

THIRTY-FIFTH DAY - MARCH 2, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 2022

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Aguilar, Bostar, Day, B. Hansen, M. Hansen, Hunt, Lathrop, McCollister, Morfeld, Pansing Brooks, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 24, 2022

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

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

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

Jana Goranson, 89903 Dillon Road, Gordon, NE 69343
 Dr. Clark Roush, 525 N. Ohio Avenue, York, NE 68467

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

Alec Gorynski, 2811 S. 24 Street, Lincoln, NE 68502
 Amy M. Haddad, 5803 Jones Street, Omaha, NE 68106
 Ellen L. Hornady, 2517 Apache Road, Grand Island, NE 68801
 Sarah G. Peetz, 940 Piedmont Road, Lincoln, NE 68510
 Walter A. Seiler, 1208 Laramie Avenue, Alliance, NE 69301

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

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 1241. Placed on Select File with amendment.
[ER111](#) is available in the Bill Room.

LEGISLATIVE BILL 1173. Placed on Select File with amendment.
[ER117](#) is available in the Bill Room.

LEGISLATIVE BILL 1173A. Placed on Select File.

LEGISLATIVE BILL 91. Placed on Select File with amendment.
[ER116](#) is available in the Bill Room.

LEGISLATIVE BILL 59. Placed on Select File.

LEGISLATIVE BILL 75. Placed on Select File with amendment.
[ER115](#)

1 1. On page 1 strike beginning with "sections" in line 1 through line
 2 6 and insert "section 23-299, Reissue Revised Statutes of Nebraska; to
 3 change provisions relating to the discontinuance of township organization
 4 in any county with a township library; and to repeal the original
 5 section."

LEGISLATIVE BILL 705. Placed on Select File with amendment.
[ER112](#)

1 1. On page 1, line 6, strike "and"; and in line 7 after "Nebraska"
 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 1148. Placed on Select File with amendment.

[ER114](#)

1 1. On page 1, line 1, after "the" insert "Nebraska"; and in line 4
2 after the semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 971. Placed on Select File with amendment.

[ER113](#)

1 1. On page 3, line 14, strike "be" and show as stricken.

LEGISLATIVE BILL 691. Placed on Select File.

LEGISLATIVE BILL 1178. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE

LEGISLATIVE BILL 741. Title read. Considered.

Committee [AM1683](#), found on page 483, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Committee [AM1645](#), found on page 566, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 804A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 804, One Hundred Seventh Legislature, Second Session, 2022.

LEGISLATIVE BILL 917A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 917, One Hundred Seventh Legislature, Second Session, 2022.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 268CA. Placed on General File with amendment.

[AM1994](#)

- 1 1. On page 1, line 7, after "Governor" insert ", Lieutenant
- 2 Governor, Secretary of State, State Treasurer, Attorney General, or
- 3 Auditor of Public Accounts"; and in line 14 after "Governor" insert ",
- 4 Lieutenant Governor, Secretary of State, State Treasurer, Attorney
- 5 General, Auditor of Public Accounts,".

LEGISLATIVE BILL 910. Placed on General File with amendment.

[AM1983](#)

- 1 1. Insert the following new sections:
- 2 Sec. 4. The Nebraska Volunteer Service Commission is created as an
- 3 independent agency on the operative date of this act.
- 4 Sec. 10. (1) On the operative date of this act, all employees of the
- 5 Nebraska Volunteer Service Commission, as the commission existed prior to
- 6 such date, shall be employees of the independent statutory agency created
- 7 in section 4 of this act.
- 8 (2) On the operative date of this act, all items of property, real
- 9 and personal, including office furniture, fixtures, books, documents, and
- 10 records of the Nebraska Volunteer Service Commission, as the commission
- 11 existed prior to such date, shall become the property of the independent
- 12 statutory agency created in section 4 of this act.
- 13 Sec. 11. (1) Any appropriation and salary limit provided in any
- 14 legislative bill enacted by the One Hundred Seventh Legislature, First or
- 15 Second Session, to Agency No. 25, Department of Health and Human
- 16 Services, for the Nebraska Volunteer Service Commission, shall be null
- 17 and void, and any such amounts are hereby appropriated to the independent
- 18 statutory agency created in section 4 of this act for fiscal year
- 19 2022-23.
- 20 (2) Any financial obligations of the Nebraska Volunteer Service
- 21 Commission, as the commission existed prior to the operative date of this
- 22 act, that remain unpaid as of June 30, 2022, and that are subsequently
- 23 certified as valid encumbrances to the accounting division of the
- 24 Department of Administrative Services pursuant to sections 81-138.01 to
- 25 81-138.04 shall be paid by the independent statutory agency created in
- 26 section 4 of this act from the unexpended balance of appropriations for
- 27 the Nebraska Volunteer Service Commission, as the commission existed
- 1 prior to the operative date of this act, and transferred to such
- 2 independent statutory agency. The budget administrator of the budget
- 3 division of the Department of Administrative Services shall, on or before
- 4 August 15, 2022, certify the amount of the valid encumbrances to be
- 5 transferred to the independent statutory agency created in section 4 of
- 6 this act.
- 7 2. On page 2, line 1, strike "8" and insert "11".
- 8 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 843. Placed on General File with amendment.

[AM2075](#) is available in the Bill Room.

LEGISLATIVE BILL 709. Placed on General File with amendment.

[AM1936](#) is available in the Bill Room.

The Government, Military and Veterans 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.

Ann Ashford - Nebraska Accountability and Disclosure Commission

Aye: 8. Blood, Brewer, Halloran, Hansen, M., Hunt, Lowe, McCollister, Sanders. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

Urban Affairs

LEGISLATIVE BILL 800. Placed on General File with amendment. [AM2035](#) is available in the Bill Room.

LEGISLATIVE BILL 842. Placed on General File with amendment. [AM2033](#)

1 1. On page 3, strike beginning with "The" in line 4 through line 5.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to [LB752](#):
[AM2103](#)

(Amendments to Standing Committee amendments, AM1918)

1 1. Insert the following new sections:

2 Sec. 27. Sections 27 to 33 of this act shall be known and may be

3 cited as the Alzheimer's Disease and Other Dementia Support Act.

4 Sec. 28. The Legislature hereby finds and declares that Alzheimer's

5 and other dementia are of significant concern to the State of Nebraska,

6 and that the Legislature and the state would benefit from a more

7 coordinated approach to addressing Alzheimer's disease and other

8 dementia.

9 Sec. 29. For purposes of the Alzheimer's Disease and Other Dementia

10 Support Act:

11 (1) Council means the Alzheimer's Disease and Other Dementia

12 Advisory Council; and

13 (2) Department means the Department of Health and Human Services.

14 Sec. 30. (1) The Alzheimer's Disease and Other Dementia Advisory

15 Council is created and shall include:

16 (a) Twelve voting members appointed by the Governor. The voting

17 members shall consist of: (i) An individual living with Alzheimer's

18 disease or another dementia or a family member of such an individual;

19 (ii) an individual who is the family caregiver of an individual living

20 with Alzheimer's disease or another dementia; (iii) an individual who

21 represents nursing homes; (iv) an individual who represents assisted-

22 living facilities; (v) an individual who represents providers of adult

23 day care services; (vi) an individual who represents home care providers;

24 (vii) a medical professional who has experience diagnosing and treating

25 Alzheimer's disease; (viii) an individual who conducts research regarding

26 Alzheimer's disease or other dementia; (ix) an individual who represents

1 a leading, nationwide organization that advocates on behalf of
2 individuals living with Alzheimer's disease or other dementia; (x) an
3 individual who represents an area agency on aging; (xi) an individual
4 representing an organization that advocates for older adults; and (xii)
5 an individual with experience or expertise in the area of the specific
6 needs of individuals with intellectual and developmental disabilities and
7 Alzheimer's disease or other dementia; and
8 (b) Five nonvoting members. The nonvoting members shall consist of:
9 (i) The Director of Public Health or the director's designee; (ii) the
10 Director of Medicaid and Long-Term Care or the director's designee; (iii)
11 a representative of the State Unit on Aging of the Division of Medicaid
12 and Long-Term Care designated by the Director of Medicaid and Long-Term
13 Care; (iv) a representative of the Nebraska Workforce Development Board
14 designated by the board; and (v) the state long-term care ombudsman or
15 the ombudsman's designee.
16 (2) The Governor shall make the appointments within ninety days
17 after the effective date of this act. Vacancies shall be filled in the
18 same manner as the original appointments.
19 (3) The voting members of the council shall serve for a term of four
20 years. A voting member may be reappointed to one additional term of four
21 years.
22 (4) Members of the council shall select the chairperson and vice-
23 chairperson who shall not be employees of the state and may serve in such
24 role for up to four consecutive years. The Director of Public Health or
25 the director's designee shall call and preside over the first meeting
26 until a chairperson is selected. Thereafter, the council shall meet at
27 least quarterly at the call of the chairperson. A majority of the voting
28 members shall constitute a quorum for the conduct of meetings.
29 (5) The council shall hold its first meeting not later than thirty
30 days after the appointment of its members and shall hold subsequent
31 meetings at least once every calendar quarter.
32 (6) Members shall serve on the council without compensation but
33 shall be compensated for expenses incurred for such service.
34 (7) The department shall provide staff and support to the council as
35 necessary to assist the council in the performance of its duties.
36 Sec. 31. (1) The purpose of the council shall be to examine (a) the
37 needs of individuals living with Alzheimer's disease or other dementia,
38 (b) the services available in the state for those individuals and their
39 family caregivers, and (c) the ability of health care providers and
40 facilities to meet the current and future needs of such individuals.
41 (2) The council shall collaborate with the department and other
42 state departments as needed to gather input on issues and strategies that
43 pertain to Alzheimer's disease and other dementia and identify proactive
44 approaches on public health, workforce, caregiver support, and care
45 delivery. The council shall monitor analysis, policy development, and
46 program implementation related to Alzheimer's disease and other dementia.
47 Sec. 32. The council shall consider and make findings and
48 recommendations on the following topics:
49 (1) Trends in the state's Alzheimer's disease and other dementia
50 populations and service needs, including:
51 (a) The state's role in providing or facilitating long-term care,
52 family caregiver support, and assistance to those with early-stage or
53 early-onset Alzheimer's disease or other dementia;
54 (b) The state's policies regarding individuals with Alzheimer's
55 disease or other dementia;
56 (c) The fiscal impact of Alzheimer's disease and other dementia on
57 publicly funded health care programs; and
58 (d) The establishment of a surveillance system to better determine
59 the number of individuals diagnosed with Alzheimer's disease or other
60 dementia and to monitor changes to such numbers;

30 (2) Existing resources, services, and capacity relating to the
31 diagnosis and care of individuals living with Alzheimer's disease or
1 other dementia, including:
2 (a) The type, cost, and availability of dementia care services;
3 (b) The availability of health care workers who can serve people
4 with dementia, including, but not limited to, neurologists,
5 geriatricians, and direct care workers;
6 (c) Dementia-specific training requirements for public and private
7 employees who interact with people living with Alzheimer's disease or
8 other dementia which shall include, but not be limited to, long-term care
9 workers, case managers, adult protective services, law enforcement, and
10 first responders;
11 (d) Home and community-based services, including respite care for
12 individuals exhibiting symptoms of Alzheimer's disease or other dementia
13 and their families;
14 (e) Quality care measures for home and community-based services and
15 residential care facilities; and
16 (f) State-supported Alzheimer's disease and other dementia research
17 conducted at universities located in this state; and
18 (3) Policies and strategies that address the following:
19 (a) Increasing public awareness of Alzheimer's disease and other
20 dementia;
21 (b) Educating providers to increase early detection and diagnosis of
22 Alzheimer's disease and other dementia;
23 (c) Improving the health care received by individuals diagnosed with
24 Alzheimer's disease or other dementia;
25 (d) Evaluating the capacity of the health care system in meeting the
26 growing number and needs of those with Alzheimer's disease and other
27 dementia;
28 (e) Increasing the number of health care professionals necessary to
29 treat the growing aging and Alzheimer's disease and dementia populations;
30 (f) Improving services provided in the home and community to delay
31 and decrease the need for institutionalized care for individuals with
1 Alzheimer's disease or other dementia;
2 (g) Improving long-term care, including assisted living, for those
3 with Alzheimer's disease or other dementia;
4 (h) Assisting unpaid Alzheimer's disease or dementia caregivers;
5 (i) Increasing and improving research on Alzheimer's disease and
6 other dementia;
7 (j) Promoting activities to maintain and improve brain health;
8 (k) Improving the collection of data and information related to
9 Alzheimer's disease and other dementia and the resulting public health
10 burdens;
11 (l) Improving public safety and addressing the safety-related needs
12 of those with Alzheimer's disease or other dementia;
13 (m) Addressing legal protections for, and legal issues faced by,
14 individuals with Alzheimer's disease or other dementia; and
15 (n) Improving the ways in which the government evaluates and adopts
16 policies to assist individuals diagnosed with Alzheimer's disease or
17 other dementia and their families.
18 Sec. 33. (1)(a) No later than eighteen months after the effective
19 date of this act, the council shall compile the findings and
20 recommendations under the Alzheimer's Disease and Other Dementia Support
21 Act and submit them as a State Alzheimer's Plan to the Legislature and
22 the Governor.
23 (b) Every four years thereafter, the council shall issue an updated
24 State Alzheimer's Plan addressing the items in sections 5 and 6 of this
25 act and any other issues the council deems necessary and relevant toward
26 addressing Alzheimer's disease and dementia in Nebraska.
27 (2) By October 1 of each year after the creation of the State

28 Alzheimer's Plan, the council shall electronically submit to the
 29 Legislature and the Governor an annual report on the status of
 30 implementation of the State Alzheimer's Plan recommendations and any
 31 barriers to implementation.
 1 2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 283CA. Read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 998. Title read. Considered.

Committee [AM1939](#), found on page 580, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 769. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 567. Placed on Final Reading.

LEGISLATIVE BILL 704. Placed on Final Reading.

LEGISLATIVE BILL 749. Placed on Final Reading.

LEGISLATIVE BILL 767A. Placed on Final Reading.

LEGISLATIVE BILL 786. Placed on Final Reading.

LEGISLATIVE BILL 791. Placed on Final Reading.

LEGISLATIVE BILL 847. Placed on Final Reading.

LEGISLATIVE BILL 1236. Placed on Select File with amendment.

[ER118](#)

1 1. On page 1, strike lines 2 through 4 and insert "sections
 2 53-123.14, 53-123.16, 53-124.11, 53-129, 53-169, and 53-171, Reissue
 3 Revised Statutes of Nebraska; to change provisions relating to certain
 4 sales, self-distribution, and storage by craft brewery licensees; to
 5 provide for rules and regulations; to change provisions relating to
 6 microdistillery licenses and special designated licenses; to change a
 7 fee; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 1099. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to LB750:
[AM2085](#) is available in the Bill Room.

Senator McKinney filed the following amendment to LB1112:
[AM2101](#)

(Amendments to Standing Committee amendments, AM1942)

1 1. On page 1, line 6, after the second "and" insert "beginning in
2 school year 2026-27"; in line 8 after "course" insert "or the equivalent
3 of a one-semester high school course"; in line 25 strike "2024-25" and
4 insert "2026-27"; and in line 26 after "course" insert "or the equivalent
5 of a one-semester high school course".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Day, 49.

WHEREAS, the 2022 Nebraska State Cheer & Dance Competition was held from February 17 through February 19 at the Heartland Events Center in Grand Island; and

WHEREAS, Gretna High School's 20 varsity cheerleaders competed in the Class A Cheer non-tumbling category at the Nebraska State Cheer & Dance Competition; and

WHEREAS, the Gretna High School cheerleaders began working on their routine and choreography in October 2021; and

WHEREAS, their routine consisted of two pom sections and a crowd-leading cheer; and

WHEREAS, months of hard work culminated in the team making history and bringing home the first ever state cheer championship for Gretna; and

WHEREAS, the Gretna High School cheerleaders showcased strength, confidence, dedication, and spirit; 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 SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Gretna High School Cheer Team on winning the 2022 Class A State Cheer Championship.

2. That a copy of this resolution be sent to Gretna High School and the Gretna High School cheer coach, Sarah Chagnon.

Laid over.

LEGISLATIVE RESOLUTION 314. Introduced by Murman, 38.

WHEREAS, the TeamMates Mentoring Program was founded in 1991 by Dr. Tom and Nancy Osborne; and

WHEREAS, the mission of TeamMates is to positively impact the world by inspiring youth to reach their full potential through mentoring; and

WHEREAS, TeamMates mentors and mentees meet once a week during the academic year to play board games, work on a craft, or just talk; and

WHEREAS, Melanie Knight is a TeamMates mentor; and

WHEREAS, Melanie has been mentoring her current TeamMates mentee for seven years and has continued to put more of her time and effort into their relationship and meetings, even after moving to a more distant community; and

WHEREAS, Melanie was nominated by her mentee and her mentee's mother to be TeamMates Mentor of the Year; and

WHEREAS, Melanie was chosen by TeamMates to be the 2021-2022 Mentor of the Year; and

WHEREAS, Melanie will be formally honored at the TeamMates Conference this summer; and

WHEREAS, the Legislature recognizes the benefits of mentoring and volunteerism.

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

1. That the Legislature congratulates Melanie Knight on being selected TeamMates 2021-2022 Mentor of the Year.
2. That a copy of this resolution be sent to Melanie Knight.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR307 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR307	Executive Board

The Legislative Council Executive Board submits the following report:

Goranson, Jana - Nebraska Arts Council - General Affairs
 Gorynski, Alec - Nebraska Arts Council - General Affairs
 Haddad, Amy M. - Nebraska Arts Council - General Affairs
 Hornady, Ellen L. - Nebraska Arts Council - General Affairs
 Peetz, Sarah G. - Nebraska Arts Council - General Affairs
 Roush, Dr. Clark - Nebraska Arts Council - General Affairs
 Seiler, Walter A. - Nebraska Arts Council - General Affairs

(Signed) Dan Hughes, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 864. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1065. Title read. Considered.

Committee [AM1964](#), found on page 611, was adopted with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1246. Title read. Considered.

Committee [AM1842](#), found on page 578, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Slama offered the following amendment:

[AM1978](#)

1 1. Insert the following new section:

2 Sec. 2. Section 29-4003, Revised Statutes Cumulative Supplement,

3 2020, is amended to read:

4 29-4003 (1)(a) The Sex Offender Registration Act applies to any

5 person who on or after January 1, 1997:

6 (i) Has ever pled guilty to, pled nolo contendere to, or been found

7 guilty of any of the following:

8 (A) Kidnapping of a minor pursuant to section 28-313, except when

9 the person is the parent of the minor and was not convicted of any other

10 offense in this section;

11 (B) False imprisonment of a minor pursuant to section 28-314 or

12 28-315;

13 (C) Sexual assault pursuant to section 28-319 or 28-320;

14 (D) Sexual abuse by a school employee pursuant to section 28-316.01;

15 (E) Sexual assault of a child in the second or third degree pursuant

16 to section 28-320.01;

17 (F) Sexual assault of a child in the first degree pursuant to

18 section 28-319.01;

19 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to

20 subdivision (1)(c) of section 28-386;

21 (H) Incest of a minor pursuant to section 28-703;

22 (I) Pandering of a minor pursuant to section 28-802;

23 (J) Visual depiction of sexually explicit conduct of a child

24 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section

25 28-1463.05;

26 (K) Knowingly possessing any visual depiction of sexually explicit

27 conduct which has a child as one of its participants or portrayed

1 observers pursuant to subsection (1) or (4) of section 28-813.01;

2 (L) Criminal child enticement pursuant to section 28-311;

3 (M) Child enticement by means of an electronic communication device

4 pursuant to section 28-320.02;

5 (N) Debauching a minor pursuant to section 28-805; or

6 (O) Attempt, solicitation, aiding or abetting, being an accessory,

7 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)

8 through (1)(a)(i)(N) of this section;

9 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
10 guilty of any offense that is substantially equivalent to a registrable
11 offense under subdivision (1)(a)(i) of this section by any village, town,
12 city, state, territory, commonwealth, or other jurisdiction of the United
13 States, by the United States Government, by court-martial or other
14 military tribunal, or by a foreign jurisdiction, notwithstanding a
15 procedure comparable in effect to that described under section 29-2264 or
16 any other procedure to nullify a conviction other than by pardon;

17 (iii) Is incarcerated in a jail, a penal or correctional facility,
18 or any other public or private institution or is under probation or
19 parole as a result of pleading guilty to or being found guilty of a
20 registrable offense under subdivision (1)(a)(i) or (ii) of this section
21 prior to January 1, 1997; or

22 (iv) Enters the state and is required to register as a sex offender
23 under the laws of another village, town, city, state, territory,
24 commonwealth, or other jurisdiction of the United States.

25 (b) In addition to the registrable offenses under subdivision (1)(a)
26 of this section, the Sex Offender Registration Act applies to any person
27 who on or after January 1, 2010:

28 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
29 section, has ever pled guilty to, pled nolo contendere to, or been found
30 guilty of any of the following:

31 (I) Murder in the first degree pursuant to section 28-303;

1 (II) Murder in the second degree pursuant to section 28-304;

2 (III) Manslaughter pursuant to section 28-305;

3 (IV) Assault in the first degree pursuant to section 28-308;

4 (V) Assault in the second degree pursuant to section 28-309;

5 (VI) Assault in the third degree pursuant to section 28-310;

6 (VII) Stalking pursuant to section 28-311.03;

7 (VIII) Violation of section 28-311.08 requiring registration under
8 the act pursuant to subsection (6) of section 28-311.08;

9 (IX) Kidnapping pursuant to section 28-313;

10 (X) False imprisonment pursuant to section 28-314 or 28-315;

11 (XI) Sexual abuse of an inmate or parolee in the first degree

12 pursuant to section 28-322.02;

13 (XII) Sexual abuse of an inmate or parolee in the second degree

14 pursuant to section 28-322.03;

15 (XIII) Sexual abuse of a protected individual pursuant to section
16 28-322.04;

17 (XIV) Incest pursuant to section 28-703;

18 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
19 28-707;

20 (XVI) Enticement by electronic communication device pursuant to
21 section 28-833; or

22 (XVII) Attempt, solicitation, aiding or abetting, being an
23 accessory, or conspiracy to commit an offense listed in subdivisions (1)
24 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

25 (B) In order for the Sex Offender Registration Act to apply to the
26 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
27 (VI), (VII), (IX), and (X) of this section, a court shall have found that
28 evidence of sexual penetration or sexual contact, as those terms are
29 defined in section 28-318, was present in the record, which shall include
30 consideration of the factual basis for a plea-based conviction and
31 information contained in the presentence report;

1 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
2 guilty of any offense that is substantially equivalent to a registrable
3 offense under subdivision (1)(b)(i) of this section by any village, town,
4 city, state, territory, commonwealth, or other jurisdiction of the United
5 States, by the United States Government, by court-martial or other
6 military tribunal, or by a foreign jurisdiction, notwithstanding a
7 procedure comparable in effect to that described under section 29-2264 or

8 any other procedure to nullify a conviction other than by pardon; or
 9 (iii) Enters the state and is required to register as a sex offender
 10 under the laws of another village, town, city, state, territory,
 11 commonwealth, or other jurisdiction of the United States.
 12 (c) In addition to the registrable offenses under subdivisions (1)
 13 (a) and (b) of this section, the Sex Offender Registration Act applies to
 14 any person who on or after January 1, 2020:
 15 (i) Has ever pled guilty to, pled nolo contendere to, or been found
 16 guilty of sexual abuse of a detainee under section 28-322.05; or
 17 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
 18 guilty of any offense that is substantially equivalent to a registrable
 19 offense under subdivision (1)(c)(i) of this section by any village, town,
 20 city, state, territory, commonwealth, or other jurisdiction of the United
 21 States, by the United States Government, by court-martial or other
 22 military tribunal, or by a foreign jurisdiction, notwithstanding a
 23 procedure comparable in effect to that described under section 29-2264 or
 24 any other procedure to nullify a conviction other than by pardon.
 25 (d) In addition to the registrable offenses under subdivisions (1)
 26 (a), (b), and (c) of this section, the Sex Offender Registration Act
 27 applies to any person who on or after January 1, 2023:
 28 (i) Has ever pled guilty to, pled nolo contendere to, or been found
 29 guilty of human trafficking under subsection (1) or (2) of section
 30 28-831, and the court determines either by notification of sex offender
 31 registration responsibilities or notation in the sentencing order that
 1 the human trafficking was sex trafficking or sex trafficking of a minor
 2 and not solely labor trafficking or labor trafficking of a minor; or
 3 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
 4 guilty of any offense that is substantially equivalent to a registrable
 5 offense under subdivision (1)(d)(i) of this section by any village, town,
 6 city, state, territory, commonwealth, or other jurisdiction of the United
 7 States, by the United States Government, by court-martial or other
 8 military tribunal, or by a foreign jurisdiction, notwithstanding a
 9 procedure comparable in effect to that described under section 29-2264 or
 10 any other procedure to nullify a conviction other than by pardon.
 11 (2) A person appealing a conviction of a registrable offense under
 12 this section shall be required to comply with the act during the appeals
 13 process.
 14 2. Renumber the remaining sections and correct the repealer
 15 accordingly.

The Slama amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 698A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Seventh Legislature, Second Session, 2022.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB773:
AM1908

(Amendments to AM1757)

- 1 1. On page 26, line 25, strike beginning with "The" through the
- 2 period, show as stricken, and insert "There shall be no fee for issuance
- 3 or renewal of a permit."; and strike beginning with "The" in line 29
- 4 through "renewal" in line 30, show as stricken, and insert "Renewal".
- 5 2. On page 27, strike lines 5 through 7 and show as stricken; and
- 6 after line 7 insert the following new subsection:
- 7 "(3) The expense of issuing, renewing, and administering permits
- 8 shall be paid from the budget of the Nebraska Commission on Law
- 9 Enforcement and Criminal Justice.".

Senator Dorn filed the following amendment to LB1091:
AM2137

(Amendments to Standing Committee amendments, AM1875)

- 1 1. On page 1, line 23, after "nursing" insert "or an accelerated
- 2 bachelor of science in nursing degree".

Senator B. Hansen filed the following amendment to LB990:
AM1654

- 1 1. Strike original section 2 and all amendments thereto and insert
- 2 the following new section:
- 3 Sec. 2. (1) A person commits the offense of criminal impersonation
- 4 by stolen valor if such person:
- 5 (a)(i) Pretends to be an active member or veteran of the United
- 6 States Navy, Army, Air Force, Marines, Coast Guard, or Space Force,
- 7 including armed forces reserves and the National Guard, through the
- 8 unauthorized manufacture, sale, possession, or use of military regalia or
- 9 gear, including the wearing of military uniforms or the use of falsified
- 10 military identification; and
- 11 (ii) Does an act in such fictitious capacity with the intent to:
- 12 (A) Gain a pecuniary benefit for such person or another person; and
- 13 (B) Deceive or harm another person; or
- 14 (b) With the intent to deceive or harm another, fraudulently
- 15 represents such person to be a recipient of the Congressional Medal of
- 16 Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver
- 17 Star, Purple Heart, Combat Infantryman Badge, Combat Action Badge, Combat
- 18 Medical Badge, Combat Action Ribbon, Air Force Combat Action Medal, or
- 19 another similar award or honor and obtains money, property, or anything
- 20 of value through such fraudulent representation.
- 21 (2) A violation of this section is a Class I misdemeanor.
- 22 (3) A person found guilty of violating this section may, in addition
- 23 to the penalties under subsection (2) of this section, be ordered to make
- 24 restitution pursuant to sections 29-2280 to 29-2289.

Senator M. Cavanaugh filed the following amendment to LB773:
AM1907

(Amendments to AM1757)

- 1 1. Insert the following new section:
- 2 Section 1. (1) For purposes of this section, firearm has the same
- 3 meaning as in section 28-1201.
- 4 (2) Beginning January 1, 2023, any person possessing a firearm shall
- 5 ensure that such firearm is stored safely when not in use.
- 6 2. Renumber the remaining sections and correct internal references
- 7 accordingly.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 852. Placed on General File with amendment.

[AM1607](#)

1 1. On page 2, line 20, strike "whenever possible".

LEGISLATIVE BILL 872. Placed on General File with amendment.

[AM1807](#)

1 1. On page 2, lines 1 and 26; and page 3, line 16, after "who"

2 insert "is a member of an indigenous tribe of the United States or

3 another country and".

4 2. On page 2, strike beginning with "attending" in line 1 through

5 "79" in line 2 and insert "attending an approved or accredited public,

6 private, denominational, or parochial school".

7 3. On page 4, line 7, strike "bill" and insert "act".

(Signed) Lynne Walz, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 964. Placed on Select File.

LEGISLATIVE BILL 804. Placed on Select File.

LEGISLATIVE BILL 887. Placed on Select File with amendment.

[ER121](#)

1 1. On page 1, line 2, after the last comma insert "and"; in line 3

2 strike "and 85-958,"; and in line 9 strike "conference of" and insert

3 "conferring".

4 2. On page 3, line 3; page 4, lines 10, 16, and 25; and page 5, line

5 9, strike "board", show as stricken, and insert "Board of Trustees of the

6 Nebraska State Colleges".

7 3. On page 4, lines 5 and 24; and page 5, line 4, strike the comma

8 and show as stricken.

LEGISLATIVE BILL 698. Placed on Select File.

LEGISLATIVE BILL 820. Placed on Select File.

LEGISLATIVE BILL 840. Placed on Select File.

LEGISLATIVE BILL 888. Placed on Select File with amendment.

[ER119](#)

1 1. On page 1, strike beginning with "79-719" in line 1 through line

2 3 and insert "79-760.01, Revised Statutes Supplement, 2021; to change a

3 requirement relating to academic standards for social studies; and to

4 repeal the original section.".

LEGISLATIVE BILL 436. Placed on Select File with amendment.

[ER120](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 38-401, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 38-401 Sections 38-401 to 38-414 and sections 4 to 6 of this act
6 shall be known and may be cited as the Athletic Training Practice Act.

7 Sec. 2. Section 38-402, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 38-402 For purposes of the Athletic Training Practice Act and
10 elsewhere in the Uniform Credentialing Act, unless the context otherwise
11 requires, the definitions found in sections 38-404 and 38-406 and
12 sections 4 to 6 of this act 38-403 to 38-407 apply.

13 Sec. 3. Section 38-404, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 38-404 Athletic trainer means a health care professional who is
16 licensed to practice athletic training under the Athletic Training
17 Practice Act and who, under guidelines established with a licensed
18 physician, performs the functions outlined in section 38-408 except as
19 otherwise provided in subsection (5) of section 38-408 person who is
20 responsible for the prevention, emergency care, first aid, treatment, and
21 rehabilitation of athletic injuries under guidelines established with a
22 licensed physician and who is licensed to perform the functions set out
23 in section 38-408. When athletic training is provided in a hospital
24 outpatient department or clinic or an outpatient-based medical facility,
25 the athletic trainer will perform the functions described in section
26 38-408 with a referral from a licensed physician for athletic training.

27 Sec. 4. Condition means a disease, illness, or injury.

1 Sec. 5. Impression means a summation of information or an opinion
2 formed, which is the outcome of the examination and assessment process.

3 Sec. 6. Injuries and illnesses means injuries or common illnesses
4 and conditions which are related to, or which limit participation in,
5 exercise, athletic activities, recreational activities, or activities
6 requiring physical strength, agility, flexibility, range of motion,
7 speed, or stamina, and for which athletic trainers as a result of their
8 education and training are qualified to provide care and make referrals
9 to the appropriate health care professionals.

10 Sec. 7. Section 38-408, Reissue Revised Statutes of Nebraska, is

11 amended to read:

12 38-408 (1) As set forth in the Athletic Training Practice Act, the
13 practice of athletic training includes providing the following regarding
14 injuries and illnesses:

15 (a) Prevention and wellness promotion;

16 (b) Examination, assessment, and impression;

17 (c) Immediate and emergency care, including the administration of
18 emergency drugs as prescribed by a licensed physician and dispensed by a
19 pharmacy for emergency use, subject to subsection (2) of this section;

20 (d) Therapeutic intervention or rehabilitation of injuries and
21 illnesses in the manner, means, and methods deemed necessary to affect
22 care, rehabilitation, or function;

23 (e) Therapeutic modalities, including, but not limited to, physical
24 modalities, mechanical modalities including, but not limited to, dry
25 needling, water, heat, light, sound, cold, and electricity; and

26 (f) Health care administration, risk management, and professional
27 responsibility.

28 (2) The department shall adopt and promulgate rules and regulations
29 regarding the administration of emergency drugs as authorized in this
30 section, including drugs, medicines, and medicinal substances as defined
31 in section 38-2819 except for controlled substances listed in section
1 28-405.

2 (3) The department shall adopt and promulgate rules and regulations
3 regarding the use of dry needling by athletic trainers.

4 (4) The scope of practice of athletic trainers does not include the
5 use of joint manipulation, grade V mobilization/manipulation, thrust

6 joint manipulation, high velocity/low amplitude thrust, nor any other
7 procedure intended to result in joint cavitation. Joint manipulation
8 commences where grades one through four mobilization ends.
9 (5) When athletic training is provided in a hospital outpatient
10 department or clinic, or an outpatient-based medical facility or clinic,
11 the athletic trainer shall perform the functions described in this
12 section with a referral from a licensed physician, osteopathic physician,
13 podiatrist, nurse practitioner, physician assistant, dentist, or
14 chiropractor. The referral shall state the diagnosis and, if deemed
15 necessary, identify any instructions or protocols by the referring
16 provider. In these instances, for each patient under his or her care, the
17 athletic trainer shall ensure documentation is complete, accurate, and
18 timely and shall include the following:
19 (a) Provide and document the initial examination, assessment, and
20 impression;
21 (b) Provide periodic reexamination with documentation of the
22 reexamination, assessment, and impression;
23 (c) Establish a plan of care following either the initial
24 examination or reexamination that is in accordance with the diagnosis and
25 any instructions or protocols indicated by the referring provider;
26 (d) Communicate to the referring provider changes in the patient's
27 condition that may require altering instructions and protocols indicated
28 by the referral from the referring provider;
29 (e) Be responsible for accurate documentation of each followup visit
30 and billing for athletic training services provided; and
31 (f) Provide documentation upon discharge, including patient response
1 to athletic training intervention at the time of discharge.
2 (6) In all other instances, the athletic trainer shall maintain
3 documentation consistent with the guidelines established with a licensed
4 physician and specific to the setting in which the athletic trainer is
5 practicing.
6 (7) An individual who is licensed as an athletic trainer may not
7 provide, offer to provide, or represent that he or she is qualified to
8 provide any care or services that he or she lacks the education,
9 training, or experience to provide or that he or she is otherwise
10 prohibited by law from providing.
11 (8) Pursuant to subdivision (18) of section 38-2025, no athletic
12 trainer shall hold himself or herself out to be a physician or surgeon or
13 qualified to prescribe medications.
14 (1) Athletic trainers shall be authorized to use the following
15 physical modalities in the treatment of athletic injuries under
16 guidelines established with a licensed physician:
17 (a) Application of electrotherapy;
18 (b) Application of ultrasound;
19 (c) Use of medical diathermies;
20 (d) Application of infrared light; and
21 (e) Application of ultraviolet light.
22 (2) The application of heat, cold, air, water, or exercise shall not
23 be restricted by the Athletic Training Practice Act.
24 Sec. 8. Section 38-409, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 38-409 No person shall be authorized to perform the functions
27 outlined in section 38-408 unless the person first physical modalities
28 set out in section 38-408 on any person unless he or she first obtains a
29 license as an athletic trainer or unless such person is licensed as a
30 physician, osteopathic physician, chiropractor, nurse, physical
31 therapist, or podiatrist. No person shall hold himself or herself out as
1 to be an athletic trainer in this state unless such person is licensed
2 under the Athletic Training Practice Act.
3 Sec. 9. Section 38-410, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 38-410 (1) An individual who accompanies an athletic team or
6 organization from another state or jurisdiction as the athletic trainer
7 is exempt from the licensure requirements of the Athletic Training
8 Practice Act.

9 (2) ~~An individual who is a graduate student in athletic training
10 student who is enrolled in an athletic training education program
11 accredited by an accrediting body approved by the board and who is
12 practicing under the supervision of a licensed athletic trainer~~ is exempt
13 from the licensure requirements of the Athletic Training Practice Act.

14 Sec. 10. Section 38-411, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-411 (1) An applicant for licensure as an athletic trainer shall
17 at the time of application provide proof to the department that ~~the~~
18 ~~applicant he or she~~ meets one or more of the following qualifications:

19 (a) ~~For any person who graduated prior to January 1, 2004:~~

20 (i) ~~(a)~~ Graduation after successful completion of the ~~athletic~~
21 ~~training~~ curriculum requirements of an ~~accredited athletic training~~
22 ~~education program~~ at an accredited college or university approved by the
23 board; or

24 (ii) ~~(b)~~ Graduation with a four-year degree from an accredited
25 college or university and completion of at least two consecutive years,
26 military duty excepted, as an ~~athletic training student a student~~
27 ~~athletic trainer~~ under the supervision of an athletic trainer approved by
28 the board; ~~and~~ -

29 (b) ~~For any person who graduated after January 1, 2004, graduation~~
30 ~~after successful completion of the curriculum requirements of an~~
31 ~~accredited athletic training education program at an accredited college~~
or university approved by the board.

2 (2) In order to be licensed as an athletic trainer, an applicant
3 shall, in addition to the requirements of subsection (1) of this section,
4 successfully complete an examination approved by the board.

5 Sec. 11. Original sections 38-401, 38-402, 38-404, 38-408, 38-409,
6 38-410, and 38-411, Reissue Revised Statutes of Nebraska, are repealed.

7 Sec. 12. The following sections are outright repealed: Sections
8 38-403, 38-405, and 38-407, Reissue Revised Statutes of Nebraska.

(Signed) Terrell McKinney, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 315. Introduced by Lowe, 37.

WHEREAS, the purpose of unclaimed property laws is to protect the public by ensuring money and property owed is returned to its rightful owner, rather than remaining permanently with financial institutions, business associations, governments, and other entities; and

WHEREAS, it is imperative that the State of Nebraska continues to help residents find and claim their unclaimed property easily and securely; and

WHEREAS, the State of Nebraska currently has over \$200 million worth of unclaimed property; and

WHEREAS, beginning on March 6 and continuing through the rest of the month, a list of owners of unclaimed property will be published in newspapers across the state pursuant to state law; and

WHEREAS, every year thousands of Nebraskans receive unclaimed property.

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

1. That the Legislature recognizes the importance of returning unclaimed property to the rightful owner of such property and encourages all Nebraskans to search for and claim their unclaimed property.

2. That the Legislature recognizes March 2022 as Unclaimed Property Month in Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Jacobson name added to LB661.

Senator Murman name added to LB721.

Senator Jacobson name added to LB741.

Senator Jacobson name added to LB914.

VISITOR(S)

Visitors to the Chamber were King's Academy, Lincoln, and Brad Haughbaugh, Raleigh, North Carolina; fourth-grade students and their teachers from David City Elementary, David City; and fourth-grade students and their teachers from Louisville Elementary, Louisville.

The Doctor of the Day was Dr. Kip Anderson of Columbus.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2022.

Patrick J. O'Donnell
Clerk of the Legislature

