for maintenance.
5 Sec. 4. Section 39-1348, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 39-1348 (1) Except as otherwise provided in sections 39-2808 to
8 39-2823, when letting contracts for the construction, reconstruction,
9 improvement, maintenance, or repair of roads, bridges, and their
10 appurtenances, the department shall solicit bids as follows:
11 (a) ~~(1)~~ For contracts with an estimated cost, as determined by the
12 department, of greater than two hundred fifty one ~~one hundred~~ thousand
13 dollars, the department shall advertise for sealed bids for not less than
14 twenty days by publication of a notice thereof once a week for three
15 consecutive weeks in the official county newspaper designated by the
16 county board in the county where the work is to be done and in such
17 additional newspaper or newspapers as may appear necessary to the
18 department in order to give notice of the receiving of bids. Such
19 advertisement shall state the place where the plans and specifications
20 for the work may be inspected and shall designate the time when the bids
21 shall be filed and opened. If through no fault of the department
22 publication of such notice fails to appear in any newspaper or newspapers
23 in the manner provided in this subdivision, the department shall be
24 deemed to have fulfilled the requirements of this subdivision; and
25 (b) ~~(2)~~ For contracts with an estimated cost, as determined by the
26 department, of two hundred fifty one ~~one hundred~~ thousand dollars or less,
27 the department, in its sole discretion, shall either:
28 (i) ~~(a)~~ Follow the procedures given in subdivision (a) ~~(1)~~ of this
29 subsection ~~section~~; or

30 (ii) (b) Request bids from at least three potential bidders for such
31 work. If the department requests bids under this subdivision, it shall
1 designate a time when the bids shall be opened. The department may award
2 a contract pursuant to this subdivision if it receives at least one
3 responsive bid.

4 (2) The Department of Transportation may adjust the amounts in
5 subdivisions (1)(a) and (b) of this section annually on October 1 by the
6 percentage change in the Consumer Price Index for All Urban Consumers
7 published by the United States Department of Labor, Bureau of Labor
8 Statistics, at the close of the twelve-month period ending on August 31
9 of such year. The amounts shall be rounded to the next highest one-
10 thousand-dollar amount.

11 Sec. 5. Section 39-1351, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 39-1351 (1) Except as provided in subsection (2) of this section,
14 any person desiring to submit to the department a bid for the performance
15 of any contract for the construction, reconstruction, improvement,
16 maintenance, or repair of roads, bridges, and their appurtenances, which
17 the department proposes to let, shall apply to the department for
18 prequalification. Such application shall be made not later than five days
19 before the letting of the contract unless fewer than five days is
20 specified by the department. The department shall determine the extent of
21 any applicant's qualifications by a full and appropriate evaluation of
22 the applicant's experience, bonding capacity as determined by a bonding
23 agency licensed to do business in the State of Nebraska or other
24 sufficient financial showing deemed satisfactory by the department, and
25 performance record. In determining the qualification of an applicant to
26 bid on any particular contract, the department shall consider the
27 resources available for the particular contract contemplated.

28 (2) The department may, in its sole discretion, grant an exemption
29 from all prequalification requirements for (a) any contract for the
30 construction, reconstruction, improvement, maintenance, or repair of
31 roads, bridges, and their appurtenances if the estimate of the department
1 for such work is ~~two hundred fifty one hundred~~ thousand dollars or less
2 or (b) any contract for the construction, reconstruction, improvement,
3 maintenance, or repair of roads, bridges, and their appurtenances if such
4 work is of an emergency nature.

5 Sec. 29. Section 66-4,100, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund
8 are hereby created. If bonds are issued pursuant to subsection (2) of
9 section 39-2223, the balance of the share of the Highway Trust Fund
10 allocated to the Department of Transportation and deposited into the
11 Highway Restoration and Improvement Bond Fund as provided in subsection
12 (6) of section 39-2215 and the balance of the money deposited in the
13 Highway Restoration and Improvement Bond Fund as provided in section
14 39-2215.01 shall be transferred by the State Treasurer, on or before the
15 last day of each month, to the Highway Cash Fund. If no bonds are issued
16 pursuant to subsection (2) of section 39-2223, the share of the Highway
17 Trust Fund allocated to the Department of Transportation shall be
18 transferred by the State Treasurer on or before the last day of each
19 month to the Highway Cash Fund.

20 The Legislature may direct the State Treasurer to transfer funds
21 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds
22 shall be expended by the department (1) for acquiring real estate, road
23 materials, equipment, and supplies to be used in the construction,
24 reconstruction, improvement, and maintenance of state highways, (2) for
25 the construction, reconstruction, improvement, and maintenance of state
26 highways, including grading, drainage, structures, surfacing, roadside
27 development, landscaping, and other incidentals necessary for proper

28 completion and protection of state highways as the department shall,
 29 after investigation, find and determine shall be for the best interests
 30 of the highway system of the state, either independent of or in
 31 conjunction with federal-aid money for highway purposes, (3) for the
 1 share of the department of the cost of maintenance of state aid bridges,
 2 (4) for planning studies in conjunction with federal highway funds for
 3 the purpose of analyzing traffic problems and financial conditions and
 4 problems relating to state, county, township, municipal, federal, and all
 5 other roads in the state and for incidental costs in connection with the
 6 federal-aid grade crossing program for roads not on state highways, (5)
 7 for tests and research by the department or proportionate costs of
 8 membership, tests, and research of highway organizations when
 9 participated in by the highway departments of other states, (6) for the
 10 payment of expenses and costs of the Board of Examiners for County
 11 Highway and City Street Superintendents as set forth in section 39-2310,
 12 (7) for support of the public transportation assistance program
 13 established under section 13-1209 and the intercity bus system assistance
 14 program established under section 13-1213, and (8) for purchasing from
 15 political or governmental subdivisions or public corporations, pursuant
 16 to section 39-1307, any federal-aid transportation funds available to
 17 such entities, and (9) for costs related to the administration of the
 18 Division of Aeronautics of the Department of Transportation as specified
 19 in section 3-107.
 20 Any money in the Highway Cash Fund and the Roads Operations Cash
 21 Fund not needed for current operations of the department shall, as
 22 directed by the Director-State Engineer to the State Treasurer, be
 23 invested by the state investment officer pursuant to the Nebraska Capital
 24 Expansion Act and the Nebraska State Funds Investment Act, subject to
 25 approval by the board of each investment. All income received as a result
 26 of such investment shall be placed in the Highway Cash Fund.
 27 ~~Transfers may be made from the Roads Operations Cash Fund to the~~
 28 ~~General Fund at the direction of the Legislature through June 30, 2019.~~
 29 ~~The State Treasurer shall transfer seven million five hundred thousand~~
 30 ~~dollars from the Roads Operations Cash Fund to the General Fund on or~~
 31 ~~before June 30, 2018, on such date as directed by the budget~~
 1 ~~administrator of the budget division of the Department of Administrative~~
 2 ~~Services. The State Treasurer shall transfer seven million five hundred~~
 3 ~~thousand dollars from the Roads Operations Cash Fund to the General Fund~~
 4 ~~on or after July 1, 2018, but on or before June 30, 2019, on such date as~~
 5 ~~directed by the budget administrator of the budget division of the~~
 6 ~~Department of Administrative Services.~~
 7 2. Renumber the remaining sections and correct the repealer and
 8 internal references accordingly.

The DeBoer amendment was adopted with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

Senator M. Cavanaugh offered [AM1003](#), found on page 873.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM999](#), found on page 873.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1000](#), found on page 873.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1001](#), found on page 873.

The Senator M. Cavanaugh amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 727. Placed on General File with amendment. [AM1152](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

MOTION - Print in Journal

Senator Conrad filed the following motion to [LB775](#):

[MO916](#)

Recommit to General Affairs Committee.

AMENDMENTS - Print in Journal

Senator Conrad filed the following amendment to [LB775](#):

[FA39](#)

Strike the enacting clause.

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

[AM1217](#)

(Amendments to Standing Committee amendments, AM1152)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Erdman filed the following amendment to [LB393](#):

[AM1215](#)

- 1 1. Insert the following new sections:
- 2 Sec. 4. For purposes of sections 5 and 6 of this act, detasseling
- 3 and roguing have the same meaning as in section 48-301.
- 4 Sec. 5. (1) A seed corn company that contracts with another company
- 5 providing labor for the roguing, detasseling, or harvesting of seed corn
- 6 shall first solicit contract bids from local companies whose work crews
- 7 are comprised of eighty percent or more Nebraska residents before
- 8 soliciting such bids from companies whose work crews are comprised of
- 9 less than eighty percent Nebraska residents, except that no such seed
- 10 company shall enter into a contract with such contractor company whose
- 11 work crew is comprised of less than eighty percent Nebraska residents
- 12 prior to April 1 of any year for work involving roguing, prior to May 1
- 13 of any year for work involving detasseling, or prior to June 1 of any
- 14 year for work involving harvesting.
- 15 (2)(a) A seed corn company or contractor as described in subsection
- 16 (1) of this section that advertises for laborers on the Department of

17 Labor Neworks website shall post separate advertisements for work
 18 associated with (i) roguing, (ii) detasseling, and (iii) harvesting. Any
 19 person who violates this subsection shall be guilty of a Class III
 20 misdemeanor.
 21 (b) In any year that advertisements described in this subsection are
 22 posted, such advertisements shall not advertise work associated with (i)
 23 roguing to start prior to May 1 or to end after August 1, (ii)
 24 detasseling to start prior to June 1 or to end after September 1, and
 25 (iii) harvesting to start prior to July 1 or to end after October 30.
 26 (3) The Department of Labor shall not approve for posting on its
 27 Neworks website any advertisement for work involving roguing,
 1 detasseling, or harvesting which violates any federal law relating to
 2 United States Department of Labor foreign labor certification programs.
 3 Sec. 9. (1) The Department of Agriculture shall create an emergency
 4 seed corn planting permit which shall be administered pursuant to this
 5 section. Whenever the Director of Agriculture determines that an
 6 emergency exists, the director may issue emergency seed corn planting
 7 permits to seed corn companies and farmers for the planting of additional
 8 acres of seed corn in a calendar year beyond that which was reported to
 9 the director pursuant to section 8 of this act. Such permits shall not be
 10 issued prior to April 1 of the reporting calendar year.
 11 (2) The Director of Agriculture shall prescribe a sign for the
 12 planting of seed corn authorized by an emergency seed corn planting
 13 permit which shall include (a) the words Emergency Seed Corn, (b)
 14 reference to this section, and (c) the permit number as assigned by the
 15 Department of Agriculture. Such sign shall be posted in a prominent place
 16 along the perimeter of each side of any field or parcel of land where
 17 seed corn has been planted as authorized by the permit.
 18 (3) Whenever the Governor by proclamation declares a vital resource
 19 emergency associated with the need to plant additional acres of seed
 20 corn, the provisions of this section may be suspended until such time
 21 that the state of emergency declaration terminates.
 22 2. On page 4, strike lines 15 and 16; and in line 17 strike "6 and
 23 7" and insert "8, 9, and 10".
 24 3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 565A. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 565, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 86. Introduced by Conrad, 46; Briese, 41; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; McKinney, 11; Slama, 1; Vargas, 7; Wayne, 13.

WHEREAS, Legal Aid of Nebraska is a nonprofit poverty law firm first founded as the Legal Aid Society of Omaha in 1963 for the purpose of providing free legal assistance in civil cases for those who could not afford an attorney in Omaha and northeast Nebraska; and

WHEREAS, Southeast Nebraska Legal Services was founded in 1964 in Lincoln, and Western Nebraska Legal Services was founded in 1965 in Grand Island and Scottsbluff, both for the purpose of providing free legal assistance in civil cases for those who could not afford an attorney in Lincoln and in central and western Nebraska; and

WHEREAS, the Rural Response Hotline was formed in 1984 as part of the Legal Aid Society of Omaha to provide assistance to farmers and ranchers in crisis; and

WHEREAS, the three regional legal aid programs merged in 2000 to form one statewide legal aid program known first as Nebraska Legal Services and then as Legal Aid of Nebraska; and

WHEREAS, Legal Aid of Nebraska operates a statewide legal telephone and Internet-based hotline providing free legal advice to thirteen thousand low-income Nebraskans each year; and

WHEREAS, Legal Aid of Nebraska provides free extended legal assistance to nearly two thousand low-income Nebraskans each year across four priority areas: housing, income and benefits, children and families, and debt and finance; and

WHEREAS, Legal Aid of Nebraska operates a statewide elder hotline providing free legal advice to hundreds of elderly Nebraskans each year regardless of income; and

WHEREAS, Legal Aid of Nebraska provides self-help resources to hundreds of Nebraskans through walk-in centers in Omaha, Lincoln, Grand Island, and Scottsbluff; and

WHEREAS, Legal Aid of Nebraska provides free legal assistance to hundreds of Native Americans each year in Nebraska's four tribal courts; and

WHEREAS, Legal Aid of Nebraska represents hundreds of domestic violence victims in civil courts in areas including protection orders, child custody, and child support; and

WHEREAS, Legal Aid of Nebraska has full-time offices in Omaha, Lincoln, Bancroft, Norfolk, Grand Island, North Platte, and Scottsbluff; and

WHEREAS, Legal Aid of Nebraska's mission is to promote justice, dignity, hope, and self-sufficiency through quality civil legal aid for those who have nowhere else to turn; and

WHEREAS, Legal Aid of Nebraska succeeds under the leadership of its present board of directors which includes Amy Van Horne, Amy Patras, Braeden Krall, Brandi Yosten, Christopher Buller, Senator Danielle Conrad, Destiny Fant, Douglas Murray, Hannah Sommers, Janice Brown, Honorable Patricia Lamberty, Katherine Voorhees, Marsha Fangmeyer, Melissa Figueroa, Nicole Vereen, Nicole Benegas, Ommohal Koko, Honorable Paul Korslund, Rodney Confer, Oluseyi "Seyi" Olowolafe, and Terry Waite; and

WHEREAS, the Legislature recognizes Legal Aid of Nebraska's contributions to the State of Nebraska.

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

1. That the Legislature extends special recognition to Legal Aid of Nebraska on the observance of its sixtieth anniversary of incorporation.

2. That a copy of this resolution be sent to Executive Director Laurie Heer Dale at Legal Aid of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Wayne name added to LB50.

Senator Holdcroft name added to LB50.

Senator DeKay name added to LB50.

Senator Ibach name added to LB50.

VISITORS

Visitors to the Chamber were students, alumni and supporters from the University of Nebraska System; students from La Vista West Elementary, La Vista.

The Doctor of the Day was Dr. John Jacobsen of Kearney.

ADJOURNMENT

At 4:53 p.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 6, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 2023

PRAYER

The prayer was offered by Father Bill Holoubek, St. Mary's Catholic Church, Ashland.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Geist.

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 Aguilar, Bostar, Day, Dorn, Hunt, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1024, line 9, insert "**LEGISLATIVE BILL 298A**. Advanced to Enrollment and Review for Engrossment."

The Journal for the fifty-sixth day was approved, as corrected.

The Journal for the fifty-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

CP Strategies LLC
 SecurityScorecard, Inc.
 Mueller Robak
 Clean Harbors
 Neilan Strategy Group
 Critical Response Group

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR78 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR78.

SELECT FILE

LEGISLATIVE BILL 103. [ER15](#), found on page 803, was adopted.

Senator McDonnell offered [AM969](#), found on page 1011.

Senator Hunt offered [MO302](#), found on page 936, to bracket until June 1, 2023.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 10 ayes, 7 nays, and 32 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 35:

Albrecht	Briese	Fredrickson	Ibach	McKinney
Arch	Cavanaugh, J.	Geist	Jacobson	Moser
Armendariz	Clements	Halloran	Kauth	Murman
Ballard	DeKay	Hansen	Linehan	Riepe
Bostelman	Dorn	Hardin	Lippincott	Sanders
Brandt	Dungan	Holdcroft	Lowe	von Gillern
Brewer	Erdman	Hughes	McDonnell	Wishart

Voting in the negative, 5:

Conrad DeBoer Raybould Vargas Walz

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 7:

Aguilar Day Hunt Wayne
Bostar Dover Slama

The motion to cease debate prevailed with 35 ayes, 5 nays, 2 present and not voting, and 7 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 2:

Cavanaugh, J. Cavanaugh, M.

Excused and not voting, 7:

Aguilar Day Hunt Wayne
Bostar Dover Slama

The Hunt motion to bracket failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO917](#)

Reconsider the vote taken on MO302.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Albrecht	Brewer	Halloran	Jacobson	Moser
Arch	Briese	Hansen	Kauth	Murman
Armendariz	DeKay	Hardin	Linehan	Riepe
Ballard	Dorn	Holdcroft	Lippincott	Sanders
Bostelman	Erdman	Hughes	Lowe	Slama
Brandt	Geist	Ibach	McDonnell	von Gillern

Voting in the negative, 11:

Cavanaugh, J.	DeBoer	McKinney	Walz
Cavanaugh, M.	Dungan	Raybould	Wayne
Conrad	Fredrickson	Vargas	

Present and not voting, 3:

Blood	Bostar	Wishart
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Excused and not voting, 5:

Aguilar	Clements	Day	Dover	Hunt
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The motion to cease debate prevailed with 30 ayes, 11 nays, 3 present and not voting, and 5 excused and not voting.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 3:

Cavanaugh, J.	Cavanaugh, M.	Conrad
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Voting in the negative, 38:

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

Present and not voting, 3:

Blood McKinney Wayne

Excused and not voting, 5:

Aguilar Clements Day Dover Hunt

The M. Cavanaugh motion to reconsider failed with 3 ayes, 38 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator McKinney filed the following amendment to LB531:
[AM1222](#) is available in the Bill Room.

MOTIONS - Print in Journal

Senator Clements filed the following motions to bracket to LB815:

[MO918](#)
[MO921](#)

Senator Clements filed the following motions to recommit to committee to LB815:

[MO919](#)
[MO922](#)
[MO924](#)

Senator Clements filed the following motion to LB815:

[MO920](#)
 Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Clements filed the following motion to LB815:

[MO923](#)

Indefinitely postpone.

Senator Clements filed the following motions to bracket to LB816:

[MO925](#)

[MO928](#)

Senator Clements filed the following motion to LB816:

[MO926](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Clements filed the following motions to recommit to committee to LB816:

[MO927](#)

[MO929](#)

[MO931](#)

Senator Clements filed the following motion to LB816:

[MO930](#)

Indefinitely postpone.

SELECT FILE

LEGISLATIVE BILL 103. Senator McDonnell renewed [AM969](#), found on page 1011 and considered in this day's Journal.

Senator Hunt offered [MO301](#), found on page 936, to recommit to Nebraska Retirement Systems Committee.

PRESIDENT KELLY PRESIDING

The Hunt motion to recommit to committee failed with 0 ayes, 26 nays, 13 present and not voting, and 10 excused and not voting.

Senator McDonnell offered the following amendment:

[AM1238](#)

(Amendments to Standing Committee amendments, AM417)

1 1. Insert the following new sections:

2 Sec. 3. Section 23-2332, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 23-2332 Any county with a population in excess of eighty-five

5 thousand inhabitants ~~that~~ ~~which~~ participates in the Retirement System for

6 Nebraska Counties established by the County Employees Retirement Act

7 shall establish and fund a supplemental retirement plan for the benefit

8 of all present and future commissioned law enforcement personnel employed

9 by such county. The auxiliary benefit plan shall be funded by additional

10 contributions to the county employees retirement plan in excess of the

11 amounts established by sections 23-2307 and 23-2308. The additional

12 contributions made by employees shall be credited to the employee

13 account, and contributions paid by the county shall be credited to the
 14 employer account, with each amount to be established at a rate of ~~three~~
 15 ~~two~~ percent of compensation. All contributions made pursuant to this
 16 section shall be invested and administered according to the County
 17 Employees Retirement Act.
 18 Sec. 4. Section 23-2332.01, Reissue Revised Statutes of Nebraska, is
 19 amended to read:
 20 23-2332.01 Any county with a population of eighty-five thousand
 21 inhabitants or less ~~that which~~ participates in the Retirement System for
 22 Nebraska Counties established by the County Employees Retirement Act
 23 shall establish and fund a supplemental retirement plan for the benefit
 24 of all present and future commissioned law enforcement personnel employed
 25 by such county who possess a valid law enforcement officer certificate or
 26 diploma, as established by the Nebraska Police Standards Advisory
 1 Council. The auxiliary benefit plan shall be funded by additional
 2 contributions to the county employees retirement plan in excess of the
 3 amounts established by sections 23-2307 and 23-2308. The additional
 4 contributions made by employees shall be credited to the employee
 5 account, and contributions paid by the county shall be credited to the
 6 employer account, with each amount to be established at a rate of ~~two one~~
 7 percent of compensation. All contributions made pursuant to this section
 8 shall be invested and administered according to the County Employees
 9 Retirement Act.
 10 Sec. 15. Sections 3, 4, and 16 of this act become operative three
 11 calendar months after the adjournment of this legislative session. The
 12 other sections of this act become operative on their effective date.
 13 Sec. 16. Original sections 23-2332 and 23-2332.01, Reissue Revised
 14 Statutes of Nebraska, are repealed.
 15 2. Renumber the remaining sections and correct internal references
 16 and the repealer accordingly.

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

The McDonnell amendment, [AM1238](#), was adopted with 32 ayes, 0 nays, and 17 excused and not voting.

The Chair declared the call raised.

The McDonnell amendment, [AM969](#), was adopted with 28 ayes, 0 nays, 4 present and not voting, and 17 excused and not voting.

Senator Hunt withdrew [MO300](#), found on page 935, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew [MO303](#), found on page 935, to indefinitely postpone.

Senator Hunt withdrew [MO304](#), found on page 936, to recommit to committee.

Senator Hunt withdrew [MO305](#), found on page 936, to bracket.

Senator M. Cavanaugh offered the following amendment:

[AM1211](#)

(Amendments to Standing Committee amendments, AM417)

1 1. On page 11, line 11, strike the new matter and reinstate the
2 stricken matter.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered the following amendment:

[AM1210](#)

(Amendments to Standing Committee amendments, AM417)

1 1. On page 6, lines 12 through 18, strike the new matter and
2 reinstate the stricken matter; and in lines 20 and 23 strike "Attains"
3 and insert "Attained".

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered the following amendment:

[AM1243](#)

(Amendments to Standing Committee amendments, AM417)

1 1. Insert the following new section:
2 Section 1. Any school employee found guilty of distributing or
3 exhibiting obscene materials to students shall not be eligible for
4 retirement benefits from any retirement system created or provided for in
5 statute.
6 2. Renumber the remaining sections and correct the repealer and
7 internal references accordingly.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered the following amendment:

[AM1239](#)

(Amendments to Standing Committee amendments, AM417)

1 1. Insert the following new section:
2 Section 1. Before September 1, 2023, and biennially thereafter, the
3 Legislature shall conduct a study of the impact of statutes pertaining to
4 or limiting termination of pregnancies on female mortality. The results
5 of such study shall be incorporated into the mortality assumptions and
6 tables referenced in statutes.
7 2. Renumber the remaining sections and correct the repealer and
8 internal references accordingly.

The M. Cavanaugh amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 565. Senator Hunt offered [MO648](#), found on page 960, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Bostelman opened on his bill, LB565.

Senator Hunt opened on her motion, [MO648](#).

Senator Hunt withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Title Read. Considered.

SPEAKER ARCH PRESIDING

Committee [AM827](#), found on page 763, was offered.

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM1240](#) is available in the Bill Room.

The second committee amendment is as follows:

[AM1242](#)

(Amendments to Standing Committee amendments, AM827)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Sec. 29. Section 70-619, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 70-619 (1) The corporate powers of the district shall be vested in
 6 and exercised by the board of directors of the district. No person shall
 7 be qualified to hold office as a member of the board of directors unless
 8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
 9 of the subdivision from which a director is to be elected if such
 10 chartered territory is subdivided for election purposes as provided in
 11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
 12 combined subdivisions from which directors are to be elected at large as
 13 provided in section 70-612 or (b) he or she is a retail customer duly
 14 certified in accordance with subsection (3) of section 70-604.03.
 15 ~~(2) (2)(a) No person who is a full-time or part-time employee of the~~
 16 ~~district shall be eligible to serve as a member of the board of directors~~
 17 ~~of that district and no high-level manager employed by a district may~~
 18 ~~serve as a member of the board of directors of any district unless such~~
 19 ~~person (i) resigns or (ii) assumes an unpaid leave of absence for the~~
 20 ~~term as a member. The employing district shall grant such leave of~~
 21 ~~absence when requested by any employee for the purpose of the employee~~
 22 ~~serving as a member of such board. A member of a governing body of any~~
 23 ~~one of the municipalities within the areas of the district may not serve~~
 24 ~~on the original board of directors under sections 70-603 to 70-609.~~
 25 ~~(b) For purposes of this subsection, high-level manager means a~~
 26 ~~person employed by a district who serves in a high-level managerial~~
 1 ~~position, including chief executive officer, president, vice president,~~
 2 ~~chief financial officer, chief operations officer, general manager, or~~
 3 ~~assistant general manager.~~
 4 Sec. 30. Section 70-1001, Reissue Revised Statutes of Nebraska, is
 5 amended to read:
 6 70-1001 (1) In order to provide the citizens of the state with
 7 adequate and reliable electric service at as low overall cost as
 8 possible, consistent with sound business practices, it is the policy of
 9 this state to avoid and eliminate conflict and competition between public
 10 power districts, public power and irrigation districts, individual

11 municipalities, registered groups of municipalities, electric membership
 12 associations, and cooperatives in furnishing electric energy to retail
 13 and wholesale customers, to avoid and eliminate the duplication of
 14 facilities and resources which result therefrom, and to facilitate the
 15 settlement of rate disputes between suppliers of electricity.
 16 (2) It is also the policy of the state to prepare for an evolving
 17 retail electricity market if certain conditions are met which indicate
 18 that retail competition is in the best interests of the citizens of the
 19 state. The determination on the timing and form of competitive markets is
 20 a matter properly left to the states as each state must evaluate the
 21 costs and benefits of a competitive retail market based on its own unique
 22 conditions. Consequently, there is a need for the state to monitor
 23 whether the conditions necessary for its citizens to benefit from retail
 24 competition exist.
 25 (3) It is also the policy of the state to encourage and allow
 26 opportunities for private developers to develop, own, and operate
 27 renewable energy facilities intended for sale at wholesale under a
 28 statutory framework which protects the ratepayers of consumer-owned
 29 utility systems operating in the state from subsidizing the costs of such
 30 export facilities through their rates.
 31 Sec. 31. Section 70-1001.01, Reissue Revised Statutes of Nebraska,
 1 is amended to read:
 2 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the
 3 context otherwise requires:
 4 (1) Board means the Nebraska Power Review Board;
 5 (2) Electric ~~supplier~~ ~~suppliers~~ or ~~supplier~~ ~~suppliers~~ of electricity
 6 means any legal entity supplying, producing, or distributing electricity
 7 within the state for sale at wholesale or retail;
 8 (3) Private electric supplier means an electric supplier producing
 9 electricity from a privately developed renewable energy generation
 10 facility that is not a public power district, a public power and
 11 irrigation district, a municipality, a registered group of
 12 municipalities, an electric cooperative, an electric membership
 13 association, any other governmental entity, or any combination thereof;
 14 (4) Privately developed renewable energy generation facility means a
 15 facility that (a) generates electricity using solar, wind, geothermal,
 16 biomass, landfill gas, or biogas, including all electrically connected
 17 equipment used to produce, collect, and store the facility output up to
 18 and including the transformer that steps up the voltage to sixty thousand
 19 volts or greater, and including supporting structures, buildings, and
 20 roads, unless otherwise agreed to in a joint transmission development
 21 agreement, (b) is developed, constructed, and owned, in whole or in part,
 22 by one or more private electric suppliers, and (c) is not wholly owned by
 23 a public power district, a public power and irrigation district, a
 24 municipality, a registered group of municipalities, an electric
 25 cooperative, an electric membership association, any other governmental
 26 entity, or any combination thereof;
 27 (5) Regional transmission organization means an entity independent
 28 from those entities generating or marketing electricity at wholesale or
 29 retail, which has operational control over the electric transmission
 30 lines in a designated geographic area in order to reduce constraints in
 31 the flow of electricity and ensure that all power suppliers have open
 1 access to transmission lines for the transmission of electricity;
 2 (6) Reliable or reliability means the ability of an electric
 3 supplier to supply the aggregate electric power and energy requirements
 4 of its electricity consumers in Nebraska at all times under normal
 5 operating conditions, taking into account scheduled and unscheduled
 6 outages, including sudden disturbances or unanticipated loss of system
 7 components that are to be reasonably expected for any electric utility
 8 following prudent utility practices, recognizing certain weather

9 conditions and other contingencies may cause outages at the distribution,
 10 transmission, and generation level;

11 ~~(7)~~ (6) Representative organization means an organization designated
 12 by the board and organized for the purpose of providing joint planning
 13 and encouraging maximum cooperation and coordination among electric
 14 suppliers. Such organization shall represent electric suppliers owning a
 15 combined electric generation plant accredited capacity of at least ninety
 16 percent of the total electric generation plant accredited capacity
 17 constructed and in operation within the state;

18 ~~(8)~~ (7) State means the State of Nebraska; and

19 ~~(9)~~ (8) Unbundled retail rates means the separation of utility bills
 20 into the individual price components for which an electric supplier
 21 charges its retail customers, including, but not limited to, the separate
 22 charges for the generation, transmission, and distribution of
 23 electricity.

24 Sec. 32. Section 70-1025, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 70-1025 (1) The representative organization shall file with the
 27 board a coordinated long-range power supply plan containing the following
 28 information:

29 (a) The identification of all electric generation plants operating
 30 or authorized for construction within the state that have a rated
 31 capacity of at least twenty-five thousand kilowatts;

1 (b) The identification of all transmission lines located or
 2 authorized for construction within the state that have a rated capacity
 3 of at least two hundred thirty kilovolts; and

4 (c) The identification of all additional planned electric generation
 5 and transmission requirements needed to serve estimated power supply
 6 demands within the state for a period of twenty years.

7 (2) ~~The Beginning in 1986,~~ the representative organization shall
 8 file with the board the coordinated long-range power supply plan
 9 specified in subsection (1) of this section, and the board shall
 10 determine the date on which such report is to be filed, except that such
 11 report shall not be required to be filed more often than biennially.

12 (3) An annual load and capability report shall be filed with the
 13 board by the representative organization. The report shall include:

14 ~~(a) Statewide statewide~~ utility load forecasts and the resources
 15 available to satisfy the loads over a twenty-year period; and -

16 ~~(b) Such other information as the board requests if such request is~~
 17 ~~submitted in writing to the representative organization, is consistent~~
 18 ~~with the board's statutory responsibilities, and can be performed at a~~
 19 ~~reasonable cost.~~

20 ~~(4)~~ The annual load and capability report shall be filed on dates
 21 specified by the board.

22 Sec. 33. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 23 15, 16, 17, 18, 19, 20, 29, 30, 31, 32, and 34 of this act become
 24 operative three calendar months after the adjournment of this legislative
 25 session. The other sections of this act become operative on their
 26 effective date.

27 Sec. 34. Original sections 70-619, 70-1001, 70-1001.01, and
 28 70-1025, Reissue Revised Statutes of Nebraska, are repealed.

29 Sec. 36. Since an emergency exists, this act takes effect when
 30 passed and approved according to law.

The third committee amendment is as follows:

[AM1244](#)

(Amendments to Standing Committee amendments, AM827)

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

3 Sec. 21. Section 66-2301, Revised Statutes Cumulative Supplement,

4 2022, is amended to read:

5 66-2301 (1) The Legislature finds that there is a unique benefit
6 for the state to compete for designation by the United States Department
7 of Energy as a location for a regional clean hydrogen hub. The
8 development of a clean hydrogen hub in the state would provide the
9 potential for significant investments in clean energy production, new
10 infrastructure, and high-paying careers. The Legislature further finds
11 that Nebraska is in a unique position to compete due to its central
12 location, existing clean hydrogen-producing industry, synthetic and
13 biofuels industry, demand for fertilizer used by its large agricultural
14 industry, and railroad and trucking transportation network.

15 (2)(a) (4) The Department of Economic Development shall create the
16 Nebraska Hydrogen Hub Industry Work Group. The Governor shall appoint
17 members to the work group that include, but are not limited to,
18 representatives from the following sectors: (i) (a) Manufacturing or
19 industry, (ii) (b) agriculture, (iii) (c) transportation, and (iv) (d)
20 energy. The work group may include a representative of a clean hydrogen
21 manufacturer.

22 (b) (2) The purpose of the work group is to develop and draft a
23 competitive proposal which may be submitted to the United States
24 Department of Energy to be selected as one of the four regional clean
25 hydrogen hubs authorized under the federal Infrastructure Investment and
26 Jobs Act, Public Law 117-58.

1 (c) (3) The Department of Economic Development may contract with
2 private consultants to create the competitive proposal. Specifically, the
3 work group shall determine how to maximize the state's geographic
4 location to connect a nationwide hydrogen network. Additionally, the work
5 group shall build a plan to make the case for an agricultural-based clean
6 hydrogen hub, expanding the existing eligible purposes.

7 (3) It is the intent of the Legislature to appropriate two hundred
8 fifty thousand dollars from the General Fund for FY2023-24 and two
9 hundred fifty thousand dollars from the General Fund for FY2024-25 to the
10 Department of Economic Development for the purpose of providing grants to
11 any public power district that serves a majority of the counties in the
12 state to be used for engineering and modeling work to prepare and support
13 the state in competing for one of the United States Department of
14 Energy's regional clean hydrogen hub designations and associated federal
15 funding.

16 (4) The Department of Economic Development may adopt and promulgate
17 rules and regulations to carry out the grant program described in
18 subsection (3) of this section.

19 Sec. 33. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
20 15, 16, 17, 18, 19, 20, 29, 30, 31, 32, and 34 of this act become
21 operative three calendar months after the adjournment of this legislative
22 session. The other sections of this act become operative on their
23 effective date.

24 Sec. 35. Original section 66-2301, Revised Statutes Cumulative
25 Supplement, 2022, is repealed.

26 Sec. 36. Since an emergency exists, this act takes effect when
27 passed and approved according to law.

The fourth committee amendment is as follows:

[AM1241](#)

(Amendments to Standing Committee amendments, AM827)

1 1. Strike the original sections and insert the following new
2 sections:
3 Sec. 22. Sections 22 to 28 of this act shall be known and may be
4 cited as the Nuclear and Hydrogen Development Act.
5 Sec. 23. The Legislature finds and declares that it is the policy of
6 the Legislature to support the advanced nuclear and hydrogen industries.

7 Sec. 24. For purposes of the Nuclear and Hydrogen Development Act:
8 (1) Department means the Department of Economic Development; and
9 (2) Work group means the Nuclear and Hydrogen Industry Work Group
10 created in section 25 of this act.

11 Sec. 25. (1) The department shall create the Nuclear and Hydrogen
12 Industry Work Group.

13 (2) The work group shall consist of the following twelve members:

14 (a) One representative of the Nebraska community college system;

15 (b) One representative of the Nebraska state college system;

16 (c) Two representatives of the nuclear industry;

17 (d) Two representatives of the hydrogen industry;

18 (e) One representative of a public power district;

19 (f) Two at-large members;

20 (g) The Director of Economic Development or a designee of the
21 director;

22 (h) The chairperson of the Natural Resources Committee of the
23 Legislature or a designee of the chairperson; and

24 (i) The chairperson of the Government, Military and Veterans Affairs
25 Committee of the Legislature or a designee of the chairperson.

26 (3) The work group members described in subdivisions (2)(a) through
1 (f) of this section shall be appointed by the Governor. The work group
2 members described in subdivisions (2)(h) and (i) of this section shall
3 serve as ex officio, nonvoting members.

4 (4)(a) Each work group member described in subdivisions (2)(a)
5 through (f) of this section may receive a per diem of sixty dollars for
6 each day such member attends a meeting of the work group or is engaged in
7 matters concerning the work group, except that no work group member shall
8 receive more than one thousand dollars in per diems per year under this
9 subdivision.

10 (b) Each such work group member shall be reimbursed for travel and
11 lodging expenses for the performance of such member's duties while
12 carrying out the Nuclear and Hydrogen Development Act as provided in
13 sections 81-1174 to 81-1177 to be paid out of the Nuclear and Hydrogen
14 Development Fund.

15 Sec. 26. The work group shall examine and make recommendations to
16 the department regarding the workforce training needs of the nuclear and
17 hydrogen industries and provide an opportunity for collaboration of such
18 industries with the Nebraska community college system and Nebraska state
19 college system to develop education training courses.

20 Sec. 27. The department shall establish procedures and criteria for
21 awarding grants to community colleges and state colleges that implement
22 education training courses designed to alleviate the workforce training
23 needs of the nuclear and hydrogen industries based on the recommendations
24 of the work group. The grants awarded by the department shall be used for
25 equipment, curriculum, programming, or marketing needed to provide such
26 education training courses.

27 Sec. 28. (1) The Nuclear and Hydrogen Development Fund is created.
28 The department shall administer the fund to provide per diems and travel
29 and lodging reimbursement to members of the work group as provided under
30 section 25 of this act. The fund shall consist of money transferred by
31 the Legislature. The State Treasurer shall transfer two hundred thousand
1 dollars to the fund from the General Fund as soon as administratively
2 possible after the operative date of this section.

3 (2) The Nuclear and Hydrogen Development Fund terminates on July 31,
4 2028, and the State Treasurer shall transfer any money in the fund on
5 such date to the General Fund.

6 Sec. 33. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
7 15, 16, 17, 18, 19, 20, 29, 30, 31, 32, and 34 of this act become
8 operative three calendar months after the adjournment of this legislative
9 session. The other sections of this act become operative on their

10 effective date.

11 Sec. 36. Since an emergency exists, this act takes effect when
12 passed and approved according to law.

The first committee amendment, [AM1240](#), found in this day's Journal, was offered.

PRESIDENT KELLY PRESIDING

Senator Hunt offered [MO650](#), found on page 961, to bracket until June 1, 2023.

Pending.

COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 160. Placed on General File.

(Signed) Mike McDonnell, Chairperson

Revenue

LEGISLATIVE BILL 616. Placed on General File with amendment.
[AM645](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 87. Introduced by Arch, 14.

WHEREAS, the Nebraska Press Association was founded in 1873 and is one of Nebraska's oldest trade associations; and

WHEREAS, the Nebraska Press Association has one hundred fifty daily and weekly newspaper members from across Nebraska; and

WHEREAS, newspapers serve an important role in communities including informing Nebraskans of local, regional, and statewide news and events; and

WHEREAS, community newspapers chronicle and archive the lives and events of communities as the first draft of history; and

WHEREAS, newspapers foster civic engagement and participation in local democracy and assist local and nonprofit organizations in fulfilling their missions.

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

1. That the Legislature congratulates the Nebraska Press Association on one hundred and fifty years since its founding.

2. That a copy of this resolution be sent to the Nebraska Press Association.

Laid over.

MESSAGE FROM THE GOVERNOR

April 3, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Department of Correctional Services:

Robey L. Jeffreys
861 South State Street
Lincoln, IL 62656

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

REPORT

The following report was received by the Legislature:

Retirement Systems, Public Employees

Nebraska County Cash Balance Plan, Cost Study for additional contributions

AMENDMENTS - Print in Journal

Senator Raybould filed the following amendment to [LB753](#):
[AM1233](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 3, line 15, after "will" insert "give priority in the
2 following order"; and strike lines 16 through 31 and insert the following
3 new subdivisions:
4 "(i) Eligible students whose household income levels do not exceed
5 one hundred percent of the federal poverty level;

6 (ii) Eligible students whose household income levels exceed one
 7 hundred percent of the federal poverty level but do not exceed one
 8 hundred eighty-five percent of the federal poverty level;
 9 (iii) Eligible students who are in a family with a parent or
 10 guardian actively serving in a branch of the armed forces of the United
 11 States or in the National Guard, or whose parent or guardian was killed
 12 -serving in the line of duty;
 13 (iv) The sibling of a student who is receiving an education
 14 scholarship, so long as the sibling resides in the same household as such
 15 student;
 16 (v) Eligible students whose application for the enrollment option
 17 program established in section 79-234 has been denied;
 18 (vi) Eligible students who have an individualized education plan;
 19 (vii) Eligible students who are experiencing bullying, harassment,
 20 hazing, assault, battery, kidnapping, robbery, sexual offenses, threat or
 21 intimidation, or fighting at school; and
 22 (viii) Eligible students who are in foster care;".
 23 2. On page 4, strike lines 1 through 17.
 24 3. On page 5, line 20; page 6, line 18; page 7, line 11; and page 8,
 25 line 2, strike "five" and insert "two".
 26 4. On page 7, line 2, strike "million" and insert "hundred
 1 thousand"; and in line 26 strike "one hundred" and insert "fifty".
 2 5. On page 9, line 20, strike "twenty-five" and insert "one"; in
 3 line 25 after "year" insert ", except that no increase in the annual
 4 limit shall occur unless all public education funding obligations of the
 5 state are fully funded and disbursed"; and in line 26 strike "one
 6 hundred" and insert "thirty".
 7 6. On page 10, strike beginning with "its" in line 7 through line 17
 8 and insert "at least ninety percent of its revenue for education
 9 scholarships and no more than ten percent of its revenue shall be used or
 10 reserved for administrative costs."
 11 7. On page 11, line 17, after "Act" insert "that shall be reviewed
 12 and approved by the Legislature".

Senator Sanders filed the following amendment to [LB583](#):

[AM1229](#)

(Amendments to Standing Committee amendments, AM970)

1 1. On page 1, lines 10 and 11, strike "Tax Equity and Educational
 2 Opportunities Support Act", show as stricken, and insert "Education
 3 Future Act".

Senator Sanders filed the following amendment to [LB583](#):

[AM1230](#)

(Amendments to Standing Committee amendments, AM970)

1 1. On page 16, line 4, strike "Tax Equity and Educational
 2 Opportunities Support Act", show as stricken, and insert "Education
 3 Future Act".

Senator Hunt filed the following amendment to [LB565](#):

[AM1227](#)

(Amendments to Standing Committee amendments, AM827)

1 1. Strike sections 29 to 32 and 34.
 2 2. Renumber the remaining sections and correct internal references
 3 accordingly.

Senator Hunt filed the following amendment to [LB565](#):

[AM1228](#)

(Amendments to Standing Committee amendments, AM827)

1 1. Strike sections 1 to 20.
 2 2. Renumber the remaining sections and correct internal references
 3 accordingly.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Wishart has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

ANNOUNCEMENT

Senator Albrecht announced Committee on Committees will hold a meeting on Tuesday, April 11, 2023, at 10:00 a.m., in Room 1525.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Raybould name added to LB44.

Senator Bostar name added to LB76.

Senator von Gillern name added to LB165.

Senator Moser name added to LB412.

Senator Brewer name added to LB471.

Senator Ibach name added to LB472.

VISITORS

Visitors to the Chamber were Ashlinn Chappellear, Omaha; students from Freeman Public Schools, Adams; students from Wilber-Clatonia High School, Wilber; students from Longfellow Elementary, Hastings; students from Wayne Elementary, Wayne; students from Centura Elementary, Cairo; students from Belle Elementary, Papillion.

ADJOURNMENT

At 3:03 p.m., on a motion by Senator DeKay, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 2023.

Brandon Metzler
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 11, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 2023

PRAYER

The prayer was offered by Pastor Gary Bennett, Red Cloud Bible Church, Red Cloud.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Briese, Day, DeBoer, Hunt, Linehan, McKinney, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1026, line 32, strike "LB910" and insert "LB183."
The Journal for the fifty-seventh day was approved, as corrected.
The Journal for the fifty-eighth day was approved.

RESIGNATION

April 5, 2023

The Honorable Jim Pillen
State Capitol
Lincoln, NE 68509

Dear Governor Pillen,

This letter is written to advise you that I am resigning my position as a

member of the Nebraska Legislature, effective April 6, 2023, at 11:59 pm. Serving in the Nebraska Legislature has been the honor of a lifetime. I am deeply appreciative of my constituents and the faith they had in me when they first elected me in 2017.

Sincerely,
(Signed) Suzanne Geist

MESSAGE FROM THE GOVERNOR

April 7, 2023

Carolyn Bosn
6433 Countryview Road
Lincoln, NE 68516

Dear Senator Bosn:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 25 effective April 7, 2023. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Jim Pillen, on behalf of the State of Nebraska and as Governor, do hereby appoint Carolyn Bosn as a member of the Nebraska Legislature representing District 25.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on April 7, 2023, and continue until January 7, 2025, provided by law provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Jim Pillen
Governor

(Signed) Robert B. Evnen
Secretary of State

students at least once during the school year. The information would inform students about the organization and how it "furthers the educational interests and civic involvement of students in a manner consistent with good citizenship." LB 805 would also allow a youth organization representative to provide services and activities to any student who is a member of the organization.

Your opinion request raises constitutional concerns in view of *Child Evangelism Fellowship of Minnesota v. Elk River Area School District #728*, 599 F.Supp.2d 1136 (D. Minn. 2009) ["*Elk River*"]. You state that in *Elk River*, only the patriotic, Title 36 organizations were allowed "to distribute materials and have open houses," thus violating the free speech rights of nonprofit religious patriotic organizations. You are seeking our "opinion as to whether LB 805 mandates a similarly constitutionally suspect limited public forum in Nebraska schools or raises any additional legal issues under the First Amendment or criminal laws." You indicate that the Education Committee expressed concern about groups not listed in Title 36 "being able to maintain or seek access under a limited public forum designation in public schools as currently decided on a case by case basis or local policy basis by local school districts."

You have also asked us to consider the propriety of Section 2 of the bill, which amends Neb. Rev. Stat. § 79-2,103 to exempt Title 36 youth representatives from criminal penalties for accessing school buildings or grounds for the purpose of soliciting or recruiting students. However, since we understand that the introducer is proposing to outright repeal § 79-2,103, see AM711, this portion of the bill will not be addressed.

FEDERAL LAW BACKGROUND

On January 8, 2002, President George W. Bush signed the No Child Left Behind Act of 2001, which included the Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905 ("Boy Scouts Act"). The Boy Scouts Act provides that no school, local educational district, or state educational agency that creates a "designated open forum" or "limited public forum"² and receives funds from the U.S. Department of Education ("Department")

¹Title 36 U.S.C. Subtitle II, Part B—Patriotic and National Organizations.

² For purposes of the Boy Scouts Act, a "[d]esignated open forum means that an elementary school or secondary school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program." A "[l]imited public forum means that an elementary school or secondary school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory." 34 C.F.R. § 108.3(e) and (i), respectively.

shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in Title 36 (as a patriotic society).

20 U.S.C. § 7905(b)(1). Rules implementing the Boy Scouts Act were adopted by the Department in March 2006. 34 C.F.R. §§ 108.1 to 108.9. A Title 36 youth group is defined as "a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21." 34 C.F.R. § 108.3(p). The Boy Scouts Act is enforced by the Department's Office of Civil Rights. No Department funds shall be made available to any school or agency that fails to comply with the Boy Scouts Act. 20 U.S.C. § 7905(c).

DISCUSSION

As introduced,³ LB 805 provides that

[e]ach school shall, upon request, allow a representative of any youth organization to provide (i) oral or written information to the students of such school regarding the youth organization and how such youth organization furthers the educational interests and civic involvement of students in a manner consistent with good citizenship and (ii) services and activities to any student of such school who is a member of such youth organization.

Sec. 1(2)(a). Access shall be given at least once during the school year. Sec. 1(2)(b). Schools must make a good faith effort to schedule a time and place for the youth organization representative to provide the information, services or activities that is mutually agreeable to the parties. Sec. 1(3). Background checks shall be conducted on youth organization representatives prior to allowing access to any school. Sec. 1(4). The parameters of any background check shall be determined by the school district except as provided in Section 1 of the bill or Nebraska State Patrol rules and regulations. *Id.* A school district may prohibit access to any youth organization representative convicted of a felony. *Id.* Any costs of a background check shall be borne by the youth organization representative. *Id.*

³ Pending AM677 would change "school" to "school district" in certain instances in the bill.

Your opinion request raises concerns about the potential for discrimination against other groups not listed in Title 36. You question whether LB 805 impairs school districts' ability to determine access "currently decided on a case by case basis or local policy basis . . ." We begin with a discussion of the *Elk River* decision.

The school district's policy in *Elk River* limited distribution of nonschool-sponsored materials to the "'designated patriotic youth organizations' as defined by the No Child Left Behind Act . . ." *Id.* at 1138. The policy also allowed these organizations, including the Boy Scouts of America, to distribute literature at school open houses and on school bulletin boards. In August 2007, the Child Evangelism Fellowship of Minnesota ("CEF")⁴ requested to be allowed to participate in the open houses. A school official informed CEF that it would not be allowed to participate unless it could prove that it was a patriotic organization under the No Child Left Behind Act. Because CEF was not a patriotic organization listed in Title 36, it was not allowed to participate. CEF's request in 2008 was also denied by the district. Consequently, CEF sought to enjoin the district's policy, alleging that its inability to distribute literature and attend open houses caused a significant decline in club membership.

The court first considered whether the district excluded CEF on the basis of its religious viewpoint in contravention of the holding in *Good News Club v. Milford Central School*, 533 U.S. 98 (2001) ["*Milford*"]. In *Milford*, the United States Supreme Court considered whether a school district's denial of a club's application to hold weekly afterschool meetings at the school discriminated against the club based on its religious viewpoint in violation of the Free Speech Clause. The school district's policy allowed afterschool use of the facilities by district residents for "'instruction in any branch of education, learning or the arts'" and "for 'social, civic and recreational meetings and entertainment events, and other uses pertaining to the welfare of the community, provided that such uses shall be nonexclusive and shall be opened to the general public.'" *Id.* at 102. Two residents and sponsors of the club sought to hold weekly afterschool meetings in the school cafeteria. The request was denied on the basis that the club's proposed use "was 'the equivalent of religious worship'" and because the policy prohibited use of the facilities "'for religious purposes.'" *Id.* at 103.

⁴ The CEF sponsors the Good News Club, organizations for children between the ages of five and twelve. These organizations "encourage[] learning, spiritual growth, and service to others by providing religious and moral education through lessons from the Bible. . . . Meetings . . . are held on elementary school campuses, and the children are taught biblical principles, moral values, character qualities, respect for authority, relationships, character development, and important community issues." *Elk River* at 1138.

The Court noted that the nature of the forum dictates what standards to apply when determining whether a private speaker has been unconstitutionally excluded from the use of a public forum. It assumed that the district had created a limited public forum because it had opened up its facilities to members of the community in accordance with its policy. With respect to this forum, the Court explained that

[w]hen the State establishes a limited public forum, the State is not required to and does not allow persons to engage in every type of speech. The State may be justified "in reserving [its forum] for certain groups or for the discussion of certain topics." . . . The State's power to restrict speech, however, is not without limits. The restriction must not discriminate against speech on the basis of viewpoint, . . . and the restriction must be "reasonable in light of the purpose served by the forum[.]"

Id. at 106-07 (internal citations omitted).

Relying on *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993) (Free Speech Clause was violated by excluding a private group from presenting films at school facilities that discussed family values from a religious perspective), and *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819 (1995) (University violated the Free Speech Clause by refusing to fund a student publication which addressed issues from a religious perspective), the Court concluded that the school had discriminated against the club in violation of the Free Speech Clause. The Court noted that teaching morals and character development to children was a permissible purpose under the policy, and it was clear that the club taught these subjects but from a religious viewpoint. "What matters for purposes of the Free Speech Clause is that we can see no logical difference in kind between the invocation of Christianity by the Club and the invocation of teamwork, loyalty, or patriotism by other associations to provide a foundation for their lessons." *Id.* at 111. The Court reaffirmed its precedent "that speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint." *Id.* at 111-12.

In *Elk River*, the district argued that it did not consider CEF's viewpoint and merely limited access to groups in accordance with the Boy Scouts Act. It represented "that its goal . . . was to avoid discrimination," and in order to receive federal funds, it closed its forum "except to organizations to whom No Child Left Behind says it must grant access." *Elk River*, 599 F.Supp.2d at 1140. The court noted that the district had created a "limited public forum" and that the standards delineated in *Milford* applied.

The court concluded that the district discriminated against CEF on the basis of viewpoint. While the court acknowledged the district's attempt to comply with the Boy Scouts Act in a viewpoint neutral way, it found that

the nature of the Act itself classifies organizations as either "patriotic" or not. Accordingly, the inclusion on or exclusion from the list constitutes discrimination based on whether an organization is appropriately "patriotic." The difficulty for Elk River is that even though it has not discriminated on the basis of viewpoint, Congress has done so by classifying certain organizations as patriotic. This classification endorses a certain patriotic viewpoint while leaving other viewpoints, that may be equally patriotic, off the list. And as the Supreme Court has found, The Good News Club and the Boy Scouts promote the same values and ideas, but they do so from different viewpoints. . . . Although Elk River asserts the Boy Scout Act compels its course of action, the holding in *Milford* dictates that if Elk River allows the Boy Scouts, or any other listed "patriotic youth group," access to its limited public fora but does not allow the Good News Club access, it has violated the Free Speech Clause of the First Amendment.

Id. at 1140-141 (internal citations omitted). The court further determined that even if the policy were viewpoint neutral, it was not reasonable in light of the purpose served. The court noted that the receipt of federal funds requires the district to allow access to the Boy Scouts only when a limited public forum has been created. Federal funding would still be available if the district chose to close the open houses to nonschool groups, and limit distribution of literature to only school programs.

The circumstances in *Elk River* are distinguishable from the access mandated in LB 805. Under the Boy Scouts Act, school districts have the discretion to close school buildings and grounds to outside groups. The school district in *Elk River* chose to allow access to only Title 36 youth organizations, and denied access to another youth organization not listed in Title 36 but which shared a similar message. LB 805, on the other hand, *requires* school districts to allow Title 36 youth organization representatives access to schools, thus creating a limited public forum. LB 805 removes any discretion to deny access to a representative from a Title 36 youth organization or to any other youth organization with a similar message to those organizations listed in Title 36.

LB 805 creates a limited public forum at public schools to allow Title 36 youth organizations to provide information about the organizations and the services and activities they provide relating to education and good citizenship. The forum is not restricted to Title 36 youth organizations, however. School districts retain some discretion to allow other groups and organizations to access schools so long as they do not discriminate based on viewpoint. School districts must be cognizant that if they apply the same standard as the school district in *Elk River*, such action would likely violate the First Amendment rights of other youth organizations not listed in Title 36 but which share a similar viewpoint.

Moreover, the mandate proposed in LB 805 is not unique. Several other states have enacted similar legislation requiring school districts to provide

access to the Title 36 youth organizations. *See* Ark. Code Ann. § 6-10-132 (2017), "Patriotic Access to Students in Schools Act"; Ind. Code §§ 20-26-20-1 through 20-26-20-5 (2020), "Patriotic Youth Membership Organizations"; La. Stat. Ann. § 17:2120 (2022), "Patriotic organizations; use of school facilities; student recruitment"; N.C. Gen. Stat. Ann. § 115C-206 (2015), "State Board of Education; duties; responsibilities"; N.D. Cent. Code § 15.1-06-14.1 (2021), "Patriotic society—Permission to speak to students at public schools"; Okla. Stat. Ann. tit. 70, §§ 5-129.3 and 5-130 (2017), "Patriotic Access to Students in Schools Act"; S.D. Codified Laws § 13-24-22 (2018), "Representatives of patriotic societies permitted to speak to students at public schools"; Tenn. Code Ann. § 49-6-305 (2016), "Patriotic society"; Tex. Education Code Ann. § 25.0822 (2017), "Patriotic Society Access to Students"; and Va. Code Ann. § 22.1-132.01 (2016), "Youth-oriented, community organizations on school property." Our research has identified no constitutional challenges to any of these statutes.

CONCLUSION

Under the federal Boy Scouts Act, any school district or other educational entity that receives federal funding and allows one or more outside youth or community groups to meet on school premises or in school facilities is prohibited from denying equal access to any group associated with the Boys Scout of America or any other youth group listed in Title 36. *Milford and Elk River* informs us that when a school district creates a limited public forum, it may reserve the forum for certain groups or for certain discussions, but must not restrict speech on the basis of viewpoint. The restriction must also be "reasonable in light of the purpose served by the forum" *Milford*, 533 U.S. at 107. LB 805 creates limited public fora for the public schools in Nebraska, and mandates that access be given to Title 36 youth organizations under certain conditions. However, access is not restricted to the Title 36 groups, and school districts may continue to use their discretion to allow or deny access to other groups so long as they do not discriminate on the basis of viewpoint and the restriction is reasonable in light of the purpose served by the forum.

Sincerely,
 MIKE HILGERS
 Attorney General
 (Signed) Leslie S. Donley
 Assistant Attorney General

pc: Brandon Metzler
 Clerk of the Legislature

49-3184-30

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 79, 80, 81, 82, 83, and 85 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 79, 80, 81, 82, 83, and 85.

GENERAL FILE

LEGISLATIVE BILL 815. Senator Clements withdrew [MO920](#), found on page 1053, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Sec. 3(f).

Title Read. Considered.

Senator Clements withdrew [MO918](#), found on page 1053, to bracket.

Senator Clements withdrew [MO919](#), found on page 1053, to recommit to committee.

Senator M. Cavanaugh offered the following amendment:

[AM1266](#)

1 1. On page 2, lines 1 and 2, strike "[\\$632,982](#)" and insert
2 "[\\$630,000](#)".

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 1:

Lowe

Voting in the negative, 41:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 6:

Bostar Hunt Vargas
Day McKinney Wayne

The M. Cavanaugh amendment lost with 1 aye, 41 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO933](#)

Reconsider vote on AM1266.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 14 ayes, 16 nays, and 19 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 1 aye, 37 nays, 1 present and not voting, 5 absent and not voting, and 5 excused and not voting.

Senator M. Cavanaugh offered the following amendment:

[AM1267](#)

1 1. On page 2, lines 1 and 2, strike "\$632,982" and insert
2 "\$642,982".

Senator M. Cavanaugh requested a roll call vote on her amendment.

The M. Cavanaugh amendment lost with 0 ayes, 36 nays, 1 present and not voting, 7 absent and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 606. Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh offered the following motion:

[MO934](#)

Reconsider the vote on AM1267.

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB753](#):
[AM1253](#)

(Amendments to Standing Committee amendments, AM338)

1 1. Strike sections 10 and 11 and insert the following new sections:

2 Sec. 10. (1) For purposes of this section:

3 (a) Net revenue means the total amount of revenue received by a
4 scholarship-granting organization during a state fiscal year minus the
5 amount of such revenue that is used or reserved for the administrative
6 costs of such organization for the same state fiscal year;

7 (b) Revenue means all grants, donations, and contributions received
8 by a scholarship-granting organization for the purpose of providing
9 education scholarships; and

10 (c) State fiscal year means the period of time commencing on July 1
11 and ending on June 30 of the following year.

12 (2) In order for a scholarship-granting organization to remain
13 certified under the Opportunity Scholarships Act, the scholarship-
14 granting organization shall allocate its revenue as follows:

15 (a) If the annual limit on tax credits under section 9 of this act
16 is less than thirty-five million dollars, the scholarship-granting
17 organization shall allocate at least ninety percent of its revenue for
18 education scholarships and no more than ten percent of its revenue shall
19 be used or reserved for administrative costs; or

20 (b) If the annual limit on tax credits under section 9 of this act
21 is thirty-five million dollars or more, the scholarship-granting
22 organization shall allocate at least ninety-five percent of its revenue
23 for education scholarships, and no more than five percent of its revenue
24 shall be used or reserved for administrative costs.

25 (3) For purposes of subsection (2) of this section, revenue is
26 allocated when it is expended or otherwise irrevocably encumbered for
1 expenditure. The percentage of revenue allocated for education
2 scholarships shall be measured as a monthly average over the most recent
3 twenty-four-month period or, for a scholarship-granting organization that
4 has been certified for less than twenty-four months, over the period of
5 time that the scholarship-granting organization has been certified.

6 (4) Beginning January 1, 2028:

7 (a) A scholarship-granting organization shall carry forward no more
8 than twenty-five percent of its net revenue from one state fiscal year to
9 the following state fiscal year. Any amount carried forward shall be
10 expended for annual or partial-year education scholarships in the
11 following state fiscal year; and

12 (b) Any amount of net revenue remaining on June 30 of any state
13 fiscal year that is in excess of the amount that may be carried forward
14 under subdivision (a) of this subsection shall be used to provide
15 education scholarships to eligible students or transferred to one or more
16 other scholarship-granting organizations to provide education
17 scholarships to eligible students by no later than the following
18 September 30. Any amount of such net revenue that is not used or
19 transferred by the following September 30 shall be remitted to the State
20 Treasurer for credit to the General Fund. Any scholarship-granting
21 organization receiving a transfer pursuant to this subdivision shall
22 place the transferred funds into its scholarship account and shall
23 separately disclose the transfer in its annual financial audit.

24 Sec. 11. (1) Each scholarship-granting organization shall annually
25 submit to the department no later than December 1 of each year an audited
26 financial information report for its most recent fiscal year certified by
27 an independent public accountant.

28 (2) Each scholarship-granting organization shall include with the
 29 report submitted under subsection (1) of this section a summary
 30 description of (a) its policies and procedures for awarding education
 31 scholarships, (b) the number of eligible students receiving education
 1 scholarships in the most recent fiscal year, (c) the total amount of
 2 contributions received for education scholarships in the most recent
 3 fiscal year, and (d) the total amount of education scholarships awarded
 4 in the most recent fiscal year.
 5 (3) The department shall electronically forward such reports and
 6 summary descriptions to the Governor and the Legislature no later than
 7 December 31 of each year.
 8 (4) By June 30, 2027, and by June 30 of each odd-numbered year
 9 thereafter, the department shall electronically submit a report to the
 10 chairperson of the Appropriations Committee of the Legislature, the
 11 chairperson of the Education Committee of the Legislature, and the
 12 chairperson of the Revenue Committee of the Legislature. The report shall
 13 include, but not be limited to, the following:
 14 (a) A review of the progress of the Opportunity Scholarships Act;
 15 (b) The number of students currently wait-listed or denied from
 16 receiving an education scholarship and the reason for the wait-listing or
 17 denial;
 18 (c) The dollar amount of education scholarships given by
 19 scholarship-granting organizations; and
 20 (d) The demographic information of students receiving education
 21 scholarships, including, but not limited to:
 22 (i) Income level;
 23 (ii) Grade level; and
 24 (iii) Geographic location.

VISITORS

Visitors to the Chamber were Brenda Bennett, Red Cloud; students from Lincoln Christian School, Lincoln; Pepe Herrero, Lincoln, Clara Herrero, Paloma and Leni Goldman, Hawthorne, CA; Three Chapters of Alpha Kappa Alpha Sorority, Lincoln and Omaha; members of Leadership Sarpy County; students from Peter Sarpy Elementary, Bellevue; students from Elkhorn High School, Elkhorn; representatives of Rural Public Power Districts and Electric Cooperatives.

RECESS

At 11:58 a.m., on a motion by Senator Erdman, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Arch, Blood, Bostar, Day, Dorn, Dover, Dungan, Hughes, Linehan, Walz, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh renewed [MO934](#), found and considered in this day's Journal, to reconsider the vote on AM1267.

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate failed with 24 ayes, 9 nays, 2 present and not voting, 10 absent and not voting, and 4 excused and not voting.

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

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

Senator Lowe requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Aguilar	Bostelman	Erdman	Jacobson	Murman
Albrecht	Brandt	Halloran	Kauth	Riepe
Arch	Brewer	Hansen	Linehan	Sanders
Armendariz	Briese	Hardin	Lippincott	Slama
Ballard	Clements	Holdcroft	Lowe	von Gillern
Blood	DeKay	Hughes	McDonnell	Wayne
Bosn	Dorn	Ibach	Moser	

Voting in the negative, 10:

Cavanaugh, J.	Conrad	DeBoer	Fredrickson	McKinney
Cavanaugh, M.	Day	Dungan	Hunt	Vargas

Present and not voting, 4:

Bostar	Raybould	Walz	Wishart
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Excused and not voting, 1:

Dover

The motion to cease debate prevailed with 34 ayes, 10 nays, 4 present and not voting, and 1 excused and not voting.

The M. Cavanaugh motion to reconsider failed with 3 ayes, 41 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB254](#):

[AM1259](#)

(Amendments to Standing Committee amendments, AM698)

- 1 1. On page 1, line 11, after the period insert "Closed-captioned
- 2 video coverage shall include closed captioning in both English and
- 3 Spanish.".
- 4 2. On page 7, line 28, after the period insert "Closed-captioned
- 5 video coverage shall include closed captioning in both English and
- 6 Spanish.".

Senator J. Cavanaugh filed the following amendment to [LB184](#):

[AM1284](#)

- 1 1. On page 7, line 22, strike "the county attorney or city", show as
- 2 stricken, and insert "prosecuting".

GENERAL FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh offered the following amendment:

[AM1268](#)

- 1 1. On page 2, lines 1 and 2, strike "\$632,982" and insert
- 2 "\$641,000".

The M. Cavanaugh amendment lost with 1 aye, 28 nays, 16 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO935](#)

Reconsider the vote on AM1268.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Senator Hunt requested a roll call vote on the M. Cavanaugh motion to reconsider.

Voting in the affirmative, 3:

Cavanaugh, J. Cavanaugh, M. Hunt

Voting in the negative, 33:

Aguilar	Brandt	Fredrickson	Jacobson	Riepe
Albrecht	Brewer	Halloran	Kauth	Sanders
Arch	Briese	Hansen	Linehan	Slama
Ballard	Conrad	Hardin	Lippincott	von Gillern
Bosn	DeBoer	Holdcroft	Lowe	Walz
Bostar	DeKay	Hughes	Moser	
Bostelman	Dungan	Ibach	Murman	

Present and not voting, 5:

Blood	Day	McKinney	Raybould	Wayne
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Absent and not voting, 5:

Armendariz	Clements	McDonnell	Vargas	Wishart
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Excused and not voting, 3:

Dorn	Dover	Erdman
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The M. Cavanaugh motion to reconsider failed with 3 ayes, 33 nays, 5 present and not voting, 5 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 462. Placed on General File with amendment.

[AM1017](#)

1 1. On page 3, line 4, after "Within" insert "or adjacent to".

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB282:

[AM1286](#)

(Amendments to Standing Committee amendments, AM687)

- 1 1. Insert the following new section:
 2 Sec. 8. The Children's Death in the Line of Education Fund is
 3 created. The State Treasurer shall transfer five million dollars from the
 4 General Fund to the Children's Death in the Line of Education Fund as
 5 soon as administratively possible after the effective date of this act.
 6 The Children's Death in the Line of Education Fund shall only be used to
 7 pay claims relating to wrongful death, injury, mental trauma, or physical
 8 trauma resulting from school shooting events. Any money in the fund
 9 available for investment shall be invested by the state investment
 10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 11 State Funds Investment Act.
 12 2. Insert the following new amendment:
 13 "2. Renumber the remaining section accordingly."

Senator Hunt filed the following amendment to [LB282](#):
[AM1285](#)

(Amendments to Standing Committee amendments, AM687)

- 1 1. Insert the following new section:
 2 Sec. 8. The Compulsory Pregnancy Claims Fund is created. The State
 3 Treasurer shall transfer five million dollars from the General Fund to
 4 the Compulsory Pregnancy Claims Fund as soon as administratively possible
 5 after the effective date of this act. The Compulsory Pregnancy Claims
 6 Fund shall only be used to pay claims relating to wrongful death, injury,
 7 mental trauma, or physical trauma resulting from any Nebraska statute or
 8 rule or regulation restricting bodily autonomy. Any money in the fund
 9 available for investment shall be invested by the state investment
 10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 11 State Funds Investment Act.
 12 2. Insert the following new amendment:
 13 "2. Renumber the remaining section accordingly."

Senator Hunt filed the following amendment to [LB282](#):
[AM1287](#)

(Amendments to Standing Committee amendments, AM687)

- 1 1. On page 1, line 1, strike "and 7" and insert "7, and 8".

GENERAL FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh offered the following amendment:

[AM1263](#)

- 1 1. Strike the enacting clause.

The M. Cavanaugh amendment was withdrawn.

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

Senator Clements requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Hunt

Present and not voting, 1:

Day

Excused and not voting, 2:

Ballard Dover

Advanced to Enrollment and Review Initial with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB815:

[AM1264](#)

1 1. On page 2, lines 7 and 8, strike "\$588,000" and insert
2 "\$600,000".

Senator M. Cavanaugh filed the following amendment to LB815:

[AM1265](#)

1 1. On page 2, lines 7 and 8, strike "\$588,000" and insert
2 "\$599,000".

Senator M. Cavanaugh filed the following amendment to LB815:

[AM1269](#)

1 1. On page 2, lines 1 and 2, strike "\$632,982" and insert
2 "\$652,980".

Senator M. Cavanaugh filed the following amendment to LB815:

[AM1270](#)

1 1. Strike original section 3.

Senator M. Cavanaugh filed the following amendment to LB815:

[AM1272](#)

1 1. On page 2, line 9, strike "July 1" and insert "July 4".

Senator M. Cavanaugh filed the following amendment to [LB815](#):

[AM1271](#)

1 1. On page 2, line 9, strike "[July 1](#)" and insert "[July 2](#)".

COMMITTEE ON COMMITTEES SECOND PRELIMINARY REPORT

The Committee on Committees recommended the following committee assignments due to the resignation of Senator Geist:

Senator Bosn would serve on the Judiciary Committee and Transportation and Telecommunications Committee.

GENERAL FILE

LEGISLATIVE BILL 816. Senator Clements withdrew [MO926](#), found on page 1054, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Sec. 3(f).

Title Read. Considered.

Senator Clements withdrew [MO925](#), found on page 1054, to bracket.

Senator Clements withdrew [MO927](#), found on page 1054, to recommit to committee.

Committee [AM1136](#), found on page 1026, was offered.

The committee amendment 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 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB816](#):

[AM1273](#)

1 1. Strike the enacting clause.

PRESIDENT KELLY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 282. Senator Riepe withdrew [MO902](#), found on page 1026, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Sec. 3(f).

Title Read. Considered.

Senator Riepe withdrew [MO904](#), found on page 1026, to bracket.

Senator Riepe withdrew [MO903](#), found on page 1026, to recommit to committee.

Committee [AM687](#), found on page 673, was offered.

The committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Riepe withdrew [AM89](#), found on page 527.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Committee [AM671](#), found on page 745, was offered.

Senator DeBoer offered the following amendment to the committee amendment:

[AM1255](#) is available in the Bill Room.

The DeBoer amendment, to the committee amendment, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

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

Senator M. Cavanaugh withdrew [MO866](#), found on page 975, to bracket.

Senator M. Cavanaugh withdrew [MO865](#), found on page 975, to recommit to committee.

Senator M. Cavanaugh withdrew [MO864](#), found on page 975, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Sec. 3(f).

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 799A. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 531. Senator Hunt withdrew [MO142](#), found on page 907, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Sec. 3(f).

Title Read. Considered.

Senator Hunt withdrew [MO144](#), found on page 907, to bracket.

Senator Hunt withdrew [MO143](#), found on page 907, to recommit to committee.

Committee [AM1128](#), found on page 1004, was offered.

Senator McKinney offered [AM1222](#), to the committee amendment, found on page 1053.

The McKinney amendment, to the committee amendment, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator McKinney withdrew [AM864](#), found on page 791.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

EASE

The Legislature was at ease from 5:28 p.m. until 6:09 p.m.

GENERAL FILE

LEGISLATIVE BILL 565. The first committee amendment [AM1240](#), found on page 1057 and considered on page 1062, was renewed.

Senator Hunt renewed [MO650](#), found and considered on page 1062, to bracket until June 1, 2023.

The Hunt motion to bracket failed with 0 ayes, 27 nays, 18 present and not voting, and 4 excused and not voting.

The first committee amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 243. Placed on Select File with amendment. [ER21](#) is available in the Bill Room.

LEGISLATIVE BILL 583. Placed on Select File with amendment.**ER20**

1 1. On page 1, strike beginning with "sections" in line 1 through
 2 line 7 and insert "sections 79-1001, 79-1003, 79-1007.11, 79-1009,
 3 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01,
 4 Revised Statutes Cumulative Supplement, 2022; to redefine a term; to
 5 provide for foundation aid and special education supplemental aid under
 6 the Tax Equity and Educational Opportunities Support Act; to change
 7 provisions relating to net option funding and certain certification dates
 8 under the act; to provide duties for school districts and the State
 9 Department of Education; to harmonize provisions; to repeal the original
 10 sections; and to declare an emergency."

(Signed) Beau Ballard, Chairperson

Appropriations

LEGISLATIVE BILL 130. Placed on General File with amendment.**AM899**

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. Section 68-949, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 68-949 (1) It is the intent of the Legislature that the department
 6 implement reforms to the medical assistance program such as those
 7 contained in the Medicaid Reform Plan, including (a) an incremental
 8 expansion of home and community-based services for aged persons and
 9 persons with disabilities consistent with such plan, (b) an increase in
 10 care coordination or disease management initiatives to better manage
 11 medical assistance expenditures on behalf of high-cost recipients with
 12 multiple or chronic medical conditions, and (c) other reforms as deemed
 13 necessary and appropriate by the department, in consultation with the
 14 committee.
 15 (2) The department shall develop recommendations based on a
 16 comprehensive analysis of various options available to the state under
 17 applicable federal law for the provision of medical assistance to persons
 18 with disabilities who are employed, including persons with a medically
 19 improved disability, to enhance and replace current eligibility
 20 provisions contained in subdivision (8) of section 68-915.
 21 (3) The department shall develop recommendations for further
 22 modification or replacement of the defined benefit structure of the
 23 medical assistance program. Such recommendations shall be consistent with
 24 the public policy in section 68-905 and shall consider the needs and
 25 resources of low-income Nebraska residents who are eligible or may become
 26 eligible for medical assistance, the experience and outcomes of other
 27 states that have developed and implemented such changes, and other
 1 relevant factors as determined by the department.
 2 (4)(a) It is the intent of the Legislature that the total amount
 3 appropriated to the department for medicaid nursing facility rates be
 4 used in the medicaid nursing facility rate calculation, including the
 5 calculation of the annual inflation factor. The total amount appropriated
 6 for medicaid nursing facility rates shall include amounts for rate
 7 enhancement and any other purpose related to medicaid nursing facility
 8 services and shall be used as the base for funding for the following
 9 fiscal year.
 10 (b) The department shall file a report electronically with the
 11 Legislative Fiscal Analyst and the Clerk of the Legislature no later than
 12 August 1 of each year identifying how the inflation factor was calculated

13 for that year's medicaid nursing facility rates.
14 (c) The department shall file a report electronically with the
15 Legislative Fiscal Analyst and the Clerk of the Legislature between
16 December 15 and December 31 of each year identifying the amount of any
17 remaining unobligated appropriation from the prior appropriations
18 earmarked for medicaid nursing facility payments. The report shall
19 include an identification of encumbrances and retroactive payments.
20 Sec. 2. Original section 68-949, Reissue Revised Statutes of
21 Nebraska, is repealed.

(Signed) Robert Clements, Chairperson

GENERAL FILE

LEGISLATIVE BILL 565. The second committee amendment [AM1242](#), found on page 1057, was offered.

The second committee amendment was adopted with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

The third committee amendment [AM1244](#), found on page 1059, was offered.

Senator M. Cavanaugh offered the following motion:

[MO938](#)

Recommit to the Natural Resources Committee.

The M. Cavanaugh motion to recommit to committee failed with 2 ayes, 32 nays, 7 present and not voting, and 8 excused and not voting.

The third committee amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

The fourth committee amendment [AM1241](#), found on page 1060, was offered.

Senator Hunt withdrew [AM1227](#), found on page 1063, to the fourth committee amendment.

Senator Hunt withdrew [AM1228](#), found on page 1063, to the fourth committee amendment.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

The fourth committee amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO937](#)

Indefinitely postpone.

Senator M. Cavanaugh withdrew her motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 565A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Bosn name added to LB626.

VISITORS

Visitors to the Chamber were members of the Nebraska Insurance Federation.

The Doctor of the Day was Dr. Christi Keim of Lincoln.

ADJOURNMENT

At 8:57 p.m., on a motion by Senator Raybould, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTIETH DAY - APRIL 12, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 2023

PRAYER

The prayer was offered by Senator Blood.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Albrecht.

ROLL CALL

The roll was called and all members were present except Senators Bostar, Dorn, Dover, Hunt, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Senator M. Cavanaugh requested a roll call vote on the motion to approve the Journal for the fifty-ninth day.

The Journal for the fifty-ninth day was approved with 40 ayes, 0 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 626. Senator Hunt offered [MO12](#), found on page 289, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Senator Albrecht opened on her bill, LB626.

Senator Hunt opened on her motion, [MO12](#).

Pending.

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 357. Placed on General File.
LEGISLATIVE BILL 430. Placed on General File.

(Signed) Ben Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 754A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Moser filed the following amendment to LB136:

AM1246

1 I. Insert the following new sections:

2 Sec. 7. Section 60-1401, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 60-1401 Sections 60-1401 to 60-1441 and sections 8 and 9 of this act

5 shall be known and may be cited as the Motor Vehicle Industry Regulation

6 Act.

7 Any amendments to the act shall apply to franchises subject to the

8 act which are entered into, amended, altered, modified, renewed, or

9 extended after the date of the amendments to the act except as otherwise

10 specifically provided in the act.

11 All amendments to the act shall apply upon the issuance or renewal

12 of a dealer's or manufacturer's license.

13 Sec. 8. (1) Beginning January 1, 2025:

14 (a) Every person applying for an initial motor vehicle dealer's

15 license shall have completed eight hours of continuing education

16 authorized by the board within the twelve-month period immediately

17 preceding the date of application; and

18 (b) Every licensee applying for renewal of a motor vehicle dealer's

19 license shall have completed four hours of continuing education

20 authorized by the board within the twelve-month period immediately

21 preceding the date of application.

22 (2) Every application for the issuance or renewal of a motor vehicle

23 dealer's license shall be accompanied by documentation, as prescribed by

24 the board, of the completion of continuing education required under

25 subsection (1) of this section.

26 (3) The continuing education requirements of this section shall not

27 apply to:

1 (a) A motor vehicle dealer whose primary business is the sale of

2 salvage vehicles on behalf of motor vehicle insurers;

3 (b) A motor vehicle dealer that only buys and sells manufactured

4 homes;

5 (c) A motor vehicle dealer that only buys and sells trailers; or

6 (d) A franchised new car dealer licensed by the board or any

7 employee of such a franchised new car dealer.

8 Sec. 9. (1) Any person may apply to the board for authorization to

9 qualify an educational seminar for continuing education credit provided
 10 under section 8 of this act. The board shall require a complete and
 11 specific description of such educational seminar from the applicant prior
 12 to authorizing such educational seminar for continuing education credit.
 13 Such description shall include:
 14 (a) How the educational seminar will benefit a licensee in
 15 conducting business;
 16 (b) The length of time the educational seminar will be conducted;
 17 (c) A description of the method that will be used to record
 18 attendance during the educational seminar; and
 19 (d) Copies of any instructional materials that will be provided to
 20 attendees of the educational seminar.
 21 (2)(a) The board shall determine whether to approve or deny an
 22 application made under subsection (1) of this section. If authorization
 23 to qualify an educational seminar for continuing education credit is
 24 granted, the board shall also determine the number of continuing
 25 education credit hours authorized for the educational seminar.
 26 (b) Within ten days of receiving the application, the board shall
 27 notify the applicant of the board's approval or denial of such
 28 application, and, if applicable, the number of continuing education
 29 credit hours authorized.
 30 Sec. 10. Section 60-1404, Reissue Revised Statutes of Nebraska, is
 31 amended to read:
 1 60-1404 The board shall have the authority to employ an executive
 2 director who shall direct and administer the affairs of the board and who
 3 shall keep a record of all proceedings, transactions, communications, and
 4 official acts of the board. He or she shall be custodian of all records
 5 of the board and perform such other duties as the board may require. The
 6 executive director shall call a meeting of the board at the direction of
 7 the chairperson thereof or upon a written request of two or more members
 8 thereof. The executive director, with the approval of the board, is
 9 authorized to employ an attorney at a minimum salary of six hundred
 10 dollars per month together with such other employees, including staff for
 11 its attorney, as may be necessary to properly carry out the Motor Vehicle
 12 Industry Regulation Act, to fix the salaries of such employees, and to
 13 make such other expenditures as are necessary to properly carry out the
 14 act. ~~The office of the board shall be maintained in the State Capitol at~~
 15 ~~Lincoln and all files, records, and property of the board shall at all~~
 16 ~~times be and remain therein.~~ The executive director shall be the board's
 17 representative in the administration of the act, and he or she shall
 18 insure that the policies and directives of the board are carried out.
 19 2. Renumber the remaining section and correct internal references
 20 and the repealer accordingly.

Senator Erdman filed the following amendment to [LB136](#):
[AM1247](#)

1 1. Insert the following new sections:
 2 Sec. 7. (1) The Legislature hereby finds and declares that the
 3 transport and delivery of goods by vehicle plays a critical role in the
 4 Nebraska supply chain and economy, and, in many Nebraska communities,
 5 ground transportation is the only available form of delivery. A stable
 6 and safe ground transportation workforce, needed to deliver supplies to
 7 communities and offer good-paying jobs to Nebraskans, is important to the
 8 economic welfare of the state.
 9 (2) The Department of Motor Vehicles may contract with a nonprofit
 10 entity based in Nebraska to approve training providers to receive grants
 11 pursuant to this section.
 12 (3) A training provider may apply for a grant if it (a) is listed on
 13 the Federal Motor Carrier Safety Administration Training Provider
 14 Registry, (b) is licensed in Nebraska to provide such training, and (c)
 15 meets applicable requirements of the rules and regulations for driver
 16 training schools and instructors adopted and promulgated by the
 17 Department of Motor Vehicles. A recipient of a grant under this

18 subsection shall provide training to obtain a commercial driver's license
 19 at no cost to individuals.

20 (4) Any postsecondary educational institution in Nebraska, Nebraska-
 21 based employer, or third-party training provider that is licensed to
 22 provide diesel technology training in Nebraska may apply for a grant to
 23 provide training at no cost to individuals training to obtain a diesel
 24 technology degree or certificate.

25 (5) Any Nebraska-based employer, Nebraska-based employer consortium,
 26 or Nebraska-based nonprofit organization that sponsors or provides
 27 support for any individual described in subsection (3) or (4) of this
 1 section may apply for a grant to cover the costs of such sponsorship or
 2 support.

3 (6) The department, or any entity with which the department
 4 contracts for such purpose, may use up to seven percent of funds
 5 appropriated to carry out this section for administrative services.

6 (7) The department may adopt and promulgate rules and regulations to
 7 carry out this section.

8 (8) It is the intent of the Legislature to appropriate five million
 9 dollars for fiscal year 2023-24 to the department to carry out this
 10 section.

11 Sec. 8. Section 84-612, Revised Statutes Cumulative Supplement,
 12 2022, is amended to read:

13 84-612 (1) There is hereby created within the state treasury a fund
 14 known as the Cash Reserve Fund which shall be under the direction of the
 15 State Treasurer. The fund shall only be used pursuant to this section.

16 (2) The State Treasurer shall transfer funds from the Cash Reserve
 17 Fund to the General Fund upon certification by the Director of
 18 Administrative Services that the current cash balance in the General Fund
 19 is inadequate to meet current obligations. Such certification shall
 20 include the dollar amount to be transferred. Any transfers made pursuant
 21 to this subsection shall be reversed upon notification by the Director of
 22 Administrative Services that sufficient funds are available.

23 (3) In addition to receiving transfers from other funds, the Cash
 24 Reserve Fund shall receive federal funds received by the State of
 25 Nebraska for undesignated general government purposes, federal revenue
 26 sharing, or general fiscal relief of the state.

27 (4) The State Treasurer shall transfer fifty-four million seven
 28 hundred thousand dollars on or after July 1, 2019, but before June 15,
 29 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
 30 Fund on such dates and in such amounts as directed by the budget
 31 administrator of the budget division of the Department of Administrative
 1 Services.

2 (5) The State Treasurer shall transfer two hundred fifteen million
 3 five hundred eighty thousand dollars from the Cash Reserve Fund to the
 4 Nebraska Capital Construction Fund on or after July 1, 2022, but before
 5 June 15, 2023, on such dates and in such amounts as directed by the
 6 budget administrator of the budget division of the Department of
 7 Administrative Services.

8 (6) The State Treasurer shall transfer fifty-three million five
 9 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
 10 Canal Project Fund on or before June 30, 2023, on such dates and in such
 11 amounts as directed by the budget administrator of the budget division of
 12 the Department of Administrative Services.

13 (7) No funds shall be transferred from the Cash Reserve Fund to
 14 fulfill the obligations created under the Nebraska Property Tax Incentive
 15 Act unless the balance in the Cash Reserve Fund after such transfer will
 16 be at least equal to five hundred million dollars.

17 (8) The State Treasurer shall transfer thirty million dollars from
 18 the Cash Reserve Fund to the Military Base Development and Support Fund
 19 on or before June 30, 2023, but not before July 1, 2022, on such dates
 20 and in such amounts as directed by the budget administrator of the budget
 21 division of the Department of Administrative Services.

22 (9) The State Treasurer shall transfer eight million three hundred
 23 thousand dollars from the Cash Reserve Fund to the Trail Development and

24 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
25 such dates and in such amounts as directed by the budget administrator of
26 the budget division of the Department of Administrative Services.
27 (10) The State Treasurer shall transfer fifty million dollars from
28 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
29 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
30 as directed by the budget administrator of the budget division of the
31 Department of Administrative Services.
1 (11) The State Treasurer shall transfer thirty million dollars from
2 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
3 or after July 1, 2022, but before July 15, 2023, on such dates and in
4 such amounts as directed by the budget administrator of the budget
5 division of the Department of Administrative Services.
6 (12) The State Treasurer shall transfer twenty million dollars from
7 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
8 1, 2022, but before June 15, 2023, on such dates and in such amounts as
9 directed by the budget administrator of the budget division of the
10 Department of Administrative Services.
11 (13) The State Treasurer shall transfer twenty million dollars from
12 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
13 Fund on July 15, 2022, or as soon thereafter as administratively
14 possible, and in such amounts as directed by the budget administrator of
15 the budget division of the Department of Administrative Services.
16 (14) The State Treasurer shall transfer eighty million dollars from
17 the Cash Reserve Fund to the Jobs and Economic Development Initiative
18 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
19 and in such amounts as directed by the budget administrator of the budget
20 division of the Department of Administrative Services.
21 (15) The State Treasurer shall transfer twenty million dollars from
22 the Cash Reserve Fund to the Site and Building Development Fund on July
23 15, 2022, or as soon thereafter as administratively possible, and in such
24 amounts as directed by the budget administrator of the budget division of
25 the Department of Administrative Services.
26 (16) The State Treasurer shall transfer fifty million dollars from
27 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
28 on or after July 15, 2022, but before January 1, 2023, on such dates and
29 in such amounts as directed by the budget administrator of the budget
30 division of the Department of Administrative Services.
31 (17) The State Treasurer shall transfer fifteen million dollars from
1 the Cash Reserve Fund to the Site and Building Development Fund on or
2 before June 30, 2022, on such dates and in such amounts as directed by
3 the budget administrator of the budget division of the Department of
4 Administrative Services.
5 (18) The State Treasurer shall transfer fifty-five million dollars
6 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
7 or before June 30, 2022, on such dates and in such amounts as directed by
8 the budget administrator of the budget division of the Department of
9 Administrative Services.
10 (19) The State Treasurer shall transfer five million dollars from
11 the Cash Reserve Fund to the General Fund as soon as administratively
12 possible after September 10, 2023, on such dates and in such amounts as
13 directed by the budget administrator of the budget division of the
14 Department of Administrative Services.
15 2. Renumber the remaining section and correct internal references
16 and the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 626. Senator Hunt renewed [MO12](#), found on page 289 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

SPEAKER ARCH PRESIDING

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 276. Placed on Final Reading.
LEGISLATIVE BILL 276A. Placed on Final Reading.

LEGISLATIVE BILL 296. Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "insurance" in line 1 through line 2 has been struck and "insurance; to amend section 44-312, Reissue Revised Statutes of Nebraska; to adopt the Pet Insurance Act; to change provisions relating to the reimbursement rate for telehealth service; to define terms; to require the use of a distinct National Provider Identifier as prescribed; to provide operative dates; and to repeal the original section." inserted.

LEGISLATIVE BILL 298. Placed on Final Reading.

ST1

The following changes, required to be reported for publication in the Journal, have been made:

1. In the McKinney amendment, AM1188, on page 2, line 2, an underscored comma has been inserted after "wigs".

2. On page 1, the matter beginning with "education" in line 1 through line 4 has been struck and "education; to require each school district to collect and provide information regarding learning disabilities and the school board of each school district to adopt a written dress code and grooming policy as prescribed; to require the State Department of Education to provide a report and to develop a model dress code and grooming policy for schools as prescribed; and to define terms." inserted.

3. On page 2, line 1, the first occurrence of "of" has been struck and "or" inserted.

LEGISLATIVE BILL 298A. Placed on Final Reading.

LEGISLATIVE BILL 775. Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Conrad amendment, AM1178, sections 1 and 2 have been renumbered as sections 2 and 3 respectively.

2. In the Standing Committee amendments, AM709:

a. On page 1, line 5, "3 and 8" has been struck and "6 and 11" inserted; in line 10 "3" has been struck and "6" inserted; and in line 15 "8" has been struck and "11" inserted;

b. On page 3, line 1, "8" has been struck and "11" inserted;

c. On page 18, line 9, "2-1205, 9-204, 9-204.04," has been inserted after "sections"; and in line 10 "9-1110," has been inserted after the third comma.

3. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "gambling; to amend sections 2-1205, 9-204, 9-204.04, 9-601, 9-603, 9-606, 9-607, 9-646.01, 9-651, 9-1103, 9-1106, 9-1110, 81-3717, and 81-3720, Reissue Revised Statutes of Nebraska; to change provisions relating to horseracing, the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Racetrack Gaming Act, and the Nebraska Visitors Development Act; and to repeal the original sections." inserted.

(Signed) Beau Ballard, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 88. Introduced by Day, 49.

WHEREAS, the National Center for American Indian Enterprise Development's Native American 40 Under 40 Awards recognize young Native Americans across the country who demonstrate leadership, initiative, and dedication and make significant contributions in business and in their community; and

WHEREAS, Alexander Mallory of the Winnebago Tribe of Nebraska was selected as a recipient of this award and was formally presented with the award on April 4, 2023, during a reception at the Reservation Economic Summit in Las Vegas, Nevada; and

WHEREAS, Alexander was inspired by his father, uncles, and paternal grandfather throughout his youth; and

WHEREAS, Alexander graduated with Distinction from the University of Nebraska-Lincoln in 2016; and

WHEREAS, Alexander went on to attend the Sandra Day O'Connor College of Law at Arizona State University and earned a law degree with Highest Pro Bono Distinction for giving legal assistance at no cost in 2019; and

WHEREAS, Alexander has demonstrated the qualities of a leader from a young age and continues to be a shining example of what the National Center for American Indian Enterprise Development stands for.

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

1. That the Legislature congratulates Alexander Mallory on being part of the 2023 class of the Native American 40 Under 40 Awards.

2. That copies of this resolution be sent to Alexander Mallory and the Nebraska Commission on Indian Affairs.

Laid over.

VISITORS

Visitors to the Chamber were Kelsey Smith and C.J. Trapeur, Gothenburg; members of the 2023 Phi Theta Kappa All Nebraska Academic Team from Nebraska Community Colleges; Catholics at the Capitol-Group A from across the state.

RECESS

At 11:58 a.m., on a motion by Senator J. Cavanaugh the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Blood, Bostar, Bostelman, Clements, Day, Dorn, Dover, Erdman, Hunt, McDonnell, McKinney, Murman, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 626. Senator Hunt renewed [MO12](#), found on page 289 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

SPEAKER ARCH PRESIDING**PRESIDENT KELLY PRESIDING**

Pending.

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 562. Placed on General File with amendment. [AM1248](#) is available in the Bill Room.

(Signed) Steve Halloran, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 89. Introduced by Lippincott, 34.

WHEREAS, the Nebraskans for the Arts annually presents the NebraskARTS Award which recognizes select schools or school districts that make notable and worthwhile contributions to the arts and arts education in the State of Nebraska; and

WHEREAS, Palmer Public Schools demonstrates a high education standard and provides all its students the opportunity to enjoy, excel, and learn through the arts; and

WHEREAS, Palmer Public Schools provides numerous opportunities for students to improve their craft and share their talent and hard work with their community and surrounding areas; 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, FIRST SESSION:

1. That the Legislature congratulates Palmer Public Schools for their receiving the 2022-23 NebraskARTS Award.

2. That a copy of this resolution be sent to the Palmer Public Schools superintendent on behalf of the students, teachers, staff, and parents of Palmer Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 90. Introduced by Murman, 38.

WHEREAS, Robert "Bob" Crumbliss was born on May 21, 1936, in Fayetteville, North Carolina, and was adopted by Walter and Lucille Crumbliss; and

WHEREAS, after growing up in Scottsbluff, Nebraska, Bob attended Nebraska Wesleyan University where he met the love of his life, Mary Bohling Crumbliss; and

WHEREAS, Bob served in the United States Navy from 1959 to 1962 before moving to Edgar, Nebraska, with Mary; and

WHEREAS, Bob operated and maintained the family farm near Edgar, Nebraska, and was a proud steward of the land and his town; and

WHEREAS, Bob showcased his care for the community of Edgar by serving as a business teacher at Edgar High School for thirty-five years and as an EMT and volunteer fireman for the Edgar Fire Department; and

WHEREAS, Bob deeply loved and cared for his family and attended as many of his grandchildren's events as possible; and

WHEREAS, Bob had two children, Mame and Rob, and seven grandchildren, Preston, Scott, Makenzie, Connor, Mason, Kaelyn, and Ella; and

WHEREAS, Bob passed away on Friday, February 17, 2023, at the age of eighty-six.

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

1. That the Legislature honors Robert "Bob" Crumbliss for his contributions to the town of Edgar, Nebraska, his service in the Navy, and his work in agriculture.

2. That the Legislature offers its condolences to the family of Bob Crumbliss.

3. That a copy of this resolution be sent to the family of Bob Crumbliss.

Laid over.

LEGISLATIVE RESOLUTION 91. Introduced by Wayne, 13.

WHEREAS, Second Chance Month has been observed in April in the United States since 2017 in an effort to raise awareness of the collateral consequences of criminal, and especially felony, convictions and to seek solutions; and

WHEREAS, the criminal justice system in the United States should provide individuals an opportunity for redemption and rehabilitation; and

WHEREAS, each year over six hundred thousand individuals return to their communities from state and federal prison; and

WHEREAS, transitioning back into society from incarceration can be challenging for individuals who were formerly incarcerated, their families, and their communities and many individuals face legal and practical barriers to reentry; and

WHEREAS, it is important to remove barriers to reentry for individuals with criminal convictions and provide second chance opportunities in employment, housing, education, civic engagement, and access to mental health and addiction treatment; and

WHEREAS, a commitment to second chance opportunities with a focus on prevention, reentry, and social support, can help reduce recidivism, making communities stronger and safer and ensuring that the United States is a land of opportunity for all people.

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

1. That the Legislature recognizes April as Second Chance Month in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Cavanaugh, J., 9; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, on April 10, 1998, the governments of the United Kingdom and the Republic of Ireland reached a historic peace agreement known as the Good Friday Agreement; and

WHEREAS, the Good Friday Agreement marked a peaceful resolution to decades of violent conflict commonly known as the Troubles; and

WHEREAS, the Good Friday Agreement represented a landmark breakthrough that provided Ireland with a political framework to address its future; and

WHEREAS, the Good Friday Agreement acknowledged the right of differing political traditions to pursue the goals of remaining part of the United Kingdom or uniting with Ireland; and

WHEREAS, the Good Friday Agreement demonstrated a democratic and peaceful means of resolving differences; and

WHEREAS, political leaders of the United States were instrumental in mediating negotiations between the two governments; and

WHEREAS, 2023 marks the twenty-fifth anniversary of the Good Friday Agreement.

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

1. That the Legislature commemorates the twenty-fifth anniversary of the signing of the Good Friday Agreement.

2. That the Legislature recognizes the ongoing support and implementation of the Good Friday Agreement by both the government of the United Kingdom and the government of the Republic of Ireland.

Laid over.

LEGISLATIVE RESOLUTION 93. Introduced by Cavanaugh, J., 9; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the 2022-23 Creighton University Bluejays men's basketball team reached the Elite Eight in the National Collegiate Athletic Association Division I Men's Basketball Tournament for the first time since 1941, and the first time since the tournament field expanded to sixty-four teams; and

WHEREAS, the sixth seed Bluejays defeated eleventh seed North Carolina State, third seed Baylor, and fifteenth seed Princeton before falling to fifth seed San Diego State in the South Regional Final; and

WHEREAS, junior Ryan Kalkbrenner earned his second consecutive Big East Defensive Player of the Year award and First-Team All-Big East honors; and

WHEREAS, junior Ryan Kalkbrenner, sophomores Ryan Nembhard, Arthur Kaluma, and Trey Alexander, and senior and native of Aurora, Nebraska, Baylor Scheierman made up the starting lineup of the Bluejays; and

WHEREAS, Creighton head coach Greg McDermott completed his thirteenth season with the Bluejays and finished the year with a career record of three hundred wins and one hundred fifty losses with Creighton; and

WHEREAS, Creighton finished the 2022-23 season with a record of twenty-four wins and thirteen losses; and

WHEREAS, Creighton men's basketball has received tremendous support from the Omaha and Creighton community.

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

1. That the Legislature congratulates the Creighton University Bluejays men's basketball team on reaching the Elite Eight.
2. That copies of this resolution be sent to head coach Greg McDermott and the Creighton University Bluejays men's basketball team.

Laid over.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB565](#):
[MO936](#)
Bracket until June 1, 2023.

AMENDMENTS - Print in Journal

Senator Armendariz filed the following amendment to [LB684](#):
[FA40](#)
Section 1, line 5 strike July 1, 2023 and replace with July 2, 2023.

Senator Raybould filed the following amendment to [LB753](#):
[FA41](#)
On page 2, line 6, strike "2028" and insert "2024".

GENERAL FILE

LEGISLATIVE BILL 626. Senator Hunt renewed [MO12](#), found on page 289 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:30 p.m. until 6:02 p.m.

PRESIDENT KELLY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 626. Senator Hunt renewed [MO12](#), found on page 289 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Senator Albrecht offered the following motion:
[MO939](#)
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

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

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

The Albrecht motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

The Hunt motion to indefinitely postpone, prior to the bill being read, failed with 14 ayes, 33 nays, and 2 present and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 16 nays, and 0 not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 254. Title read. Considered.

Committee [AM698](#), found on page 737, was offered.

Senator M. Cavanaugh offered [MO408](#), found on page 942, to bracket until June 1, 2023.

SENATOR B. HANSEN PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator McDonnell filed the following amendment to [LB617](#): [AM1315](#) is available in the Bill Room.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Jeffreys, Robey L. - Director, Department of Correctional Services -
Judiciary

(Signed) Tom Briese, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING

Judiciary
Rm 1113 12:00 PM

Wednesday, April 19, 2023
Robey L. Jeffreys - Department of Correctional Services

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO408](#), found on page 942 and considered in this day's Journal, to bracket until June 1, 2023.

PRESIDENT KELLY PRESIDING

Pending.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Moser name added to LB136.
Senator Bosn name added to LB137.
Senator Bosn name added to LB138.
Senator Murman name added to LB254.
Senator Bosn name added to LB435.
Senator Bosn name added to LB436.
Senator Bosn name added to LB753.

VISITORS

Visitors to the Chamber were social work students and faculty from Chadron State College, Union College, Creighton University, Grace Abbott

School of Social Work at UNO, Nebraska Wesleyan University; and UNK; Catholics at the Capitol-Group B from across the state; students and teachers from Elwood Public School, Elwood; students from Christ Lutheran School, Norfolk.

ADJOURNMENT

At 8:23 p.m., on a motion by Senator Bostar, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 13, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 13, 2023

PRAYER

The prayer was offered by Senator Erdman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Speaker Arch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Dover, Linehan, McKinney, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 94. Introduced by Holdcroft, 36.

WHEREAS, Gavin Mielke of Papillion, Nebraska, a member of Papillion Boy Scout Troop 888 and a student at Papillion La Vista South High School, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for his community service project, Gavin designed and coordinated the construction of benches, a stone fire pit, and a fire ring for the campground at Walnut Creek Recreation Area in Papillion, Nebraska; and

WHEREAS, Gavin recruited scouts from his troop to participate in constructing the benches, excavating and filling the fire pit base, and constructing the fire ring. He also contacted and engaged two local masons to help with the more technical aspects of setting the stone; and

WHEREAS, two hundred thirty-one hours of work were invested into the community service project; and

WHEREAS, Gavin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Gavin Mielke on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Gavin Mielke.

Laid over.

SELECT FILE

LEGISLATIVE BILL 574. Senator Hunt offered [MO664](#), found on page 961, to bracket until June 2, 2023.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

VISITORS

Visitors to the Chamber were Margaret Stamp, Plattsmouth; Greenheart Exchange, Lincoln and Fremont; Dr. Alex Dworak; students from Elgin Public Schools, Elgin.

RECESS

At 11:57 a.m., on a motion by Senator Bostelman, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht, Armendariz, Bostar, DeKay, Dorn, Dover, Dungan, Hunt, Jacobson, Murman, and Walz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt renewed [MO664](#), found on page 961 and considered in this day's Journal, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt withdrew [MO102](#), found on page 852, to bracket.

Senator Hunt withdrew [MO663](#), found on page 961, to recommit to committee.

Senator Kauth offered [AM872](#), found on page 776.

The Kauth amendment was withdrawn.

Senator Kauth offered [AM975](#), found on page 848.

Pending.

EASE

The Legislature was at ease from 2:14 p.m. until 2:29 p.m.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 815. Placed on Select File.

LEGISLATIVE BILL 816. Placed on Select File.

LEGISLATIVE BILL 282. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File with amendment.

[ER22](#)

1 1. On page 1, strike beginning with "judges" in line 1 through line
2 4 and insert "law; to amend sections 24-209, 24-211, 24-212, 24-503,
3 24-1109, 48-152, 48-153, 49-506, 49-617, and 49-702, Reissue Revised
4 Statutes of Nebraska, and sections 24-201.01 and 85-177, Revised Statutes
5 Cumulative Supplement, 2022; to change judges' salaries, provisions
6 relating to published judicial opinions as prescribed, the number of
7 county court judges and Nebraska Workers' Compensation Court judges, and

8 provisions relating to the College of Law; to rename the Reporter of the
9 Supreme Court and Court of Appeals as the Reporter of Decisions and
10 provide duties; to harmonize provisions; to provide operative dates; to
11 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 799A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 95. Introduced by Blood, 3; Bosn, 25; Brandt, 32; Cavanaugh, J., 9; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Fredrickson, 20; Halloran, 33; Holdcroft, 36; Hughes, 24; Jacobson, 42; Kauth, 31; Lowe, 37; McDonnell, 5; Murman, 38; Raybould, 28; Vargas, 7; Wishart, 27.

WHEREAS, Jordyn Keeney became the first woman to officiate a championship game at the Nebraska School Activities Association Boys State Basketball Championships by officiating the Class C-2 Boys State Basketball championship game between Freeman and Amherst; and

WHEREAS, following in her father's footsteps, Keeney began officiating YMCA games while attending college prior to moving on to officiating varsity sports; and

WHEREAS, Keeney previously officiated thirty-five boys and girls basketball games for the 2022-23 season before the Nebraska School Activities Association selected her for the championship game; and

WHEREAS, Keeney has been a trailblazer inspiring other female officials in sports where they are outnumbered twenty to one by men; and

WHEREAS, it is appropriate for the Legislature to also express gratitude to the women who came before this historic event and paved the way for the event to happen.

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

1. That the Legislature congratulates Jordyn Keeney on being the first woman to officiate a championship game at the Nebraska School Activities Association Boys State Basketball Championships.

2. That a copy of this resolution be sent to Jordyn Keeney.

Laid over.

RECESS

At 2:30 p.m., on a motion by Senator Conrad, the Legislature recessed until 3:00 p.m.

AFTER RECESS

The Legislature reconvened at 3:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senator Bosn who was excused until she arrives.

SELECT FILE

LEGISLATIVE BILL 574. Senator Kauth renewed [AM975](#), found on page 848 and considered in this day's Journal.

Senator Kauth offered the following motion:

[MO940](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kauth moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Kauth motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

Senator Kauth requested a roll call vote on her amendment.

Voting in the affirmative, 11:

Aguilar	Cavanaugh, M.	McDonnell	Walz
Blood	Day	Raybould	Wishart
Brandt	Dorn	Vargas	

Voting in the negative, 28:

Albrecht	Brewer	Halloran	Jacobson	Riepe
Arch	Briese	Hansen	Kauth	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dover	Hughes	Moser	
Bostelman	Erdman	Ibach	Murman	

Present and not voting, 10:

Bostar	Conrad	Dungan	Hunt	McKinney
Cavanaugh, J.	DeBoer	Fredrickson	Linehan	Wayne

The Kauth amendment lost with 11 ayes, 28 nays, and 10 present and not voting.

Senator Kauth requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 16:

Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Dungan	Raybould	Wishart

Advanced to Enrollment and Review for Engrossment with 33 ayes, 16 nays, and 0 not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 753. Senator Hunt offered [MO822](#), found on page 974, to bracket until June 1, 2023.

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:31 p.m. until 6:07 p.m.

PRESIDENT KELLY PRESIDING

SELECT FILE

LEGISLATIVE BILL 753. Senator Hunt renewed [MO822](#), found on page 974 and considered in this day's Journal, to bracket until June 1, 2023.

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

Senator Hunt requested a roll call vote on her motion to bracket.

Voting in the affirmative, 3:

Cavanaugh, J. Conrad Dungan

Voting in the negative, 33:

Aguilar	Briese	Hansen	Linehan	Riepe
Albrecht	Clements	Hardin	Lippincott	Sanders
Arch	DeKay	Holdcroft	Lowe	Slama
Armendariz	Dorn	Hughes	McDonnell	von Gillern
Bostelman	Dover	Ibach	McKinney	Wayne
Brandt	Erdman	Jacobson	Moser	
Brewer	Halloran	Kauth	Murman	

Present and not voting, 8:

Bostar	DeBoer	Hunt	Vargas
Cavanaugh, M.	Fredrickson	Raybould	Walz

Excused and not voting, 5:

Ballard	Blood	Bosn	Day	Wishart
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The Hunt motion to bracket failed with 3 ayes, 33 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO941](#)

Reconsider the vote taken on MO822.

Senator M. Cavanaugh withdrew her motion to reconsider.

Senator Hunt withdrew [MO821](#), found on page 974, to recommit to committee.

Senator Hunt withdrew [MO820](#), found on page 974, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew [MO824](#), found on page 974, to recommit to committee.

Senator Hunt withdrew [MO825](#), found on page 974, to bracket.

Senator J. Cavanaugh offered [AM739](#), found on page 710.

The J. Cavanaugh amendment was withdrawn.

Senator Raybould offered [AM1233](#), found on page 1063.

The Raybould amendment lost with 7 ayes, 28 nays, 9 present and not voting, and 5 excused and not voting.

Senator Linehan offered [AM1253](#), found on page 1078.

Senator Raybould offered [FA41](#), found on page 1102, to [AM1253](#).

The Raybould amendment was withdrawn.

Senator Linehan offered the following motion:

[MO942](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

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

Voting in the affirmative, 34:

Aguilar	Brewer	Hansen	Linehan	Raybould
Albrecht	Briese	Hardin	Lippincott	Riepe
Arch	Clements	Holdcroft	Lowe	Sanders
Armendariz	DeKay	Hughes	McDonnell	Slama
Ballard	Dover	Ibach	McKinney	von Gillern
Bosn	Erdman	Jacobson	Moser	Wayne
Bostelman	Halloran	Kauth	Murman	

Voting in the negative, 9:

Bostar	Cavanaugh, M.	DeBoer	Fredrickson	Wishart
Cavanaugh, J.	Conrad	Dungan	Hunt	

Present and not voting, 4:

Brandt	Dorn	Vargas	Walz
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Excused and not voting, 2:

Blood	Day
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The Linehan motion to invoke cloture prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

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

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

Voting in the affirmative, 33:

Aguilar	Brewer	Hansen	Linehan	Riepe
Albrecht	Briese	Hardin	Lippincott	Sanders
Arch	Clements	Holdcroft	Lowe	Slama
Armendariz	DeKay	Hughes	McDonnell	von Gillern
Ballard	Dover	Ibach	McKinney	Wayne
Bosn	Erdman	Jacobson	Moser	
Bostelman	Halloran	Kauth	Murman	

Voting in the negative, 11:

Bostar	Conrad	Fredrickson	Walz
Cavanaugh, J.	DeBoer	Hunt	Wishart
Cavanaugh, M.	Dungan	Raybould	

Present and not voting, 3:

Brandt	Dorn	Vargas
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Excused and not voting, 2:

Blood	Day
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Advanced to Enrollment and Review for Engrossment with 33 ayes, 11 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 753A. Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO943](#)

Bracket until June 1, 2023.

Senator Linehan offered the following motion:

[MO944](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh, M. Dungan

Excused and not voting, 5:

Aguilar Blood Day Raybould Vargas

The Linehan motion to invoke cloture prevailed with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

Voting in the affirmative, 3:

Cavanaugh, J. Cavanaugh, M. Hunt

Voting in the negative, 41:

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

Excused and not voting, 5:

Aguilar Blood Day Raybould Vargas

The M. Cavanaugh motion to bracket failed with 3 ayes, 41 nays, and 5 excused and not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 2:

Cavanaugh, M. Hunt

Excused and not voting, 5:

Aguilar Blood Day Raybould Vargas

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 103. Placed on Final Reading.

[ST6](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "retirement" in line 1 through line 7 and all amendments thereto have been struck and "retirement; to amend sections 23-2301, 23-2323.01, 23-2332, and 23-2332.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710.01, 24-710.04, 79-902, 79-920, 79-926, 81-2014, 81-2034, 84-1301, and 84-1325, Revised Statutes Cumulative Supplement, 2022; to redefine and eliminate terms under the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to change provisions relating to applicable military service, participation in the School Employees Retirement System of the State of Nebraska, and contribution rates applicable to the County Employees Retirement Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 138. Placed on Final Reading.

[ST4](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the DeBoer amendment, AM1218, section 29 has been renumbered as section 47.
2. In the Raybould amendment, AM1207:

- a. Sections 20, 21, 22, 23, 24, 25, 26, 28, and 29 have been renumbered as 34, 35, 36, 37, 38, 39, 40, 42, and 43, respectively;
 - b. On page 1, lines 4 and 10 and 11, "23, 24, 25, and 26" has been struck and "37, 38, 39, and 40" inserted; and
 - c. On page 3, line 31, "1" has been struck and "(1)" inserted.
3. In the Moser amendment, AM1138:
- a. Section 31 has been struck and the following new section inserted: Sec. 54. Sections 21 and 55 of this act become operative on July 1, 2023. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 56 of this act become operative three calendar months after the adjournment of this legislative session. Sections 54 and 57 of this act become operative on their effective date.
 - b. Sections 12, 32, and 34 have been renumbered as 21, 55, and 57, respectively.
4. In the Brewer amendment, AM837:
- a. Section 38 has been struck and the following new section inserted: Sec. 56. Original sections 3-107, 13-1205, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022, are repealed.
 - b. On page 1, lines 4, 10, and 20; page 2, lines 1 and 13; page 4, line 4; page 5, line 22; and page 14, line 12, "14" has been struck and "19" inserted.
5. On page 1, the matter beginning with "motor" in line 1 through line 11 has been struck and "transportation; to amend sections 3-107, 13-1205, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,115, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022; to provide for the use of the Highway Cash Fund for administrative costs of the Division of Aeronautics of the Department of Transportation; to provide powers and duties; to change the required county contribution for bridge replacement; to provide for adjustments to threshold amounts for road construction contracts; to adopt updates to federal law and update certain federal references; to change provisions of the Motor Vehicle Operator's License Act as prescribed; to define and redefine terms; to provide for the regulation of electric bicycles as prescribed; to change and provide for certain penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 683. Placed on Final Reading.

ST5

- The following changes, required to be reported for publication in the Journal, have been made:
- 1. In the Bostar amendment, AM1181, sections 18, 19, 20, and 28 have been renumbered as 19, 20, 21, and 31, respectively.
 - 2. In the Geist amendment, AM1142:
 - a. On page 1, line 21, "5, 7, and 9" has been struck and "6, 8, and 10" inserted;
 - b. On page 2, line 1, "5" has been struck and "6" inserted;
 - c. On page 10, line 8, "7" has been struck and "8" inserted;
 - d. On page 11, line 13, "11 to 17" has been struck and "12 to 18" inserted; and
 - e. On page 13, line 20, "15" has been struck and "16" inserted.
 - 3. In the Standing Committee amendment, AM870:
 - a. The following section has been inserted: Sec. 29. Sections 19, 20, 21, and 31 of this act become operative on January 1, 2025. The remaining sections of this act become operative on their effective date.
 - b. On page 2, line 23, "2" has been struck and "3" inserted.
 - 4. On page 1, the matter beginning with "broadband" in line 1 through line 7 and all amendments thereto have been struck and "infrastructure; to amend sections 39-2805, 66-4,100, 81-502.03, and 86-125, Reissue Revised Statutes of Nebraska, and sections 76-2301, 76-2303,

76-2323, 76-2325, 86-324, 86-328, 86-331, 86-333, 86-1103, 86-1241, 86-1304, 86-1309, and 86-1312, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the County Bridge Match Program, the Highway Cash Fund, and the Roads Operation Cash Fund; to provide duties for the Department of Transportation; to define terms; to change provisions of the One-Call Notification System Act and provide duties for the State Fire Marshal; to create the Underground Excavation Safety Committee; to provide for a civil penalty; to adopt the Rural Communications Sustainability Act; to change provisions relating to a registration filed by a communications provider and the Nebraska Telecommunications Universal Service Fund; to create the Nebraska Broadband Office and provide duties; to require a report; to change provisions relating to a broadband access map, the state broadband coordinator, the Nebraska Broadband Bridge Act, and the Small Wireless Facilities Deployment Act; to eliminate a report; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 76-2325.02, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency." inserted.

AMENDMENT - Print in Journal

Senator B. Hansen filed the following amendment to [LB227](#):
[AM1332](#) is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator DeKay name added to LB138.
Senator Holdcroft name added to LB254.
Senator Holdcroft name added to LB606.
Senator Walz name added to LB647.
Senator Ballard name added to LB736.
Senator DeKay name added to LR88.

VISITORS

Visitors to the Chamber were Tristan Scorpio, Omaha; students from Jefferson Elementary, Norfolk; Alex and Lawrence Wallace.

ADJOURNMENT

At 8:51 p.m., on a motion by Senator Conrad, the Legislature adjourned until 9:00 a.m., Friday, April 14, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 14, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 14, 2023

PRAYER

The prayer was offered by Senator Lippincott.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Armendariz.

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 Moser, Raybould, and Slama who were excused; and Senators Bostar, Day, Dover, Hunt, Linehan, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 13, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Helgenberger, Sheena
The Wellbeing Partners
Holman, Caitlin
Neilan Strategy Group
Husch Blackwell Strategies

Blue Cloud
 Lynch, Tim
 National Insurance Crime Bureau (Withdrawn 04/10/2023)
 Poindexter, Nicole
 Human Rights Campaign
 Slade, Marcus
 Airbnb, Inc (Withdrawn 04/12/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

GENERAL FILE

LEGISLATIVE BILL 227. Senator Hunt offered [MO392](#), found on page 941, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3 (f).

Senator B. Hansen opened on the Health and Human Services Committee bill, LB227.

Senator Hunt opened on her motion, [MO392](#).

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to indefinitely postpone, prior to the bill being read.

Voting in the affirmative, 0.

Voting in the negative, 38:

Albrecht	Brewer	Fredrickson	Kauth	Sanders
Arch	Briese	Halloran	Linehan	Vargas
Armendariz	Cavanaugh, J.	Hansen	Lippincott	von Gillern
Ballard	Conrad	Hardin	Lowe	Walz
Blood	DeBoer	Holdcroft	McDonnell	Wayne
Bosn	DeKay	Hughes	McKinney	Wishart
Bostelman	Dorn	Ibach	Murman	
Brandt	Dungan	Jacobson	Riepe	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 10:

Aguilar	Clements	Dover	Hunt	Raybould
Bostar	Day	Erdman	Moser	Slama

The Hunt motion to indefinitely postpone, prior to the bill being read, failed with 0 ayes, 38 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO945](#)

Reconsider the vote taken on MO392.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 4 nays, and 31 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 31:

Albrecht	Brewer	Halloran	Kauth	von Gillern
Arch	Briese	Hansen	Linehan	Walz
Ballard	Cavanaugh, J.	Hardin	Lowe	Wayne
Blood	Conrad	Holdcroft	McKinney	
Bosn	DeBoer	Hughes	Murman	
Bostelman	Dungan	Ibach	Riepe	
Brandt	Fredrickson	Jacobson	Sanders	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 17:

Aguilar	Day	Erdman	Moser	Wishart
Armendariz	DeKay	Hunt	Raybould	
Bostar	Dorn	Lippincott	Slama	
Clements	Dover	McDonnell	Vargas	

The M. Cavanaugh motion to reconsider failed with 0 ayes, 31 nays, 1 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [MO394](#), found on page 942, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 33:

Albrecht	Brandt	Dungan	Ibach	Riepe
Arch	Brewer	Fredrickson	Jacobson	Sanders
Ballard	Briese	Halloran	Kauth	von Gillern
Blood	Cavanaugh, J.	Hansen	Linehan	Walz
Bosn	Conrad	Hardin	Lowe	Wayne
Bostar	Day	Holdcroft	McKinney	
Bostelman	DeBoer	Hughes	Murman	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 15:

Aguilar	DeKay	Erdman	McDonnell	Slama
Armendariz	Dorn	Hunt	Moser	Vargas
Clements	Dover	Lippincott	Raybould	Wishart

The Hunt motion to bracket failed with 0 ayes, 33 nays, 1 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO946](#)

Reconsider the vote taken on MO394.

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

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 33:

Albrecht	Brandt	Fredrickson	Ibach	Riepe
Arch	Brewer	Halloran	Jacobson	Sanders
Ballard	Cavanaugh, J.	Hansen	Kauth	von Gillern
Blood	Conrad	Hardin	Linehan	Walz
Bosn	Day	Holdcroft	Lowe	Wayne
Bostar	DeBoer	Hughes	McKinney	
Bostelman	Dungan	Hunt	Murman	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 15:

Aguilar	Clements	Dover	McDonnell	Slama
Armendariz	DeKay	Erdman	Moser	Vargas
Briese	Dorn	Lippincott	Raybould	Wishart

The M. Cavanaugh motion to reconsider failed with 0 ayes, 33 nays, 1 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [MO393](#), found on page 941, to recommit to Health and Human Services Committee.

Senator Hunt moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

Senator Hunt requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 34:

Albrecht	Brandt	Dungan	Hunt	Murman
Arch	Brewer	Fredrickson	Ibach	Riepe
Ballard	Briese	Halloran	Jacobson	Sanders
Blood	Cavanaugh, J.	Hansen	Kauth	von Gillern
Bosn	Conrad	Hardin	Linehan	Walz
Bostar	Day	Holdcroft	Lowe	Wayne
Bostelman	DeBoer	Hughes	McKinney	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 14:

Aguilar	DeKay	Erdman	Moser	Vargas
Armendariz	Dorn	Lippincott	Raybould	Wishart
Clements	Dover	McDonnell	Slama	

The Hunt motion to recommit to committee failed with 0 ayes, 34 nays, 1 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO949](#)

Reconsider the vote taken on MO393.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 7 nays, and 31 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Wayne

Voting in the negative, 31:

Albrecht	Brewer	Halloran	Jacobson	Sanders
Arch	Briese	Hansen	Kauth	von Gillern
Ballard	Cavanaugh, J.	Hardin	Linehan	Walz
Blood	Conrad	Holdcroft	Lowe	
Bostar	Day	Hughes	McKinney	
Bostelman	Dungan	Hunt	Murman	
Brandt	Fredrickson	Ibach	Riepe	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 16:

Aguilar	DeBoer	Erdman	Raybould
Armendariz	DeKay	Lippincott	Slama
Bosn	Dorn	McDonnell	Vargas
Clements	Dover	Moser	Wishart

The M. Cavanaugh motion to reconsider failed with 1 aye, 31 nays, 1 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

Committee [AM848](#), found on page 784, was offered.

Senator B. Hansen offered [AM1332](#), found on page 1119, to the committee amendment.

Senator M. Cavanaugh requested a division of the question on the B. Hansen amendment, to the committee amendment.

The Chair sustained the division of the question.

The first B. Hansen amendment, to the committee amendment, is as follows:

[FA42](#)

First Hansen Division is Section 59, containing the contents of LB227, as amended by the committee amendments.

The second B. Hansen amendment, to the committee amendment, is as follows:

[FA43](#)

Second Hansen Division is sections 54 through 56, containing the contents of LB434.

The third B. Hansen amendment, to the committee amendment, is as follows:

[FA44](#)

Third Hansen Division is sections 54 and 57, containing the contents of LB219.

The fourth B. Hansen amendment, to the committee amendment, is as follows:

[FA48](#)

Fourth Hansen Division is section 51 and 52, containing the contents of LB548.

The fifth B. Hansen amendment, to the committee amendment, is as follows:

[FA49](#)

Fifth Hansen Division is section 64, containing the contents of LB611, as amended by the committee amendments.

The sixth B. Hansen amendment, to the committee amendment, is as follows:

[FA50](#)

Sixth Hansen Division is section 63, containing the contents of LB402, as amended by the committee amendments.

The seventh B. Hansen amendment, to the committee amendment, is as follows:

[FA51](#)

Seventh Hansen Division is sections 65 and 66, containing the contents of LB458.

The first B. Hansen amendment, [FA42](#), found in this day's Journal, to the committee amendment, was offered.

The first B. Hansen amendment, to the committee amendment, was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

The second B. Hansen amendment, [FA43](#), found in this day's Journal, to the committee amendment, was offered.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 531. Placed on Select File with amendment.

[ER23](#)

1 1. In the McKinney amendment, AM1222, on page 9, line 7, strike
2 "Services" and insert "Service".
3 2. On page 1, strike beginning with "the" in line 1 through line 10
4 and insert "economic development; to amend sections 81-12,224, 81-12,238,
5 81-12,240, 81-12,241, 81-12,243, 81-12,244, and 84-612, Revised Statutes
6 Cumulative Supplement, 2022; to change provisions relating to the Shovel-
7 Ready Capital Recovery and Investment Fund; to define a term; to change
8 provisions of and authorize certain grants under the Economic Recovery
9 Act; to transfer funds from the Cash Reserve Fund as prescribed; to
10 authorize the Department of Natural Resources to award a grant as
11 prescribed; to harmonize provisions; to repeal the original sections; and
12 to declare an emergency.".

(Signed) Beau Ballard, Chairperson

MOTIONS - Print in Journal

Senator B. Hansen filed the following motion to [LB227](#):

[MO948](#)

Bracket until June 9, 2023.

Senator B. Hansen filed the following motion to [LB227](#):

[MO947](#)

Recommit to Health and Human Services Committee.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Vargas name added to LB108.

Senator Blood name added to LB227.

Senator Vargas name added to LB613.

VISITORS

Visitors to the Chamber were students from Shoemaker Elementary, Grand Island; Rachel and Joseph Roy; students from Lifegate Christian School, Omaha; Jaxen Kocsis and Denise Shirley, Omaha; students, teacher and sponsors from St. Rose of Lima, Crofton; students from St. Michael's Elementary, Lincoln; students from Wakefield Elementary, Wakefield.

ADJOURNMENT

At 3:04 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Monday, April 17, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 17, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 17, 2023

PRAYER

The prayer was offered by Reverend Doctor Mary Kay Totty, Seward United Methodist Church, Seward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

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 Aguilar, Bostar, Brewer, Briese, Day, Hunt, McDonnell, McKinney, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 524. Placed on General File with amendment.
[AM1350](#)

1 1. On page 3, line 12, strike "seven hundred fifty thousand".

(Signed) Lou Ann Linehan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 96. Introduced by Briese, 41.

WHEREAS, the Nebraskans for the Arts annually presents the NebraskARTS Award which recognizes select schools or school districts that make notable and worthwhile contributions to the arts and arts education in the State of Nebraska; and

WHEREAS, St. Paul Public Schools demonstrates a high education standard and provides all its students the opportunity to enjoy, excel, and learn through the arts; and

WHEREAS, St. Paul Public Schools provides numerous opportunities for students to improve their craft and share their talent and hard work with their community and surrounding areas; 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, FIRST SESSION:

1. That the Legislature congratulates St. Paul Public Schools for their receiving the 2022-23 NebraskARTS Award.

2. That a copy of this resolution be sent to the St. Paul Public Schools superintendent on behalf of the students, teachers, staff, and parents of St. Paul Public Schools.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 87 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86 and 87.

GENERAL FILE

LEGISLATIVE BILL 227. Committee [AM848](#), found on page 784 and considered on page 1127, was renewed.

The second B. Hansen amendment, [FA43](#), found on page 1127 and considered on page 1128, to the committee amendment, was renewed.

Senator B. Hansen offered [MO948](#), found on page 1128, to bracket until June 9, 2023.

Senator B. Hansen withdrew his motion to bracket.

Senator B. Hansen offered [MO947](#), found on page 1128, to recommit to Health and Human Services Committee.

Senator B. Hansen withdrew his motion to recommit to committee.

The second B. Hansen amendment, to the committee amendment, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

The third B. Hansen amendment, [FA44](#), found on page 1127, to the committee amendment, was offered.

The third B. Hansen amendment, to the committee amendment, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO950](#)

Reconsider the vote taken on FA44.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 24 nays, 18 present and not voting, and 7 excused and not voting.

The fourth B. Hansen amendment, [FA48](#), found on page 1127, to the committee amendment, was offered.

Senator B. Hansen moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

The fourth B. Hansen amendment, to the committee amendment, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO951](#)

Reconsider the vote taken on FA48.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 29 nays, 15 present and not voting, and 5 excused and not voting.

The fifth B. Hansen amendment, [FA49](#), found on page 1127, to the committee amendment, was offered.

The fifth B. Hansen amendment, to the committee amendment, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The sixth B. Hansen amendment, [FA50](#), found on page 1127, to the committee amendment, was offered.

The sixth B. Hansen amendment, to the committee amendment, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The seventh B. Hansen amendment, [FA51](#), found on page 1127, to the committee amendment, was offered.

Senator B. Hansen offered the following motion:

[MO952](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator B. Hansen moved for a call of the house. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The B. Hansen motion to invoke cloture prevailed with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The seventh B. Hansen amendment [FA51](#), found on page 1127, to the committee amendment, was not further considered

Senator M. Cavanaugh requested a roll call vote on the original undivided B. Hansen amendment, [AM1332](#), to the committee amendment.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Briese	Day	Hunt	McKinney
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The original undivided B. Hansen amendment, [AM1332](#), found on page 1119, to the committee amendment, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Briese	Day	Hunt	McKinney
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The committee amendment, as amended, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Briese	Day	Hunt	McKinney
--------	-----	------	----------

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Bostelman filed the following amendment to [LB565](#):
[AM1314](#) is available in the Bill Room.

RESOLUTIONS**LEGISLATIVE RESOLUTION 97.** Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine revenue and funding options for the Nebraska Tourism Commission.

The State Visitors Promotion Cash Fund is a funding source for the Nebraska Tourism Commission. The State Visitors Promotion Cash Fund receives deposits through an additional hotel occupancy tax of one percent. A hotel occupancy tax is a funding source that relies solely upon the hotel and accommodations sector which hinders the growth of funds available to promote Nebraska's tourism sector, the third largest industry in the state.

The study shall include, but not be limited to, the following:

- (1) Analysis of tourism funding mechanisms;
- (2) Examination of potential revenue sources from related tourism and hospitality industry segments as defined by the North American Industry Classification System sectors 71 and 72; and
- (3) Recommendations for a new funding mechanism.

In order to carry out the purpose of this resolution, the committee shall seek the assistance of the Nebraska Tourism Commission, the Department of Revenue, and tourism and hospitality industry partners including the Nebraska Travel Association and the Nebraska Hospitality Association.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the General Affairs Committee of the Legislature.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103 and 1104, was renewed.

Senator M. Cavanaugh renewed [MO408](#), found on page 942 and considered on pages 1103 and 1104, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 36 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB256](#):

[FA52](#)

On page 1, line 4 strike "rate" and replace with "amount".

VISITORS

Visitors to the Chamber were students and teachers from Maywood High School; Rev. Stephen Griffith, Seward; AIM Homeschool Group, Omaha; students from Overton Public School, Overton; Omaha Public School students with Voices for Children in Nebraska.

RECESS

At 11:58 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senator Walz who was excused; and Senators Bosn, Bostar, Briese, Day, Dover, B. Hansen, Hughes, Hunt, Kauth, Linehan, McKinney, Raybould, Slama, Vargas, and Wayne who were excused until they arrive.

REPORT - First District Congressional Caucus

April 17, 2023

Clerk of the Legislature
1445 K Street Room 2028
Lincoln, NE 68509

Dear Mr. Clerk:

I am writing to inform you that the Congressional District 1 Caucus met to discuss and fill the vacancy on the Executive Board left by the departure of Senator Geist. The CD1 caucus voted for and approved Senator Ballard to fill the vacancy.

Sincerely,
(Signed) Senator Bruce L. Bostelman
Legislative District 23

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103, 1104, and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO953](#)

Reconsider the vote taken on MO408.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 38 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO407](#), found on page 942, to recommit to Executive Board.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 31 not voting.

The M. Cavanaugh motion to recommit to committee failed with 1 aye, 41 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB92](#):
[AM1364](#) is available in the Bill Room.

Senator McDonnell filed the following amendment to [LB531](#):
[AM1300](#)

(Amendments to AM1222)

1 1. On page 9, after line 7 insert the following new subdivision:
 2 "(c) Not to exceed thirty million dollars in grants for the
 3 establishment of a multicultural center located in a qualified census
 4 tract within the boundaries of a city of the metropolitan class and
 5 within a preservation district designated by such city, such center
 6 serving to provide support and resources to foster the growth of local
 7 businesses and celebrate and preserve the diverse history, arts, and
 8 humanities of such preservation district; and"; in line 8 strike "and";
 9 and in line 9 strike "(c)" and insert "(d)".

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103, 1104, and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:
[MO954](#)
 Reconsider the vote taken on MO407.

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

The M. Cavanaugh motion to reconsider failed with 0 ayes, 39 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO406](#), found on page 942, to indefinitely postpone.

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate prevailed with 26 ayes, 2 nays, 5 present and not voting, 10 absent and not voting, and 6 excused and not voting.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

The M. Cavanaugh motion to indefinitely postpone failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 599. Placed on General File with amendment.

[AM383](#)

1 1. Strike original sections 15 and 18 and insert the following new
2 section:

3 Sec. 16. The owner or operator of an advanced recycling facility

4 shall be responsible for the proper disposal of all post-use polymers or
5 recovered feedstocks stored on the premises of such advanced recycling
6 facility within sixty days after ceasing advanced recycling operations.

7 2. On page 2, line 3, after "5" insert ", 7 to 14, and 16"; in line

8 4 strike the new matter; in lines 11 and 12 strike "for the conversion

9 of" and insert "where sorted"; in line 12 after "feedstocks" insert "are

10 purchased and then converted"; in line 25 strike "receives, stores, and";

11 and in line 26 after "receives" insert "and stores in an enclosed

12 facility".

13 3. On page 19, line 25, strike "13-2023,"; and strike beginning with

14 "sections" in line 26 through "81-15,160" in line 27 and insert "section

15 81-1502".

16 4. Renumber the remaining sections accordingly.

(Signed) Bruce Bostelman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103, 1104, and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO955](#)

Reconsider the vote taken on MO406.

SPEAKER ARCH PRESIDING

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

Senator Erdman moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Aguilar	Brandt	Erdman	Jacobson	Moser
Albrecht	Brewer	Halloran	Kauth	Murman
Armendariz	Briese	Hardin	Linehan	Riepe
Ballard	Clements	Holdcroft	Lippincott	Sanders
Bosn	DeKay	Hughes	Lowe	Slama
Bostelman	Dorn	Ibach	McDonnell	von Gillern

Voting in the negative, 4:

Cavanaugh, J.	Conrad	Hunt	Vargas
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Present and not voting, 9:

Arch	Bostar	DeBoer	Fredrickson	Raybould
Blood	Cavanaugh, M.	Dungan	McKinney	

Excused and not voting, 6:

Day	Hansen	Wayne
Dover	Walz	Wishart

The motion to cease debate prevailed with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [AM1259](#), found on page 1081, to the committee amendment.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 7 nays, and 33 not voting.

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

Voting in the affirmative, 8:

Bostar	Conrad	Fredrickson	Raybould
Brandt	Dungan	Hunt	Vargas

Voting in the negative, 21:

Albrecht	DeKay	Hardin	Lippincott	Slama
Arch	Dorn	Holdcroft	Lowe	
Armendariz	Dover	Ibach	McDonnell	
Ballard	Erdman	Jacobson	Moser	
Clements	Halloran	Kauth	Murman	

Present and not voting, 13:

Blood	Cavanaugh, J.	Hughes	Riepe	Wishart
Brewer	Cavanaugh, M.	Linehan	Sanders	
Briese	DeBoer	McKinney	von Gillern	

Excused and not voting, 7:

Aguilar	Bostelman	Hansen	Wayne
Bosn	Day	Walz	

The Hunt amendment, to the committee amendment, lost with 8 ayes, 21 nays, 13 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA53](#)

Strike Section 1.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Scott C Cordes - State Fire Marshal

Aye: 6. Aguilar, Brewer, Conrad, Halloran, Raybould, Sanders. Nay: 0. Absent: 2. Hunt, Lowe. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Janet Chung - Nebraska Accountability and Disclosure Commission

Aye: 5. Aguilar, Brewer, Conrad, Raybould, Sanders. Nay: 0. Absent: 2. Hunt, Lowe. Present and not voting: 1. Halloran.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kenny Zoeller Director - Policy Research

Aye: 5. Aguilar, Brewer, Conrad, Halloran, Sanders. Nay: 0. Absent: 2. Hunt, Lowe. Present and not voting: 1. Raybould.

LEGISLATIVE BILL 269. Placed on General File.

LEGISLATIVE BILL 304. Placed on General File.

LEGISLATIVE BILL 428. Indefinitely postponed.

(Signed) Tom Brewer, Chairperson

Business and Labor

LEGISLATIVE BILL 666. Placed on General File.

LEGISLATIVE BILL 191. Placed on General File with amendment.

[AM1330](#) is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

EASE

The Legislature was at ease from 5:30 p.m. until 6:01 p.m.

PRESIDENT KELLY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103, 1104, and in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [FA53](#), found and considered in this day's Journal, to the committee amendment.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 11 ayes, 17 nays, and 21 not voting.

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

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 32 nays, 5 present and not voting, 7 absent and not voting, and 5 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO956](#)

Reconsider the vote taken on FA53.

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

Senator M. Cavanaugh moved for a call of the house. The motion failed with 8 ayes, 17 nays, and 24 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Senator M. Cavanaugh requested a record vote on the motion to cease debate.

Voting in the affirmative, 28:

Albrecht	Briese	Hansen	Linehan	Riepe
Armendariz	Clements	Hardin	Lippincott	Sanders
Ballard	DeKay	Holdcroft	Lowe	Slama
Bostelman	Dorn	Ibach	McDonnell	von Gillern
Brandt	Erdman	Jacobson	Moser	
Brewer	Halloran	Kauth	Murman	

Voting in the negative, 4:

Cavanaugh, J. Cavanaugh, M. Conrad Hunt

Present and not voting, 4:

Arch Blood DeBoer Raybould

Absent and not voting, 6:

Bostar	Dungan	Vargas
Dover	Fredrickson	Wishart

Excused and not voting, 7:

Aguilar	Day	McKinney	Wayne
Bosn	Hughes	Walz	

The motion to cease debate prevailed with 28 ayes, 4 nays, 4 present and not voting, 6 absent and not voting, and 7 excused and not voting.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 9 ayes, 14 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 1 aye, 37 nays, 1 present and not voting, 4 absent and not voting, and 6 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA54](#)

Strike Section 2.

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

Senator M. Cavanaugh moved for a call of the house. The motion failed with 6 ayes, 11 nays, and 32 not voting.

The motion to cease debate failed with 23 ayes, 2 nays, and 24 not voting.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 11 nays, and 26 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Riepe filed the following amendment to [LB191](#):

[AM1373](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:

2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 48-145 To secure the payment of compensation under the Nebraska

5 Workers' Compensation Act:

6 (1) Every employer in the occupations described in section 48-106,

7 except the State of Nebraska and any governmental agency created by the

8 state, shall either (a) insure and keep insured its liability under such

9 act in some corporation, association, or organization authorized and

10 licensed to transact the business of workers' compensation insurance in

11 this state, (b) in the case of an employer who is a lessor of one or more

12 commercial vehicles leased to a self-insured motor carrier, be a party to

13 an effective agreement with the self-insured motor carrier under section

14 48-115.02, (c) be a member of a risk management pool authorized and

15 providing group self-insurance of workers' compensation liability

16 pursuant to the Intergovernmental Risk Management Act, or (d) with
17 approval of the Nebraska Workers' Compensation Court, self-insure its
18 workers' compensation liability.

19 An employer seeking approval to self-insure shall make application
20 to the compensation court in the form and manner as the compensation
21 court may prescribe, meet such minimum standards as the compensation
22 court shall adopt and promulgate by rule and regulation, and furnish to
23 the compensation court satisfactory proof of financial ability to pay
24 direct the compensation in the amount and manner when due as provided for
25 in the Nebraska Workers' Compensation Act. Approval is valid for the
26 period prescribed by the compensation court unless earlier revoked
1 pursuant to this subdivision or subsection (1) of section 48-146.02.

2 Notwithstanding subdivision (1)(d) of this section, a professional
3 employer organization shall not be eligible to self-insure its workers'
4 compensation liability. The compensation court may by rule and regulation
5 require the deposit of an acceptable security, indemnity, trust, or bond
6 to secure the payment of compensation liabilities as they are incurred.
7 The agreement or document creating a trust for use under this section
8 shall contain a provision that the trust may only be terminated upon the
9 consent and approval of the compensation court. Any beneficial interest
10 in the trust principal shall be only for the benefit of the past or
11 present employees of the self-insurer and any persons to whom the self-
12 insurer has agreed to pay benefits under subdivision (11) of section
13 48-115 and section 48-115.02. Any limitation on the termination of a
14 trust and all other restrictions on the ownership or transfer of
15 beneficial interest in the trust assets contained in such agreement or
16 document creating the trust shall be enforceable, except that any
17 limitation or restriction shall be enforceable only if authorized and
18 approved by the compensation court and specifically delineated in the
19 agreement or document. The trustee of any trust created to satisfy the
20 requirements of this section may invest the trust assets in the same
21 manner authorized under subdivisions (1)(a) through (i) of section
22 30-3209 for corporate trustees holding retirement or pension funds for
23 the benefit of employees or former employees of cities, villages, school
24 districts, or governmental or political subdivisions, except that the
25 trustee shall not invest trust assets into stocks, bonds, or other
26 obligations of the trustor. If, as a result of such investments, the
27 value of the trust assets is reduced below the acceptable trust amount
28 required by the compensation court, then the trustor shall deposit
29 additional trust assets to account for the shortfall.

30 Notwithstanding any other provision of the Nebraska Workers'
31 Compensation Act, a three-judge panel of the compensation court may,
1 after notice and hearing, revoke approval as a self-insurer if it finds
2 that the financial condition of the self-insurer or the failure of the
3 self-insurer to comply with an obligation under the act poses a serious
4 threat to the public health, safety, or welfare. The Attorney General,
5 when requested by the administrator of the compensation court, may file a
6 motion pursuant to section 48-162.03 for an order directing a self-
7 insurer to appear before a three-judge panel of the compensation court
8 and show cause as to why the panel should not revoke approval as a self-
9 insurer pursuant to this subdivision. The Attorney General shall be
10 considered a party for purposes of such motion. The Attorney General may
11 appear before the three-judge panel and present evidence that the
12 financial condition of the self-insurer or the failure of the self-
13 insurer to comply with an obligation under the act poses a serious threat
14 to the public health, safety, or welfare. The presiding judge shall rule
15 on a motion of the Attorney General pursuant to this subdivision and, if
16 applicable, shall appoint judges of the compensation court to serve on
17 the three-judge panel. The presiding judge shall not serve on such panel.
18 Appeal from a revocation pursuant to this subdivision shall be in

19 accordance with section 48-185. No such appeal shall operate as a
 20 supersedeas unless the self-insurer executes to the compensation court a
 21 bond with one or more sureties authorized to do business within the State
 22 of Nebraska in an amount determined by the three-judge panel to be
 23 sufficient to satisfy the obligations of the self-insurer under the act;
 24 (2) An approved self-insurer shall furnish to the State Treasurer an
 25 annual amount equal to two and one-half percent of the prospective loss
 26 costs for like employment but in no event less than twenty-five dollars.
 27 Prospective loss costs is defined in section 48-151. The compensation
 28 court is the sole judge as to the prospective loss costs that shall be
 29 used. All money which a self-insurer is required to pay to the State
 30 Treasurer, under this subdivision, shall be computed and tabulated under
 31 oath as of January 1 and paid to the State Treasurer immediately
 1 thereafter. The compensation court or designee of the compensation court
 2 may audit the payroll of a self-insurer at the compensation court's
 3 discretion. All money paid by a self-insurer under this subdivision shall
 4 be credited to the Compensation Court Cash ~~General~~ Fund;
 5 (3) Every employer who fails, neglects, or refuses to comply with
 6 the conditions set forth in subdivision (1) or (2) of this section shall
 7 be required to respond in damages to an employee for personal injuries,
 8 or when personal injuries result in the death of an employee, then to his
 9 or her dependents; and
 10 (4) Any security, indemnity, trust, or bond provided by a self-
 11 insurer pursuant to subdivision (1) of this section shall be deemed a
 12 surety for the purposes of the payment of valid claims of the self-
 13 insurer's employees and the persons to whom the self-insurer has agreed
 14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to
 15 subdivision (11) of section 48-115 and section 48-115.02 as generally
 16 provided in the act.
 17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,
 18 16, 17, 18, 19, 20, 21, and 24 of this act become operative three
 19 calendar months after the adjournment of this legislative session. The
 20 other sections of this act become operative on their effective date.
 21 Sec. 23. Original section 48-145, Reissue Revised Statutes of
 22 Nebraska, is repealed.
 23 Sec. 25. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.
 25 2. On page 14, lines 5 and 8, strike "effective date of this act"
 26 and insert "operative date of this section".
 27 3. Renumber the remaining sections accordingly.

Senator Riepe filed the following amendment to LB191:
AM1363

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:
 2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 48-145 To secure the payment of compensation under the Nebraska
 5 Workers' Compensation Act:
 6 (1) Every employer in the occupations described in section 48-106,
 7 except the State of Nebraska and any governmental agency created by the
 8 state, shall either (a) insure and keep insured its liability under such
 9 act in some corporation, association, or organization authorized and
 10 licensed to transact the business of workers' compensation insurance in
 11 this state, (b) in the case of an employer who is a lessor of one or more
 12 commercial vehicles leased to a self-insured motor carrier, be a party to
 13 an effective agreement with the self-insured motor carrier under section
 14 48-115.02, (c) be a member of a risk management pool authorized and
 15 providing group self-insurance of workers' compensation liability
 16 pursuant to the Intergovernmental Risk Management Act, or (d) with

17 approval of the Nebraska Workers' Compensation Court, self-insure its
18 workers' compensation liability.
19 An employer seeking approval to self-insure shall make application
20 to the compensation court in the form and manner as the compensation
21 court may prescribe, meet such minimum standards as the compensation
22 court shall adopt and promulgate by rule and regulation, and furnish to
23 the compensation court satisfactory proof of financial ability to pay
24 direct the compensation in the amount and manner when due as provided for
25 in the Nebraska Workers' Compensation Act. Approval is valid for the
26 period prescribed by the compensation court unless earlier revoked
1 pursuant to this subdivision or subsection (1) of section 48-146.02.
2 Notwithstanding subdivision (1)(d) of this section, a professional
3 employer organization shall not be eligible to self-insure its workers'
4 compensation liability. The compensation court may by rule and regulation
5 require the deposit of an acceptable security, indemnity, trust, or bond
6 to secure the payment of compensation liabilities as they are incurred.
7 The agreement or document creating a trust for use under this section
8 shall contain a provision that the trust may only be terminated upon the
9 consent and approval of the compensation court. Any beneficial interest
10 in the trust principal shall be only for the benefit of the past or
11 present employees of the self-insurer and any persons to whom the self-
12 insurer has agreed to pay benefits under subdivision (11) of section
13 48-115 and section 48-115.02. Any limitation on the termination of a
14 trust and all other restrictions on the ownership or transfer of
15 beneficial interest in the trust assets contained in such agreement or
16 document creating the trust shall be enforceable, except that any
17 limitation or restriction shall be enforceable only if authorized and
18 approved by the compensation court and specifically delineated in the
19 agreement or document. The trustee of any trust created to satisfy the
20 requirements of this section may invest the trust assets in the same
21 manner authorized under subdivisions (1)(a) through (i) of section
22 30-3209 for corporate trustees holding retirement or pension funds for
23 the benefit of employees or former employees of cities, villages, school
24 districts, or governmental or political subdivisions, except that the
25 trustee shall not invest trust assets into stocks, bonds, or other
26 obligations of the trustor. If, as a result of such investments, the
27 value of the trust assets is reduced below the acceptable trust amount
28 required by the compensation court, then the trustor shall deposit
29 additional trust assets to account for the shortfall.
30 Notwithstanding any other provision of the Nebraska Workers'
31 Compensation Act, a three-judge panel of the compensation court may,
1 after notice and hearing, revoke approval as a self-insurer if it finds
2 that the financial condition of the self-insurer or the failure of the
3 self-insurer to comply with an obligation under the act poses a serious
4 threat to the public health, safety, or welfare. The Attorney General,
5 when requested by the administrator of the compensation court, may file a
6 motion pursuant to section 48-162.03 for an order directing a self-
7 insurer to appear before a three-judge panel of the compensation court
8 and show cause as to why the panel should not revoke approval as a self-
9 insurer pursuant to this subdivision. The Attorney General shall be
10 considered a party for purposes of such motion. The Attorney General may
11 appear before the three-judge panel and present evidence that the
12 financial condition of the self-insurer or the failure of the self-
13 insurer to comply with an obligation under the act poses a serious threat
14 to the public health, safety, or welfare. The presiding judge shall rule
15 on a motion of the Attorney General pursuant to this subdivision and, if
16 applicable, shall appoint judges of the compensation court to serve on
17 the three-judge panel. The presiding judge shall not serve on such panel.
18 Appeal from a revocation pursuant to this subdivision shall be in
19 accordance with section 48-185. No such appeal shall operate as a

20 supersedes unless the self-insurer executes to the compensation court a
 21 bond with one or more sureties authorized to do business within the State
 22 of Nebraska in an amount determined by the three-judge panel to be
 23 sufficient to satisfy the obligations of the self-insurer under the act;
 24 (2) An approved self-insurer shall furnish to the State Treasurer an
 25 annual amount equal to two and one-half percent of the prospective loss
 26 costs for like employment but in no event less than twenty-five dollars.
 27 Prospective loss costs is defined in section 48-151. The compensation
 28 court is the sole judge as to the prospective loss costs that shall be
 29 used. All money which a self-insurer is required to pay to the State
 30 Treasurer, under this subdivision, shall be computed and tabulated under
 31 oath as of January 1 and paid to the State Treasurer immediately
 1 thereafter. The compensation court or designee of the compensation court
 2 may audit the payroll of a self-insurer at the compensation court's
 3 discretion. All money paid by a self-insurer under this subdivision shall
 4 be credited to the ~~Compensation Court Cash~~ General Fund;
 5 (3) Every employer who fails, neglects, or refuses to comply with
 6 the conditions set forth in subdivision (1) or (2) of this section shall
 7 be required to respond in damages to an employee for personal injuries,
 8 or when personal injuries result in the death of an employee, then to his
 9 or her dependents; and
 10 (4) Any security, indemnity, trust, or bond provided by a self-
 11 insurer pursuant to subdivision (1) of this section shall be deemed a
 12 surety for the purposes of the payment of valid claims of the self-
 13 insurer's employees and the persons to whom the self-insurer has agreed
 14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to
 15 subdivision (11) of section 48-115 and section 48-115.02 as generally
 16 provided in the act.
 17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,
 18 16, 17, 18, 19, 20, 21, and 24 of this act become operative three
 19 calendar months after the adjournment of this legislative session. The
 20 other sections of this act become operative on their effective date.
 21 Sec. 23. Original section 48-145, Reissue Revised Statutes of
 22 Nebraska, is repealed.
 23 Sec. 25. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.
 25 2. On page 14, lines 5 and 8, strike "effective date of this act"
 26 and insert "operative date of this section".
 27 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 254. Committee [AM698](#), found on page 737 and considered on pages 1103, 1104, and in this day's Journal, was renewed.

Senator Dorn offered the following amendment, to the committee amendment:

[AM1377](#)

(Amendments to Standing Committee amendments, AM698)

1 1. Insert the following new section:
 2 Sec. 4. Section 50-1209, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 50-1209 (1) Tax incentive performance audits shall be conducted by
 5 the office pursuant to this section on the following tax incentive
 6 programs:
 7 (a) The Beginning Farmer Tax Credit Act;
 8 (b) The Imagine Nebraska Act;
 9 (c) ~~The Nebraska Advantage Act;~~

10 (c) (d) The Nebraska Advantage Microenterprise Tax Credit Act;
 11 (d) (e) The Nebraska Advantage Research and Development Act;
 12 (e) (f) The Nebraska Advantage Rural Development Act;
 13 (f) (g) The Nebraska Job Creation and Mainstreet Revitalization Act;
 14 (g) (h) The New Markets Job Growth Investment Act;
 15 (h) (i) The Urban Redevelopment Act; and
 16 (i) (j) Any other tax incentive program created by the Legislature
 17 for the purpose of recruitment or retention of businesses in Nebraska. In
 18 determining whether a future tax incentive program is enacted for the
 19 purpose of recruitment or retention of businesses, the office shall
 20 consider legislative intent, including legislative statements of purpose
 21 and goals, and may also consider whether the tax incentive program is
 22 promoted as a business incentive by the Department of Economic
 23 Development or other relevant state agency.
 24 (2) The office shall develop a schedule for conducting tax incentive
 25 performance audits and shall update the schedule annually. The schedule
 26 shall ensure that each tax incentive program is reviewed at least once
 1 every five years.
 2 (3) Each tax incentive performance audit conducted by the office
 3 pursuant to this section shall include the following:
 4 (a) An analysis of whether the tax incentive program is meeting the
 5 following goals:
 6 (i) Strengthening the state's economy overall by:
 7 (A) Attracting new business to the state;
 8 (B) Expanding existing businesses;
 9 (C) Increasing employment, particularly employment of full-time
 10 workers. The analysis shall consider whether the job growth in those
 11 businesses receiving tax incentives is at least ten percent above
 12 industry averages;
 13 (D) Creating high-quality jobs; and
 14 (E) Increasing business investment;
 15 (ii) Revitalizing rural areas and other distressed areas of the
 16 state;
 17 (iii) Diversifying the state's economy and positioning Nebraska for
 18 the future by stimulating entrepreneurial firms, high-tech firms, and
 19 renewable energy firms; and
 20 (iv) Any other program-specific goals found in the statutes for the
 21 tax incentive program being evaluated;
 22 (b) An analysis of the economic and fiscal impacts of the tax
 23 incentive program. The analysis may take into account the following
 24 considerations in addition to other relevant factors:
 25 (i) The costs per full-time worker. When practical and applicable,
 26 such costs shall be considered in at least the following two ways:
 27 (A) By an estimation including the minimum investment required to
 28 qualify for benefits; and
 29 (B) By an estimation including all investment;
 30 (ii) The extent to which the tax incentive changes business
 31 behavior;
 1 (iii) The results of the tax incentive for the economy of Nebraska
 2 as a whole. This consideration includes both direct and indirect impacts
 3 generally and any effects on other Nebraska businesses; and
 4 (iv) A comparison to the results of other economic development
 5 strategies with similar goals, other policies, or other incentives;
 6 (c) An assessment of whether adequate protections are in place to
 7 ensure the fiscal impact of the tax incentive does not increase
 8 substantially beyond the state's expectations in future years;
 9 (d) An assessment of the fiscal impact of the tax incentive on the
 10 budgets of local governments, if applicable; and
 11 (e) Recommendations for any changes to statutes or rules and
 12 regulations that would allow the tax incentive program to be more easily

13 evaluated in the future, including changes to data collection, reporting,
 14 sharing of information, and clarification of goals.
 15 (4) For purposes of this section:
 16 (a) Distressed area means an area of substantial unemployment as
 17 determined by the Department of Labor pursuant to the Nebraska Workforce
 18 Innovation and Opportunity Act;
 19 (b) Full-time worker means an individual (i) who usually works
 20 thirty-five hours per week or more, (ii) whose employment is reported to
 21 the Department of Labor on two consecutive quarterly wage reports, and
 22 (iii) who earns wages equal to or exceeding the state minimum wage;
 23 (c) High-quality job means a job that:
 24 (i) Averages at least thirty-five hours of employment per week;
 25 (ii) Is reported to the Department of Labor on two consecutive
 26 quarterly wage reports; and
 27 (iii) Earns wages that are at least ten percent higher than the
 28 statewide industry sector average and that equal or exceed:
 29 (A) One hundred ten percent of the Nebraska average weekly wage if
 30 the job is in a county with a population of less than one hundred
 31 thousand inhabitants; or
 1 (B) One hundred twenty percent of the Nebraska average weekly wage
 2 if the job is in a county with a population of one hundred thousand
 3 inhabitants or more;
 4 (d) High-tech firm means a person or unitary group that has a
 5 location with any of the following four-digit code designations under the
 6 North American Industry Classification System as assigned by the
 7 Department of Labor: ~~2111, 3254, 3341, 3342, 3344, 3345, 3364, 5112,~~
 8 ~~5173, 5179, 5182, 5191, 5413, 5415, or 5417;~~
 9 (e) Nebraska average weekly wage means the most recent average
 10 weekly wage paid by all employers in all counties in Nebraska as reported
 11 by the Department of Labor by October 1 of each year;
 12 (f) New business means a person or unitary group participating in a
 13 tax incentive program that did not pay income taxes or wages in the state
 14 more than two years prior to submitting an application under the tax
 15 incentive program. For any tax incentive program without an application
 16 process, new business means a person or unitary group participating in
 17 the program that did not pay income taxes or wages in the state more than
 18 two years prior to the first day of the first tax year for which a tax
 19 benefit was earned;
 20 (g) Renewable energy firm means a person or unitary group that has a
 21 location with any of the following six-digit code designations under the
 22 North American Industry Classification System as assigned by the
 23 Department of Labor: 111110, 111150, 111199, 111930, 111991, 113310,
 24 221111, 221113, 221114, 221115, 221116, 221117, 221118, 221121, 221122,
 25 221330, 237130, 237990, 325193, 331511, 331512, 331513, 331523, 331524,
 26 331529, 332111, 332112, 333511, 333611, 333612, 333613, 334519, 423830,
 27 482111, 484230, 488510, 541360, 541370, 541620, 541690, 541714, or 541715
 28 ~~111110, 111120, 111130, 111140, 111150, 111160, 111191, 111199, 111211,~~
 29 ~~111219, 111310, 111320, 111331, 111332, 111333, 111334, 111335, 111336,~~
 30 ~~111339, 111411, 111419, 111930, 111991, 113310, 221111, 221113, 221114,~~
 31 ~~221115, 221116, 221117, 221118, 221330, 237130, 237210, 237990, 325193,~~
 1 ~~325199, 331512, 331513, 331523, 331524, 331529, 332111, 332112, 333414,~~
 2 ~~333415, 333511, 333611, 333612, 333613, 334519, 485510, 541330, 541360,~~
 3 ~~541370, 541620, 541690, 541713, 541714, 541715, 561730, or 562213;~~
 4 (h) Rural area means any village or city of the second class in this
 5 state or any county in this state with fewer than twenty-five thousand
 6 residents; and
 7 (i) Unitary group has the same meaning as in section 77-2734.04.
 8 2. Renumber the remaining sections, correct internal references, and
 9 correct the repealer accordingly.

The Dorn amendment, to the committee amendment, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA55](#)

On page 1, line 24, strike "Executive Board of the Legislative Council" and insert "Legislature"

The M. Cavanaugh amendment was withdrawn.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

MOTION - Recommit LB376 to Committee

Senator Hunt offered her motion, [MO119](#), found on page 900, recommit to General Affairs Committee.

Senator Hunt withdrew her motion to recommit to committee.

WITHDRAW - Amendments to LB376

Senator Hunt withdrew [AM1034](#), found on page 875, to LB376.

Senator Hunt withdrew [AM1035](#), found on page 890, to LB376.

Senator Lowe withdrew [AM851](#), found on page 890, to LB376.

WITHDRAW - Motions to LB376

Senator Slama withdrew [MO106](#), found on page 875, to indefinitely postpone, to LB376.

Senator Hunt withdrew [MO116](#), found on page 906, to indefinitely postpone, to LB376.

WITHDRAW - Amendments to LB376

Senator M. Cavanaugh withdrew [FA33](#), found on page 906, to LB376.

Senator M. Cavanaugh withdrew [AM1056](#), found on page 906, to LB376.

Senator M. Cavanaugh withdrew [AM1055](#), found on page 906, to LB376.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB376 with 40 ayes, 2 nays, 1 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 376. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-117.06, 53-123.11, and 53-168, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-123.16, 53-124.11, 53-169, and 53-171, Revised Statutes Cumulative Supplement, 2022; to define terms; to require reports by certain licensees prior to the sale or shipment of any alcoholic liquor into the state; to provide for a fee; to authorize certain licensees to use channel pricing and to enter into sponsorship or advertising agreements; to provide for rules and regulations; to allow farm wineries to obtain additional retail licenses; to allow microdistilleries to engage in direct sales and store products at offsite facilities; to change provisions related to special designated licenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 2:

Ballard Hunt

Excused and not voting, 6:

Aguilar Day Walz
Blood McKinney Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Vargas name added to LB20.
Senator Conrad name added to LB588.
Senator Vargas name added to LB617.
Senator J. Cavanaugh name added to LB775.

VISITORS

Visitors to the Chamber were Jason Mundorf, Kathy Gifford, Drew Blessing, Kearney Public Schools; students from New Hope Christian School, Cairo.

ADJOURNMENT

At 7:58 p.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Tuesday, April 18, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 18, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-FOURTH DAY

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

PRAYER

The prayer was offered by Senator Aguilar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brandt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Day, Dover, Hunt, McKinney, Raybould, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

PRESIDENT SIGNED

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

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

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

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

[FA56](#)

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

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

Pending.

PRESENTED TO THE GOVERNOR

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

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

GENERAL FILE

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

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

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

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

[AM1378](#)

(Amendments to Standing Committee amendments, AM1248)

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

GENERAL FILE

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

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

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

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

[AM1379](#)

(Amendments to Standing Committee amendments, AM484)

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

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

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

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

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

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

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

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

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

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

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

23 levels of employment and investment have been met.

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

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

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

31 (ii) The contract price; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 section 45-102.

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Hunt

Present and not voting, 3:

Cavanaugh, M. DeBoer Fredrickson

Excused and not voting, 4:

Ballard Dover Hansen Wishart

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

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO957](#)

Reconsider the vote taken on AM1379.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 574. Placed on Final Reading.

LEGISLATIVE BILL 753. Placed on Final Reading.

LEGISLATIVE BILL 565. Placed on Select File with amendment.

[ER25](#)

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

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

LEGISLATIVE BILL 565A. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File with amendment.

[ER24](#)

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

LEGISLATIVE BILL 753A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 138A. Introduced by Bosn, 25.

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

VISITORS

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

RECESS

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

AFTER RECESS

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

ROLL CALL

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

COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 569. Placed on General File with amendment.

[AM971](#)

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

LEGISLATIVE BILL 624. Placed on General File with amendment.

[AM688](#)

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

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

(Signed) Tom Brewer, Chairperson

GENERAL FILE

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

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

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

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

The Chair declared the call raised.

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

[FA57](#)

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

PRESIDENT KELLY PRESIDING

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

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

Voting in the affirmative, 12:

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

Voting in the negative, 17:

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

Present and not voting, 17:

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

Excused and not voting, 3:

Bosn Day Dover

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

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 356. Placed on General File.

LEGISLATIVE BILL 520. Placed on General File.

(Signed) Dave Murman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 99. Introduced by Fredrickson, 20.

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

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

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

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

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

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

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

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

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

Laid over.

GENERAL FILE

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

Senator M. Cavanaugh offered the following motion:

[MO958](#)

Reconsider the vote taken on FA57.

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

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

The Chair declared the call raised.

Pending.

SPEAKER ARCH PRESIDING

AMENDMENT - Print in Journal

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

[AM1390](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Municipality Infrastructure Aid Act.
5 Sec. 2. For purposes of the Municipality Infrastructure Aid Act:
6 (1) Eligible grantee means a city of the first class, city of the
7 second class, or village with a redevelopment plan approved under the
8 Community Development Law;
9 (2) Infrastructure includes water systems, sewer systems, roads,
10 bridges, and other site development activities; and
11 (3) Program means the Municipality Infrastructure Aid Program
12 created in section 3 of this act.

13 Sec. 3. The Municipality Infrastructure Aid Program is created. The
14 Department of Economic Development shall administer the program. The
15 purpose of the program is to finance infrastructure improvements in
16 cities of the first class, cities of the second class, and villages.

17 Sec. 4. (1) Beginning July 1, 2023, an eligible grantee may apply
18 to the Department of Economic Development for a grant under the
19 Municipality Infrastructure Aid Act on forms created by the department.

20 (2) To be eligible for a grant under the Municipality Infrastructure
21 Aid Act, an eligible grantee shall include the following in its
22 application:

23 (a) The infrastructure improvements that are a part of a
24 redevelopment plan approved under the Community Development Law;

25 (b) How the infrastructure improvements would attract and support
26 any new business or business expansion;

27 (c) How the infrastructure improvements would provide infrastructure
1 that is sufficient for the new business or business expansion;

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

4 (e) How the new business or business expansion would provide the
5 following:

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

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

9 (iii) Increased business investment in or near the eligible grantee;
10 and

11 (iv) Revitalization of rural and other distressed areas of the
12 state.

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

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

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

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

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

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

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

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

30 Sec. 6. The Department of Economic Development may consult with
31 statewide associations representing municipal officials, economic
1 developers, the Department of Transportation, and the Department of
2 Environment and Energy in order to carry out the Municipality
3 Infrastructure Aid Act.

4 Sec. 7. The Municipality Infrastructure Aid Fund is created. The
5 fund shall be administered by the Department of Economic Development and
6 shall be used for the purposes of the Municipality Infrastructure Aid
7 Act. The Municipality Infrastructure Aid Fund shall consist of money
8 transferred by the Legislature and money that was recouped under the
9 Municipality Infrastructure Aid Act. Any money in the fund available for
10 investment shall be invested by the state investment officer pursuant to
11 the Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act. Investment earnings from investment of money in the fund
13 shall be credited to the fund.

14 Sec. 8. The Department of Economic Development may adopt and
15 promulgate rules and regulations to carry out the Municipality
16 Infrastructure Aid Act.

17 Sec. 9. Section 84-612, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 84-612 (1) There is hereby created within the state treasury a fund
20 known as the Cash Reserve Fund which shall be under the direction of the
21 State Treasurer. The fund shall only be used pursuant to this section.
22 (2) The State Treasurer shall transfer funds from the Cash Reserve
23 Fund to the General Fund upon certification by the Director of
24 Administrative Services that the current cash balance in the General Fund
25 is inadequate to meet current obligations. Such certification shall
26 include the dollar amount to be transferred. Any transfers made pursuant
27 to this subsection shall be reversed upon notification by the Director of
28 Administrative Services that sufficient funds are available.
29 (3) In addition to receiving transfers from other funds, the Cash
30 Reserve Fund shall receive federal funds received by the State of
31 Nebraska for undesignated general government purposes, federal revenue
1 sharing, or general fiscal relief of the state.
2 (4) The State Treasurer shall transfer fifty-four million seven
3 hundred thousand dollars on or after July 1, 2019, but before June 15,
4 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
5 Fund on such dates and in such amounts as directed by the budget
6 administrator of the budget division of the Department of Administrative
7 Services.
8 (5) The State Treasurer shall transfer two hundred fifteen million
9 five hundred eighty thousand dollars from the Cash Reserve Fund to the
10 Nebraska Capital Construction Fund on or after July 1, 2022, but before
11 June 15, 2023, on such dates and in such amounts as directed by the
12 budget administrator of the budget division of the Department of
13 Administrative Services.
14 (6) The State Treasurer shall transfer fifty-three million five
15 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
16 Canal Project Fund on or before June 30, 2023, on such dates and in such
17 amounts as directed by the budget administrator of the budget division of
18 the Department of Administrative Services.
19 (7) No funds shall be transferred from the Cash Reserve Fund to
20 fulfill the obligations created under the Nebraska Property Tax Incentive
21 Act unless the balance in the Cash Reserve Fund after such transfer will
22 be at least equal to five hundred million dollars.
23 (8) The State Treasurer shall transfer thirty million dollars from
24 the Cash Reserve Fund to the Military Base Development and Support Fund
25 on or before June 30, 2023, but not before July 1, 2022, on such dates
26 and in such amounts as directed by the budget administrator of the budget
27 division of the Department of Administrative Services.
28 (9) The State Treasurer shall transfer eight million three hundred
29 thousand dollars from the Cash Reserve Fund to the Trail Development and
30 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
31 such dates and in such amounts as directed by the budget administrator of
1 the budget division of the Department of Administrative Services.
2 (10) The State Treasurer shall transfer fifty million dollars from
3 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
4 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
5 as directed by the budget administrator of the budget division of the
6 Department of Administrative Services.
7 (11) The State Treasurer shall transfer thirty million dollars from
8 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
9 or after July 1, 2022, but before July 15, 2023, on such dates and in
10 such amounts as directed by the budget administrator of the budget
11 division of the Department of Administrative Services.
12 (12) The State Treasurer shall transfer twenty million dollars from
13 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
14 1, 2022, but before June 15, 2023, on such dates and in such amounts as
15 directed by the budget administrator of the budget division of the
16 Department of Administrative Services.
17 (13) The State Treasurer shall transfer twenty million dollars from
18 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
19 Fund on July 15, 2022, or as soon thereafter as administratively
20 possible, and in such amounts as directed by the budget administrator of

21 the budget division of the Department of Administrative Services.
22 (14) The State Treasurer shall transfer eighty million dollars from
23 the Cash Reserve Fund to the Jobs and Economic Development Initiative
24 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
25 and in such amounts as directed by the budget administrator of the budget
26 division of the Department of Administrative Services.
27 (15) The State Treasurer shall transfer twenty million dollars from
28 the Cash Reserve Fund to the Site and Building Development Fund on July
29 15, 2022, or as soon thereafter as administratively possible, and in such
30 amounts as directed by the budget administrator of the budget division of
31 the Department of Administrative Services.
1 (16) The State Treasurer shall transfer fifty million dollars from
2 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
3 on or after July 15, 2022, but before January 1, 2023, on such dates and
4 in such amounts as directed by the budget administrator of the budget
5 division of the Department of Administrative Services.
6 (17) The State Treasurer shall transfer fifteen million dollars from
7 the Cash Reserve Fund to the Site and Building Development Fund on or
8 before June 30, 2022, on such dates and in such amounts as directed by
9 the budget administrator of the budget division of the Department of
10 Administrative Services.
11 (18) The State Treasurer shall transfer fifty-five million dollars
12 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
13 or before June 30, 2022, on such dates and in such amounts as directed by
14 the budget administrator of the budget division of the Department of
15 Administrative Services.
16 (19) The State Treasurer shall transfer ten million dollars from the
17 Cash Reserve Fund to the Municipality Infrastructure Aid Fund as soon as
18 administratively possible after the effective date of this act, on such
19 dates and in such amounts as directed by the budget administrator of the
20 budget division of the Department of Administrative Services.
21 Sec. 10. Original section 84-612, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.
23 Sec. 11. Since an emergency exists, this act takes effect when
24 passed and approved according to law.

EXECUTIVE BOARD REPORT

April 18, 2023

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

Dear Mr. Clerk:

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

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

GENERAL FILE

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

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

PRESIDENT KELLY PRESIDING

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

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

The Chair declared the call raised.

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

[AM1383](#)

(Amendments to Standing Committee amendments, AM484)

- 1 1. Insert the following new sections:
- 2 Sec. 73. Section 58-201, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 58-201 Sections 58-201 to 58-272 and section 74 of this act shall be
- 5 known and may be cited as the Nebraska Investment Finance Authority Act.
- 6 Sec. 74. (1) For purposes of this section, Olmstead Plan means the
- 7 comprehensive strategic plan for providing services to individuals with
- 8 disabilities that was developed in accordance with section 81-6,122.
- 9 (2) In order to help fulfill one of the goals of the Olmstead Plan,
- 10 the authority shall use its best efforts to obtain state and federal
- 11 grants for the purpose of building safe, affordable, and accessible
- 12 housing for individuals with disabilities.
- 13 (3) The authority shall collaborate with the Department of Economic
- 14 Development and the Department of Health and Human Services in obtaining
- 15 such grants.
- 16 Sec. 75. (1) For purposes of this section, Olmstead Plan means the
- 17 comprehensive strategic plan for providing services to individuals with
- 18 disabilities that was developed in accordance with section 81-6,122.
- 19 (2) In order to help fulfill one of the goals of the Olmstead Plan,
- 20 the Department of Economic Development shall use its best efforts to
- 21 obtain state and federal grants for the purpose of building safe,
- 22 affordable, and accessible housing for individuals with disabilities.
- 23 (3) The Department of Economic Development shall collaborate with
- 24 the Nebraska Investment Finance Authority and the Department of Health
- 25 and Human Services in obtaining such grants. The Department of Economic
- 26 Development shall use its best efforts to coordinate and contract with
- 1 the Nebraska Investment Finance Authority to develop and administer grant
- 2 programs under this section.
- 3 Sec. 94. The Revisor of Statutes shall assign section 75 of this
- 4 act to Chapter 81, article 12.
- 5 2. Correct the operative date and repealer sections so that sections
- 6 73, 74, and 75 added by this amendment become operative three calendar
- 7 months after the adjournment of this legislative session. Correct the
- 8 operative date section so that section 94 added by this amendment becomes
- 9 operative on its effective date with the emergency clause.
- 10 3. Renumber the remaining sections and correct internal references
- 11 accordingly.

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

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

The Chair declared the call raised.

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

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

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

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

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

[FA58](#)

Strike Section 1.

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

[FA59](#)

Strike Section 1.

RESOLUTION

LEGISLATIVE RESOLUTION 100. Introduced by DeBoer, 10.

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

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

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

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

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

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

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

(c) Public-private partnerships;

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

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

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 683A. Introduced by Moser, 22.

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

GENERAL FILE

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

Senator M. Cavanaugh offered the following motion:

[MO959](#)

Reconsider the vote taken on MO294.

Pending.

EASE

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

PRESIDENT KELLY PRESIDING**GENERAL FILE**

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

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

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

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

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO960](#)

Reconsider the vote taken on MO295.

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

Senator Slama offered the following motion:

[MO961](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Blood

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

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

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

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

WITHDRAW - Motion to LB296

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

BILL ON FINAL READING

Dispense With Reading at Large

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

The following bill was put upon final passage:

LEGISLATIVE BILL 296.

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

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 1:

Blood

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

WITHDRAW - Motions to LB775

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

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

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

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

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

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

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

WITHDRAW - Amendment to LB775

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

BILL ON FINAL READING

Dispense With Reading at Large

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

The following bill was put upon final passage:

LEGISLATIVE BILL 775.

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 1:

Blood

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

PRESIDENT SIGNED

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

SELECT FILE

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

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

Senator M. Cavanaugh withdrew her motion to bracket.

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

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

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

ER25 was adopted.

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

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

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

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Blood name added to LB775.

VISITORS

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

ADJOURNMENT

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

Brandon Metzler
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 19, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 19, 2023

PRAYER

The prayer was offered by Jaison Samuel, Crossover Church - Bennington, Bennington.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brewer.

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, Bostar, Clements, Dover, Erdman, Halloran, B. Hansen, Hardin, Hunt, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Murman, Slama, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 2023, at 8:14 a.m. were the following: LBs 296 and 775.

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

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 88, 89, 90, 91, 92, and 93 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 88, 89, 90, 91, 92, and 93.

MOTION - Recommit LB77 to Committee

Senator Raybould offered [MO115](#), found on page 890, recommit to Judiciary Committee.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 708. Placed on General File.

(Signed) Dave Murman, Chairperson

AMENDMENT - Print in Journal

Senator Raybould filed the following amendment to [LB754](#):
[AM1405](#) is available in the Bill Room.

RESOLUTION

LEGISLATIVE RESOLUTION 101. Introduced by Day, 49.

WHEREAS, in 1951, the Knesset passed a resolution establishing Holocaust and Ghetto Uprising Remembrance Day; and

WHEREAS, this year's Yom HaShoah, Day of Remembrance, falls on April 18 and will highlight acts of resistance by the Jewish people, both physical and spiritual, against their oppressors such as the Warsaw Ghetto Uprising; and

WHEREAS, the Days of Remembrance, recognized by the United States Congress, gives survivors and their families and communities the opportunity to remember those who were killed, honor those who survived, and memorialize the legacies of all who fell victim to the Holocaust; and

WHEREAS, this year's Yom HaShoah will mark eighty years since the Warsaw Ghetto Uprising; and

WHEREAS, each year in Nebraska people gather to remember the tragedy of the Holocaust.

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

1. That the Legislature recognizes April 18, 2023, as Holocaust Remembrance Day in Nebraska.

2. That a copy of this resolution be sent to the Institute for Holocaust Education in Omaha, Nebraska.

Laid over.

MOTION - Recommit LB77 to Committee

Senator Raybould renewed [MO115](#), found on page 890 and considered in this day's Journal, to recommit to Judiciary Committee.

Senator Brewer offered the following motion:

[MO962](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 14:

Blood	Cavanaugh, M.	DeBoer	Hunt	Walz
Bostar	Conrad	Dungan	Raybould	Wishart
Cavanaugh, J.	Day	Fredrickson	Vargas	

Excused and not voting, 2:

McKinney Wayne

The Brewer motion to invoke cloture prevailed with 33 ayes, 14 nays, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Raybould motion to recommit to committee.

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Day Hunt Raybould

Voting in the negative, 40:

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

Present and not voting, 2:

Bostar Fredrickson

Excused and not voting, 2:

McKinney Wayne

The Raybould motion to recommit to committee failed with 5 ayes, 40 nays, 2 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, 18-1703, 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes Cumulative Supplement, 2022; to prohibit regulation of weapons by cities, villages, and counties; to provide for the carrying of a concealed handgun without a permit; to change provisions relating to other concealed weapons; to provide for requirements, limits, and offenses relating to carrying a concealed handgun; to provide an affirmative defense; to create the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor; to change provisions of the Concealed Handgun Permit Act; to provide penalties; to change, provide, and eliminate definitions; to harmonize provisions; and to repeal the original sections.

Senator M. Cavanaugh requested a roll call vote.

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

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 14:

Blood	Cavanaugh, M.	DeBoer	Hunt	Walz
Bostar	Conrad	Dungan	Raybould	Wishart
Cavanaugh, J.	Day	Fredrickson	Vargas	

Excused and not voting, 2:

McKinney Wayne

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB77.

BILL ON FIRST READING

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

LEGISLATIVE BILL 583A. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh offered [MO350](#), found on page 939, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Halloran opened on his bill, LB191.

Senator M. Cavanaugh opened on her motion, MO350.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 2023, at 11:35 a.m. was the following: LB77.

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

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB524](#):
[AM902](#) is available in the Bill Room.

Senator McDonnell filed the following amendment to [LB648](#):
[AM814](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-2304, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-2304 (1) It is the intent of the Legislature to appropriate seven
6 hundred fifty thousand dollars from the General Fund for fiscal years
7 2013-14 and 2014-15, and any amount determined by the Legislature for any
8 fiscal year thereafter, to the State Department of Education. Such funds
9 shall be used by the department to provide assistance to institutions
10 that offer high school equivalency programs and for expanding services
11 and programs to support the completion of the general educational test.
12 Each such institution shall offer to eligible individuals adult dropout
13 recovery services, including recruitment and learning plan development,
14 and provide proactive coaching and mentoring to such individuals,
15 culminating in qualification for a high school diploma. For purposes of
16 this section, eligible individuals include adults and out-of-school
17 youths sixteen years of age or older who are not enrolled or required to
18 be enrolled in secondary school under state law and who have not
19 previously earned a high school diploma or diploma of high school
20 equivalency. Assistance shall be provided based on participation in an
21 institution's high school equivalency program as follows:
22 (a) Each such institution shall receive one assistance payment for
23 each participant who enrolled in its high school equivalency program in
24 the most recently completed fiscal year;
25 (b) Each such institution shall receive one assistance payment for
26 each enrolled participant who took an initial examination for a diploma
27 of high school equivalency in the most recently completed fiscal year;
1 and
2 (c) Each such institution shall receive one assistance payment for
3 each participant not enrolled in the institution's high school
4 equivalency program who took the examination for a diploma of high school
5 equivalency in the most recently completed fiscal year.
6 (2) An institution shall receive ~~no~~ additional assistance for any
7 enrolled participant who failed his or her initial examination for a
8 diploma of high school equivalency and requires additional training and
9 testing.

10 Sec. 2. Section 79-2308, Revised Statutes Cumulative Supplement,
 11 2022, is amended to read:
 12 79-2308 (1) The State Department of Education shall provide for
 13 grants to any entity offering a high school equivalency program, ~~which~~
 14 ~~entity is not an institution.~~ Grants pursuant to this section shall be
 15 awarded to applicants which meet the requirements of section 79-2304.
 16 (2) The High School Equivalency Grant Fund is created. Any money in
 17 the fund available for investment shall be invested by the state
 18 investment officer pursuant to the Nebraska Capital Expansion Act and the
 19 Nebraska State Funds Investment Act.
 20 ~~(3) It is the intent of the Legislature to transfer four hundred~~
 21 ~~thousand dollars from the Job Training Cash Fund to the High School~~
 22 ~~Equivalency Grant Fund to carry out the purposes of subsection (1) of~~
 23 ~~this section.~~
 24 Sec. 3. Original section 79-2304, Reissue Revised Statutes of
 25 Nebraska, and section 79-2308, Revised Statutes Cumulative Supplement,
 26 2022, are repealed.
 27 Sec. 4. Since an emergency exists, this act takes effect when
 28 passed and approved according to law.

RESOLUTION

LEGISLATIVE RESOLUTION 102. Introduced by Clements, 2; Bosn, 25.

WHEREAS, for fifty years, Lincoln Christian School has enjoyed the incredible privilege of having Mr. Phil Boehr teach music to the next generations; and

WHEREAS, Mr. Boehr started teaching at Lincoln Christian in 1972 after graduating from Grace College of the Bible in Omaha with a double major in instrumental and vocal music, and later earned a Master's Degree in music from the University of Nebraska-Lincoln; and

WHEREAS, Mr. Boehr has taught thousands of Lincoln Christian students the fundamentals of singing, reading music, and playing instruments; and

WHEREAS, Mr. Boehr has taught his students patriotic songs, melodies of faith, spirituals, African folk songs, songs he has written, and songs composed by students; and

WHEREAS, Mr. Boehr and his students have won numerous awards in music competitions and have been selected to perform in a variety of events including the Star City Christmas Concert, the Nebraska Music Educators Convention, and the Christian School convention in Kansas City, Missouri; and

WHEREAS, over the years, Mr. Boehr has put tremendous heart and soul into preparing the music and helping the students perform for Christmas concerts, Grandparents' and Friends' Day, chapel, Kindergarten graduation, and sixth grade recognition; and

WHEREAS, Mr. Boehr wrote and composed the musical "Nebraska Prairie - Memories Last" and, in addition to being performed at Lincoln Christian, the musical was performed at the Music Teachers Convention in the fall of 2017, and at the State Capitol building in March 2018; and

WHEREAS, in 2018 and 2019, Mr Boehr traveled to China where he taught two hundred eighty Chinese music teachers, both elementary and high school, about the floor staff, conducting, and use of manipulatives; and

WHEREAS, Mr. Boehr was inducted into the Lincoln Christian Hall of Honor in 2019.

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

1. That the Legislature congratulates Mr. Phil Boehr on fifty years of teaching music at Lincoln Christian School in Lincoln, Nebraska.

2. That copies of this resolution be sent to Lincoln Christian School and Mr. Phil Boehr.

Laid over.

VISITORS

Visitors to the Chamber were students from Holdrege High School, Holdrege; students from Walnut Creek Elementary, Papillion; students from Lost Creek Elementary, Columbus; students from North Star High School, Lincoln; students from Rumsey Station Elementary, Papillion.

RECESS

At 11:58 a.m., on a motion by Senator Walz, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Arch, Armendariz, Ballard, Blood, Bostar, Bostelman, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Holdcroft, Hughes, Linehan, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine entertainment district licenses issued under the Nebraska Liquor Control Act. This study shall include, but need not be limited to:

(1) An examination of entertainment district licenses, primarily for cities of the first class, cities of the second class, and villages with a focus on

safety requirements and the suitability of authorizing entertainment districts within historic districts with existing buildings and structures;

(2) Comments and issues discussed at the public hearing for Legislative Bill 150 introduced in the First Session of the One Hundred Eighth Legislature of Nebraska; and

(3) Potential statutory or regulatory changes that may be necessary relating to entertainment district licenses and requirements.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine sections 2-1201 to 2-1229 relating to the State Racing and Gaming Commission and its members to determine if any updates or changes to such sections are necessary based on the changing structure and powers and duties of the commission.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine and review occupational licenses and regulations under the State Electrical Act. The study shall be conducted to fulfill the requirements of section 84-948 and the Occupational Board Reform Act.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO350](#), found on page 939 and considered in this day's Journal, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

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

The M. Cavanaugh motion to indefinitely postpone prior to the bill being read, failed with 0 ayes, 38 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO963](#)

Reconsider MO350.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113 4:00 PM

Thursday, April 27, 2023

AM1390

Note: Amending LB600

(Signed) Mike Moser, Vice Chairperson

COMMITTEE REPORT

Education

LEGISLATIVE BILL 372. Placed on General File with amendment.

[AM1231](#)

1 1. On page 3, line 4, strike "not"; and in line 6 strike the first
 2 "any" and insert "no more and no less than five".

LEGISLATIVE BILL 632. Placed on General File with amendment.

AM1208

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-254 Sections 79-254 to 79-294 and section 5 of this act shall be
 6 known and may be cited as the Student Discipline Act.
 7 Sec. 2. Section 79-263, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 79-263 (1) Except as provided in section 5 of this act, each ~~Each~~
 10 school district shall adopt a policy requiring the expulsion from school
 11 for a period of not less than one year of any student who is determined
 12 to have knowingly and intentionally possessed, used, or transmitted a
 13 firearm on school grounds, in a vehicle owned, leased, or contracted by a
 14 school being used for a school purpose or in a vehicle being driven for a
 15 school purpose by a school employee or his or her designee, or at a
 16 school-sponsored activity or athletic event. For purposes of this
 17 section, firearm means a firearm as defined in 18 U.S.C. 921. The policy
 18 shall authorize the superintendent or the school board or board of
 19 education to modify the expulsion requirement on an individual basis.
 20 (2) Each school district shall provide annually to the State
 21 Department of Education:
 22 (a) An assurance that the school district has in effect the policy
 23 required by subsection (1) of this section; and
 24 (b) A description of the circumstances surrounding any expulsions
 25 imposed under the policy required by subsection (1) of this section,
 26 including:
 27 (i) The name of the school concerned;
 1 (ii) The number of students expelled from the school; and
 2 (iii) The types of weapons concerned.
 3 Sec. 3. Section 79-265, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-265 (1) Except as provided in section 5 of this act, the ~~The~~
 6 principal may deny any student the right to attend school or to take part
 7 in any school function for a period of up to five school days on the
 8 following grounds:
 9 (a) Conduct constituting grounds for expulsion as set out in the
 10 Student Discipline Act; or
 11 (b) Any other violation of rules and standards of behavior adopted
 12 under the act.
 13 (2) Such short-term suspension shall be made only after the
 14 principal has made an investigation of the alleged conduct or violation
 15 and has determined that such suspension is necessary to help any student,
 16 to further school purposes, or to prevent an interference with school
 17 purposes.
 18 (3) Before such short-term suspension takes effect, the student
 19 shall be given oral or written notice of the charges against him or her,
 20 an explanation of the evidence the authorities have, and an opportunity
 21 to present his or her version.
 22 (4) Within twenty-four hours or such additional time as is
 23 reasonably necessary following such suspension, the principal shall send
 24 a written statement to the student and his or her parent or guardian
 25 describing the student's conduct, misconduct, or violation of the rule or
 26 standard and the reasons for the action taken. The principal shall make a
 27 reasonable effort to hold a conference with the parent or guardian before
 28 or at the time the student returns to school.

29 (5) Any student who is suspended pursuant to this section may be
 30 given an opportunity to complete any classwork, including, but not
 31 limited to, examinations, missed during the period of suspension. Each
 1 public school district shall develop and adopt guidelines stating the
 2 criteria school officials shall use in determining whether and to what
 3 extent such opportunity for completion will be granted to suspended
 4 students. The guidelines shall be provided to the student and parent or
 5 guardian at the time of suspension.

6 Sec. 4. Section 79-267, Reissue Revised Statutes of Nebraska, is
 7 amended to read:

8 79-267 Except as provided in section 5 of this act, the The
 9 following student conduct shall constitute grounds for long-term
 10 suspension, expulsion, or mandatory reassignment, subject to the
 11 procedural provisions of the Student Discipline Act, when such activity
 12 occurs on school grounds, in a vehicle owned, leased, or contracted by a
 13 school being used for a school purpose or in a vehicle being driven for a
 14 school purpose by a school employee or by his or her designee, or at a
 15 school-sponsored activity or athletic event:

16 (1) Use of violence, force, coercion, threat, intimidation, or
 17 similar conduct in a manner that constitutes a substantial interference
 18 with school purposes;

19 (2) Willfully causing or attempting to cause substantial damage to
 20 property, stealing or attempting to steal property of substantial value,
 21 or repeated damage or theft involving property;

22 (3) Causing or attempting to cause personal injury to a school
 23 employee, to a school volunteer, or to any student. Personal injury
 24 caused by accident, self-defense, or other action undertaken on the
 25 reasonable belief that it was necessary to protect some other person
 26 shall not constitute a violation of this subdivision;

27 (4) Threatening or intimidating any student for the purpose of or
 28 with the intent of obtaining money or anything of value from such
 29 student;

30 (5) Knowingly possessing, handling, or transmitting any object or
 31 material that is ordinarily or generally considered a weapon;

1 (6) Engaging in the unlawful possession, selling, dispensing, or use
 2 of a controlled substance or an imitation controlled substance, as
 3 defined in section 28-401, a substance represented to be a controlled
 4 substance, or alcoholic liquor as defined in section 53-103.02 or being
 5 under the influence of a controlled substance or alcoholic liquor;

6 (7) Public indecency as defined in section 28-806, except that this
 7 subdivision shall apply only to students at least twelve years of age but
 8 less than nineteen years of age;

9 (8) Engaging in bullying as defined in section 79-2,137;

10 (9) Sexually assaulting or attempting to sexually assault any person
 11 if a complaint has been filed by a prosecutor in a court of competent
 12 jurisdiction alleging that the student has sexually assaulted or
 13 attempted to sexually assault any person, including sexual assaults or
 14 attempted sexual assaults which occur off school grounds not at a school
 15 function, activity, or event. For purposes of this subdivision, sexual
 16 assault means sexual assault in the first degree as defined in section
 17 28-319, sexual assault in the second degree as defined in section 28-320,
 18 sexual assault of a child in the second or third degree as defined in
 19 section 28-320.01, or sexual assault of a child in the first degree as
 20 defined in section 28-319.01, as such sections now provide or may
 21 hereafter from time to time be amended;

22 (10) Engaging in any other activity forbidden by the laws of the
 23 State of Nebraska which activity constitutes a danger to other students
 24 or interferes with school purposes; or

25 (11) A repeated violation of any rules and standards validly
 26 established pursuant to section 79-262 if such violations constitute a

27 substantial interference with school purposes.
 28 It is the intent of the Legislature that alternatives to suspension
 29 or expulsion be imposed against a student who is truant, tardy, or
 30 otherwise absent from required school activities.
 31 Sec. 5. (1) Except as provided in subsection (2) of this section, an
 1 elementary school shall not suspend a student in pre-kindergarten through
 2 second grade. Each school district shall develop a policy to implement
 3 this section which shall include disciplinary measures inside the school
 4 as an alternative to suspension.
 5 (2) An elementary school may suspend a student in pre-kindergarten
 6 through second grade if such student brings a deadly weapon as defined in
 7 section 28-109 on school grounds, in a vehicle owned, leased, or
 8 contracted by a school being used for a school purpose or in a vehicle
 9 being driven for a school purpose by a school employee or his or her
 10 designee, or at a school-sponsored activity or athletic event.
 11 Sec. 6. Original sections 79-254, 79-263, 79-265, and 79-267,
 12 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 703. Placed on General File with amendment.

AM1409

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 81-145, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 81-145 As used in sections 81-145 to 81-162, unless the context
 6 otherwise requires:
 7 (1) Materiel division ~~means shall mean~~ the head of the division of
 8 the state government charged with the administration of sections 81-145
 9 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of
 10 and subject to the supervision of the office of the Director of
 11 Administrative Services;
 12 (2) Personal property ~~includes shall include~~ all materials,
 13 supplies, furniture, equipment, printing, stationery, automotive and road
 14 equipment, and other chattels, goods, wares, and merchandise whatsoever;
 15 (3) Using agencies ~~means and includes shall mean and include~~ all
 16 officers of the state, departments, bureaus, boards, commissions,
 17 councils, and institutions receiving legislative appropriations, ~~except~~
 18 ~~that using agencies does not include the University of Nebraska and the~~
 19 ~~Nebraska state colleges;~~ and
 20 (4) Lease or contract ~~means shall mean~~ an agreement entered into by
 21 the state or using agency with another party whereby, for a stated
 22 consideration, the state or using agency is to receive the personal
 23 property or use thereof furnished by the other party.
 24 Sec. 2. Section 81-161.04, Revised Statutes Cumulative Supplement,
 25 2022, is amended to read:
 26 81-161.04 (1) Whenever any using agency has any personal property
 27 for which it no longer has any need or use, it shall notify the materiel
 1 division in writing setting forth a description of the property and the
 2 approximate length of time that the property has been in the possession
 3 of the using agency. The materiel division shall appraise the property
 4 and notify all other using agencies of the state that the materiel
 5 division has the property for sale and that the property can be bought at
 6 the appraised price. No property will be sold until first offered to
 7 using agencies as provided by this section unless the property is
 8 unusable. If the materiel division fails to receive an offer from any
 9 using agency, it may sell or dispose of the property by any method which
 10 is most advantageous to the State of Nebraska, including auction, sealed
 11 bid, private or public sale, or trade-in for other property, with
 12 priorities given to the other political subdivisions. All sales shall be
 13 made in the name of the State of Nebraska. The materiel division shall

14 charge an administrative fee for the disposition of surplus property.
15 Such administrative fee shall be a percentage of the amount of the sale
16 of the surplus property. In the event surplus property is determined to
17 have no market value, the materiel administrator may waive the
18 administrative fee.

19 (2) Except as otherwise provided in this subsection, the proceeds of
20 ~~such~~ the sales shall be deposited with the State Treasurer and credited
21 to the General Fund unless the using agency certifies to the materiel
22 division that the property was purchased in part or in total from either
23 cash accounts or federal funds or from a percentage of such accounts or
24 funds, in which case the proceeds of the sale to that extent shall be
25 credited to the cash or federal account in the percentage used in
26 originally purchasing the property. The cost of selling surplus property
27 shall be deducted from the proceeds of the surplus property sold. The
28 proceeds received from the sale of passenger-carrying motor vehicles
29 originally purchased with money from the General Fund, other than
30 passenger-carrying motor vehicles used by the Nebraska State Patrol, less
31 selling costs, shall be deposited in the state treasury and credited by
1 the State Treasurer to the Transportation Services Bureau Revolving Fund.
2 The proceeds received from the sale of passenger-carrying motor vehicles
3 used by the Nebraska State Patrol, less selling costs, shall be deposited
4 in the state treasury and credited by the State Treasurer to the Nebraska
5 State Patrol Vehicle Replacement Cash Fund. The proceeds received from
6 the sale of micrographic equipment, ~~other than that of the University of~~
7 ~~Nebraska and state colleges~~, less selling costs, shall be deposited in
8 the state treasury and credited by the State Treasurer to the Records
9 Management Micrographics Services Revolving Fund. The proceeds received
10 from the sale of aircraft, less selling costs, shall be deposited in the
11 state treasury and credited by the State Treasurer to the Aeronautics
12 Cash Fund.

13 Sec. 3. Section 81-1118, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 81-1118 The materiel division of the Department of Administrative
16 Services is hereby established and shall be managed by the materiel
17 administrator.

18 There are hereby established the following seven branches of the
19 materiel division of the Department of Administrative Services which
20 shall have the following duties, powers, and responsibilities:

21 (1) The office supplies bureau shall be responsible for providing
22 office supplies, paper, and forms to using agencies;

23 (2) Central mail shall be responsible for all mailing operations,
24 transportation of material, tracking shipments, and making freight
25 claims;

26 (3) The print shop shall be responsible for specifications and for
27 receiving bids and placing orders to the lowest and best commercial
28 bidder for all printing and reproduction operations for the state. The
29 print shop shall also be responsible for coordinating all existing
30 printing and reproduction operations of the state;

31 (4) Copy services shall be responsible for the purchasing and
1 placement of all copier requirements;

2 (5) The state purchasing bureau shall be responsible for all
3 purchases by all state agencies other than the University of Nebraska and
4 the Nebraska state colleges. The materiel division shall administer the
5 public notice and bidding procedures and any other areas designated by
6 the Director of Administrative Services to carry out the lease or
7 purchase of personal property. All purchases of and contracts for
8 materials, supplies, or equipment and all leases of personal property
9 shall be made in the following manner except in emergencies approved by
10 the Governor:

11 (a) By a competitive formal sealed bidding process through the

12 materiel division in all cases in which the purchases are of estimated
13 value exceeding fifty thousand dollars;

14 (b) By a competitive informal bidding process through the materiel
15 division in all cases in which the purchases are of estimated value equal
16 to or exceeding twenty-five thousand dollars but equal to or less than
17 fifty thousand dollars;

18 (c) By unrestricted open market purchases through the materiel
19 division in all cases in which purchases are of estimated value of less
20 than twenty-five thousand dollars;

21 (d) All requisitions for whatever purpose coming to the state
22 purchasing bureau shall be in conformance with the approved budget of the
23 requisitioning department or agency;

24 (e) All contracts for purchases and leases shall be bid as a single
25 whole item. In no case shall contracts be divided or fractionated in
26 order to produce several contracts which are of an estimated value below
27 that required for competitive bidding; and

28 (f) No contract for purchase or lease shall be amended to extend the
29 duration of the contract for a period of more than fifty percent of the
30 initial contract term. Following the adoption of any amendment to extend
31 the contract for a period of fifty percent or less of the initial
1 contract term, no further extensions of the original contract shall be
2 permitted. This subdivision (f) does not prohibit the exercise of any
3 renewal option expressly provided in the original contract;

4 (6) The state recycling office shall be responsible for the
5 administration and operation of the State Government Recycling Management
6 Act; and

7 (7) State surplus property shall be responsible for the disposition
8 of the state's surplus property and the maintenance of all inventory
9 records.

10 Nothing in this section shall be construed to require that works of
11 art must be procured through the materiel division.

12 Sec. 4. Section 81-1118.02, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-1118.02 (1) Except as otherwise provided in subsection (4) of
15 this section, each ~~Each~~ executive, department, commission, or other state
16 agency, and including the Supreme Court, the Board of Regents of the
17 University of Nebraska, and the Board of Trustees of the Nebraska State
18 Colleges, shall annually make or cause to be made an inventory of all
19 property, including furniture and equipment, belonging to the State of
20 Nebraska and in the possession, custody, or control of any executive,
21 department, commission, or other state agency. The inventory shall
22 include property in the possession, custody, or control of each
23 executive, department, commission, or other state agency as of June 30
24 and shall be completed and filed with the materiel administrator by
25 August 31 of each year.

26 (2) If any of the property of the state, referred to in subsection
27 (1) of this section, is lost, destroyed, or unaccounted for by the
28 negligence or carelessness of the executive, department, commission, or
29 other state agency, the administrator shall, with the advice of the
30 Attorney General, take the proper steps to recover such state property or
31 the reasonable value thereof from the executive, department, commission,
1 or other state agency charged with the same and from the person bonding
2 such executive, department, commission, or other state agency, if any.

3 (3) Each such executive, department, commission, or other state
4 agency shall indelibly tag, mark, or stamp all such property belonging to
5 the State of Nebraska, with the following: Property of the State of
6 Nebraska. In the inventory required by subsection (1) of this section,
7 each such executive, department, commission, or other state agency shall
8 state positively that each item of such property has been so tagged,
9 marked, or stamped.

10 (4) This section does not apply to the Board of Regents of the
 11 University of Nebraska or the Board of Trustees of the Nebraska State
 12 Colleges.

13 Sec. 5. Section 85-102, Reissue Revised Statutes of Nebraska, is
 14 amended to read:

15 85-102 The object of ~~the University of Nebraska such institution~~
 16 shall be to afford to the inhabitants of this state the means of
 17 acquiring a thorough knowledge of the various branches of literature,
 18 science and arts.

19 Sec. 6. Section 85-328, Reissue Revised Statutes of Nebraska, is
 20 amended to read:

21 85-328 The State College Capitol Improvement Facility Fee Fund is
 22 created. Revenue credited to the fund shall include amounts generated
 23 through assessment of a capital improvement facilities fee under the
 24 authority of the Board of Trustees of the Nebraska State Colleges.
 25 Amounts accumulated in the fund are authorized to be expended for the
 26 purpose of paying the cost of capital improvement projects approved by
 27 the board of trustees for any facilities on campuses or lands owned or
 28 controlled by the board, except that no such amounts shall be expended
 29 for capital improvement projects relating to facilities from which
 30 revenue is derived and pledged for the retirement of revenue bonds issued
 31 under ~~the provisions of~~ sections 85-403 to 85-411. All money accruing to
 1 the fund is appropriated to the board of trustees and shall be used for
 2 capital improvement projects authorized by the board. No expenditure may
 3 be made from the fund without prior approval by a resolution of the board
 4 of trustees. Any money in the fund available for investment shall be
 5 invested by the state investment officer pursuant to the Nebraska Capital
 6 Expansion Act and the Nebraska State Funds Investment Act. All revenue,
 7 fund balances, and expenditures shall be recorded in the Nebraska State
 8 Accounting System.

9 Sec. 7. Section 85-601, Reissue Revised Statutes of Nebraska, is
 10 amended to read:

11 85-601 It shall be grounds for the dismissal of any member of the
 12 faculty or administrative staff employed by, or the expulsion of any
 13 student attending, the University of Nebraska or any community college
 14 ~~any public institution of higher education~~ in this state to use or assist
 15 others in any way in the use of force or to counsel, recommend, or urge
 16 the use of force or the threat of force or the seizure of property under
 17 the control of such institution, or by any act or action not sanctioned
 18 by law to prevent the faculty, administrative officers, employees, or
 19 students in such institution from engaging in their normal duties in
 20 connection with the operation of the institution or pursuing their
 21 studies at such institution.

22 Sec. 8. Section 85-602, Reissue Revised Statutes of Nebraska, is
 23 amended to read:

24 85-602 No person shall be dismissed or expelled under ~~the provisions~~
 25 ~~of~~ section 85-601 until such person ~~he~~ has been accorded a public hearing
 26 under rules and regulations for the administration of sections 85-601 to
 27 85-605 established by the governing body ~~of the institution~~. Notice of
 28 such hearing and a formal written statement of the charges against such
 29 person ~~him~~ shall be served by either registered or certified mail, sent
 30 to such person's ~~his~~ current address as shown on the records of the
 31 University of Nebraska or community college institution, at least twenty
 1 days before the date set for hearing. Such person ~~He~~ shall be entitled to
 2 file a written response to such charges, to be present in person and by
 3 counsel at the hearing, and to testify and produce other witnesses on his
 4 ~~or her~~ behalf.

5 Sec. 9. Section 85-603, Reissue Revised Statutes of Nebraska, is
 6 amended to read:

7 85-603 Dismissal or expulsion of any person under ~~the provisions of~~

8 section 85-601 shall be by written order, which shall contain findings of
 9 fact upon which dismissal or expulsion is based, and shall be signed by
 10 an authorized agent of the governing body. The order shall be entered
 11 within thirty days after the hearing, shall state its effective date, and
 12 shall be served by either registered or certified mail, return receipt
 13 requested, sent to such person's his current address as shown on the
 14 records of the University of Nebraska or community college institution.
 15 Sec. 10. Section 85-604, Reissue Revised Statutes of Nebraska, is
 16 amended to read:

17 85-604 ~~Each~~ The governing body of ~~each public institution of higher~~
 18 ~~education in this state~~ shall adopt rules and regulations for the
 19 administration of the ~~provisions of~~ sections 85-601 to 85-605.

20 Sec. 11. Section 85-605, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does
 23 ~~shall~~ not include the failure to renew a probationary appointment of any
 24 faculty member or administrative staff member and (2) governing body
 25 means the Board of Regents of the University of Nebraska or the Community
 26 College Board of Governors, as applicable public institution of higher
 27 ~~education shall include the University of Nebraska, the state colleges,~~
 28 ~~and the community colleges.~~

29 Sec. 12. Original sections 81-145, 81-1118.02, 85-102, 85-328,
 30 85-601, 85-602, 85-603, 85-604, and 85-605, Reissue Revised Statutes of
 31 Nebraska, and sections 81-161.04 and 81-1118, Revised Statutes Cumulative
 1 Supplement, 2022, are repealed.

LEGISLATIVE BILL 724. Placed on General File with amendment.

[AM1235](#)

1 1. On page 5, strike beginning with "or" in line 11 through
 2 "knowledge" in line 12.

(Signed) Dave Murman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO963](#), found
 and considered in this day's Journal, to reconsider MO350.

The M. Cavanaugh motion to reconsider failed with 1 aye, 16 nays, 22
 present and not voting, and 10 excused and not voting.

Title read. Considered.

Senator M. Cavanaugh offered [MO352](#), found on page 939, to bracket until
 June 1, 2023.

SPEAKER ARCH PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former
 State Legislators.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO352](#), found on page 939 and considered in this day's Journal, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 6:

Aguilar	Linehan	Slama
Dover	Raybould	Vargas

The M. Cavanaugh motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator Halloran filed the following motion to [LB191](#):
[MO964](#)
Recommit to Business and Labor Committee.

Senator Halloran filed the following motion to [LB191](#):
[MO965](#)
Indefinitely postpone pursuant to Rule 6, Section 3f.

Senator Halloran filed the following motion to LB191:
[MO966](#)
 Bracket until June 9, 2023.

EASE

The Legislature was at ease from 5:24 p.m. until 6:00 p.m.

SENATOR DORN PRESIDING

PRESIDENT KELLY PRESIDING

BILL ON FIRST READING

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

LEGISLATIVE BILL 254A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 254, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh offered the following motion:

[MO967](#)

Reconsider vote on MO352.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 2:

Cavanaugh, J. Hunt

Voting in the negative, 27:

Albrecht	Brandt	Dorn	Lippincott	von Gillern
Arch	Briese	Hardin	Lowe	Walz
Armendariz	Clements	Holdcroft	Murman	Wishart
Ballard	Conrad	Hughes	Raybould	
Bostar	DeBoer	Ibach	Riepe	
Bostelman	DeKay	Kauth	Sanders	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 19:

Aguilar	Day	Fredrickson	Linehan	Slama
Blood	Dover	Halloran	McDonnell	Vargas
Bosn	Dungan	Hansen	McKinney	Wayne
Brewer	Erdman	Jacobson	Moser	

The M. Cavanaugh motion to reconsider failed with 2 ayes, 27 nays, 1 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO351](#), found on page 939, to recommit to Business and Labor Committee.

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB191](#):
[AM1404](#)

(Amendments to Standing Committee amendments, AM1330)

- 1 1. Insert the following new sections:
- 2 Sec. 6. (1) For purposes of this section:
- 3 (a) Firefighter includes both professional and volunteer
- 4 firefighters;
- 5 (b) Professional firefighter means a person who has been employed
- 6 for five or more years in this state in a full-time salaried occupation
- 7 as:
- 8 (i) A firefighter for the benefit or safety of the public;
- 9 (ii) An investigator of fires or arson; or
- 10 (iii) An instructor or officer for the provision of training
- 11 concerning fire or hazardous materials; and
- 12 (c) Volunteer firefighter means a person who has acted for five or
- 13 more years in this state as a volunteer firefighter described in
- 14 subdivision (3) of section 48-115.
- 15 (2) Notwithstanding any provision of the Nebraska Workers'
- 16 Compensation Act to the contrary, cancer that results in either temporary
- 17 or permanent disability or death is an occupational disease and
- 18 compensable as such under the act if:
- 19 (a) The cancer develops or manifests itself out of and in the course
- 20 of the employment of a firefighter; and
- 21 (b) It is demonstrated that:
- 22 (i) The firefighter was exposed, while in the course of employment,
- 23 to a known carcinogen or a substance reasonably anticipated to be a human
- 24 carcinogen, as defined by the International Agency for Research on Cancer
- 25 or the National Toxicology Program; and
- 26 (ii) Such carcinogen is reasonably associated with such cancer.
- 1 (3) With respect to a firefighter, the following substances shall be
- 2 deemed, for purposes of subsection (2) of this section, to be known
- 3 carcinogens that are reasonably associated with the following cancers:
- 4 (a) Diesel exhaust, formaldehyde, and polycyclic aromatic

5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
6 associated with bladder cancer;
7 (b) Acrylonitrile, formaldehyde, and vinyl chloride shall be deemed
8 to be known carcinogens that are reasonably associated with brain cancer;
9 (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene
10 oxide, polychlorinated biphenyls, and polycyclic aromatic hydrocarbon
11 shall be deemed to be known carcinogens that are reasonably associated
12 with breast cancer;
13 (d) Diesel exhaust and formaldehyde shall be deemed to be known
14 carcinogens that are reasonably associated with colon cancer;
15 (e) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
16 hydrocarbon shall be deemed to be known carcinogens that are reasonably
17 associated with esophageal cancer;
18 (f) Formaldehyde shall be deemed to be a known carcinogen that is
19 reasonably associated with Hodgkin's lymphoma;
20 (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed
21 to be known carcinogens that are reasonably associated with kidney
22 cancer;
23 (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene,
24 and polycyclic aromatic hydrocarbon shall be deemed to be known
25 carcinogens that are reasonably associated with leukemia;
26 (i) Chloroform, soot, and vinyl chloride shall be deemed to be known
27 carcinogens that are reasonably associated with liver cancer;
28 (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic
29 aromatic hydrocarbon, radon, silica, soot, and tars shall be deemed to be
30 known carcinogens that are reasonably associated with lung cancer;
31 (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic
1 hydrocarbon, soot, and vinyl chloride shall be deemed to be known
2 carcinogens that are reasonably associated with lymphatic or
3 haematopoietic cancer;
4 (l) Diesel exhaust and soot, aldehydes, and polycyclic aromatic
5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
6 associated with basal cell carcinoma, squamous cell carcinoma and
7 malignant melanoma;
8 (m) Benzene, dioxins, and glyphosate shall be deemed to be known
9 carcinogens that are reasonably associated with multiple myeloma;
10 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,
11 formaldehyde, and hydrogen chloride shall be deemed to be known
12 carcinogens that are reasonably associated with nasopharyngeal cancer,
13 including laryngeal cancer and pharyngeal cancer;
14 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde, and
15 polychlorinated biphenyls shall be deemed to be known carcinogens that
16 are reasonably associated with non-Hodgkin's lymphoma;
17 (p) Asbestos, benzene, and formaldehyde shall be deemed to be known
18 carcinogens that are reasonably associated with ovarian cancer;
19 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known
20 carcinogen that is reasonably associated with pancreatic cancer;
21 (r) Acrylonitrile, benzene, and formaldehyde shall be deemed to be
22 known carcinogens that are reasonably associated with prostate cancer;
23 (s) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
24 hydrocarbon shall be deemed to be known carcinogens that are reasonably
25 associated with rectal cancer;
26 (t) Chlorophenols, chlorophenoxy herbicides, and polychlorinated
27 biphenyls shall be deemed to be known carcinogens that are reasonably
28 associated with soft tissue sarcoma;
29 (u) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
30 hydrocarbon shall be deemed to be known carcinogens that are reasonably
31 associated with stomach cancer;
1 (v) Diesel exhaust and soot, and polychlorinated biphenyls shall be
2 deemed to be known carcinogens that are reasonably associated with
3 testicular cancer;
4 (w) Diesel exhaust, benzene, and X-ray radiation shall be deemed to
5 be known carcinogens that are reasonably associated with thyroid cancer;
6 (x) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic

7 hydrocarbon shall be deemed to be known carcinogens that are reasonably
8 associated with urinary tract cancer and ureteral cancer; and
9 (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to
10 be known carcinogens that are reasonably associated with uterine cancer.
11 (4) Subsection (3) of this section is not an exhaustive list and
12 shall not preclude any person from demonstrating, on a case-by-case basis
13 for the purposes of subsection (2) of this section, that a substance is a
14 known carcinogen or is reasonably anticipated to be a human carcinogen,
15 including an agent classified by the International Agency for Research on
16 Cancer in Group 1 or Group 2A, that is reasonably associated with a
17 cancer.
18 (5) There shall be a rebuttable presumption that a cancer
19 experienced by a firefighter arose out of and in the course of employment
20 if the cancer is diagnosed during the course of the firefighter's
21 employment.
22 (6)(a) There shall be a rebuttable presumption, for purposes of
23 subsection (2) of this section, that cancer experienced by a retired
24 firefighter arose out of and in the course of employment if the cancer is
25 diagnosed within a period, not to exceed sixty months, which begins with
26 the last date the retired firefighter actually worked in the qualifying
27 capacity and extends for a period calculated by multiplying three months
28 by the number of full years of such employment.
29 (b) This subsection applies to a professional firefighter who
30 retires before January 1, 2024, and to a volunteer firefighter,
31 regardless of the date of retirement.
1 (7) There shall be a rebuttable presumption, for purposes of
2 subsection (2) of this section, that cancer experienced by a professional
3 firefighter who retires on or after January 1, 2024, arose out of and in
4 the course of employment if such cancer was diagnosed;
5 (a) If the firefighter ceases employment before completing twenty
6 years of service as a professional firefighter, during the period after
7 separation from employment which is equal to the number of years worked;
8 or
9 (b) If the firefighter ceases employment after completing twenty
10 years or more of service as a professional firefighter, investigator,
11 instructor, at any time during the person's life.
12 (8) Service credit which is purchased in a retirement system shall
13 not be used to calculate the number of years of service or employment for
14 purposes of this section.
15 (9) A person who files a claim for benefits for cancer pursuant to
16 subsection (7) of this section after retiring from employment as a
17 professional firefighter is not entitled to receive any compensation for
18 such cancer under the Nebraska Workers' Compensation Act other than
19 medical benefits.
20 Sec. 11. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 48-1,110 Sections 48-101 to 48-1,117 and section 6 of this act shall
23 be known and may be cited as the Nebraska Workers' Compensation Act.
24 2. Renumber the remaining sections and correct the repealer
25 accordingly.

Senator McDonnell filed the following amendment to [LB191](#):
[AM1411](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:
2 Sec. 16. Section 48-3502, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 48-3502 For purposes of the Workplace Privacy Act:
5 (1) Adverse action means the discharge of an employee, a threat
6 against an employee, or any other act against an employee that negatively
7 affects the employee's employment;
8 (2) Applicant means a prospective employee applying for employment;
9 (3) Electronic communication device means a cellular telephone,

10 personal digital assistant, electronic device with mobile data access,
11 laptop computer, pager, broadband personal communication device, two-way
12 messaging device, electronic game, or portable computing device;
13 (4) Employee means an individual employed by an employer;
14 (5) Employer means (a) a public or nonpublic entity or an individual
15 engaged in a business, an industry, a profession, a trade, or other
16 enterprise in the state, including any agent, representative, or designee
17 acting directly or indirectly in the interest of such an employer, (b) a
18 subcontractor of such an employer, and (c) a customer of such an
19 employer; and
20 (6)(a) Personal Internet account means an individual's online
21 account that requires login information in order to access or control the
22 account.
23 (b) Personal Internet account does not include:
24 (i) An online account that an employer or educational institution
25 supplies or pays for, except when the employer or educational institution
26 pays only for additional features or enhancements to the online account;
1 or
2 (ii) An online account that is used exclusively for a business
3 purpose of the employer.
4 Sec. 17. Section 48-3503, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 48-3503 No employer shall:
7 (1) Require or request that an employee or applicant provide or
8 disclose any user name or password or any other related account
9 information in order to gain access to the employee's or applicant's
10 personal Internet account by way of an electronic communication device;
11 (2) Require or request that an employee or applicant log into a
12 personal Internet account by way of an electronic communication device in
13 the presence of the employer in a manner that enables the employer to
14 observe the contents of the employee's or applicant's personal Internet
15 account or provides the employer access to the employee's or applicant's
16 personal Internet account;
17 (3) Require an employee or applicant to add anyone, including the
18 employer, to the list of contacts associated with the employee's or
19 applicant's personal Internet account or require or otherwise coerce an
20 employee or applicant to change the settings on the employee's or
21 applicant's personal Internet account which affects the ability of others
22 to view the content of such account; ~~or~~
23 (4) ~~Require an electronic communication device to be worn by an~~
24 ~~employee to track the employee's location or travel patterns or to~~
25 ~~confirm contacts with other employees, unless the Governor proclaims a~~
26 ~~state of emergency for a pandemic pursuant to section 81-829.40 and the~~
27 ~~following conditions are met:~~
28 (a) ~~The state of emergency proclamation permits an employer to use~~
29 ~~an electronic communication device for contact tracing purposes only;~~
30 (b) ~~The contact tracing is permitted only on the employer's premises~~
31 ~~during employee work hours; and~~
1 (c) ~~The data collected during the contact tracing is not included in~~
2 ~~the employee's personnel files and is destroyed within forty-eight hours~~
3 ~~after the expiration of any tracing period recommended by the Centers for~~
4 ~~Disease Control and Prevention; or~~
5 (5) (4) Take adverse action against, fail to hire, or otherwise
6 penalize an employee or applicant for failure to provide or disclose any
7 of the information or to take any of the actions specified in
8 subdivisions (1) through (4) (3) of this section.
9 2. Renumber the remaining sections and correct the repealer
10 accordingly.

VISITORS

Visitors to the Chamber were students from Messiah Lutheran, Lincoln; Cathy Erdman and Peggy Clements; students from Ravenna Public Schools, Ravenna.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 8:01 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Thursday, April 20, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 20, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 20, 2023

PRAYER

The prayer was offered by Rabbi Mendel Katzman, Chabad of Nebraska, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Retired Lt. Commander Bonnie Brewer, Navy.

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 Kauth and Slama who were excused; and Senators Day and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 19, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Dover, David
Omaha Public Power District
Husch Blackwell Strategies

Magellan Health
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
WiPro LLC
Teepell, Taylor
Lumen (Withdrawn 04/19/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

RESOLUTION

LEGISLATIVE RESOLUTION 106. Introduced by Halloran, 33; Aguilar, 35; Albrecht, 17; Blood, 3; Bosn, 25; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Clements, 2; DeBoer, 10; DeKay, 40; Dorn, 30; Erdman, 47; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; Moser, 22; Murman, 38; Sanders, 45; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to examine interests in agricultural lands in Nebraska held by foreign individuals, business entities, and governments and factors underlying the dramatic increase in foreign-held interests in agricultural lands.

Foreign investment in agricultural production or other activities occurring on agricultural lands in the state has increased substantially over the past decade. The Agricultural Foreign Investment Disclosure Act of 1978 requires foreign persons and foreign-held entities who acquire or transfer an interest in agricultural land to report such transactions to the United States Secretary of Agriculture. The United States Department of Agriculture publishes information compiled from such reporting annually. According to the 2020 Foreign Holdings of U.S. Agricultural Lands publication, foreign landholdings in Nebraska as of December 31, 2020, included over six hundred ninety thousand acres, which was one and one-half percent of privately held agricultural land in the state, compared to over thirty-four thousand acres in 2010 which was one-tenth of one percent of privately held agricultural land in the state in 2010.

The interim study shall include a review of the need for and utility of legislation to improve the ability of the State of Nebraska to monitor foreign investments in agricultural lands and agricultural production in order to better understand:

- (1) The types of interests held by foreign investors;
- (2) The purposes for which such investment has occurred and is likely to occur in the future;
- (3) The benefits of foreign investment for agricultural production, rural landowners, and rural economies; and
- (4) Any actual or potential adverse impacts of foreign investment for food security and agricultural and rural economies.

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

- 1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 94 and 95 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 94 and 95.

MOTION - Chairperson of Transportation and Telecommunications

Senator Fredrickson moved to proceed to the election of the Transportation and Telecommunications chairperson, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

Senator DeBoer placed her name in nomination.

Senator Brandt placed his name in nomination.

Senator Moser placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dungan, McDonnell, and Armendariz as tellers.

Senator DeBoer	12
Senator Brandt	5
Senator Moser	<u>28</u>
	45

Senator Moser was duly elected Chairperson of the Transportation and Telecommunications Committee.

MOTION - Executive Board Member

Senator Bostelman moved to approve the 1st District Caucus Report, found on page 1138, appointing Senator Ballard to the vacated seat due to the resignation of Senator Geist on the Executive Board, pursuant to Rule 1, Section 1(b)(iv).

The motion prevailed.

COMMITTEE ON COMMITTEES SECOND FINAL REPORT

Senator Albrecht moved the adoption of the Committee on Committees Second Preliminary Report, found on page 1085, made due to the resignation of Senator Geist.

Senator M. Cavanaugh requested a roll call vote on the adoption of the Committee on Committees Second Preliminary Report.

The Committee on Committees Second Preliminary Report was approved with 43 ayes, 0 nays, 2 present and not voting, 0 absent and not voting, and 4 excused and not voting.

Senator Bosn has been appointed to the Judiciary Committee and Transportation and Telecommunications Committee.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO351](#), found on page 939 and considered on page 1202, to recommit to Business and Labor Committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Armendariz Kauth Slama Vargas

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

The Judiciary Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robey L. Jeffreys Director - Department of Correctional Services

Aye: 7. Blood, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Justin Wayne, Chairperson

Urban Affairs

LEGISLATIVE BILL 533. Placed on General File.

(Signed) Terrell McKinney, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 243A. Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh offered the following motion:

[MO968](#)

Reconsider the vote taken on MO351.

Senator M. Cavanaugh withdrew her motion to reconsider.

Committee [AM1330](#), found on page 1143, was offered.

Senator Halloran offered the following motion:

[MO969](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Kauth	Slama	Vargas
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The Halloran motion to invoke cloture prevailed with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the committee amendment.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Kauth Slama Vargas

The committee amendment was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Kauth Slama Vargas

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

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator DeBoer filed the following amendment to [LB799A](#):
[AM1435](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 562. Senator Hunt offered [MO641](#), found on page 960, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Dorn opened on his bill, LB562.

SENATOR DEBOER PRESIDING

Senator Hunt opened on her motion, MO641.

Senator Hunt moved for a call of the house. The motion prevailed with 11 ayes, 6 nays, and 32 not voting.

Senator Hunt requested a roll call vote on her motion to indefinitely postpone, prior to the bill being read.

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Aguilar	Hansen	Slama
Dungan	Kauth	Wayne

The Hunt motion to indefinitely postpone, prior to the bill being read, failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Education

LEGISLATIVE BILL 800. Placed on General File.

LEGISLATIVE BILL 153. Placed on General File with amendment.

[AM1421](#)

- 1 1. On page 2, line 17, after "district" insert "with expected
- 2 special education expenditures that total (a) at least fifty thousand
- 3 dollars annually or (b) one-half percent or more of such school
- 4 district's annual budget, whichever is greater."; and in lines 20 and 21
- 5 strike "the requirement of".
- 6 2. On page 3, line 15, strike "appropriated" and insert
- 7 "transferred"; and strike lines 27 through 30 and insert the following
- 8 new subsection:
- 9 "(3) It is the intent of the Legislature to transfer two million
- 10 five hundred thousand dollars from the Education Future Fund to the
- 11 Extraordinary Increase in Special Education Expenditures Fund for fiscal
- 12 year 2023-24 to carry out the Extraordinary Increase in Special Education
- 13 Expenditures Act. It is the intent of the Legislature that the
- 14 Extraordinary Increase in Special Education Expenditures Fund maintain a
- 15 minimum balance at the start of each fiscal year of two million five
- 16 hundred thousand dollars and that the Legislature make transfers from the
- 17 Education Future Fund to the Extraordinary Increase in Special Education
- 18 Expenditures Fund annually to maintain such balance.".

LEGISLATIVE BILL 603. Placed on General File with amendment.

[AM1392](#)

- 1 1. On page 4, strike lines 30 and 31 and insert the following new
- 2 subsection:
- 3 "(4) An individual who receives an alternative certificate to teach
- 4 pursuant to this section shall:
- 5 (a) Participate in a school district clinical experience for one
- 6 semester in such individual's first semester of employment as a teacher
- 7 pursuant to this section; and
- 8 (b) Be subject to the same certification criteria as an individual
- 9 who completes a traditional teacher preparation program if converting the
- 10 alternative certificate to teach to a standard certificate to teach.".
- 11 2. On page 5, strike lines 1 through 3.

LEGISLATIVE BILL 762. Placed on General File with amendment.
[AM1399](#)

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

3 Section 1. (1) For purposes of this section:

4 (a) Board means the State Board of Education;

5 (b) Department means the State Department of Education; and

6 (c) Program means the Nebraska Paraprofessional to Teacher Program.

7 (2)(a) The department shall create and administer the Nebraska
 8 Paraprofessional to Teacher Program. The purpose of the program is to
 9 help recruit and increase the number of teachers throughout the state by
 10 utilizing individuals employed as a paraprofessional or paraeducator at a
 11 school in this state through an alternative paraprofessional
 12 certification process.

13 (b) The department may work with standard institutions of higher
 14 education as defined in section 79-807, the Department of Labor, and
 15 other entities the State Department of Education deems necessary to
 16 develop and implement the program.

17 (3) The program shall provide services and supports to assist
 18 paraprofessionals and paraeducators in this state in obtaining a
 19 certificate to teach through training opportunities and grants to
 20 paraprofessionals or paraeducators for educational expenses required to
 21 obtain a certificate to teach.

22 (4) Subject to available funds, beginning in fiscal year 2023-24, a
 23 paraprofessional or paraeducator in this state may apply to the
 24 department on a form and in a manner prescribed by the department for a
 25 grant to fund educational expenses related to training or education
 26 required to obtain a certificate to teach in this state. Such educational
 27 expenses shall include tuition, books, and other required materials for
 1 class or training. A grant shall not exceed three thousand dollars. The
 2 department shall give priority to applications in order of filing.

3 (5) The Paraprofessional to Teacher Program Fund is created. The
 4 fund shall be administered by the department to carry out the program.
 5 The fund shall consist of money transferred by the Legislature and any
 6 gifts, grants, bequests, donations, or other contributions from public or
 7 private sources. Any money in the fund available for investment shall be
 8 invested by the state investment officer pursuant to the Nebraska Capital
 9 Expansion Act and the Nebraska State Funds Investment Act.

10 (6) It is the intent of the Legislature to transfer one million
 11 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
 12 Education Future Fund to the Paraprofessional to Teacher Program Fund for
 13 the purposes of carrying out the program.

14 (7) The board may adopt and promulgate rules and regulations to
 15 carry out the program.

16 Sec. 2. Section 79-8,145, Revised Statutes Cumulative Supplement,
 17 2022, is amended to read:

18 79-8,145 (1) In addition to certificates issued pursuant to sections
 19 79-806 to 79-815:

20 (a) The Commissioner of Education shall, subject to the provisions
 21 of subsection (3) of this section, grant a temporary certificate to teach
 22 on a full-time basis to any applicant who:

23 (i) Has completed a teacher education program at a standard
 24 institution of higher education as defined in section 79-807; and

25 (ii) Currently possesses a certificate to teach in good standing
 26 from another state; ~~and~~

27 (b) The commissioner may, subject to the provisions of subsection
 28 (3) of this section, grant a temporary certificate to teach on a full-
 29 time basis to any applicant who:

30 (i) Has earned and been awarded a bachelor's degree, graduate

31 degree, or professional degree from a college or university accredited by
 1 an accrediting organization recognized by the United States Department of
 2 Education; and
 3 (ii) Has satisfactorily demonstrated basic skills competency and
 4 passed any appropriate subject area examination as designated by the
 5 State Board of Education; and -
 6 (c) Beginning in fiscal year 2024-25, the commissioner shall,
 7 subject to the provisions of subsection (3) of this section, grant a
 8 temporary certificate to teach on a full-time basis to any applicant who:
 9 (i) Has completed two years at a college or a university accredited
 10 by an accrediting organization recognized by the United States Department
 11 of Education with at least forty-eight or more semester credit hours or
 12 obtained an associate's degree from such a college or university;
 13 (ii) Is employed as a paraprofessional or paraeducator at an
 14 elementary school, middle school, or high school in Nebraska; and
 15 (iii) Has passed any appropriate subject area examination as
 16 designed by the State Board of Education.
 17 (2) Any temporary certificate to teach issued pursuant to this
 18 section shall be valid for a period not to exceed two years, during which
 19 the holder of such temporary certificate must obtain a certificate to
 20 teach pursuant to sections 79-806 to 79-815 by completing the
 21 requirements contained in such sections.
 22 (3) Issuance of a temporary certificate to teach pursuant to this
 23 section shall be subject to a criminal history record information check
 24 pursuant to section 79-814.01 and payment of any required fees.
 25 Sec. 3. Original section 79-8,145, Revised Statutes Cumulative
 26 Supplement, 2022, is repealed.
 27 Sec. 4. Since an emergency exists, this act takes effect when
 28 passed and approved according to law.

(Signed) Dave Murman, Chairperson

AMENDMENT - Print in Journal

Senator Bostar filed the following amendment to LB683:
AM1301

(Amendments to Final Reading copy)

- 1 1. Strike sections 29 and 31.
- 2 2. On page 1, lines 19 and 20, strike "to provide operative dates;".
- 3 3. On page 31, line 13, strike "Beginning January 1, 2025, no" and
- 4 insert "No".
- 5 4. On page 32, line 24, strike "and 81-502.03" and insert
- 6 "81-502.03, and 86-125"; and in line 26 after the second comma insert
- 7 "86-324, 86-328,".
- 8 5. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 562. Senator Hunt offered the following motion:
MO970

Reconsider the vote taken on MO641.

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

Senator Hunt requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 38:

Albrecht	Brandt	Dungan	Ibach	Raybould
Arch	Brewer	Erdman	Jacobson	Sanders
Armendariz	Briese	Fredrickson	Linehan	Vargas
Ballard	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bosn	DeBoer	Hardin	McKinney	Wishart
Bostar	DeKay	Holdcroft	Moser	
Bostelman	Dorn	Hughes	Murman	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

Aguilar	Day	Kauth	Riepe	Wayne
Clements	Dover	McDonnell	Slama	

The Hunt motion to reconsider failed with 1 aye, 38 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 107. Introduced by Clements, 2; Wishart, 27.

WHEREAS, Jerome "Jerry" Deichert is a Director Emeritus of the Center for Public Affairs at the University of Nebraska at Omaha where he worked from 1987 until his retirement in 2018; and

WHEREAS, Jerry has been involved as a partner at the Omaha Community Foundation which is a giving collective that connects philanthropists with the people and nonprofits in Omaha, Nebraska; and

WHEREAS, Jerry has contributed his knowledge to numerous scientific demographic studies throughout the years and has been the recipient of many awards; and

WHEREAS, Jerry's passion is making demographic and economic information more useful for decisionmaking; and

WHEREAS, Jerry is an expert on trends and small-area data for the State of Nebraska; and

WHEREAS, Jerry has been a member of the Nebraska Economic Forecasting Advisory Board for thirty-five years providing objective and accurate revenue forecasts used by both the Governor and the Legislature in developing the state budget; and

WHEREAS, Jerry has led the Nebraska Economic Forecasting Advisory Board as chairperson since October 26, 2012, and presided over twenty-eight meetings; and

WHEREAS, Jerry created a presentation called "The Nebraska Economic Forecasting Advisory Board and Nebraska State Revenue Forecasts" and used that presentation to educate his students at the University of Nebraska at Omaha on the purpose, history, and structure of the Nebraska Economic Forecasting Advisory Board, how the Nebraska Economic Forecasting Advisory Board makes its forecasts, the types of forecasts the Nebraska Economic Forecasting Advisory Board makes, and examples of actual Nebraska Economic Forecasting Advisory Board forecasts so that those students could better understand how forecasts assist the legislative and executive branches of the State of Nebraska in making decisions related to state revenue; and

WHEREAS, Jerry in 2020 was instrumental in designing a first of its kind structured framework for voluntary orientations of new Nebraska Economic Forecasting Advisory Board members and took a major role in the first electronic two-hour live orientation of new board members, Zac Karpf and John Bourne; and

WHEREAS, Jerry's steady leadership and guidance throughout the years has been appreciated by the present and past members of the Nebraska Economic Forecasting Advisory Board; and

WHEREAS, Jerry is a respected friend to many, a proud father, and a loving grandfather.

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

1. That the Legislature expresses its appreciation and gratitude to Jerome "Jerry" Deichert for his service and dedication to the Legislature and the State of Nebraska.

2. That the Legislature recognizes and thanks Jerome "Jerry" Deichert for a job well done during his thirty-five years of service as a member of the Nebraska Economic Forecasting Advisory Board.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 562. Title read. Considered.

Senator Hunt offered [MO643](#), found on page 961, to bracket until June 1, 2023.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 385. Placed on General File with amendment.**AM1420**

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Nebraska Teacher Recruitment and Retention Act.
5 Sec. 2. The purpose of the Nebraska Teacher Recruitment and
6 Retention Act is to provide financial incentives to recruit and retain
7 teachers in Nebraska classrooms.
8 Sec. 3. For purposes of the Nebraska Teacher Recruitment and
9 Retention Act:
10 (1) Department means the State Department of Education;
11 (2) Grant means a grant for teacher recruitment and retention
12 payments under the Nebraska Teacher Recruitment and Retention Act; and
13 (3) Teacher means a person who holds a valid certificate to teach in
14 Nebraska issued by the Commissioner of Education and is employed in
15 Nebraska for the instruction of students in elementary or high school
16 grades.
17 Sec. 4. (1) A teacher may apply to the department for a grant. The
18 department shall not prioritize a grant based upon the school where the
19 applicant teaches.
20 (2) A teacher is eligible to apply for:
21 (a) A retention one grant of two thousand five hundred dollars if
22 the teacher has signed a contract to complete such teacher's second
23 complete school year of full-time employment as a teacher at a Nebraska
24 school in school years 2023-24, 2024-25, 2025-26, or 2026-27;
25 (b) A retention two grant of two thousand five hundred dollars if
26 the teacher has signed a contract to complete such teacher's fourth
27 complete school year of full-time employment as a teacher at a Nebraska
1 school in school years 2023-24, 2024-25, 2025-26, or 2026-27;
2 (c) A retention three grant of two thousand five hundred dollars if
3 the teacher has signed a contract to complete such teacher's sixth
4 complete school year of full-time employment as a teacher at a Nebraska
5 school in school years 2023-24, 2024-25, 2025-26, or 2026-27; and
6 (d)(i) A high-need retention grant of five thousand dollars if on or
7 after the effective date of this act a teacher:
8 (A) Obtains an endorsement in special education, mathematics,
9 science, technology, or dual credit; and
10 (B) Signs a contract to complete a school year of full-time
11 employment as a teacher at a Nebraska school in school years 2024-25,
12 2025-26, or 2026-27.
13 (ii) A teacher shall only be eligible to receive one high-need
14 retention grant.
15 Sec. 5. It is the intent of the Legislature to encourage individual
16 schools and school districts to adopt policies incentivizing teacher
17 recruitment and retention through policies similar to the Nebraska
18 Teacher Recruitment and Retention Act. Teachers at schools not adopting a
19 recruitment and retention policy shall not be prohibited from receiving a
20 grant under the Nebraska Teacher Recruitment and Retention Act.
21 Sec. 6. It is the intent of the Legislature to use funds from the
22 Education Future Fund to carry out the Nebraska Teacher Recruitment and
23 Retention Act.
24 Sec. 7. The State Board of Education may adopt and promulgate rules
25 and regulations to carry out the Nebraska Teacher Recruitment and
26 Retention Act.
27 Sec. 8. The Nebraska Teacher Recruitment and Retention Act
28 terminates on January 1, 2028.

(Signed) Dave Murman, Chairperson

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB562](#):
[AM1369](#)

(Amendments to Standing Committee amendments, AM1248)

- 1 1. Insert the following new section:
- 2 Sec. 16. No person shall engage in agriculture for profit in the
- 3 State of Nebraska.
- 4 2. Renumber the remaining section accordingly.

Senator Hunt filed the following amendment to [LB562](#):
[AM1380](#)

(Amendments to Standing Committee amendments, AM1248)

- 1 1. Insert the following new section:
- 2 Sec. 16. (1) It is the intent of the Legislature to appropriate one
- 3 hundred fifty thousand dollars to the University of Nebraska to carry out
- 4 an ethanol sustainability study. It is further the intent of the
- 5 Legislature that the University of Nebraska provide the funding
- 6 appropriated in this section to the University of Nebraska Institute of
- 7 Agriculture and Natural Resources to conduct the study.
- 8 (2) The study shall include, but not be limited to:
- 9 (a) An analysis and evaluation of the short-term and long-term
- 10 effects of corn-based ethanol production, including how land used to grow
- 11 corn for ethanol production impacts food crop production;
- 12 (b) The overall life cycle of carbon emissions resulting from the
- 13 use of ethanol in gasoline, including emissions resulting from changes in
- 14 land use, processing, and combustion necessitated by ethanol standards;
- 15 (c) The effects on carbon emissions from tilling and application of
- 16 nitrogen fertilizers in corn fields used to grow corn for ethanol
- 17 production;
- 18 (d) Carbon sequestration associated with the planting of new
- 19 ethanol-related cropland;
- 20 (e) Rates of water usage on ethanol-related cropland; and
- 21 (f) The effects on natural habitats and pollinator populations of
- 22 the increased use of agricultural land to grow corn for ethanol
- 23 production.
- 24 (3) The institute may contract with a third-party, science-based
- 25 organization to develop an independent report on the results of the
- 26 study. The report shall be electronically submitted to the Legislature by
- 1 January 1, 2025.
- 2 2. Renumber the remaining section accordingly.

MOTIONS - Print in Journal

Senator Halloran filed the following motion to [LB562](#):
[MO971](#)
Bracket until June 9, 2023.

Senator Halloran filed the following motion to [LB562](#):
[MO972](#)
Recommit to Agriculture Committee.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB727](#):

[AM1443](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to [LB727](#):

[AM1444](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to [LB727](#):

[AM1445](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike sections 9 to 15.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB43.

Senator Conrad name added to LB46.

Senator Conrad name added to LB55.

Senator Conrad name added to LB62.

Senator Conrad name added to LB64.

Senator Conrad name added to LB75.

Senator Conrad name added to LB88.

Senator Blood name added to LB103.

Senator Blood name added to LB116.

Senator Conrad name added to LB116.

Senator Conrad name added to LB124.

Senator Conrad name added to LB140.

Senator Conrad name added to LB190.

Senator Conrad name added to LB201.

Senator Conrad name added to LB227.

Senator Conrad name added to LB235.

Senator Conrad name added to LB249.

Senator Conrad name added to LB250.

Senator Conrad name added to LB253.

Senator Conrad name added to LB276.

Senator Conrad name added to LB298.

Senator Conrad name added to LB314.

Senator Conrad name added to LB326.

Senator Conrad name added to LB358.

Senator Conrad name added to LB385.

Senator Conrad name added to LB413.

Senator Conrad name added to LB459.

Senator Conrad name added to LB516.

Senator Conrad name added to LB523.
Senator Conrad name added to LB524.
Senator Conrad name added to LB527.
Senator Conrad name added to LB557.
Senator Conrad name added to LB583.
Senator Conrad name added to LB585.
Senator Conrad name added to LB609.
Senator Conrad name added to LB618.
Senator Conrad name added to LB630.
Senator Conrad name added to LB679.
Senator Conrad name added to LB684.
Senator Vargas name added to LB684.
Senator Conrad name added to LB686.
Senator Conrad name added to LB698.
Senator Conrad name added to LB707.
Senator Conrad name added to LB731.
Senator Conrad name added to LB772.

VISITORS

Visitors to the Chamber were UNMC Student Delegates, Omaha; students from Fire Ridge Elementary, Omaha; Fremont Home Schoolers; students from Osceola Elementary, Osceola; students from Columbus Christian School, Columbus; students from St. John's Lutheran, Battle Creek; students from Humphrey St. Francis, Humphrey; students from Tekamah-Herman School, Tekamah; students and teachers from Sumner-Eddyville-Miller, Sumner; students from Stanton Elementary, Stanton.

ADJOURNMENT

At 3:01 p.m., on a motion by Senator McKinney, the Legislature adjourned until 9:00 a.m., Tuesday, April 25, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 25, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 25, 2023

PRAYER

The prayer was offered by Bishop Scott Barker, Trinity Episcopal Cathedral, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lippincott.

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 Senator Armendariz who was excused; and Senators Briese, Day, DeBoer, Dover, Hunt, McKinney, Slama, Vargas, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

MESSAGES FROM THE GOVERNOR

April 21, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 376e was received in my office on April 18, 2023.

This bill was signed and delivered to the Secretary of State on April 21, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

April 21, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 775 was received in my office on April 19, 2023.

This bill was signed and delivered to the Secretary of State on April 21, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

April 21, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 296 was received in my office on April 19, 2023.

This bill was signed and delivered to the Secretary of State on April 21, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 227. Placed on Select File with amendment.
[ER26](#) is available in the Bill Room.

LEGISLATIVE BILL 254. Placed on Select File with amendment.
[ER27](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR96 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR96.

WITHDRAW - Motion to LB103

Senator Hunt withdrew [MO306](#), found on page 936, to recommit to Nebraska Retirement Systems Committee, to LB103.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB103 with 32 ayes, 6 nays, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 103. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2323.01, 23-2332, and 23-2332.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-710.01, 24-710.04, 79-902, 79-920, 79-926, 81-2014, 81-2034, 84-1301, and 84-1325, Revised Statutes Cumulative Supplement, 2022; to redefine and eliminate terms under the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to change provisions relating to applicable military service, participation in the School Employees Retirement System of the State of Nebraska, and contribution rates applicable to the County Employees Retirement Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 41:

Aguilar	Brewer	Erdman	Kauth	Sanders
Albrecht	Cavanaugh, J.	Fredrickson	Linehan	Slama
Arch	Cavanaugh, M.	Halloran	Lippincott	von Gillern
Ballard	Clements	Hansen	Lowe	Wayne
Blood	Conrad	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dungan	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 7:

Armendariz	Day	McKinney	Walz
Briese	Dover	Vargas	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB103e.

GENERAL FILE

LEGISLATIVE BILL 562. Senator Hunt renewed [MO643](#), found on page 961 and considered on page 1219, to bracket until June 1, 2023.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 25, 2023, at 9:30 a.m. was the following: LB103e.

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

COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 586. Placed on General File.

LEGISLATIVE BILL 593. Placed on General File with amendment.**AM828**

1 1. Strike original section 7 and insert the following new section:

2 Sec. 7. (1) Prior to engaging in cerumen management, a licensed

3 hearing instrument specialist shall provide the board with evidence of

4 (a) completion of an approved cerumen management course, (b) professional

5 liability insurance, and (c) an arrangement with a medical liaison. The

6 licensee shall annually thereafter provide evidence to the board of

7 professional liability insurance and an arrangement with a medical

8 liaison.

9 (2) Prior to engaging in cerumen management, a licensed hearing

10 instrument specialist shall have an arrangement with a medical liaison.

11 If a licensee engaged in routine cerumen management discovers any trauma,

12 including, but not limited to, continuous uncontrolled bleeding,

13 lacerations, or other traumatic injuries, the licensee shall, as soon as

14 practicable, refer the patient to the medical liaison.

15 (3)(a) Prior to entering into an arrangement with a medical liaison,

16 a licensed hearing instrument specialist shall complete a cerumen

17 management course approved by the board. In order to be approved by the

18 board, the course shall be approved by the International Hearing Society

19 or another organization approved by the board and shall:

20 (i) Consist of at least six hours of a participant practicing

21 removing cerumen from an ear canal model using a variety of safe

22 techniques with at least two hours of focus on infection control;

23 (ii) Result in a certificate of completion and attestation of

24 competence; and

25 (iii) Provide the board with evidence of such completion and

26 competence.

27 (b) The board may, only after consultation with the Board of

1 Medicine and Surgery, adopt rules and regulations as provided in section

2 38-126 to provide requirements for the initial cerumen management course.

3 (4) A licensed hearing instrument specialist engaged in cerumen

4 management shall comply with the following requirements:

5 (a) The indications for cerumen management for a licensed hearing

6 instrument specialist shall include:

7 (i) Enabling audiometric testing;

8 (ii) Making ear impressions;

9 (iii) Fitting ear protection or prosthetic devices; and

10 (iv) Monitoring continuous use of hearing aids;

11 (b) The licensed hearing instrument specialist shall refer a patient

12 to the medical liaison, an otolaryngologist, or a licensed physician for

13 medical consultation or medical intervention if the patient exhibits any

14 of the following contraindications to cerumen removal:

15 (i) An age younger than eighteen years of age;

16 (ii) A perforated tympanic membrane;

17 (iii) A history of pain, active drainage, or bleeding from the ear;

18 (iv) Evidence of congenital or traumatic deformity of the ear;

19 (v) Ear surgery within the last six months;

20 (vi) Tympanostomy tubes, such that irrigation should not be used;

21 (vii) A bleeding disorder;

22 (viii) Actual or suspected foreign body in the ear;

23 (ix) Stenosis or bony exostosis of the ear canal;

24 (x) Cerumen located medial to the cartilaginous external auditory

25 canal;

26 (xi) A tympanic membrane that the licensed hearing instrument

27 specialist is unable to see; or

28 (xii) Any other contraindication to cerumen removal that requires

29 medical consultation or medical intervention;

30 (c) The licensed hearing instrument specialist shall perform cerumen

31 management using the customary removal techniques that are commensurate
 1 with the licensee's training and experience;
 2 (d) If the patient, while undergoing cerumen management that did not
 3 present contraindications, complains of significant pain, exhibits
 4 uncontrolled bleeding or a laceration of the external auditory canal, or
 5 notifies the acute onset of dizziness or vertigo or sudden hearing loss,
 6 the licensed hearing instrument specialist shall immediately stop the
 7 procedure and refer the patient to the medical liaison, an
 8 otolaryngologist, or a licensed physician;
 9 (e) The licensed hearing instrument specialist shall maintain the
 10 following proper infection control practices:
 11 (i) Universal health precautions;
 12 (ii) Decontamination;
 13 (iii) Cleaning, disinfection, and sterilization of multiple use
 14 equipment; and
 15 (iv) Universal precautions for prevention and the transmission of
 16 human immunodeficiency virus, hepatitis B virus, and other bloodborne
 17 pathogens, as defined by occupational safety and health standards
 18 promulgated pursuant to 29 C.F.R. 1910, as such regulations existed on
 19 January 1, 2023;
 20 (f) The licensed hearing instrument specialist who performs cerumen
 21 management shall maintain a case history for every patient and informed
 22 consent signed by the patient as part of the patient's records;
 23 (g) The licensed hearing instrument specialist shall carry
 24 appropriate professional liability insurance before engaging in cerumen
 25 management; and
 26 (h) The licensed hearing instrument specialist is prohibited from
 27 requiring patients to sign any form that eliminates liability if the
 28 patient is harmed.

(Signed) Ben Hansen, Chairperson

Education

LEGISLATIVE BILL 774. Placed on General File.

(Signed) Dave Murman, Chairperson

Enrollment and Review

LEGISLATIVE BILL 92. Placed on Select File with amendment.
[ER28](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB302](#):
[AM1368](#)

(Amendments to Standing Committee amendments, AM503)

1 1. Strike amendment 2 and insert the following new amendments:
 2 2. On page 3, lines 14, 15, and 28, strike "person holding elective
 3 office", show as stricken, and insert "public official"; in lines 24 and
 4 25 strike "city, village, or school district", show as stricken, and
 5 insert "political subdivision"; and in line 26 strike "person holding
 6 elective", show as stricken, and insert "public official holding".

7 4. On page 5, after line 6 insert the following new subsection:
 8 "(6) This section does not apply to a sanitary and improvement
 9 district."

ANNOUNCEMENT

Senator Moser announced the Transportation and Telecommunications Committee will meet April 27, 2023, at 4:00 p.m. in Room 1524 instead of Room 1113.

GENERAL FILE

LEGISLATIVE BILL 562. Senator Hunt renewed [MO643](#), found on page 961 and considered on page 1219 and in this day's Journal, to bracket until June 1, 2023.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Aguilar	Brewer	Hardin	Lippincott	Slama
Albrecht	Briese	Holdcroft	Lowe	von Gillern
Arch	Clements	Hughes	McDonnell	Wishart
Ballard	DeKay	Ibach	Moser	
Bosn	Dorn	Jacobson	Murman	
Bostelman	Halloran	Kauth	Riepe	
Brandt	Hansen	Linehan	Sanders	

Voting in the negative, 9:

Blood	Cavanaugh, M.	Dungan	Hunt	Raybould
Cavanaugh, J.	Conrad	Fredrickson	McKinney	

Present and not voting, 4:

Day	DeBoer	Walz	Wayne
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Excused and not voting, 5:

Armendariz	Bostar	Dover	Erdman	Vargas
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The motion to cease debate prevailed with 31 ayes, 9 nays, 4 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to bracket.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 42:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Armendariz Bostar Dover Erdman Vargas

The Hunt motion to bracket failed with 1 aye, 42 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion 23-005

SUBJECT: Interpretation of the Nebraska Heartbeat Act (LB626)

REQUESTED BY: Senator Joni Albrecht
Nebraska Legislature

WRITTEN BY: Mike Hilgers, Attorney General
Eric J. Hamilton, Solicitor General

INTRODUCTION

The Nebraska Heartbeat Act (the "Act") would make it unlawful for physicians to perform abortions of certain unborn children having detectable fetal heartbeats. LB 626, § 4. You have asked whether violations of the Act would become crimes under Neb. Rev. Stat. § 28-336 and whether physicians performing abortions for victims of sexual assault must satisfy law-enforcement reporting requirements before performing an abortion. We conclude that violations of the Act would not become crimes under § 28-336 because the Act would not change which "medical procedures" are "accepted" to "perform[] . . . an abortion." Neb. Rev. Stat. § 28-336. Nor would the Act require physicians performing abortions for victims of sexual assault to file a law-enforcement report before performing an abortion. That requirement may be satisfied before or after an abortion is performed.

BACKGROUND

If enacted, the Act would bar physicians from performing or inducing the abortion of certain unborn children having a fetal heartbeat. LB 626, § 4. The Act requires physicians to search for a fetal heartbeat before performing an abortion. *Id.* § 4(1). If an unborn child has a fetal heartbeat, abortion is prohibited unless there is a medical emergency or the patient's pregnancy resulted from sexual assault or incest. *Id.* § 4(2), (3). In addition, the Act imposes record-keeping obligations on physicians performing abortions. *Id.* § 5. In relevant part, the Act requires physicians performing an abortion under the Act's sexual-assault or incest exceptions to "certify in writing . . . that the physician complied with all the duties of a health care provider required by" Nebraska's health provider law-enforcement reporting statute. *Id.* § 5(2) (citing Neb. Rev. Stat. § 28-902). The Act subjects violators to professional discipline by providing that violations constitute "unprofessional conduct." *Id.* §§ 7-13.

While the Act would amend the Nebraska Uniform Credentialing Act, separate abortion statutes in the Nebraska Criminal Code also apply to physicians performing abortions. Section 28-336 provides that "[t]he performing of an abortion by using anything other than accepted medical procedures is a Class IV felony." Two statutes prohibit abortion based on the unborn child's stage of development. Section 28-329 provides that "[n]o abortion shall be performed after the time at which, in the sound medical judgment of the attending physician, the unborn child clearly appears to have reached viability . . ." *See also* Neb. Rev. Stat. § 28-332 (making "[t]he intentional and knowing violation" of Neb. Rev. Stat. § 28-329 a Class IV felony). Section 28-3,106 bars the abortion of an unborn child having a "probable postfertilization age of . . . twenty or more weeks." *See also* Neb. Rev. Stat. § 28-3,108 (making "intentional[]" or "reckless[]" violations of Neb. Rev. Stat. § 28-3,106 a Class IV felony). Exceptions apply to both the post-viability and twenty-week bans. *See* Neb. Rev. Stat. §§ 28-329; 28-3,106. The Act does not amend these statutes or any other provision in the Nebraska Criminal Code.

ANALYSIS

I. Violations of the Act Would Not Become Crimes Under Neb. Rev. Stat. § 28-336

We conclude that physicians violating the Act would not violate Neb. Rev. Stat. § 28-336. As explained, the Nebraska Criminal Code contains separate statutes criminalizing the performance of abortions through certain medical procedures (§ 28-336) and upon certain unborn children (§§ 28-329, 28-3,106). The medical-procedures statute's proscription against "[t]he performing of an abortion by using anything other than accepted medical procedures" turns on the type of abortion procedure used and whether that procedure is "accepted." Neb. Rev. Stat. § 28-336. The Act would force physicians to take certain steps before an abortion is performed, LB 626, § 4(1), and prohibits the abortion of certain unborn children having fetal heartbeats, *id.* § 4(2). But the Act does not change which procedures physicians may use to perform an abortion.

Subsections 4(1) and (2)(a) of the Act create procedural prerequisites to an abortion. The physician must "[e]stimate the gestational age of the unborn child," "[p]erform an ultrasound in accordance with standard medical procedure to determine if a fetal heartbeat is present," and make certain records. *Id.* § 4(1). A physician's failure to perform these procedures does not implicate the medical-procedures statute because the failure to estimate gestational age or perform an ultrasound is not "[t]he performing of an abortion." Neb. Rev. Stat. § 28-336. As used in the medical-procedures statute, "[a]bortion means the use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant" Neb. Rev. Stat. § 28-326(1). Failing to estimate a gestational age or to perform an ultrasound does not "terminate the pregnancy of a woman." *Id.* Instead, those procedures or their omission occur independently of "[t]he performing of an abortion." Neb. Rev. Stat. § 28-336. Thus, violations of Subsection 4(1) and (2)(a) of the Act would not violate the medical-procedures statute.

Next, nothing in Subsections 4(2)(b) or (3) changes which procedures may be used to perform an abortion. Subsections 4(2)(b) and (3) prohibit abortions of unborn children having fetal heartbeats unless there is a medical emergency or the pregnancy resulted from sexual assault or incest. Violations depend on the unborn child's stage of development, the pregnant woman's health, and the circumstances surrounding the conception of the unborn child. By contrast, violations of the medical-procedures statute depend on the type of "medical procedure[]" "us[ed]." Neb. Rev. Stat. § 28-336. Nothing in the Act expands or limits the categories of "medical procedures" that are "accepted." *Id.* Thus, these subsections also do not affect which "medical procedures" for "[t]he performing of an abortion" are not "accepted" under the medical-procedures statute.

Nor do Sections 7 through 12 of the Act, which add disciplinary sanctions for violations of the Act, change this conclusion. Under existing law, physicians may face discipline for any "[u]nprofessional conduct." Neb. Rev. Stat. § 38-178(24). That term broadly includes "any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession . . . or conduct that is likely to deceive or defraud the public or is detrimental to the public interest." Neb. Rev. Stat. § 38-179; *accord* Neb. Rev. Stat. § 38-2021. The statute enumerates multiple categories of conduct included within the term like cheating on a credentialing exam. Neb. Rev. Stat. § 38-179. The Act provides for professional discipline by adding violations of the Act to the list of enumerated categories of unprofessional conduct. *See* LB 626, §§ 8, 12; *see also id.* § 7. Separately, Sections 10 and 11 of the Act mandate license revocation if a "licensee perform[s] or induce[s] an unlawful abortion in violation of section 4" of the Act. *See also id.* § 9.

The Act's amendments to these statutes do not bring violations of the Act within the medical-procedures statute. The licensing statutes amended by the Act forbid a range of conduct not included within the medical-procedures statute's prohibition of "[t]he performing of an abortion by using anything other than accepted medical procedures." Neb. Rev. Stat. § 28-336. A physician can "depart[] from . . . the standards of acceptable and prevailing practice" of his profession or cheat on a credentialing exam without violating the medical-procedures statute. *See* Neb. Rev. Stat. § 38-179(4). Thus, the Act's inclusion of Nebraska Heartbeat Act violations alongside credentialing exam cheating and other categories of unprofessional conduct does not automatically bring that conduct within the medical-procedures statute. To the extent that the licensing statutes and medical-procedures statute forbid the same conduct, that conduct is "[t]he performing of an abortion by using anything other than accepted medical procedures." Neb. Rev. Stat. § 28-336. But as explained, because the Act does not change which abortion "medical procedures" are "accepted," a physician would not violate the medical-procedures statute through a violation of the Act.

Our conclusion that the Act would not change which procedures violate the medical-procedures statute is reinforced by the fact that separate criminal statutes prohibit abortions based on the unborn child's stage of development. As explained above, § 28-329 prohibits abortions of unborn children who "have reached viability," and § 28-3,106 prohibits abortions of unborn children having a "probable postfertilization age of . . . twenty or more weeks." Reading the Act and the medical-procedures statute together to criminalize abortions performed on unborn children having fetal heartbeats would render both §§ 28-329 and 28-3,106 superfluous. All viable unborn children have fetal heartbeats, and fetal heartbeats become detectable weeks before unborn children reach a 20-week post-fertilization age. *See MKB Mgmt. Corp. v. Stenehjem*, 795 F.3d 768, 772 (8th Cir. 2015) ("[F]etal heartbeats are detectable at about 6 weeks."). "[C]ourt[s] must attempt to give effect to all parts of a statute[.]" *Johnson v. City of Fremont*,

287 Neb. 960, 967, 845 N.W.2d 279, 286 (2014). "If a provision is susceptible of (1) a meaning that gives it an effect already achieved by another provision, or that deprives another provision of all independent effect, and (2) another meaning that leaves both provisions with some independent operation, the latter should be preferred." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 176 (2012). If enacted, the Act would not be read to "deprive[]" the viability and 20-week statutes "of all independent effect." *Id.* The Act would have amended §§ 28-329 and 28-3,106 had it intended to add criminal penalties to the conduct it forbids. It does not change how the medical-procedures statute is applied.

II. The Act Would Not Require Physicians to File Law-Enforcement Reports Before Performing Abortions

We also conclude that physicians performing abortions under the Act's sexual-assault exception may satisfy their law-enforcement reporting requirements before or after performing an abortion. Section 5(2) of the Act provides that "[i]f the physician performs or induces an abortion in the case of sexual assault or incest pursuant to subdivision (3)(b) or (c) of section 4 of this act, the physician shall certify in writing that the abortion was performed because of sexual assault or incest and that the physician complied with all the duties of a health care provider required by section 28-902 that are applicable to that case." Section 28-902 requires health care providers to "immediately report to law enforcement" cases involving "physical injury which appear[] to have been received" because of the commission of a crime unless the patient is the victim of sexual assault and was 18 years of age or older at the time of the crime. Neb. Rev. Stat. § 28-902(1), (2). If the exception applies, the victim must consent before the provider can report the crime. *Id.* § 28-902(2)(b). Section 28-902(3) requires providers to "provide law enforcement with a sexual assault evidence collection kit if one has been obtained."

Nothing in the Act requires a physician to satisfy their law-enforcement reporting requirements or certify compliance with § 28-902 before performing an abortion. The Act makes clear that certification occurs after the abortion has been performed by using the past tense in describing the performance of the abortion. LB 626, § 5(2) ("[T]he physician shall certify . . . that the abortion *was performed* . . ."). To be sure, the law-enforcement reporting statute requires the filing of a report "immediately." Neb. Rev. Stat. § 28-902(1). However, "courts generally hold that the word 'immediately' does not mean instantly" and instead "is to be construed as meaning within a reasonable time having regard to all the circumstances." *Chapin v. Ocean Accident & Guarantee Corp.*, 96 Neb. 213, 216, 147 N.W. 465, 467 (1914). In the context of an abortion, the circumstances permit physicians to submit reports to law enforcement before or after the abortion is performed. Thus, if enacted, the Act would not require physicians to file law-enforcement reports before performing an abortion.*

CONCLUSION

As explained above, we conclude that violations of the Act would not become crimes under the medical-procedures statute because the Act does not change which abortion "medical procedures" are "accepted." Neb. Rev. Stat. § 28-336. We also do not read the Act to require a physician to file a law-enforcement report before performing an abortion for a victim of sexual assault. The law-enforcement reporting requirement may be satisfied before or after an abortion is performed.

Sincerely,

MIKE HILGERS
Attorney General
(Signed) Eric J. Hamilton
Solicitor General

pc Brandon Metzler
Clerk of the Nebraska Legislature

*Though your letter does not ask whether a physician performing an abortion for a victim of incest must submit a law-enforcement report before performing an abortion, *see* LB 626, § 4(3)(c), we conclude for the same reasons that a report may be filed before or after an abortion is performed in cases of incest.

RESOLUTION

LEGISLATIVE RESOLUTION 108. Introduced by Hansen, B., 16.

WHEREAS, the 2023 Nebraska School Activities Association State Wrestling Tournament was held from February 16 through February 18 at the CHI Health Center Omaha; and

WHEREAS, sophomore Hudson Loges competed in the tournament for the Blair High School wrestling team coached by Erich Warner; and

WHEREAS, Loges won the Class B 106-pound state championship by defeating Cole Welte of Omaha Skutt in the Class B 106-pound championship match 5-0; and

WHEREAS, the championship win capped an outstanding season for Loges with a total of fifty-four wins and only one loss breaking the previous school record for wins in a single season of fifty-two; and

WHEREAS, Loges is just the fifth Blair High School wrestler to win an individual state championship; 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, FIRST SESSION:

1. That the Legislature congratulates Blair High School wrestler Hudson Loges on winning the 2023 Class B 106-pound State Wrestling Championship.

2. That copies of this resolution be sent to Blair High School and Hudson Loges.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 562. Senator M. Cavanaugh offered the following motion:

[MO973](#)

Reconsider the vote taken on MO643.

Pending.

VISITORS

Visitors to the Chamber were students from Prairie Queen Elementary, Papillion; Episcopalians from Episcopal Churches across Nebraska; students from Rockwell Elementary, Omaha; Henry Malkey, Omaha.

RECESS

At 11:56 a.m., on a motion by Senator Linehan, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senator Armendariz who was excused; and Senators Bosn, Bostar, Brewer, Briese, Day, DeBoer, DeKay, Dungan, B. Hansen, Holdcroft, Ibach, Linehan, McDonnell, McKinney, Vargas, and Wayne who were excused until they arrive.

PRESIDENT KELLY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 562. Senator M. Cavanaugh renewed [MO973](#), found and considered in this day's Journal, to reconsider the vote taken on MO643.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Aguilar	Brandt	Halloran	Kauth	Sanders
Albrecht	Brewer	Hansen	Linehan	Slama
Arch	Clements	Hardin	Lippincott	von Gillern
Ballard	DeKay	Holdcroft	McDonnell	Wishart
Bosn	Dorn	Hughes	Moser	
Bostar	Dover	Ibach	Murman	
Bostelman	Erdman	Jacobson	Riepe	

Voting in the negative, 7:

Blood	Conrad	Hunt	Raybould
Cavanaugh, J.	Dungan	McKinney	

Present and not voting, 5:

Cavanaugh, M.	DeBoer	Fredrickson	Walz	Wayne
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Excused and not voting, 5:

Armendariz	Briese	Day	Lowe	Vargas
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The motion to cease debate prevailed with 32 ayes, 7 nays, 5 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 42:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Armendariz Briese Day Lowe Vargas

The M. Cavanaugh motion to reconsider failed with 1 aye, 42 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

April 25, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 77 was received in my office on April 19, 2023.

This bill was signed and delivered to the Secretary of State on April 25, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

GENERAL FILE

LEGISLATIVE BILL 562. Senator Hunt offered [MO642](#), found on page 961, to recommit to Agriculture Committee.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Aguilar	Clements	Hansen	Kauth	Murman
Albrecht	DeKay	Hardin	Linehan	Riepe
Ballard	Dorn	Holdcroft	Lippincott	Sanders
Bosn	Dover	Hughes	Lowe	Slama
Bostelman	Erdman	Ibach	McDonnell	von Gillern
Brewer	Halloran	Jacobson	Moser	

Voting in the negative, 7:

Blood	Cavanaugh, J.	Dungan	McKinney
Brandt	Conrad	Hunt	

Present and not voting, 9:

Bostar	Day	Fredrickson	Walz	Wishart
Cavanaugh, M.	DeBoer	Raybould	Wayne	

Excused and not voting, 4:

Arch	Armendariz	Briese	Vargas
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The motion to cease debate prevailed with 29 ayes, 7 nays, 9 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to recommit to committee.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 43:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Arch Armendariz Briese Vargas

The Hunt motion to recommit to committee failed with 1 aye, 43 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO989](#)

Reconsider the vote taken on MO642.

Senator Dorn offered the following motion:

[MO990](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Dorn requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Aguilar	Brewer	Dungan	Jacobson	Sanders
Albrecht	Briese	Erdman	Kauth	Slama
Ballard	Clements	Fredrickson	Linehan	von Gillern
Blood	Conrad	Halloran	Lippincott	Walz
Bosn	Day	Hardin	Lowe	Wishart
Bostar	DeKay	Holdcroft	McDonnell	
Bostelman	Dorn	Hughes	Moser	
Brandt	Dover	Ibach	Murman	

Voting in the negative, 0.

Present and not voting, 9:

Arch	Cavanaugh, M.	Hansen	McKinney	Wayne
Cavanaugh, J.	DeBoer	Hunt	Riepe	

Excused and not voting, 3:

Armendariz Raybould Vargas

The Dorn motion to invoke cloture prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 43:

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

Present and not voting, 2:

Cavanaugh, M. Day

Excused and not voting, 3:

Armendariz Raybould Vargas

The M. Cavanaugh motion to reconsider failed with 1 aye, 43 nays, 2 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 32:

Aguilar	Brewer	Dover	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Ballard	Clements	Halloran	Lippincott	Walz
Blood	Conrad	Hardin	Lowe	Wishart
Bostar	Day	Holdcroft	McDonnell	
Bostelman	DeKay	Ibach	Moser	
Brandt	Dorn	Jacobson	Murman	

Voting in the negative, 1:

Hunt

Present and not voting, 13:

Arch	Cavanaugh, M.	Fredrickson	McKinney	Wayne
Bosn	DeBoer	Hansen	Riepe	
Cavanaugh, J.	Dungan	Hughes	von Gillern	

Excused and not voting, 3:

Armendariz Raybould Vargas

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 565. Placed on Final Reading.

ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM827:
 - a. On page 17, line 19, "22 to 28" has been struck and "35 to 41" inserted; and
 - b. On page 17, line 26; and page 19, line 10, "25" has been struck and "38" inserted.
2. On page 1, the matter beginning with "hydrogen" in line 1 through line 6 and all amendments thereto have been struck and "natural resources; to amend sections 18-2441, 37-104, 37-451, 37-453, 37-457, 37-492, 37-559, 37-708, 57-904, 70-619, 70-1001, 70-1001.01, and 70-1025, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-447, 37-448, 37-449, 66-2301, and 81-15,160, Revised Statutes Cumulative Supplement, 2022; to adopt the Public Water and Natural Resources Project Contracting Act; to change provisions relating to agency powers under the Municipal Cooperative Financing Act; to change a quorum requirement for Game and Parks Commission meetings; to change provisions of the Game Law relating to fees charged, permits issued, destruction of predators, and prohibited acts in game refuges; to change provisions relating to the compensation of members of the Nebraska Oil and Gas Conservation Commission; to state legislative findings, to state intent regarding appropriations, to provide for a grant program as prescribed, and to provide powers and duties for the Department of Economic Development relating to a regional clean hydrogen hub; to adopt the Nuclear and Hydrogen Development Act; to change eligibility qualifications for members of the board of directors of public power and irrigation districts; to change Nebraska Power Review Board provisions relating to state policy and requirements for an annual report

as prescribed; to define and redefine terms; to extend available grant funding for new scrap tire projects under the Waste Reduction and Recycling Incentive Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 191. Placed on Select File with amendment.

ER29

1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "labor; to amend sections 48-163, 48-164, 48-174, 48-622.02,
3 48-649.03, 48-650, 48-652, 48-2103, 48-2107, and 49-506, Reissue Revised
4 Statutes of Nebraska, and sections 48-101.01, 71-7104, 81-1228, 81-1229,
5 and 81-1231, Revised Statutes Cumulative Supplement, 2022; to adopt the
6 Critical Infrastructure Utility Worker Protection Act; to provide for
7 reimbursement for mental health and resilience training for first
8 responders; to change provisions of the Nebraska Workers' Compensation
9 Act relating to notices for rules and regulations, case progression
10 requirements, and summonses; to change permitted uses of the Nebraska
11 Training and Support Cash Fund; to change provisions of the Employment
12 Security Law regarding voluntary contributions and notices of
13 determination; to eliminate a definition and certain fees under the
14 Contractor Registration Act; to change requirements relating to
15 distribution of session laws and legislative journals; to change
16 provisions and definitions of the Rural Workforce Housing Investment Act
17 relating to grants; to harmonize provisions; and to repeal the original
18 sections.".

(Signed) Beau Ballard, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 92A. Introduced by Slama, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, One Hundred Eighth Legislature, First Session, 2023.

RESOLUTION

LEGISLATIVE RESOLUTION 109. Introduced by Brandt, 32; Brewer, 43.

WHEREAS, Command Sergeant Major Joseph Dunlap enlisted into the United States Army in July 1997 as a Cavalry Scout; and

WHEREAS, Command Sergeant Major Joseph Dunlap attended the Basic Cavalryman's Course, Warrior Leader Course, Basic Non-Commissioned Officer Course I and II, Maneuver Senior Leader Course, Company Commander and First Sergeant Course, the United States Army Sergeants Major Academy, Battalion Commanders Pre-Command Course, Tactical Tracking Operations School, Cavalry Leader's Course, Digital Master Gunner Course, Javelin Operator Course, and Combat Lifesaver Course; and

WHEREAS, Command Sergeant Major Joseph Dunlap's assignments include Command Sergeant Major - 1-134 Cavalry Squadron (Infantry Brigade Combat Team), Operations Sergeant Major - Headquarters and Headquarters Troop 1-134 Cavalry Squadron (Infantry Brigade Combat Team), First Sergeant - B Troop 1-134 Cavalry Squadron (Infantry Brigade Combat Team), Platoon Sergeant - A Troop 1-134 Cavalry Squadron (Reconnaissance & Surveillance); and

WHEREAS, Command Sergeant Major Joseph Dunlap served in three combat tours to Bosnia, Iraq, and Afghanistan, a natural disaster response for Hurricane Gustav and a civil unrest response, and overseas deployments for training in Germany, France, and the Czech Republic; and

WHEREAS, Command Sergeant Major Joseph Dunlap's awards and decorations include the Legion of Merit, the Meritorious Service Medal, Army Commendation Medal for Valor - 2nd Award, Army Commendation Medal - 5th Award, Joint Service Achievement Medal, Army Achievement Medal - 3rd Award, Army Good Conduct Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Humanitarian Service Medal, Military Outstanding Volunteer Service Medal, Armed Forces Reserve Medal, NATO Medal - 2nd Award, Army Superior Unit Award, Non-Commissioned Officer Professional Development Ribbon - 5th Award, Army Service Ribbon, Overseas Service Ribbon, Army Reserve Component Overseas Training Ribbon, Armed Forces Reserve Medal with 'M' Device - 2nd Award, Global War on Terrorism Service Medal, Combat Action Badge, Afghanistan Campaign Medal, Iraq Campaign Medal, Nebraska National Guard Service Medal - 3rd Award, Nebraska National Guard Commendation Medal, Nebraska Homeland Defense Service Ribbon with 'M' Device, and the prestigious Order of Saint George Black Medallion; and

WHEREAS, Command Sergeant Major Joseph Dunlap retired from the United States Army and Nebraska Army National Guard on April 2, 2023, having served the United States and the State of Nebraska faithfully, selflessly, and with distinguished honor for over twenty-five years.

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

1. That the Legislature extends its appreciation, admiration, and gratitude to Command Sergeant Major Joseph Dunlap for his commitment, courage, and leadership in military service to his country and state.

2. That the Legislature congratulates Command Sergeant Major Joseph Dunlap on his retirement from the United States Army and Nebraska Army National Guard after twenty-five years of distinguished service.

3. That a copy of this resolution be sent to Command Sergeant Major Joseph Dunlap.

Laid over.

SELECT FILE

LEGISLATIVE BILL 227. Senator Hunt offered [MO397](#), found on page 942, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO396](#), found on page 941, to recommit to Health and Human Services Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt withdrew [MO395](#), found on page 941, to indefinitely postpone.

[ER26](#), found in this day's Journal, was offered.

Senator B. Hansen offered the following amendment to [ER26](#):
[AM1455](#)

(Amendments to ER26)

- 1 1. Strike section 65 and insert the following new sections:
- 2 Sec. 21. Section 38-1416, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 38-1416 (1) Before beginning an apprenticeship, an applicant shall
- 5 apply for an apprentice license. The applicant shall show that he or she
- 6 has completed twenty of the forty hours required in subdivision (1)(a) of
- 7 section 38-1414. The applicant may complete the twelve-month
- 8 apprenticeship in either a split apprenticeship or a full apprenticeship
- 9 as provided in this section.
- 10 (2) A split apprenticeship shall be completed in the following
- 11 manner:
- 12 (a) Application for an apprentice license to complete a six-month
- 13 apprenticeship prior to or while attending an accredited school of
- 14 mortuary science, which license shall be valid for six months from the
- 15 date of issuance and shall not be extended by the board. The
- 16 apprenticeship shall be completed over a continuous six-month period;
- 17 (b) Successful completion of a full course of study in an accredited
- 18 school of mortuary science;
- 19 (c) Successful passage of the national standardized examination; and
- 20 (d) Application for an apprentice license to complete the final six-
- 21 month apprenticeship, which license shall be valid for six months from
- 22 the date of issuance and shall not be extended by the board. The
- 23 apprenticeship shall be completed over a continuous six-month period.
- 24 (3) A full apprenticeship shall be completed in the following
- 25 manner:
- 26 (a) Successful completion of a full course of study in an accredited
- 1 school of mortuary science;
- 2 (b) Successful passage of the national standardized examination; and
- 3 (c) Application for an apprentice license to complete a twelve-month
- 4 apprenticeship. This license shall be valid for twelve months from the
- 5 date of issuance and shall not be extended by the board. The
- 6 apprenticeship shall be completed over a continuous twelve-month period.
- 7 (4) An individual registered as an apprentice on December 1, 2008,
- 8 shall be deemed to be licensed as an apprentice for the term of the
- 9 apprenticeship on such date.
- 10 Sec. 63. Section 68-1512, Reissue Revised Statutes of Nebraska, is
- 11 amended to read:
- 12 68-1512 (1) The maximum support allowable under sections 68-1501 to
- 13 68-1519 shall be (a) four (~~1~~) ~~three~~ hundred dollars per month per
- 14 disabled person averaged over any one-year period or (b) four (~~2~~) ~~three~~
- 15 hundred dollars per month per family averaged over any one-year period
- 16 for the first disabled family member plus two ~~one~~ hundred ~~five~~ dollars

17 per month averaged over any one-year period for each additional disabled
 18 family member. The department shall not provide support, pursuant to
 19 sections 68-1501 to 68-1519, to any family or disabled person whose gross
 20 income less the cost of medical or other care specifically related to the
 21 disability exceeds the median family income for a family of four in
 22 Nebraska, except that the department shall make adjustments for the
 23 actual size of the family.

24 (2) It is the intent of the Legislature that any appropriation
 25 relating to this section be increased accordingly so that each person who
 26 received support prior to the operative date of this section will
 27 continue to receive support.

28 Sec. 65. Section 71-222, Revised Statutes Cumulative Supplement,
 29 2022, is amended to read:

30 71-222 The board shall annually elect a president and vice
 31 president, and the board shall appoint a director who shall serve as
 1 secretary of the board. The board shall be furnished with suitable
 2 quarters in the State Capitol or elsewhere. It shall adopt and use a
 3 common seal for the authentication of its orders and records. The
 4 secretary of the board shall keep a record of all proceedings of the
 5 board. A majority of the board, in a meeting duly assembled, may perform
 6 and exercise all the duties and powers delegated to devolving upon the
 7 board. Each member of the board shall receive a compensation of one
 8 hundred fifty ~~seventy-five~~ dollars per diem and shall be reimbursed for
 9 expenses incurred in the discharge of such member's his or her duties as
 10 provided in sections 81-1174 to 81-1177, not to exceed two thousand
 11 dollars per annum. Salaries and expenses shall be paid only from the fund
 12 created by fees collected in the administration of the Barber Act, and no
 13 other funds or state money except as collected in the administration of
 14 the act shall be drawn upon to pay the expense of administration. The
 15 board shall report each year to the Governor a full statement of its
 16 receipts and expenditures and also a full statement of its work during
 17 the year, together with such recommendations as it may deem expedient.
 18 The board may employ one field inspector and such other inspectors,
 19 clerks, and ~~other~~ assistants as it may deem necessary to carry out the
 20 act and prescribe their qualifications. No owner, agent, or employee of
 21 any barber school shall be eligible for ~~to~~ membership on the board.

22 Sec. 66. Section 71-401, Revised Statutes Cumulative Supplement,
 23 2022, is amended to read:

24 71-401 Sections 71-401 to 71-479 and section 68 of this act shall be
 25 known and may be cited as the Health Care Facility Licensure Act.

26 Sec. 67. Section 71-403, Revised Statutes Cumulative Supplement,
 27 2022, is amended to read:

28 71-403 For purposes of the Health Care Facility Licensure Act,
 29 unless the context otherwise requires, the definitions found in sections
 30 71-404 to 71-431 and section 68 of this act shall apply.

31 Sec. 68. Palliative care means specialized care or treatment for a
 1 person living with a serious illness that carries a high risk of
 2 mortality or negatively impacts quality of life. This type of care or
 3 treatment addresses the symptoms and stress of a serious illness,
 4 including pain. Palliative care is a team-based approach to care or
 5 treatment, providing essential support at any age and stage of a serious
 6 illness. It can be provided across care settings and along with curative
 7 treatment. The goal of palliative care is to improve quality of life for
 8 both the patient and the patient's family or care partner.

9 Sec. 71. Section 71-2461.01, Revised Statutes Cumulative Supplement,
 10 2022, is amended to read:

11 71-2461.01 (1) Central fill means the preparation, other than by
 12 compounding, of a drug, device, or biological pursuant to a medical order
 13 where the preparation occurs in a pharmacy other than the pharmacy
 14 dispensing to the patient or caregiver as defined in section 38-2809.

15 (2) If the dispensing pharmacy and central fill pharmacy are under
 16 common ownership, the central fill pharmacy may deliver such drug,
 17 device, or biological to the patient or caregiver on behalf of the
 18 dispensing pharmacy, except that the dispensing pharmacy shall be
 19 responsible for the prescriptions filled and delivered by the central
 20 fill pharmacy.
 21 2. Correct the operative date and repealer sections so that the
 22 sections added by this amendment become operative three calendar months
 23 after the adjournment of this legislative session.
 24 3. Renumber the remaining sections and correct internal references
 25 accordingly.

Senator B. Hansen asked unanimous consent to withdraw [AM1455](#), found in this day's Journal, and replace it with substitute amendment, [AM1497](#), to [ER26](#). No objections. So ordered.
[AM1497](#)

(Amendments to E & R amendments, ER26)

1 1. Strike sections 60, 61, and 65 and insert the following new
 2 sections:
 3 Sec. 21. Section 38-1416, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 38-1416 (1) Before beginning an apprenticeship, an applicant shall
 6 apply for an apprentice license. The applicant shall show that he or she
 7 has completed twenty of the forty hours required in subdivision (1)(a) of
 8 section 38-1414. The applicant may complete the twelve-month
 9 apprenticeship in either a split apprenticeship or a full apprenticeship
 10 as provided in this section.
 11 (2) A split apprenticeship shall be completed in the following
 12 manner:
 13 (a) Application for an apprentice license to complete a six-month
 14 apprenticeship prior to or while attending an accredited school of
 15 mortuary science, which license shall be valid for six months from the
 16 date of issuance and shall not be extended by the board. The
 17 apprenticeship shall be completed over a continuous six-month period;
 18 (b) Successful completion of a full course of study in an accredited
 19 school of mortuary science;
 20 (c) Successful passage of the national standardized examination; and
 21 (d) Application for an apprentice license to complete the final six-
 22 month apprenticeship, which license shall be valid for six months from
 23 the date of issuance and shall not be extended by the board. The
 24 apprenticeship shall be completed over a continuous six-month period.
 25 (3) A full apprenticeship shall be completed in the following
 26 manner:
 1 (a) Successful completion of a full course of study in an accredited
 2 school of mortuary science;
 3 (b) Successful passage of the national standardized examination; and
 4 (c) Application for an apprentice license to complete a twelve-month
 5 apprenticeship. This license shall be valid for twelve months from the
 6 date of issuance and shall not be extended by the board. The
 7 apprenticeship shall be completed over a continuous twelve-month period.
 8 (4) An individual registered as an apprentice on December 1, 2008,
 9 shall be deemed to be licensed as an apprentice for the term of the
 10 apprenticeship on such date.
 11 Sec. 60. (1) The Department of Health and Human Services shall
 12 contract with, or provide a grant to, an eligible entity to implement a
 13 pilot program to facilitate the transfer of patients with complex health
 14 needs from eligible acute care hospitals to appropriate post-acute care
 15 settings, including facilities that provide skilled nursing or long-term
 16 care.

17 (2) The purposes of the pilot program are to ensure that:

18 (a) Patients with complex health needs are able to access timely

19 transition from an acute care hospital to a post-acute care setting;

20 (b) Patients receive the appropriate type of care at the appropriate

21 time to best meet their needs; and

22 (c) Acute-care hospitals have available capacity to meet the needs

23 of patients.

24 (3) For purposes of this section:

25 (a) Eligible acute care hospital means a facility that is not

26 designated as a critical access hospital by the federal Centers for

27 Medicare and Medicaid Services and must satisfactorily demonstrate to the

28 eligible entity that it has reached or exceeded eighty percent of

29 available staffed capacity for adult intensive-care-unit beds and acute

30 care inpatient medical-surgical beds;

31 (b) Eligible entity means a nonprofit statewide association whose

1 members include eligible acute care hospitals; and

2 (c) Patient means a person who is medically stable and who the

3 provider believes, with a reasonable medical probability and in

4 accordance with recognized medical standards, is safe to be discharged or

5 transferred and is not expected to have his or her condition negatively

6 impacted during, or as a result of, the discharge or transfer.

7 (4) The eligible entity responsible for developing the pilot program

8 shall:

9 (a) Determine criteria to define patients with complex health needs;

10 (b) Develop a process for eligible acute care hospitals to determine

11 capacity and the manner and frequency of reporting changes in capacity;

12 (c) Develop a process to ensure funding is utilized for the purposes

13 described in this section and in compliance with all applicable state and

14 federal laws;

15 (d) Include regular consultation with the department and

16 representatives of acute care hospitals, skilled nursing facilities, and

17 nursing facilities; and

18 (e) Include quarterly updates to the department.

19 (5) The pilot program may include direct payments to post-acute care

20 facilities that support care to patients with complex health needs.

21 (6) Funding utilized under the pilot program shall comply with all

22 medicaid and medicare reimbursement policies for skilled nursing

23 facilities, nursing facilities, and swing-bed hospitals.

24 (7) It is the intent of the Legislature to appropriate one million

25 dollars from the General Fund to carry out this section. No more than two

26 and one-half percent of the contracted amount shall be used to administer

27 the pilot program.

28 Sec. 61. Section 68-1206, Revised Statutes Cumulative Supplement,

29 2022, is amended to read:

30 68-1206 (1) The Department of Health and Human Services shall

31 administer the program of social services in this state. The department

1 may contract with other social agencies for the purchase of social

2 services at rates not to exceed those prevailing in the state or the cost

3 at which the department could provide those services. The statutory

4 maximum payments for the separate program of aid to dependent children

5 shall apply only to public assistance grants and shall not apply to

6 payments for social services.

7 (2)(a) As part of the provision of social services authorized by

8 section 68-1202, the department shall participate in the federal child

9 care assistance program under 42 U.S.C. 9857 et seq., as such sections

10 existed on January 1, ~~2023~~ ~~2021~~, and provide child care assistance to

11 families with incomes up to (i) one hundred eighty-five percent of the

12 federal poverty level prior to October 1, ~~2026~~ ~~2023~~, or (ii) one hundred

13 thirty percent of the federal poverty level on and after October 1, ~~2026~~

14 2023.

15 (b) As part of the provision of social services authorized by this
16 section and section 68-1202, the department shall participate in the
17 federal Child Care Subsidy program. A child care provider seeking to
18 participate in the federal Child Care Subsidy program shall comply with
19 the criminal history record information check requirements of the Child
20 Care Licensing Act. In determining ongoing eligibility for this program,
21 ten percent of a household's gross earned income shall be disregarded
22 after twelve continuous months on the program and at each subsequent
23 redetermination. In determining ongoing eligibility, if a family's income
24 exceeds one hundred eighty-five percent of the federal poverty level
25 prior to October 1, ~~2026~~ 2023, or one hundred thirty percent of the
26 federal poverty level on and after October 1, ~~2026~~ 2023, the family shall
27 receive transitional child care assistance through the remainder of the
28 family's eligibility period or until the family's income exceeds eighty-
29 five percent of the state median income for a family of the same size as
30 reported by the United States Bureau of the Census, whichever occurs
31 first. When the family's eligibility period ends, the family shall
1 continue to be eligible for transitional child care assistance if the
2 family's income is below two hundred percent of the federal poverty level
3 prior to October 1, ~~2026~~ 2023, or one hundred eighty-five percent of the
4 federal poverty level on and after October 1, ~~2026~~ 2023. The family shall
5 receive transitional child care assistance through the remainder of the
6 transitional eligibility period or until the family's income exceeds
7 eighty-five percent of the state median income for a family of the same
8 size as reported by the United States Bureau of the Census, whichever
9 occurs first. The amount of such child care assistance shall be based on
10 a cost-shared plan between the recipient family and the state and shall
11 be based on a sliding-scale methodology. A recipient family may be
12 required to contribute a percentage of such family's gross income for
13 child care that is no more than the cost-sharing rates in the
14 transitional child care assistance program as of January 1, 2015, for
15 those no longer eligible for cash assistance as provided in section
16 68-1724.

17 (c) For the period beginning July 1, 2021, through September 30,
18 ~~2026~~ 2023, funds provided to the State of Nebraska pursuant to the Child
19 Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as
20 such act and sections existed on ~~January 1, 2023~~ ~~March 24, 2021~~, shall be
21 used to pay the costs to the state resulting from the income eligibility
22 changes made in subdivisions (2)(a) and (b) of this section by Laws 2021,
23 LB485. If the available amount of such funds is insufficient to pay such
24 costs, then funds provided to the state for the Temporary Assistance for
25 Needy Families program established in 42 U.S.C. 601 et seq. may also be
26 used. No General Funds shall be used to pay the costs to the state, other
27 than administration costs, resulting from the income eligibility changes
28 made in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485,
29 for the period beginning July 1, 2021, through September 30, ~~2026~~ 2023.
30 (d) The Department of Health and Human Services shall collaborate
31 with a private nonprofit organization with expertise in early childhood
1 care and education for an independent evaluation of the income
2 eligibility changes made in subdivisions (2)(a) and (b) of this section
3 by Laws 2021, LB485, if private funding is made available for such
4 purpose. The evaluation shall be completed by ~~July 1, 2024~~ ~~December 15,~~
5 ~~2023~~, and shall be submitted electronically to the department and to the
6 Health and Human Services Committee of the Legislature.

7 (3) In determining the rate or rates to be paid by the department
8 for child care as defined in section 43-2605, the department shall adopt
9 a fixed-rate schedule for the state or a fixed-rate schedule for an area
10 of the state applicable to each child care program category of provider
11 as defined in section 71-1910 which may claim reimbursement for services
12 provided by the federal Child Care Subsidy program, except that the

13 department shall not pay a rate higher than that charged by an individual
 14 provider to that provider's private clients. The schedule may provide
 15 separate rates for care for infants, for children with special needs,
 16 including disabilities or technological dependence, or for other
 17 individual categories of children. The schedule may also provide tiered
 18 rates based upon a quality scale rating of step three or higher under the
 19 Step Up to Quality Child Care Act. The schedule shall be effective on
 20 October 1 of every year and shall be revised annually by the department.

21 Sec. 63. Section 68-1512, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 68-1512 (1) The maximum support allowable under sections 68-1501 to
 24 68-1519 shall be (a) ~~four~~ ^{four} ~~three~~ hundred dollars per month per
 25 disabled person averaged over any one-year period or (b) ~~four~~ ^{four} ~~three~~
 26 hundred dollars per month per family averaged over any one-year period
 27 for the first disabled family member plus ~~two~~ ^{two} ~~one~~ hundred ~~forty~~
 28 per month averaged over any one-year period for each additional disabled
 29 family member. The department shall not provide support, pursuant to
 30 sections 68-1501 to 68-1519, to any family or disabled person whose gross
 31 income less the cost of medical or other care specifically related to the
 1 disability exceeds the median family income for a family of four in
 2 Nebraska, except that the department shall make adjustments for the
 3 actual size of the family.

4 (2) It is the intent of the Legislature that any appropriation
 5 relating to this section be increased accordingly so that each person who
 6 received support prior to the operative date of this section will
 7 continue to receive support.

8 Sec. 65. Section 71-222, Revised Statutes Cumulative Supplement,
 9 2022, is amended to read:

10 71-222 The board shall annually elect a president and vice
 11 president, and the board shall appoint a director who shall serve as
 12 secretary of the board. The board shall be furnished with suitable
 13 quarters in the State Capitol or elsewhere. It shall adopt and use a
 14 common seal for the authentication of its orders and records. The
 15 secretary of the board shall keep a record of all proceedings of the
 16 board. A majority of the board, in a meeting duly assembled, may perform
 17 and exercise all the duties and powers ~~delegated to~~ ^{devolving upon} the
 18 board. Each member of the board shall receive a compensation of ~~one~~
 19 ~~hundred fifty~~ ^{seventy-five} dollars per diem and shall be reimbursed for
 20 expenses incurred in the discharge of ~~such member's his or her~~ duties as
 21 provided in sections 81-1174 to 81-1177, not to exceed two thousand
 22 dollars per annum. Salaries and expenses shall be paid only from the fund
 23 created by fees collected in the administration of the Barber Act, and no
 24 other funds or state money except as collected in the administration of
 25 the act shall be drawn upon to pay the expense of administration. The
 26 board shall report each year to the Governor a full statement of its
 27 receipts and expenditures and also a full statement of its work during
 28 the year, together with such recommendations as it may deem expedient.
 29 The board may employ one field inspector and such other inspectors,
 30 clerks, and ~~other~~ assistants as it may deem necessary to carry out the
 31 act and prescribe their qualifications. No owner, agent, or employee of
 1 any barber school shall be eligible ~~for~~ ^{to} membership on the board.

2 Sec. 66. Section 71-401, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:

4 71-401 Sections 71-401 to 71-479 and section 68 of this act shall be
 5 known and may be cited as the Health Care Facility Licensure Act.

6 Sec. 67. Section 71-403, Revised Statutes Cumulative Supplement,
 7 2022, is amended to read:

8 71-403 For purposes of the Health Care Facility Licensure Act,
 9 unless the context otherwise requires, the definitions found in sections
 10 71-404 to 71-431 and section 68 of this act shall apply.

11 Sec. 68. Palliative care means specialized care or treatment for a
 12 person living with a serious illness that carries a high risk of
 13 mortality or negatively impacts quality of life. This type of care or
 14 treatment addresses the symptoms and stress of a serious illness,
 15 including pain. Palliative care is a team-based approach to care or
 16 treatment, providing essential support at any age and stage of a serious
 17 illness. It can be provided across care settings and along with curative
 18 treatment. The goal of palliative care is to improve quality of life for
 19 both the patient and the patient's family or care partner.
 20 Sec. 71. Section 71-2461.01, Revised Statutes Cumulative Supplement,
 21 2022, is amended to read:
 22 71-2461.01 (1) Central fill means the preparation, other than by
 23 compounding, of a drug, device, or biological pursuant to a medical order
 24 where the preparation occurs in a pharmacy other than the pharmacy
 25 dispensing to the patient or caregiver as defined in section 38-2809.
 26 (2) If the dispensing pharmacy and central fill pharmacy are under
 27 common ownership, the central fill pharmacy may deliver such drug,
 28 device, or biological to the patient or caregiver on behalf of the
 29 dispensing pharmacy, except that the dispensing pharmacy shall be
 30 responsible for the prescriptions filled and delivered by the central
 31 fill pharmacy.
 1 Sec. 90. If any section in this act or any part of any section is
 2 declared invalid or unconstitutional, the declaration shall not affect
 3 the validity or constitutionality of the remaining portions.
 4 2. Correct the operative date and repealer sections so that sections
 5 21, 60, 61, 63, 65, 66, 67, 68, and 71 inserted by this amendment become
 6 operative three calendar months after the adjournment of this legislative
 7 session and section 90 inserted by this amendment becomes operative on
 8 its effective date with the emergency clause.
 9 3. Renumber the remaining sections and correct internal references
 10 accordingly.

The B. Hansen amendment, to [ER26](#), was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Day offered the following amendment to [ER26](#):

[FA67](#)

Strike Section 3.

Senator Day asked unanimous consent to withdraw [FA67](#), found in this day's Journal, and replace it with substitute amendment, [AM1488](#), to [ER26](#). No objections. So ordered.

[AM1488](#)

(Amendments to ER26)

1 1. Insert the following new section:
 2 Sec. 61. Section 68-1017.02, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 68-1017.02 (1)(a) The Department of Health and Human Services shall
 5 apply for and utilize to the maximum extent possible, within limits
 6 established by the Legislature, any and all appropriate options available
 7 to the state under the federal Supplemental Nutrition Assistance Program
 8 and regulations adopted under such program to maximize the number of
 9 Nebraska residents being served under such program within such limits.
 10 The department shall seek to maximize federal funding for such program
 11 and minimize the utilization of General Funds for such program and shall
 12 employ the personnel necessary to determine the options available to the
 13 state and issue the report to the Legislature required by subdivision (b)
 14 of this subsection.

15 (b) The department shall submit electronically an annual report to
16 the Health and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of this
18 subsection. Such report shall provide the committee with all necessary
19 and appropriate information to enable the committee to conduct a
20 meaningful evaluation of such efforts. Such information shall include,
21 but not be limited to, a clear description of various options available
22 to the state under the federal Supplemental Nutrition Assistance Program,
23 the department's evaluation of and any action taken by the department
24 with respect to such options, the number of persons being served under
25 such program, and any and all costs and expenditures associated with such
26 program.

1 (c) The Health and Human Services Committee of the Legislature,
2 after receipt and evaluation of the report required in subdivision (b) of
3 this subsection, shall issue recommendations to the department on any
4 further action necessary by the department to meet the requirements of
5 this section.

6 (2)(a) The department shall develop a state outreach plan to promote
7 access by eligible persons to benefits of the Supplemental Nutrition
8 Assistance Program. The plan shall meet the criteria established by the
9 Food and Nutrition Service of the United States Department of Agriculture
10 for approval of state outreach plans. The Department of Health and Human
11 Services may apply for and accept gifts, grants, and donations to develop
12 and implement the state outreach plan.

13 (b) For purposes of developing and implementing the state outreach
14 plan, the department shall partner with one or more counties or nonprofit
15 organizations. If the department enters into a contract with a nonprofit
16 organization relating to the state outreach plan, the contract may
17 specify that the nonprofit organization is responsible for seeking
18 sufficient gifts, grants, or donations necessary for the development and
19 implementation of the state outreach plan and may additionally specify
20 that any costs to the department associated with the award and management
21 of the contract or the implementation or administration of the state
22 outreach plan shall be paid out of private or federal funds received for
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food
25 and Nutrition Service of the United States Department of Agriculture for
26 approval on or before August 1, 2011, and shall request any federal
27 matching funds that may be available upon approval of the state outreach
28 plan. It is the intent of the Legislature that the State of Nebraska and
29 the Department of Health and Human Services use any additional public or
30 private funds to offset costs associated with increased caseload
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or
2 administering a state outreach plan under this subsection, but not from
3 developing such a plan, if it does not receive private or federal funds
4 sufficient to cover the department's costs associated with the
5 implementation and administration of the plan, including any costs
6 associated with increased caseload resulting from the implementation of
7 the plan.

8 (3)(a) It is the intent of the Legislature that:

9 (i) Hard work be rewarded and no disincentives to work exist for
10 Supplemental Nutrition Assistance Program participants;

11 (ii) Supplemental Nutrition Assistance Program participants be
12 enabled to advance in employment, through greater earnings or new,
13 better-paying employment;

14 (iii) Participants in employment and training pilot programs be able
15 to maintain Supplemental Nutrition Assistance Program benefits while
16 seeking employment with higher wages that allow them to reduce or
17 terminate such program benefits; and

18 (iv) Nebraska better utilize options under the Supplemental
19 Nutrition Assistance Program that other states have implemented to
20 encourage work and employment.

21 (b)(i) The department shall create a TANF-funded program or policy
22 that, in compliance with federal law, establishes categorical eligibility
23 for federal food assistance benefits pursuant to the Supplemental
24 Nutrition Assistance Program to maximize the number of Nebraska residents
25 being served under such program in a manner that does not increase the
26 current gross income eligibility limit except as otherwise provided in
27 subdivision (3)(b)(ii) of this section.

28 (ii) Except as otherwise provided in this subdivision, such TANF-
29 funded program or policy shall increase the gross income eligibility
30 limit to one hundred sixty-five percent of the federal Office of
31 Management and Budget income poverty guidelines as allowed under federal
1 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on
2 April 1, 2021, but shall not increase the net income eligibility limit.
3 ~~It is the intent of the Legislature to fund the administrative costs~~
4 ~~associated with the benefits under this subdivision beginning on May 27,~~
5 ~~2021, with federal funds as allowed under the federal American Reseue~~
6 ~~Plan Act of 2021, Public Law 117-2, as such act existed on April 1, 2021,~~
7 ~~and continue to fund such administrative costs with such federal funds~~
8 ~~through September 30, 2023. Such administrative costs shall not be paid~~
9 ~~for with General Funds. Beginning October 1, 2025 2023, the gross income~~
10 ~~eligibility limit shall return to the amount used prior to the increase~~
11 ~~required by this subdivision. The department shall evaluate the TANF-~~
12 ~~funded program or policy created pursuant to this subsection and provide~~
13 ~~a report electronically to the Health and Human Services Committee of the~~
14 ~~Legislature and the Legislative Fiscal Analyst on or before December 15~~
15 ~~of each year 31, 2022, regarding the gross income eligibility limit and~~
16 ~~whether it maximizes the number of Nebraska residents being served under~~
17 ~~the program or policy. The evaluation shall include an identification and~~
18 ~~determination of additional administrative costs resulting from the~~
19 ~~increase to the gross income eligibility limit, a recommendation~~
20 ~~regarding the gross income eligibility limit, and a determination of the~~
21 ~~availability of federal funds for the program or policy.~~
22 (iii) To the extent federal funds are available to the Department of
23 Labor for the SNAP Next Step Program, until September 30, 2023, any
24 recipient of Supplemental Nutrition Assistance Program benefits whose
25 household income is between one hundred thirty-one and one hundred sixty-
26 five percent of the federal Office of Management and Budget income
27 poverty guidelines and who is not exempt from work participation
28 requirements shall be encouraged to participate in the SNAP Next Step
29 Program administered by the Department of Labor if the recipient is
30 eligible to participate in the program and the program's services are
31 available in the county in which such household is located. It is the
1 intent of the Legislature that no General Funds be utilized by the
2 Department of Labor for the processes outlined in this subdivision (iii).
3 For purposes of this section, SNAP Next Step Program means a partnership
4 program between the Department of Health and Human Services and the
5 Department of Labor to assist under-employed and unemployed recipients of
6 Supplemental Nutrition Assistance Program benefits in finding self-
7 sufficient employment.

8 (iv) Such TANF-funded program or policy shall eliminate all asset
9 limits for eligibility for federal food assistance benefits, except that
10 the total of liquid assets which includes cash on hand and funds in
11 personal checking and savings accounts, money market accounts, and share
12 accounts shall not exceed twenty-five thousand dollars pursuant to the
13 Supplemental Nutrition Assistance Program, as allowed under federal law
14 and under 7 C.F.R. 273.2(j)(2).

15 (v) This subsection becomes effective only if the department

16 receives funds pursuant to federal participation that may be used to
17 implement this subsection.

18 (c) For purposes of this subsection:

19 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
20 U.S.C. 2011 et seq., and regulations adopted under the act; and

21 (ii) TANF means the federal Temporary Assistance for Needy Families
22 program established in 42 U.S.C. 601 et seq.

23 (4)(a) Within the limits specified in this subsection, the State of
24 Nebraska opts out of the provision of the federal Personal Responsibility
25 and Work Opportunity Reconciliation Act of 1996, as such act existed on
26 January 1, 2009, that eliminates eligibility for the Supplemental
27 Nutrition Assistance Program for any person convicted of a felony
28 involving the possession, use, or distribution of a controlled substance.

29 (b) A person shall be ineligible for Supplemental Nutrition
30 Assistance Program benefits under this subsection if he or she (i) has
31 had three or more felony convictions for the possession or use of a
1 controlled substance or (ii) has been convicted of a felony involving the
2 sale or distribution of a controlled substance or the intent to sell or
3 distribute a controlled substance. A person with one or two felony
4 convictions for the possession or use of a controlled substance shall
5 only be eligible to receive Supplemental Nutrition Assistance Program
6 benefits under this subsection if he or she is participating in or has
7 completed a state-licensed or nationally accredited substance abuse
8 treatment program since the date of conviction. The determination of such
9 participation or completion shall be made by the treatment provider
10 administering the program.

11 2. Correct the operative date and repealer sections so that the
12 section added by this amendment becomes operative three calendar months
13 after the adjournment of this legislative session.

14 3. Renumber the remaining sections and correct internal references
15 accordingly.

SPEAKER ARCH PRESIDING

The Day amendment, to [ER26](#), was adopted with 27 ayes, 3 nays, 15 present
and not voting, and 4 excused and not voting.

Senator Riepe offered the following amendment to [ER26](#):
[AM1486](#)

(Amendments to E & R amendments, ER26)

1 1. Insert the following new sections:

2 Sec. 65. Section 71-1797, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-1797 The Legislature finds that it is imperative that the State
5 of Nebraska protect its investment and the progress made in its efforts
6 to alleviate the nursing shortage which exists. The Legislature also
7 finds that the Nebraska Center for Nursing will provide the appropriate
8 means to do so. It is the intent of the Legislature to appropriate funds
9 necessary for the center to carry out the Nebraska Center for Nursing
10 Act, including, but not limited to, (1) administrative costs incurred by
11 the Department of Health and Human Services to expand clinical training
12 sites as provided in subsection (3) of section 71-1798 and (2) funds for
13 such expansion of clinical training sites in the amount of three million
14 dollars from the General Fund for fiscal year 2023-24 and three million
15 dollars from the General Fund for fiscal year 2024-25.

16 Sec. 66. Section 71-1798, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-1798 (1) The Nebraska Center for Nursing is established. The

19 center shall address issues of supply and demand for nurses, including
 20 issues of recruitment, retention, and utilization of nurses. The
 21 Legislature finds that the center will repay the state's investment by
 22 providing an ongoing strategy for the allocation of the state's resources
 23 directed towards nursing.
 24 (2) The primary goals for the center are:
 25 (a) (1) To develop a strategic statewide plan to alleviate the
 26 nursing shortage in Nebraska by:
 1 (i) (a) Establishing and maintaining a database on nursing supply
 2 and demand in Nebraska, including current supply and demand and future
 3 projections; and
 4 (ii) (b) Selecting priorities from the plan to be addressed;
 5 (b) (2) To convene various groups representative of nurses, other
 6 health care providers, business and industry, consumers, legislators, and
 7 educators to:
 8 (i) (a) Review and comment on data analysis prepared for the center;
 9 (ii) (b) Recommend systemic changes, including strategies for
 10 implementation of recommended changes; and
 11 (iii) (e) Evaluate and report the results of these efforts to the
 12 Legislature and the public; and
 13 (c) (3) To enhance and promote recognition, reward, and renewal
 14 activities for nurses by:
 15 (i) (a) Proposing and creating recognition, reward, and renewal
 16 activities; and
 17 (ii) (b) Promoting media and positive image-building efforts for
 18 nursing.
 19 (3) After consultation with a statewide association representing
 20 hospitals and health systems that provide clinical nursing opportunities,
 21 the Nebraska Center for Nursing Board shall provide for the expansion of
 22 clinical training sites for nurses throughout the state, giving
 23 preference to areas that have lower numbers of registered nurses per
 24 capita compared to the state average, and shall provide for the
 25 development of programs that:
 26 (a) Incentivize clinical nurses to become clinical nurse faculty;
 27 (b) Incentivize nurse faculty to partner with staff nurses in the
 28 development of clinical nurse faculty;
 29 (c) Expand simulation training for nurse clinical education; and
 30 (d) Incentivize hospital facilities to support the center in
 31 carrying out this subsection.
 1 2. Correct the operative date and repealer sections so that the
 2 sections added by this amendment become operative three calendar months
 3 after the adjournment of this legislative session.
 4 3. Renumber the remaining sections accordingly.

The Riepe amendment, to [ER26](#), was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Walz offered the following amendment to [ER26](#):
[AM1477](#)

(Amendments to ER26)

1 1. Insert the following new sections:
 2 Sec. 16. (1) For purposes of this section:
 3 (a) Physician peer coach means any health care provider licensed to
 4 practice medicine or surgery who provides coaching, training, or
 5 mentoring through a physician wellness program to another health care
 6 provider licensed to practice medicine or surgery under the Uniform
 7 Credentialing Act or to a student of an accredited school or college of
 8 medicine; and
 9 (b) Physician wellness program means a program that (i) provides

10 coaching, training, and mentoring services by physician peer coaches or
 11 coaches certified by a nationally recognized credentialing program for
 12 coach practitioners for the purpose of addressing issues related to
 13 career fatigue and wellness for individuals licensed to practice medicine
 14 and surgery under the Uniform Credentialing Act and students of an
 15 accredited school or college of medicine and (ii) is established,
 16 organized, or contracted by any statewide association exempt from
 17 taxation under section 501(c)(6) of the Internal Revenue Code of 1986
 18 that primarily represents health care providers in multiple specialties
 19 who are licensed to practice medicine and surgery under the Uniform
 20 Credentialing Act. A physician wellness program does not include a
 21 program of evaluation, monitoring, treatment, or referral.
 22 (2) Any record of a person's participation in a physician wellness
 23 program is confidential and not subject to discovery, subpoena, or a
 24 reporting requirement to the department unless the person voluntarily
 25 requests release of the information in writing or the physician peer
 26 coach determines that the person's condition constitutes a danger to the
 1 public health and safety by the person's continued practice of medicine
 2 or surgery.

3 (3) A person who contacts or participates in a physician wellness
 4 program shall not be required to disclose such contact or participation
 5 to any health care facility, hospital, medical staff person,
 6 accreditation organization, graduate medical education oversight body,
 7 health insurer, government agency, or other entity as a condition of
 8 participation, employment, credentialing, payment, licensure, compliance,
 9 or other requirement.

10 Sec. 22. Section 38-1,125, Revised Statutes Cumulative Supplement,
 11 2022, is amended to read:

12 38-1,125 (1) Except as otherwise provided in section 38-2897, every
 13 credential holder shall, within thirty days of an occurrence described in
 14 this subsection, report to the department in such manner and form as the
 15 department may require whenever he or she:

16 (a) Has first-hand knowledge of facts giving him or her reason to
 17 believe that any person in his or her profession:

18 (i) Has acted with gross incompetence or gross negligence;

19 (ii) Has engaged in a pattern of incompetent or negligent conduct as
 20 defined in section 38-177;

21 (iii) Has engaged in unprofessional conduct as defined in section
 22 38-179;

23 (iv) Has been practicing while his or her ability to practice is
 24 impaired by alcohol, controlled substances, mind-altering substances, or
 25 physical, mental, or emotional disability; or

26 (v) Has otherwise violated the regulatory provisions governing the
 27 practice of the profession;

28 (b) Has first-hand knowledge of facts giving him or her reason to
 29 believe that any person in another profession:

30 (i) Has acted with gross incompetence or gross negligence; or

31 (ii) Has been practicing while his or her ability to practice is
 1 impaired by alcohol, controlled substances, mind-altering substances, or
 2 physical, mental, or emotional disability; or

3 (c) Has been the subject of any of the following actions:

4 (i) Loss of privileges in a hospital or other health care facility
 5 due to alleged incompetence, negligence, unethical or unprofessional
 6 conduct, or physical, mental, or chemical impairment or the voluntary
 7 limitation of privileges or resignation from the staff of any health care
 8 facility when that occurred while under formal or informal investigation
 9 or evaluation by the facility or a committee of the facility for issues
 10 of clinical competence, unprofessional conduct, or physical, mental, or
 11 chemical impairment;

12 (ii) Loss of employment due to alleged incompetence, negligence,

13 unethical or unprofessional conduct, or physical, mental, or chemical
14 impairment;

15 (iii) An adverse judgment, settlement, or award arising out of a
16 professional liability claim, including a settlement made prior to suit
17 in which the consumer releases any professional liability claim against
18 the credentialed person, or adverse action by an insurance company
19 affecting professional liability coverage. The department may define what
20 constitutes a settlement that would be reportable when a credential
21 holder refunds or reduces a fee or makes no charge for reasons related to
22 a consumer complaint other than costs;

23 (iv) Denial of a credential or other form of authorization to
24 practice by any jurisdiction due to alleged incompetence, negligence,
25 unethical or unprofessional conduct, or physical, mental, or chemical
26 impairment;

27 (v) Disciplinary action against any credential or other form of
28 permit he or she holds taken by any jurisdiction, the settlement of such
29 action, or any voluntary surrender of or limitation on any such
30 credential or other form of permit;

31 (vi) Loss of membership in, or discipline of a credential related to
1 the applicable profession by, a professional organization due to alleged
2 incompetence, negligence, unethical or unprofessional conduct, or
3 physical, mental, or chemical impairment; or

4 (vii) Conviction of any misdemeanor or felony in this or any other
5 jurisdiction.

6 (2) The requirement to file a report under subdivision (1)(a) or (b)
7 of this section shall not apply:

8 (a) To the spouse of the credential holder;

9 (b) To a practitioner who is providing treatment to such credential
10 holder in a practitioner-consumer relationship concerning information
11 obtained or discovered in the course of treatment unless the treating
12 practitioner determines that the condition of the credential holder may
13 be of a nature which constitutes a danger to the public health and safety
14 by the credential holder's continued practice; ~~or~~

15 (c) When a credential holder who is chemically impaired enters the
16 Licensee Assistance Program authorized by section 38-175 except as
17 otherwise provided in such section; ~~or~~

18 (d) To a credential holder who is providing coaching, training, or
19 mentoring services to another credential holder through a physician
20 wellness program as defined in section 16 of this act except as otherwise
21 provided in section 16 of this act.

22 (3) A report submitted by a professional liability insurance company
23 on behalf of a credential holder within the thirty-day period prescribed
24 in subsection (1) of this section shall be sufficient to satisfy the
25 credential holder's reporting requirement under subsection (1) of this
26 section.

27 2. On page 6, line 11, after "38-1,147" insert "and section 16 of
28 this act".

29 3. On page 7, line 21, after "38-1,147" insert "and section 16 of
30 this act".

31 4. Correct the operative date and repealer sections so that the
1 sections added by this amendment become operative three calendar months
2 after the adjournment of this legislative session.

3 5. Renumber the remaining sections and correct internal references
4 accordingly.

The Walz amendment, to [ER26](#), was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

ER26 was adopted, as amended.

Senator Riepe withdrew the following amendment:

[AM1372](#)

(Amendments to AM1332)

1 1. Insert the following new sections:

2 Sec. 65. Section 71-1797, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-1797 The Legislature finds that it is imperative that the State
5 of Nebraska protect its investment and the progress made in its efforts
6 to alleviate the nursing shortage which exists. The Legislature also
7 finds that the Nebraska Center for Nursing will provide the appropriate
8 means to do so. It is the intent of the Legislature to appropriate funds
9 necessary for the center to carry out the Nebraska Center for Nursing
10 Act, including, but not limited to, (1) administrative costs incurred by
11 the Department of Health and Human Services to expand clinical training
12 sites as provided in subsection (3) of section 71-1798 and (2) funds for
13 such expansion of clinical training sites in the amount of three million
14 dollars from the General Fund for fiscal year 2023-24 and three million
15 dollars from the General Fund for fiscal year 2024-25.

16 Sec. 66. Section 71-1798, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-1798 (1) The Nebraska Center for Nursing is established. The
19 center shall address issues of supply and demand for nurses, including
20 issues of recruitment, retention, and utilization of nurses. The
21 Legislature finds that the center will repay the state's investment by
22 providing an ongoing strategy for the allocation of the state's resources
23 directed towards nursing.

24 (2) The primary goals for the center are:

25 (a) ~~(1)~~ To develop a strategic statewide plan to alleviate the
26 nursing shortage in Nebraska by:

1 (i) ~~(a)~~ Establishing and maintaining a database on nursing supply
2 and demand in Nebraska, including current supply and demand and future
3 projections; and

4 (ii) ~~(b)~~ Selecting priorities from the plan to be addressed;

5 (b) ~~(2)~~ To convene various groups representative of nurses, other
6 health care providers, business and industry, consumers, legislators, and
7 educators to:

8 (i) ~~(a)~~ Review and comment on data analysis prepared for the center;

9 (ii) ~~(b)~~ Recommend systemic changes, including strategies for
10 implementation of recommended changes; and

11 (iii) ~~(c)~~ Evaluate and report the results of these efforts to the
12 Legislature and the public; and

13 (c) ~~(3)~~ To enhance and promote recognition, reward, and renewal
14 activities for nurses by:

15 (i) ~~(a)~~ Proposing and creating recognition, reward, and renewal
16 activities; and

17 (ii) ~~(b)~~ Promoting media and positive image-building efforts for
18 nursing.

19 (3) After consultation with a statewide association representing
20 hospitals and health systems that provide clinical nursing opportunities,
21 the Nebraska Center for Nursing Board shall provide for the expansion of
22 clinical training sites for nurses throughout the state, giving
23 preference to areas that have lower numbers of registered nurses per
24 capita compared to the state average, and shall provide for the
25 development of programs that:

26 (a) Incentivize clinical nurses to become clinical nurse faculty;

27 (b) Incentivize nurse faculty to partner with staff nurses in the
28 development of clinical nurse faculty;

29 (c) Expand simulation training for nurse clinical education; and

30 (d) Incentivize hospital facilities to support the center in

31 carrying out this subsection.

- 1 2. Correct the operative date and repealer sections so that the
- 2 sections added by this amendment become operative three calendar months
- 3 after the adjournment of this legislative session.
- 4 3. Renumber the remaining sections accordingly.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 753A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 565A. Senator Bostelman offered the following amendment:

[AM1447](#)

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$6,000 from the Oil and Gas

3 Conservation Fund for FY2023-24 and (2) \$6,000 from the Oil and Gas

4 Conservation Fund for FY2024-25 to the Nebraska Oil and Gas Conservation

5 Commission, for Program 335, to aid in carrying out the provisions of

6 Legislative Bill 565, One Hundred Eighth Legislature, First Session,

7 2023.

8 Total expenditures for permanent and temporary salaries and per

9 diems from funds appropriated in this section shall not exceed \$6,000 for

10 FY2023-24 or \$6,000 for FY2024-25.

11 2. Renumber the remaining section accordingly.

The Bostelman amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 138A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

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

[FA68](#)

Strike Section 1.

GENERAL FILE

LEGISLATIVE BILL 243A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 254A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 583A. Title read. Considered.

Senator Sanders offered the following amendment:

[AM1487](#)

1 1. On page 2, line 1, strike "\$103,762,107" and insert
2 "\$103,762,106".

The Sanders amendment was withdrawn.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 683A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 754A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB727:

[AM1458](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. On page 35, reinstate lines 13 through 19.

Senator M. Cavanaugh filed the following amendment to LB727:

[AM1457](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. On page 20, strike beginning with "The" in line 11 through the
2 period in line 17.

Senator M. Cavanaugh filed the following amendment to LB727:

[AM1456](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. On page 2, strike lines 7 through 12.

Senator M. Cavanaugh filed the following amendment to LB727:

[AM1452](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike sections 46, 48, 49, 50, 54, 55, 56, and 64.
2 2. Renumber the remaining sections, correct internal references, and
3 correct the repealer accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 227A. Introduced by Hansen, B., 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 92. Senator M. Cavanaugh withdrew [MO293](#), found on page 934, to indefinitely postpone.

Senator M. Cavanaugh withdrew [MO298](#), found on page 935, to bracket.

Senator M. Cavanaugh withdrew [MO297](#), found on page 935, to recommit to committee.

Senator M. Cavanaugh withdrew [MO296](#), found on page 935, to indefinitely postpone.

[ER28](#), found in this day's Journal, was adopted.

Senator Slama withdrew [FA31](#), found on page 854.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254. Senator M. Cavanaugh withdrew [MO410](#), found on page 942, to recommit to committee.

Senator M. Cavanaugh withdrew [MO411](#), found on page 942, to bracket.

Senator M. Cavanaugh withdrew [MO409](#), found on page 942, to indefinitely postpone.

[ER27](#), found in this day's Journal, was offered.

Senator Hunt offered the following amendment, to [ER27](#):
[AM1460](#)

(Amendments to E and R amendments, ER27)

- 1 1. On page 1, line 11, after the period insert "~~Closed-captioned~~
- 2 video coverage shall include closed captioning in both English and
- 3 ~~Spanish~~".
- 4 2. On page 11, line 29, after the period insert "~~Closed-captioned~~
- 5 video coverage shall include closed captioning in both English and
- 6 ~~Spanish~~".

The Hunt amendment, to [ER27](#), was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator J. Cavanaugh offered the following amendment, to [ER27](#):
[AM1461](#)

(Amendments to E and R amendments, ER27)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 50-702, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 50-702 (1) The Legislative Mental Health Care Capacity Strategic
- 5 Planning Committee is established. The committee shall consist of the
- 6 following members: (a) The chairperson of the Judiciary Committee of the
- 7 Legislature or his or her designee, (b) the chairperson of the Health and
- 8 Human Services Committee of the Legislature or his or her designee, (c)
- 9 the chairperson of the Appropriations Committee of the Legislature or his
- 10 or her designee, and (d) four senators selected by the chairperson of the
- 11 Executive Board of the Legislative Council. The committee shall select a
- 12 chairperson and vice-chairperson from among its members.
- 13 (2)(a) No later than November 1, ~~2023~~ 2022, the Legislative Mental
- 14 Health Care Capacity Strategic Planning Committee shall contract with an
- 15 independent consultant with expertise in inpatient mental health care
- 16 delivery. The contract shall be awarded based on competitive bids and be
- 17 subject to the approval of the Executive Board of the Legislative Council
- 18 upon a recommendation of a majority of the committee. The consultant
- 19 shall assist the committee in determining the necessary capacity for
- 20 inpatient mental health care beds for both state-operated and privately
- 21 owned facilities based on best practices in mental health care. The
- 22 consultant shall provide recommendations to achieve the necessary
- 23 capacity if the current state inpatient mental health bed capacity is
- 24 insufficient.
- 25 (b) On or before November 1, ~~2024~~ 2023, the consultant shall provide
- 26 a written report of its findings and recommendations to the Legislative
- 1 Mental Health Care Capacity Strategic Planning Committee.
- 2 (3) This section terminates on November 1, ~~2025~~ 2024.
- 3 2. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.

The J. Cavanaugh amendment, to [ER27](#), was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

[ER27](#), was adopted, as amended

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducers

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

- Senator Conrad name added to LB82.
- Senator Conrad name added to LB153.
- Senator Fredrickson name added to LB227.
- Senator B. Hansen name added to LB574.
- Senator B. Hansen name added to LB626.
- Senator Conrad name added to LB763.

VISITORS

Visitors to the Chamber were students from Lyons-Decatur Northeast, Lyons.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 4:33 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, April 26, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 26, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 26, 2023

PRAYER

The prayer was offered by David Palomaki, Redeemer Lutheran Church, David City.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Albrecht, Bostar, Briese, Day, DeBoer, Dungan, B. Hansen, Hunt, Linehan, McKinney, Raybould, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

AMENDMENT - Withdraw and Refile in Journal to LB562

Senator Halloran withdrew and refiled [AM1248](#), found on page 1098.

AMENDMENT - Print in Journal

Senator Sanders filed the following amendment to [LB583A](#):

[FA69](#)

On page 2, line 1, strike "\$103,762,107" and insert "\$103,762,106."

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 99, 101, and 102 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 99, 101, and 102.

SELECT FILE

LEGISLATIVE BILL 815. Senator Clements withdrew [MO921](#), found on page 1053, to bracket.

Senator Clements withdrew [MO922](#), found on page 1053, to recommit to committee.

Senator Clements withdrew [MO923](#), found on page 1054, to indefinitely postpone.

Senator M. Cavanaugh offered [AM1264](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO991](#)

Reconsider vote on AM1264.

SENATOR DEBOER PRESIDING**PRESIDENT KELLY PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 6 nays, and 36 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 35 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 705. Placed on General File with amendment.
[AM1468](#) is available in the Bill Room.

(Signed) Dave Murman, Chairperson

Health and Human Services

LEGISLATIVE BILL 84. Placed on General File with amendment.
[AM1385](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-1017.02, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:
5 68-1017.02 (1)(a) The Department of Health and Human Services shall
6 apply for and utilize to the maximum extent possible, within limits
7 established by the Legislature, any and all appropriate options available
8 to the state under the federal Supplemental Nutrition Assistance Program
9 and regulations adopted under such program to maximize the number of
10 Nebraska residents being served under such program within such limits.
11 The department shall seek to maximize federal funding for such program
12 and minimize the utilization of General Funds for such program and shall
13 employ the personnel necessary to determine the options available to the
14 state and issue the report to the Legislature required by subdivision (b)
15 of this subsection.
16 (b) The department shall submit electronically an annual report to
17 the Health and Human Services Committee of the Legislature by December 1
18 on efforts by the department to carry out the provisions of this
19 subsection. Such report shall provide the committee with all necessary
20 and appropriate information to enable the committee to conduct a
21 meaningful evaluation of such efforts. Such information shall include,
22 but not be limited to, a clear description of various options available
23 to the state under the federal Supplemental Nutrition Assistance Program,
24 the department's evaluation of and any action taken by the department
25 with respect to such options, the number of persons being served under
26 such program, and any and all costs and expenditures associated with such
27 program.
28 (c) The Health and Human Services Committee of the Legislature,
29 after receipt and evaluation of the report required in subdivision (b) of
30 this subsection, shall issue recommendations to the department on any
31 further action necessary by the department to meet the requirements of
32 this section.
33 (2)(a) The department shall develop a state outreach plan to promote
34 access by eligible persons to benefits of the Supplemental Nutrition
35 Assistance Program. The plan shall meet the criteria established by the
36 Food and Nutrition Service of the United States Department of Agriculture
37 for approval of state outreach plans. The Department of Health and Human
38 Services may apply for and accept gifts, grants, and donations to develop
39 and implement the state outreach plan.
40 (b) For purposes of developing and implementing the state outreach
41 plan, the department shall partner with one or more counties or nonprofit
42 organizations. If the department enters into a contract with a nonprofit
43 organization relating to the state outreach plan, the contract may
44 specify that the nonprofit organization is responsible for seeking
45 sufficient gifts, grants, or donations necessary for the development and
46 implementation of the state outreach plan and may additionally specify

20 that any costs to the department associated with the award and management
21 of the contract or the implementation or administration of the state
22 outreach plan shall be paid out of private or federal funds received for
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food
25 and Nutrition Service of the United States Department of Agriculture for
26 approval on or before August 1, 2011, and shall request any federal
27 matching funds that may be available upon approval of the state outreach
28 plan. It is the intent of the Legislature that the State of Nebraska and
29 the Department of Health and Human Services use any additional public or
30 private funds to offset costs associated with increased caseload
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or
2 administering a state outreach plan under this subsection, but not from
3 developing such a plan, if it does not receive private or federal funds
4 sufficient to cover the department's costs associated with the
5 implementation and administration of the plan, including any costs
6 associated with increased caseload resulting from the implementation of
7 the plan.

8 (3)(a) It is the intent of the Legislature that:

9 (i) Hard work be rewarded and no disincentives to work exist for
10 Supplemental Nutrition Assistance Program participants;

11 (ii) Supplemental Nutrition Assistance Program participants be
12 enabled to advance in employment, through greater earnings or new,
13 better-paying employment;

14 (iii) Participants in employment and training pilot programs be able
15 to maintain Supplemental Nutrition Assistance Program benefits while
16 seeking employment with higher wages that allow them to reduce or
17 terminate such program benefits; and

18 (iv) Nebraska better utilize options under the Supplemental
19 Nutrition Assistance Program that other states have implemented to
20 encourage work and employment.

21 (b)(i) The department shall create a TANF-funded program or policy
22 that, in compliance with federal law, establishes categorical eligibility
23 for federal food assistance benefits pursuant to the Supplemental
24 Nutrition Assistance Program to maximize the number of Nebraska residents
25 being served under such program in a manner that does not increase the
26 current gross income eligibility limit except as otherwise provided in
27 subdivision (3)(b)(ii) of this section.

28 (ii) Except as otherwise provided in this subdivision, such TANF-
29 funded program or policy shall increase the gross income eligibility
30 limit to one hundred sixty-five percent of the federal Office of
31 Management and Budget income poverty guidelines as allowed under federal
1 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on
2 April 1, 2021, but shall not increase the net income eligibility limit.

3 ~~It is the intent of the Legislature to fund the administrative costs~~
4 ~~associated with the benefits under this subdivision beginning on May 27,~~
5 ~~2021, with federal funds as allowed under the federal American Rescue~~
6 ~~Plan Act of 2021, Public Law 117-2, as such act existed on April 1, 2021,~~
7 ~~and continue to fund such administrative costs with such federal funds~~
8 ~~through September 30, 2023. Such administrative costs shall not be paid~~
9 ~~for with General Funds. Beginning October 1, 2025 2023,~~ the gross income
10 eligibility limit shall return to the amount used prior to the increase
11 required by this subdivision. The department shall evaluate the TANF-
12 funded program or policy created pursuant to this subsection and provide
13 a report electronically to the Health and Human Services Committee of the
14 Legislature and the Legislative Fiscal Analyst on or before December 15
15 of each year ~~31, 2022,~~ regarding the gross income eligibility limit and
16 whether it maximizes the number of Nebraska residents being served under
17 the program or policy. The evaluation shall include an identification and

18 determination of additional administrative costs resulting from the
19 increase to the gross income eligibility limit, a recommendation
20 regarding the gross income eligibility limit, and a determination of the
21 availability of federal funds for the program or policy.
22 (iii) To the extent federal funds are available to the Department of
23 Labor for the SNAP Next Step Program, until September 30, 2023, any
24 recipient of Supplemental Nutrition Assistance Program benefits whose
25 household income is between one hundred thirty-one and one hundred sixty-
26 five percent of the federal Office of Management and Budget income
27 poverty guidelines and who is not exempt from work participation
28 requirements shall be encouraged to participate in the SNAP Next Step
29 Program administered by the Department of Labor if the recipient is
30 eligible to participate in the program and the program's services are
31 available in the county in which such household is located. It is the
1 intent of the Legislature that no General Funds be utilized by the
2 Department of Labor for the processes outlined in this subdivision (iii).
3 For purposes of this section, SNAP Next Step Program means a partnership
4 program between the Department of Health and Human Services and the
5 Department of Labor to assist under-employed and unemployed recipients of
6 Supplemental Nutrition Assistance Program benefits in finding self-
7 sufficient employment.
8 (iv) Such TANF-funded program or policy shall eliminate all asset
9 limits for eligibility for federal food assistance benefits, except that
10 the total of liquid assets which includes cash on hand and funds in
11 personal checking and savings accounts, money market accounts, and share
12 accounts shall not exceed twenty-five thousand dollars pursuant to the
13 Supplemental Nutrition Assistance Program, as allowed under federal law
14 and under 7 C.F.R. 273.2(j)(2).
15 (v) This subsection becomes effective only if the department
16 receives funds pursuant to federal participation that may be used to
17 implement this subsection.
18 (c) For purposes of this subsection:
19 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
20 U.S.C. 2011 et seq., and regulations adopted under the act; and
21 (ii) TANF means the federal Temporary Assistance for Needy Families
22 program established in 42 U.S.C. 601 et seq.
23 (4)(a) Within the limits specified in this subsection, the State of
24 Nebraska opts out of the provision of the federal Personal Responsibility
25 and Work Opportunity Reconciliation Act of 1996, as such act existed on
26 January 1, 2009, that eliminates eligibility for the Supplemental
27 Nutrition Assistance Program for any person convicted of a felony
28 involving the possession, use, or distribution of a controlled substance.
29 (b) A person shall be ineligible for Supplemental Nutrition
30 Assistance Program benefits under this subsection if he or she (i) has
31 had three or more felony convictions for the possession or use of a
1 controlled substance or (ii) has been convicted of a felony involving the
2 sale or distribution of a controlled substance or the intent to sell or
3 distribute a controlled substance. A person with one or two felony
4 convictions for the possession or use of a controlled substance shall
5 only be eligible to receive Supplemental Nutrition Assistance Program
6 benefits under this subsection if he or she is participating in or has
7 completed a state-licensed or nationally accredited substance abuse
8 treatment program since the date of conviction. The determination of such
9 participation or completion shall be made by the treatment provider
10 administering the program.
11 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative
12 Supplement, 2022, is repealed.

(Signed) Ben Hansen, Chairperson

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB341:
AM1305

1 1. Insert the following new sections:

2 Sec. 10. Section 76-701, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 76-701 For purposes of sections 76-701 to 76-726:

5 (1) Condemnee means any person, partnership, limited liability
 6 company, corporation, or association owning or having an encumbrance on
 7 any interest in property that is sought to be acquired by a condemner or
 8 in possession of or occupying any such property;

9 (2) (4) Condemner means any legal entity that by law has been
 10 granted the right to exercise the power of eminent domain and includes
 11 the state and any governmental or political subdivision thereof;

12 (2) Condemnee means any person, partnership, limited liability
 13 company, corporation, or association owning or having an encumbrance on
 14 any interest in property that is sought to be acquired by a condemner or
 15 in possession of or occupying any such property;

16 (3) Property means any such interest in real or personal property as
 17 the condemner is empowered by law to acquire for public use; and

18 (3) (4) County judge means the county judge of the county where
 19 condemnation proceedings provided by such sections are had; -

20 (4) Dilapidated means the condition of a building or structure that,
 21 due to inadequate maintenance, structural deterioration, obsolescence, or
 22 abandonment, is no longer adequate for either the purposes for which it
 23 was originally intended or for which it has been repurposed;

24 (5) Property means any such interest in real or personal property as
 25 the condemner is empowered by law to acquire for public use;

26 (6) Replacement cost includes the costs that are not included in the
 27 fair market value of the taken property that a condemnee will incur to:

1 (a) Replace any of the following taken property: Dwellings, garages,
 2 sheds, barns, wells, septic systems, fences, and any other permanent
 3 structures; or

4 (b) Rebuild, replace, or move property located on the remaining
 5 property of the condemnee that will need to be rebuilt, replaced, or
 6 moved to compensate for the taken property; and

7 (7) Severance damages includes:

8 (a) Replacement costs for any of the following that are not
 9 dilapidated: Dwellings, garages, sheds, barns, wells, septic systems,
 10 fences, and any other permanent structures; and

11 (b) The net loss in the fair market value of the remaining property
 12 of the condemnee that occurs due to the severance of the taken property
 13 from the remaining property of the condemnee.

14 Sec. 11. Section 76-710.01, Reissue Revised Statutes of Nebraska, is
 15 amended to read:

16 76-710.01 (1) Where any condemner shall have taken or attempts to
 17 take property for public use, the damages for taking such property shall
 18 be determined according to the laws of this state irrespective of whether
 19 the condemner may be reimbursed for a part of such damage from the
 20 federal government. ~~Such and such~~ damages shall include all compensable
 21 damages suffered by the condemnee, ~~which shall be determined as follows:~~
 22 ~~including but not limited to reasonable severance damages and condemnee's~~
 23 ~~abstracting expenses.~~

24 (a) For any property not described in subdivision (1)(b) of this
 25 section, the damages shall include:

26 (i) The fair market value of the taken property;

27 (ii) Reasonable severance damages; and

28 (iii) The condemnee's abstracting expenses; and

29 (b) For agricultural land and real property located on agricultural
 30 land, the damages shall include:
 31 (i) Two times the fair market value of the taken property;
 1 (ii) Reasonable severance damages; and
 2 (iii) The condemnee's abstracting expenses.
 3 (2) In determining the amount of such severance damages under
 4 subsection (1) of this section, account shall be taken, together with
 5 other relevant factors, of the economic effect, if any, caused by the
 6 severance therefrom of the part taken or sought to be taken upon the
 7 whole of such property as a going concern as it will be and remain after
 8 the severance.
 9 (3) Any decrease or increase in the fair market value of real
 10 property prior to the date of valuation caused by the public improvement
 11 for which such property is acquired, or by the likelihood that the
 12 property would be acquired for such improvement, other than due to
 13 physical deterioration within the reasonable control of the owner, shall
 14 be disregarded in determining the compensation for the property.
 15 (4) The county assessor for the county in which the property is to
 16 be taken shall determine if any structures that are to be taken are
 17 dilapidated. No replacement costs for any dilapidated structure are
 18 required to be paid as part of the reasonable severance damages
 19 determined under subsection (1) of this section.
 20 (5) The provisions of this section shall apply to any case now or
 21 hereafter pending.
 22 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, and 16 of this
 23 act become operative three calendar months after the adjournment of this
 24 legislative session. The other sections of this act become operative on
 25 their effective date.
 26 Sec. 15. Original sections 76-701 and 76-710.01, Reissue Revised
 27 Statutes of Nebraska, are repealed.
 28 Sec. 17. Since an emergency exists, this act takes effect when
 29 passed and approved according to law.
 30 2. Renumber the remaining sections and correct internal references
 31 accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 110. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Stapleton FFA placed second out of one hundred twenty-eight teams with a score of 763 in the Environment and Natural Resources event at the convention.

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

1. That the Legislature congratulates Stapleton FFA on placing second overall in the Environment and Natural Resources event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Stapleton FFA team members Caleb Burnside, Tad Dimmitt, Natalie Newman, and Kyle Kramer and Stapleton Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 111. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, North Platte FFA placed third out of one hundred twenty-seven teams with a score of 1234 in the Agriscience event at the convention.

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

1. That the Legislature congratulates North Platte FFA on placing third overall in the Agriscience event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to North Platte FFA team members Jazlyn Arensdorf, Brynna Barker, Ava Franzen, and Makynzi Smith and North Platte High School.

Laid over.

LEGISLATIVE RESOLUTION 112. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Wallace FFA placed second out of fifty-seven teams with a score of 455.1001 in the Livestock Management event at the convention.

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

1. That the Legislature congratulates Wallace FFA on placing second overall in the Livestock Management event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Wallace FFA team members Kyler Flaming, Trey Robertson, Chase Martin, Brylie Robinson, and Ashley Robertson and Wallace Public School.

Laid over.

LEGISLATIVE RESOLUTION 113. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Wallace FFA placed third out of thirty-six teams with a score of 909 in the Food Science and Technology event at the convention.

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

1. That the Legislature congratulates Wallace FFA on placing third overall in the Food Science and Technology event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Wallace FFA team members Emma Matson, Karlie Finley, Kendyl Flaming, and Reagan Pelster and Wallace Public School.

Laid over.

LEGISLATIVE RESOLUTION 114. Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Hershey FFA placed first out of thirteen teams with a score of 506 in the Marketing Plan event at the convention.

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

1. That the Legislature congratulates Hershey FFA on placing first overall in the Marketing Plan event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Hershey FFA team members Calie Troyer, Kandice Thompson, and Aliyah Vaughn and Hershey Public Schools.

Laid over.

SELECT FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh offered [AM1265](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 3 nays, and 39 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1269](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 5 nays, and 36 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 38 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 50. Placed on General File with amendment. [AM1436](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

SELECT FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh offered [AM1270](#), found on page 1084.

Pending.

NOTICE OF COMMITTEE HEARING

Business and Labor
Room 1524 12:00 PM

Thursday, May 4, 2023
AM1354
Amending LB282

(Signed) Merv Riepe, Chairperson

VISITORS

Visitors to the Chamber were students from Centennial Elementary, Utica; sponsor, students and teachers from North Star High School, Lincoln; students from Palisades Elementary, Omaha/Gretna; students from Axtell Elementary, Axtell; sponsors, students, and teachers from Pershing Grade School, Lexington; students from West Dodge Station Elementary, Elkhorn.

RECESS

At 11:58 a.m., on a motion by Senator Conrad, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Bosn, Bostar, Briese, Day, DeKay, Dover, B. Hansen, Kauth, Linehan, McDonnell, McKinney, Raybould, Slama, Vargas, von Gillern, and Wayne who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 815. Senator M. Cavanaugh renewed [AM1270](#), found on page 1084 and considered in this day's Journal.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1272](#), found on page 1084.

Speaker Arch offered the following motion:

[MO993](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

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

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Raybould
Albrecht	Cavanaugh, J.	Erdman	Jacobson	Riepe
Arch	Cavanaugh, M.	Fredrickson	Kauth	Sanders
Armendariz	Conrad	Hansen	Lippincott	Slama
Ballard	DeBoer	Hardin	Lowe	von Gillern
Blood	DeKay	Holdcroft	McDonnell	Walz
Bostar	Dorn	Hughes	Moser	Wishart
Bostelman	Dover	Hunt	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Halloran

Excused and not voting, 9:

Bosn	Briese	Day	McKinney	Wayne
Brewer	Clements	Linehan	Vargas	

The Arch motion to invoke cloture prevailed with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

The M. Cavanaugh amendment lost with 0 ayes, 38 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

ANNOUNCEMENT

The Transportation and Telecommunications Committee elected Senator DeKay as Vice Chairperson.

AMENDMENT - Print in Journal

Senator Riepe filed the following amendment to LB131:

[AM1511](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:

2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 48-145 To secure the payment of compensation under the Nebraska

5 Workers' Compensation Act:

6 (1) Every employer in the occupations described in section 48-106,
7 except the State of Nebraska and any governmental agency created by the
8 state, shall either (a) insure and keep insured its liability under such
9 act in some corporation, association, or organization authorized and
10 licensed to transact the business of workers' compensation insurance in
11 this state, (b) in the case of an employer who is a lessor of one or more
12 commercial vehicles leased to a self-insured motor carrier, be a party to
13 an effective agreement with the self-insured motor carrier under section
14 48-115.02, (c) be a member of a risk management pool authorized and
15 providing group self-insurance of workers' compensation liability
16 pursuant to the Intergovernmental Risk Management Act, or (d) with
17 approval of the Nebraska Workers' Compensation Court, self-insure its
18 workers' compensation liability.

19 An employer seeking approval to self-insure shall make application
20 to the compensation court in the form and manner as the compensation
21 court may prescribe, meet such minimum standards as the compensation
22 court shall adopt and promulgate by rule and regulation, and furnish to
23 the compensation court satisfactory proof of financial ability to pay
24 direct the compensation in the amount and manner when due as provided for
25 in the Nebraska Workers' Compensation Act. Approval is valid for the

26 period prescribed by the compensation court unless earlier revoked
1 pursuant to this subdivision or subsection (1) of section 48-146.02.
2 Notwithstanding subdivision (1)(d) of this section, a professional
3 employer organization shall not be eligible to self-insure its workers'
4 compensation liability. The compensation court may by rule and regulation
5 require the deposit of an acceptable security, indemnity, trust, or bond
6 to secure the payment of compensation liabilities as they are incurred.
7 The agreement or document creating a trust for use under this section
8 shall contain a provision that the trust may only be terminated upon the
9 consent and approval of the compensation court. Any beneficial interest
10 in the trust principal shall be only for the benefit of the past or
11 present employees of the self-insurer and any persons to whom the self-
12 insurer has agreed to pay benefits under subdivision (11) of section
13 48-115 and section 48-115.02. Any limitation on the termination of a
14 trust and all other restrictions on the ownership or transfer of
15 beneficial interest in the trust assets contained in such agreement or
16 document creating the trust shall be enforceable, except that any
17 limitation or restriction shall be enforceable only if authorized and
18 approved by the compensation court and specifically delineated in the
19 agreement or document. The trustee of any trust created to satisfy the
20 requirements of this section may invest the trust assets in the same
21 manner authorized under subdivisions (1)(a) through (i) of section
22 30-3209 for corporate trustees holding retirement or pension funds for
23 the benefit of employees or former employees of cities, villages, school
24 districts, or governmental or political subdivisions, except that the
25 trustee shall not invest trust assets into stocks, bonds, or other
26 obligations of the trustor. If, as a result of such investments, the
27 value of the trust assets is reduced below the acceptable trust amount
28 required by the compensation court, then the trustor shall deposit
29 additional trust assets to account for the shortfall.
30 Notwithstanding any other provision of the Nebraska Workers'
31 Compensation Act, a three-judge panel of the compensation court may,
1 after notice and hearing, revoke approval as a self-insurer if it finds
2 that the financial condition of the self-insurer or the failure of the
3 self-insurer to comply with an obligation under the act poses a serious
4 threat to the public health, safety, or welfare. The Attorney General,
5 when requested by the administrator of the compensation court, may file a
6 motion pursuant to section 48-162.03 for an order directing a self-
7 insurer to appear before a three-judge panel of the compensation court
8 and show cause as to why the panel should not revoke approval as a self-
9 insurer pursuant to this subdivision. The Attorney General shall be
10 considered a party for purposes of such motion. The Attorney General may
11 appear before the three-judge panel and present evidence that the
12 financial condition of the self-insurer or the failure of the self-
13 insurer to comply with an obligation under the act poses a serious threat
14 to the public health, safety, or welfare. The presiding judge shall rule
15 on a motion of the Attorney General pursuant to this subdivision and, if
16 applicable, shall appoint judges of the compensation court to serve on
17 the three-judge panel. The presiding judge shall not serve on such panel.
18 Appeal from a revocation pursuant to this subdivision shall be in
19 accordance with section 48-185. No such appeal shall operate as a
20 supersedeas unless the self-insurer executes to the compensation court a
21 bond with one or more sureties authorized to do business within the State
22 of Nebraska in an amount determined by the three-judge panel to be
23 sufficient to satisfy the obligations of the self-insurer under the act;
24 (2) An approved self-insurer shall furnish to the State Treasurer an
25 annual amount equal to two and one-half percent of the prospective loss
26 costs for like employment but in no event less than twenty-five dollars.
27 Prospective loss costs is defined in section 48-151. The compensation
28 court is the sole judge as to the prospective loss costs that shall be

29 used. All money which a self-insurer is required to pay to the State
 30 Treasurer, under this subdivision, shall be computed and tabulated under
 31 oath as of January 1 and paid to the State Treasurer immediately
 1 thereafter. The compensation court or designee of the compensation court
 2 may audit the payroll of a self-insurer at the compensation court's
 3 discretion. All money paid by a self-insurer under this subdivision shall
 4 be credited to the Compensation Court Cash ~~General~~ Fund;
 5 (3) Every employer who fails, neglects, or refuses to comply with
 6 the conditions set forth in subdivision (1) or (2) of this section shall
 7 be required to respond in damages to an employee for personal injuries,
 8 or when personal injuries result in the death of an employee, then to his
 9 or her dependents; and
 10 (4) Any security, indemnity, trust, or bond provided by a self-
 11 insurer pursuant to subdivision (1) of this section shall be deemed a
 12 surety for the purposes of the payment of valid claims of the self-
 13 insurer's employees and the persons to whom the self-insurer has agreed
 14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to
 15 subdivision (11) of section 48-115 and section 48-115.02 as generally
 16 provided in the act.
 17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,
 18 16, 17, 18, 19, 20, 21, and 25 of this act become operative three
 19 calendar months after the adjournment of this legislative session. The
 20 other sections of this act become operative on their effective date.
 21 Sec. 23. If any section in this act or any part of any section is
 22 declared invalid or unconstitutional, the declaration shall not affect
 23 the validity or constitutionality of the remaining portions.
 24 Sec. 24. Original section 48-145, Reissue Revised Statutes of
 25 Nebraska, is repealed.
 26 Sec. 26. Since an emergency exists, this act takes effect when
 27 passed and approved according to law.
 28 2. On page 14, lines 5 and 8, strike "effective date of this act"
 29 and insert "operative date of this section".
 30 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 816. Senator Clements withdrew [MO928](#), found on page 1054, to bracket.

Senator Clements withdrew [MO929](#), found on page 1054, to recommit to committee.

Senator Clements offered [MO930](#), found on page 1054, to indefinitely postpone.

Senator Clements withdrew his motion to indefinitely postpone.

Senator M. Cavanaugh offered [AM1273](#), found on page 1085.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[AM1281](#)

(Amendments to Standing Committee amendments, AM1136)

1 1. On page 6, line 4, after "military leave," insert "family medical
2 leave,".

SENATOR DORN PRESIDING

SENATOR DEBOER PRESIDING

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 204. Placed on General File with amendment.

[AM1418](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 68-901 Sections 68-901 to 68-9,101 and section 2 of this act shall
6 be known and may be cited as the Medical Assistance Act.
7 Sec. 2. (1) Beginning with fiscal year 2024-25, contingent upon
8 implementation of the contractual agreements with medicaid managed care
9 organizations as described in subsection (2) of this section, the
10 department shall establish a fee-for-service pharmacy dispensing fee
11 reimbursement of ten dollars and thirty-eight cents per prescription for
12 any independent pharmacy until a cost of dispensing survey is completed.
13 The actual dispensing fee shall be determined by a cost of dispensing
14 survey administered by the department and completed by all medical
15 assistance program participating independent pharmacies every two years.
16 The change in the dispensing fee shall become effective following federal
17 approval of the medicaid state plan. For purposes of this section,
18 independent pharmacy means any pharmacy as defined in section 71-425 that
19 owns six or fewer pharmacies.
20 (2) The department shall amend all medicaid managed care
21 organization contracts to authorize establishment of a managed care
22 pharmacy dispensing fee reimbursement in accordance with the established
23 fee-for-service pharmacy dispensing fee reimbursement per prescription
24 for independent pharmacies pursuant to subsection (1) of this section.
25 (3) Any dispensing fee cost information submitted to the department
26 as part of the cost of dispensing survey described in subsection (1) of
27 this section that specifically identifies individual costs of a pharmacy
1 or provider shall remain confidential.
2 (4) No later than December 15, 2024, the department shall
3 electronically submit a report to the Clerk of the Legislature providing
4 recommendations for adjusting pharmacy dispensing fees between completion
5 of surveys to ensure fair and adequate reimbursement for independent
6 pharmacies.
7 Sec. 3. Original section 68-901, Revised Statutes Cumulative
8 Supplement, 2022, is repealed.

(Signed) Ben Hansen, Chairperson

Enrollment and Review

LEGISLATIVE BILL 562. Placed on Select File.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 816. Senator M. Cavanaugh renewed [AM1281](#), found and considered in this day's Journal.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 31 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[AM1282](#)

(Amendments to Standing Committee amendments, AM1136)

1 1. On page 6, line 5, after the first comma insert "paternity
2 leave,".

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 3 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 28 nays, 7 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA73](#)

Strike Section 1.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 4 nays, and 39 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 33 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 198. Placed on General File with amendment. [AM1391](#) is available in the Bill Room.

(Signed) Mike McDonnell, Chairperson

AMENDMENTS - Print in Journal

Senator Riepe filed the following amendment to [LB191](#):
[AM1514](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:
2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 48-145 To secure the payment of compensation under the Nebraska
5 Workers' Compensation Act:
6 (1) Every employer in the occupations described in section 48-106,
7 except the State of Nebraska and any governmental agency created by the
8 state, shall either (a) insure and keep insured its liability under such
9 act in some corporation, association, or organization authorized and
10 licensed to transact the business of workers' compensation insurance in
11 this state, (b) in the case of an employer who is a lessor of one or more
12 commercial vehicles leased to a self-insured motor carrier, be a party to
13 an effective agreement with the self-insured motor carrier under section
14 48-115.02, (c) be a member of a risk management pool authorized and
15 providing group self-insurance of workers' compensation liability
16 pursuant to the Intergovernmental Risk Management Act, or (d) with
17 approval of the Nebraska Workers' Compensation Court, self-insure its
18 workers' compensation liability.
19 An employer seeking approval to self-insure shall make application
20 to the compensation court in the form and manner as the compensation
21 court may prescribe, meet such minimum standards as the compensation
22 court shall adopt and promulgate by rule and regulation, and furnish to
23 the compensation court satisfactory proof of financial ability to pay
24 direct the compensation in the amount and manner when due as provided for
25 in the Nebraska Workers' Compensation Act. Approval is valid for the
26 period prescribed by the compensation court unless earlier revoked
1 pursuant to this subdivision or subsection (1) of section 48-146.02.
2 Notwithstanding subdivision (1)(d) of this section, a professional
3 employer organization shall not be eligible to self-insure its workers'
4 compensation liability. The compensation court may by rule and regulation
5 require the deposit of an acceptable security, indemnity, trust, or bond
6 to secure the payment of compensation liabilities as they are incurred.
7 The agreement or document creating a trust for use under this section
8 shall contain a provision that the trust may only be terminated upon the
9 consent and approval of the compensation court. Any beneficial interest
10 in the trust principal shall be only for the benefit of the past or
11 present employees of the self-insurer and any persons to whom the self-
12 insurer has agreed to pay benefits under subdivision (1) of section
13 48-115 and section 48-115.02. Any limitation on the termination of a
14 trust and all other restrictions on the ownership or transfer of
15 beneficial interest in the trust assets contained in such agreement or
16 document creating the trust shall be enforceable, except that any
17 limitation or restriction shall be enforceable only if authorized and
18 approved by the compensation court and specifically delineated in the
19 agreement or document. The trustee of any trust created to satisfy the

20 requirements of this section may invest the trust assets in the same
21 manner authorized under subdivisions (1)(a) through (i) of section
22 30-3209 for corporate trustees holding retirement or pension funds for
23 the benefit of employees or former employees of cities, villages, school
24 districts, or governmental or political subdivisions, except that the
25 trustee shall not invest trust assets into stocks, bonds, or other
26 obligations of the trustor. If, as a result of such investments, the
27 value of the trust assets is reduced below the acceptable trust amount
28 required by the compensation court, then the trustor shall deposit
29 additional trust assets to account for the shortfall.
30 Notwithstanding any other provision of the Nebraska Workers'
31 Compensation Act, a three-judge panel of the compensation court may,
1 after notice and hearing, revoke approval as a self-insurer if it finds
2 that the financial condition of the self-insurer or the failure of the
3 self-insurer to comply with an obligation under the act poses a serious
4 threat to the public health, safety, or welfare. The Attorney General,
5 when requested by the administrator of the compensation court, may file a
6 motion pursuant to section 48-162.03 for an order directing a self-
7 insurer to appear before a three-judge panel of the compensation court
8 and show cause as to why the panel should not revoke approval as a self-
9 insurer pursuant to this subdivision. The Attorney General shall be
10 considered a party for purposes of such motion. The Attorney General may
11 appear before the three-judge panel and present evidence that the
12 financial condition of the self-insurer or the failure of the self-
13 insurer to comply with an obligation under the act poses a serious threat
14 to the public health, safety, or welfare. The presiding judge shall rule
15 on a motion of the Attorney General pursuant to this subdivision and, if
16 applicable, shall appoint judges of the compensation court to serve on
17 the three-judge panel. The presiding judge shall not serve on such panel.
18 Appeal from a revocation pursuant to this subdivision shall be in
19 accordance with section 48-185. No such appeal shall operate as a
20 supersedeas unless the self-insurer executes to the compensation court a
21 bond with one or more sureties authorized to do business within the State
22 of Nebraska in an amount determined by the three-judge panel to be
23 sufficient to satisfy the obligations of the self-insurer under the act;
24 (2) An approved self-insurer shall furnish to the State Treasurer an
25 annual amount equal to two and one-half percent of the prospective loss
26 costs for like employment but in no event less than twenty-five dollars.
27 Prospective loss costs is defined in section 48-151. The compensation
28 court is the sole judge as to the prospective loss costs that shall be
29 used. All money which a self-insurer is required to pay to the State
30 Treasurer, under this subdivision, shall be computed and tabulated under
31 oath as of January 1 and paid to the State Treasurer immediately
1 thereafter. The compensation court or designee of the compensation court
2 may audit the payroll of a self-insurer at the compensation court's
3 discretion. All money paid by a self-insurer under this subdivision shall
4 be credited to the Compensation Court Cash ~~General~~ Fund;
5 (3) Every employer who fails, neglects, or refuses to comply with
6 the conditions set forth in subdivision (1) or (2) of this section shall
7 be required to respond in damages to an employee for personal injuries,
8 or when personal injuries result in the death of an employee, then to his
9 or her dependents; and
10 (4) Any security, indemnity, trust, or bond provided by a self-
11 insurer pursuant to subdivision (1) of this section shall be deemed a
12 surety for the purposes of the payment of valid claims of the self-
13 insurer's employees and the persons to whom the self-insurer has agreed
14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to
15 subdivision (11) of section 48-115 and section 48-115.02 as generally
16 provided in the act.
17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,

18 16, 17, 18, 19, 20, 21, and 25 of this act become operative three
 19 calendar months after the adjournment of this legislative session. The
 20 other sections of this act become operative on their effective date.
 21 Sec. 23. If any section in this act or any part of any section is
 22 declared invalid or unconstitutional, the declaration shall not affect
 23 the validity or constitutionality of the remaining portions.
 24 Sec. 24. Original section 48-145, Reissue Revised Statutes of
 25 Nebraska, is repealed.
 26 Sec. 26. Since an emergency exists, this act takes effect when
 27 passed and approved according to law.
 28 2. On page 14, lines 5 and 8, strike "effective date of this act"
 29 and insert "operative date of this section".
 30 3. Renumber the remaining sections accordingly.

Senator Riepe filed the following amendment to LB191:

[FA70](#)

Strike section 1.

Senator Riepe filed the following amendment to LB191:

[FA71](#)

Strike Section 2.

Senator Riepe filed the following amendment to LB191:

[FA72](#)

Strike Section 3.

Senator Blood filed the following amendment to LB757:

[AM1506](#)

1 1. Insert the following new sections:
 2 Section 1. Section 42-903, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 42-903 For purposes of the Protection from Domestic Abuse Act,
 5 unless the context otherwise requires:
 6 (1) Abuse means the occurrence of one or more of the following acts
 7 between family or household members:
 8 (a) Attempting to cause or intentionally and knowingly causing
 9 bodily injury with or without a dangerous instrument;
 10 (b) Placing, by means of credible threat, another person in fear of
 11 bodily injury. For purposes of this subdivision, credible threat means a
 12 verbal or written threat, including a threat performed through the use of
 13 an electronic communication device, or a threat implied by a pattern of
 14 conduct or a combination of verbal, written, or electronically
 15 communicated statements and conduct that is made by a person with the
 16 apparent ability to carry out the threat so as to cause the person who is
 17 the target of the threat to reasonably fear for his or her safety or the
 18 safety of his or her family. It is not necessary to prove that the person
 19 making the threat had the intent to actually carry out the threat. The
 20 present incarceration of the person making the threat shall not prevent
 21 the threat from being deemed a credible threat under this section; or
 22 (c) Engaging in sexual contact or sexual penetration without consent
 23 as defined in section 28-318;
 24 (2) Department means the Department of Health and Human Services;
 25 (3) Family or household members includes spouses or former spouses,
 26 children, persons who are presently residing together or who have resided
 27 together in the past, persons who have a child in common whether or not
 1 they have been married or have lived together at any time, other persons
 2 related by consanguinity or affinity, and persons who are presently
 3 involved in a dating relationship with each other or who have been

4 involved in a dating relationship with each other. For purposes of this
5 subdivision, dating relationship means frequent, intimate associations
6 primarily characterized by the expectation of affectional or sexual
7 involvement, but does not include a casual relationship or an ordinary
8 association between persons in a business or social context; ~~and~~
9 (4) Household pet means any animal maintained for companionship or
10 pleasure but does not include any animal kept primarily for commercial
11 purposes or for consumption or any livestock animal as defined in section
12 54-902; and
13 ~~(5)~~ (4) Law enforcement agency means the police department or town
14 marshal in incorporated municipalities, the office of the sheriff in
15 unincorporated areas, and the Nebraska State Patrol.
16 Sec. 2. Section 42-924, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:
18 42-924 (1)(a) Any victim of domestic abuse may file a petition and
19 affidavit for a protection order as provided in this section. Upon the
20 filing of such a petition and affidavit in support thereof, the court may
21 issue a protection order without bond granting the following relief:
22 (i) Enjoining the respondent from imposing any restraint upon the
23 petitioner or upon the liberty of the petitioner;
24 (ii) Enjoining the respondent from threatening, assaulting,
25 molesting, attacking, or otherwise disturbing the peace of the
26 petitioner;
27 (iii) Enjoining the respondent from telephoning, contacting, or
28 otherwise communicating with the petitioner;
29 (iv) Removing and excluding the respondent from the residence of the
30 petitioner, regardless of the ownership of the residence;
31 (v) Ordering the respondent to stay away from any place specified by
1 the court;
2 (vi) Awarding the petitioner temporary custody of any minor children
3 not to exceed ninety days;
4 (vii) Enjoining the respondent from possessing or purchasing a
5 firearm as defined in section 28-1201; ~~or~~
6 (viii) Directing that the petitioner have sole possession of any
7 household pet owned, possessed, leased, kept, or held by the petitioner,
8 the respondent, or any family or household member residing in the
9 household of the petitioner or respondent;
10 (ix) Enjoining the respondent from coming into contact with,
11 harming, or killing any household pet owned, possessed, leased, kept, or
12 held by the petitioner, the respondent, or any family or household member
13 of the petitioner or respondent; or
14 ~~(x)~~ ~~(viii)~~ Ordering such other relief deemed necessary to provide
15 for the safety and welfare of the petitioner and any designated family or
16 household member.
17 (b) If sole possession of a household pet is ordered by a court
18 pursuant to subdivision (1)(a)(viii) of this section, such possession
19 shall be for the duration of the protection order or until further order
20 of the court. The grant of sole possession of a household pet under such
21 subdivision is not intended to permanently determine ownership of such
22 household pet. The petitioner shall not permanently transfer, sell, or
23 dispose of a household pet placed in the petitioner's possession without
24 prior court approval, except that court approval shall not be required in
25 cases where humane euthanasia of a seriously ill or injured household pet
26 is recommended by a licensed veterinarian.
27 (c) ~~(b)~~ The petition for a protection order shall state the events
28 and dates or approximate dates of acts constituting the alleged domestic
29 abuse, including the most recent and most severe incident or incidents.
30 (d) ~~(e)~~ The protection order shall specify to whom relief under this
31 section was granted.
1 (2) Petitions for protection orders shall be filed with the clerk of

2 the district court, and the proceeding may be heard by the county court
3 or the district court as provided in section 25-2740. A petition for a
4 protection order may not be withdrawn except upon order of the court.
5 (3)(a) A protection order shall specify that it is effective for a
6 period of one year and, if the order grants temporary custody, the number
7 of days of custody granted to the petitioner unless otherwise modified by
8 the court.
9 (b)(i) Any victim of domestic abuse may file a petition and
10 affidavit to renew a protection order. Such petition and affidavit for
11 renewal shall be filed any time within forty-five days before the
12 expiration of the previous protection order, including the date the order
13 expires.
14 (ii) A protection order may be renewed on the basis of the
15 petitioner's affidavit stating that there has been no material change in
16 relevant circumstances since entry of the order and stating the reason
17 for the requested renewal if:
18 (A) The petitioner seeks no modification of the order; and
19 (B)(I) The respondent has been properly served with notice of the
20 petition for renewal and notice of hearing and fails to appear at the
21 hearing; or
22 (II) The respondent indicates that he or she does not contest the
23 renewal.
24 (iii) Such renewed order shall specify that it is effective for a
25 period of one year to commence on the first calendar day following the
26 expiration of the previous order or on the calendar day the court grants
27 the renewal if such day is subsequent to the first calendar day after
28 expiration of the previous order and, if the court grants temporary
29 custody, the number of days of custody granted to the petitioner unless
30 otherwise modified by the court.
31 (4) Any person, except the petitioner, who knowingly violates a
1 protection order issued pursuant to this section or section 42-931 after
2 service or notice as described in subsection (2) of section 42-926 shall
3 be guilty of a Class I misdemeanor, except that any person convicted of
4 violating such order who has a prior conviction for violating a
5 protection order shall be guilty of a Class IV felony.
6 (5) If there is any conflict between sections 42-924 to 42-926 and
7 any other provision of law, sections 42-924 to 42-926 shall govern.
8 2. Renumber the remaining sections and correct the repealer
9 accordingly.

EASE

The Legislature was at ease from 5:33 p.m. until 6:10 p.m.

SELECT FILE

LEGISLATIVE BILL 816. Senator Blood offered the following motion:

[MO994](#)

Overrule the Speaker's Agenda pursuant to Rule 1, Section 16, and consider
LB 757 prior to further discussion of LB 816.

Senator Blood moved for a call of the house. The motion prevailed with 17
ayes, 4 nays, and 28 not voting.

Senator Blood requested a roll call vote on her motion to overrule the
Speaker's Agenda.

Voting in the affirmative, 6:

Blood	Cavanaugh, M.	Hunt
Cavanaugh, J.	Conrad	Wayne

Voting in the negative, 31:

Albrecht	Brandt	Erdman	Kauth	Sanders
Arch	Brewer	Halloran	Linehan	Slama
Armendariz	Briese	Hardin	Lippincott	von Gillern
Ballard	Clements	Holdcroft	Lowe	
Bosn	DeKay	Hughes	Moser	
Bostar	Dorn	Ibach	Murman	
Bostelman	Dover	Jacobson	Riepe	

Present and not voting, 5:

DeBoer	Dungan	Hansen	Walz	Wishart
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Excused and not voting, 7:

Aguilar	Fredrickson	McKinney	Vargas
Day	McDonnell	Raybould	

The Blood motion to overrule the Speaker's Agenda failed with 6 ayes, 31 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA74](#)

Strike Section 2.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA75](#)

Strike Section 3.

Speaker Arch offered the following motion:

[MO995](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The Arch motion to invoke cloture prevailed with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The M. Cavanaugh amendment lost with 0 ayes, 39 nays, 3 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB816](#):

[FA76](#)

Strike Section 4.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kauth has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

SELECT FILE

LEGISLATIVE BILL 799. [ER22](#), found on page 1109, was adopted.

Senator M. Cavanaugh offered [MO869](#), found on page 975, to bracket until June 2, 2023.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 34 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh withdrew [MO868](#), found on page 975, to recommit to committee.

Senator M. Cavanaugh withdrew [MO867](#), found on page 975, to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator J. Cavanaugh name added to LB254.

VISITORS

Visitors to the Chamber were students from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 7:43 p.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Thursday, April 27, 2023.

Brandon Metzler
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 27, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 27, 2023

PRAYER

The prayer was offered by Sean Dougherty, First Baptist, Kearney.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeKay.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Dorn presiding.

The roll was called and all members were present except Senators Bostar, Conrad, Day, B. Hansen, Hunt, Linehan, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 26, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Bohlmeyer, Katie
Lincoln Independent Business Association (LIBA)
(Withdrawn 04/26/2023)
Catalyst Public Affairs
Jasper Stone Partners LLC

Hendrickson, Ashlee
Nebraska Realtors Association
Hruska, Elizabeth
Catalyst Public Affairs

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

SELECT FILE

LEGISLATIVE BILL 191. [ER29](#), found on page 1245, was adopted.

Senator Riepe withdrew [AM1363](#), found on page 1147.

Senator Riepe withdrew [AM1373](#), found on page 1145.

Senator Riepe offered [AM1514](#), found on page 1284.

The Riepe amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Senator Riepe offered [FA70](#), found on page 1286.

The Riepe amendment lost with 24 ayes, 8 nays, 10 present and not voting, and 7 excused and not voting.

Senator Riepe withdrew [FA71](#), found on page 1286.

Senator Riepe withdrew [FA72](#), found on page 1286.

Senator McDonnell offered the following amendment:
[AM1520](#)

(Amendments to Standing Committee amendments, AM1330)

- 1 1. Insert the following new sections:
- 2 Sec. 16. Section 48-3502, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 48-3502 For purposes of the Workplace Privacy Act:
- 5 (1) Adverse action means the discharge of an employee, a threat
- 6 against an employee, or any other act against an employee that negatively
- 7 affects the employee's employment;
- 8 (2) Applicant means a prospective employee applying for employment;
- 9 (3) Electronic communication device means a cellular telephone,
- 10 personal digital assistant, electronic device with mobile data access,
- 11 laptop computer, pager, broadband personal communication device, two-way
- 12 messaging device, electronic game, or portable computing device;
- 13 (4) Employee means an individual employed by an employer;
- 14 (5) Employer means (a) a public or nonpublic entity or an individual
- 15 engaged in a business, an industry, a profession, a trade, or other
- 16 enterprise in the state, including any agent, representative, or designee
- 17 acting directly or indirectly in the interest of such an employer; (b) a
- 18 subcontractor of such an employer; and (c) a customer of such an
- 19 employer; and

20 (6)(a) Personal Internet account means an individual's online
 21 account that requires login information in order to access or control the
 22 account.
 23 (b) Personal Internet account does not include:
 24 (i) An online account that an employer or educational institution
 25 supplies or pays for, except when the employer or educational institution
 26 pays only for additional features or enhancements to the online account;
 1 or
 2 (ii) An online account that is used exclusively for a business
 3 purpose of the employer.
 4 Sec. 17. Section 48-3503, Reissue Revised Statutes of Nebraska, is
 5 amended to read:
 6 48-3503 (1) No employer shall:
 7 (a) ~~(1)~~ Require or request that an employee or applicant provide or
 8 disclose any user name or password or any other related account
 9 information in order to gain access to the employee's or applicant's
 10 personal Internet account by way of an electronic communication device;
 11 (b) ~~(2)~~ Require or request that an employee or applicant log into a
 12 personal Internet account by way of an electronic communication device in
 13 the presence of the employer in a manner that enables the employer to
 14 observe the contents of the employee's or applicant's personal Internet
 15 account or provides the employer access to the employee's or applicant's
 16 personal Internet account;
 17 (c) ~~(3)~~ Require an employee or applicant to add anyone, including
 18 the employer, to the list of contacts associated with the employee's or
 19 applicant's personal Internet account or require or otherwise coerce an
 20 employee or applicant to change the settings on the employee's or
 21 applicant's personal Internet account which affects the ability of others
 22 to view the content of such account; ~~or~~
 23 (d) Require an employee to wear an electronic communication device
 24 to track the employee's location or travel patterns or to confirm
 25 contacts with other employees, unless the Governor proclaims a state of
 26 emergency for a pandemic pursuant to section 81-829.40 and the following
 27 conditions are met:
 28 (i) The state of emergency proclamation permits an employer to use
 29 an electronic communication device for contact tracing purposes only;
 30 (ii) The contact tracing is permitted only on the employer's
 31 premises during employee work hours; and
 1 (iii) The data collected during the contact tracing is not included
 2 in the employee's personnel files and is destroyed within forty-eight
 3 hours after the expiration of any tracing period recommended by the
 4 Centers for Disease Control and Prevention; or
 5 (e) ~~(4)~~ Take adverse action against, fail to hire, or otherwise
 6 penalize an employee or applicant for failure to provide or disclose any
 7 of the information or to take any of the actions specified in
 8 subdivisions (a) ~~(1)~~ through (d) ~~(3)~~ of this subsection ~~section~~.
 9 (2) Except as provided in subdivision (1)(d) of this section,
 10 nothing in this section shall prohibit an employer from utilizing an
 11 electronic communication device for legitimate business purposes
 12 disclosed to the employee. Legitimate business purposes include
 13 controlling access to secure locations, equipment, or information.
 14 (3) Nothing in this section shall prohibit an employer from tracking
 15 the location of property owned by the employer.
 16 (4) Nothing in this section shall prohibit an employer from
 17 monitoring the use of employer property for productivity or other job-
 18 related metrics so long as the property and employee possessing or using
 19 the property are not associated in the data collected.
 20 2. Renumber the remaining sections and correct the repealer
 21 accordingly.

The McDonnell amendment was withdrawn.

Senator Halloran offered the following amendment:

AM1507

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 10 of this act shall be known and may be

3 cited as the Health Care Staffing Agency Registration Act.

4 Sec. 2. For purposes of the Health Care Staffing Agency

5 Registration Act:

6 (1) Commissioner means the Commissioner of Labor;

7 (2) Department means the Department of Labor;

8 (3)(a) Direct services means services provided to consumers through

9 person-to-person contact; and

10 (b) Direct services does not mean:

11 (i) Services performed by an individual in a health care entity that

12 do not involve the provision of any direct service or treatment to a

13 consumer of a health care entity;

14 (ii) The practice of medicine and surgery or osteopathic medicine

15 and surgery by an individual licensed under the Medicine and Surgery

16 Practice Act; or

17 (iii) The practice of nursing by a nurse practitioner licensed under

18 the Nurse Practitioner Practice Act;

19 (4) Health care entity means a health care facility or a health care

20 service;

21 (5) Health care facility has the same meaning as in section 71-413;

22 (6) Health care service has the same meaning as in section 71-415;

23 (7) Health care staffing agency means an individual, a trust, a

24 partnership, a corporation, a limited liability partnership, a limited

25 liability company, or any other business entity that provides one or more

26 temporary staff workers to a separate, third-party health care entity.

1 Health care staffing agency includes a health care technology platform;

2 (8) Health care technology platform means an individual, a trust, a

3 partnership, a corporation, a limited liability partnership, a limited

4 liability company, or any other business entity that operates, offers, or

5 maintains a system or technology that provides an Internet-based or

6 application-based marketplace where staff workers, as independent

7 contractors, in their sole discretion, choose when and how often to

8 utilize the platform to apply to work open shifts for rates that are

9 established directly between health care entities and the staff workers;

10 (9)(a) Nursing services means services that may be provided only by

11 or under the supervision of a nurse; and

12 (b) Nursing services does not mean the practice of nursing by a

13 nurse practitioner licensed under the Nurse Practitioner Practice Act;

14 and

15 (10) Staff worker means an individual who contracts with or is

16 employed by a health care staffing agency or a health care technology

17 platform to provide direct services or nursing services for a health care

18 entity.

19 Sec. 3. (1) A health care staffing agency operating in the state

20 shall register annually with the department. As a condition of

21 eligibility for registration, the applicant shall certify that the health

22 care staffing agency will not enforce any noncompete clause in any

23 contract existing prior to registration with any health care entity or

24 staff worker that restricts in any manner the employment opportunities of

25 a staff worker.

26 (2) An applicant for registration and renewal of registration shall,

27 for each separate location at which the applicant intends to operate as a

28 health care staffing agency in Nebraska or for the state generally if the

29 applicant is a health care technology platform operating in Nebraska that

30 does not maintain a physical location in Nebraska, file an application in

31 a form prescribed by the department and pay an annual registration fee of

1 one thousand dollars to the department. An application for the renewal of

2 a registration shall be made at least sixty days prior to the expiration

3 of the then-current registration period. As applicable, the department

4 shall issue the applicant a separate certification of registration for

5 each location at which the applicant intends to operate as a health care
6 staffing agency in Nebraska upon approval of registration and payment of
7 the fee. The application shall include appropriate evidence of ability to
8 comply with the requirements of section 4 of this act. The department
9 shall remit the fees to the State Treasurer for credit to the General
10 Fund.
11 (3) If the commissioner denies an application for registration or
12 renewal of registration of a health care staffing agency, the
13 commissioner shall issue a notice of denial. The health care staffing
14 agency may file an appeal with the commissioner within twenty days after
15 the date of mailing of the notice of denial. Except as otherwise provided
16 in the Health Care Staffing Agency Registration Act, an appeal under this
17 section shall be governed by the Administrative Procedure Act.
18 Sec. 4. (1) A health care staffing agency shall:
19 (a) Ensure that each staff worker complies with all applicable
20 requirements relating to the health requirements and qualifications for
21 personnel providing direct services or nursing services in a health care
22 entity;
23 (b) Document that each staff worker meets the minimum licensing,
24 certification, training, and health requirements as applicable for the
25 staff worker's position in the health care entity;
26 (c) Maintain a record for each staff worker and report, file, or
27 otherwise provide any required documentation to any external party or
28 regulator if such duties would otherwise be the responsibility of the
29 health care entity if the staff worker was an employee of the health care
30 entity; and
31 (d) Maintain or require the staff worker to maintain professional
1 and general liability insurance coverage with minimum per occurrence
2 coverage of one million dollars and aggregate coverage of three million
3 dollars to insure against loss, damage, or expense incident to a claim
4 arising out of the death or injury of any individual as the result of
5 negligence or malpractice in the provision of services by the health care
6 staffing agency or a staff worker of the agency.
7 (2) A health care staffing agency shall submit a report to the
8 department on a quarterly basis, in the form and manner prescribed by the
9 commissioner, for each health care entity participating in medicare or
10 medicaid and contracting with the agency, that includes the following
11 information by provider type:
12 (a) A detailed list of the average amount charged to the health care
13 entity for each category of staff worker in Nebraska, including any
14 ancillary charges or fees; and
15 (b) A detailed list by licensing category of the average amount paid
16 by the agency to staff workers in Nebraska.
17 (3) Information contained in quarterly reports shall not be subject
18 to public disclosure but shall be accessible to the Division of Medicaid
19 and Long-Term Care of the Department of Health and Human Services and the
20 Department of Labor for use in reporting as required in section 9 of this
21 act.
22 (4) A health care staffing agency shall provide the department with
23 (a) proof of a certificate or policy of insurance written by an insurance
24 carrier duly authorized to do business in this state which gives the
25 effective dates of workers' compensation insurance coverage indicating
26 that it is in force, (b) proof of a certificate evidencing approval of
27 self-insurance privileges as provided by the Nebraska Workers'
28 Compensation Court pursuant to section 48-145, or (c) a signed statement
29 indicating that the health care staffing agency is not required to carry
30 workers' compensation insurance pursuant to the Nebraska Workers'
31 Compensation Act.
1 (5) A health care staffing agency that ceases to engage in the
2 business of or act as a health care staffing agency shall advise the
3 department as to the disposition of all files and other records relating
4 to its business as a health care staffing agency.
5 Sec. 5. (1) A health care staffing agency shall not:
6 (a) Include in any contract with a staff worker or a health care

7 entity a noncompete clause restricting in any manner the employment
8 opportunities of a staff worker; or
9 (b) In any contract with a staff worker or a health care entity,
10 require payment of liquidated damages, employment fees, or other
11 compensation if the staff worker is subsequently hired as a permanent
12 employee of the health care entity.
13 (2) Any clause of a contract that violates this section is void.
14 Sec. 6. (1) If the commissioner determines that a health care
15 staffing agency (a) failed to register as required by the Health Care
16 Staffing Agency Registration Act, (b) violated section 4 or 5 of this
17 act, (c) failed to provide documentation or evidence pursuant to section
18 7 of this act, or (d) knowingly provided to a health care entity a staff
19 worker who has an illegally or fraudulently obtained or issued diploma,
20 registration, license, certification, or background check, the
21 commissioner may take one or more of the following actions:
22 (i) Assess a civil penalty of not more than five hundred dollars for
23 a first offense and five thousand dollars for each subsequent offense;
24 and
25 (ii) Revoke the registration for a period of one calendar year. This
26 revocation shall apply to all locations of the health care staffing
27 agency.
28 (2) If the commissioner determines that a civil penalty or
29 revocation is warranted under this section, the commissioner shall issue
30 a notice of citation that notifies the health care staffing agency of the
31 proposed civil penalty or revocation. The notice of citation shall be
1 sent by certified mail or any other manner of delivery by which the
2 United States Postal Service can verify delivery.
3 (3) A health care staffing agency may appeal any notice of citation
4 by filing an appeal with the commissioner within twenty days after the
5 date of mailing of the notice of citation. Except as otherwise provided
6 in the Health Care Staffing Agency Registration Act, an appeal under this
7 subsection shall be governed by the Administrative Procedure Act.
8 (4) No penalty or revocation shall become effective until the later
9 of the day following expiration of the appeal period or thirty days after
10 a decision on appeal has become final. Once a revocation becomes
11 effective, it is effective for one calendar year and applies to revoke
12 any then-current registration for all locations of the health care
13 staffing agency and to preclude the health care staffing agency for
14 applying for a new registration for any location during the revocation
15 period. A health care staffing agency that has substantially common
16 ownership or management as a health care staffing agency whose
17 registration has been revoked under this section shall not be eligible
18 for registration during the revocation period.
19 (5) In any civil action to enforce the Health Care Staffing Agency
20 Registration Act, the commissioner and the state may be represented by
21 any qualified attorney who is employed by the commissioner and is
22 designated by the commissioner for this purpose or, at the commissioner's
23 request, by the Attorney General.
24 Sec. 7. (1) The commissioner shall establish a system for the
25 public to report complaints against a health care staffing agency or
26 staff worker regarding compliance with the Health Care Staffing Agency
27 Registration Act. The commissioner shall investigate any complaint
28 received.
29 (2) The commissioner may investigate to determine if a health care
30 staffing agency is in compliance with the Health Care Staffing Agency
31 Registration Act and shall conduct random audits of health care staffing
1 agencies with staff workers in Nebraska. Any investigation or audit shall
2 take place at such times and places as the commissioner directs. An
3 investigation or audit may be conducted without prior notice.
4 (3) For purposes of any investigation or audit under this section,
5 the commissioner or any officer designated by the commissioner may
6 administer oaths and affirmations, subpoena witnesses and compel their
7 attendance, receive evidence, and require the production of any books,
8 papers, correspondence, memoranda, agreements, or other documents or

9 records that the commissioner deems relevant or material to the
10 investigation.

11 (4) In case of contumacy by or refusal to obey a subpoena issued to
12 any person, any court of competent jurisdiction, upon application by the
13 commissioner, may issue to such person an order requiring such person to
14 appear before the commissioner or the officer designated by the
15 commissioner and produce documentary evidence, if so ordered, or give
16 evidence affecting the matter under investigation or in question. Any
17 failure to obey the order of the court may be punished by the court as
18 contempt.

19 Sec. 8. (1) The department shall create a database of health care
20 staffing agencies registered under the Health Care Staffing Agency
21 Registration Act. The department shall make the database accessible to
22 the public on its website.

23 (2) The database shall include, but not be limited to, the following
24 information:

25 (a) The name, telephone number, and address of the health care
26 staffing agency;

27 (b) The name of each owner, member, officer, and partner;

28 (c) The date of registration approval for the health care staffing
29 agency; and

30 (d) The date of expiration or revocation of the registration of the
31 health care staffing agency.

1 Sec. 9. The department shall prepare and submit an annual report, no
2 later than December 31 of each year, using the reported data pursuant to
3 subsection (2) of section 4 of this act. The report shall contain
4 aggregate data, by county in which the direct services were performed,
5 the average amount charged to the health care facilities by nurse
6 agencies for each individual staff worker category, and the average
7 amount paid to each individual staff worker category. The report shall be
8 submitted electronically to the Clerk of the Legislature, the Health and
9 Human Services Committee of the Legislature, and the Appropriations
10 Committee of the Legislature.

11 Sec. 10. The department may adopt and promulgate rules and
12 regulations to carry out the Health Care Staffing Agency Registration
13 Act.

14 Sec. 29. Section 81-401, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 81-401 The Governor, through the agency of the Department of Labor
17 created by section 81-101, shall have power:

18 (1) To foster, promote, and develop the welfare of wage earners;

19 (2) To improve working conditions;

20 (3) To advance opportunities for profitable employment;

21 (4) To collect, collate, assort, systematize, and report statistical
22 details relating to all departments of labor, especially in its relation
23 to commercial, industrial, social, economic, and educational conditions
24 and to the permanent prosperity of the manufacturing and productive
25 industries;

26 (5) To acquire and distribute useful information on subjects
27 connected with labor in the most general and comprehensive sense of the
28 word;

29 (6) To acquire and distribute useful information concerning the
30 means of promoting the material, social, intellectual, and moral
31 prosperity of laboring men and women;

1 (7) To acquire and distribute information as to the conditions of
2 employment and such other facts as may be deemed of value to the
3 industrial interests of the state;

4 (8) To acquire and distribute information in relation to the
5 prevention of accidents, occupational diseases, and other related
6 subjects;

7 (9) To acquire and distribute useful information regarding the role
8 of the part-time labor force and the manner in which such labor force
9 affects the economy and citizens of the state; and

10 (10) To administer and enforce all of the provisions of the

11 Employment Security Law, the Farm Labor Contractors Act, the Health Care
 12 Staffing Agency Registration Act, and the Wage and Hour Act and Chapter
 13 48, articles 2, 3, 4, and 5, and for that purpose there is imposed upon
 14 the Commissioner of Labor the duty of executing all of the provisions of
 15 such acts, law, and articles.
 16 Sec. 32. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 29, and 34 of this
 17 act become operative on January 1, 2024. The other sections of this act
 18 become operative on their effective date.
 19 Sec. 34. Original section 81-401, Revised Statutes Cumulative
 20 Supplement, 2022, is repealed.
 21 2. Renumber the remaining sections and correct internal references
 22 accordingly.

The Halloran amendment was withdrawn.

Senator M. Cavanaugh offered [AM1404](#), found on page 1202.

PRESIDENT KELLY PRESIDING

The M. Cavanaugh amendment was withdrawn.

Senator McDonnell withdrew [AM1411](#), found on page 1204.

Senator M. Cavanaugh offered [MO355](#), found on page 939, to bracket until June 2, 2023.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh withdrew [MO354](#), found on page 939, to recommit to committee.

Senator M. Cavanaugh withdrew [MO353](#), found on page 939, to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator von Gillern filed the following amendment to [LB705](#):
[AM1503](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:
 2 Sec. 108. (1) For purposes of this section:
 3 (a) School has the same meaning as in section 79-101;
 4 (b) School district has the same meaning as in section 79-101; and
 5 (c) Youth organization means a corporation chartered by Congress and
 6 listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023.
 7 (2)(a) Each school district shall, upon request, allow a
 8 representative of any youth organization to provide (i) oral or written
 9 information to the students of such school district regarding the youth
 10 organization and how such youth organization furthers the educational
 11 interests and civic involvement of students in a manner consistent with
 12 good citizenship and (ii) services and activities to any student of such
 13 school district who is a member of such youth organization.

14 (b) Each requesting youth organization shall be permitted to provide
 15 such information, services, and activities in a school building or on the
 16 school grounds of a school in each school district at least once during
 17 each school year.

18 (3) Each school district shall make a good faith effort to select a
 19 date, time, and location for each requesting youth organization to
 20 provide such information, services, or activities that is mutually
 21 agreeable to the school district and to the youth organization.

22 (4) Prior to allowing a representative of a youth organization to
 23 provide information, services, or activities at a school pursuant to this
 24 section, such representative shall be subject to a background check.

25 Except as otherwise provided by this section or by the rules and
 26 regulations of the Nebraska State Patrol, the parameters of the
 1 background check shall be determined by the relevant school district. A
 2 school district may prohibit any representative of a youth organization
 3 that has been convicted of a felony from providing information, services,
 4 or activities pursuant to this section at any school in such school
 5 district. Each representative of a youth organization is responsible for
 6 all costs associated with obtaining such background check.

7 Sec. 118. The following section is outright repealed: Section
 8 79-2,103, Reissue Revised Statutes of Nebraska.

9 2. Correct the operative date section so that the sections added by
 10 this amendment become operative three calendar months after the
 11 adjournment of this legislative session.

12 3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 115. Introduced by McKinney, 11.

WHEREAS, the career of University of Nebraska at Omaha and Maryville University wrestling coach Mike Denney spans over fifty years; and

WHEREAS, Coach Denney rose through the ranks to become one of the greatest wrestling coaches in Division II of the National Collegiate Athletic Association (NCAA), a multiple national champion, and one of the most prominent figures in the history of the sport; and

WHEREAS, Coach Denney began his remarkable collegiate coaching tenure in the 1979-80 season and has compiled a 386-164-5 dual record; and

WHEREAS, Coach Denney coached seven NCAA Championship teams and is a three-time NCAA Division II National Wrestling Coach of the Year from 1981, 1991, and 2009; and

WHEREAS, Coach Denney directed the University of Nebraska at Omaha wrestling team for thirty-two years and won three consecutive NCAA Division II National Championships and six of the last eight championships before the university eliminated the wrestling program on March 12, 2011, after sixty-three years of competition; and

WHEREAS, Coach Denney was voted 2011 InterMat Coach of the Year, which recognizes the top college wrestling coaches across all NCAA divisions and claimed seven national titles in 1991, 2004 through 2006, and 2009 through 2011; and

WHEREAS, the University of Nebraska at Omaha finished in the NCAA Division II top-ten ranked teams for all but one season during Coach Denney's tenure; and

WHEREAS, Coach Denney was named the inaugural head coach for Maryville University on June 1, 2011; and

WHEREAS, during his tenure at Maryville University, Coach Denney coached two NCAA Division II National Champions, Matt Baker and Nate Rodriguez, led Maryville to be ranked the number one team in the nation many times over, spearheaded Maryville to a pair of third-place finishes in the Division II national championships in 2014 and 2015 and a pair of Super Regional titles in 2015 and 2016, won four consecutive National Wrestling Coaches Association Team Academic National Championships from 2017-18 through 2020-21, and directed Maryville's efforts as the host institution for three NCAA Division II Wrestling National Championships; and

WHEREAS, Coach Denney coached two hundred ninety-four NCAA Nationals qualifiers, two hundred seven All-Americans, and thirty-five national champions; and

WHEREAS, Coach Denney announced his retirement from coaching on April 12, 2023.

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

1. That the Legislature congratulates former University of Nebraska at Omaha and Maryville University wrestling coach Mike Denney on his retirement after a long outstanding career of success, excellence, character, and commitment to the education of such student-athletes.

2. That a copy of this resolution be sent to Mike Denney.

Laid over.

LEGISLATIVE RESOLUTION 116. Introduced by Hansen, B., 16.

WHEREAS, Fred Christensen, a native Nebraskan, was the fourth generation to farm his family's land in Burt County; and

WHEREAS, Fred's over fifty years of extraordinary public service is worthy of recognition by the State of Nebraska; and

WHEREAS, Fred was a representative serving on the Nebraska Public Power District Board of Directors, the Burt County Public Power District Board, Logan East Water Board, and the United States Department of Agriculture State Farm Service Agency State Committee, and as the National President of the National Association of Farmer Elected Committees; and

WHEREAS, Fred helped lead community members through farm crises, updated outdated infrastructure, supported new development, and served as a vital leader in the community; and

WHEREAS, Fred's family has offered generations of leadership to their communities including his great uncle Dudley Beck who was the first manager of the Burt County Public Power District, his wife Sandi Christensen who was a tremendous supporting force, and his sons Graham Christensen and Max Christensen who serve on a number of community organizations; and

WHEREAS, Fred was a bear of a man, barrel-bodied and grizzled, but was also soft-spoken, with the patient cadence of a teacher, who cared deeply for his community and God's creation; and

WHEREAS, Fred passed away on March 31, 2023.

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

1. That the Legislature recognizes and honors Fred Christensen for his service to Nebraska farmers and his community.
2. That the Legislature offers its condolences to the family of Fred Christensen.
3. That a copy of this resolution be sent to Fred Christensen's wife Sandi Christensen.

Laid over.

SELECT FILE

LEGISLATIVE BILL 626. Senator Hunt offered [MO741](#), found on page 968, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt withdrew [MO740](#), found on page 968, to recommit to committee.

[ER24](#), found on page 1164, was offered.

Senator Riepe offered the following amendment to [ER24](#):
[AM1527](#)

(Amendments to E & R amendments, ER24)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 28-347, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 28-347 (1) It shall be unlawful for any person to purposely perform
- 6 or attempt to perform a dismemberment abortion and thereby kill an unborn
- 7 child unless a dismemberment abortion is necessary due to a medical
- 8 emergency as defined in ~~subdivision (4)~~ of section 28-3,103.
- 9 (2) A person accused in any proceeding of unlawful conduct under
- 10 subsection (1) of this section may seek a hearing before the Board of
- 11 Medicine and Surgery on whether the performance of a dismemberment
- 12 abortion was necessary due to a medical emergency as defined in
- 13 ~~subdivision (4)~~ of section 28-3,103. The board's findings are admissible
- 14 on that issue at any trial in which such unlawful conduct is alleged.
- 15 Upon a motion of the person accused, the court shall delay the beginning
- 16 of the trial for not more than thirty days to permit such a hearing to
- 17 take place.
- 18 (3) No woman upon whom an abortion is performed or attempted to be
- 19 performed shall be liable for performing or attempting to perform a
- 20 dismemberment abortion. No nurse, secretary, receptionist, or other
- 21 employee or agent who is not a physician, but who acts at the direction
- 22 of a physician, shall be liable for performing or attempting to perform a

23 dismemberment abortion. No pharmacist or other individual who is not a
 24 physician, but who fills a prescription or provides instruments or
 25 materials used in an abortion at the direction of or to a physician,
 26 shall be liable for performing or attempting to perform a dismemberment
 1 abortion.

2 Sec. 2. Section 28-3,102, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 28-3,102 Sections 28-3,102 to 28-3,111 shall be known and may be
 5 cited as the ~~Pain-Capable~~ Unborn Child Protection Act.

6 Sec. 3. Section 28-3,103, Reissue Revised Statutes of Nebraska, is
 7 amended to read:

8 28-3,103 For purposes of the ~~Pain-Capable~~ Unborn Child Protection
 9 Act:

10 (1) Abortion means the use or prescription of any instrument,
 11 medicine, drug, or other substance or device to terminate the pregnancy
 12 of a woman known to be pregnant with an intention other than to increase
 13 the probability of a live birth, to preserve the life or health of the
 14 child after live birth, or to remove a dead unborn child who died as the
 15 result of natural causes in utero, accidental trauma, or a criminal
 16 assault on the pregnant woman or her unborn child, and which causes the
 17 premature termination of the pregnancy;

18 (2) Attempt to perform or induce an abortion means an act, or an
 19 omission of a statutorily required act, that, under the circumstances as
 20 the actor believes them to be, constitutes a substantial step in a course
 21 of conduct planned to culminate in the performance or induction of an
 22 abortion in this state in violation of the ~~Pain-Capable~~ Unborn Child
 23 Protection Act;

24 (3) Fertilization means the fusion of a human spermatozoon with a
 25 human ovum;

26 (4) Fetal anomaly incompatible with life means a fetal anomaly
 27 diagnosed before birth that will with reasonable certainty result in the
 28 death of the unborn child within three months. Fetal anomaly incompatible
 29 with life does not include a condition which can be treated;

30 (5) (4) Medical emergency means a condition which, in reasonable
 31 medical judgment, so complicates the medical condition of the pregnant
 1 woman as to necessitate the immediate abortion of her pregnancy to avert
 2 her death or for which a delay will create a serious risk of substantial
 3 and irreversible physical impairment of a major bodily function. No
 4 condition shall be deemed a medical emergency if based on a claim or
 5 diagnosis that the woman will engage in conduct which would result in her
 6 death or in substantial and irreversible physical impairment of a major
 7 bodily function;

8 (6) (5) Postfertilization age means the age of the unborn child as
 9 calculated from the fertilization of the human ovum;

10 (7) (6) Reasonable medical judgment means a medical judgment that
 11 would be made by a reasonably prudent physician, knowledgeable about the
 12 case and the treatment possibilities with respect to the medical
 13 conditions involved;

14 (8) (7) Physician means any person licensed to practice medicine and
 15 surgery or osteopathic medicine under the Uniform Credentialing Act;

16 (9) (8) Probable postfertilization age of the unborn child means
 17 what, in reasonable medical judgment, will with reasonable probability be
 18 the postfertilization age of the unborn child at the time the abortion is
 19 planned to be performed;

20 (10) (9) Unborn child or fetus each mean an individual organism of
 21 the species homo sapiens from fertilization until live birth; and

22 (11) (10) Woman means a female human being whether or not she has
 23 reached the age of majority.

24 Sec. 4. Section 28-3,106, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 28-3,106 (1) Except as provided in subsection (2) of this section,
 27 ~~no~~ person shall perform or induce or attempt to perform or induce an
 28 abortion upon a woman when it has been determined, by the physician
 29 performing or inducing the abortion or by another physician upon whose
 30 determination that physician relies, that the probable postfertilization
 31 age of the woman's unborn child is ~~twelve~~ twenty or more weeks.

1 (2) Subsection (1) of this section does not apply if:

2 (a) In ~~unless, in~~ reasonable medical judgment:

3 (i) The woman ~~(4) she~~ has a condition which so complicates her
 4 medical condition as to necessitate the abortion of her pregnancy to
 5 avert her death or to avert serious risk of substantial and irreversible
 6 physical impairment of a major bodily function ~~or (2) it is necessary to~~
 7 preserve the life of an unborn child. No such condition shall be deemed
 8 to exist if it is based on a claim or diagnosis that the woman will
 9 engage in conduct which would result in her death or in substantial and
 10 irreversible physical impairment of a major bodily function; -

11 (ii) An abortion is necessary to preserve the life of another unborn
 12 child; or

13 (iii) There is a fetal anomaly incompatible with life; or

14 (b) The woman informs the physician that the pregnancy resulted from
 15 a sexual assault as defined in section 28-319 or 28-319.01 or incest as
 16 defined in section 28-703. No person shall perform or induce or attempt
 17 to perform or induce an abortion upon a woman under this subdivision (2)
 18 (b) when it has been determined, by the physician performing or inducing
 19 the abortion or by another physician upon whose determination that
 20 physician relies, that the probable postfertilization age of the woman's
 21 unborn child is ~~twenty~~ or more weeks.

22 (3) If a physician performs or induces or attempts to perform or
 23 induce an abortion pursuant to:

24 (a) Subdivision (2)(a) of this section, the physician shall certify
 25 in writing the reason for the abortion; or

26 (b) Subdivision (2)(b) of this section, the physician shall comply
 27 with section 28-902 and shall certify in writing the reason for the
 28 abortion and the physician's compliance with such section.

29 (4) The physician shall include any certification made under
 30 subsection (3) of this section in the woman's medical records.

31 (5) If an abortion is necessary under subdivision (2)(a)(i) of this
 1 section ~~in such a case~~, the physician shall terminate the pregnancy in
 2 the manner which, in reasonable medical judgment, provides the best
 3 opportunity for the unborn child to survive, unless, in reasonable
 4 medical judgment, termination of the pregnancy in that manner would pose
 5 a greater risk either of the death of the pregnant woman or of the
 6 substantial and irreversible physical impairment of a major bodily
 7 function of the woman than would another available method. No such
 8 greater risk shall be deemed to exist if it is based on a claim or
 9 diagnosis that the woman will engage in conduct which would result in her
 10 death or in substantial and irreversible physical impairment of a major
 11 bodily function.

12 Sec. 5. Section 28-3,107, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 28-3,107 (1) Any physician who performs or induces or attempts to
 15 perform or induce an abortion shall report to the Department of Health
 16 and Human Services, on a schedule and in accordance with forms and rules
 17 and regulations adopted and promulgated by the department:

18 (a) If a determination of probable postfertilization age was made,
 19 the probable postfertilization age determined and the method and basis of
 20 the determination;

21 (b) If a determination of probable postfertilization age was not
 22 made, the basis of the determination that a medical emergency existed;

23 (c) If the probable postfertilization age was determined to be

24 ~~twelve~~ twenty or more weeks, the basis of the determination that an
 25 abortion was necessary for a reason provided in subsection (2) of section
 26 ~~28-3,106~~ the pregnant woman had a condition which so complicated her
 27 medical condition as to necessitate the abortion of her pregnancy to
 28 avert her death or to avert serious risk of substantial and irreversible
 29 physical impairment of a major bodily function, or the basis of the
 30 determination that it was necessary to preserve the life of an unborn
 31 child; and

1 (d) The method used for the abortion and, in the case of an abortion
 2 performed pursuant to subdivision (2)(a)(i) of section 28-3,106 when the
 3 probable postfertilization age was determined to be twenty or more weeks,
 4 whether the method of abortion used was one that, in reasonable medical
 5 judgment, provided the best opportunity for the unborn child to survive
 6 or, if such a method was not used, the basis of the determination that
 7 termination of the pregnancy in that manner would pose a greater risk
 8 either of the death of the pregnant woman or of the substantial and
 9 irreversible physical impairment of a major bodily function of the woman
 10 than would other available methods.

11 (2) By June 30 of each year, the department shall issue a public
 12 report providing statistics for the previous calendar year compiled from
 13 all of the reports covering that year submitted in accordance with this
 14 section for each of the items listed in subsection (1) of this section.
 15 Each such report shall also provide the statistics for all previous
 16 calendar years during which this section was in effect, adjusted to
 17 reflect any additional information from late or corrected reports. The
 18 department shall take care to ensure that none of the information
 19 included in the public reports could reasonably lead to the

20 identification of any pregnant woman upon whom an abortion was performed.
 21 (3) Any physician who fails to submit a report by the end of thirty
 22 days following the due date shall be subject to a late fee of five
 23 hundred dollars for each additional thirty-day period or portion of a
 24 thirty-day period the report is overdue. Any physician required to report
 25 in accordance with the ~~Pain-Capable~~ Unborn Child Protection Act who has
 26 not submitted a report, or has submitted only an incomplete report, more
 27 than one year following the due date, may, in an action brought in the
 28 manner in which actions are brought to enforce the Uniform Credentialing
 29 Act pursuant to section 38-1,139, be directed by a court of competent
 30 jurisdiction to submit a complete report within a time period stated by
 31 court order or be subject to civil contempt. Failure by any physician to
 1 conform to any requirement of this section, other than late filing of a
 2 report, constitutes unprofessional conduct pursuant to section 38-2021.
 3 Failure by any physician to submit a complete report in accordance with a
 4 court order constitutes unprofessional conduct pursuant to section
 5 38-2021. Intentional or reckless falsification of any report required
 6 under this section is a Class V misdemeanor.

7 (4) ~~The~~ Within ninety days after October 15, 2010, the department
 8 ~~may~~ shall adopt and promulgate rules and regulations to carry out assist
 9 ~~in compliance with~~ this section.

10 Sec. 6. Section 28-3,108, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 28-3,108 ~~No woman upon whom an abortion is attempted, induced, or~~
 13 ~~performed shall be liable for a violation of the Unborn Child Protection~~
 14 ~~Act. Any person who intentionally or recklessly performs or attempts to~~
 15 ~~perform an abortion in violation of section 28-3,106 is guilty of a Class~~
 16 ~~IV felony. No penalty shall be assessed against the woman upon whom the~~
 17 ~~abortion is performed or attempted to be performed.~~

18 Sec. 7. Section 28-3,111, Reissue Revised Statutes of Nebraska, is
 19 amended to read:

20 28-3,111 If any one or more provisions, sections, subsections,
 21 sentences, clauses, phrases, or words of the ~~Pain-Capable~~ Unborn Child

22 Protection Act or the application thereof to any person or circumstance
23 is found to be unconstitutional, the same is hereby declared to be
24 severable and the balance of the ~~Pain-Capable~~ Unborn Child Protection Act
25 shall remain effective notwithstanding such unconstitutionality. The
26 Legislature hereby declares that it would have passed the ~~Pain-Capable~~
27 Unborn Child Protection Act, and each provision, section, subsection,
28 sentence, clause, phrase, or word thereof, irrespective of the fact that
29 any one or more provisions, sections, subsections, sentences, clauses,
30 phrases, or words of the ~~Pain-Capable~~ Unborn Child Protection Act, or the
31 application of the ~~Pain-Capable~~ Unborn Child Protection Act, would be
1 declared unconstitutional.

2 Sec. 8. Section 38-178, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 38-178 Except as otherwise provided in sections 38-1,119 to
5 38-1,123, a credential to practice a profession may be issued subject to
6 discipline, denied, refused renewal, or have other disciplinary measures
7 taken against it in accordance with section 38-183, 38-185, or 38-186 on
8 any of the following grounds:

9 (1) Misrepresentation of material facts in procuring or attempting
10 to procure a credential;

11 (2) Immoral or dishonorable conduct evidencing unfitness to practice
12 the profession in this state;

13 (3) Abuse of, dependence on, or active addiction to alcohol, any
14 controlled substance, or any mind-altering substance;

15 (4) Failure to comply with a treatment program or an aftercare
16 program, including, but not limited to, a program entered into under the
17 Licensee Assistance Program established pursuant to section 38-175;

18 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or
19 federal law, or (b) a crime in any jurisdiction which, if committed
20 within this state, would have constituted a misdemeanor or felony under
21 Nebraska law and which has a rational connection with the fitness or
22 capacity of the applicant or credential holder to practice the
23 profession;

24 (6) Practice of the profession (a) fraudulently, (b) beyond its
25 authorized scope, (c) with gross incompetence or gross negligence, or (d)
26 in a pattern of incompetent or negligent conduct;

27 (7) Practice of the profession while the ability to practice is
28 impaired by alcohol, controlled substances, drugs, mind-altering
29 substances, physical disability, mental disability, or emotional
30 disability;

31 (8) Physical or mental incapacity to practice the profession as
1 evidenced by a legal judgment or a determination by other lawful means;

2 (9) Illness, deterioration, or disability that impairs the ability
3 to practice the profession;

4 (10) Permitting, aiding, or abetting the practice of a profession or
5 the performance of activities requiring a credential by a person not
6 credentialed to do so;

7 (11) Performing or offering to perform scleral tattooing as defined
8 in section 38-10,172 by a person not credentialed to do so;

9 (12) Having had his or her credential denied, refused renewal,
10 limited, suspended, revoked, or disciplined in any manner similar to
11 section 38-196 by another state or jurisdiction based upon acts by the
12 applicant or credential holder similar to acts described in this section;

13 (13) Use of untruthful, deceptive, or misleading statements in
14 advertisements, including failure to comply with section 38-124;

15 (14) Conviction of fraudulent or misleading advertising or
16 conviction of a violation of the Uniform Deceptive Trade Practices Act;

17 (15) Distribution of intoxicating liquors, controlled substances, or
18 drugs for any other than lawful purposes;

19 (16) Violations of the Uniform Credentialing Act or the rules and

20 regulations relating to the particular profession;
 21 (17) Unlawful invasion of the field of practice of any profession
 22 regulated by the Uniform Credentialing Act which the credential holder is
 23 not credentialed to practice;
 24 (18) Violation of the Uniform Controlled Substances Act or any rules
 25 and regulations adopted pursuant to the act;
 26 (19) Failure to file a report required by section 38-1,124,
 27 38-1,125, or 71-552;
 28 (20) Failure to maintain the requirements necessary to obtain a
 29 credential;
 30 (21) Violation of an order issued by the department;
 31 (22) Violation of an assurance of compliance entered into under
 1 section 38-1,108;
 2 (23) Failure to pay an administrative penalty;
 3 (24) Unprofessional conduct as defined in section 38-179;
 4 (25) Violation of the Automated Medication Systems Act; ~~or~~
 5 (26) Failure to comply with section 38-1,147; ~~or~~ ~~7~~
 6 (27) Violation of the Unborn Child Protection Act.
 7 Sec. 9. Section 38-179, Revised Statutes Cumulative Supplement,
 8 2022, is amended to read:
 9 38-179 For purposes of section 38-178, unprofessional conduct means
 10 any departure from or failure to conform to the standards of acceptable
 11 and prevailing practice of a profession or the ethics of the profession,
 12 regardless of whether a person, consumer, or entity is injured, or
 13 conduct that is likely to deceive or defraud the public or is detrimental
 14 to the public interest, including, but not limited to:
 15 (1) Receipt of fees on the assurance that an incurable disease can
 16 be permanently cured;
 17 (2) Division of fees, or agreeing to split or divide the fees,
 18 received for professional services with any person for bringing or
 19 referring a consumer other than (a) with a partner or employee of the
 20 applicant or credential holder or his or her office or clinic, (b) with a
 21 landlord of the applicant or credential holder pursuant to a written
 22 agreement that provides for payment of rent based on gross receipts, or
 23 (c) with a former partner or employee of the applicant or credential
 24 holder based on a retirement plan or separation agreement;
 25 (3) Obtaining any fee for professional services by fraud, deceit, or
 26 misrepresentation, including, but not limited to, falsification of third-
 27 party claim documents;
 28 (4) Cheating on or attempting to subvert the credentialing
 29 examination;
 30 (5) Assisting in the care or treatment of a consumer without the
 31 consent of such consumer or his or her legal representative;
 1 (6) Use of any letters, words, or terms, either as a prefix, affix,
 2 or suffix, on stationery, in advertisements, or otherwise, indicating
 3 that such person is entitled to practice a profession for which he or she
 4 is not credentialed;
 5 (7) Performing, procuring, or aiding and abetting in the performance
 6 or procurement of a criminal abortion;
 7 (8) Knowingly disclosing confidential information except as
 8 otherwise permitted by law;
 9 (9) Commission of any act of sexual abuse, misconduct, or
 10 exploitation related to the practice of the profession of the applicant
 11 or credential holder;
 12 (10) Failure to keep and maintain adequate records of treatment or
 13 service;
 14 (11) Prescribing, administering, distributing, dispensing, giving,
 15 or selling any controlled substance or other drug recognized as addictive
 16 or dangerous for other than a medically accepted therapeutic purpose;
 17 (12) Prescribing any controlled substance to (a) oneself or (b)

18 except in the case of a medical emergency (i) one's spouse, (ii) one's
19 child, (iii) one's parent, (iv) one's sibling, or (v) any other person

20 living in the same household as the prescriber;

21 (13) Failure to comply with any federal, state, or municipal law,
22 ordinance, rule, or regulation that pertains to the applicable
23 profession;

24 (14) Disruptive behavior, whether verbal or physical, which
25 interferes with consumer care or could reasonably be expected to
26 interfere with such care; ~~and~~

27 (15) Violation of the Unborn Child Protection Act; and

28 ~~(16) (15)~~ Such other acts as may be defined in rules and
29 regulations.

30 Nothing in this section shall be construed to exclude determination
31 of additional conduct that is unprofessional by adjudication in
1 individual contested cases.

2 Sec. 10. Section 38-192, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-192 (1) If the director determines upon completion of a hearing
5 under section 38-183 or 38-186 that a violation has occurred, the
6 director may, at his or her discretion, consult with the appropriate
7 board concerning sanctions to be imposed or terms and conditions of the
8 sanctions. When the director consults with a board, the credential holder
9 and the Attorney General shall be provided with a copy of the director's
10 request, the recommendation of the board, and an opportunity to respond
11 in such manner as the director determines.

12 (2) Except as provided in subsection (3) of this section, the The
13 director shall have the authority through entry of an order to exercise
14 in his or her discretion any or all of the sanctions authorized under
15 subsection (1) of section 38-196.

16 (3) If the director determines upon completion of a hearing under
17 section 38-183 or 38-186 that a licensee has performed or induced or
18 attempted to perform or induce an abortion in violation of the Unborn
19 Child Protection Act, the director shall enter an order imposing a
20 sanction authorized under subdivision (2) of section 38-196.

21 Sec. 11. Section 38-193, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-193 (1) If the petition is brought with respect to subdivision
24 (3) of section 38-2021, the director shall make findings as to whether
25 the licensee's conduct was necessary to save the life of a mother whose
26 life was endangered by a physical disorder, physical illness, or physical
27 injury, including a life-endangering physical condition caused by or
28 arising from the pregnancy itself. The director shall have the authority
29 through entry of an order to exercise in his or her discretion any or all
30 of the sanctions authorized under section 38-196, irrespective of the
31 petition.

1 (2) If the petition is brought with respect to subdivision (4) of
2 section 38-2021, the director shall make findings as to whether the
3 licensee performed or induced or attempted to perform or induce an
4 abortion in violation of the Unborn Child Protection Act. If the director
5 finds such a violation, the director shall enter an order revoking the
6 licensee's credential to practice pursuant to the Uniform Credentialing
7 Act in the State of Nebraska in accordance with subsection (2) of section
8 38-196 and section 38-1,100.

9 Sec. 12. Section 38-196, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-196 (1) Except as provided in subsection (2) of this section,
12 upon Upon the completion of any hearing held regarding discipline of a
13 credential, the director may dismiss the action or impose any of the
14 following sanctions:

15 (a) (1) Censure;

16 ~~(b)~~ ~~(2)~~ Probation;
 17 ~~(c)~~ ~~(3)~~ Limitation;
 18 ~~(d)~~ ~~(4)~~ Civil penalty;
 19 ~~(e)~~ ~~(5)~~ Suspension; or
 20 ~~(f)~~ ~~(6)~~ Revocation.

21 ~~(2) Upon completion of any hearing regarding discipline of a~~
 22 ~~credential for performing or inducing or attempting to perform or induce~~
 23 ~~an abortion in violation of the Unborn Child Protection Act, if the~~
 24 ~~director determines that such violation occurred, the director shall~~
 25 ~~impose a sanction of revocation in accordance with section 38-1.100.~~

26 Sec. 13. Section 38-2021, Revised Statutes Cumulative Supplement,
 27 2022, is amended to read:

28 38-2021 Unprofessional conduct means any departure from or failure
 29 to conform to the standards of acceptable and prevailing practice of
 30 medicine and surgery or the ethics of the profession, regardless of
 31 whether a person, patient, or entity is injured, or conduct that is
 1 likely to deceive or defraud the public or is detrimental to the public
 2 interest, including, but not limited to:

3 (1) Performance by a physician of an abortion as defined in
 4 subdivision (1) of section 28-326 under circumstances when he or she will
 5 not be available for a period of at least forty-eight hours for
 6 postoperative care unless such postoperative care is delegated to and
 7 accepted by another physician;

8 (2) Performing an abortion upon a minor without having satisfied the
 9 requirements of sections 71-6901 to 71-6911;

10 (3) The intentional and knowing performance of a partial-birth
 11 abortion as defined in subdivision (8) of section 28-326, unless such
 12 procedure is necessary to save the life of the mother whose life is
 13 endangered by a physical disorder, physical illness, or physical injury,
 14 including a life-endangering physical condition caused by or arising from
 15 the pregnancy itself; and

16 (4) ~~Performing or inducing or attempting to perform or induce~~
 17 ~~Performance by a physician of an abortion in violation of the Pain-~~
 18 ~~Capable Unborn Child Protection Act.~~

19 Sec. 14. Section 38-2894, Revised Statutes Cumulative Supplement,
 20 2022, is amended to read:

21 38-2894 (1) A registration to practice as a pharmacy technician may
 22 be denied, refused renewal, removed, or suspended or have other
 23 disciplinary measures taken against it by the department, with the
 24 recommendation of the board, for failure to meet the requirements of or
 25 for violation of any of the provisions of subdivisions (1) through (18)
 26 and (20) through ~~(27)~~ ~~(26)~~ of section 38-178 and sections 38-2890 to
 27 38-2897 or the rules and regulations adopted under such sections.

28 (2) If the department proposes to deny, refuse renewal of, or remove
 29 or suspend a registration, it shall send the applicant or registrant a
 30 notice setting forth the action to be taken and the reasons for the
 31 determination. The denial, refusal to renew, removal, or suspension shall
 1 become final thirty days after mailing the notice unless the applicant or
 2 registrant gives written notice to the department of his or her desire
 3 for an informal conference or for a formal hearing.

4 (3) Notice may be served by any method specified in section
 5 25-505.01, or the department may permit substitute or constructive
 6 service as provided in section 25-517.02 when service cannot be made with
 7 reasonable diligence by any of the methods specified in section
 8 25-505.01.

9 (4) Pharmacy technicians may participate in the Licensee Assistance
 10 Program described in section 38-175.

11 Sec. 15. If any section in this act or any part of any section is
 12 declared invalid or unconstitutional, the declaration shall not affect
 13 the validity or constitutionality of the remaining portions.

14 Sec. 16. Original sections 28-3,102, 28-3,103, 28-3,106, 28-3,107,
 15 28-3,108, 28-3,111, 38-192, 38-193, and 38-196, Reissue Revised Statutes
 16 of Nebraska, and sections 28-347, 38-178, 38-179, 38-2021, and 38-2894,
 17 Revised Statutes Cumulative Supplement, 2022, are repealed.
 18 Sec. 17. The following sections are outright repealed: Sections
 19 28-3,104, 28-3,109, and 28-3,110, Reissue Revised Statutes of Nebraska.
 20 Sec. 18. Since an emergency exists, this act takes effect when
 21 passed and approved according to law.

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Riepe amendment.

Senator Albrecht offered the following motion:

[MO996](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Albrecht moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

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

Voting in the affirmative, 32:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Sanders
Arch	Briese	Hansen	Linehan	Slama
Armendariz	Clements	Hardin	Lippincott	von Gillern
Ballard	DeKay	Holdcroft	Lowe	
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wishart

Present and not voting, 2:

Riepe Wayne

The Albrecht motion to invoke cloture failed with 32 ayes, 15 nays, and 2 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 565A. Placed on Final Reading.
LEGISLATIVE BILL 753A. Placed on Final Reading.
LEGISLATIVE BILL 799. Placed on Final Reading.
LEGISLATIVE BILL 815. Placed on Final Reading.
LEGISLATIVE BILL 816. Placed on Final Reading.

LEGISLATIVE BILL 138A. Placed on Select File.
LEGISLATIVE BILL 243A. Placed on Select File.
LEGISLATIVE BILL 254A. Placed on Select File.
LEGISLATIVE BILL 583A. Placed on Select File.
LEGISLATIVE BILL 683A. Placed on Select File.
LEGISLATIVE BILL 754A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Riepe filed the following amendment to LB282:
[AM1354](#) is available in the Bill Room.

Senator Riepe filed the following amendment to LB626:
[AM1407](#) is available in the Bill Room.

Senator Murman filed the following amendment to LB705:
[AM1528](#)

(Amendments to Standing Committee amendments, AM1468)

- 1 1. Insert the following new sections:
- 2 Sec. 65. Section 79-2,144, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 79-2,144 The state school security director appointed pursuant to
- 5 section 79-2,143 shall be responsible for providing leadership and
- 6 support for safety and security for the public schools. Duties of the
- 7 director include, but are not limited to:
- 8 (1) Collecting safety and security plans, required pursuant to rules
- 9 and regulations of the State Department of Education relating to
- 10 accreditation of schools, and other school security information from each
- 11 school system in Nebraska. School districts shall provide the state
- 12 school security director with the safety and security plans of the school
- 13 district and any other security information requested by the director,
- 14 but any plans or information submitted by a school district may be
- 15 withheld by the department pursuant to subdivision (9) of section
- 16 84-712.05;
- 17 (2) Recommending minimum standards for school security on or before
- 18 January 1, 2016, to the State Board of Education;
- 19 (3) Conducting an assessment of the security of each public school
- 20 building, which assessment shall be completed by August 31, 2019;
- 21 (4) Identifying deficiencies in school security based on the minimum
- 22 standards adopted by the State Board of Education and making
- 23 recommendations to school boards for remedying such deficiencies;
- 24 (5) Establishing security awareness and preparedness tools and
- 25 training programs for public school staff;
- 26 (6) Establishing research-based model instructional programs for

1 staff, students, and parents to address the underlying causes for violent
2 attacks on schools;
3 (7) Overseeing behavioral and mental health training, with a focus
4 on suicide awareness and prevention training in public schools pursuant
5 to section 79-2,146;
6 (8) Establishing tornado preparedness standards which shall include,
7 but not be limited to, ensuring that every school conducts at least two
8 tornado drills per year;
9 (9) Responding to inquiries and requests for assistance relating to
10 school security from private, denominational, and parochial schools;
11 (10) Recommending curricular and extracurricular materials to assist
12 school districts in preventing and responding to cyberbullying and
13 digital citizenship issues; and
14 (11) Carrying out the department's responsibilities under the School
15 Safety and Security Reporting System Act.
16 Sec. 66. Section 79-2,146, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 79-2,146 (1) Beginning in school year 2023-24 ~~2015-16~~, all public
19 school ~~employees who interact with students~~ nurses, teachers, counselors,
20 ~~school psychologists, administrators, school social workers, and any~~
21 ~~other appropriate personnel, as determined by the school superintendent,~~
22 shall receive at least one hour of behavioral and mental health training
23 with a focus on suicide awareness and prevention training each year. Such
24 training may include, but need not be limited to, topics such as
25 identification of early warning signs and symptoms of behavioral and
26 mental health issues in students, appropriate and effective responses for
27 educators to student behavioral and mental health issues, trauma-informed
28 care, and procedures for making students and parents and guardians aware
29 of services and supports for behavioral and mental health issues. This
30 training shall be provided within the framework of existing inservice
31 training programs offered by the State Department of Education or as part
1 of required professional development activities.
2 (2) The department, in consultation with organizations including,
3 but not limited to, the Nebraska State Suicide Prevention Coalition, the
4 Nebraska chapter of the American Foundation for Suicide Prevention, the
5 Behavioral Health Education Center of Nebraska, the National Alliance on
6 Mental Illness Nebraska, and other organizations and professionals with
7 expertise in behavioral and mental health and suicide prevention, shall
8 develop a list of approved training materials to fulfill the requirements
9 of subsection (1) of this section. Such materials shall include training
10 on how to identify appropriate mental health services, both within the
11 school and also within the larger community, and when and how to refer
12 youth and their families to those services. Such materials may include
13 programs that can be completed through self-review of suitable behavioral
14 and mental health and suicide prevention materials.
15 (3) The department may adopt and promulgate rules and regulations to
16 carry out this section.
17 2. Correct the operative date and repealer sections so the sections
18 added by this amendment become operative three calendar months after the
19 adjournment of this legislative session.
20 3. Renumber the remaining sections and correct internal references
21 accordingly.

Senator Walz filed the following amendment to [LB705](#):

[FA78](#)

Strike Section 1.

RESOLUTION

LEGISLATIVE RESOLUTION 117. Introduced by Sanders, 45.

WHEREAS, the Nebraska National Guard is a central part of our communities in Nebraska; and

WHEREAS, the Nebraska National Guard guided the state through historic flooding in 2019 and a worldwide pandemic in 2020; and

WHEREAS, the 2nd Battalion, 134th Infantry Regiment of the Nebraska National Guard was activated on November 2, 2019; and

WHEREAS, the 2nd Battalion, 134th Infantry Regiment was the first infantry battalion established by the Nebraska National Guard in two decades; and

WHEREAS, the unit will be deployed overseas in the Horn of Africa for approximately nine months; and

WHEREAS, on April 16, a farewell ceremony was held to celebrate the commitment and sacrifice of the members of the Nebraska National Guard.

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

1. That the Legislature congratulates the 2nd Battalion, 134th Infantry Regiment of the Nebraska National Guard on its accomplishments and its overseas deployment representing Nebraska across the world.

2. That a copy of this resolution be sent to the 2nd Battalion, 134th Infantry Regiment of the Nebraska National Guard.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Blood name added to LB480.

VISITORS

Visitors to the Chamber were elementary students and teachers from Creighton; sponsor, students and teachers from North Star High School, Lincoln; Mary von Gillern, Omaha; Larissa Schultz, Saunders County; students and teachers from Skutt High School, Omaha; Amy Van Kat, Omaha; students from Pius X High School, Lincoln.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 3:09 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Tuesday, May 2, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTIETH DAY - MAY 2, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 2023

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

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 Senator Albrecht who was excused; and Senators Bosn, Bostar, J. Cavanaugh, Day, DeBoer, Dungan, Hunt, McDonnell, Raybould, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

MESSAGE FROM THE GOVERNOR

May 1, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 103e was received in my office on April 25, 2023.

This bill was signed and delivered to the Secretary of State on May 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 92. Placed on Final Reading.

LEGISLATIVE BILL 191. Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER29, on page 1, line 2, "48-145," has been inserted after "sections"; in line 9 "the fund credited with payments from self-insurers," has been inserted after "to"; in line 17 "and" has been struck and "to provide operative dates; to provide severability;" inserted; and in line 18 "; and to declare an emergency" has been inserted after "sections".

LEGISLATIVE BILL 227. Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Riepe amendment, AM1486, sections 65 and 66 have been renumbered as 74 and 75 respectively.

2. In the Day amendment, AM1488, section 61 has been renumbered as 64.

3. In the Hansen amendment, AM1497:

a. Sections 21, 60, 61, 63, 65, 66, 67, 68, 71, and 90 have been renumbered as 23, 63, 65, 66, 68, 69, 70, 71, 76, and 95 respectively;

b. On page 8, lines 4 and 10, "68" has been struck and "71" inserted; and

c. On page 9, line 5, "21, 60, 61, 63, 65, 66, 67, 68, and 71" has been struck and "23, 63, 65, 66, 68, 69, 70, 71, and 76" inserted; and in line 7 "90" has been struck and "95" inserted.

4. In the E&R amendments, ER26:

a. On page 16, lines 15 and 16, "24, 27, 29, 31 to 37, and 42 to 47" has been struck and "27, 30, 32, 34 to 40, and 45 to 50" inserted;

b. On page 17, line 13, "24, 27, 29, and 31 to 37" has been struck and "27, 30, 32, and 34 to 40" inserted;

c. On page 19, line 2, "42" has been struck and "45" inserted;

d. On page 24, line 5, "47" has been struck and "50" inserted;

e. On page 32, lines 18 and 23, "42" has been struck and "45" inserted;

f. On page 36, lines 5, 10, and 14, "42" has been struck and "45" inserted; and in line 30 "50" has been struck and "53" inserted;

g. On page 40, line 14, "55 to 57" has been struck and "58 to 60" inserted; and

h. On page 60, lines 18 through 22, "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, and 86" has been struck and "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 96, and 98" inserted; in line 27 "71-475," has been struck and "68-1512, 71-475, 71-1797, 71-1798," inserted; and in line 30 "38-1813, 38-2801, 68-1206, 68-1724," has been struck and "38-1,125, 38-1416, 38-1813, 38-2801, 68-1017.02, 68-1206, 68-1724, 71-222, 71-401, 71-403" inserted.

5. On page 1, the matter beginning with "the" in line 1 through line 3 and all amendments thereto have been struck and "public health and welfare; to amend sections 38-1801, 38-1802, 38-1803, 38-1806, 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, 38-1816, 38-2852, 38-2867.01, 68-1006.01, 68-1512, 71-475, 71-1797, 71-1798, 71-8202, 71-8228, 71-8230, 71-8231, 71-8234, 71-8235, 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245, and

71-8247, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, 38-129.02, 38-131, 38-167, 38-186, 38-1,125, 38-1416, 38-1813, 38-2801, 38-2891, 68-901, 68-1017.02, 68-1206, 68-1724, 71-222, 71-401, 71-403, 71-417, 71-2461.01, 71-2479, 71-8236, 71-8237, and 71-8240, Revised Statutes Cumulative Supplement, 2022; to adopt the Behavior Analyst Practice Act; to change provisions of the Uniform Credentialing Act relating to criminal history record information checks, confidentiality relating to physical wellness programs, and a report requirement for certain credential holders; to change provisions of the Funeral Directing and Embalming Practice Act relating to apprenticeship; to provide, change, and eliminate definitions and provisions of the Medical Nutrition Therapy Practice Act relating to legislative findings, board membership and duties, licensure, and scope of practice; to change provisions relating to prescriptions, licensure of pharmacists, and compounding standards; to provide for vaccine administration by pharmacy technicians; to provide duties for the Department of Health and Human Services under the Medical Assistance Act regarding certain hospitals; to change the personal needs allowance for eligible aged, blind, and disabled persons; to require medicaid reimbursement for hospitals as prescribed; to create a pilot program relating to patients with complex health needs; to change provisions relating to the Supplemental Nutrition Assistance Program; to state intent regarding appropriations; to change provisions relating to child care assistance; to change provisions of the Disabled Persons and Family Support Act; to change the compensation of the Board of Barber Examiners; to provide and change definitions and change requirements relating to medication under the Health Care Facility Licensure Act; to change provisions of the Nebraska Center for Nursing Act relating to appropriation intent and the Nebraska Center for Nursing Board; to change provisions of the Prescription Drug Safety Act relating to delivery and labeling; to change and eliminate definitions, powers and duties, other provisions, and a fund under the Statewide Trauma System Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 38-1804, 71-8208, 71-8216, 71-8220, 71-8222, 71-8238, 71-8246, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 71-8226, 71-8227, and 71-8251, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency." inserted.

LEGISLATIVE BILL 254. Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R Amendments, ER27:
 - a. On page 8, line 7, "8" has been struck and "9" inserted; and
 - b. On page 12, lines 6 and 11, ", and section 50-702, Revised Statutes Cumulative Supplement, 2022" has been inserted after "Nebraska"; and in line 15 "to change provisions relating to the Legislative Mental Health Care Capacity Strategic Planning Committee;" has been inserted after the semicolon.

(Signed) Beau Ballard, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 107, 108, and 109 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 107, 108, and 109.

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad offered [MO785](#), found on page 970, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Murman opened on his bill, LB705.

Senator Conrad opened on her motion, MO785.

SPEAKER ARCH PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Murman filed the following amendment to LB705:

FA79

Strike Section 10.

COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 813. Placed on General File with amendment. AM1169 is available in the Bill Room.

LEGISLATIVE BILL 814. Placed on General File with amendment. AM915 is available in the Bill Room.

LEGISLATIVE BILL 818. Placed on General File with amendment. AM1172 is available in the Bill Room.

(Signed) Robert Clements, Chairperson

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad renewed MO785, found on page 970 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Pending.

VISITORS

Visitors to the Chamber were Randy Squier, John Scott, and staff and volunteers – Paralyzed Veterans of American Great Plains Chapter; students from North Bend Central Elementary, North Bend; students from St. Pius X/St. Leo, Omaha; students from Laura Dodge Elementary, Omaha.

RECESS

At 11:57 a.m., on a motion by Senator Halloran, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht and Brewer who were excused; and Senators Armendariz, Bosn, Bostelman, Clements, Conrad, Day, Dungan, B. Hansen, Kauth, Raybould, Riepe, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 705. Senator Conrad renewed [MO785](#), found on page 970 and considered in this day's Journal, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Conrad withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Conrad withdrew [MO787](#), found on page 971, to bracket.

Senator Conrad withdrew [MO786](#), found on page 971, to recommit to committee.

Title read. Considered.

Committee [AM1468](#), found on page 1269, was offered.

Senator von Gillern asked unanimous consent to withdraw [AM1503](#), found on page 1300, to the committee amendment, and replace it with substitute amendment, [AM1558](#), to the committee amendment. No objections. So ordered.

[AM1558](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:

2 Sec. 108. (1) For purposes of this section:

3 (a) School has the same meaning as in section 79-101;

4 (b) School district has the same meaning as in section 79-101; and

5 (c) Youth organization means a corporation chartered by Congress and

6 listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023.

7 (2)(a) Each school district shall, upon request, allow a

8 representative of any youth organization to provide (i) oral or written

9 information to the students of such school district regarding the youth

10 organization and how such youth organization furthers the educational

11 interests and civic involvement of students in a manner consistent with

12 good citizenship and (ii) services and activities to any student of such

13 school district who is a member of such youth organization.

14 (b) Each requesting youth organization shall be permitted to provide

15 such information, services, and activities in a school building or on the

16 school grounds of a school in each school district at least once during

17 each school year.

18 (3) Each school district shall make a good faith effort to select a

19 date, time, and location for each requesting youth organization to

20 provide such information, services, or activities that is mutually

21 agreeable to the school district and to the youth organization. Oral

22 information provided under subdivision (2)(a)(i) of this section may only

23 be provided during noninstructional time.

24 (4) Prior to allowing a representative of a youth organization to
 25 provide information, services, or activities at a school pursuant to this
 26 section, such representative shall be subject to a background check.

1 Except as otherwise provided by this section or by the rules and
 2 regulations of the Nebraska State Patrol, the parameters of the
 3 background check shall be determined by the relevant school district. A
 4 school district may prohibit any representative of a youth organization
 5 that has been convicted of a felony from providing information, services,
 6 or activities pursuant to this section at any school in such school
 7 district. Each representative of a youth organization is responsible for
 8 all costs associated with obtaining such background check.

9 Sec. 118. The following section is outright repealed: Section
 10 79-2,103, Reissue Revised Statutes of Nebraska.

11 2. Correct the operative date section so that the sections added by
 12 this amendment become operative three calendar months after the
 13 adjournment of this legislative session.

14 3. Renumber the remaining sections accordingly.

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

Senator von Gillern requested a roll call vote on his amendment, to the committee amendment.

Voting in the affirmative, 35:

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

Voting in the negative, 2:

Conrad Hunt

Present and not voting, 6:

Blood	Cavanaugh, M.	McKinney
Cavanaugh, J.	Dungan	Wayne

Excused and not voting, 6:

Albrecht	Brewer	Raybould
Armendariz	Day	Wishart

The von Gillern amendment, to the committee amendment, was adopted with 35 ayes, 2 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Murman offered [AM1528](#), found on page 1312, to the committee amendment.

The Murman amendment, to the committee amendment, was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Walz withdrew [FA78](#), found on page 1313.

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

[AM1531](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:

2 Sec. 94. Section 84-612, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 84-612 (1) There is hereby created within the state treasury a fund
5 known as the Cash Reserve Fund which shall be under the direction of the
6 State Treasurer. The fund shall only be used pursuant to this section.

7 (2) The State Treasurer shall transfer funds from the Cash Reserve
8 Fund to the General Fund upon certification by the Director of
9 Administrative Services that the current cash balance in the General Fund
10 is inadequate to meet current obligations. Such certification shall
11 include the dollar amount to be transferred. Any transfers made pursuant
12 to this subsection shall be reversed upon notification by the Director of
13 Administrative Services that sufficient funds are available.

14 (3) In addition to receiving transfers from other funds, the Cash
15 Reserve Fund shall receive federal funds received by the State of
16 Nebraska for undesignated general government purposes, federal revenue
17 sharing, or general fiscal relief of the state.

18 (4) The State Treasurer shall transfer fifty-four million seven
19 hundred thousand dollars on or after July 1, 2019, but before June 15,
20 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
21 Fund on such dates and in such amounts as directed by the budget
22 administrator of the budget division of the Department of Administrative
23 Services.

24 (5) The State Treasurer shall transfer two hundred fifteen million
25 five hundred eighty thousand dollars from the Cash Reserve Fund to the
26 Nebraska Capital Construction Fund on or after July 1, 2022, but before
1 June 15, 2023, on such dates and in such amounts as directed by the
2 budget administrator of the budget division of the Department of
3 Administrative Services.

4 (6) The State Treasurer shall transfer fifty-three million five
5 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
6 Canal Project Fund on or before June 30, 2023, on such dates and in such
7 amounts as directed by the budget administrator of the budget division of
8 the Department of Administrative Services.

9 (7) No funds shall be transferred from the Cash Reserve Fund to
10 fulfill the obligations created under the Nebraska Property Tax Incentive
11 Act unless the balance in the Cash Reserve Fund after such transfer will
12 be at least equal to five hundred million dollars.

13 (8) The State Treasurer shall transfer thirty million dollars from
14 the Cash Reserve Fund to the Military Base Development and Support Fund
15 on or before June 30, 2023, but not before July 1, 2022, on such dates
16 and in such amounts as directed by the budget administrator of the budget
17 division of the Department of Administrative Services.

18 (9) The State Treasurer shall transfer eight million three hundred
19 thousand dollars from the Cash Reserve Fund to the Trail Development and

20 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
21 such dates and in such amounts as directed by the budget administrator of
22 the budget division of the Department of Administrative Services.

23 (10) The State Treasurer shall transfer fifty million dollars from
24 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
25 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
26 as directed by the budget administrator of the budget division of the
27 Department of Administrative Services.

28 (11) The State Treasurer shall transfer thirty million dollars from
29 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
30 or after July 1, 2022, but before July 15, 2023, on such dates and in
31 such amounts as directed by the budget administrator of the budget
1 division of the Department of Administrative Services.

2 (12) The State Treasurer shall transfer twenty million dollars from
3 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
4 1, 2022, but before June 15, 2023, on such dates and in such amounts as
5 directed by the budget administrator of the budget division of the
6 Department of Administrative Services.

7 (13) The State Treasurer shall transfer twenty million dollars from
8 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
9 Fund on July 15, 2022, or as soon thereafter as administratively
10 possible, and in such amounts as directed by the budget administrator of
11 the budget division of the Department of Administrative Services.

12 (14) The State Treasurer shall transfer eighty million dollars from
13 the Cash Reserve Fund to the Jobs and Economic Development Initiative
14 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
15 and in such amounts as directed by the budget administrator of the budget
16 division of the Department of Administrative Services.

17 (15) The State Treasurer shall transfer twenty million dollars from
18 the Cash Reserve Fund to the Site and Building Development Fund on July
19 15, 2022, or as soon thereafter as administratively possible, and in such
20 amounts as directed by the budget administrator of the budget division of
21 the Department of Administrative Services.

22 (16) The State Treasurer shall transfer fifty million dollars from
23 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
24 on or after July 15, 2022, but before January 1, 2023, on such dates and
25 in such amounts as directed by the budget administrator of the budget
26 division of the Department of Administrative Services.

27 (17) The State Treasurer shall transfer fifteen million dollars from
28 the Cash Reserve Fund to the Site and Building Development Fund on or
29 before June 30, 2022, on such dates and in such amounts as directed by
30 the budget administrator of the budget division of the Department of
31 Administrative Services.

1 (18) The State Treasurer shall transfer fifty-five million dollars
2 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
3 or before June 30, 2022, on such dates and in such amounts as directed by
4 the budget administrator of the budget division of the Department of
5 Administrative Services.

6 (19) The State Treasurer shall transfer ten million dollars from the
7 Cash Reserve Fund to the School Safety and Security Fund as soon as
8 administratively possible after the operative date of this section, on
9 such dates and in such amounts as directed by the budget administrator of
10 the budget division of the Department of Administrative services.
11 Sec. 109. (1) The Commissioner of Education shall create and
12 administer a competitive grant program to provide funding to school
13 districts and to educational service units on behalf of approved or
14 accredited nonpublic schools for security-related infrastructure
15 projects. Such qualifying projects may include, but are not limited to,
16 surveillance equipment, door-locking systems, and double-entry doors for
17 school buildings. Subject to available appropriations, the department

18 shall provide a grant to any school district or educational service unit
19 that applies for such grant for use in funding qualifying projects.
20 (2)(a) A school district may apply to the department for a grant on
21 forms and in a manner prescribed by the Commissioner of Education. A
22 school district receiving a grant under this section shall divide the use
23 of grant funds as evenly as possible among all eligible school buildings
24 within such district.
25 (b) An educational service unit may apply to the department for a
26 grant on forms and in a manner prescribed by the Commissioner of
27 Education for use in funding qualifying projects at approved or
28 accredited nonpublic schools which contract with such educational service
29 unit on such qualifying projects. An approved or accredited nonpublic
30 school may apply to and contract with the appropriate educational service
31 unit in the school's area in a manner prescribed by the educational
1 service unit for purposes of funding qualifying projects pursuant to this
2 section.
3 (3)(a) On or before December 1 of each year that grants were issued
4 pursuant to this section, the State Department of Education shall provide
5 a report electronically to the Clerk of the Legislature relating to such
6 grants, which shall include, but need not be limited to:
7 (i) The number of schools that received grant funding, including
8 whether a school was public or nonpublic, the grades of students served
9 by such school, the number of students that attend such school, and the
10 geographic location of such school;
11 (ii) How the grant funds were used;
12 (iii) The average amount of grant funds received by schools broken
13 down by school student population size;
14 (iv) The number of schools that were denied grant funding and why;
15 and
16 (v) Any other information the State Department of Education deems
17 necessary.
18 (b) The report provided pursuant to subdivision (a) of this
19 subsection shall not identify any particular school.
20 (4) The State Board of Education may adopt and promulgate rules and
21 regulations to carry out this section.
22 (5) It is the intent of the Legislature to appropriate ten million
23 dollars from the School Safety and Security Fund to the State Department
24 of Education to administer the grant program pursuant to this section.
25 Sec. 110. The School Safety and Security Fund is created. The fund
26 shall be administered by the State Department of Education and shall
27 consist of any money transferred by the Legislature and any gifts,
28 grants, or bequests. The department shall use money in the fund for
29 grants for security-related infrastructure projects pursuant to section
30 109 of this act. Any money in the fund available for investment shall be
31 invested by the state investment officer pursuant to the Nebraska Capital
1 Expansion Act and the Nebraska State Funds Investment Act.
2 2. Correct the operative date section so that the sections added by
3 this amendment become operative three calendar months after the
4 adjournment of this legislative session.
5 3. Renumber the remaining sections accordingly.

The Walz amendment, to the committee amendment, was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Senator Fredrickson offered the following amendment, to the committee amendment:

[AM1529](#)

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new section:

2 Sec. 108. (1) Except as provided in subsection (2) of this section,
 3 no publicly funded college or university in this state shall, as part of
 4 the student application and admission process for disciplines not
 5 requiring licensure or clinical or field placements, inquire about or
 6 consider any applicant's criminal history or juvenile court record
 7 information.
 8 (2)(a) Subsection (1) of this section does not prohibit an inquiry
 9 regarding an applicant's criminal history or juvenile court record
 10 information or consideration of such matters to the extent required by
 11 state or federal law or when such matters are voluntarily submitted by an
 12 applicant.
 13 (b) Any inquiry regarding an applicant's criminal history or
 14 juvenile court record information and any consideration of such matters
 15 shall be strictly limited to the extent permitted by this subsection.
 16 (3) This section does not apply to inquiries or consideration of
 17 criminal history or juvenile court record information (a) occurring
 18 subsequent to the student application and admission process as part of a
 19 professional licensure process or an academically required clinical or
 20 field placement, (b) in any application or other process relating to
 21 student housing, or (c) in any application or other process relating to
 22 any athletic program.
 23 (4) For purposes of this section, criminal history or juvenile court
 24 record information means all records relating to an applicant's criminal
 25 history record or juvenile court record, including, but not limited to,
 26 any information or other data concerning any proceedings relating to a
 1 case, any arrest, being taking into custody, a petition, a complaint, an
 2 indictment, an information, a trial, a hearing, an adjudication, any
 3 correctional supervision, a dismissal, or any other disposition or
 4 sentence.
 5 2. Correct the operative date section so the section added by this
 6 amendment becomes operative three calendar months after the adjournment
 7 of this legislative session.
 8 3. Renumber the remaining sections accordingly.

The Fredrickson amendment, to the committee amendment, was adopted with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

Senator Vargas offered the following amendment, to the committee amendment:
[AM1555](#) is available in the Bill Room.

The Vargas amendment, to the committee amendment, was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

Senator Murman withdrew [AM843](#), found on page 750.

Senator Murman withdrew [FA35](#), found on page 1011.

Senator Murman withdrew [FA36](#), found on page 1011.

Senator M. Cavanaugh offered the following amendment:

[FA80](#)
 Strike Section 1.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 32 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator von Gillern filed the following amendment to [LB491](#):
[AM1532](#)

1 1. Strike original section 3 and insert the following new section:
2 Sec. 3. Section 77-5808, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 77-5808 (1) This subsection shall apply for tax years beginning or
5 deemed to begin on or after January 1, 2009, and before January 1, 2023.
6 The Tax Commissioner shall not approve or grant to any person any tax
7 incentive under the Nebraska Advantage Research and Development Act
8 unless the taxpayer provides evidence satisfactory to the Tax
9 Commissioner that the taxpayer electronically verified the work
10 eligibility status of all newly hired employees employed in Nebraska.
11 ~~This section does not apply to any credit claimed in a tax year beginning~~
12 ~~or deemed to begin before January 1, 2009, under the Internal Revenue~~
13 ~~Code of 1986, as amended.~~
14 (2) This subsection shall apply for tax years beginning or deemed to
15 begin on or after January 1, 2023. When calculating the research tax
16 credit as provided in the Nebraska Advantage Research and Development
17 Act, the qualified research expenses claimed in computing the federal
18 credit allowed under section 41 of the Internal Revenue Code of 1986, as
19 amended, shall be adjusted to the extent the taxpayer includes, in such
20 qualified research expenses, compensation paid to an employee of such
21 taxpayer hired during or after the first tax year for which the Nebraska
22 Advantage Research and Development Act credit is claimed by such firm and
23 to the extent such compensation is subject to Nebraska income tax. Such
24 compensation, for the tax year in which the credit is being claimed,
25 shall be deducted from the taxpayer's qualified research expenses unless
26 such employee was verified as eligible to work in the United States using
27 the federal E-Verify system within ninety days after the date of hire of
1 such employee or such longer period as may be permitted under the rules
2 of the federal E-Verify system. Such verification may be performed by the
3 taxpayer or by someone on the taxpayer's behalf.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO999](#)

Reconsider the vote taken on FA80.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 37 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB814](#):
[AM1548](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 175, line 14, after the semicolon insert "and"; and
- 2 strike beginning with "From" in line 15 through "(t)" in line 19.
- 3 2. On page 178, line 5, after the semicolon insert "and"; and strike
- 4 beginning with "From" in line 6 through "(t)" in line 10.

RESOLUTIONS

LEGISLATIVE RESOLUTION 118. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Nebraska Real Estate License Act in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Collection Agency Act in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements in the Abstracters Act in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for the business of debt management found in sections 69-1201 to 69-1217 in furtherance of the purposes of the Occupational Board Reform Act.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Banking, Commerce and Insurance Committee of the Legislature that may arise during the interim.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123. Introduced by Banking, Commerce and Insurance Committee: Slama, 1, Chairperson; Ballard, 21; Jacobson, 42; Kauth, 31; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the economic impact of manufacturing and processing in Nebraska and to explore the role that advanced manufacturing and smart technologies can play in increasing productivity and economic growth. The study will seek to identify barriers for growth that will allow the Legislature to pursue data-driven policy solutions for this key industry sector.

The study shall include, but not be limited to, an examination of the following:

(1) Data collection and information gathering regarding:

(a) The scope of manufacturing in Nebraska and its impact on the state's economy;

(b) The projected growth of Nebraska's manufacturing and the top barriers to growth, including estimated workforce shortages;

(c) Advanced manufacturing, including smart technologies and automation, and the effects advanced manufacturing has on the workforce in manufacturing, including its impact on skills training and wage growth for existing employees;

(d) How and to what degree advanced manufacturing has been utilized by the manufacturing sector in Nebraska versus other states;

(e) Barriers that Nebraska's small businesses face when attempting to deploy smart technologies and automation; and

(f) The estimated return on investment in advanced manufacturing machinery and equipment; and

(2) Potential ways to spur capital investments in advanced manufacturing in the state and collaboration with appropriate community partners about these solutions.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following amendment:

[FA81](#)

Strike Section 10.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

The M. Cavanaugh amendment lost with 1 aye, 32 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to [LB705](#):

[FA84](#)

Strike Section 6.

Senator Wayne filed the following amendment to [LB814](#):

[AM1545](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO1000](#)

Reconsider the vote taken on FA81.

Pending.

EASE

The Legislature was at ease from 5:26 p.m. until 6:00 p.m.

PRESIDENT KELLY PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 705. Senator M. Cavanaugh renewed [MO1000](#), found and considered in this day's Journal, to reconsider the vote taken on FA81.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 4 nays, and 34 not voting.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 34 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA82](#)

Strike Section 13.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 5 nays, and 36 not voting.

The M. Cavanaugh amendment lost with 2 ayes, 34 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

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

[AM1410](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh offered the following motion:

[MO1001](#)

Reconsider the vote taken on FA82.

Senator Murman offered the following motion:

[MO1008](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

The Murman motion to invoke cloture prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

The M. Cavanaugh motion to reconsider failed with 3 ayes, 39 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 92A. Title read. Considered.

Senator Slama offered the following amendment:

[AM1549](#)

1 1. Insert the following new section:
2 Sec. 4. There is hereby appropriated (1) \$9,977,290 from the
3 General Fund for FY2023-24 and (2) \$23,751,410 from the General Fund for
4 FY2024-25 to the Department of Economic Development, for Program 604, to
5 aid in carrying out the provisions of Legislative Bill 92, One Hundred
6 Eighth Legislature, First Session, 2023.
7 There is included in the appropriation to this program for FY2023-24
8 \$9,851,000 General Funds as state aid, which shall only be used for such
9 purpose. There is included in the appropriation to this program for
10 FY2024-25 \$23,611,000 General Funds as state aid, which shall only be
11 used for such purpose.
12 Total expenditures for permanent and temporary salaries and per
13 diems from funds appropriated in this section shall not exceed \$53,930
14 for FY2023-24 or \$74,790 for FY2024-25.
15 2. On page 2, line 11, strike "515" and insert "781".

Senator M. Cavanaugh offered the following motion:

[MO1002](#)

Bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 36 nays, 6 present and not voting, and 7 excused and not voting.

Senator Slama offered the following motion:

[MO1009](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

The Slama motion to invoke cloture prevailed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

The Slama amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

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

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB705](#):

[FA83](#)

Strike the enacting clause.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to LB705:
[MO997](#)
 Bracket until May 30, 2023.

Senator M. Cavanaugh filed the following motion to LB705:
[MO998](#)
 Recommit to Education Committee.

GENERAL FILE

LEGISLATIVE BILL 227A. Title read. Considered.

Senator B. Hansen offered the following amendment:

[AM1550](#)

1 1. Strike original section 1 and insert the following new sections:
 2 Section 1. There is hereby appropriated (1) \$3,627,976 from the
 3 General Fund and \$576,619 from federal funds for FY2023-24 and (2)
 4 \$3,879,167 from the General Fund and \$725,801 from federal funds for
 5 FY2024-25 to the Department of Health and Human Services, for Program 33,
 6 to aid in carrying out the provisions of Legislative Bill 227, One
 7 Hundred Eighth Legislature, First Session, 2023.
 8 Total expenditures for permanent and temporary salaries and per
 9 diems from funds appropriated in this section shall not exceed \$766,114
 10 for FY2023-24 or \$1,016,558 for FY2024-25.
 11 Sec. 3. There is hereby appropriated (1) \$111,600 from the General
 12 Fund for FY2023-24 and (2) \$111,600 from the General Fund for FY2024-25
 13 to the Department of Health and Human Services, for Program 347, to aid
 14 in carrying out the provisions of Legislative Bill 227, One Hundred
 15 Eighth Legislature, First Session, 2023.
 16 There is included in the appropriation to this program for FY2023-24
 17 \$111,600 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 FY2024-25 \$111,600 General Funds for state aid, which shall only be used
 20 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.
 24 2. Renumber the remaining sections accordingly.

The B. Hansen amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 138A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254A. Senator Brewer offered the following amendment:

[AM1543](#)

- 1 1. Insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$50,000 from the
- 3 General Fund for FY2023-24 and (2) \$-0- from the General Fund for
- 4 FY2024-25 to the Legislative Council, for Program 122, to aid in carrying
- 5 out the provisions of Legislative Bill 254, One Hundred Eighth
- 6 Legislature, First Session, 2023.
- 7 No expenditures for permanent and temporary salaries and per diems
- 8 for state employees shall be made from funds appropriated in this
- 9 section.
- 10 2. On page 2, line 7, strike "\$25,000" and insert "\$45,000".
- 11 3. Renumber the remaining sections accordingly.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 683A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799A. Senator DeBoer offered [AM1435](#), found on page 1214.

The DeBoer amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Brandt filed the following amendment to [LB562](#):
[AM1554](#) is available in the Bill Room.

Senator Vargas filed the following amendment to [LB562](#):
[AM1563](#)

(Amendments to Standing Committee amendments, AM1248)

- 1 1. Insert the following new sections:
- 2 Sec. 16. Section 81-2,239, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 81-2,239 Sections 81-2,239 to 81-2,292 and sections 18 to 21 of this
- 5 act and the provisions of the Food Code and the Current Good
- 6 Manufacturing Practice In Manufacturing, Packing, or Holding Human Food
- 7 adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known
- 8 and may be cited as the Nebraska Pure Food Act.
- 9 Sec. 17. Section 81-2,240, Revised Statutes Cumulative Supplement,
- 10 2022, is amended to read:
- 11 81-2,240 For purposes of the Nebraska Pure Food Act, unless the
- 12 context otherwise requires, the definitions found in sections 81-2,241 to
- 13 81-2,254 and section 18 of this act shall be used. In addition, the
- 14 definitions found in the code and practice adopted by reference in
- 15 sections 81-2,257.01 and 81-2,259 shall be used.

16 Sec. 18. Guidance document has the same meaning as in section
17 84-901.
18 Sec. 19. (1) A political subdivision acting as a regulatory
19 authority may enter into an agreement under the Interlocal Cooperation
20 Act with other public agencies to grant and provide reciprocity for local
21 licensing of mobile food establishments for purposes of regulating food
22 safety and handling.
23 (2) On or before December 1, 2023, a political subdivision acting as
24 a regulatory authority that is eligible to participate in an agreement
25 under this section shall submit a report electronically to the
26 Legislature. Such report shall contain the following information:
1 (a) A description of any reciprocity agreement entered into pursuant
2 to this section; or
3 (b) If a reciprocity agreement has not been entered into pursuant to
4 this section, a summary of actions taken to develop such an agreement and
5 a description of any impediments to such an agreement.
6 Sec. 20. (1) For purposes of this section, city means a city of the
7 first class or a city of the second class.
8 (2) The department shall establish and maintain the Mobile Food
9 Establishment Ordinance Registry. The registry shall be made available
10 for review by the public on the department's website. The purpose of the
11 registry is to record in a central location the municipal ordinances used
12 to regulate mobile food establishments.
13 (3) Each city shall participate in the registry. Except as provided
14 in subsection (4) of this section, each city shall provide the department
15 with the following information for the registry:
16 (a) The name and address of each person responsible for regulating
17 mobile food establishment operations;
18 (b) A sample copy of any form that is required to be submitted in
19 order for the mobile food establishment to operate in the city;
20 (c) A complete electronic record of the ordinances used to regulate
21 mobile food establishments; and
22 (d) Any other information the department deems necessary.
23 (4) Any city that does not regulate the operation of mobile food
24 establishments in any way shall submit to the department for publication
25 on the registry a written statement confirming that the city does not
26 regulate the operation of mobile food establishments.
27 (5) To ensure an accurate and updated registry, each city shall:
28 (a) Upon a request by the department, make available to the
29 department all information required pursuant to this section; and
30 (b) Beginning in 2023, by December 31 of each calendar year notify
31 the department of any new or modified ordinance adopted within such
1 calendar year regulating mobile food establishments.
2 (6) The department may adopt and promulgate rules and regulations to
3 carry out this section.
4 Sec. 21. The department shall develop and make available to the
5 public a guidance document for mobile food establishment operators. The
6 guidance document shall describe food establishment permit requirements
7 applicable to mobile food establishments, including permit requirements
8 applicable to reciprocity agreements between participating regulatory
9 authorities under section 19 of this act.
10 2. Renumber the remaining sections and correct the repealer
11 accordingly.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Fredrickson name added to LB199.

VISITORS

Visitors to the Chamber were Ian DeBoer, Lincoln; students from Clarkson Public Schools, Clarkson; students from Christ Lutheran School, Norfolk.

The Doctor of the Day was Dr. Pat Hotovy of York.

ADJOURNMENT

At 7:48 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Wednesday, May 3, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-FIRST DAY - MAY 3, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 3, 2023

PRAYER

The prayer was offered by Senator Dorn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dover.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senator Slama who was excused; and Senators Bostar, Brewer, Day, B. Hansen, Hunt, Raybould, and Walz who were excused until they arrive.

SENATOR DORN PRESIDING

CORRECTIONS FOR THE JOURNAL

Senator Wayne offered a proposed correction to the Journal on Page 1209 starting with "Senator DeBoer placed" insert "the" before nomination and after in.

Senator McKinney objected.

Senator Wayne moved to correct the Journal in the manner described.

Senator Wayne withdrew his motion to correct the Journal.

The Journal for the seventieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 814. Title read. Considered.

Committee [AM915](#), found on page 1318, was offered.

Senator J. Cavanaugh offered [AM1548](#), found on page 1326, to the committee amendment.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 14. Placed on General File with amendment. [AM1146](#) is available in the Bill Room.

LEGISLATIVE BILL 139. Placed on General File with amendment. [AM1518](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 25-2802, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 25-2802 (1) The Small Claims Court shall have subject matter
 6 jurisdiction in all civil actions of any type when the amount of money or
 7 damages or the value of the personal property claimed does not exceed the
 8 jurisdictional amount specified in subsection (4) of this section,
 9 exclusive of interest and costs.
 10 (2) The Small Claims Court shall have subject matter jurisdiction in
 11 civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a
 12 contract or agreement for the purchase of goods or services not in excess
 13 of the jurisdictional amount specified in subsection (4) of this section,
 14 exclusive of interest and costs.
 15 (3) The Small Claims Court shall have jurisdiction when the party
 16 defendant or his or her agent resides or is doing business within the
 17 county or when the cause of action arose within the county.
 18 (4) The jurisdictional amount is ~~six three thousand five hundred~~
 19 ~~dollars from July 1, 2023 2010, through June 30, 2024 2015. The~~
 20 ~~jurisdictional amount is seven thousand five hundred dollars beginning~~
 21 ~~July 1, 2024.~~
 22 ~~The Supreme Court shall continue to adjust the jurisdictional limit~~
 23 ~~for the Small Claims Court every fifth year commencing July 1, 2015. The~~
 24 ~~adjusted jurisdictional amount shall be equal to the then current~~
 25 ~~jurisdictional amount adjusted by the average percentage change in the~~
 26 ~~unadjusted Consumer Price Index for All Urban Consumers published by the~~
 27 ~~Federal Bureau of Labor Statistics for the five-year period preceding the~~
 1 ~~adjustment date. The jurisdictional amount shall be rounded to the~~
 2 ~~nearest one hundred dollar amount.~~
 3 Sec. 2. This act becomes operative on July 1, 2023.
 4 Sec. 3. Original section 25-2802, Reissue Revised Statutes of
 5 Nebraska, is repealed.
 6 Sec. 4. Since an emergency exists, this act takes effect when
 7 passed and approved according to law.

LEGISLATIVE BILL 157. Placed on General File with amendment. [AM1525](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 124. Placed on General File.

LEGISLATIVE BILL 199. Placed on General File.

(Signed) Mike Moser, Chairperson

Urban Affairs

LEGISLATIVE BILL 532. Placed on General File with amendment.

[AM1560](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

VISITORS

Visitors to the Chamber were students and teachers from Seward Elementary, Seward; students from Lincoln Northeast High School, Lincoln; students from Tri-County, DeWitt; students from Pawnee City Elementary; Pawnee City; students from Lakeview Community School, Columbus.

RECESS

At 12:03 p.m., on a motion by Senator Hunt, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostar, Brewer, Briese, Conrad, Day, DeKay, Hardin, Hughes, Hunt, McKinney, Slama, and Wayne who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, 112, 113, and 114 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 110, 111, 112, 113, and 114.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1548](#), found on page 1326 and considered in this day's Journal, to the committee amendment.

SENATOR B. HANSEN PRESIDING

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

The J. Cavanaugh amendment, to the committee amendment, lost with 12 ayes, 28 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Dungan offered the following amendment, to the committee amendment:

[AM1581](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 7, line 21, strike "44,974,650" and insert "45,174,650"
- 2 and strike "46,758,879" and insert "46,958,879"; and in line 24 strike
- 3 "48,836,619" and insert "49,036,619" and strike "50,719,718" and insert
- 4 "50,919,718".
- 5 2. On page 8, after line 25 insert the following new paragraph:
- 6 "There is included in the appropriation to this program for
- 7 FY2023-24 \$200,000 General Funds and for FY2024-25 \$200,000 General Funds
- 8 to increase the payments for interpreter services for deaf and hard of
- 9 hearing persons and for persons unable to communicate the English
- 10 language, which shall only be used for such purpose."

The Dungan amendment, to the committee amendment, was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the scope of collateral consequences of criminal law violations in Nebraska in employment, housing, licensure, and other categories.

Nebraska has multiple layers of criminal laws including the Nebraska Criminal Code, city ordinances, and village ordinances, with overlapping criminal laws at all levels. Law violations are punishable by fines, imprisonment, probation, or restitution orders. Many law violations, even for minor offenses, carry sanctions beyond what the court imposes directly in the criminal case. These collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit individuals with criminal records from accessing employment, occupational licensing, housing,

voting, education, and other opportunities. Many of these collateral consequences follow individuals for years after they have resolved the underlying criminal case and inhibit prosocial behaviors by the individuals, which increases recidivism and negatively impacts public safety goals. An exacerbating feature of collateral consequences is that involvement in the criminal law system has a clear disparate impact on people of color.

Among other considerations, the interim study should determine the propriety or necessity of collateral consequences for certain offenses to ensure that they are appropriate, narrowly tailored, and serve a legitimate purpose. The study should focus on eliminating or limiting collateral consequences and creating or bolstering procedures by which collateral consequences are removed after rehabilitation or completion of a criminal conviction or sentence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to review juvenile justice involvement for youth who are excessively absent or truant from school. Under current law, school truancy can be a basis for juvenile court jurisdiction, which means prosecutors can file a juvenile court case against a child who has an excessive number of unexcused absences. Truancy cases are a type of status offense authorized to be charged under subdivision (3)(b) of section 43-247.

During the One Hundred Eighth Legislature of Nebraska, First Session, senators have introduced bills relating to excessive absenteeism and truancy as a juvenile status offense. The legislation has included providing alternatives to court proceedings by investing in local pretrial diversion programs, requiring schools to exhaust services to address absenteeism prior to referring a child for prosecution, and eliminating truancy from the Nebraska Juvenile Code as an independent basis for a juvenile court filing.

School absenteeism is often an indicator of some other behavior or trauma that youth are experiencing, including challenges with mental or behavioral health, parental neglect or abuse, substance use, learning or other disabilities, and other challenges. Child welfare and juvenile justice best practices encourage policymakers to increase community-based interventions that address the underlying causes of status offenses and eliminate or avoid formal court interventions.

The interim study shall include, but need not be limited to:

(1) An examination of the history and present legal framework for addressing excessive absenteeism and truancy, the cost to the educational system to address chronic or excessive absenteeism, and the cost of state aid dedicated to community-based interventions for youth;

(2) An examination of the variance of chronic or excessive absenteeism in Nebraska between school districts, diversion programs focused on chronic absenteeism, and referrals to county attorneys for formal court intervention, including demographic information and how chronic absenteeism may disproportionately affect communities of color, non-English-speaking students, and students with disabilities;

(3) A review of local programs addressing excessive absenteeism and truancy supported through community-based aid dollars, other community-based programs that address behaviors that lead to status offense filings based on truancy, and the outcomes for youth resulting from such diversionary programs; and

(4) A review of any programs used by probation to address chronic absenteeism within probation districts and the outcomes for youth resulting from such programs.

The interim study should also review the practices and policies of other states to determine what responses these jurisdictions have taken to address school absenteeism. The study should have the ultimate goal of enabling an approach to school absenteeism that improves youth and family engagement and minimizes or avoids court involvement.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator Linehan offered the following amendment, to the committee amendment:

[AM1573](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 18, strike line 22 and insert "GENERAL FUND 36,451,112
2 36,872,925"; strike line 26 and insert "PROGRAM TOTAL 81,349,174
3 82,531,347"; and strike line 27 and insert "SALARY LIMIT 19,365,723
4 20,297,236".

5 2. On page 20, after line 20 insert the following new paragraph:

6 "There is included in the appropriation to this program for

7 FY2023-24 \$10,000,000 General Funds and for FY2024-25 \$10,000,000 General
8 Funds for the provision of professional development for teachers
9 regarding reading improvement, the establishment of a literary coaching
10 network, grants for schools regarding reading improvement, and other
11 strategies regarding reading improvement as determined by the department
12 or a third party as contracted by the department, which shall only be
13 used for such purpose."

The Linehan amendment was withdrawn.

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

[AM1568](#) is available in the Bill Room.

The McDonnell amendment, to the committee amendment, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1589](#) is available in the Bill Room.

SENATOR DEBOER PRESIDING

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

The M. Cavanaugh amendment, to the committee amendment, lost with 10 ayes, 27 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator B. Hansen filed the following amendment to [LB814](#):

[AM1578](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 144, line 22, strike "14,271,875" and insert
2 "22,271,875"; and in line 25 strike "84,137,755" and insert "92,137,755".
3 2. On page 145, line 5, strike "\$7,000,000" and insert
4 "\$15,000,000"; and after line 18 insert the following new paragraph:
5 "There is included in the amount shown as aid for this program for
6 FY2023-24 \$8,000,000 General Funds to provide a grant to a city of the
7 first class. Such grant shall be provided for the purposes of (1)
8 expanding a municipal drinking water treatment plant and all related
9 appurtenances, settling basins, pumps, storage tanks, and water
10 distribution facilities, including costs for the acquisition of land
11 needed for the purpose of locating eligible project components, and (2)
12 supporting the additional demand for processing agricultural products,
13 enhanced water quality, creation of new capital investment, and creation
14 of new jobs in the State of Nebraska."

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1588](#) is available in the Bill Room.

The M. Cavanaugh amendment was withdrawn.

Senator Wayne asked unanimous consent to withdraw [AM1545](#), found on page 1329, to the committee amendment, and replace it with substitute amendment, [AM1596](#), to the committee amendment. No objections. So ordered.

[AM1596](#) is available in the Bill Room.

PRESIDENT KELLY PRESIDING

Senator Aguilar moved the previous question. The question is, "Shall the debate now close?" The motion failed with 12 ayes, 13 nays, and 24 not voting.

The Wayne amendment, to the committee amendment, was adopted with 28 ayes, 3 nays, 10 present and not voting, and 8 excused and not voting.

Senator McKinney offered the following amendment, to the committee amendment:

[AM1599](#) is available in the Bill Room.

Pending.

EASE

The Legislature was at ease from 5:29 p.m. until 6:01 p.m.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator McKinney renewed [AM1599](#), found and considered in this day's Journal, to the committee amendment.

Senator McKinney moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

The Chair declared the call raised.

Senator McKinney moved for a call of the house. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

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

Voting in the affirmative, 14:

Blood	Cavanaugh, M.	Dungan	McKinney	Walz
Bostar	Conrad	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hunt	Vargas	

Voting in the negative, 24:

Aguilar	Bosn	Dover	Ibach	Murman
Albrecht	Brandt	Erdman	Kauth	Riepe
Arch	Clements	Hardin	Lippincott	Sanders
Armendariz	DeKay	Holdcroft	Lowe	von Gillern
Ballard	Dorn	Hughes	Moser	

Present and not voting, 2:

Linehan	Wishart
---------	---------

Excused and not voting, 9:

Bostelman	Briese	Halloran	Jacobson	Slama
Brewer	Day	Hansen	McDonnell	

The McKinney amendment, to the committee amendment, lost with 14 ayes, 24 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 126. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to review recent efforts to evaluate the classification system of the Department of Correctional Services and the delivery of clinical and nonclinical programs to its incarcerated population.

In 2021, the Legislature provided funding to the department to conduct a study of its classification system. This study is anticipated to be finished in May 2023. This study is being done by the Nebraska Center for Justice Research of the University of Nebraska.

In Laws 2022, LB896, the Legislature required the department to contract with an academic institution located in Nebraska to evaluate the quality of all clinical programs and some nonclinical programs delivered to the department's incarcerated population. The first clinical program evaluation was started earlier this year by the Nebraska Center for Justice Research of the University of Nebraska.

This interim study shall include, but need not be limited to, a review of the results of the study of the department's classification system and an update on the progress of the program evaluations required by Laws 2022, LB896.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator McKinney offered the following amendment, to the committee amendment:

[AM1605](#)

(Amendments to Standing Committee amendments, AM915)

1 1. On page 88, line 2, after the period insert "It is the intent of
2 the Legislature that such grants not be reimbursed by the grantees.".

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator McKinney moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Senator McKinney requested a roll call vote, in reverse order, on his amendment, to the committee amendment.

Voting in the affirmative, 29:

Aguilar	Brandt	Dover	Ibach	Vargas
Armendariz	Cavanaugh, J.	Dungan	Jacobson	von Gillern
Ballard	Cavanaugh, M.	Fredrickson	Linehan	Walz
Blood	Conrad	Holdercroft	McKinney	Wayne
Bosn	DeBoer	Hughes	Raybould	Wishart
Bostar	Dorn	Hunt	Sanders	

Voting in the negative, 8:

Albrecht	Erdman	Hardin	Lowe
Clements	Halloran	Lippincott	Moser

Present and not voting, 5:

Arch	DeKay	Kauth	Murman	Riepe
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Excused and not voting, 7:

Bostelman	Briese	Hansen	Slama
Brewer	Day	McDonnell	

The McKinney amendment, to the committee amendment, was adopted with 29 ayes, 8 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1597](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 39, after line 24 insert the following new paragraph:
- 2 "The department shall not use or allocate federal Temporary
- 3 Assistance for Needy Families funds for projects over \$5,000,000 without
- 4 specific legislative appropriation."
- 5 2. On page 46, after line 29 insert the following new paragraph:
- 6 "The department shall not use or allocate federal Temporary
- 7 Assistance for Needy Families funds for projects over \$5,000,000 without
- 8 specific legislative appropriation."
- 9 3. On page 51, after line 5 insert the following new paragraph:
- 10 "The department shall not use or allocate federal Temporary
- 11 Assistance for Needy Families funds for projects over \$5,000,000 without
- 12 specific legislative appropriation."

The M. Cavanaugh amendment, to the committee amendment, lost with 9 ayes, 28 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Moser filed the following amendment to [LB818](#):
[AM1584](#)

(Amendments to Standing Committee amendments, AM1172)

- 1 1. On page 41, strike lines 17 through 21; and renumber the 2 remaining subsections accordingly.
- 3 2. On page 45, lines 5 and 6, strike the new matter.

Senator Clements filed the following amendment to [LB813](#):
[AM1591](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 814. Committee [AM915](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA85](#)

Strike Section 177.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment, to the committee amendment.

The M. Cavanaugh amendment, to the committee amendment, lost with 8 ayes, 29 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Speaker Arch offered the following motion:

[MO1012](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 35 ayes, 3 nays, and 11 not voting.

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

Voting in the affirmative, 38:

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

Voting in the negative, 3:

Cavanaugh, M. Hunt McKinney

Present and not voting, 4:

Cavanaugh, J. Dungan Raybould Wayne

Excused and not voting, 4:

Albrecht Brewer Briese Day

The Arch motion to invoke cloture prevailed with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB724.

Senator Conrad name added to LB774.

VISITORS

Visitors to the Chamber were students from Seward Elementary School, Seward; students from Adams Central, Hastings; students from Wood River Elementary, Wood River; Julie Jacobson, North Platte.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 8:23 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Thursday, May 4, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-SECOND DAY - MAY 4, 2023

LEGISLATIVE JOURNAL

ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 4, 2023

PRAYER

The prayer was offered by Senator Murman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Erdman.

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 Blood and Briese who were excused; and Senators Bostar, Bostelman, Conrad, Day, DeBoer, Dover, Hunt, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

AMENDMENT - Print in Journal

Senator Raybould filed the following amendment to [LB754](#):
[AM1517](#)

(Amendments to Standing Committee amendments, AM906)

- 1 1. On page 8, line 17, after the comma insert "except as otherwise
- 2 provided in subsection (8) of this section."
- 3 2. On page 10, after line 18 insert the following new subsection:
- 4 "(8)(a) On or before July 15, 2023, and on or before July 15 of each
- 5 year thereafter, the Tax Commissioner shall certify the rate reduction
- 6 scheduled to begin pursuant to subdivision (2)(c) of this section for the
- 7 immediately following January 1 if:
- 8 (i) The actual General Fund net receipts for the most recently
- 9 completed fiscal year are equal to or greater than the actual General
- 10 Fund net receipts for the previous fiscal year increased by the inflation

11 percentage plus three percent;

12 (ii) The balance of the Cash Reserve Fund is at least equal to
13 sixteen percent of the total General Fund expenditures for the most
14 recently completed fiscal year; and

15 (iii) The actual General Fund net receipts for the second most
16 recently completed fiscal year are at least equal to ninety-eight percent
17 of the actual General Fund net receipts for the third most recently
18 completed fiscal year.

19 (b) If the conditions in subdivision (8)(a) of this section are not
20 met, the Tax Commissioner shall suspend the rate reduction scheduled to
21 begin pursuant to subdivision (2)(c) of this section for the immediately
22 following January 1. Such suspension shall end when the conditions in
23 subdivision (8)(a) of this section are met. When that occurs, the
24 suspended rate reduction shall go into effect on the immediately
25 following January 1. Any subsequent rate reductions under subdivision (2)

26 (c) of this section shall go into effect on a modified schedule that
1 takes into account any suspensions occurring under this subsection.
2 (c) For purposes of this subsection, inflation percentage means the
3 percentage change in the Consumer Price Index for All Urban Consumers for
4 the twelve-month period ending on the immediately preceding December
5 31."

6 3. On page 42, line 1, strike "subsection (2)", show as stricken,
7 and insert "subsections (2) and (5)".

8 4. On page 44, after line 1 insert the following new subsection:

9 "(5)(a) On or before July 15, 2023, and on or before July 15 of each
10 year thereafter, the Tax Commissioner shall certify the rate reduction
11 scheduled to begin pursuant to subsection (1) of this section for the
12 immediately following January 1 if:

13 (i) The actual General Fund net receipts for the most recently
14 completed fiscal year are equal to or greater than the actual General
15 Fund net receipts for the previous fiscal year increased by the inflation
16 percentage plus three percent;

17 (ii) The balance of the Cash Reserve Fund is at least equal to
18 sixteen percent of the total General Fund expenditures for the most
19 recently completed fiscal year; and

20 (iii) The actual General Fund net receipts for the second most
21 recently completed fiscal year are at least equal to ninety-eight percent
22 of the actual General Fund net receipts for the third most recently
23 completed fiscal year.

24 (b) If the conditions in subdivision (5)(a) of this section are not
25 met, the Tax Commissioner shall suspend the rate reduction scheduled to
26 begin pursuant to subsection (1) of this section for the immediately
27 following January 1. Such suspension shall end when the conditions in
28 subdivision (5)(a) of this section are met. When that occurs, the
29 suspended rate reduction shall go into effect on the immediately
30 following January 1. Any subsequent rate reductions under subsection (1)
31 of this section shall go into effect on a modified schedule that takes
1 into account any suspensions occurring under this subsection.

2 (c) For purposes of this subsection, inflation percentage means the
3 percentage change in the Consumer Price Index for All Urban Consumers for
4 the twelve-month period ending on the immediately preceding December
5 31."

GENERAL FILE

LEGISLATIVE BILL 818. Title read. Considered.

Committee [AM1172](#), found on page 1318, was offered.

Senator Moser offered [AM1584](#), found on page 1348, to the committee amendment.

The Moser amendment, to the committee amendment, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Ibach filed the following amendment to [LB50](#):
[AM1610](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 818. Committee [AM1172](#), found on page 1318 and considered in this day's Journal, was renewed.

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

[AM1609](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. On page 39, line 9, strike "five hundred seventy-four" and insert
2 "four hundred forty-nine".

SENATOR DEBOER PRESIDING

Pending.

VISITORS

Visitors to the Chamber were students from Malcolm Public School, Malcolm; members of Community Action of Nebraska; students and sponsors from St. Patrick Elementary, McCook; students from Patriot Elementary, Papillion.

RECESS

At 11:56 a.m., on a motion by Senator Fredrickson, the Legislature recessed until 1:00 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Blood and Briese who were excused; and Senators Armendariz, Ballard, Bosn, Bostar, Conrad, Day, Dorn, Dover, B. Hansen, Hunt, Ibach, Jacobson, Kauth, Linehan, Riepe, Vargas, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 818. Committee [AM1172](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator J. Cavanaugh renewed [AM1609](#), found and considered in this day's Journal, to the committee amendment.

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

Senator Erdman requested a roll call vote on the J. Cavanaugh amendment, to the committee amendment.

Voting in the affirmative, 11:

Cavanaugh, J.	Day	Hunt	Walz
Cavanaugh, M.	Dungan	McKinney	Wayne
Conrad	Fredrickson	Raybould	

Voting in the negative, 32:

Aguilar	Brandt	Halloran	Linehan	Slama
Albrecht	Brewer	Hansen	Lippincott	Vargas
Arch	Clements	Hardin	Lowe	von Gillern
Armendariz	DeKay	Holdcroft	McDonnell	Wishart
Ballard	Dorn	Hughes	Moser	
Bosn	Dover	Ibach	Murman	
Bostelman	Erdman	Kauth	Sanders	

Present and not voting, 1:

DeBoer

Excused and not voting, 5:

Blood	Bostar	Briese	Jacobson	Riepe
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The J. Cavanaugh amendment, to the committee amendment, lost with 11 ayes, 32 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

[AM1608](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Strike section 16 and insert the following new section:

2 Sec. 16. Section 71-7611, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars
6 on or before July 15, 2014, (b) sixty million three hundred fifty
7 thousand dollars on or before July 15, 2015, (c) sixty million three
8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
9 million seven hundred thousand dollars on or before July 15, 2017, (e)
10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
11 million six hundred thousand dollars on or before July 15, 2018, (g)
12 sixty-two million dollars on or before July 15, 2019, (h) sixty-one
13 million four hundred fifty thousand dollars on or before July 15, 2020,
14 (i) sixty-six million two hundred thousand dollars on or before July 15,
15 2022, and (j) sixty-one million seven hundred thousand dollars on or
16 before July 15, 2023, (k) sixty-one million five hundred thousand dollars
17 on or before July 15, 2024, and (l) fifty-five million four hundred
18 thousand fifty-one million dollars on or before every July 15 thereafter
19 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
20 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund,
21 except that such amount shall be reduced by the amount of the unobligated
22 balance in the Nebraska Health Care Cash Fund at the time the transfer is
23 made. The state investment officer shall advise the State Treasurer on
24 the amounts to be transferred first from the Nebraska Medicaid
25 Intergovernmental Trust Fund until the fund balance is depleted and from
26 the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain
1 such transfers in perpetuity. The state investment officer shall report
2 electronically to the Legislature on or before October 1 of every even-
3 numbered year on the sustainability of such transfers. The Nebraska
4 Health Care Cash Fund shall also include money received pursuant to
5 section 77-2602. Except as otherwise provided by law, no more than the
6 amounts specified in this subsection may be appropriated or transferred
7 from the Nebraska Health Care Cash Fund in any fiscal year.
8 The State Treasurer shall transfer ten million dollars from the
9 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
10 June 28, 2018, and June 28, 2019.
11 Except as otherwise provided in subsections (5) and (6) and (7) of
12 this section, it is the intent of the Legislature that no additional
13 programs are funded through the Nebraska Health Care Cash Fund until
14 funding for all programs with an appropriation from the fund during
15 FY2012-13 are restored to their FY2012-13 levels.
16 (2) Any money in the Nebraska Health Care Cash Fund available for
17 investment shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.
20 (3) The University of Nebraska and postsecondary educational
21 institutions having colleges of medicine in Nebraska and their affiliated
22 research hospitals in Nebraska, as a condition of receiving any funds
23 appropriated or transferred from the Nebraska Health Care Cash Fund,
24 shall not discriminate against any person on the basis of sexual
25 orientation.
26 (4) ~~The State Treasurer shall transfer fifty thousand dollars on or~~
27 ~~before July 15, 2016, from the Nebraska Health Care Cash Fund to the~~
28 ~~Board of Regents of the University of Nebraska for the University of~~
29 ~~Nebraska Medical Center. It is the intent of the Legislature that these~~
30 ~~funds be used by the College of Public Health for workforce training.~~
31 (4) (5) It is the intent of the Legislature that the cost of the
1 staff and operating costs necessary to carry out the changes made by Laws
2 2018, LB439, and not covered by fees or federal funds shall be funded
3 from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and
4 2019-20.
5 (5) (6) It is the intent of the Legislature to fund the grants to be

6 awarded pursuant to section 75-1101 with the Nebraska Health Care Cash
7 Fund for FY2019-20 and FY2020-21.

8 (6) (7) The State Treasurer shall transfer fifteen million dollars
9 from the Nebraska Health Care Cash Fund on or after July 1, 2022, but
10 before June 30, 2023, to the Board of Regents of the University of
11 Nebraska for the University of Nebraska Medical Center for pancreatic
12 cancer research at the University of Nebraska Medical Center. Transfers
13 from the Nebraska Health Care Cash Fund in this subsection shall be
14 contingent upon receipt of any matching funds from private or other
15 sources, up to fifteen million dollars, certified by the budget
16 administrator of the budget division of the Department of Administrative
17 Services. Upon receipt of any matching funds certified by the budget
18 administrator, the State Treasurer shall transfer an equal amount of
19 funds to the Board of Regents of the University of Nebraska.

The Wayne amendment, to the committee amendment, was adopted with 28
ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

Senator McKinney offered the following amendment, to the committee
amendment:

[AM1613](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Insert the following new section:
2 Sec. 35. Section 83-973, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 83-973 The Prison Overcrowding Contingency Fund is created. The
5 State Treasurer shall transfer fifteen million dollars from the General
6 Fund to the Prison Overcrowding Contingency Fund on or before July 15,
7 2021, on such date as directed by the budget administrator of the budget
8 division of the Department of Administrative Services. It is the intent
9 of the Legislature that these funds remain in the Prison Overcrowding
10 Contingency Fund until sufficient details are provided to the Legislature
11 regarding plans to reduce prison overcrowding, except that (1) the fund
12 may be used for purposes of a study of inmate classification within the
13 Department of Correctional Services, and (2) transfers may be made to the
14 Vocational and Life Skills Programming Fund at the direction of the
15 Legislature, and (3) any money transferred from the Cash Reserve Fund to
16 the Prison Overcrowding Contingency Fund shall be transferred to the
17 Nebraska Capital Construction Fund contingent on (a) the Department of
18 Correctional Services, in conjunction with the Department of
19 Administrative Services, demolishing the Nebraska State Penitentiary, (b)
20 completion of a study of programming fidelity, including, but not limited
21 to, what is working, what is not working and the reasons for such
22 failure, and what needs to be done to improve programming regarding
23 correctional facilities in the state, (c) completion of a study of staff
24 needs in correctional facilities and mental health services in
25 correctional facilities in the state, and (d) passage of Legislative Bill
26 348, One Hundred Eighth Legislature, First Session, 2023, enacting the
1 Community Work Release and Treatment Centers Act. Any money in the Prison
2 Overcrowding Contingency Fund available for investment shall be invested
3 by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.
5 2. On page 36, line 20, strike "eighty-two" and insert "twelve";
6 after line 25 insert the following new subsection:
7 "(7) The State Treasurer shall transfer seventy million dollars from
8 the Cash Reserve Fund to the Prison Overcrowding Contingency Fund on or
9 after July 1, 2023, but before June 30, 2024, on such dates and in such
10 amounts as directed by the budget administrator of the budget division of
11 the Department of Administrative Services."; and renumber the remaining
12 subsections accordingly.
13 3. Renumber the remaining sections accordingly.

SENATOR DORN PRESIDING

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

Pending.

AMENDMENT - Print in Journal

Senator Wayne filed the following amendment to LB705:

AM1513

(Amendments to Standing Committee amendments, AM1468)

1 1. Insert the following new sections:

2 Sec. 65. Section 79-566, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-566 The board of education of a Class IV school district shall at
5 a regular meeting elect from outside its own members a superintendent, an
6 associate superintendent of instruction, an associate superintendent of
7 business affairs, a school district treasurer, and the number of
8 employees the board of education may deem necessary for the proper
9 conduct of the affairs of the school district at such compensation
10 salaries as the board of education may determine, except that the
11 compensation of the superintendent shall comply with the Superintendent
12 Pay Transparency Act. The board may contract with them for terms not to
13 exceed three years. The election of all officers of the board of
14 education and all elections for filling vacancies on the board of
15 education shall be by ballot. No person shall be declared elected unless
16 he or she receives the vote of a majority of all the members of the board
17 of education.

18 Sec. 66. Section 79-567, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-567 The members of the board of education of a Class V school
21 district, at their regular meeting in January each year, shall elect a
22 president and vice president from their own members, who shall serve for
23 terms of one year or until their successors are elected and qualified.
24 The members of the board of education may also select from outside their
25 own members one superintendent of public schools, one secretary, one
26 treasurer, and such other officers as the board may deem necessary for
1 the administration of the affairs of the school district, at such
2 compensation salary as the board may deem just, except that the
3 compensation of the superintendent shall comply with the Superintendent
4 Pay Transparency Act. The members of the board of education, and in their
5 discretion, they may enter into contracts with such officers for terms of
6 not to exceed three years. The board shall have the power to elect its
7 president and vice president and to select its officers and employees in
8 accordance with rules adopted by the board.

9 Sec. 67. Section 79-594, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-594 The school board in a Class III or IV school district may
12 also elect at any regular meeting one superintendent of public
13 instruction with such compensation salary as the board deems best, except
14 that such compensation shall comply with the Superintendent Pay
15 Transparency Act. The board and may enter into contract with the
16 superintendent him or her at its discretion, for a term not to exceed
17 three years.

18 Sec. 83. Section 79-1219, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-1219 Each board of an educational service unit deciding to

21 provide supplementary services shall appoint and fix the ~~compensation and~~
 22 duties of an administrator, who shall be a person experienced in public
 23 school administration and who shall hold at least a standard
 24 administrative certificate. The board shall fix the compensation of the
 25 administrator, except that such compensation shall comply with the
 26 Superintendent Pay Transparency Act. With the advice of the
 27 administrator, the board shall also employ and fix the compensation and
 28 duties of such professional and clerical assistants as shall be
 29 necessary. No board member of an educational service unit shall be
 30 employed by the educational service unit board on which he or she is a
 31 board member.

1 Sec. 88. Section 79-2401, Reissue Revised Statutes of Nebraska, is
 2 amended to read:

3 79-2401 Sections 79-2401 to 79-2405 and sections 89 and 90 of this
 4 act shall be known and may be cited as the Superintendent Pay
 5 Transparency Act.

6 Sec. 89. For purposes of the Superintendent Pay Transparency Act:

7 (1) Benefit means any amount, not included in salary, to be paid
 8 during the contract year or to be paid in the future by a school district
 9 or educational service unit in exchange for the personal services
 10 performed during such contract year resulting in a benefit for the
 11 employee or the family of the employee including, but not limited to, (a)
 12 employer contributions pursuant to the School Employees Retirement Act or
 13 the Class V School Employees Retirement Act, (b) early retirement
 14 inducements as defined in section 79-978 for employees of Class V school
 15 districts and as defined in section 79-902 for employees of all other
 16 school districts and educational service units, (c) cash awards paid by
 17 the school district or educational service unit, (d) severance pay, (e)
 18 employer contributions made for the purpose of separation payments to be
 19 made at retirement, (f) employer contributions to annuities, (g) employer
 20 contributions to group life, health, or disability insurance premiums,
 21 (h) payments made to an employee in lieu of employer contributions to
 22 insurance premiums, and (i) the maximum cash payment for potential unused
 23 leave of any type that could be accrued during such contract year;

24 (2) Compensation means a reasonable estimate of the total amount of
 25 salary and benefits to be paid by a school district or educational
 26 service unit in exchange for personal services performed during a
 27 contract year;

28 (3) Compensation for a beginning teacher means compensation expected
 29 to be paid by a school district or educational service unit for the first
 30 year of teaching by a certificated teacher assuming such certificated
 31 teacher receives the maximum benefits generally available to a teacher
 1 who does not receive additional compensation for duties beyond the
 2 standard teaching contract; and

3 (4) Salary means gross wages to be paid in exchange for personal
 4 services performed during the contract year and includes (a) overtime
 5 pay, (b) member contributions pursuant to the School Employees Retirement
 6 Act or the Class V School Employees Retirement Act, and (c) amounts
 7 contributed to plans under section 125, 403(b), or 457 of the Internal
 8 Revenue Code or any other section of the code which defers or excludes
 9 such amounts from income.

10 Sec. 90. (1) On and after the operative date of this section, no
 11 school district or educational service unit may enter into any contract
 12 with a superintendent for services to be rendered to a school district or
 13 an administrator for services to be rendered to an educational service
 14 unit if such contract will cause, by the terms of such contract or in
 15 combination with existing contracts, such school district or educational
 16 service unit to pay compensation for any contract year to or on behalf of
 17 such superintendent or administrator in excess of five times the
 18 compensation for a beginning teacher in such school district or

19 educational service unit for the same contract year.

20 (2) For purposes of this section:

21 (a) If a superintendent of a school district also receives

22 compensation from an educational service unit in which such school

23 district is a member, such compensation shall be deemed compensation from

24 such school district; and

25 (b) If an administrator of an educational service unit receives

26 compensation from a school district which is a member of such educational

27 service unit, such compensation shall be deemed compensation from such

28 educational service unit.

29 (3) Any contract entered into in violation of this section shall be

30 invalid, and money belonging to a school district or educational service

31 unit shall not be expended on such a contract.

1 (4) Any compensation received by a superintendent or administrator

2 in violation of the limitations in this section shall be forfeited by

3 such superintendent or administrator and returned to the school district

4 or educational service unit, and a notice regarding such excess

5 compensation shall be filed with the Commissioner of Education within

6 thirty days after the superintendent, administrator, school board, or

7 board of the educational service unit becomes aware of such violation.

8 Sec. 91. Section 79-2402, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 79-2402 (1) Before the school board of any school district or the

11 board of any educational service unit approves a proposed contract, or

12 any proposed amendment to an existing contract, for future superintendent

13 services to be rendered to such school district by the current

14 superintendent or future administrator services to be rendered to such

15 educational service unit by the current administrator, the board shall

16 publish a copy of such proposed contract or amendment, ~~and~~ a reasonable

17 estimate and description of all current and future costs to the school

18 district or educational service unit if the proposed contract or

19 amendment were to be approved, and the maximum total compensation allowed

20 for the superintendent or administrator pursuant to section 90 of this

21 act at least three days before the meeting of the board at which such

22 proposed contract or amendment will be considered. Such publication shall

23 also specify the date, time, and place of the public meeting at which the

24 proposed contract or amendment will be considered. Electronic publication

25 on the website of the school district or educational service unit shall

26 satisfy the requirement of this subsection if such electronic publication

27 is prominently displayed and allows public access to the entire proposed

28 contract or amendment and all other information required by this section.

29 (2) After the school board of any school district or the board of

30 any educational service unit approves a contract for future

31 superintendent services to be rendered to such school district by a new

1 superintendent or future administrator services to be rendered to such

2 educational service unit by a new administrator, the board shall publish

3 a copy of such contract, and a reasonable estimate and description of all

4 current and future costs to the school district or educational service

5 unit that will be incurred as a result of such contract, within two days

6 after the meeting of the board at which such contract was approved.

7 Electronic publication on the website of the school district or

8 educational service unit shall satisfy the requirement of this subsection

9 if such electronic publication is prominently displayed and allows public

10 access to the entire contract.

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

12 sections added by this amendment become operative three calendar months

13 after the adjournment of this legislative session.

14 3. Renumber the remaining sections and correct internal references

15 accordingly.

GENERAL FILE

LEGISLATIVE BILL 818. Committee [AM1172](#), found on page 1318 and considered in this day's Journal, was renewed.

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

[AM1616](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. On page 24, line 13, strike "and"; in line 18 strike the period
 2 and insert "; and"; and after line 18 insert the following new
 3 subdivision:
 4 "(m) Identification, evaluation, and development of large commercial
 5 and industrial sites and building infrastructure to attract major
 6 investment and employment opportunities for advanced manufacturing,
 7 processing, trade, technology, aerospace, automotive, clean energy, life
 8 science, and other transformational industries in Nebraska by means of
 9 the department providing grants to or partnering with political
 10 subdivisions, including inland port authorities under the Municipal
 11 Inland Port Authority Act, or nonprofit economic development corporations
 12 and entering into contracts for consulting, engineering, and development
 13 studies to identify, evaluate, and develop large commercial and
 14 industrial sites in Nebraska."

The McDonnell amendment, to the committee amendment, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA86](#)

Strike Section 1.

The M. Cavanaugh amendment, to the committee amendment, was withdrawn.

Senator McKinney offered the following amendment, to the committee amendment:

[AM1633](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Insert the following new section:
 2 Sec. 35. Section 83-973, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 83-973 The Prison Overcrowding Contingency Fund is created. The
 5 State Treasurer shall transfer fifteen million dollars from the General
 6 Fund to the Prison Overcrowding Contingency Fund on or before July 15,
 7 2021, on such date as directed by the budget administrator of the budget
 8 division of the Department of Administrative Services. It is the intent
 9 of the Legislature that these funds remain in the Prison Overcrowding
 10 Contingency Fund until sufficient details are provided to the Legislature
 11 regarding plans to reduce prison overcrowding, except that (1) the fund
 12 may be used for purposes of a study of inmate classification within the
 13 Department of Correctional Services, and (2) transfers may be made to the
 14 Vocational and Life Skills Programming Fund at the direction of the
 15 Legislature, and (3) any money transferred from the Cash Reserve Fund to

16 the Prison Overcrowding Contingency Fund shall be transferred to the
 17 Nebraska Capital Construction Fund contingent on (a) completion of a
 18 classification study regarding correctional facilities in the state, (b)
 19 completion of a study of programming fidelity, including, but not limited
 20 to, what is working, what is not working and the reasons for such
 21 failure, and what needs to be done to improve programming regarding
 22 correctional facilities in the state, and (c) completion of a study of
 23 staff needs in correctional facilities and mental health services in
 24 correctional facilities in the state. Any money in the Prison
 25 Overcrowding Contingency Fund available for investment shall be invested
 26 by the state investment officer pursuant to the Nebraska Capital
 1 Expansion Act and the Nebraska State Funds Investment Act.
 2 2. On page 36, line 20, strike "eighty-two" and insert "twelve";
 3 after line 25 insert the following new subsection:
 4 "(7) The State Treasurer shall transfer seventy million dollars from
 5 the Cash Reserve Fund to the Prison Overcrowding Contingency Fund on or
 6 after July 1, 2023, but before June 30, 2024, on such dates and in such
 7 amounts as directed by the budget administrator of the budget division of
 8 the Department of Administrative Services."; and renumber the remaining
 9 subsections accordingly.
 10 3. Renumber the remaining sections and correct the repealer
 11 accordingly.

PRESIDENT KELLY PRESIDING

Senator McKinney moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator McKinney requested a roll call vote, in reverse order, on his amendment, to the committee amendment.

Voting in the affirmative, 16:

Aguilar	Cavanaugh, M.	Dungan	McKinney
Armendariz	Conrad	Fredrickson	Raybould
Brandt	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	Linehan	Wayne

Voting in the negative, 16:

Albrecht	Erdman	Jacobson	Moser
Ballard	Hardin	Kauth	Murman
Clements	Holdcroft	Lippincott	Sanders
DeKay	Ibach	Lowe	von Gillern

Present and not voting, 9:

Arch	Dorn	Hansen	Riepe	Wishart
Bostelman	Dover	Hughes	Vargas	

Excused and not voting, 8:

Blood	Bostar	Briese	McDonnell
Bosn	Brewer	Halloran	Slama

The McKinney amendment, to the committee amendment, lost with 16 ayes, 16 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

[AM1614](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Insert the following new sections:

2 Sec. 45. For purposes of this section and section 46 of this act:

3 (1) Benefit means any amount, not included in salary, to be paid

4 during the contract year or to be paid in the future by a school district

5 or educational service unit in exchange for the personal services

6 performed during such contract year resulting in a benefit for the

7 employee or the family of the employee including, but not limited to, (a)

8 employer contributions pursuant to the School Employees Retirement Act or

9 the Class V School Employees Retirement Act, (b) early retirement

10 inducements as defined in section 79-978 for employees of Class V school

11 districts and as defined in section 79-902 for employees of all other

12 school districts and educational service units, (c) cash awards paid by

13 the school district or educational service unit, (d) severance pay, (e)

14 employer contributions made for the purpose of separation payments to be

15 made at retirement, (f) employer contributions to annuities, (g) employer

16 contributions to group life, health, or disability insurance premiums,

17 (h) payments made to an employee in lieu of employer contributions to

18 insurance premiums, and (i) the maximum cash payment for potential unused

19 leave of any type that could be accrued during such contract year;

20 (2) Compensation means a reasonable estimate of the total amount of

21 salary and benefits to be paid by a school district or educational

22 service unit in exchange for personal services performed during a

23 contract year;

24 (3) Compensation for a beginning teacher means compensation expected

25 to be paid by a school district or educational service unit for the first

26 year of teaching by a certificated teacher assuming such certificated

1 teacher receives the maximum benefits generally available to a teacher

2 who does not receive additional compensation for duties beyond the

3 standard teaching contract; and

4 (4) Salary means gross wages to be paid in exchange for personal

5 services performed during the contract year and includes (a) overtime

6 pay, (b) member contributions pursuant to the School Employees Retirement

7 Act or the Class V School Employees Retirement Act, and (c) amounts

8 contributed to plans under section 125, 403(b), or 457 of the Internal

9 Revenue Code or any other section of the code which defers or excludes

10 such amounts from income.

11 Sec. 46. (1) On and after July 1, 2023, a school district or

12 educational service unit that receives money under the Tax Equity in

13 Educational Opportunities Support Act or the Education Future Fund shall

14 not enter into any contract with a superintendent for services to be

15 rendered to a school district or an administrator for services to be

16 rendered to an educational service unit if such contract will cause, by

17 the terms of such contract or in combination with existing contracts,

18 such school district or educational service unit to pay compensation for

19 any contract year to or on behalf of such superintendent or administrator

20 in excess of five times the compensation for a beginning teacher in such
 21 school district or educational service unit for the same contract year.
 22 (2) For purposes of this section:
 23 (a) If a superintendent of a school district also receives
 24 compensation from an educational service unit in which such school
 25 district is a member, such compensation shall be deemed compensation from
 26 such school district; and
 27 (b) If an administrator of an educational service unit receives
 28 compensation from a school district which is a member of such educational
 29 service unit, such compensation shall be deemed compensation from such
 30 educational service unit.
 31 (3) Any contract entered into in violation of this section shall be
 1 invalid, and money belonging to a school district or educational service
 2 unit shall not be expended on such a contract.
 3 (4) Any compensation received by a superintendent or administrator
 4 in violation of the limitations in this section shall be forfeited by
 5 such superintendent or administrator and returned to the school district
 6 or educational service unit, and a notice regarding such excess
 7 compensation shall be filed with the Commissioner of Education within
 8 thirty days after the superintendent, administrator, school board, or
 9 board of the educational service unit becomes aware of such violation.
 10 2. Renumber the remaining sections accordingly.

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

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA87](#)

Strike Section 2.

Pending.

EASE

The Legislature was at ease from 5:29 p.m. until 6:01 p.m.

GENERAL FILE

LEGISLATIVE BILL 818. Committee [AM1172](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [FA87](#), found and considered in this day's Journal, to the committee amendment.

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

The M. Cavanaugh amendment, to the committee amendment, was withdrawn.

The Chair declared the call raised.

Senator Clements offered the following amendment, to the committee amendment:

[AM1635](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. On page 24, line 15, strike "first" and insert "second".

The Clements amendment, to the committee amendment, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 127. Introduced by DeBoer, 10; Cavanaugh, J., 9; Conrad, 46; DeKay, 40; Dungan, 26; Holdcroft, 36; Ibach, 44; Linehan, 39; McKinney, 11; Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to conduct a comprehensive examination of court fees as a funding source for the court system and the judicial branch. In Nebraska, fees are assessed as part of the court costs for most, if not all, civil and criminal cases, including those related to traffic citations. The interim study shall include, but need not be limited to, an examination of the following:

- (1) Whether fees should be assessed on all cases or only certain types of cases;
- (2) How court costs and fees in Nebraska compare to other states;
- (3) The appropriateness and effectiveness of court fees as a means of providing funds for the court system or other agencies;
- (4) The prioritization of fees collected and effectiveness of such fees to provide the court with sufficient resources and an analysis of the fees currently collected, the cost of each fee to court users, and how the fees are dispersed; and
- (5) How much political subdivisions pay in court fees and whether any adjustments should be made.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128. Introduced by DeBoer, 10; Conrad, 46; Fredrickson, 20; Holdcroft, 36; Ibach, 44; McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to investigate the ability of the Nebraska Crime Victim's Reparations Act to properly serve victims. The Nebraska Crime Victim's Reparations Act is intended to provide compensation to innocent victims of crime for certain expenses related to the criminal offense. The Nebraska Crime Victim's Reparations Act is funded through the federal Victims of Crime Act, state General Fund appropriations, and Cash Funds. The study shall include, but need not be limited to:

(1) An examination of issues relating to claims filed under the Nebraska Crime Victim's Reparations Act, the timeline applicants face to receive reimbursement under the act, the timeline faced by those whose claims were denied to have their appeal heard, the reasoning as to why claims were denied, the type of crimes committed leading to applications, the geographic breakdown of where applicants are from and where the crime was committed, and a comparison of denied applicants and approved applicants on a basis of the crime committed;

(2) A review of statutory and regulatory requirements for the Crime Victim's Reparations Committee and what changes could be made to assist the committee in its ability to efficiently meet, approve, deny, or hear appeals of claims;

(3) A determination of whether the resources provided to the Nebraska Crime Victim's Reparations Act are sufficient to meet the needs of the act to properly and efficiently support victims, including, but not limited to, staff resources and financial aid from all sources;

(4) An evaluation of the outcomes from the Council of State Governments Justice Center study of the act, recommendations made by the study, what recommendations have been accepted and implemented already, what steps are being made to implement any other recommendations made, and statutory or regulatory barriers to making those recommended changes;

(5) An examination of statutory and regulatory barriers that might prevent the act from working effectively to serve innocent victims of crime in Nebraska; and

(6) An analysis of crime victim's reparation programs of other states, including, but not limited to, the similarities and differences between those programs and the Nebraska Crime Victim's Reparations Act.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129. Introduced by DeKay, 40.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the shortage of sports officials in Nebraska including, but not limited to, the shortage of officials registered by the Nebraska Schools Activities Association for the sports of baseball, basketball, football, softball, soccer, swimming and diving, track and field, volleyball, and wrestling.

In order to carry out the purposes of this resolution, the committee shall consider the input of the Nebraska Schools Activities Association.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 818. Committee [AM1172](#), found on page 1318 and considered in this day's Journal, was renewed.

Senator Conrad offered the following amendment, to the committee amendment:

[AM1564](#)

(Amendments to Standing Committee amendments, AM1172)

- 1 1. Strike section 34.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

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

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA88](#)

Strike Section 3.

The M. Cavanaugh amendment, to the committee amendment, was withdrawn.

Senator Conrad offered the following amendment, to the committee amendment:

[FA89](#)

In Section 34, strike in the new language lines 11-14, and renumber the remaining sections and correct internal references and the repealer accordingly.

Speaker Arch offered the following motion:

[MO1013](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

The Arch motion to invoke cloture prevailed with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The Conrad amendment, to the committee amendment, lost with 8 ayes, 30 nays, 5 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 813. Title read. Considered.

Committee [AM1169](#), found on page 1318, was offered.

SPEAKER ARCH PRESIDING

Senator Clements offered [AM1591](#), found on page 1348, to the committee amendment.

The Clements amendment, to the committee amendment, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1625](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 18.
- 2 2. Renumber the remaining sections and correct internal references
- 3 3 accordingly.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 6 ayes, 25 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1626](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 19.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 2 ayes, 27 nays, 7 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1627](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 20.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Pending.

AMENDMENT - Print in Journal

Senator Wayne filed the following amendment to LB813:

[AM1621](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Insert the following new section:
- 2 Sec. 9. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION
- 3 (1) A school district or educational service unit that receives
- 4 money under the Tax Equity in Educational Opportunities Support Act or
- 5 the Education Future Fund shall not enter into any contract with a
- 6 superintendent for services to be rendered to a school district or an
- 7 administrator for services to be rendered to an educational service unit
- 8 if such contract will cause, by the terms of such contract or in
- 9 combination with existing contracts, such school district or educational
- 10 service unit to pay compensation for any contract year to or on behalf of
- 11 such superintendent or administrator in excess of five times the
- 12 compensation for a beginning teacher in such school district or
- 13 educational service unit for the same contract year.
- 14 (2) If a superintendent of a school district also receives
- 15 compensation from an educational service unit in which such school
- 16 district is a member, such compensation shall be deemed compensation from
- 17 such school district. If an administrator of an educational service unit
- 18 receives compensation from a school district that is a member of such
- 19 educational service unit, such compensation shall be deemed compensation
- 20 from such educational service unit.
- 21 (3) Any contract entered into in violation of this section shall be
- 22 invalid. Any money that the school district or educational service unit
- 23 would have received under the Tax Equity in Educational Opportunities
- 24 Support Act or the Education Future Fund shall be returned to the State

25 Department of Education. Any such money that has not been disbursed shall
26 be withheld from such school district or educational service unit.
1 (4) Any compensation received by a superintendent or administrator
2 in violation of this section shall be forfeited by such superintendent or
3 administrator and returned to the school district or educational service
4 unit, and a notice regarding such excess compensation shall be filed with
5 the Commissioner of Education within thirty days after the
6 superintendent, administrator, school board, or board of the educational
7 service unit becomes aware of such violation.
8 2. Renumber the remaining sections and correct internal references
9 accordingly.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Conrad name added to LB632.

Senator Ibach name added to LR124.

Senator Ibach name added to LR125.

VISITORS

Visitors to the Chamber were students and teachers from St. Mary's School, O'Neill; students from Skyview Learning Academy, Douglas; students from Swanson Elementary, Omaha; students from Battle Creek Elementary, Battle Creek.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

ADJOURNMENT

At 9:01 p.m., on a motion by Senator Lippincott, the Legislature adjourned until 9:00 a.m., Friday, May 5, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 5, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 5, 2023

PRAYER

The prayer was offered by Senator DeBoer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bosn.

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 Albrecht and Briese who were excused; and Senators Blood, Bostar, J. Cavanaugh, Day, Dover, Fredrickson, B. Hansen, Hunt, McKinney, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 4, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
Completely Kids
Ewer, Brett
CrossFit, LLC (Withdrawn 04/27/2023)

Full, Brianna
Spark
Gutman, Daniel
ACLU Nebraska (Withdrawn 05/02/2023)
Higgins, Shirley
Nebraska Public Power District (Withdrawn 04/28/2023)
Keener, Chris
U.S. Term Limits (Withdrawn 05/02/2023)
Loeffler, Michael T.
Northern Natural Gas (Withdrawn 05/01/2023)
Rathner, Todd
Firearms Policy Coalition (Withdrawn 05/03/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

GENERAL FILE

LEGISLATIVE BILL 813. Committee [AM1169](#), found on page 1318 and considered on page 1367, was renewed.

Senator M. Cavanaugh renewed [AM1627](#), found and considered on page 1368, to the committee amendment.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 1 aye, 34 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1628](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 27.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 30 nays, 8 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 92A. Placed on Select File.
LEGISLATIVE BILL 227A. Placed on Select File.

LEGISLATIVE BILL 138A. Placed on Final Reading.
LEGISLATIVE BILL 254A. Placed on Final Reading.
LEGISLATIVE BILL 683A. Placed on Final Reading.

LEGISLATIVE BILL 799A. Placed on Final Reading.
[ST11](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriations" in line 1 through line 4 has been struck and "appropriations; to amend section 19, Legislative Bill 816, One Hundred Eighth Legislature, First Session, 2023; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, One Hundred Eighth Legislature, First Session, 2023; to provide operative dates; to repeal the original section; and to declare an emergency." inserted.

(Signed) Beau Ballard, Chairperson

GENERAL FILE

LEGISLATIVE BILL 813. Committee [AM1169](#), found on page 1318 and considered on page 1367 and in this day's Journal, was renewed.

Senator Wayne withdrew [AM1621](#), found on page 1368, to the committee amendment

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1629](#)

(Amendments to Standing Committee amendments, AM1169)

1 1. On page 8, strike lines 6 through 22 and show the old matter as
2 stricken.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion failed with 8 ayes, 8 nays, and 33 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 27 nays, 13 present and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1630](#)

(Amendments to Standing Committee amendments, AM1169)

1 1. Strike section 35.
2 2. Renumber the remaining sections and correct internal references
3 and the repealer accordingly.

The M. Cavanaugh amendment, to the committee amendment, lost with 2 ayes, 21 nays, 17 present and not voting, and 9 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 130. Introduced by Ballard, 21.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the potential construction of the proposed East Beltway administered jointly by the City of Lincoln and Lancaster County and analyze various potential policies to incentivize the completion of the East Beltway.

(1) The interim study shall include, but need not be limited to:

(a) A completed economic analysis detailing the financial impact of the East Beltway to the State of Nebraska;

(b) A review of potential policy or statutory changes that would help incentivize the creation of the East Beltway;

(c) An examination of any federal assistance that could assist in the financing of the East Beltway; and

(d) A review of any other information deemed important for purposes of the study by the committee.

(2) In order to carry out the purpose of this resolution, the committee shall seek the input of:

(a) The Nebraska Department of Transportation, preferably its director or in the alternative another designee;

(b) Elected officials representing areas that will be impacted by the creation of the East Beltway;

(c) The City of Lincoln Transportation and Utilities Department, preferably its director or in the alternative another designee;

(d) The office of the Lancaster County Engineer, preferably the County Engineer or in the alternative another designee;

(e) The Nebraska congressional delegation to provide input on financing opportunities;

(f) The Nebraska Chamber of Commerce and Industry, local chambers of commerce, and other business organizations;

(g) Statewide associations of contractors, engineers, and engineering firms; and

(h) Any other interested parties.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131. Introduced by Hughes, 24; Ballard, 21; Blood, 3; Bostelman, 23; Brandt, 32; DeBoer, 10; DeKay, 40; Dorn, 30; Dungan, 26; Erdman, 47; Fredrickson, 20; Halloran, 33; Holdcroft, 36; Ibach, 44; Jacobson, 42; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Vargas, 7; Walz, 15; Wishart, 27.

WHEREAS, on July 15, 2022, Jesse Rood from Seward, Nebraska, broke a world record in axe throwing during the opening ceremonies of the 2022 Cornhusker State Games at Seacrest Field in Lincoln, Nebraska; and

WHEREAS, Jesse broke the record by throwing an axe to a target from ninety feet away; and

WHEREAS, Jesse smashed the previous record throw of seventy-two feet and came close to breaking the record he just set with an attempted throw of one-hundred twenty feet.

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

1. That the Legislature congratulates Jesse Rood on breaking a world record with his ninety-foot axe throw.

2. That a copy of this resolution be sent to Jesse Rood.

Laid over.

LEGISLATIVE RESOLUTION 132. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the plausibility of the State of Nebraska becoming a participant in the Dentist and Dental Hygienist Compact. The Dentist and Dental Hygienist Compact consists of a partnership between the Council of State Governments, the Department of Defense, and the American Dental Hygienists' Association. The compact intends to support the mobility of licensed dentists and dental hygienists through the development of a new interstate compact. This compact will create reciprocity among participant states and reduce the barriers to license portability.

Currently, if a dentist or dental hygienist from a nearby state wants to practice in the State of Nebraska, the completion of an application process of licensure is required. With the Dentist and Dental Hygienist Compact, a temporary license may be issued to a dental health professional to allow faster reentry into patient care.

The study shall include, but need not be limited to:

(1) An examination of the depth of the deficit of dental health professionals in Nebraska;

(2) A review of the number of licensed dental health professionals located in compact participating states; and

(3) A recommendation relating to the extent of Nebraska's participation in the Dentist and Dental Hygienist Compact.

To carry out the purpose of this resolution, the committee shall seek the assistance of the Nebraska Department of Health and Human Services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 813. Committee [AM1169](#), found on page 1318 and considered on page 1367 and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1631](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 39.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 7 nays, and 33 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 29 nays, 8 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[AM1632](#)

(Amendments to Standing Committee amendments, AM1169)

- 1 1. On page 18, strike lines 17 through 19 and show the old matter as
- 2 stricken.

SENATOR SLAMA PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion failed with 5 ayes, 9 nays, and 35 not voting.

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

The M. Cavanaugh amendment lost with 0 ayes, 23 nays, 1 present and not voting, 10 absent and not voting, and 15 excused and not voting.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh requested a point of order on whether a quorum was present.

The Chair ruled that there was a quorum present

Senator M. Cavanaugh moved for a call of the house. The motion failed with 10 ayes, 10 nays, and 29 not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA90](#)

Strike Section 1.

The M. Cavanaugh amendment, to the committee amendment, was withdrawn.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 10 nays, and 27 not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA91](#)

Strike Section 34.

PRESIDENT KELLY PRESIDING

Senator Hunt moved for a call of the house. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 37 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 705. Placed on Select File with amendment.
[ER30](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

AMENDMENT - Print in Journal

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

[AM1556](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 30-2626, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 30-2626 (a) If a person alleged to be incapacitated has no guardian
6 and an emergency exists, the court may, pending notice and hearing; ~~;~~
7 ~~(i) Exercise~~ exercise the power of a guardian or enter an ex parte
8 order appointing a temporary guardian to address the emergency. The order
9 and letters of temporary guardianship shall specify the powers and duties
10 of the temporary guardian, limiting the powers and duties to those
11 necessary to address the emergency; ~~or -~~
12 ~~(ii) Enter an ex parte order appointing a temporary guardian for the~~
13 ~~limited purpose of assisting the person in applying for private or~~
14 ~~government benefits to which such person may be entitled. The limited~~
15 ~~temporary guardian may access personal and financial records of the~~
16 ~~person as necessary to apply for such benefits. The order and letters of~~
17 ~~limited temporary guardianship shall specify the powers and duties of the~~
18 ~~temporary guardian, limiting the powers and duties to those necessary to~~
19 ~~apply for private or government benefits to which the person may be~~
20 ~~entitled.~~
21 (b) When the court takes action to exercise the powers of a guardian
22 or to appoint a temporary guardian under subsection (a) of this section,
23 an expedited hearing shall be held if requested by the person alleged to
24 be incapacitated, or by any interested person, if the request is filed
25 more than ten business days prior to the date set for the hearing on the
26 petition for appointment of the guardian. If an expedited hearing is to
27 be held, the hearing shall be held within ten business days after the
1 request is received. At the hearing on the temporary appointment, the
2 petitioner shall have the burden of showing by a preponderance of the
3 evidence that temporary guardianship continues to be necessary to address
4 the emergency situation. Unless the person alleged to be incapacitated
5 has counsel of his or her own choice, the court may appoint an attorney
6 to represent the person alleged to be incapacitated at the hearing as
7 provided in section 30-2619.
8 (c) If an expedited hearing is requested, notice shall be served as
9 provided in section 30-2625. The notice shall specify that a temporary
10 guardian has been appointed and shall be given at least twenty-four hours
11 prior to the expedited hearing.
12 (d) At the expedited hearing, the court may render a judgment
13 authorizing the temporary guardianship to continue beyond the original
14 ten-day period. The judgment shall prescribe the specific powers and
15 duties of the temporary guardian in the letters of temporary guardianship
16 and shall be effective for a single ninety-day period. For good cause
17 shown, the court may extend the temporary guardianship for successive
18 ninety-day periods.

19 (e) The temporary guardianship shall terminate at the end of the
 20 ninety-day period in which the temporary guardianship is valid or at any
 21 time prior thereto if the court deems the circumstances leading to the
 22 order for temporary guardianship no longer exist or if an order has been
 23 entered as a result of a hearing pursuant to section 30-2619 which has
 24 been held during the ninety-day period.

25 (f) If the court denies the request for the ex parte order, the
 26 court may, in its discretion, enter an order for an expedited hearing
 27 pursuant to subsections (b) through (e) of this section.

28 (g) If the petitioner requests the entry of an order of temporary
 29 guardianship pursuant to subsection (a) of this section without
 30 requesting an ex parte order, the court may hold an expedited hearing
 31 pursuant to subsections (b) through (e) of this section.

1 (h) If an appointed guardian is not effectively performing his or
 2 her duties and the court further finds that the welfare of the
 3 incapacitated person requires immediate action, it may, pending notice
 4 and hearing in accordance with section 30-2220, appoint a temporary
 5 guardian for the incapacitated person for a specified period not to
 6 exceed ninety days. For good cause shown, the court may extend the
 7 temporary guardianship for successive ninety-day periods. A temporary
 8 guardian appointed pursuant to this subsection has only the powers and
 9 duties specified in the previously appointed guardian's letters of
 10 guardianship, and the authority of any permanent guardian previously
 11 appointed by the court is suspended so long as a temporary guardian has
 12 authority.

13 (i) A temporary guardian may be removed at any time. A temporary
 14 guardian shall make any report the court requires, except that a
 15 temporary guardian shall not be required to provide the check or report
 16 under section 30-2602.02. In other respects the provisions of the
 17 Nebraska Probate Code concerning guardians apply to temporary guardians.

18 (j) The court may appoint the Public Guardian as the temporary
 19 guardian pursuant to the Public Guardianship Act. If the court appoints
 20 the Public Guardian as the temporary guardian for the limited purpose of
 21 assisting a person in applying for private or government benefits to
 22 which the person may be entitled pursuant to subdivision (a)(ii) of this
 23 section, such appointment is not subject to the caseload ratio set forth
 24 in subsection (2) of section 30-4115.

25 Sec. 2. Section 42-903, Revised Statutes Cumulative Supplement,
 26 2022, is amended to read:

27 42-903 For purposes of the Protection from Domestic Abuse Act,
 28 unless the context otherwise requires:

29 (1) Abuse means the occurrence of one or more of the following acts
 30 between family or household members:

31 (a) Attempting to cause or intentionally and knowingly causing
 1 bodily injury with or without a dangerous instrument;
 2 (b) Placing, by means of credible threat, another person in fear of
 3 bodily injury. For purposes of this subdivision, credible threat means a
 4 verbal or written threat, including a threat performed through the use of
 5 an electronic communication device, or a threat implied by a pattern of
 6 conduct or a combination of verbal, written, or electronically
 7 communicated statements and conduct that is made by a person with the
 8 apparent ability to carry out the threat so as to cause the person who is
 9 the target of the threat to reasonably fear for his or her safety or the
 10 safety of his or her family. It is not necessary to prove that the person
 11 making the threat had the intent to actually carry out the threat. The
 12 present incarceration of the person making the threat shall not prevent
 13 the threat from being deemed a credible threat under this section; or

14 (c) Engaging in sexual contact or sexual penetration without consent
 15 as defined in section 28-318;

16 (2) Department means the Department of Health and Human Services;

17 (3) Family or household members includes spouses or former spouses,
 18 children, persons who are presently residing together or who have resided
 19 together in the past, persons who have a child in common whether or not
 20 they have been married or have lived together at any time, other persons
 21 related by consanguinity or affinity, and persons who are presently
 22 involved in a dating relationship with each other or who have been
 23 involved in a dating relationship with each other. For purposes of this
 24 subdivision, dating relationship means frequent, intimate associations
 25 primarily characterized by the expectation of affectional or sexual
 26 involvement, but does not include a casual relationship or an ordinary
 27 association between persons in a business or social context; ~~and~~
 28 (4) Household pet means any animal maintained for companionship or
 29 pleasure but does not include any animal kept primarily for commercial
 30 purposes or for consumption or any livestock animal as defined in section
 31 54-902; and

1 ~~(5)~~ (4) Law enforcement agency means the police department or town
 2 marshal in incorporated municipalities, the office of the sheriff in
 3 unincorporated areas, and the Nebraska State Patrol.

4 Sec. 3. Section 42-924, Revised Statutes Cumulative Supplement,
 5 2022, is amended to read:

6 42-924 (1)(a) Any victim of domestic abuse may file a petition and
 7 affidavit for a protection order as provided in this section. Upon the
 8 filing of such a petition and affidavit in support thereof, the court may
 9 issue a protection order without bond granting the following relief:

10 (i) Enjoining the respondent from imposing any restraint upon the
 11 petitioner or upon the liberty of the petitioner;

12 (ii) Enjoining the respondent from threatening, assaulting,
 13 molesting, attacking, or otherwise disturbing the peace of the
 14 petitioner;

15 (iii) Enjoining the respondent from telephoning, contacting, or
 16 otherwise communicating with the petitioner;

17 (iv) Removing and excluding the respondent from the residence of the
 18 petitioner, regardless of the ownership of the residence;

19 (v) Ordering the respondent to stay away from any place specified by
 20 the court;

21 (vi) Awarding the petitioner temporary custody of any minor children
 22 not to exceed ninety days;

23 (vii) Enjoining the respondent from possessing or purchasing a
 24 firearm as defined in section 28-1201; ~~or~~

25 (viii) ~~Directing that the petitioner have sole possession of any~~
 26 ~~household pet owned, possessed, leased, kept, or held by the petitioner,~~
 27 ~~the respondent, or any family or household member residing in the~~
 28 ~~household of the petitioner or respondent;~~

29 (ix) ~~Enjoining the respondent from coming into contact with,~~
 30 ~~harming, or killing any household pet owned, possessed, leased, kept, or~~
 31 ~~held by the petitioner, the respondent, or any family or household member~~
 1 ~~of the petitioner or respondent; or~~

2 (x) ~~(viii)~~ Ordering such other relief deemed necessary to provide
 3 for the safety and welfare of the petitioner and any designated family or
 4 household member.

5 (b) ~~If sole possession of a household pet is ordered by a court~~
 6 ~~pursuant to subdivision (1)(a)(viii) of this section, such possession~~
 7 ~~shall be for the duration of the protection order or until further order~~
 8 ~~of the court. The grant of sole possession of a household pet under such~~
 9 ~~subdivision is not intended to permanently determine ownership of such~~
 10 ~~household pet. The petitioner shall not permanently transfer, sell, or~~
 11 ~~dispose of a household pet placed in the petitioner's possession without~~
 12 ~~prior court approval, except that court approval shall not be required in~~
 13 ~~cases where humane euthanasia of a seriously ill or injured household pet~~
 14 ~~is recommended by a licensed veterinarian.~~

15 (c) ~~(b)~~ The petition for a protection order shall state the events

16 and dates or approximate dates of acts constituting the alleged domestic
 17 abuse, including the most recent and most severe incident or incidents.
 18 (d) (e) The protection order shall specify to whom relief under this
 19 section was granted.
 20 (2) Petitions for protection orders shall be filed with the clerk of
 21 the district court, and the proceeding may be heard by the county court
 22 or the district court as provided in section 25-2740. A petition for a
 23 protection order may not be withdrawn except upon order of the court.
 24 (3)(a) A protection order shall specify that it is effective for a
 25 period of one year and, if the order grants temporary custody, the number
 26 of days of custody granted to the petitioner unless otherwise modified by
 27 the court.
 28 (b)(i) Any victim of domestic abuse may file a petition and
 29 affidavit to renew a protection order. Such petition and affidavit for
 30 renewal shall be filed any time within forty-five days before the
 31 expiration of the previous protection order, including the date the order
 1 expires.
 2 (ii) A protection order may be renewed on the basis of the
 3 petitioner's affidavit stating that there has been no material change in
 4 relevant circumstances since entry of the order and stating the reason
 5 for the requested renewal if:
 6 (A) The petitioner seeks no modification of the order; and
 7 (B)(I) The respondent has been properly served with notice of the
 8 petition for renewal and notice of hearing and fails to appear at the
 9 hearing; or
 10 (II) The respondent indicates that he or she does not contest the
 11 renewal.
 12 (iii) Such renewed order shall specify that it is effective for a
 13 period of one year to commence on the first calendar day following the
 14 expiration of the previous order or on the calendar day the court grants
 15 the renewal if such day is subsequent to the first calendar day after
 16 expiration of the previous order and, if the court grants temporary
 17 custody, the number of days of custody granted to the petitioner unless
 18 otherwise modified by the court.
 19 (4) Any person, except the petitioner, who knowingly violates a
 20 protection order issued pursuant to this section or section 42-931 after
 21 service or notice as described in subsection (2) of section 42-926 shall
 22 be guilty of a Class I misdemeanor, except that any person convicted of
 23 violating such order who has a prior conviction for violating a
 24 protection order shall be guilty of a Class IV felony.
 25 (5) If there is any conflict between sections 42-924 to 42-926 and
 26 any other provision of law, sections 42-924 to 42-926 shall govern.
 27 Sec. 4. Original section 30-2626, Reissue Revised Statutes of
 28 Nebraska, and sections 42-903 and 42-924, Revised Statutes Cumulative
 29 Supplement, 2022, are repealed.

GENERAL FILE

LEGISLATIVE BILL 813. Committee [AM1169](#), found on page 1318 and considered on page 1367 and in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA92](#)

Strike Section 32.

Senator M. Cavanaugh requested a record vote on her amendment, to the committee amendment.

Voting in the affirmative, 0.

Voting in the negative, 28:

Armendariz	Clements	Dungan	Jacobson	Murman
Ballard	Conrad	Erdman	Kauth	Raybould
Blood	DeBoer	Halloran	Lippincott	Sanders
Bosn	DeKay	Hardin	Lowe	Wishart
Brandt	Dorn	Holdcroft	McDonnell	
Brewer	Dover	Hughes	Moser	

Present and not voting, 16:

Bostar	Day	Ibach	Slama
Bostelman	Fredrickson	Linehan	von Gillern
Cavanaugh, J.	Hansen	McKinney	Walz
Cavanaugh, M.	Hunt	Riepe	Wayne

Excused and not voting, 5:

Aguilar	Albrecht	Arch	Briese	Vargas
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The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 28 nays, 16 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the committee amendment:

[FA93](#)

Strike Section 33.

Speaker Arch offered the following motion:

[MO1014](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 38:

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

Voting in the negative, 1:

Cavanaugh, M.

Present and not voting, 6:

Cavanaugh, J.	Hunt	Raybould
Day	McKinney	Wayne

Excused and not voting, 4:

Aguilar	Albrecht	Briese	Vargas
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The Arch motion to invoke cloture prevailed with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 0 ayes, 37 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to LB705:

[FA94](#)

Strike Section 1.

Senator Murman filed the following amendment to LB705:

[FA95](#)

Strike Section 2.

VISITORS

Visitors to the Chamber were students from Conestoga Elementary, Murray; students from Gibbon Public School, Gibbon; students from Dodge Elementary and Grand Island Elementary; students from Allen Consolidated Schools, Allen; students from Prairie Lane Elementary, Omaha.

MOTION - Adjournment

Senator Jacobson moved to adjourn until 9:00 a.m., Monday, May 8, 2023.

Senator M. Cavanaugh requested a roll call vote on the motion to adjourn.

The Jacobson motion to adjourn prevailed with 39 ayes, 4 nays, 2 present and not voting, and 4 excused and not voting, and at 3:22 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 8, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 8, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 8, 2023

PRAYER

The prayer was offered by Senator Bosn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Halloran.

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 J. Cavanaugh, Day, Dover, Hunt, Raybould, Slama, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 814. Placed on Select File with amendment.

[ER31](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

MOTION - Recommit LB683 to Committee

Senator Conrad offered her motion, [MO163](#), found on page 924, to recommit to Transportation and Telecommunications Committee.

Senator Conrad withdrew her motion to recommit to committee.

MOTION - Return LB683 to Select File

Senator Bostar moved to return LB683 to Select File for his specific amendment, [AM1301](#), found on page 1217.

Senator M. Cavanaugh requested a roll call vote on the Bostar motion to return.

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Cavanaugh, M.

Present and not voting, 2:

Blood Walz

Excused and not voting, 5:

Aguilar Cavanaugh, J. Day Dungan Hunt

The Bostar motion to return prevailed with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 683. The Bostar specific amendment, [AM1301](#), found on page 1217, was offered.

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator M. Cavanaugh requested a roll call vote on the Bostar specific amendment.

The Bostar specific amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO1015](#)

Reconsider the vote taken on AM1301.

Senator Moser offered the following motion:

[MO1017](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

The Moser motion to invoke cloture prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 1 aye, 40 nays, 6 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 7:

Blood	Cavanaugh, M.	Fredrickson	McKinney
Briese	Day	Hunt	

Excused and not voting, 2:

Cavanaugh, J. Dungan

Advanced to Enrollment and Review for Reengrossment with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Vargas filed the following amendment to LB705:
AM1641

(Amendments to E&R amendments, ER30)

1 1. Insert the following new sections:

2 Sec. 78. Section 79-566, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-566 The board of education of a Class IV school district shall at
5 a regular meeting elect from outside its own members a superintendent, an
6 associate superintendent of instruction, an associate superintendent of
7 business affairs, a school district treasurer, and the number of
8 employees the board of education may deem necessary for the proper
9 conduct of the affairs of the school district at such compensation
10 salaries as the board of education may determine, except that the
11 compensation of the superintendent shall comply with the Superintendent
12 Pay Transparency Act. The board may contract with them for terms not to
13 exceed three years. The election of all officers of the board of
14 education and all elections for filling vacancies on the board of
15 education shall be by ballot. No person shall be declared elected unless
16 he or she receives the vote of a majority of all the members of the board
17 of education.

18 Sec. 79. Section 79-567, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-567 The members of the board of education of a Class V school
21 district, at their regular meeting in January each year, shall elect a
22 president and vice president from their own members, who shall serve for
23 terms of one year or until their successors are elected and qualified.
24 The members of the board of education may also select from outside their
25 own members one superintendent of public schools, one secretary, one
26 treasurer, and such other officers as the board may deem necessary for
1 the administration of the affairs of the school district, at such
2 compensation salary as the board may deem just, except that the
3 compensation of the superintendent shall comply with the Superintendent
4 Pay Transparency Act. The members of the board of education, and in their
5 discretion, they may enter into contracts with such officers for terms of
6 not to exceed three years. The board shall have the power to elect its
7 president and vice president and to select its officers and employees in
8 accordance with rules adopted by the board.

9 Sec. 80. Section 79-594, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-594 The school board in a Class III or IV school district may
12 also elect at any regular meeting one superintendent of public
13 instruction with such compensation salary as the board deems best, except
14 that such compensation shall comply with the Superintendent Pay
15 Transparency Act. The board and may enter into contract with the
16 superintendent him or her at its discretion, for a term not to exceed
17 three years.

18 Sec. 100. Section 79-2401, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-2401 Sections 79-2401 to 79-2405 and sections 101 and 102 of this
21 act shall be known and may be cited as the Superintendent Pay
22 Transparency Act.

23 Sec. 101. For purposes of the Superintendent Pay Transparency Act:
24 (1) Benefit means any amount, not included in salary, to be paid
25 during the contract year or to be paid in the future by a school district

26 in exchange for the personal services performed during such contract year
27 resulting in a benefit for the employee or the family of the employee
28 including, but not limited to, (a) employer contributions pursuant to the
29 School Employees Retirement Act or the Class V School Employees
30 Retirement Act, (b) early retirement inducements as defined in section
31 79-978 for employees of Class V school districts and as defined in
1 section 79-902 for employees of all other school districts, (c) cash
2 awards paid by the school district, (d) severance pay, (e) employer
3 contributions made for the purpose of separation payments to be made at
4 retirement, (f) employer contributions to annuities, (g) employer
5 contributions to group life, health, or disability insurance premiums,
6 (h) payments made to an employee in lieu of employer contributions to
7 insurance premiums, and (i) the maximum cash payment for potential unused
8 leave of any type that could be accrued during such contract year;
9 (2) Compensation means a reasonable estimate of the total amount of
10 salary and benefits to be paid by a school district in exchange for
11 personal services performed during a contract year;
12 (3) Compensation for a beginning teacher means compensation expected
13 to be paid by a school district for the first year of teaching by a
14 certificated teacher assuming such certificated teacher receives the
15 maximum benefits generally available to a teacher who does not receive
16 additional compensation for duties beyond the standard teaching contract;
17 and
18 (4) Salary means gross wages to be paid in exchange for personal
19 services performed during the contract year and includes (a) overtime
20 pay, (b) member contributions pursuant to the School Employees Retirement
21 Act or the Class V School Employees Retirement Act, and (c) amounts
22 contributed to plans under section 125, 403(b), or 457 of the Internal
23 Revenue Code or any other section of the code which defers or excludes
24 such amounts from income.
25 Sec. 102. (1) On and after the operative date of this section, no
26 school district that receives equalization aid pursuant to section
27 79-1008.01 may enter into any contract with a superintendent for services
28 to be rendered to the school district if such contract will cause, by the
29 terms of such contract or in combination with existing contracts, such
30 school district to pay compensation for any contract year to or on behalf
31 of such superintendent in excess of five times the compensation for a
1 beginning teacher in such school district for the same contract year.
2 (2) For purposes of this section if a superintendent of a school
3 district also receives compensation from an educational service unit in
4 which such school district is a member, such compensation shall be deemed
5 compensation from such school district.
6 (3) Any contract entered into in violation of this section shall be
7 invalid, and money belonging to a school district shall not be expended
8 on such a contract.
9 (4) Any compensation received by a superintendent in violation of
10 the limitations in this section shall be forfeited by such superintendent
11 and returned to the school district, and a notice regarding such excess
12 compensation shall be filed with the Commissioner of Education within
13 thirty days after the superintendent or school board becomes aware of
14 such violation.
15 Sec. 103. Section 79-2402, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 79-2402 (1) Before the school board of any school district or the
18 board of any educational service unit approves a proposed contract, or
19 any proposed amendment to an existing contract, for future superintendent
20 services to be rendered to such school district by the current
21 superintendent or future administrator services to be rendered to such
22 educational service unit by the current administrator, the board shall
23 publish a copy of such proposed contract or amendment, and a reasonable
24 estimate and description of all current and future costs to the school
25 district or educational service unit if the proposed contract or
26 amendment were to be approved, and if applicable, the maximum total
27 compensation allowed for the superintendent pursuant to section 102 of

28 this act at least three days before the meeting of the board at which
 29 such proposed contract or amendment will be considered. Such publication
 30 shall also specify the date, time, and place of the public meeting at
 31 which the proposed contract or amendment will be considered. Electronic
 1 publication on the website of the school district or educational service
 2 unit shall satisfy the requirement of this subsection if such electronic
 3 publication is prominently displayed and allows public access to the
 4 entire proposed contract or amendment and all other information required
 5 by this section.

6 (2) After the school board of any school district or the board of
 7 any educational service unit approves a contract for future
 8 superintendent services to be rendered to such school district by a new
 9 superintendent or future administrator services to be rendered to such
 10 educational service unit by a new administrator, the board shall publish
 11 a copy of such contract, and a reasonable estimate and description of all
 12 current and future costs to the school district or educational service
 13 unit that will be incurred as a result of such contract, within two days
 14 after the meeting of the board at which such contract was approved.
 15 Electronic publication on the website of the school district or
 16 educational service unit shall satisfy the requirement of this subsection
 17 if such electronic publication is prominently displayed and allows public
 18 access to the entire contract.

19 2. Correct the operative date and repealer sections so that the
 20 sections added by this amendment become operative three calendar months
 21 after the adjournment of this legislative session.

22 3. Renumber the remaining sections and correct internal references
 23 accordingly.

MOTION - Print in Journal

Senator Moser filed the following motion to LB683:

MO1016

Recommit to Transportation and Telecommunications Committee.

SELECT FILE

LEGISLATIVE BILL 282. Senator Riepe offered MO905, found on page 1026, to bracket until June 9, 2023.

Senator Riepe withdrew his motion to bracket.

Senator Riepe withdrew MO906, found on page 1026, to recommit to committee.

Senator Riepe offered AM1354, found on page 1312.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

FA96

Strike Section 1.

Pending.

AMENDMENT - Print in Journal

Senator Bostelman filed the following amendment to [LB818](#):
[AM1623](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Insert the following new section:

2 Sec. 12. Section 39-2805, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2805 (1) The County Bridge Match Program is created. The
5 department shall administer the program using funds from the
6 Transportation Infrastructure Bank Fund. ~~Forty~~ ~~except that no more than~~
7 ~~forty~~ million dollars shall be expended for this program. The purpose of
8 the program is to promote innovative solutions and provide additional
9 funding to accelerate the repair and replacement of deficient bridges on
10 the county road system. The department shall develop the program,
11 including participation criteria and matching fund requirements for
12 counties, in consultation with a statewide association representing
13 county officials. Participation by counties in the program shall be
14 voluntary. The details of the program shall be presented to the
15 Appropriations Committee and the Transportation and Telecommunications
16 Committee of the Legislature on or before December 1, 2016.
17 (2) The County Bridge Match Program terminates on June 30, ~~2029~~
18 ~~2023~~.
19 2. On page 49, line 22, after the last comma insert "39-2805,".
20 3. Renumber the remaining sections and correct internal references
21 accordingly.

VISITORS

Visitors to the Chamber were students from Brownell-Talbot, Omaha;
students from McCool Junction Elementary, McCool Junction.

RECESS

At 11:58 a.m., on a motion by Senator Brewer, the Legislature recessed until
1:00 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators
Armendariz, Bostar, Brewer, Briese, J. Cavanaugh, Clements, Day, Dover,
Hardin, Hughes, Linchan, Murman, von Gillern, Walz, Wayne, and Wishart
who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 282. Senator Riepe renewed [AM1354](#), found on
page 1312 and considered in this day's Journal.

Senator M. Cavanaugh renewed [FA96](#), found and considered in this day's Journal, to the Riepe amendment.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 10 nays, and 26 not voting.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 31 nays, 5 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator M.Cavanaugh offered the following motion:

[MO1018](#)

Reconsider the vote taken on FA96.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 10 ayes, 17 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 30 nays, 2 present and not voting, 3 absent and not voting, and 10 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA97](#)

Strike Section 2.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 9 ayes, 14 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

Senator M. Cavanaugh requested a record vote on her amendment, to the Riepe amendment.

Voting in the affirmative, 0.

Voting in the negative, 33:

Aguilar	Bostelman	Dorn	Jacobson	Riepe
Albrecht	Brandt	Erdman	Kauth	Sanders
Arch	Brewer	Halloran	Linehan	Slama
Ballard	Clements	Hansen	Lippincott	von Gillern
Blood	Conrad	Hardin	Lowe	Walz
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Ibach	Murman	

Present and not voting, 3:

Cavanaugh, M. Hunt McKinney

Absent and not voting, 5:

Cavanaugh, J. Dungan Hughes Raybould Vargas

Excused and not voting, 8:

Armendariz	Day	Fredrickson	Wayne
Briese	Dover	McDonnell	Wishart

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 33 nays, 3 present and not voting, 5 absent and not voting, and 8 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Sanders filed the following amendment to [LB583](#):

[AM1636](#)

(Amendments to Standing Committee amendments, AM970)

1 1. Strike sections 2, 3, and 4 and insert the following new section:

2 Sec. 11. Section 79-1142, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 79-1142 (1) Level I services refers to services provided to children
5 with disabilities who require an aggregate of not more than three hours
6 per week of special education services and support services and includes
7 all administrative, diagnostic, consultative, and vocational-adjustment
8 counselor services.

9 (2) The total allowable reimbursable cost for support services shall
10 not exceed a percentage, established by the State Board of Education, of
11 the school district's or approved cooperative's total allowable
12 reimbursable cost for all special education programs and support
13 services. The percentage established by the board for support services
14 shall not exceed the difference of ten percent minus the percentage of
15 the appropriations for special education approved by the Legislature set
16 aside for reimbursements for support services pursuant to subsection (5)
17 of this section.

18 (3) For special education and support services provided in each
19 school fiscal year, the department shall reimburse each school district
20 in the following school fiscal year eighty percent of a pro-rata amount

21 determined by the department. The reimbursement percentage shall be the
 22 ratio of the difference of the appropriations for special education
 23 approved by the Legislature minus the amounts set aside pursuant to
 24 subsection (5) of this section divided by the total allowable excess
 25 costs for all special education programs and support services. (4)
 26 Cooperatives of school districts or educational service units shall also
 1 be eligible for reimbursement for cooperative programs pursuant to this
 2 section if such cooperatives or educational service units have complied
 3 with the reporting and approval requirements of section 79-1155 for
 4 cooperative programs which were offered the preceding year.
 5 (4)(a) The payments shall be made by the department to the school
 6 district of residence, cooperative of school districts, or educational
 7 service unit each year in a minimum of seven payments between the fifth
 8 and twentieth day of each month beginning in December. Additional
 9 payments may be made based upon additional valid claims submitted. The
 10 State Treasurer shall, between the fifth and twentieth day of each month,
 11 notify the Director of Administrative Services of the amount of funds
 12 available in the General Fund and the Education Future Fund for payment
 13 purposes. The director shall, upon receiving such certification, draw
 14 warrants against such funds as appropriated.
 15 (b) If the General Fund appropriations for special education
 16 approved by the Legislature, minus the amounts set aside pursuant to
 17 subsection (5) of this section, are insufficient to reimburse eighty
 18 percent of the total allowable excess costs for all special education
 19 programs and support services for any school fiscal year:
 20 (i) Such allowable excess costs shall be reimbursed from the General
 21 Fund appropriations for special education approved by the Legislature,
 22 minus the amounts set aside pursuant to subsection (5) of this section,
 23 on a pro rata basis at the maximum rate of reimbursement such
 24 appropriations will allow as determined by the department; and
 25 (ii) The remainder of the eighty percent reimbursement of such
 26 allowable excess costs shall be paid from the Education Future Fund.
 27 (5) Residential settings described in subdivision (10)(c) of section
 28 79-215 shall be reimbursed for the educational services, including
 29 special education services and support services, in an amount determined
 30 pursuant to the average per pupil cost of the service agency.
 31 Reimbursements pursuant to this section shall be made from funds set
 1 aside for such purpose within sixty days after receipt of a reimbursement
 2 request submitted in the manner required by the department and including
 3 any documentation required by the department for educational services
 4 that have been provided, except that if there are not any funds available
 5 for the remainder of the state fiscal year for such reimbursements, the
 6 reimbursement shall occur within thirty days after the beginning of the
 7 immediately following state fiscal year. The department may audit any
 8 required documentation and subtract any payments made in error from
 9 future reimbursements. The department shall set aside separate amounts
 10 from the appropriations for special education approved by the Legislature
 11 for reimbursements pursuant to this subsection for students receiving
 12 special education services and for students receiving support services
 13 for each state fiscal year. The amounts set aside for each purpose shall
 14 be based on estimates of the reimbursements to be requested during the
 15 state fiscal year and shall not be less than the total amount of
 16 reimbursements requested in the prior state fiscal year plus any unpaid
 17 requests from the prior state fiscal year.
 18 (6) On or before November 15 of each year, the department shall
 19 submit to the Governor, the Appropriations Committee of the Legislature,
 20 and the Education Committee of the Legislature:
 21 (a) The total allowable excess costs for all special education
 22 programs and support services for all school districts, cooperatives of
 23 school districts, and educational service units; and

24 (b) The total reimbursements requested pursuant to subsection (5) of
25 this section for the most recently completed school fiscal year.
26 2. On page 1, line 5, strike "3, 6, and 13" and insert "3 and 10".
27 3. On page 14, line 14; and page 15, line 26, strike "6" and insert
28 "3".
29 4. On page 15, line 1, strike "Twenty-three" and insert "Twenty-
30 four".
31 5. On page 16, lines 1 and 6; page 17, line 6; page 18, line 19; and
1 page 19, line 5, strike "May 1", show as stricken, and insert "June 15".
2 6. On page 19, strike lines 12 through 16 and insert the following
3 new subdivisions:
4 "(a) The amount by which the school district reduced its property
5 tax request for such school fiscal year, if any such reduction occurred;
6 and
7 (b) Other information as required by the department.".
8 7. Renumber the remaining sections and correct the repealer
9 accordingly.

SELECT FILE

LEGISLATIVE BILL 282. Senator Riepe renewed [AM1354](#), found on page 1312 and considered in this day's Journal.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA98](#)

Strike Section 3.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 6 ayes, 15 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment, to the Riepe amendment.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 28 nays, 3 present and not voting, 2 absent and not voting, and 16 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA99](#)

Strike Section 4.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call failed with 15 ayes, 19 nays, and 15 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 32 nays, 4 present and not voting, 4 absent and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA100](#)

Strike Section 5.

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

Senator M. Cavanaugh moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call failed with 13 ayes, 13 nays, and 23 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate failed with 17 ayes, 8 nays, 4 present and not voting, 6 absent and not voting, and 14 excused and not voting.

PRESIDENT KELLY PRESIDING

Senator Riepe offered the following motion:

[MO1019](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Riepe moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call prevailed with 38 ayes, 3 nays, and 8 not voting.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar McDonnell Wayne

The Riepe motion to invoke cloture prevailed with 43 ayes, 0 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar McDonnell Wayne

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 45 nays, 1 absent and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Riepe amendment.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar McDonnell Wayne

The Riepe amendment was adopted with 45 ayes, 0 nays, 1 absent and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar McDonnell Wayne

Advanced to Enrollment and Review for Engrossment with 44 ayes, 0 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator B. Hansen filed the following amendment to [LB574](#):
[AM1658](#) is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 562. Speaker Arch requested to pass over LB562.

Senator M. Cavanaugh requested a point of order on whether the Speaker can unilaterally pass over LB562.

The Chair ruled the Speaker has the inherent authority to pass over LB562.

Senator M. Cavanaugh challenged the ruling of the Chair.

Pending.

EASE

The Legislature was at ease from 5:33 p.m. until 6:08 p.m.

SELECT FILE

LEGISLATIVE BILL 562. Senator M. Cavanaugh renewed her motion to overrule the Chair, found in this day's Journal. The question is, "Shall the Chair be overruled?"

Senator Hunt moved for a call of the house. The motion prevailed with 15 ayes, 8 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Excused and not voting, 4:

Aguilar Bosn McDonnell Wayne

The M. Cavanaugh motion to overrule the Chair failed with 0 ayes, 45 nays, and 4 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 818. Placed on Select File with amendment. [ER32](#) is available in the Bill Room.

LEGISLATIVE BILL 813. Placed on Select File with amendment. [ER33](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh requested a point of order to consider her motion, [MO1020](#), to overrule the Speaker's agenda pursuant to Rule 1, Section 16, in order to place LB562 ahead of LB705.

The Chair ruled the overrule agenda motion is not a priority motion.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Conrad Day Hunt

Voting in the negative, 38:

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

Present and not voting, 3:

McKinney Raybould Walz

Excused and not voting, 3:

Aguilar McDonnell Wayne

The M. Cavanaugh motion to overrule the Chair failed with 5 ayes, 38 nays, 3 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Pending.

AMENDMENT - Print in Journal

Senator McKinney filed the following amendment to LB814:

[AM1668](#)

(Amendments to E&R amendments, ER31)

1 1. On page 90, after line 20 insert the following new paragraphs:

2 "Concurrent with the authorization of funding, the Department of

3 Correctional Services shall complete the following:

4 (1) Pursuant to Laws 2021, LB384, a classification study for

5 correctional facilities in the state, which shall be submitted
 6 electronically to the Clerk of the Legislature by December 31, 2023;
 7 (2) A custody-staffing analysis and an analysis of behavioral health
 8 staff for state correctional facilities, which shall be submitted
 9 electronically to the Clerk of the Legislature by June 30, 2025; and
 10 (3) An evaluation of programs, as contracted for pursuant to Laws
 11 2022, LB896, with reports submitted electronically to the Clerk of the
 12 Legislature."

MOTION - Adjournment

Senator M. Cavanaugh moved to adjourn until 9:00 a.m., Tuesday, May 9, 2023.

Senator M. Cavanaugh requested a roll call vote on her motion to adjourn.

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 5:

Cavanaugh, M.	Day	DeBoer	Fredrickson	Hunt
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Excused and not voting, 3:

Aguilar	McDonnell	Wayne
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The M. Cavanaugh motion to adjourn failed with 0 ayes, 41 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 705. Senator Conrad offered [MO790](#), found on page 971, to bracket until June 2, 2023.

SENATOR DEBOER PRESIDING

PRESIDENT KELLY PRESIDING

Senator Conrad withdrew her motion to bracket.

Senator Conrad offered [MO789](#), found on page 971, to recommit to Education Committee.

Senator Conrad moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Conrad requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Aguilar	McDonnell	Slama
Hansen	Moser	Wayne

The Conrad motion to recommit to committee failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1028](#)

Reconsider the vote taken on MO789.

Pending.

AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to [LB705](#):
[AM1642](#)

(Amendments to E & R amendments, ER30)

1 1. Strike section 79 and insert the following new section:
 2 Sec. 79. Section 79-729, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 79-729 (1) The Legislature recognizes the importance of assuring
 5 that all persons who graduate from Nebraska high schools possess certain
 6 minimum levels of knowledge, skills, and understanding. Each high school
 7 student shall complete a minimum of two hundred high school credit hours
 8 prior to graduation. At least eighty percent of the minimum credit hours
 9 shall be core curriculum courses prescribed by the State Board of
 10 Education.
 11 (2) For students attending a public school: ;
 12 (a) ~~Beginning beginning~~ in school year 2023-24, at least five of the
 13 minimum credit hours shall be a high school course in personal finance or
 14 financial literacy; ; and
 15 (b) ~~Beginning beginning~~ in school year ~~2027-28~~ 2026-27, at least
 16 five of the minimum credit hours shall ~~include be a high school course or~~
 17 ~~the equivalent of a one-semester high school course in~~ computer science
 18 and technology education as required under section 79-3304.
 19 (3)(a) ~~Beginning in school year 2024-25, each public high school~~
 20 ~~student shall complete and submit to the United States Department of~~
 21 ~~Education a Free Application for Federal Student Aid prior to graduating~~
 22 ~~from such high school except as otherwise provided in this subsection.~~
 23 (b) A public high school student shall not be required to comply
 24 with subdivision (3)(a) of this section if:
 25 (i) A parent or legal guardian of or a person standing in loco
 26 ~~parentis to such student signs and submits the appropriate form~~
 1 prescribed by the Commissioner of Education pursuant to subdivision (3)
 2 (c) of this section indicating that such parent, legal guardian, or
 3 person standing in loco parentis authorizes such student to decline to
 4 complete and submit a Free Application for Federal Student Aid;
 5 (ii) The school principal or the school principal's designee signs
 6 and submits the appropriate form prescribed by the Commissioner of
 7 Education pursuant to subdivision (3)(c) of this section authorizing such
 8 student to decline to complete and submit a Free Application for Federal
 9 Student Aid for good cause as determined by the school principal or the
 10 school principal's designee; or
 11 (iii) A student who is nineteen years of age or older or is an
 12 emancipated minor signs and submits the appropriate form prescribed by
 13 the Commissioner of Education pursuant to subdivision (3)(c) of this
 14 section stating that such student declines to complete and submit a Free
 15 Application for Federal Student Aid.
 16 (c) The Commissioner of Education shall prescribe the forms to be
 17 used by each public high school for purposes of compliance with
 18 subdivision (3)(b) of this section. Such forms shall be made available:
 19 (i) By each public high school to students, parents and legal
 20 guardians of students, and persons standing in loco parentis to students;
 21 and
 22 (ii) In English, Spanish, and any other language spoken by a
 23 majority of the students enrolled in any English learner program at such
 24 public high school.
 25 (d) The school principal or the school principal's designee of each
 26 public high school shall provide such compliance information to the
 27 school district or governing authority for such public high school and to
 28 the State Department of Education without disclosing, for any student who

29 ~~has complied with the requirements of this subsection, personally~~
30 ~~identifiable information distinguishing whether such compliance was~~
31 ~~pursuant to subdivision (3)(a) or (b) of this section. Such school~~
1 ~~principal or school principal's designee shall provide separately the~~
2 ~~aggregate number of students who have not complied with this subsection,~~
3 ~~who complied pursuant to subdivision (3)(a) of this section, and who~~
4 ~~complied pursuant to subdivision (3)(b) of this section, unless otherwise~~
5 ~~prohibited by federal or state law regarding the confidentiality of~~
6 ~~student educational information.~~
7 ~~(e) On or before December 31, 2025, and on or before December 31 of~~
8 ~~each year thereafter, the Commissioner of Education shall electronically~~
9 ~~submit a report with the information received by the State Department of~~
10 ~~Education pursuant to subdivision (3)(d) of this section to the Clerk of~~
11 ~~the Legislature.~~
12 ~~(4) The State Board of Education may establish recommended statewide~~
13 ~~graduation guidelines.~~
14 ~~(5) This section does not apply to high school students whose~~
15 ~~individualized education programs prescribe a different course of~~
16 ~~instruction. This section does not prohibit the governing board of any~~
17 ~~high school from prescribing specific graduation guidelines as long as~~
18 ~~such guidelines do not conflict with this section.~~
19 ~~(6) For purposes of this section, high school means grades nine~~
20 ~~through twelve and credit hour shall be defined by appropriate rules and~~
21 ~~regulations of the State Board of Education but shall not be less than~~
22 ~~the amount of credit given for successful completion of a course which~~
23 ~~meets at least one period per week for at least one semester.~~
24 ~~(7) The State Board of Education shall adopt and promulgate rules~~
25 ~~and regulations as necessary to implement this section. Such rules and~~
26 ~~regulations shall include, but not be limited to:~~
27 ~~(a) A timeline for the distribution of the Free Application for~~
28 ~~Federal Student Aid and the forms prescribed pursuant to subdivision (3)~~
29 ~~(c) of this section by public high schools and for the submission of the~~
30 ~~Free Application for Federal Student Aid and the forms prescribed~~
31 ~~pursuant to subdivision (3)(c) of this section;~~
1 ~~(b) Standards regarding the information that a public high school~~
2 ~~must provide to students regarding:~~
3 ~~(i) Instructions for filling out the Free Application for Federal~~
4 ~~Student Aid;~~
5 ~~(ii) The options available to a student under subdivision (3)(b) of~~
6 ~~this section if a student wishes to decline to complete and submit a Free~~
7 ~~Application for Federal Student Aid; and~~
8 ~~(iii) The method by which a student shall provide proof to the~~
9 ~~public high school that such student has completed and submitted the Free~~
10 ~~Application for Federal Student Aid or a form prescribed pursuant to~~
11 ~~subdivision (3)(c) of this section; and~~
12 ~~(c) A requirement for each public high school to report the number~~
13 ~~of students who completed and submitted a Free Application for Federal~~
14 ~~Student Aid and the number of students who instead submitted a form~~
15 ~~prescribed pursuant to subdivision (3)(c) of this section.~~

Senator Erdman filed the following amendment to [LB705](#):
[AM1665](#)

(Amendments to E & R amendments, ER30)

1 1. Insert the following new section:
2 Sec. 126. (1) On and after the operative date of this section, each
3 school board shall prominently display the national motto of the United
4 States, "In God We Trust", written legibly in English, in each classroom
5 or in another prominent place in each school building where each student
6 is able to see and read it each day school is in session.
7 (2) A school board may accept contributions to defray the costs of

8 implementing this section.

9 (3) Upon the filing of an action seeking to invalidate this section
 10 in any state or federal court, the Attorney General shall intervene on
 11 behalf of any school board and any other party named as a defendant for
 12 their role in implementing this section.

13 2. Correct the operative date section so that the section added by
 14 this amendment becomes operative three calendar months after the
 15 adjournment of this legislative session.

16 3. Renumber the remaining sections and correct internal references
 17 accordingly.

Senator Blood filed the following amendment to LB705:
AM1661 is available in the Bill Room.

Senator Murman filed the following amendment to LB705:
AM1643

(Amendments to E&R amendments, ER30)

1 1. Strike section 60 and insert the following new section:

2 Sec. 60. (1) Except as provided in subsection (2) of this section,
 3 an elementary school shall not suspend a student in pre-kindergarten
 4 through second grade. A student in pre-kindergarten through second grade
 5 may be subject to an emergency exclusion as provided in section 79-264
 6 for the purpose of giving the school, in consultation with the parent or
 7 guardian of such student, adequate time to draft and implement a plan to
 8 support such student. Each school district shall develop a policy to
 9 implement this section which shall include disciplinary measures inside
 10 the school as an alternative to suspension.

11 (2) An elementary school may suspend a student in pre-kindergarten
 12 through second grade if such student brings a deadly weapon as defined in
 13 section 28-109 onto school grounds, into a vehicle owned, leased, or
 14 contracted by a school being used for a school purpose or a vehicle being
 15 driven for a school purpose by a school employee or his or her designee,
 16 or to a school-sponsored activity or athletic event.

Senator Murman filed the following amendment to LB705:
AM1669

(Amendments to E&R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, 60, and 91 and insert the
 2 following new sections:

3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative
 4 Supplement, 2022, is amended to read:

5 79-8,137.05 (1) The Excellence in Teaching Cash Fund is created. The
 6 fund shall consist of ~~transfers~~ ~~appropriations~~ by the Legislature,
 7 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,
 8 penalties, and interest payments received in the course of administering
 9 the Attracting Excellence to Teaching Program and the Enhancing
 10 Excellence in Teaching Program.

11 (~~2~~) (2)(a) For all fiscal years beginning on and after July 1, 2024,
 12 the commission shall allocate on an annual basis up to two hundred fifty
 13 thousand dollars of the funds transferred pursuant to section 1 of this
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-
 15 Credit Education Grant Program.

16 (b) For all fiscal years beginning on and after July 1, 2024, the
 17 commission shall allocate on an annual basis up to five hundred thousand
 18 dollars of the funds transferred pursuant to section 1 of this act for
 19 grants and loans to students enrolled in a teacher education program for
 20 student-teaching semesters.

21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund

22 after the distributions pursuant to subdivisions (a) and (b) of this
23 subsection, for ~~For~~ all fiscal years, the commission department shall
24 allocate on an annual basis up to four hundred thousand dollars in the
25 aggregate of the funds to be distributed for the Attracting Excellence to
26 Teaching Program to all eligible institutions according to the
1 distribution formula as determined by rule and regulation. The eligible
2 institutions shall act as agents of the commission department in the
3 distribution of the funds for the Attracting Excellence to Teaching
4 Program to eligible students. The commission department shall allocate on
5 an annual basis up to eight hundred thousand dollars of the remaining
6 available funds to be distributed to eligible students for the Enhancing
7 Excellence in Teaching Program. Funding amounts granted in excess of one
8 million two hundred thousand dollars shall be evenly divided for
9 distribution between the two programs.
10 (3) Any money in the Excellence in Teaching Cash Fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.
14 Sec. 41. (1) On or before January 15 of each school fiscal year, a
15 school district with expected special education expenditures that total
16 (a) at least fifty thousand dollars annually or (b) one-half percent or
17 more of such school district's annual budget, whichever is greater, may
18 submit an application as prescribed by the State Department of Education
19 to the department for a payment from the Education Future Fund to cover
20 an extraordinary increase in special education expenditures pursuant to
21 the requirements of this section. Such application shall include the
22 special education expenditures of the applicant school district as of the
23 immediately preceding December 31 for the school fiscal year in which the
24 application is submitted.
25 (2) The department shall divide the special education expenditures
26 for the school fiscal year immediately preceding the school fiscal year
27 in which an application is submitted by two and multiply the result by
28 one hundred seven percent for each applicant school district.
29 (3) Each applicant school district shall qualify for a maximum
30 payment equal to the difference of the special education expenditures for
31 the current school fiscal year submitted pursuant to subsection (1) of
1 this section minus the amount calculated pursuant to subsection (2) of
2 this section for such school district for such school fiscal year.
3 (4) The department shall make a payment to each applicant school
4 district on or before January 31 for the school fiscal year in which the
5 application is submitted. Such payment shall equal the maximum payment
6 determined pursuant to subsection (3) of this section, except that if the
7 sum of all maximum payments for applicant school districts for such
8 school fiscal year exceeds the available balance for such purpose in the
9 Education Future Fund, each payment shall be reduced proportionally so
10 that the sum of all payments for applicant school districts for such
11 school fiscal year equals the available balance for such purpose in the
12 fund.
13 Sec. 42. The department shall make a payment to each qualifying
14 applicant school district from the Education Future Fund pursuant to
15 section 41 of this act for an extraordinary increase in special education
16 expenditures. The department shall reimburse the fund for each such
17 payment from the appropriation for special education and support services
18 reimbursements pursuant to section 79-1142 in the school fiscal year
19 immediately following the school fiscal year in which each such payment
20 was made. It is the intent of the Legislature to appropriate up to two
21 million five hundred thousand dollars from the Education Future Fund for
22 fiscal year 2023-24 and each year thereafter for payments to qualifying
23 applicants.
24 Sec. 51. (1) The State Department of Education shall create and

25 administer the Nebraska Teacher Apprenticeship Program. The purpose of
26 the program is to help recruit and increase the number of teachers
27 throughout the state by utilizing an apprenticeship model for training.
28 The program shall provide for an applicant who successfully completes the
29 program to obtain a certificate or permit issued by the Commissioner of
30 Education. The department may work with standard institutions of higher
31 education as defined in section 79-807, the Department of Labor, and
1 other entities the State Department of Education deems necessary to
2 develop and implement the program.

3 (2) An individual may apply for participation in the program if the
4 individual (a) is an employee of a school district or (b) has a contract
5 to begin working for a school district at the start of the school year
6 for which the individual is applying for participation in the program.

7 (3) The department shall determine requirements for completion of
8 the program by an applicant. The requirements shall include, but need not
9 be limited to:

10 (a) The completion of a one-year apprenticeship in a classroom;

11 (b) A baccalaureate degree from a standard institution of higher
12 education; and

13 (c) Successful completion of a subject area examination and pedagogy
14 examination created by the department as part of the program.

15 (4) The Commissioner of Education shall issue a certificate to teach
16 as set forth pursuant to the rules and regulations adopted and
17 promulgated pursuant to sections 79-806 to 79-815 to an applicant who
18 successfully completes the program.

19 (5) It is the intent of the Legislature to appropriate one million
20 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
21 Education Future Fund to the State Department of Education for the
22 program.

23 Sec. 60. (1) Except as provided in subsection (2) of this section,
24 an elementary school shall not suspend a student in pre-kindergarten
25 through second grade. A student in pre-kindergarten through second grade
26 may be subject to an emergency exclusion as provided in section 79-264
27 for the purpose of giving the school, in consultation with the parent or
28 guardian of such student, adequate time to draft and implement a plan to
29 support such student. Each school district shall develop a policy to
30 implement this section which shall include disciplinary measures inside
31 the school as an alternative to suspension.

1 (2) An elementary school may suspend a student in pre-kindergarten
2 through second grade if such student brings a deadly weapon as defined in
3 section 28-109 onto school grounds, into a vehicle owned, leased, or
4 contracted by a school being used for a school purpose or a vehicle being
5 driven for a school purpose by a school employee or his or her designee,
6 or to a school-sponsored activity or athletic event.

7 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as
8 amended by section 23, Legislative Bill 818, One Hundred Eighth
9 Legislature, First Session, 2023, is amended to read:

10 79-1021 (1) The Education Future Fund is created. The fund shall be
11 administered by the department and shall consist of money transferred to
12 the fund by the Legislature. Any money in the fund available for
13 investment shall be invested by the state investment officer pursuant to
14 the Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

16 (2) The fund shall be used only for the following purposes, in order
17 of priority:

18 (a) To fully fund equalization aid under the Tax Equity and
19 Educational Opportunities Support Act;

20 (b) To fund special education supplemental aid under the Tax Equity
21 and Educational Opportunities Support Act;

22 (c) To fund foundation aid under the Tax Equity and Educational

23 Opportunities Support Act;

24 (d) To increase funding for school districts in a way that results

25 in direct property tax relief, which means a dollar-for-dollar

26 replacement of property taxes by a state funding source;

27 (e) To provide funding for a grant program created by the

28 Legislature to address teacher turnover rates and keep existing teachers

29 in classrooms;

30 (f) To provide funding to increase career and technical educational

31 classroom opportunities for students. Such funding must provide students

1 with the academic and technical skills, knowledge, and training necessary

2 to succeed in future careers; ~~and~~

3 (g) To provide funding for a grant program created by the

4 Legislature to provide students the opportunity to have a mentor who will

5 continuously engage with the student directly to aid in the student's

6 professional growth and give ongoing support and encouragement to the

7 student; -

8 (h) To provide funding for extraordinary increases in special

9 education expenditures to allow school districts with large, unexpected

10 special education expenditures to more easily meet the needs of all

11 students; and

12 (i) To provide funding to help recruit teachers throughout the state

13 by utilizing apprenticeships through a teacher apprenticeship program and

14 an alternative certification process.

15 (3)(a) The State Treasurer shall transfer one billion dollars from

16 the General Fund to the Education Future Fund in fiscal year 2023-24 on

17 such dates and in such amounts as directed by the budget administrator of

18 the budget division of the Department of Administrative Services.

19 (b) The State Treasurer shall transfer two hundred fifty million

20 dollars from the General Fund to the Education Future Fund in fiscal year

21 2024-25, on such dates and in such amounts as directed by the budget

22 administrator of the budget division of the Department of Administrative

23 Services.

24 (c) It is the intent of the Legislature that two hundred fifty

25 million dollars be transferred from the General Fund to the Education

26 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

27 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,

28 2022, is amended to read:

29 79-1142 (1) Level I services refers to services provided to children

30 with disabilities who require an aggregate of not more than three hours

31 per week of special education services and support services and includes

1 all administrative, diagnostic, consultative, and vocational-adjustment

2 counselor services.

3 (2) The total allowable reimbursable cost for support services shall

4 not exceed a percentage, established by the State Board of Education, of

5 the school district's or approved cooperative's total allowable

6 reimbursable cost for all special education programs and support

7 services. The percentage established by the board for support services

8 shall not exceed the difference of ten percent minus the percentage of

9 the appropriations for special education approved by the Legislature set

10 aside for reimbursements for support services pursuant to subsection (5)

11 of this section.

12 (3) Except as provided in subsection (6) of this section, for For

13 special education and support services provided in each school fiscal

14 year, the department shall reimburse each school district in the

15 following school fiscal year a pro rata amount determined by the

16 department. The reimbursement percentage shall be the ratio of the

17 difference of the appropriations for special education approved by the

18 Legislature minus the amounts set aside pursuant to subsection (5) of

19 this section divided by the total allowable excess costs for all special

20 education programs and support services.

21 (4) Cooperatives of school districts or educational service units
 22 shall also be eligible for reimbursement for cooperative programs
 23 pursuant to this section if such cooperatives or educational service
 24 units have complied with the reporting and approval requirements of
 25 section 79-1155 for cooperative programs which were offered in the
 26 preceding school fiscal year. The payments shall be made by the
 27 department to the school district of residence, cooperative of school
 28 districts, or educational service unit each school year in a minimum of
 29 seven payments between the fifth and twentieth day of each month
 30 beginning in December. Additional payments may be made based upon
 31 additional valid claims submitted. The State Treasurer shall, between the
 1 fifth and twentieth day of each month, notify the Director of
 2 Administrative Services of the amount of funds available in the General
 3 Fund for payment purposes. The director shall, upon receiving such
 4 certification, draw warrants against funds appropriated.

5 (5) Residential settings described in subdivision (10)(c) of section
 6 79-215 shall be reimbursed for the educational services, including
 7 special education services and support services in an amount determined
 8 pursuant to the average per pupil cost of the service agency.

9 Reimbursements pursuant to this section shall be made from funds set
 10 aside for such purpose within sixty days after receipt of a reimbursement
 11 request submitted in the manner required by the department and including
 12 any documentation required by the department for educational services
 13 that have been provided, except that if there are not any funds available
 14 for the remainder of the state fiscal year for such reimbursements, the
 15 reimbursement shall occur within thirty days after the beginning of the
 16 immediately following state fiscal year. The department may audit any
 17 required documentation and subtract any payments made in error from
 18 future reimbursements. The department shall set aside separate amounts
 19 from the appropriations for special education approved by the Legislature
 20 for reimbursements pursuant to this subsection for students receiving
 21 special education services and for students receiving support services
 22 for each state fiscal year. The amounts set aside for each purpose shall
 23 be based on estimates of the reimbursements to be requested during the
 24 state fiscal year and shall not be less than the total amount of
 25 reimbursements requested in the prior state fiscal year plus any unpaid
 26 requests from the prior state fiscal year.

27 (6) For each school district that received a payment pursuant to the
 28 Extraordinary Increase in Special Education Expenditures Act in the
 29 school fiscal year for which special education expenditures were
 30 reimbursed pursuant to subsection (3) of this section, an amount equal to
 31 such payment shall be subtracted from the reimbursement calculated
 1 pursuant to subsection (3) of this section and such amount shall be
 2 transferred to the Education Future Fund.

3 2. On page 13, line 18, strike the new matter; in line 19 reinstate
 4 the stricken matter; and in lines 20 through 23 strike the new matter.

5 3. On page 33, line 26, strike "use funds" and insert "appropriate
 6 ten million dollars".

7 4. On page 127, line 23, strike "outcomes," and insert "and
 8 outcomes".

9 5. On page 130, lines 3, 6, and 11, strike "department" and insert
 10 "State Department of Education".

11 6. On page 132, after line 20 insert the following new subsection:
 12 "(5) Nothing in this section shall be construed to supersede a
 13 parent's ability to exercise any rights such parent has under a school
 14 district policy established pursuant to section 79-531."; in line 24
 15 strike "92,"; and in line 27 after the sixth comma insert "93,".

16 7. Correct the operative date and repealer sections so that section
 17 24 added by this amendment becomes operative on July 1, 2024, section 60
 18 added by this amendment becomes operative three calendar months after the

19 adjournment of this legislative session, and sections 41, 42, 51, 89, and
 20 92 added by this amendment become operative on their effective date with
 21 the emergency clause.
 22 8. Renumber the remaining sections and correct internal references
 23 accordingly.

Senator Murman filed the following amendment to LB705:
AM1672

(Amendments to E & R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, and 91 and insert the following
 2 new sections:
 3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative
 4 Supplement, 2022, is amended to read:
 5 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The
 6 fund shall consist of ~~transfers~~ appropriations by the Legislature,
 7 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,
 8 penalties, and interest payments received in the course of administering
 9 the Attracting Excellence to Teaching Program and the Enhancing
 10 Excellence in Teaching Program.
 11 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,
 12 the commission shall allocate on an annual basis up to two hundred fifty
 13 thousand dollars of the funds transferred pursuant to section 1 of this
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-
 15 Credit Education Grant Program.
 16 (b) For all fiscal years beginning on and after July 1, 2024, the
 17 commission shall allocate on an annual basis up to five hundred thousand
 18 dollars of the funds transferred pursuant to section 1 of this act for
 19 grants and loans to students enrolled in a teacher education program for
 20 student-teaching semesters.
 21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund
 22 after the distributions pursuant to subdivisions (a) and (b) of this
 23 subsection, for For all fiscal years, the commission department shall
 24 allocate on an annual basis up to four hundred thousand dollars in the
 25 aggregate of the funds to be distributed for the Attracting Excellence to
 26 Teaching Program to all eligible institutions according to the
 1 distribution formula as determined by rule and regulation. The eligible
 2 institutions shall act as agents of the commission department in the
 3 distribution of the funds for the Attracting Excellence to Teaching
 4 Program to eligible students. The commission department shall allocate on
 5 an annual basis up to eight hundred thousand dollars of the remaining
 6 available funds to be distributed to eligible students for the Enhancing
 7 Excellence in Teaching Program. Funding amounts granted in excess of one
 8 million two hundred thousand dollars shall be evenly divided for
 9 distribution between the two programs.
 10 (3) Any money in the Excellence in Teaching Cash Fund available for
 11 investment shall be invested by the state investment officer pursuant to
 12 the Nebraska Capital Expansion Act and the Nebraska State Funds
 13 Investment Act.
 14 Sec. 41. (1) On or before January 15 of each school fiscal year, a
 15 school district with expected special education expenditures that total
 16 (a) at least fifty thousand dollars annually or (b) one-half percent or
 17 more of such school district's annual budget, whichever is greater, may
 18 submit an application as prescribed by the State Department of Education
 19 to the department for a payment from the Education Future Fund to cover
 20 an extraordinary increase in special education expenditures pursuant to
 21 the requirements of this section. Such application shall include the
 22 special education expenditures of the applicant school district as of the
 23 immediately preceding December 31 for the school fiscal year in which the
 24 application is submitted.
 25 (2) The department shall divide the special education expenditures

26 for the school fiscal year immediately preceding the school fiscal year
27 in which an application is submitted by two and multiply the result by
28 one hundred seven percent for each applicant school district.
29 (3) Each applicant school district shall qualify for a maximum
30 payment equal to the difference of the special education expenditures for
31 the current school fiscal year submitted pursuant to subsection (1) of
1 this section minus the amount calculated pursuant to subsection (2) of
2 this section for such school district for such school fiscal year.
3 (4) The department shall make a payment to each applicant school
4 district on or before January 31 for the school fiscal year in which the
5 application is submitted. Such payment shall equal the maximum payment
6 determined pursuant to subsection (3) of this section, except that if the
7 sum of all maximum payments for applicant school districts for such
8 school fiscal year exceeds the available balance for such purpose in the
9 Education Future Fund, each payment shall be reduced proportionally so
10 that the sum of all payments for applicant school districts for such
11 school fiscal year equals the available balance for such purpose in the
12 fund.
13 Sec. 42. The department shall make a payment to each qualifying
14 applicant school district from the Education Future Fund pursuant to
15 section 41 of this act for an extraordinary increase in special education
16 expenditures. The department shall reimburse the fund for each such
17 payment from the appropriation for special education and support services
18 reimbursements pursuant to section 79-1142 in the school fiscal year
19 immediately following the school fiscal year in which each such payment
20 was made. It is the intent of the Legislature to appropriate up to two
21 million five hundred thousand dollars from the Education Future Fund for
22 fiscal year 2023-24 and each year thereafter for payments to qualifying
23 applicants.
24 Sec. 51. (1) The State Department of Education shall create and
25 administer the Nebraska Teacher Apprenticeship Program. The purpose of
26 the program is to help recruit and increase the number of teachers
27 throughout the state by utilizing an apprenticeship model for training.
28 The program shall provide for an applicant who successfully completes the
29 program to obtain a certificate or permit issued by the Commissioner of
30 Education. The department may work with standard institutions of higher
31 education as defined in section 79-807, the Department of Labor, and
1 other entities the State Department of Education deems necessary to
2 develop and implement the program.
3 (2) An individual may apply for participation in the program if the
4 individual (a) is an employee of a school district or (b) has a contract
5 to begin working for a school district at the start of the school year
6 for which the individual is applying for participation in the program.
7 (3) The department shall determine requirements for completion of
8 the program by an applicant. The requirements shall include, but need not
9 be limited to:
10 (a) The completion of a one-year apprenticeship in a classroom;
11 (b) A baccalaureate degree from a standard institution of higher
12 education; and
13 (c) Successful completion of a subject area examination and pedagogy
14 examination created by the department as part of the program.
15 (4) The Commissioner of Education shall issue a certificate to teach
16 as set forth pursuant to the rules and regulations adopted and
17 promulgated pursuant to sections 79-806 to 79-815 to an applicant who
18 successfully completes the program.
19 (5) It is the intent of the Legislature to appropriate one million
20 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
21 Education Future Fund to the State Department of Education for the
22 program.
23 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as

24 amended by section 23, Legislative Bill 818, One Hundred Eighth
 25 Legislature, First Session, 2023, is amended to read:
 26 79-1021 (1) The Education Future Fund is created. The fund shall be
 27 administered by the department and shall consist of money transferred to
 28 the fund by the Legislature. Any money in the fund available for
 29 investment shall be invested by the state investment officer pursuant to
 30 the Nebraska Capital Expansion Act and the Nebraska State Funds
 31 Investment Act.

1 (2) The fund shall be used only for the following purposes, in order
 2 of priority:

3 (a) To fully fund equalization aid under the Tax Equity and
 4 Educational Opportunities Support Act;

5 (b) To fund special education supplemental aid under the Tax Equity
 6 and Educational Opportunities Support Act;

7 (c) To fund foundation aid under the Tax Equity and Educational
 8 Opportunities Support Act;

9 (d) To increase funding for school districts in a way that results
 10 in direct property tax relief, which means a dollar-for-dollar
 11 replacement of property taxes by a state funding source;

12 (e) To provide funding for a grant program created by the
 13 Legislature to address teacher turnover rates and keep existing teachers
 14 in classrooms;

15 (f) To provide funding to increase career and technical educational
 16 classroom opportunities for students. Such funding must provide students
 17 with the academic and technical skills, knowledge, and training necessary
 18 to succeed in future careers; ~~and~~

19 (g) To provide funding for a grant program created by the
 20 Legislature to provide students the opportunity to have a mentor who will
 21 continuously engage with the student directly to aid in the student's
 22 professional growth and give ongoing support and encouragement to the
 23 student; -

24 (h) To provide funding for extraordinary increases in special
 25 education expenditures to allow school districts with large, unexpected
 26 special education expenditures to more easily meet the needs of all
 27 students; and

28 (i) To provide funding to help recruit teachers throughout the state
 29 by utilizing apprenticeships through a teacher apprenticeship program and
 30 an alternative certification process.

31 (3)(a) The State Treasurer shall transfer one billion dollars from
 1 the General Fund to the Education Future Fund in fiscal year 2023-24 on
 2 such dates and in such amounts as directed by the budget administrator of
 3 the budget division of the Department of Administrative Services.

4 (b) The State Treasurer shall transfer two hundred fifty million
 5 dollars from the General Fund to the Education Future Fund in fiscal year
 6 2024-25, on such dates and in such amounts as directed by the budget
 7 administrator of the budget division of the Department of Administrative
 8 Services.

9 (c) It is the intent of the Legislature that two hundred fifty
 10 million dollars be transferred from the General Fund to the Education
 11 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

12 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,
 13 2022, is amended to read:

14 79-1142 (1) Level I services refers to services provided to children
 15 with disabilities who require an aggregate of not more than three hours
 16 per week of special education services and support services and includes
 17 all administrative, diagnostic, consultative, and vocational-adjustment
 18 counselor services.

19 (2) The total allowable reimbursable cost for support services shall
 20 not exceed a percentage, established by the State Board of Education, of
 21 the school district's or approved cooperative's total allowable

22 reimbursable cost for all special education programs and support
 23 services. The percentage established by the board for support services
 24 shall not exceed the difference of ten percent minus the percentage of
 25 the appropriations for special education approved by the Legislature set
 26 aside for reimbursements for support services pursuant to subsection (5)
 27 of this section.

28 (3) Except as provided in subsection (6) of this section, for
 29 special education and support services provided in each school fiscal
 30 year, the department shall reimburse each school district in the
 31 following school fiscal year a pro rata amount determined by the
 1 department. The reimbursement percentage shall be the ratio of the
 2 difference of the appropriations for special education approved by the
 3 Legislature minus the amounts set aside pursuant to subsection (5) of
 4 this section divided by the total allowable excess costs for all special
 5 education programs and support services.

6 (4) Cooperatives of school districts or educational service units
 7 shall also be eligible for reimbursement for cooperative programs
 8 pursuant to this section if such cooperatives or educational service
 9 units have complied with the reporting and approval requirements of
 10 section 79-1155 for cooperative programs which were offered in the
 11 preceding school fiscal year. The payments shall be made by the
 12 department to the school district of residence, cooperative of school
 13 districts, or educational service unit each school year in a minimum of
 14 seven payments between the fifth and twentieth day of each month
 15 beginning in December. Additional payments may be made based upon
 16 additional valid claims submitted. The State Treasurer shall, between the
 17 fifth and twentieth day of each month, notify the Director of
 18 Administrative Services of the amount of funds available in the General
 19 Fund for payment purposes. The director shall, upon receiving such
 20 certification, draw warrants against funds appropriated.

21 (5) Residential settings described in subdivision (10)(c) of section
 22 79-215 shall be reimbursed for the educational services, including
 23 special education services and support services in an amount determined
 24 pursuant to the average per pupil cost of the service agency.
 25 Reimbursements pursuant to this section shall be made from funds set
 26 aside for such purpose within sixty days after receipt of a reimbursement
 27 request submitted in the manner required by the department and including
 28 any documentation required by the department for educational services
 29 that have been provided, except that if there are not any funds available
 30 for the remainder of the state fiscal year for such reimbursements, the
 31 reimbursement shall occur within thirty days after the beginning of the
 1 immediately following state fiscal year. The department may audit any
 2 required documentation and subtract any payments made in error from
 3 future reimbursements. The department shall set aside separate amounts
 4 from the appropriations for special education approved by the Legislature
 5 for reimbursements pursuant to this subsection for students receiving
 6 special education services and for students receiving support services
 7 for each state fiscal year. The amounts set aside for each purpose shall
 8 be based on estimates of the reimbursements to be requested during the
 9 state fiscal year and shall not be less than the total amount of
 10 reimbursements requested in the prior state fiscal year plus any unpaid
 11 requests from the prior state fiscal year.

12 (6) For each school district that received a payment pursuant to the
 13 Extraordinary Increase in Special Education Expenditures Act in the
 14 school fiscal year for which special education expenditures were
 15 reimbursed pursuant to subsection (3) of this section, an amount equal to
 16 such payment shall be subtracted from the reimbursement calculated
 17 pursuant to subsection (3) of this section and such amount shall be
 18 transferred to the Education Future Fund.

19 2. On page 13, line 18, strike the new matter; in line 19 reinstate

20 the stricken matter; and in lines 20 through 23 strike the new matter.
 21 3. On page 33, line 26, strike "use funds" and insert "appropriate
 22 ten million dollars".
 23 4. On page 127, line 23, strike ", outcomes." and insert "and
 24 outcomes".
 25 5. On page 130, lines 3, 6, and 11, strike "department" and insert
 26 "State Department of Education".
 27 6. On page 132, after line 20 insert the following new subsection:
 28 "(5) Nothing in this section shall be construed to supersede a
 29 parent's ability to exercise any rights such parent has under a school
 30 district policy established pursuant to section 79-531."; in line 24
 31 strike "92."; and in line 27 after the sixth comma insert "93,".
 1 7. Correct the operative date and repealer sections so that section
 2 24 added by this amendment becomes operative on July 1, 2024, and
 3 sections 41, 42, 51, 89, and 92 added by this amendment become operative
 4 on their effective date with the emergency clause.
 5 8. Renumber the remaining sections and correct internal references
 6 accordingly.

Senator Murman filed the following amendment to LB705:
AM1675

(Amendments to E & R amendments, ER30)

1 1. On page 48, after line 12 insert the following new subsection:
 2 "(3) This section shall not apply to Class III school districts."

Senator Murman filed the following amendment to LB705:
AM1680

(Amendments to E & R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, and 91 and insert the following
 2 new sections:
 3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative
 4 Supplement, 2022, is amended to read:
 5 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The
 6 fund shall consist of ~~transfers~~ appropriations by the Legislature,
 7 transfers pursuant to section ~~1 of this act 9-812~~, and loan repayments,
 8 penalties, and interest payments received in the course of administering
 9 the Attracting Excellence to Teaching Program and the Enhancing
 10 Excellence in Teaching Program.
 11 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,
 12 the commission shall allocate on an annual basis up to two hundred fifty
 13 thousand dollars of the funds transferred pursuant to section 1 of this
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-
 15 Credit Education Grant Program.
 16 (b) For all fiscal years beginning on and after July 1, 2024, the
 17 commission shall allocate on an annual basis up to five hundred thousand
 18 dollars of the funds transferred pursuant to section 1 of this act for
 19 grants and loans to students enrolled in a teacher education program for
 20 student-teaching semesters.
 21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund
 22 after the distributions pursuant to subdivisions (a) and (b) of this
 23 subsection, for For all fiscal years, the ~~commission~~ department shall
 24 allocate on an annual basis up to four hundred thousand dollars in the
 25 aggregate of the funds to be distributed for the Attracting Excellence to
 26 Teaching Program to all eligible institutions according to the
 1 distribution formula as determined by rule and regulation. The eligible
 2 institutions shall act as agents of the ~~commission~~ department in the
 3 distribution of the funds for the Attracting Excellence to Teaching
 4 Program to eligible students. The ~~commission~~ department shall allocate on
 5 an annual basis up to eight hundred thousand dollars of the remaining
 6 available funds to be distributed to eligible students for the Enhancing
 7 Excellence in Teaching Program. Funding amounts granted in excess of one

8 million two hundred thousand dollars shall be evenly divided for
9 distribution between the two programs.

10 (3) Any money in the Excellence in Teaching Cash Fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 Sec. 41. (1) On or before January 15 of each school fiscal year, a
15 school district with expected special education expenditures that total
16 (a) at least fifty thousand dollars annually or (b) one-half percent or
17 more of such school district's annual budget, whichever is greater, may
18 submit an application as prescribed by the State Department of Education
19 to the department for a payment from the Education Future Fund to cover
20 an extraordinary increase in special education expenditures pursuant to
21 the requirements of this section. Such application shall include the
22 special education expenditures of the applicant school district as of the
23 immediately preceding December 31 for the school fiscal year in which the
24 application is submitted.

25 (2) The department shall divide the special education expenditures
26 for the school fiscal year immediately preceding the school fiscal year
27 in which an application is submitted by two and multiply the result by
28 one hundred seven percent for each applicant school district.

29 (3) Each applicant school district shall qualify for a maximum
30 payment equal to the difference of the special education expenditures for
31 the current school fiscal year submitted pursuant to subsection (1) of
1 this section minus the amount calculated pursuant to subsection (2) of
2 this section for such school district for such school fiscal year.

3 (4) The department shall make a payment to each applicant school
4 district on or before January 31 for the school fiscal year in which the
5 application is submitted. Such payment shall equal the maximum payment
6 determined pursuant to subsection (3) of this section, except that if the
7 sum of all maximum payments for applicant school districts for such
8 school fiscal year exceeds the available balance for such purpose in the
9 Education Future Fund, each payment shall be reduced proportionally so
10 that the sum of all payments for applicant school districts for such
11 school fiscal year equals the available balance for such purpose in the
12 fund.

13 Sec. 42. The department shall make a payment to each qualifying
14 applicant school district from the Education Future Fund pursuant to
15 section 41 of this act for an extraordinary increase in special education
16 expenditures. The department shall reimburse the fund for each such
17 payment from the appropriation for special education and support services
18 reimbursements pursuant to section 79-1142 in the school fiscal year
19 immediately following the school fiscal year in which each such payment
20 was made. It is the intent of the Legislature to appropriate up to two
21 million five hundred thousand dollars from the Education Future Fund for
22 fiscal year 2023-24 and each year thereafter for payments to qualifying
23 applicants.

24 Sec. 51. (1) The State Department of Education shall create and
25 administer the Nebraska Teacher Apprenticeship Program. The purpose of
26 the program is to help recruit and increase the number of teachers
27 throughout the state by utilizing an apprenticeship model for training.
28 The program shall provide for an applicant who successfully completes the
29 program to obtain a certificate or permit issued by the Commissioner of
30 Education. The department may work with standard institutions of higher
31 education as defined in section 79-807, the Department of Labor, and
1 other entities the State Department of Education deems necessary to
2 develop and implement the program.

3 (2) An individual may apply for participation in the program if the
4 individual (a) is an employee of a school approved or accredited by the
5 State Department of Education or (b) has a contract to begin working for
6 a school approved or accredited by the State Department of Education at
7 the start of the school year for which the individual is applying for
8 participation in the program.

9 (3) The department shall determine requirements for completion of

10 the program by an applicant. The requirements shall include, but need not
 11 be limited to:

12 (a) The completion of a one-year apprenticeship in a classroom;

13 (b) A baccalaureate degree from a standard institution of higher
 14 education; and

15 (c) Successful completion of a subject area examination and pedagogy
 16 examination created by the department as part of the program.

17 (4) The Commissioner of Education shall issue a certificate to teach

18 as set forth pursuant to the rules and regulations adopted and

19 promulgated pursuant to sections 79-806 to 79-815 to an applicant who
 20 successfully completes the program.

21 (5) It is the intent of the Legislature to appropriate one million

22 dollars for fiscal year 2023-24 and each fiscal year thereafter from the

23 Education Future Fund to the State Department of Education for the
 24 program.

25 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as

26 amended by section 23, Legislative Bill 818, One Hundred Eighth

27 Legislature, First Session, 2023, is amended to read:

28 79-1021 (1) The Education Future Fund is created. The fund shall be

29 administered by the department and shall consist of money transferred to

30 the fund by the Legislature. Any money in the fund available for

31 investment shall be invested by the state investment officer pursuant to

1 the Nebraska Capital Expansion Act and the Nebraska State Funds

2 Investment Act.

3 (2) The fund shall be used only for the following purposes, in order

4 of priority:

5 (a) To fully fund equalization aid under the Tax Equity and

6 Educational Opportunities Support Act;

7 (b) To fund special education supplemental aid under the Tax Equity

8 and Educational Opportunities Support Act;

9 (c) To fund foundation aid under the Tax Equity and Educational

10 Opportunities Support Act;

11 (d) To increase funding for school districts in a way that results

12 in direct property tax relief, which means a dollar-for-dollar

13 replacement of property taxes by a state funding source;

14 (e) To provide funding for a grant program created by the

15 Legislature to address teacher turnover rates and keep existing teachers

16 in classrooms;

17 (f) To provide funding to increase career and technical educational

18 classroom opportunities for students. Such funding must provide students

19 with the academic and technical skills, knowledge, and training necessary

20 to succeed in future careers; ~~and~~

21 (g) To provide funding for a grant program created by the

22 Legislature to provide students the opportunity to have a mentor who will

23 continuously engage with the student directly to aid in the student's

24 professional growth and give ongoing support and encouragement to the

25 student; -

26 (h) To provide funding for extraordinary increases in special

27 education expenditures to allow school districts with large, unexpected

28 special education expenditures to more easily meet the needs of all

29 students; and

30 (i) To provide funding to help recruit teachers throughout the state

31 by utilizing apprenticeships through a teacher apprenticeship program and

1 an alternative certification process.

2 (3)(a) The State Treasurer shall transfer one billion dollars from

3 the General Fund to the Education Future Fund in fiscal year 2023-24 on

4 such dates and in such amounts as directed by the budget administrator of

5 the budget division of the Department of Administrative Services.

6 (b) The State Treasurer shall transfer two hundred fifty million

7 dollars from the General Fund to the Education Future Fund in fiscal year

8 2024-25, on such dates and in such amounts as directed by the budget

9 administrator of the budget division of the Department of Administrative

10 Services.

11 (c) It is the intent of the Legislature that two hundred fifty

12 million dollars be transferred from the General Fund to the Education
13 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

14 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 79-1142 (1) Level I services refers to services provided to children
17 with disabilities who require an aggregate of not more than three hours
18 per week of special education services and support services and includes
19 all administrative, diagnostic, consultative, and vocational-adjustment
20 counselor services.

21 (2) The total allowable reimbursable cost for support services shall
22 not exceed a percentage, established by the State Board of Education, of
23 the school district's or approved cooperative's total allowable
24 reimbursable cost for all special education programs and support
25 services. The percentage established by the board for support services
26 shall not exceed the difference of ten percent minus the percentage of
27 the appropriations for special education approved by the Legislature set
28 aside for reimbursements for support services pursuant to subsection (5)
29 of this section.

30 (3) Except as provided in subsection (6) of this section, for For
31 special education and support services provided in each school fiscal
1 year, the department shall reimburse each school district in the
2 following school fiscal year a pro rata amount determined by the
3 department. The reimbursement percentage shall be the ratio of the
4 difference of the appropriations for special education approved by the
5 Legislature minus the amounts set aside pursuant to subsection (5) of
6 this section divided by the total allowable excess costs for all special
7 education programs and support services.

8 (4) Cooperatives of school districts or educational service units
9 shall also be eligible for reimbursement for cooperative programs
10 pursuant to this section if such cooperatives or educational service
11 units have complied with the reporting and approval requirements of
12 section 79-1155 for cooperative programs which were offered in the
13 preceding school fiscal year. The payments shall be made by the
14 department to the school district of residence, cooperative of school
15 districts, or educational service unit each school year in a minimum of
16 seven payments between the fifth and twentieth day of each month
17 beginning in December. Additional payments may be made based upon
18 additional valid claims submitted. The State Treasurer shall, between the
19 fifth and twentieth day of each month, notify the Director of
20 Administrative Services of the amount of funds available in the General
21 Fund for payment purposes. The director shall, upon receiving such
22 certification, draw warrants against funds appropriated.

23 (5) Residential settings described in subdivision (10)(c) of section
24 79-215 shall be reimbursed for the educational services, including
25 special education services and support services in an amount determined
26 pursuant to the average per pupil cost of the service agency.
27 Reimbursements pursuant to this section shall be made from funds set
28 aside for such purpose within sixty days after receipt of a reimbursement
29 request submitted in the manner required by the department and including
30 any documentation required by the department for educational services
31 that have been provided, except that if there are not any funds available
1 for the remainder of the state fiscal year for such reimbursements, the
2 reimbursement shall occur within thirty days after the beginning of the
3 immediately following state fiscal year. The department may audit any
4 required documentation and subtract any payments made in error from
5 future reimbursements. The department shall set aside separate amounts
6 from the appropriations for special education approved by the Legislature
7 for reimbursements pursuant to this subsection for students receiving
8 special education services and for students receiving support services
9 for each state fiscal year. The amounts set aside for each purpose shall
10 be based on estimates of the reimbursements to be requested during the
11 state fiscal year and shall not be less than the total amount of
12 reimbursements requested in the prior state fiscal year plus any unpaid
13 requests from the prior state fiscal year.

14 (6) For each school district that received a payment pursuant to the
15 Extraordinary Increase in Special Education Expenditures Act in the
16 school fiscal year for which special education expenditures were
17 reimbursed pursuant to subsection (3) of this section, an amount equal to
18 such payment shall be subtracted from the reimbursement calculated
19 pursuant to subsection (3) of this section and such amount shall be
20 transferred to the Education Future Fund.
21 2. On page 13, line 18, strike the new matter; in line 19 reinstate
22 the stricken matter; and in lines 20 through 23 strike the new matter.
23 3. On page 33, line 26, strike "use funds" and insert "appropriate
24 ten million dollars".
25 4. On page 127, line 23, strike ", outcomes," and insert "and
26 outcomes".
27 5. On page 130, lines 3, 6, and 11, strike "department" and insert
28 "State Department of Education".
29 6. On page 132, after line 20 insert the following new subsection:
30 "(5) Nothing in this section shall be construed to supersede a
31 parent's ability to exercise any rights such parent has under a school
1 district policy established pursuant to section 79-531."; in line 24
2 strike "92,"; and in line 27 after the sixth comma insert "93,".
3 7. Correct the operative date and repealer sections so that section
4 24 added by this amendment becomes operative on July 1, 2024, and
5 sections 41, 42, 51, 89, and 92 added by this amendment become operative
6 on their effective date with the emergency clause.
7 8. Renumber the remaining sections and correct internal references
8 accordingly.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to LB705:

[MO1020](#)

Overrule the Speaker's agenda pursuant to Rule 1, Section 16, in order to place LB562 ahead of LB705.

Senator Murman filed the following motion to LB705:

[MO1021](#)

Bracket until June 9, 2023.

Senator Murman filed the following motion to LB705:

[MO1022](#)

Recommit to Education Committee.

Senator Murman filed the following motion to LB705:

[MO1023](#)

Indefinitely postpone.

Senator Dorn filed the following motion to LB562:

[MO1025](#)

Bracket until June 9, 2023.

Senator Dorn filed the following motion to LB562:

[MO1026](#)

Recommit to Agriculture Committee.

Senator Dorn filed the following motion to LB562:

[MO1027](#)

Indefinitely postpone.

VISITORS

Visitors to the Chamber were students from York Elementary, York.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

ADJOURNMENT

At 11:32 p.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Tuesday, May 9, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 9, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 9, 2023

PRAYER

The prayer was offered by Senator von Gillern.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Bostelman, Day, McDonnell, Raybould, Slama, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Senator M. Cavanaugh offered a proposed correction to the Journal on Page 1385, strike the comma after Walz.

Senator Hunt objected.

Speaker Arch requested a point of order on whether a correction to the Journal from the floor is appropriate.

The Chair ruled members of the body cannot correct the Journal from the floor.

Senator Wayne moved to overrule the Chair.

Senator Conrad requested a point of order on whether questions could be asked under a motion to overrule the Chair.

The Chair ruled the Conrad point of order out of order, due to a pending point of order.

Senator M. Cavanaugh requested a point of order to overrule the Chair on the Chair's ruling on the Conrad point of order.

The Chair ruled the M. Cavanaugh point of order out of order, due to a pending point of order.

Senator Wayne withdrew his motion to overrule the Chair.

Senator Wayne requested a point order on whether members can yield to a question, consistent with a previous ruling of the Chair.

Senator Wayne withdrew his point of order prior to a ruling.

The Journal for the seventy-fourth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 562A. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 562, One Hundred Eighth Legislature, First Session, 2023.

SELECT FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh renewed [MO1028](#), found and considered on page 1403, to reconsider the vote taken on MO789.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 115, 116, and 117 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 115, 116, and 117.

SELECT FILE

LEGISLATIVE BILL 705. Senator M. Cavanaugh renewed [MO1028](#), found on page 1403 and considered on page 1403 and in this day's Journal, to reconsider the vote taken on MO789.

Senator M. Cavanaugh withdrew her motion to reconsider.

[ER30](#), found on page 1378, was offered.

Senator Murman asked unanimous consent to withdraw [FA94](#), found on page 1383, and replace it with substitute amendment, [AM1681](#), to [ER30](#). No objections. So ordered.

[AM1681](#) is available in the Bill Room.

Senator Murman offered the following motion:

[MO1029](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murman moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call prevailed with 37 ayes, 2 nays, and 10 not voting.

Senator Murman requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Hunt

Present and not voting, 4:

Albrecht Cavanaugh, M. Clements Wayne

Excused and not voting, 2:

Bosn Day

The Murman motion to invoke cloture prevailed with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Murman amendment, to [ER30](#).

Voting in the affirmative, 40:

Aguilar	Briese	Dungan	Jacobson	Raybould
Arch	Cavanaugh, J.	Fredrickson	Kauth	Riepe
Armendariz	Cavanaugh, M.	Hansen	Linehan	Sanders
Ballard	Conrad	Hardin	Lippincott	Slama
Blood	DeBoer	Holdcroft	McDonnell	Vargas
Bostar	DeKay	Hughes	McKinney	von Gillern
Brandt	Dorn	Hunt	Moser	Walz
Brewer	Dover	Ibach	Murman	Wishart

Voting in the negative, 3:

Albrecht	Erdman	Halloran
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Present and not voting, 4:

Bostelman	Clements	Lowe	Wayne
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Excused and not voting, 2:

Bosn	Day
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The Murman amendment, to [ER30](#), was adopted with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the adoption of [ER30](#).

Senator M. Cavanaugh requested a point of order that there was no motion to adopt the ER amendments.

Senator M. Cavanaugh withdrew her point of order.

Voting in the affirmative, 41:

Aguilar	Cavanaugh, J.	Hansen	Lippincott	Slama
Arch	Cavanaugh, M.	Hardin	Lowe	Vargas
Armendariz	Conrad	Holdcroft	McDonnell	von Gillern
Ballard	DeBoer	Hughes	McKinney	Walz
Blood	DeKay	Hunt	Moser	Wishart
Bostar	Dorn	Ibach	Murman	
Brandt	Dover	Jacobson	Raybould	
Brewer	Dungan	Kauth	Riepe	
Briese	Fredrickson	Linehan	Sanders	

Voting in the negative, 3:

Albrecht Clements Erdman

Present and not voting, 3:

Bostelman Halloran Wayne

Excused and not voting, 2:

Bosn Day

[ER30](#) was adopted, as amended, with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 39 ayes, 4 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 583. Senator Hunt offered [MO685](#), found on page 966, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

[ER20](#), found on page 1088, was offered.

ER20 was adopted.

Senator Sanders withdrew [AM1174](#), found on page 1029.

Senator Sanders withdrew [AM1175](#), found on page 1029.

Senator Sanders withdrew [AM1229](#), found on page 1063.

Senator Sanders withdrew [AM1230](#), found on page 1063.

Senator Sanders offered [AM1636](#), found on page 1393.

Pending.

AMENDMENT - Print in Journal

Senator DeBoer filed the following amendment to [LB814](#):
[AM1662](#)

(Amendments to E and R Amendments, ER 31)

1 1. Purpose: Provide intent for audit of funds received under the
2 federal American Rescue Plan Act of 2021.

3 Amendment:

4 a. On page 14, after line 18 insert the following new paragraph:

5 "It is the intent of the Legislature that the Auditor of Public

6 Accounts use the appropriation to this program to examine the use of

7 funds received under the federal American Rescue Plan Act of 2021 and

8 appropriated by the Legislature for FY2023-24 and FY2023-25. The analysis

9 for each fiscal year shall include summaries of testing performed

10 regarding such funds for the Statewide Single Audit during each of the

11 previous fiscal years."

VISITORS

Visitors to the Chamber were students from Parkview Christian, Lincoln; students from Jefferson Elementary, Grand Island; students from Trinity Lutheran, Fremont; students from Dual Language Academy, Omaha; students from Starr Elementary, Grand Island.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht, Bosn, Bostar, Conrad, Day, Hunt, McKinney, Riepe, Vargas, von Gillern, Wayne, and Wishart who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 583. Senator Sanders renewed [AM1636](#), found on page 1393 and considered in this day's Journal.

Senator Slama offered the following amendment, to the Sanders amendment:

[FA103](#)

Strike Section 1.

The Slama amendment, to the Sanders amendment, was withdrawn.

Senator Hunt offered [MO684](#), found on page 966, to recommit to Education Committee.

SENATOR DEBOER PRESIDING

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

The Hunt motion to recommit to committee failed with 0 ayes, 44 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 683. Placed on Final Reading Second.

(Signed) Beau Ballard, Chairperson
Education

LEGISLATIVE BILL 413. Placed on General File.

(Signed) Dave Murman, Chairperson

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Wayne has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

AMENDMENTS - Print in Journal

Senator Wayne filed the following amendment to LB814:

[AM1663](#)

(Amendments to E&R amendments, ER31)

1 1. On page 57, strike lines 7 through 29 and insert the following
2 new paragraph:
3 "There is included in the amount shown as aid for this program for
4 FY2023-24 \$5,000,000 Cash Funds from the Nebraska Health Care Cash Fund
5 and for FY2024-25 \$5,000,000 Cash Funds from the Nebraska Health Care
6 Cash Fund for a pilot program related to gun violence. The Department of
7 Health and Human Services shall, on or before August 1 of each year,
8 distribute the funds to a community health center located in a city of
9 the metropolitan class which is funded through Federal Program 330,
10 Public Law 104-299, the federal Health Centers Consolidation Act of 1996,
11 and which provides services to persons designated under subsection (g),
12 (h), or (i) of section 330 of the federal Public Health Services Act, 42
13 U.S.C. 254b, for a pilot program to assess the need for substantial
14 efforts to prevent post-traumatic stress disorder through the reduction
15 of community gun violence. The pilot program shall assess the degree of
16 community exposure to acts of violence, including, but not limited to,

17 witnessing incidents of fighting or shooting, hearing gunshots, or
 18 experiencing an act of community violence; identify treatment services;
 19 use the best available evidence-supported assessment procedures and
 20 intervention strategies that include non-office-based treatment settings
 21 and parent-operated programs; build a sustainable and accessible program
 22 beyond the pilot community to engage community partnerships with key
 23 stakeholders, including, but not limited to, churches, law enforcement
 24 agencies, civic organizations, and businesses; and conduct periodic
 25 evaluations for such post-traumatic stress disorder assessment and
 26 treatment services, including costs and settings for care, and proximal
 1 and distal client outcomes. It is the intent of the Legislature to
 2 transfer five million dollars from the Cash Reserve Fund to the
 3 department for the pilot program for each of fiscal years 2025-26,
 4 2026-27, and 2027-28."

Senator Wayne filed the following amendment to [LB814](#):
[AM1653](#)

(Amendments to E & R amendments, ER31)

1 1. On page 81, line 9, after the comma insert "construction of an
 2 additional building honoring Buffalo Soldiers,"; and strike lines 11 and
 3 12 and insert "\$10,000,000 Cash Funds for FY2023-24 for such purpose, of
 4 which \$2,000,000 shall be used for construction of an additional building
 5 honoring Buffalo Soldiers. There is included in the appropriation to this
 6 program \$10,000,000 Cash Funds for FY2024-25 for such purpose, of which
 7 \$2,000,000 shall be used for construction of an additional building
 8 honoring Buffalo Soldiers."

RESOLUTIONS

LEGISLATIVE RESOLUTION 133. Introduced by Bostelman, 23.

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

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Cavanaugh, J., 9; Bosn, 25.

PURPOSE: The purpose of this resolution is to propose an interim study to review landlord-tenant law to determine whether legislative reforms similar to Laws 2021, LB320, can be enacted to further protect and empower victims and survivors and their dependents.

Laws 2021, LB320, provided rental protections for tenants who are experiencing domestic or sexual violence. The legislation expanded protection from evictions for tenants and facilitated the ability for a tenant to terminate a lease early if the tenant needs to move away from an abuser or because the abuser is no longer contributing to rent.

The interim study should focus on areas of law such as child custody and family law, statutes relating to protection orders, or other related statutes in order to effectuate further protections for tenants who experience domestic or sexual violence, human trafficking, stalking, abuse, neglect or exploitation of a vulnerable or senior adult, and related offenses.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135. Introduced by Brandt, 32; Arch, 14; Ballard, 21; Cavanaugh, J., 9; Conrad, 46; DeBoer, 10; DeKay, 40; Dorn, 30; Fredrickson, 20; Hansen, B., 16; Hughes, 24; Ibach, 44; von Gillern, 4; Walz, 15; Wishart, 27.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the current use of technology in the Legislature and identify ways to improve it. The study shall include, but need not be limited to:

(1) An evaluation of the effectiveness of existing technological tools and processes, including, but not limited to, voting systems, bill tracking systems, and online resources;

(2) An exploration of emerging technologies that could enhance the legislative process and improve constituent engagement; and

(3) A review of best practices from other state legislatures and state agencies that could be adapted for use in the Legislature.

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

1. That the Executive Board of the Legislative Council shall appoint a select interim committee to conduct an interim study to carry out the purpose of this resolution. The select interim committee shall be composed of five members of the Legislature.

2. That the select interim committee may seek assistance and input from the office of the Clerk of the Legislature, including the Legislative Technology Center.

3. That the select interim committee may obtain input from other experts and interested parties.

4. That the select interim committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 583. Senator Sanders renewed [AM1636](#), found on page 1393 and considered in this day's Journal.

Senator M. Cavanaugh offered the following motion:

[MO1031](#)

Reconsider the vote taken on MO684.

Senator Sanders offered the following motion:

[MO1035](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sanders moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 2:

Dungan Hunt

The Sanders motion to invoke cloture prevailed with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 42 nays, 5 present and not voting, and 2 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 480. Placed on General File.

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator Clements filed the following amendment to [LB818](#):
[AM1674](#)

(Amendments to E&R amendments, ER32)

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

4 Amendment:

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

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

10 Amendment:

11 a. Strike sections 9 and 10; and

12 b. Renumber the remaining sections and correct the repealer and
13 internal references accordingly.

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

16 Amendment:

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

19 4. Purpose: Agency 13 – State Department of Education: Change a
20 permitted use of the Education Future Fund.

21 Amendment:

22 a. On page 20, strike lines 17 and 18 and insert the following new
23 subdivision:

24 "(b) To fund reimbursements related to special education under
25 section 79-1142;".

Senator Clements filed the following amendment to [LB814](#):
[AM1673](#) is available in the Bill Room.

NOTICE OF COMMITTEE HEARING

Education
Hearing Room 1525 12:00 PM

Thursday, May 18, 2023

Chad W. Buckendahl - Technical Advisory Committee for Statewide
Assessment

(Signed) Dave Murman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 136. Introduced by McDonnell, 5; Aguilar, 35; Dover, 19; Fredrickson, 20; Hardin, 48; Jacobson, 42; Raybould, 28; Vargas, 7; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the critical role federally qualified health centers, also known as community health centers, play in expanding access to health care in Nebraska. The study shall include, but need not be limited to, an examination of the following:

- (1) The patients currently served by community health centers including demographics, location, and services provided;
- (2) Current barriers to access health care at community health centers including appointment wait times, travel distance to health center locations, and workforce shortages;
- (3) Potential opportunities to expand access to community health centers in Nebraska;
- (4) Potential statutory or regulatory changes that may be necessary related to expanding access to community health centers in Nebraska; and
- (5) The estimated economic impact of expanding access to community health centers.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 813. [ER33](#), found on page 1400, was offered.

SPEAKER ARCH PRESIDING

ER33 was adopted.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 282. Placed on Final Reading.

[ST12](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "to approve a contract claim;" has been inserted after the semicolon.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB243](#):

[FA104](#)

Strike Section 1.

Senator M. Cavanaugh filed the following amendment to [LB243](#):

[FA105](#)

Strike Section 2.

Senator M. Cavanaugh filed the following amendment to [LB243](#):

[FA106](#)

Strike Section 3.

Senator B. Hansen filed the following amendment to [LB814](#):

[AM1604](#)

(Amendments to Standing Committee amendments, AM915)

- 1 1. On page 18, strike line 24 and insert "FEDERAL FUND est.
- 2 43,048,380 43,745,679"; and strike line 26 and insert "PROGRAM TOTAL
- 3 73,349,174 74,531,347".
- 4 2. On page 19, lines 26 and 28, after "Funds" insert "and \$2,000,000
- 5 Federal Funds".
- 6 3. On page 20, after line 1 insert the following new paragraph:
- 7 "There is included in the amount shown as aid for this program
- 8 \$2,000,000 Federal Funds for FY2023-24 and \$2,000,000 Federal Funds for
- 9 FY2024-25 for grants to educational service units for costs of providing
- 10 or accessing mapping data."

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

[AM1601](#)

(Amendments to Standing Committee amendments, AM1172)

- 1 1. Insert the following new section:
- 2 Sec. 45. (1) For purposes of this section:
- 3 (a) Mapping data means maps relating to a school building or school
- 4 property with data for an efficient emergency response to such school
- 5 building or school property that meets the requirements of this section;
- 6 and
- 7 (b) Public safety agency means a local agency consisting of members
- 8 who serve a public or governmental agency or political subdivision in an
- 9 official capacity, with or without compensation, as either a peace

10 officer, a firefighter, or an emergency care provider.
11 (2)(a) A school board of a school district or a governing authority
12 of a private, denominational, or parochial school in this state may vote
13 to adopt a policy in accordance with this section to provide mapping data
14 to public safety agencies for use in response to emergencies.
15 (b) A school board or a governing authority that adopts such policy
16 shall provide mapping data in an electronic or digital format to assist
17 public safety agencies in responding to an emergency at a school.
18 (c) The mapping data shall, at a minimum, meet all of the following
19 requirements:
20 (i) Be compatible with and able to be integrated into software
21 platforms used by public safety agencies that provide emergency services
22 to the specific school for which the data is provided without requiring
23 either of the following:
24 (A) The purchase of additional software by such public safety
25 agencies; and
26 (B) The integration of third-party software to view the data;
1 (ii) Be a finished map product in a file format easily accessible
2 using a standard or open-source file reader, depending on the needs of
3 the school and the public safety agency;
4 (iii) Be provided in a printable format;
5 (iv) Be verified for accuracy, during production and annually,
6 through a walk-through of school buildings and grounds;
7 (v) Give an indication of what direction is true north;
8 (vi) Be overlaid on current aerial imagery or plans of school
9 buildings;
10 (vii) Contain site-specific labeling that matches the structure of
11 school buildings, including room labels, hallway names, external door or
12 stairwell numbers, locations of hazards, key utility locations, key
13 boxes, automated external defibrillators, and trauma kits using standard
14 labeling rules set by the State Department of Education;
15 (viii) Contain site-specific labeling that matches the school
16 grounds, including parking areas, athletic fields, surrounding roads, and
17 neighboring properties using standard labeling rules set by the State
18 Department of Education; and
19 (ix) Be overlaid with a grid and coordinates.
20 (3) The school board of each school district and the governing
21 authority of each private, denominational, or parochial school that
22 adopts a policy in accordance with this section shall annually (a)
23 certify to the appropriate public safety agencies that the mapping data
24 required to be provided under subsection (2) of this section is accurate
25 or (b) if such information has changed, provide the appropriate public
26 safety agencies with updated mapping data.
27 (4) A school board of a school district or a governing authority of
28 a private, denominational, or parochial school that adopts a policy in
29 accordance with this section and a public safety agency providing
30 services to a school that adopts such policy may apply to the appropriate
31 educational service unit for the educational service unit to pay for the
1 costs of and facilitate the implementation of mapping data in accordance
2 with this section for such school district, school, or public safety
3 agency. Such application shall include a copy of the appropriate school
4 policy, a quote from a vendor on the price to provide such mapping data
5 that meets the requirements of subdivision (2)(c) of this section, and
6 such other information as the educational service unit may require.
7 (5) An educational service unit may apply to the State Department of
8 Education, on forms and in a manner prescribed by the department, for a
9 grant to cover the costs of providing payments to vendors on behalf of a
10 school district, school, or public safety agency within such educational
11 service unit's geographical area in order for such school district,
12 school, or public safety agency to provide or access mapping data in

13 accordance with this section. The educational service unit shall include
14 with such application the information provided to the educational service
15 unit by the school district, school, or public safety agency and any
16 other information as the department may require.
17 (6) It is the intent of the Legislature that grants awarded pursuant
18 to this section shall be funded first using federal funds from the
19 Elementary and Secondary School Emergency Relief Fund and, if additional
20 funding is needed, then using General Funds.
21 (7) The State Board of Education may adopt and promulgate rules and
22 regulations to carry out this section.
23 2. Renumber the remaining sections accordingly.

EASE

The Legislature was at ease from 5:32 p.m. until 6:02 p.m.

SELECT FILE

LEGISLATIVE BILL 813. Senator Clements offered the following amendment:

[AM1692](#)

(Amendments to E&R amendments, ER33)

1 1. On page 18, line 2, after "person" insert "or virtual" and after
2 "(2)" insert "in-person or virtual".

PRESIDENT KELLY PRESIDING

Senator Holdcroft moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

The Clements amendment was adopted with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Slama offered the following motion:

[MO1032](#)

Bracket until June 09, 2023.

Senator Slama withdrew her motion to bracket.

Senator Slama offered the following motion:

[MO1033](#)

Recommit to Appropriations Committee.

Senator Slama withdrew her motion to recommit to committee.

Senator Slama offered the following motion:

[MO1034](#)

Indefinitely postpone.

Senator Slama withdrew her motion to indefinitely postpone.

Senator M. Cavanaugh offered the following amendment:

[FA102](#)

Strike Section 1.

The M. Cavanaugh amendment was withdrawn.

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

Advanced to Enrollment and Review for Engrossment with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 562. Senator Hunt offered [MO646](#), found on page 961, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt withdrew [MO645](#), found on page 961, to recommit to committee.

Senator Hunt withdrew [MO644](#), found on page 961, to indefinitely postpone.

Senator Halloran offered [AM1248](#), found on page 1267.

Senator M. Cavanaugh requested a roll call vote on the Halloran amendment.

The Halloran amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Senator Raybould offered [AM1378](#), found on page 1156.

The Raybould amendment lost with 7 ayes, 27 nays, 11 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered [AM1369](#), found on page 1221.

The M. Cavanaugh amendment was withdrawn.

Senator Hunt offered [AM1380](#), found on page 1221.

The Hunt amendment was withdrawn.

Senator Dorn offered [FA68](#), found on page 1261.

The Dorn amendment was withdrawn.

Senator Brandt offered [AM1554](#), found on page 1333.

Senator Linehan offered the following amendment, to the Brandt amendment:

[FA108](#)

On page 9, line 7, strike "5,000,000" and insert "2,000,000".

The Linehan amendment, to the Brandt amendment, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

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

Senator Vargas offered [AM1563](#), found on page 1333.

The Vargas amendment was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 137. Introduced by Bostar, 29; Ballard, 21; Hardin, 48; Jacobson, 42; Kauth, 31; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to examine whether additional legislation should be enacted to provide for comprehensive regulation of the business practices of pharmacy benefit managers and to address best practices for the delivery of pharmacy benefit management services. The study shall include an examination of issues raised during the consideration of Legislative Bill 778 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. In order to carry out the purposes of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Fredrickson name added to LB705.

VISITORS

Visitors to the Chamber were students from Woodbrook Elementary, Elkhorn; students from Southern Valley Schools, Oxford.

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 9:42 p.m., on a motion by Senator Ballard, the Legislature adjourned until 9:00 a.m., Wednesday, May 10, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 10, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-SIXTH DAY

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

PRAYER

The prayer was offered by Senator Clements.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Holdcroft.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, Day, Dover, Hunt, Raybould, Slama, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

AMENDMENT - Print in Journal

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

(Amendments to Standing Committee amendments, AM1525)

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

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

SELECT FILE

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

ER31 was adopted.

Pending.

AMENDMENT - Print in Journal

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

(Amendments to Final Reading copy)

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

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

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

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

SELECT FILE

LEGISLATIVE BILL 814. Senator Clements offered the following amendment:

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

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

Pending.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 600. Placed on General File with amendment.

[AM1390](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 8 of this act shall be known and may be
 4 cited as the Municipality Infrastructure Aid Act.
 5 Sec. 2. For purposes of the Municipality Infrastructure Aid Act:
 6 (1) Eligible grantee means a city of the first class, city of the
 7 second class, or village with a redevelopment plan approved under the
 8 Community Development Law;
 9 (2) Infrastructure includes water systems, sewer systems, roads,
 10 bridges, and other site development activities; and
 11 (3) Program means the Municipality Infrastructure Aid Program
 12 created in section 3 of this act.
 13 Sec. 3. The Municipality Infrastructure Aid Program is created. The
 14 Department of Economic Development shall administer the program. The
 15 purpose of the program is to finance infrastructure improvements in
 16 cities of the first class, cities of the second class, and villages.

17 Sec. 4. (1) Beginning July 1, 2023, an eligible grantee may apply
18 to the Department of Economic Development for a grant under the
19 Municipality Infrastructure Aid Act on forms created by the department.

20 (2) To be eligible for a grant under the Municipality Infrastructure
21 Aid Act, an eligible grantee shall include the following in its
22 application:

23 (a) The infrastructure improvements that are a part of a
24 redevelopment plan approved under the Community Development Law;

25 (b) How the infrastructure improvements would attract and support
26 any new business or business expansion;

27 (c) How the infrastructure improvements would provide infrastructure
28 that is sufficient for the new business or business expansion;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 Sec. 9. Section 84-612, Revised Statutes Cumulative Supplement,
76 2022, is amended to read:

19 84-612 (1) There is hereby created within the state treasury a fund
20 known as the Cash Reserve Fund which shall be under the direction of the
21 State Treasurer. The fund shall only be used pursuant to this section.
22 (2) The State Treasurer shall transfer funds from the Cash Reserve
23 Fund to the General Fund upon certification by the Director of
24 Administrative Services that the current cash balance in the General Fund
25 is inadequate to meet current obligations. Such certification shall
26 include the dollar amount to be transferred. Any transfers made pursuant
27 to this subsection shall be reversed upon notification by the Director of
28 Administrative Services that sufficient funds are available.
29 (3) In addition to receiving transfers from other funds, the Cash
30 Reserve Fund shall receive federal funds received by the State of
31 Nebraska for undesignated general government purposes, federal revenue
1 sharing, or general fiscal relief of the state.
2 (4) The State Treasurer shall transfer fifty-four million seven
3 hundred thousand dollars on or after July 1, 2019, but before June 15,
4 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
5 Fund on such dates and in such amounts as directed by the budget
6 administrator of the budget division of the Department of Administrative
7 Services.
8 (5) The State Treasurer shall transfer two hundred fifteen million
9 five hundred eighty thousand dollars from the Cash Reserve Fund to the
10 Nebraska Capital Construction Fund on or after July 1, 2022, but before
11 June 15, 2023, on such dates and in such amounts as directed by the
12 budget administrator of the budget division of the Department of
13 Administrative Services.
14 (6) The State Treasurer shall transfer fifty-three million five
15 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
16 Canal Project Fund on or before June 30, 2023, on such dates and in such
17 amounts as directed by the budget administrator of the budget division of
18 the Department of Administrative Services.
19 (7) No funds shall be transferred from the Cash Reserve Fund to
20 fulfill the obligations created under the Nebraska Property Tax Incentive
21 Act unless the balance in the Cash Reserve Fund after such transfer will
22 be at least equal to five hundred million dollars.
23 (8) The State Treasurer shall transfer thirty million dollars from
24 the Cash Reserve Fund to the Military Base Development and Support Fund
25 on or before June 30, 2023, but not before July 1, 2022, on such dates
26 and in such amounts as directed by the budget administrator of the budget
27 division of the Department of Administrative Services.
28 (9) The State Treasurer shall transfer eight million three hundred
29 thousand dollars from the Cash Reserve Fund to the Trail Development and
30 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
31 such dates and in such amounts as directed by the budget administrator of
1 the budget division of the Department of Administrative Services.
2 (10) The State Treasurer shall transfer fifty million dollars from
3 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
4 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
5 as directed by the budget administrator of the budget division of the
6 Department of Administrative Services.
7 (11) The State Treasurer shall transfer thirty million dollars from
8 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
9 or after July 1, 2022, but before July 15, 2023, on such dates and in
10 such amounts as directed by the budget administrator of the budget
11 division of the Department of Administrative Services.
12 (12) The State Treasurer shall transfer twenty million dollars from
13 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
14 1, 2022, but before June 15, 2023, on such dates and in such amounts as
15 directed by the budget administrator of the budget division of the
16 Department of Administrative Services.

17 (13) The State Treasurer shall transfer twenty million dollars from
 18 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
 19 Fund on July 15, 2022, or as soon thereafter as administratively
 20 possible, and in such amounts as directed by the budget administrator of
 21 the budget division of the Department of Administrative Services.

22 (14) The State Treasurer shall transfer eighty million dollars from
 23 the Cash Reserve Fund to the Jobs and Economic Development Initiative
 24 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
 25 and in such amounts as directed by the budget administrator of the budget
 26 division of the Department of Administrative Services.

27 (15) The State Treasurer shall transfer twenty million dollars from
 28 the Cash Reserve Fund to the Site and Building Development Fund on July
 29 15, 2022, or as soon thereafter as administratively possible, and in such
 30 amounts as directed by the budget administrator of the budget division of
 31 the Department of Administrative Services.

1 (16) The State Treasurer shall transfer fifty million dollars from
 2 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
 3 on or after July 15, 2022, but before January 1, 2023, on such dates and
 4 in such amounts as directed by the budget administrator of the budget
 5 division of the Department of Administrative Services.

6 (17) The State Treasurer shall transfer fifteen million dollars from
 7 the Cash Reserve Fund to the Site and Building Development Fund on or
 8 before June 30, 2022, on such dates and in such amounts as directed by
 9 the budget administrator of the budget division of the Department of
 10 Administrative Services.

11 (18) The State Treasurer shall transfer fifty-five million dollars
 12 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
 13 or before June 30, 2022, on such dates and in such amounts as directed by
 14 the budget administrator of the budget division of the Department of
 15 Administrative Services.

16 (19) The State Treasurer shall transfer ten million dollars from the
 17 Cash Reserve Fund to the Municipality Infrastructure Aid Fund as soon as
 18 administratively possible after the effective date of this act, on such
 19 dates and in such amounts as directed by the budget administrator of the
 20 budget division of the Department of Administrative Services.

21 Sec. 10. Original section 84-612, Revised Statutes Cumulative
 22 Supplement, 2022, is repealed.

23 Sec. 11. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.

(Signed) Mike Moser, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 138. Introduced by McKinney, 11.

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

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by McKinney, 11.

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

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by McKinney, 11.

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

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by McKinney, 11.

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

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

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

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

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

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

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

Senator Jacobson offered the following amendment:

[AM1734](#)

(Amendments to E & R amendments, ER31)

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

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

Senator Clements offered the following amendment:

[AM1736](#)

(Amendments to Clements amendments, AM1730)

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

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

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

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

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

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

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

Senator Wayne offered the following amendment:

[FA112](#)

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

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

Senator Conrad offered the following amendment:

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

Pending.

COMMITTEE REPORT Business and Labor

LEGISLATIVE BILL 56. Placed on General File with amendment.

[AM721](#)

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

(Signed) Merv Riepe, Chairperson

AMENDMENTS - Print in Journal

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

[AM1651](#)

(Amendments to Standing Committee amendments, AM906)

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

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

(Amendments to Standing Committee amendments, AM906)

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

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

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

VISITORS

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

RECESS

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

AFTER RECESS

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

ROLL CALL

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

SELECT FILE

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

The Conrad amendment was withdrawn.

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

The Chair declared the call raised.

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

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

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

The Chair declared the call raised.

Senator B. Hansen offered the following amendment:

[AM1714](#)

(Amendments to E & R amendments, ER31)

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

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

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

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

The Chair declared the call raised.

Senator B. Hansen withdrew the following amendment:

[AM1715](#)

(Amendments to E & R amendments, ER31)

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

Speaker Arch offered the following motion:

[MO1039](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Cavanaugh, M. McKinney

Present and not voting, 2:

Cavanaugh, J. Hunt

Excused and not voting, 4:

Albrecht Conrad Dungan Wayne

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

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

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

AMENDMENT - Print in Journal

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

RESOLUTION

LEGISLATIVE RESOLUTION 142. Introduced by Day, 49.

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

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

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

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

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

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

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

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

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

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

ER32 was adopted.

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

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

Senator Clements offered the following amendment:

[AM1729](#)

(Amendments to E & R amendments, ER32)

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

SPEAKER ARCH PRESIDING

SENATOR DORN PRESIDING

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

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

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB552:

[AM1719](#)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB552:

[AM1718](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB531:

[AM1723](#)

(Amendments to Standing Committee amendments, AM1222)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB531:

[AM1722](#)

(Amendments to Standing Committee amendments, AM1222)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB754:

[AM1721](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Strike section 2.

Senator M. Cavanaugh filed the following amendment to LB754:

[AM1720](#)

(Amendments to Standing Committee amendments, AM906)

1 1. Strike section 1.

SELECT FILE

LEGISLATIVE BILL 818. Senator Clements offered the following amendment:

[AM1745](#)

(Amendments to E&R amendments, ER32)

1 1. Purpose: Agency 72 — Department of Economic Development: Strike

2 use of the Site and Building Development Fund for a grant to a city of

3 the first class for riverfront improvement projects.

4 Amendment:

5 a. On page 24, strike beginning with "A" in line 3 through "(k)" in

6 line 8; in line 15 strike "(l)" and insert "(k)"; and in line 20 strike

7 "(m)" and insert "(l)".

8 2. Purpose: Agency 33 — Game and Parks Commission: Strike transfers

9 from the State Park Cash Revolving Fund.

10 Amendment:

11 a. Strike sections 9 and 10; and

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

13 internal references accordingly.

14 3. Purpose: Agency 72 — Department of Economic Development: Strike

15 additional grant amount for county agricultural society.

16 Amendment:

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

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

SENATOR DEBOER PRESIDING

Pending.

EASE

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

SENATOR DORN PRESIDING

SENATOR DEBOER PRESIDING

SELECT FILE

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

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

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

The Chair declared the call raised.

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

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

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

(Amendments to E & R amendments, ER32)

1 1. Strike section 2.

Speaker Arch offered the following motion:

[MO1038](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Hunt

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Day Wayne

Excused and not voting, 3:

Aguilar Albrecht McKinney

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

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

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

SPEAKER ARCH PRESIDING

AMENDMENTS - Print in Journal

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

[AM1747](#)

1 1. Strike section 1.

Senator Bostar filed the following amendment to LB727:
AM1750

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator B. Hansen filed the following amendment to LB818:
AM1728

(Amendments to E & R amendments, ER32)

1 1. Insert the following new section:

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

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

6 and

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

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

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

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

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

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

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

4 (iii) Be provided in a printable format;

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

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

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

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

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

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

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

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

Senator M. Cavanaugh filed the following amendment to LB243:

FA113

Strike Section 1.

SELECT FILE

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

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

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

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB243:

AM1432

(Amendments to E&R amendments, ER21)

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

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

MOTIONS - Print in Journal

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

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

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

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

RESOLUTION

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

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

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

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

protections for Indian children are being effectively realized and implemented.

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

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducers

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

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

VISITORS

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

ADJOURNMENT

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

Brandon Metzler
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 11, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 11, 2023

PRAYER

The prayer was offered by Pastor Joshua Jones, Beth-El Community Church, Milford.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hughes.

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 Senator Albrecht who was excused; and Senators Day, Dover, B. Hansen, Hunt, Slama, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 10, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Upshaw, Arlyn

Autonomous Vehicle Industry Association (Withdrawn 05/08/2023)

Wolf, Ariel

Autonomous Vehicle Industry Association (Withdrawn 05/08/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

SELECT FILE

LEGISLATIVE BILL 243. Senator M. Cavanaugh offered [MO1043](#), found on page 1461, to reconsider the vote on MO169.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 35 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO168](#), found on page 925, to recommit to Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

Senator M. Cavanaugh withdrew [FA104](#), found on page 1433.

Senator M. Cavanaugh withdrew [FA105](#), found on page 1433.

Senator M. Cavanaugh withdrew [FA106](#), found on page 1433.

Senator M. Cavanaugh withdrew [AM1432](#), found on page 1460.

Senator M. Cavanaugh withdrew [MO167](#), found on page 925, to indefinitely postpone.

[ER21](#), found on page 1087, was adopted.

Senator Briese offered [AM1743](#), found on page 1461.

Senator Briese withdrew [MO1042](#), found on page 1461, to indefinitely postpone.

Senator Briese withdrew [MO176](#), found on page 925, to bracket.

Senator Briese withdrew [MO1040](#), found on page 1461, to bracket.

Senator Briese withdrew [FA18](#), found on page 480.

Senator Briese withdrew [FA28](#), found on page 763.

Senator Briese offered the following motion:

[MO1052](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 33 ayes, 3 nays, and 13 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Hunt

Present and not voting, 3:

Cavanaugh, J. Cavanaugh, M. McKinney

Excused and not voting, 1:

Albrecht

The Briese motion to invoke cloture prevailed with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The Briese amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 813. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

MOTIONS - Print in Journal

Senator Linehan filed the following motion to [LB727](#):
[MO1044](#)
Bracket until June 9, 2023.

Senator Linehan filed the following motion to [LB727](#):
[MO1045](#)
Recommit to the Revenue Committee.

Senator Linehan filed the following motion to [LB727](#):
[MO1046](#)
Indefinitely postpone.

Senator Linehan filed the following motion to [LB727](#):
[MO1047](#)
Recommit to Revenue Committee.

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to [LB727](#):
[FA116](#)
Strike Section 1.

Senator Linehan filed the following amendment to [LB727](#):
[FA117](#)
Strike Section 1.

Senator Briese filed the following amendment to [LB243](#):
[FA115](#)
Strike Section 1.

RESOLUTIONS

LEGISLATIVE RESOLUTION 144. Introduced by Erdman, 47;
Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the subject of school choice where all education funding is distributed on a per student basis and follows the student to the school of their choice.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Conrad, 46; Blood, 3; DeBoer, 10; Hughes, 24; Ibach, 44; Raybould, 28; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to explore the role of both the State of Nebraska and individual school districts in finding solutions to address the impact of the inability to afford menstrual products, often called "period poverty", among students.

Period poverty can adversely affect an individual's health and wellbeing. Period poverty exacerbates the cycle of poverty by further marginalizing girls and women, causing them to miss educational opportunities.

Several states have sought to address these negative impacts by enacting legislation requiring local school districts to provide free menstrual products in schools. Nebraska has in recent years addressed these issues with updates to state policy relating to sales tax on menstrual products and access to menstrual products in jails, juvenile facilities, and state prisons.

This interim study should examine how other states have successfully enacted legislation to address the inequity created by period poverty and to assess the cost of providing feminine hygiene products to students across the State of Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Conrad, 46; Dungan, 26.

WHEREAS, the people living on the land that would eventually be designated as the District of Columbia were provided the right to vote for representation in Congress when the United States Constitution was ratified in 1788; and

WHEREAS, the passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of the United States Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States; and

WHEREAS, residents of the District of Columbia were granted the right to vote for the President and Vice President through passage of the Twenty-Third Amendment to the United States Constitution in 1961; and

WHEREAS, as of 2021, the United States Bureau of the Census data estimates that the District of Columbia's population at approximately 689,545 residents, which is comparable to the populations of Wyoming (576,851), Vermont (643,077), Alaska (733,391), and North Dakota (779,094); and

WHEREAS, residents of the District of Columbia share all the responsibilities of United States citizenship, including paying more federal taxes than residents of twenty-two states, service on federal juries, and defending the United States as members of the United States Armed Forces in every war since the War for Independence, yet they are denied full representation in Congress; and

WHEREAS, the residents of the District of Columbia themselves have endorsed statehood for the District of Columbia and passed a District-wide referendum on November 8, 2016, which favored statehood by eighty-six percent; and

WHEREAS, no other democratic nation denies the right of self-government, including participation in its national legislature, to the residents of its capital; and

WHEREAS, the residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the fifty states; and

WHEREAS, the United States Congress repeatedly has interfered with the District of Columbia's limited self-government by enacting laws that affect the District of Columbia's expenditure of its locally raised tax revenue, including barring the usage of locally raised revenue, thus violating the fundamental principle that states and local governments are best suited to enact legislation that represents the will of their citizens; and

WHEREAS, although the District of Columbia has passed consecutive balanced budgets since Fiscal Year 1997, it still faces the possibility of being shut down yearly because of Congressional deliberations over the federal budget; and

WHEREAS, District of Columbia Delegate Eleanor Holmes Norton and Delaware United States Senator Tom Carper introduced in the 117th Congress H.R. 51 and S. 51, the Washington, D.C. Admission Act, that provides that the State of Washington, D.C. would have all the rights of citizenship as taxpaying American citizens, including two Senators and at least one House member; and

WHEREAS, the United Nations Human Rights Committee has called on the United States Congress to address the District of Columbia's lack of political equality, and the Organization of American States has declared the disenfranchisement of the District of Columbia residents a violation of its charter agreement, to which the United States is a signatory.

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

1. That the Legislature urges the members of the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.

2. That copies of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska congressional delegation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study relating to parental involvement in public schools. The study shall include, but need not be limited to, an examination of:

(1) The current statutory requirements relating to parental involvement in schools;

(2) Potential statutory changes to such requirements; and

(3) The discussions and issues raised at the public hearing for Legislative Bill 374 introduced during the First Session of the One Hundred Eighth Legislature.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the use of federal funds from the federal Elementary and Secondary School Emergency Relief Fund and the use of the Launch Nebraska website by the State Department of Education. The study shall include, but need not be limited to:

(1) The State Department of Education's use of federal funds from the federal Elementary and Secondary School Emergency Relief Fund;

(2) Content promoted and shared by the State Department of Education on the Launch Nebraska website; and

(3) The overall use of the Launch Nebraska website.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study related to social-emotional learning. The study shall include, but need not be limited to:

- (1) The core concepts of social-emotional learning;
- (2) How school personnel in this state utilize social-emotional learning in the classroom; and
- (3) How social-emotional learning relates to teaching about topics such as race, racism, sexual education, and mental health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 705A. Introduced by Murman, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 705, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003, was offered.

Senator M. Cavanaugh withdrew [MO139](#), found on page 906, to bracket.

Senator M. Cavanaugh withdrew [MO138](#), found on page 906, to recommit to committee.

Senator M. Cavanaugh withdrew [MO137](#), found on page 905, to indefinitely postpone.

Senator M. Cavanaugh withdrew [MO134](#), found on page 924, to indefinitely postpone.

Senator M. Cavanaugh withdrew [MO135](#), found on page 924, to recommit to committee.

Senator M. Cavanaugh withdrew [MO136](#), found on page 924, to bracket.

Senator M. Cavanaugh withdrew [AM1720](#), found on page 1456.

Senator M. Cavanaugh withdrew [AM1721](#), found on page 1456.

Senator M. Cavanaugh withdrew [AM111](#), found on page 405.

Senator Linehan offered the following amendment, to [ER19](#):
[AM1760](#)

(Amendments to E&R amendments, ER19)

- 1 1. Insert the following new amendment:
- 2 3. In the Standing Committee amendments, AM906:
- 3 a. Strike sections 7, 11, 12, and 14;
- 4 b. On page 5, lines 4 and 5, strike "ten million" and insert "two million five hundred thousand";
- 6 c. On page 25, strike lines 27 through 31;
- 7 d. On page 26, line 1, strike "(21)" and insert "(20)";
- 8 e. On page 48, line 31, strike "ten" and insert "seven" and after
- 9 "million" insert "five hundred thousand"; and
- 10 f. Renumber the remaining sections and correct the repealer
- 11 accordingly.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator Linehan moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Linehan requested a roll call vote on her amendment, to [ER19](#).

Voting in the affirmative, 41:

Aguilar	Briese	Fredrickson	Linehan	Vargas
Arch	Clements	Halloran	Lippincott	von Gillern
Armendariz	Conrad	Hansen	Lowe	Walz
Ballard	Day	Hardin	McDonnell	Wayne
Blood	DeBoer	Holdcroft	McKinney	Wishart
Bostar	DeKay	Hughes	Moser	
Bostelman	Dorn	Ibach	Murman	
Brandt	Dungan	Jacobson	Riepe	
Brewer	Erdman	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Hunt Raybould

Excused and not voting, 4:

Albrecht Bosn Dover Slama

The Linehan amendment, to [ER19](#), was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB754](#):

[FA119](#)

Strike Section 1.

MOTIONS - Print in Journal

Senator Linehan filed the following motion to [LB754](#):

[MO1051](#)

Recommit to the Revenue Committee.

Senator Hunt filed the following motion to [LB574](#):

[MO1053](#)

Recommit to the Health and Human Services Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 150. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the gap in services such as emergency shelters and transitional housing for individuals experiencing domestic violence and human trafficking in Nebraska. Emergency shelters and transitional housing are essential resources for individuals who are in the process of leaving these unsafe situations. Requests for such services have increased in recent years. This study shall include, but need not be limited to, an examination of the following:

(1) The demand for emergency shelter or transitional housing services compared to what is available from community resources;

(2) The factors leading to the gap in services including, but not limited to, staffing concerns, operational costs, availability of property, and barriers to individuals accessing services;

(3) How emergency shelter and transitional housing facilities operate;

(4) What individuals in need of such services view as barriers to achieving shelter or housing and what they view as essential services from organizations that provide service to individuals in domestic violence and human trafficking situations;

(5) Recommendations from organizations who provide services to individuals in domestic violence and human trafficking situations;

(6) What state-supported resources exist to help provide such services, and whether the resources are sufficient; and

(7) What barriers exist for the State of Nebraska to close the gap in service and how have other states resolved those barriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151. Introduced by DeBoer, 10; Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the results of the Nebraska Child Care Cost Model developed as a product of the Preschool Development Grant. The Nebraska Child Care Cost Model is a tool for answering questions about the cost of providing child care in Nebraska based on multiple data points specific to the child care landscape and cost drivers of Nebraska. This study shall include, but need not be limited to:

(1) A review of the development process to create the Nebraska Child Care cost Model;

(2) An examination of the relationship between the cost of providing child care and the revenue available to cover those expenses while meeting state licensing standards;

(3) An analysis of the factors associated with variations in the costs of providing care, including, but not limited to, age of the children, program type, geographic location, increases in the quality of care related to the Step Up To Quality Child Care Act, and compensation of staff;

(4) A review of the regulatory and statutorily permitted uses of cost models under the Child Care Development Block Grant compared to sections 43-536, 68-1206, and 71-1961 of the Nebraska Revised Statutes;

(5) A review of utilization of cost models in other states for child care subsidy programs, quality rating and improvement systems, and other approved uses; and

(6) Recommendations for the infrastructure and oversight needed for sustainability and continued utilization of the Nebraska Child Care Cost Model.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

Senator Conrad offered the following amendment, to [ER19](#):
[AM1762](#)

(Amendments to E&R amendments, ER19)

- 1 1. Insert the following new amendment:
- 2 3. In the Standing Committee amendments, AM906:
- 3 a. Strike sections 4, 13, and 16;
- 4 b. On page 1, strike lines 8 through 14; in line 15 strike "(5)" and
- 5 insert "(3)"; in line 16 after the semicolon insert "and"; and strike
- 6 lines 17 through 27;
- 7 c. On page 2, strike lines 1 through 12; and in line 13 strike "(8)"
- 8 and insert "(4)";
- 9 d. On page 3, line 21, strike "fifteen" and insert "twenty-five";
- 10 e. On page 15, strike beginning with "and" in line 30 through line
- 11 31 and insert an underscored period;
- 12 f. On page 16, strike line 1; and
- 13 g. Renumber the remaining sections, correct internal references, and
- 14 correct the repealer accordingly.

Senator Conrad moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Senator Conrad requested a roll call vote on her amendment, to [ER19](#).

Voting in the affirmative, 16:

Blood	Day	Hunt	Vargas
Cavanaugh, J.	DeBoer	McDonnell	Walz
Cavanaugh, M.	Dungan	McKinney	Wayne
Conrad	Fredrickson	Raybould	Wishart

Voting in the negative, 19:

Aguilar	DeKay	Hardin	Jacobson	Lowe
Armendariz	Erdman	Holdcroft	Kauth	Moser
Ballard	Halloran	Hughes	Linehan	Murman
Brewer	Hansen	Ibach	Lippincott	

Present and not voting, 7:

Arch	Brandt	Riepe	von Gillern
Bostar	Briese	Sanders	

Excused and not voting, 7:

Albrecht	Bostelman	Dorn	Slama
Bosn	Clements	Dover	

The Conrad amendment, to [ER19](#), lost with 16 ayes, 19 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 152. Introduced by Hughes, 24.

PURPOSE: The purpose of this resolution is to propose an interim study to examine all factors that may impact a school district's ability to attract and retain qualified superintendents and administrators and the impact such factors have upon the salary and benefits provided.

(1) The study shall include, but need not be limited to:

(a) The ability of school districts to readily obtain data relevant to the development of competitive compensation for superintendent and other administrator positions;

(b) A comparability analysis of the current compensation for superintendents for school districts categorized by the size of the district, the geographic location of the district, and the population of the community in which the district is located;

(c) An analysis of how superintendent compensation is influenced by qualifications and work experience;

(d) The correlation between the salaries and benefits offered to superintendents and the ability of a school district to recruit and retain individuals for such positions;

(e) How overall compensation for superintendents is influenced by other roles and duties performed by superintendents such as athletic director or principal;

(f) An analysis of school administrator compensation in Nebraska compared to school administrator compensation around the country;

(g) An analysis of school administrator compensation in Nebraska compared to compensation for other tax-funded professions in Nebraska and around the country; and

(h) Recommendations for any possible statutory changes to the Superintendent Pay Transparency Act.

(2) In order to carry out the purpose of this resolution, the committee shall seek the assistance of stakeholders in public education, including, but not limited to, school board members, administrators, and advocacy groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

Senator Linehan withdrew [FA12](#), found on page 449.

Senator Hunt withdrew [AM1039](#), found on page 883.

Senator Hunt withdrew [AM1036](#), found on page 880.

Senator Hunt withdrew [AM1038](#), found on page 879.

Senator Raybould withdrew [AM1099](#), found on page 940.

Senator Raybould withdrew [AM1517](#), found on page 1351.

Senator DeBoer offered [AM1092](#), found on page 929.

Senator DeBoer moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Senator DeBoer requested a roll call vote on her amendment.

Voting in the affirmative, 13:

Blood	Conrad	Fredrickson	Raybould	Wayne
Cavanaugh, J.	Day	Hunt	Vargas	
Cavanaugh, M.	DeBoer	McKinney	Walz	

Voting in the negative, 25:

Aguilar	Bostelman	Halloran	Ibach	McDonnell
Arch	Brewer	Hansen	Kauth	Moser
Armendariz	Briese	Hardin	Linehan	Murman
Ballard	DeKay	Holdcroft	Lippincott	Riepe
Bosn	Erdman	Hughes	Lowe	von Gillern

Present and not voting, 6:

Bostar	Dungan	Sanders
Brandt	Jacobson	Wishart

Excused and not voting, 5:

Albrecht	Clements	Dorn	Dover	Slama
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The DeBoer amendment lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the fiscal impact of statutory tuition and fee waivers for various constituencies on Nebraska's public university, state colleges, and community colleges and the lack of corresponding state appropriation funding for the lost tuition and fee revenue. Currently, several statutory provisions exist or are being considered by the Legislature to require the University of Nebraska, state colleges, and community colleges to waive all or a portion of tuition and fees for various constituencies. Such waivers currently include:

(1) Section 80-411, which provides a waiver for dependents of deceased or disabled veterans of all tuition and fees after subtracting awarded federal financial aid grants and state scholarships and grants;

(2) Sections 80-901 to 80-903, which provide a waiver for qualified members of the Active Selected Reserve of seventy-five percent of tuition for a baccalaureate degree program and fifty percent of tuition for a graduate degree program;

(3) The In the Line of Duty Dependent Education Act, sections 85-2301 to 85-2306, which provides a waiver for the children of law enforcement officers and firefighters killed in the line of duty on or after April 23, 2009, of full-time undergraduate tuition and fees;

(4) The Law Enforcement Education Act, sections 85-2601 to 85-2604, which provides a waiver for law enforcement officers of one hundred percent of the resident tuition charges of any state university, state college, or community college. The officer must pursue studies leading to a degree that relates to a career in law enforcement and may receive the tuition waiver for up to five years; and

(5) Legislative Bill 447, One Hundred Eighth Legislature, First Session, 2023, that would provide a waiver for (a) any legal dependent of a law enforcement officer who agrees to reside in Nebraska for a period of five years following the use of the tuition waiver, (b) a professional firefighter who pursues studies leading to a degree in science or medicine that relates to a career in professional firefighting, (c) any legal dependent of a professional firefighter who agrees to reside in Nebraska for a period of five years following the use of the tuition waiver of one hundred percent of resident tuition charges.

The study should include a review of whether the various statutory waivers are effective in accomplishing their purposes, the cost of statutory waivers to public institutions of higher education, the impact on tuition and fees to other students, and the consistency of waivers provided.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine Nebraska's maternal care deserts. A significant number of Nebraska counties are now considered "maternal care deserts" meaning that the counties have no obstetric hospitals or birth centers and no obstetric providers. Women who live in counties without access to maternal care face a higher risk of a number of poor health outcomes. Currently, more than seven in ten Nebraska counties fall into this category.

The interim study shall include, but need not be limited to:

(1) A review of the areas and communities in Nebraska that have become maternal care deserts and are experiencing disparities in health outcomes as well as the reasons for these outcomes;

(2) A review of ways to encourage and support small hospitals in maintaining obstetric units;

(3) An examination of the effect of rural hospital closures on maternal care deserts;

(4) An examination of the effect of medicaid provider rates on the closure of obstetric units;

(5) A review of Nebraska's obstetrician-gynecologist programs and ways to make Nebraska more appealing during residency match selection;

(6) A review of strategies other states have used to address the loss of obstetrician-gynecologist care following rural hospital closures; and

(7) A state-by-state examination of the effect of reproductive rights on the number of obstetrician-gynecologist providers, and maternal care infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine Nebraska's disability classifications for the homestead exemption. Nebraska's homestead exemption provides property tax relief for six categories of homeowners: Persons over age sixty-five; veterans totally disabled by a non-service-connected accident or illness; qualified disabled individuals; qualified totally disabled veterans and their surviving spouses; veterans and their surviving spouses whose home was substantially contributed to by the Department of Veterans Affairs; and individuals who have a developmental disability.

The study shall include, but need not be limited to:

(1) An examination of the process for certifying a disability for the homestead exemption in Nebraska;

(2) A review of Nebraska's disability classifications which are eligible for the homestead exemption;

(3) An examination whether Nebraska's disability classifications are consistent with federal law and recognized best practices;

(4) An examination whether mental health conditions should be included in the disability category; and

(5) A review of the scope of disability eligibility for homestead exemptions in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the impact and increased frequency and intensity of wildfires in Nebraska and the sufficiency of the firefighting response to such wildfires. The study should focus on reviewing the resources available in Nebraska to fight wildfires, the limitations and burdens placed upon the present resources used in fighting wildfires in Nebraska, and the development of additional state-supported resources to assist in fighting wildfires. This study shall include, but need not be limited to:

(1) An identification of the different resources presently available in fighting wildfires, including those resources supplied by Nebraska's volunteer firefighters, the State Fire Marshal, the Nebraska Emergency Management Agency, the Nebraska Forest Service, and the Game and Parks Commission;

(2) An examination of the policies and procedures presently used by each of the above entities to fight wildfires, recommended improvements to such policies and procedures, if additional state funding is needed to assist each of such entities to fight wildfires, and if state-funded wildfire task forces should be created to support intrastate mutual aid to fight wildfires; and

(3) A cost-benefit analysis of assigning and funding a state agency, department, program, or division with jurisdiction over wildfire task forces to support intrastate mutual aid.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to carry out the provisions of section 13-2402, which requires the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions. The study shall include a public hearing for the presentation of reports by political subdivisions with underfunded defined benefit plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by McDonnell, 5; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the retirement system for firefighters of cities of the first class and

the creation of a cash balance retirement system such as in the Cities of the First Class Firefighters Cash Balance Retirement Act proposed in Legislative Bill 686 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement systems including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160. Introduced by McDonnell, 5; Brandt, 32.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the retirement system for firefighters of cities of the first class and the changes proposed in Legislative Bill 406 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement system including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with Legislative Bill 406.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161. Introduced by McDonnell, 5; Bostar, 29.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the Nebraska State Patrol Retirement System and the changes to the Nebraska State Patrol Retirement System proposed in Legislative Bill 196 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement system

including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with Legislative Bill 196.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

ER19 was adopted.

Senator Raybould offered [AM1405](#), found on page 1184.

The Raybould amendment lost with 12 ayes, 20 nays, 11 present and not voting, and 6 excused and not voting.

Senator Wayne offered [AM1410](#), found on page 1330.

The Wayne amendment was withdrawn.

Senator Raybould offered [AM1650](#), found on page 1450.

Senator Raybould moved for a call of the house. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

The Raybould amendment lost with 14 ayes, 29 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 162. Introduced by Bostelman, 23.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Game and Parks Commission that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 754. Senator Raybould offered [AM1651](#), found on page 1449.

The Raybould amendment lost with 10 ayes, 28 nays, 7 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 163. Introduced by Hughes, 24; Armendariz, 18.

PURPOSE: The purpose of this resolution is to propose an interim study to examine opportunities that increase recycling of municipal solid waste while also facilitating economic development and growth.

The study shall include, but need not be limited to:

(1) An analysis of ongoing instate efforts to divert more municipal solid waste from landfills into recycling and remanufacturing;

(2) An analysis of regional efforts to divert more municipal solid waste from landfills into recycling and remanufacturing;

(3) An examination of the potential for Nebraska to update existing law to develop and sustain private innovative solutions to managing municipal solid waste through the remanufacture of recycled materials into useful products of value for other Nebraska-based industries; and

(4) Recommendations for potential legislation to simultaneously increase recycling in Nebraska and promote economic growth.

In order to carry out the purpose of this resolution, the committee may seek the assistance of entities such as the League of Nebraska Municipalities, the Nebraska Recycling Council, the Nebraska Chamber of Commerce and Industry, the Colorado General Assembly, the United States Environmental Protection Agency Region 7, the Association of Plastic Recyclers, and any other entities the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were students from Gates Elementary, Grand Island; students, teachers, and sponsors from Cross County, Stromsburg; students from West Lawn Elementary, Grand Island; students, teachers, and sponsors from North Star High School, Lincoln; students from Sandoz Elementary, Omaha.

ADJOURNMENT

At 1:56 p.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Tuesday, May 16, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 16, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 16, 2023

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Ibach.

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 Albrecht, Bostar, Day, Hunt, McDonnell, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

MESSAGE FROM THE GOVERNOR

May 10, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Nebraska Public Employees Retirement Systems:

Jason Hayes, 3022 S Creek Rd, Lincoln, NE 68516-1605

The aforementioned appointee is respectfully submitted for your consideration, subject to the approval of the Legislature pursuant to Neb. Rev. Stat. §84-1503. Background information is included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

cc: Senator McDonnell, Chairman of Retirement Committee

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 727A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 727, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 164. Introduced by Dorn, 30.

PURPOSE: The purpose of this resolution is to propose an interim study on improving the handicapped accessibility of parking, entryways into, and interior spaces in the Nebraska State Capitol. The State Capitol has only one entrance that allows handicapped accessibility with a ramp and push button entry, handicapped parking is a great distance from entries, not all restrooms are adapted for handicapped accessibility, and elevators are not large enough to accommodate some wheelchairs.

Due to the historic nature of the State Capitol and physical structure, certain handicapped accessibility changes may not be feasible. However, the State Capitol should be accessible to employees, citizens, and visitors to the greatest extent possible.

The study shall include, but need not be limited to, an examination of the following:

(1) Parking access at the State Capitol, including the potential conversion of the reserved parking spots on the north side of the State Capitol, under the steps, to handicapped parking spaces and the potential creation of handicapped spaces on all four sides of the building with ramp-equipped vehicle accommodations to allow for safer loading and unloading;

(2) Entryways into the State Capitol, including the potential creation of ramps on the east and west sides, handrails on all steps, curb cuts on the curb that extend directly out of the south entrance, and push-button entry systems on all doors into the building, and the potential extension of the step

immediately outside the south entrance door, to be compliant with the federal Americans with Disabilities Act;

(3) Bathroom accessibility at the State Capitol, including the potential creation of push-button entry and exit systems for restrooms and grab bars on at least one side in each stall area; and

(4) Elevators in the State Capitol, including potential access to the freight elevator in the northwest quadrant at all times, with appropriate signage to direct employees and visitors, and extending handrails to the top and bottom of all staircases.

In order to carry out the purposes of this resolution, the board shall consult with the Nebraska Capitol Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR131 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR131.

GENERAL FILE

LEGISLATIVE BILL 727. Senator Conrad offered [MO806](#), found on page 970, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Linehan opened on her bill, LB727.

Senator Conrad opened on her motion, MO806.

Senator Conrad moved for a call of the house. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Senator Conrad requested a roll call vote on her motion to indefinitely postpone prior to the bill being read.

Voting in the affirmative, 0.

Voting in the negative, 40:

Aguilar	Brandt	Dungan	Ibach	Murman
Arch	Brewer	Erdman	Jacobson	Raybould
Armendariz	Briese	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeKay	Hardin	Lowe	Vargas
Bostar	Dorn	Holdcroft	McKinney	von Gillern
Bostelman	Dover	Hughes	Moser	Walz

Present and not voting, 5:

Cavanaugh, J. Cavanaugh, M. Day DeBoer Hunt

Excused and not voting, 4:

Albrecht McDonnell Wayne Wishart

The Conrad motion to indefinitely postpone prior to the bill being read failed with 0 ayes, 40 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 814. Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. In the DeBoer amendment, AM1662, on page 1, line 8, "FY2023-25" has been struck and "FY2024-25" inserted.
2. In the Clements amendment, AM1730, on page 7, line 1, "est." has been inserted after "FUND".
3. In the E&R amendments, ER31:
 - a. On page 93, line 3, "&" has been struck and "and" inserted; and
 - b. On page 174, line 30, the paragraphing has been struck.

LEGISLATIVE BILL 818. Placed on Final Reading.

ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. The Bostelman amendment, AM1623, has been incorporated into the E & R amendments, ER32, as follows:
 - a. Section 12 has been renumbered as section 10; and
 - b. The repealer has been corrected accordingly.
2. In the E & R amendments, ER32:
 - a. On page 16, line 13, "20" has been struck and "19" inserted;
 - b. On page 25, lines 29 and 30, "(1)(l)" has been struck and "(1)(k)" inserted;
 - c. On page 49, lines 20 and 22, "43" has been struck and "42" inserted; and in line 28 "37-345, 37-446," has been struck and "39-2805," inserted; and

d. On page 50, line 11, "government" has been inserted after the first quotation mark and "37-345, 37-446," has been struck and "39-2805," inserted; and the matter beginning with "change" in line 17 through the first semicolon in line 20 has been struck and "provide, change, and eliminate provisions regarding the sources, uses, and transfers of funds; to provide for and change provisions regarding grants and funding of various projects;" inserted.

(Signed) Beau Ballard, Chairperson

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1507 1:00 PM

Thursday, May 25, 2023

Noah Bernhardson - Board of Emergency Medical Services

Timothy A. Tesmer - Division of Public Health-Department of Health and Human Services

(Signed) Ben Hansen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 165. Introduced by Kauth, 31; Aguilar, 35; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Conrad, 46; DeBoer, 10; Dorn, 30; Dover, 19; Dungan, 26; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; von Gillern, 4.

WHEREAS, more than eleven thousand Nebraskans are receiving care in Nebraska's one hundred ninety-six skilled nursing facilities and more than fifteen thousand dedicated professionals are providing care to Nebraskans; and

WHEREAS, skilled nursing facilities throughout the state are finding creative and unique ways to celebrate caregivers and residents in observance of National Skilled Nursing Care Week on May 14 through May 20, 2023; and

WHEREAS, the Legislature celebrates the essential role that each skilled nursing facility team member plays in providing high-quality twenty-four-hour care. These skilled professions include administrators, activities coordinators, dietary and kitchen staff, nurses, nurse aides and medication aides, maintenance, social services, and many other vital professions; and

WHEREAS, Nebraska supports quality health care, recognizes the hard-working professionals in the state's skilled nursing facilities, and embraces the theme of "Cultivating Kindness" during National Skilled Nursing Care Week, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the week of May 14 through May 20, 2023, as Skilled Nursing Care Week in Nebraska, a week to honor Nebraskans receiving care and their dedicated caregivers.

Laid over.

LEGISLATIVE RESOLUTION 166. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the impact of government-imposed mandates on school districts across the State of Nebraska.

Article VII, section 1, of the Constitution of Nebraska states that the "Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Understanding the accumulation of mandates over time from local, state, and federal governments imposed on local school districts and the changes, or lack thereof, in revenue is important to the State of Nebraska as both have a significant impact on the ability to maintain the strong education system of Nebraska.

This interim study shall include, but need not be limited to, an examination of the following:

- (1) History and impact of state and federal mandates on school districts;
- (2) History and impact of changes in revenue sources for school districts;
- (3) History and impact of the gap that may or may not exist between the historical change in cost of mandates and sources of revenue for school districts; and
- (4) Potential recommendations for legislation to address any such gap and the implications of such legislation.

In order to carry out the purpose of this resolution, the committee shall seek the input of the State Department of Education, school boards, school administrators, teachers, and educational service units of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the long-term fiscal sustainability of and how to best direct funding towards the most effective uses of Nebraska's federal Temporary Assistance for Needy Families (TANF) funds. Nebraska receives fifty-six million dollars every year in TANF block grant allocations from the federal

government and has not spent the full amount of that annual grant since fiscal year 2017-18. Nebraska has under-spent the TANF block grant by approximately ten million dollars each year for the past five years and has had a "rainy day" fund balance since the start of the TANF block grant. The Department of Health and Human Services has repeatedly claimed to have a plan for spending down the TANF "rainy day" fund. But a lack of transparency and accountability has led to the failure to use the full amount of the TANF block grant for its intended purpose of providing temporary assistance to Nebraskans living in poverty resulting in the accumulation of over one hundred thirty-one million dollars in the TANF "rainy day" fund.

TANF funds have not been diverted from direct cash assistance in Nebraska to the same extent as in other states. This is a positive aspect of Nebraska's TANF program that should be protected and expanded. In 2021, Nebraska spent around twenty-six percent of its TANF funds on basic assistance, compared to the national average of twenty-three percent, and only spent four percent of our TANF funds on "other services", compared to the national average of fourteen percent.

Several proposals considered by the Legislature during the One Hundred Eighth Legislature, First Session, would spend down the annual TANF block grant and would begin to spend down the TANF "rainy day" fund. The proposals advanced by the Appropriations Committee of the Legislature and included in the budget would be a major policy shift in TANF spending. Decisions of this magnitude should be made only after informed consideration by the Appropriations Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the impact on the services provided to eligible recipients and how to best use Nebraska's federal Temporary Assistance for Needy Families (TANF) funds to provide services to Nebraskans living in poverty.

Nebraska receives fifty-six million dollars every year in TANF block grant allocations from the federal government and has not spent the full amount of that annual grant since fiscal year 2017-18. Nebraska has under-spent the TANF block grant by approximately ten million dollars each year for the past five years and has had a "rainy day" fund balance since the start of the TANF block grant. The Department of Health and Human Services has repeatedly claimed to have a plan for spending down the TANF "rainy day"

fund. However, a lack of transparency and accountability has led to the failure to use the full amount of the TANF block grant for its intended purpose of providing temporary assistance to Nebraskans living in poverty. This has resulted in the accumulation of over one hundred thirty-one million dollars in the TANF "rainy day" fund.

TANF funds have not been diverted away from direct cash assistance in Nebraska to the same extent as in other states. This is a positive aspect of Nebraska's TANF program that should be protected and expanded. In 2021, Nebraska spent around twenty-six percent of its TANF funds on basic assistance, compared to the national average of twenty-three percent, and only spent four percent of our TANF funds on "other services", compared to the national average of fourteen percent.

Several proposals considered by the Legislature during the One Hundred Eighth Legislature, First Session, would spend down the annual TANF block grant and would begin to spend down the TANF "rainy day" fund. The proposals advanced by the Legislature would be a major policy shift in the usage of TANF funds in Nebraska. Decisions of this magnitude should be made only after the informed consideration by the Health and Human Services Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund.

The Nebraska Health Care Cash Fund was initially created with an endowment of fifty million dollars for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

This study shall include, but need not be limited to:

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
- (2) An examination of input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) A recommendation for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Dungan, 26; Cavanaugh, J., 9; Cavanaugh, M., 6; Conrad, 46; DeBoer, 10; Fredrickson, 20.

PURPOSE: The purpose of this resolution is to propose an interim study to assess and examine whether student journalists and scholastic journalism is supported and promoted in public high schools and postsecondary institutions in Nebraska and free from censorship and inappropriate government interference or intervention.

The First Amendment to the Constitution of the United States is a bedrock for American values. The right of free speech and expression is fundamental to the State of Nebraska and the United States. The United States Supreme Court has held that youth and students are entitled to the right of free speech and expression and the rights of students at high schools and postsecondary institutions has often been the epicenter of modern conversations on the First Amendment.

This right includes the corollary right of the freedom of the press and by extension student reporters and student news media entities. The freedom of the press is critical to a democracy in which the government is accountable to the people. A free media functions as a watchdog that can investigate and report on government wrongdoing. When press freedom is harmed, holding the government accountable when it missteps or overreaches becomes more difficult. It is important that this principle is instilled in the next generation.

There is concern regarding the degree of commitment to the First Amendment rights of students and scholastic journalism in Nebraska public schools. For instance, in August 2022, Northwest Public Schools in Grand Island, Nebraska, shut down its fifty-four-year-old student newspaper and eliminated the journalism program in apparent response to an issue covering LGBTQ topics being published.

The interim study should examine whether the creation of affirmative statutory protections for student journalists and student media advisors in public high schools and postsecondary educational institutions are justified in order to ensure that First Amendment rights are protected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171. Introduced by Jacobson, 42.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the cost and needed frequency of rebasing medicaid inpatient per diem rates for psychiatric facilities, hospital-based psychiatric units, and psychiatric residential facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the occupation taxes imposed on wireless telecommunication services.

Nebraska has the fourth highest rate of taxation on wireless telecommunication consumers in the country with a rate of 19.49% as of July 2022, partly due to occupation taxes. There is no limit on the occupation tax rate that may be imposed on wireless telecommunication services. The occupation tax is a regressive tax, burdening lower-income customers at the same rate as higher-income customers. Occupation taxes burden the development of new wireless telecommunication services and the growth of existing wireless telecommunication services. The State of Nebraska covers a large geographic area, and it is in the interest of all Nebraskans to have affordable statewide wireless telecommunication services.

This interim study should focus on the occupation taxes imposed on wireless telecommunication services in Nebraska and determine ways the state can maintain and advance the efficiency and availability of telecommunication services in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173. Introduced by Briese, 41.

WHEREAS, Dennis Walters held to the highest standard of persistence and dedication in coaching and teaching and was a strong supporter of community within sports; and

WHEREAS, Dennis taught at Boone Central High School in Albion for forty-five years. He was the industrial arts teacher and driver's education instructor. He coached boys football and wrestling and girls golf; and

WHEREAS, in 2015, Dennis received the Nebraska Coaching Association service award for his forty-five years of coaching and some of his fondest memories were winning state championships and being recognized and awarded for this dedication; and

WHEREAS, besides coaching and teaching, Dennis enjoyed fishing, being surrounded by his loving family, and going on cruises with his wife Diane; and

WHEREAS, Dennis passed away on May 3, 2023, and he will be remembered for his persistence, dedication, and his desire to never quit despite the weather; and

WHEREAS, knowledge Dennis passed down to the students he taught and players he coached over the years will remain close to each student and player.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the dedication of Dennis Walters to teaching and sports.

2. That the Legislature offers its condolences to the family, friends, and students of Dennis Walters.

3. That a copy of this resolution be sent to the family of Dennis Walters.

Laid over.

LEGISLATIVE RESOLUTION 174. Introduced by Riepe, 12; Brandt, 32; Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to Legislative Bill 335, introduced in the One

Hundred Eighth Legislature of Nebraska, First Session, and the impact health care staffing agencies have had on the delivery of health care services in Nebraska. This study shall include, but need not be limited to, an examination of the following:

- (1) The cost disparity between staffing agency workers and facility-employed workers;
- (2) The cost to taxpayers through medicaid expenditures from health care staffing agencies;
- (3) The impact of staffing issues including cost and availability of staff on the ability of health care facilities to independently hire and retain staff and provide services;
- (4) The number of health care staffing agencies operating in Nebraska;
- (5) The reliability of information regarding worker eligibility received from health care staffing agencies;
- (6) Legislation adopted by other states related to health care staffing agencies; and
- (7) The potential need for regulation or fee schedules for health care staffing agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 727. Senator M. Cavanaugh offered the following motion:

[MO1058](#)

Reconsider the vote taken on MO806.

Pending.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB810](#):

[AM1763](#)

- 1 1. On page 4, line 9, after "any" insert "church, court".

Senator Hunt filed the following amendment to [LB810](#):

[AM1765](#)

- 1 1. On page 5, line 31, strike "Upon".
- 2 2. On page 6, line 1, strike "patient request, the" and insert
- 3 "The".

RESOLUTIONS**LEGISLATIVE RESOLUTION 175.** Introduced by Ballard, 21.

PURPOSE: The purpose of this resolution is to propose an interim study to determine the impact on commerce, commercial and economic activity, and the community of having a United States Postal Service office in the West Haymarket area of downtown Lincoln.

The study shall include, but need not be limited to:

(1) An analysis of the commercial and economic impact of having a United States Postal Service office in the West Haymarket area of downtown Lincoln on downtown retailers, businesses, community stakeholders, and residents;

(2) An analysis of the community impact of having a United States Postal Service office in the West Haymarket area of downtown Lincoln on downtown retailers, businesses, community stakeholders, and residents; and

(3) A study of the partnership with federal, state, city, and county governmental agencies related to this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Ballard, 21.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the provisions of the Nebraska Right to Farm Act in comparison to similar laws in other states who rely on agriculture and recruitment of agriculture-related businesses as a significant portion of their economy.

According to the United States Department of Agriculture, agriculture, food, and related industries contributed over \$1.2 trillion to the United States gross domestic product in 2021 and \$164.7 billion of that amount is a direct output from farms. In addition, the agricultural and food sectors provide over 21 million full-time and part-time jobs, with direct on-farm employment accounting for about 2.6 million jobs. In Nebraska, agriculture accounts for approximately one-third of business sales, over twenty percent of the gross state product, and nearly twenty-five percent of jobs. Ninety-two percent of Nebraska's total land area is utilized by farms and ranches and almost half of Nebraska's farms have some type of livestock or poultry operation.

The interim study shall include, but need not be limited to, a review of the need for and utility of legislation to strengthen the Nebraska Right to Farm Act in order to:

- (1) Protect businesses and families who rely on Nebraska's vital agricultural industry and associated activities;
- (2) Consider what effect advancements in technology, best practices for agricultural operations, and regulatory oversight, have had on reducing nuisances and other impacts for those living near an agricultural operation;
- (3) Reduce the risk of frivolous or anti-agriculture lawsuits while preserving the ability to obtain relief for actual harm to residents; and
- (4) Ensure Nebraska's laws allow the state to compete with other states for agriculture-related businesses and economic development opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Murman, 38; DeKay, 40; Wayne, 13.

WHEREAS, Kipp Kissinger was raised in Nebraska Legislative District 38 and attended Sandy Creek High School; and

WHEREAS, John Higgins was raised in Omaha, Nebraska, and attended Cathedral High School; and

WHEREAS, Kipp Kissinger played college basketball for Nebraska Wesleyan University and was inducted into the school's Hall of Fame in 2010; and

WHEREAS, John Higgins played college basketball for the Kearney State College now the University of Nebraska at Kearney and reached the National Association of Intercollegiate Athletics national tournament four times; and

WHEREAS, Kipp Kissinger and John Higgins have made personal sacrifices to grow the game of basketball from the youth level to college; and

WHEREAS, John Higgins is known for having the best hair in college basketball; and

WHEREAS, both John Higgins and Kipp Kissinger were selected as referees for the Final Four of the National Collegiate Athletic Association Division I men's basketball tournament and called a great game between the San Diego State Aztecs and the Florida Atlantic Owls; and

WHEREAS, Akol Arop, a student-athlete from Omaha, Nebraska, who attended and played high school basketball for Creighton Preparatory High School, competed for the Aztecs in the tournament, including the Final Four game against the Owls.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors Kipp Kissinger and John Higgins for their contributions to the game of basketball.
2. That the Legislature recognizes Kipp Kissinger and John Higgins for their hours of sacrifice to grow opportunities for youth in sports.
3. That the Legislature congratulates Akol Arop for his success and accomplishments in basketball.
4. That copies of this resolution be sent to Kipp Kissinger, John Higgins, and Akol Arop.

Laid over.

VISITORS

Visitors to the Chamber were students, teachers, and sponsors from Elmwood-Murdock Public Schools, Elmwood; students from Wilber-Clatonia School, Wilber; students, teachers, and sponsors from Louisville Elementary, Louisville; members of the Parliament of the Republic of Kenya; students from St. Paul's Lutheran, Plymouth; students from Skyline Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Senator DeKay, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht, Ballard, Bosn, Briese, DeBoer, Dorn, Erdman, B. Hansen, Hughes, Lippincott, Raybould, Riepe, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 727. Senator M. Cavanaugh renewed [MO1058](#), found and considered in this day's Journal, to reconsider the vote taken on MO806.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 24 nays, 8 present and not voting, and 17 excused and not voting.

Title read. Considered.

Committee [AM1152](#), found on page 1044, was offered.

Senator Linehan withdrew [AM1217](#), found on page 1044.

Senator Linehan offered the following amendment, to the committee amendment:

[AM1396](#) is available in the Bill Room.

Senator Conrad withdrew [MO807](#), found on page 971, to recommit to committee.

Senator Conrad withdrew [MO808](#), found on page 971, to bracket.

Senator Linehan moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Linehan requested a roll call vote on her amendment, to the committee amendment.

Voting in the affirmative, 40:

Aguilar	Brewer	Dover	Hughes	Moser
Arch	Briese	Dungan	Ibach	Murman
Armendariz	Cavanaugh, J.	Erdman	Jacobson	Raybould
Ballard	Clements	Fredrickson	Kauth	Riepe
Blood	Conrad	Halloran	Linehan	Sanders
Bostar	Day	Hansen	Lippincott	Vargas
Bostelman	DeKay	Hardin	Lowe	von Gillern
Brandt	Dorn	Holdcroft	McDonnell	Walz

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Hunt McKinney

Excused and not voting, 6:

Albrecht	DeBoer	Wayne
Bosn	Slama	Wishart

The Linehan amendment, to the committee amendment, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Blood offered the following amendment, to the committee amendment:

[AM1570](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike sections 11 to 14 and insert the following new sections:
 2 Sec. 11. For purposes of the Good Life Transformational Projects
 3 Act:
 4 (1) Department means the Department of Economic Development;
 5 (2) Director means the Director of Economic Development; and
 6 (3) Good life district means a district established pursuant to
 7 section 14 of this act.
 8 Sec. 12. (1) Any person may apply to the department to create a good
 9 life district. All applications shall be in writing and shall contain:
 10 (a) A description of the proposed project to be undertaken within
 11 the good life district;
 12 (b) An estimate of the total new development costs for the project;
 13 (c) An estimate of the number of new jobs to be created as a result
 14 of the project and the average wage rate to be paid for such jobs;
 15 (d) A map identifying the good life district to be used for purposes
 16 of the project;
 17 (e) A description of the proposed financing of the project;
 18 (f) Resolutions endorsing the proposed project from the governing
 19 bodies of the county and city in which the district will be located;
 20 (g) Documentation of local financial commitment to support the
 21 project, including all public and private resources pledged or committed
 22 to the project and a copy of any operating agreement or lease with
 23 substantial users of the project area;
 24 (h) Marketing plans and a five-year proposed advertising budget that
 25 targets individuals who are not residents of this state; and
 26 (i) Sufficient documents, plans, and specifications as required by
 1 the department to define the project, including the following:
 2 (i) A statement of how the jobs and taxes obtained from the project
 3 will contribute significantly to the economic development of the state
 4 and region;
 5 (ii) Visitation expectations and a plan describing how the number of
 6 visitors to the good life district will be tracked and reported on an
 7 annual basis;
 8 (iii) Any unique qualities of the project;
 9 (iv) An economic impact study, including the anticipated effect of
 10 the project on the regional and statewide economies;
 11 (v) Project accountability, measured according to best industry
 12 practices;
 13 (vi) The expected return on state and local investment the project
 14 is anticipated to produce; and
 15 (vii) A summary of community involvement, participation, and support
 16 for the project.
 17 (2) Upon receiving an application, the department shall review the
 18 application and notify the applicant of any additional information needed
 19 for a proper evaluation of the application.
 20 (3) The application and all supporting information shall be
 21 confidential except for the location of the project, the total new
 22 development costs estimated for the project, the number of new jobs
 23 estimated to be created as a result of the project, and the average wage
 24 rate to be paid for such new jobs.
 25 Sec. 13. (1) Following the filing of an application, the department
 26 shall submit the application to an independent consultant selected by the
 27 department who shall perform an in-depth analysis of the proposed
 28 project. All costs associated with such analysis shall be paid for by the
 29 applicant. In order for the application to be eligible for approval, the

30 consultant's report must determine that:

31 (a) The total new development costs of the project will exceed:

1 (i) One billion dollars if the project will be located in a city of
2 the metropolitan class;

3 (ii) Seven hundred fifty million dollars if the project will be
4 located in a city of the primary class;

5 (iii) Five hundred million dollars if the project will be located in
6 a city of the first class, city of the second class, or village within a
7 county with a population of one hundred thousand inhabitants or more; or

8 (iv) One hundred million dollars if the project will be located in a
9 city of the first class, city of the second class, or village within a
10 county with a population of less than one hundred thousand inhabitants;

11 (b) The project will directly or indirectly result in the creation
12 of at least:

13 (i) One thousand new jobs if the project will be located in a city
14 of the metropolitan class;

15 (ii) Five hundred new jobs if the project will be located in a city
16 of the primary class;

17 (iii) Two hundred fifty new jobs if the project will be located in a
18 city of the first class, city of the second class, or village within a
19 county with a population of one hundred thousand inhabitants or more; or

20 (iv) Fifty new jobs if the project will be located in a city of the
21 first class, city of the second class, or village within a county with a
22 population of less than one hundred thousand inhabitants;

23 (c)(i) For a project that will be located in a county with a
24 population of one hundred thousand inhabitants or more, upon completion
25 of the project, at least thirty percent of the sales at each new business

26 started as a result of the project will be made to persons residing
27 outside the State of Nebraska and the project will attract new-to-market
28 retail to the state and will generate a minimum of three million visitors

29 per year; or

30 (ii) For a project that will be located in a county with a
31 population of less than one hundred thousand inhabitants, upon completion

1 of the project, at least thirty percent of the sales at each new business
2 started as a result of the project will be made to persons residing

3 outside the State of Nebraska;

4 (d) The project will have a significant and positive economic impact
5 on the state by considering, among other factors, the extent to which the
6 project will compete directly with existing developments in the state and

7 the amount by which the increased tax revenue from the project will
8 exceed the loss in revenue by the state; and

9 (e) The project will not adversely affect existing employment in the
10 state.

11 (2) The department shall hold a public hearing on the proposed
12 project prior to approval in order to allow an opportunity for public
13 comment on the project.

14 (3) An application shall not be eligible for approval if the
15 applicant is receiving any other state tax incentive associated with the
16 same project.

17 (4) If the requirements of this section are met and an application
18 is eligible for approval, the department may approve the application.

19 Sec. 14. (1) Upon approval of an application, the director shall
20 enter into an agreement with the applicant. The agreement shall include,
21 but not be limited to:

22 (a) The total new development costs estimated for the project;

23 (b) The number of new jobs estimated to be created as a result of
24 the project, including a requirement that the average wage rate paid for
25 such new jobs must be at least equal to the statewide average hourly wage
26 paid by all employers in all counties in Nebraska as calculated by the
27 Office of Labor Market Information of the Department of Labor using

28 annual data from the Quarterly Census of Employment and Wages published
 29 by the Federal Bureau of Labor Statistics;
 30 (c) The good life district to be used for the project;
 31 (d) A date certain by which the approved applicant shall have
 1 completed the project and begun operations. Upon request from any
 2 approved applicant, the department shall grant an extension to such date,
 3 which shall not exceed eighteen months;
 4 (e) A requirement to provide an annual trade area report identifying
 5 where visitors to the good life district live; and
 6 (f) A statement specifying the term of the agreement.
 7 (2) Once the agreement is entered into under this section, the good
 8 life district shall be established as described in the agreement. Upon
 9 establishment of the district, any transactions occurring within the
 10 district shall be subject to a reduced sales tax rate as provided in
 11 section 77-2701.02. The district shall last for no more than ten years
 12 and shall not exceed two thousand acres in size.
 13 (3) Compliance with the agreement is subject to review by the
 14 department. In the event an approved applicant fails to abide by the
 15 terms of the agreement, then such agreement shall become void and the
 16 district shall be dissolved.
 17 (4) An approved applicant may, at the discretion of the department,
 18 transfer its rights, duties, and obligations under the agreement to a
 19 successor company if the successor company would have qualified for
 20 approval had it submitted the original application. If the transfer is
 21 approved by the department, such successor company shall abide by the
 22 agreement for the remaining term of the agreement.

The Blood amendment was withdrawn.

Senator Blood offered the following amendment, to the committee amendment:

[AM1785](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Insert the following new section:
 2 Sec. 54. (1) Sales and use taxes shall not be imposed on the gross
 3 receipts from the sale, lease, or rental of and the storage, use, or
 4 other consumption in this state of:
 5 (a) A breast pump purchased by an individual for home use, including
 6 repair and replacement parts for the breast pump;
 7 (b) Breast pump collection and storage supplies purchased by an
 8 individual for home use;
 9 (c) A breast pump kit purchased by an individual for home use. If a
 10 breast pump kit includes taxable items of tangible personal property, the
 11 breast pump kit shall qualify for the exemption provided in this section
 12 only if the sales price of the taxable items of tangible personal
 13 property is ten percent or less of the total sales price of the breast
 14 pump kit; or
 15 (d) Nursing pads purchased by an individual for home use.
 16 (2) For purposes of this section:
 17 (a) Breast pump means an electrically or manually controlled pump
 18 device used to express milk from a human breast;
 19 (b) Breast pump collection and storage supplies means items of
 20 tangible personal property used in conjunction with a breast pump to
 21 collect breast milk and to store such milk until it is ready for
 22 consumption. Breast pump collection and storage supplies includes: Breast
 23 shields and breast shield connectors; breast pump tubes and tubing
 24 adapters; breast pump valves and membranes; backflow protectors and
 25 backflow protector adapters; bottles and bottle caps specific to the
 26 operation of the breast pump; and breast milk storage bags. Breast pump
 1 collection and storage supplies does not include: Bottles and bottle caps
 2 not specific to the operation of the breast pump; breast pump travel bags

3 and other similar carrying accessories, including ice packs, labels, and
 4 other similar products, unless sold as part of a breast pump kit; breast
 5 pump cleaning supplies, unless sold as part of a breast pump kit; nursing
 6 bras; breast shells; and creams, ointments, and other similar products
 7 that relieve breastfeeding-related symptoms or conditions of the breasts;
 8 and
 9 (c) Breast pump kit means a pre-packaged set that contains one or
 10 more of the following items: A breast pump; breast pump collection and
 11 storage supplies; and other taxable items of tangible personal property
 12 that are useful to initiate, support, or sustain breastfeeding using a
 13 breast pump.
 14 2. On page 38, lines 4 and 28; page 39, line 3; page 45, line 8;
 15 page 48, line 8; page 50, line 6; page 54, line 25; page 55, lines 4 and
 16 5, 19, 22, and 27; and page 85, line 6, strike "50 and 54" and insert
 17 "50, 54, and 55".
 18 3. Correct the operative date section so that the section added by
 19 this amendment becomes operative on January 1, 2024.
 20 4. Renumber the remaining sections and correct internal references
 21 accordingly.

The Blood amendment, to the committee amendment, lost with 14 ayes, 25 nays, 9 present and not voting, and 1 excused and not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Senator Linehan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 44:

Aguilar	Brandt	Dorn	Hughes	Murman
Albrecht	Brewer	Dover	Ibach	Raybould
Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Erdman	Kauth	Sanders
Ballard	Clements	Fredrickson	Linehan	Slama
Blood	Conrad	Halloran	Lippincott	Vargas
Bosn	Day	Hansen	Lowe	von Gillern
Bostar	DeBoer	Hardin	McDonnell	Walz
Bostelman	DeKay	Holdcroft	Moser	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M.	Hunt	McKinney	Wayne
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Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Conrad filed the following amendment to LB531:
AM1757

(Amendments to AM1222)

1 1. Insert the following new sections:
2 Section 1. Section 81-1237, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 81-1237 For purposes of the Middle Income Workforce Housing
5 Investment Act:
6 (1) Department means the Department of Economic Development;
7 (2) Director means the Director of Economic Development;
8 (3) Eligible activities of a workforce housing investment fund
9 means:
10 (a) New construction of owner-occupied housing in a neighborhood and
11 community with a demonstrated need for housing that is affordable and
12 attractive to first-time homebuyers, middle-income families, and the
13 emerging workforce;
14 (b) Substantial repair or rehabilitation of dilapidated housing
15 stock; or
16 (c) Upper-story housing development for occupation by a homeowner;
17 (4) HOME funds means funds awarded as formula grants under the HOME
18 Investment Partnerships Program administered by the United States
19 Department of Housing and Urban Development;
20 (5) Matching funds means dollars contributed by individuals,
21 businesses, foundations, local and regional political subdivisions, or
22 other nonprofit organizations to a workforce housing investment fund
23 administered by a nonprofit development organization;
24 (6) Nonprofit development organization means a regional or statewide
25 nonprofit development organization approved by the director;
26 (7) Qualified activities include purchase guarantees, loan
1 guarantees, loan participations, and other credit enhancements related to
2 eligible activities of the workforce housing investment fund;
3 (8) Qualified investment means a cash investment in a workforce
4 housing investment fund administered by a nonprofit development
5 organization;
6 (9) Urban community means any area that is:
7 (a) In a county with a population greater than one hundred thousand
8 inhabitants as determined by the most recent federal decennial census;
9 and
10 (b)(i) Within or adjacent to a qualified census tract as described
11 in 26 U.S.C. 42(d)(5)(B), as such section existed on January 1, 2022; or
12 (ii) Within a city of the primary class;
13 (10) Workforce housing means:
14 (a) Owner-occupied housing units that ~~cost not more than three~~
15 ~~hundred thirty thousand dollars to construct have an after-construction~~
16 ~~appraised value of at least one hundred twenty-five thousand dollars but~~
17 ~~not more than two hundred seventy-five thousand dollars.~~ For purposes of
18 this subdivision, housing unit costs (a) and subdivision (b) of this
19 subdivision, housing unit after-construction appraised value shall be
20 updated annually by the department based upon the most recent increase or
21 decrease in the Producer Price Index for all commodities, published by
22 the United States Department of Labor, Bureau of Labor Statistics;
23 (b) Owner-occupied housing units for which the cost to substantially
24 rehabilitate such units exceeds fifty percent of a unit's before-
25 construction assessed value, and the after-construction appraised value
26 of the building alone is at least one hundred twenty-five thousand
27 dollars but not more than two hundred seventy-five thousand dollars. For
28 purposes of this subdivision, housing unit after-construction appraised

29 value shall be updated annually by the department based upon the most
 30 recent increase or decrease in the Producer Price Index for all
 31 commodities, published by the United States Department of Labor, Bureau
 1 of Labor Statistics;
 2 (c) Upper-story housing for occupation by a homeowner; and
 3 (d) Housing that does not receive federal or state low-income
 4 housing tax credits, community development block grants, HOME funds, or
 5 funds from the Affordable Housing Trust Fund; and
 6 (11) Workforce housing investment fund means a fund that has been
 7 created by a nonprofit development organization and certified by the
 8 director to encourage development of workforce housing in urban
 9 communities.
 10 Sec. 11. Sections 1 and 12 of this act become operative three
 11 calendar months after the adjournment of this legislative session. The
 12 other sections of this act become operative on their effective date.
 13 Sec. 12. Original section 81-1237, Revised Statutes Cumulative
 14 Supplement, 2022, is repealed.
 15 2. Renumber the remaining sections and correct internal references
 16 accordingly.

Senator Hunt filed the following amendment to [LB810](#):
[AM1766](#)

1 1. On page 6, after line 6 insert the following new subsection:
 2 "(3) A medical practitioner, health care institution, or health care
 3 payer that generally objects to participating in, or paying for, any
 4 medical procedure on the basis of conscience, shall post a notice
 5 describing such practitioner's, institution's, or payer's objection to
 6 the medical procedure prominently in or on every office, website, and
 7 initial document a patient is required to complete prior to receiving a
 8 health care service."; in line 7 strike "(3)" and insert "(4)"; in line
 9 15 strike "(4)" and insert "(5)"; in line 19 strike "(5)" and insert
 10 "(6)"; and in line 27 strike "(6)" and insert "(7)".
 11 2. On page 7, line 1, strike "(7)" and insert "(8)".

Senator Hunt filed the following amendment to [LB810](#):
[AM1755](#)

1 1. Insert the following new section:
 2 Sec. 7. In collaboration with a member of the Legislature, the State
 3 Board of Health shall dictate by decree to the members and Clerk of the
 4 Legislature, the medically ethical position on policy issues before the
 5 Legislature each year that reflect the personal beliefs of the majority
 6 of the members of the board, appointed by the Governor pursuant to
 7 section 71-2601, based on their education and expertise in human or
 8 animal medicine.
 9 2. Renumber the remaining section accordingly.

Senator Hunt filed the following amendment to [LB810](#):
[AM1764](#)

1 1. On page 8, line 6, after "of" insert "psychological or".

AMENDMENTS - Withdraw and Refile in Journal to LB727

Senator M. Cavanaugh withdrew and refiled [AM1443](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1444](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1445](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1458](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1457](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1456](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1452](#), found on page 1262.

RESOLUTION

LEGISLATIVE RESOLUTION 178. Introduced by Brewer, 43; Bostelman, 23; Moser, 22.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska.

The State of Nebraska needs sustainable nuclear power generation to augment fossil fuel and renewable energy generation of electric energy. Nuclear power generation of electric energy helps lower carbon emissions and eliminate greenhouse gases. A nuclear power plant with a small modular reactor can be housed in a retrofitted or converted existing fossil fuel power plant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall create a select interim committee, to be known as the Small Modular Nuclear Reactor Study Committee, shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the members of the select committee shall include the chairperson of the Natural Resources Committee of the Legislature or his or her designee, the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee, the chairperson of the Transportation and Telecommunications Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and three additional members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council.

3. The select committee shall elect a chairperson from the membership of the committee. The Executive Board may provide the select committee with a legal counsel, committee clerk, and other staff required by the select committee from existing legislative staff. The select committee shall hold meetings or public hearings at the call of and at locations selected by the chairperson. The select committee shall seek input from expert and interested sources, including representatives of the Nebraska Power Review Board and the public power industry in this state.

4. That the select committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

The Chair declared the call raised.

MOTION - Recommit LB574 to Committee

Senator M. Cavanaugh offered [MO85](#), found on page 815, to recommit to the Health and Human Services Committee.

Senator Wayne requested a point of order that there was a pending amendment to the motion to recommit.

The Chair ruled that a motion to amend a motion to recommit has never been recognized.

Senator Wayne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Hunt requested a point of order on whether questions could be asked under a motion to overrule the Chair.

The Chair ruled the Hunt point of order is out of order, due to a pending point of order.

Senator Wayne requested a roll call vote on his motion to overrule the Chair.

The Wayne motion to overrule the Chair failed with 15 ayes, 30 nays, 3 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Senator M. Cavanaugh requested a point of order on Senator Hunt's previous point of order on whether Senators can ask questions during motions to overrule the Chair.

The Chair ruled that during a motion to overrule the Chair, members may speak one time, without yielding time, and questions may be asked.

Senator Albrecht moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Aguilar	Brandt	Dover	Ibach	McDonnell
Albrecht	Brewer	Erdman	Jacobson	Moser
Armendariz	Briese	Halloran	Kauth	Murman
Ballard	Clements	Hardin	Linehan	Sanders
Bosn	DeKay	Holdcroft	Lippincott	Slama
Bostelman	Dorn	Hughes	Lowe	von Gillern

Voting in the negative, 5:

Blood	DeBoer	Vargas	Walz	Wayne
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Present and not voting, 13:

Arch	Cavanaugh, M.	Dungan	Hunt	Riepe
Bostar	Conrad	Fredrickson	McKinney	
Cavanaugh, J.	Day	Hansen	Raybould	

Excused and not voting, 1:

Wishart

The motion to cease debate prevailed with 30 ayes, 5 nays, 13 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

Blood	DeBoer
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Voting in the negative, 32:

Aguilar	Bostelman	Dover	Jacobson	Murman
Albrecht	Brandt	Erdman	Kauth	Sanders
Arch	Brewer	Halloran	Linehan	Slama
Armendariz	Briese	Hardin	Lippincott	von Gillern
Ballard	Clements	Holdcroft	Lowe	
Bosn	DeKay	Hughes	McDonnell	
Bostar	Dorn	Ibach	Moser	

Present and not voting, 14:

Cavanaugh, J.	Day	Hansen	Raybould	Walz
Cavanaugh, M.	Dungan	Hunt	Riepe	Wayne
Conrad	Fredrickson	McKinney	Vargas	

Excused and not voting, 1:

Wishart

The M. Cavanaugh motion to recommit to committee failed with 2 ayes, 32 nays, 14 present and not voting, and 1 excused and not voting.

Senator B. Hansen offered the following motion:

[MO1054](#)

Reconsider the vote taken on MO85.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator Conrad requested a point of order on whether or not the back Chamber doors can be closed.

The Chair ruled the Chamber doors would remain open.

Senator Bosn moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh requested a point of order on the Chair's ruling of full and fair debate.

The Chair ruled that pursuant to Rule 7, Section 4 the body determined if there had been full and fair debate.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Aguilar	Brandt	Dover	Ibach	McDonnell
Albrecht	Brewer	Erdman	Jacobson	Moser
Armendariz	Briese	Halloran	Kauth	Murman
Ballard	Clements	Hardin	Linehan	Sanders
Bosn	DeKay	Holdcroft	Lippincott	Slama
Bostelman	Dorn	Hughes	Lowe	von Gillern

Voting in the negative, 4:

Blood	DeBoer	Raybould	Vargas
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Present and not voting, 13:

Arch	Cavanaugh, M.	Dungan	Hunt	Walz
Bostar	Conrad	Fredrickson	McKinney	
Cavanaugh, J.	Day	Hansen	Riepe	

Excused and not voting, 2:

Wayne Wishart

The motion to cease debate prevailed with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the B. Hansen motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 33:

Aguilar	Bostelman	Dorn	Ibach	Moser
Albrecht	Brandt	Dover	Jacobson	Murman
Arch	Brewer	Erdman	Kauth	Sanders
Armendariz	Briese	Halloran	Linehan	Slama
Ballard	Clements	Hardin	Lippincott	von Gillern
Bosn	DeBoer	Holdercroft	Lowe	
Bostar	DeKay	Hughes	McDonnell	

Present and not voting, 15:

Blood	Conrad	Fredrickson	McKinney	Vargas
Cavanaugh, J.	Day	Hansen	Raybould	Walz
Cavanaugh, M.	Dungan	Hunt	Riepe	Wayne

Excused and not voting, 1:

Wishart

The B. Hansen motion to reconsider failed with 0 ayes, 33 nays, 15 present and not voting, and 1 excused and not voting.

Senator J. Cavanaugh requested a point of order that there was a pending motion to reconsider.

The Chair ruled pursuant to Rule 7, Section 7, subsequent motions to reconsider require unanimous consent to raise another motion to reconsider.

Senator Slama objected to Senator J. Cavanaugh's additional motion to reconsider.

Senator J. Cavanaugh requested a point of order on the germaneness of AM1658.

The Chair ruled the point of order out of order as AM1658 was not pending.

Senator Kauth withdrew [AM873](#), found on page 776.

Senator Kauth withdrew [AM976](#), found on page 850.

Senator Kauth withdrew [AM901](#), found on page 812.

Senator M. Cavanaugh requested a point of order that there has been no clear understanding of what counts towards the clock and what does not.

The Chair stated the time for cloture and that procedural motions have not been counted in computing cloture.

MOTION - Return LB574 to Select File

Senator B. Hansen moved to return LB574 to Select File for his specific amendment, [AM1658](#), found on page 1399.

Senator J. Cavanaugh requested a ruling of the Chair on whether the B. Hansen specific amendment is germane to the bill.

The Chair ruled the B. Hansen specific amendment is germane to the bill.

Senator J. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

MOTION - Recess

Senator Dungan moved to recess until 10:00 p.m.

Senator Raybould requested a point of order on whether cloture was in order.

The Chair ruled that procedural motions have not been counted in computing cloture and that cloture was not in order.

Senator Dungan requested a roll call vote on the motion to recess.

The Dungan motion to recess failed with 0 ayes, 35 nays, 13 present and not voting, and 1 excused and not voting.

MOTION - Return LB574 to Select File

Senator J. Cavanaugh renewed his motion to overrule the Chair, found and considered in this day's Journal.

Senator J. Cavanaugh requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 14:

Blood	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wayne
Cavanaugh, M.	DeBoer	Hunt	Vargas	

Voting in the negative, 34:

Aguilar	Bostelman	Dover	Ibach	Moser
Albrecht	Brandt	Erdman	Jacobson	Murman
Arch	Brewer	Halloran	Kauth	Riepe
Armendariz	Briese	Hansen	Linehan	Sanders
Ballard	Clements	Hardin	Lippincott	Slama
Bosn	DeKay	Holdcroft	Lowe	von Gillern
Bostar	Dorn	Hughes	McDonnell	

Excused and not voting, 1:

Wishart

The J. Cavanaugh motion to overrule the Chair failed with 14 ayes, 34 nays, and 1 excused and not voting.

Senator B. Hansen renewed his motion, found in this day's Journal, to return LB574 to Select File for his specific amendment, [AM1658](#), found on page 1399.

Senator Kauth offered the following motion:

[MO1067](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kauth requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 14:

Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wayne
Cavanaugh, M.	DeBoer	Hunt	Vargas	

Present and not voting, 1:

Blood

Excused and not voting, 1:

Wishart

The Kauth motion to invoke cloture prevailed with 33 ayes, 14 nays, 1 present and not voting, and 1 excused and not voting.

Pending.

EASE

The Legislature was at ease from 8:00 p.m. until 8:04 p.m.

MOTION - Return LB574 to Select File

Senator M. Cavanaugh requested a roll call vote on the B. Hansen motion to return.

The Conrad point of order was not recognized because the body had invoked cloture.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wayne

Excused and not voting, 1:

Wishart

The B. Hansen motion to return prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

The Conrad point of order was not recognized because the body had invoked cloture.

SELECT FILE

LEGISLATIVE BILL 574. The B. Hansen specific amendment, [AM1658](#), found on page 1399, was offered.

Senator Conrad requested a roll call vote, in reverse order, on the B. Hansen specific amendment.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wayne

Excused and not voting, 1:

Wishart

The B. Hansen specific amendment was adopted with 33 ayes, 15 nays, and 1 excused and not voting.

The M. Cavanaugh point of order was not recognized because the body had invoked cloture.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 14:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Wayne
Cavanaugh, J.	Day	Fredrickson	Raybould	

Present and not voting, 1:

Walz

Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review for Reengrossment with 33 ayes, 14 nays, 1 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 562. Placed on Final Reading.

[ST15](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Vargas amendment, AM1563:
 - a. Sections 16, 17, 18, 19, 20, and 21 have been renumbered as 24, 25, 26, 27, 28, and 29 respectively;
 - b. On page 1, line 4, "18 to 21" has been struck and "26 to 29" inserted; and in line 13 "18" has been struck and "26" inserted; and
 - c. On page 3, line 9, "19" has been struck and "27" inserted.

2. In the Standing Committee amendments, AM1248, on page 12, line 18, "77-7002, 77-7003, 77-7004, and 77-7007," has been struck and "58-242, 77-5205, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5208, 77-5209, 77-5209.01, 77-5211, 77-7002, 77-7003, 77-7004, 77-7007, 81-2,239, and 81-2,240," inserted.

3. On page 1, the matter beginning with "ethanol" in line 1 through line 4 has been struck and "business; to amend sections 58-242, 77-5205, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5208, 77-5209, 77-5209.01, 77-5211, 77-7002, 77-7003, 77-7004, 77-7007, 81-2,239, and 81-2,240, Revised Statutes Cumulative Supplement, 2022; to adopt the E-15 Access Standard Act; to change a loan requirement under the Nebraska Investment Finance Authority Act; to redefine a term and change provisions relating to board membership and duties, a limitation on new applications, applicant qualifications, and a tax credit allowance and annual limitation under the Beginning Farmer Tax Credit Act; to redefine a term and change provisions relating to tax credit amounts, annual limits, and a limitation on new applications under the Nebraska Higher Blend Tax Credit Act; to define a term, provide for licensing reciprocity and an ordinance registry relating to mobile food establishments, require a report by certain regulatory authorities, and provide duties for the Department of Agriculture and certain cities under the Nebraska Pure Food Act; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 583. Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM970, on page 19, line 23, "79-1003, 79-1007.11," has been struck; and in line 24 "and 79-1031.01," has been struck and "79-1031.01, and 79-1142," inserted.

2. On page 1, the matter beginning with "sections" in line 1 through line 7 and all amendments thereto have been struck and "sections 79-1001, 79-1009, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, 79-1031.01, and 79-1142, Revised Statutes Cumulative Supplement, 2022; to provide for foundation aid and change provisions relating to net option funding, local system formula resources, and certain certification dates under the Tax Equity and Educational Opportunities Support Act; to change reimbursement provisions under the Special Education Act; to provide duties for school districts and the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 705. Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Murman amendment, AM1681, section 89 has been struck and the following new section inserted: Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023, is amended to read:

79-1021 (1) The Education Future Fund is created. The fund shall be administered by the department and shall consist of money transferred to the fund by the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. (2) The fund shall be used only for the following purposes, in order of priority: (a) To fully fund equalization aid under the Tax Equity and Educational Opportunities Support Act; (b) To fund reimbursements related to special education under section 79-1142; (c) To fund foundation aid under the Tax Equity and Educational Opportunities Support Act; (d) To increase funding for school districts in a way that results in direct property tax relief, which means a dollar-for-dollar replacement of property taxes by a state funding source; (e) To provide funding for a grant program created by the Legislature to address teacher turnover rates and keep existing teachers in classrooms; (f) To provide funding to increase career and technical educational classroom opportunities for students. Such funding must provide students with the academic and technical skills, knowledge, and training necessary to succeed in future careers; ~~and~~ (g) To provide funding for a grant program created by the Legislature to provide students the opportunity to have a mentor who will continuously engage with the student directly to aid in the student's professional growth and give ongoing support and encouragement to the student; ~~(h) To provide funding for extraordinary increases in special education expenditures to allow school districts with large, unexpected special education expenditures to more easily meet the needs of~~

all students; and (i) To provide funding to help recruit teachers throughout the state by utilizing apprenticeships through a teacher apprenticeship program and an alternative certification process. (3)(a) The State Treasurer shall transfer one billion dollars from the General Fund to the Education Future Fund in fiscal year 2023-24, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. (b) The State Treasurer shall transfer two hundred fifty million dollars from the General Fund to the Education Future Fund in fiscal year 2024-25, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. (c) It is the intent of the Legislature that two hundred fifty million dollars be transferred from the General Fund to the Education Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

2. In the E&R amendments, ER30:

- a. On page 131, line 16, "123" has been struck and "124" inserted;
- b. On page 132, the matter beginning with "Sections" in line 23 through line 31 has been struck and "Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 52, 53, 58, 59, 78, 90, 91, 94, 98, 99, 100, 107, 111, 117, 120, 121, 130, and 134 of this act become operative on July 1, 2023. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 93, 131, and 135 of this act become operative on July 1, 2024. Sections 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 95, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114, 115, 116, 118, 119, 123, 124, 125, 126, 132, and 136 of this act become operative" inserted;
- c. On page 133, line 8, "79-11,160," has been struck; in line 14 "and 79-8,137.05," has been struck and "79-8,137.05, and 79-11,160," inserted; in line 25 the first occurrence of "and" has been struck; and in line 26 "and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023," has been inserted after "2022,"; and
- d. On page 134, line 11, the second occurrence of "and" has been struck; in line 18 ", and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023" has been inserted after "2022"; and in line 27 "Paraprofessional to Teacher" has been struck and "Teacher Apprenticeship" has been inserted.

LEGISLATIVE BILL 754. Placed on Final Reading.

ST18

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER19, on page 1, line 2, "77-2733," has been struck; in line 5 "77-2733," has been struck; in line 6 "77-2701," has been struck; in line 7 "77-2716.01," has been struck; in line 11 the comma has been struck and "and" inserted; and in line 12 ", and nonresident income" has been struck.
2. In the Standing Committee amendments, AM906, on page 49, line 19, "77-2701," has been struck; and in line 20 "77-2716.01," has been struck.

(Signed) Beau Ballard, Chairperson

MOTIONS - Print in Journal

Senator Fredrickson filed the following motion to LB574:

MO1055

Reconsider the vote taken on MO85.

Senator M. Cavanaugh filed the following motion to LB574:

MO1056

Reconsider the vote taken on MO85.

Senator B. Hansen filed the following motion to LB574:

MO1057

Reconsider the vote taken on MO665.

Senator Hunt filed the following motion to LB574:

[MO1061](#)

Reconsider the vote taken on MO85.

Senator Dungan filed the following motion to LB574:

[MO1062](#)

Reconsider the vote taken on MO85.

Senator Wayne filed the following motion to LB574:

[MO1063](#)

Recommit to Judiciary Committee.

Senator J. Cavanaugh filed the following motion to LB574:

[MO1064](#)

Reconsider the vote taken on MO85.

Senator Day filed the following motion to LB574:

[MO1065](#)

Reconsider the vote taken on MO85.

Senator Conrad filed the following motion to LB574:

[MO1066](#)

Reconsider the vote taken on MO85.

AMENDMENT - Print in Journal

Senator Wayne filed the following amendment to LB574:

[FA120](#)

Strike "Health and Human Services" and insert "Judiciary."

VISITORS

Visitors to the Chamber were students from Christ the King, Omaha; students from Bloomfield Elementary, Bloomfield; students from Emmanuel Faith Lutheran, York; Mike Albrecht; students from Palmer Elementary, Palmer; students from Valentine Middle School, Valentine; Cathy Erdman.

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 8:15 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Wednesday, May 17, 2023.

Brandon Metzler
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 17, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 17, 2023

PRAYER

The prayer was offered by Reverend Kate West, First Congregational UCC Neligh & Park Congregational UCC Elgin, Neligh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

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, Day, Fredrickson, Hunt, Linehan, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Senator M. Cavanaugh offered the following proposed correction:

Pg 1518

The M. Cavanaugh point of order was not recognized because the body had invoked cloture.

M. Cavanaugh made repeated points of order. The number should be specified.

Speaker Arch requested a point of order on confirmation that the Chair previously ruled members of the body cannot correct the Journal from the floor.

The Chair concurred with Speaker Arch's point of order.

Senator Conrad challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator M. Cavanaugh requested a roll call vote on the motion to overrule the Chair.

The Conrad motion to overrule the Chair failed with 7 ayes, 33 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair was sustained.

Senator M. Cavanaugh requested a point of order, stating that there were additional pending corrections for the Journal.

The Chair ruled the additional corrections out of order, as the body had previously sustained the Chair's ruling.

Senator M. Cavanaugh requested a roll call vote on the motion to approve the Journal for the seventy-eighth day.

The Journal for the seventy-eighth day was approved was approved with 32 ayes, 5 nays, 9 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 179. Introduced by Arch, 14.

PURPOSE: The purpose of this resolution is to propose an interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government. Ensuring that residents of Nebraska have the opportunity to have their voices heard is vital to the legislative process. To ensure fair and useful dialogue, there must be a standard of respect and decorum in place for both the public, that observes, engages, and testifies in front of the Legislature, and the members of the Legislature. It is vital that the Legislature and its leadership promote consistent and equitable procedures that offer the best opportunities for public input.

The interim study shall include, but need not be limited to, an examination of the following:

- (1) The existing relevant laws, rules and regulations, and official and unofficial practices and procedures relating to the public's role in the policymaking process in Nebraska;
- (2) The constitutional provisions relevant to the public's right to access the State Capitol and attend public activities;
- (3) The plausibility of requiring that all persons who attend a hearing have an opportunity to be heard on the record;
- (4) The existence of uniform rules on public testimony, including public notice of such rules;

(5) Additional methods outside of public hearings available for residents to engage Nebraska lawmakers throughout the lawmaking process and the effectiveness of those alternate methods; and

(6) The elements of continuing the Legislature's tradition of healthy and open public input into the lawmaking process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the Nebraska Trust Company Act and other Nebraska statutes related to trust companies. This study shall include, but need not be limited to:

(1) Examining the history, enactment, evolution, and amendment of the Nebraska Trust Company Act and other Nebraska statutes related to trust companies;

(2) Reviewing the public benefits of the operation of private, stand-alone trust companies and their effect on Nebraska's economy; and

(3) Determining whether updating and modernizing the Nebraska Trust Company Act and other Nebraska statutes related to trust companies would generate economic benefits to Nebraska residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Slama, 1.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the insurance statutes of the State of Nebraska with specific emphasis on the impact of the insurance industry on tort reform and related matters.

In order to carry out the purposes of this resolution, the committee may invite the Judiciary Committee of the Legislature to any hearing held by the committee related to this interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Clements, 2.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund.

The Nebraska Health Care Cash Fund was initially created with an endowment of fifty million dollars for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska. Expenditures from this fund are potentially being increased during the One Hundred Eighth Legislature, First Session, by portions of Legislative Bill 802 and Legislative Bill 539 being included by the Appropriations Committee into the next biennial budget and by Legislative Bill 792 being amended into the budget by the Legislature.

This study shall include, but need not be limited to:

(1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;

(2) A review of any increased and decreased expenditures from the Nebraska Health Care Cash Fund enacted during the One Hundred Eighth Legislature, First Session;

(3) An examination of input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(4) A recommendation for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Clements, 2.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Appropriations Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Raybould filed the following amendment to [LB531](#):

[AM1789](#)

(Amendments to AM1222)

1 1. Insert the following new sections:

2 Section 1. Section 71-6401, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 71-6401 Sections 71-6401 to 71-6407 and section 2 of this act shall

5 be known and may be cited as the Building Construction Act.

6 Sec. 2. No provision of the state building code may prohibit or

7 otherwise limit the use of a refrigerant designated as acceptable for use

8 pursuant to and in accordance with 42 U.S.C. 7671k, as such section

9 existed on January 1, 2023, as long as any equipment containing such

10 refrigerant is listed and installed in accordance with safety standards

11 and use conditions imposed pursuant to such designation.

12 Sec. 12. Sections 1, 2, and 14 of this act become operative three

13 calendar months after the adjournment of this legislative session. The

14 other sections of this act become operative on their effective date.

15 Sec. 14. Original section 71-6401, Reissue Revised Statutes of

16 Nebraska, is repealed.

17 2. Renumber the remaining sections and correct internal references

18 accordingly.

MOTION - Return LB813 to Select File

Senator M. Cavanaugh moved to return LB813 to Select File for the following specific amendment:

[FA121](#)

Strike Section 1.

SENATOR DORN PRESIDING

Senator M. Cavanaugh withdrew her motion to return.

RESOLUTIONS

LEGISLATIVE RESOLUTION 184. Introduced by Moser, 22.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the deployment of broadband services within the State of Nebraska. The study shall include, but need not be limited to:

(1) A review of the activity of the Nebraska Public Service Commission in the administration of the Nebraska Telecommunications Universal Service Fund high-cost program, the Nebraska Broadband Bridge Act, and the federal Capital Projects Fund;

(2) A review of the activity of the Broadband Office of the Nebraska Department of Transportation and the office's administration of the federal Broadband, Equity, Access, and Deployment Program, including an examination of the need for legislation that would authorize municipalities and public power districts to enter partnerships with private telecommunications providers to offer broadband telecommunications services;

(3) A review of the potential implementation by the Nebraska Public Service Commission of the Rural Communications Sustainability Act from Legislative Bill 683 introduced by the One Hundred Eighth Legislature; and

(4) Taking public comment on the potential need to enact further legislation to ensure the long-term sustainability of rural high-cost broadband networks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Moser, 22.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Albrecht, 17.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to Legislative Bill 820 introduced in the One Hundred Eighth Legislature of Nebraska, First Session, and whether additional action should be considered to address issues related to the valuation of land in Nebraska. The study shall include an examination of issues raised during the consideration of Legislative Bill 820.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by Albrecht, 17.

WHEREAS, Kevin John Heeney started volunteering as a firefighter at age 17; and

WHEREAS, Kevin helped start the volunteer fire department in Hubbard as a part of the Emerson Volunteer Fire Department; and

WHEREAS, when Kevin began as a firefighter, the only fire truck was a pickup truck with a tank of water on the back and there was no fire station so the truck was kept in the garage of Kevin's father's fertilizer business and in order to alert firefighters of an emergency call someone had to go to Main Street and manually flip a switch on the siren tower to sound the alarm; and

WHEREAS, Kevin was a part of gathering the information and addresses needed for the implementation of 911 in his communities; and

WHEREAS, Kevin has been a part of implementing numerous new technologies into firefighting including pagers, mobile phones, the automated external defibrillator, and the ability to start intravenous fluids; and

WHEREAS, Kevin has been on thousands of calls over the last fifty years and helped put out hundreds of grass fires, farm fires, and house fires; and

WHEREAS, the biggest and most impactful emergency Kevin was a part of was the crash of Flight 232 in 1989; and

WHEREAS, Kevin helped many people in car accidents and medical events, directed the helicopters to many rescue scenes, rescued people by boat when the highway has flooded, and acted as a spotter to look and assess the weather to warn his communities of tornado activity; and

WHEREAS, Kevin served as the captain of Hubbard Company 3 for many years; and

WHEREAS, thirty-three years ago, Kevin was one of the first group of volunteers to become emergency medical technicians to help assist in medical emergencies; and

WHEREAS, Kevin walked many parades and represented the Hubbard Fire Department at hundreds of community events; and

WHEREAS, Kevin was on duty for many high school football games and events in case of an emergency; and

WHEREAS, Kevin worked with schools of Emerson and Hubbard to teach fire prevention to youth and used a theme each year to make learning both fun and educational; and

WHEREAS, the communities of Emerson and Hubbard are appreciative and grateful to Kevin for his fifty years of service and dedication as a firefighter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and thanks Kevin John Heeney for his fifty years of service as firefighter for Emerson and Hubbard, Nebraska.
2. That a copy of this resolution be sent to Kevin John Heeney.

Laid over.

LEGISLATIVE RESOLUTION 188. Introduced by Briese, 41; Arch, 14.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to the committee system of the Legislature and the referencing of legislative bills by the Reference Committee of the Legislature.

This interim study shall include, but need not be limited to:

- (1) A review of the subject matter jurisdiction of each of the Legislature's fourteen standing committees;
- (2) An examination of the referencing guide and the process utilized by the Executive Board of the Legislative Council to amend the referencing guide in 2014 and 2016; and
- (3) A review of the overall role of the standing committee system, including the number of committees and the number of days each standing committee meets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues of road maintenance in Nebraska, with a specific emphasis on potholes. Potholes are among the most common pavement distresses in Nebraska and can lead to significant vehicle damage and safety hazards for drivers. Additionally, pothole and temporary road repairs constitute a major maintenance expense for the Department of Transportation and local municipalities. Currently, many municipalities have processes to allow drivers to submit claims for damage caused by potholes. Under subsection (12) of section 13-910, in order to receive a reimbursement for pothole damage on a vehicle, the municipality must know about a road defect and be given a reasonable amount of time to fix it.

This interim study shall include, but need not be limited to:

(1) A review of strategies used to reduce the response time for pothole repairs;

(2) A review of strategies used to increase the durability of pothole repairs;

(3) A review of municipal pothole damage claim programs and the percentage of claims that are reimbursed;

(4) An examination of typical pothole repair timelines;

(5) A profile of municipal pothole reimbursement programs;

(6) A review of methods for residents to report potholes;

(7) A recommendation for actions to aide in temporary pothole repair and pavement resurfacing; and

(8) An examination of what is considered a reasonable amount of time for pothole repair.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by Fredrickson, 20.

PURPOSE: The purpose of this resolution is to propose an interim study to examine streamlining communications on rule and regulation changes proposed by the Department of Health and Human Services relating to the medical assistance program. The study shall include, but need not be limited to, an examination of the following:

(1) The current process used to communicate rule and regulation changes in the medical assistance program to the public as directed by the Administrative Procedure Act, any other state statute, or Department of Health and Human Services procedure;

(2) How public posting of rule and regulation changes can be potentially modified to provide transparency when comparing a current rule or regulation and the change that has been proposed;

(3) The impact of proposed rule and regulation changes including fiscal impact and program access; and

(4) Input from Department of Health and Human Services staff, providers in the medical assistance program, and other stakeholders as to best practices to communicate to the public any proposed changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 50A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 50, One Hundred Eighth Legislature, First Session, 2023.

MOTION- Return LB813 to Select File

Senator Conrad moved to return LB813 to Select File for the following specific amendment:

[AM1791](#)

(Amendments to Final Reading copy)

1 1. On page 17, line 2, strike "seventy-fifth", show as stricken, and
2 insert "one-hundredth".

Senator M. Cavanaugh requested a point of order on if the motion to return or amendment is voted on after a cloture vote.

The Chair ruled that when the body goes to cloture, the motion to return will be voted on first.

Senator M. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator M. Cavanaugh withdrew her motion to overrule the Chair.

Speaker Arch offered the following motion:

[MO1076](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

Albrecht	Brewer	Dungan	Jacobson	Riepe
Arch	Briese	Erdman	Kauth	Sanders
Armendariz	Clements	Fredrickson	Linehan	Slama
Ballard	Conrad	Halloran	Lippincott	Vargas
Blood	Day	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	Moser	Wishart
Bostelman	Dorn	Hughes	Murman	
Brandt	Dover	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, J. Cavanaugh, M. Hunt McKinney Wayne

Excused and not voting, 1:

Aguilar

The Arch motion to invoke cloture prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Conrad motion to return.

Voting in the affirmative, 13:

Bostar	Conrad	Dungan	McKinney	Wayne
Cavanaugh, J.	Day	Fredrickson	Raybould	
Cavanaugh, M.	DeBoer	Hunt	Walz	

Voting in the negative, 35:

Albrecht	Brandt	Erdman	Jacobson	Murman
Arch	Brewer	Halloran	Kauth	Riepe
Armendariz	Briese	Hansen	Linehan	Sanders
Ballard	Clements	Hardin	Lippincott	Slama
Blood	DeKay	Holdcroft	Lowe	Vargas
Bosn	Dorn	Hughes	McDonnell	von Gillern
Bostelman	Dover	Ibach	Moser	Wishart

Excused and not voting, 1:

Aguilar

The Conrad motion to return failed with 13 ayes, 35 nays, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Senator M. Cavanaugh requested a roll call vote.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB813 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 813. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2021, LB380, sections 57, 68, and 83; Laws 2021, LB383, section 25; Laws 2022, LB1011, sections 56, 187, 189, and 190; Laws 2022, LB1014, sections 34 and 49; and Laws 2022, LB1024A, section 3; to define terms; to provide, change, and eliminate appropriations for operation of state government; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 44:

Albrecht	Brewer	Dover	Ibach	Raybould
Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Erdman	Kauth	Sanders
Ballard	Clements	Fredrickson	Linehan	Slama
Blood	Conrad	Halloran	Lippincott	Vargas
Bosn	Day	Hansen	Lowe	von Gillern
Bostar	DeBoer	Hardin	McDonnell	Walz
Bostelman	DeKay	Holdcroft	Moser	Wishart
Brandt	Dorn	Hughes	Murman	

Voting in the negative, 2:

Cavanaugh, M. Hunt

Present and not voting, 2:

McKinney Wayne

Excused and not voting, 1:

Aguilar

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

Visitors to the Chamber were students and teachers from Fisher's Elementary, Schuyler.

RECESS

At 12:24 p.m., on a motion by Senator Albrecht, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:15 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Bosn, Bostar, Brewer, Briese, J. Cavanaugh, Conrad, Day, Dover, Dungan, Fredrickson, Hughes, Ibach, Raybould, Vargas, and Walz who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 191. Introduced by Ibach, 44; Hughes, 24; Kauth, 31.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the process for conducting the statutorily required fingerprint-based national criminal history record information check for the childhood care workforce pursuant to section 71-1912.

To identify potential issues and accompanying solutions, this study shall include, but need not be limited to:

(1) An evaluation of the information check process at both the Department of Health and Human Services and the Nebraska State Patrol, including:

(a) The timeline for completion of the information check process;
(b) Any obstacles to the information check process that can cause delays;
and

(c) Any recent improvements made to expedite the information check process;

(2) A review of federal regulations and programs that could be utilized to streamline the information check process;

(3) A review of state statutes and regulations to identify opportunities to improve the efficiency of the information check process while remaining in compliance with federal regulations;

(4) An evaluation of how the timeframe to complete the information checks impacts the ability of facilities to meet the required staff-to-child ratios and whether this impact causes disruptions to classroom or program operations; and

(5) An examination of practices in other states that could help improve the efficiency of the information check process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the relationship between joint public agencies and public education matters.

This study should include, but need not be limited to:

(1) An examination of the history of existing joint public agencies that wield power over any public education matters, the purpose of the formation of such joint public agencies, and how such joint public agencies are governed;

(2) An examination of the powers that joint public agencies wield and any limitations of such powers;

(3) A determination of the overall reach and scope of joint public agencies involved in public education; and

(4) A review of how joint public agencies are held accountable to school districts, educational service units, residents, or other agencies that the joint public agencies work with.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR146 Government, Military and Veterans Affairs

Hayes, Jason - Director, Nebraska Public Employees Retirement Systems -
Nebraska Retirement Systems

(Signed) Tom Briese, Chairperson
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 531A. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 531, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB813e.

MOTION - Stand at Ease

Senator M. Cavanaugh offered the following motion:
Stand at ease for thirty minutes.

The Chair ruled the motion out of order.

Senator M. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator M. Cavanaugh withdrew her motion to overrule the Chair.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 2023, at 1:40 p.m. was the following: LB813e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

WITHDRAW - Motion to LB815

Senator Clements withdrew [MO924](#), found on page 1053, to recommit to Appropriations Committee, to LB815.

MOTION - Return LB815 to Select File

Senator M. Cavanaugh moved to return LB815 to Select File for the following specific amendment:

[FA124](#)

Strike Section 1.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 37:

Aguilar	Brandt	Dungan	Jacobson	Sanders
Albrecht	Brewer	Erdman	Kauth	Slama
Arch	Cavanaugh, J.	Fredrickson	Linchan	von Gillern
Armendariz	Clements	Hansen	Lippincott	Walz
Ballard	Conrad	Hardin	Lowe	Wishart
Blood	DeBoer	Holdcroft	McDonnell	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	

Present and not voting, 6:

Briese	Day	Raybould
Cavanaugh, M.	McKinney	Wayne

Excused and not voting, 5:

Bosn Dover Halloran Moser Vargas

The M. Cavanaugh motion to return failed with 1 aye, 37 nays, 6 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems
Room 1525 12:00 PM

Wednesday, May 24, 2023

Jason Hayes - Nebraska Public Employees Retirement Systems

Note: Executive Director for NPERS

(Signed) Mike McDonnell, Chairperson

MOTIONS - Print in Journal

Senator Slama filed the following motion to [LB535](#):

[MO1077](#)

Suspend Rule 3, Section 14, and withdraw the bill.

Senator Slama filed the following motion to [LB535](#):

[MO1078](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB535](#):

[MO1079](#)

Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB535](#):

[MO1080](#)

Indefinitely postpone.

RESOLUTIONS

LEGISLATIVE RESOLUTION 193. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to research and explore employee privacy concerns related to digital tracking in nonemergency situations. This study should examine how to best ensure that employee privacy rights are upheld while not limiting a company's ability to track its property.

(1) The study should include, but need not be limited to, collaboration with the following entities:

- (a) Employers and employer organizations;
- (b) Employee advocacy groups;
- (c) Technology companies that develop digital tracking software;
- (d) Legal experts in labor and employment law;
- (e) The Department of Labor and related state agencies; and

(f) Other advocates in workplace privacy and related issues.

(2) The study should also include, but need not be limited to, an exploration of the following:

(a) The implications of digital tracking technologies on employee privacy in nonemergency situations;

(b) Best practices and guidelines for employers to balance employee privacy with the need to track company property;

(c) Legal and ethical considerations surrounding digital tracking of employees in nonemergency situations; and

(d) Recommendations for potential updates or changes to the Workplace Privacy Act to address concerns related to digital tracking of employees in nonemergency situations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to research and explore, through collaboration among various stakeholders, ways to address juvenile justice reform. The aims of the study are to identify opportunities for cooperation and to develop effective strategies to improve the juvenile justice system, based on best practices and evidence-based approaches.

(1) The study shall include, but need not be limited to, collaboration with the following entities:

(a) The Office of Probation Administration and district and state court systems;

(b) Law enforcement agencies;

(c) County attorneys and public defenders;

(d) School districts;

(e) The University of Nebraska and the Metropolitan Community College;

(f) The city of Omaha and Cass, Dodge, Douglas, Sarpy, and Washington counties;

(g) The Department of Health and Human Services;

(h) The State Board of Education; and

(i) Other subject matter experts in juvenile justice reform.

(2) The study should also include, but need not be limited to, an exploration of the following:

(a) Best practices and evidence-based approaches for juvenile justice reform;

(b) Opportunities for regional cooperation among entities involved in juvenile justice; and

(c) Effective strategies to improve the juvenile justice system with a focus on prevention, rehabilitation, and community-based alternatives to incarceration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to conduct a comprehensive examination of Nebraska's state highway system and the priorities and resource allocation methods for the system.

The Department of Transportation has consistently supported the state's highways and allocated available resources in a traditional manner and has not deviated from that course. Sections 39-1365 and 39-1365.01 specifically outline the priorities of the state's transportation system as a whole.

As the state nears the completion of the designated expressway system and high-dollar projects accumulate in the higher population regions of the state, a reflection is needed on the state's current priority emphasis and what the determining factors of resource allocation should be going forward into the future.

This study should examine several factors of state highway priorities and resource allocation in Nebraska, including, but not limited to:

(1) An analysis of the current resource allocation for highways by Department of Transportation district, including the amount of revenue collected in each district and the percentage of total funding allocated back to that district;

(2) The needs of the metropolitan areas of the state with input from the metropolitan planning organizations and municipalities;

(3) Whether state resources should be expended for local collector and arterial roads to relieve congestion on state highways; and

(4) An analysis of the extension of the Build Nebraska Act and the potential use of resources under the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 196. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to review ways to eliminate or reduce the current waiting list for services that adults with developmental disabilities experience. Currently, over two thousand Nebraskans with developmental disabilities are past their stated date of need for developmental disability services and many other Nebraskans are at or approaching their date of need. Some individuals have waited as long as ten years to start receiving services. These services are vital to maintain physical and mental health and to learn skills fundamental to employment, socialization, and independence. Other states with similar long waiting lists for services have successfully created disability trust funds to fund the support services needed in order to offer each individual the full scope of opportunities in their life.

The study shall include, but need not be limited to:

(1) An examination of the waiting list statistics for developmental disability services, including the demographics of the individuals on the waiting list and the length of time waiting for services;

(2) A review of current federal assistance for states and strategies to address long waiting lists for developmental disability services, including approaches other states have used to address long waiting lists for developmental disability services; and

(3) A review of best practices from other states to determine responses the states have taken to address waiting lists for developmental disability services with disability trust funds or any other method of funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to conduct a comprehensive examination of the need for Nebraska to foster development of large industrial and commercial business sites with infrastructure and facilities designed to attract substantial investment and

employment opportunities in transformational industries. Such industries include advanced manufacturing and processing, product export, technology, aerospace, automotive, innovative energy generation, and life sciences.

The interim study shall include, but need not be limited to, an examination of the following:

- (1) How the state can most effectively assist communities across the state develop industrial and commercial sites that will attract employment and investment projects that are being forgone due to the lack of such facilities;
- (2) The optimum size of such sites;
- (3) The infrastructure required for a site to successfully attract transformational projects;
- (4) The economic and quality of life effects such projects would have on communities and the state; and
- (5) The workforce advancement opportunities such development would provide to Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to explore support and supplemental funding for public and nonprofit providers of emergency medical services.

This interim study shall examine the shortfall in reimbursement from federal and state payors for emergency medical services, the rising costs of medical supplies and equipment, and possible ways the state can help to alleviate the cost burden on public and nonprofit entities providing emergency medical services. This study shall also include, but need not be limited to:

- (1) A gathering of input from public and nonprofit emergency medical services providers on their financial stability and existing funding sources; and
- (2) A collection of information on the impact and feasibility of implementing a ground emergency medical transport supplemental payment program under the Department of Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to research and explore through collaboration among various stakeholders ways to address youth and adult behavioral health issues. The aims of the study are to identify opportunities for cooperation, develop sustainable revenue models, and update facilities for improved outcomes in youth and adult behavioral health systems, based on best practices and evidence-based approaches.

(1) The study shall include, but need not be limited to, collaboration with the following entities:

(a) The Office of Probation Administration and district and state court systems;

(b) Law enforcement agencies;

(c) County attorneys and public defenders;

(d) School districts;

(e) The University of Nebraska and the Metropolitan Community College;

(f) The city of Omaha and Cass, Dodge, Douglas, Sarpy, and Washington counties;

(g) Behavioral health providers and Region 6 Behavioral Healthcare;

(h) The Department of Health and Human Services;

(i) The State Board of Education; and

(j) Other subject matter experts in behavioral health services.

(2) The study should also include, but need not be limited to, an exploration of the following:

(a) Best practices and evidence-based approaches for addressing youth and adult behavioral health issues;

(b) Sustainable revenue models for effective collaboration in addressing youth and adult behavioral health issues;

(c) Opportunities for regional cooperation among entities involved in behavioral health;

(d) Development of updated facilities for improved behavioral health services on county-owned property near 42nd Street and Woolworth Avenue in Omaha, Nebraska, property on the University of Nebraska Medical Center campus, property near the Douglas County Department of Corrections, and any other potential locations; and

(e) Where gaps in the provision of mental health services exist and how to potentially address the gaps.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB815 to Select File

Senator M. Cavanaugh moved to return LB815 to Select File for the following specific amendment:

[FA125](#)

Strike Section 2.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator Hunt requested a roll call vote on the M. Cavanaugh motion to return.

Voting in the affirmative, 0.

Voting in the negative, 40:

Aguilar	Bostelman	DeKay	Hughes	Moser
Albrecht	Brandt	Dorn	Ibach	Murman
Arch	Brewer	Dungan	Jacobson	Riepe
Armendariz	Briese	Erdman	Kauth	Sanders
Ballard	Cavanaugh, J.	Fredrickson	Linehan	Slama
Blood	Clements	Halloran	Lippincott	von Gillern
Bosn	Conrad	Hardin	Lowe	Walz
Bostar	DeBoer	Holdcroft	McDonnell	Wishart

Present and not voting, 6:

Cavanaugh, M.	Hansen	McKinney
Day	Hunt	Raybould

Excused and not voting, 3:

Dover	Vargas	Wayne
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The M. Cavanaugh motion to return failed with 0 ayes, 40 nays, 6 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 200. Introduced by Clements, 2; DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the progress and ability to expend Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended, as appropriated to Nebraska state agencies during the One Hundred Seventh Legislature of Nebraska, Second Session. The United States Government distributed the funds to each state to help with fiscal recovery from the COVID-19 pandemic beginning in 2021. Many stipulations were placed upon these funds regulating how the funds could be used by the states. These stipulations include a requirement that the funds must be obligated by December 31, 2024, and that the funds should be expended by December 31, 2026. This study shall include, but need not be limited to:

- (1) Examining the progress of each appropriation of such Federal Funds to state agencies and whether such funds have the ability to be expended by December 31, 2026;
- (2) Calculating the total of the appropriated Federal Funds that will not meet the December 31, 2026, deadline; and
- (3) Determining recommendations for alternative uses for any unexpended funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Fredrickson, 20; McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to examine mental health and addiction issues within the Nebraska criminal and juvenile justice systems, options to increase mental health and addiction services, and alternatives to the current responses of the criminal and juvenile justice systems to such issues.

Adequate and available mental health services are presently lacking for all Nebraskans, but particularly for youth and adolescents in the criminal or juvenile justice system. Mental health services are most needed for system-

involved youth and those youth who the are subject of any filing under the Nebraska Juvenile Code, particularly those who are subject to potential liberty restrictions or secure detention.

Additionally, Nebraska's jails and prisons are often required to accommodate detainees or prisoners who struggle with mental illness. A disproportionate number of individuals in Nebraska's jail and prisons have a history of mental illness. Some estimates state that approximately fifty-six percent of state prisoners in Nebraska have at least one mental health diagnosis. The number of prisoners who have alcohol or drug problems is also disproportionate.

This study shall include, but need not be limited to:

(1) An evaluation of potential changes to Nebraska's criminal justice and juvenile justice systems to address individuals who have mental health and substance use diagnoses;

(2) An examination of any necessary and appropriate investments and funding sources for providing for mental health treatment, programs, and facilities to meet the needs of Nebraska youth, adolescents, and adults through community-based services and accessible residential and inpatient care;

(3) A determination of how the state can provide assistance in supporting measures to improve mental health care in communities;

(4) An examination of opportunities for collaboration with mental health providers for individuals transitioning out of the criminal justice or juvenile justice system; and

(5) An examination of any changes to law necessary to enhance community mental health treatment and addiction services as alternatives to the current responses of criminal justice and juvenile justice systems to mental health and addiction issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Fredrickson, 20; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the mental and behavioral health care needs of Nebraskans, determine the severity of the shortage of mental and behavioral health care providers, services, and resources in Nebraska, and evaluate potential best practices to increase access to mental and behavioral health care.

This study shall include, but need not be limited to:

- (1) An examination of the prevalence of mental and behavioral health care providers in Nebraska;
- (2) An evaluation of methods to address work force shortages in mental and behavioral health care to increase access to services;
- (3) An evaluation of policy strategies to improve mental and behavioral health care access within primary care services;
- (4) A review of how disparities in access to mental and behavioral health care services impact specific underserved or at-risk populations;
- (5) A review of best practices in other states in addressing access to and providing funding for mental and behavioral health care services; and
- (6) A review of other barriers to mental and behavioral health care in Nebraska and solutions for addressing those barriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Dorn, 30.

PURPOSE: The purpose of this resolution is to propose an interim study to review how the State of Nebraska can ensure it has effective emergency medical services in rural communities.

Access to emergency medical care is vital to the health of rural communities across the United States. Emergency medical services play a critical role in this care for rural areas. Ambulance services face increasing difficulty in responding to emergencies in the rural United States due to workforce shortages and financial crises.

About a third of rural emergency medical services agencies in the United States are in immediate operational jeopardy because the agencies cannot cover costs, largely due to insufficient medicaid and medicare reimbursements. These reimbursements cover, on average, about one-third of the actual costs to maintain equipment, stock medications, and pay for insurance and other fixed expenses.

The study shall include, but need not be limited to:

- (1) Exploring rural emergency medical services funding streams and researching potential new sources of funding;
- (2) Exploring how to maintain and replace expensive ambulance and emergency medical equipment for rural emergency medical services;
- (3) Exploring grants and funding opportunities to assist in training and certification costs for rural emergency medical services providers;
- (4) Researching how other states with similar demographics to Nebraska fund rural emergency medical services;

(5) Exploring ways to grow and promote a workforce to help sustain rural emergency medical services;

(6) Examining ways to remove barriers for emergency medical technicians and paramedics in rural Nebraska and ensure they are working at the top of their scope; and

(7) Creating a comprehensive evaluation to understand the needs of rural Nebraska and emergency medical services regarding rural emergency medical care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 574. Placed on Final Reading Second.

(Signed) Beau Ballard, Chairperson

BILL ON FINAL READING

Senator M. Cavanaugh requested a point of order that there was a pending amendment to be taken up before cloture.

The Chair stated that after items were read, the motion to invoke cloture would be recognized.

Speaker Arch offered the following motion:

[MO1081](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 45:

Aguilar	Brandt	Dorn	Hughes	Murman
Albrecht	Brewer	Dover	Ibach	Raybould
Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Erdman	Kauth	Sanders
Ballard	Clements	Fredrickson	Linehan	Slama
Blood	Conrad	Halloran	Lippincott	Vargas
Bosn	Day	Hansen	Lowe	von Gillern
Bostar	DeBoer	Hardin	McDonnell	Walz
Bostelman	DeKay	Holdcroft	Moser	Wishart

Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh, M. McKinney

Excused and not voting, 1:

Wayne

The Arch motion to invoke cloture prevailed with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 815. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2023-24 and FY2024-25; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 45:

Aguilar	Brandt	Dorn	Hughes	Murman
Albrecht	Brewer	Dover	Ibach	Raybould
Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Erdman	Kauth	Sanders
Ballard	Clements	Fredrickson	Linehan	Slama
Blood	Conrad	Halloran	Lippincott	Vargas
Bosn	Day	Hansen	Lowe	von Gillern
Bostar	DeBoer	Hardin	McDonnell	Walz
Bostelman	DeKay	Holdcroft	Moser	Wishart

Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh, M. McKinney

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB816 to Select File

Senator M. Cavanaugh moved to return LB816 to Select File for the following specific amendment:

[AM1704](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB815e.

MOTION - Return LB816 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB816 to Select File for her specific amendment,

[AM1704](#).

Pending.

WITHDRAW - Motion to LB816

Senator Clements withdrew [MO931](#), found on page 1054, to recommit to Appropriations Committee, to LB816.

MOTION - Return LB816 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB816 to Select File for her specific amendment, [AM1704](#).

SPEAKER ARCH PRESIDING

Senator Hunt requested a roll call vote on the M. Cavanaugh motion to return.

Voting in the affirmative, 0.

Voting in the negative, 39:

Albrecht	Brandt	Dover	Kauth	Riepe
Arch	Brewer	Dungan	Linehan	Sanders
Armendariz	Briese	Fredrickson	Lippincott	Slama
Ballard	Clements	Halloran	Lowe	Vargas
Blood	Conrad	Hardin	McDonnell	von Gillern
Bosn	DeBoer	Holdcroft	Moser	Walz
Bostar	DeKay	Hughes	Murman	Wishart
Bostelman	Dorn	Jacobson	Raybould	

Present and not voting, 4:

Cavanaugh, M.	Day	Hunt	McKinney
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Excused and not voting, 6:

Aguilar	Erdman	Ibach
Cavanaugh, J.	Hansen	Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 39 nays, 4 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 204. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to investigate whether the Office of Public Guardian is able to serve the state of Nebraska effectively. The Office of Public Guardian is designed to serve

as the guardian or conservator for an individual when no other alternative is available. This study shall include, but need not be limited to:

(1) A review of issues relating to the capacity of the Office of Public Guardian to meet the needs of vulnerable citizens in Nebraska, including, but not limited to, the responsibilities of public guardians, training of public guardians, wait times for public guardians, availability of public guardians, including, but not limited to, geographic availability and availability by extent or severity of need, management of the waiting list for public guardian appointments, and potential alternatives to public guardianship and associated responsibilities;

(2) A review of issues relating to staffing in the Office of Public Guardian, including, but not limited to, hiring and retention of associate public guardians and other multidisciplinary team members, needs of staff to properly serve as public guardians, including training, travel demands, the average amount of time serving individual wards, compensation, and other staffing concerns;

(3) A review of issues regarding the difficulty of obtaining appropriate placement into assistive medical or residential settings that best serve the interest of the ward for wards under the care of the Office of Public Guardian;

(4) An examination of statutory, regulatory, and other requirements and procedures for guardianship, including requirements for volunteer and family guardians; and

(5) An examination of how other states structure and support public guardianship, including, but not limited to, caseloads for guardians, agency in charge of state guardianship, funding levels for state agencies in charge of guardianship, interaction with other state and private support programs, statutory and regulatory requirements, and procedures for guardianship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to seek out information relating to common issues affecting tenants and landlords in Nebraska. A variety of legislation is introduced to reinforce or better structure the laws affecting the tenants and landlords of Nebraska every year. Despite continued work on legislation addressing the issue, many opportunities for conflict still exist in the status quo. Further, the housing shortage in the State of Nebraska continues to increase steadily.

Research should be conducted to attempt to find common ground between tenants and landlords and identify solutions.

This study may include, but need not be limited to:

(1) Identifying the rights of tenants and landlords regarding property owners entering the premises of their properties which are under lease and the notice required for such visits;

(2) Examining the need and usefulness for landlord risk mitigation payments;

(3) Researching the restrictions on pet security deposits;

(4) Examining the Uniform Residential Landlord and Tenant Act and the Mobile Home Landlord and Tenant Act and potential legislative changes;

(5) Examining the potential standardization of local housing authority operating regulations;

(6) Examining quiet title actions;

(7) Ascertaining the frequency and causes of late fees associated with rent in Nebraska and assessing the value of the current late fee limit; and

(8) Reviewing the current system of reporting and notifying violations of lease agreements or condemnations of properties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB816 to Select File

Senator M. Cavanaugh moved to return LB816 to Select File for the following specific amendment:

[FA127](#)

Strike Section 4.

Pending.

EASE

The Legislature was at ease from 5:27 p.m. until 6:02 p.m.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh requested a point of order on whether or not debate should resume on Final Reading without all members in the Chamber.

The Chair ruled that the body will not resume debate on Final Reading until all members are present.

MOTION - Return LB816 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB816 to Select File for her specific amendment, [FA127](#).

Speaker Arch offered the following motion:

[MO1084](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

Aguilar	Brandt	Dorn	Ibach	Raybould
Albrecht	Brewer	Dover	Jacobson	Riepe
Arch	Briese	Dungan	Kauth	Sanders
Armendariz	Cavanaugh, J.	Erdman	Linehan	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bosn	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdcroft	Moser	
Bostelman	DeKay	Hughes	Murman	

Voting in the negative, 2:

Hunt Slama

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

Excused and not voting, 1:

Fredrickson

The Arch motion to invoke cloture prevailed with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 1:

Cavanaugh, J.

Voting in the negative, 42:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Clements	Hansen	Lowe	von Gillern
Ballard	Conrad	Hardin	McDonnell	Walz
Blood	DeBoer	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	

Present and not voting, 5:

Cavanaugh, M. Day Hunt McKinney Wayne

Excused and not voting, 1:

Fredrickson

The M. Cavanaugh motion to return failed with 1 aye, 42 nays, 5 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 816. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2023-24 and FY2024-25; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 44:

Aguilar	Brandt	Dorn	Hughes	Murman
Albrecht	Brewer	Dover	Ibach	Raybould
Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Erdman	Kauth	Sanders
Ballard	Clements	Fredrickson	Linehan	Vargas
Blood	Conrad	Halloran	Lippincott	von Gillern
Bosn	Day	Hansen	Lowe	Walz
Bostar	DeBoer	Hardin	McDonnell	Wishart
Bostelman	DeKay	Holdcroft	Moser	

Voting in the negative, 2:

Hunt Slama

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

AMENDMENT - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB814:
[AM1800](#) is available in the Bill Room.

MOTIONS - Print in Journal

Senator Clements filed the following motion to LB814:
[MO1082](#)

Recommit to the Appropriations Committee.

Senator Clements filed the following motion to LB818:
[MO1083](#)

Recommit to the Appropriations Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 206. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to propose an interim study to examine potential funding and other solutions to the crisis of rising costs relating to providing care and services to individuals with disabilities in Nebraska.

Nebraska has historically struggled to keep up with the rising costs of providing care and services to individuals with intellectual and developmental disabilities. This issue has led to current provider rates that are insufficient to support the quality of care that individuals with

intellectual and developmental disabilities require. This issue has negatively impacted the care and support offered by providers to individuals with intellectual and developmental disabilities, which is essential to ensure the well-being, independence, productivity, and inclusion of such individuals in society. The inflation rate has increased significantly over the past few years putting additional strain on providers and the families who rely on these services.

An investigation of possible solutions is necessary to address this issue. In particular, a response to a significant sum of allocated funds not getting to intended individuals and how to address wait lists or registries for services is needed.

This study shall include, but need not be limited to, an examination of the following:

- (1) How to ensure provider rates continue to keep up with inflation as Nebraska will now have the minimum wage tied to inflation;
- (2) If there are better tools to ensure that appropriated dollars are able to reach direct services for individuals with intellectual and developmental disabilities in a timely fashion;
- (3) How Nebraska can ensure equity in access across the home and community-based service array, including the aged and disabled waiver, family support waiver, and traumatic brain injury waiver;
- (4) How unexpended funds will be leveraged;
- (5) How to manage the Beatrice State Development Center and Department of Health and Human Services administrative wages significantly outpacing home and community-based provider wages; and
- (6) Mechanisms to keep the Legislature informed and aware of unexpended funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Cavanaugh, J., 9; Dungan, 26.

PURPOSE: The purpose of this resolution is to propose an interim study to examine circumstances regarding an individual's release from covered correctional facilities. The Department of Health and Human Services is required to provide medical assistance program enrollment assistance and to timely process applications so that individuals released from covered correctional facilities have medicaid coverage effective the day of their release or as soon after as practicable.

This study shall include, but need not be limited to:

- (1) An update on implementation of subsection (4) of section 47-706;
- (2) An examination of the requirements the Department of Health and Human Services would have to meet in order to apply for a medicaid waiver to provide coverage prior to release; and
- (3) An investigation of other health care practices related to release from correctional facilities and a determination of potential solutions to improve health care practices related to release.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Recommit LB799 to Committee

Senator M. Cavanaugh offered [MO870](#), found on page 975, recommit to Judiciary Committee.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB816e.

MOTION - Recommit LB799 to Committee

Senator M. Cavanaugh renewed [MO870](#), found on page 975 and considered in this day's Journal, to recommit to Judiciary Committee.

Senator Hunt requested a roll call vote on the M. Cavanaugh motion to recommit to committee.

Voting in the affirmative, 1:

Erdman

Voting in the negative, 32:

Albrecht	Brandt	DeKay	Jacobson	Sanders
Arch	Brewer	Dorn	Kauth	von Gillern
Armendariz	Briese	Dover	Lippincott	Walz
Ballard	Cavanaugh, J.	Hardin	Lowe	Wishart
Blood	Clements	Holdcroft	Murman	
Bostar	Conrad	Hunt	Raybould	
Bostelman	DeBoer	Ibach	Riepe	

Present and not voting, 2:

Cavanaugh, M. Day

Excused and not voting, 14:

Aguilar	Fredrickson	Hughes	McKinney	Vargas
Bosn	Halloran	Linehan	Moser	Wayne
Dungan	Hansen	McDonnell	Slama	

The M. Cavanaugh motion to recommit to committee failed with 1 aye, 32 nays, 2 present and not voting, and 14 excused and not voting.

MOTION - Return LB799 to Select File

Senator M. Cavanaugh moved to return LB799 to Select File for the following specific amendment:

[AM1711](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Senator DeBoer offered the following motion:

[MO1085](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator DeBoer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Albrecht	Brewer	Dover	Ibach	Sanders
Arch	Briese	Dungan	Jacobson	Vargas
Armendariz	Cavanaugh, J.	Erdman	Kauth	von Gillern
Ballard	Clements	Fredrickson	Lippincott	Walz
Blood	Conrad	Halloran	Lowe	Wishart
Bosn	Day	Hardin	McDonnell	
Bostar	DeBoer	Holdcroft	Murman	
Bostelman	DeKay	Hughes	Raybould	
Brandt	Dorn	Hunt	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

Excused and not voting, 5:

Aguilar Hansen Linehan Moser Slama

The DeBoer motion to invoke cloture prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Brandt	Dorn	Hughes	Murman
Arch	Brewer	Dover	Hunt	Raybould
Armendariz	Briese	Dungan	Ibach	Riepe
Ballard	Cavanaugh, J.	Erdman	Jacobson	Sanders
Blood	Clements	Fredrickson	Kauth	Vargas
Bosn	Conrad	Halloran	Lippincott	von Gillern
Bostar	DeBoer	Hardin	Lowe	Walz
Bostelman	DeKay	Holdcroft	McDonnell	Wishart

Present and not voting, 4:

Cavanaugh, M. Day McKinney Wayne

Excused and not voting, 5:

Aguilar Hansen Linehan Moser Slama

The M. Cavanaugh motion to return failed with 0 ayes, 40 nays, 4 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING**Dispense With Reading at Large**

Senator M. Cavanaugh requested a roll call vote.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB799 with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 799. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 24-209, 24-211, 24-212, 24-503, 24-1109, 48-152, 48-153, 49-506, 49-617, and 49-702, Reissue Revised Statutes of Nebraska, and sections 24-201.01 and 85-177, Revised Statutes Cumulative Supplement, 2022; to change judges' salaries, provisions relating to published judicial opinions as prescribed, the number of county court judges and Nebraska Workers' Compensation Court judges, and provisions relating to the College of Law; to rename the Reporter of the Supreme Court and Court of Appeals as the Reporter of Decisions and provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 40:

Albrecht	Brandt	DeKay	Hughes	Murman
Arch	Brewer	Dorn	Hunt	Raybould
Armendariz	Briese	Dover	Ibach	Riepe
Ballard	Cavanaugh, J.	Dungan	Jacobson	Sanders
Blood	Clements	Erdman	Kauth	Vargas
Bosn	Conrad	Fredrickson	Lippincott	von Gillern
Bostar	Day	Hardin	Lowe	Walz
Bostelman	DeBoer	Holdcroft	McDonnell	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M.	Halloran	McKinney	Wayne
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Excused and not voting, 5:

Aguilar Hansen Linehan Moser Slama

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 799A. Senator M. Cavanaugh requested a point of order pursuant to Rule 8, Section 5, on if LB799A could be passed prior to the mainline budget bill.

The Chair ruled LB799A was packaged with the budget bills.

Senator Wayne moved to overrule the Chair as LB799 is not a budget bill and the accompanying A bill could not be passed before the mainline budget bill.

The Chair recognized Speaker Arch.

Speaker Arch requested to pass over LB799Ae.

WITHDRAW - Motion to Recommit LB282 to Committee

Senator Riepe withdrew [MO907](#), found on page 1026, to recommit to Business and Labor Committee, to LB282.

MOTION - Return LB282 to Select File

Senator Hunt moved to return LB282 to Select File for her specific amendment, [AM1286](#), found on page 1082.

Senator Hunt requested a roll call vote on her motion to return.

Voting in the affirmative, 2:

Cavanaugh, M. Hunt

Voting in the negative, 34:

Arch	Brewer	Dorn	Holdcroft	McDonnell
Armendariz	Briese	Dover	Hughes	Murman
Ballard	Cavanaugh, J.	Dungan	Ibach	Riepe
Bosn	Clements	Erdman	Jacobson	Vargas
Bostar	Conrad	Fredrickson	Kauth	von Gillern
Bostelman	DeBoer	Halloran	Lippincott	Wishart
Brandt	DeKay	Hardin	Lowe	

Present and not voting, 3:

Day McKinney Wayne

Excused and not voting, 10:

Aguilar	Blood	Linehan	Raybould	Slama
Albrecht	Hansen	Moser	Sanders	Walz

The Hunt motion to return failed with 2 ayes, 34 nays, 3 present and not voting, and 10 excused and not voting.

MOTION - Return LB282 to Select File

Senator Hunt moved to return LB282 to Select File for her specific amendment, [AM1285](#), found on page 1083.

Pending.

AMENDMENT - Print in Journal

Senator Dorn filed the following amendment to [LB562A](#):
[AM1781](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$169,172 from the
4 General Fund for FY2023-24 and (2) \$86,394 from the General Fund for
5 FY2024-25 to the Department of Revenue, for Program 102, to aid in
6 carrying out the provisions of Legislative Bill 562, One Hundred Eighth
7 Legislature, First Session, 2023.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$21,200
10 for FY2023-24 or \$44,500 for FY2024-25.
11 Sec. 2. There is hereby appropriated (1) \$78,000 from the General
12 Fund for FY2023-24 and (2) \$131,000 from the General Fund for FY2024-25
13 to the Department of Agriculture, for Program 78, to aid in carrying out
14 the provisions of Legislative Bill 562, One Hundred Eighth Legislature,
15 First Session, 2023.
16 Total expenditures for permanent and temporary salaries and per
17 diems from funds appropriated in this section shall not exceed \$53,000
18 for FY2023-24 or \$86,100 for FY2024-25.

MOTION - Print in Journal

Senator Dorn filed the following motion to [LB562A](#):
[MO1069](#)

Bracket until June 9, 2023.

UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Vargas name added to LB697.

Senator DeBoer name added to LR143.
Senator DeBoer name added to LR156.
Senator DeKay name added to LR165.

VISITORS

Visitors to the Chamber were former Senators Tom Carlson, Holdrege and Les Seiler, Hastings.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 10:09 p.m., on a motion by Senator Hardin, the Legislature adjourned until 9:00 a.m., Thursday, May 18, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTIETH DAY - MAY 18, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 18, 2023

PRAYER

The prayer was offered by Doctor Nathan Wakefield, Southview Baptist Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Kauth.

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 Albrecht, Bostar, Conrad, Day, DeBoer, Dover, Dungan, B. Hansen, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1510, line 31, strike "Albrecht" and insert "M. Cavanaugh".
The Journal for the seventy-eighth day was approved as corrected.
The Journal for the seventy-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2023, at 8:24 a.m. were the following: LBs 815e and 816e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 208. Introduced by Dorn, 30.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the current funding mechanisms and operations of Nebraska's Mesonet system and to determine necessary changes in such funding and operations to ensure the future viability of the system.

Mesonet is a statewide weather monitoring and data collection system consisting of sixty-eight individual weather stations in forty-nine Nebraska counties. Each weather station collects real-time data on approximately thirty separate weather-related data points. Nebraska's agricultural producers rely upon this publicly available data for a variety of important production decisions.

Nebraska's Mesonet system lacks a clear and consistent source of state funding. The Department of Natural Resources, the University of Nebraska Institute of Agriculture and Natural Resources, the state's natural resources districts, and other various entities have at times contributed funding to the system's operation.

The interim study shall include, but need not be limited to, a review of:

(1) The historical and current level of Mesonet funding and the sources from which that funding is derived;

(2) The current scale of the Mesonet system in Nebraska and whether such scale is consistent with the needs of Nebraska's agricultural producers and other current and potential users of Mesonet data;

(3) The current operational structure for the Mesonet system and whether changes in such structure would benefit Nebraska's agricultural producers and other current and potential users of Mesonet data; and

(4) Any other issues relevant to Nebraska's Mesonet system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Recommit LB814 to Committee

Senator Clements offered his motion, [MO1082](#), found on page 1557, recommit to the Appropriations Committee.

Senator Clements withdrew his motion to recommit to committee.

MOTION - Return LB814 to Select File

Senator M. Cavanaugh moved to return LB814 to Select File for her specific amendment, [AM1740](#), found on page 1454.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 243. Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Briese amendment, AM1743, on page 12 the sentence beginning with "Sections" in line 3 through the period in line 4 has been moved to page 11, line 31, after the second period.
2. In the E & R amendments, ER21, on page 41, line 13, "77-5015," has been struck; and in line 16 "77-6703," has been inserted after "77-6702,".

(Signed) Beau Ballard, Chairperson

Senator Slama requested a point of order that pursuant to Rule 3, Section 16, a member of the executive branch was present for a vote in an executive session of the Government, Military and Veteran Affairs Committee and that LB535 should not be reported to General File.

The Chair suggested the committee should submit a new committee report.

Senator Slama withdrew her point of order.

Senator M. Cavanaugh made a parliamentary inquiry on whether the time taken during Senator Slama's point of order would count for computing cloture.

The Clerk clarified that the prior action of the reading of items for the record is administrative and does not interrupt debate of the main motion.

RESOLUTIONS

LEGISLATIVE RESOLUTION 209. Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to review the death penalty in Nebraska. In 2015, Nebraska voters reinstated the death penalty in this state. Since reinstatement, Nebraska has only carried out one execution. The study should examine the utility of the death penalty as well as the following subjects:

- (1) The methods of execution available to Nebraska, and what other states with the death penalty have for execution methodology;
- (2) The availability of execution drugs necessary to effectuate the lethal injection method that Nebraska currently uses;
- (3) The societal or racial disparity in application of the death penalty;
- (4) Prosecutorial practices relating to pursuing death penalty imposition;
- (5) Public opinion relating to the death penalty in Nebraska and in other jurisdictions;
- (6) The utility or value of the death penalty in Nebraska;
- (7) The deterrent effect on criminal behavior, if any, of the death penalty;
- (8) Alternatives to the death penalty;

(9) Experiences of other states or jurisdictions relating to the death penalty; and

(10) Any other subject relating to the death penalty in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to study the emigration of skilled and educated individuals out of the state of Nebraska and why the emigration is an issue that the state is experiencing, what needs to be done to address it, and what are other states doing to combat similar emigration issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Ballard, 21.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the statewide availability of assisted-living memory care for individuals with Alzheimer's disease or other dementia and the accessibility of this type of care for medicaid beneficiaries.

In the early stages of Alzheimer's disease, an individual may have memory or cognitive difficulties that put the individual's safety at risk, although the individual may be physically healthy. At this point in the disease process, an individual does not need twenty-four-hour nursing care; however, especially if there is no live-in caregiver, an individual needs a safe and secure environment with activities, social interaction, and guidance to keep active and engaged in daily living.

The increased incidence of Alzheimer's disease and other dementias combined with the inability or unavailability of family caregivers to provide

twenty-four-hour supervision has created a growing demand for assisted-living memory care.

According to the Department of Health and Human Services, there are an estimated thirty-three thousand Nebraskans currently living with Alzheimer's disease and other dementia, and by 2025, the number of Nebraskans will likely increase to forty thousand Nebraskans.

This interim study shall include, but need not be limited to:

(1) Identifying the availability of assisted-living memory care in Nebraska and the accessibility of this type of care to Nebraskans who qualify for the aged and disabled medicaid waiver; and

(2) Examining the cost of providing assisted-living memory care and the gap between the cost of care and the medicaid waiver rate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Service Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Agriculture Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTIONS - Print in Journal

Senator Slama filed the following motion to LB514:

[MO1086](#)

Indefinitely postpone.

Senator Slama filed the following motion to LB514:

[MO1087](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to LB514:
[MO1088](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to LB514:
[MO1089](#)
Indefinitely postpone.

Senator Slama filed the following motion to LB514:
[MO1090](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to LB514:
[MO1091](#)
Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to LB514:
[MO1092](#)
Recommit to Government, Military, and Veterans Affairs Committee.

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to LB514:
[FA130](#)
Strike the enacting clause.

Senator Slama filed the following amendment to LB514:
[FA131](#)
Strike the enacting clause.

Senator Slama filed the following amendment to LB514:
[FA132](#)
Strike the Enacting Clause.

Senator Brewer filed the following amendment to LB514:
[AM1801](#) is available in the Bill Room.

Senator Slama filed the following amendment to LB535:
[AM1804](#)
1 1. Strike section 3.

Senator Slama filed the following amendment to LB535:
[AM1803](#)
1 1. Strike section 2.

Senator Slama filed the following amendment to LB535:
[AM1805](#)
1 1. Strike section 4.

MOTION - Return LB814 to Select File

Senator M. Cavanaugh renewed her motion, found on page 1454 and considered in this day's Journal, to return LB814 to Select File for her specific amendment, [AM1740](#).

SENATOR DORN PRESIDING**PRESIDENT KELLY PRESIDING**

Speaker Arch offered the following motion:

[MO1093](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brandt	Erdman	Kauth	Slama
Albrecht	Brewer	Fredrickson	Linehan	Vargas
Arch	Briese	Halloran	Lippincott	von Gillern
Armendariz	Clements	Hansen	Lowe	Walz
Ballard	Day	Hardin	McDonnell	Wishart
Blood	DeBoer	Holdcroft	Moser	
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Riepe	
Bostelman	Dover	Jacobson	Sanders	

Voting in the negative, 2:

Cavanaugh, M. Hunt

Present and not voting, 5:

Cavanaugh, J. Dungan McKinney Raybould Wayne

Excused and not voting, 1:

Conrad

The Arch motion to invoke cloture prevailed with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 2:

Cavanaugh, M. Hunt

Voting in the negative, 43:

Aguilar	Brandt	Dungan	Jacobson	Riepe
Albrecht	Brewer	Erdman	Kauth	Sanders
Arch	Briese	Fredrickson	Linehan	Slama
Armendariz	Cavanaugh, J.	Halloran	Lippincott	Vargas
Ballard	Clements	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bosn	DeKay	Holdcroft	Moser	Wishart
Bostar	Dorn	Hughes	Murman	
Bostelman	Dover	Ibach	Raybould	

Present and not voting, 3:

Day	McKinney	Wayne
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Excused and not voting, 1:

Conrad

The M. Cavanaugh motion to return failed with 2 ayes, 43 nays, 3 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Senator M. Cavanaugh requested a roll call vote.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB814 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 814. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2025; to appropriate funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 42:

Aguilar	Brandt	Erdman	Kauth	Sanders
Albrecht	Brewer	Fredrickson	Linehan	Slama
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Clements	Hansen	Lowe	von Gillern
Ballard	Conrad	Hardin	McDonnell	Walz
Blood	DeBoer	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	

Voting in the negative, 3:

Cavanaugh, M. Hunt McKinney

Present and not voting, 4:

Cavanaugh, J. Day Dungan Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 213. Introduced by Ibach, 44; Dover, 19.

PURPOSE: The purpose of this resolution is to propose an interim study to review how the State of Nebraska can assist licensed hospitals in converting to the rural emergency hospital designation under the federal Consolidated Appropriations Act of 2021.

A hospital closure in a community can mean the loss of both a local emergency department and other health care services. Nebraska has witnessed two hospitals permanently close in the last eight years. Reimbursement rates for hospitals are insufficient and have not kept up with inflation and studies have shown that Nebraska has several hospitals on the cusp of closing.

The rural emergency hospital designation allows rural hospitals to maintain outpatient and emergency department payment from medicare without a requirement of inpatient acute care services. For effective rural health care, the State of Nebraska needs to support assisting critical access hospitals that may be interested in converting to the rural emergency hospital designation instead of closing due to financial constraints.

The interim study shall include, but need not be limited to:

(1) Reviewing low inpatient volumes, low net patient revenues, and the recent history of financial distress for rural hospitals;

(2) Reviewing inpatient and outpatient reimbursement rates for rural hospitals, when such rates were last updated, and if such rates are sufficient for maintaining rural hospitals;

(3) Developing and reviewing an action plan to determine if conversion to the rural emergency hospital designation is appropriate for a rural hospital;

(4) Reviewing grants and funding sources for assisting rural hospitals with the expenses of converting to the rural emergency hospital designation; and

(5) Determining ways for the State of Nebraska to assist in a comprehensive community engagement process to help facilitate hospital conversion to the rural emergency hospital designation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Ibach, 44.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the possibility of the creation of an intrastate airline to assist with statewide travel. The study shall include, but need not be limited to:

(1) A review of the history of intrastate airline services;

(2) An examination of intrastate airline services in other states;

(3) An evaluation of funding sources to help provide for intrastate airline services such as the federal Essential Air Service program;

(4) An examination of potential locations where intrastate airline hubs could be located; and

(5) An examination of federal and state laws governing a potential intrastate airline in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Dungan, 26; Bosn, 25; Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the judicial inefficiency and increased costs to the state arising from Nebraska's four separate statutory based mechanisms for postconviction relief. The study shall include, but need not be limited to, an examination of the following:

(1) Nebraska's statutory mechanisms for postconviction relief, including a new trial in section 29-2101, postconviction relief in section 29-3001, habeas corpus in section 29-2801, and the DNA Testing Act;

(2) How Nebraska's splintered postconviction structure wastes judicial resources, adds burdens to prosecutors, and increases costs to the state when it prevents innocent petitioners from presenting the full scope of their claims at one time in front of one court;

(3) The gateway standard for innocence adopted by the federal court system and other state jurisdictions, including South Dakota, Montana, Missouri, and North Carolina under the United States Supreme Court decision in *Schlup v. Delo*, 513 U.S. 298 (1995). The gateway standard is a narrow exception provided to defendants who can prove their innocence in order to overcome a procedural default that otherwise prevents a challenge to the conviction. Such exception is not currently applicable under Nebraska's postconviction mechanisms;

(4) Claims of actual innocence, even absent an independent constitutional violation, if a person establishes by clear and convincing evidence that no reasonable fact finder would have found such person guilty of the underlying offense; and

(5) Whether Nebraska should join other states by adopting a rule that necessitates ineffective assistance of counsel claims involving issues of trial strategy be brought for the first time at the postconviction phase in order to protect defendants, prevent injustice, and preserve judicial resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Dungan, 26; Cavanaugh, J., 9; Fredrickson, 20.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the economic and climate impacts of the current reliance on fossil fuel energy generation in Nebraska and the economic opportunities available in Nebraska for developing renewable energy sources. The study shall include, but need not be limited to:

(1) An analysis and evaluation of the short-term and long-term costs, health impacts, climate impacts, and economic risks of fossil fuel energy generation, including the assessment of any existing statistical evidence relating to such costs and risks;

(2) A determination of whether the current use of fossil fuels in energy generation in Nebraska threatens the ability of power suppliers in the state to maintain existing affordability while increasing baseload generation sufficient to meet the energy needs of Nebraska consumers; and

(3) An analysis and evaluation of the economic benefits and opportunities for the State of Nebraska and local political subdivisions in developing renewable energy generation facilities such as wind, solar, hydroelectric, hydrogen, small modular nuclear reactor, and battery storage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Bosn, 25; Dungan, 26; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine transitional housing for parolees or justice-involved individuals in Nebraska. The study should include, but need not be limited to, an examination of the following:

(1) Which state agencies utilize transitional housing for parolees or justice-involved individuals;

(2) How long individuals stay in such transitional housing;

(3) What transitional housing contracts for parolees or justice-involved individuals consist of; and

(4) What regulations affect such transitional housing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the federal incentive funds being distributed under the federal Inflation Reduction Act of 2022 and how much of the funds will be distributed to the rural areas of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements under the Pesticide Act in furtherance of the purposes of the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Brewer, 43; Murman, 38; Raybould, 28; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine laws governing school security policy.

The study should include, but need not be limited to, an examination of the following:

- (1) Laws governing school security;
- (2) Laws governing the possession of both lethal and less-lethal weapons on school campuses and at school-sponsored events;
- (3) Nebraska's laws on school security as compared to policies and laws enacted in other states to facilitate school security operations;
- (4) Whether persons other than certified law enforcement officers might be utilized to provide armed school security with appropriate training; and
- (5) Any other potential policy changes regarding school security that the Legislature may consider.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Brewer, 43.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for interior designers in furtherance of the purposes of the Occupational Board Reform Act.

The study should include, but need not be limited to, an examination and consideration of whether the current means of regulating the profession:

- (1) Is the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest;
- (2) Protects the fundamental right of an individual to pursue a lawful occupation;
- (3) Is construed and applied to increase opportunities, promote competition, and encourage innovation; and
- (4) Should be changed to conform to the policy principles set out in the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Brewer, 43.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for landscape architects found in the Professional Landscape Architects Act in furtherance of the purposes of the Occupational Board Reform Act.

The study should include, but need not be limited to, an examination and consideration of whether the current means of regulating the profession:

(1) Is the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest;

(2) Protects the fundamental right of an individual to pursue a lawful occupation;

(3) Is construed and applied to increase opportunities, promote competition, and encourage innovation; and

(4) Should be changed to conform to the policy principles set out in the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Brewer, 43.

PURPOSE: The purpose of this resolution is to propose an interim study to review the credentialing requirements for notaries public in furtherance of the purposes of the Occupational Board Reform Act.

The study should include, but need not be limited to, an examination and consideration of whether the current means of regulating the profession:

(1) Is the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest;

(2) Protects the fundamental right of an individual to pursue a lawful occupation;

(3) Is construed and applied to increase opportunities, promote competition, and encourage innovation; and

(4) Should be changed to conform to the policy principles set out in the Occupational Board Reform Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Brewer, 43.

PURPOSE: The purpose of this resolution is to propose an interim study to examine laws governing the ring-necked pheasant upland game bird in hopes of improving the population of the species for increased hunting and tourism in Nebraska.

The study should include, but need not be limited to, an examination of the following:

(1) Laws governing how the Game and Parks Commission regulates pheasant hunting in Nebraska, specifically those laws and programs that concern federal and state revenue sources relating to pheasants;

(2) Laws and programs that govern what can be done to improve pheasant habitat in Nebraska;

(3) Laws and programs that govern what can be done to reduce the impacts nest predators have on the pheasant population;

(4) Laws and programs that govern youth hunting, specifically the practice of early youth hunting on public land with released birds; and

(5) The thoughts and opinions of individual citizens and sportsman groups that have experience and knowledge of the aforementioned subjects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to propose an interim study to determine ways to incentivize the growth in the number of apprenticeship programs and youth apprenticeship participants in Nebraska. The manufacturing sector of the Nebraska economy is one of the most important sectors of the Nebraska economy with wage rates that exceed the statewide average rate of pay. There are currently more than two thousand five hundred unfilled job openings in the manufacturing sector in Nebraska and that number does not include positions that employers would create if they could expand. Filling vacant positions and expansion of the manufacturing

sector, particularly in rural Nebraska, is inhibited by the lack of an adequate number of job candidates.

Additionally, the construction and engineering sectors are in need of significant increases in their specialized workforce to support the infrastructure development needs of Nebraska. A strong infrastructure is critical to the economic stability and growth of Nebraska.

Developing apprenticeships for youth, former juvenile offenders, and individuals transitioning to independence after living in foster care would offer an opportunity for Nebraska to create a talent pipeline for these three critical sectors and retain youth in their local communities. This interim study should seek to identify barriers to growth to allow the Legislature to pursue data-driven policy solutions for these key industry sectors.

The study should include, but need not be limited to, data collection and information gathering regarding:

(1) Apprenticeships in manufacturing, construction, and engineering in Nebraska and the impact of the apprenticeships on the state's economy;

(2) The potential for increasing apprenticeship participation through apprenticeships for youth, former juvenile offenders, and individuals transitioning to independence after living in foster care;

(3) The projected growth of Nebraska's manufacturing, construction, and engineering sectors; and

(4) The potential for growth of employment in the manufacturing, construction, and engineering sectors in Nebraska if an adequate workforce exists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 226. Introduced by Aguilar, 35.

PURPOSE: The purpose of this resolution is to propose an interim study regarding dental offices sharing information with patients on the chance of patients getting infections in artificial body parts due to dental cleanings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Aguilar, 35.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to public rest areas of highways in Nebraska and the lack of updates, maintenance, and cleanliness of facilities for such rest areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Brandt, 32; Dorn, 30; Hughes, 24; Jacobson, 42.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the issues related to Legislative Bill 320 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study should include, but need not be limited to:

(1) An evaluation of equalization aid to school districts and the decreased amounts of equalization aid provided to school districts over the past fifteen years and potential methods to restore and raise equalization aid to school districts;

(2) An evaluation of the real property values used to calculate the local effort rate yield within the Tax Equity and Educational Opportunities Support Act formula and the impact on school districts;

(3) An evaluation of the impact of the real property values used within the Tax Equity and Educational Opportunities Support Act formula on the property tax levy within school districts;

(4) An evaluation of the disparity in property tax equity among school districts; and

(5) A recommendation for changes to the Tax Equity and Educational Opportunities Support Act formula to create improved property tax equity across the state as was the original intent of the Tax Equity and Educational Opportunities Support Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Sanders, 45.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the lack of education and support services and any other obstacles for foster parents. This study should include, but need not be limited to, an examination of the following:

- (1) The education and support services available for foster parents to support foster children;
- (2) What education and support services could be provided to enable foster parents to support and potentially adopt foster children;
- (3) What education and support services could be provided to enable foster parents to support children after adoption; and
- (4) Any other obstacles to foster parents preventing their ability to support and potentially adopt foster children, including, but not limited to, lack of any other resource and legal obstacles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine civil tort claims to determine the impact of nondisclosure of third-party financing agreements, jury anchoring through basis suggestions to the jury regarding an amount to award as damages for noneconomic loss, and the use of collateral compensation including billed versus paid charges in determining the proper measure of damages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the plausibility of the State of Nebraska joining the Social Work Licensure Compact. The Social Work Licensure Compact is an interstate compact primarily developed by the Council of State Governments, partnered with the Department of Defense and the Association of Social Work Boards, to support the mobility of licensed social workers. This additional licensing pathway will facilitate multistate practice among member states and potentially reduce the barriers to license portability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the plausibility of the State of Nebraska joining the Physician Assistant Licensure Compact. The Physician Assistant Licensure Compact is an interstate compact developed by a joint initiative of the Council of State Governments, Federation of State Medical Boards, American Academy of Physician Associates, and the National Commission on Certification of Physician Assistants to facilitate the interstate practice of physician assistants. The compact will facilitate multistate practice among member states and will potentially provide for greater access to care, enhanced practitioner portability, and stronger public health and safety protections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Hansen, B., 16.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the effectiveness of the State of Nebraska's response to the COVID-19 pandemic and the effect the recommendations given and actions taken by the state had on the residents of Nebraska. The study should focus on learning from the outcomes produced by the state's procedures in its response and discerning what procedures need improvement. The study shall include, but need not be limited to, a review of the following:

(1) The impact of the COVID-19 pandemic on long-term care, including, but not limited to, staffing shortages, quarantines, and the effects on the elderly in nursing facilities and assisted-living facilities;

(2) The role of local public health departments in the state's response to the COVID-19 pandemic;

(3) The overall effectiveness of using masks to reduce the risk of COVID-19;

(4) The overall effectiveness and efficiency of Test Nebraska, including, but not limited to, the economic cost;

(5) COVID-19 vaccinations, including, but not limited to, the overall effectiveness of the vaccines, the safety and side effects of the vaccines, and the impact of vaccination mandates; and

(6) The response of hospitals, including, but not limited to, staffing shortages and the effects of the COVID-19 hospital response policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the delinquent tax sale and tax deed process for delinquent real property taxes under sections 77-1801 to 77-1863 and evaluate potential changes to the process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Revenue Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Kauth, 31; Holdcroft, 36; Jacobson, 42; Slama, 1; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to determine to what extent, if any, companies operating within or contracting with the State of Nebraska are using environmental, social, and governance (ESG) metrics.

This study shall examine impacts of ESG metrics on Nebraska industries and ask the following questions:

(1) Is doing business with entities using ESG metrics, in effect, unconstitutionally delegating proxy voting authority to business entities that hold no elected mandate?

(2) Is engagement in the use of ESG metrics posing a threat to the State of Nebraska's ability to act in the financial best interest of Nebraska taxpayers?

(3) Should the State of Nebraska stop doing business with companies using ESG metrics?

(4) Does doing business with companies using ESG metrics violate the policies and principles of the State of Nebraska?

The interim study should also focus on the use of ESG metrics in several industries of interest including, but not limited to, agriculture, oil and gas, insurance, banking, firearms, munitions, and ethanol, and the use of ESG metrics by several companies of interest including, but not limited to, Citibank, N. A., JPMorgan Chase & Co., BlackRock, Inc., Meta Platforms, Inc., Amalgamated Bank, Vanguard Group, Inc., and State Street Corporation.

In order to carry out the purpose of this resolution, the committee shall hold a hearing, with invited testimony only, to ascertain the scope and impact of ESG metrics upon the people and State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the location of recreational vehicle parks, entertainment venues, and other recreational development and the impact of zoning regulations related to flooding on locating such facilities. This study should include, but need not be limited to:

(1) Examining the rules, regulations, and ordinances for flood plains or floodways relating to obstructions, permanent structures, recreational vehicle parks, other recreational venues, and recreational development;

(2) Evaluating the subsequent risk of potential property loss due to lack of enforcement of rules, regulations, and ordinances in flood plains or floodways; and

(3) Evaluating eminent life, safety, and financial loss facing Nebraskans under the current rules, regulations, and ordinances in flood plains and floodways and enforcement of those rules, regulations, and ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to explore the feasibility and potential benefits of requiring wireless interconnected fire alarms in residential dwellings, similar to an ordinance passed by the city of Norfolk, to enhance fire safety and early warning systems for residents.

(1) The study should include, but need not be limited to, collaboration with the following entities:

- (a) The office of the State Fire Marshal;
- (b) Local fire departments and fire safety organizations;
- (c) Homeowners and tenants;
- (d) Landlords and property management organizations;
- (e) Building code enforcement agencies;
- (f) Manufacturers of wireless interconnected fire alarms; and
- (g) Other subject matter experts in fire safety and related issues.

(2) The study should also include, but need not be limited to, an exploration of the following:

- (a) The effectiveness of wireless interconnected fire alarms in enhancing fire safety and early warning systems for residential dwellings;
- (b) The cost and ease of installation for wireless interconnected fire alarms compared to traditional smoke alarms;
- (c) The potential impact of such a requirement on property owners, landlords, and tenants;
- (d) Best practices and guidelines for the installation and maintenance of wireless interconnected fire alarms;
- (e) The potential legal and regulatory implications of amending the Carbon Monoxide Safety Act to require wireless interconnected fire alarms; and
- (f) Recommendations for potential updates or amendments to the Carbon Monoxide Safety Act to require wireless interconnected fire alarms in residential dwellings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the impact of consolidation of educational service units.

This study shall include, but need not be limited to, an examination of the following:

(1) What additional responsibilities could be given to educational service units if such units were consolidated;

(2) Whether administrative costs for educational service units would be lower if such units were consolidated;

(3) How consolidation would affect the tax base and levy authority of educational service units;

(4) How to promote transparency within educational service units and about the responsibilities of educational service units;

(5) How to promote joint academic opportunities for community colleges and school districts with educational service units; and

(6) How to promote opportunities for educational service units to assist with mental health in schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the sufficiency of current provider rates and the cost and needed frequency of rebasing provider rates for child welfare services providers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Slama filed the following amendment to LB92: AM1767

(Amendments to Final Reading copy)

1 1. Strike sections 81 and 82 and insert the following new sections:
 2 Sec. 81. Section 77-6801, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 77-6801 Sections 77-6801 to 77-6843 and sections 82 to 84 of this
 5 act shall be known and may be cited as the ImagiNE Nebraska Act.
 6 Sec. 82. (1) An application made by a taxpayer that is a Nebraska-
 7 based covered entity as defined in 15 U.S.C. 4651 under the Creating
 8 Helpful Incentives to Produce Semiconductors (CHIPS) for America Act,
 9 Public Law 116-283, shall be approved upon receipt if:
 10 (a) The taxpayer's application contains the items listed in
 11 subsection (2) of section 77-6827; and
 12 (b) The taxpayer's application meets the federal eligibility
 13 requirements of the Creating Helpful Incentives to Produce Semiconductors
 14 (CHIPS) for America Act, Public Law 116-283.
 15 (2) Not more than thirty days after receipt and approval of an
 16 application under subsection (1) of this section, the director shall
 17 issue to such taxpayer a written agreement conforming to the requirements
 18 of section 77-6828 and sections 83 and 84 of this act.
 19 Sec. 83. (1) An agreement issued pursuant to section 82 of this act
 20 shall contain total incentives, refunds, and credits earned through the
 21 ImagiNE Nebraska Act sufficient to equal twenty-five percent of the
 22 taxpayer's investment in qualified property for the fabrication,
 23 assembly, testing, advanced packaging, or production of semiconductors or
 24 technologies with extensive microelectronic content. The director shall
 25 ensure that such agreement creates no additional obligation upon the
 26 General Fund.
 1 (2) With respect to an application or agreement with a taxpayer that
 2 is a Nebraska-based covered entity as defined in 15 U.S.C. 4651 under the
 3 Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America
 4 Act, Public Law 116-283:
 5 (a) The provisions of section 77-6839 shall not apply, except that
 6 the annual credits and incentives redeemed by the taxpayer may be limited
 7 to one-fifteenth of the total credits and incentives eligible to be
 8 earned during a fifteen-year performance period, as defined by section
 9 77-6816; and
 10 (b) The taxpayer may not carryover earned but unused incentives past
 11 the performance period.
 12 Sec. 84. A taxpayer that is also a Nebraska-based covered entity as
 13 described in 15 U.S.C. 4651 that qualifies under the Creating Helpful
 14 Incentives to Produce Semiconductors (CHIPS) for America Act, Public Law
 15 116-283, may use earned incentives or credits under the ImagiNE Nebraska
 16 Act:
 17 (1) To obtain a refund from the state equal to the amount that the
 18 taxpayer demonstrates to the director was paid by the taxpayer after the
 19 date of the complete application to repay the principal or interest on
 20 revenue bonds issued by an inland port authority pursuant to section
 21 13-3308;
 22 (2) To provide financial assistance to public and private sector
 23 initiatives that are intended to improve Nebraska's ability to attract
 24 microelectronic-based enterprises, especially those incentivized under

25 the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for
 26 America Act, Public Law 116-283, by making necessary investments in the
 27 semiconductor industry and technologies with extensive microelectronic
 28 content, including, but not limited to, grants for the establishment of
 29 private sector entities for such purposes within eligible economically
 30 disadvantaged areas in Nebraska, as set forth in section 9902(a)(2)(B) of
 31 the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for
 1 America Act, Public Law 116-283;
 2 (3) To provide financial assistance to a community college located
 3 in a city of the metropolitan class working in collaboration with private
 4 sector partners and any interested university, college, other community
 5 college, and technical school located in this state to support education
 6 expansion and curricula development in order to meet the needs of the
 7 domestic semiconductor workforce in Nebraska as set forth in section
 8 9902(a)(2)(B) of the Creating Helpful Incentives to Produce
 9 Semiconductors (CHIPS) for America Act, Public Law 116-283; and
 10 (4) For any other eligible use authorized pursuant to the ImagiNE
 11 Nebraska Act.
 12 Sec. 100. If any section in this act or any part of any section is
 13 declared invalid or unconstitutional, the declaration shall not affect
 14 the validity or constitutionality of the remaining portions.
 15 2. On page 1, line 12, strike "77-6832, and 77-6841" and insert "and
 16 77-6801".
 17 3. On page 2, line 13, after the first semicolon insert "to provide
 18 severability;".
 19 4. On page 79, strike beginning with "a" in line 30 through
 20 "required" in line 31 and insert "the obligation of payment from the
 21 Excess Liability Fund".
 22 5. On page 130, line 7, strike "69-2112, 77-6832, and 77-6841," and
 23 insert "and 69-2112;".
 24 6. Correct the operative date and repealer sections so that the
 25 sections added by this amendment become operative on their effective date
 26 with the emergency clause.
 27 7. Renumber the remaining sections and correct internal references
 28 accordingly.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB814e.

MOTION - Recommit LB818 to Committee

Senator Clements offered his motion, [MO1083](#), found on page 1557, recommit to the Appropriations Committee.

Senator Clements withdrew his motion to recommit to committee.

MOTION - Return LB818 to Select File

Senator M. Cavanaugh moved to return LB818 to Select File for the following specific amendment:

[FA134](#)

Strike Section 1.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2023, at 11:34 a.m. was the following: LB814e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 242. Introduced by Jacobson, 42; Hughes, 24.

PURPOSE: The purpose of this resolution is to propose an interim study to examine methods to promote the development of a competitive electric vehicle charging market in Nebraska and the creation of electric infrastructure to support such market. The study should seek to identify barriers to growth in the industry and recommend potential legislation to encourage growth in the industry.

The study should include, but need not be limited to, an examination of the following:

(1) How to improve the quantity, quality, and variety of electric vehicle charging amenities and consumer experience services available in the state; and

(2) How to establish a framework designed to encourage private sector investment in the deployment of electric vehicle charging equipment by:

(a) Encouraging private investment, ownership, and operation of publicly available electric vehicle charging equipment that allows for fast-charging at business locations that offer amenities such as restrooms, food, and beverages and are open twenty-four hours per day and seven days per week;

(b) Stimulating innovation, competition, and private investment in the electric vehicle charging market;

(c) Developing mechanisms to incentivize and support the long-term and short-term efficient and cost-effective use of the electric grid in a manner that supports the operation of electric vehicle charging equipment;

(d) Providing investment or incentive resources to support private investment in the operation of electric vehicle charging equipment;

(e) Balancing the roles of entities that supply, produce, or distribute electricity within the state for sale at wholesale or retail, and private enterprise in the market for electric vehicle charging services; and

(f) Establishing an electric vehicle charging rate structure that promotes long-term alternative fuel market competition by encouraging transparent pricing, stable operating costs, private investment, innovation, and a widespread implementation of publicly available fast-charging electric vehicle technology and equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Sanders, 45.

PURPOSE: The purpose of this resolution is to propose an interim study to examine tax incentives for the film industry in Nebraska. This study shall include, but need not be limited to:

(1) An examination of the potential for job creation as a result of growth in the film industry;

(2) A review of economic development opportunities from an increase in tourism as a result of growth in the film industry;

(3) An analysis of potential revenue to be generated by the State of Nebraska as a result of growth in the film industry;

(4) An examination of the current film industry workforce and the potential film industry workforce as a result of growth in the film industry; and

(5) An exploration of strategies to support and grow the film industry used in other states and the potential application of such strategies in Nebraska, including strategies such as, but not limited to, tax incentives in the form of grants, rebates, and other economic incentives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine guardianship in Nebraska. Guardianship is the process by which individuals can be found legally incapable of making decisions for themselves, and other adults are appointed to make decisions for them. Guardianships can be limited in scope, only giving decision-making authority in a limited number of areas, or they can be plenary, giving the guardian authority in all areas. Data indicates Nebraskans with disabilities are more often subject to plenary rather than limited guardianships. Experience has shown that plenary guardianships can be exploitative and

abused when training does not require periodic recertification and oversight is lax. Alternatives to guardianship such as allowances for a deliberative limiting of guardian decision-making or the providing of resources and structure that would be necessary to support self-direction for individuals with disabilities are rarely discussed or implemented.

This interim study should include, but need not be limited to:

(1) Examination of the present legal framework for guardianships, including the existing statutory preference of plenary guardianships versus limited guardianships, the training offered to guardians and judges, the judicial oversight of guardians and guardianships, and the services provided and fees charged by guardians;

(2) Exploration of public policy and legal mechanisms, including examples from other states, that result in better outcomes for individuals under guardianship; and

(3) Discussion of alternatives to guardianship, limiting guardianships to maximize a ward's self-determination, and ways to ensure that guardianships are appropriate and tailored to the needs of the individual rather than convenience.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to propose an interim study to examine juvenile detention costs and necessary updates to the juvenile detention facility standards or the Nebraska Juvenile Code.

At a time when state and local governments face rising costs of goods and services it is imperative that policy makers have access to informed estimates of the costs of juvenile detention. There are numerous ways to calculate the cost of detention and detention administrators within the state arrive at their costs through different methods. This study seeks to realize a standardized model for calculating the average cost of housing a youth in detention. This study will assist policy makers understand what components are typically included in a detention cost estimate, why one would or would not choose to include these elements, and what additional costs and revenue could be incorporated in the calculation of costs to detain youth. Additionally, the committee should consult the National Juvenile Justice Network Fiscal Policy Center's toolkit, publications, or staff for possible guidance.

The study should also consider specific content areas of the minimum juvenile detention facility standards that require updates. In addition,

alignment or changes in the Nebraska Juvenile Code as it relates to juvenile detention facilities should also be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to propose an interim study to research the Metropolitan Omaha Educational Consortium.

The study shall include, but need not be limited to:

(1) An examination of what the Metropolitan Omaha Educational Consortium has accomplished over the last twenty years, including, but not limited to:

(a) How the consortium has improved education in metropolitan schools;

(b) What issues the consortium has identified as common to its members;

and

(c) What projects the consortium has undertaken and finished, the results of such projects, and how the results of such projects are used; and

(2) An examination of how the Metropolitan Omaha Educational Consortium is governed and how it is held accountable to its members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to Legislative Bill 133 introduced in the One Hundred Eighth Legislature, First Session.

The study should include, but need not be limited to:

(1) An examination of current laws regarding the use of eminent domain by state agencies, boards, commissions, and other political subdivisions and the process such entities must follow to use eminent domain;

(2) An examination of current laws regarding the use of eminent domain by nonpublic or private entities and how the process differs, if at all, from the process used by political subdivisions;

(3) An examination of which public and nonpublic entities have the right of eminent domain;

(4) A determination of whether a public hearing prior to the use of eminent domain should be required; and

(5) An examination of any other potential policy changes regarding the use of eminent domain that the Legislature may consider.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248. Introduced by Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to survey Nebraska's small public utilities, municipalities, and cooperatives, excluding the Lincoln Electric System, Nebraska Public Power District, and Omaha Public Power District, in a comprehensive manner which consolidates information relating to rates classifications and equipment. This study should also assess obsolescence, administrative costs, labor, the process of recruitment for staff, the ability to retain employees, budgeting, cash reserves, and retirement plans. A standard should be developed by the study so that a comparative analysis can be constructed so a direct comparison of districts can be made.

The objective of this study is to identify possible opportunities to share information, equipment, and staffing across districts to streamline performance and enhance efficiencies which will result in reduced energy costs for customers while, at the same time, preserving and enhancing reliability, service, and flexibility.

The study should also identify and justify barriers to innovation on farms and in businesses imposed by the small public utilities entities when restrictive limits are placed on new technologies, such as solar installations on farms and ranches. These barriers include different power purchasing agreements, and barriers to adaptation, such as amalgamating of meters.

Tremendous dislocations are occurring in the industry as new technologies open pathways to decoupling from the grid. Recent actions by the Omaha Public Power District have opened the door for more significant investment in renewables by ordinary businesses and homeowners, but these opportunities are not available in most of Nebraska. This is a barrier to economic development. The study should assess why this barrier exists and

how to promote more permissive policies in rural parts of the state without causing undue hardships to the rural electric associations.

Significant cooperative arrays have been put in place in several Nebraska municipalities. The study should assess how the cooperative arrays have impacted those communities and their relationships with their public utilities providers. Many Nebraska communities purchase their electricity through rural electric associations and the study should evaluate whether further development should be conducted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were students from Emerson Elementary, Columbus; Crista Eggers, Omaha/Gretna; students from Pine Creek Elementary, Bennington.

RECESS

At 12:00 p.m., on a motion by Senator Armendariz, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Aguilar, Bosn, Conrad, Day, DeBoer, B. Hansen, Vargas, and Walz who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Introduced by Holdcroft, 36; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34;

Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the Reserve Officers Association, now known as the Reserve Organization of America, recently entered its second century of service to American military readiness; and

WHEREAS, the Reserve Officers Association was founded on October 2, 1922, by the General of the Armies John J. "Black Jack" Pershing and other veterans at the Willard Hotel in Washington, D.C.; and

WHEREAS, from 1891 through 1895, General Pershing was a military instructor at the University of Nebraska where he led the cadet training program, taught classes, and studied law. Afterward, he remained a frequent visitor to Nebraska and called the state his second home; and

WHEREAS, the founders of the Reserve Officers Association, who were veterans of World War I, believed that the United States was vulnerable to returning to the state of unreadiness that preceded World War I and that they needed to prevent the same level of unreadiness in future conflicts; and

WHEREAS, the Reserve Officers Association was chartered by President Harry S. Truman, one of the early members of the Reserve Officers Association, in the Act entitled "An Act to Incorporate the Reserve Officers Association of the United States", approved June 30, 1950; and

WHEREAS, the congressional charter established the Reserve Officers Association, now known as the Reserve Organization of America, to support a military policy for the United States that will provide adequate national security; and

WHEREAS, the Reserve Organization of America is the only all ranks, all services, military service organization for the Reserve and National Guard, also known as the Reserve components, in the United States; and

WHEREAS, in 2022, the Reserve Organization of America celebrated one hundred years of serving the servicemembers and veterans of the uniformed services and the Reserve components, their families, and reserve employers; and

WHEREAS, the Reserve Organization of America was instrumental in the adoption of the federal Reserve Forces Bill of Rights and Vitalization Act which, among other measures, established the Selected Reserve in each service, provided adequate fiscal and equipment support for the Selected Reserve, and established assistant secretaries for reserve affairs and designated a general or flag officer responsible for reserve affairs for each Armed Force; and

WHEREAS, in November 2022, the United States Senate passed Senate Resolution 820 honoring the one hundredth anniversary of the founding of the Reserve Organization of America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the Reserve Organization of America as a respected advocate for national security and readiness.

2. That the Legislature honors the vital role the Reserve Organization of America has played throughout the organization's one hundred years of service in strengthening the strategic and operational role of the Reserve components of the United States Military.

3. That the Legislature supports the Reserve Organization of America's focus on the readiness of the Reserve components and the care of those who serve in the Reserve and National Guard, their families, and veterans of the Reserve components.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by McDonnell, 5.

PURPOSE: The purpose of this study is to consider improvements to the Property Assessed Clean Energy Act and property assessed clean energy financing for real estate development projects. Property assessed clean energy financing was authorized by the Nebraska Legislature in 2016. Commercial property assessed clean energy financing programs have been subsequently implemented by multiple cities across Nebraska and have been utilized for dozens of commercial real estate projects in Nebraska.

Property assessed clean energy financing can help fund the hard and soft costs of completing an energy efficiency, renewable energy, or water conservation project. This financing tool has helped communities not only meet the economic development goals of the community, but also to prioritize renewable energy and energy efficiency. Property assessed clean energy financing helps to generate significant local economic activity and job creation.

States that have authorized property assessed clean energy financing programs each have different aspects of the program unique to that state. Aspects of such programs found in other states such as retroactive financing or allowing the financing of resiliency measures may be a benefit to Nebraska. Amending the Property Assessed Clean Energy Act may be advantageous to ensure a robust and competitive program in Nebraska that further supports economic development and energy efficiency objectives.

The study shall consider the utilization of and potential improvements to the Property Assessed Clean Energy Act and potential legislative changes that may be necessary or beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251. Introduced by Dover, 19; Aguilar, 35; Armendariz, 18; Ballard, 21; Bosn, 25; Bostar, 29; Cavanaugh, J., 9; DeBoer, 10; DeKay, 40; Fredrickson, 20; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Linchan, 39; Lippincott, 34; Moser, 22; Sanders, 45; Vargas, 7; von Gillern, 4.

PURPOSE: The purpose of this resolution is to propose an interim study to explore the development of registered apprenticeship program sponsors within Nebraska's education system for early childhood care and education. Nationally, the apprenticeship model has been shown to be an effective tool for training students in early childhood care and education. Apprenticeships offer a unique mode of instruction and an avenue for earning pay while training on the job.

In Nebraska, seventy-four percent of children under six years of age live in households with all available parents in the workforce, which is the sixth highest amount among all states. Nebraska's current workforce capacity for early childhood care and education is insufficient to meet the needs of working families. The apprenticeship model is an effective way to serve both the interests of prospective students in early childhood care and education and the needs of Nebraska families.

This interim study shall include, but need not be limited to, an examination of the following:

- (1) The growing need for early childhood care and education in Nebraska;
- (2) The registered apprenticeship programs for early childhood care and education at the United States Department of Labor;
- (3) The available federal resources for the establishment of such programs;
- (4) The education infrastructure in the state to support such programs and existing state resources for such programs; and
- (5) Any public-private partnership opportunities for expanding the instruction and training infrastructure of early childhood care workers and educators, including an examination of similar initiatives in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB799e.

MOTION - Return LB818 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB818 to Select File for her specific amendment, [FA134](#).

Pending.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 535. Placed on General File with amendment. [AM1748](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB535](#):

[AM1808](#)

1 1. Strike section 7.

Senator Slama filed the following amendment to [LB535](#):

[AM1807](#)

1 1. Strike section 6.

Senator Slama filed the following amendment to [LB535](#):

[AM1809](#)

1 1. Strike section 8.

Senator Slama filed the following amendment to [LB535](#):

[AM1810](#)

1 1. Strike section 9.

Senator Slama filed the following amendment to [LB535](#):

[AM1811](#)

1 1. Strike section 10.

Senator Slama filed the following amendment to [LB535](#):

[AM1812](#)

1 1. Strike section 11.

Senator Slama filed the following amendment to [LB535](#):

[AM1813](#)

1 1. Strike section 12.

Senator Slama filed the following amendment to [LB535](#):

[AM1814](#)

1 1. Strike section 13.

Senator Slama filed the following amendment to [LB535](#):

[AM1815](#)

1 1. Strike section 14.

Senator Slama filed the following amendment to [LB535](#):

[AM1816](#)

1 1. Strike section 15.

Senator Slama filed the following amendment to [LB535](#):

[AM1827](#)

1 1. On page 29, line 2, strike "January 1, 2024" and insert "March 1, 2024".

Senator Slama filed the following amendment to [LB535](#):

[AM1826](#)

1 1. On page 29, line 2, strike "January 1, 2024" and insert "October 21, 2024".

Senator Slama filed the following amendment to [LB535](#):

[AM1825](#)

1 1. On page 15, line 20, strike "and" and show as stricken.

Senator Slama filed the following amendment to [LB535](#):

[AM1824](#)

1 1. Strike the enacting clause.

Senator Slama filed the following amendment to [LB535](#):

[AM1823](#)

1 1. Strike section 22.

Senator Slama filed the following amendment to [LB535](#):

[AM1822](#)

1 1. Strike section 21.

Senator Slama filed the following amendment to [LB535](#):

[AM1821](#)

1 1. Strike section 20.

Senator Slama filed the following amendment to [LB535](#):

[AM1820](#)

1 1. Strike section 19.

Senator Slama filed the following amendment to [LB535](#):

[AM1819](#)

1 1. Strike section 18.

Senator Slama filed the following amendment to [LB535](#):

[AM1818](#)

1 1. Strike section 17.

Senator Slama filed the following amendment to [LB535](#):

[AM1817](#)

1 1. Strike section 16.

Senator Slama filed the following amendment to [LB535](#):

[AM1806](#)

1 1. Strike section 5.

Senator Slama filed the following amendment to [LB535](#):

[AM1802](#) is available in the Bill Room.

Senator Slama filed the following amendment to [LB535](#):

[AM1833](#) is available in the Bill Room.

MOTION - Return LB818 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB818 to Select File for her specific amendment, [FA134](#).

Voting in the affirmative, 0.

Voting in the negative, 41:

Aguilar	Brandt	Dover	Kauth	Sanders
Albrecht	Brewer	Dungan	Linchan	Slama
Arch	Briese	Fredrickson	Lippincott	von Gillern
Armendariz	Cavanaugh, J.	Halloran	Lowe	Walz
Ballard	Clements	Hardin	McDonnell	Wishart
Blood	Conrad	Holdcroft	Moser	
Bosn	DeBoer	Hughes	Murman	
Bostar	DeKay	Ibach	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Present and not voting, 3:

Cavanaugh, M. Erdman Hunt

Excused and not voting, 5:

Day Hansen McKinney Vargas Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 41 nays, 3 present and not voting, and 5 excused and not voting.

MOTION - Return LB818 to Select File

Senator M. Cavanaugh moved to return LB818 to Select File for the following specific amendment:

[FA135](#)

Strike Section 2.

SENATOR DORN PRESIDING

Speaker Arch offered the following motion:

[MO1094](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Slama
Albrecht	Briese	Halloran	Lippincott	Vargas
Arch	Clements	Hansen	Lowe	von Gillern
Ballard	Conrad	Hardin	McDonnell	Walz
Blood	DeBoer	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Erdman	Kauth	Sanders	

Voting in the negative, 1:

Hunt

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Dungan McKinney

Excused and not voting, 3:

Armendariz Day Wayne

The Arch motion to invoke cloture prevailed with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 1:

Hunt

Voting in the negative, 43:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Briese	Erdman	Kauth	Sanders
Arch	Cavanaugh, J.	Fredrickson	Linehan	Slama
Ballard	Clements	Halloran	Lippincott	Vargas
Blood	Conrad	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	Moser	Wishart
Bostelman	Dorn	Hughes	Murman	
Brandt	Dover	Ibach	Raybould	

Present and not voting, 2:

Cavanaugh, M. McKinney

Excused and not voting, 3:

Armendariz Day Wayne

The M. Cavanaugh motion to return failed with 1 aye, 43 nays, 2 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Senator M. Cavanaugh requested a roll call vote.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB818 with 40 ayes, 4 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 818. With Emergency Clause.

A BILL FOR AN ACT relating to government funds; to amend sections 9-1,101, 37-324, 39-2805, 72-2211, 77-913, 79-1021, 80-401, and 81-15,174, Reissue Revised Statutes of Nebraska, and sections 37-1804, 46-1,164, 61-218, 61-224, 61-305, 71-7611, 72-729.01, 72-2201, 75-109.01, 81-12,147, 81-12,148, 81-12,220, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,241, 81-12,243, 84-612, 86-163, and 86-324, Revised Statutes Cumulative Supplement, 2022; to provide for fund transfers; to provide, change, and eliminate provisions regarding the sources, uses, and transfers of funds; to provide for and change provisions regarding grants and funding of various projects; to create funds; to provide a duty for the Department of Health and Human Services; to eliminate funds and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 72-2208, 81-1278, 81-1279, and 81-1280, Reissue

Revised Statutes of Nebraska, and sections 86-127 and 86-579, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Slama
Albrecht	Briese	Halloran	Lippincott	Vargas
Arch	Clements	Hansen	Lowe	von Gillern
Ballard	Conrad	Hardin	McDonnell	Walz
Blood	DeBoer	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Erdman	Kauth	Sanders	

Voting in the negative, 3:

Cavanaugh, M. Hunt McKinney

Present and not voting, 2:

Cavanaugh, J. Dungan

Excused and not voting, 3:

Armendariz Day Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

AMENDMENT - Print in Journal

Senator Walz filed the following amendment to [LB574](#):
[AM1782](#) is available in the Bill Room.

MOTION - Return LB282 to Select File

Senator Hunt renewed her motion, found on page 1083 and considered on page 1564, to return LB282 to Select File for her specific amendment, [AM1285](#).

Senator Riepe requested a roll call vote on the Hunt motion to return.

Voting in the affirmative, 4:

Cavanaugh, J. Cavanaugh, M. Dungan Hunt

Voting in the negative, 29:

Aguilar	Brandt	Halloran	Kauth	Riepe
Armendariz	Clements	Hansen	Lippincott	Sanders
Ballard	DeBoer	Hardin	Lowe	Slama
Blood	DeKay	Holdcroft	McDonnell	von Gillern
Bosn	Dorn	Hughes	Moser	Walz
Bostelman	Dover	Jacobson	Murman	

Present and not voting, 6:

Brewer	Linehan	Raybould
Erdman	McKinney	Wayne

Excused and not voting, 10:

Albrecht	Bostar	Conrad	Fredrickson	Vargas
Arch	Briese	Day	Ibach	Wishart

The Hunt motion to return failed with 4 ayes, 29 nays, 6 present and not voting, and 10 excused and not voting.

MOTION - Return LB282 to Select File

Senator Hunt moved to return LB282 to Select File for her specific amendment, [AM1287](#), found on page 1083.

SENATOR DEBOER PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB818e.

MOTION - Return LB282 to Select File

Senator Hunt renewed her motion, found on page 1083 and considered in this day's Journal, to return LB282 to Select File for her specific amendment, [AM1287](#).

Senator Riepe offered the following motion:

[MO1095](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Voting in the affirmative, 44:

Aguilar	Brandt	Dorn	Hughes	Raybould
Albrecht	Brewer	Dover	Jacobson	Riepe
Arch	Briese	Dungan	Kauth	Sanders
Armendariz	Cavanaugh, J.	Erdman	Linehan	Slama
Ballard	Cavanaugh, M.	Fredrickson	Lippincott	Vargas
Blood	Clements	Halloran	Lowe	von Gillern
Bosn	Conrad	Hansen	McDonnell	Walz
Bostar	DeBoer	Hardin	Moser	Wishart
Bostelman	DeKay	Holdcroft	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Hunt McKinney Wayne

Excused and not voting, 2:

Day Ibach

The Riepe motion to invoke cloture prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Voting in the affirmative, 2:

Cavanaugh, J. Cavanaugh, M.

Voting in the negative, 41:

Aguilar	Brewer	Erdman	Linehan	Slama
Albrecht	Briese	Fredrickson	Lippincott	Vargas
Arch	Clements	Halloran	Lowe	von Gillern
Armendariz	Conrad	Hansen	McDonnell	Walz
Ballard	DeBoer	Hardin	Moser	Wishart
Bosn	DeKay	Holderoft	Murman	
Bostar	Dorn	Hughes	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Dungan	Kauth	Sanders	

Present and not voting, 4:

Blood Hunt McKinney Wayne

Excused and not voting, 2:

Day Ibach

The Hunt motion to return failed with 2 ayes, 41 nays, 4 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB282 with 39 ayes, 4 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 282. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; to approve a contract claim; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Brandt	Dover	Jacobson	Sanders
Albrecht	Brewer	Dungan	Kauth	Slama
Arch	Briese	Erdman	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Fredrickson	Lowe	von Gillern
Ballard	Clements	Halloran	McDonnell	Walz
Blood	Conrad	Hansen	Moser	Wishart
Bosn	DeBoer	Hardin	Murman	
Bostar	DeKay	Holdercroft	Raybould	
Bostelman	Dorn	Hughes	Riepe	

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M. Hunt Linehan McKinney Wayne

Excused and not voting, 2:

Day Ibach

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 799A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 19, Legislative Bill 816, One Hundred Eighth Legislature, First Session, 2023; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, One Hundred Eighth Legislature, First Session, 2023; to provide operative dates; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Brandt	Dover	Hunt	Raybould
Albrecht	Brewer	Dungan	Jacobson	Riepe
Arch	Briese	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, J.	Fredrickson	Linehan	Slama
Ballard	Clements	Halloran	Lippincott	Vargas
Blood	Conrad	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	Moser	Wishart
Bostelman	Dorn	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Wayne

Excused and not voting, 2:

Day Ibach

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 727. Placed on Select File with amendment.
[ER34](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

Judiciary

LEGISLATIVE BILL 220. Placed on General File with amendment. [AM641](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to [LB727](#):
[FA136](#)
Strike Section 1 of ER34.

Senator Slama filed the following amendment to [LB514](#):
[FA137](#)
Strike Section 3.

Senator Slama filed the following amendment to [LB514](#):
[FA138](#)
Strike Section 2.

Senator Slama filed the following amendment to [LB514](#):
[FA139](#)
Strike Section 1.

RESOLUTION

LEGISLATIVE RESOLUTION 252. Introduced by Health and Human Services Committee: Hansen, B., 16, Chairperson; Ballard, 21; Day, 49; Hardin, 48; Riepe, 12; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Health and Human Services Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 531. Senator Hunt withdrew [MO147](#), found on page 907, to bracket.

Senator Hunt withdrew [MO146](#), found on page 907, to recommit to committee.

Senator McDonnell offered [AM1300](#), found on page 1139.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 799Ae and 282e.

SELECT FILE

LEGISLATIVE BILL 531. Senator McDonnell renewed [AM1300](#), found on page 1139 and considered in this day's Journal.

Pending.

COMMITTEE REPORT

Education

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Carter Peterson - Board of Trustees of the Nebraska State Colleges
Adolfo Reynaga - Board of Trustees of the Nebraska State Colleges

Aye: 7. Albrecht, Briese, Conrad, Linehan, Murman, Sanders, Walz. Nay: 0.
Absent: 0. Present and not voting: 1. Wayne.

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dan O'Neill - Nebraska Educational Telecommunications Commission
Courtney C. Wittstruck - Nebraska Educational Telecommunications
Commission

Aye: 7. Albrecht, Briese, Conrad, Linehan, Murman, Sanders, Walz. Nay: 0.
Absent: 0. Present and not voting: 1. Wayne.

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Molly O'Holleran - Coordinating Commission for Postsecondary Education

Tamara D. Weber - Coordinating Commission for Postsecondary Education

Aye: 7. Albrecht, Briese, Conrad, Linehan, Murman, Sanders, Walz. Nay: 0.
Absent: 0. Present and not voting: 1. Wayne.

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Robert H. Kobza - Board of Educational Lands and Funds
Jerald Meyer - Board of Educational Lands and Funds

Aye: 7. Albrecht, Briese, Conrad, Linehan, Murman, Sanders, Walz. Nay: 0.
Absent: 0. Present and not voting: 1. Wayne.

The Education Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Joshua P. Fields - Technical Advisory Committee for Statewide Assessment

Aye: 5. Albrecht, Conrad, Murman, Sanders, Walz. Nay: 0. Absent: 0.
Present and not voting: 3. Briese, Linehan, Wayne.

The Education Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Chad W. Buckendahl - Technical Advisory Committee for Statewide
Assessment

Aye: 7. Albrecht, Briese, Conrad, Linehan, Murman, Sanders, Walz. Nay: 0.
Absent: 0. Present and not voting: 1. Wayne.

(Signed) Dave Murman, Chairperson

MOTIONS - Print in Journal

Senator Slama filed the following motion to LB138:

[MO1096](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to LB138:

[MO1097](#)

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Slama filed the following motion to LB138:

[MO1098](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB138](#):
[MO1099](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB138](#):
[MO1100](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB138](#):
[MO1101](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB138](#):
[MO1102](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB465](#):
[MO1103](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB465](#):
[MO1104](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB465](#):
[MO1105](#)
Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB465](#):
[MO1106](#)
Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB465](#):
[MO1107](#)
Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB465](#):
[MO1108](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB465](#):
[MO1109](#)
Bracket until June 10, 2023.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2023, at 4:52 p.m. were the following: LBs 799e, 818e, 282e and 799Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

EASE

The Legislature was at ease from 5:28 p.m. until 6:02 p.m.

SPEAKER ARCH PRESIDING**PRESIDENT KELLY PRESIDING****SELECT FILE**

LEGISLATIVE BILL 531. Senator McDonnell renewed [AM1300](#), found on page 1139 and considered in this day's Journal.

The McDonnell amendment was withdrawn.

[ER23](#), found on page 1128, was adopted.

Pending.

MOTIONS - Print in Journal

Senator Slama filed the following motion to [LB684](#):
[MO1110](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB684](#):
[MO1111](#)
Indefinitely postpone.

Senator Slama filed the following motion to [LB684](#):
[MO1112](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB684](#):
[MO1113](#)
Bracket until June 10, 2023.

Senator Slama filed the following motion to [LB684](#):
[MO1114](#)
Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB684](#):

[MO1115](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama filed the following motion to [LB684](#):

[MO1116](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

SELECT FILE

LEGISLATIVE BILL 531. Senator Hunt withdrew [MO145](#), found on page 907, to indefinitely postpone.

Senator M. Cavanaugh asked unanimous consent to withdraw [AM1723](#), found on page 1456, and replace it with the McKinney substitute amendment, [AM1880](#). No objections. So ordered.

[AM1880](#) is available in the Bill Room.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator McKinney requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 37:

Aguilar	Briese	Dover	Jacobson	Sanders
Arch	Cavanaugh, J.	Dungan	Kauth	Slama
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Vargas
Ballard	Conrad	Hansen	Lippincott	Walz
Blood	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdcroft	McKinney	
Brandt	DeKay	Hughes	Moser	
Brewer	Dorn	Hunt	Raybould	

Voting in the negative, 3:

Albrecht	Clements	Lowe
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Present and not voting, 7:

Bosn	Erdman	Murman	Wayne
Bostelman	Halloran	Riepe	

Excused and not voting, 2:

Ibach	von Gillern
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The McKinney amendment was adopted with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB117](#):

[AM1840](#)

- 1 1. On page 3, line 27, strike "may", show as stricken, and insert
- 2 "shall".

Senator Hunt filed the following amendment to [LB117](#):

[AM1841](#)

- 1 1. On page 2, lines 23 and 24, strike "full-time-equivalent".

Senator Hunt filed the following amendment to [LB229](#):

[AM1842](#)

- 1 1. On page 2, line 3, strike "originating", show as stricken, and
- 2 insert "born"; in line 7 strike "originating" and insert "born in"; in
- 3 line 9 strike "from" and show as stricken; and in line 11 strike "point
- 4 of origin" and insert "state of birth".

Senator Hunt filed the following amendment to [LB229](#):

[AM1843](#)

- 1 1. On page 2, line 16, strike "a reasonable time", show as stricken,
- 2 and insert "sixty days".

Senator Hunt filed the following amendment to [LB336](#):

[AM1844](#)

- 1 1. On page 5, line 24, after "meet" insert "at least twice each year
- 2 and may meet at other times".

Senator Hunt filed the following amendment to [LB336](#):

[AM1845](#)

- 1 1. On page 5, line 29, after "Legislature" insert "by January 30 of
- 2 each year".

Senator Hunt filed the following amendment to [LB591](#):

[AM1846](#)

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. In order to terminate an oral lease of land used for
- 3 agricultural purposes, notice of intent to terminate shall be given one
- 4 calendar year prior to such termination date. If such notice is given
- 5 after January 1 of a year, the termination shall not be effective until
- 6 March 1 of the following year.

Senator Hunt filed the following amendment to [LB591](#):

[AM1847](#)

- 1 1. On page 1, line 1, strike "an oral" and insert "a".

Senator Hunt filed the following amendment to [LB662](#):

[AM1848](#)

1 1. On page 3, line 2, strike "applicable to an agricultural
2 operation".

Senator Hunt filed the following amendment to LB662:
AM1849

1 1. On page 3, strike lines 6 through 12 and show the old matter as
2 stricken; in line 13 strike "(b)" and insert "(a)"; and in line 19 strike
3 "(c)" and insert "(b)".

Senator Hunt filed the following amendment to LB735:
AM1850

1 1. On page 2, line 18, strike "mandatory".

Senator Hunt filed the following amendment to LB735:
AM1851

1 1. On page 2, line 23, strike "2024" and insert "2025".

Senator Slama filed the following amendment to LB514:
AM1883 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 531. Senator M. Cavanaugh asked unanimous consent to withdraw AM1722, found on page 1456, and replace it with the Wayne substitute amendment, AM1835. No objections. So ordered.
AM1835

(Amendments to AM1222)

1 1. Insert the following new sections:
2 Section 1. Section 59-1608.04, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 59-1608.04 (1) The State Settlement Cash Fund is created. The fund
5 shall be maintained by the Department of Justice and administered by the
6 Attorney General. Except as otherwise provided by law, the fund shall
7 consist of all recoveries received pursuant to the Consumer Protection
8 Act, including any money, funds, securities, or other things of value in
9 the nature of civil damages or other payment, except criminal penalties,
10 whether such recovery is by way of verdict, judgment, compromise, or
11 settlement in or out of court, or other final disposition of any case or
12 controversy, or any other payments received on behalf of the state by the
13 Department of Justice and administered by the Attorney General for the
14 benefit of the state or the general welfare of its citizens, but
15 excluding all funds held in a trust capacity where specific benefits
16 accrue to specific individuals, organizations, or governments. The fund
17 may be expended for any allowable legal purposes as determined by the
18 Attorney General and for purposes of section 11 of this act. Transfers
19 from the State Settlement Cash Fund may be made at the direction of the
20 Legislature to the Nebraska Capital Construction Fund, the Legal
21 Education for Public Service and Rural Practice Loan Repayment Assistance
22 Fund, and the General Fund. To provide necessary financial accountability
23 and management oversight, revenue from individual settlement agreements
24 or other separate sources credited to the State Settlement Cash Fund may
25 be tracked and accounted for within the state accounting system through
26 the use of separate and distinct funds, subfunds, or any other available
1 accounting mechanism specifically approved by the Accounting
2 Administrator for use by the Department of Justice. Any money in the fund
3 available for investment shall be invested by the state investment

4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 (2) The State Treasurer shall transfer two million five hundred
7 thousand dollars from the State Settlement Cash Fund to the Nebraska
8 Capital Construction Fund on July 1, 2013, or as soon thereafter as
9 administratively possible.

10 (3) The State Treasurer shall transfer eight hundred seventy-six
11 thousand nine hundred ninety-eight dollars from the State Settlement Cash
12 Fund to the General Fund on or before June 30, 2018, on such dates and in
13 such amounts as directed by the budget administrator of the budget
14 division of the Department of Administrative Services.

15 (4) The State Treasurer shall transfer one million seven hundred
16 fifty-six thousand six hundred thirty-nine dollars from the State
17 Settlement Cash Fund to the General Fund on or before June 30, 2019, on
18 such dates and in such amounts as directed by the budget administrator of
19 the budget division of the Department of Administrative Services.

20 (5) The State Treasurer shall transfer one hundred twenty-five
21 thousand dollars from the State Settlement Cash Fund to the Legal
22 Education for Public Service and Rural Practice Loan Repayment Assistance
23 Fund on or before April 30, 2018, on such dates and in such amounts as
24 directed by the budget administrator of the budget division of the
25 Department of Administrative Services.

26 (6) The State Treasurer shall transfer one hundred fifty thousand
27 dollars from the State Settlement Cash Fund to the Legal Education for
28 Public Service and Rural Practice Loan Repayment Assistance Fund on or
29 before July 9, 2018, on such dates and in such amounts as directed by the
30 budget administrator of the budget division of the Department of
31 Administrative Services.

1 Sec. 11. (1) The Game and Parks Commission shall purchase or receive
2 by donation, and subsequently rehabilitate and manage, the Mayhew Cabin
3 historical site located in Nebraska City, Nebraska.

4 (2) It is the intent of the Legislature to appropriate to the Game
5 and Parks Commission for the Mayhew Cabin historical site:

6 (a) One million five hundred thousand dollars for fiscal year
7 2023-24 from the State Settlement Cash Fund for purchase and
8 rehabilitation;

9 (b) Two million dollars for fiscal year 2023-24 and two million
10 dollars for fiscal year 2024-25 from the State Settlement Cash Fund for
11 construction of a new visitor center;

12 (c) Seven hundred fifty thousand dollars for fiscal year 2025-26
13 from the State Settlement Cash Fund for exhibit fabrication and
14 historical interpretation; and

15 (d) Two hundred thousand dollars for fiscal year 2025-26 for
16 staffing.

17 (3) The Game and Parks Commission and the Nebraska State Historical
18 Society shall enter into a memorandum of understanding providing for
19 operation of the visitor center and management of historical
20 interpretation by the Nebraska State Historical Society.

21 2. Renumber the remaining sections and correct the repealer and
22 internal references accordingly.

Senator Wayne offered the following amendment, to his amendment:

[FA149](#)

Strike pages 1-3 of AM1835 and insert the following, "The Game and Parks Commission shall purchase or receive by donation, and subsequently rehabilitate and manage, the Mayhew Cabin historical site located in Nebraska City, Nebraska."

The Wayne amendment, [FA149](#), to AM1835, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The Wayne amendment, [AM1835](#), as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Conrad offered [AM1757](#), found on page 1507.

The Conrad amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Raybould offered [AM1789](#), found on page 1527.

The Raybould amendment was adopted with 28 ayes, 4 nays, 13 present and not voting, and 4 excused and not voting.

Senator McDonnell offered the following amendment:

[AM1771](#)

(Amendments to AM1222)

1 1. Insert the following new sections:

2 Section 1. Section 81-12,221, Revised Statutes Cumulative

3 Supplement, 2022, is amended to read:

4 81-12,221 For purposes of the Shovel-Ready Capital Recovery and

5 Investment Act:

6 (1) Capital project means a construction project to build, expand,
7 or develop a new or existing facility or facilities or restoration work
8 on a facility designated as a National Historic Landmark;

9 (2) Cost, in the context of a capital project, means the cost of

10 land, engineering, architectural planning, contract services,
11 construction, materials, and equipment needed to complete the capital
12 project;

13 (3) COVID-19 means the novel coronavirus identified as SARS-CoV-2,

14 the disease caused by the novel coronavirus SARS-CoV-2 or a virus

15 mutating therefrom, and the health conditions or threats associated with

16 the disease caused by the novel coronavirus SARS-CoV-2 or a virus

17 mutating therefrom;

18 (4) Department means the Department of Economic Development;

19 (5) Qualified nonprofit organization means a tax-exempt organization

20 under section 501(c)(3) of the Internal Revenue Code that:

21 (a) Is related to arts, culture, or the humanities, including any

22 organization formed for the purpose of developing and promoting the work

23 of artists and the humanities in various visual and performing forms,

24 such as film, sculpture, dance, painting, horticulture, multimedia,

25 poetry, photography, performing arts, zoology, or botany; or

26 (b) Operates a sports complex;

1 (c) Is a postsecondary educational institution in a city of the

2 metropolitan class and partners with an organization hosting a regional

3 or national event for purposes of infrastructure development related to

4 furnishing and equipment for a health sciences education center, enhanced

5 mobility by vacation of a public street, pedestrian safety, and

6 construction of a community athletic complex; or

7 (d) Is a county agricultural society with facilities located within

8 the boundaries of a city of the primary class;

9 (6) Sports complex means property that:

10 (a) Includes indoor areas, outdoor areas, or both;

11 (b) Is primarily used for competitive sports; and

12 (c) Contains multiple separate sports venues; and

13 (7) Sports venue includes, but is not limited to:

14 (a) A baseball field;

15 (b) A softball field;
16 (c) A soccer field;
17 (d) An outdoor stadium primarily used for competitive sports;
18 (e) An outdoor arena primarily used for competitive sports; and
19 (f) An enclosed, temperature-controlled building primarily used for
20 competitive sports.
21 Sec. 2. Section 81-12,222, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:
23 81-12,222 (1) Beginning July 1, 2023 ~~2021~~, through July 1, 2024 ~~15~~,
24 ~~2021~~, a qualified nonprofit organization may apply to the department for
25 a grant under the Shovel-Ready Capital Recovery and Investment Act. The
26 application shall include, but not be limited to, the following
27 information:
28 (a) A description of the qualified nonprofit organization's capital
29 project;
30 (b) The estimated cost of the capital project; and
31 ~~(c) The date when the capital project was delayed due to COVID-19~~
1 ~~and the date when the capital project is expected to begin or resume,~~
2 ~~which shall be no later than June 30, 2022; and~~
3 ~~(c) (d)~~ Documentation on the amount of funds for the capital project
4 which have been received or will be received by the qualified nonprofit
5 organization from ~~other private~~ sources. Such amount shall be at least
6 equal to the amount of any grant received under the act. The
7 documentation provided under this subdivision does not need to identify
8 the names of any donors.
9 (2) The department shall consider applications in the order in which
10 they are received. If an applicant is a qualified nonprofit organization
11 and otherwise qualifies for funding under the Shovel-Ready Capital
12 Recovery and Investment Act, the department shall, subject to subsection
13 (3) of this section, approve the application and notify the applicant of
14 the approval.
15 (3) The department may approve applications within the limits of
16 available funding. The amount of any grant approved under this section
17 shall be equal to the amount of funds to be supplied by the qualified
18 nonprofit organization from ~~other private~~ sources, as documented under
19 subdivision ~~(1)(c) (d)~~ of this section, subject to the following
20 limitations:
21 (a) For any capital project with an estimated cost of less than five
22 hundred thousand dollars, the grant shall not exceed two hundred fifty
23 thousand dollars;
24 ~~(b) (a)~~ For any capital project with an estimated cost of at least
25 five hundred thousand dollars but less than five million dollars, the
26 grant shall not exceed one million five hundred thousand dollars;
27 ~~(c) (b)~~ For any capital project with an estimated cost of at least
28 five million dollars but less than twenty-five million dollars, the grant
29 shall not exceed five million dollars;
30 ~~(d) (e)~~ For any capital project with an estimated cost of at least
31 twenty-five million dollars but less than fifty million dollars, the
1 grant shall not exceed ten million dollars; and
2 ~~(e) (d)~~ For any capital project with an estimated cost of at least
3 fifty million dollars but less than one hundred million dollars or more,
4 the grant shall not exceed fifteen million dollars; and -
5 ~~(f)~~ For any capital project with an estimated cost of at least one
6 hundred million dollars, the grant shall not exceed thirty million
7 dollars.
8 Sec. 3. Section 81-12,223, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:
10 81-12,223 (1) Each qualified nonprofit organization that receives a
11 grant under the Shovel-Ready Capital Recovery and Investment Act shall:
12 (a) Secure all of the ~~other private~~ funds described in subdivision

13 ~~(1)(c) (4)(d)~~ of section 81-12,222 through a written pledge or payment by
 14 December 31, ~~2024~~ 2024, and shall begin or resume construction on the
 15 organization's capital project by June 30, ~~2025~~ 2022; and
 16 (b) Abide by the federal laws commonly known as the Davis-Bacon and
 17 Related Acts.
 18 (2) Any qualified nonprofit organization that fails to meet the
 19 requirements of subsection (1) of this section shall repay any grant
 20 funds received under the act.
 21 Sec. 5. Section 81-12,225, Revised Statutes Cumulative Supplement,
 22 2022, is amended to read:
 23 81-12,225 (1) For any federal funds appropriated to the department
 24 pursuant to the Shovel-Ready Capital Recovery and Investment Act, it is
 25 the intent of the Legislature that the department divide the total
 26 appropriation for grants to capital projects eligible under the act
 27 equally for each congressional district and give priority to grant
 28 requests less than or equal to five million dollars. After eligible
 29 grantees with priority status have been awarded grant funds, remaining
 30 funds may be awarded on a statewide basis with the department considering
 31 each project based on the overall economic impact of the project to the
 1 respective community and the overall benefit to the State of Nebraska. It
 2 is the intent of the Legislature that the department make reasonable
 3 adjustments to dates and deadlines and request additional documentation
 4 pursuant to any requirements for the use of funds received pursuant to
 5 the federal American Rescue Plan Act of 2021.
 6 (2) For any cash funds appropriated to the department pursuant to
 7 the Shovel-Ready Capital Recovery and Investment Act, it is the intent of
 8 the Legislature that the department divide the total appropriation for
 9 grants to capital projects eligible under the act as follows:
 10 (a) Thirty million dollars for grants to nonprofit organizations
 11 holding a certificate of exemption under section 501(c)(3) of the
 12 Internal Revenue Code that are qualified nonprofit organizations under
 13 subdivision (5)(c) of section 81-12,221; and
 14 (b) Remaining funds equally by each congressional district.
 15 (3) The changes made in this section and sections 81-12,220,
 16 81-12,221, 81-12,222, and 81-12,223 by this legislative bill apply to all
 17 grant applications filed on or after July 1, 2023. For all applications
 18 filed prior to the effective date of this act, the provisions of the
 19 Shovel-Ready Capital Recovery and Investment Act as they existed
 20 immediately prior to such date apply.
 21 It is the intent of the Legislature to allocate fifteen million
 22 dollars from the General Fund and an additional amount of federal funds,
 23 subject to the appropriations process, up to the amount needed to fully
 24 fund all approved grants, from federal funds allocated to states pursuant
 25 to the American Rescue Plan Act of 2021 from the Coronavirus State Fiscal
 26 Recovery Fund and received by the State of Nebraska on or after May 26,
 27 2021, if such use is permitted under section 9901 of the American Rescue
 28 Plan Act of 2021, for use by the department for purposes of carrying out
 29 the Shovel-Ready Capital Recovery and Investment Act.
 30 2. Renumber the remaining sections and correct the repealer and
 31 internal references accordingly.

The McDonnell amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Senator Brandt offered the following amendment:

[AM1838](#)

(Amendments to AM1222)

1 1. Insert the following new sections:

2 Section 1. Section 18-2709, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 18-2709 (1) Qualifying business means any corporation, partnership,
5 limited liability company, or sole proprietorship which derives its
6 principal source of income from any of the following: The manufacture of
7 articles of commerce; the conduct of research and development; the
8 processing, storage, transport, or sale of goods or commodities which are
9 sold or traded in interstate commerce; the sale of services in interstate
10 commerce; headquarters facilities relating to eligible activities as
11 listed in this section; telecommunications activities, including services
12 providing advanced telecommunications capability; tourism-related
13 activities; or the production of films, including feature, independent,
14 and documentary films, commercials, and television programs.

15 (2) Qualifying business also means:

16 (a) In cities of the first class, cities of the second class, and
17 villages, a business that derives its principal source of income from the
18 construction or rehabilitation of housing;

19 (b) In cities of the first class, cities of the second class, and
20 villages, a business that derives its principal source of income from
21 early childhood care and education programs;

22 (c) A business that derives its principal source of income from
23 retail trade, except that no more than forty percent of the total revenue
24 generated pursuant to the Local Option Municipal Economic Development Act
25 for an economic development program in any twelve-month period and no
26 more than twenty percent of the total revenue generated pursuant to the
1 act for an economic development program in any five-year period,
2 commencing from the date of municipal approval of an economic development
3 program, shall be used by the city for or devoted to the use of retail
4 trade businesses. For purposes of this subdivision, retail trade means a
5 business which is principally engaged in the sale of goods or commodities
6 to ultimate consumers for their own use or consumption and not for
7 resale; and

8 (d) In cities with a population of ~~five thousand two thousand five~~
9 ~~hundred~~ inhabitants or less as determined by the most recent federal
10 decennial census or the most recent revised certified count by the United
11 States Bureau of the Census, a business shall be a qualifying business
12 even though it derives its principal source of income from activities
13 other than those set out in this section.

14 (3) If a business which would otherwise be a qualifying business
15 employs people and carries on activities in more than one city in
16 Nebraska or will do so at any time during the first year following its
17 application for participation in an economic development program, it
18 shall be a qualifying business only if, in each such city, it maintains
19 employment for the first two years following the date on which such
20 business begins operations in the city as a participant in its economic
21 development program at a level not less than its average employment in
22 such city over the twelve-month period preceding participation.

23 (4) A qualifying business need not be located within the territorial
24 boundaries of the city from which it is or will be receiving financial
25 assistance.

26 (5) Qualifying business does not include a political subdivision, a
27 state agency, or any other governmental entity, except as allowed for
28 cities of the first class, cities of the second class, and villages for
29 rural infrastructure development as provided for in subdivision (3)(b) of
30 section 18-2705.

31 Sec. 11. Sections 1 and 13 of this act become operative three
1 calendar months after the adjournment of this legislative session. The
2 other sections of this act become operative on their effective date.

3 Sec. 13. Original section 18-2709, Reissue Revised Statutes of
4 Nebraska, is repealed.

5 2. On page 9, line 19; and page 12, line 23, strike "effective date

6 of this act" and insert "operative date of this section".

7 3. On page 9, lines 19 and 20; and page 12, lines 28 and 29, strike

8 "effective date of this act" and insert "operative date of this section".

9 4. Renumber the remaining sections and correct internal references

10 accordingly.

The Brandt amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 531A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 562A. Title read. Considered.

Senator Dorn withdrew [MO1069](#), found on page 1564, to bracket.

Senator Dorn offered [AM1781](#), found on page 1564.

The Dorn amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 705A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 727A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB514](#):

[FA144](#)

Strike Section 1.

Senator Slama filed the following amendment to [LB514](#):

[FA145](#)

Strike Section 2.

Senator Slama filed the following amendment to [LB514](#):

[FA146](#)

Strike Section 3.

Senator Slama filed the following amendment to [LB514](#):

[FA147](#)

Strike Section 4.

Senator Slama filed the following amendment to [LB514](#):

[FA148](#)

Strike Section 5.

VISITORS

Visitors to the Chamber were students from West Bay Elementary, Elkhorn; Anna Bromm and Joseph Bromm, Peter Borough, England; students from Weeping Water Public Schools, Weeping Water; students and teachers from Classical Conversations, Lincoln.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

ADJOURNMENT

At 8:31 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Friday, May 19, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 19, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 19, 2023

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Retired - Reaching the Unreached Ministry, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, Dover, Hunt, Raybould, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 18, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Omey, Samantha
Exxon Mobil Corporation (Withdrawn 05/12/2023)

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

SELECT FILE

LEGISLATIVE BILL 227A. Senator M. Cavanaugh offered the following amendment:

[FA150](#)

Strike Section 1.

Senator B. Hansen offered the following motion:

[MO1117](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Sanders
Albrecht	Briese	Halloran	Lippincott	Vargas
Arch	Cavanaugh, M.	Hansen	Lowe	von Gillern
Armendariz	Clements	Hardin	McDonnell	Walz
Ballard	Conrad	Holdcroft	McKinney	Wishart
Blood	DeBoer	Hughes	Moser	
Bosn	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Raybould	
Brandt	Erdman	Kauth	Riepe	

Voting in the negative, 1:

Hunt

Excused and not voting, 7:

Bostar	Day	Dungan	Wayne
Cavanaugh, J.	Dover	Slama	

The B. Hansen motion to invoke cloture prevailed with 41 ayes, 1 nay, and 7 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Sanders
Albrecht	Briese	Halloran	Lippincott	Vargas
Arch	Cavanaugh, M.	Hansen	Lowe	von Gillern
Armendariz	Clements	Hardin	McDonnell	Walz
Ballard	Conrad	Holdcroft	McKinney	Wishart
Blood	DeBoer	Hughes	Moser	
Bosn	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Raybould	
Brandt	Erdman	Kauth	Riepe	

Present and not voting, 1:

Hunt

Excused and not voting, 7:

Bostar	Day	Dungan	Wayne
Cavanaugh, J.	Dover	Slama	

The M. Cavanaugh amendment lost with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

Aguilar	Brewer	Fredrickson	Linehan	Sanders
Albrecht	Briese	Halloran	Lippincott	Vargas
Arch	Cavanaugh, M.	Hansen	Lowe	von Gillern
Armendariz	Clements	Hardin	McDonnell	Walz
Ballard	Conrad	Holdcroft	McKinney	Wishart
Blood	DeBoer	Hughes	Moser	
Bosn	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Raybould	
Brandt	Erdman	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 7:

Bostar	Day	Dungan	Wayne
Cavanaugh, J.	Dover	Slama	

Advanced to Enrollment and Review for Engrossment with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

MOTION - Recommit LB276 to Committee

Senator Hunt offered her motion, [MO437](#), found on page 943, recommit to Health and Human Services Committee.

Senator Hunt requested a roll call vote on her motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 39:

Aguilar	Brewer	Fredrickson	Kauth	Raybould
Arch	Briese	Halloran	Linehan	Riepe
Armendariz	Clements	Hardin	Lippincott	Sanders
Ballard	Conrad	Holdcroft	Lowe	Vargas
Blood	DeBoer	Hughes	McDonnell	von Gillern
Bostar	DeKay	Hunt	McKinney	Walz
Bostelman	Dorn	Ibach	Moser	Wishart
Brandt	Erdman	Jacobson	Murman	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

Albrecht	Cavanaugh, J.	Dover	Hansen	Wayne
Bosn	Day	Dungan	Slama	

The Hunt motion to recommit to committee failed with 0 ayes, 39 nays, 1 present and not voting, and 9 excused and not voting.

MOTION - Return LB276 to Select File

Senator M. Cavanaugh moved to return LB276 to Select File for the following specific amendment:

[FA151](#)

Strike Section 1.

SPEAKER ARCH PRESIDING**PRESIDENT KELLY PRESIDING**

Senator Wishart offered the following motion:

[MO1119](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 46:

Aguilar	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bosn	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdercroft	McKinney	
Bostelman	DeKay	Hughes	Moser	
Brandt	Dorn	Hunt	Murman	
Brewer	Dover	Ibach	Raybould	

Voting in the negative, 0.

Excused and not voting, 3:

Albrecht Slama Wayne

The Wishart motion to invoke cloture prevailed with 46 ayes, 0 nays, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 45:

Aguilar	Brewer	Dover	Hunt	Moser
Arch	Briese	Dungan	Ibach	Murman
Armendariz	Cavanaugh, J.	Erdman	Jacobson	Raybould
Ballard	Clements	Fredrickson	Kauth	Riepe
Blood	Conrad	Halloran	Linehan	Sanders
Bosn	Day	Hansen	Lippincott	Vargas
Bostar	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	Walz
Brandt	Dorn	Hughes	McKinney	Wishart

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Albrecht Slama Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 45 nays, 1 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 276. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-801, Revised Statutes Cumulative Supplement, 2022; to adopt the Certified Community Behavioral Health Clinic Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 46:

Aguilar	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linchan	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Low	Walz
Bosn	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdcroft	McKinney	
Bostelman	DeKay	Hughes	Moser	
Brandt	Dorn	Hunt	Murman	
Brewer	Dover	Ibach	Raybould	

Voting in the negative, 0.

Excused and not voting, 3:

Albrecht Slama Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB276A to Select File

Senator M. Cavanaugh moved to return LB276A to Select File for the following specific amendment:

[FA152](#)

Strike Section 1.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB276e.

MOTION - Return LB276A to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB276A to Select File for her specific amendment,

[FA152](#).

Senator Wishart offered the following motion:

[MO1120](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 47:

Aguilar	Brewer	Dover	Ibach	Raybould
Albrecht	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bosn	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdcroft	McKinney	
Bostelman	DeKay	Hughes	Moser	
Brandt	Dorn	Hunt	Murman	

Voting in the negative, 0.

Excused and not voting, 2:

Slama Wayne

The Wishart motion to invoke cloture prevailed with 47 ayes, 0 nays, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 46:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Briese	Erdman	Kauth	Sanders
Arch	Cavanaugh, J.	Fredrickson	Linehan	Vargas
Armendariz	Clements	Halloran	Lippincott	von Gillern
Ballard	Conrad	Hansen	Lowe	Walz
Blood	Day	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdcroft	McKinney	
Bostar	DeKay	Hughes	Moser	
Bostelman	Dorn	Hunt	Murman	
Brandt	Dover	Ibach	Raybould	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Slama Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 46 nays, 1 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 276A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 47:

Aguilar	Brewer	Dover	Ibach	Raybould
Albrecht	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bosn	Day	Hardin	McDonnell	Wishart
Bostar	DeBoer	Holdcroft	McKinney	
Bostelman	DeKay	Hughes	Moser	
Brandt	Dorn	Hunt	Murman	

Voting in the negative, 0.

Excused and not voting, 2:

Slama Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Recommit LB565 to Committee

Senator Hunt offered her motion, [MO654](#), found on page 961, recommit to Natural Resources Committee.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB276Ae.

MOTION - Recommit LB565 to Committee

Senator Hunt renewed [MO654](#), found on page 961 and considered in this day's Journal, to recommit to Natural Resources Committee.

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB565](#):

[FA153](#)

Strike Section 1.

Senator M. Cavanaugh filed the following amendment to [LB565A](#):

[FA154](#)

Strike Section 1.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 2023, at 1:30 p.m. were the following: LBs 276e and 276Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

MOTION - Recommit LB574 to Committee

Senator M. Cavanaugh requested a point of order on whether the speaking queue should be cleared before debate starts on LB574.

The Chair indicated the Clerk will reread the title of the bill, and as soon as it is read, the speaking queue will be cleared.

Senator Hunt offered her motion, [MO665](#), found on page 961, recommit to Health and Human Services Committee.

Senator Hunt withdrew her motion to recommit to committee.

MOTION - Return LB574 to Select File

Senator J. Cavanaugh moved to return LB574 to Select File for his specific amendment, [AM1474](#), found on page 1440.

Pending.

EASE

The Legislature was at ease from 2:40 p.m. until 2:48 p.m.

MOTION - Return LB574 to Select File

Senator J. Cavanaugh renewed his motion found and considered in this day's Journal, to return LB574 to Select File for his specific amendment, [AM1474](#).

SENATOR DORN PRESIDING**PRESIDENT KELLY PRESIDING**

Senator M. Cavanaugh made a parliamentary inquiry on whether there was an inappropriate yielding of time.

The Chair clarified Senators may not yield time that was originally yielded.

Senator Kauth offered the following motion:

[MO1123](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Kauth requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wishart

Excused and not voting, 1:

Wayne

The Kauth motion to invoke cloture prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

Voting in the affirmative, 13:

Blood	Cavanaugh, M.	DeBoer	McKinney	Wishart
Bostar	Conrad	Dungan	Raybould	
Cavanaugh, J.	Day	Fredrickson	Vargas	

Voting in the negative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Present and not voting, 2:

Hunt	Walz
------	------

Excused and not voting, 1:

Wayne

The J. Cavanaugh motion to return failed with 13 ayes, 33 nays, 2 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB574 with 34 ayes, 7 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 574. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-192, 38-193, and 38-196, Reissue Revised Statutes of Nebraska, and sections 38-178, 38-179, 38-2021, and 38-2894, Revised Statutes Cumulative Supplement, 2022; to adopt the Preborn Child Protection Act and the Let Them Grow Act; to provide for discipline under the Uniform Credentialing Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	
Bostelman	Dover	Ibach	Moser	

Voting in the negative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Vargas
Bostar	Conrad	Dungan	McKinney	Walz
Cavanaugh, J.	Day	Fredrickson	Raybould	Wishart

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB574e.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 514A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

MOTIONS - Print in Journal

Senator Brewer filed the following motion to LB514A:

[MO1121](#)

Bracket until June 2, 2023.

Senator Brewer filed the following motion to LB514A:

[MO1122](#)

Indefinitely Postpone.

AMENDMENTS - Print in Journal

Senator Brewer filed the following amendment to [LB514A](#):

[FA155](#)

Strike Section 1.

Senator Brewer filed the following amendment to [LB514A](#):

[FA156](#)

Strike Section 1.

VISITORS

Visitors to the Chamber were students from Stolley Park Elementary, Grand Island.

ADJOURNMENT

At 4:18 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Monday, May 22, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 22, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 22, 2023

PRAYER

The prayer was offered by Pastor Zeke Pipher, Heart Evangelical Free Church, Central City.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Jeffrey Lampe, Former U.S. Marine, Omaha.

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 Senator Ibach who was excused; and Senators Blood, Bostar, J. Cavanaugh, Day, Hunt, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 2023, at 7:56 a.m. was the following: LB574e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB754A](#):

[AM1900](#)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 514. Senator M. Cavanaugh offered [MO613](#), found on page 958, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Brewer opened on his bill, LB514.

Senator M. Cavanaugh opened on her motion, MO613.

Senator M. Cavanaugh withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh offered [MO615](#), found on page 959, to bracket until June 1, 2023.

Title read. Considered.

The M. Cavanaugh motion to bracket failed with 0 ayes, 32 nays, 11 present and not voting, and 6 excused and not voting.

Committee [AM853](#), found on page 822, was offered.

Senator Conrad asked unanimous consent to withdraw [AM1013](#), found on page 883, to the committee amendment, and replace it with the Brewer substitute amendment, [AM1801](#), found on page 1572, to the committee amendment. No objections. So ordered.

The Brewer amendment, to the committee amendment, was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 531A. Placed on Select File.

LEGISLATIVE BILL 562A. Placed on Select File

LEGISLATIVE BILL 705A. Placed on Select File.

LEGISLATIVE BILL 727A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to [LB243A](#):

[AM1881](#)

1 1. Strike section 3 and insert the following new section:

2 Sec. 3. There is hereby appropriated (1) \$409,719 from the General
3 Fund for FY2023-24 and (2) \$439,128 from the General Fund for FY2024-25
4 to the Tax Equalization and Review Commission, for Program 115, to aid in
5 carrying out the provisions of Legislative Bill 243, One Hundred Eighth
6 Legislature, First Session, 2023.
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed \$334,133
9 for FY2023-24 or \$358,804 for FY2024-25.

Senator Sanders filed the following amendment to [LB583A](#):
[AM1909](#) is available in the Bill Room.

VISITORS

Visitors to the Chamber were Nikki Lampe, Omaha; students from Everett Elementary, Lincoln; students from Millard Central and Anderson Middle School, Omaha.

RECESS

At 11:55 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator DeBoer presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostelman, Briese, J. Cavanaugh, Conrad, Day, Dover, Hunt, Ibach, Linehan, McKinney, Raybould, Walz, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama asked unanimous consent to withdraw [FA137](#), found on page 1613, to the committee amendment, and replace it with substitute amendment, [AM1883](#), found on page 1620, to the committee amendment. No objections. So ordered.

SPEAKER ARCH PRESIDING

SENATOR DEBOER PRESIDING

Senator Slama moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

The Slama amendment, to the committee amendment, lost with 8 ayes, 22 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Slama offered [FA138](#), to the committee amendment, found on page 1613.

The Slama amendment was withdrawn.

Senator Slama offered [FA145](#), found on page 1626, to the committee amendment.

The Slama amendment was withdrawn.

Senator Slama offered [FA139](#), found on page 1613, to the committee amendment.

The Slama amendment was withdrawn.

Pending.

MESSAGES FROM THE GOVERNOR

May 22, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 799e, 799Ae, 813e, 815e, 816e, and 282e were received in my office on May 17, 2023.

These bills were signed and delivered to the Secretary of State on May 22, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

May 22, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 574e was received in my office on May 22, 2023.

This bill was signed and delivered to the Secretary of State on May 22, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 253. Introduced by McDonnell, 5.

WHEREAS, Randy Gerke faithfully served the State of Nebraska for a total of over nineteen years; and

WHEREAS, Randy served as the Nebraska Public Employees Retirement System Executive Director from 2017 to 2023; and

WHEREAS, Randy previously served in a variety of roles for the Nebraska Public Employees Retirement System, including as the Accounting and Finance Manager from 2003 to 2017, the Information Technology Manager from 2005 to 2007, the Interim Executive Director from 2006 to 2007, and the Deputy Director from 2007 to 2017; and

WHEREAS, during Randy's service, plan membership increased from 127,980 members to 150,585 members and plan assets increased from 14.8 billion dollars to 18.7 billion dollars; and

WHEREAS, during Randy's service as Executive Director, the annual total of member benefits distributed by the Nebraska Public Employees Retirement System increased from 720 million dollars to 1.1 billion dollars, and state and county plan members were awarded a dividend in four separate years; and

WHEREAS, during Randy's service as the Executive Director the agency expanded its education programs and customer services, began virtual seminars, office visits, and webinars, launched the Nebraska Public Employees Retirement System YouTube channel, produced multiple educational videos, and redesigned the Nebraska Public Employees Retirement System website; and

WHEREAS, Randy oversaw the office expansion project associated with the transfer of administration of the Class V School Employees Retirement Systems to the Nebraska Public Employees Retirement System; and

WHEREAS, Randy successfully led the Nebraska Public Employees Retirement System through the COVID-19 global pandemic by managing an efficient and effective transition to a remote work model without an interruption in plan member benefit distributions; and

WHEREAS, Randy earned the respect and adoration of his fellow employees with his kind and fun-loving attitude and will be deeply missed by all those he has served over his career, the hallmark of a true leader; and

WHEREAS, Randy will retire from the State of Nebraska and the Nebraska Public Employees Retirement System on June 20, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and extends its appreciation, admiration, and gratitude to Randy Gerke for his commitment and tireless efforts throughout his over nineteen years of outstanding service to the State of Nebraska and its residents.

2. That the Legislature wishes Randy Gerke a happy and fulfilling retirement and commends him for his exemplary career with the State of Nebraska.

3. That a copy of this resolution be sent to Randy Gerke.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama offered [FA146](#), found on page 1627, to the committee amendment.

The Slama amendment was withdrawn.

Senator Slama offered [FA144](#), found on page 1626, to the committee amendment.

SPEAKER ARCH PRESIDING

The Slama amendment was withdrawn.

Senator Slama offered [FA147](#), found on page 1627, to the committee amendment.

SENATOR DORN PRESIDING

SPEAKER ARCH PRESIDING

The Slama amendment was withdrawn.

Pending.

EASE

The Legislature was at ease from 5:30 p.m. until 6:02 p.m.

SENATOR DORN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama offered [FA148](#), found on page 1627, to the committee amendment.

The Slama amendment was withdrawn.

Senator Slama offered the following amendment, to the committee amendment:

[FA157](#)

Strike Section 6.

Senator Slama asked unanimous consent to withdraw [FA157](#), found in this day's Journal, to the committee amendment, and replace it with substitute amendment, [AM1940](#), to the committee amendment. No objections. So ordered.

[AM1940](#) is available in the Bill Room.

Senator Brewer offered the following motion:

[MO1125](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Brewer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 44:

Aguilar	Brewer	Dorn	Hughes	Murman
Albrecht	Briese	Dover	Hunt	Raybould
Arch	Cavanaugh, J.	Dungan	Ibach	Riepe
Armendariz	Cavanaugh, M.	Erdman	Jacobson	Vargas
Ballard	Clements	Fredrickson	Kauth	von Gillern
Blood	Conrad	Halloran	Lippincott	Walz
Bostar	Day	Hansen	Lowe	Wayne
Bostelman	DeBoer	Hardin	McDonnell	Wishart
Brandt	DeKay	Holdcroft	Moser	

Voting in the negative, 2:

Sanders Slama

Present and not voting, 2:

Bosn McKinney

Excused and not voting, 1:

Linehan

The Brewer motion to invoke cloture prevailed with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The Slama amendment, to the committee amendment, lost with 5 ayes, 26 nays, 17 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 514A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 227A. Placed on Final Reading.

LEGISLATIVE BILL 531. Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Brandt amendment, AM1838:
 - a. Amendments 2 and 3 have been struck;
 - b. Sections 11 and 13 have been struck;
 - c. Section 1 has been renumbered as section 21; and
 - d. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.
2. In the McDonnell amendment, AM1771:
 - a. Sections 1, 2, 3, and 5 have been renumbered as 42, 43, 44, and 45, respectively; and
 - b. On page 5, line 18, "effective date of this act" has been struck and "operative date of this section" inserted.
3. In the Raybould amendment, AM1789:
 - a. Sections 12 and 14 have been struck;
 - b. Sections 1 and 2 have been renumbered as sections 26 and 27, respectively;
 - c. On page 1, line 4, "2" has been struck and "27" inserted; and
 - d. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.
4. In the Conrad amendment, AM1757:
 - a. Sections 11 and 12 have been struck;
 - b. Section 1 has been renumbered as section 32; and

c. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.

5. The Wayne amendment, FA149, has been incorporated into the McKinney amendment, AM1880, as section 54.

6. In the McKinney amendment, AM1880:

a. Due to the adoption of the Conrad amendment, AM1757, section 29 has been struck;

b. The following sections have been inserted: Sec. 55. Sections 21, 26, 27, 32, and 57 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date. Sec. 57. Sections 18-2709 and 71-6401, Reissue Revised Statutes of Nebraska, and section 81-1237, Revised Statutes Cumulative Supplement, 2022, are repealed.

c. On page 25, line 2; and page 54, lines 24 and 29, "effective date of this act" has been struck and "operative date of this section" inserted;

d. On page 43, line 8, "44" has been struck and "51" inserted;

e. On page 49, line 14, an underscored comma has been inserted after "Services";

f. On page 55, line 28, "81-1237," has been struck; and in line 29 "81-12,221, 81-12,222, 81-12,223, 81-12,225," has been inserted after "81-12,218,,"; and

g. The remaining sections have been renumbered accordingly.

7. The E&R amendments, ER23, have been struck.

8. On page 1, the matter beginning with "the" in line 1 through line 10 has been struck and "government; to amend sections 16-312, 16-404, 16-503, 17-110, 17-614, 18-2101, 18-2101.02, 18-2105, 18-2109, 18-2117.01, 18-2117.02, 18-2142.05, 18-2147, 18-2155, 18-2709, 19-5504, 19-5505, 58-209.01, 71-6401, and 72-1001, Reissue Revised Statutes of Nebraska, and sections 61-305, 76-3602, 76-3603, 76-3604, 81-1237, 81-1238, 81-1239, 81-1240, 81-1243, 81-12,109, 81-12,110, 81-12,203, 81-12,211, 81-12,218, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,238, 81-12,240, 81-12,241, 81-12,243, 81-12,244, and 84-612, Revised Statutes Cumulative Supplement, 2022; to create the Revitalize Rural Nebraska Grant Program and the Revitalize Rural Nebraska Fund and provide powers and duties for the Department of Environment and Energy; to change provisions relating to voting powers of mayors of cities of the first class and cities of the second class; to change provisions relating to extremely blighted areas, substandard and blighted areas, redevelopment projects and plans, reports, housing studies, allocation of funds, and expedited reviews and provide for designation reviews and removals under the Community Development Law; to redefine terms under the Local Option Municipal Economic Development Act and the Nebraska Investment Finance Authority Act; to change and provide reporting requirements under the Municipal Density and Missing Middle Housing Act; to change provisions of the Perkins County Canal Project Fund and the Nebraska Capital Construction Fund relating to investment earnings; to provide a state building code exception under the Building Construction Act; to change home inspection provisions as prescribed; to redefine terms and change provisions relating to grant qualifications, fund use, duties, and Department of Economic Development powers under the Middle Income Workforce Housing Investment Act; to change provisions relating to iHub applications, designations, and locations under the Nebraska Innovation Hub Act; to change project and matching funds provisions under the Nebraska Rural Projects Act; to redefine a term, change provisions relating to grant application, approval, and acceptance requirements, and restate legislative intent for funding under the Shovel-Ready Capital Recovery and Investment Act; to define a term and create the North and South Omaha Recovery Grant Program under the Economic Recovery Act; to change provisions of the Economic Recovery Act relating to powers and duties of the Economic Recovery and Incentives Division of the Department of Economic Development, allocation and use of grant funds, legislative intent for appropriations, and credits and transfers to the Economic Recovery Contingency Fund; to transfer funds from the Cash Reserve Fund; to require the Game and Parks Commission to construct, develop, and manage a Chief Standing Bear museum and visitor center and acquire, rehabilitate, and manage the Mayhew Cabin historical site; to state legislative intent for appropriations; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB514](#):

[FA158](#)

Strike Section 7.

Senator Slama filed the following amendment to [LB514](#):

[FA159](#)

Strike Section 8.

Senator Slama filed the following amendment to [LB514](#):

[FA160](#)

Strike Section 9.

Senator Slama filed the following amendment to [LB514](#):

[FA161](#)

Strike Section 10.

Senator Slama filed the following amendment to [LB514](#):

[FA162](#)

Strike Section 11.

Senator Slama filed the following amendment to [LB514](#):

[AM1901](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 50. Senator Hunt withdrew [MO208](#), found on page 927, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Title read. Considered.

Senator Hunt withdrew [MO210](#), found on page 928, to bracket.

Senator Hunt withdrew [MO209](#), found on page 928, to recommit to committee.

Committee [AM1436](#), found on page 1277, was offered.

Senator Wayne offered the following amendment, to the committee amendment:

[AM1796](#) is available in the Bill Room.

Senator Wayne moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Erdman requested a point of order on whether the vote was opened on [AM1796](#), before a motion for call of the house.

The Chair indicated that the vote was open prior and call in votes will be accepted.

The Wayne amendment, to the committee amendment, was adopted with 27 ayes, 5 nays, 9 present and not voting, and 8 excused and not voting.

Senator Ibach withdrew [AM1610](#), found on page 1353, to the committee amendment.

The committee amendment, as amended, was adopted with 27 ayes, 9 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 8 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 50A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator Vargas name added to LB227.

VISITORS

Visitors to the Chamber were Tim and Kelly Horn, Hemingford; students from McPhee Elementary, Lincoln; Jan Bostelman, Brainard; Tony and Tracey Tangwal, Chadron.

ADJOURNMENT

At 9:10 p.m., on a motion by Senator Fredrickson, the Legislature adjourned until 9:00 a.m., Tuesday, May 23, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 23, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 23, 2023

PRAYER

The prayer was offered by Reverend Jason Gantz, Gordon Berean Church, Gordon.

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., Speaker Arch presiding.

The roll was called and all members were present except Senator Walz who was excused; and Senators Albrecht, J. Cavanaugh, Day, Dover, Hunt, Raybould, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

AMENDMENT - Print in Journal

Senator Blood filed the following amendment to [LB50](#):
[AM1923](#)

(Amendments to Standing Committee amendments, AM1436)

- 1 1. Insert the following new sections:
- 2 Sec. 26. Section 42-903, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 42-903 For purposes of the Protection from Domestic Abuse Act,
- 5 unless the context otherwise requires:
- 6 (1) Abuse means the occurrence of one or more of the following acts
- 7 between family or household members:
- 8 (a) Attempting to cause or intentionally and knowingly causing
- 9 bodily injury with or without a dangerous instrument;

10 (b) Placing, by means of credible threat, another person in fear of
 11 bodily injury. For purposes of this subdivision, credible threat means a
 12 verbal or written threat, including a threat performed through the use of
 13 an electronic communication device, or a threat implied by a pattern of
 14 conduct or a combination of verbal, written, or electronically
 15 communicated statements and conduct that is made by a person with the
 16 apparent ability to carry out the threat so as to cause the person who is
 17 the target of the threat to reasonably fear for his or her safety or the
 18 safety of his or her family. It is not necessary to prove that the person
 19 making the threat had the intent to actually carry out the threat. The
 20 present incarceration of the person making the threat shall not prevent
 21 the threat from being deemed a credible threat under this section; or
 22 (c) Engaging in sexual contact or sexual penetration without consent
 23 as defined in section 28-318;

24 (2) Department means the Department of Health and Human Services;

25 (3) Family or household members includes spouses or former spouses,
 26 children, persons who are presently residing together or who have resided
 1 together in the past, persons who have a child in common whether or not
 2 they have been married or have lived together at any time, other persons
 3 related by consanguinity or affinity, and persons who are presently
 4 involved in a dating relationship with each other or who have been
 5 involved in a dating relationship with each other. For purposes of this
 6 subdivision, dating relationship means frequent, intimate associations
 7 primarily characterized by the expectation of affectional or sexual
 8 involvement, but does not include a casual relationship or an ordinary
 9 association between persons in a business or social context; ~~and~~

10 (4) Household pet means any animal maintained for companionship or
 11 pleasure but does not include any animal kept primarily for commercial
 12 purposes or for consumption or any livestock animal as defined in section
 13 54-902; and

14 (5) (4) Law enforcement agency means the police department or town
 15 marshal in incorporated municipalities, the office of the sheriff in
 16 unincorporated areas, and the Nebraska State Patrol.

17 Sec. 27. Section 42-924, Revised Statutes Cumulative Supplement,
 18 2022, is amended to read:

19 42-924 (1)(a) Any victim of domestic abuse may file a petition and
 20 affidavit for a protection order as provided in this section. Upon the
 21 filing of such a petition and affidavit in support thereof, the court may
 22 issue a protection order without bond granting the following relief:

23 (i) Enjoining the respondent from imposing any restraint upon the
 24 petitioner or upon the liberty of the petitioner;

25 (ii) Enjoining the respondent from threatening, assaulting,
 26 molesting, attacking, or otherwise disturbing the peace of the
 27 petitioner;

28 (iii) Enjoining the respondent from telephoning, contacting, or
 29 otherwise communicating with the petitioner;

30 (iv) Removing and excluding the respondent from the residence of the
 31 petitioner, regardless of the ownership of the residence;

1 (v) Ordering the respondent to stay away from any place specified by
 2 the court;

3 (vi) Awarding the petitioner temporary custody of any minor children
 4 not to exceed ninety days;

5 (vii) Enjoining the respondent from possessing or purchasing a
 6 firearm as defined in section 28-1201; ~~or~~

7 (viii) Directing that the petitioner have sole possession of any
 8 household pet owned, possessed, leased, kept, or held by the petitioner,
 9 the respondent, or any family or household member residing in the
 10 household of the petitioner or respondent;

11 (ix) Enjoining the respondent from coming into contact with,
 12 harming, or killing any household pet owned, possessed, leased, kept, or

13 ~~held by the petitioner, the respondent, or any family or household member~~
14 of the petitioner or respondent; or

15 ~~(x) (viii) Ordering such other relief deemed necessary to provide~~
16 for the safety and welfare of the petitioner and any designated family or
17 household member.

18 ~~(b) If sole possession of a household pet is ordered by a court~~
19 ~~pursuant to subdivision (1)(a)(viii) of this section, such possession~~
20 ~~shall be for the duration of the protection order or until further order~~
21 ~~of the court. The grant of sole possession of a household pet under such~~
22 ~~subdivision is not intended to permanently determine ownership of such~~
23 ~~household pet. The petitioner shall not permanently transfer, sell, or~~
24 ~~dispose of a household pet placed in the petitioner's possession without~~
25 ~~prior court approval, except that court approval shall not be required in~~
26 ~~cases where humane euthanasia of a seriously ill or injured household pet~~
27 ~~is recommended by a licensed veterinarian.~~

28 ~~(c) (b) The petition for a protection order shall state the events~~
29 and dates or approximate dates of acts constituting the alleged domestic
30 abuse, including the most recent and most severe incident or incidents.

31 ~~(d) (e) The protection order shall specify to whom relief under this~~
1 section was granted.

2 (2) Petitions for protection orders shall be filed with the clerk of
3 the district court, and the proceeding may be heard by the county court
4 or the district court as provided in section 25-2740. A petition for a
5 protection order may not be withdrawn except upon order of the court.

6 (3)(a) A protection order shall specify that it is effective for a
7 period of one year and, if the order grants temporary custody, the number
8 of days of custody granted to the petitioner unless otherwise modified by
9 the court.

10 (b)(i) Any victim of domestic abuse may file a petition and
11 affidavit to renew a protection order. Such petition and affidavit for
12 renewal shall be filed any time within forty-five days before the
13 expiration of the previous protection order, including the date the order
14 expires.

15 (ii) A protection order may be renewed on the basis of the
16 petitioner's affidavit stating that there has been no material change in
17 relevant circumstances since entry of the order and stating the reason
18 for the requested renewal if:

19 (A) The petitioner seeks no modification of the order; and

20 (B)(I) The respondent has been properly served with notice of the
21 petition for renewal and notice of hearing and fails to appear at the
22 hearing; or

23 (II) The respondent indicates that he or she does not contest the
24 renewal.

25 (iii) Such renewed order shall specify that it is effective for a
26 period of one year to commence on the first calendar day following the
27 expiration of the previous order or on the calendar day the court grants
28 the renewal if such day is subsequent to the first calendar day after
29 expiration of the previous order and, if the court grants temporary
30 custody, the number of days of custody granted to the petitioner unless
31 otherwise modified by the court.

1 (4) Any person, except the petitioner, who knowingly violates a
2 protection order issued pursuant to this section or section 42-931 after
3 service or notice as described in subsection (2) of section 42-926 shall
4 be guilty of a Class I misdemeanor, except that any person convicted of
5 violating such order who has a prior conviction for violating a
6 protection order shall be guilty of a Class IV felony.

7 (5) If there is any conflict between sections 42-924 to 42-926 and
8 any other provision of law, sections 42-924 to 42-926 shall govern.

9 2. Renumber the remaining sections, correct internal references, and
10 correct the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 243A. Senator M. Cavanaugh offered the following motion:

[MO1126](#)

Bracket until June 9, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 9 nays, and 29 not voting.

The M. Cavanaugh motion to bracket failed with 1 aye, 38 nays, 4 present and not voting, and 6 excused and not voting.

Senator Briese offered the following motion:

[MO1129](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:

Aguilar	Bostelman	Dorn	Hughes	Moser
Albrecht	Brandt	Dungan	Ibach	Murman
Arch	Brewer	Erdman	Jacobson	Raybould
Armendariz	Briese	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostar	DeKay	Holdcroft	McDonnell	von Gillern

Voting in the negative, 1:

Hunt

Present and not voting, 2:

Cavanaugh, M. Wayne

Excused and not voting, 6:

Cavanaugh, J.	Dover	Walz
Day	McKinney	Wishart

The Briese motion to invoke cloture prevailed with 40 ayes, 1 nay, 2 present and not voting, and 6 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

Aguilar	Brandt	Erdman	Kauth	Sanders
Albrecht	Brewer	Fredrickson	Linehan	Slama
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Clements	Hansen	Lowe	von Gillern
Ballard	Conrad	Hardin	McDonnell	Wayne
Blood	DeBoer	Holdcroft	Moser	
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dungan	Jacobson	Riepe	

Voting in the negative, 1:

Hunt

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 6:

Cavanaugh, J.	Dover	Walz
Day	McKinney	Wishart

Advanced to Enrollment and Review for Engrossment with 41 ayes, 1 nay, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 583A. Senator M. Cavanaugh offered the following motion:

[MO1127](#)

Bracket until June 9, 2023.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate prevailed with 33 ayes, 1 nay, 8 present and not voting, 3 absent and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to bracket.

The M. Cavanaugh motion to bracket failed with 0 ayes, 36 nays, 1 present and not voting, 7 absent and not voting, and 5 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO1133](#)

Reconsider the vote taken on MO1127.

Senator Sanders offered the following motion:

[MO1130](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sanders moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Senator Sanders requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Wayne
Blood	Conrad	Hardin	Moser	Wishart
Bosn	DeBoer	Holdcroft	Murman	
Bostar	DeKay	Hughes	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 1:

Hunt

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Day	Dover	Ibach	McKinney	Walz
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The Sanders motion to invoke cloture prevailed with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 41:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Wishart
Blood	Conrad	Hardin	Moser	
Bosn	DeBoer	Holdcroft	Murman	
Bostar	DeKay	Hughes	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Present and not voting, 3:

Cavanaugh, M. Hunt Wayne

Excused and not voting, 5:

Day Dover Ibach McKinney Walz

The M. Cavanaugh motion to reconsider failed with 0 ayes, 41 nays, 3 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Wayne
Blood	Conrad	Hardin	Moser	Wishart
Bosn	DeBoer	Holdcroft	Murman	
Bostar	DeKay	Hughes	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 5:

Day Dover Ibach McKinney Walz

Advanced to Enrollment and Review for Engrossment with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 254. Introduced by Blood, 3.

WHEREAS, the 2023 North Star Athletic Association Golf Championships were held on May 1 through May 2, 2023, at Platteview Country Club in Bellevue, Nebraska; and

WHEREAS, Hugo Ronnberg won the 2023 North Star Athletic Association individual men's golf title and lead the No. 4 ranked Bellevue University Bruins men's golf team to the team championship; and

WHEREAS, Ronnberg's individual championship marks the tenth straight year in which a Bellevue University golfer has won an individual title. Bellevue University is now seven for seven in individual championships since joining the North Star Athletic Association; and

WHEREAS, Ronnberg's teammates Alex Zillig and Hugo Brandt finished second and third respectively for a clean sweep first to third for Bellevue University; and

WHEREAS, the team also competed in the National Association of Intercollegiate Athletics Men's Golf National Championship held on May 16 through May 19, 2023, at the Las Sendas Golf Club in Mesa, Arizona.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Hugo Ronnberg and the Bellevue University Bruins men's golf team on winning the North Star Athletic Association individual men's golf title and team championship.

2. That copies of this resolution be sent to Hugo Ronnberg and the Bellevue University Bruins men's golf team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 754A. Senator M. Cavanaugh offered the following motion:

[MO1128](#)

Bracket until June 9, 2023.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

Senator Linehan offered [AM1900](#), found on page 1643.

Senator Linehan offered the following motion:

[MO1131](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Senator Linehan requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Jacobson	Sanders
Albrecht	Brewer	Erdman	Kauth	Slama
Arch	Briese	Fredrickson	Linehan	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Ballard	Clements	Hansen	Lowe	Wayne
Blood	Conrad	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	

Voting in the negative, 1:

Raybould

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 4:

Day Dover McKinney Walz

The Linehan motion to invoke cloture prevailed with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Linehan amendment.

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Jacobson	Sanders
Albrecht	Brewer	Erdman	Kauth	Slama
Arch	Briese	Fredrickson	Linehan	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Ballard	Clements	Hansen	Lowe	Wayne
Blood	Conrad	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	

Voting in the negative, 1:

Raybould

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 4:

Day Dover McKinney Walz

The Linehan amendment was adopted with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Jacobson	Sanders
Albrecht	Brewer	Erdman	Kauth	Slama
Arch	Briese	Fredrickson	Linehan	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Ballard	Clements	Hansen	Lowe	Wayne
Blood	Conrad	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	

Voting in the negative, 2:

Hunt Raybould

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Day Dover McKinney Walz

Advanced to Enrollment and Review for Engrossment with 42 ayes, 2 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

MOTION - Recommit LB565 to Committee

Senator Hunt renewed [MO654](#), found on page 961 and considered on pages 1637 and 1638, to recommit to Natural Resources Committee.

Senator Bostelman offered the following motion:

[MO1134](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bostelman requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Briese	Erdman	Kauth	Sanders
Arch	Cavanaugh, J.	Fredrickson	Linehan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	Day	Hardin	McDonnell	
Bosn	DeBoer	Holdcroft	Moser	
Bostelman	DeKay	Hughes	Murman	
Brandt	Dorn	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Hunt Wishart

Excused and not voting, 5:

Bostar Dover McKinney Walz Wayne

The Bostelman motion to invoke cloture prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 41:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Briese	Erdman	Kauth	Sanders
Arch	Cavanaugh, J.	Fredrickson	Linehan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	Day	Hardin	McDonnell	
Bosn	DeBoer	Holdcroft	Moser	
Bostelman	DeKay	Hughes	Murman	
Brandt	Dorn	Ibach	Raybould	

Present and not voting, 3:

Cavanaugh, M. Hunt Wishart

Excused and not voting, 5:

Bostar Dover McKinney Walz Wayne

The Hunt motion to recommit to committee failed with 0 ayes, 41 nays, 3 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Senator M. Cavanaugh requested a roll call vote.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB565 with 40 ayes, 2 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 565. With Emergency Clause.

A BILL for an act relating to natural resources; to amend sections 18-2441, 37-104, 37-451, 37-453, 37-457, 37-492, 37-559, 37-708, 57-904, 70-619, 70-1001, 70-1001.01, and 70-1025, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-447, 37-448, 37-449, 66-2301, and 81-15,160, Revised Statutes Cumulative Supplement, 2022; to adopt the Public Water and Natural Resources Project Contracting Act; to change provisions relating to agency powers under the Municipal Cooperative Financing Act; to change a quorum requirement for Game and Parks Commission meetings; to change provisions of the Game Law relating to fees charged, permits issued, destruction of predators, and prohibited acts in game refuges; to

change provisions relating to the compensation of members of the Nebraska Oil and Gas Conservation Commission; to state legislative findings, to state intent regarding appropriations, to provide for a grant program as prescribed, and to provide powers and duties for the Department of Economic Development relating to a regional clean hydrogen hub; to adopt the Nuclear and Hydrogen Development Act; to change eligibility qualifications for members of the board of directors of public power and irrigation districts; to change Nebraska Power Review Board provisions relating to state policy and requirements for an annual report as prescribed; to define and redefine terms; to extend available grant funding for new scrap tire projects under the Waste Reduction and Recycling Incentive Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 41:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Briese	Erdman	Kauth	Sanders
Arch	Cavanaugh, J.	Fredrickson	Linehan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	Day	Hardin	McDonnell	
Bosn	DeBoer	Holdercroft	Moser	
Bostelman	DeKay	Hughes	Murman	
Brandt	Dorn	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Hunt Wishart

Excused and not voting, 5:

Bostar Dover McKinney Walz Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 243A. Placed on Final Reading.

LEGISLATIVE BILL 583A. Placed on Final Reading.

LEGISLATIVE BILL 754A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB5:

[AM1930](#)

1 1. On page 4, line 2, strike "unaccompanied by physical injury".

Senator Hunt filed the following amendment to LB5:

[AM1931](#)

1 1. On page 6, line 15, strike "a" and insert "any physical altercation".

Senator Hunt filed the following amendment to LB57:

[AM1932](#)

1 1. On page 7, lines 3 and 4, strike ", that makes the covered individual unable to perform the functions of the position held by such covered individual".

Senator Hunt filed the following amendment to LB57:

[AM1933](#)

1 1. On page 13, line 3, strike "exhaust" and insert "use".

Senator Hunt filed the following amendment to LB101:

[AM1934](#)

1 1. Strike original section 3.

Senator Hunt filed the following amendment to LB32:

[AM1858](#)

1 1. On page 2, line 20, strike "Upon the request of" and insert "Of".

Senator Hunt filed the following amendment to LB32:

[AM1859](#)

1 1. On page 2, lines 20, 25, and 31, strike "six-month" and insert "one-year".

Senator Hunt filed the following amendment to LB69:

[AM1860](#)

1 1. On page 2, line 2, strike ", but is not limited to,"; and in line 2 3 strike "and" and insert "or".

Senator Hunt filed the following amendment to LB69:

[AM1861](#)

1 1. On page 2, lines 9 and 22, strike "thirty" and insert "sixty".

Senator Hunt filed the following amendment to LB113:

[AM1862](#)

1 1. Strike original section 2.

Senator Hunt filed the following amendment to [LB113](#):

[AM1863](#)

1 1. On page 2, lines 2 and 3, strike "\$10,500,000" and insert
2 "\$11,000,000".

Senator Hunt filed the following amendment to [LB132](#):

[AM1864](#)

1 1. On page 2, line 14, after "cancels" insert "such subscription or
2 purchasing agreement".

Senator Hunt filed the following amendment to [LB132](#):

[AM1865](#)

1 1. On page 2, line 16, after "offer" insert ", including a detailed
2 description of the steps the consumer must take to initiate
3 cancellation".

Senator Hunt filed the following amendment to [LB142](#):

[AM1866](#)

1 1. On page 2, strike lines 13 through 16; and in line 17 strike
2 "(3)" and insert "(2)".

Senator Hunt filed the following amendment to [LB142](#):

[AM1867](#)

1 1. On page 2, line 11, after "supply" insert "or three hundred
2 dollars per ninety-day supply".

Senator Hunt filed the following amendment to [LB210](#):

[AM1868](#)

1 1. On page 2, line 14, strike "(a)"; in line 20 after the second
2 comma insert "a managed-care organization."; and strike line 23.

Senator Hunt filed the following amendment to [LB210](#):

[AM1869](#)

1 1. On page 4, line 7, strike "each October 1" and insert "annually".

Senator Hunt filed the following amendment to [LB354](#):

[AM1870](#)

1 1. On page 2, strike beginning with "for" in line 26 through
2 "limits" in line 27.

Senator Hunt filed the following amendment to [LB354](#):

[AM1871](#)

1 1. On page 2, line 31, after "provided" insert "ten days".

Senator Hunt filed the following amendment to [LB355](#):

[AM1872](#)

1 1. On page 2, line 12, strike "one" and insert "two".

Senator Hunt filed the following amendment to [LB355](#):

[AM1873](#)

1 1. On page 2, line 12, strike "bodily".

Senator Hunt filed the following amendment to [LB423](#):

[AM1874](#)

1 1. On page 2, line 12, strike "shall" and insert "may".

Senator Hunt filed the following amendment to [LB423](#):

[AM1875](#)

1 1. On page 2, lines 14 and 25, strike "one".

Senator Hunt filed the following amendment to [LB446](#):

[AM1876](#)

1 1. On page 2, line 12, strike "an" and insert "a licensed".

Senator Hunt filed the following amendment to [LB446](#):

[AM1877](#)

1 1. On page 2, line 19, strike "consideration" and insert
2 "compensation".

Senator Hunt filed the following amendment to [LB448](#):

[AM1878](#)

1 1. On page 2, line 16, strike "to choose".

Senator Hunt filed the following amendment to [LB448](#):

[AM1879](#)

1 1. On page 2, strike lines 27 through 31 and insert the following
2 new subdivision:
3 "(g) Condition, deny, restrict, refuse to authorize or approve, or
4 reduce payment to a participating provider for providing covered
5 clinician-administered drugs and related services to covered persons:
6 (i) When the participating provider obtains clinician-administered
7 drugs from a wholesaler, a distributor, an entity, or a pharmacy that is
8 not a participating provider in the insurer's network, if all criteria
9 for medical necessity are met; or
10 (ii) On a religious basis;"
11 2. On page 3, strike lines 1 and 2.

Senator Hunt filed the following amendment to [LB101](#):

[AM1935](#)

1 1. On page 4, lines 26 and 27, strike "or at any time more than
2 thirty calendar days prior to the time of injury" and show as stricken.

Senator Hunt filed the following amendment to [LB203](#):

[AM1936](#)

1 1. On page 5, line 9, strike "patient's waiver" and insert "waiver
2 signed by such employee".

Senator Hunt filed the following amendment to [LB203](#):

[AM1937](#)

1 1. On page 5, lines 19 and 20, strike "mental health" and insert
2 "psychiatric".

Senator Hunt filed the following amendment to [LB272](#):

[AM1938](#)

1 1. On page 2, lines 3 and 5, strike "three" and insert "five"; and
2 in line 6 strike "fourth" and insert "sixth".

Senator Hunt filed the following amendment to [LB272](#):
[AM1939](#)

1 1. On page 2, line 7, strike "two" and insert "four".

VISITORS

Visitors to the Chamber were students from Harrison Elementary, Omaha; students from Holling Heights Elementary, Omaha.

RECESS

At 12:24 p.m., on a motion by Senator Fredrickson, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:15 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Bosn, Bostar, Conrad, Day, Dover, Fredrickson, Hunt, Ibach, McKinney, Slama, Vargas, and Walz who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR84	General Affairs
LR97	Revenue
LR98	General Affairs
LR100	Judiciary
LR103	General Affairs
LR104	General Affairs
LR105	General Affairs
LR106	Agriculture
LR118	Banking, Commerce and Insurance
LR119	Banking, Commerce and Insurance
LR120	Banking, Commerce and Insurance
LR121	Banking, Commerce and Insurance
LR122	Banking, Commerce and Insurance
LR123	Banking, Commerce and Insurance
LR124	Judiciary
LR125	Judiciary
LR126	Judiciary
LR127	Judiciary
LR128	Judiciary

LR129	Education
LR130	Transportation and Telecommunications
LR132	Health and Human Services
LR133	Natural Resources
LR134	Judiciary
LR135	Executive Board
LR136	Health and Human Services
LR137	Banking, Commerce and Insurance
LR138	Urban Affairs
LR139	Urban Affairs
LR140	Urban Affairs
LR141	Urban Affairs
LR142	Government, Military and Veterans Affairs
LR143	Judiciary
LR144	Education
LR145	Education
LR147	Education
LR148	Education
LR149	Education
LR150	Health and Human Services
LR151	Health and Human Services
LR152	Education
LR153	Appropriations
LR154	Health and Human Services
LR155	Revenue
LR156	Government, Military and Veterans Affairs
LR157	Nebraska Retirement Systems
LR158	Nebraska Retirement Systems
LR159	Nebraska Retirement Systems
LR160	Nebraska Retirement Systems
LR161	Nebraska Retirement Systems
LR162	Natural Resources
LR163	Natural Resources
LR164	Executive Board
LR166	Education
LR167	Appropriations
LR168	Health and Human Services
LR169	Appropriations
LR170	Education
LR171	Health and Human Services
LR172	Transportation and Telecommunications
LR174	Business and Labor
LR175	Banking, Commerce and Insurance
LR176	Agriculture
LR178	Executive Board
LR179	Executive Board
LR180	Banking, Commerce and Insurance
LR181	Banking, Commerce and Insurance
LR182	Appropriations

LR183 Appropriations
LR184 Transportation and Telecommunications
LR185 Transportation and Telecommunications
LR186 Revenue
LR188 Executive Board
LR189 Urban Affairs
LR190 Health and Human Services
LR191 Health and Human Services
LR192 Education
LR193 Business and Labor
LR194 Judiciary
LR195 Transportation and Telecommunications
LR196 Health and Human Services
LR197 Banking, Commerce and Insurance
LR198 Appropriations
LR199 Health and Human Services
LR200 Appropriations
LR201 Judiciary
LR202 Health and Human Services
LR203 Health and Human Services
LR204 Judiciary
LR205 Judiciary
LR206 Appropriations
LR207 Judiciary
LR208 Appropriations
LR209 Judiciary
LR210 Business and Labor
LR211 Health and Human Services
LR212 Agriculture
LR213 Health and Human Services
LR214 Transportation and Telecommunications
LR215 Judiciary
LR216 Natural Resources
LR217 Judiciary
LR218 Appropriations
LR219 Agriculture
LR220 Education
LR221 Government, Military and Veterans Affairs
LR222 Government, Military and Veterans Affairs
LR223 Government, Military and Veterans Affairs
LR224 Natural Resources
LR225 Business and Labor
LR226 Health and Human Services
LR227 Transportation and Telecommunications
LR228 Education
LR229 Health and Human Services
LR230 Judiciary
LR231 Judiciary
LR232 Health and Human Services

LR233 Health and Human Services
LR234 Health and Human Services
LR235 Revenue
LR236 Revenue
LR237 Banking, Commerce and Insurance
LR238 Urban Affairs
LR239 Urban Affairs
LR240 Education
LR241 Health and Human Services
LR242 Revenue
LR243 Revenue
LR244 Judiciary
LR245 Judiciary
LR246 Education
LR247 Government, Military and Veterans Affairs
LR248 Natural Resources
LR250 Urban Affairs
LR251 Education
LR252 Health and Human Services

(Signed) Tom Briese, Chairperson
Executive Board

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB565e.

MOTION - Return LB243A to Select File

Senator M. Cavanaugh made a parliamentary inquiry to clarify the rules on taking up a bill on Final Reading without a layover day.

The Chair clarified that the agenda shows a motion to return a bill to Select File specifically for adopting an amendment and further explained how constitutionally the body cannot take up a bill on final reading for a vote without the layover day.

Senator Briese moved to return LB243A to Select File for his specific amendment, [AM1881](#), found on page 1644.

Senator M. Cavanaugh requested a roll call vote on the Briese motion to return.

Voting in the affirmative, 40:

Aguilar	Brandt	Dorn	Hughes	Moser
Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Erdman	Jacobson	Raybould
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Vargas
Bosn	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	Wayne

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 8:

Bostar	Dover	McKinney	Walz
Day	Hunt	Slama	Wishart

The Briese motion to return prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 243A. The Briese specific amendment, [AM1881](#), found on page 1644, was offered.

Senator Briese offered the following motion:

[MO1136](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:

Aguilar	Brandt	Dorn	Hughes	Moser
Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Erdman	Jacobson	Raybould
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Vargas
Bosn	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	Wayne

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 8:

Bostar	Dover	McKinney	Walz
Day	Hunt	Slama	Wishart

The Briese motion to invoke cloture prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Briese specific amendment.

Voting in the affirmative, 40:

Aguilar	Brandt	Dorn	Hughes	Moser
Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Erdman	Jacobson	Raybould
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Vargas
Bosn	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	Wayne

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 8:

Bostar	Dover	McKinney	Walz
Day	Hunt	Slama	Wishart

The Briese specific amendment was adopted with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Brandt	Dorn	Hughes	Moser
Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Erdman	Jacobson	Raybould
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Vargas
Bosn	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Wayne

Excused and not voting, 8:

Bostar	Dover	McKinney	Walz
Day	Hunt	Slama	Wishart

Advanced to Enrollment and Review for Reengrossment with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Senator Armendariz filed the following amendment to [LB727](#):
[AM1942](#)

(Amendments to E&R amendments, ER34)

1 1. Insert the following new section:

2 Sec. 121. Section 81-12,245, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 81-12,245 (1) The Department of Economic Development shall use any
5 funds received from the federal Coronavirus Capital Projects Fund under
6 the federal American Rescue Plan Act of 2021 as follows:

7 (a) No more than thirty-five million dollars to eligible projects
8 that are located within a congressional district which contains a city of
9 the metropolitan class. Within a city of the metropolitan class, grants
10 shall be given to multipurpose community facilities;

11 (b) No less than forty million dollars to eligible projects that are
12 located within a congressional district which contains a city of the
13 primary class;

14 (c) No less than forty million dollars to eligible projects that are
15 located within a congressional district which does not contain a city of
16 the metropolitan class or a city of the primary class. Grants under this
17 subdivision shall be awarded to eligible projects in cities of the second
18 class and villages; and

19 (d) No more than five million dollars of such federal funds for the
20 administration by the department of funds received from the federal
21 Coronavirus Capital Projects Fund under the federal American Rescue Plan
22 Act of 2021.

23 (2) Any funds received from the federal Coronavirus Capital Projects
24 Fund under the federal American Rescue Plan Act of 2021 utilized for
25 eligible broadband infrastructure projects shall be administered in a

26 manner consistent with the Nebraska Broadband Bridge Act, except that the
 1 matching funds requirement in section 86-1304 shall not apply to such
 2 federal funding for broadband projects.

3 (3) The department shall, beginning July 1, 2022, through July 15,
 4 2022, allow a qualified public or private entity to apply for a grant
 5 using funds received from the federal Coronavirus Capital Projects Fund
 6 under the federal American Rescue Plan Act of 2021. The department may
 7 open additional grant application periods as needed until all funds are
 8 allocated.

9 (4) Grants under subdivision (1)(a) of this section shall be
 10 restricted to eligible projects located within or adjacent to one or more
 11 qualified census tracts or economic redevelopment areas as defined in
 12 section 81-12.153 in a city of the metropolitan class in qualified census
 13 tracts. Priority for grants under subdivision (1)(a) of this section
 14 shall be given to a city of the metropolitan class in partnership with a
 15 nonprofit organization for eligible projects for the rehabilitation or
 16 expansion of existing multipurpose community facilities.

17 2. Correct the operative date and repealer sections so that the
 18 section added by this amendment becomes operative on its effective date
 19 with the emergency clause.

20 3. Renumber the remaining sections and correct internal references
 21 accordingly.

MOTION - Return LB583A to Select File

Senator Sanders withdrew [FA69](#), found on page 1267.

Senator Sanders moved to return LB583A to Select File for her specific
 amendment, [AM1909](#), found on page 1645.

Senator M. Cavanaugh requested a roll call vote on the Sanders motion to
 return.

Voting in the affirmative, 37:

Aguilar	Brandt	Erdman	Kauth	Riepe
Albrecht	Brewer	Fredrickson	Linehan	Sanders
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Clements	Hardin	Lowe	von Gillern
Ballard	Conrad	Holderoft	McDonnell	Wayne
Blood	DeBoer	Hughes	Moser	
Bosn	Dorn	Ibach	Murman	
Bostelman	Dungan	Jacobson	Raybould	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 11:

Bostar	DeKay	Hunt	Walz
Cavanaugh, J.	Dover	McKinney	Wishart
Day	Hansen	Slama	

The Sanders motion to return prevailed with 37 ayes, 0 nays, 1 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 583A. The Sanders specific amendment, [AM1909](#), found on page 1645, was offered.

Senator Sanders offered the following motion:

[MO1137](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Murman
Albrecht	Brewer	Erdman	Jacobson	Raybould
Arch	Briese	Fredrickson	Kauth	Riepe
Armendariz	Clements	Halloran	Linehan	Sanders
Ballard	Conrad	Hansen	Lippincott	Vargas
Blood	DeBoer	Hardin	Lowe	von Gillern
Bosn	DeKay	Holdcroft	McDonnell	Wayne
Bostelman	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

Bostar	Day	Hunt	Slama	Wishart
Cavanaugh, J.	Dover	McKinney	Walz	

The Sanders motion to invoke cloture prevailed with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Sanders specific amendment.

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Murman
Albrecht	Brewer	Erdman	Jacobson	Raybould
Arch	Briese	Fredrickson	Kauth	Riepe
Armendariz	Clements	Halloran	Linehan	Sanders
Ballard	Conrad	Hansen	Lippincott	Vargas
Blood	DeBoer	Hardin	Lowe	von Gillern
Bosn	DeKay	Holdcroft	McDonnell	Wayne
Bostelman	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

Bostar	Day	Hunt	Slama	Wishart
Cavanaugh, J.	Dover	McKinney	Walz	

The Sanders specific amendment was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Murman
Albrecht	Brewer	Erdman	Jacobson	Raybould
Arch	Briese	Fredrickson	Kauth	Riepe
Armendariz	Clements	Halloran	Linehan	Sanders
Ballard	Conrad	Hansen	Lippincott	Vargas
Blood	DeBoer	Hardin	Lowe	von Gillern
Bosn	DeKay	Holdcroft	McDonnell	Wayne
Bostelman	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

Bostar	Day	Hunt	Slama	Wishart
Cavanaugh, J.	Dover	McKinney	Walz	

Advanced to Enrollment and Review for Reengrossment with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 255. Introduced by Conrad, 46.

WHEREAS, the National Forensic Association was established in 1973 to promote pedagogy, scholarship, and competition in intercollegiate forensics; and

WHEREAS, the National Forensic Association hosts the annual National Forensic Association National Championship Tournament, drawing in schools and competitors from across the country to compete in individual events and Lincoln-Douglas debate; and

WHEREAS, Nicholas Wallenburg, a graduating senior at the University of Nebraska-Lincoln, was undefeated through the five-day tournament and won the 2023 National Championship in Lincoln-Douglas debate; and

WHEREAS, Nicholas also coached the Lincoln North Star High School debate team, leading the team to win two consecutive Nebraska state championships in Lincoln-Douglas debate; and

WHEREAS, Nicholas represents the absolute best of the University of Nebraska-Lincoln through his strong moral character, dedication to team leadership and mentoring, and his outstanding scholarship. Consequently, Nicholas was voted the top All-American debater by the Lincoln-Douglas Coaches Association in March 2023; and

WHEREAS, Nicholas Wallenburg has had a historic individual debate career and has acted not only as a leader but as an ambassador for the Cornhusker debate team and the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Nicholas for being awarded the National Forensic Association National Individual Championship in Lincoln-Douglas debate and for his numerous accomplishments in collegiate debate at the University of Nebraska-Lincoln.

2. That a copy of this resolution be sent to Nicholas Wallenburg.

Laid over.

MOTION - Return LB565A to Select File

Senator M. Cavanaugh moved to return LB565A to Select File for her specific amendment, [FA154](#), found on page 1638.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 39:

Aguilar	Brandt	Dungan	Jacobson	Raybould
Albrecht	Brewer	Erdman	Kauth	Riepe
Arch	Briese	Fredrickson	Linehan	Sanders
Armendariz	Clements	Halloran	Lippincott	Slama
Ballard	Conrad	Hardin	Lowe	Vargas
Blood	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Moser	Wayne
Bostelman	Dorn	Ibach	Murman	

Present and not voting, 3:

Bostar Cavanaugh, M. Hunt

Excused and not voting, 7:

Cavanaugh, J.	Dover	McKinney	Wishart
Day	Hansen	Walz	

The M. Cavanaugh motion to return failed with 0 ayes, 39 nays, 3 present and not voting, and 7 excused and not voting.

Senator Bostelman offered the following motion:

[MO1135](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bostelman requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lowe	von Gillern
Ballard	Clements	Hardin	McDonnell	Wayne
Blood	Conrad	Holdcroft	Moser	
Bosn	DeBoer	Hughes	Murman	
Bostar	DeKay	Ibach	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Day	Hansen	Walz
Dover	McKinney	Wishart

The Bostelman motion to invoke cloture prevailed with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 565A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 565, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Brandt	Dungan	Kauth	Sanders
Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Halloran	Lowe	von Gillern
Ballard	Clements	Hardin	McDonnell	Wayne
Blood	Conrad	Holdcroft	Moser	
Bosn	DeBoer	Hughes	Murman	
Bostar	DeKay	Ibach	Raybould	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Day	Hansen	Walz
Dover	McKinney	Wishart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB683

Senator Moser withdrew [MO1016](#), found on page 1390, to recommit to committee, to LB683.

MOTION - Return LB683 to Select File

Senator M. Cavanaugh moved to return LB683 to Select File for the following specific amendment:

[FA163](#)

Strike Section 1.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB565Ae.

MOTION - Return LB683 to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB683 to Select File for her specific amendment, [FA163](#).

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 35:

Aguilar	Brewer	Dungan	Hughes	Moser
Arch	Briese	Erdman	Ibach	Murman
Armendariz	Cavanaugh, J.	Fredrickson	Jacobson	Raybould
Ballard	Clements	Halloran	Kauth	Riepe
Bosn	Conrad	Hansen	Linehan	Slama
Bostelman	DeBoer	Hardin	Lippincott	Vargas
Brandt	Dorn	Holdcroft	Lowe	von Gillern

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 12:

Albrecht	DeKay	McDonnell	Walz
Bostar	Dover	McKinney	Wayne
Day	Hunt	Sanders	Wishart

The M. Cavanaugh motion to return failed with 0 ayes, 35 nays, 2 present and not voting, and 12 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO1142](#)

Reconsider the vote taken on the motion to return to Select File.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 36:

Aguilar	Brandt	Dorn	Jacobson	Sanders
Albrecht	Brewer	Dungan	Kauth	Vargas
Arch	Briese	Erdman	Linehan	von Gillern
Armendariz	Cavanaugh, J.	Halloran	Lippincott	Wishart
Ballard	Clements	Hansen	Lowe	
Bosn	Conrad	Hardin	Moser	
Bostar	DeBoer	Holdcroft	Murman	
Bostelman	DeKay	Ibach	Raybould	

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 11:

Day	Hughes	McKinney	Walz
Dover	Hunt	Riepe	Wayne
Fredrickson	McDonnell	Slama	

The M. Cavanaugh motion to reconsider failed with 0 ayes, 36 nays, 2 present and not voting, and 11 excused and not voting.

MOTION- Return LB683 to Select File

Senator M. Cavanaugh moved to return LB683 to Select File for the following specific amendment:

[FA164](#)

Strike Section 2.

Senator M. Cavanaugh requested a roll call vote on her motion to return.

Voting in the affirmative, 0.

Voting in the negative, 37:

Albrecht	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Clements	Fredrickson	Linehan	Vargas
Ballard	Conrad	Halloran	Lippincott	von Gillern
Bostar	DeBoer	Hansen	Lowe	Wishart
Bostelman	DeKay	Hardin	Moser	
Brandt	Dorn	Holdcroft	Murman	
Brewer	Dover	Ibach	Raybould	

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 10:

Aguilar	Day	Hunt	McKinney	Walz
Bosn	Hughes	McDonnell	Slama	Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 37 nays, 2 present and not voting, and 10 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO1143](#)

Reconsider the vote taken on the motion to return to Select File.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to reconsider. No objections. So ordered.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB683 with 35 ayes, 4 nays, 1 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 683. With Emergency Clause.

A BILL FOR AN ACT relating to infrastructure; to amend sections 39-2805, 66-4,100, 81-502.03, and 86-125, Reissue Revised Statutes of Nebraska, and sections 76-2301, 76-2303, 76-2323, 76-2325, 86-324, 86-328, 86-331, 86-333, 86-1103, 86-1241, 86-1304, 86-1309, and 86-1312, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the County Bridge Match Program, the Highway Cash Fund, and the Roads Operation Cash Fund; to provide duties for the Department of Transportation; to define terms; to change provisions of the One-Call

Notification System Act and provide duties for the State Fire Marshal; to create the Underground Excavation Safety Committee; to provide for a civil penalty; to adopt the Rural Communications Sustainability Act; to change provisions relating to a registration filed by a communications provider and the Nebraska Telecommunications Universal Service Fund; to create the Nebraska Broadband Office and provide duties; to require a report; to change provisions relating to a broadband access map, the state broadband coordinator, the Nebraska Broadband Bridge Act, and the Small Wireless Facilities Deployment Act; to eliminate a report; to harmonize provisions; to repeal the original sections; to outright repeal section 76-2325.02, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Albrecht	Brewer	Dungan	Ibach	Raybould
Arch	Briese	Erdman	Jacobson	Riepe
Armendariz	Clements	Fredrickson	Kauth	Sanders
Ballard	Conrad	Halloran	Lippincott	Slama
Bosn	DeBoer	Hansen	Lowe	Vargas
Bostar	DeKay	Hardin	McDonnell	von Gillern
Bostelman	Dorn	Holdcroft	Moser	Wishart
Brandt	Dover	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Blood Cavanaugh, J. Cavanaugh, M.

Excused and not voting, 7:

Aguilar	Hunt	McKinney	Wayne
Day	Linehan	Walz	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 683A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 683, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Albrecht	Brewer	Dungan	Jacobson	Sanders
Arch	Briese	Erdman	Kauth	Slama
Armendariz	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Ballard	Clements	Halloran	Lowe	von Gillern
Blood	Conrad	Hansen	McDonnell	Wishart
Bosn	DeBoer	Hardin	Moser	
Bostar	DeKay	Holdcroft	Murman	
Bostelman	Dorn	Hughes	Raybould	
Brandt	Dover	Ibach	Riepe	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 7:

Aguilar	Hunt	McKinney	Wayne
Day	Linehan	Walz	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 2023, at 3:56 p.m. were the following: LBs 565e and 565Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to LB514:

[FA166](#)

Strike Sections 10 and 11.

Senator Slama filed the following amendment to LB514:

[FA167](#)

Strike Section 12.

Senator Slama filed the following amendment to LB514:

[FA168](#)

Strike Section 17.

Senator Slama filed the following amendment to [LB514](#):

[FA169](#)

Strike Section 18.

Senator Slama filed the following amendment to [LB514](#):

[FA170](#)

Strike Section 19.

Senator Slama filed the following amendment to [LB514](#):

[FA171](#)

Strike Section 23.

Senator Brewer filed the following amendment to [LB514A](#):

[AM1945](#)

1 1. On page 2, line 1, strike "\$1,214,180" and insert "\$1,210,850";
2 and in line 9, strike "\$553,000" and insert "\$587,500".

MOTIONS - Print in Journal

Senator Halloran filed the following motion to [LB50](#):

[MO1138](#)

Bracket until June 9, 2023.

Senator Halloran filed the following motion to [LB50](#):

[MO1139](#)

Recommit to the Judiciary Committee.

Senator Halloran filed the following motion to [LB50](#):

[MO1140](#)

Indefinitely postpone.

RESOLUTIONS

LEGISLATIVE RESOLUTION 256. Introduced by Erdman, 47.

WHEREAS, on May 11, 2014, an F-3 tornado destroyed the family farm belonging to Curt and Angie Eberspacher and their three daughters located in Beaver Crossing, Nebraska; and

WHEREAS, the Eberspacher family rebuilt the horse barn and the indoor arena and added a bunkhouse; and

WHEREAS, Sarah Eberspacher with her two sisters, Emily and Hanah, started their own business called Triple E Equine in order to meet the needs of those traveling with horses; and

WHEREAS, Sarah Eberspacher is a senior at the University of Nebraska majoring in Agriculture and Environmental Science Communications, who won the 2023 Intercollegiate Horse Show Association Regional Horse Show in Colby, Kansas, qualifying for the 2023 National Championship Horse Show in Lexington, Kentucky; and

WHEREAS, Sarah Eberspacher represented the University of Nebraska at the 2023 Intercollegiate Horse Show Association National Championship Horse Show in Lexington, Kentucky, where she drew Wally, a 16h gelding from Albion College, rode the Middle Tennessee State University gelding Slim in the reining phase to a score of 141.5 points, and scored the highest overall points to win the Back on Track Western High-Point Rider horsemanship championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the hardships that the Eberspacher family have overcome.
2. That the Legislature honors and celebrates the superlative horsemanship demonstrated by Sarah Eberspacher at the 2023 Intercollegiate Horse Show Association Regional Horse Show in Colby, Kansas, and at the National Championship Horse Show in Lexington, Kentucky, where she scored the highest overall points and won the Back on Track Western High-Point Rider championship.
3. That the Legislature recognizes that Sarah Eberspacher is only the second student from the University of Nebraska to ever achieve the title of High-Point Rider national champion.

Laid over.

LEGISLATIVE RESOLUTION 257. Introduced by Vargas, 7.

WHEREAS, the Nebraska section of the American College of Obstetricians and Gynecologists is dedicated to improving the lives and communities of all people seeking obstetric and gynecologic care; and

WHEREAS, the Nebraska section of the American College of Obstetricians and Gynecologists has two hundred twenty-seven practicing obstetricians and gynecologists caring for patients across the State of Nebraska; and

WHEREAS, these obstetricians and gynecologists care and advocate for Nebraskans ensuring proper and timely medical care to patients;

WHEREAS, the goal of the Nebraska section of the American College of Obstetricians and Gynecologists is to assure the safety of healthy mothers and healthy babies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Nebraska Section of the American College of Obstetricians and Gynecologists for working with Nebraska women and families.
2. That a copy of this resolution be sent to the Nebraska section of the American College of Obstetricians and Gynecologists.

Laid over.

LEGISLATIVE RESOLUTION 258. Introduced by Vargas, 7.

WHEREAS, Omaha Performing Arts celebrated the grand opening of Steelhouse Omaha on May 12, 2023. Steelhouse Omaha is a one-of-a-kind art and entertainment venue for local, national, and international performers in Omaha, Nebraska; and

WHEREAS, Steelhouse Omaha will act as an economic hub by providing jobs, generating revenue, and attracting entertainers, tourists, and residents to downtown Omaha; and

WHEREAS, community organizations and local artists will be able to utilize Steelhouse Omaha for events, open houses, and weekend festivities; and

WHEREAS, Steelhouse Omaha will attract entertainment to the Omaha community and create a valuable economic asset to Nebraska and the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Steelhouse Omaha on its grand opening.
2. That a copy of this resolution be sent to Steelhouse Omaha.

Laid over.

LEGISLATIVE RESOLUTION 259. Introduced by Vargas, 7.

WHEREAS, Urban Abbey is a nonprofit organization that provides a safe, inclusive, and hospitable space for Omaha residents; and

WHEREAS, founding pastor Reverend Debra McKnight is passionate about connecting people and nurturing their faith while being an advocate for social justice, women's rights, and the LGBTQ+ community; and

WHEREAS, by sharing hospitality through coffee and community, Urban Abbey creates a safe space that focuses on compassion, love, and understanding for all Nebraskans; and

WHEREAS, Urban Abbey and Reverend Debra McKnight's hard work, dedication, and resiliency is worthy of recognition and admiration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature appreciates Urban Abbey's commitment to the Omaha community.
2. That copies of this resolution be sent to Urban Abbey and Reverend Debra McKnight.

Laid over.

LEGISLATIVE RESOLUTION 260. Introduced by Conrad, 46.

WHEREAS, Ms. Susan Foltz has been selected as the 2023 Nebraska Direct Support Professional of the Year by the American Network of Community Options and Resources for her hard work and dedication to her profession; and

WHEREAS, Ms. Foltz is a resident of north Lincoln's Legislative District 46; and

WHEREAS, the work of direct support professionals is physically and emotionally challenging, and is vital to bettering the lives of those with intellectual and developmental disabilities; and

WHEREAS, Ms. Foltz is a dedicated and hardworking employee of BrightSpring Health Services; and

WHEREAS, Ms. Foltz's work for her clients is often unnoticed and behind the scenes with little or no recognition; and

WHEREAS, Ms. Foltz was nominated by her employer, BrightSpring Health Services, for her exemplary work ethic, patience, and commitment to people with intellectual and developmental disabilities; and

WHEREAS, Ms. Foltz's clients love her for her patience, kindness and dedication.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Ms. Susan Foltz for her hard work and dedication as a direct support professional.
2. That the Legislature congratulates Ms. Susan Foltz on being selected as the 2023 Nebraska Direct Professional of the Year.
3. That a copy of this resolution be sent to Ms. Susan Foltz.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 683e and 683Ae.

EASE

The Legislature was at ease from 5:27 p.m. until 6:03 p.m.

SENATOR DEBOER PRESIDING

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 514. Placed on Select File with amendment.

[ER36](#)

- 1 1. On page 1, strike beginning with "elections" in line 1 through
- 2 line 15 and insert "government; to amend sections 32-308, 32-914, 32-941,
- 3 32-942, 32-943, 32-953, 32-957, 60-4,119, 60-4,120, and 71-612, Reissue
- 4 Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202,
- 5 32-318.01, 32-915, 32-1027, and 60-4,115, Revised Statutes Cumulative

6 Supplement, 2022; to provide for valid photographic identification for
7 voting purposes; to provide for verification of citizenship of registered
8 voters; to provide procedures for a voter with a reasonable impediment or
9 a religious objection to being photographed; to change provisions
10 relating to voting and counting ballots; to provide for free state
11 identification cards and certified copies of birth records for voting
12 purposes as prescribed; to change provisions relating to issuance of a
13 state identification card or an operator's license; to harmonize
14 provisions; to provide operative dates; to repeal the original sections;
15 and to declare an emergency.".

LEGISLATIVE BILL 514A. Placed on Select File.

LEGISLATIVE BILL 50. Placed on Select File with amendment.
[ER35](#) is available in the Bill Room.

LEGISLATIVE BILL 50A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 727. Senator Conrad offered [MO811](#), found on page 971, to bracket until June 2, 2023.

Senator Conrad withdrew her motion to bracket.

Senator Conrad withdrew [MO810](#), found on page 971, to recommit to committee.

Senator Conrad withdrew [MO809](#), found on page 970, to indefinitely postpone.

[ER34](#), found on page 1612, was adopted.

Senator Linehan asked unanimous consent to withdraw [FA136](#), found on page 1613, to [ER34](#), and replace it with substitute amendment, [AM1905](#), to [ER34](#). No objections. So ordered.
[AM1905](#) is available in the Bill Room.

The Linehan amendment, to [ER34](#), was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Armendariz offered [AM1942](#), found in this day's Journal, to [ER34](#).

The Armendariz amendment, to [ER34](#), was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Bostar offered [AM1747](#), found on page 1458.

The Bostar amendment was withdrawn.

Senator Linehan offered [FA116](#), found on page 1466.

The Linehan amendment was withdrawn.

Senator M. Cavanaugh offered [AM1452](#), found on page 1509.

Senator M. Cavanaugh requested a roll call vote on her amendment.

The M. Cavanaugh amendment lost with 0 ayes, 34 nays, 2 present and not voting, 4 absent and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered [AM1456](#), found on page 1509.

Senator M. Cavanaugh requested a roll call vote on her amendment.

The M. Cavanaugh amendment lost with 0 ayes, 27 nays, 4 present and not voting, 9 absent and not voting, and 9 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB514](#):

[FA172](#)

Strike Sections 5, 10, 11, 12, 17, 18, 19, and 23.

Senator Slama filed the following amendment to [LB514](#):

[FA173](#)

Strike Section 1.

Senator Slama filed the following amendment to [LB514](#):

[FA174](#)

Strike Section 2.

Senator Slama filed the following amendment to [LB514](#):

[FA175](#)

Strike Section 3.

Senator Slama filed the following amendment to [LB514](#):

[FA176](#)

Strike Section 4.

Senator Slama filed the following amendment to [LB514](#):

[FA177](#)

Strike Section 5.

Senator Slama filed the following amendment to [LB514](#):

[FA178](#)

Strike Section 6.

Senator Slama filed the following amendment to [LB514](#):

[FA179](#)

Strike Section 7.

Senator Slama filed the following amendment to [LB514](#):

[FA180](#)

Strike Section 8.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE RESOLUTION 243A. Placed on Final Reading Second.

LEGISLATIVE RESOLUTION 583A. Placed on Final Reading Second.

[ST21](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriations" in line 1 through line 4 has been struck and "appropriations; to amend section 50, Legislative Bill 814, One Hundred Eighth Legislature, First Session, 2023; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Eighth Legislature, First Session, 2023; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency." inserted.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 727. Senator M. Cavanaugh offered [AM1457](#), found on page 1509.

SENATOR DORN PRESIDING

Senator M. Cavanaugh requested a roll call vote on her amendment.

The M. Cavanaugh amendment lost with 0 ayes, 31 nays, 1 present and not voting, 7 absent and not voting, and 10 excused and not voting.

Senator M. Cavanaugh offered [AM1458](#), found on page 1509.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh withdrew [AM1443](#), found on page 1508.

Senator M. Cavanaugh withdrew [AM1444](#), found on page 1508.

Senator M. Cavanaugh withdrew [AM1445](#), found on page 1509.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were students from Washington County Home School Group, Blair; students from Grace Abbott Elementary, Omaha; Peyton Wolfe and Ainsley Garcia, Lincoln.

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

ADJOURNMENT

At 9:28 p.m., on a motion by Senator Raybould, the Legislature adjourned until 9:00 a.m., Wednesday, May 24, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 24, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 24, 2023

PRAYER

The prayer was offered by Pastor Eric Moser, Riverview Community Church, Ashland.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Murman.

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 Bosn, Bostar, Day, Hunt, McKinney, Slama, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2023, at 8:25 a.m. were the following: LBs 683e and 683Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to LB514:

[FA182](#)

Strike Section 35.

Senator Slama filed the following amendment to [LB514](#):

[FA183](#)

Strike Section 36.

Senator Slama filed the following amendment to [LB514](#):

[FA184](#)

Strike Section 37.

Senator Slama filed the following amendment to [LB514](#):

[FA185](#)

Strike Section 39.

Senator Slama filed the following amendment to [LB514](#):

[FA186](#)

Strike Section 38.

SELECT FILE

LEGISLATIVE BILL 562A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 705A. Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 165, 173, 177 and 187 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 165, 173, 177 and 187.

MOTION - Recommit LB753 to Committee

Senator Hunt offered [MO826](#), found on page 974, recommit to Revenue Committee.

Senator Linehan offered the following motion:

[MO1145](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Brewer	Hansen	Linehan	Riepe
Albrecht	Briese	Hardin	Lippincott	Sanders
Arch	Clements	Holdcroft	Lowe	Slama
Armendariz	DeKay	Hughes	McDonnell	von Gillern
Ballard	Dover	Ibach	McKinney	Wayne
Bosn	Erdman	Jacobson	Moser	
Bostelman	Halloran	Kauth	Murman	

Voting in the negative, 11:

Blood	Cavanaugh, M.	Dungan	Raybould
Bostar	Conrad	Fredrickson	Wishart
Cavanaugh, J.	DeBoer	Hunt	

Present and not voting, 5:

Brandt	Day	Dorn	Vargas	Walz
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The Linehan motion to invoke cloture prevailed with 33 ayes, 11 nays, and 5 present and not voting.

Voting in the affirmative, 7:

Cavanaugh, J.	Conrad	Dungan	Raybould
Cavanaugh, M.	DeBoer	Hunt	

Voting in the negative, 35:

Aguilar	Brandt	Erdman	Jacobson	Murman
Albrecht	Brewer	Halloran	Kauth	Riepe
Arch	Briese	Hansen	Linehan	Sanders
Armendariz	Clements	Hardin	Lippincott	Slama
Ballard	DeKay	Holdcroft	Lowe	von Gillern
Bosn	Dorn	Hughes	McDonnell	Walz
Bostelman	Dover	Ibach	Moser	Wayne

Present and not voting, 7:

Blood	Day	McKinney	Wishart
Bostar	Fredrickson	Vargas	

The Hunt motion to recommit to committee failed with 7 ayes, 35 nays, and 7 present and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB753 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 753.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2022; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Brewer	Hansen	Linehan	Riepe
Albrecht	Briese	Hardin	Lippincott	Sanders
Arch	Clements	Holdcroft	Lowe	Slama
Armendariz	DeKay	Hughes	McDonnell	von Gillem
Ballard	Dover	Ibach	McKinney	Wayne
Bosn	Erdman	Jacobson	Moser	
Bostelman	Halloran	Kauth	Murman	

Voting in the negative, 11:

Blood	Cavanaugh, M.	Dungan	Raybould
Bostar	Conrad	Fredrickson	Wishart
Cavanaugh, J.	DeBoer	Hunt	

Present and not voting, 5:

Brandt	Day	Dorn	Vargas	Walz
--------	-----	------	--------	------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 261. Introduced by McDonnell, 5.

WHEREAS, the Omaha Sister Cities Association has a long and storied history of fostering meaningful relationships between Omaha, Nebraska, and cities around the world, promoting cultural understanding, educational exchanges, and economic cooperation; and

WHEREAS, the city of Accra, Ghana, with its rich cultural history and identity, including the historic Jamestown district, has been identified as an ideal candidate to be Omaha's first sister city in Africa, thereby bridging communities across continents and fostering global connections; and

WHEREAS, the collaborative efforts between Black Men United, Nebraska state senators, local government officials, educational institutions, and business organizations in both Omaha and Accra have shown dedication and commitment to connecting these two cities; and

WHEREAS, over sixty thousand Africans and seventy thousand African Americans reside in the greater Omaha area creating a unique opportunity for cultural exchange, understanding, and the development of strong ties between Omaha and Accra with an emphasis on the Jamestown district; and

WHEREAS, the establishment of a sister city relationship between Omaha and Accra would promote economic cooperation and business opportunities for both cities, leading to mutual growth and prosperity; and

WHEREAS, the potential for agricultural partnerships between Nebraska and Accra such as the exchange of knowledge and technology in conservation agriculture, could contribute significantly to sustainable agricultural practices and food security in both regions; and

WHEREAS, the establishment of this sister city relationship would contribute to Omaha's continued work in creating a more inclusive and diverse community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the efforts made by all parties involved in establishing a sister city relationship between Omaha, Nebraska, and Accra, Ghana, recognizing the potential for mutual growth, cultural exchange, economic development, and agricultural cooperation.

2. That the Legislature commends the perseverance and vision of the individuals that have worked tirelessly to make this Sister City relationship a reality, recognizing the importance of fostering international connections for the people of Omaha and the residents of Accra, particularly those in the Jamestown district.

3. That the Legislature encourages continued cooperation and communication between Omaha and Accra in order to facilitate a lasting and meaningful partnership that benefits both cities and the residents of both cities.

4. That the Legislature wishes both Omaha and Accra success and growth through this sister city relationship and looks forward to the positive impact that it will have on both communities, particularly in the areas of cultural, economic, and agricultural collaboration.

5. That copies of this resolution be sent to the Omaha Sister Cities Association, Black Men United, and other key stakeholders in Omaha, Nebraska, and Accra, Ghana, including representatives from the Jamestown district.

Laid over.

LEGISLATIVE RESOLUTION 262. Introduced by Erdman, 47.

WHEREAS, Aspen Graves is a graduating senior at Chadron High School in Chadron, Nebraska; and

WHEREAS, art has been important to Aspen since she was young and she has taken art classes at Tada Art Studio and studied art under her high school art teacher, Travis Hency; and

WHEREAS, Aspen entered into a competition during her senior year of high school to design a new logo for Google centered around the theme of "I am grateful for..."; and

WHEREAS, Aspen was inspired by the memory of her late grandfather, Neil Patterson, and submitted an original logo image named, "tranquility"; and

WHEREAS, Aspen's submission included her statements, "I am grateful for the feeling of a crisp breeze dancing in the air, fluttering cottonwood leaves, and the fresh scent of a rippling stream as I indulge in a novel. When gazing upon the luminous water, I envision my grandfather's hands carving cottonwood logs to shape a spinning wheel. His spinning wheel exists in tandem with the tranquil world – an ecosystem cycling around me."; and

WHEREAS, Aspen won the 2023 Nebraska "Doodle for Google" competition and she will represent the State of Nebraska in the national "Doodle for Google" competition, where the winner stands to receive thirty thousand dollars in college scholarship money and the winner's school stands to receive fifty thousand dollars to be used for technology.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors the work that Aspen Graves has done in creating art.
2. That the Legislature congratulates her for winning the Nebraska "Doodle for Google" competition.
3. That the Legislature supports Aspen Graves as she competes in the national "Doodle for Google" competition and wishes her the best in the competition.

Laid over.

LEGISLATIVE RESOLUTION 263. Introduced by Vargas, 7.

WHEREAS, the Omaha South High School boys soccer team won the 2023 Class A District A3 Finals against Elkhorn South by a score of 4-2; and

WHEREAS, the Omaha South High School boys soccer team reached the quarterfinals of the 2023 Nebraska School Activities Association Class A Boys State Soccer Championship; and

WHEREAS, the Omaha South High School boys soccer team ended the season with an impressive thirteen wins and four losses; and

WHEREAS, the captains, coaches, and staff of the Omaha South High School boys soccer team have helped build and maintain a tradition of community, effort, and resilience worthy of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha South High School Boys Soccer Team for their district championship and state soccer tournament appearance.
2. That a copy of this resolution be sent to the Omaha South High School Boys Soccer Team.

Laid over.

LEGISLATIVE RESOLUTION 264. Introduced by Vargas, 7.

WHEREAS, Cinco de Mayo Omaha presents a culturally and historically significant annual celebration of ethnic diversity; and

WHEREAS, Omaha's Cinco de Mayo Festival has been recognized as one of the top Cinco de Mayo events in the United States, attracting visitors from surrounding states and generating over 7.5 million dollars back into the local economy each year; and

WHEREAS, the Cinco de Mayo parade is the largest parade in the Midwest, spanning one mile long along historic South 24th Street; and

WHEREAS, the work that Cinco de Mayo Omaha does annually to provide family-friendly festivities is worthy of recognition and admiration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature appreciates the hard work of Cinco de Mayo Omaha.
2. That a copy of this resolution be sent to Cinco de Mayo Omaha.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Vargas, 7; McDonnell, 5.

WHEREAS, since 1923, the United Way of the Midlands has been dedicated to responding to the needs of the community of Omaha, Nebraska; and

WHEREAS, the United Way of the Midlands bridges the business and non-profit sectors to help neighbors overcome difficult challenges and build a better future; and

WHEREAS, the United Way of the Midlands meets the essential needs of families by providing support programs and direct services that address social and economic disparities; and

WHEREAS, the service of United Way of the Midlands to the Omaha area for one hundred years is worthy of recognition and admiration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the United Way of the Midlands for one hundred years of serving the Omaha community.
2. That a copy of this resolution be sent to the United Way of the Midlands.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Brandt, 32.

WHEREAS, the 2023 Nebraska School Activities Association State Track and Field Championships were held from May 17 through May 20, 2023, at Omaha Burke Stadium in Omaha, Nebraska; and

WHEREAS, the Norris High School girls track and field team won 2023 Class B Girls State Track and Field Championship; and

WHEREAS, Norris won with an overall score of seventy-two points which was fourteen points greater than second place; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; 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, FIRST SESSION:

1. That the Legislature congratulates the Norris High School girls track and field team on winning the 2023 Class B State Track and Field Championship.
2. That a copy of this resolution be sent to the Norris High School girls track and field team.

Laid over.

LEGISLATIVE RESOLUTION 267. Introduced by DeKay, 40.

WHEREAS, the 2023 Nebraska School Activities Association State Track and Field Championships were held from May 17 through May 20, 2023, at Omaha Burke Stadium in Omaha, Nebraska; and

WHEREAS, the Plainview High School boys track and field team won 2023 Class D Boys State Track and Field Championship; and

WHEREAS, Plainview received an overall score of 53 points to earn the school's first state track and field championship; and

WHEREAS, Plainview junior Spencer Hille earned first place in both the boys long jump and 300 meter hurdles events; and

WHEREAS, the Plainview team members exemplify hard work, dedication, perseverance, and discipline for young athletes in their community; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Plainview High School Pirates boys track and field team and its coach on winning the 2023 Class D Boys State Track and Field Championship.

2. That copies of this resolution be sent to the Plainview High School Pirates boys track and field team, Spencer Hille, and Coach Jeremy Peter.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB753.

MOTION - Return LB753A to Select File

Senator Wayne moved to return LB753A to Select File for the following specific amendment:

[FA198](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 753A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 753, One Hundred Eighth Legislature, First Session, 2023.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Briese	Fredrickson	Linehan	Slama
Albrecht	Cavanaugh, J.	Halloran	Lippincott	Vargas
Arch	Clements	Hansen	Lowe	von Gillern
Armendariz	Conrad	Hardin	McDonnell	Walz
Ballard	DeBoer	Holdcroft	McKinney	Wayne
Blood	DeKay	Hughes	Moser	Wishart
Bosn	Dover	Ibach	Murman	
Bostelman	Dungan	Jacobson	Riepe	
Brewer	Erdman	Kauth	Sanders	

Voting in the negative, 2:

Hunt Raybould

Present and not voting, 5:

Bostar Brandt Cavanaugh, M. Day Dorn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB191

Senator M. Cavanaugh withdrew [MO356](#), found on page 939, to recommit to Business and Labor Committee, to LB191.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB191 with 39 ayes, 3 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 191. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend sections 48-145, 48-163, 48-164, 48-174, 48-622.02, 48-649.03, 48-650, 48-652, 48-2103, 48-2107, and 49-506, Reissue Revised Statutes of Nebraska, and sections 48-101.01, 71-7104, 81-1228, 81-1229, and 81-1231, Revised Statutes Cumulative Supplement, 2022; to adopt the Critical Infrastructure Utility Worker Protection Act; to provide for reimbursement for mental health and resilience training for first responders; to change provisions of the Nebraska Workers' Compensation Act relating to the fund credited with payments from self-insurers, notices for rules and regulations, case progression requirements, and summonses; to change permitted uses of the Nebraska

Training and Support Cash Fund; to change provisions of the Employment Security Law regarding voluntary contributions and notices of determination; to eliminate a definition and certain fees under the Contractor Registration Act; to change requirements relating to distribution of session laws and legislative journals; to change provisions and definitions of the Rural Workforce Housing Investment Act relating to grants; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	Lowe	von Gillern
Ballard	Conrad	Hansen	McDonnell	Walz
Blood	Day	Hardin	McKinney	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Hunt Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 753A and LB191e.

WITHDRAW - Motion to LB254

Senator M. Cavanaugh withdrew [MO412](#), found on page 942, to recommit to Executive Board, to LB254.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB254 with 43 ayes, 4 nays, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 254. With Emergency Clause.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-114, 50-402, 50-1209, 79-1312, 79-1313, and 79-1316, Reissue Revised Statutes of Nebraska, and section 50-702, Revised Statutes Cumulative Supplement, 2022; to require the Legislative Council, through the Executive Board of the Legislative Council, to develop and maintain a publicly accessible, digital Internet archive of closed-captioned video coverage of the Legislature as prescribed; to change provisions relating to the Legislative Mental Health Care Capacity Strategic Planning Committee; to change provisions relating to tax incentive performance audits conducted by the office of Legislative Audit; to redefine terms; to change provisions of the Nebraska Educational Telecommunications Act; to change powers and duties of the Nebraska Educational Telecommunications Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Brewer	Dover	Jacobson	Riepe
Albrecht	Briese	Dungan	Kauth	Sanders
Arch	Cavanaugh, J.	Erdman	Linchan	Slama
Armendariz	Cavanaugh, M.	Fredrickson	Lippincott	Vargas
Ballard	Clements	Halloran	Lowe	von Gillern
Blood	Conrad	Hansen	McDonnell	Walz
Bosn	Day	Hardin	McKinney	Wayne
Bostar	DeBoer	Holdcroft	Moser	Wishart
Bostelman	DeKay	Hughes	Murman	
Brandt	Dorn	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 254A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 254, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Brewer	Dover	Jacobson	Riepe
Albrecht	Briese	Dungan	Kauth	Sanders
Arch	Cavanaugh, J.	Erdman	Linehan	Slama
Armendariz	Cavanaugh, M.	Fredrickson	Lippincott	Vargas
Ballard	Clements	Halloran	Lowe	von Gillern
Blood	Conrad	Hansen	McDonnell	Walz
Bosn	Day	Hardin	McKinney	Wayne
Bostar	DeBoer	Holdcroft	Moser	Wishart
Bostelman	DeKay	Hughes	Murman	
Brandt	Dorn	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB298

Senator Hunt withdrew [MO479](#), found on page 945, to recommit to Education Committee, to LB298.

MOTION - Return LB298 to Select File

Senator Blood moved to return LB298 to Select File for her specific amendment, [AM1691](#), found on page 1451.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 254e and 254Ae.

MOTION - Return LB298 to Select File

Senator Blood renewed her motion found and considered in this day's Journal, to return LB298 to Select File for her specific amendment, [AM1691](#).

Voting in the affirmative, 40:

Arch	Briese	Dungan	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Sanders
Ballard	Cavanaugh, M.	Hansen	Linchan	Slama
Blood	Conrad	Hardin	Lippincott	Vargas
Bosn	Day	Holdcroft	McDonnell	von Gillern
Bostar	DeBoer	Hughes	McKinney	Walz
Brandt	Dorn	Hunt	Murman	Wayne
Brewer	Dover	Ibach	Raybould	Wishart

Voting in the negative, 2:

Albrecht Moser

Present and not voting, 6:

Bostelman	DeKay	Halloran
Clements	Erdman	Lowe

Excused and not voting, 1:

Aguilar

The Blood motion to return prevailed with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 298. The Blood specific amendment, [AM1691](#), found on page 1451, was offered.

The Blood specific amendment was adopted with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTIONS**LEGISLATIVE RESOLUTION 268.** Introduced by Albrecht, 17.

WHEREAS, the purpose of the Maginn Family Foundation Educator of the Year award is to highlight the excellent work of educators, recognize the dedication of individuals who educate children, encourage educators to continue their service, and thank the educators who serve children in inner-city and under-served schools of the Archdiocese of Omaha, Nebraska; and

WHEREAS, Misty Andreasen, a kindergarten teacher at St. Michael's Catholic School located in South Sioux City, Nebraska, was one of the recipients of the Maginn Family Foundation Educator of the Year award; and

WHEREAS, Misty attended St. Michael's Catholic School until eighth grade and has been committed to teaching at St. Michael's Catholic School for twenty-seven years; and

WHEREAS, Misty utilizes both faith and dedication to help students grow creatively and consistently, guides young minds into the beginning steps of academics, and consistently meets students at their own personal level in a calm, quiet, and safe manner; and

WHEREAS, as a lifelong product of St. Michael's Catholic School, Misty Andreasen is most deserving of the Maginn Family Foundation Educator of the Year award and has left a positive impact on students and staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Misty Andreasen's consistent dedication to the students of St. Michael's Catholic School and congratulates her on receiving the Maginn Family Foundation Educator of the Year award.

2. That a copy of this resolution be sent to Misty Andreasen.

Laid over.

LEGISLATIVE RESOLUTION 269. Introduced by Albrecht, 17.

WHEREAS, Brody Krusemark is a junior at Pender High School in Pender, Nebraska; and

WHEREAS, Brody is a sprinter for the Pender High School track and field team and won both the 100 meter dash and the 200 meter dash events at the 2023 Nebraska School Activities Association District C4 Track Meet in Hartington, Nebraska; and

WHEREAS, Brody broke the Pender High School record in the preliminaries of the 2023 Nebraska Class C State Championship 100 meter dash event with a time of 10.69 and went on to win the same event the next day, becoming the state champion; and

WHEREAS, Brody also placed third in the 200 meter dash, but broke Pender High School's record for the 200 meter dash earlier in the season with a time of 22.04; and

WHEREAS, Brody's record-breaking times and achievements deserve recognition and admiration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Brody Krusemark for winning the 2023 Nebraska Class C State Championships 100 meter dash.
2. That a copy of this resolution be sent to Brody Krusemark.

Laid over.

VISITORS

Visitors to the Chamber were Lee A. Sapp and Tim Welling, Ashland; students and teachers from Oak Valley Elementary, Omaha; students from St. John's, Lincoln; students from Holy Name, Omaha; students from Chandler View Elementary, Bellevue.

RECESS

At 12:01 p.m., on a motion by Senator Sanders, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Dorn presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Bostar, Bostelman, Conrad, DeKay, B. Hansen, Hughes, Hunt, McDonnell, Raybould, Walz, and Wishart who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2023, at 12:00 p.m. were the following: LBs 753, 753A, 191e, 254e and 254Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 514. Speaker Arch requested to pass over LB514.

LEGISLATIVE BILL 514A. Speaker Arch requested to pass over LB514A.

LEGISLATIVE BILL 50. Senator Hunt offered [MO213](#), found on page 928, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt withdrew [MO212](#), found on page 928, to recommit to committee.

Senator Hunt withdrew [MO211](#), found on page 928, to indefinitely postpone.

[ER35](#), found on page 1693, was offered.

Senator Halloran withdrew [MO1138](#), found on page 1689, to bracket.

Senator Halloran withdrew [MO1139](#), found on page 1689, to recommit to committee.

Senator Halloran withdrew [MO1140](#), found on page 1689, to indefinitely postpone.

Senator Halloran asked unanimous consent to withdraw the following amendment, [FA188](#), to [ER35](#), and replace it with the following substitute amendment, [AM1986](#), to [ER35](#).

[FA188](#)

Strike Section 1.

[AM1986](#)

(Amendments to E and R amendments, ER35)

1 1. Insert the following new sections:

2 Sec. 5. Section 28-101, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701

5 and section 6 of this act shall be known and may be cited as the Nebraska

6 Criminal Code.

7 Sec. 6. (1) For purposes of this section:

8 (a) Live performance that is inappropriate for minors means a live

9 performance which includes any sexual or gender-oriented material that

10 exposes minors to a person who is stripping or engaged in lewd or

11 lascivious dancing, presentations, or activities, including, but not

12 limited to, topless performances, go-go dancing, or performances by

13 exotic dancers or male or female impersonators, commonly known as drag

14 queens or drag kings;

15 (b) Minor means a person under nineteen years of age; and

16 (c) School means a public, private, denominational, or parochial

17 school which meets the requirements for accreditation or approval

18 prescribed in Chapter 79.

19 (2) A person shall not engage in a live performance that is

20 inappropriate for minors in a school, a public library, or any other

21 public place where one or more minors are present.

22 (3) A violation of this section is a Class IIIA misdemeanor.

23 2. Renumber the remaining sections, correct internal references, and

24 correct the repealer accordingly.

Senator M. Cavanaugh objected.

Senator Halloran offered the following motion:

[MO1146](#)

Withdraw FA188 and substitute with AM1986.

Senator Halloran moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator Halloran requested a roll call vote on his motion to withdraw and substitute.

Voting in the affirmative, 6:

Aguilar	Halloran	Kauth
Erdman	Hardin	Murman

Voting in the negative, 32:

Albrecht	Cavanaugh, M.	Fredrickson	McDonnell	von Gillern
Arch	Day	Holdcroft	McKinney	Walz
Blood	DeBoer	Hughes	Moser	Wayne
Bostar	DeKay	Hunt	Raybould	Wishart
Brandt	Dorn	Jacobson	Riepe	
Brewer	Dover	Linehan	Sanders	
Cavanaugh, J.	Dungan	Lippincott	Vargas	

Present and not voting, 6:

Bosn	Briese	Ibach
Bostelman	Clements	Lowe

Excused and not voting, 5:

Armendariz	Ballard	Conrad	Hansen	Slama
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The Halloran motion to withdraw and substitute failed with 6 ayes, 32 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Halloran offered [FA188](#), found in this day's Journal, to [ER35](#).

The Halloran amendment was withdrawn.

Senator DeBoer offered the following amendment, to [ER35](#):

[AM1958](#) is available in the Bill Room.

The DeBoer amendment was withdrawn.

Senator Wayne offered the following amendment, to [ER35](#):
[AM1979](#)

(Amendments to E&R amendments, ER35)

- 1 1. Strike section 33 and insert the following new section:
- 2 Sec. 33. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 83-1,110 (1) Every committed offender shall be eligible for parole
- 5 upon the earliest of the following:
- 6 (a) When ~~when~~ the offender has served one-half the minimum term of
- 7 his or her sentence as provided in sections 83-1,107 and 83-1,108; -
- 8 (b) For a committed offender serving a maximum term of twenty years
- 9 or less, two years prior to the offender's mandatory discharge date; or
- 10 (c) For a committed offender serving a maximum term of more than
- 11 twenty years, when the offender has served eighty percent of the time
- 12 until the offender's mandatory discharge date.
- 13 (2) The board shall conduct a parole review not later than sixty
- 14 days prior to the date a committed offender becomes eligible for parole
- 15 as provided in this subsection, except that if a committed offender is
- 16 eligible for parole upon his or her commitment to the department, a
- 17 parole review shall occur as early as is practical. No such reduction of
- 18 sentence shall be applied to any sentence imposing a mandatory minimum
- 19 term.
- 20 (3)(a) This subsection applies to any (2) Every committed offender
- 21 sentenced to consecutive terms, whether received at the same time or at
- 22 any time during the original sentence, shall be eligible for release on
- 23 parole when the offender has served the total of one-half the minimum
- 24 term as provided in sections 83-1,107 and 83-1,108.
- 25 (b) The maximum terms shall be added to compute the new maximum term
- 26 which, less good time, shall determine the date when discharge from the
- 1 custody of the state becomes mandatory.
- 2 (c) The committed offender shall be eligible for release on parole
- 3 upon the earliest of the following:
- 4 (i) When the offender has served the total of one-half the minimum
- 5 term as provided in sections 83-1,107 and 83-1,108;
- 6 (ii) For a committed offender serving a maximum term of twenty years
- 7 or less, two years prior to the offender's mandatory discharge date; or
- 8 (iii) For a committed offender serving a maximum term of more than
- 9 twenty years, when the offender has served eighty percent of the time
- 10 until the offender's mandatory discharge date.
- 11 2. On page 12 strike lines 2 through 8 and insert the following new
- 12 subdivision:
- 13 "(c) If the felony committed and at least one of the prior felony
- 14 convictions do not involve sexual contact, sexual penetration, the threat
- 15 to inflict serious bodily injury or death on another person, the
- 16 infliction of serious bodily injury on another person, a deadly or
- 17 dangerous weapon, or a firearm, the mandatory minimum term shall be three
- 18 years and the maximum term not more than the maximum term for the felony
- 19 committed or twenty years, whichever is greater. For this subdivision (1)
- 20 (c) to apply, no prior felony conviction may be a violation described in
- 21 subdivision (1)(a) of this section; and"
- 22 3. On page 19, line 6; page 33, line 6; and page 56, line 4, strike
- 23 "service" and insert "system".
- 24 4. On page 26, line 7, strike "and"; in line 8 strike the period and
- 25 insert "; and"; and after line 8 insert the following new subdivision:
- 26 "(f) Two criminal defense attorneys with at least ten years'
- 27 experience appointed by the Governor."
- 28 5. On page 51, line 14, strike "and" and insert "which"; in line 15
- 29 strike "Which includes" and insert "Includes"; and in line 21 strike
- 30 "Which consists" and insert "Consists".

SENATOR DEBOER PRESIDING**SENATOR DORN PRESIDING**

Senator Wayne moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Senator Wayne requested a roll call vote on his amendment, to [ER35](#).

Voting in the affirmative, 34:

Aguilar	Briese	Dorn	Ibach	Raybould
Arch	Cavanaugh, J.	Dover	Jacobson	Vargas
Armendariz	Cavanaugh, M.	Dungan	Kauth	von Gillern
Blood	Conrad	Fredrickson	Linehan	Walz
Bostar	Day	Holdcroft	McDonnell	Wayne
Brandt	DeBoer	Hughes	McKinney	Wishart
Brewer	DeKay	Hunt	Moser	

Voting in the negative, 6:

Albrecht	Erdman	Lippincott
Bostelman	Halloran	Lowe

Present and not voting, 8:

Ballard	Clements	Murman	Sanders
Bosn	Hansen	Riepe	Slama

Excused and not voting, 1:

Hardin

The Wayne amendment, to [ER35](#), was adopted with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Brewer filed the following amendment to [LB514](#):

[FA187](#)
Strike line 15.

Senator Slama filed the following amendment to [LB514](#):

[FA189](#)
Strike "32-914" on line 2.

Senator Slama filed the following amendment to [LB514](#):

[FA190](#)

Strike line 1 in its entirety.

Senator Slama filed the following amendment to [LB514](#):

[FA191](#)

Strike line 2 in its entirety.

Senator Slama filed the following amendment to [LB514](#):

[FA192](#)

Strike line 3 in its entirety.

Senator Slama filed the following amendment to [LB514](#):

[FA193](#)

Strike Line 4 in its entirety.

Senator Slama filed the following amendment to [LB514](#):

[FA194](#)

Strike "to amend sections 32-308, 32-914" on line 2.

Senator Slama filed the following amendment to [LB514](#):

[FA195](#)

Strike "to amend sections 32-308" on line 2.

Senator Slama filed the following amendment to [LB514](#):

[FA196](#)

Strike "government" on line 1.

RESOLUTIONS

LEGISLATIVE RESOLUTION 270. Introduced by Fredrickson, 20; Cavanaugh, J., 9; Cavanaugh, M., 6; Hunt, 8.

WHEREAS, Doug Krenzer was married to Dr. Kari Krenzer and was the proud father to Peter, Emma, Bethany and Audrey Krenzer; and

WHEREAS, Doug graduated from Westside High School in Omaha, Nebraska, in 1989, earned a Bachelor of Arts degree from Colorado College in Colorado Springs, Colorado, in 1993, and earned a Juris Doctorate degree from the University of Nebraska College of Law in Lincoln, Nebraska, in 1996; and

WHEREAS, Doug served as a partner at Locher Pavelka Dostal Braddy and Hammes, LLC with his practice dedicated to civil litigation with an emphasis on all types of property and liability insurance claims and coverage litigation; and

WHEREAS, Doug proudly served his home school district on the Westside Community Schools Board of Education since 2016; and

WHEREAS, Doug's service to his family, profession, and community was defined by his passion, kindness, patience, wisdom, intelligence, and respect for all in any and every circumstance; and

WHEREAS, Doug, through his actions, faith, and spirit, made his community and Nebraska a better place; and

WHEREAS, Doug passed away on May 15, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes, honors and thanks Doug Krenzer for his service to and love of his family, community, clients, and Westside Community Schools.

2. That the Legislature offers its condolences to the family of Doug Krenzer.

3. That a copy of this resolution be sent to Doug Krenzer's wife, Dr. Kari Krenzer.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Holdcroft, 36.

WHEREAS, the 2023 Nebraska School Activities Association State Soccer Championships were held from May 8 through May 16, 2023, at Morrison S.J. Stadium at Creighton University in Omaha, Nebraska; and

WHEREAS, the Gretna High School girls soccer team won the 2023 Class A Girls State Soccer Championship; and

WHEREAS, the Gretna High school boys soccer team placed second in the 2023 Class A Boys State Soccer Championship; and

WHEREAS, the Gretna girls soccer team defeated Lincoln Southwest in the Class A girls championship match by a score of 5 to 2; and

WHEREAS, the Gretna boys soccer team held Creighton Prep to only two goals, with a final score of 2 to 1 in the Class A boys championship match; 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, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Gretna High School girls soccer team and its coaches on winning the 2023 Class A Girls State Soccer Championship.

2. That the Legislature recognizes and congratulates the Gretna High School boys soccer team and its coaches on being runner-up in the 2023 Class A Boys State Soccer Championship.

3. That copies of this resolution be sent to the Gretna High School girls soccer team, Coach Chance Hutchison, the Gretna High School boys soccer team, Coach Tyler Ortlieb, and Gretna High School.

Laid over.

LEGISLATIVE RESOLUTION 272. Introduced by Holdcroft, 36.

WHEREAS, the 2023 Nebraska School Activities Association State Track and Field Championships were held from May 17 through May 20, 2023, at Omaha Burke Stadium in Omaha, Nebraska; and

WHEREAS, sophomore Braden Lofquest competed in the 2023 Class A Boys State Track and Field Championship for Gretna High School; and

WHEREAS, Braden received a gold medal at the championship after placing first in the 800 meter dash event with a time of 1:53.30; 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, FIRST SESSION:

1. That the Legislature recognizes and congratulates Gretna High School sophomore Braden Lofquest on winning the 800 meter dash event at the 2023 Class A Boys State Track and Field Championship.

2. That copies of this resolution be sent to Braden Lofquest, Gretna High School, and Coach Scott Swanson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 50. [ER35](#), found on page 1693 and considered in this day's Journal, was renewed.

Senator Ibach offered the following amendment, to [ER35](#):
[AM1980](#) is available in the Bill Room.

The Ibach amendment, to [ER35](#), was adopted with 37 ayes, 6 nays, 3 present and not voting, and 3 excused and not voting.

Senator J. Cavanaugh offered the following amendment, to [ER35](#):
[AM1955](#)

(Amendments to E and R amendments, ER35)

1. Insert the following new section:

2. Sec. 3. Section 25-21,273, Reissue Revised Statutes of Nebraska, is

3. amended to read:

4. 25-21,273 (1) Unless the petitioner is allowed to proceed in forma

5. pauperis in accordance with sections 25-2301 to 25-2310, all AH

6. proceedings under sections 25-21,270 to 25-21,272 shall be at the cost of

7. the petitioner or petitioners, for which fee-bill or execution may issue

8. as in civil cases.

9. (2) Any change of names under such the provisions of said sections;

10. shall not in any manner affect or alter any right of action, legal

11. process, or property.

12. 2. Renumber the remaining sections, correct internal references, and

13. correct the repealer accordingly.

The J. Cavanaugh amendment was withdrawn.

Senator Halloran offered [AM1986](#), found in this day's Journal, to [ER35](#).

The Halloran amendment was withdrawn.

ER35, as amended, was adopted.

Senator Blood offered [AM1923](#), found on page 1655.

The Blood amendment was withdrawn.

Senator Wayne offered the following motion:

[MO1147](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wayne moved for a call of the house. The motion prevailed with 35 ayes, 6 nays, and 8 not voting.

Senator Wayne requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 35:

Aguilar	Briese	Dorn	Ibach	Raybould
Arch	Cavanaugh, J.	Dover	Jacobson	Sanders
Armendariz	Cavanaugh, M.	Dungan	Kauth	Vargas
Blood	Conrad	Fredrickson	Linehan	von Gillern
Bostar	Day	Holdcroft	McDonnell	Walz
Brandt	DeBoer	Hughes	McKinney	Wayne
Brewer	DeKay	Hunt	Moser	Wishart

Voting in the negative, 9:

Albrecht	Erdman	Hardin	Lowe	Slama
Bostelman	Halloran	Lippincott	Riepe	

Present and not voting, 5:

Ballard	Bosn	Clements	Hansen	Murman
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The Wayne motion to invoke cloture prevailed with 35 ayes, 9 nays, and 5 present and not voting.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 7 nays, and 12 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 562A. Placed on Final Reading.

LEGISLATIVE BILL 705A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB393](#):

[AM1966](#)

1. On page 2, line 28, strike "forty-eight", show as stricken, and
- 2 insert "forty".

Senator Hunt filed the following amendment to [LB393](#):

[AM1965](#)

1. On page 2, lines 21 and 22, strike "outside of school hours
- 2 during the month of June, July, or August", show as stricken, and insert
- 3 "not during the school year".

Senator Hunt filed the following amendment to [LB380](#):

[AM1964](#)

1. On page 2, lines 2 and 3, strike "individual" and insert
- 2 "employee".

Senator Hunt filed the following amendment to [LB443](#):

[AM1970](#)

1. On page 2, line 23, strike "Spinal cord injury" and insert
- 2 "Injury".

Senator Hunt filed the following amendment to [LB405](#):

[AM1967](#)

1. On page 4, lines 25 through 27, strike "The report submitted to
- 2 the members of the Legislature shall be submitted electronically. The
- 3 report shall be publicly available on the department's website." and
- 4 insert "Such report shall be submitted to the members of the Legislature
- 5 electronically and made publicly available on the department's website.".

Senator Hunt filed the following amendment to [LB405](#):

[AM1968](#)

1. On page 5, line 15, after "operation" insert ", including the
- 2 number of minors".

Senator Hunt filed the following amendment to [LB443](#):

[AM1969](#)

1. On page 2, line 17, strike "seventy-two" and insert "eighty"; and
- 2 in line 19 strike "five" and insert "thirteen".

Senator Hunt filed the following amendment to [LB380](#):

[AM1963](#)

1. On page 2, line 9, strike "jury".

Senator Hunt filed the following amendment to [LB367](#):

[AM1961](#)

1. On page 2, lines 2 and 3; page 6, lines 25 and 30; and page 7,
- 2 lines 8 and 15, strike "Chance".

Senator Hunt filed the following amendment to [LB367](#):

[AM1962](#)

1. On page 5, line 3, strike "ten business" and insert "fourteen
- 2 calendar".

RESOLUTION

LEGISLATIVE RESOLUTION 273. Introduced by Hansen, B., 16; Holdcroft, 36; Riepe, 12.

WHEREAS, on April 19, 2023, the United States Department of the Navy certified that the Secretary of the Navy awarded Hull Maintenance Technician First Class (Surface Warfare) Kiefer J. Nelson the Navy and Marine Corps Achievement Medal; and

WHEREAS, Kiefer was recognized for his professional achievement while serving as Hull repair division leading petty officer in the repair department on board the USS Frank Cable (AS40), a submarine tender; and

WHEREAS, Kiefer was selected as the USS Frank Cable's Repair Sailor of the Year; and

WHEREAS, Kiefer displayed exceptional administrative skills and expertly led forty-eight sailors in nine work centers leading to one-hundred and thirty qualifications and two meritorious advancements; and

WHEREAS, Kiefer displayed unwavering dedication to his duties and willingness to take initiative while managing various projects proving his determination to keep with the highest traditions of the United States Navy; and

WHEREAS, Kiefer is from Fort Calhoun, Nebraska, and is a fifth-generation graduate from Fort Calhoun High School; and

WHEREAS, Kiefer is supported by his wife Ashley Nelson, his father Rick Nelson and step-mother Becky Nelson of Blair, Nebraska, his mother Cathy Coleman and grandmother Nancy Coleman of Bellevue, Nebraska, and his grandfather Allen Nelson and grandmother Sharon Nelson of Fort Calhoun, Nebraska; and

WHEREAS, Kiefer joined the Navy in 2013 and is currently stationed in Guam; and

WHEREAS, the Legislature is proud to see Nebraska youth serve their country and deeply appreciates the service and dedication of Kiefer and all members of the United States Military.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and honors Hull Maintenance Technician First Class (Surface Warfare) Kiefer J. Nelson for his Navy and Marine Corps Achievement Medal and other achievements.

2. That copies of this resolution be sent to Kiefer Nelson, Rick Nelson, and Cathy Coleman.

Laid over.

COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jason Hayes Director - Nebraska Public Employees Retirement Systems

Aye: 5. Clements, Hardin, Ibach, McDonnell, Vargas. Nay: 0. Absent: 1. Conrad. Present and not voting: 0.

(Signed) Mike McDonnell, Chairperson

EASE

The Legislature was at ease from 5:18 p.m. until 6:02 p.m.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

WITHDRAW - Motions to LB138

Senator Hunt withdrew [MO320](#), found on page 936, to recommit to Transportation and Telecommunications Committee, to LB138.

Senator Slama withdrew [MO1096](#), found on page 1615, to recommit to the Government, Military, and Veterans Affairs Committee, to LB138.

Senator Slama withdrew [MO1097](#), found on page 1615, to recommit to the Government, Military, and Veterans Affairs Committee, to LB138.

Senator Slama withdrew [MO1098](#), found on page 1615, to recommit to the Government, Military, and Veterans Affairs Committee, to LB138.

Senator Slama withdrew [MO1099](#), found on page 1616, to indefinitely postpone, to LB138.

Senator Slama withdrew [MO1100](#), found on page 1616, to indefinitely postpone, to LB138.

Senator Slama withdrew [MO1101](#), found on page 1616, to bracket, to LB138.

Senator Slama withdrew [MO1102](#), found on page 1616, to bracket, to LB138.

MOTION - Return LB138 to Select File

Senator B. Hansen moved to return LB138 to Select File for the following specific amendment:

[AM1975](#)

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 3. Section 29-431, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
 5 29-434, 48-1231, and 53-173, unless the context otherwise requires,
 6 infraction means the violation of any law, ordinance, order, rule, or
 7 regulation, not including those related to traffic, which is not
 8 otherwise declared to be a misdemeanor or a felony. Infraction includes
 9 violations of section 60-6,267 and beginning January 1, 2024, section
 10 60-6,279.

11 Sec. 46. Section 60-6,279, Reissue Revised Statutes of Nebraska, is
 12 amended to read:

13 60-6,279 (1) A person shall not operate or be a passenger ~~in an~~
 14 ~~autoeycle described in subsection (2) of this section,~~ on a motorcycle
 15 ~~other than an autoeycle,~~ or on a moped on any highway in this state
 16 unless such person is:

17 (a) ~~Wearing~~ wearing a protective helmet of the type and design
 18 manufactured for use by operators of such vehicles and unless such helmet
 19 is secured properly on ~~the user's his or her~~ head with a chin strap while
 20 the vehicle is in motion. All such protective helmets shall be designed
 21 to reduce injuries to the user resulting from head impacts and shall be
 22 designed to protect the user by remaining on the user's head, deflecting
 23 blows, resisting penetration, and spreading the force of impact. Each
 24 such helmet shall consist of lining, padding, and chin strap and shall
 25 meet or exceed the standards established in the United States Department
 26 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
 1 C.F.R. 571.218, for motorcycle helmets; or -

2 (b) Beginning January 1, 2024:

3 (i) At least twenty-one years of age; and

4 (ii)(A) For a resident of Nebraska, has completed the basic
 5 motorcycle safety course as provided in the Motorcycle Safety Education
 6 Act and submitted proof of such completion to the Department of Motor
 7 Vehicles. Proof of such completion shall be in a manner approved by the
 8 department; or

9 (B) For a nonresident of Nebraska, has completed an equivalent to
 10 the Motorcycle Safety Foundation basic motorcycle rider course or some
 11 other substantially similar motorcycle rider course approved by the state
 12 of the person's residence and provides proof of such completion to a law
 13 enforcement officer upon request.

14 (2) The Department of Motor Vehicles shall modify the existing
 15 system of the department by January 1, 2024, to allow the date of
 16 completion of such course to be recorded on the person's record provided
 17 for in section 60-483.

18 (3) A person shall not operate a motorcycle or moped on any highway
 19 in this state unless such person employs one of the following forms of
 20 eye protection: (a) Glasses that cover the orbital region of the person's
 21 face, (b) a protective face shield attached to a protective helmet, (c)
 22 goggles, or (d) a windshield on the motorcycle or moped that protects the
 23 operator's and passenger's horizontal line of vision in all operating
 24 positions (2) This section applies to an autoeycle that has a seating
 25 area that is not completely enclosed.

26 Sec. 47. Section 60-6,282, Reissue Revised Statutes of Nebraska, is
 27 amended to read:

28 60-6,282 (1) ~~Until December 31, 2023, a Any~~ person who violates
 29 section 60-6,279 shall be guilty of a traffic infraction and shall be
 30 fined fifty dollars.

31 (2) Beginning January 1, 2024:

1 (a) A person violating any provision of subsection (1) or (3) of
 2 section 60-6,279 shall be guilty of an infraction as defined in section
 3 29-431 and shall be fined two hundred fifty dollars for each violation.

4 (b) Enforcement of subsection (1) or (3) of section 60-6,279 shall

5 be accomplished only as a secondary action when an operator of a
 6 motorcycle or moped has been cited or charged with a violation or some
 7 other offense unless the violation involves a person under the age of
 8 eighteen years riding on any portion of the motorcycle or moped not
 9 designed or intended for the use of passengers when the motorcycle or
 10 moped is in motion.

11 2. On page 1, line 2, after "13-1205," insert "29-431,"; in line 4
 12 after "60-678," insert "60-6,279, 60-6,282,"; and in line 20 after the
 13 first semicolon insert "to change provisions relating to helmets and eye
 14 protection as prescribed;".
 15 3. Correct the operative date and repealer sections so that sections
 16 3, 46, and 47 added by this amendment become operative three calendar
 17 months after the adjournment of this legislative session.
 18 4. Renumber the remaining sections and correct internal references
 19 accordingly.

Voting in the affirmative, 30:

Aguilar	Briese	Dungan	Hughes	McDonnell
Albrecht	Clements	Erdman	Ibach	Murman
Armendariz	Conrad	Halloran	Jacobson	Slama
Ballard	DeBoer	Hansen	Kauth	Vargas
Brandt	DeKay	Hardin	Lippincott	von Gillern
Brewer	Dorn	Holdcroft	Lowe	Wishart

Voting in the negative, 5:

Bostelman	Moser	Raybould	Riepe	Sanders
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Present and not voting, 12:

Arch	Bostar	Day	Hunt
Blood	Cavanaugh, J.	Dover	Walz
Bosn	Cavanaugh, M.	Fredrickson	Wayne

Excused and not voting, 2:

Linehan	McKinney
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The B. Hansen motion to return prevailed with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 138. The B. Hansen specific amendment, [AM1975](#), found in this day's Journal, was offered.

The B. Hansen specific amendment was adopted with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a machine vote.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

WITHDRAW - Motion to LB227

Senator Hunt withdrew [MO398](#), found on page 941, to recommit to Health and Human Services Committee, to LB227.

MOTION - Return LB227 to Select File

Senator Vargas moved to return LB227 to Select File for the following specific amendment:

[AM1989](#) is available in the Bill Room.

Voting in the affirmative, 45:

Aguilar	Brandt	DeKay	Holdcroft	Murman
Albrecht	Brewer	Dorn	Hughes	Raybould
Arch	Briese	Dover	Ibach	Riepe
Armendariz	Cavanaugh, J.	Dungan	Jacobson	Sanders
Ballard	Cavanaugh, M.	Erdman	Kauth	Slama
Blood	Clements	Fredrickson	Lippincott	Vargas
Bosn	Conrad	Halloran	Lowe	von Gillern
Bostar	Day	Hansen	McDonnell	Walz
Bostelman	DeBoer	Hardin	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 3:

Hunt Linehan McKinney

The Vargas motion to return prevailed with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 227. The Vargas specific amendment, [AM1989](#), found in this day's Journal, was offered.

The Vargas specific amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Motion to LB92

Senator M. Cavanaugh withdrew [MO299](#), found on page 935, to recommit to Banking, Insurance and Commerce Committee, to LB92.

WITHDRAW - Amendment to LB92

Senator Slama withdrew [AM1767](#), found on page 1592, to LB92.

MOTION - Return LB92 to Select File

Senator Slama moved to return LB92 to Select File for the following specific amendment:

[AM1984](#)

(Amendments to Final Reading copy)

1 1. Strike sections 81 and 82 and insert the following new sections:
 2 Sec. 81. Section 77-6801, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 77-6801 Sections 77-6801 to 77-6843 and sections 82 to 84 of this
 5 act shall be known and may be cited as the ImagiNE Nebraska Act.
 6 Sec. 82. (1) It is the intent of the Legislature that an application
 7 made by a taxpayer that is a Nebraska-based covered entity as defined in
 8 15 U.S.C. 4651 under the Creating Helpful Incentives to Produce
 9 Semiconductors (CHIPS) for America Act, Public Law 116-283, be approved
 10 upon receipt if:
 11 (a) The taxpayer's application contains the items listed in
 12 subsection (2) of section 77-6827; and
 13 (b) The taxpayer's application meets the federal eligibility
 14 requirements of the Creating Helpful Incentives to Produce Semiconductors
 15 (CHIPS) for America Act, Public Law 116-283.
 16 (2) Not more than thirty days after receipt and approval of an
 17 application under subsection (1) of this section, the director shall
 18 issue to such taxpayer a written agreement conforming to the requirements
 19 of section 77-6828 and sections 83 and 84 of this act.
 20 Sec. 83. (1) An agreement issued pursuant to section 82 of this act
 21 shall contain total incentives, refunds, and credits earned through the
 22 ImagiNE Nebraska Act sufficient to equal twenty-five percent of the
 23 taxpayer's investment in qualified property for the fabrication,
 24 assembly, testing, advanced packaging, or production of semiconductors or
 25 technologies with extensive microelectronic content. The director shall
 26 ensure that such agreement creates no additional obligation upon the
 1 General Fund.
 2 (2) With respect to an application or agreement with a taxpayer that
 3 is a Nebraska-based covered entity as defined in 15 U.S.C. 4651 under the
 4 Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America
 5 Act, Public Law 116-283:
 6 (a) The provisions of section 77-6839 shall not apply, except that
 7 the annual credits and incentives redeemed by the taxpayer may be limited
 8 to one-fifteenth of the total credits and incentives eligible to be
 9 earned during a fifteen-year performance period, as defined by section
 10 77-6816; and
 11 (b) The taxpayer may not carryover earned but unused incentives past
 12 the performance period.
 13 Sec. 84. A taxpayer that is also a Nebraska-based covered entity as
 14 described in 15 U.S.C. 4651 that qualifies under the Creating Helpful
 15 Incentives to Produce Semiconductors (CHIPS) for America Act, Public Law
 16 116-283, may use earned incentives or credits under the ImagiNE Nebraska
 17 Act:
 18 (1) To obtain a refund from the state equal to the amount that the
 19 taxpayer demonstrates to the director was paid by the taxpayer after the

20 date of the complete application to repay the principal or interest on
 21 revenue bonds issued by an inland port authority pursuant to section
 22 13-3308;
 23 (2) To provide financial assistance to public and private sector
 24 initiatives that are intended to improve Nebraska's ability to attract
 25 microelectronic-based enterprises, especially those incentivized under
 26 the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for
 27 America Act, Public Law 116-283, by making necessary investments in the
 28 semiconductor industry and technologies with extensive microelectronic
 29 content, including, but not limited to, grants for the establishment of
 30 private sector entities for such purposes within eligible economically
 31 disadvantaged areas in Nebraska, as set forth in section 9902(a)(2)(B) of
 1 the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for
 2 America Act, Public Law 116-283;
 3 (3) To provide financial assistance to a community college located
 4 in a city of the metropolitan class working in collaboration with private
 5 sector partners and any interested university, college, other community
 6 college, and technical school located in this state to support education
 7 expansion and curricula development in order to meet the needs of the
 8 domestic semiconductor workforce in Nebraska as set forth in section
 9 9902(a)(2)(B) of the Creating Helpful Incentives to Produce
 10 Semiconductors (CHIPS) for America Act, Public Law 116-283; and
 11 (4) For any other eligible use authorized pursuant to the ImagiNE
 12 Nebraska Act.
 13 Sec. 100. If any section in this act or any part of any section is
 14 declared invalid or unconstitutional, the declaration shall not affect
 15 the validity or constitutionality of the remaining portions.
 16 2. On page 1, line 12, strike "77-6832, and 77-6841" and insert "and
 17 77-6801".
 18 3. On page 2, line 13, after the first semicolon insert "to provide
 19 severability;".
 20 4. On page 79, strike beginning with "a" in line 30 through
 21 "required" in line 31 and insert "the obligation of payment from the
 22 Excess Liability Fund".
 23 5. On page 130, line 7, strike "69-2112, 77-6832, and 77-6841," and
 24 insert "and 69-2112,".
 25 6. Correct the operative date and repealer sections so that the
 26 sections added by this amendment become operative on their effective date
 27 with the emergency clause.
 28 7. Renumber the remaining sections and correct internal references
 29 accordingly.

Voting in the affirmative, 40:

Aguilar	Brandt	Dorn	Ibach	Raybould
Albrecht	Brewer	Dungan	Jacobson	Riepe
Arch	Briese	Fredrickson	Kauth	Sanders
Armendariz	Cavanaugh, J.	Halloran	Lippincott	Slama
Ballard	Clements	Hansen	Lowe	Vargas
Blood	Day	Hardin	McDonnell	von Gillern
Bosn	DeBoer	Holdcroft	Moser	Walz
Bostar	DeKay	Hughes	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Bostelman Conrad Erdman Wayne
Cavanaugh, M. Dover Hunt

Excused and not voting, 2:

Linehan McKinney

The Slama motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 92. The Slama specific amendment, AM1984, found in this day's Journal, was offered.

The Slama specific amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 92A. Senator Slama offered the following amendment:

AM1929

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. There is hereby appropriated (1) \$47,433 from the
4 Department of Insurance Cash Fund for FY2023-24 and (2) \$49,085 from the
5 Department of Insurance Cash Fund for FY2024-25 to the Department of
6 Insurance, for Program 69, to aid in carrying out the provisions of
7 Legislative Bill 92, One Hundred Eighth Legislature, First Session, 2023.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$29,643
10 for FY2023-24 or \$31,125 for FY2024-25.
11 Sec. 2. There is hereby appropriated (1) \$-0- from the General Fund
12 for FY2023-24 and (2) \$106,000 from the General Fund for FY2024-25 to the
13 Board of Regents of the University of Nebraska, for Program 781, to aid
14 in carrying out the provisions of Legislative Bill 92, One Hundred Eighth
15 Legislature, First Session, 2023.
16 No expenditures for permanent and temporary salaries and per diems
17 for state employees shall be made from funds appropriated in this
18 section.
19 Sec. 3. There is hereby appropriated (1) \$26,930 from the General
20 Fund for FY2023-24 and (2) \$27,950 from the General Fund for FY2024-25 to
21 the Department of Economic Development, for Program 601, to aid in
22 carrying out the provisions of Legislative Bill 92, One Hundred Eighth
23 Legislature, First Session, 2023.
24 Total expenditures for permanent and temporary salaries and per
25 diems from funds appropriated in this section shall not exceed \$15,460
26 for FY2023-24 or \$16,070 for FY2024-25.

The Slama amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

EASE

The Legislature was at ease from 6:56 p.m. until 7:16 p.m.

MESSAGE FROM THE GOVERNOR

May 24, 2023

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 814e and LB 818e with my signature, but with line-item reductions.

Our economy is incredibly strong, as evidenced by the overcollection of tax receipts compared to funds necessary to provide essential services to our citizens. Hard-working taxpayers of Nebraska are demanding that their money be returned. The Legislature is on the verge of passing transformative tax relief measures that will lower the burden of income, business, property, and social security taxes. We must continue to fight against excessive governmental spending to deliver dollars back into the pockets of Nebraskans.

Delivering transformational tax relief has not stopped us from ensuring that no kid is given up on. The Education Future Fund is established with \$1 billion in FY 2023-24 and \$250 million every year thereafter to finance public K-12 education. This will increase education aid by nearly 30% annually to ensure the state is adequately financing public education, while driving down the reliance on property tax dollars. We will ensure that every student has at least \$1,500 in foundation aid, while also guaranteeing that our special education students are funded with state resources.

To balance our budget, I have line-item vetoed Medicaid reimbursement rates to provide for a 3% increase in FY 2023-24, while holding rates flat in FY 2024-25. This will reduce funding by \$15.3 million in General Funds and \$29.9 million in federal funds in FY 2024-25. Hospitals have seen record profits preceding and throughout the pandemic, but rising costs have begun to eat into these margins. Funding for reimbursement rates will not address any of the systemic workforce shortages and will only provide a band-aid to hospitals' bottom line, without providing any relief for healthcare costs paid by everyday Nebraskans. Healthcare institutions must adapt by developing a sustainable healthcare model that addresses both near and future challenges.

I have also vetoed the child welfare rate increase of \$6 million in General Funds in FY 2024-25 related to the replacement of one-time federal funding from the American Rescue Plan Act (ARPA). Replacement of temporary federal funding with permanent state funding is a practice that will severely harm the state financially. The Department is currently conducting a rate study as part of LB 1173 (2022) to better inform reimbursement rate decisions and will potentially revisit this budget program in the mid-biennium process to address possible rate adjustments.

I have also reduced \$900,000 in General Funds in FY 2023-24 and FY 2024-25 related to the expansion of home visitation care that would boost the existing program from \$1.1 million to \$2 million a year. Currently, the Department of Health and Human Services is utilizing Temporary Assistance for Needy Families (TANF) funds to provide for this care and will continue to address needs with this fund source. Additionally, I have vetoed additional funding for a CEDARS housing facility of \$1 million in General Funds in FY 2023-24 intended for housing pregnant and parenting homeless youth. Financing operations of this facility is a TANF eligible expense and will be handled administratively, instead of utilizing General Fund tax dollars.

My veto includes a General Fund reduction of \$250,000 in each year of the biennium related to the expansion of court-appointed special advocates (CASA) aid. Without this reduction the program grows from \$500,000 to \$750,000 each year, or a 50% increase. I have also line-item reduced \$2.2 million in General Funds in FY 2024-25 for the Legislative Council related to 15% legislative salary increases. The continuing trend of underutilized appropriation demonstrates there is more than enough resources to accommodate these increases.

Additionally, I have vetoed a total of \$309,461 in General Funds in FY 2023-24 and \$539,242 in FY 2024-25 related to the new state auditor positions and salary increases. The Auditor has existing resources to cover necessary positions and pending salary increases to fulfill the office's constitutional duty. I have also vetoed \$470,164 General Funds in FY 2023-24 and FY 2024-25 for the Nebraska Historical Society. Over the last four years, the agency has underspent General Funds by an average of \$900,000. My veto will right size the agency's funding without impacting their day-to-day operations. Additionally, I have line-item vetoed \$107,252 in General Fund appropriation in FY 2023-24 and FY 2024-25 for a position within the Deaf and Hard of Hearing Commission to fund a full-time sign language interpreter that is not necessary based on current workload.

I have line-item vetoed \$950,000 General Fund appropriation in FY 2023-24 and FY 2024-25 for additional funding to the Supreme Court, including \$500,000 per year to assume additional ex-officio clerk services and costs on behalf of county district courts, \$200,000 per year to increase funding for court interpreters, and \$250,000 per year for additional public guardianship

services. The Supreme Court has enough funding to manage potential increases in demand for these services.

I have vetoed \$300,000 General Fund appropriation increase in FY 2023-24 and FY 2024-25 for interstate water litigation within the Attorney General's office. Existing funding is sufficient to meet the state's needs for this purpose. Additionally, the requested trial preparation coordinator position was a lower priority for the Attorney General, and I have vetoed General Fund appropriation by \$102,917 in FY 2023-24 and \$107,840 in FY 2024-25.

I have line-item vetoed the \$7 million General Fund appropriation in FY 2023-24 to the Department of Environment and Energy for providers grant assistance for a rural drinking water project in Cedar/Knox County. This project has already seen significant investment from the State, which is utilizing ARPA and Drinking Water State Revolving Fund funding, which exceeds \$32 million.

To preserve our Cash Reserve Fund, I have vetoed \$10 million cash fund appropriation in FY 2023-24 and FY 2024-25 for Rural Workforce Housing and \$10 million cash fund appropriation in FY 2023-24 and FY 2024-25 for Middle Income Housing. This will preserve our reserve funds and avoid flooding the housing market with government subsidization. We have invested more than \$200 million in affordable housing over the past three years and Nebraska housing developers are busy leveraging this substantial investment to build up our supply of affordable housing in the State of Nebraska.

I am reducing the additional Shovel Ready Capital Recovery and Investment Act Funds from \$90 million to \$70 million in FY 2023-24 and eliminating funding of \$10 million related to the Site and Building Development funding to Kimball for a ground-based nuclear deterrence project. I stand behind Kimball in securing funds from the federal government to ensure this area can continue to thrive in the future and we will continue to assist that effort in any way possible.

I am also vetoing the \$5 million appropriation from the Nebraska Health Care Cash Fund in FY 2023-24 and FY 2024-25 and the related intended transfers in the following three years from the Cash Reserve Fund for the pilot program related to gun violence. Over \$500 million has already been devoted to economic recovery over the last two years focused mainly in North and South Omaha.

Investing in our core mission of providing quality services to the citizens of Nebraska, while delivering transformational tax relief is a must. We must cut government spending, we must cut government red tape, and we must lead the charge in investing in our next generation. Over four years, my veto reductions will save the General Fund \$94.2 million, Health Care Cash Fund \$10 million, and Cash Reserve Fund \$87 million.

This session has the makings of being truly transformational and I am writing to you to stand up to the special interests who stand to gain from growing government spending and deliver the money back to hard-working Nebraskans!

I urge you to sustain these vetoes.

Sincerely,
(Signed) Jim Pillen
Governor

AMENDMENT - Print in Journal

Senator B. Hansen filed the following amendment to [LB227A](#):
[AM1990](#)

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$3,627,976 from the
4 General Fund, \$378,754 from the Nebraska Opioid Recovery Fund, and
5 \$576,619 from federal funds for FY2023-24 and (2) \$3,879,167 from the
6 General Fund, \$388,160 from the Nebraska Opioid Recovery Fund, and
7 \$725,801 from federal funds for FY2024-25 to the Department of Health and
8 Human Services, for Program 33, to aid in carrying out the provisions of
9 Legislative Bill 227, One Hundred Eighth Legislature, First Session,
10 2023.
11 Total expenditures for permanent and temporary salaries and per
12 diems from funds appropriated in this section shall not exceed \$994,731
13 for FY2023-24 or \$1,256,608 for FY2024-25.
14 Sec. 2. There is hereby appropriated (1) \$97,864 from the
15 Professional and Occupational Credentialing Cash Fund for FY2023-24 and
16 (2) \$119,688 from the Professional and Occupational Credentialing Cash
17 Fund for FY2024-25 to the Department of Health and Human Services, for
18 Program 178, to aid in carrying out the provisions of Legislative Bill
19 227, One Hundred Eighth Legislature, First Session, 2023.
20 Total expenditures for permanent and temporary salaries and per
21 diems from funds appropriated in this section shall not exceed \$63,564
22 for FY2023-24 or \$75,664 for FY2024-25.
23 Sec. 3. There is hereby appropriated (1) \$111,600 from the General
24 Fund for FY2023-24 and (2) \$111,600 from the General Fund for FY2024-25
25 to the Department of Health and Human Services, for Program 347, to aid
26 in carrying out the provisions of Legislative Bill 227, One Hundred
1 Eighth Legislature, First Session, 2023.
2 There is included in the appropriation to this program for FY2023-24
3 \$111,600 General Funds for state aid, which shall only be used for such
4 purpose. There is included in the appropriation to this program for
5 FY2024-25 \$111,600 General Funds for state aid, which shall only be used
6 for such purpose.
7 No expenditures for permanent and temporary salaries and per diems
8 for state employees shall be made from funds appropriated in this
9 section.
10 Sec. 4. There is hereby appropriated (1) \$6,896,188 from the
11 General Fund and \$14,773,314 from federal funds for FY2023-24 and (2)
12 \$7,975,240 from the General Fund and \$19,705,703 from federal funds for
13 FY2024-25 to the Department of Health and Human Services, for Program
14 348, to aid in carrying out the provisions of Legislative Bill 227, One

15 Hundred Eighth Legislature, First Session, 2023.

16 There is included in the appropriation to this program for FY2023-24

17 \$6,896,188 General Funds and \$14,773,314 federal funds for state aid,

18 which shall only be used for such purpose. There is included in the

19 appropriation to this program for FY2024-25 \$7,975,240 General Funds and

20 \$19,705,703 federal funds for state aid, which shall only be used for

21 such purpose.

22 No expenditures for permanent and temporary salaries and per diems

23 for state employees shall be made from funds appropriated in this

24 section.

25 Sec. 5. Since an emergency exists, this act takes effect when

26 passed and approved according to law.

ANNOUNCEMENT

Senator Clements announced the Appropriations Committee will hold an executive session Thursday, May 25, 2023, at 8:00 a.m., in Room 1307.

UNANIMOUS CONSENT - Add Cointroducer

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator Wishart name added to LB570.

VISITORS

Visitors to the Chamber were Ruth Tiemann, Lincoln; Jan Bostelman, Brainard; Ryan Domotor and Travis Keisig, Members of the Legislative Assembly of Saskatchewan Canada; Rani Franovich; Luke, Scott, and Matthew Moser, Valentine; students from Columbian Elementary, Omaha.

The Doctor of the Day was Dr. Marlon Weiss of Lincoln.

ADJOURNMENT

At 7:24 p.m., on a motion by Senator M. Cavanaugh, the Legislature adjourned until 9:00 a.m., Thursday, May 25, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 25, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 25, 2023

PRAYER

The prayer was offered by Pastor Bryan Bartels, LaPlatte Community Church, Bellevue.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Brewer and McKinney who were excused; and Senators Armendariz, Bostar, Clements, Day, Dorn, Dover, Erdman, Hunt, Lippincott, McDonnell, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

SENATOR DEBOER PRESIDING

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

MESSAGE FROM THE GOVERNOR

May 25, 2023

Brandon Metzler
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 276e, 276Ae was received in my office on May 19, 2023.

This bill was signed and delivered to the Secretary of State on May 25, 2023.

Sincerely,
 (Signed) Jim Pillen
 Governor

MOTIONS - Confirmation Reports

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 459:

Nebraska Department of Transportation
 Vicki Kramer

Voting in the affirmative, 31:

Aguilar	Briese	Fredrickson	Kauth	Slama
Albrecht	Cavanaugh, J.	Halloran	Linehan	von Gillern
Arch	Cavanaugh, M.	Hansen	Lowe	Walz
Ballard	Conrad	Hardin	Moser	
Blood	DeBoer	Holdcroft	Murman	
Bosn	DeKay	Hughes	Riepe	
Brandt	Dungan	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Bostelman Ibach Raybould

Excused and not voting, 15:

Armendariz	Clements	Dover	Lippincott	Vargas
Bostar	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart

The appointment was confirmed with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 515:

Department of Health and Human Services
Charity Merritt Menefee

Voting in the affirmative, 30:

Aguilar	Bostelman	Fredrickson	Ibach	Murman
Albrecht	Brandt	Halloran	Jacobson	Riepe
Arch	Briese	Hansen	Kauth	Sanders
Ballard	Conrad	Hardin	Linehan	Slama
Blood	DeBoer	Holdcroft	Lowe	von Gillern
Bosn	Dungan	Hughes	Moser	Walz

Voting in the negative, 0.

Present and not voting, 5:

Bostar	Cavanaugh, J.	Cavanaugh, M.	DeKay	Raybould
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Excused and not voting, 14:

Armendariz	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart
Clements	Dover	Lippincott	Vargas	

The appointment was confirmed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 459:

Department of Motor Vehicles
Rhonda Lahm

SPEAKER ARCH PRESIDING

Voting in the affirmative, 34:

Aguilar	Bostelman	Dungan	Ibach	Raybould
Albrecht	Brandt	Fredrickson	Jacobson	Riepe
Arch	Briese	Halloran	Kauth	Sanders
Ballard	Cavanaugh, J.	Hansen	Linehan	Slama
Blood	Cavanaugh, M.	Hardin	Lowe	von Gillern
Bosn	Conrad	Holdcroft	Moser	Walz
Bostar	DeBoer	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 1:

DeKay

Excused and not voting, 14:

Armendariz	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart
Clements	Dover	Lippincott	Vargas	

The appointment was confirmed with 34 ayes, 0 nays, 1 present and not voting, and 14 excused and not voting.

Senator Sanders moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 1142:

State Fire Marshal
Scott C Cordes

Voting in the affirmative, 33:

Aguilar	Bostelman	Fredrickson	Jacobson	Riepe
Albrecht	Brandt	Halloran	Kauth	Sanders
Arch	Cavanaugh, J.	Hansen	Linehan	Slama
Ballard	Conrad	Hardin	Lowe	von Gillern
Blood	DeBoer	Holdcroft	Moser	Walz
Bosn	DeKay	Hughes	Murman	
Bostar	Dungan	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 2:

Briese Cavanaugh, M.

Excused and not voting, 14:

Armendariz	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart
Clements	Dover	Lippincott	Vargas	

The appointment was confirmed with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

Senator Sanders moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 1143:

Policy Research
Kenny Zoeller

Voting in the affirmative, 31:

Aguilar	Bostelman	Halloran	Kauth	Slama
Albrecht	Brandt	Hansen	Linehan	von Gillern
Arch	Briese	Hardin	Lowe	Walz
Ballard	Conrad	Holdcroft	Moser	
Blood	DeBoer	Hughes	Murman	
Bosn	DeKay	Ibach	Riepe	
Bostar	Fredrickson	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Dungan Raybould

Excused and not voting, 14:

Armendariz	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart
Clements	Dover	Lippincott	Vargas	

The appointment was confirmed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

Senator DeBoer moved the adoption of the Judiciary Committee report for the confirmation of the following appointment found on page 1211:

Department of Correctional Services
Robey L. Jeffreys

Voting in the affirmative, 29:

Aguilar	Brandt	Halloran	Jacobson	Raybould
Arch	Briese	Hansen	Kauth	Riepe
Ballard	Conrad	Hardin	Linehan	Sanders
Blood	DeBoer	Holdcroft	Lowe	Slama
Bostar	DeKay	Hughes	Moser	Walz
Bostelman	Fredrickson	Ibach	Murman	

Voting in the negative, 0.

Present and not voting, 6:

Albrecht	Cavanaugh, J.	Dungan
Bosn	Cavanaugh, M.	von Gillern

Excused and not voting, 14:

Armendariz	Day	Erdman	McDonnell	Wayne
Brewer	Dorn	Hunt	McKinney	Wishart
Clements	Dover	Lippincott	Vargas	

The appointment was confirmed with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 515:

Department of Health and Human Services
Anthony (Tony) R. Green

Voting in the affirmative, 27:

Aguilar	Brandt	Halloran	Jacobson	Sanders
Arch	Briese	Hansen	Kauth	Slama
Ballard	Cavanaugh, M.	Hardin	Moser	Walz
Blood	Conrad	Holdcroft	Murman	
Bostar	DeBoer	Hughes	Raybould	
Bostelman	Fredrickson	Ibach	Riepe	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Cavanaugh, J.	Dungan	von Gillern
Bosn	DeKay	Lowe	

Excused and not voting, 15:

Armendariz	Day	Erdman	Lippincott	Vargas
Brewer	Dorn	Hunt	McDonnell	Wayne
Clements	Dover	Linehan	McKinney	Wishart

The appointment was confirmed with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 515:

Department of Health and Human Services
Kevin Bagley

Voting in the affirmative, 28:

Aguilar	Bostelman	Fredrickson	Jacobson	Sanders
Arch	Brandt	Hansen	Kauth	Vargas
Ballard	Briese	Hardin	Linehan	Walz
Blood	Cavanaugh, M.	Holdcroft	McDonnell	Wishart
Bosn	Conrad	Hughes	Moser	
Bostar	Day	Ibach	Raybould	

Voting in the negative, 4:

Halloran	Lowe	Riepe	Slama
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Present and not voting, 8:

Albrecht	DeBoer	Dungan	Murman
Cavanaugh, J.	DeKay	Erdman	von Gillern

Excused and not voting, 9:

Armendariz	Clements	Dover	Lippincott	Wayne
Brewer	Dorn	Hunt	McKinney	

The appointment was confirmed with 28 ayes, 4 nays, 8 present and not voting, and 9 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 516:

Department of Health and Human Services
Dannette R. Smith

Senator B. Hansen moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Voting in the affirmative, 26:

Aguilar	Briese	Hansen	Linehan	Slama
Albrecht	Clements	Hardin	Lippincott	von Gillern
Arch	DeKay	Holdcroft	Lowe	
Ballard	Dorn	Ibach	Moser	
Bosn	Erdman	Jacobson	Murman	
Bostelman	Halloran	Kauth	Sanders	

Voting in the negative, 6:

Armendariz	Cavanaugh, J.	Day
Blood	Cavanaugh, M.	Raybould

Present and not voting, 11:

Brandt	Dungan	McDonnell	Walz
Conrad	Fredrickson	Riepe	Wayne
DeBoer	Hughes	Vargas	

Excused and not voting, 6:

Bostar	Dover	McKinney
Brewer	Hunt	Wishart

The appointment was confirmed with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator McDonnell moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 1722:

Nebraska Public Employees Retirement Systems
Jason Hayes

Voting in the affirmative, 29:

Aguilar	Bostelman	Fredrickson	Ibach	Riepe
Arch	Brandt	Halloran	Jacobson	Sanders
Armendariz	DeBoer	Hansen	Lippincott	Vargas
Ballard	Dorn	Hardin	McDonnell	von Gillern
Blood	Dungan	Holdcroft	Moser	Walz
Bosn	Erdman	Hughes	Murman	

Voting in the negative, 4:

Albrecht	Cavanaugh, M.	Linehan	Slama
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Present and not voting, 10:

Briese	Clements	Day	Kauth	Raybould
Cavanaugh, J.	Conrad	DeKay	Lowe	Wayne

Excused and not voting, 6:

Bostar	Dover	McKinney
Brewer	Hunt	Wishart

The appointment was confirmed with 29 ayes, 4 nays, 10 present and not voting, and 6 excused and not voting.

MOTION - Return LB227A to Select File

Senator B. Hansen moved to return LB227A to Select File for his specific amendment, [AM1990](#), found on page 1733.

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Murman
Albrecht	Briese	Erdman	Jacobson	Riepe
Arch	Cavanaugh, J.	Fredrickson	Kauth	Sanders
Armendariz	Cavanaugh, M.	Halloran	Linehan	Slama
Ballard	Conrad	Hansen	Lippincott	Vargas
Blood	Day	Hardin	Lowe	von Gillern
Bosn	DeBoer	Holdcroft	McDonnell	Walz
Bostelman	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 4:

Clements	DeKay	Raybould	Wayne
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Excused and not voting, 6:

Bostar	Dover	McKinney
Brewer	Hunt	Wishart

The B. Hansen motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 227A. The B. Hansen specific amendment, [AM1990](#), found on page 1733, was offered.

PRESIDENT KELLY PRESIDING

The B. Hansen specific amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Recommit LB243 to Committee

Senator M. Cavanaugh offered [MO170](#), found on page 925, to recommit to Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

WITHDRAW - Motions to LB243

Senator M. Cavanaugh withdrew [MO165](#), found on page 925, to recommit to Revenue Committee, to LB243.

Senator Briese withdrew [MO1041](#), found on page 1461, to recommit to the Revenue Committee, to LB243.

WITHDRAW - Amendments to LB243

Senator M. Cavanaugh withdrew [FA113](#), found on page 1460, to LB243.

Senator Briese withdrew [FA115](#), found on page 1466, to LB243.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB243 with 37 ayes, 2 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 243. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5003, 77-5015.02, 85-1517, and 85-2231, Reissue Revised Statutes of Nebraska, and sections 77-1632, 77-1633, 77-1736.06, 77-3442, 77-4212, 77-5004, 77-6702, 77-6703, and 77-6706, Revised Statutes Cumulative Supplement, 2022; to adopt the School District Property Tax Limitation Act; to change provisions of the Property Tax Request Act, the interest rate for refunds or claims relating to taxes, community college area levying authority, provisions of the Property Tax Credit Act, provisions relating to the Tax Equalization and Review Commission, and provisions of the Nebraska Property Tax Incentive Act; to provide for distribution of aid and

levying authority to community college areas as prescribed; to create a fund; to provide duties for the Coordinating Commission for Postsecondary Education and the State Treasurer; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Brandt	Dover	Ibach	Riepe
Albrecht	Briese	Dungan	Jacobson	Sanders
Arch	Cavanaugh, J.	Erdman	Kauth	Slama
Armendariz	Clements	Fredrickson	Linchan	Vargas
Ballard	Conrad	Halloran	Lippincott	von Gillern
Blood	Day	Hansen	Lowe	Walz
Bosn	DeBoer	Hardin	McDonnell	Wayne
Bostar	DeKay	Holdcroft	Moser	Wishart
Bostelman	Dorn	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Raybould

Excused and not voting, 3:

Brewer Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 243A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Briese	Dungan	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Erdman	Kauth	Sanders
Arch	Clements	Fredrickson	Linehan	Slama
Armendariz	Conrad	Halloran	Lippincott	Vargas
Ballard	Day	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	Moser	Wayne
Bostelman	Dorn	Hughes	Murman	Wishart
Brandt	Dover	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 2:

Bosn Cavanaugh, M.

Excused and not voting, 3:

Brewer Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 243e and 243Ae.

WITHDRAW - Motions to LB583

Senator Hunt withdrew [MO686](#), found on page 966, to recommit to Education Committee, to LB583.

Senator Hunt withdrew [MO681](#), found on page 966, to recommit to Education Committee, to LB583.

Senator Hunt withdrew [MO683](#), found on page 966, to indefinitely postpone, to LB583.

WITHDRAW - Amendments to LB583

Senator Hunt withdrew [AM1112](#), found on page 998, to LB583.

Senator Hunt withdrew [AM1111](#), found on page 998, to LB583.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB583 with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 583. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-1001, 79-1009, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, 79-1031.01, and 79-1142, Revised Statutes Cumulative Supplement, 2022; to provide for foundation aid and change provisions relating to net option funding, local system formula resources, and certain certification dates under the Tax Equity and Educational Opportunities Support Act; to change reimbursement provisions under the Special Education Act; to provide duties for school districts and the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Briese	Dungan	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Erdman	Kauth	Sanders
Arch	Clements	Fredrickson	Linchan	Slama
Armendariz	Conrad	Halloran	Lippincott	Vargas
Ballard	Day	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bosn	DeKay	Holdcroft	Moser	Wayne
Bostar	Dorn	Hughes	Murman	Wishart
Bostelman	Dover	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 2:

Brandt Cavanaugh, M.

Excused and not voting, 3:

Brewer Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB583A to Select File

Senator Linehan moved to return LB583A to Select File for the following specific amendment:

[FA199](#)

Strike the enacting clause.

Senator Linehan withdrew her motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 583A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 50, Legislative Bill 814, One Hundred Eighth Legislature, First Session, 2023; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Eighth Legislature, First Session, 2023; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Brandt	Dover	Ibach	Raybould
Albrecht	Briese	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Clements	Fredrickson	Linehan	Slama
Ballard	Conrad	Halloran	Lippincott	Vargas
Blood	Day	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	Moser	Wayne
Bostelman	Dorn	Hughes	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Brewer Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 583e and 583Ae.

MOTION - Recommit LB754 to Committee

Senator M. Cavanaugh offered [MO140](#), found on page 906, recommit to Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

WITHDRAW - Motion to LB754

Senator Linehan withdrew [MO1051](#), found on page 1472, to recommit to the Revenue Committee, to LB753.

WITHDRAW - Amendments to LB754

Senator Kauth withdrew [FA34](#), found on page 908, to LB754.

Senator Linehan withdrew [FA119](#), found on page 1472, to LB754.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB754 with 32 ayes, 4 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 754. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2727, 77-2730, 77-2775, 77-3605, and 77-3606, Reissue Revised Statutes of Nebraska, and sections 71-1962, 77-2715.03, 77-2715.07, 77-2716, 77-2717, 77-2734.01, 77-2734.02, 77-2734.03, and 77-3604, Revised Statutes Cumulative Supplement, 2022; to adopt the Child Care Tax Credit Act; to reduce individual and corporate income tax rates as prescribed; to provide for certain income tax deductions; to change provisions relating to taxation of partnerships and small business corporations; to define terms; to reauthorize tax credits under and change provisions relating to the School Readiness Tax Credit Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Aguilar	Bostelman	Fredrickson	Kauth	Sanders
Albrecht	Brandt	Halloran	Linehan	Slama
Arch	Briese	Hansen	Lippincott	Vargas
Armendariz	Clements	Hardin	Lowe	von Gillern
Ballard	DeKay	Holdcroft	McDonnell	Walz
Blood	Dorn	Hughes	Moser	Wayne
Bosn	Dover	Ibach	Murman	Wishart
Bostar	Erdman	Jacobson	Riepe	

Voting in the negative, 2:

Conrad Raybould

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. DeBoer Dungan

Excused and not voting, 4:

Brewer Day Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 754A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Brandt	Dungan	Jacobson	Sanders
Albrecht	Briese	Erdman	Kauth	Slama
Arch	Cavanaugh, J.	Fredrickson	Linchan	Vargas
Armendariz	Clements	Halloran	Lippincott	von Gillern
Ballard	Conrad	Hansen	Lowe	Walz
Blood	DeBoer	Hardin	McDonnell	Wishart
Bosn	DeKay	Holdcroft	Moser	
Bostar	Dorn	Hughes	Murman	
Bostelman	Dover	Ibach	Riepe	

Voting in the negative, 1:

Raybould

Present and not voting, 2:

Cavanaugh, M. Wayne

Excused and not voting, 4:

Brewer Day Hunt McKinney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 754 and 754Ae.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 138. Placed on Final Reading Second.

[ST25](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes were made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 298. Placed on Final Reading Second.

[ST27](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Blood amendment, AM1691, on page 3, line 27, "A" has been struck and "An" inserted.

(Signed) Beau Ballard, Chairperson

MOTION - Print in Journal

Senator Dungan filed the following motion to LB814:

MO1148

Override the Governor's line-item veto in Section 21, Supreme Court, Operations.

GENERAL FILE

LEGISLATIVE BILL 157. Senator Hunt offered MO321, found on page 935, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator DeBoer opened on her bill, LB157.

Senator Hunt withdrew her motion to indefinitely postpone prior to the bill being read, pursuant to Rule 6, Section 3(f).

Senator Hunt withdrew MO323, found on page 936, to bracket.

Senator Hunt withdrew MO322, found on page 936, to recommit to committee.

Senator Hunt withdrew MO327, found on page 936, to bracket.

Senator Hunt withdrew MO326, found on page 936, to recommit to committee.

Senator Hunt withdrew MO325, found on page 936, to indefinitely postpone.

Senator Hunt withdrew MO328, found on page 936, to recommit to committee.

Title read. Considered.

Committee AM1525, found on page 1338, was offered.

Senator Holdcroft offered AM1660, found on page 1439, to the committee amendment.

The Holdcroft amendment, to the committee amendment, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Blood offered the following amendment, to the committee amendment:

AM1993

(Amendments to Standing Committee amendments, AM1525)

1 1. Insert the following new sections:

2 Sec. 7. Section 42-903, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 42-903 For purposes of the Protection from Domestic Abuse Act,
5 unless the context otherwise requires:
6 (1) Abuse means the occurrence of one or more of the following acts
7 between family or household members:
8 (a) Attempting to cause or intentionally and knowingly causing
9 bodily injury with or without a dangerous instrument;
10 (b) Placing, by means of credible threat, another person in fear of
11 bodily injury. For purposes of this subdivision, credible threat means a
12 verbal or written threat, including a threat performed through the use of
13 an electronic communication device, or a threat implied by a pattern of
14 conduct or a combination of verbal, written, or electronically
15 communicated statements and conduct that is made by a person with the
16 apparent ability to carry out the threat so as to cause the person who is
17 the target of the threat to reasonably fear for his or her safety or the
18 safety of his or her family. It is not necessary to prove that the person
19 making the threat had the intent to actually carry out the threat. The
20 present incarceration of the person making the threat shall not prevent
21 the threat from being deemed a credible threat under this section; or
22 (c) Engaging in sexual contact or sexual penetration without consent
23 as defined in section 28-318;
24 (2) Department means the Department of Health and Human Services;
25 (3) Family or household members includes spouses or former spouses,
26 children, persons who are presently residing together or who have resided
1 together in the past, persons who have a child in common whether or not
2 they have been married or have lived together at any time, other persons
3 related by consanguinity or affinity, and persons who are presently
4 involved in a dating relationship with each other or who have been
5 involved in a dating relationship with each other. For purposes of this
6 subdivision, dating relationship means frequent, intimate associations
7 primarily characterized by the expectation of affectional or sexual
8 involvement, but does not include a casual relationship or an ordinary
9 association between persons in a business or social context; ~~and~~
10 (4) Household pet means any animal maintained for companionship or
11 pleasure but does not include any animal kept primarily for commercial
12 purposes or for consumption or any livestock animal as defined in section
13 54-902; and
14 (5) (4) Law enforcement agency means the police department or town
15 marshal in incorporated municipalities, the office of the sheriff in
16 unincorporated areas, and the Nebraska State Patrol.
17 Sec. 8. Section 42-924, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:
19 42-924 (1)(a) Any victim of domestic abuse may file a petition and
20 affidavit for a protection order as provided in this section. Upon the
21 filing of such a petition and affidavit in support thereof, the court may
22 issue a protection order without bond granting the following relief:
23 (i) Enjoining the respondent from imposing any restraint upon the
24 petitioner or upon the liberty of the petitioner;
25 (ii) Enjoining the respondent from threatening, assaulting,
26 molesting, attacking, or otherwise disturbing the peace of the
27 petitioner;
28 (iii) Enjoining the respondent from telephoning, contacting, or
29 otherwise communicating with the petitioner;
30 (iv) Removing and excluding the respondent from the residence of the
31 petitioner, regardless of the ownership of the residence;
1 (v) Ordering the respondent to stay away from any place specified by
2 the court;
3 (vi) Awarding the petitioner temporary custody of any minor children
4 not to exceed ninety days;

5 (vii) Enjoining the respondent from possessing or purchasing a
6 firearm as defined in section 28-1201; ~~or~~
7 (viii) Directing that the petitioner have sole possession of any
8 household pet owned, possessed, leased, kept, or held by the petitioner,
9 the respondent, or any family or household member residing in the
10 household of the petitioner or respondent;
11 (ix) Enjoining the respondent from coming into contact with,
12 harming, or killing any household pet owned, possessed, leased, kept, or
13 held by the petitioner, the respondent, or any family or household member
14 of the petitioner or respondent; or
15 ~~(x) (viii)~~ Ordering such other relief deemed necessary to provide
16 for the safety and welfare of the petitioner and any designated family or
17 household member.
18 (b) If sole possession of a household pet is ordered by a court
19 pursuant to subdivision (1)(a)(viii) of this section, such possession
20 shall be for the duration of the protection order or until further order
21 of the court. The grant of sole possession of a household pet under such
22 subdivision is not intended to permanently determine ownership of such
23 household pet. The petitioner shall not permanently transfer, sell, or
24 dispose of a household pet placed in the petitioner's possession without
25 prior court approval, except that court approval shall not be required in
26 cases where humane euthanasia of a seriously ill or injured household pet
27 is recommended by a licensed veterinarian.
28 (c) (b) The petition for a protection order shall state the events
29 and dates or approximate dates of acts constituting the alleged domestic
30 abuse, including the most recent and most severe incident or incidents.
31 (d) (e) The protection order shall specify to whom relief under this
1 section was granted.
2 (2) Petitions for protection orders shall be filed with the clerk of
3 the district court, and the proceeding may be heard by the county court
4 or the district court as provided in section 25-2740. A petition for a
5 protection order may not be withdrawn except upon order of the court.
6 (3)(a) A protection order shall specify that it is effective for a
7 period of one year and, if the order grants temporary custody, the number
8 of days of custody granted to the petitioner unless otherwise modified by
9 the court.
10 (b)(i) Any victim of domestic abuse may file a petition and
11 affidavit to renew a protection order. Such petition and affidavit for
12 renewal shall be filed any time within forty-five days before the
13 expiration of the previous protection order, including the date the order
14 expires.
15 (ii) A protection order may be renewed on the basis of the
16 petitioner's affidavit stating that there has been no material change in
17 relevant circumstances since entry of the order and stating the reason
18 for the requested renewal if:
19 (A) The petitioner seeks no modification of the order; and
20 (B)(I) The respondent has been properly served with notice of the
21 petition for renewal and notice of hearing and fails to appear at the
22 hearing; or
23 (II) The respondent indicates that he or she does not contest the
24 renewal.
25 (iii) Such renewed order shall specify that it is effective for a
26 period of one year to commence on the first calendar day following the
27 expiration of the previous order or on the calendar day the court grants
28 the renewal if such day is subsequent to the first calendar day after
29 expiration of the previous order and, if the court grants temporary
30 custody, the number of days of custody granted to the petitioner unless
31 otherwise modified by the court.
1 (4) Any person, except the petitioner, who knowingly violates a
2 protection order issued pursuant to this section or section 42-931 after

3 service or notice as described in subsection (2) of section 42-926 shall
4 be guilty of a Class I misdemeanor, except that any person convicted of
5 violating such order who has a prior conviction for violating a
6 protection order shall be guilty of a Class IV felony.
7 (5) If there is any conflict between sections 42-924 to 42-926 and
8 any other provision of law, sections 42-924 to 42-926 shall govern.
9 2. Correct the operative date and repealer sections so that sections
10 7 and 8 added by this amendment become operative three calendar months
11 after the adjournment of this legislative session.
12 3. Renumber the remaining sections and correct internal references
13 accordingly.

Senator Blood moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

The Blood amendment, to the committee amendment, was adopted with 27 ayes, 4 nays, 6 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator J. Cavanaugh offered the following amendment, to the committee amendment:

[AM1994](#)

(Amendments to Standing Committee amendments, AM1525)

1 1. Insert the following new section:
2 Section 1. Section 25-21,273, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 25-21,273 (1) Unless the petitioner is allowed to proceed in forma
5 pauperis in accordance with sections 25-2301 to 25-2310, all AH
6 proceedings under sections 25-21,270 to 25-21,272 shall be at the cost of
7 the petitioner-~~or petitioners~~, for which fee-bill or execution may issue
8 as in civil cases.
9 (2) Any change of names under such the provisions of said sections,
10 shall not in any manner affect or alter any right of action, legal
11 process, or property.
12 2. Correct the operative date and repealer sections so that section
13 1 added by this amendment becomes operative three calendar months after
14 the adjournment of this legislative session.
15 3. Renumber the remaining sections and correct internal references
16 accordingly.

The J. Cavanaugh amendment, to the committee amendment, was adopted with 31 ayes, 1 nay, 4 present and not voting, and 13 excused and not voting.

Senator Wayne offered the following amendment, to the committee amendment:

[AM1995](#)

(Amendments to Standing Committee amendments, AM1525)

1 1. Insert the following new section:
2 Sec. 7. Section 43-286, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 43-286 (1) When any juvenile is adjudicated to be a juvenile
5 described in subdivision (1), (2), or (4) of section 43-247:
6 (a) The court may continue the dispositional portion of the hearing,
7 from time to time upon such terms and conditions as the court may

8 prescribe, including an order of restitution of any property stolen or
9 damaged or an order requiring the juvenile to participate in restorative
10 justice programs or community service programs, if such order is in the
11 interest of the juvenile's reformation or rehabilitation, and, subject to
12 the further order of the court, may:

13 (i) Place the juvenile on probation subject to the supervision of a
14 probation officer; or

15 (ii) Permit the juvenile to remain in his or her own home or be
16 placed in a suitable family home or institution, subject to the
17 supervision of the probation officer;

18 (b) When it is alleged that the juvenile has exhausted all levels of
19 probation supervision and options for community-based services and
20 section 43-251.01 has been satisfied, a motion for commitment to a youth
21 rehabilitation and treatment center may be filed and proceedings held as
22 follows:

23 (i) The motion shall set forth specific factual allegations that
24 support the motion and a copy of such motion shall be served on all
25 persons required to be served by sections 43-262 to 43-267;

26 (ii) The Office of Juvenile Services shall be served with a copy of
1 such motion and shall be a party to the case for all matters related to
2 the juvenile's commitment to, placement with, or discharge from the
3 Office of Juvenile Services; and

4 (iii) The juvenile shall be entitled to a hearing before the court
5 to determine the validity of the allegations. At such hearing the burden
6 is upon the state by a preponderance of the evidence to show that:

7 (A) All levels of probation supervision have been exhausted;

8 (B) All options for community-based services have been exhausted;
9 and

10 (C) Placement at a youth rehabilitation and treatment center is a
11 matter of immediate and urgent necessity for the protection of the
12 juvenile or the person or property of another or if it appears that such
13 juvenile is likely to flee the jurisdiction of the court;

14 (c) After the hearing, the court may, as a condition of an order of
15 intensive supervised probation, commit such juvenile to the Office of
16 Juvenile Services for placement at a youth rehabilitation and treatment
17 center operated in compliance with state law. Upon commitment by the
18 court to the Office of Juvenile Services, the court shall immediately
19 notify the Office of Juvenile Services of the commitment. Intensive
20 supervised probation for purposes of this subdivision means that the
21 Office of Juvenile Services shall be responsible for the care and custody
22 of the juvenile until the Office of Juvenile Services discharges the
23 juvenile from commitment to the Office of Juvenile Services. Upon
24 discharge of the juvenile, the court shall hold a review hearing on the
25 conditions of probation and enter any order allowed under subdivision (1)
26 (a) of this section;

27 (d) The Office of Juvenile Services shall notify those required to
28 be served by sections 43-262 to 43-267, all interested parties, and the
29 committing court of the pending discharge of a juvenile from the youth
30 rehabilitation and treatment center sixty days prior to discharge and
31 again in every case not less than thirty days prior to discharge. Upon
1 notice of pending discharge by the Office of Juvenile Services, the court
2 shall set a continued disposition hearing in anticipation of reentry. The
3 Office of Juvenile Services shall work in collaboration with the Office
4 of Probation Administration in developing an individualized reentry plan
5 for the juvenile as provided in section 43-425. The Office of Juvenile
6 Services shall provide a copy of the individualized reentry plan to the
7 juvenile, the juvenile's attorney, and the county attorney or city
8 attorney prior to the continued disposition hearing. At the continued
9 disposition hearing, the court shall review and approve or modify the
10 individualized reentry plan, place the juvenile under probation

11 supervision, and enter any other order allowed by law. No hearing is
12 required if all interested parties stipulate to the individualized
13 reentry plan by signed motion. In such a case, the court shall approve
14 the conditions of probation, approve the individualized reentry plan, and
15 place the juvenile under probation supervision; and

16 (e) The Office of Juvenile Services is responsible for
17 transportation of the juvenile to and from the youth rehabilitation and
18 treatment center. The Office of Juvenile Services may contract for such
19 services. A plan for a juvenile's transport to return to the community
20 shall be a part of the individualized reentry plan. The Office of
21 Juvenile Services may approve family to provide such transport when
22 specified in the individualized reentry plan.

23 (2) When any juvenile is found by the court to be a juvenile
24 described in subdivision (3)(b) of section 43-247, the court may enter
25 such order as it is empowered to enter under subdivision (1)(a) of this
26 section.

27 (3) When any juvenile is adjudicated to be a juvenile described in
28 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may
29 order the juvenile to be assessed for referral to participate in a
30 restorative justice program. Factors that the judge may consider for such
31 referral include, but are not limited to: The juvenile's age,
1 intellectual capacity, and living environment; the ages of others who
2 were part of the offense; the age and capacity of the victim; and the
3 nature of the case.

4 (4) When a juvenile is placed on probation and a probation officer
5 has reasonable cause to believe that such juvenile has committed a
6 violation of a condition of his or her probation, the probation officer
7 shall take appropriate measures as provided in section 43-286.01.

8 (5)(a) When a juvenile is placed on probation or under the
9 supervision of the court and it is alleged that the juvenile is again a
10 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
11 43-247, a petition may be filed and the same procedure followed and
12 rights given at a hearing on the original petition. If an adjudication is
13 made that the allegations of the petition are true, the court may make
14 any disposition authorized by this section for such adjudications and the
15 county attorney may file a motion to revoke the juvenile's probation.

16 (b) When a juvenile is placed on probation or under the supervision
17 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of
18 section 43-247 and it is alleged that the juvenile has violated a term of
19 probation or supervision or that the juvenile has violated an order of
20 the court, a motion to revoke probation or supervision or to change the
21 disposition may be filed and proceedings held as follows:

22 (i) The motion shall set forth specific factual allegations of the
23 alleged violations and a copy of such motion shall be served on all
24 persons required to be served by sections 43-262 to 43-267;
25 (ii) The juvenile shall be entitled to a hearing before the court to
26 determine the validity of the allegations. At such hearing the juvenile
27 shall be entitled to those rights relating to counsel provided by section
28 43-272 and those rights relating to detention provided by sections 43-254
29 to 43-256. The juvenile shall also be entitled to speak and present
30 documents, witnesses, or other evidence on his or her own behalf. He or
31 she may confront persons who have given adverse information concerning
1 the alleged violations, may cross-examine such persons, and may show that
2 he or she did not violate the conditions of his or her probation or
3 supervision or an order of the court or, if he or she did, that
4 mitigating circumstances suggest that the violation does not warrant
5 revocation of probation or supervision or a change of disposition. The
6 hearing shall be held within a reasonable time after the juvenile is
7 taken into custody;

8 (iii) The hearing shall be conducted in an informal manner and shall

9 be flexible enough to consider evidence, including letters, affidavits,
 10 and other material, that would not be admissible in an adversarial
 11 criminal trial;
 12 (iv) The juvenile shall not be confined, detained, or otherwise
 13 significantly deprived of his or her liberty pursuant to the filing of a
 14 motion described in this section unless the requirements of subdivision
 15 (5) of section 43-251.01 and section 43-260.01 have been met. In all
 16 cases when the requirements of subdivision (5) of section 43-251.01 and
 17 section 43-260.01 have been met and the juvenile is confined, detained,
 18 or otherwise significantly deprived of his or her liberty as a result of
 19 his or her alleged violation of probation, supervision, or a court order,
 20 the juvenile shall be given a preliminary hearing. If, as a result of
 21 such preliminary hearing, probable cause is found to exist, the juvenile
 22 shall be entitled to a hearing before the court in accordance with this
 23 subsection;
 24 (v) If the juvenile is found by the court to have violated the terms
 25 of his or her probation or supervision or an order of the court, the
 26 court may modify the terms and conditions of the probation, supervision,
 27 or other court order, extend the period of probation, supervision, or
 28 other court order, or enter any order of disposition that could have been
 29 made at the time the original order was entered; and
 30 (vi) In cases when the court revokes probation, supervision, or
 31 other court order, it shall enter a written statement as to the evidence
 1 relied on and the reasons for revocation.
 2 (6)(a) Except as provided in subdivision (6)(b) of this section, the
 3 court shall not change a disposition unless the court finds that the
 4 juvenile has violated a term or condition of probation or supervision or
 5 an order of the court and the procedures in subdivision (5)(b) of this
 6 section have been satisfied.
 7 (b) Upon motion of the juvenile, the court may modify the terms or
 8 conditions of probation or supervision or modify a dispositional order
 9 if:
 10 (i) All parties stipulate to the particular modification; and
 11 (ii) The juvenile has consulted with counsel or has waived counsel.
 12 Any waiver must be particular to the modification and shall comply with
 13 section 43-3102.
 14 (7) (6) Costs incurred on behalf of a juvenile under this section
 15 shall be paid as provided in section 43-290.01.
 16 (8) (7) When any juvenile is adjudicated to be a juvenile described
 17 in subdivision (4) of section 43-247, the juvenile court shall within
 18 thirty days of adjudication transmit to the Director of Motor Vehicles an
 19 abstract of the court record of adjudication.
 20 2. Correct the operative date and repealer sections so that section
 21 7 added by this amendment becomes operative three calendar months after
 22 the adjournment of this legislative session.
 23 3. Renumber the remaining sections and correct internal references
 24 accordingly.

The Wayne amendment, to the committee amendment, was adopted with 33
 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays,
 5 present and not voting, and 11 excused and not voting.

Senator Blood withdrew [AM1556](#), found on page 1378.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 4 present
 and not voting, and 11 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 2023, at 12:17 p.m. were the following: LBs 243e, 243Ae, 583e, 583Ae, 754e and 754Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

**APPROPRIATIONS COMMITTEE REPORT
ON LB 814 and LB 818**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 814 and LB 818.

By majority vote, the Appropriations Committee recommends that following items line-item vetoed by the Governor be overridden by the Legislature. Motions to such effect will be filed on individual items.

In LB 814:

1. Provider Rates
 - a. Section 96, Agency 25, Department of Health and Human Services, Program 344, Children's Health Insurance.
 - b. Section 98, Agency, 25, Department of Health and Human Services, Program 348, Medical Assistance.
 - c. Voting Yes: Senators Armendariz, Dorn, McDonnell, Vargas, Wishart
 - d. Voting No: Senators Clements, Dover, Erdman, Lippincott
2. Housing
 - a. Section 254, Agency 72, Department of Economic Development, Program 601, Community and Rural Development.
 - b. Voting Yes: Senators Dorn, Lippincott, McDonnell, Vargas, Wishart
 - c. Voting No: Senators Armendariz, Clements, Dover, Erdman
3. Auditor Staffing and Professional Development
 - a. Section 35, Auditor of Public Accounts, Program 506, State Agency and County Post Audits.
 - b. Section 36, Auditor of Public Accounts, Program 525, Cooperative Audits.
 - c. Voting Yes: Senators Dorn, Erdman, Lippincott, McDonnell, Vargas

- d. Voting No: Senators Armendariz, Clements, Dover
- e. Not Voting: Senator Wishart

In LB 818:

- 1. Housing Transfers
 - a. Section 34(32) and Section 34(33).
 - b. Voting Yes: Senators Dorn, Lippincott, McDonnell, Vargas, Wishart
 - c. Voting No: Senators Armendariz, Clements, Dover, Erdman

(Signed) Robert Clements, Chair
Appropriations Committee

MOTIONS - Print in Journal

The Appropriations Committee filed the following motion to LB814:

[MO1149](#)

Override the Governor's line-item veto in Section 35, Auditor of Public Accounts, Program 506, State Agency and County Post Audits, and Section 36, Auditor of Public Accounts, Program 525, Cooperative Audits.

The Appropriations Committee filed the following motion to LB814:

[MO1150](#)

Override the Governor's line-item veto in Section 96, Agency 25, Department of Health and Human Services, Program 344, Children's Health Insurance, and Section 98, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

The Appropriations Committee filed the following motion to LB814:

[MO1151](#)

Override the Governor's line-item veto in Section 254, Agency 72, Department of Economic Development, Program 601, Community and Rural Development.

The Appropriations Committee filed the following motion to LB818:

[MO1152](#)

Override the Governor's line-item veto in Section 34(32) and Section 34(33).

UNANIMOUS CONSENT - Add Cointroducer

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator Blood name added to LB157.

VISITORS

Visitors to the Chamber were students from Picotte Elementary, Omaha; students from Christendom Academy, Omaha; students from Pawnee Elementary, Omaha; Anne Mederos, LaPlatte.

ADJOURNMENT

At 12:45 p.m., on a motion by Senator Brandt, the Legislature adjourned until 9:00 a.m., Tuesday, May 30, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 30, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 30, 2023

PRAYER

The prayer was offered by Wilson Metz, Word of Hope Lutheran Church, Ashland.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator von Gillern.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, M. Cavanaugh, Conrad, Day, Hunt, Kauth, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

MESSAGES FROM THE GOVERNOR

May 26, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 683e, 683Ae, 565e, 565Ae were received in my office on May 23, 2023.

These bills were signed and delivered to the Secretary of State on May 26, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

May 26, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 254e, 254Ae, 191e were received in my office on May 24, 2023.

These bills were signed and delivered to the Secretary of State on May 26, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

COMMITTEE REPORTS

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Timothy A. Tesmer Chief Medical Officer - Division of Public Health -
Department of Health and Human Services

Aye: 4. Ballard, Hansen, B., Hardin, Riepe. Nay: 2. Cavanaugh, M., Day.
Absent: 0. Present and not voting: 1. Walz.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Noah Bernhardson - Board of Emergency Medical Services

Aye: 6. Ballard, Day, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0.
Present and not voting: 1. Cavanaugh, M..

(Signed) Ben Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 50A. Speaker Arch requested to pass over LB50A.

LEGISLATIVE BILL 531A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 727A. Senator Linehan offered the following amendment:

[AM1998](#)

1 I. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$432,776 from the
4 General Fund for FY2023-24 and (2) \$158,320 from the General Fund for
5 FY2024-25 to the Department of Revenue, for Program 102, to aid in
6 carrying out the provisions of Legislative Bill 727, One Hundred Eighth
7 Legislature, First Session, 2023.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$136,900
10 for FY2023-24 or \$102,400 for FY2024-25.
11 Sec. 2. There is hereby appropriated (1) \$1,427,000 from the
12 Department of Transportation Aeronautics Capital Improvement Fund for
13 FY2023-24 and (2) \$1,648,000 from the Department of Transportation
14 Aeronautics Capital Improvement Fund for FY2024-25 to the Department of
15 Transportation, for Program 301, to aid in carrying out the provisions of
16 Legislative Bill 727, One Hundred Eighth Legislature, First Session,
17 2023.
18 There is included in the appropriation to this program for FY2023-24
19 \$1,427,000 Cash Funds for state aid, which shall only be used for such
20 purpose. There is included in the appropriation to this program for
21 FY2024-25 \$1,648,000 Cash Funds for state aid, which shall only be used
22 for such purpose.
23 No expenditures for permanent and temporary salaries and per diems
24 for state employees shall be made from funds appropriated in this
25 section.
26 Sec. 3. There is hereby appropriated (1) \$128,220 from the General
27 Fund for FY2023-24 and (2) \$124,290 from the General Fund for FY2024-25
1 to the Department of Economic Development, for Program 603, to aid in
2 carrying out the provisions of Legislative Bill 727, One Hundred Eighth
3 Legislature, First Session, 2023.
4 Total expenditures for permanent and temporary salaries and per
5 diems from funds appropriated in this section shall not exceed \$68,750
6 for FY2023-24 or \$71,500 for FY2024-25.
7 Sec. 4. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

The Linehan amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 514. Senator Slama offered [MO1090](#), found on page 1572, to bracket until June 9, 2023.

Senator Slama withdrew her motion to bracket.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 157. Placed on Select File with amendment.
[ER37](#) is available in the Bill Room.

LEGISLATIVE BILL 50. Placed on Final Reading.
[ST23](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER35:
 - a. On page 20, line 26, "11 and 12" has been struck and "13 and 14" inserted;
 - b. On page 48, line 28, "36" has been struck and "50" inserted;
 - c. On page 49, line 6, "36" has been struck and "50" inserted;
 - d. On page 54, line 11, "34" has been struck and "48" inserted;
 - e. On page 56, line 30, "34, 36, and 40" has been struck and "48, 50, and 55" inserted;
 - f. On page 57, line 26, "36" has been struck and "50" inserted; and in line 28 "34, 36, and 40" has been struck and "48, 50, and 55" inserted;
 - g. On page 58, the matter beginning with "Original" in line 1 through line 7 has been struck and "Original sections 24-1302, 27-902, 28-518, 29-2221, 29-2263, 29-2269, 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280, 43-4505, 50-434, 69-2426, 69-2432, 71-1902, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666, 71-5669.01, 81-1850, 83-1,110, and 83-1,127, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-470, 29-2252, 29-2261, 29-2262, 38-2136, 43-2,108, 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, 43-4514, 71-5668, 83-109, 83-173, 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022, are repealed." inserted.
2. On page 1, the matter beginning with "criminal" in line 1 through line 14 and all amendments thereto have been struck and "the administration of justice; to amend sections 24-1302, 27-902, 28-518, 29-2221, 29-2263, 29-2269, 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280, 43-4505, 50-434, 69-2426, 69-2432, 71-1902, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666, 71-5669.01, 81-1850, 83-1,110, and 83-1,127, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-470, 29-2252, 29-2261, 29-2262, 38-2136, 43-2,108, 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, 43-4514, 71-5668, 83-109, 83-173, 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to change provisions regarding problem solving courts and restate legislative intent regarding appropriations; to create pilot programs relating to virtual behavioral health services, probation, and parole; to change and provide duties for courts, the State Court Administrator, the probation administrator, the Nebraska Commission on Law Enforcement and Criminal Justice, the Division of Parole Supervision, the Board of Parole, the Department of Correctional Services, the Director of Correctional Services, and the Board of Pardons; to change provisions of the Nebraska Evidence Rules relating to hearsay and self-authenticating items of evidence; to change provisions relating to immunity for administration of naloxone, theft, the habitual criminal enhancement, presentence investigation reports and related materials, set asides, restitution, appointment of counsel in certain proceedings, and actions for postconviction relief; to provide for access to certain information relating to probationers, juveniles, and parolees to law enforcement agencies; to create the Nebraska Sentencing Reform Task Force; to change provisions relating to the duty of confidentiality for certain mental health practitioners; to provide for answers of no contest in adjudication hearings under the Nebraska Juvenile Code; to change provisions relating to a written independent living transition proposal as prescribed; to change provisions of the Young Adult Bridge to Independence Act relating to legislative intent, eligibility, extended services and support, court appointed representation, and powers and duties of the Department of Health and Human Services; to terminate the Committee on Justice Reinvestment Oversight; to require dissemination of information regarding suicide prevention to purchasers of firearms and require suicide prevention training in handgun training and safety courses; to change provisions of the Rural Health Systems and Professional Incentive Act; to change provisions relating to notification of crime victims; to change provisions relating to parole and provide for geriatric

parole and streamlined parole contracts; to change and provide definitions; to provide for applicability; to require the Department of Correctional Services to provide employees with protective vests; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 92. Placed on Final Reading Second.

[ST24](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes were made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 92A. Placed on Final Reading.

LEGISLATIVE BILL 227. Placed on Final Reading Second.

[ST26](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes were made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 227A. Placed on Final Reading Second.

LEGISLATIVE BILL 727. Placed on Final Reading.

[ST22](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Armendariz amendment, AM1942:
 - a. Section 121 has been incorporated into the Linehan amendment, AM1905, as section 103; and
 - b. The operative date and repealer provisions have been incorporated into the Linehan amendment, AM1905.
2. In the Linehan amendment, AM1905:
 - a. On page 104, line 30, "and" has been struck and shown as stricken;
 - b. On page 105, line 4, the period has been struck, shown as stricken, and "; and" inserted.
 - c. On page 144, line 10, "109, 111, and 112" has been struck and "110, 112, and 113" inserted;
 - d. On page 146, line 19, "111" has been struck and "112" inserted;
 - e. On page 148, line 13, "111" has been struck and "112" inserted; and
 - f. On page 151, line 10, "117" has been struck and "118" inserted; in line 11 "119" has been struck and "120" inserted; in line 12 "120" has been struck and "121" inserted; in line 15 "105, 106, 107, 108, 109, 110, 111, 112," has been struck and "106, 107, 108, 109, 110, 111, 112, 113," inserted; in line 16 "118" has been struck and "119" inserted; and in line 28 "81-12,245," has been inserted after "81-1229,".
3. On page 1 the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "revenue and taxation; to amend sections 13-2602, 13-2603, 13-2604, 13-2605, 13-2609, 13-2610, 13-2611, 13-2612, 13-2706, 13-3102, 13-3103, 13-3104, 13-3108, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2703, 39-2704, 66-4,100, 77-1701, 77-1818, 77-1824, 77-1838, 77-2701.02, 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, 77-2912, 77-3513, 77-3522, 77-4001, 77-4002, 77-4007, 77-4008, 77-4025, 77-5803, 77-5806, and 77-5808, Reissue Revised Statutes of Nebraska, sections 39-2215, 39-2224, 77-1344, 77-1347, 77-1403, 77-1631, 77-1633, 77-1802, 77-1837, 77-2015, 77-2701, 77-2701.04, 77-2701.41, 77-2704.12, 77-2704.15, 77-2704.36, 77-2711, 77-2713, 77-2715.07, 77-2716, 77-2717, 77-2734.03, 77-27,132, 77-27,187.02, 77-27,188, 77-27,223, 77-3506, 77-3512, 77-6702, 77-6818, 81-1229, 81-12,182, 81-12,245, 82-334, 82-335, 85-1802, 85-2601, 85-2602, 85-2603, and 85-2604, Revised Statutes Cumulative Supplement, 2022, and section 24, Legislative Bill 243, One Hundred Eighth Legislature, First Session, 2023; to adopt the Nebraska Biodiesel Tax Credit Act and the Good Life Transformational Projects Act; to change provisions relating to the Convention Center Facility Financing Assistance Act, the Civic and Community Center Financing Act, and the Sports Arena Facility Financing Assistance Act; to authorize issuance of highway bonds under the Nebraska Highway Bond Act; to change provisions relating to the Build Nebraska Act, agricultural or horticultural land receiving special valuation, the achieving a better life experience program, the Property Tax Request Act, enforcement of delinquent taxes on real property, reports on inheritance taxes, and sales and use tax provisions relating to purchasing

agents and exemptions for nonprofit organizations and for purchases by the state, schools, and governmental units; to provide a sales and use tax exemption for baling wire and twine as prescribed; to provide an income tax deduction to retired firefighters for health insurance premiums; to change provisions relating to distribution of certain sales and use tax revenue and the Nebraska Advantage Rural Development Act; to provide an income tax credit for certain food donations; to change provisions relating to the Nebraska Job Creation and Mainstreet Revitalization Act and homestead exemptions; to impose a tax on electronic nicotine delivery systems; to change provisions relating to the Nebraska Advantage Research and Development Act, the Nebraska Property Tax Incentive Act, and the ImagiNE Nebraska Act; to create a fund; to change provisions relating to a workforce housing grant program, the Nebraska Transformational Projects Act, a grant program of the Department of Economic Development, a grant program of the Nebraska Arts Council, and the Nebraska educational savings plan trust; to rename the Law Enforcement Education Act and change provisions therein; to change an operative date provision as prescribed; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 514. Senator Slama offered [MO1091](#), found on page 1572, to recommit to the Government, Military, and Veterans Affairs Committee.

SENATOR VON GILLERN PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Clements filed the following amendment to [LB50](#):

[FA200](#)

Strike the enacting clause.

SELECT FILE

LEGISLATIVE BILL 514. Senator Slama renewed [MO1091](#), found on page 1572 and considered in this day's Journal, to recommit to the Government, Military, and Veterans Affairs Committee.

Senator Slama withdrew her motion to recommit to committee.

[ER36](#), found on page 1692, was offered.

Senator Slama asked unanimous consent to withdraw [FA173](#), found on page 1694, and replace it with substitute amendment, [FA189](#), found on page 1716, to [ER36](#). No objections. So ordered.

The Slama amendment was withdrawn.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 274. Introduced by Judiciary Committee: Wayne, 13, Chairperson; Blood, 3; DeBoer, 10; McKinney, 11.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the structure of criminal prosecution in Nebraska.

Prosecution of criminal law violations in Nebraska is primarily the responsibility of local county attorneys. The cost of such prosecution constitutes a substantial proportion of county budgets. The state makes criminal laws and operates the court, prison, parole, and community supervision systems. Shifting the burden of prosecution to counties is an unfunded mandate that unfairly burdens local property taxpayers.

Maintaining separate prosecutor's offices in each county has been shown to result in inefficiency, duplication of services, and the unequal application and enforcement of laws across Nebraska.

This study should examine alternative models of organizing Nebraska's criminal prosecution system, including the state's attorneys and district attorneys. The study should also examine the role of the office of the Attorney General in such alternative models of criminal prosecution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 514. [ER36](#), found on page 1692 and considered in this day's Journal, was renewed.

Senator Slama asked unanimous consent to withdraw [FA174](#), found on page 1694, and replace it with substitute amendment, [FA190](#), found on page 1717, to [ER36](#). No objections. So ordered.

The Slama amendment was withdrawn.

Senator Slama offered [FA175](#), found on page 1694.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 438. Placed on General File.

(Signed) Justin Wayne, Chairperson

VISITORS

Visitors to the Chamber were Tim Lorenz, Gretna; John Byrne, Papillion; Allen Woodworth, Colorado; Mary Gilmore, Washington; Annie Cardenas, Minnesota; Julie Sawyer, California; Lee, McKynlee, and Landrie Kortus; Abigail Howe, Seward.

RECESS

At 11:58 a.m., on a motion by Senator Walz, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht, Armendariz, Bosn, Bostelman, Dover, Halloran, B. Hansen, Hardin, Hughes, Hunt, Ibach, Linehan, McDonnell, McKinney, Sanders, Vargas, Walz, and Wishart who were excused until they arrive.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 727A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 514. [ER36](#), found on page 1692 and considered in this day's Journal, was renewed.

Senator Slama renewed [FA175](#), found on page 1694 and considered in this day's Journal.

Senator Slama asked unanimous consent to withdraw [FA175](#), found on page 1694 and considered in this day's Journal, and replace it with substitute amendment, [FA191](#), found on page 1717, to [ER36](#). No objections. So ordered.

The Slama amendment was withdrawn.

Senator Slama asked unanimous consent to withdraw [FA176](#), found on page 1694, and replace it with substitute amendment, [FA192](#), found on page 1717, to [ER36](#). No objections. So ordered.

Senator Brewer offered the following motion:

[MO1154](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Senator Brewer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

Aguilar	Brewer	Dorn	Hunt	Sanders
Albrecht	Briese	Dover	Jacobson	Vargas
Arch	Cavanaugh, J.	Dungan	Kauth	von Gillern
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Walz
Ballard	Clements	Halloran	Lippincott	Wayne
Blood	Conrad	Hansen	Lowe	Wishart
Bostar	Day	Hardin	McDonnell	
Bostelman	DeBoer	Holdcroft	Raybould	
Brandt	DeKay	Hughes	Riepe	

Voting in the negative, 3:

Erdman	Moser	Slama
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Present and not voting, 4:

Bosn	Ibach	McKinney	Murman
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The Brewer motion to invoke cloture prevailed with 42 ayes, 3 nays, and 4 present and not voting.

The Slama amendment lost with 0 ayes, 39 nays, and 10 present and not voting.

ER36 was adopted.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 803. Placed on General File.

LEGISLATIVE BILL 505. Placed on General File with amendment.

AM1971

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1701, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1701 (1) The county treasurer shall be ex officio county
6 collector of all taxes levied within the county. The county board shall
7 designate a county official to mail or otherwise deliver a statement of
8 the amount of taxes due and a notice that special assessments are due, to
9 the last-known address of the person, firm, association, or corporation
10 against whom such taxes or special assessments are assessed or to the
11 lending institution or other party responsible for paying such taxes or
12 special assessments. Such statement shall clearly indicate, for each
13 political subdivision, the levy rate and the amount of taxes due as the
14 result of principal or interest payments on bonds issued by the political
15 subdivision and shall show such rate and amount separate from any other
16 levy. ~~When Beginning with tax year 2000, when~~ taxes on real property are
17 delinquent for a prior year, the county treasurer shall indicate this
18 information on the current year tax statement in bold letters. The
19 information provided shall inform the taxpayer that delinquent taxes and
20 interest are due for the prior year or years and shall indicate the
21 specific year or years for which such taxes and interest remain unpaid.
22 The language shall read "Back Taxes and Interest Due For", followed by
23 numbers to indicate each year for which back taxes and interest are due
24 ~~and a statement indicating that failure to pay the back taxes and~~
25 ~~interest may result in the loss of the real property.~~ Failure to receive
26 such statement or notice shall not relieve the taxpayer from any
27 liability to pay such taxes or special assessments and any interest or
1 penalties accrued thereon. In any county in which a city of the
2 metropolitan class is located, all statements of taxes shall also include
3 notice that special assessments for cutting weeds, removing litter, and
4 demolishing buildings are due.
5 (2) Notice that special assessments are due shall not be required
6 for special assessments levied by sanitary and improvement districts
7 organized under Chapter 31, article 7, except that such notice may be
8 provided by the county at the discretion of the county board or by the
9 sanitary and improvement district with the approval of the county board.
10 (3) A statement of the amount of taxes due and a notice that special
11 assessments are due shall not be required to be mailed or otherwise
12 delivered pursuant to subsection (1) of this section if the total amount
13 of the taxes and special assessments due is less than two dollars.
14 Failure to receive the statement or notice shall not relieve the taxpayer
15 from any liability to pay the taxes or special assessments but shall
16 relieve the taxpayer from any liability for interest or penalties. Taxes
17 and special assessments of less than two dollars shall be added to the
18 amount of taxes and special assessments due in subsequent years and shall
19 not be considered delinquent until the total amount is two dollars or
20 more.
21 Sec. 2. Section 77-1802, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:
23 77-1802 The county treasurer shall, not less than four nor more than
24 six weeks prior to the first Monday of March in each year, make out a
25 list of all real property subject to sale and the amount of all

26 delinquent taxes against each item with an accompanying notice stating
27 that so much of such property described in the list as may be necessary
28 for that purpose will, on the first Monday of March next thereafter, be
29 sold by such county treasurer at public auction at his or her office for
30 the taxes, interest, and costs thereon. In making such list, the county
31 treasurer shall describe the property as it is described on the tax list
1 and shall include the name of the owner of record of the property, the
2 property's parcel number, if any, and the property's street address, if
3 any.

4 Sec. 3. Section 77-1818, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 77-1818 (1) The purchaser of any real property sold by the county
7 treasurer for taxes shall be entitled to a certificate in writing,
8 describing the real property so purchased, the sum paid, and the time
9 when the purchaser will be entitled to a deed, which certificate shall be
10 signed by the county treasurer in his or her official capacity and shall
11 be presumptive evidence of the regularity of all prior proceedings. Each
12 tax lien shall be shown on a single certificate. The purchaser acquires a
13 perpetual lien of the tax on the real property, and if after the taxes
14 become delinquent he or she subsequently pays any taxes levied on the
15 property, whether levied for any year or years previous or subsequent to
16 such sale, he or she shall have the same lien for them and may add them
17 to the amount paid by him or her in the purchase.

18 (2) Upon issuance of the certificate, the purchaser shall notify, by
19 personal service, the property owner of the real property that was sold
20 for taxes at the address listed for such owner in the records of the
21 county assessor. The notice shall (a) state that a certificate has been
22 issued, (b) include a brief description of the property owner's legal
23 rights to redeem the real property, (c) identify the real property by the
24 street address listed in the records of the county assessor, (d) include
25 the total amount of taxes, interest, and costs for which the property was
26 sold and a recitation that interest and fees may accrue, and (e) include
27 a prominent warning that failure to act may result in forfeiture of the
28 property after three years. The purchaser shall prove such service of
29 notice by affidavit, and such affidavit shall be filed with the
30 application for the tax deed pursuant to section 77-1837. An
31 administrative fee shall be allowed for any service of notice under this
1 subsection. The administrative fee shall be equal to the greater of one
2 hundred dollars or the actual cost incurred by the purchaser for such
3 service of notice. The amount of such fee shall be noted by the county
4 treasurer in the record opposite the real property described in the
5 notice and shall be collected by the county treasurer in case of
6 redemption for the benefit of the holder of the certificate. The
7 purchaser shall notify the county treasurer of the amount of such fee
8 within thirty days after completion of the service of notice.

9 Sec. 4. Section 77-1824, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 77-1824 The owner or occupant of any real property sold for taxes or
12 any person having a lien thereupon or interest therein may redeem the
13 same. The right of redemption expires when the purchaser files an
14 application for tax deed with the county treasurer. A redemption shall
15 not be accepted by the county treasurer, or considered valid, unless
16 received prior to the close of business on the day the application for
17 the tax deed is received by the county treasurer. Redemption shall be
18 accomplished by paying the county treasurer for the use of such purchaser
19 or his or her heirs or assigns the sum mentioned in his or her
20 certificate, with interest thereon at the rate specified in section
21 45-104.01, as such rate may from time to time be adjusted by the
22 Legislature, from the date of purchase to date of redemption, together
23 with all other taxes subsequently paid, whether for any year or years

24 previous or subsequent to the sale, and interest thereon at the same rate
 25 from date of such payment to date of redemption. The amount due for
 26 redemption shall include the issuance fee charged pursuant to section
 27 77-1823 and the administrative fee charged pursuant to subsection (2) of
 28 section 77-1818.

29 Sec. 5. Section 77-1837, Revised Statutes Cumulative Supplement,
 30 2022, is amended to read:

31 77-1837 (1) At any time within nine months after the expiration of
 1 three years after the date of sale of any real estate for taxes or
 2 special assessments, if such real estate has not been redeemed and the
 3 requirements of subsection (2) of this section have been met, the
 4 purchaser or his or her assignee may apply to the county treasurer for a
 5 tax deed for the real estate described in such purchaser's or assignee's
 6 tax sale certificate. The county treasurer shall execute and deliver a
 7 deed of conveyance for the real estate described in such tax sale
 8 certificate if he or she has received the following:

9 (a) The tax sale certificate;

10 (b) The issuance fee for the tax deed and the fee of the notary
 11 public or other officer acknowledging the tax deed, as required under
 12 section 77-1823;

13 (c) The affidavit proving personal service of the notice required in
 14 subsection (2) of section 77-1818;

15 (d) ~~(e)~~ For any notice provided pursuant to section 77-1832, the
 16 affidavit proving service of notice, the copy of the notice, and the copy
 17 of the title search required under section 77-1833; and

18 (e) ~~(d)~~ For any notice provided by publication pursuant to section
 19 77-1834, the affidavit of the publisher, manager, or other employee of
 20 the newspaper, the copy of the notice, the affidavit of the purchaser or
 21 assignee, and the copy of the title search required under section
 22 77-1835.

23 (2) The purchaser or his or her assignee may apply for a tax deed
 24 under this section if one hundred ten percent of the assessed value of
 25 the real estate described in the tax sale certificate, less the amount
 26 that would be needed to redeem such real estate, is twenty-five thousand
 27 dollars or less. If such requirement is not met, the purchaser or his or
 28 her assignee shall foreclose the lien represented by the tax sale
 29 certificate pursuant to section 77-1902.

30 (3) ~~(2)~~ The failure of the county treasurer to issue the deed of
 31 conveyance if requested within the timeframe provided in subsection (1)
 1 of this section shall not impair the validity of such deed if there has
 2 otherwise been compliance with sections 77-1801 to 77-1863.

3 Sec. 6. Section 77-1838, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 77-1838 (1) The deed made by the county treasurer shall be under
 6 the official seal of office and acknowledged by the county treasurer
 7 before some officer authorized to take the acknowledgment of deeds. When
 8 so executed and acknowledged, it shall be recorded in the same manner as
 9 other conveyances of real estate. When recorded it shall vest in the
 10 grantee and his or her heirs and assigns the title of the property
 11 described in the deed, subject to any lien on real estate for special
 12 assessments levied by a sanitary and improvement district which special
 13 assessments have not been previously offered for sale by the county
 14 treasurer.

15 (2) Within thirty days after recording of the deed, the grantee
 16 shall pay the surplus to the previous owner of the property described in
 17 the deed. For purposes of this subsection, the surplus shall be
 18 calculated as follows:

19 (a) If the property has been sold since recording of the deed, the
 20 surplus shall be equal to the amount received from such sale, minus (i)
 21 the amount that would have been needed to redeem such property, (ii) the

22 amount needed to pay all encumbrances on such property, and (iii) an
23 administrative fee of five hundred dollars or reasonable attorney's fees
24 in the event of judicial foreclosure, which may be retained by the
25 grantee to offset the costs incurred in obtaining the deed; or
26 (b) If the property has not been sold since recording of the deed,
27 the surplus shall be equal to the assessed value of such property, minus
28 (i) the amount that would have been needed to redeem such property, (ii)
29 the amount needed to pay all encumbrances on such property, and (iii) an
30 administrative fee of five hundred dollars or reasonable attorney's fees
31 in the event of judicial foreclosure, which may be retained by the
1 grantee to offset the costs incurred in obtaining the deed.
2 Sec. 7. Original sections 77-1701, 77-1818, 77-1824, and 77-1838,
3 Reissue Revised Statutes of Nebraska, and sections 77-1802 and 77-1837,
4 Revised Statutes Cumulative Supplement, 2022, are repealed.

(Signed) Lou Ann Linehan, Chairperson

SELECT FILE

LEGISLATIVE BILL 514A. Senator Brewer withdrew [MO1121](#), found on page 1641, to bracket.

Senator Brewer withdrew [MO1122](#), found on page 1641, to indefinitely postpone.

Senator Brewer withdrew [FA155](#), found on page 1642.

Senator Brewer withdrew [FA156](#), found on page 1642.

Senator Brewer offered [AM1945](#), found on page 1689.

The Brewer amendment was adopted with 36 ayes, 1 nay, and 12 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 50A. Senator Wayne offered the following amendment:

[AM2003](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$835,000 from the
4 General Fund for FY2023-24 and (2) \$531,500 from the General Fund for
5 FY2024-25 to the Supreme Court, for Program 52, to aid in carrying out
6 the provisions of Legislative Bill 50, One Hundred Eighth Legislature,
7 First Session, 2023.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$140,450
10 for FY2023-24 or \$147,473 for FY2024-25.
11 Sec. 2. There is hereby appropriated (1) \$1,312,150 from the
12 General Fund for FY2023-24 and (2) \$1,339,675 from the General Fund for
13 FY2024-25 to the Supreme Court, for Program 67, to aid in carrying out
14 the provisions of Legislative Bill 50, One Hundred Eighth Legislature,
15 First Session, 2023.

16 Total expenditures for permanent and temporary salaries and per
 17 diems from funds appropriated in this section shall not exceed \$680,400
 18 for FY2023-24 or \$721,230 for FY2024-25.
 19 Sec. 3. There is hereby appropriated (1) \$38,650 from the General
 20 Fund for FY2023-24 and (2) \$-0- from the General Fund for FY2024-25 to
 21 the Supreme Court, for Program 435, to aid in carrying out the provisions
 22 of Legislative Bill 50, One Hundred Eighth Legislature, First Session,
 23 2023.
 24 No expenditures for permanent and temporary salaries and per diems
 25 for state employees shall be made from funds appropriated in this
 26 section.
 27 Sec. 4. There is hereby appropriated (1) \$20,000 from the Supreme
 1 Court Automation Cash Fund for FY2023-24 and (2) \$-0- from the Supreme
 2 Court Automation Cash Fund for FY2024-25 to the Supreme Court, for
 3 Program 570, to aid in carrying out the provisions of Legislative Bill
 4 50, One Hundred Eighth Legislature, First Session, 2023.
 5 No expenditures for permanent and temporary salaries and per diems
 6 for state employees shall be made from funds appropriated in this
 7 section.
 8 Sec. 5. There is hereby appropriated (1) \$314,388 from the General
 9 Fund for FY2023-24 and (2) \$212,282 from the General Fund for FY2024-25
 10 to the Board of Parole, for Program 358, to aid in carrying out the
 11 provisions of Legislative Bill 50, One Hundred Eighth Legislature, First
 12 Session, 2023.
 13 Total expenditures for permanent and temporary salaries and per
 14 diems from funds appropriated in this section shall not exceed \$235,791
 15 for FY2023-24 or \$159,212 for FY2024-25.
 16 Sec. 6. There is hereby appropriated (1) \$96,793 from the General
 17 Fund for FY2023-24 and (2) \$98,076 from the General Fund for FY2024-25 to
 18 the Foster Care Review Office, for Program 116, to aid in carrying out
 19 the provisions of Legislative Bill 50, One Hundred Eighth Legislature,
 20 First Session, 2023.
 21 Total expenditures for permanent and temporary salaries and per
 22 diems from funds appropriated in this section shall not exceed \$45,000
 23 for FY2023-24 or \$48,750 for FY2024-25.
 24 Sec. 7. There is hereby appropriated (1) \$-0- from the General Fund
 25 for FY2023-24 and (2) \$716,674 from the General Fund for FY2024-25 to the
 26 Department of Health and Human Services, for Program 359, to aid in
 27 carrying out the provisions of Legislative Bill 50, One Hundred Eighth
 28 Legislature, First Session, 2023.
 29 Total expenditures for permanent and temporary salaries and per
 30 diems from funds appropriated in this section shall not exceed \$-0- for
 31 FY2023-24 or \$228,035 for FY2024-25.
 1 Sec. 8. There is hereby appropriated (1) \$979,232 from the General
 2 Fund for FY2023-24 and (2) \$5,000 from the General Fund for FY2024-25 to
 3 the Department of Correctional Services, for Program 200, to aid in
 4 carrying out the provisions of Legislative Bill 50, One Hundred Eighth
 5 Legislature, First Session, 2023.
 6 No expenditures for permanent and temporary salaries and per diems
 7 for state employees shall be made from funds appropriated in this
 8 section.

The Wayne amendment was adopted with 36 ayes, 2 nays, and 11 present and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB531A to Select File

Senator McKinney moved to return LB531A to Select File for the following specific amendment:

AM1992

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$10,000,000 from the
4 General Fund for FY2023-24 and (2) \$1,106,810 from the Economic Recovery
5 Contingency Fund for FY2024-25 to the Department of Economic Development,
6 for Program 611, to aid in carrying out the provisions of Legislative
7 Bill 531, One Hundred Eighth Legislature, First Session, 2023.
8 There is included in the appropriation to this program for FY2023-24
9 \$9,151,730 General Funds for state aid, which shall only be used for such
10 purpose.
11 Total expenditures for permanent and temporary salaries and per
12 diems from funds appropriated in this section shall not exceed \$382,760
13 for FY2023-24 or \$571,690 for FY2024-25.
14 Sec. 2. There is hereby appropriated (1) \$1,000,000 from the
15 Revitalize Rural Nebraska Fund for FY2023-24 and (2) \$-0- from the
16 Revitalize Rural Nebraska Fund for FY2024-25 to the Department of
17 Environment and Energy, for Program 513, to aid in carrying out the
18 provisions of Legislative Bill 531, One Hundred Eighth Legislature, First
19 Session, 2023.
20 There is included in the appropriation to this program for FY2023-24
21 \$898,139 Cash Funds for state aid, which shall only be used for such
22 purpose.
23 Total expenditures for permanent and temporary salaries and per
24 diems from funds appropriated in this section shall not exceed \$50,221
25 for FY2023-24 or \$26,366 for FY2024-25.
26 Sec. 3. Since an emergency exists, this act takes effect when passed
27 and approved according to law.

The McKinney motion to return prevailed with 37 ayes, 0 nays, and 12 present and not voting.

SELECT FILE

LEGISLATIVE BILL 531A. The McKinney specific amendment, [AM1992](#), found in this day's Journal, was offered.

The McKinney specific amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157. [ER37](#), found in this day's Journal, was adopted.

Senator DeBoer offered the following amendment, to [ER37](#):

AM2004

(Amendments to E & R amendments, ER37)

1 1. Insert the following new section:
2 Sec. 15. There is hereby appropriated (1) \$-0- from the General Fund
3 for FY2023-24 and (2) \$250,000 from the General Fund for FY2024-25 to the
4 Department of Health and Human Services, for Program 347, to aid in

5 carrying out the provisions of Legislative Bill 157, One Hundred Eighth
6 Legislature, First Session, 2023.
7 There is included in the appropriation to this program for FY2024-25
8 \$250,000 General Funds as state aid, which shall only be used for such
9 purpose.
10 No expenditures for permanent and temporary salaries and per diems
11 for state employees shall be made from funds appropriated in this
12 section.
13 2. On page 50, line 16, strike "program" and insert "subprogram"; in
14 line 18 strike the first "to" and insert "for".
15 3. On page 51, lines 1 and 2, 4, 7 and 8, and 10, strike "under the
16 program".
17 4. On page 66, lines 19 and 20, strike "17, and 18" and insert "18,
18 and 19".
19 5. On page 67, line 25, after the second semicolon insert "to
20 appropriate funds to aid in carrying out the provisions of Legislative
21 Bill 157, One Hundred Eighth Legislature, First Session, 2023;".
22 6. Renumber the remaining sections accordingly.

The DeBoer amendment, to [ER37](#), was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Senator Conrad offered the following amendment, to [ER37](#):
[AM2002](#)

(Amendments to E&R amendments, ER37)

1 1. Strike section 15 and insert the following new sections:
2 Section 1. A statute that authorizes the award of attorney's fees
3 to a party in a civil action or proceeding also authorizes an appellate
4 court to award attorney's fees if the party prevails on an appeal from a
5 judgment or order in the action or proceeding. This section does not
6 apply if another section of law specifically authorizes or prohibits the
7 award of attorney's fees on an appeal from such a judgment or order.
8 Sec. 2. Section 25-323, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 25-323 The court may determine any controversy between parties
11 before it when it can be done without prejudice to the rights of others
12 or by saving their rights; but when a determination of the controversy
13 cannot be had without the presence of other parties, the court shall ~~must~~
14 order them to be brought in.
15 Any person whose negligence was or may have been a proximate cause
16 of an accident or occurrence alleged by the plaintiff, other than parties
17 who have been released by the plaintiff and are not subject to suit
18 pursuant to section 25-21,185.11, may be brought into the suit by any
19 party in the manner provided in section 25-331 or 25-705.
20 Sec. 3. Section 25-331, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 25-331 (1)(a) A (1) At any time after commencement of the action, a
23 defending party may, as a third-party plaintiff, serve may cause a
24 summons and complaint on a nonparty:
25 (i) Who to be served upon a person not a party to the action who is
26 or may be liable to the defending party third-party plaintiff for all or
1 part of the plaintiff's claim against the defending party; or
2 (ii) Whose negligence was or may have been a proximate cause of the
3 transaction or occurrence that is the subject matter of the plaintiff's
4 claim and who is not precluded by section 25-21,185.11 from being made a
5 party third-party plaintiff.
6 (b) The third-party plaintiff shall, by motion, need not obtain the
7 court's leave to make the service if the third-party plaintiff files the
8 third-party complaint more not later than fourteen ten days after serving

9 ~~its filing the original answer. Otherwise the third-party plaintiff must~~
 10 ~~obtain leave of the trial court on motion upon notice to all parties to~~
 11 ~~the action.~~

12 (c) The person served with the summons and third-party complaint,
 13 hereinafter called the third-party defendant, ~~has shall have~~ all the
 14 rights and obligations of a defendant, including ~~those created the rights~~
 15 authorized by this section and by the rules promulgated by the Supreme
 16 Court pursuant to sections 25-801.01 and 25-1273.01.

17 (d) The third-party defendant may assert against the plaintiff any
 18 defense ~~that defenses which~~ the third-party plaintiff has to the
 19 plaintiff's claim. The third-party defendant may also assert ~~any claim~~
 20 against the plaintiff any claim arising out of the transaction or
 21 occurrence that is the subject matter of the plaintiff's claim against
 22 the third-party plaintiff.

23 (e) The plaintiff may assert ~~any claim~~ against the third-party
 24 defendant any claim arising out of the transaction or occurrence that is
 25 the subject matter of the plaintiff's claim against the third-party
 26 plaintiff. ~~The third-party defendant shall have all the rights of a~~
 27 ~~defendant including the rights authorized by this section. The court on~~
 28 ~~its own motion, or motion of any party, may move to strike the third-~~
 29 ~~party claim, or for its severance or separate trial if the third-party~~
 30 ~~claim should delay trial, might tend to confuse a jury, or in any way~~
 31 ~~jeopardize the rights of the plaintiff.~~

1 (f) A defending party may assert against the third-party defendant a
 2 claim that the third-party defendant is liable to the defending party for
 3 all or part of the claim against the defending party.

4 (g) A third-party defendant ~~or subsequent defendants~~ may bring in a
 5 nonparty if subdivision (1)(a) of this section would allow a defending
 6 party to do so proceed under this section.

7 (h) Any party may move to strike the third-party claim, to sever it,
 8 or try it separately.

9 (2) When a ~~claim counterclaim~~ is asserted against a plaintiff, the
 10 plaintiff may bring in a nonparty if subdivision (1)(a) of cause a third
 11 party to be brought in under circumstances which under this section would
 12 allow a defending party entitle a defendant to do so.

13 Sec. 18. Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15,
 14 16, 17, 20, and 21 become operative three calendar months after the
 15 adjournment of this legislative session. The other sections of this act
 16 become operative on their effective date.

17 2. On page 49, line 27; and page 50, line 10, strike "7" and insert
 18 "10".

19 3. On page 66, line 25, after "sections" insert "25-323, 25-331,".

20 4. On page 67, line 3, after "sections" insert "25-323, 25-331,";

21 and in line 6 after the semicolon insert "to provide for awards of
 22 attorney's fees in appeals; to change provisions and modernize language
 23 relating to third-party practice;".

24 5. Renumber the remaining sections accordingly.

The Conrad amendment, to [ER37](#), was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Senator Brandt offered the following amendment, to [ER37](#):
[AM2007](#)

(Amendments to E&R amendments, ER37)

1 1. Strike section 15 and insert the following new sections:

2 Sec. 2. Section 25-2802, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 25-2802 (1) The Small Claims Court shall have subject matter
 5 jurisdiction in all civil actions of any type when the amount of money or

6 damages or the value of the personal property claimed does not exceed the
7 jurisdictional amount specified in subsection (4) of this section,
8 exclusive of interest and costs.

9 (2) The Small Claims Court shall have subject matter jurisdiction in
10 civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a
11 contract or agreement for the purchase of goods or services not in excess
12 of the jurisdictional amount specified in subsection (4) of this section,
13 exclusive of interest and costs.

14 (3) The Small Claims Court shall have jurisdiction when the party
15 defendant or his or her agent resides or is doing business within the
16 county or when the cause of action arose within the county.

17 (4) ~~Beginning July 1, 2023, the~~ The jurisdictional amount is six
18 ~~three thousand five hundred dollars, from July 1, 2010, through June 30,~~
19 ~~2015.~~

20 ~~The Supreme Court shall continue to adjust the jurisdictional limit~~
21 ~~for the Small Claims Court every fifth year commencing July 1, 2015. The~~
22 ~~adjusted jurisdictional amount shall be equal to the then current~~
23 ~~jurisdictional amount adjusted by the average percentage change in the~~
24 ~~unadjusted Consumer Price Index for All Urban Consumers published by the~~
25 ~~Federal Bureau of Labor Statistics for the five-year period preceding the~~
26 ~~adjustment date. The jurisdictional amount shall be rounded to the~~
1 ~~nearest one-hundred-dollar amount.~~

2 Sec. 16. Sections 2 and 18 of this act become operative on July 1,
3 2023. Sections 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, and 20 of
4 this act become operative three calendar months after the adjournment of
5 this legislative session. The other sections of this act become operative
6 on their effective date.

7 Sec. 18. Original section 25-2802, Reissue Revised Statutes of
8 Nebraska, is repealed.

9 2. On page 49, line 27; and page 50, line 10, strike "7" and insert
10 "8".

11 3. On page 67, line 3, after "25-21,273," insert "25-2802,"; and in
12 line 7 after the semicolon insert "to change the jurisdictional amount
13 for Small Claims Court;".

14 4. Renumber the remaining sections accordingly.

The Brandt amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

WITHDRAW - Motions to LB562

Senator Dorn withdrew [MO1025](#), found on page 1419, to bracket until June 9, 2023, to LB562.

Senator Dorn withdrew [MO1026](#), found on page 1419, to recommit to Agriculture Committee, to LB562.

Senator Dorn withdrew [MO1027](#), found on page 1420, to indefinitely postpone, to LB562.

Senator Halloran withdrew [MO971](#), found on page 1221, to bracket until June 9, 2023, to LB562.

Senator Halloran withdrew [MO972](#), found on page 1221, to recommit to Agriculture Committee, to LB562.

Senator Hunt withdrew [MO647](#), found on page 961, to recommit to Agriculture Committee, to LB562.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB562 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 562.

A BILL FOR AN ACT relating to business; to amend sections 58-242, 77-5205, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5208, 77-5209, 77-5209.01, 77-5211, 77-7002, 77-7003, 77-7004, 77-7007, 81-2,239, and 81-2,240, Revised Statutes Cumulative Supplement, 2022; to adopt the E-15 Access Standard Act; to change a loan requirement under the Nebraska Investment Finance Authority Act; to redefine a term and change provisions relating to board membership and duties, a limitation on new applications, applicant qualifications, and a tax credit allowance and annual limitation under the Beginning Farmer Tax Credit Act; to redefine a term and change provisions relating to tax credit amounts, annual limits, and a limitation on new applications under the Nebraska Higher Blend Tax Credit Act; to define a term, provide for licensing reciprocity and an ordinance registry relating to mobile food establishments, require a report by certain regulatory authorities, and provide duties for the Department of Agriculture and certain cities under the Nebraska Pure Food Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Dungan	Kauth	Slama
Albrecht	Briese	Erdman	Linchan	Vargas
Arch	Cavanaugh, J.	Fredrickson	Lippincott	von Gillern
Armendariz	Clements	Halloran	Lowe	Walz
Ballard	Conrad	Hansen	McDonnell	Wayne
Blood	Day	Hardin	McKinney	Wishart
Bosn	DeBoer	Holdercroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. Hunt Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 562A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 562, One Hundred Eighth Legislature, First Session, 2023.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Brandt	Dover	Ibach	Murman
Albrecht	Brewer	Dungan	Jacobson	Raybould
Arch	Briese	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, J.	Fredrickson	Linehan	Slama
Ballard	Clements	Halloran	Lippincott	Vargas
Blood	Day	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wayne
Bostelman	Dorn	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. Conrad Hunt Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motions to LB705

Senator Conrad withdrew [MO791](#), found on page 971, to recommit to Education Committee, to LB705.

Senator Murman withdrew [MO1021](#), found on page 1419, to bracket until June 9, 2023, to LB705.

Senator Murman withdrew [MO1022](#), found on page 1419, to recommit to Education Committee, to LB705.

Senator Conrad withdrew [MO788](#), found on page 970, to indefinitely postpone, to LB705.

Senator M. Cavanaugh withdrew [MO997](#), found on page 1332, to bracket until May 30, 2023.

Senator M. Cavanaugh withdrew [MO998](#), found on page 1332, to recommit to Education Committee, to LB562.

Senator Murman withdrew [MO1023](#), found on page 1419, to indefinitely postpone, to LB705.

Senator M. Cavanaugh withdrew [MO1020](#), found on page 1419, to Override the Speaker's agenda pursuant to Rule 1, Section 16, in order to place LB562 ahead of LB705, to LB705.

WITHDRAW - Amendments to LB705

Senator M. Cavanaugh withdrew [FA83](#), found on page 1331, to LB705.

Senator Vargas withdrew [FA84](#), found on page 1329, to LB705.

Senator Murman withdrew [FA95](#), found on page 1383, to LB705.

Senator Murman withdrew [AM1675](#), found on page 1415, to LB705.

Senator Erdman withdrew [AM1665](#), found on page 1405, to LB705.

Senator Blood withdrew [AM1661](#), found on page 1406, to LB705.

Senator Vargas withdrew [AM1641](#), found on page 1388, to LB705.

Senator Murman withdrew [AM1643](#), found on page 1406, to LB705.

Senator Murman withdrew [AM1669](#), found on page 1406, to LB705.

Senator Murman withdrew [AM1672](#), found on page 1411, to LB705.

Senator Murman withdrew [AM844](#), found on page 750, to LB705.

Senator Murman withdrew [FA37](#), found on page 1011, to LB705.

Senator Murman withdrew [FA38](#), found on page 1011, to LB705.

Senator Murman withdrew [FA79](#), found on page 1318, to LB705.

Senator Wayne withdrew [AM1513](#), found on page 1357, to LB705.

Senator Murman withdrew [AM1680](#), found on page 1415, to LB705.

Senator Vargas withdrew [AM1642](#), found on page 1404, to LB705.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB705 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 705. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 9-836.01, 79-239, 79-244, 79-254, 79-256, 79-263, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, 79-287, 79-2,146, 79-809, 79-8,132, 79-8,135, 79-8,138, 79-8,139, 79-8,140, 79-2304, 81-145, 81-1118.02, 85-102, 85-328, 85-601, 85-602, 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue Revised Statutes of Nebraska, sections 79-101, 79-238, 79-2,136, 79-2,144, 79-703, 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808, 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-8,143, 79-8,145, 79-1054, 79-1104.02, 79-1142, 79-11,160, 79-1337, 79-2110, 79-2308, 79-2506, 79-2510, 79-3106, 79-3304, 79-3305, 81-161.04, 81-1118, 84-304, 84-612, 85-502.01, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2022, and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023; to provide, change, and eliminate definitions; to change and transfer provisions relating to distribution of lottery funds used for education; to adopt the Behavioral Intervention Training and Teacher Support Act, the College Pathway Program Act, the Door to College Scholarship Act, the Extraordinary Increase in Special Education Expenditures Act, and the Nebraska Teacher Recruitment and Retention Act; to create funds and change provisions relating to funds; to transfer and change provisions of the Excellence in Teaching Act; to establish a mental health training grant program and the Nebraska Teacher Apprenticeship Program; to change provisions relating to student enrollment; to provide and change powers and duties of the Coordinating Commission for Postsecondary Education and the State Board of Education; to change provisions of the Alternative Certification for Quality Teachers Act and authorize the Commissioner of Education to issue alternative certificates to teach; to require behavioral and mental health training for certain school personnel and adoption of related policies; to change provisions of the Student Discipline Act and provisions relating to duties of the state school security director, high school graduation

requirements, textbooks, academic content standards, and requirements for teacher certification; to provide for a grant program; to change provisions relating to distance education incentives, the Diploma of High School Equivalency Assistance Act, the School Safety and Security Reporting System Act, the Computer Science and Technology Education Act, and state procurement and materiel requirements; to provide for a transfer from the Cash Reserve Fund; to rename the State College Facility Fee Fund and change provisions related thereto; to change provisions relating to residency, student discipline, and termination of employment for certain public postsecondary institutions; to change provisions of the Nebraska Opportunity Grant Act; to provide for data sharing by certain agencies responsible for students under the jurisdiction of juvenile courts; to prohibit consideration of students' and applicants' criminal history and juvenile records by public colleges and universities as prescribed; to establish a grant program for security-related infrastructure projects; to require schools to allow certain youth organizations to provide information, services, and activities and eliminate a related penalty; to eliminate obsolete provisions; to repeal the Master Teacher Program Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide for severability; to repeal the original sections; to outright repeal sections 50-425, 50-426, 50-427, 50-428, 79-2,103, 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	Lowe	von Gillern
Ballard	Conrad	Hansen	McDonnell	Walz
Blood	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 705A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 705, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linchan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	Lowe	von Gillern
Ballard	Conrad	Hansen	McDonnell	Walz
Blood	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 562, 562A, 705e, and 705Ae.

MESSAGE FROM THE GOVERNOR

May 30, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 753 and 753A were received in my office on May 24, 2023.

These bills were signed and delivered to the Secretary of State on May 30, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

SENATOR DORN PRESIDING

MOTIONS - Confirmation Reports

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 445:

State Electrical Board
John F. Hiller

Voting in the affirmative, 40:

Aguilar	Brewer	Dover	Kauth	Riepe
Albrecht	Briese	Dungan	Linehan	Sanders
Arch	Cavanaugh, J.	Erdman	Lippincott	Slama
Ballard	Clements	Hansen	Lowe	Vargas
Blood	Day	Hardin	McDonnell	von Gillern
Bosn	DeBoer	Hughes	Moser	Walz
Bostelman	DeKay	Ibach	Murman	Wayne
Brandt	Dorn	Jacobson	Raybould	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Armendariz	Cavanaugh, M.	Fredrickson	Holdcroft	McKinney
Bostar	Conrad	Halloran	Hunt	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointments found on page 445:

Nebraska Commission on Problem Gambling
Susan E. Lutz
Matthew John Monheiser
John Pulverenti

Voting in the affirmative, 36:

Aguilar	Brewer	Fredrickson	Lippincott	Slama
Albrecht	Cavanaugh, J.	Hansen	Lowe	Vargas
Arch	Clements	Hardin	McDonnell	von Gillern
Ballard	Day	Holdcroft	Moser	Wishart
Blood	DeKay	Hughes	Murman	
Bosn	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Erdman	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 13:

Armendariz	Cavanaugh, M.	Dungan	Linehan	Wayne
Bostar	Conrad	Halloran	McKinney	
Briese	DeBoer	Hunt	Walz	

The appointments were confirmed with 36 ayes, 0 nays, and 13 present and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 493:

Nebraska Natural Resources Commission
Donald P. Batie

Voting in the affirmative, 38:

Aguilar	Brewer	Erdman	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Fredrickson	Kauth	Sanders
Arch	Clements	Halloran	Linehan	Slama
Ballard	Day	Hansen	Lippincott	Vargas
Blood	DeBoer	Hardin	McDonnell	von Gillern
Bosn	DeKay	Holdcroft	Moser	Wishart
Bostelman	Dorn	Hughes	Murman	
Brandt	Dungan	Ibach	Raybould	

Voting in the negative, 0.

Present and not voting, 11:

Armendariz	Cavanaugh, M.	Hunt	Walz
Bostar	Conrad	Lowe	Wayne
Briese	Dover	McKinney	

The appointment was confirmed with 38 ayes, 0 nays, and 11 present and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 672:

Game and Parks Commission
Dan Hughes

Voting in the affirmative, 40:

Aguilar	Cavanaugh, M.	Halloran	Linehan	Riepe
Albrecht	Clements	Hansen	Lippincott	Sanders
Arch	DeKay	Hardin	Lowe	Slama
Ballard	Dorn	Holdcroft	McDonnell	Vargas
Bosn	Dover	Hughes	McKinney	von Gillern
Bostelman	Dungan	Ibach	Moser	Walz
Brandt	Erdman	Jacobson	Murman	Wayne
Cavanaugh, J.	Fredrickson	Kauth	Raybould	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Armendariz	Bostar	Briese	Day	Hunt
Blood	Brewer	Conrad	DeBoer	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

Senator McDonnell moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 653:

Nebraska Investment Council
Thomas E. Henning

Voting in the affirmative, 39:

Aguilar	Brewer	Dover	Ibach	Murman
Albrecht	Briese	Erdman	Jacobson	Raybould
Arch	Clements	Fredrickson	Kauth	Riepe
Ballard	Conrad	Halloran	Linehan	Sanders
Blood	Day	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostelman	DeKay	Holdcroft	McDonnell	Wishart
Brandt	Dorn	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 10:

Armendariz	Cavanaugh, J.	Dungan	McKinney	Walz
Bostar	Cavanaugh, M.	Hunt	von Gillern	Wayne

The appointment was confirmed with 39 ayes, 0 nays, and 10 present and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 528:

Nebraska Information Technology Commission
Kirk Langer

Voting in the affirmative, 38:

Aguilar	Brewer	Erdman	Jacobson	Raybould
Albrecht	Clements	Fredrickson	Kauth	Riepe
Arch	Day	Halloran	Linehan	Sanders
Ballard	DeBoer	Hansen	Lippincott	Slama
Blood	DeKay	Hardin	Lowe	Vargas
Bosn	Dorn	Holdcroft	McDonnell	Walz
Bostelman	Dover	Hughes	Moser	
Brandt	Dungan	Ibach	Murman	

Voting in the negative, 0.

Present and not voting, 10:

Armendariz	Briese	Cavanaugh, M.	Hunt	von Gillern
Bostar	Cavanaugh, J.	Conrad	McKinney	Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 774:

Board of Public Roads Classifications and Standards
Russell L. Kreachbaum, Jr.

Voting in the affirmative, 36:

Aguilar	Brewer	Fredrickson	Linehan	Sanders
Albrecht	Clements	Halloran	Lippincott	Slama
Arch	Day	Hansen	Lowe	Vargas
Ballard	DeKay	Hardin	McDonnell	Walz
Blood	Dorn	Holdcroft	Moser	
Bosn	Dover	Hughes	Murman	
Bostelman	Dungan	Jacobson	Raybould	
Brandt	Erdman	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 12:

Armendariz	Cavanaugh, J.	DeBoer	McKinney
Bostar	Cavanaugh, M.	Hunt	von Gillern
Briese	Conrad	Ibach	Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 774:

Nebraska Motor Vehicle Industry Licensing Board
John C. Ernst

Voting in the affirmative, 35:

Aguilar	Brandt	Dungan	Jacobson	Murman
Albrecht	Brewer	Fredrickson	Kauth	Raybould
Arch	Day	Halloran	Linehan	Riepe
Ballard	DeBoer	Hansen	Lippincott	Sanders
Blood	DeKay	Holdcroft	Lowe	Vargas
Bosn	Dorn	Hughes	McDonnell	Walz
Bostelman	Dover	Ibach	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Armendariz	Cavanaugh, J.	Conrad	Slama
Bostar	Cavanaugh, M.	Hunt	von Gillern
Briese	Clements	McKinney	

Excused and not voting, 3:

Erdman Hardin Wayne

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 775:

Nebraska Information Technology Commission
James Ediger

Voting in the affirmative, 38:

Aguilar	Brewer	Fredrickson	Linehan	Sanders
Albrecht	Clements	Halloran	Lippincott	Slama
Arch	Conrad	Hansen	Lowe	Vargas
Ballard	Day	Holdcroft	McDonnell	von Gillern
Blood	DeBoer	Hughes	Moser	Walz
Bosn	DeKay	Ibach	Murman	Wishart
Bostelman	Dorn	Jacobson	Raybould	
Brandt	Dover	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 8:

Armendariz	Briese	Cavanaugh, M.	Hunt
Bostar	Cavanaugh, J.	Dungan	McKinney

Excused and not voting, 3:

Erdman Hardin Wayne

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 775:

Nebraska Information Technology Commission
Leah Barrett

Voting in the affirmative, 34:

Aguilar	Clements	Halloran	Linehan	Riepe
Albrecht	Day	Hansen	Lippincott	Sanders
Ballard	DeKay	Holdcroft	Lowe	Slama
Blood	Dorn	Hughes	McDonnell	von Gillern
Bostelman	Dover	Ibach	Moser	Walz
Brandt	Dungan	Jacobson	Murman	Wishart
Brewer	Fredrickson	Kauth	Raybould	

Voting in the negative, 0.

Present and not voting, 12:

Arch	Bostar	Cavanaugh, M.	Hunt
Armendariz	Briese	Conrad	McKinney
Bosn	Cavanaugh, J.	DeBoer	Vargas

Excused and not voting, 3:

Erdman	Hardin	Wayne
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The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 775:

Nebraska Information Technology Commission
Bret R. Blackman

Voting in the affirmative, 31:

Aguilar	Brewer	Holdcroft	McDonnell	Vargas
Albrecht	Clements	Ibach	Moser	von Gillern
Ballard	DeKay	Jacobson	Murman	Wishart
Blood	Dorn	Kauth	Raybould	
Bosn	Fredrickson	Linehan	Riepe	
Bostelman	Halloran	Lippincott	Sanders	
Brandt	Hansen	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 15:

Arch	Briese	Conrad	Dover	Hunt
Armendariz	Cavanaugh, J.	Day	Dungan	McKinney
Bostar	Cavanaugh, M.	DeBoer	Hughes	Walz

Excused and not voting, 3:

Erdman Hardin Wayne

The appointment was confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 775:

Nebraska Information Technology Commission
Katie Niemoller

SENATOR DEBOER PRESIDING

Voting in the affirmative, 36:

Aguilar	Brewer	Halloran	Lippincott	Slama
Albrecht	Briese	Hansen	Lowe	Vargas
Arch	Clements	Holdcroft	McDonnell	von Gillern
Ballard	DeBoer	Hughes	Moser	Wishart
Blood	DeKay	Ibach	Murman	
Bosn	Dorn	Jacobson	Raybould	
Bostelman	Dover	Kauth	Riepe	
Brandt	Fredrickson	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 10:

Armendariz	Cavanaugh, J.	Conrad	Dungan	McKinney
Bostar	Cavanaugh, M.	Day	Hunt	Walz

Excused and not voting, 3:

Erdman Hardin Wayne

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 775:

Nebraska Information Technology Commission
Zachary J. Mellender

Voting in the affirmative, 35:

Aguilar	Brewer	Fredrickson	Kauth	Raybould
Albrecht	Briese	Halloran	Linehan	Riepe
Ballard	Clements	Hansen	Lippincott	Sanders
Blood	Conrad	Holdcroft	Lowe	Slama
Bosn	DeBoer	Hughes	McDonnell	Vargas
Bostelman	DeKay	Ibach	Moser	von Gillern
Brandt	Dorn	Jacobson	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Arch	Cavanaugh, J.	Dover	McKinney
Armendariz	Cavanaugh, M.	Dungan	Walz
Bostar	Day	Hunt	

Excused and not voting, 3:

Erdman	Hardin	Wayne
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The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment found on page 539:

Department of Labor
John Albin

Voting in the affirmative, 28:

Aguilar	Bostelman	Dorn	Kauth	Murman
Albrecht	Brandt	Halloran	Linehan	Riepe
Arch	Brewer	Hansen	Lippincott	Sanders
Armendariz	Clements	Holdcroft	Lowe	von Gillern
Ballard	DeBoer	Hughes	McDonnell	
Bosn	DeKay	Jacobson	Moser	

Voting in the negative, 2:

Blood	McKinney
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Present and not voting, 14:

Bostar	Conrad	Fredrickson	Raybould	Walz
Cavanaugh, J.	Day	Hunt	Slama	Wishart
Cavanaugh, M.	Dungan	Ibach	Vargas	

Excused and not voting, 5:

Briese Dover Erdman Hardin Wayne

The appointment was confirmed with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 989:

Commission for the Blind and Visually Impaired
Miguel Rocha

Voting in the affirmative, 34:

Aguilar	Bostelman	DeBoer	Holdcroft	McDonnell
Albrecht	Brandt	DeKay	Hughes	Moser
Arch	Brewer	Dorn	Jacobson	Murman
Armendariz	Cavanaugh, J.	Dungan	Kauth	Raybould
Ballard	Cavanaugh, M.	Fredrickson	Linehan	Sanders
Blood	Clements	Halloran	Lippincott	von Gillern
Bosn	Day	Hansen	Lowe	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Hunt	McKinney	Slama	Walz
Conrad	Ibach	Riepe	Vargas	Wishart

Excused and not voting, 5:

Briese Dover Erdman Hardin Wayne

The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointments found on page 989:

Nebraska Child Abuse Prevention Fund Board
Deacon Donald N. Blackbird, Jr.
Georgina Scurfield

Voting in the affirmative, 37:

Aguilar	Brandt	DeKay	Ibach	Murman
Albrecht	Brewer	Dorn	Jacobson	Riepe
Arch	Briese	Dungan	Kauth	Sanders
Armendariz	Cavanaugh, J.	Fredrickson	Linehan	Vargas
Ballard	Cavanaugh, M.	Halloran	Lippincott	von Gillern
Blood	Clements	Hansen	Lowe	
Bosn	Day	Holdcroft	McDonnell	
Bostelman	DeBoer	Hughes	Moser	

Voting in the negative, 0.

Present and not voting, 8:

Bostar	Hunt	Raybould	Walz
Conrad	McKinney	Slama	Wishart

Excused and not voting, 4:

Dover	Erdman	Hardin	Wayne
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The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointments found on page 989:

Health Information Technology Board
 Douglass Haas
 Mark A. Latta
 Philip James Vuchetich

Voting in the affirmative, 34:

Aguilar	Brewer	Dungan	Kauth	Raybould
Albrecht	Cavanaugh, J.	Halloran	Linehan	Riepe
Armendariz	Clements	Hansen	Lippincott	Sanders
Ballard	Day	Holdcroft	Lowe	Vargas
Blood	DeBoer	Hughes	McDonnell	von Gillern
Bostelman	DeKay	Ibach	Moser	Wishart
Brandt	Dorn	Jacobson	Murman	

Voting in the negative, 0.

Present and not voting, 11:

Arch	Briese	Fredrickson	Slama
Bosn	Cavanaugh, M.	Hunt	Walz
Bostar	Conrad	McKinney	

Excused and not voting, 4:

Dover	Erdman	Hardin	Wayne
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The appointments were confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointments found on page 989:

Nebraska Rural Health Advisory Commission

April Dexter
 Kate Hesser
 Katherine Kusek
 Myra Stoney

Voting in the affirmative, 36:

Aguilar	Brewer	Dungan	Kauth	Riepe
Albrecht	Briese	Fredrickson	Linehan	Sanders
Arch	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Armendariz	Clements	Hansen	Lowe	Wishart
Ballard	Day	Holdcroft	McDonnell	
Blood	DeBoer	Hughes	Moser	
Bostelman	DeKay	Ibach	Murman	
Brandt	Dorn	Jacobson	Raybould	

Voting in the negative, 0.

Present and not voting, 9:

Bosn	Cavanaugh, M.	Hunt	Slama	Walz
Bostar	Conrad	McKinney	Vargas	

Excused and not voting, 4:

Dover	Erdman	Hardin	Wayne
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The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointments found on pages 989 and 990:

Board of Emergency Medical Services

Ryan K. Batenhorst
 Karen Bowlin
 Prince Harrison
 Linda L. Jensen
 Jonathan L. Kilstrom
 Brent E. Lottman
 James Smith
 Leslie L. Vaughn, Jr.

Voting in the affirmative, 33:

Aguilar	Brandt	Dorn	Jacobson	Raybould
Albrecht	Brewer	Dungan	Kauth	Riepe
Arch	Briese	Fredrickson	Linehan	Sanders
Armendariz	Clements	Halloran	Lippincott	von Gillern
Ballard	Day	Hansen	Lowe	Wishart
Blood	DeBoer	Holdcroft	McDonnell	
Bostelman	DeKay	Ibach	Moser	

Voting in the negative, 0.

Present and not voting, 12:

Bosn	Cavanaugh, M.	Hunt	Slama
Bostar	Conrad	McKinney	Vargas
Cavanaugh, J.	Hughes	Murman	Walz

Excused and not voting, 4:

Dover	Erdman	Hardin	Wayne
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The appointments were confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 990:

Nebraska Rural Health Advisory Commission
 Martin Fattig

Voting in the affirmative, 35:

Aguilar	Brandt	DeKay	Hughes	Moser
Albrecht	Brewer	Dorn	Ibach	Murman
Arch	Briese	Dungan	Jacobson	Raybould
Armendariz	Clements	Fredrickson	Kauth	Riepe
Ballard	Conrad	Halloran	Lippincott	Sanders
Blood	Day	Hansen	Lowe	von Gillern
Bostelman	DeBoer	Holdcroft	McDonnell	Wishart

Voting in the negative, 0.

Present and not voting, 12:

Bosn	Cavanaugh, M.	Hunt	Slama
Bostar	Erdman	Linehan	Vargas
Cavanaugh, J.	Hardin	McKinney	Walz

Excused and not voting, 2:

Dover	Wayne
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The appointment was confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 990:

State Board of Health
Heather Cramer

Voting in the affirmative, 29:

Aguilar	Bostelman	DeKay	Ibach	Moser
Albrecht	Brandt	Dorn	Jacobson	Murman
Arch	Brewer	Halloran	Kauth	Riepe
Armendariz	Clements	Hansen	Lippincott	Sanders
Ballard	Conrad	Holdcroft	Lowe	von Gillern
Bosn	DeBoer	Hughes	McDonnell	

Voting in the negative, 10:

Blood	Cavanaugh, M.	Day	Fredrickson	Vargas
Cavanaugh, J.	Conrad	Dungan	Raybould	Wishart

Present and not voting, 8:

Bostar	Hardin	Linehan	Slama
Erdman	Hunt	McKinney	Walz

Excused and not voting, 2:

Dover Wayne

The appointment was confirmed with 29 ayes, 10 nays, 8 present and not voting, and 2 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 990:

State Board of Health
Jaime Kent Dodge

Senator Slama moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Voting in the affirmative, 30:

Aguilar	Brandt	Halloran	Jacobson	Moser
Albrecht	Brewer	Hansen	Kauth	Murman
Arch	Briese	Hardin	Linehan	Riepe
Ballard	DeKay	Holdcroft	Lippincott	Sanders
Bosn	Dorn	Hughes	Lowe	Slama
Bostelman	Erdman	Ibach	McDonnell	von Gillern

Voting in the negative, 10:

Blood	Cavanaugh, M.	Day	Dungan	Hunt
Cavanaugh, J.	Conrad	DeBoer	Fredrickson	Raybould

Present and not voting, 7:

Armendariz	Clements	Vargas	Wishart
Bostar	McKinney	Walz	

Excused and not voting, 2:

Dover Wayne

The appointment was confirmed with 30 ayes, 10 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 1142:

Nebraska Accountability and Disclosure Commission
Janet Chung

Voting in the affirmative, 39:

Aguilar	Bostelman	DeKay	Hughes	Moser
Albrecht	Brandt	Dorn	Ibach	Murman
Arch	Brewer	Erdman	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Fredrickson	Kauth	Sanders
Ballard	Clements	Halloran	Linehan	von Gillern
Blood	Conrad	Hansen	Lippincott	Walz
Bosn	Day	Hardin	Lowe	Wishart
Bostar	DeBoer	Holdcroft	McDonnell	

Voting in the negative, 1:

Slama

Present and not voting, 6:

Briese	Hunt	Raybould
Cavanaugh, M.	McKinney	Vargas

Excused and not voting, 3:

Dover	Dungan	Wayne
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The appointment was confirmed with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointments found on page 1614:

Board of Trustees of the Nebraska State Colleges

Carter Peterson

Adolfo Reynaga

Voting in the affirmative, 34:

Aguilar	Brandt	Fredrickson	Linehan	Riepe
Albrecht	Brewer	Halloran	Lippincott	Sanders
Ballard	Day	Hardin	Lowe	Slama
Blood	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Moser	Walz
Bostar	Dorn	Jacobson	Murman	Wishart
Bostelman	Erdman	Kauth	Raybould	

Voting in the negative, 0.

Present and not voting, 10:

Arch	Briese	Cavanaugh, M.	Conrad	McKinney
Armendariz	Cavanaugh, J.	Clements	Ibach	Vargas

Excused and not voting, 5:

Dover	Dungan	Hansen	Hunt	Wayne
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The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointments found on page 1614:

Nebraska Educational Telecommunications Commission
 Dan O'Neill
 Courtney C. Wittstruck

Voting in the affirmative, 38:

Aguilar	Bostelman	Erdman	Kauth	Riepe
Albrecht	Brandt	Fredrickson	Linehan	Sanders
Arch	Brewer	Halloran	Lippincott	Slama
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	Day	Holdcroft	McDonnell	von Gillern
Blood	DeBoer	Hughes	Moser	Wishart
Bosn	DeKay	Ibach	Murman	
Bostar	Dorn	Jacobson	Raybould	

Voting in the negative, 0.

Present and not voting, 6:

Briese	Cavanaugh, M.	McKinney
Cavanaugh, J.	Clements	Walz

Excused and not voting, 5:

Dover	Dungan	Hansen	Hunt	Wayne
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The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointments found on pages 1614 and 1615:

Coordinating Commission for Postsecondary Education
 Molly O'Holleran
 Tamara D. Weber

Voting in the affirmative, 37:

Aguilar	Bostelman	DeKay	Ibach	Riepe
Albrecht	Brandt	Dorn	Jacobson	Sanders
Arch	Brewer	Erdman	Kauth	Slama
Armendariz	Briese	Fredrickson	Lippincott	von Gillern
Ballard	Cavanaugh, J.	Halloran	McDonnell	Wishart
Blood	Conrad	Hardin	Moser	
Bosn	Day	Holdcroft	Murman	
Bostar	DeBoer	Hughes	Raybould	

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, M.	Linehan	McKinney	Walz
Clements	Lowe	Vargas	

Excused and not voting, 5:

Dover	Dungan	Hansen	Hunt	Wayne
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The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointments found on page 1615:

Board of Educational Lands and Funds

Robert H. Kobza

Jerald Meyer

Voting in the affirmative, 37:

Aguilar	Brandt	Dorn	Jacobson	Slama
Albrecht	Brewer	Erdman	Linehan	Vargas
Armendariz	Briese	Fredrickson	Lippincott	von Gillern
Ballard	Cavanaugh, J.	Halloran	McDonnell	Walz
Blood	Conrad	Hardin	Moser	Wishart
Bosn	Day	Holdcroft	Raybould	
Bostar	DeBoer	Hughes	Riepe	
Bostelman	DeKay	Ibach	Sanders	

Voting in the negative, 0.

Present and not voting, 7:

Arch	Clements	Lowe	Murman
Cavanaugh, M.	Kauth	McKinney	

Excused and not voting, 5:

Dover Dungan Hansen Hunt Wayne

The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment found on page 1615:

Technical Advisory Committee for Statewide Assessment
Joshua P. Fields

Voting in the affirmative, 38:

Aguilar	Bostelman	DeBoer	Ibach	Riepe
Albrecht	Brandt	DeKay	Jacobson	Sanders
Arch	Brewer	Dorn	Kauth	Slama
Armendariz	Briese	Erdman	Lippincott	von Gillern
Ballard	Cavanaugh, J.	Fredrickson	McDonnell	Walz
Blood	Clements	Halloran	Moser	Wishart
Bosn	Conrad	Holdcroft	Murman	
Bostar	Day	Hughes	Raybould	

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh, M.	Linehan	McKinney
Hardin	Lowe	Vargas

Excused and not voting, 5:

Dover Dungan Hansen Hunt Wayne

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment found on page 1615:

Technical Advisory Committee for Statewide Assessment
Chad W. Buckendahl

Voting in the affirmative, 38:

Aguilar	Bostelman	DeKay	Hughes	Murman
Albrecht	Brandt	Dorn	Ibach	Sanders
Arch	Brewer	Dover	Jacobson	Slama
Armendariz	Briese	Erdman	Kauth	von Gillern
Ballard	Cavanaugh, J.	Halloran	Linehan	Walz
Blood	Conrad	Hansen	Lippincott	Wishart
Bosn	Day	Hardin	McDonnell	
Bostar	DeBoer	Holdcroft	Moser	

Voting in the negative, 0.

Present and not voting, 8:

Cavanaugh, M.	Fredrickson	McKinney	Riepe
Clements	Lowe	Raybould	Vargas

Excused and not voting, 3:

Dungan	Hunt	Wayne
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 2023, at 3:26 p.m. were the following: LBs 562, 562A, 705e and 705Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

MOTIONS - Print in Journal

Senator Conrad filed the following motion:

Reconsider the vote on the confirmation report of the Nebraska Retirement Systems Committee found on Journal page 1742 regarding the appointment of Jason Hayes, Nebraska Public Employees Retirement Systems.

Senator Walz filed the following motion to LB814:

[MO1155](#)

Override the Governor's line-item veto in Section 13, Legislative Council, Program 122, Legislative Services; and Section 14, Legislative Council, Program 123, Clerk of the Legislature; and Section 15, Legislative Council, Program 126, Legislative Research; and Section 16, Legislative Council, Program 127, Revisor of Statutes; and Section 17, Legislative Council, Program 129, Legislative Audit; and Section 19, Legislative Council, Program 504, Office of Public Counsel; and Section 20, Legislative Council, Program 638, Fiscal and Program Analysis.

Senator Conrad filed the following motion to [LB814](#):

[MO1156](#)

Override the Governor's line-item veto in Section 252, Foster Care Review Office, Program 317, Court Appointed Special Advocate State Aid.

Senator Conrad filed the following motion to [LB814](#):

[MO1157](#)

Override the Governor's line-item veto in Section 100, Department of Health and Human Services, Program 354, Child Welfare Aid, as follows: General Fund and Program Total for FY2023-24 only; Earmark amount in first paragraph, second line; Earmark amount in fifth paragraph, second line.

AMENDMENT - Print in Journal

Senator Brewer filed the following amendment to [LB514](#):

[AM1996](#) is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducer. No objections. So ordered.

Senator Fredrickson name added to LB157.

Senator Vargas name added to LB531.

Senator Vargas name added to LB562.

WITHDRAW - Cointroducer

Senator Riepe name withdrawn from LB575.

EASE

The Legislature was at ease from 5:21 p.m. until 5:52 p.m.

SPEAKER ARCH PRESIDING

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 50A. Placed on Final Reading.

LEGISLATIVE BILL 157. Placed on Final Reading.

[ST28](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes were made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 514. Placed on Final Reading.

LEGISLATIVE BILL 514A. Placed on Final Reading.

LEGISLATIVE BILL 531A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

ANNOUNCEMENTS

Senator Briese announced the Executive Board will hold an executive session Wednesday, May 31, 2023, at 8:30 a.m., in Room 1525.

Senator Lowe announced the General Affairs Committee will hold an executive session Wednesday, May 31, 2023, at 9:15 a.m., under the North Balcony.

VISITORS

Visitors to the Chamber were Nicole, John, Jessica, and Margaret Tooker.

ADJOURNMENT

At 5:53 p.m., on a motion by Senator Ballard, the Legislature adjourned until 9:00 a.m., Wednesday, May 31, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 31, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 31, 2023

PRAYER

The prayer was offered by Pastor William Miller, Faith Lutheran Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Blood, Bosn, Brewer, Briese, Day, Hunt, Linehan, Raybould, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 249, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272 and 273 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 249, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272 and 273.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB138 with 36 ayes, 3 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 138. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 3-107, 13-1205, 29-431, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, 60-6,279, 60-6,282, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,115, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022; to provide for the use of the Highway Cash Fund for administrative costs of the Division of Aeronautics of the Department of Transportation; to provide powers and duties; to change the required county contribution for bridge replacement; to provide for adjustments to threshold amounts for road construction contracts; to adopt updates to federal law and update certain federal references; to change provisions of the Motor Vehicle Operator's License Act as prescribed; to define and redefine terms; to provide for the regulation of electric bicycles as prescribed; to change and provide for certain penalties; to change provisions relating to helmets and eye protection as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Cavanaugh, J.	Fredrickson	Linehan	Vargas
Albrecht	Clements	Halloran	Lippincott	von Gillern
Arch	Conrad	Hansen	Lowe	Walz
Armendariz	DeBoer	Hardin	McDonnell	Wayne
Ballard	DeKay	Holdcroft	McKinney	Wishart
Bostar	Dorn	Hughes	Moser	
Bostelman	Dover	Ibach	Murman	
Brandt	Dungan	Jacobson	Riepe	
Briese	Erdman	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

Bosn Cavanaugh, M.

Excused and not voting, 6:

Blood	Day	Raybould
Brewer	Hunt	Slama

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 138A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Briese	Erdman	Kauth	Sanders
Albrecht	Cavanaugh, J.	Fredrickson	Linehan	Vargas
Arch	Clements	Halloran	Lippincott	von Gillern
Armendariz	Conrad	Hansen	Lowe	Walz
Ballard	DeBoer	Hardin	McDonnell	Wayne
Bosn	DeKay	Holdercroft	McKinney	Wishart
Bostar	Dorn	Hughes	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, 6:

Blood	Day	Raybould
Brewer	Hunt	Slama

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 37 ayes, 3 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to education; to amend section 79-101, Revised Statutes Cumulative Supplement, 2022; to require each school district to collect and provide information regarding learning disabilities and the school board of each school district to adopt a written dress code and grooming policy as prescribed; to require the State Department of Education to provide a report and to develop a model dress code and grooming policy for schools as prescribed; to adopt the Interstate Teacher Mobility Compact; to provide a duty for the State Board of Education; to define and redefine terms; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Briese	Dungan	Jacobson	Raybould
Albrecht	Cavanaugh, J.	Erdman	Kauth	Riepe
Arch	Cavanaugh, M.	Fredrickson	Linehan	Sanders
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wayne
Bostelman	Dorn	Hughes	Moser	Wishart
Brandt	Dover	Ibach	Murman	

Voting in the negative, 0.

Excused and not voting, 5:

Blood Brewer Day Hunt Slama

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 298A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 298, One Hundred Eighth Legislature, First Session, 2023.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Briese	Dungan	Jacobson	Raybould
Albrecht	Cavanaugh, J.	Erdman	Kauth	Riepe
Arch	Cavanaugh, M.	Fredrickson	Linehan	Sanders
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Bosn	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wayne
Bostelman	Dorn	Hughes	Moser	Wishart
Brandt	Dover	Ibach	Murman	

Voting in the negative, 0.

Excused and not voting, 5:

Blood Brewer Day Hunt Slama

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR274 Judiciary

(Signed) Tom Briese, Chairperson
Executive Board

MOTION - Override Line-Item Veto on LB814

Senator Clements offered the Appropriations Committee motion, [MO1150](#), found on page 1760, to override the Governor's line-item veto of LB814, Section 96, Agency 25, Department of Health and Human Services, Program 344, Children's Health Insurance.

Section 98, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 138e, 138Ae, 298, and 298A.

MOTIONS - Override Line-Item Vetoes on LB814

The Appropriations Committee motion [MO1150](#) found on page 1760 and considered in this day's Journal, to override the Governor's line item veto on LB814, was renewed.

Senator Clements moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 22:

Aguilar	Conrad	Fredrickson	Raybould	Wayne
Blood	Day	Hughes	Riepe	Wishart
Bostar	DeBoer	Hunt	Slama	
Brandt	Dorn	McDonnell	Vargas	
Cavanaugh, J.	Dungan	McKinney	Walz	

Voting in the negative, 24:

Albrecht	Brewer	Erdman	Jacobson	Moser
Armendariz	Briese	Halloran	Kauth	Murman
Ballard	Clements	Hansen	Linehan	Sanders
Bosn	DeKay	Hardin	Lippincott	von Gillern
Bostelman	Dover	Holdcroft	Lowe	

Present and not voting, 3:

Arch	Cavanaugh, M.	Ibach
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senator Clements offered the Appropriations Committee motion, [MO1151](#), found on page 1760, to override the Governor's line-item veto of LB814, Section 254, Agency 72, Department of Economic Development, Program 601, Community and Rural Development.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB138.

(Signed) Julie Slama

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 31, 2023, at 9:55 a.m. were the following: LBs 138e, 138Ae, 298 and 298A.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

MOTION - Override Line-Item Veto on LB814

The Appropriations Committee motion [MO1151](#) found on page 1760 and considered in this day's Journal, to override the Governor's line item veto on LB814, was renewed.

Pending.

EXECUTIVE BOARD REPORT

Senator Briese, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following select interim committee:

LR135 Select Interim Committee

Senator Blood
Senator Brandt
Senator Dover
Senator Hughes
Senator Moser

(Signed) Tom Briese, Chairperson
Legislative Council, Executive Board

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 754 and 754A.

(Signed) Jen Day

COMMITTEE REPORT

General Affairs

The General Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Brian Botsford - Nebraska Arts Council

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Lowe, Chairperson

ATTORNEY GENERAL'S OPINIONSOpinion 23-006

SUBJECT: LB396 – Whether an NRD can sell its land and retain the ability to use ground water for augmentation.

REQUESTED BY: Senator Steve Erdman
Nebraska State Legislature

WRITTEN BY: Mike Hilgers, Attorney General
Joshua E. Dethlefsen, Assistant Attorney General

INTRODUCTION

You have requested an opinion from this office about whether an entity formed pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 *et seq.* (2021), can be compelled to sell real property but retain and reserve the right to use ground water associated with that property. You refer specifically to the N-CORPE project, which was undertaken by four natural resources districts to augment surface water flows in the Republican River to ensure compliance with the Republican River Compact, and in the Platte River. Your question relates to LB396, which you introduced to specifically authorize natural resources districts ("NRDs") to enter into augmentation projects and to require the NRDs to sell the overlying land after the

augmentation project has been developed. Although your request mentions only "interlocal agreements," after reviewing your bill it is our understanding that you are asking specifically about NRD-led augmentation projects which may (like N-CORPE) or may not (like the Rock Creek augmentation project in the Upper Republican NRD) be accomplished by using an interlocal agreement. At root, your request implicates the more basic question of whether the right to use ground water can be severed from the overlying land. At common law, the right to use ground water is tied explicitly to the land, and therefore would preclude selling the land but reserving the right to use the ground water.

BACKGROUND

Your question implicates the legal relationship between an owner's rights in their land and corresponding rights to water. To help address that question, a brief description of the law regarding the right to use ground water is necessary.

Common Law Right to Use Ground Water

Under Nebraska common law, ground water is subject to the modified correlative rights doctrine. This approach is distinct from the English Rule, the American Rule, and the general correlative rights doctrine, also called the California Rule, that are used to regulate ground water in other places.

English Rule

Under the English Rule, also called the absolute ownership rule, "a landowner ha[s] absolute ownership of the waters under his or her land." *Spear T. Ranch v. Knaub*, 269 Neb. 177, 186, 691 N.W.2d 116, 127 (2005) ["*Spear T.*"]. Texas administers its ground water this way. *See* Texas Water Code Ann. § 36.002 ("The Legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property."); *Sipriano v. Great Spring Waters of America, Inc.*, 1 S.W.3d 75, 75 (1999) ("For over ninety years, this Court has adhered to the common-law rule of capture in allocating the respective rights and liabilities of neighboring landowners for use of groundwater flowing beneath their property. The rule of capture essentially allows, with some limited exceptions, a landowner to pump as much groundwater as the landowner chooses, without liability to neighbors who claim that the pumping has depleted their wells."). However, "[m]ost American courts . . . have criticized the English Rule, recognizing that the rule protected landowners from liability even when water was diverted for malicious purposes" and that "the overlying owner with the deepest well or largest pump could control water that would otherwise be available to wall." *Spear T.*, 269 at 187, 691 N.W.2d at 127.

American Rule

Under the American Rule, "the owner of the land is entitled to appropriate subterranean or other waters accumulating on the land, but cannot extract and appropriate them in excess of a reasonable and beneficial use of land, especially if the exercise of such use is injurious to others." *Id.* The American Rule "does not consider a balancing of the parties' interests." *Id.* at 188. "Under the American rule, a person who is deprived of surface water because of the use of ground water by a nearby landowner will recover only when the water was not used for a beneficial purpose on the ground water user's land." *Id.* at 188, 691 N.W. 2d at 128.

California Rule

The California Rule "provides that the rights of all landowners over a common aquifer are coequal or correlative and that one cannot extract more than his or her share of the water even for use on his or her own land if other's rights are injured by the withdrawal." *Id.* at 188, 691 N.W. 2d at 128. "[T]he overlying landowners have no proprietary interest in the water under their ground and each owner over a common pool has a correlative right to make a beneficial use of the water on his or her land. Priority of use is irrelevant because in times of shortage, the common supply is apportioned among the landowners based on their reasonable needs." *Id.* at 188, 691 N.W. 2d at 128.

Nebraska's Rule – Modified Correlative Rights

Under Nebraska common law, ground water is subject to the modified correlative rights doctrine, which pulls from both the American Rule and the California Rule. Under this doctrine:

[T]he owner of land is entitled to appropriate subterranean waters found under his land, but he cannot extract and appropriate them in excess of a reasonable and beneficial use upon the land which he owns, especially if such use is injurious to others who have substantial rights to the waters, and if the natural underground supply is insufficient for all owners, each is entitled to a reasonable proportion of the whole....

Sorenson v. Lower Niobrara Nat. Resources Dist., 221 Neb. 180, 188, 376 N.W.2d 539, 546 (1985) ["*Sorenson*"] (quoting *Olson v. City of Wahoo*, 124 Neb. 802, 811, 248 N.W. 304, 308 (1933)). Put otherwise, "[q]ualified by the requirement of a reasonable, proportionate sharing during shortage of ground water, Nebraska's common law permits a landowner to use ground water extracted from beneath the owner's land, provided such landowner's extraction does not exceed a reasonable and beneficial use on the landowner's property." *Id.* at 189, 376 N.W.2d at 546 (citing *Olson v. City of Wahoo*, 124 Neb. 802, 248 N.W. 304 (1933)). This rule takes the "reasonable and beneficial use on the user's land" aspect from the American

Rule and the entitlement "to a reasonable proportion of the whole" during times of shortage from the California Rule.

This doctrine has been recognized by the Legislature in the Ground Water Management and Protection Act: "Every landowner shall be entitled to a reasonable and beneficial use of the ground water underlying his or her land subject to the provisions of Chapter 46, article 6, and the Nebraska Ground Water Management and Protection Act and the correlative rights of other landowners when the ground water supply is insufficient to meet the reasonable needs of all users." Neb. Rev. Stat. § 46-702 (2021); *see also* Richard S. Harnsberger & Norman W. Thorson, *Nebraska Water Law and Administration*, p. 249 (Butterworth Legal Publishers, 1984) (referring to an earlier version of the above-quoted language as "notable" because "the legislature specifically accept[ed] the correlative-rights doctrine as defining the underlying system of groundwater property rights").

Under Nebraska common law, the right to use ground water has always been tied explicitly to ownership of the overlying land. *See, e.g., Sorenson*, 221 Neb. at 191, 376 N.W.2d at 547 ("[T]he right to use ground water is a derivative right immediately dependent on ownership of the surface over a source of ground water."). In fact, the Supreme Court has gone so far as to hold that the right to use ground water cannot be separated from ownership of the overlying land. In *Upper Republican Natural Resources District v. Dundy County Board of Equalization*, 300 Neb. 256, 912 N.W.2d 796 (2018), the Court considered the question of whether property was being used for a public purpose when the primary purpose for owning the property was for the ground water underneath the land, rather than for the surface estate. The Court found that there was "no reason to treat underground uses – in this case, the aquifer, wells, and pipeline system – differently from any other use of the property." 300 Neb. at 285; 912 N.W.2d at 814. The Court further stated: "[I]t is clear that the right to use ground water is an attribute of owning fee simple title to land overlying a source of ground water **and is inseparable from the land to which it applies.**" 300 Neb. at 285, 912 N.W.2d at 814-15 (*quoting Sorenson*, 221 Neb. at 191, 376 N.W.2d at 548) (emphasis added). There is no support in case law or current Nebraska statute for the proposition that the right to use ground water can be severed from ownership of the overlying land.

In addition, the right to appropriate ground water is a usufructuary right, which is a legal term meaning it is a right to use rather than an absolute ownership right. So a landowner has a right to use ground water, but does not actually own the ground water under the land. *See, e.g., Bamford v. Upper Republican Nat. Resources Dist.*, 245 Neb. 299, 313, 512 N.W.2d 642, 652 (1994) ("[G]round water, as defined in § 46-657, is owned by the public, and the only right held by an overlying landowner is in the use of the ground water."). This is different than states like Texas that use the English Rule, where the ground water is owned as part of the real property.

These features distinguish ground water from other subterranean interests, such as mineral interests, which can be owned, sold, resold, leased, or subleased separately from the overlying land. *See, e.g.*, Neb. Rev. Stat. §§ 57-227 to 57-239. A mineral right can be severed from ownership of the overlying land. *See, e.g.*, Neb. Rev. Stat. §§ 57-227 to 57-231. "When by appropriate conveyance the mineral estate in lands is severed from the surface, separate and distinct estates are thereby created which are held by separate and distinct titles, and each is a freehold estate of inheritance subject to the laws of descent, devise, and conveyance." *Wheelock v. Heath*, 201 Neb. 835, 841, 272 N.W.2d 768, 771 (1978) (quoting 54 Am.Jur.2d, Mines and Minerals, s. 116, p. 298). Further, "[a] grantee of the minerals underlying the land becomes the owner of them; his interest is not a mere mining privilege. The minerals thus severed become a separate corporeal hereditament. Their ownership is attended with all the attributes and incidents peculiar to ownership of land, and they may be embraced in the terms 'land' or 'real property' in a subsequent conveyance." *Id.* Therefore, mineral interests differ from the right to use ground water both because they can be severed from the surface estate and because an interest can be held in the minerals themselves, rather than simply a right to use the minerals.

At common law, the use of ground water is tied to the land and cannot be separated, as it could be in states that consider ground water to be owned by the landowner as real property. Therefore, under Nebraska's common law, an NRD could not separate water rights from the ownership of the land for projects such as N-CORPE.

Legislative Abrogation of Common Law

The Nebraska Legislature may alter the common law through statute. The Supreme Court has specifically noted the primacy of the Legislature in making policy decisions regarding the use of ground water. *See, e.g., In re Metropolitan Utilities Dist. of Omaha*, 179 Neb. 783, 801, 140 N.W.2d 626, 637 (1966) (Describing its limited decision as "thus preserving the right of the Legislature, unimpaired, to determine the policy of the state as to underground waters and the rights of persons in their use."); *Estermann v. Bose*, 296 Neb. 228, 258, 892 N.W.2d 857, 877 (2017) ("We have previously stated that Nebraska's common law does not allow water to be transferred off overlying land. However, we have made it clear that the Legislature may provide exceptions to this common-law rule." (internal citations omitted)).

Such alterations to the common law can be through authorizing actions not previously recognized by the common law or by abrogating the common law through specific statutory language. There are at least two examples where the Legislature has authorized actions not recognized by the common law regarding land ownership and the ability to use ground water for specific purposes on that land. The first is the Municipal and Rural Domestic Ground Water Transfers Permit Act ("Municipal Transfers Act"), Neb. Rev. Stat. § 46-638 *et seq.* (2021), which allows a public water

supplier to apply to the Department of Natural Resources ("DNR") for a permit to pump ground water to be transported off the overlying land to serve other areas beyond that owned by the applicant. The applicant must show the amount of water requested, maps of all water wells, and any other necessary information. Neb. Rev. Stat. § 46-639 (2021). After public notice, DNR evaluates the application to determine if "the withdrawal and transportation of ground water requested by the applicant are reasonable, are not contrary to the conservation and beneficial use of ground water, and are not otherwise detrimental to the public welfare." Neb. Rev. Stat. § 46-642 (2021).

The second is the Industrial Ground Water Regulatory Act ("Industrial Transfers Act"), Neb. Rev. Stat. § 46-675 *et seq.* (2021), which allows industrial users to apply to DNR for a permit to pump and transfer ground water. Again, DNR must evaluate the application for a number of factors, including "[p]ossible adverse effects on existing surface or ground water users," "[t]he effect of the withdrawal and any transfer of ground water on surface or ground water supplies needed to meet reasonable anticipated domestic and agricultural demands in the area of the proposed ground water withdrawal," "[t]he availability of alternative sources of surface or ground water reasonably accessible to the applicant in or near the region of the proposed withdrawal or use," and "[t]he effects on interstate compacts or decrees and the fulfillment of the provisions of any other state contract or agreement." Neb. Rev. Stat. § 46-683 (2021). Although these Acts authorize actions not previously authorized by the common law, they do not abrogate the nature of the use right under common law.

Statutes that purport to alter or abrogate the common law, as opposed to statutory authorizations not previously recognized by the common law, are strictly construed and a statute will not be interpreted to remove a common law right unless the plain words of the statute require such an interpretation. *See In re 2007 Administration of Appropriations of the Waters of the Niobrara River*, 283 Neb. 629, 653, 820 N.W.2d 44, 64 (2012) ["*Niobrara River*"] ("Furthermore, statutes which effect a change in the common law or take away a common-law right should be strictly construed, and a construction which restricts or removes a common-law right should not be adopted unless the plain words of the statute compel it."). For example, in *Niobrara River*, the Supreme Court determined that a statute regarding cancellation of water rights did not abrogate common law methods of cancellation because the plain language of the statute did not compel such a conclusion:

The plain and unambiguous language of §§ 46-229 to 46-229.05 merely provides the procedure by which the Department must abide when terminating an owner's or a successor's appropriation right. This language does not explicitly address the common-law theories of abandonment and nonuse. Absent express statutory provision, we must construe § 46-229 in a manner which does not restrict or remove the common-law method of cancellation. As

such, we determine that § 46-229 is a procedural provision that does not abrogate the common law.

Id. The Court has further made clear that "the common law will be abrogated no further than expressly declared or than is required from the clear import of the language employed by the statute." *Dykes v. Scotts Bluff County Agr. Society, Inc.*, 260 Neb. 375, 383, 617 N.W.2d 817, 823 (2000).

The force of these decisions is clear: if the Legislature chooses to alter or abrogate the common law, it must do so clearly and explicitly by declaring with specificity what aspects of the common law the statute intends to abrogate. It is within this framework that we analyze LB396.

ANALYSIS

Having concluded that the Legislature has the power to authorize actions not previously recognized by the common law or that abrogate the common law, we turn now to the language of LB396. We presume that your intent was to abrogate the common law connection between land ownership and the ability to use ground water to "reserve and retain" the right for the NRDs exclusively, meaning that the new owners of the augmentation project property would not reserve the right to use ground water themselves. LB396 includes three provisions. We discuss each of them in turn.

LB396 first provides express authority to NRDs to "develop augmentation projects as described in subdivision (3)(e) of section 46-715 and to acquire real property for such augmentation purposes." LB396, at ¶ 1. This would explicitly codify the Nebraska Supreme Court's ruling in *Estermann v. Bose* that the NRDs already have this power under various Nebraska statutes. *See Estermann*, 296 Neb. 228, 892 N.W.2d 857. This section does not purport to modify the common law.

Next, LB396 provides that "[a]fter an augmentation project has been developed, the natural resources district or districts owning such project shall sell the overlying surface interest but may retain and reserve the right to ground water located beneath such land." *Id.* at ¶ 2. We conclude that this provision does not expressly abrogate the common law with regard to whether the new owners of the augmentation property could use ground water. Rather than include express language to that end, the provision operates mostly by implication—it introduces a (new) concept in the ground water context, the "retain and reserve" language from law relating to mineral rights. This may authorize an action not previously authorized by common law, but probably does not abrogate the common law connection between land ownership and ground water use for the new owners of the augmentation property.

The final section of LB396 states that "[t]he owner or owners of the augmentation project are entitled to the reasonable and beneficial use of ground water to which such right was retained and reserved pursuant to

subsection (2) of this section. The quantity of such ground water available to the augmentation project shall be the same as if the overlying surface interest had been retained by the owner or owners of the augmentation project." *Id.* at ¶ 3.

This section, like the others, does not purport to directly abrogate the common law connection between land ownership and ground water use for the new owners of the augmentation property. Instead, this section attempts to define the nature of the right held by the NRD after sale of augmentation property. While such a reservation is common in the realm of mineral interests, this would appear to be unique in Nebraska water law and it is not defined. *See generally* Neb. Rev. Stat. § 57-229 (2021) (referring to "rights conveyed or reserved" in the context of mineral rights). We conclude that this section, like the others, is not sufficiently explicit and clear in its attempt to abrogate the common law connection between land ownership and ground water use for new owners of the augmentation property.

First, the section lacks any explicit language abrogating the common law rights; if it purports to do so at all, it does so only by implication. And even this implication is unclear, as there is a lack of direction for how this term could be used in the ground water context. Because ground water has never been classified or treated as a mineral interest in Nebraska, its use here in the ground water context does not define the scope of an NRD's right to continue withdrawing ground water for augmentation purposes after a forced sale is completed and therefore cannot form an explicit and sufficient basis on which a statutory abrogation of the common law could rest.

Second, even assuming that there existed an explicit authorization to abrogate the common law in this way, the current language presents multiple potential conflicting interpretations regarding this phrase. For example, as indicated above, this language could be interpreted such that the NRD "retains and reserves" the ability to use ground water as if it still owned the overlying land, but that the new owners of such land would still be able to use ground water consistent with the common law right—particularly because the language used is probably not sufficient to sever the connection between land ownership and ground water use for the new owners of the augmentation property. At the same time, it is possible that the language "retain and reserve" is meant to sever the common law right to use ground water associated with the overlying land and allocate such ground water rights to the NRD exclusively. These are conflicting interpretations which create an inherent ambiguity.

Third, the use of the phrase in this paragraph is inconsistent with the use of the phrase in the previous paragraph. Paragraph 2 mentions "the right to the ground water beneath such land." That language would tend to indicate an interest in the water itself, as a landowner would have in a state that follows the English Rule, as opposed to the use of the water. This would contradict the usufructuary, or use, nature of a ground water right. At the same time, Paragraph 3 refers to "the reasonable and beneficial use of

ground water," which would appear to refer to the normal right to use under the modified correlative rights doctrine, rather than an interest in the actual water. And paragraph 3 also refers to "the quantity of ground water available," which seems to refer to an interest in a specific amount of water rather than a use right limited by the effect of that use on other ground water users. This conflict—between a modification of the right to use the water and an attempted creation of an ownership interest in the water—creates a structural ambiguity and conflict in the law that is inconsistent with the mandate that the Legislature act "clearly and expressly" in order to abrogate the common law.

We conclude from these factors, considered independently and in combination, that LB396, if strictly construed, does not explicitly abrogate the common law modified correlative rights doctrine. To the extent it purports to authorize an action not previously recognized by the common law, the bill contains no details with regard to how such authorization would operate.

We note that there are additional follow-on questions that are not addressed in LB396 and therefore outside the scope of this analysis. For instance:

- If both the landowner and the NRDs have equal entitlement to use ground water from the same parcel, how would the correlative rights doctrine be applied?
- Would the augmentation project be prohibited or limited from the use of ground water, or owe damages, due to its effect on the use by the landowner?
- If the right to use ground water is severed from the land and only the NRDs retain the right to use, what happens if the NRD abandons the augmentation project?
- Is that right then held by the NRD for another purpose? Can it be transferred further? Does it revert to the purchasers of the overlying acres?
- If LB396 legally severs the ability to use ground water on those acres, by what mechanism could that right be granted again?

Because you specifically mentioned N-CORPE in your request, we would also mention that there is no language in the bill that indicates whether LB396 is intended to be retroactive in effect. Thus, it is unclear whether LB396 would apply to N-CORPE. We have not addressed the constitutionality of retroactive application of LB396.

CONCLUSION

At common law, the ability to use ground water has always been tied to ownership of the overlying land and so would not allow N-CORPE or other similarly situated augmentation projects to sell the land and retain the ability

to pump ground water as if they still owned the land. The Legislature has the authority to abrogate the common law by statute but must do so with clear and express language. We conclude that the language of LB396 is not sufficiently clear and express so as to abrogate the common law.

Sincerely,
MIKE HILGERS
Attorney General
(Signed) Joshua E. Dethlefsen
Assistant Attorney General

pc Brandon Metzler
Clerk of the Legislature

Opinion 23-007

SUBJECT: Constitutionality of Legislation Authorizing the Award of Punitive Damages for the Support of the Common Schools (LB 25).

REQUESTED BY: Senator Teresa Ibach
Nebraska Legislature

WRITTEN BY: Mike Hilgers, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

LB 25 proposes to authorize the award of punitive damages in civil actions when a party "has displayed actual intent to cause harm or causes an injury through action taken in reckless disregard for the lives and safety of others." LB 25, § 3. "Punitive damages" are defined as "damages that a party in a civil action are ordered to pay (a) based on aggravating circumstances, (b) to penalize such party, or (c) to provide additional deterrence and discourage similar conduct in the future." LB 25, § 5(3). LB 25 includes legislative findings that "Article VII, section 5, of the Constitution of Nebraska provides in part that all fines, penalties, and license money arising under the general laws of the state shall belong and be paid over to the counties respectively where the same may be levied or imposed..." and that this constitutional provision "further provides that all such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue." LB 25, § 1(1), (2). It further declares that "[p]unitive damages are in the nature of fines or penalties." LB 25, § 1(3). If punitive damages are awarded, the county attorney must be notified, and "may become a party solely to protect the interests of the common schools

in such damages." LB 25, § 4(2). "Any award of punitive damages shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska." LB 25, § 6.

You request our opinion on the constitutionality of the bill's authorization of an award of punitive damages for the support of the common schools. You also ask us to address whether punitive damages are fines or penalties within the meaning of Neb. Const. art. VII, § 5, and, if so, may the county attorney be made a party to the civil action in which punitive damages are awarded to protect the interests of the common schools in such damages.

ANALYSIS

Neb. Const. art. VII, § 5 [the "Penalties Clause"], provides, with certain exceptions, that:

all fines, penalties, and license money arising under the general laws of the state. . . shall belong and be paid over to the counties respectively where the same may be levied or imposed,.... All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue,....

LB 25 would allow the award of punitive damages in civil actions, with the damages treated as fines or penalties required to be distributed to the common schools as directed under art. VII, § 5. Before addressing your questions related to the bill, we begin with a summary of the Nebraska Supreme Court's caselaw addressing the constitutionality of punitive damages.

A. Nebraska Caselaw Addressing the Constitutionality of Punitive Damages.

The Nebraska Supreme Court has identified two separate bases for finding punitive damages unconstitutional under the Nebraska Constitution. The first is the due process clause; the second is the Penalties Clause. We discuss each in turn.

1. The Court's first recognition of punitive damages as a violation of the due process clause.

In *Boyer v. Barr*, 8 Neb. 68 (1878) ["*Boyer*"], the Nebraska Supreme Court considered whether punitive damages could be awarded in a civil action for assault and battery. The jury was instructed that, if it found the defendant acted deliberately and maliciously, it could award punitive or exemplary damages in addition to compensating the plaintiff for the actual injury. The Court noted that "the adjudicated cases" and "conclusions of eminent text writers of either this country or England" were "pretty evenly divided both in numbers and weight of authority" on whether "punitive or

exemplary damages can be allowed in a civil action," and that this was "the first time" it had considered "the question of punitive, vindictive, or exemplary damages." *Id.* at 71, 73. Discussing authorities from other jurisdictions disapproving the practice of awarding punitive damages in civil actions, the Court, "[a]pproving...the law as laid down in" those cases, found the jury instruction on punitive damages improper. *Id.* at 75. While not expressly citing the due process clause as the basis for its holding, the cases relied on by the Court in *Boyer* included a New Hampshire Supreme Court decision rejecting punitive damages in civil actions "to keep the civil and criminal process and practice distinct and separate" and characterizing such damages as "destroy[ing] every constitutional safeguard within their reach." *Id.* at 72 (quoting *Fay v. Parker*, 53 N.H. 342, 397 (1872)).¹

The Court's reliance on due process as the basis for rejecting the award of punitive damages to private parties in civil cases was repeated in *Riewe v. McCormick*, 11 Neb. 261, 9 N.W. 88 (1881) [*"Riewe"*]. Finding a request "for instructions as to exemplary damages" was "properly refused" in a replevin action, the Court cited *Boyer* in holding "that in addition to full compensation for the injury sustained there cannot be added a further sum as a fine for the punishment of the defendant." *Id.* at ___, 9 N.W. at 89. Explaining its rationale, the Court stated:

Damages should be equal in amount to the injury sustained; but upon what principle should they be given in excess of that amount? In law the injured party, upon being paid the damages sustained by the injury, has received full compensation therefor. Why then should the property of the party causing the injury be taken from him and given to another without compensation? Constitutional guarantees of the rights of private property amount to but little if courts sanction its practical confiscation under the name of exemplary or punitive damages. And the effect of permitting the jury to give exemplary damages is to allow them to return a verdict for such sum as their prejudice or caprice may prompt them to do, without regard to the amount of the injury. If it is said that these damages are imposed as a punishment, it is a full and sufficient answer to say that the state inflicts punishment, and not individuals. *Id.* at ___, 9 N.W. at 89-90.

The early decisions in *Boyer* and *Riewe* rejected punitive damages on due process grounds. Neither case relied on or mentioned the Penalties Clause in disapproving punitive damages.

2. *The Court's first recognition of punitive damages as a violation of the Penalties Clause.*

Unlike *Boyer* and *Riewe*, one early case relied on the Penalties Clause in finding a punitive damage provision unconstitutional. In *Atchison & Nebraska R.R. Co. v. Baty*, 6 Neb. 37 (1877) [*"Baty"*], the Court held a statute giving owners of livestock "double the value of the property injured,

killed, or destroyed" on a railroad track was unconstitutional. After an extensive discussion of the constitutional right to due process, the Court stated it was "an established maxim in the polity of the state, that the legislative authority cannot reach the life, liberty, or property of the individual, except when he is convicted of a crime, or when the sacrifice of his property is demanded by a just regard of the public welfare." *Id.* at 45. The Court then noted:

Again, it seems clear that the statute in question is incompatible with another provision of the constitution. It will not be pretended that the act was intended to define a statutory criminal offense. Still, it is impossible to regard the excess beyond the value of the property in any other light than a penalty, not resting in contract, but a penalty or fine for the purpose of punishment; but this penalty or fine is by the statute given to the party claiming damage for the accidental loss of his property, and hence the act must come in conflict with that provision of the constitution which declares that "all fines and penalties," etc., "shall be appropriated exclusively to the use and support of common schools." *Id.*

Two years after deciding *Baty*, the Court modified the rule in that case and upheld the constitutionality of a statute requiring officers charging fees greater than allowed by law to forfeit and pay the injured party fifty dollars. *Graham v. Kibble*, 9 Neb. 182, 2 N.W. 455 (1879) ["*Graham*"]. Discussing the constitutional provision requiring that "[a]ll fines, penalties, and license moneys arising under the general laws of the state...shall be appropriated for use exclusively to the usual support of common schools," it stated that, "[o]n mature reflection we are not prepared to say, nor do we think it was intended by this provision of the constitution to deprive the legislature of the power to pass statutes like the one in question, whereby a fixed sum, in the nature of liquidated damages, is given to one who has suffered injury by the wrongful act or oppression of a public officer." *Id.* at ___, 2 N.W. at 456. The Court further explained:

This section of the constitution, as we understand it, has no reference to those damages, whether limited in the amount recoverable or not, which a private person may sustain, but solely to such as under the law of the land are given to the public, and go into the public treasury. Its object, doubtless, was to correct what was considered abuses in the disposition of public moneys realized from the several sources therein mentioned, and to ensure their proper expenditure in the future. Its evident scope is to give direction to the distribution of the several funds belonging under the law to the public at large, or to a particular subdivision thereof, and thereby insure an equitable distribution, viz.: to the particular subdivision of the public upon whom rests the chief responsibility and expense of enforcing the criminal laws and police regulations of the people. *Id.* ___, 2 N.W. at 456-57.

While decided around the same time as *Boyer* and *Riewe*, *Baty* cited both the due process clause and the Penalties Clause in finding a punitive damage provision unconstitutional. Further, in *Graham*, the Court recognized that a reasonable amount fixed as liquidated damages was not a penalty subject to the Penalties Clause.

3. *Subsequent case law affirming that punitive damages are violations of both the due process clause and Penalties Clause.*

In *Sunderland Bros. Co. v. Chicago, B. & Q. R.R. Co.*, 104 Neb. 319, 177 N.W. 156 (1920), the Court considered the constitutionality of a statute allowing shippers to recover from railroads, in addition to actual damages, one dollar per day for delay in the shipment and delivery of goods. In its original opinion, the Court determined that, if the statute provided a fine or penalty in addition to actual damages, it violated the constitutional requirement that all fines and penalties arising under the general laws of the state go to the school fund. *Id.* at 321, 177 N.W. 157. "If treated as liquidated damages, the Legislature [was] acting beyond its authority in seeking to appropriate private property to private use." *Id.* Because the statute sought "to impose a greater liability in damages than compensatory damages," the Court found "it [was] taking private property for private use, which is unconstitutional." *Id.* at 322, 177 N.W. at 157.

On rehearing, the Court issued an opinion concluding that the statute imposed a fine or penalty recoverable by a private party in violation of the constitutional mandate that all fines and penalties arising under the state's general laws be used to support the common schools. *Sunderland Bros. Co. v. Chicago B. & Q. R.R. Co.*, 104 Neb. 319, 179 N.W. 546 (1920) [*"Sunderland Bros."*]. The Court noted its earlier decision in *Baty* holding a statute compelling a railroad company to pay double the value of livestock killed upon the track created an unconstitutional penalty. *Id.* at 324, 179 N.W. at 547. In response to the claim that the rule in *Baty* was "out of line with the general holding in other states," the Court disagreed, stating:

It is true that in other states penalties have been imposed for a violation of statutory duty, and these penalties have been, in many instances, recoverable by the individual, instead of by the state. Those states, however, do not, so far as our attention has been called, have such a constitutional provision as the one we have in this state, providing that all fines and penalties shall be appropriated exclusively to the use and support of the common schools. The cases in other jurisdictions discuss the validity of penalty statutes, as affected by general constitutional provisions, such as the requirement of due process of law and equal protection of the law, and under those constitutional provisions such penalty statutes are not prohibited. *Id.* 328, 179 N.W. at 548.²

The Court later relied on *Sunderland Bros.* in holding unconstitutional a statute providing for the recovery of treble damages in an action against an attorney for deceit. *Abel v. Conover*, 170 Neb. 926, 104 N.W.2d 926 (1960) [*"Abel"*]. Noting there was "confusion in the cases as to the meaning of the words 'fines, penalties, and license money' contained in Article VII, section 5 of the Constitution..." the Court, citing *Sunderland Bros.*, explained:

The holdings of that case are: A statute which imposes a liability for actual damages and in addition thereto a penalty to be paid to the injured party is repugnant to section 5, Article VIII, now Article VII, of the Constitution, which requires all fines and penalties arising under the general laws to go exclusively to the school fund. A statute which imposes liability for actual damages and additional liability for the same act provides a penalty. 170 Neb. at 930, 104 N.W.2d at 688.

The Court drew a distinction between permissible legislation providing for "liquidated damages in favor of a private person, although in the form of a penalty, if the amount provided bears a reasonable relation to the actual damages," and improper legislation providing "for the payment of an amount clearly in excess of compensatory damages," which constituted "a penalty and violates the due process clause of the Constitution when considered with Art. VII, section 5." *Id.* at 931, 104 N.W.2d at 689. While noting courts in other jurisdictions had upheld similar statutes against due process and equal protection clause challenges, it stated "such has not been the holding when the Constitution contains a provision similar to that in Article VII, section 5, of the Constitution." *Id.* The Court concluded that,

[w]hether or not the granting of double or treble damages is a violation of the due process clause standing alone, it is a violation of such clause when considered with Article VII, section 5 of the Constitution. Since all penalties must go to the benefit of the common schools of the state, a penalty for the benefit of a private person is violative of the cited constitutional provisions....The effect of the statute is to authorize the actual compensatory damages to be determined, and then arbitrarily requires the defendant to pay to the plaintiff three times that sum. It therefore exceeds compensatory damages three time over and is a penalty prohibited by the due process clause, Article I, section 3, and Article VII, section 5, of the Constitution of Nebraska. *Id.* at 932, 104 N.W.2d at 689.

Addressing what it called "[a]rguments...advanced by text writers and case reviewers that compensatory damages include not only the actual damages sustained, but include actual cumulative harm and incentive liability..." the Court stated:

The adoption of such a theory as reason for sustaining double and treble damages to private persons would inject into the law a

recovery of damages for reasons that were purely speculative and conjectural. It would be an excuse for permitting punitive and exemplary damages, the recovery of which has been consistently condemned by the law of this state. We find no logic in the argument that a statute may properly permit the recovery of such damages in view of our cited constitutional provisions prohibiting penalties in favor of private persons. If any such damages could be established, they must be recovered as actual compensatory damages.

We necessarily conclude that penalties in favor of private persons are prohibited by the two cited sections of the Constitution. That necessarily requires us to hold that the recovery of double or treble damages, that is, damages which double or treble the actual compensatory damages established, are in contravention of the same sections of the Nebraska Constitution. *Id.* at 932-33, 104 N.W.2d at 690.

Abel recognized that "impos[ing] liability for actual damages and additional liability for the same act provides a penalty." 170 Neb. at 930, 104 N.W.2d at 688. The *Abel* Court relied on *Sunderland Bros.* to reinforce the connection between the due process clause and Penalties Clause in striking down a treble damage statute as an impermissible penalty recoverable by a private party.

4. *Post-Abel decisions interpreting the Penalties Clause.*

The Court distinguished *Abel* in holding that damages above actual damages allowed under the Workers Compensation Act to compensate for delay in payment did not authorize recovery of a penalty by a private person in violation of art. VII, § 5 because "[t]he Compensation Act creates rights which did not exist at common law and the Legislature may place such restrictions thereon as it sees fit....Compensation under the act need bear no relationship to actual damages resulting from the injury." *University of Nebraska at Omaha v. Paustian*, 190 Neb. 840, 843-44, 212 N.W.2d 704, 706 (1973). Subsequently, the Court found that, because the parental liability statute imposed liability only for actual damages, it did not establish a fine or penalty prohibited by art. VII, § 5. *Distinctive Printing and Packaging Co. v. Cox*, 232 Neb. 846, 443 N.W.2d 566 (1989). More recently, the Court held a Consumer Protection Act statute authorizing the Attorney General to seek civil penalties did not violate art. VII, § 5. *State ex rel. Stenberg v. American Midlands, Inc.*, 244 Neb. 887, 509 N.W.2d 633 (1994). While noting it held in *Abel* "that a statute which provides for a penalty in excess of actual damages paid to an injured party in a civil action violates" art. VII, § 5, the Court found that "[u]nlike *Abel*, the present case does not involve the payment of civil penalties to a private plaintiff." *Id.* at 893, 509 N.W.2d at 637. The Court's post-*Abel* decisions, however, do not address punitive damages in relation to the due process clause in the Nebraska Constitution.⁵

B. Nature of Punitive Damages and the Constitutionality of the Award of Punitive Damages Under LB 25.

1. LB 25 under the Penalties Clause.

LB 25 would authorize the award of punitive damages in civil actions as penalties to be distributed to the common schools in accordance with art. VII, § 5. In light of the authority relating to the Penalties Clause discussed above, we will address whether the punitive damages proposed are "fines" or "penalties" within the meaning of this constitutional provision.

Punitive damages are defined in LB 25 as "damages that a party in a civil action are ordered to pay (a) based on aggravating circumstances, (b) to penalize such party, or (c) to provide additional deterrence and discourage similar conduct in the future." LB 25, § 2(3). Punitive damages do "not include compensatory or nominal damages." "Compensatory damages means damages intended to make whole the loss of an injured party and no more." LB 25, § 2(1). "Nominal damages are damages that are not designed to compensate an injured party and are less than one thousand dollars." LB 25, § 2(2). Under *Abel*, "[a] statute which imposes liability for actual damages and additional liability for the same act provides a penalty." 170 Neb. at 930, 104 N.W.2d at 688. As the punitive damages authorized by LB 25 impose liability in addition to actual damages for the same act, they are a penalty under art. VII, § 5.⁴

While a penalty to a private litigant consistently has been held unconstitutional, that restriction does not create a *per se* bar to punitive damages under the Penalties Clause. Powers, Vincent M., *Punitive Damages in Nebraska*, *The Nebraska Lawyer* 18, 19 (June 2003) ["Powers"] (arguing that punitive damages are not prohibited but, because they are a penalty, they cannot be recovered by a private litigant and must be paid into the school fund).

Because LB 25 would not permit the award of punitive damages to private litigants, but instead to the common schools in accordance with art. VII, § 5, we think that LB 25 would likely be constitutional under this constitutional provision.⁵

2. LB 25 under the Due Process Clause.

The other constitutional barrier to punitive damages is the due process clause. As noted previously, the decisions in *Boyer* and *Riewe* rejected punitive damages on due process grounds. Other decisions, however, cited both the due process clause and Penalties Clause in finding punitive damages unconstitutional. *Baty* discussed due process extensively but also mentioned the requirement that penalties be used to support the schools. The original opinion in *Sunderland Bros.* relied on both constitutional provisions, while on rehearing the Court emphasized the requirement that penalties be appropriated for the common schools. And *Abel* held the treble

damage statute created a penalty which "violated the due process clause of the Constitution when considered with Art. VII, section 5." 170 Neb. at 931, 104 N.W.2d at 689 (emphasis added). The Court has characterized such damages as "purely speculative and conjectural" (*Abel*, 170 Neb. at 933, 104 N.W.2d at 690), and has never expressly or impliedly overruled either *Boyer* or *Riewe*. Unless and until those precedents are overturned, we conclude that punitive damages are unconstitutional under the due process clause.

C. Role of the County Attorney Under LB 25.

Finally, you ask if there are "legal concerns" in "essentially [joining] the schools and county attorney as interested parties in a civil matter?"

LB 25 does not make school districts a party to any civil action asserting a claim for punitive damages. The question has been raised whether a claim for punitive damages to benefit the schools gives the school fund "an interest in the litigation that is protectable," and, "[i]f so, how is that interest protected?" Introduction—Nebraska, 1 Punitive Damages: Law and Prac. 2d § 11:28 (2022). As the bill does not attempt to make the schools or school districts parties to civil cases where punitive damages are sought, however, it is not necessary to address this question.

The bill does provide that, "[u]pon an award of punitive damages," the county attorney must be notified and "may become a party solely to protect the interests of the common schools in such damages." LB 25, § 4(2). Under art. VII, § 5, fines and penalties must "be paid over to the counties" where they are levied or imposed, and "shall be apportioned exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue...." The committee records indicate the purpose of providing the county attorney party status after an award is made is primarily to represent the schools' interest in the award in the event of potential settlement. Committee Records on LB 25, 108th Leg., 1st Sess. 40, 42, 44 (Jan. 25, 2023).

There may well be practical concerns regarding whether the county attorney should be placed in this role or may be able to impact settlement in cases where punitive damages are awarded, and the reason for placing this duty on the county attorney is unclear. Under art. VII, § 5, penalties are to be paid over to the counties and appropriated for the use and support of the schools. Apparently, the county attorney was designated a party because the county where fines and penalties are imposed receives the funds which are distributed to the schools. County attorneys, however, have the duty "to prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal, arising under the laws of the state in which the state or county is a party or interested." Neb. Rev. Stat. § 23-1201(2) (2022). County attorneys do not advise or represent school districts, which are separate corporate bodies and political subdivisions. *See* Neb. Rev. Stat. § 79-405 (2014). Requiring county attorneys to represent the interests of the schools in punitive damage awards is thus not compatible with the duties currently placed on county attorneys. The statute, however, does not mandate that a county attorney serve this role, as it provides the county

attorney "may" become a party to protect the interest of the schools. *Pepitone v. Winn*, 272 Neb. 443, 447, 722 N.W.2d 710, 713 (2006) ("[T]he word 'may,' when used in a statute, will be given its ordinary, permissive, and discretionary meaning unless it would manifestly defeat the statutory objective.").

Other states have enacted statutes providing for a "split recovery" which allocates a portion of a claimant's punitive damage award to the state or an administrative fund.⁶ Some provisions expressly limit the state's status or right to the judgment. Rather than making the county attorney a "party" upon an award of damages, LB 25 could be amended to give the county attorney or affected school districts the right to enforce the judgment⁷ or to collect the penalty required to be paid over to the county under art. VII, § 5.

CONCLUSION

Article VII, § 5, mandates that fines and penalties be appropriated solely for the use and support of the common schools. "A statute which imposes liability for actual damages and additional liability for the same act provides a penalty." *Abel*, 170 Neb. at 929, 104 N.W.2d at 688. Because the punitive damages authorized by LB 25 impose a liability in addition to actual damages for the same act, they are a penalty under art. VII, § 5. The Nebraska Supreme Court has held statutes imposing penalties in the form of punitive damages in favor of private parties unconstitutional relying on the due process clause alone or, in some cases, the due process clause and art. VII, § 5. While LB 25's directive that punitive damage awards be paid to support the common schools removes the constitutional barrier created by art. VII, § 5, under the Court's existing precedent we conclude that such damages violate due process given its long line of cases relying on the due process clause to hold punitive damages unconstitutional. Finally, while there may be no legal impediment to allowing the county attorney to become a party to a case in which punitive damages are awarded to protect the interests of the schools, this role does not fall within a county attorney's current statutory duties. The Legislature may wish to consider a more limited role, such as providing the county attorney or school districts with authority to enforce or collect a punitive damages judgment.

Very truly yours,
 MIKE HILGERS
 Attorney General
 (Signed) L. Jay Bartel
 Assistant Attorney General

pc Brandon Metzler
 Clerk of the Legislature

07-1521-30

1. *Boyer* did not mention or rely on the constitutional provision allocating penalties arising under the general laws to the school fund, but, rather, rested on the notion "that provisions for exemplary damages involved penalties so oppressive as to

constitute violations of the due process clause of the Constitution.” Vold, Lawrence, *Constitutionality of Statutory Double or Treble Damages Provisions in Nebraska*, 19 Neb. Law Bull. 63, 84 (1940); see Neb. Const. of 1875, art. I, § 3 (“No person shall be deprived of life, liberty, or property without due process of law.”). The Nebraska Constitution currently provides: “No person shall be deprived of life, liberty, or property without due process of law, nor be denied equal protection of the laws.” Neb. Const. art. I, § 3.

2. The dissenting opinion of Justice Letton noted that similar demurrage statutes had been upheld in a number of states, with courts concluding “the state has power to impose a penalty for a violation of a duty imposed by statute and that the disposition of the penalty, whether it shall go to the state or one of its subdivisions, to a private informer, or to the person actually damaged, is entirely within the discretion of the lawmaking power.” 104 Neb. at 330-31, 179 N.W. at 549 (Letton, J., dissenting). He asserted the majority’s reliance on *Baty* was improper, and that *Graham*, which modified *Baty*, recognized the constitutional provision requiring fines and penalties go to support the common schools “ha[d] no reference whatever to those damages whether limited in the amount recoverable or not, which a private party may sustain, but solely to such as, under the law of the land, are given to the public and go into the public treasury.” *Id.* at 332, 179 N.W. at 549 (Letton, J., dissenting (quoting *Graham*, 9 Neb. at ___, 2 N.W. at 456)). Citing other state court decisions holding that similar penalty provisions did not fall within constitutional provisions requiring fines, penalties, and forfeitures to be paid to school funds, he asserted such provisions were properly read to “refer[] to penalties accruing to the public, and not to penalties recovered by private persons for their own use.” 104 Neb. at 334, 179 N.W. at 550 (Letton, J., dissenting).
3. A Nebraska federal district court decision dismissed a bad faith counterclaim seeking to recover punitive damages for the schools in a civil action for declaratory judgment regarding insurance coverage and policy rescissions. *Factory Mutual Ins. Co. v. Nebraska Beef, Inc.*, 2009 WL 2886315 (D. Neb. 2009). Relying on *Abel*, the defendants argued they were “entitled to punitive damages if the money goes to the local county school district.” *Id.* at *1. The district court found no authorization in Nebraska law for defendants’ counterclaim, stating: “If the State of Nebraska wants to carve out an exception to allow private parties to pursue punitive damages on behalf of local school districts, it will have to explicitly say so.” *Id.*

4. Because they are a penalty, it is not necessary to consider if punitive damages may also be considered a “fine” under this constitutional provision.
5. Consistent with this position, the Nebraska Wage Payment and Collection Act grants courts discretion to require employers found to be liable for nonpayment of wages to pay a penalty to the school fund equal to the judgment recovered by the employee or, if the nonpayment is willful, an amount up to two times the amount of unpaid wages. Neb. Rev. Stat. § 48-1232 (2021); *see Kinney v. H.P. Smith Ford, L.L.C.*, 266 Neb. 591, 600, 667 N.W.2d 529, 537 (2003) (“The amount of the penalty ordered to be paid to the fund to the common schools of the state [under § 48-1232] is a matter left to the discretion of the trial court.”).
6. *See* Ga. Code Ann. § 51-12-5.1(e)(2) (Seventy-five percent of punitive damages award, less proportionate share of costs, including attorney’s fees, paid to the state); Ind. Code § 34-51-3-6(a)(2) (Seventy-five percent of punitive damages award paid to state for deposit in the violent crime victims reparation fund); Iowa Code Ann. § 668A.1.2b. (Amount not to exceed twenty-five percent of punitive damages award may be ordered to the claimant, with the remainder to be paid into a civil reparations fund); Mo. Rev. Stat. § 537.675.3 (Fifty percent of punitive damages award to be deposited into the tort victims’ compensation fund); Or. Rev. Stat. Ann. § 31.735(1) (Punitive damage award allocated with thirty percent to prevailing party, sixty percent for deposit in the Criminal Injuries Compensation Account of the Department of Justice Crime Victims’ Assistance Section, and ten percent to the State Court Facilities and Security Account); Utah Code Ann. § 78B-8-201(3) (Punitive damage award amount over \$50,000 divided equally between the state and injured party)
7. *E.g.*, Ga. Code Ann. § 51-12-5.1(e)(2) (State not “a party in interest and the sole right of the state is to the proceeds.”); Mo. Rev. Stat. § 537.675.4 (“The state of Missouri shall have no interest in or right to intervene at any stage of any judicial proceeding pursuant to this section, except to enforce its lien rights as provided in subsection 3 of this section.”); *but see* Utah Code Ann. § 78B-8-201 (“The state shall have all rights due a judgment creditor to collect the full amounts of both punitive damage judgments until the judgements are fully satisfied).

VISITOR

Visitor to the Chamber was Dan McMahan.

RECESS

At 11:58 a.m., on a motion by Senator Kauth, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Briese, Dover, B. Hansen, Holdcroft, Hunt, Ibach, and Slama who were excused until they arrive.

MOTION - Print in Journal

Speaker Arch filed the following motion:

Suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LB 3, 4, 11, 14, 27, 28, 30, 33, 35, 35A, 45, 45A, 59, 63, 68, 74, 75, 81, 81A, 84, 90, 91, 93, 97, 98, 116, 122, 123, 123A, 124, 153, 155, 160, 170, 181, 183, 199, 201, 206, 207, 214, 217, 220, 222, 223, 240, 245, 249, 256, 260, 261, 265, 267, 269, 278, 278A, 286, 289, 300, 314, 315, 329, 337, 342, 344, 345, 346, 356, 357, 359, 372, 384, 385, 395, 395A, 402, 412, 413, 414, 419, 419A, 425, 426, 427, 431, 436, 438, 447, 452, 453, 460, 462, 465, 474, 480, 495, 505, 516, 520, 524, 532, 536, 544, 548, 552, 552A, 572, 580, 584, 585, 586, 587, 590, 603, 616, 617, 626, 629, 630, 632, 639, 647, 647A, 666, 671, 684, 684A, 698, 703, 706, 708, 709, 712, 722, 724, 738, 740, 757, 762, 765, 769, 769A, 772, 774, 787, 787A, 792, 796, and 805.

MOTIONS - Override Line-Item Vetoes on LB814

The Appropriations Committee motion [MO1151](#) found on page 1760 and considered in this day's Journal, to override the Governor's line item veto on LB814, was renewed.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 25:

Aguilar	Cavanaugh, M.	Dungan	Lippincott	Slama
Blood	Conrad	Fredrickson	McDonnell	Vargas
Bostar	Day	Hardin	McKinney	Walz
Brandt	DeBoer	Hughes	Raybould	Wayne
Cavanaugh, J.	Dorn	Hunt	Riepe	Wishart

Voting in the negative, 23:

Albrecht	Bostelman	Erdman	Jacobson	Murman
Arch	Brewer	Halloran	Kauth	Sanders
Armendariz	Briese	Hansen	Linehan	von Gillern
Ballard	Clements	Holdcroft	Lowe	
Bosn	DeKay	Ibach	Moser	

Present and not voting, 1:

Dover

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

Senator Clements offered the Appropriations Committee motion, [MO1149](#), found on page 1760, to override the Governor's line-item veto of LB814, Section 35, Auditor of Public Accounts, Program 506, State Agency and County Post Audits. Section 36, Auditor of Public Accounts, Program 525, Cooperative Audits.

Senator Clements moved for a call of the house. The motion prevailed with 36 ayes, 2 nays, and 11 not voting.

Senator Erdman requested a roll call vote, in reverse order, on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Aguilar	Cavanaugh, J.	Dungan	Lowe	Vargas
Albrecht	Cavanaugh, M.	Erdman	McDonnell	Walz
Blood	Conrad	Fredrickson	McKinney	Wishart
Bostar	Day	Halloran	Murman	
Bostelman	DeBoer	Hardin	Raybould	
Brandt	DeKay	Hughes	Riepe	
Brewer	Dorn	Hunt	Slama	

Voting in the negative, 14:

Arch	Briese	Ibach	Linehan	von Gillern
Armendariz	Clements	Jacobson	Lippincott	Wayne
Ballard	Holdercroft	Kauth	Sanders	

Present and not voting, 4:

Bosn	Dover	Hansen	Moser
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Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 184. Placed on General File with amendment.

[AM1834](#)

1 1. On page 4, strike lines 4 through 10 and insert the following new
2 subsection:

3 "(5)(a) Except as provided in subdivision (5)(b) of this section,
4 any admission, confession, or statement made by the accused to a
5 psychiatrist, psychologist, therapist, or licensed mental health
6 practitioner for purposes of a motion to transfer a case from county
7 court or district court to juvenile court shall be inadmissible in any
8 criminal or civil proceeding.

9 (b) Subdivision (5)(a) of this section does not prevent any such
10 admission, confession, or statement from being:

11 (i) Admissible in proceedings relating to such motion to transfer;
12 (ii) Admissible in disposition proceedings of such accused under the
13 Nebraska Juvenile Code if the case is transferred to juvenile court;
14 (iii) Included in any presentence investigation report for such
15 accused if the case is not transferred to juvenile court; and
16 (iv) Admissible in such case to impeach such accused during cross-
17 examination if the accused testifies at trial or during juvenile court
18 proceedings and such testimony is materially inconsistent with a prior
19 statement made by the accused to a psychiatrist, psychologist, therapist,
20 or licensed mental health practitioner for purposes of the motion to
21 transfer such case."

22 2. On page 7, strike lines 27 through 31 and insert the following
23 new subdivision:

24 "(d)(i) Except as provided in subdivision (5)(d)(ii) of this
25 section, any admission, confession, or statement made by the juvenile to
26 a psychiatrist, psychologist, therapist, or licensed mental health
27 practitioner for purposes of a motion to transfer a case from juvenile
1 court to county court or district court shall be inadmissible in any
2 criminal or civil proceeding.

3 (ii) Subdivision (5)(d)(i) of this section does not prevent any such
4 admission, confession, or statement from being:

5 (A) Admissible in proceedings relating to such motion to transfer;
6 (B) Admissible in disposition proceedings for such juvenile under
7 the Nebraska Juvenile Code if the case is not transferred to county court
8 or district court;

9 (C) Included in any presentence investigation report for such
 10 juvenile if the case is transferred to county court or district court;
 11 and
 12 (D) Admissible in such case to impeach such juvenile during cross-
 13 examination if the juvenile testifies at trial or during juvenile court
 14 proceedings and such testimony is materially inconsistent with a prior
 15 statement made by the juvenile to a psychiatrist, psychologist,
 16 therapist, or licensed mental health practitioner for purposes of the
 17 motion to transfer such case."
 18 3. On page 8, strike lines 1 and 2.

(Signed) Justin Wayne, Chairperson

General Affairs

The General Affairs Committee desires to report that the committee voted to make no recommendation on the appointment listed below. The Committee suggests the appointment be voted on by the Legislature and suggests a record vote.

Trent Loos - State Racing and Gaming Commission

Aye: 8. Brewer, Cavanaugh, J., Day, Hardin, Holdcroft, Hughes, Lowe, Raybould. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Lowe, Chairperson

MOTIONS - Override Line-Item Vetoes on LB814

Senator Dungan offered [MO1148](#) found on page 1752, to override the Governor's line-item veto of LB814, Section 21, Supreme Court, Operations.

Senator Dungan moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Senator Dungan requested a roll call vote, in reverse order, on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 20:

Aguilar	Cavanaugh, J.	DeBoer	Hunt	Vargas
Blood	Cavanaugh, M.	Dorn	McDonnell	Walz
Bostar	Conrad	Dungan	McKinney	Wayne
Brandt	Day	Fredrickson	Raybould	Wishart

Voting in the negative, 23:

Albrecht	Brewer	Hardin	Linehan	Sanders
Arch	Clements	Holdcroft	Lippincott	Slama
Armendariz	DeKay	Ibach	Lowe	von Gillern
Ballard	Erdman	Jacobson	Moser	
Bostelman	Hansen	Kauth	Murman	

Present and not voting, 4:

Bosn	Briese	Hughes	Riepe
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Excused and not voting, 2:

Dover	Halloran
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senator Walz offered [MO1155](#) found on page 1806, to override the Governor's line-item veto of LB814,
 Section 13, Legislative Council, Program 122, Legislative Services.
 Section 14, Legislative Council, Program 123, Clerk of the Legislature.
 Section 15, Legislative Council, Program 126, Legislative Research.
 Section 16, Legislative Council, Program 127, Revisor of Statutes.
 Section 17, Legislative Council, Program 129, Legislative Audit.
 Section 19, Legislative Council, Program 504, Office of Public Counsel.
 Section 20, Legislative Council, Program 638, Fiscal and Program Analysis.

SENATOR DEBOER PRESIDING

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 22:

Aguilar	Cavanaugh, M.	Dungan	McDonnell	Walz
Blood	Conrad	Fredrickson	McKinney	Wishart
Bostar	Day	Halloran	Raybould	
Brandt	DeBoer	Hughes	Slama	
Cavanaugh, J.	Dorn	Hunt	Vargas	

Voting in the negative, 21:

Albrecht	Brewer	Hardin	Lippincott	von Gillern
Armendariz	Briese	Holdcroft	Lowe	
Ballard	Clements	Jacobson	Moser	
Bosn	DeKay	Kauth	Murman	
Bostelman	Hansen	Linehan	Sanders	

Present and not voting, 3:

Ibach	Riepe	Wayne
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Excused and not voting, 3:

Arch	Dover	Erdman
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

Senator Conrad offered [MO1156](#) found on page 1807, to override the Governor's line-item veto of LB814, Section 252, Foster Care Review Office, Program 317, Court Appointed Special Advocate State Aid.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 17:

Blood	Conrad	Fredrickson	Raybould	Wishart
Bostar	Day	Hunt	Vargas	
Cavanaugh, J.	DeBoer	McDonnell	Walz	
Cavanaugh, M.	Dungan	McKinney	Wayne	

Voting in the negative, 22:

Aguilar	Bostelman	Halloran	Linehan	Sanders
Albrecht	Brewer	Hardin	Lippincott	von Gillern
Armendariz	Briese	Holdcroft	Lowe	
Ballard	Clements	Jacobson	Moser	
Bosn	DeKay	Kauth	Murman	

Present and not voting, 5:

Brandt	Dorn	Hughes	Ibach	Riepe
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Excused and not voting, 5:

Arch Dover Erdman Hansen Slama

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

Senator Conrad offered [MO1157](#) found on page 1807, to override the Governor's line-item veto of LB814, Section 100, Department of Health and Human Services, Program 354, Child Welfare Aid, as follows: General Fund and Program Total for FY2023-24 only; Earmark amount in first paragraph, second line; Earmark amount in fifth paragraph, second line.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?'" "

Voting in the affirmative, 19:

Blood	Cavanaugh, M.	Dorn	Hunt	Walz
Bostar	Conrad	Dungan	McKinney	Wayne
Brandt	Day	Fredrickson	Raybould	Wishart
Cavanaugh, J.	DeBoer	Hughes	Vargas	

Voting in the negative, 27:

Aguilar	Bostelman	Halloran	Kauth	Riepe
Albrecht	Brewer	Hansen	Lippincott	Sanders
Arch	Briese	Hardin	Lowe	von Gillern
Armendariz	Clements	Holdcroft	McDonnell	
Ballard	DeKay	Ibach	Moser	
Bosn	Dover	Jacobson	Murman	

Present and not voting, 2:

Erdman Linehan

Excused and not voting, 1:

Slama

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

Senator Wayne offered the following motion to LB814:

[MO1158](#)

Override the Governor's line-item veto in Section 105, Department of Health and Human Services, Program 502, Public Health Aid.

Senator Wayne withdrew his motion to override the Governor's line-item veto.

MESSAGES FROM THE GOVERNOR

May 31, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 754e, 754Ae, 243e, 243Ae, 583e, 583Ae were received in my office on May 25, 2023.

These bills were signed and delivered to the Secretary of State on May 31, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

May 31, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

On August 30, 2022, former Governor Ricketts appointed Gwenniviere Aspen to the Coordinating Commission for Postsecondary Education. Ms. Aspen has recently submitted her resignation effective May 9, 2023. Accordingly, I hereby respectfully request you withdraw her from consideration for confirmation. Her contact information is as follows:

Gwenn Aspen
850 Fair Acres
Omaha, NE 68132

Please contact my office if you have any questions.

Sincerely,
(Signed) Jim Pillen
Governor

Cc: Paul Von Behren, Chairman - Coordinating Commission for Postsecondary Education

MOTIONS - Override Line-Item Vetoes on LB818

Senator Clements offered the Appropriations Committee motion, [MO1152](#), found on page 1760, to override the Governor's line-item veto on LB818, Section 34(32).
Section 34(33).

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 1:

Raybould

Voting in the negative, 30:

Aguilar	Brandt	Dover	Hughes	Moser
Albrecht	Brewer	Erdman	Jacobson	Murman
Arch	Clements	Halloran	Kauth	Riepe
Ballard	DeBoer	Hansen	Lippincott	Sanders
Bosn	DeKay	Hardin	Lowe	von Gillern
Bostelman	Dorn	Holdcroft	McDonnell	Walz

Present and not voting, 17:

Armendariz	Cavanaugh, J.	Dungan	Linehan	Wishart
Blood	Cavanaugh, M.	Fredrickson	McKinney	
Bostar	Conrad	Hunt	Vargas	
Briese	Day	Ibach	Wayne	

Excused and not voting, 1:

Slama

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

Senator Wayne offered the following motion to LB818:

[MO1159](#)

Override the Governor's line-item veto in Section 15.

Senator Wayne withdrew his motion to override the Governor's line-item veto.

MOTIONS - Confirmation Reports

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 1764:

Board of Emergency Medical Services
Noah Bernhardson

Voting in the affirmative, 40:

Aguilar	Bostelman	DeBoer	Holdcroft	McDonnell
Albrecht	Brandt	DeKay	Hughes	Moser
Arch	Brewer	Dorn	Ibach	Murman
Armendariz	Briese	Dover	Jacobson	Raybould
Ballard	Cavanaugh, M.	Erdman	Kauth	Riepe
Blood	Clements	Halloran	Linehan	Sanders
Bosn	Conrad	Hansen	Lippincott	von Gillern
Bostar	Day	Hardin	Lowe	Walz

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	Fredrickson	McKinney	Wayne
Dungan	Hunt	Vargas	

Excused and not voting, 2:

Slama	Wishart
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The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator B. Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 1764:

Division of Public Health-Department of Health and Human Services
Timothy A. Tesmer

Voting in the affirmative, 29:

Aguilar	Bostelman	Dorn	Ibach	McDonnell
Albrecht	Brandt	Erdman	Jacobson	Moser
Arch	Brewer	Halloran	Kauth	Murman
Armendariz	Briese	Hansen	Linehan	Riepe
Ballard	Clements	Holdcroft	Lippincott	Sanders
Bosn	DeKay	Hughes	Lowe	

Voting in the negative, 11:

Blood	Conrad	Dungan	Raybould
Cavanaugh, J.	Day	Fredrickson	Wayne
Cavanaugh, M.	DeBoer	Hunt	

Present and not voting, 7:

Bostar	Hardin	Vargas	Walz
Dover	McKinney	von Gillern	

Excused and not voting, 2:

Slama	Wishart
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The appointment was confirmed with 29 ayes, 11 nays, 7 present and not voting, and 2 excused and not voting.

Senator Conrad offered her motion, found on page 1806, to reconsider the vote on the confirmation report of the Nebraska Retirement Systems Committee found on page 1742 regarding the appointment of Jason Hayes, Nebraska Public Employees Retirement Systems.

SPEAKER ARCH PRESIDING

The Conrad motion to reconsider prevailed with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

Senator McDonnell reoffered the motion to adopt the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 1742:

Nebraska Public Employees Retirement Systems
Jason Hayes

Voting in the affirmative, 20:

Aguilar	Brandt	Erdman	Ibach	Murman
Arch	Brewer	Halloran	Jacobson	Raybould
Ballard	DeKay	Hardin	Lippincott	Walz
Bostelman	Dorn	Hughes	McDonnell	Wayne

Voting in the negative, 14:

Albrecht	Dover	Hunt	Moser	Slama
Cavanaugh, M.	Hansen	Kauth	Riepe	von Gillern
Conrad	Holdercroft	Linehan	Sanders	

Present and not voting, 11:

Armendariz	Briese	Day	Lowe
Blood	Cavanaugh, J.	DeBoer	McKinney
Bosn	Clements	Fredrickson	

Excused and not voting, 4:

Bostar	Dungan	Vargas	Wishart
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The Nebraska Retirement Systems Committee confirmation report was not adopted with 20 ayes, 14 nays, 11 present and not voting, and 4 excused and not voting.

Pursuant to Rule 3, Sec. 4(e)(iv), the appointment was rejected

COMMUNICATION

May 31, 2023

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB814e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Brandon Metzler
Clerk of the Legislature

BM:jl
Enc.

CERTIFICATE

Legislative Bill 814e, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes as follows, and having passed the Legislature by the constitutional majority the bill has become law this 31st day of May 2023.

Section 35, Auditor of Public Accounts, Program 506, State Agency and County Post Audits, and Section 36, Auditor of Public Accounts, Program 525, Cooperative Audits.

(Signed) John Arch
President of the Legislature

May 31, 2023

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Pillen of LB818e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Brandon Metzler
Clerk of the Legislature

BM:jl

COMMITTEE REPORTS

Agriculture

The Agriculture Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dawn Caldwell - Nebraska State Fair Board
Brett R. Lindstrom - Nebraska State Fair Board
Beth Smith - Nebraska State Fair Board

Aye: 8. Brewer, Halloran, Hansen, B., Holdcroft, Hughes, Ibach, Raybould,
Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Marie A. Farr - Nebraska Brand Committee
Steven F. Stroup - Nebraska Brand Committee

Aye: 8. Brewer, Halloran, Hansen, B., Holdcroft, Hughes, Ibach, Raybould,
Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Bosn name added to LB76.
Senator Jacobson name added to LB384.
Senator Lippincott name added to LB384.
Senator Bosn name added to LB447.
Senator Vargas name added to LB705.
Senator Ballard name added to LB732.
Senator Wishart name added to LB732.
Senator von Gillern name added to LR229.

VISITORS

Visitors to the Chamber were Krista, Isaac, Eli, and Eden Zobel.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 5:07 p.m., on a motion by Senator Raybould, the Legislature adjourned until 10:00 a.m., Thursday, June 1, 2023.

Brandon Metzler
Clerk of the Legislature

EIGHTY-EIGHTH DAY - JUNE 1, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 1, 2023

PRAYER

The prayer was offered by Dean McPherson, First United Methodist Church, Louisville.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Aguilar.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Day, Hunt, Kauth, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 31, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Michalakes, Emily
Everytown for Gun Safety Action Fund

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB92 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 92. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 8-101.03, 8-102, 8-115, 8-135, 8-141, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-602, 8-1101, 8-1101.01, 8-1704, 8-1707, 8-2724, 8-2903, 8-3002, 8-3003, 8-3004, 8-3005, 8-3007, 8-3008, 8-3011, 8-3012, 8-3013, 8-3014, 8-3015, 8-3016, 8-3017, 8-3018, 8-3019, 8-3020, 8-3021, 8-3022, 8-3023, 8-3025, 8-3026, 8-3028, 8-3030, 10-110, 10-402, 10-403, 10-405, 10-507, 10-711, 10-804, 13-509, 21-17,115, 44-319.02, 44-319.03, 44-319.06, 44-785, 44-1993, 44-2824, 44-2825, 44-2827, 44-2831.01, 44-2832, 44-2833, 44-3308, 44-4054, 44-5140, 45-191.01, 45-191.04, 45-735, 45-1002, 45-1003, 45-1006, 58-201, and 76-1007, Reissue Revised Statutes of Nebraska, sections 44-7,102, 44-5141, 59-1722, 69-2103, 69-2104, 69-2112, and 77-6801, Revised Statutes Cumulative Supplement, 2022, and section 4A-108, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Commodity Code, the Consumer Rental Purchase Agreement Act, the Credit Union Act, the ImagiNE Nebraska Act, the Insurance Producers Licensing Act, the Insurers Investment Act, the Nebraska Banking Act, the Nebraska Financial Innovation Act, the Nebraska Hospital-Medical Liability Act, the Nebraska Installment Loan Act, the Nebraska Investment Finance Authority Act, the Nebraska Money Transmitters Act, the Nebraska Trust Deeds Act, the Residential Mortgage Licensing Act, the Securities Act of Nebraska, the Seller-Assisted Marketing Plan Act, the Uniform Commercial Code—Funds Transfers, financial institutions, digital asset depositories, bonds secured by property tax levies, securities deposited for the benefit of policyholders and creditors of insurance companies, insurance coverage of breast examinations, insurance coverage of colon examinations, title insurance regulation, loan brokers, and the Olmstead Plan; to adopt updates to federal laws and regulations relating to financial institutions; to provide restrictions on insurance coverage of prescription insulin drugs and electronic delivery of communications related to health benefit plans; to adopt the Insurance Regulatory Sandbox Act; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Erdman	Linchan	Slama
Albrecht	Briese	Fredrickson	Lippincott	Vargas
Arch	Cavanaugh, J.	Halloran	Low	von Gillern
Armendariz	Clements	Hansen	McDonnell	Walz
Ballard	Conrad	Hardin	McKinney	Wayne
Blood	DeBoer	Holdercroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Dungan	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 92A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, One Hundred Eighth Legislature, First Session, 2023.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Brewer	Dungan	Jacobson	Raybould
Albrecht	Briese	Erdman	Kauth	Riepe
Arch	Cavanaugh, J.	Fredrickson	Linehan	Sanders
Armendariz	Clements	Halloran	Lippincott	Slama
Ballard	Conrad	Hansen	Lowe	Vargas
Bosn	DeBoer	Hardin	McDonnell	von Gillern
Bostar	DeKay	Holdcroft	McKinney	Walz
Bostelman	Dorn	Hughes	Moser	Wayne
Brandt	Dover	Ibach	Murman	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Blood Cavanaugh, M.

Excused and not voting, 2:

Day Hunt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB157 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 157. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 25-323, 25-331, 25-21,273, 30-2626, and 52-401, Reissue Revised Statutes of Nebraska, and sections 28-405, 28-416, 30-24,125, 42-903, 42-924, 43-286, 81-1821, 83-4,114, and 83-918, Revised Statutes Cumulative Supplement, 2022; to provide for awards of attorney's fees in appeals; to change provisions and modernize language relating to third-party practice; to allow petitioners in change of name proceedings to proceed in forma pauperis; to prohibit providers of services relating to examination or treatment of injuries from sexual assault, domestic assault, and child abuse from taking certain debt enforcement actions against victims; to change provisions relating to controlled substances schedules under the Uniform Controlled Substances Act; to change provisions relating to decedents' estates; to authorize appointment of temporary guardians for certain limited purposes in certain counties; to create the Limited Temporary Guardian Aid Program and provide state aid to covered counties; to provide for protection of household

pets in protection orders under the Protection from Domestic Abuse Act; to provide for modification of disposition orders or conditions of probation or supervision under the Nebraska Juvenile Code; to provide for a lien for providers of emergency medical services; to change requirements for applications to the Crime Victim's Reparations Committee; to provide a duty for the Department of Correctional Services and to change provisions relating to certain reports; to eliminate obsolete provisions relating to the long-term restrictive housing work group; to eliminate a reporting requirement related to the use of restrictive housing; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, One Hundred Eighth Legislature, First Session, 2023; to provide operative dates; to repeal the original sections; to outright repeal section 83-173.02, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, M.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Walz
Blood	Conrad	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB227 with 41 ayes, 5 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 227. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1801, 38-1802, 38-1803, 38-1806, 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, 38-1816, 38-2852, 38-2867.01, 68-1006.01, 68-1512, 71-475, 71-1797, 71-1798, 71-8202, 71-8228, 71-8230, 71-8231, 71-8234, 71-8235, 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245, and 71-8247, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, 38-129.02, 38-131, 38-167, 38-186, 38-1,125, 38-1416, 38-1813, 38-2801, 38-2891, 68-901, 68-911, 68-1017.02, 68-1206, 68-1724, 71-222, 71-401, 71-403, 71-417, 71-2461.01, 71-2479, 71-3404, 71-3405, 71-3407, 71-3408, 71-3409, 71-3410, 71-8236, 71-8237, and 71-8240, Revised Statutes Cumulative Supplement, 2022; to adopt the Behavior Analyst Practice Act; to change provisions of the Uniform Credentialing Act relating to criminal history record information checks, confidentiality relating to physical wellness programs, and a report requirement for certain credential holders; to change provisions of the Funeral Directing and Embalming Practice Act relating to apprenticeship; to provide, change, and eliminate definitions and provisions of the Medical Nutrition Therapy Practice Act relating to legislative findings, board membership and duties, licensure, and scope of practice; to change provisions relating to prescriptions, licensure of pharmacists, and compounding standards; to provide for vaccine administration by pharmacy technicians; to provide duties for the Department of Health and Human Services under the Medical Assistance Act regarding certain hospitals and require submission of a state plan amendment or waiver to extend postpartum coverage; to change the personal needs allowance for eligible aged, blind, and disabled persons; to require medicaid reimbursement for hospitals as prescribed; to create a pilot program relating to patients with complex health needs; to change provisions relating to the Supplemental Nutrition Assistance Program; to state intent regarding appropriations; to change provisions relating to child care assistance; to change provisions of the Disabled Persons and Family Support Act; to change the compensation of the Board of Barber Examiners; to provide and change definitions and change requirements relating to medication under the Health Care Facility Licensure Act; to change provisions of the Nebraska Center for Nursing Act relating to appropriation intent and the Nebraska Center for Nursing Board; to change provisions of the Prescription Drug Safety Act relating to delivery and labeling; to adopt the Overdose Fatality Review Teams Act; to provide for the review of incidents of severe maternal morbidity under the Child and Maternal Death Review Act; to change and eliminate definitions, powers and duties, other provisions, and a fund under the Statewide Trauma System Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 38-1804, 71-8208, 71-8216, 71-8220, 71-8222, 71-8238, 71-8246, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 71-8226, 71-8227, and 71-8251, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linchan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, M.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Walz
Blood	Conrad	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 227A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, M.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Walz
Blood	Conrad	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Moser	Wishart
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 92e, 92A, 157e, 227e, and 227Ae.

WITHDRAW - Motion to LB531

Senator Hunt withdrew [MO148](#), found on page 907, to recommit to Urban Affairs Committee, to LB531.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB531 with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 531. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 16-312, 16-404, 16-503, 17-110, 17-614, 18-2101, 18-2101.02, 18-2105, 18-2109, 18-2117.01, 18-2117.02, 18-2142.05, 18-2147, 18-2155, 18-2709, 19-5504, 19-5505, 58-209.01, 71-6401, and 72-1001, Reissue Revised Statutes of Nebraska, and sections 61-305, 76-3602, 76-3603, 76-3604, 81-1237, 81-1238, 81-1239, 81-1240, 81-1243, 81-12,109, 81-12,110, 81-12,203,

81-12,211, 81-12,218, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,238, 81-12,240, 81-12,241, 81-12,243, 81-12,244, and 84-612, Revised Statutes Cumulative Supplement, 2022; to create the Revitalize Rural Nebraska Grant Program and the Revitalize Rural Nebraska Fund and provide powers and duties for the Department of Environment and Energy; to change provisions relating to voting powers of mayors of cities of the first class and cities of the second class; to change provisions relating to extremely blighted areas, substandard and blighted areas, redevelopment projects and plans, reports, housing studies, allocation of funds, and expedited reviews and provide for designation reviews and removals under the Community Development Law; to redefine terms under the Local Option Municipal Economic Development Act and the Nebraska Investment Finance Authority Act; to change and provide reporting requirements under the Municipal Density and Missing Middle Housing Act; to change provisions of the Perkins County Canal Project Fund and the Nebraska Capital Construction Fund relating to investment earnings; to provide a state building code exception under the Building Construction Act; to change home inspection provisions as prescribed; to redefine terms and change provisions relating to grant qualifications, fund use, duties, and Department of Economic Development powers under the Middle Income Workforce Housing Investment Act; to change provisions relating to iHub applications, designations, and locations under the Nebraska Innovation Hub Act; to change project and matching funds provisions under the Nebraska Rural Projects Act; to redefine a term, change provisions relating to grant application, approval, and acceptance requirements, and restate legislative intent for funding under the Shovel-Ready Capital Recovery and Investment Act; to define a term and create the North and South Omaha Recovery Grant Program under the Economic Recovery Act; to change provisions of the Economic Recovery Act relating to powers and duties of the Economic Recovery and Incentives Division of the Department of Economic Development, allocation and use of grant funds, legislative intent for appropriations, and credits and transfers to the Economic Recovery Contingency Fund; to transfer funds from the Cash Reserve Fund; to require the Game and Parks Commission to construct, develop, and manage a Chief Standing Bear museum and visitor center and acquire, rehabilitate, and manage the Mayhew Cabin historical site; to state legislative intent for appropriations; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Aguilar	Brewer	Dover	Linehan	Slama
Arch	Briese	Dungan	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Fredrickson	McDonnell	von Gillern
Ballard	Cavanaugh, M.	Hansen	McKinney	Walz
Blood	Conrad	Holdcroft	Moser	Wishart
Bosn	DeBoer	Hughes	Murman	
Bostar	DeKay	Jacobson	Raybould	
Brandt	Dorn	Kauth	Sanders	

Voting in the negative, 8:

Albrecht	Clements	Halloran	Ibach
Bostelman	Erdman	Hardin	Lowe

Present and not voting, 2:

Riepe	Wayne
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Excused and not voting, 2:

Day	Hunt
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 531A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 531, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Aguilar	Brandt	DeKay	Jacobson	Raybould
Arch	Brewer	Dorn	Kauth	Sanders
Armendariz	Briese	Dover	Linehan	Slama
Ballard	Cavanaugh, J.	Dungan	McDonnell	Vargas
Blood	Cavanaugh, M.	Fredrickson	McKinney	von Gillern
Bosn	Conrad	Hansen	Moser	Walz
Bostar	DeBoer	Holdcroft	Murman	Wishart

Voting in the negative, 8:

Albrecht	Clements	Halloran	Lippincott
Bostelman	Erdman	Hardin	Low

Present and not voting, 4:

Hughes	Ibach	Riepe	Wayne
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Excused and not voting, 2:

Day	Hunt
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motions to LB727

Senator Conrad withdrew [MO812](#), found on page 971, to recommit to Revenue Committee, to LB727.

Senator Linehan withdrew [MO1047](#), found on page 1466, to recommit to Revenue Committee, to LB727.

WITHDRAW - Amendments to LB727

Senator Bostar withdrew [AM1750](#), found on page 1459, to LB727.

Senator Linehan withdrew [FA117](#), found on page 1466, to LB727.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB727 with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 727. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2602, 13-2603, 13-2604, 13-2605, 13-2609, 13-2610, 13-2611, 13-2612, 13-2706, 13-3102, 13-3103, 13-3104, 13-3108, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, 39-2703, 39-2704, 66-4,100, 77-1701, 77-1818, 77-1824, 77-1838, 77-2701.02, 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, 77-2912, 77-3513, 77-3522, 77-4001, 77-4002, 77-4007, 77-4008, 77-4025, 77-5803, 77-5806, and 77-5808, Reissue Revised Statutes of Nebraska, sections 39-2215, 39-2224, 77-1344,

77-1347, 77-1403, 77-1631, 77-1633, 77-1802, 77-1837, 77-2015, 77-2701, 77-2701.04, 77-2701.41, 77-2704.12, 77-2704.15, 77-2704.36, 77-2711, 77-2713, 77-2715.07, 77-2716, 77-2717, 77-2734.03, 77-27,132, 77-27,187.02, 77-27,188, 77-27,223, 77-3506, 77-3512, 77-6702, 77-6818, 81-1229, 81-12,182, 81-12,245, 82-334, 82-335, 85-1802, 85-2601, 85-2602, 85-2603, and 85-2604, Revised Statutes Cumulative Supplement, 2022, and section 24, Legislative Bill 243, One Hundred Eighth Legislature, First Session, 2023; to adopt the Nebraska Biodiesel Tax Credit Act and the Good Life Transformational Projects Act; to change provisions relating to the Convention Center Facility Financing Assistance Act, the Civic and Community Center Financing Act, and the Sports Arena Facility Financing Assistance Act; to authorize issuance of highway bonds under the Nebraska Highway Bond Act; to change provisions relating to the Build Nebraska Act, agricultural or horticultural land receiving special valuation, the achieving a better life experience program, the Property Tax Request Act, enforcement of delinquent taxes on real property, reports on inheritance taxes, and sales and use tax provisions relating to purchasing agents and exemptions for nonprofit organizations and for purchases by the state, schools, and governmental units; to provide a sales and use tax exemption for baling wire and twine as prescribed; to provide an income tax deduction to retired firefighters for health insurance premiums; to change provisions relating to distribution of certain sales and use tax revenue and the Nebraska Advantage Rural Development Act; to provide an income tax credit for certain food donations; to change provisions relating to the Nebraska Job Creation and Mainstreet Revitalization Act and homestead exemptions; to impose a tax on electronic nicotine delivery systems; to change provisions relating to the Nebraska Advantage Research and Development Act, the Nebraska Property Tax Incentive Act, and the ImagiNE Nebraska Act; to create a fund; to change provisions relating to a workforce housing grant program, the Nebraska Transformational Projects Act, a grant program of the Department of Economic Development, a grant program of the Nebraska Arts Council, and the Nebraska educational savings plan trust; to rename the Law Enforcement Education Act and change provisions therein; to change an operative date provision as prescribed; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Erdman	Linehan	Slama
Albrecht	Briese	Fredrickson	Lippincott	Vargas
Arch	Cavanaugh, J.	Halloran	Lowe	von Gillern
Armendariz	Cavanaugh, M.	Hansen	McDonnell	Walz
Ballard	Clements	Hardin	McKinney	Wayne
Blood	Conrad	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Dungan	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 1:

DeBoer

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 727A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 727, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Briese	Erdman	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Cavanaugh, M.	Halloran	Lowe	von Gillern
Ballard	Clements	Hansen	McDonnell	Walz
Blood	Conrad	Hardin	McKinney	Wishart
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Raybould	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 2:

Day Hunt

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB50

Senator Hunt withdrew [MO214](#), found on page 928, to recommit to Judiciary Committee, to LB50.

MOTION - Return LB50 to Select File

Senator Clements moved to return LB50 to Select File for his specific amendment, [FA200](#), found on page 1768.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 531e, 531Ae, 727e, and 727Ae.

MOTION - Return LB50 to Select File

Senator Clements renewed his motion, found and considered in this day's Journal, to return LB50 to Select File for his specific amendment, [FA200](#), found on page 1768.

Voting in the affirmative, 15:

Albrecht	Bostelman	Erdman	Jacobson	Murman
Ballard	Briese	Halloran	Lippincott	Riepe
Bosn	Clements	Hardin	Lowe	Sanders

Voting in the negative, 31:

Aguilar	Cavanaugh, J.	Dungan	Kauth	von Gillern
Arch	Conrad	Fredrickson	Linehan	Walz
Armendariz	Day	Hansen	McDonnell	Wayne
Blood	DeBoer	Holdcroft	McKinney	
Bostar	DeKay	Hughes	Raybould	
Brandt	Dorn	Hunt	Slama	
Brewer	Dover	Ibach	Vargas	

Present and not voting, 3:

Cavanaugh, M. Moser Wishart

The Clements motion to return failed with 15 ayes, 31 nays, and 3 present and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB50 with 40 ayes, 8 nays, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 50.

A BILL FOR AN ACT relating to the administration of justice; to amend sections 24-1302, 27-902, 28-518, 29-2221, 29-2263, 29-2269, 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280, 43-4505, 50-434, 69-2426, 69-2432, 71-1902, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666, 71-5669.01, 81-1850, 83-1,110, and 83-1,127, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-470, 29-2252, 29-2261, 29-2262, 38-2136, 43-2,108, 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, 43-4514, 71-5668, 83-109, 83-173, 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01, 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement, 2022; to change provisions regarding problem solving courts and restate legislative intent regarding appropriations; to create pilot programs relating to virtual behavioral health services, probation, and parole; to change and provide duties for courts, the State Court Administrator, the probation administrator, the Nebraska Commission on Law Enforcement and Criminal Justice, the Division of

Parole Supervision, the Board of Parole, the Department of Correctional Services, the Director of Correctional Services, and the Board of Pardons; to change provisions of the Nebraska Evidence Rules relating to hearsay and self-authenticating items of evidence; to change provisions relating to immunity for administration of naloxone, theft, the habitual criminal enhancement, presentence investigation reports and related materials, set asides, restitution, appointment of counsel in certain proceedings, and actions for postconviction relief; to provide for access to certain information relating to probationers, juveniles, and parolees to law enforcement agencies; to create the Nebraska Sentencing Reform Task Force; to change provisions relating to the duty of confidentiality for certain mental health practitioners; to provide for answers of no contest in adjudication hearings under the Nebraska Juvenile Code; to change provisions relating to a written independent living transition proposal as prescribed; to change provisions of the Young Adult Bridge to Independence Act relating to legislative intent, eligibility, extended services and support, court appointed representation, and powers and duties of the Department of Health and Human Services; to terminate the Committee on Justice Reinvestment Oversight; to require dissemination of information regarding suicide prevention to purchasers of firearms and require suicide prevention training in handgun training and safety courses; to change provisions of the Rural Health Systems and Professional Incentive Act; to change provisions relating to notification of crime victims; to change provisions relating to parole and provide for geriatric parole and streamlined parole contracts; to change and provide definitions; to provide for applicability; to require the Department of Correctional Services to provide employees with protective vests; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Dover	Ibach	Sanders
Arch	Cavanaugh, M.	Dungan	Kauth	Vargas
Armendariz	Conrad	Fredrickson	Linehan	von Gillern
Blood	Day	Hansen	McDonnell	Walz
Bostar	DeBoer	Holdcroft	McKinney	Wayne
Brandt	DeKay	Hughes	Raybould	Wishart
Brewer	Dorn	Hunt	Riepe	

Voting in the negative, 15:

Albrecht	Bostelman	Erdman	Jacobson	Moser
Ballard	Briese	Halloran	Lippincott	Murman
Bosn	Clements	Hardin	Lowe	Slama

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 50A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 50, One Hundred Eighth Legislature, First Session, 2023.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Aguilar	Cavanaugh, J.	Dover	Ibach	Sanders
Arch	Cavanaugh, M.	Dungan	Kauth	Vargas
Armendariz	Conrad	Fredrickson	Linehan	von Gillern
Blood	Day	Hansen	McDonnell	Walz
Bostar	DeBoer	Holdcroft	McKinney	Wayne
Brandt	DeKay	Hughes	Raybould	Wishart
Brewer	Dorn	Hunt	Riepe	

Voting in the negative, 15:

Albrecht	Bostelman	Erdman	Jacobson	Moser
Ballard	Briese	Halloran	Lippincott	Murman
Bosn	Clements	Hardin	Lowe	Slama

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 227e, 227Ae, 531e, 531Ae, 727e and 727Ae.

(Signed) Jen Day

MOTION - Recommit LB514 to Committee

Senator Slama offered, [MO1092](#), found on page 1572, recommit to Government, Military, and Veterans Affairs Committee.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 50 and 50A.

MOTION - Recommit LB514 to Committee

Senator Slama renewed [MO1092](#), found on page 1572 and considered in this day's Journal, to recommit to Government, Military, and Veterans Affairs Committee.

Senator Slama withdrew her motion to recommit to committee.

MOTION - Return LB514 to Select File

Senator Slama moved to return LB514 to Select File for her specific amendment, [FA132](#), found on page 1572.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 2023, at 11:35 a.m. were the following: LBs 92e, 92A, 157e, 227e, 227Ae, 531e, 531Ae, 727e, 727Ae, 50 and, 50A.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator DeBoer name added to LR229.

VISITORS

Visitors to the Chamber were Bob and Bonnie Kauth, Collin, Brendan, and Aidan Kauth-Fisher; Rachel Raasch and Cailin Tabbert.

RECESS

At 11:57 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Blood, Bosn, Bostar, Bostelman, Brandt, Briese, M. Cavanaugh, Conrad, Day, Dorn, Dover, B. Hansen, Hunt, Ibach, Kauth, Linehan, McDonnell, Riepe, Sanders, Vargas, and Wishart who were excused until they arrive.

EXECUTIVE BOARD REPORT

Senator Briese, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following select interim committees:

LR178 Select Interim Committee:

Senator Bostar
Senator Bostelman (Natural Resources Chair)
Senator Brewer (Government Chair)
Senator Clements (Appropriations Chair)
Senator DeKay (Transportation designee)
Senator Holdcroft
Senator Sanders

(Signed) Tom Briese, Chairperson
Legislative Council, Executive Board

MOTIONS - Return LB514 to Select File

Senator Slama renewed her motion, found and considered in this day's Journal, to return LB514 to Select File for her specific amendment [FA132](#), found on page 1572.

Senator Slama withdrew her motion to return.

Senator Slama moved to return LB514 to Select File for her specific amendment, [FA182](#), found on page 1697.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Slama withdrew her motion to return.

Senator Slama moved to return LB514 to Select File for her specific amendment, [FA183](#), found on page 1698.

Senator Slama withdrew her motion to return.

Senator Brewer offered the following motion:

[MO1160](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 44:

Aguilar	Brewer	Dorn	Hunt	Raybould
Albrecht	Briese	Dungan	Ibach	Riepe
Arch	Cavanaugh, J.	Erdman	Jacobson	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Kauth	Vargas
Ballard	Clements	Halloran	Lippincott	von Gillern
Blood	Conrad	Hansen	Lowe	Walz
Bostar	Day	Hardin	McDonnell	Wayne
Bostelman	DeBoer	Holdcroft	Moser	Wishart
Brandt	DeKay	Hughes	Murman	

Voting in the negative, 1:

Slama

Present and not voting, 2:

Bosn McKinney

Excused and not voting, 2:

Dover Linehan

The Brewer motion to invoke cloture prevailed with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB514 with 38 ayes, 6 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 514. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 32-308, 32-914, 32-941, 32-942, 32-943, 32-953, 32-957, 60-4,119, 60-4,120, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-318.01, 32-915, 32-1027, and 60-4,115, Revised Statutes Cumulative Supplement, 2022; to provide for valid photographic identification for voting purposes; to provide for verification of citizenship of registered voters; to provide procedures for a voter with a reasonable impediment or a religious objection to being photographed; to change

provisions relating to voting and counting ballots; to provide for free state identification cards and certified copies of birth records for voting purposes as prescribed; to change provisions relating to issuance of a state identification card or an operator's license; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Aguilar	Brewer	Dorn	Holdcroft	Riepe
Albrecht	Briese	Dover	Hughes	Sanders
Arch	Cavanaugh, M.	Dungan	Jacobson	Vargas
Armendariz	Clements	Erdman	Lippincott	von Gillern
Ballard	Conrad	Fredrickson	Lowe	Walz
Blood	Day	Halloran	McDonnell	Wishart
Bostelman	DeBoer	Hansen	Moser	
Brandt	DeKay	Hardin	Raybould	

Voting in the negative, 1:

Slama

Present and not voting, 9:

Bosn	Cavanaugh, J.	Ibach	McKinney	Wayne
Bostar	Hunt	Kauth	Murman	

Excused and not voting, 1:

Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 514A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Brewer	Dorn	Hughes	Sanders
Albrecht	Briese	Dover	Jacobson	Vargas
Arch	Cavanaugh, J.	Dungan	Kauth	von Gillern
Armendariz	Cavanaugh, M.	Erdman	Lippincott	Walz
Ballard	Clements	Fredrickson	Lowe	Wishart
Blood	Conrad	Halloran	McDonnell	
Bostar	Day	Hansen	Moser	
Bostelman	DeBoer	Hardin	Raybould	
Brandt	DeKay	Holdcroft	Riepe	

Voting in the negative, 1:

Slama

Present and not voting, 6:

Bosn	Ibach	Murman
Hunt	McKinney	Wayne

Excused and not voting, 1:

Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 514e and 514Ae.

MOTIONS - Confirmation Reports

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 1816:

Nebraska Arts Council
Brian Botsford

Voting in the affirmative, 40:

Aguilar	Brandt	Dover	Hunt	Murman
Albrecht	Brewer	Dungan	Ibach	Raybould
Armendariz	Briese	Fredrickson	Jacobson	Riepe
Ballard	Cavanaugh, J.	Halloran	Kauth	Sanders
Blood	Clements	Hansen	Lippincott	Vargas
Bosn	Conrad	Hardin	Lowe	von Gillern
Bostar	Day	Holdcroft	McDonnell	Walz
Bostelman	Dorn	Hughes	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Arch	DeBoer	Erdman	Wayne
Cavanaugh, M.	DeKay	McKinney	

Excused and not voting, 2:

Linehan	Slama
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The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the following appointment found on page 1840:

State Racing and Gaming Commission
Trent Loos

Senator Lowe moved for a call of the house. The motion prevailed with 35 ayes, 3 nays, and 11 not voting.

Voting in the affirmative, 19:

Aguilar	Briese	Hughes	Lippincott	Raybould
Albrecht	DeKay	Ibach	Lowe	Riepe
Ballard	Hardin	Jacobson	Moser	Sanders
Bosn	Holdcroft	Kauth	Murman	

Voting in the negative, 14:

Blood	Clements	Dover	Halloran	Vargas
Cavanaugh, J.	Conrad	Dungan	Hunt	von Gillern
Cavanaugh, M.	Day	Erdman	McDonnell	

Present and not voting, 11:

Arch	Brandt	Dorn	Walz
Armendariz	Brewer	Hansen	Wishart
Bostelman	DeBoer	McKinney	

Excused and not voting, 5:

Bostar	Fredrickson	Linehan	Slama	Wayne
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The General Affairs committee confirmation report was not adopted with 19 ayes, 14 nays, 11 present and not voting, and 5 excused and not voting.

Pursuant to Rule 3, Sec. 4(e)(iv), the appointment was rejected.

The Chair declared the call raised.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointments found on page 1849:

Nebraska State Fair Board

Dawn Caldwell
Brett R. Lindstrom
Beth Smith

Voting in the affirmative, 39:

Aguilar	Brewer	DeKay	Ibach	Raybould
Albrecht	Briese	Dorn	Jacobson	Riepe
Arch	Cavanaugh, J.	Dungan	Kauth	Sanders
Ballard	Cavanaugh, M.	Erdman	Lippincott	Vargas
Blood	Clements	Halloran	Lowe	von Gillern
Bosn	Conrad	Hansen	McDonnell	Walz
Bostelman	Day	Hardin	Moser	Wishart
Brandt	DeBoer	Holdcroft	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Armendariz	Dover	Hughes	Hunt	McKinney
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Excused and not voting, 5:

Bostar	Fredrickson	Linehan	Slama	Wayne
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The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointments found on page 1849:

Nebraska Brand Committee
 Marie A. Farr
 Steven F. Stroup

Voting in the affirmative, 40:

Aguilar	Brandt	DeKay	Holdcroft	Murman
Albrecht	Brewer	Dorn	Ibach	Raybould
Arch	Briese	Dover	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Dungan	Kauth	Sanders
Ballard	Clements	Erdman	Lippincott	Vargas
Blood	Conrad	Halloran	Lowe	von Gillern
Bosn	Day	Hansen	McDonnell	Walz
Bostelman	DeBoer	Hardin	Moser	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. Hughes Hunt McKinney

Excused and not voting, 5:

Bostar Fredrickson Linehan Slama Wayne

The appointments were confirmed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB55

Senator McKinney offered [MO57](#), found on page 680, to withdraw LB55.

The McKinney motion to withdraw the bill prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB418

Senator Dungan offered [MO60](#), found on page 710, to withdraw LB418.

The Dungan motion to withdraw the bill prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB464

Senator Vargas offered [MO51](#), found on page 655, to withdraw LB464.

The Vargas motion to withdraw the bill prevailed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB751

Senator M. Cavanaugh offered [MO47](#), found on page 655, to withdraw LB751.

The M. Cavanaugh motion to withdraw the bill prevailed with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 2023, at 2:43 p.m. were the following: LBs 514e and 514Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

June 1, 2023

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am writing to confirm that all bills presently on my desk will become law without my objections in the coming days.

Sincerely,
(Signed) Jim Pillen
Governor

VISITORS

Visitors to the Chamber were Valerie, Jessica, Tyler, and Jaime Kinghorn.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

RECESS

At 3:15 p.m., on a motion by Senator J. Cavanaugh the Legislature recessed until 3:30 p.m.

AFTER RECESS

The Legislature reconvened at 3:30 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators M. Cavanaugh, Day, Fredrickson, Hunt, Linehan, and Slama who were excused until they arrive.

MOTION - Notify Governor

Senator Brewer moved that a committee of five be appointed to notify the Governor that the One Hundred Eighth Legislature, First Session, of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Dungan, Sanders, von Gillern, McKinney, and Wishart to serve on said committee.

The committee returned and escorted Governor Pillen to the rostrum where he delivered a message to the members.

The committee escorted Governor Pillen from the Chamber.

MESSAGE FROM THE GOVERNOR

June 1, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. Metzler:

Engrossed Legislative Bill 514e and 514Ae was received in my office on June 1, 2023.

This bill was signed and delivered to the Secretary of State on June 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

MOTION - Suspend Rules

Speaker Arch asked unanimous consent to withdraw his motion to suspend the rules, found on page 1837, and replace it with the following substitute motion. No objections. So ordered.

To suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LB 3, 4, 11, 14, 27, 28, 30, 33, 35, 35A, 45, 45A, 59, 63, 68, 74, 75, 81, 81A, 84, 90, 91, 93, 97, 98, 116, 122, 123, 123A, 124, 153, 155, 160, 170, 181, 183, 199, 201, 206, 207, 214, 217, 220, 222, 223, 240, 245, 249, 256, 260, 261, 265, 267, 269, 278, 278A, 286, 289, 300, 314, 315, 329, 337, 342, 344, 345, 346, 356, 357, 359, 372, 384, 385, 395, 395A, 402, 412, 413, 414, 419, 419A, 425, 426, 427, 431, 436, 438, 447, 452, 453, 460, 462, 465, 474, 480, 495, 505, 516, 520, 524, 532, 536, 544, 548, 552, 552A, 572, 580, 584, 585, 586, 587, 590, 603, 616, 617, 626, 629, 630, 632, 639, 647, 647A, 666, 671, 684, 684A, 698, 703, 706, 708, 709, 712, 722, 724, 738, 740, 757, 762, 765, 769, 769A, 772, 774, 787, 787A, 796, and 805.

The Arch motion to suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

MESSAGES FROM THE GOVERNOR

June 1, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 705e and 705Ae was received in my office on May 30, 2023.

This bill was signed and delivered to the Secretary of State on June 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

June 1, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 138e, 138Ae, 298, 298A was received in my office on May 31, 2023.

This bill was signed and delivered to the Secretary of State on June 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

MOTION - Journal, Session Laws, and Indexes

Senator Walz moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by the Clerk of the Legislature, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Approve Journal for Eighty-Eighth Day

Senator Briese moved that the Journal for the Eighty-Eighth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

MOTION - Adjourn Sine Die

Senator Conrad moved that the One Hundred Eighth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 4:30 p.m., adjourn sine die.

The motion prevailed.

Brandon Metzler
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT
LEGISLATIVE JOURNAL
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

MESSAGES FROM THE GOVERNOR

June 2, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 562 and 562A was received in my office on May 30, 2023.

This bill was signed and delivered to the Secretary of State on June 1, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

June 6, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 50/50A, 227e/227Ae, 157e, 92e/92A, 531e/531Ae, and 727e/727Ae were received in my office on June 1, 2023.

These bills were signed and delivered to the Secretary of State on June 6, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

CERTIFICATE

I, Brandon Metzler, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Eighth Legislature, First Session.

Brandon Metzler
Clerk of the Legislature

June 6, 2023
Lincoln, Nebraska