

**FIFTY-SECOND DAY - MARCH 28, 2024**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 28, 2024

**PRAYER**

The prayer was offered by Father Robert Barnhill, St. Wenceslaus Church, Wilber.

**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 Bostar, M. Cavanaugh, Conrad, DeKay, Hunt, Raybould, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1305.** Placed on General File with amendment.  
[AM2681](#)

1 1. On page 12, strike lines 28 through 31 and insert the following  
2 new subsections:  
3 "(21) There shall be added to federal adjusted gross income or, for  
4 corporations and fiduciaries, federal taxable income for all taxable  
5 years beginning on or after January 1, 2025, the amount of any net  
6 capital loss that is derived from the sale or exchange of gold or silver  
7 bullion to the extent such loss is included in federal adjusted gross  
8 income except that such loss shall not be added if the loss is derived  
9 from the sale of bullion as a taxable distribution from any retirement  
10 plan account that holds gold or silver bullion. For the purposes of this

11 subsection, bullion has the same meaning as in section 77-2704.66.  
 12 (22) There shall be subtracted from federal adjusted gross income  
 13 or, for corporations and fiduciaries, federal taxable income for all  
 14 taxable years beginning on or after January 1, 2025, the amount of any  
 15 net capital gain that is derived from the sale or exchange of gold or  
 16 silver bullion to the extent such gain is included in federal adjusted  
 17 gross income except that such gain shall not be subtracted if the gain is  
 18 derived from the sale of bullion as a taxable distribution from any  
 19 retirement plan account that holds gold or silver bullion. For the  
 20 purposes of this subsection, bullion has the same meaning as in section  
 21 77-2704.66."

22 2. On page 13, strike lines 1 through 10.

(Signed) Lou Ann Linehan, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB388:

AM3268

(Amendments to Standing Committee amendments, AM3203)

- 1 1. Insert the following new section:
- 2 Sec. 42. (1) A luxury tax is hereby imposed on purchases of:
- 3 (a) Resort services;
- 4 (b) Private jets;
- 5 (c) Automobiles that cost more than seventy thousand dollars;
- 6 (d) Jewelry that costs more than two thousand five hundred dollars;
- 7 (e) Fur coats that cost more than seven hundred fifty dollars;
- 8 (f) Clothing that costs more than two thousand five hundred dollars;
- 9 and
- 10 (g) Homes that cost more than one million dollars.
- 11 (2) The luxury tax shall be equal to one percent of the purchase
- 12 price and shall be collected and enforced by the Department of Revenue.
- 13 (3) The Department of Revenue may adopt and promulgate rules and
- 14 regulations to carry out this section.
- 15 2. Renumber the remaining sections accordingly.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 2024, 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

Falk, Jonathan  
 Student Press Law Center  
 Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
 Coin Laundry Association c/o MultiState Associates LLC

### REPORTS

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

**SELECT FILE**

**LEGISLATIVE BILL 484A.** Advanced to Enrollment and Review for Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1188.** 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; 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	Dungan	Jacobson	Murman
Albrecht	Brewer	Erdman	Kauth	Raybould
Arch	Cavanaugh, J.	Fredrickson	Linehan	Riepe
Armendariz	Clements	Halloran	Lippincott	Sanders
Ballard	Conrad	Hansen	Lowe	Slama
Blood	Day	Hardin	McDonnell	Vargas
Bosn	DeBoer	Holdcroft	McKinney	von Gillern
Bostar	Dorn	Hughes	Meyer	Walz
Bostelman	Dover	Ibach	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    DeKay            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.

**LEGISLATIVE BILL 857.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-996, Revised Statutes Cumulative Supplement, 2022, and sections 68-901 and 68-911, Revised Statutes Supplement, 2023; to create the Nebraska Prenatal Plus Program; to define terms; to provide powers and duties for the Department of Health and Human Services; to provide for

termination of the program; to state intent regarding appropriations; to change provisions relating to coverage of continuous glucose monitoring under the Medical Assistance Act and to permitted uses of the Medicaid Managed Care Excess Profit Fund; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M. DeKay Hunt Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 857A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 857, One Hundred Eighth Legislature, Second Session, 2024.

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, 43:

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

Voting in the negative, 1:

Erdman

Present and not voting, 1:

Kauth

Excused and not voting, 4:

Cavanaugh, M. DeKay Hunt Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 607.**

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; 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, 35:

Aguilar	Brandt	Dover	Hughes	Riepe
Arch	Brewer	Dungan	Linehan	Sanders
Armendariz	Cavanaugh, J.	Erdman	McDonnell	Slama
Ballard	Conrad	Fredrickson	McKinney	Vargas
Blood	Day	Halloran	Meyer	von Gillern
Bosn	DeBoer	Hansen	Murman	Walz
Bostar	Dorn	Holdcroft	Raybould	Wishart

Voting in the negative, 0.

Present and not voting, 10:

Albrecht	Clements	Ibach	Kauth	Lowe
Bostelman	Hardin	Jacobson	Lippincott	Moser

Excused and not voting, 4:

Cavanaugh, M.	DeKay	Hunt	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 644.** With Emergency Clause.

A BILL FOR AN ACT relating to the Site and Building Development Fund; to amend section 81-12,146, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Site and Building Development Fund; 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, 42:

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

Voting in the negative, 1:

Wayne

Present and not voting, 3:

Albrecht	Lowe	McKinney
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Excused and not voting, 3:

Cavanaugh, M.	DeKay	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.

**LEGISLATIVE BILL 644A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 644, One Hundred Eighth Legislature, Second Session, 2024; 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	Linehan	Slama
Arch	Cavanaugh, J.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	McDonnell	von Gillern
Ballard	Conrad	Hansen	Meyer	Walz
Blood	Day	Hardin	Moser	Wishart
Bosn	DeBoer	Holdcroft	Murman	
Bostar	Dorn	Hughes	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Dungan	Kauth	Sanders	

Voting in the negative, 1:

Wayne

Present and not voting, 4:

Albrecht	Ibach	Lowe	McKinney
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Excused and not voting, 3:

Cavanaugh, M.	DeKay	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.

**LEGISLATIVE BILL 834.**

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1123, Reissue Revised Statutes of Nebraska, and section 38-129.01, Revised Statutes Cumulative Supplement, 2022; to establish requirements for a resident license; 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	Fredrickson	Lippincott	Slama
Albrecht	Cavanaugh, J.	Halloran	Lowe	Vargas
Arch	Clements	Hansen	McDonnell	von Gillern
Armendariz	Conrad	Hardin	McKinney	Walz
Ballard	Day	Holdcroft	Meyer	Wayne
Blood	DeBoer	Hughes	Moser	Wishart
Bosn	Dorn	Ibach	Murman	
Bostar	Dover	Jacobson	Raybould	
Bostelman	Dungan	Kauth	Riepe	
Brandt	Erdman	Linehan	Sanders	

Voting in the negative, 0.

Excused and not voting, 3:

Cavanaugh, M. DeKay Hunt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 839.** With Emergency Clause.

A BILL FOR AN ACT relating to the State Racing and Gaming Commission; to amend sections 2-1201 and 2-1202, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment, qualifications, and removal of members of the commission; to change provisions relating to the executive director of the commission; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:



Cavanaugh, M. DeKay Hunt 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.

**LEGISLATIVE BILL 894.**

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1701, 23-1701.01, and 32-520, Reissue Revised Statutes of Nebraska, and section 32-604, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to election, appointment, qualification, and training of county sheriffs; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Sanders

Excused and not voting, 4:

Cavanaugh, M. DeKay Hunt Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 906.**

A BILL FOR AN ACT relating to child labor laws; to amend sections 48-311 and 48-312, Reissue Revised Statutes of Nebraska; to change penalties; to provide enforcement powers for the Department of Labor; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M. DeKay Hunt Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1004.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,279 and 60-6,282, Revised Statutes Supplement, 2023; to change provisions relating to protective helmets; to eliminate obsolete provisions; 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, 39:

Aguilar	Brandt	Dover	Ibach	Murman
Albrecht	Brewer	Dungan	Jacobson	Sanders
Arch	Clements	Erdman	Kauth	Slama
Armendariz	Conrad	Halloran	Linehan	Vargas
Ballard	Day	Hansen	Lippincott	von Gillern
Blood	DeBoer	Hardin	Lowe	Walz
Bosn	DeKay	Holdcroft	McDonnell	Wayne
Bostar	Dorn	Hughes	Meyer	

Voting in the negative, 4:

Bostelman Cavanaugh, J. Fredrickson Raybould

Present and not voting, 3:

McKinney Moser Riepe

Excused and not voting, 3:

Cavanaugh, M. Hunt 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.

**LEGISLATIVE BILL 1102.**

A BILL FOR AN ACT relating to days of observance; to declare October 17 as Nebraska Missing Persons Day and May 19 as El-Hajj Malik El-Shabazz, Malcolm X Day.

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

Voting in the negative, 0.

Present and not voting, 3:

Albrecht Lippincott Wayne

Excused and not voting, 4:

Cavanaugh, M. Hunt Ibach Wishart

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 LB1204 with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1204.**

A BILL FOR AN ACT relating to law; to amend sections 9-402, 9-422, 9-426, 9-427, 9-429, 9-502, 9-511, 9-823, 28-1105.01, 28-1422, 28-1429, 53-123.01, 59-1523, 77-4003, 77-4005, 77-4006, 77-4012, 77-4013, 77-4017, 77-4019, and 77-4020, Reissue Revised Statutes of Nebraska, sections 28-1418.01, 28-1420, 28-1425, and 84-712.05, Revised Statutes Cumulative Supplement, 2022, and sections 53-101, 53-103, 53-123.16, 77-4001, and 77-4025, Revised Statutes Supplement, 2023; to define and redefine terms; to change provisions relating to the Nebraska Lottery and Raffle Act and the Nebraska Small Lottery and Raffle Act; to provide for the anonymity of winners of certain prizes under the State Lottery Act; to prohibit actions relating to unlicensed tobacco products manufacturers, wholesalers, and retailers; to change provisions relating to issuance, revocation, and forfeiture of certain tobacco licenses; to prohibit conduct relating to controlled or counterfeit controlled substances; to prohibit delivery sales of electronic nicotine delivery systems and provide requirements for packaging and advertising of such systems; to provide requirements for e-liquid containers; to authorize a holder of a microdistillery license and a holder of a manufacturer's license to operate a rickhouse under the Nebraska Liquor Control Act; to require certification of manufacturers of electronic nicotine delivery systems under the Tobacco Products Tax Act; to provide duties for such manufacturers; to provide powers and duties for the Tax Commissioner; to provide penalties; to change public records disclosure provisions as prescribed; to harmonize provisions; to eliminate provisions relating to a small lottery; to repeal the original sections; and to outright repeal section 9-510, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            Wishart

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 1204A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1204, One Hundred Eighth Legislature, Second Session, 2024.

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            Wishart

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 LB1215 with 34 ayes, 6 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1215.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-142, 38-2854, 38-2890, 38-28,104, 42-371.01, 71-211, 71-212, 71-217, 71-220, 71-222.01, 71-223, 71-434, 71-601.01, 71-3608, 71-3610, 71-3613, and 71-3614, Reissue Revised Statutes of Nebraska, sections 28-410, 28-414, 38-1,146, 38-2001, 38-2847, 71-605, 71-2454, 71-2478, and 71-8505, Revised Statutes Cumulative Supplement, 2022, and sections 38-131, 38-1801, 38-1812, 38-2801, 68-911, 71-612, and 71-2479, Revised Statutes Supplement, 2023; to adopt the Dietitian Licensure Compact and the Physician Assistant (PA) Licensure Compact; to change requirements relating to pharmacy inventories and prescriptions for controlled substances; to provide and change requirements relating to issuance and renewal of certain credentials under the Uniform Credentialing Act; to provide requirements for self-inspection of pharmacies; to provide verification requirements for pharmacists and pharmacy technicians; to change an age requirement for pharmacy interns; to change registration requirements for pharmacy technicians; to change prescription requirements for certain legend drugs; to provide for coverage under the medical assistance program for certain breast pumps and lactation visits; to change an examination requirement for barbers; to eliminate a fee under the Health Care Facility Licensure Act; to define a term; to change the standard form for death certificates; to provide for the use of abstracts of death as prescribed; to change a requirement for prescription drug monitoring; to change a requirement for persons with communicable tuberculosis; to change powers and duties of the Department of Health and Human Services relating to the care, maintenance, and treatment of persons with communicable tuberculosis; to change a requirement relating to telehealth consultations; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            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.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1313.**

A BILL FOR AN ACT relating to health benefit plans; to exempt certain health benefit plans from insurance regulation.

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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 851.** With Emergency Clause.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1210.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to internship grants; 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	Jacobson	Murman
Albrecht	Brewer	Dungan	Kauth	Raybould
Arch	Cavanaugh, J.	Erdman	Linehan	Riepe
Armendariz	Clements	Fredrickson	Lippincott	Sanders
Ballard	Conrad	Halloran	Lowe	Slama
Blood	Day	Hansen	McDonnell	Vargas
Bosn	DeBoer	Hardin	McKinney	von Gillern
Bostar	DeKay	Holdcroft	Meyer	Walz
Bostelman	Dorn	Hughes	Moser	Wayne

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            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.

**LEGISLATIVE BILL 877.** With Emergency Clause.

A BILL FOR AN ACT relating to assessment of property; to amend sections 77-1344 and 77-1347, Revised Statutes Supplement, 2023; to change provisions relating to the special valuation of agricultural or horticultural land; 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, 45:



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

Voting in the negative, 0.

Excused and not voting, 4:

Cavanaugh, M.    Hunt            Ibach            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.

### LEGISLATIVE BILL 998.

A BILL FOR AN ACT relating to state government; to amend sections 12-1301, 81-176, and 81-1108.33, Reissue Revised Statutes of Nebraska, and section 81-1213.04, Revised Statutes Supplement, 2023; to adopt the State Acceptance of Gifts Act; to change and eliminate provisions relating to acceptance of gifts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-241, 30-242, and 30-243, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Excused and not voting, 3:

Dorn            Ibach            Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1118.**

A BILL FOR AN ACT relating to cities of the second class; to amend section 17-107, Reissue Revised Statutes of Nebraska; to change provisions relating to the process for a mayor to remove an officer from office; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ibach            Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1143.**

A BILL FOR AN ACT relating to public health; to amend sections 13-2202 and 68-1405, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Supplement, 2023; to eliminate and replace provisions relating to health districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1601, 71-1602, 71-1603, 71-1604, 71-1605, 71-1606, 71-1607, 71-1608, 71-1609, 71-1610, 71-1611, 71-1612, 71-1613, 71-1614, 71-1615, 71-1616, 71-1617, 71-1618, 71-1619, 71-1620, 71-1621, 71-1622, 71-1623, 71-1624, and 71-1625, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 2:

DeBoer        Wayne

Excused and not voting, 3:

Dorn            Ibach            Wishart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 1162.**

A BILL FOR AN ACT relating to county government; to amend sections 23-1112.01 and 33-117, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and mileage for sheriffs and constables; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

McKinney     Wayne

Excused and not voting, 3:

Dorn            Ibach            Wishart

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: LBs 1188e, 857, 857A, 607, 644e, 644Ae, 834, 839e, 894, 906, 1004e, 1102, 1204, 1204A, 1215e, 1313, 851e, 877e, 998, 1118, 1143, and 1162.

#### **GENERAL FILE**

**LEGISLATIVE BILL 937.** Senator M. Cavanaugh renewed [MO1261](#), found on page 1037 and considered on page 1327, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

No objections. So ordered.

Title read. Considered.

#### **SPEAKER ARCH PRESIDING**

Committee [AM3132](#), found on page 1169, 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:

AM3205

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Sec. 24. Sections 24 to 33 of this act shall be known and may be  
4 cited as the Nebraska Pregnancy Help Act.  
5 Sec. 25. The Legislature finds and declares that:  
6 (1) Pregnancy help organizations in the State of Nebraska and  
7 nationwide provide under-supported pregnant women with services, free of  
8 charge, that are crucial for their physical, emotional, and familial  
9 wellbeing, including pregnancy testing, pregnancy and prenatal care  
10 education, counseling, food, clothing, housing, transportation, parenting  
11 and life skills classes, child care, licensed medical care, and referrals  
12 to additional community services and material help;  
13 (2) Pregnancy help organizations also provide personal relationships  
14 and a strong local support network for such women and their families that  
15 cannot be replicated by even the best and most effective government  
16 programs; and  
17 (3) It shall be the policy of the State of Nebraska, through the  
18 creation of the Nebraska Pregnancy Help Act, to encourage and celebrate  
19 pregnancy help organizations in this state and to incentivize private  
20 donations for the furtherance of their good work through the creation of  
21 a tax credit.  
22 Sec. 26. For purposes of the Nebraska Pregnancy Help Act:  
23 (1) Department means the Department of Revenue; and  
24 (2) Eligible charitable organization means an organization that:  
25 (a) Is exempt from federal income taxation under section 501(c)(3)  
26 of the Internal Revenue Code of 1986, as amended;  
27 (b) Does not receive more than seventy-five percent of its total  
1 annual revenue from federal, state, or local governmental grants or  
2 sources, either directly or as a contractor;  
3 (c) Is a pregnancy help organization that:  
4 (i) Regularly answers a dedicated telephone number for clients;  
5 (ii) Maintains its physical office, clinic, or maternity home in the  
6 State of Nebraska;  
7 (iii) Offers services at no cost to the client for the express  
8 purposes of providing assistance to women in order to carry their  
9 pregnancies to term, encourage and enable parenting or adoption, prevent  
10 abortion, and promote healthy childbirths; and  
11 (iv) Utilizes licensed medical professionals for any medical  
12 services offered;  
13 (d) Does not provide, pay for, provide coverage of, refer for,  
14 recommend, or promote abortions and does not financially support any  
15 entity that provides, pays for, provides coverage of, refers for,  
16 recommends, or promotes abortions, including nonsurgical abortions; and  
17 (e) Is approved by the department pursuant to section 27 of this  
18 act.  
19 Sec. 27. (1) An organization seeking to become an eligible  
20 charitable organization shall provide the department with a written  
21 certification that it meets all criteria to be considered an eligible  
22 charitable organization. The certification must be signed by an officer  
23 of the organization under penalty of perjury. The certification shall  
24 include the following:  
25 (a) Verification of the organization's status under section 501(c)  
26 (3) of the Internal Revenue Code of 1986, as amended;  
27 (b) A statement that the organization does not receive more than  
28 seventy-five percent of its total annual revenue from federal, state, or  
29 local governmental grants or sources, either directly or as a contractor;  
30 (c) A statement that the organization maintains its physical office,  
31 clinic, or maternity home in the State of Nebraska; and

1 (d) A statement that the organization does not provide, pay for,  
2 provide coverage of, refer for, recommend, or promote abortions and does  
3 not financially support any entity that provides, pays for, provides  
4 coverage of, refers for, recommends, or promotes abortions, including  
5 nonsurgical abortions.

6 (2) The department shall review each written certification and  
7 determine whether the organization meets all of the criteria to be  
8 considered an eligible charitable organization and shall notify the  
9 organization of its determination. Any organization whose certification  
10 is approved under this section shall be considered an eligible charitable  
11 organization.

12 (3) An organization shall notify the department within sixty days of  
13 any changes that may affect its status as an eligible charitable  
14 organization.

15 (4) The department may periodically request recertification from an  
16 organization that was previously approved as an eligible charitable  
17 organization under this section.

18 (5) The department shall compile and make available to the public a  
19 list of eligible charitable organizations that have been approved under  
20 this section.

21 Sec. 28. (1) An individual taxpayer who makes one or more cash  
22 contributions to one or more eligible charitable organizations during a  
23 tax year shall be eligible for a credit against the income tax due under  
24 the Nebraska Revenue Act of 1967. Except as otherwise provided in the  
25 Nebraska Pregnancy Help Act, the amount of the credit shall be equal to  
26 the lesser of (a) the total amount of such contributions made during the  
27 tax year or (b) fifty percent of the income tax liability of such  
28 taxpayer for the tax year. A taxpayer may only claim a credit pursuant to  
29 this section for the portion of the contribution that was not claimed as  
30 a charitable contribution under the Internal Revenue Code of 1986, as  
31 amended.

1 (2) Taxpayers who are married but file separate returns for a tax  
2 year in which they could have filed a joint return may each claim only  
3 one-half of the tax credit that would otherwise have been allowed for a  
4 joint return.

5 (3) The tax credit allowed under this section shall be a  
6 nonrefundable credit. Any amount of the credit that is unused may be  
7 carried forward and applied against the taxpayer's income tax liability  
8 for the next five years immediately following the tax year in which the  
9 credit is first allowed. The tax credit cannot be carried back.

10 (4) The tax credit allowed under this section is subject to section  
11 32 of this act.

12 Sec. 29. (1) Any partnership, limited liability company, or  
13 corporation having an election in effect under subchapter S of the  
14 Internal Revenue Code of 1986, as amended, that is carrying on any trade  
15 or business for which deductions would be allowed under section 162 of  
16 the Internal Revenue Code of 1986, as amended, or is carrying on any  
17 rental activity, and that makes one or more cash contributions to one or  
18 more eligible charitable organizations during a tax year shall be  
19 eligible for a credit against the income tax due under the Nebraska  
20 Revenue Act of 1967. Except as otherwise provided in the Nebraska  
21 Pregnancy Help Act, the amount of the credit shall be equal to the lesser  
22 of (a) the total amount of such contributions made during the tax year or  
23 (b) fifty percent of the income tax liability of such taxpayer for the  
24 tax year. A taxpayer may only claim a credit pursuant to this section for  
25 the portion of the contribution that was not claimed as a charitable  
26 contribution under the Internal Revenue Code of 1986, as amended. The  
27 credit shall be attributed to each partner, member, or shareholder in the  
28 same proportion used to report the partnership's, limited liability  
29 company's, or subchapter S corporation's income or loss for income tax  
30 purposes.

31 (2) The tax credit allowed under this section shall be a  
1 nonrefundable credit. Any amount of the tax credit that is unused may be  
2 carried forward and applied against the taxpayer's income tax liability

3 for the next five years immediately following the tax year in which the  
4 credit is first allowed. The tax credit cannot be carried back.

5 (3) The tax credit allowed under this section is subject to section  
6 32 of this act.

7 Sec. 30. (1) An estate or trust that makes one or more cash  
8 contributions to one or more eligible charitable organizations during a  
9 tax year shall be eligible for a credit against the income tax due under  
10 the Nebraska Revenue Act of 1967. Except as otherwise provided in the  
11 Nebraska Pregnancy Help Act, the amount of the credit shall be equal to  
12 the lesser of (a) the total amount of such contributions made during the  
13 tax year or (b) fifty percent of the income tax liability of such  
14 taxpayer for the tax year. A taxpayer may only claim a credit pursuant to  
15 this section for the portion of the contribution that was not claimed as  
16 a charitable contribution under the Internal Revenue Code of 1986, as  
17 amended. Any credit not used by the estate or trust may be attributed to  
18 each beneficiary of the estate or trust in the same proportion used to  
19 report the beneficiary's income from the estate or trust for income tax  
20 purposes.

21 (2) The tax credit allowed under this section shall be a  
22 nonrefundable credit. Any amount of the tax credit that is unused may be  
23 carried forward and applied against the taxpayer's income tax liability  
24 for the next five years immediately following the tax year in which the  
25 credit is first allowed. The tax credit cannot be carried back.

26 (3) The tax credit allowed under this section is subject to section  
27 32 of this act.

28 Sec. 31. (1) A corporate taxpayer as defined in section 77-2734.04  
29 that makes one or more cash contributions to one or more eligible  
30 charitable organizations during a tax year shall be eligible for a credit  
31 against the income tax due under the Nebraska Revenue Act of 1967. Except  
1 as otherwise provided in the Nebraska Pregnancy Help Act, the amount of  
2 the credit shall be equal to the lesser of (a) the total amount of such  
3 contributions made during the tax year or (b) fifty percent of the income  
4 tax liability of such taxpayer for the tax year. A taxpayer may only  
5 claim a credit pursuant to this section for the portion of the  
6 contribution that was not claimed as a charitable contribution under the  
7 Internal Revenue Code of 1986, as amended.

8 (2) The tax credit allowed under this section shall be a  
9 nonrefundable credit. Any amount of the tax credit that is unused may be  
10 carried forward and applied against the taxpayer's income tax liability  
11 for the next five years immediately following the tax year in which the  
12 credit is first allowed. The tax credit cannot be carried back.

13 (3) The tax credit allowed under this section is subject to section  
14 32 of this act.

15 Sec. 32. (1) Prior to making a contribution to an eligible  
16 charitable organization, any taxpayer desiring to claim a tax credit  
17 under the Nebraska Pregnancy Help Act shall notify the eligible  
18 charitable organization of the taxpayer's intent to make a contribution  
19 and the amount to be claimed as a tax credit. Upon receiving each such  
20 notification, the eligible charitable organization shall notify the  
21 department of the intended tax credit amount. If the department  
22 determines that the intended tax credit amount in the notification would  
23 exceed the limit specified in subsection (3) of this section, the  
24 department shall notify the eligible charitable organization of its  
25 determination within thirty days after receipt of the notification. The  
26 eligible charitable organization shall then promptly notify the taxpayer  
27 of the department's determination that the intended tax credit amount in  
28 the notification is not available. If an amount less than the amount  
29 indicated in the notification is available for a tax credit, the  
30 department shall notify the eligible charitable organization of the  
31 available amount and the eligible charitable organization shall notify

1 the taxpayer of the available amount within three business days.  
2 (2) In order to be allowed a tax credit as provided by the act, the  
3 taxpayer shall make its contribution between thirty-one and sixty days  
4 after notifying the eligible charitable organization of the taxpayer's

5 intent to make a contribution. If the eligible charitable organization  
6 does not receive the contribution within the required time period, it  
7 shall notify the department of such fact and the department shall no  
8 longer include such amount when calculating whether the limit prescribed  
9 in subsection (3) of this section has been exceeded. If the eligible  
10 charitable organization receives the contribution within the required  
11 time period, it shall provide the taxpayer with a receipt for the  
12 contribution. The receipt shall show the name and address of the eligible  
13 charitable organization, the name, address, and, if available, tax  
14 identification number of the taxpayer making the contribution, the amount  
15 of the contribution, and the date the contribution was received.  
16 (3) The department shall consider notifications regarding intended  
17 tax credit amounts in the order in which they are received to ascertain  
18 whether the intended tax credit amounts are within the annual limit  
19 provided in this subsection. The annual limit on the total amount of tax  
20 credits for calendar year 2025 and each calendar year thereafter shall be  
21 two million dollars. Once credits have reached the annual limit for any  
22 calendar year, no additional credits shall be allowed for such calendar  
23 year. Credits shall be prorated among the notifications received on the  
24 day the annual limit is exceeded. No more than fifty percent of the  
25 credits allowed for any calendar year shall be for contributions to a  
26 single eligible charitable organization.  
27 Sec. 33. The department may adopt and promulgate rules and  
28 regulations to carry out the Nebraska Pregnancy Help Act.

The second committee amendment is as follows:

[AM3206](#) is available in the Bill Room.

The first committee amendment, [AM3205](#), found in this day's Journal, was offered.

Senator Bostar offered [AM3187](#), found on page 1329, to the first committee amendment.

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.

The motion to cease debate prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Bostar requested a roll call vote, in reverse order, on his amendment, to the first committee amendment.

Voting in the affirmative, 17:

Blood	Conrad	Fredrickson	Slama	Wishart
Bostar	Day	Hunt	Vargas	
Cavanaugh, J.	DeBoer	McKinney	Walz	
Cavanaugh, M.	Dungan	Raybould	Wayne	

Voting in the negative, 24:



Aguilar	Brewer	Hansen	Linehan	Moser
Albrecht	Clements	Hardin	Lippincott	Murman
Bosn	DeKay	Holdcroft	Lowe	Sanders
Bostelman	Dorn	Jacobson	McDonnell	von Gillern
Brandt	Dover	Kauth	Meyer	

Present and not voting, 3:

Arch            Armendariz    Ballard

Excused and not voting, 5:

Erdman        Halloran        Hughes        Ibach        Riepe

The Bostar amendment, to the first committee amendment lost, with 17 ayes, 24 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The first committee amendment was adopted with 28 ayes, 15 nays, 2 present and not voting, and 4 excused and not voting.

The second committee amendment, [AM3206](#), found in this day's Journal, was offered.

Senator Brandt offered [AM3260](#), found on page 1331, to the second committee amendment.

Senator M. Cavanaugh offered [MO1259](#), found on page 1037, to bracket until April 11, 2024.

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

No objections. So ordered.

The Brandt amendment, to the second committee amendment, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator J. Cavanaugh offered the following amendment to the second committee amendment:  
[AM3116](#) is available in the Bill Room.

The J. Cavanaugh amendment, to the second committee amendment, was adopted with 31 ayes, 4 nays, 9 present and not voting, and 5 excused and not voting.

The second committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Committee [AM3001](#), found on page 1132, was not considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 937A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 130A.** Placed on Final Reading.

**LEGISLATIVE BILL 204A.** Placed on Final Reading.  
[ST60](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend section 70, Legislative Bill 1412, One Hundred Eighth Legislature, Second Session, 2024; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundred Eighth Legislature, Second Session, 2024; to provide for expenditures for aid; to repeal the original section; and to declare an emergency." inserted.

**LEGISLATIVE BILL 126.** Placed on Select File with amendment.  
[ER108](#) is available in the Bill Room.

**LEGISLATIVE BILL 1027.** Placed on Select File with amendment.  
[ER106](#)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 79-1601, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 79-1601 (1) Except as provided in subsections (2) through (6) of  
6 this section, all private, denominational, and parochial schools in the  
7 State of Nebraska and all teachers employed or giving instruction in such  
8 schools shall be subject to and governed by the provisions of the general  
9 school laws of the state so far as the same apply to grades,  
10 qualifications, and certification of teachers and promotion of students.  
11 All private, denominational, and parochial schools shall have adequate  
12 equipment and supplies, shall be graded the same, and shall have courses  
13 of study for each grade conducted in such schools substantially the same  
14 as those given in the public schools which the students would attend in  
15 the absence of such private, denominational, or parochial schools.  
16 (2) All private, denominational, or parochial schools shall either  
17 comply with the accreditation or approval requirements as prescribed  
18 pursuant to ~~in~~ section 79-318 or, for those schools which elect not to  
19 meet accreditation or approval requirements, the requirements prescribed  
20 in ~~section 79-318 and~~ subsections (2) through (6) of this section.  
21 Standards and procedures for approval and accreditation shall be based  
22 upon the program of studies, guidance services, the number and  
23 preparation of teachers in relation to the curriculum and enrollment,  
24 instructional materials and equipment, science facilities and equipment,  
25 library facilities and materials, and health and safety factors in

26 buildings and grounds. Rules and regulations ~~governing which govern~~  
 27 ~~standards and~~ procedures for private, denominational, and parochial  
 1 schools which elect, pursuant to the procedures prescribed in subsections  
 2 (2) through (6) of this section, not to meet state accreditation or  
 3 approval requirements shall be based upon ~~an assurance evidence~~ that such  
 4 schools offer a program of instruction leading to the acquisition of  
 5 basic skills in the language arts, mathematics, science, social studies,  
 6 and health. ~~The assurance required pursuant to this subsection shall be~~  
 7 ~~satisfied by a signed statement by the parent, legal guardian, or~~  
 8 ~~educational decisionmaker of a student that the education provided~~  
 9 ~~complies with subsections (2) through (6) of this section. Rules and~~  
 10 ~~regulations which govern procedures under this section are limited to~~  
 11 ~~procedures for receiving information from a parent, legal guardian, or~~  
 12 ~~educational decisionmaker of a student or a parent representative when~~  
 13 ~~such individual files the election not to meet accreditation or approval~~  
 14 ~~requirements under this section. Such rules and regulations may include a~~  
 15 ~~provision for the visitation of such schools and regular achievement~~  
 16 ~~testing of students attending such schools in order to insure that such~~  
 17 ~~schools are offering instruction in the basic skills listed in this~~  
 18 ~~subsection. Any arrangements for visitation or testing shall be made~~  
 19 ~~through a parent representative of each such school. The results of such~~  
 20 ~~testing may be used as evidence that such schools are offering~~  
 21 ~~instruction in such basic skills but shall not be used to measure,~~  
 22 ~~compare, or evaluate the competency of students at such schools.~~  
 23 (3) The provisions of subsections (3) through (6) of this section  
 24 shall apply to any private, denominational, or parochial school in the  
 25 State of Nebraska which elects not to meet state accreditation or  
 26 approval requirements. ~~An election~~ Elections pursuant to such subsections  
 27 shall be effective when a statement is received by the Commissioner of  
 28 Education signed by ~~a parent, legal guardian, or educational~~  
 29 ~~decisionmaker the parents or legal guardians of each student all students~~  
 30 attending such private, denominational, or parochial school, stating that  
 31 (a) either specifically (i) the requirements for approval and  
 1 accreditation required by law and the rules and regulations adopted and  
 2 promulgated by the State Board of Education violate sincerely held  
 3 religious beliefs of the ~~parent, parents or legal guardian, or~~  
 4 ~~educational decisionmaker guardians~~ or (ii) the requirements for approval  
 5 and accreditation required by law and the rules and regulations adopted  
 6 and promulgated by the State Board of Education interfere with the  
 7 decisions of the ~~parent, parents or legal guardian, or educational~~  
 8 ~~decisionmaker guardians~~ in directing the student's education, (b) an  
 9 authorized representative of such ~~parent, parents or legal guardian, or~~  
 10 ~~educational decisionmaker guardians~~ will at least annually submit to the  
 11 Commissioner of Education ~~an assurance the information necessary to prove~~  
 12 that the requirements of subdivisions (4)(a) through (c) of this section  
 13 are ~~and will continue to be~~ satisfied, (c) the school offers the courses  
 14 of instruction required by subsections (2), (3), and (4) of this section,  
 15 and (d) the ~~parent, parents or legal guardian, or educational~~  
 16 ~~decisionmaker is guardians~~ have satisfied themselves that individuals  
 17 monitoring instruction at such school are qualified to monitor  
 18 instruction in the basic skills as required by subsections (2), (3), and  
 19 (4) of this section ~~and that such individuals have demonstrated an~~  
 20 ~~alternative competency to monitor instruction or supervise students~~  
 21 ~~pursuant to subsections (3) through (6) of this section.~~  
 22 (4) Each such private, denominational, or parochial school shall (a)  
 23 meet minimum requirements relating to health, fire, and safety standards  
 24 prescribed by state law and the rules and regulations of the State Fire  
 25 Marshal, (b) report attendance pursuant to section 79-201, (c) maintain a  
 26 sequential program of instruction designed to lead to basic skills in the  
 27 language arts, mathematics, science, social studies, and health, and (d)

28 comply with the immunization requirements in section 79-217 if the  
 29 statement signed by the parent, parents or legal guardian, or educational  
 30 decisionmaker indicates guardians indicate a nonreligious reason pursuant  
 31 to subdivision (3)(a)(ii) of this section for the student attending a  
 1 private, denominational, or parochial school which elects not to meet  
 2 state accreditation or approval requirements. The State Board of  
 3 Education shall establish procedures for receiving information and  
 4 reports required by subsections (3) through (6) of this section from  
 5 authorized parent representatives who may act as agents for the parent,  
 6 parents or legal guardian, or educational decisionmaker guardians of a  
 7 student students attending such schools school and for individuals  
 8 monitoring instruction in the basic skills required by subsections (2),  
 9 (3), and (4) of this section.

10 (5) Individuals employed or utilized by schools which elect not to  
 11 meet state accreditation or approval requirements shall not be required  
 12 to meet the certification requirements prescribed in sections 79-801 to  
 13 79-815, ~~but shall either (a) take appropriate subject matter components~~  
 14 ~~of a nationally recognized teacher competency examination designated by~~  
 15 ~~the State Board of Education as (i) including the appropriate subject~~  
 16 ~~matter areas for purposes of satisfying the requirements of subsections~~  
 17 ~~(3) and (4) of this section and (ii) a nationally recognized examination~~  
 18 ~~or (b) offer evidence of competence to provide instruction in the basic~~  
 19 ~~skills required by subsections (3) and (4) of this section pursuant to~~  
 20 ~~informal methods of evaluation which shall be developed by the State~~  
 21 ~~Board of Education. Such evidence may include educational transcripts,~~  
 22 ~~diplomas, and other information regarding the formal educational~~  
 23 ~~background of such individuals. Information concerning test results,~~  
 24 ~~transcripts, diplomas, and other evidence of formal education may be~~  
 25 ~~transmitted to the State Department of Education by authorized~~  
 26 ~~representatives of parents or legal guardians. The results of such~~  
 27 ~~testing or alternative evaluation of individuals who monitor the~~  
 28 ~~instruction of students attending such schools may be used as evidence of~~  
 29 ~~whether or not such schools are offering adequate instruction in the~~  
 30 ~~basic skills prescribed in subsections (2), (3), and (4) of this section~~  
 31 ~~but shall not be used to prohibit any such school from employing such~~  
 1 ~~individuals. Failure of a monitor, who is tested for the purpose of~~  
 2 ~~satisfying in whole or in part the requirements of subsections (3)~~  
 3 ~~through (6) of this section, to attain a score equal to or exceeding both~~  
 4 ~~the state or national average score or rating on appropriate subject~~  
 5 ~~matter components of recognized teacher competency examinations~~  
 6 ~~designated by the State Board of Education may be by itself sufficient~~  
 7 ~~proof that such school does not offer adequate instruction in the basic~~  
 8 ~~skills prescribed in subsections (3) and (4) of this section.~~

9 (6) The demonstration of competency to monitor instruction in a  
 10 private, denominational, or parochial school which has elected not to  
 11 meet state accreditation or approval requirements shall in no way  
 12 constitute or be construed to grant a license, permit, or certificate to  
 13 teach in the State of Nebraska. Any school which elects not to meet state  
 14 accreditation or approval requirements and does not meet the requirements  
 15 of subsections (2) through (6) of this section shall not be deemed a  
 16 school for purposes of section 79-201, and the parent, parents or legal  
 17 guardian, or educational decisionmaker guardians of any students  
 18 attending such school shall be subject to prosecution pursuant to ~~such~~  
 19 section 79-201 or any statutes relating to habitual truancy.

20 (7) For purposes of this section, educational decisionmaker means a  
 21 person designated or ordered by a court to make educational decisions on  
 22 behalf of a child.

23 Sec. 2. Section 79-1605, Revised Statutes Cumulative Supplement,  
 24 2022, is amended to read:

25 79-1605 (1) The superintendent of the school district in which any

26 private, denominational, or parochial school is located, which school is  
 27 not otherwise inspected by an area or diocesan representative holding a  
 28 Nebraska certificate to administer, shall inspect such schools and report  
 29 to the proper officers any evidence of failure to observe any of the  
 30 provisions of sections 79-1601 to 79-1607. The Commissioner of Education,  
 31 when in his or her judgment it is deemed advisable, may appoint a public  
 1 school official other than such superintendent, including a member of the  
 2 State Department of Education, for such inspections. Such appointee shall  
 3 hold a Nebraska certificate to administer. The State Board of Education  
 4 shall require the superintendents and appointed public school officials  
 5 to make such inspections at least twice a year, and the school officers  
 6 of such schools and the teachers giving instruction in such schools shall  
 7 permit such inspection and assist and cooperate in the making of the  
 8 same.

9 (2) This section does not apply to (a) any private, denominational,  
 10 or parochial school which elects not to meet accreditation or approval  
 11 requirements pursuant to the procedures prescribed in subsections (2)  
 12 through (6) of section 79-1601 or (b) a school inspected by an area or  
 13 diocesan representative holding a Nebraska certificate to administer.  
 14 Sec. 3. Original section 79-1601, Reissue Revised Statutes of  
 15 Nebraska, and section 79-1605, Revised Statutes Cumulative Supplement,  
 16 2022, are repealed.

17 2. On page 1, strike beginning with the semicolon in line 2 through  
 18 line 4 and insert ", and section 79-1605, Revised Statutes Cumulative  
 19 Supplement, 2022; to change provisions relating to schools that elect not  
 20 to meet accreditation or approval requirements; to define a term; to  
 21 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 1051.** Placed on Select File with amendment.

[ER110](#)

1 1. On page 1, line 2; and page 34, line 15, strike "43-255".  
 2 2. On page 1, strike beginning with "to" in line 5 through the  
 3 semicolon in line 6.

**LEGISLATIVE BILL 874.** Placed on Select File with amendment.

[ER111](#)

1 1. On page 3, line 18, strike "(5)(i)" and insert "(5)(k)".  
 2 2. On page 5, line 18, strike "10" and insert "9".  
 3 3. On page 13, line 11, after "Government" insert ", Military and  
 4 Veterans Affairs".

**LEGISLATIVE BILL 1335.** Placed on Select File with amendment.

[ER107](#)

1 1. In the Standing Committee amendments, AM2947:  
 2 a. On page 2, line 31, after "than" insert "the".  
 3 b. On page 3, line 1, strike "exempted" and insert "exempt"; and in  
 4 line 12 strike "any";  
 5 c. On page 9, line 30, strike "the"; and  
 6 d. On page 13, line 21, strike "87-806" and insert "37-806".  
 7 2. On page 1, strike beginning with "and" in line 2 through line 5  
 8 and insert ", 37-802, and 37-807, Reissue Revised Statutes of Nebraska,  
 9 and sections 37-201 and 37-806, Revised Statutes Cumulative Supplement,  
 10 2022; to define terms; to change provisions of and provide duties and  
 11 exemptions under the Nongame and Endangered Species Conservation Act  
 12 relating to designation of endangered species and critical habitat and  
 13 transportation infrastructure;"

**LEGISLATIVE BILL 20.** Placed on Select File.

**LEGISLATIVE BILL 71.** Placed on Select File with amendment.

[ER112](#)

1 1. On page 1, line 9, after "Education" insert "and the State Board  
2 of Education; to provide a process for a parent or guardian to request  
3 that such person's child repeat a grade under certain circumstances".

**LEGISLATIVE BILL 71A.** Placed on Select File.

**LEGISLATIVE BILL 1306A.** Placed on Select File.

**LEGISLATIVE BILL 1329A.** Placed on Select File.

**LEGISLATIVE BILL 1344A.** Placed on Select File.

(Signed) Beau Ballard, Chairperson

Health and Human Services

**LEGISLATIVE BILL 982.** Placed on General File with amendment.

[AM2826](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 71-6038, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 71-6038 For purposes of sections 71-6038 to 71-6042:  
6 (1) Complicated feeding problems include, but are not limited to,  
7 difficulty swallowing, recurrent lung aspirations, and tube or parenteral  
8 or intravenous feedings;  
9 (2) Department means the Department of Health and Human Services;  
10 (3) Nurse aide means any person employed by a facility or service  
11 provider described in subsection (1) of section 71-6039 for the purpose  
12 of aiding a licensed registered or practical nurse through the  
13 performance of nonspecialized tasks related to the personal care and  
14 comfort of residents other than a paid dining assistant or a licensed  
15 registered or practical nurse;  
16 (4) Nursing home means any facility or a distinct part of any  
17 facility that provides care as defined in sections 71-420, 71-421,  
18 71-422, 71-424, and 71-429; ~~and~~  
19 (5) Paid dining assistant means any person employed by a nursing  
20 home for the purpose of aiding a licensed registered or practical nurse  
21 through the feeding of residents other than a nurse aide or a licensed  
22 registered or practical nurse; ~~and~~ -  
23 (6) Service provider means a person certified by the department to  
24 provide developmental disabilities services.  
25 Sec. 2. Section 71-6039, Reissue Revised Statutes of Nebraska, is  
26 amended to read:  
27 71-6039 (1) No person shall act as a nurse aide for a service  
1 provider under the medicaid comprehensive developmental disabilities  
2 waiver or in a facility or a distinct part of a facility that provides  
3 care as defined in section 71-405, 71-406, 71-409, 71-412, 71-416,  
4 71-417, 71-418, 71-419, 71-420, 71-421, 71-422, 71-424, 71-426, 71-427,  
5 or 71-429 unless such person:  
6 (a) Is at least sixteen years of age and has not been convicted of a  
7 crime involving moral turpitude;  
8 (b) Is able to speak and understand the English language or a  
9 language understood by a substantial portion of the facility residents;  
10 and

11 (c) Has successfully completed a basic course of training approved  
 12 by the department for nurse aides within one hundred twenty days of  
 13 initial employment in the capacity of a nurse aide.  
 14 (2)(a) A registered nurse or licensed practical nurse whose license  
 15 has been revoked, suspended, or voluntarily surrendered in lieu of  
 16 discipline may not act as a nurse aide for a service provider or in a  
 17 facility described in subsection (1) of this section.  
 18 (b) If a person registered as a nurse aide becomes licensed as a  
 19 registered nurse or licensed practical nurse, his or her registration as  
 20 a nurse aide becomes null and void as of the date of licensure.  
 21 (c) A person listed on the Nurse Aide Registry with respect to whom  
 22 a finding of conviction has been placed on the registry may petition the  
 23 department to have such finding removed at any time after one year has  
 24 elapsed since the date such finding was placed on the registry.  
 25 (3) The department may prescribe a curriculum for training nurse  
 26 aides and may adopt and promulgate rules and regulations for such courses  
 27 of training. The content of the courses of training and competency  
 28 evaluation programs shall be consistent with federal requirements unless  
 29 exempted. The department may approve courses of training if such courses  
 30 of training meet the requirements of this section. Such courses of  
 31 training shall include instruction on the responsibility of each nurse  
 1 aide to report suspected abuse or neglect pursuant to sections 28-372 and  
 2 28-711. Nursing homes may carry out approved courses of training within  
 3 the nursing home, except that nursing homes may not conduct the  
 4 competency evaluation part of the program. The prescribed training shall  
 5 be administered by a licensed registered nurse.  
 6 (4) For nurse aides at intermediate care facilities for persons with  
 7 developmental disabilities, such courses of training shall be no less  
 8 than twenty hours in duration and shall include at least fifteen hours of  
 9 basic personal care training and five hours of basic therapeutic and  
 10 emergency procedure training, and for nurse aides at all nursing homes  
 11 other than intermediate care facilities for persons with developmental  
 12 disabilities, such courses shall be no less than seventy-five hours in  
 13 duration.  
 14 (5) This section shall not prohibit any facility from exceeding the  
 15 minimum hourly or training requirements.  
 16 Sec. 3. Original sections 71-6038 and 71-6039, Reissue Revised  
 17 Statutes of Nebraska, are repealed.

(Signed) Ben Hansen, Chairperson

#### AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB1329:  
AM3234

(Amendments to E&R amendments, ER105)

1 1. Insert the following new sections:  
 2 Sec. 13. Section 79-262.01, Revised Statutes Supplement, 2023, is  
 3 amended to read:  
 4 79-262.01 (1) On or before July 1, 2025, the State Department of  
 5 Education shall develop and adopt a model policy relating to behavioral  
 6 intervention, behavioral management, classroom management, and removal of  
 7 a student from a classroom in school. The model policy shall include  
 8 appropriate training for school employees on behavioral intervention,  
 9 behavioral management, classroom management, and removal of a student  
 10 from a classroom in schools and how frequently such training shall be  
 11 required. The length of such training shall be a reasonable amount as  
 12 determined by each school board.  
 13 (2) On or before August 1, 2025, each school district shall develop  
 14 and adopt a policy consistent with or comparable to the model policy

15 developed by the State Department of Education pursuant to subsection (1)  
16 of this section, which shall be a requirement for accreditation in  
17 accordance with section 79-703. Such policy shall be filed with the  
18 Commissioner of Education. The policy developed and adopted by a school  
19 district pursuant to this subsection shall be included with any  
20 notifications required under the Student Discipline Act.

21 (3)(a) Beginning in school year 2026-27, each school district shall  
22 ensure that any school employee who has behavioral management  
23 responsibilities participates in behavioral awareness and intervention  
24 training consistent with the school district policy developed and adopted  
25 in accordance with subsection (2) of this section. Such training shall be  
26 provided by the school district or such school district's educational  
1 service unit. The length of such training shall be a reasonable amount as  
2 determined by the school board.

3 (b) Each school district shall, either independently, or through the  
4 educational service unit of which such school district is a member,  
5 develop and provide behavioral awareness and intervention training to  
6 employees from such school who have behavioral management  
7 responsibilities. If such training is provided by the educational service  
8 unit, such training shall be available to any educational service unit  
9 employee and any member school district employee that works in a school  
10 and has behavioral management responsibilities. Such training shall be  
11 consistent with the model policy developed by the State Department of  
12 Education pursuant to subsection (1) of this section.

13 (4) The State Board of Education may adopt and promulgate rules and  
14 regulations to carry out this section.  
15 Sec. 14. Section 79-2,141, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 79-2,141 (1) On or before March 1, 2010, the department shall  
18 develop and adopt a model dating violence policy to assist school  
19 districts in developing policies for dating violence.

20 (2) On or before July 1, 2010, each school district shall develop  
21 and adopt a specific policy to address incidents of dating violence  
22 involving students at school, which shall be made a part of the  
23 requirements for accreditation in accordance with section 79-703. Such  
24 policy shall include a statement that dating violence will not be  
25 tolerated.

26 (3) To ensure notice of a school district's dating violence policy,  
27 the policy shall be published in any school district handbook, manual, or  
28 similar publication that sets forth the comprehensive rules, procedures,  
29 and standards of conduct for students at school.

30 (4) Each school district shall provide dating violence training to  
31 staff deemed appropriate by a school district's administration. The  
1 dating violence training shall include, but not be limited to, basic  
2 awareness of dating violence, warning signs of dating violence, and the  
3 school district's dating violence policy. The dating violence training  
4 may be provided by any school district or combination of school  
5 districts, an educational service unit, or any combination of educational  
6 service units. The length of such training shall be a reasonable amount  
7 as determined by each school board.

8 (5) Each school district shall inform the students' parents or legal  
9 guardians of the school district's dating violence policy. If requested,  
10 the school district shall provide the parents or legal guardians a copy  
11 of the school district's dating violence policy and relevant information.

12 (6) This section does not prevent a victim of dating violence from  
13 seeking redress under any other available law, either civil or criminal,  
14 and does not create or alter any existing tort liability.

15 Sec. 15. Section 79-2,145, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 79-2,145 The State Board of Education, based on the recommendations  
18 of the state school security director appointed pursuant to section  
19 79-2,143, may adopt and promulgate rules and regulations establishing  
20 minimum school security standards on or before July 1, 2016. Any rules or  
21 regulations that create a training requirement shall ensure that such



22 training requirement shall be reasonable in length.

23 Sec. 16. Section 79-2,146, Revised Statutes Supplement, 2023, is

24 amended to read:

25 79-2,146 (1) Beginning in school year 2023-24, all public school  
26 employees who interact with students and any other appropriate personnel,  
27 as determined by the school superintendent, shall receive ~~at least one~~  
28 ~~hour of~~ behavioral and mental health training with a focus on suicide  
29 awareness and prevention training each year. The length of such training  
30 shall be a reasonable amount as determined by each school board. Such  
31 training may include, but need not be limited to, topics such as  
1 identification of early warning signs and symptoms of behavioral and  
2 mental health issues in students, appropriate and effective responses for  
3 educators to student behavioral and mental health issues, trauma-informed  
4 care, and procedures for making students and parents and guardians aware  
5 of services and supports for behavioral and mental health issues. This  
6 training shall be provided within the framework of existing inservice  
7 training programs offered by the State Department of Education or as part  
8 of required professional development activities.

9 (2) The department, in consultation with organizations including,  
10 but not limited to, the Nebraska State Suicide Prevention Coalition, the  
11 Nebraska chapter of the American Foundation for Suicide Prevention, the  
12 Behavioral Health Education Center of Nebraska, the National Alliance on  
13 Mental Illness Nebraska, and other organizations and professionals with  
14 expertise in behavioral and mental health and suicide prevention, shall  
15 develop a list of approved training materials to fulfill the requirements  
16 of subsection (1) of this section. Such materials shall include training  
17 on how to identify appropriate mental health services, both within the  
18 school and also within the larger community, and when and how to refer  
19 youth and their families to those services. Such materials may include  
20 programs that can be completed through self-review of suitable behavioral  
21 and mental health and suicide prevention materials.

22 (3) The department may adopt and promulgate rules and regulations to  
23 carry out this section.

24 Sec. 70. Section 79-3105, Revised Statutes Cumulative Supplement,

25 2022, is amended to read:

26 79-3105 The department shall provide training for the members of any  
27 threat assessment team serving a public or nonpublic school. Such  
28 training shall provide the knowledge and skill to allow threat assessment  
29 teams to work collaboratively to conduct threat assessments, engage in  
30 crisis intervention, increase awareness of concerning behavior among  
31 school staff, students, and the public, and interrupt violence in the  
1 planning stage to thwart potential harm to persons and property. Such  
2 training shall be reasonable in length.

3 Sec. 74. Section 79-3602, Revised Statutes Supplement, 2023, is

4 amended to read:

5 79-3602 (1)(a) Beginning in school year 2024-25, the Educational  
6 Service Unit Coordinating Council shall (i) ensure annual behavioral  
7 awareness training is available statewide and (ii) develop, implement,  
8 and administer an ongoing statewide teacher support system.

9 (b) Beginning in school year 2026-27, each school district shall  
10 ensure that each administrator, teacher, paraprofessional, school nurse,  
11 and counselor receives behavioral awareness training. The length of such  
12 training shall be a reasonable amount as determined by each school board.  
13 Each administrator, teacher, paraprofessional, school nurse, and  
14 counselor who has received such training shall receive a behavioral  
15 awareness training review at least once every three years. Each school  
16 district may offer such training, or similar training, to any other  
17 school employees at the discretion of the school district. In addition,  
18 all school employees shall have a basic awareness of the goals,  
19 strategies, and schoolwide plans included in such training.

20 (c) Behavioral awareness training shall include, but not be limited

21 to, evidence-based training on a continuum that includes:  
22 (i) Recognition of detrimental factors impacting student behavior,  
23 including, but not limited to, signs of trauma;

24 (ii) Positive behavior support and proactive teaching strategies,  
 25 including, but not limited to, expectations and boundaries; and  
 26 (iii) Verbal intervention and de-escalation techniques.  
 27 (2)(a) On or before July 1, 2025, and on or before July 1 of each  
 28 year thereafter, each school district shall submit a behavioral awareness  
 29 training report to the Educational Service Unit Coordinating Council.  
 30 Such report shall include the school district behavioral awareness  
 31 training plan and summarize how such plan fulfills the requirements of  
 1 this section.  
 2 (b) On or before December 31, 2025, and each December 31 thereafter,  
 3 the Educational Service Unit Coordinating Council shall submit a report  
 4 electronically to the Education Committee of the Legislature summarizing  
 5 the behavioral awareness training reports received by school districts,  
 6 the various trainings provided across the state, the teacher support  
 7 system, and a financial report of funding received and expended in  
 8 accordance with the Behavioral Intervention Training and Teacher Support  
 9 Act.  
 10 (3)(a) Behavioral awareness training and the teacher support system  
 11 required pursuant to this section shall be funded from the Behavioral  
 12 Training Cash Fund.  
 13 (b) Any funding received by a school district for behavioral  
 14 awareness training under the Behavioral Intervention Training and Teacher  
 15 Support Act shall be considered special grant funds under section  
 16 79-1003.  
 17 Sec. 75. Section 79-3603, Revised Statutes Supplement, 2023, is  
 18 amended to read:  
 19 79-3603 (1) Each school district shall designate one or more school  
 20 employees as a behavioral awareness point of contact for each school  
 21 building or other division as determined by such school district. Each  
 22 behavioral awareness point of contact shall be trained in behavioral  
 23 awareness and shall have knowledge of community service providers and  
 24 other resources that are available for the students and families in such  
 25 school district. The length of such training shall be a reasonable amount  
 26 as determined by the school board.  
 27 (2) Each school district shall maintain or have access to a registry  
 28 of local mental health and counseling resources. The registry shall  
 29 include resource services that can be accessed by families and  
 30 individuals outside of school. Each behavioral awareness point of contact  
 31 shall coordinate access to support services for students whenever  
 1 possible. Except as provided in section 43-2101, if information for an  
 2 external support service is provided to an individual student, school  
 3 personnel shall notify a parent or guardian of such student in writing  
 4 unless such recommendation involves law enforcement or child protective  
 5 services. Each school district shall indicate each behavioral awareness  
 6 point of contact for such school district on the website of the school  
 7 district and in any school directory for the school that the behavioral  
 8 awareness point of contact serves.  
 9 2. Renumber the remaining sections and correct internal references  
 10 and the repealer accordingly.

Senator Blood filed the following amendment to [LB1370](#):  
[AM3164](#)

(Amendments to Standing Committee amendments, AM2863)

1 1. Strike section 8.  
 2 2. On page 1, line 16, after "(b)" insert "(i)"; in line 20 strike  
 3 "closed" and insert "open"; and after line 24 insert the following new  
 4 subdivisions:  
 5 "(ii) The board shall limit testimony at the hearing to the  
 6 following subjects:  
 7 (A) The impact the decision to close or decommission the facility  
 8 will have on such entity to be able to provide low-cost electricity to  
 9 its customers, including, but not limited to, the impact on operation,  
 10 maintenance, fuel, and regulatory costs, and the need for any upgrades;

11 (B) The extent to which such entity will be able to provide  
 12 employment for current employees of the facility;  
 13 (C) Whether such entity has worked with any labor unions that may  
 14 represent current employees to provide retraining or other assistance to  
 15 obtain employment in renewable energy or other industries in Nebraska's  
 16 modern economy;  
 17 (D) The amount of greenhouse gas emission reductions or other  
 18 environmental benefits such entity expects to achieve by closing or  
 19 decommissioning the facility; and  
 20 (E) Any other benefits to be derived from closing or decommissioning  
 21 the facility."  
 22 3. On page 2, line 11, strike "all" and insert "not"; and strike  
 23 beginning with "until" in line 13 through "facility" in line 15.  
 24 4. On page 20, line 11, strike "8, and 10" and insert "and 9"; and  
 25 strike beginning with "and" in line 15 through "2022," in line 16.  
 26 5. Renumber the remaining sections accordingly.

Senator Clements filed the following amendment to [LB1067](#):  
[AM3221](#) is available in the Bill Room.

Senator Murman filed the following amendment to [LB1331](#):  
[AM3264](#) is available in the Bill Room.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 2024, at 11:15 a.m. were the following: LBs 1188e, 857, 857A, 607, 644e, 644Ae, 834, 839e, 894, 906, 1004e, 1102, 1204, 1204A, 1215e, 1313, 851e, 877e, 998, 1118, 1143, and 1162.

(Signed) Sarah Skirry  
 Clerk of the Legislature's Office

### GENERAL FILE

**LEGISLATIVE BILL 1073.** Title read. Considered.

Committee [AM2568](#), found on page 810, was offered.

Senator Slama offered [AM3085](#), found on page 1260, to the committee amendment.

Senator J. Cavanaugh requested a division of the question on the Slama amendment, to the committee amendment.

The Chair sustained the division of the question.

The first Slama amendment, to the committee amendment, is as follows:

[AM3285](#)

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 15 of this act shall be known and may be  
 3 cited as the Peer-to-Peer Vehicle Sharing Program Act.

4 Sec. 2. For purposes of the Peer-to-Peer Vehicle Sharing Program

5 Act, unless the context otherwise requires:

6 (1) Agreement means the terms and conditions applicable to an owner  
7 and a driver that govern the use of a vehicle shared through a peer-to-  
8 peer vehicle sharing program. Agreement does not mean a rental agreement  
9 as defined in section 44-4067;

10 (2) Delivery period means the period of time during which a vehicle  
11 is being delivered to the location at which the start time begins, if  
12 applicable, as documented by the agreement;

13 (3) Driver means an individual who has been authorized to drive a  
14 vehicle by an owner under an agreement;

15 (4) Owner means the registered owner, or a person or entity  
16 designated by the registered owner, of a vehicle made available for  
17 sharing through a peer-to-peer vehicle sharing program;

18 (5) Peer-to-peer vehicle sharing program or program means a business  
19 platform that connects owners with drivers to enable the sharing of  
20 vehicles for financial consideration. A program is not a transportation  
21 network company as defined in section 75-323 or a rental car company as  
22 defined in section 44-4067;

23 (6) Sharing means the authorized use of a vehicle by an individual  
24 other than an owner through a peer-to-peer vehicle sharing program;

25 (7) Sharing period means the period of time that commences with the  
26 delivery period or, if there is no delivery period, that commences with  
27 the start time and, in either case, ends at the termination time;

1 (8) Start time means the time when a vehicle becomes subject to the  
2 control of a driver at or after the time the reservation is scheduled to  
3 begin as documented in the records of a program;

4 (9) Termination time means the earliest of the following events:

5 (a) The expiration of the agreed upon period of time established for  
6 the use of a vehicle according to the terms of the agreement if the  
7 vehicle is delivered to the location specified in the agreement;

8 (b) When a vehicle is returned to an alternative location as agreed  
9 upon by the owner and driver as communicated through the peer-to-peer  
10 vehicle sharing program. Such alternative location shall be incorporated  
11 into the agreement; and

12 (c) When an owner, or the owner's authorized designee, takes  
13 possession and control of the vehicle; and

14 (10) Vehicle means a motor vehicle as defined in section 60-471 that  
15 is available for use through a peer-to-peer vehicle sharing program.  
16 Vehicle does not include any motor vehicle used as or offered for use as  
17 a rental vehicle under section 44-4067, any commercial motor vehicle as  
18 defined in section 60-465, or any vehicle subject to section 75-363.

19 Sec. 3. (1) Except as provided in subsection (2) of this section, a  
20 peer-to-peer vehicle sharing program shall assume financial liability on  
21 behalf of an owner for any claim for bodily injury or property damage to  
22 third parties or uninsured and underinsured motorist losses during the  
23 sharing period in an amount stated in the agreement. Such amount shall  
24 not be less than the amount required in section 60-310.

25 (2) The assumption of financial liability by a program under  
26 subsection (1) of this section does not apply if the owner:

27 (a) Makes a material, intentional, or fraudulent misrepresentation,  
28 or a material, intentional, or fraudulent omission, to a program relating  
29 to the vehicle or the agreement prior to the sharing period in which the  
30 assumption of such liability would otherwise be required; or

31 (b) Acts in concert with a driver to trigger the assumption of such  
1 liability that would otherwise be required.

2 (3) The assumption of financial liability under subsection (1) of  
3 this section applies to bodily injury, property damage, and uninsured and  
4 underinsured motorist losses by injured third parties.

5 Sec. 4. (1) A program shall require during each sharing period that  
6 the owner and driver are insured under a motor vehicle liability

7 insurance policy that:

8 (a) Provides financial responsibility in amounts no less than the  
9 minimum amounts required by section 60-310; and

10 (b)(i) Recognizes that the vehicle is made available and used  
11 through the program; or

12 (ii) Does not exclude use of the vehicle by a driver through the  
13 program.

14 (2) The financial responsibility required under subsection (1) of  
15 this section may be satisfied by motor vehicle liability insurance or  
16 other acceptable means of demonstrating financial responsibility in  
17 Nebraska, voluntarily maintained by:

18 (a) The owner;

19 (b) The driver;

20 (c) The program; or

21 (d) Any combination of owner, driver, and program.

22 (3) The financial responsibility described in subsection (1) of this  
23 section and satisfied pursuant to subsection (2) of this section shall be  
24 the primary coverage during the sharing period in the event that a claim  
25 occurs in another state with minimum financial responsibility limits  
26 higher than those required under section 60-310, and during the sharing  
27 period the coverage maintained under subsection (2) of this section shall  
28 satisfy any difference in minimum coverage amounts, up to the applicable  
29 policy limits.

30 (4) The insurer, insurers, or program providing coverage under  
31 section 3 or 4 of this act shall assume primary financial liability for a  
1 claim when:

2 (a) A dispute exists as to who was in control of the vehicle at the  
3 time of the loss and the program does not have available, did not retain,  
4 or fails to provide the information required by section 7 of this act; or

5 (b) A dispute exists as to whether the vehicle was returned to the  
6 alternative location pursuant to subdivision (9)(b) of section 2 of this  
7 act.

8 (5) If financial responsibility maintained by the owner or the  
9 driver in accordance with subsection (2) of this section has lapsed or  
10 does not provide the required financial responsibility, the program or  
11 its insurer shall provide the coverage required by subsection (1) of this  
12 section beginning with the first dollar of a claim and have the duty to  
13 defend such claim except under circumstances as set forth in subsection  
14 (2) of section 3 of this act.

15 (6) Financial responsibility maintained by the program shall not be  
16 dependent on another insurer first denying a claim, nor shall another  
17 motor vehicle liability insurance policy be required to first deny a  
18 claim.

19 (7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:

20 (a) Limits the liability of a program for any act or omission of the  
21 program itself that results in injury or economic loss to any person as a  
22 result of the use of a vehicle through the program; or

23 (b) Limits the ability of a program, by contract, to seek  
24 indemnification from an owner or a driver for economic loss sustained by  
25 the program resulting from a breach of the terms and conditions of an  
26 agreement by such owner or driver.

27 Sec. 5. At the time an owner makes a vehicle available for use  
28 through a program and immediately prior to each time such owner offers  
29 such vehicle for use through such program, the program shall notify the  
30 owner that if the vehicle has a lien against it, the use of the vehicle  
31 through the program, including such use without physical damage insurance  
1 coverage, may violate the terms of the contract with the lienholder.

2 Sec. 6. (1) An authorized insurer that writes motor vehicle  
3 liability insurance in Nebraska may exclude any and all coverage and the  
4 duty to defend or indemnify for any claim afforded under the owner's

5 motor vehicle liability insurance policy, including:  
 6 (a) Liability coverage for bodily injury and property damage;  
 7 (b) Personal injury protection coverage;  
 8 (c) Uninsured and underinsured motorist coverage;  
 9 (d) Medical payments coverage;  
 10 (e) Comprehensive physical damage coverage; and  
 11 (f) Collision physical damage coverage.  
 12 (2) Nothing in the this section invalidates, limits, or restricts an  
 13 insurer's ability under existing law to underwrite any insurance policy.  
 14 Nothing in the Peer-to-Peer Vehicle Sharing Program Act invalidates,  
 15 limits, or restricts an insurer's ability to cancel and nonrenew  
 16 insurance policies.  
 17 Sec. 7. (1) A program shall collect and verify records pertaining  
 18 to the use of a vehicle, including sharing periods, sharing period pick-  
 19 up and drop-off locations, fees paid by each driver, and revenue received  
 20 by each owner.  
 21 (2) A program shall provide the information collected pursuant to  
 22 subsection (1) of this section upon request to the owner, the owner's  
 23 insurer, and the driver's insurer to facilitate a claim coverage  
 24 investigation, settlement, negotiation, or litigation.  
 25 (3) A program shall retain the records required in this section for  
 26 a period of not less than four years.  
 27 Sec. 8. An insurer that defends or indemnifies a claim arising from  
 28 the operation of a vehicle that is excluded under the terms of its policy  
 29 shall have the right to seek recovery against the motor vehicle insurer  
 30 of the program if the claim is made against the owner or driver for loss  
 31 or injury that occurs during the sharing period.  
 1 Sec. 9. (1) A program shall have an insurable interest in a vehicle  
 2 during the sharing period.  
 3 (2) Nothing in this section shall impose liability on a program to  
 4 maintain the coverage required by section 3 or 4 of this act.  
 5 (3) A program may own and maintain as the named insured one or more  
 6 policies of motor vehicle liability insurance that provides coverage for:  
 7 (a) Liabilities assumed by the program under an agreement;  
 8 (b) Liability of an owner or driver; or  
 9 (c) Damage or loss to a vehicle.  
 10 Sec. 10. A program and an owner shall be exempt from vicarious  
 11 liability in accordance with 49 U.S.C. 30106(a), as such section existed  
 12 on January 1, 2023, and under any state or local law that imposes  
 13 liability solely based on vehicle ownership.  
 14 Sec. 11. (1) Each agreement made in Nebraska shall disclose to each  
 15 owner and driver:  
 16 (a) Any right of the program to seek indemnification from an owner  
 17 or a driver for economic loss sustained by the program resulting from a  
 18 breach of the terms and conditions of the agreement by such owner or  
 19 driver;  
 20 (b) That a motor vehicle liability insurance policy issued to an  
 21 owner or a driver may not provide a defense or indemnity for any claim  
 22 asserted by the program;  
 23 (c) That a program's financial responsibility afforded to each owner  
 24 and driver is available only during the sharing period;  
 25 (d) That for any use of a vehicle by a driver after the termination  
 26 time, a driver or owner may not have coverage;  
 27 (e) The daily rate, fees, costs, and, if applicable, any insurance  
 28 or protection package costs that are charged to an owner or a driver; and  
 29 (f) That an owner's motor vehicle liability insurance may not  
 30 provide coverage for the vehicle.  
 31 (2) Each agreement made in Nebraska shall disclose to each driver:  
 1 (a) An emergency telephone number to contact personnel capable of  
 2 fielding roadside assistance and other customer service inquiries; and

3 (b) Any conditions under which a driver shall maintain a personal  
4 motor vehicle liability insurance policy and any required coverage limits  
5 on a primary basis in order to use a vehicle through the program.  
6 Sec. 12. A program shall have sole responsibility for any  
7 equipment, such as a global positioning system or other special  
8 equipment, that is put in or on a vehicle to monitor or facilitate  
9 sharing and shall agree to indemnify and hold harmless the owner for any  
10 damage to or theft of such equipment during the sharing period not caused  
11 by the owner. A program has the right to seek indemnity from a driver for  
12 any loss or damage to such equipment that occurs during the sharing  
13 period.  
14 Sec. 13. (1) At the time an owner makes a vehicle available for use  
15 by a program and immediately prior to each time the owner offers such  
16 vehicle for use by such program, the program shall:  
17 (a) Verify that the vehicle does not have any safety recalls for  
18 which the repairs have not been made; and  
19 (b) Notify the owner of the requirements under subsection (2) of  
20 this section.  
21 (2) An owner shall:  
22 (a) Not make a vehicle available for use through a program if the  
23 owner has received actual notice of a safety recall on such vehicle until  
24 the safety recall repair has been made;  
25 (b) Upon receipt of actual notice of a safety recall on a vehicle  
26 when such vehicle is offered for use through a program, remove the  
27 vehicle from availability as soon as practicably possible and until the  
28 safety recall repair has been made; and  
29 (c) Upon receipt of actual notice of a safety recall on a vehicle,  
30 and when the vehicle is in the possession of a driver, notify the program  
31 of the safety recall so that the program may notify the driver and the  
1 vehicle can be removed from use until the owner makes the necessary  
2 safety recall repair.  
3 Sec. 14. (1) A program shall not enter into an agreement with any  
4 driver unless such driver:  
5 (a) Holds an operator's license issued in Nebraska authorizing the  
6 driver to operate vehicles of the class of vehicle used by the program;  
7 or  
8 (b) Is a nonresident who:  
9 (i) Holds a driver's license or an operator's license issued by the  
10 state or country of the driver's residence that authorizes the driver in  
11 that state or country to drive vehicles of the class of vehicle used by  
12 the program; and  
13 (ii) Is at least the same age as that required of a resident to  
14 drive in Nebraska.  
15 (2) A program shall keep a record of:  
16 (a) The name and address of each driver; and  
17 (b) The driver's license number and place of issuance of such  
18 license for each driver who operates a vehicle under an agreement.  
19 Sec. 15. Nothing in the Peer-to-Peer Vehicle Sharing Program Act  
20 shall be construed to limit the powers of an airport authority under  
21 Nebraska law.  
22 Sec. 37. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and  
23 15 of this act become operative on January 1, 2025. Sections 16, 17, 18,  
24 20, 21, 22, 23, 24, 25, 29, 31, 32, 34, and 39 of this act become  
25 operative three calendar months after the adjournment of this legislative  
26 session. The other sections of this act become operative on their  
27 effective date.

The second Slama amendment, to the committee amendment, is as follows:

[AM3286](#)

1 1. Strike sections 18, 19, 20, and 21 and insert the following new

2 sections:

3 Sec. 21. Section 44-4603, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 44-4603 For purposes of the Pharmacy Benefit Manager Licensure and  
6 Regulation Act:

7 (1) Auditing entity means a pharmacy benefit manager or any person  
8 that represents a pharmacy benefit manager in conducting an audit for  
9 compliance with a contract between the pharmacy benefit manager and a  
10 pharmacy;

11 (2) Claims processing service means an administrative service  
12 performed in connection with the processing and adjudicating of a claim  
13 relating to a pharmacist service that includes:

14 (a) Receiving a payment for a pharmacist service; or

15 (b) Making a payment to a pharmacist or pharmacy for a pharmacist  
16 service;

17 (3) Covered person means a member, policyholder, subscriber,  
18 enrollee, beneficiary, dependent, or other individual participating in a  
19 health benefit plan;

20 (4) Director means the Director of Insurance;

21 (5) Health benefit plan means a policy, contract, certificate, plan,  
22 or agreement entered into, offered, or issued by a health carrier or  
23 self-funded employee benefit plan to the extent not preempted by federal  
24 law to provide, deliver, arrange for, pay for, or reimburse any of the  
25 costs of a physical, mental, or behavioral health care service;

26 (6) Health carrier has the same meaning as in section 44-1303;

27 (7) Other prescription drug or device service means a service other  
1 than a claims processing service, provided directly or indirectly,  
2 whether in connection with or separate from a claims processing service,  
3 including, but not limited to:

4 (a) Negotiating a rebate, discount, or other financial incentive or  
5 arrangement with a drug company;

6 (b) Disbursing or distributing a rebate;

7 (c) Managing or participating in an incentive program or arrangement  
8 for a pharmacist service;

9 (d) Negotiating or entering into a contractual arrangement with a  
10 pharmacist or pharmacy;

11 (e) Developing and maintaining a formulary;

12 (f) Designing a prescription benefit program; or

13 (g) Advertising or promoting a service;

14 (8) Pharmacist has the same meaning as in section 38-2832;

15 (9) Pharmacist service means a product, good, or service or any  
16 combination thereof provided as a part of the practice of pharmacy;

17 (10) Pharmacy has the same meaning as in section 71-425;

18 (11)(a) Pharmacy benefit manager means a person, business, or  
19 entity, including a wholly or partially owned or controlled subsidiary of  
20 a pharmacy benefit manager, that provides a claims processing service or  
21 other prescription drug or device service for a health benefit plan to a  
22 covered person who is a resident of this state; and

23 (b) Pharmacy benefit manager does not include:

24 (i) A health care facility licensed in this state;

25 (ii) A health care professional licensed in this state;

26 (iii) A consultant who only provides advice as to the selection or  
27 performance of a pharmacy benefit manager; or

28 (iv) A health carrier to the extent that it performs any claims  
29 processing service or other prescription drug or device service  
30 exclusively for its enrollees; and

31 (12) Plan sponsor has the same meaning as in section 44-2702.

1 Sec. 22. Section 44-4604, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 44-4604 (1) The Pharmacy Benefit Manager Licensure and Regulation



4 Act applies to any contract or health benefit plan issued, renewed,  
5 recredentialled, amended, or extended on or after January 1, 2023,  
6 including any ~~health carrier that performs~~ a claims processing service or  
7 other prescription drug or device service performed through a third  
8 party.

9 (2) As a condition of licensure, any contract in existence on the  
10 date a pharmacy benefit manager receives its license to do business in  
11 this state shall comply with the requirements of the act.

12 (3) Nothing in the act is intended or shall be construed to conflict  
13 with existing relevant federal law.

14 Sec. 25. Section 68-956, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 68-956 (1) The department shall ~~(a) enter~~ ; ~~(4) Enter~~ into a  
17 multistate purchasing pool, ~~(b) ;~~ ~~(2) negotiate~~ directly with  
18 manufacturers or labelers, ; or ~~(c) (3) contract~~ with a pharmacy benefit  
19 manager for negotiated discounts or rebates for all prescription drugs  
20 under the medical assistance program in order to achieve the lowest  
21 available price for such drugs under such program.

22 (2) Any contract under the Medicaid Prescription Drug Act with a  
23 pharmacy benefit manager or a managed care organization using a pharmacy  
24 benefit manager shall require any pharmacy benefit manager that is a  
25 party or otherwise subject to the contract to comply with the Pharmacy  
26 Benefit Manager Licensure and Regulation Act.

27 Sec. 36. The Revisor of Statutes shall assign section 28 of this  
28 act to Chapter 76, article 2.

29 Sec. 37. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and  
30 15 of this act become operative on January 1, 2025. Sections 16, 17, 18,  
31 20, 21, 22, 23, 24, 25, 29, 31, 32, 34, and 39 of this act become  
1 operative three calendar months after the adjournment of this legislative  
2 session. The other sections of this act become operative on their  
3 effective date.

4 Sec. 38. Sections 44-19,116 and 76-2,122, Reissue Revised Statutes  
5 of Nebraska, and sections 76-2,121, 81-885.01, 81-885.24, and 87-302,  
6 Revised Statutes Cumulative Supplement, 2022, are repealed.

7 Sec. 39. Sections 44-7,115, 44-1308, 44-5807, 48-2706, 68-956,  
8 76-856, 81-885.10, and 81-885.55, Reissue Revised Statutes of Nebraska,  
9 and sections 44-4603, 44-604, and 81-885.17, Revised Statutes Cumulative  
10 Supplement, 2022, are repealed.

11 2. On page 20, strike lines 1 through 4 and insert the following new  
12 subdivision:

13 "(b) Self-funded and in compliance with:

14 (i) Sections 44-7601 to 44-7618, except subdivisions (1) and (2) of  
15 section 44-7606; and

16 (ii) The federal Employee Retirement Income Security Act of 1974, as  
17 such act existed on January 1, 2024."

18 3. On page 22, after line 22 insert the following new subsections:

19 "(3) If a right-to-list home sale agreement as defined in section  
20 81-885.01 is recorded in this state, it shall not provide actual or  
21 constructive notice of such agreement against an otherwise bona fide  
22 purchaser or creditor.

23 (4) Any assignment or transfer of the right to provide any service  
24 under a real estate service agreement recorded prior to the operative  
25 date of this section that would otherwise be in violation of this section  
26 is void and unenforceable without a written notice provided to and a  
27 written agreement by each party to such service agreement."

28 4. On page 28, strike lines 3 through 12 and insert the following  
29 new subdivisions:

30 "(16)(a) Right-to-list home sale agreement means an agreement:

31 (i) By the owner of residential real estate to provide another  
1 person with the exclusive right to list such residential real estate for

2 sale at a future date in exchange for monetary consideration or an  
 3 equivalent to monetary consideration; and  
 4 (ii)(A) That states that the agreement runs with the land or  
 5 otherwise purports to bind future owners of such residential real estate;  
 6 or  
 7 (B) That purports to be a lien, encumbrance, or other real property  
 8 security interest; and  
 9 (b) Right-to-list home sale agreement does not include any lien,  
 10 encumbrance, or other real property security interest expressly  
 11 authorized under the laws of this state, including any:  
 12 (i) Home warranty or similar product that covers the cost of  
 13 maintenance of a major home system or appliance for a fixed period;  
 14 (ii) Insurance contract;  
 15 (iii) Option or right of refusal to purchase the residential real  
 16 estate;  
 17 (iv) Contract for deed or purchase;  
 18 (v) Declaration created in the formation of a common-interest  
 19 community or an amendment to such declaration;  
 20 (vi) Maintenance or repair agreement entered by a homeowners'  
 21 association in a common-interest community;  
 22 (vii) Mortgage or trust deed loan or a commitment to make or receive  
 23 a mortgage or trust deed loan;  
 24 (viii) Security agreement under the Uniform Commercial Code relating  
 25 to the sale or rental of any personal property or fixture;  
 26 (ix) Water, sewer, electrical, telephone, cable, or other regulated  
 27 utility service provider; or  
 28 (x) Right granted by the Nebraska Construction Lien Act;"  
 29 5. Renumber the remaining sections and correct internal references  
 30 accordingly.

The first Slama amendment, [AM3285](#), found in this day's Journal, to the committee amendment, was offered.

Senator J. Cavanaugh requested a ruling of the Chair on whether the first Slama amendment, to the committee amendment is germane.

The Chair ruled the Slama amendment, to the committee amendment, is germane to the bill.

Senator J. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 9 ayes, 29 nays, 5 present and not voting, and 6 excused and not voting.

The Chair was sustained.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator J. Cavanaugh filed the following amendment to [LB1073](#):  
[AM3228](#)

(Amendments to AM3085)

1 1. On page 2, strike beginning with "Such" in line 25 through line  
 2 26 and insert "The peer-to-peer vehicle sharing program shall maintain  
 3 insurance coverage equivalent to that specified for a transportation

4 network company as specified in section 75-333.".

Senator Hansen filed the following amendment to LB1393:  
AM3278 is available in the Bill Room.

### **COMMITTEE REPORT(S)**

#### General Affairs

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

Don F. Gerjevic - State Electrical Board  
Michael M. Hunsberger - 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 appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeanne Salerno - 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

### **MESSAGE(S) FROM THE GOVERNOR**

March 27, 2024

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

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

I hereby respectfully request you withdraw Carleen Barger from consideration for confirmation to the State Board of Health. The appointee has indicated she is no longer able to serve.

Please contact my office if you have any questions.

(Signed) Sincerely,  
Jim Pillen  
Governor

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 447.** Introduced by Kauth, 31.

WHEREAS, the 2024 Nebraska School Activities Association State Wrestling Tournament was held from February 15 through February 17 at the CHI Health Center Omaha; and

WHEREAS, the Millard South High School boys wrestling team, coached by Nate Olsen, secured the Class A Wrestling State Championship title; and

WHEREAS, Millard South's victory was secured by having three champions: Logan Glynn at 150 pounds, Henry Reilly at 165 pounds, and Caeden Olin at 215 pounds; and

WHEREAS, this is Millard South's sixth consecutive win tying the Class A record for consecutive 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, SECOND SESSION:

1. That the Legislature congratulates the members of the Millard South High School boys wrestling team, which includes Gunner Rettele, Josiah Aburumuh, Tevin De Lozier, Will Porter, Kiernan Meink, Henry Reilly, Caleb Rocole, Tanner Fuller, Isaac Ekdahl, AJ Summers, Brady Danze, Caeden Olin, Miles Anderson, Easton Villotta, Danny Gonzalez, Aidan Miller, and Logan Glynn, on winning the 2024 Class A State Wrestling Championship and their sixth consecutive state title.

2. That a copy of this resolution be sent to Millard South High School.

Laid over.

**LEGISLATIVE RESOLUTION 448.** Introduced by Kauth, 31.

WHEREAS, the 2024 Nebraska School Activities Association Class A Girls State Basketball Championship was held on February 8 through March 2 in Lincoln, Nebraska; and

WHEREAS, the Millard West High School girls basketball team won the 2024 Class A Girls State Basketball Championship; and

WHEREAS, Millard West defeated Bellevue West in the championship game by a score of 58-55; and

WHEREAS, this is a first state championship for the Millard West girls basketball team in program history; and

WHEREAS, this achievement is the culmination of years of dedication, determination, and hard work by the members of the Millard West girls basketball team; 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, SECOND SESSION:

1. That the Legislature congratulates the members of the Millard West High School girls basketball team, which includes Anna Dunne, Kylee Millard, Lily Weston, Emily Lovette, Hannah Heftie, Jaelynn Moody, Nolan Gomes, Taylor Hansen, Amber Aiken, Neleigh Gessert, Norah Gessert, Brooke Wenninghoff, Callie Ott, and Kylee Paben, on winning the 2024 Class A Girls State Basketball Championship.

2. That a copy of this resolution be sent to the Millard West High School and Coach Marc Kruger.

Laid over.

**LEGISLATIVE RESOLUTION 449.** Introduced by Kauth, 31.

WHEREAS, the Millard North High School Cheer and Dance Team won the 2024 Class A Traditional Performance Championship at the Nebraska State Cheer and Dance Competition; and

WHEREAS, the Millard North Mustangs scored 93.30 points on their performance and 85.20 points to take home third place; and

WHEREAS, the Millard North Mustangs also showcased their Pom routine awarding them first place taking them to the National High School Cheerleading Championship; and

WHEREAS, Coach Connor Churchill provided the team leadership and guidance to excel at the state competition; and

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

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

1. That the Legislature congratulates the members of the Millard North High School Cheer and Dance Team, which includes Autumn Bravo, Presley Clark, Kendall Collins, Aubrey Deveney, Maria Hensley, Kaydence Hubby, Brooklyn Ilg, Peyton Johnson, Mia Kosel, Alivia Lane, Madeline McCall, Heidi Nordquist, Lily Norton, Kenzie Pettit, Ava Reisbig, Natalie Shnyder, Lauren Speckmann, Brooklynn Spence, Morgan Strong, Jaida Thorson, Ella Wurtele, Nora Baustert, Brooklyn Bratetic, Ella Broz, Alexis Christiansen, Kaitlyn Ellett, Elaina Etter, Delaney Feltz, Madeline Fischer, Maggie Galligan, Payton Gocken, Grace Gottschalk, Caitlyn Gregg, Audra Hanson, Madeline Harris, Leila Klem, Sophia Mills-Herring, Shae Ozols, Ava Passo, Ella Quick, Madison Roberts, Addison Satterly, Gabriella Shuda, Jordan Speicher, and Jemma Syphers, for their outstanding performance at the 2024 Nebraska State Cheer and Dance Competition and at the National High School Cheerleading Championships.

2. That a copy of this resolution be sent to the Millard North Cheer and Dance Team and Coach Connor Churchill.

Laid over.

**LEGISLATIVE RESOLUTION 450.** Introduced by Kauth, 31.

WHEREAS, the Millard West High School Cheer and Dance Team won the 2024 Class A Nebraska State Championship at the Nebraska State Cheer and Dance Competition and went on to win two National Championship titles in two divisions at the National High School Cheerleading Championship in Orlando, Florida; and

WHEREAS, the Millard West Wildcats scored 92.35 points to take home the first place win; and

WHEREAS, the Millard West Cheer and Dance Team also placed first in Tumbling A/B and second in Unified Sideline at the Nebraska State Championship; and

WHEREAS, the Millard West Cheer and Dance team took home two titles from the National High School Cheerleading Championship: the Varsity Non Building Division I Game Day with 91.6 points and the Varsity Non Building Division I with 94.3 points; and

WHEREAS, Coach Stefanie Lane provided the team leadership and guidance to excel at the state competition; and

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

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

1. That the Legislature congratulates the members of the Millard West High School Cheer and Dance Team, which includes Ayda Matya, Erin Matthews, Haili Foster, Kennedy Cahoy, Kinsey Grause, Lilly Vazquez, Maddie Olsen, Madison Beecher, Skye Hester, Ava Frazier, Chloe Wellwood, Luci White, Maddie Pingel, Sophee Devitt, Abi Sadler, Charley Meisinger, Jordan Hosier, Kayleigh Grabenschroer, Bess Masat, Noelle Oswald, Olivia Spracklin, Elaine Amenta, Bella Wanninger, Addisyn Hayduk, Jocelyn King, Ella Martinez, Brooklyn Maxon, Kate Hessel, Kara Stenger, Halle Hazuka, Sarah Lesley, Lexi Foster, Juliana Manzitto, Kenna Sellmeyer, Taylor Phillips, and Reagan Lane, for their outstanding performance at the 2024 Nebraska State Cheer and Dance Competition and at the National High School Cheerleading Championships.

2. That a copy of this resolution be sent to the Millard West Cheer and Dance Team and Coach Stefanie Lane.

Laid over.

**LEGISLATIVE RESOLUTION 451.** Introduced by Hansen, 16.

WHEREAS, Frank D. Korshoj was born October 17, 1932, to Chris and Esther Korshoj in their family home in Herman, Nebraska, and was the youngest of five siblings, including brothers Raymond and Earl and sisters Betty and Marilyn; and

WHEREAS, upon graduating from Herman Public School in 1950, Frank joined his father in the retail lumber business after saying "no" to his father's insistence that Frank go to college, where he remained until he sold the lumber business in 1994; and

WHEREAS, in 1953, Frank was drafted into the United States Army where he was sent to basic training at Ft. Riley, Kansas, for sixteen weeks before his rifle company received orders to Korea and then was sent to Germany for his final year in the Army, where he was assigned to Headquarters First Infantry Division and worked in G-1 personnel; and

WHEREAS, in 1986, he ran for the Nebraska State Legislature where he won in a six-person race and served one term from 1987 to 1990 and after his third session he threw a free summer picnic on July 23, 1989, in the Herman ballpark and called it a "fun-raiser" where three thousand people attended; and

WHEREAS, Frank earned several awards over the years including: the Ak-Sar-Ben Good Neighbor Citation, the Dana College Community Service Award, the Mid-American Lumber Association Outstanding Lumberman, and the Independent Lumber Dealers Association Golden 2X4 Award, in recognition of forty-four years of continuous service; and

WHEREAS, Frank was a lifelong member of First Lutheran Church in Blair, Nebraska, and a member of the American Legion Jackson Peck Post 274 in Herman since 1955; and

WHEREAS, Frank D. Korshoj, at the age of 91, passed away February 1, 2024, at Good Shepherd Lutheran Community in Blair, Nebraska.

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

1. That the Legislature recognizes and honors the extraordinary life of Frank D. Korshoj and his contributions to the Herman community, Legislative District 16, the State of Nebraska, and the United States of America.

2. That copies of this resolution be sent to the family of Frank Korshoj, the American Legion Jackson Peck Post 274, and the First Lutheran Church in Blair, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 452.** Introduced by Wayne, 13.

WHEREAS, Senator Scott Lautenbaugh served the state as a member of the Legislature for seven years with dedication, creativity, and collegiality; and

WHEREAS, Senator Lautenbaugh's colleagues respected his leadership abilities and showed their appreciation by electing him chairperson of the Rules Committee of the Legislature; and

WHEREAS, prior to his time with the Legislature, Senator Lautenbaugh served as the Douglas County election commissioner for three years and was devoted to free and fair elections; and

WHEREAS, Senator Lautenbaugh's impact on the state is felt everywhere with his legislative focuses on cigar bars, the Nebraska State Bar Association, and school boards; and

WHEREAS, Senator Lautenbaugh died on December 16, 2023, at the age of fifty-nine and is survived by his partner Laura Nelson, his sons Kyle, Nathan, and Spencer, his like a daughter Sarah Nelson, and his adored pets Jack and Rocky; and

WHEREAS, past and present public officials of the state paid tribute to Senator Lautenbaugh after his passing, reflecting the esteem with which he was held.

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

1. That the Legislature extends its heartfelt sympathy to the family of Senator Scott Lautenbaugh.

2. That a copy of this resolution be sent to the family of Senator Scott Lautenbaugh.

Laid over.

### **VISITOR(S)**

Visitors to the Chamber were students from Freeman Elementary, Adams; students from Jag Middle School – Omaha Public Schools, Bellevue Public Schools, Louisville Public Schools, and Blair Public Schools; students and teachers from Madison High School, Madison; students from North Park Elementary, Columbus; students, teachers and sponsor from North Star High School, Lincoln; students and teachers from Wayne Elementary, Wayne; Mark F. Stock, Columbus; students from Centura Elementary, Cairo.

### **ADJOURNMENT**

At 2:34 p.m., on a motion by Senator Ballard, the Legislature adjourned until 10:00 a.m., Tuesday, April 2, 2024.

Brandon Metzler  
Clerk of the Legislature