

SEVENTY-FIFTH DAY - MAY 8, 2025**LEGISLATIVE JOURNAL****ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 8, 2025

PRAYER

The prayer was offered by Bishop James Conley, Diocese of Lincoln Roman Catholic Church, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator DeKay.

ROLL CALL

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

The roll was called and all members were present except Senators Bostar, DeBoer, Hansen, Hughes, Juarez, Prokop, Raybould, Rountree, and Spivey who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

AMENDMENT(S) - Print in Journal

Senator Sorrentino filed the following amendment to LB647:

[AM1311](#)

(Amendments to Standing Committee amendments, AM994)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 13-3103, Revised Statutes Cumulative Supplement,
- 3 2024, is amended to read:
- 4 13-3103 (1) Any applicant may apply to the board for state
- 5 assistance if (a) the applicant has acquired, constructed, improved, or
- 6 equipped an eligible sports arena facility, (b) the applicant has
- 7 approved a revenue bond issue or a general obligation bond issue to
- 8 acquire, construct, improve, or equip an eligible sports arena facility,
- 9 (c) the applicant has adopted a resolution authorizing the applicant to
- 10 pursue a general obligation bond issue to acquire, construct, improve, or

11 equip an eligible sports arena facility, (d) a building permit has been
 12 issued within the applicant's jurisdiction for an eligible sports arena
 13 facility that is a privately owned concert venue, ~~or~~ (e) a building
 14 permit has been issued or construction has been completed within the
 15 applicant's jurisdiction for an eligible sports arena facility that is a
 16 privately owned sports complex or (f) each coapplicant described in
 17 subdivision (1)(b) of section 13-3102 has adopted a resolution
 18 authorizing either the political subdivision or the nonprofit corporation
 19 to pursue financing or bonds to acquire, construct, improve, or equip an
 20 eligible sports arena facility for the purposes set forth in subdivision
 21 (4)(b) of section 13-3103.
 22 (2) Except as provided in subsections (3) and (4) of this section,
 23 the state assistance shall only be used by the applicant to pay back
 24 amounts expended or borrowed through one or more issues of bonds to be
 25 expended by the applicant to acquire, construct, improve, or equip the
 26 publicly owned eligible sports arena facility and to acquire, construct,
 1 improve, or equip publicly owned nearby parking facilities.
 2 (3) For an eligible sports arena facility that is a privately owned
 3 concert venue, the state assistance shall only be used by the applicant
 4 (a) to pay back amounts expended or borrowed through one or more issues
 5 of bonds to be expended by the applicant to acquire, construct, improve,
 6 or equip a nearby parking facility or (b) to promote arts and cultural
 7 events which are open to or made available to the general public.
 8 (4) For an eligible sports arena facility that is a privately owned
 9 sports complex, the state assistance shall only be used by the applicant:
 10 (a) ~~Totø~~ pay back amounts expended or borrowed through one or more
 11 issues of bonds to be expended by the applicant to acquire, construct,
 12 improve, or equip one or more public infrastructure projects, as defined
 13 in section 77-27,142, related to a privately owned sports complex;
 14 (b) ~~Totø~~ lease all or a portion of such privately owned sports
 15 complex for the governmental use of the political subdivision. For
 16 purposes of this subdivision, lease means any contractual lease agreement
 17 between the coapplicants described in subdivision (1)(b) of section
 18 13-3102 for the use of an eligible sports arena facility at fair market
 19 rental value for a term not to exceed twenty years;
 20 (c) ~~Totø~~ promote sporting events which are open to or made available
 21 to the general public; or
 22 (d) ~~Totø~~ pay back amounts expended or borrowed through one or more
 23 debt issues to be expended by the nonprofit corporation coapplicant to
 24 acquire, construct, improve, or equip a privately owned sports complex,
 25 subject to voter approval as provided in section 13-3110.
 26 (5)(a) No more than ten years of funding for promotion of the arts
 27 and cultural events shall be paid by state assistance received pursuant
 28 to section 13-3108.
 29 (b) No more than ten years of funding for promotion of sporting
 30 events shall be paid by state assistance received pursuant to section
 31 13-3108.
 1 (c) No more than five years of funding for a sports complex located
 2 in a city of the second class or village shall be paid by state
 3 assistance received pursuant to section 13-3108.
 4 (6) For any application for state assistance for a large public
 5 stadium approved on or after July 19, 2024, up to one hundred percent of
 6 the final cost of the project may be funded by state assistance received
 7 pursuant to section 13-3108.
 8 Sec. 12. Section 13-3106, Reissue Revised Statutes of Nebraska, is
 9 amended to read:
 10 13-3106 (1) After consideration of the application and the evidence,
 11 if the board finds that the project described in the application is
 12 eligible and that state assistance is in the best interest of the state,
 13 the application shall be approved, except that;

14 (a) ~~An~~ approval of an application submitted because of the
 15 requirement in subdivision (1)(c) of section 13-3103 is a temporary
 16 approval. If the general obligation bond issue is subsequently approved
 17 by the voters of the political subdivision, the approval by the board
 18 becomes permanent. If the general obligation bond issue is not approved
 19 by such voters, the temporary approval shall become void; ~~and~~-.
 20 (b) An approval of an application submitted because of the
 21 requirement in subdivision (1)(f) of section 13-3103 is a temporary
 22 approval. If a building permit for the eligible sports arena facility is
 23 issued within twenty-four months of the temporary approval, the approval
 24 by the board becomes permanent. If a building permit is not issued within
 25 twenty-four months of the temporary approval, the temporary approval
 26 shall become void.
 27 (2) In determining whether state assistance is in the best interest
 28 of the state, the board shall consider the fiscal and economic capacity
 29 of the applicant to finance the local share of the project.
 30 (3) A majority of the board members constitutes a quorum for the
 31 purpose of conducting business. All actions of the board shall be by a
 1 majority vote of all the board members, one of whom must be the Governor.
 2 2. Renumber the remaining sections and correct internal references
 3 accordingly.
 4 3. Correct the operative date and repealer sections so that the
 5 sections added by this amendment become operative three calendar months
 6 after the adjournment of this legislative session.

GENERAL FILE

LEGISLATIVE BILL 275A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 288A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 647A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 36A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 80A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 513. Title read. Considered.

Committee [AM1157](#), found on page 1244, was offered.

The committee amendment was adopted with 26 ayes, 5 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bosn filed the following amendments to [LB150](#):

[FA187](#)

Strike Section 1.

[FA188](#)

Strike Section 2.

BILL ON FIRST READING

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

LEGISLATIVE BILL 468A. Introduced by Clements, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 468, One Hundred Ninth Legislature, First Session, 2025; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 534. Title read. Considered.

Committee [AM1243](#), found on page 1295, was offered.

The committee amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Kauth withdrew [AM491](#), found on page 1169.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 660. [ER58](#), found on page 1265, was offered.

ER58 was adopted.

Senator Andersen offered [AM1234](#), found on page 1268.

The Andersen amendment was withdrawn.

Senator Spivey offered the following amendment:

[FA189](#)

Amend LB441 into LB660.

The Spivey amendment lost with 8 ayes, 27 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 311. [ER69](#), found on page 1321, was offered.

ER69 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. [ER76](#), found on page 1339, was offered.

ER76 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 521. [ER75](#), found on page 1339, was offered.

ER75 was adopted.

Senator Sanders offered the following amendment:

[AM1333](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike section 77 and insert the following new section:

2 Sec. 36. Section 32-568, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 32-568 (1) If any vacancy occurs in the office of city council

5 member ~~or of a city of the metropolitan class, the remaining members of~~

6 ~~the council shall appoint a person to fill such vacancy from the district~~

7 ~~in which the vacancy occurred for the remainder of the term. The person~~

8 ~~thus appointed shall qualify and give bond as by law provided for council~~

9 ~~members elected to such office. A vacancy in the office of mayor of a~~

10 ~~city of the metropolitan class, the vacancy shall be filled as provided~~

11 ~~by local law.~~

12 (2) The city council of a city of the primary class may provide for

13 filling any vacancies that occur in any elective office by appointment by

14 the mayor, with the advice and consent of the council, to hold office

15 until the next general city election. In case of vacancy in the office of

16 mayor of a city of the primary class or his or her absence or disability,

17 the president of the council shall exercise the powers and duties of the

18 office until such vacancy is filled or disability removed or, in case of

19 temporary absence, until the mayor returns, and such acting mayor shall

20 perform such other duties as may be required by law.

21 (3) In a city of the first class except a city which has adopted the

22 commissioner or city manager plan of government, any vacancy on the

23 council resulting from causes other than expiration of the term shall be
24 filled by appointment by the mayor with the consent of the city council
25 to hold office for the remainder of the term. When there is a vacancy in
26 the office of the mayor in a city of the first class, the president of
1 the city council shall serve as mayor for the unexpired term. In case of
2 any temporary absence or disability on the part of the mayor, the
3 president of the council shall exercise the powers and duties of the
4 office of mayor until such disability is removed, or in case of temporary
5 absence until the mayor returns, and shall perform such other duties as
6 may be required by law.

7 (4) Any vacancy on the city council of a city of the second class
8 shall be filled as provided in section 32-569. In the case of any vacancy
9 in the office of mayor, or in case of his or her disability or absence,
10 the president of the council shall exercise the office of mayor for the
11 unexpired term, until such disability is removed, or in case of temporary
12 absence, until the mayor returns. If the president of the council assumes
13 the office of mayor for the unexpired term, there shall be a vacancy on
14 the council.

15 (5) A vacancy on the board of trustees of a village shall be filled
16 as provided in section 32-569, except that the board of trustees of a
17 village situated in more than one county shall have power to fill by
18 appointment any vacancy that may occur in their number.

19 (6) If any vacancy occurs in the office of council member in a city
20 under the commission plan of government, the vacancy shall be filled as
21 provided in section 32-569. If an incumbent in a city under the
22 commission plan of government files for a city office other than the
23 office he or she holds, the office he or she holds shall become vacant as
24 of the date of the commencement of the term of the office for which he or
25 she has filed. If such vacancy results in an unexpired term, such vacancy
26 shall be filled by election for the remainder of the unexpired term. In a
27 city under the commission plan of government, the vice president of the
28 city council shall perform the duties of the mayor of the city in the
29 absence or inability of the mayor to serve. If a vacancy occurs in the
30 office of mayor by death or otherwise, the vice president shall perform
31 the duties of mayor of the city until such time as the council shall fill
1 such vacancy, which shall be done at the first council meeting after such
2 vacancy occurs or as soon thereafter as may be practicable.

3 (7) If a vacancy occurs in the office of council member in a city
4 under a city manager plan, a successor council member shall be elected at
5 the next regular city election to serve for the remainder of the term,
6 except that a majority of the remaining members of the council shall
7 appoint a registered voter to serve as council member until the successor
8 is so elected and has qualified. If the council members are elected by
9 ward, the council member elected or appointed to fill the vacancy shall
10 be a registered voter of the ward in which the vacancy exists. If for any
11 reason the seats of one-half or more of the members of the council become
12 vacant, the Secretary of State shall conduct a special election to fill
13 the vacancies for the unexpired portion of each term. A vacancy in any
14 office to which the council elects shall be filled by the council for the
15 unexpired term.

16 (8) Vacancies in city offices in any city under home rule charter
17 shall be filled as provided in the home rule charter.

18 2. Renumber the remaining sections and correct the internal
19 references accordingly.

20 3. Correct the operative date and repealer sections so that the
21 section added by this amendment becomes operative three calendar months
22 after the adjournment of this legislative session.

The Sanders amendment was adopted with 43 ayes, 0 nays, 5 present and
not voting, and 1 excused and not voting.

Senator Bosn offered the following amendment:

[FA190](#)

Strike Sections 80 and 81.

SPEAKER ARCH PRESIDING

The Bosn amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Dungan offered the following amendment:

[FA191](#)

In AM1152, Strike Section 17.

PRESIDENT KELLY PRESIDING

Senator Dungan moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 16:

Bostar	DeBoer	Juarez	Raybould
Cavanaugh, J.	Fredrickson	McKinney	Rountree
Cavanaugh, M.	Guereca	Prokop	Sanders
Conrad	Hunt	Quick	Spivey

Voting in the negative, 30:

Andersen	Clements	Hardin	Lonowski	Sorrentino
Arch	Clouse	Holdcroft	McKeon	Storer
Armendariz	DeKay	Ibach	Meyer	Storm
Ballard	Dorn	Jacobson	Moser	Strommen
Bosn	Dover	Kauth	Murman	von Gillern
Brandt	Hallstrom	Lippincott	Riepe	Wordekemper

Present and not voting, 2:

Dungan	Hughes
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Excused and not voting, 1:

Hansen

The Dungan amendment lost with 16 ayes, 30 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Dungan offered the following motion:

[MO233](#)

Reconsider the vote taken on FA191.

Senator Dungan moved for a call of the house. The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

The Dungan motion to reconsider failed with 18 ayes, 26 nays, and 5 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 704. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 166. [ER66](#), found on page 1320, was offered.

ER66 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 640. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 50. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 641. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 32. [ER73](#), found on page 1340, was offered.

ER73 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 608. [ER59](#), found on page 1275, was offered.

ER59 was adopted.

Senator Bostar offered the following amendment:

[AM1347](#)

(Amendments to Standing Committee amendments, AM904)

1 1. Strike section 9 and insert the following new section:

2 Sec. 9. (1) Except as provided in subsections (3) and (4) of this

3 section, a qualifying child of a first responder who satisfies section 5
 4 of this act or of an eligible disabled person who satisfies section 7 of
 5 this act shall be entitled to a tuition waiver as provided in section 13
 6 of this act from any state university, state college, or community
 7 college for an associate or baccalaureate degree program if the
 8 qualifying child:
 9 (a) Meets all admission requirements of the state university, state
 10 college, or community college;
 11 (b) Executes an agreement in accordance with section 10 of this act;
 12 (c) Has not previously earned a baccalaureate degree;
 13 (d) Completes and submits to the United States Department of
 14 Education a Free Application for Federal Student Aid;
 15 (e) Submits a document to the state university, state college, or
 16 community college confirming that the qualifying child has satisfied
 17 subdivision (1)(d) of this section. Such document shall be submitted in a
 18 form and manner as prescribed by the university, college, or community
 19 college;
 20 (f) Submits the certificate of verification required by subsection
 21 (2) of this section; and
 22 (g) Files with the Department of Revenue documentation showing proof
 23 that, for each year in which the qualifying child applies for and
 24 receives the tuition waiver, the first responder or eligible disabled
 25 person through whom the qualifying child is claiming the tuition waiver:
 26 (i) Is employed as a first responder or is an eligible disabled
 1 person, as applicable; and
 2 (ii) Resides in Nebraska.
 3 (2)(a) An application for the tuition waiver shall include a
 4 certificate of verification from:
 5 (i) The first responder's superior officer attesting to such first
 6 responder's satisfaction of section 5 of this act; or
 7 (ii) The eligible disabled person's former superior officer
 8 attesting to such person's satisfaction of section 7 of this act.
 9 (b) The applicant shall include the certificate of verification when
 10 applying to the state university, state college, or community college in
 11 order to obtain a tuition waiver upon initial enrollment.
 12 (3) The death of a first responder in the line of duty that occurs
 13 after submission of an application for a tuition waiver shall not
 14 disqualify such first responder's otherwise eligible qualifying child
 15 from receiving the tuition waiver. In such case:
 16 (a) In lieu of submitting the certificate of verification provided
 17 for in subsection (2) of this section, the qualifying child shall submit
 18 a certificate of verification from the first responder's superior officer
 19 attesting that:
 20 (i) At the time of such death, such first responder satisfied
 21 section 5 of this act; and
 22 (ii) Such first responder died in the line of duty; and
 23 (b) In lieu of making the filing required by subdivision (1)(g) of
 24 this section, the qualifying child shall file with the Department of
 25 Revenue documentation showing proof that, at the time of such death:
 26 (i) Such first responder was employed as a first responder; and
 27 (ii) Such first responder resided in Nebraska.
 28 (4) For a qualifying child of a first responder who is a
 29 correctional officer or a youth detention officer or of an eligible
 30 disabled person who was a correctional officer or a youth detention
 31 officer, the tuition waiver shall only be available beginning July 1,
 1 2027, and shall only be available for attendance at a state university.
 2 2. On page 3, line 17, strike "as a result of injury or illness" and
 3 insert "due to injury or illness that resulted from or is connected to
 4 such employment".
 5 3. On page 6, line 8; and page 7, line 18, after "waiver" insert

6 "shall only be available beginning July 1, 2027, and".

7 4. On page 11, line 22, strike "2026" and insert "2028".

The Bostar amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Senator Wordekemper offered the following amendment:

AM1129

(Amendments to Standing Committee amendments, AM904)

1 1. Insert the following new sections:

2 Sec. 2. (1) For purposes of this section:

3 (a) Firefighter includes both professional and volunteer

4 firefighters;

5 (b) Professional firefighter means a person who has been employed

6 for five or more years in this state in a full-time salaried occupation

7 as:

8 (i) A firefighter for the benefit or safety of the public;

9 (ii) An investigator of fires or arson; or

10 (iii) An instructor or officer for the provision of training

11 concerning fire or hazardous materials; and

12 (c) Volunteer firefighter means a person who has acted for five or

13 more years in this state as a volunteer firefighter described in

14 subdivision (3) of section 48-115.

15 (2) Notwithstanding any provision of the Nebraska Workers'

16 Compensation Act to the contrary, cancer that results in either temporary

17 or permanent disability or death of a firefighter is an occupational

18 disease and compensable as such under the act if:

19 (a) The cancer develops or manifests itself out of and in the course

20 of the employment of a firefighter; and

21 (b) It is demonstrated that:

22 (i) The firefighter was exposed, while in the course of employment,

23 to a known carcinogen or a substance reasonably anticipated to be a human

24 carcinogen, as defined by the International Agency for Research on Cancer

25 or the National Toxicology Program; and

26 (ii) Such carcinogen is reasonably associated with such cancer.

1 (3) With respect to a firefighter, the following substances shall be

2 deemed, for purposes of subsection (2) of this section, to be known

3 carcinogens that are reasonably associated with the following cancers:

4 (a) Diesel exhaust, formaldehyde, and polycyclic aromatic

5 hydrocarbon shall be deemed to be known carcinogens that are reasonably

6 associated with bladder cancer;

7 (b) Acrylonitrile, formaldehyde, and vinyl chloride shall be deemed

8 to be known carcinogens that are reasonably associated with brain cancer;

9 (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene

10 oxide, polychlorinated biphenyls, and polycyclic aromatic hydrocarbon

11 shall be deemed to be known carcinogens that are reasonably associated

12 with breast cancer;

13 (d) Diesel exhaust and formaldehyde shall be deemed to be known

14 carcinogens that are reasonably associated with colon cancer;

15 (e) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic

16 hydrocarbon shall be deemed to be known carcinogens that are reasonably

17 associated with esophageal cancer;

18 (f) Formaldehyde shall be deemed to be a known carcinogen that is

19 reasonably associated with Hodgkin's lymphoma;

20 (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed

21 to be known carcinogens that are reasonably associated with kidney

22 cancer;

23 (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene,

24 and polycyclic aromatic hydrocarbon shall be deemed to be known

25 carcinogens that are reasonably associated with leukemia;
 26 (i) Chloroform, soot, and vinyl chloride shall be deemed to be known
 27 carcinogens that are reasonably associated with liver cancer;
 28 (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic
 29 aromatic hydrocarbon, radon, silica, soot, and tars shall be deemed to be
 30 known carcinogens that are reasonably associated with lung cancer;
 31 (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic
 1 hydrocarbon, soot, and vinyl chloride shall be deemed to be known
 2 carcinogens that are reasonably associated with lymphatic or
 3 haematopoietic cancer;
 4 (l) Diesel exhaust and soot, aldehydes, and polycyclic aromatic
 5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
 6 associated with basal cell carcinoma, squamous cell carcinoma, and
 7 melanoma;
 8 (m) Benzene, dioxins, and glyphosate shall be deemed to be known
 9 carcinogens that are reasonably associated with multiple myeloma;
 10 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,
 11 formaldehyde, and hydrogen chloride shall be deemed to be known
 12 carcinogens that are reasonably associated with nasopharyngeal cancer,
 13 including laryngeal cancer and pharyngeal cancer;
 14 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde, and
 15 polychlorinated biphenyls shall be deemed to be known carcinogens that
 16 are reasonably associated with non-Hodgkin's lymphoma;
 17 (p) Asbestos, benzene, and formaldehyde shall be deemed to be known
 18 carcinogens that are reasonably associated with ovarian cancer;
 19 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known
 20 carcinogen that is reasonably associated with pancreatic cancer;
 21 (r) Acrylonitrile, benzene, and formaldehyde shall be deemed to be
 22 known carcinogens that are reasonably associated with prostate cancer;
 23 (s) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
 24 hydrocarbon shall be deemed to be known carcinogens that are reasonably
 25 associated with rectal cancer;
 26 (t) Chlorophenols, chlorophenoxy herbicides, and polychlorinated
 27 biphenyls shall be deemed to be known carcinogens that are reasonably
 28 associated with soft tissue sarcoma;
 29 (u) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
 30 hydrocarbon shall be deemed to be known carcinogens that are reasonably
 31 associated with stomach cancer;
 1 (v) Diesel exhaust and soot, and polychlorinated biphenyls shall be
 2 deemed to be known carcinogens that are reasonably associated with
 3 testicular cancer;
 4 (w) Diesel exhaust, benzene, and X-ray radiation shall be deemed to
 5 be known carcinogens that are reasonably associated with thyroid cancer;
 6 (x) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
 7 hydrocarbon shall be deemed to be known carcinogens that are reasonably
 8 associated with urinary tract cancer and ureteral cancer;
 9 (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to
 10 be known carcinogens that are reasonably associated with uterine cancer;
 11 and
 12 (z) Polyfluoroalkyl substances shall be deemed to be known
 13 carcinogens that are reasonably associated with kidney cancer, testicular
 14 cancer, and prostate cancer.
 15 (4) Subsection (3) of this section is not an exhaustive list and
 16 shall not preclude any person from demonstrating, on a case-by-case basis
 17 for the purposes of subsection (2) of this section, that a substance is a
 18 known carcinogen or is reasonably anticipated to be a human carcinogen,
 19 including an agent classified by the International Agency for Research on
 20 Cancer in Group I or Group 2A, that is reasonably associated with a
 21 cancer.
 22 (5) There shall be a rebuttable presumption that a cancer

23 experienced by a firefighter arose out of and in the course of employment
24 and was medically caused by employment-related exposure to cancer-causing
25 substances if (a) the cancer is diagnosed during the course of the
26 firefighter's employment and (b) such firefighter successfully passed a
27 physical examination upon entry into such employment or subsequent to
28 such entry, which examination failed to reveal any evidence of cancer.
29 (6)(a) There shall be a rebuttable presumption, for purposes of
30 subsection (2) of this section, that cancer experienced by a retired
31 firefighter arose out of and in the course of employment and was
1 medically caused by employment-related exposure to cancer-causing
2 substances if (i) the cancer is diagnosed within a period, not to exceed
3 sixty months, which begins with the last date the retired firefighter
4 actually worked in the qualifying capacity and extends for a period
5 calculated by multiplying three months by the number of full years of
6 such employment and (ii) such firefighter successfully passed a physical
7 examination upon entry into such employment or subsequent to such entry,
8 which examination failed to reveal any evidence of cancer.
9 (b) This subsection applies to a professional firefighter who
10 retires before January 1, 2026, and to a volunteer firefighter,
11 regardless of the date of retirement.
12 (7) There shall be a rebuttable presumption, for purposes of
13 subsection (2) of this section, that cancer experienced by a professional
14 firefighter who retires on or after January 1, 2026, arose out of and in
15 the course of employment and was medically caused by employment-related
16 exposure to cancer-causing substances if such firefighter successfully
17 passed a physical examination upon entry into such employment or
18 subsequent to such entry, which examination failed to reveal any evidence
19 of cancer, and such cancer was diagnosed;
20 (a) If the firefighter ceases employment before completing twenty
21 years of service as a professional firefighter, during the period after
22 separation from employment which is equal to the number of years worked;
23 or
24 (b) If the firefighter ceases employment after completing twenty
25 years or more of service as a professional firefighter, investigator, or
26 instructor, at any time during the person's life.
27 (8) Service credit which is purchased in a retirement system shall
28 not be used to calculate the number of years of service or employment for
29 purposes of this section.
30 (9) A person who files a claim for benefits for cancer pursuant to
31 subsection (7) of this section after retiring from employment as a
1 professional firefighter is not entitled to receive any compensation for
2 such cancer under the Nebraska Workers' Compensation Act other than
3 medical benefits.
4 (10)(a) The presumptions in subsections (5), (6), and (7) of this
5 section shall control the awarding of benefits pursuant to this section
6 unless evidence to rebut the relevant presumption is presented.
7 (b) The presumptions provided for under this section may be rebutted
8 if the employer or agency against whom such a claim for benefits is made
9 can show by a preponderance of the evidence that the cancer experienced
10 by the firefighter resulted from accident, exposure to cancer-causing
11 substances, or any other medical cause not arising out of and in the
12 course of the firefighter's employment.
13 Sec. 3. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
14 amended to read:
15 48-1,110 Sections 48-101 to 48-1,117 and section 2 of this act shall
16 be known and may be cited as the Nebraska Workers' Compensation Act.
17 2. Renumber the remaining sections, correct internal references, and
18 correct the repealer accordingly.

Senator Hallstrom requested a ruling of the Chair on whether the Wordekemper amendment is germane to the bill.

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

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

Pending.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 677. Placed on General File with amendment. [AM1251](#) is available in the Bill Room.

(Signed) Rick Holdcroft, Chairperson

AMENDMENT(S) - Print in Journal

Senator J. Cavanaugh filed the following amendment to LB677:
[AM1340](#)

(Amendments to Standing Committee amendments, AM1251)

1 1. Strike section 43 and insert the following new section:
2 Sec. 43. Qualifying medical condition means a medical condition for
3 which a health care practitioner has determined, based on a professional
4 medical assessment of the patient's health status:
5 (1) That the condition, its related symptoms, or side effects of the
6 condition's treatment can be appropriately treated or alleviated with
7 medical cannabis; and
8 (2) That, in the practitioner's professional judgment, and in
9 accordance with the accepted standards of care that a reasonable and
10 prudent practitioner would apply when recommending any medication or
11 course of treatment, the potential benefits of medical cannabis outweigh
12 the potential harms.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 153. Introduced by Storer, 43; DeKay, 40; Holdcroft, 36; Ibach, 44; Kauth, 31; McKeon, 41; Raybould, 28; Storm, 23.

PURPOSE: The purpose of this resolution is to propose an interim study to gather information relating to electronic identification devices utilized as a method of identifying and managing animals for disease traceability, surveillance, and control regulations, for use by Nebraska livestock producers for compliance with such regulations, or for private herd management and marketing purposes. The study shall compile a list of electronic identification devices and related animal data collection and management equipment, services, and software available for purchase and

use in Nebraska and shall identify manufacturers and vendors of such products and the brand names under which such products are sold.

The study shall also collect information regarding the locations of manufacturers and the final assembly of electronic identification devices as well as the manufacturing sources of chip components in such devices. The information compiled by this study can be used to assist future legislative deliberations regarding requirements for the sourcing of or limitations on the use of such devices and related data collection and management systems in order to mitigate any vulnerabilities to foreign interference in the livestock industry through the malicious manipulation of such devices and related data management systems.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITOR(S)

Visitors to the Chamber were young leaders from various southeast Asian countries of the U.S. Department of State-YSEALI, led by Val McPherson; students from Centennial Elementary, Utica; students from Elgin Public School, Elgin; University of Nebraska-Kearney Wrestling Team-Zach Ourada, Jacobi Deal, Jacori Deal, Crew Howard, and Coaches Andrew Sorenson and Dalton Jensen; students from Sumner-Eddyville-Miller Schools, Sumner; students from Western Hills Elementary, Omaha; Former Senator Dave and Dee Bloomfield; Pippa Eicher and Cheryl Ober.

RECESS

At 12:27 p.m., on a motion by Senator Fredrickson, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators M. Cavanaugh, DeBoer, Ibach, Raybould, Storer, Storm, and von Gillern who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 608. Senator Wordekemper renewed his motion to overrule the Chair, found and considered in this day's Journal.

Senator Wordekemper moved for a call of the house. The motion prevailed with 36 ayes, 3 nays, and 10 not voting.

Senator Hallstrom requested a roll call vote on the motion to overrule the Chair.

The Wordekemper motion to overrule the Chair prevailed with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

Senator Wordekemper renewed [AM1129](#), found and considered in this day's Journal.

Senator J. Cavanaugh offered the following amendment, to the Wordkemper amendment:

[FA192](#)

In AM1129, on line 6, strike "-" between "full" and "time".

Senator J. Cavanaugh offered the following motion:

[MO234](#)

Bracket until June 9, 2025.

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

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

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Andersen	Clouse	Hughes	Meyer	Storm
Arch	DeKay	Ibach	Moser	Strommen
Armendariz	Dorn	Jacobson	Murman	von Gillern
Ballard	Dover	Kauth	Riepe	
Bosn	Hallstrom	Lippincott	Sanders	
Brandt	Hansen	Lonowski	Sorrentino	
Clements	Holderoft	McKeon	Storer	

Voting in the negative, 13:

Bostar	DeBoer	Juarez	Quick	Wordekemper
Cavanaugh, J.	Dungan	McKinney	Rountree	
Conrad	Guereca	Prokop	Spivey	

Present and not voting, 3:

Cavanaugh, M.	Fredrickson	Hunt
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Excused and not voting, 2:

Hardin	Raybould
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The Storer motion to cease debate prevailed with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 41:

Andersen	DeBoer	Holdcroft	McKeon	Sanders
Arch	DeKay	Hughes	McKinney	Sorrentino
Armendariz	Dorn	Hunt	Meyer	Strommen
Ballard	Dover	Ibach	Moser	von Gillern
Bosn	Dungan	Jacobson	Murman	Wordekemper
Bostar	Fredrickson	Juarez	Prokop	
Brandt	Guereca	Kauth	Quick	
Clouse	Hallstrom	Lippincott	Riepe	
Conrad	Hansen	Lonowski	Rountree	

Present and not voting, 6:

Cavanaugh, J.	Clements	Storer
Cavanaugh, M.	Spivey	Storm

Excused and not voting, 2:

Hardin	Raybould
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The J. Cavanaugh motion to bracket failed with 0 ayes, 41 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator J. Cavanaugh offered the following motion:

[MO236](#)

Reconsider the vote taken on MO234.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

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

No objections. So ordered.

The J. Cavanaugh amendment was withdrawn.

The Wordekemper amendment was withdrawn.

Senator Hallstrom offered the following amendment:

[AM1356](#)

(Amendments to Standing Committee Amendments, AM904)

1 1. Insert the following new sections:

2 Sec. 2. Section 48-118, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 48-118 (1) When a third person is liable to the employee or to the

5 dependents for the injury or death of the employee, the employer or

6 workers' compensation insurer shall be subrogated to the right of the

7 employee or to the dependents against such third person. The recovery by

8 such employer or workers' compensation insurer shall not be limited to

9 the amount payable as compensation to such employee or dependents, but

10 such employer or workers' compensation insurer may recover any amount

11 which such employee or his or her dependents should have been entitled to

12 recover.

13 (2) Any recovery by the employer or workers' compensation insurer

14 against such third person, in excess of the compensation paid by the

15 employer or workers' compensation insurer after deducting the expenses of

16 making such recovery, including reasonable attorney's fees, shall be paid

17 forthwith to the employee or to the dependents pursuant to subsections

18 (2) and (3) of section 48-118.04, and shall be treated as an advance

19 payment by the employer on account of any future installments of

20 compensation.

21 (3) Nothing in the Nebraska Workers' Compensation Act shall be

22 construed to deny the right of an injured employee or of his or her

23 personal representative to bring suit against such third person in his or

24 her own name or in the name of the personal representative based upon

25 such liability, but in such event an employer or workers' compensation

26 insurer having paid or paying compensation to such employee or his or her

1 dependents shall be made a party to the suit for the purpose of

2 reimbursement, under the right of subrogation, of any compensation paid.

3 (4) For purposes of sections 48-118 to 48-118.05, third person shall

4 include, but is not limited to, an insurer that issued a policy that

5 includes uninsured or underinsured motorist coverage insuring the injured

6 employee, his or her employer, or both the injured employee and his or

7 her employer.

8 Sec. 3. Section 48-118.04, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 48-118.04 (1) A settlement of a third-party claim or suit under the

11 Nebraska Workers' Compensation Act is void unless:

12 (a) Such settlement is agreed upon in writing by the employee or his
13 or her personal representative and the workers' compensation insurer of
14 the employer, if there is one, and if there is no insurer, then by the
15 employer; or

16 (b) In the absence of such agreement, the court before which the
17 action is pending or, if no action is pending, the district court in
18 which such action could be brought or the Nebraska Workers' Compensation
19 Court, determines that the settlement offer is fair and reasonable
20 considering liability, damages, and the ability of the third person and
21 his or her liability insurance carrier to satisfy any judgment.
22 (2) If the employee or his or her personal representative or the
23 employer or his or her workers' compensation insurer do not agree in
24 writing upon distribution of the proceeds of any judgment or settlement,
25 the court before which the action is pending or, if no action is pending,
26 the district court in which such action could be brought or the Nebraska
27 Workers' Compensation Court, upon application, shall order ~~thea fair and~~
28 equitable distribution of the proceeds as follows: of any judgment or
29 settlement.

30 (a) After deducting the reasonable expenses of making the recovery,
31 including reasonable attorney's fees, one-third of the remainder shall be
1 paid to the employee or his or her personal representative;

2 (b) Out of the balance remaining after the deduction and payment
3 specified in subdivision (a) of this subsection, the employer or workers'
4 compensation insurer shall be paid for all compensation payments that
5 have been made by the employer or workers' compensation insurer; and

6 (c) Any balance remaining after the distributions described in
7 subdivisions (a) and (b) of this subsection have been made shall be paid
8 to the employee or his or her personal representative.

9 (3) Payment to the employee or his or her personal representative
10 under subsection (2) of this section shall be treated as an advance
11 payment by the employer of any future installments of compensation owed
12 by the employer to the employee. The amount of the advance payment shall
13 be reduced by the amount of compensation which would have been owed by
14 the employer but for the payment to the employee specified under
15 subsection (2) of this section. In the event the employee or his or her
16 personal representative and the employer or workers' compensation insurer
17 do not agree that the advance payment has been exhausted, the employee or
18 his or her personal representative shall make application to the Nebraska
19 Workers' Compensation Court for a determination of exhaustion. When the
20 amount of the advance payment is exhausted, the employer or workers'
21 compensation insurer shall resume payment of all additional benefits owed
22 to the employee under the Nebraska Workers' Compensation Act.

23 Sec. 4. Section 48-144.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-144.01 (1) In every case of reportable injury arising out of and
26 in the course of employment, the employer or workers' compensation
27 insurer shall file a report thereof with the Nebraska Workers'
28 Compensation Court. Such report shall be filed within ten days after the
29 employer or insurer has been given notice of or has knowledge of the
30 injury.

31 (2)(a) To protect the confidentiality of the employee, a report made
1 under subsection (1) of this section shall not be disclosed, redisclosed,
2 released, disseminated, or otherwise published with the employee's
3 confidential information except as otherwise provided in this subsection
4 or as necessary for the compensation court to administer and enforce or
5 perform its lawful duties under the Nebraska Workers' Compensation Act.

6 (b) The information reported pursuant to subsection (1) of this
7 section may be made available to the employee for whom the report is
8 made, with or without a request from the employee. If the employee is

9 deceased, any right or obligation under this subdivision shall extend to
10 the employee's personal representative as defined in section 30-2209. The
11 compensation court may provide any or all information from that report to
12 the employee or such personal representative.
13 (c) The information reported pursuant to subsection (1) of this
14 section is subject to disclosure by the compensation court pursuant to
15 sections 84-712 to 84-712.09, except as to the employee's confidential
16 information and any other personally identifiable information. A request
17 to obtain a report filed under subsection (1) of this section or for any
18 information contained in such report may be fulfilled by the compensation
19 court pursuant to sections 84-712 to 84-712.09 so long as the
20 confidential information and any other personally identifiable
21 information is redacted from such report or extract.
22 (d) An employee may elect to waive confidentiality of reports under
23 subsection (1) of this section involving such employee. A waiver of
24 confidentiality shall permit disclosure of the employee's confidential
25 information. An election to waive, once made, shall remain in effect
26 notwithstanding any change in employment by such employee unless the
27 election to waive is revoked by the employee. An election to waive
28 confidentiality or revocation of that waiver shall be made in a form and
29 manner prescribed by the administrator of the compensation court.
30 (e) At the discretion of the compensation court, information from
31 the report made pursuant to subsection (1) may be used in any pending
1 matter before the compensation court involving the employee.
2 (f) In response to a public records request pursuant to sections
3 84-712 to 84-712.09, any report made pursuant to subsection (1) of this
4 section that includes the employee's confidential information may be
5 provided by the compensation court;
6 (i) To an attorney or authorized agent representing the employee as
7 to any workers' compensation claim or claim involving personal injury. An
8 attorney or authorized agent representing the employee shall provide a
9 written authorization to obtain a report from the employee if requested
10 by the compensation court;
11 (ii) To the employer, workers' compensation insurer, risk management
12 pool, or third-party administrator involved in the reported injury or an
13 attorney or authorized agent who represents the employer, workers'
14 compensation insurer, risk management pool, or third-party administrator.
15 An attorney or authorized agent representing the employer, workers'
16 compensation insurer, risk management pool, or third-party administrator
17 shall provide a written authorization to obtain a report from the
18 employer, workers' compensation insurer, risk management pool, or third-
19 party administrator if requested by the compensation court;
20 (iii) To an attorney or authorized agent of an insurer or a third-
21 party administrator who is involved in administering any claim for
22 insurance benefits related to any injury of the employee whose report is
23 filed with the compensation court. An attorney or authorized agent of
24 such insurer or third-party administrator shall provide a written
25 authorization to obtain a report from the insurer or third-party
26 administrator if requested by the compensation court;
27 (iv) To an attorney representing a party to a lawsuit filed by or on
28 behalf of the employee whose report is filed with the compensation court.
29 An attorney representing a party to such a lawsuit shall provide a
30 written authorization to obtain a report from the party if requested by
31 the compensation court;
1 (v) To a federal or state governmental unit at the request of the
2 governmental unit if the information sought to be disclosed is necessary
3 for the receiving federal or state governmental unit to operate a program
4 or carry out a purpose specifically authorized by federal or state
5 statute, including, but not limited to, the investigation of a fraud,
6 criminal offense, or licensing or regulatory violation, child support

7 enforcement, or to act upon an application for benefits submitted by the
8 employee who is the subject of the report under subsection (1) of this
9 section;

10 (vi) To a person engaged in bona fide statistical research,
11 including, but not limited to, actuarial studies and health or safety
12 investigations which are authorized by federal or state statute or
13 regulation or other federal or state governmental units. The employee's
14 confidential information or any other personally identifiable information
15 shall not be disclosed unless the researcher has entered into a
16 confidentiality agreement with the compensation court and has agreed that
17 any research findings or reports will not disclose the employee's
18 confidential information or any other personally identifiable
19 information;

20 (vii) To a nonprofit organization that certifies to the
21 administrator of the compensation court under penalty of perjury that the
22 purpose of using the confidential information is to offer financial
23 assistance to dependents of the employee or to send condolences to,
24 provide memorials for, or offer grief counseling to family members of an
25 employee whose injury or death was caused by a workplace incident;
26 (viii) When release of the report is ordered by a court of competent
27 jurisdiction; or

28 (ix) When a request to obtain a report filed under subsection (1) of
29 this section is made by a treating physician or other health care
30 provider who has rendered treatment to an employee or is seeking
31 authorization for treatment or special services and the information
1 sought to be disclosed relates to the compensability of a claim related
2 to such treatment or authorization for special services or billing for
3 services provided.

4 (g) Any request to obtain a report filed under subsection (1) of
5 this section shall be made in a form and manner prescribed by the
6 administrator of the compensation court.

7 (3)(2) For purposes of this section:

8 (a) Reportable injury means an injury or diagnosed occupational
9 disease which results in: (i) Death, regardless of the time between the
10 death and the injury or onset of disease; (ii) time away from work; (iii)
11 restricted work or termination of employment; (iv) loss of consciousness;
12 or (v) medical treatment other than first aid;

13 (b) Restricted work means the inability of the employee to perform
14 one or more of the duties of his or her normal job assignment. Restricted
15 work does not occur if the employee is able to perform all of the duties
16 of his or her normal job assignment, but a work restriction is assigned
17 because the employee is experiencing minor musculoskeletal discomfort and
18 for the purpose of preventing a more serious condition from developing;

19 (c) Medical treatment means treatment administered by a physician or
20 other licensed health care professional; ~~and~~

21 (d) First aid means:

22 (i) Using a nonprescription medication at nonprescription strength.
23 For medications available in both prescription and nonprescription form,
24 a recommendation by a physician or other licensed health care
25 professional to use a nonprescription medication at prescription strength
26 is not first aid;

27 (ii) Administering tetanus immunizations. Administering other
28 immunizations, such as hepatitis B vaccine and rabies vaccine, is not
29 first aid;

30 (iii) Cleaning, flushing, or soaking wounds on the surface of the
31 skin;

1 (iv) Using wound coverings, such as bandages and gauze pads, and
2 superficial wound closing devices, such as butterfly bandages and steri-
3 strips. Using other wound closing devices, such as sutures and staples,
4 is not first aid;

5 (v) Using hot or cold therapy;
6 (vi) Using any nonrigid means of support, such as elastic bandages,
7 wraps, and nonrigid back belts. Using devices with rigid stays or other
8 systems designed to immobilize parts of the body is not first aid;
9 (vii) Using temporary immobilization devices, such as splints,
10 slings, neck collars, and back boards, while transporting accident
11 victims;
12 (viii) Drilling of a fingernail or toenail to relieve pressure or
13 draining fluid from a blister;
14 (ix) Using eye patches;
15 (x) Removing foreign bodies from the eye using only irrigation or a
16 cotton swab;
17 (xi) Removing splinters or foreign material from areas other than
18 the eye by irrigation, tweezers, cotton swabs, or other simple means;
19 (xii) Using finger guards;
20 (xiii) Using massages. Using physical therapy or chiropractic
21 treatment is not first aid; and
22 (xiv) Drinking fluids for relief of heat stress; and
23 (e) Confidential information means an employee's name, address,
24 telephone number, and email address.
25 2. Renumber the remaining sections, correct internal references, and
26 correct the repealer accordingly.

The Hallstrom amendment was withdrawn.

Senator Clements requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 5 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 275. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 382. [ER35](#), found on page 1065, was offered.

ER35 was adopted.

Senator McKinney asked unanimous consent to withdraw the following motions:

[MO167](#), found on page 1095, to indefinitely postpone.

[MO168](#), found on page 1095, to recommit to the Health and Human Services Committee.

[MO169](#), found on page 1096, to bracket until June 9, 2025.

[MO170](#), found on page 1096, to recommit to the Health and Human Services Committee.

No objections. So ordered.

Senator Meyer offered [AM999](#), found on page 1089.

The Meyer amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Hansen filed the following amendment to LB632:
AM1281

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 30-2223, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 30-2223 (1) Except as otherwise provided by section 23-1824, a
6 person who is eighteen years of age or older and of sound mind, by
7 testamentary disposition, by entering into a pre-need sale as defined by
8 section 12-1102, or by affidavit as provided in subdivision (2)(a)(ii) of
9 this section, may direct the location, manner, and conditions of
10 disposition of his or her remains and the arrangements for funeral goods
11 and services to be provided upon his or her death.
12 (2) Except as set forth in subsection (3) of this section, ~~or in~~
13 section 71-20,121, or section 3 of this act, the right of disposition,
14 including the right to control the disposition of the remains of a
15 deceased person, the location, manner, and conditions of disposition, and
16 the arrangements for funeral goods and services to be provided, vests in
17 the following order if the person listed is eighteen years of age or
18 older and is of sound mind:
19 (a)(i) A person designated by the decedent as the person with the
20 right of disposition in an affidavit executed in accordance with
21 subdivision (2)(a)(ii) of this section.
22 (ii) A person who is eighteen years of age or older and of sound
23 mind wishing to convey the right of disposition to another person may
24 execute an affidavit before a notary public in substantially the
25 following form:
26 State of)
27 County of)
1 I,, do hereby designate with the right
2 to control the disposition of my remains upon my death. I (..... have)
3 (..... have not) attached specific directions concerning the disposition
4 of my remains which the designee shall substantially comply with, so long
5 as such directions are lawful and there are sufficient resources in my
6 estate to carry out the directions. This affidavit does not constitute a
7 durable power of attorney for health care.
8 (signature of person executing affidavit)
9 Subscribed and sworn to before me this day of the month
10 of of the year
11 (signature of notary public);
12 (b) The surviving spouse of the decedent;
13 (c) The sole surviving child of the decedent or, if there is more
14 than one child of the decedent, the majority of the surviving children,
15 except that less than a majority of the surviving children shall be
16 vested with the right of disposition if they have used reasonable efforts
17 to notify all other surviving children of their instructions regarding
18 the right of disposition and are not aware of any opposition to those
19 instructions on the part of a majority of the surviving children;
20 (d) The surviving parent or parents of the decedent. If one of the
21 surviving parents is absent, the remaining parent shall be vested with
22 the right of disposition after reasonable efforts have been unsuccessful
23 in locating the absent surviving parent;
24 (e) The surviving brother or sister of the decedent or, if there is
25 more than one sibling of the decedent, the majority of the surviving
26 siblings, except that less than the majority of the surviving siblings

27 shall be vested with the right of disposition if they have used
28 reasonable efforts to notify all other surviving siblings of their
29 instructions regarding the right of disposition and are not aware of any
30 opposition to those instructions on the part of a majority of the
31 surviving siblings;

1 (f) The surviving grandparent of the decedent or, if there is more
2 than one surviving grandparent, the majority of the grandparents, except
3 that less than the majority of the surviving grandparents shall be vested
4 with the right of disposition if they have used reasonable efforts to
5 notify all other surviving grandparents of their instructions regarding
6 the right of disposition and are not aware of any opposition to those
7 instructions on the part of a majority of the surviving grandparents;
8 (g) The person in the next degree of kinship, in descending order,
9 under the laws of descent and distribution, to inherit the estate of the
10 decedent. If there is more than one person of the same degree, any person
11 of that degree may exercise the right of disposition;

12 (h) The guardian of the person of the decedent at the time of the
13 decedent's death, if one had been appointed;

14 (i) The personal representative of the estate of the decedent. The
15 powers and duties under this section of the personal representative shall
16 commence upon his or her appointment. Such powers and duties of the
17 personal representative shall relate back in time to give acts by the
18 personal representative which are beneficial to the disposition of the
19 decedent's remains occurring prior to appointment the same effect as
20 those occurring thereafter. Prior to appointment, the personal
21 representative may carry out written instructions of the decedent
22 relating to his or her body, funeral, and burial arrangements. The
23 personal representative may also ratify and accept acts regarding
24 disposition of the decedent's remains done by others where the acts would
25 have been proper for the personal representative;

26 (j) The State Anatomical Board or the county board of the county
27 where the death occurred in the case of an indigent person or any other
28 person the disposition of whose remains is a responsibility of the state
29 or county;

30 (k) A representative as described in section 38-1426 or 38-1427 that
31 has arranged with the funeral establishment, cemetery, or crematory
1 authority to cremate or bury a body part in the case of body parts
2 received from the entity described in section 38-1426 or 38-1427; and

3 (l) In the absence of any person listed in subdivisions (2)(a)
4 through (k) of this section, any other person willing to assume the right
5 of disposition, including the funeral director with custody of the body,
6 after attesting, in writing, that a good faith effort has been made to no
7 avail to contact the persons listed in subdivisions (2)(a) through (k) of
8 this section.

9 (3) A person entitled under this section to the right of disposition
10 shall forfeit that right and the right is passed on to the next
11 qualifying person as listed in subdivisions (2)(a) through (l) of this
12 section in the following circumstances:

13 (a) Any person charged with first or second degree murder or
14 voluntary manslaughter in connection with the decedent's death and whose
15 charges are known to the funeral director. If the charges against such
16 person are dismissed, or if such person is acquitted of the charges, the
17 right of disposition is returned to such person;

18 (b) Any person who does not exercise his or her right of disposition
19 within three days after notification of the death of the decedent or
20 within four days after the decedent's death, whichever is earlier;

21 (c) If the person and the decedent are spouses and a petition to
22 dissolve the marriage was pending at the time of the decedent's death; or

23 (d) If a county court pursuant to subsection (4) of this section
24 determines that the person entitled to the right of disposition and the

25 decedent were estranged at the time of death. For purposes of this
26 subdivision, estranged means a physical and emotional separation from the
27 decedent at the time of death which has existed for a period of time that
28 clearly demonstrates an absence of due affection, trust, and regard for
29 the decedent.

30 (4)(a) If two or more persons with the same relationship to the
31 decedent hold the right of disposition and cannot by majority vote make a
1 decision regarding the disposition of the decedent's remains, any of such
2 persons or a funeral home with custody of the remains may file a petition
3 asking the court to make a determination in the matter.

4 (b) Notwithstanding subsections (1) through (3) of this section, the
5 county court of the county where the decedent died may award the right of
6 disposition to the person determined by the court to be the most fit and
7 appropriate to carry out the right of disposition and may make decisions
8 regarding the decedent's remains if those sharing the right of
9 disposition cannot agree.

10 (c) In making a determination under this subsection, the court shall
11 consider the following:

12 (i) The reasonableness and practicality of the proposed funeral
13 arrangements and disposition;

14 (ii) The degree of the personal relationship between the decedent
15 and each of the persons claiming the right of disposition;

16 (iii) The desires of the person or persons who are ready, able, and
17 willing to pay the cost of the funeral arrangements and disposition; and

18 (iv) The convenience and needs of other families and friends wishing
19 to pay respects.

20 (d) In the event of a dispute regarding the right of disposition, a
21 funeral establishment, cemetery, or crematory authority is not liable for
22 refusing to accept the remains or to inter or otherwise dispose of the
23 remains of the decedent or complete the arrangements for the final
24 disposition of the remains until the funeral establishment, cemetery, or
25 crematory authority receives a court order or other written agreement
26 signed by the parties in disagreement that decides the final disposition
27 of the remains. If the funeral establishment, cemetery, or crematory
28 authority retains the remains for final disposition while the parties are
29 in disagreement, the funeral establishment may embalm or refrigerate and
30 shelter the body, or both, in order to preserve it while awaiting the
31 final decision of the court and may add the cost of embalming or
1 refrigeration and sheltering to the final disposition costs. If a funeral
2 home brings an action under this subsection, the funeral establishment,
3 cemetery, or crematory authority may add the legal fees and court costs
4 associated with a petition under this subsection to the cost of final
5 disposition. This subsection may not be construed to require or to impose
6 a duty upon a funeral establishment, cemetery, or crematory authority to
7 bring an action under this subsection.

8 (e) Except to the degree it may be considered by the court under
9 subdivision (4)(c)(iii) of this section, the fact that a person has paid
10 or agreed to pay for all or part of the funeral arrangements and final
11 disposition does not give that person a greater claim to the right of
12 disposition than the person would otherwise have. The personal
13 representative of the estate of the decedent does not, by virtue of being
14 the personal representative, have a greater claim to the right of
15 disposition than the personal representative would otherwise have.

16 Sec. 2. Section 71-401, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 71-401 Sections 71-401 to 71-479 and section 3 of this act shall be
19 known and may be cited as the Health Care Facility Licensure Act.

20 Sec. 3. (1) The Legislature declares that the purposes of this
21 section are to: (a) Protect the public health and welfare; (b) encourage
22 and express respect for the dignity of unborn children by ensuring that

23 the remains of aborted unborn children are disposed of in a dignified and
 24 safe manner; and (c) ensure that a mother who wishes to direct the
 25 dignified and safe disposition of her child's remains may do so.
 26 (2) For purposes of this section, (a) remains of an aborted unborn
 27 child means the physical remains of an unborn child at any stage of
 28 gestation whose life has been terminated by an elective abortion and (b)
 29 remains of an aborted unborn child shall not include remains from (i) in
 30 vitro fertilization or (ii) a chemical or medication abortion.
 31 (3) It shall be unlawful for a health care facility at which an
 1 elective abortion has been performed and completed to deposit or dispose
 2 of the remains of an aborted unborn child in a manner other than as
 3 provided in this section.
 4 (4) No notice of the disposition shall be required to be given to a
 5 woman upon whom an abortion was performed. If, however, the woman
 6 expresses a desire to direct the disposition of the remains of her
 7 aborted unborn child by individual or collective cremation or by
 8 individual or collective interment by burial, the health care facility at
 9 which the elective abortion was performed and completed shall comply with
 10 her direction.
 11 (5) If the woman upon whom the elective abortion was performed does
 12 not exercise such direction, the health care facility at which the
 13 elective abortion was performed and completed shall provide for the
 14 individual disposition of the remains of the aborted unborn child by
 15 cremation or interment by burial or as directed by the State Board of
 16 Health. The health care facility shall have the sole authority and
 17 responsibility of an authorizing agent for the final individual
 18 disposition of the remains of the aborted unborn child by cremation or
 19 interment by burial. No name or other identifying information other than
 20 "aborted unborn child" shall be required for the remains.
 21 (6) No person shall have a right of action against a funeral
 22 director, an embalmer, a cemetery, or a crematory authority for carrying
 23 out the requirements of this section.
 24 Sec. 4. Original section 30-2223, Reissue Revised Statutes of
 25 Nebraska, and section 71-401, Revised Statutes Cumulative Supplement,
 26 2024, are repealed.

Senator Dover filed the following amendment to LR19CA:

AM1353

1 1. Strike the Standing Committee amendment, AM884.

Senator M. Cavanaugh filed the following amendments to LB608:

FA193

Strike Section 1.

FA194

Strike the enacting clause

Senator Ibach filed the following amendment to LB646:

AM1342 is available in the Bill Room.

Senator Spivey filed the following amendments to LB632:

FA197

Strike the original sections and insert the following new sections:

Section 71-20,121, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) Every hospital or health clinic licensed under the Health Care Facility Licensure Act shall maintain a written policy for the disposition of the remains of a child born dead at such hospital or health clinic. A parent of such child shall have the right to direct the disposition of such remains, except that disposition may be made by the hospital or health clinic if no such direction is given by a parent within fourteen days following the delivery of such remains. Such policy and such disposition shall comply with all applicable provisions of state and federal law. Upon the delivery of a child born dead, the hospital or health clinic shall notify at least one parent of such parents' right to direct the disposition of the remains of such child and shall provide at least one parent with a copy of its policy with respect to such disposition.

(2) For purposes of this section, child born dead means a child at any stage of gestation (a) who has died in utero, (b) whose remains have been removed from the uterus of the mother, for whom pregnancy has been confirmed prior to such removal, and (c) whose remains are identified with the naked eye at the time of such removal by the attending physician or upon subsequent pathological examination if requested by a parent. Strike "This section shall not apply to the performance of an elective abortion."

(3) Except as otherwise provided by law, nothing in this section shall be interpreted to prohibit any hospital or health clinic from providing additional notification and assistance to the parent of a child born dead at such hospital or health clinic relating to the disposition of the remains of such child, even if such remains cannot be identified with the naked eye at the time of delivery or upon subsequent pathological examination.

FA198

Strike the original sections and insert the following new sections:

Section 71-20,121, Revised Statutes Cumulative Supplement, 2024, is amended to read:

(1) Every hospital or health clinic licensed under the Health Care Facility Licensure Act shall maintain a written policy for the disposition of the remains of a child born dead at such hospital or health clinic. A parent of such child shall have the right to direct the disposition of such remains, except that disposition may be made by the hospital or health clinic if no such direction is given by a parent within fourteen days following the delivery of such remains. Such policy and such disposition shall comply with all applicable provisions of state and federal law. Upon the delivery of a child born dead, the hospital or health clinic shall notify at least one parent of such parents' right to direct the disposition of the remains of such child and shall provide at least one parent with a copy of its policy with respect to such disposition.

(2) For purposes of this section, child born dead means a child at any stage of gestation (a) who has died in utero, (b) whose remains have been removed from the uterus of the mother, for whom pregnancy has been confirmed prior to such removal, and (c) whose remains are identified with the naked eye at the time of such removal by the attending physician or upon subsequent pathological examination if requested by a parent. Strike "This section shall not apply to the performance of an elective abortion."

(3) Except as otherwise provided by law, nothing in this section shall be interpreted to prohibit any hospital or health clinic from providing additional notification and assistance to the parent of a child born dead at such hospital or health clinic relating to the disposition of the remains of such child, even if such remains cannot be identified with the naked eye at the time of delivery or upon subsequent pathological examination.

COMMITTEE REPORT(S)

Natural Resources

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

Nebraska Environmental Trust Board:
Jeff Kanger

Aye: 7. Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould. Nay: 0.
Absent: 0. Present and not voting: 1. 1.

(Signed) Tom Brandt, Chairperson

GENERAL FILE

LEGISLATIVE BILL 48. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 7 nays, 9 present and not voting, and 3 excused and not voting.

SPEAKER ARCH PRESIDING

LEGISLATIVE BILL 644. Senator McKinney offered [MO200](#), found on page 1216, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Bostar opened on his bill, LB644.

Senator McKinney opened on his motion, MO200.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 260. Placed on Select File with amendment.

[ER78](#)

1 1. On page 1, strike beginning with line 3 through "69" in line 4
2 and insert "Laws 2024, LB1087A, section 2; Laws 2024, LB1329A, section 6;
3 and Laws 2024, LB1412, sections 53, 69, and 110".

LEGISLATIVE BILL 262. Placed on Select File.

LEGISLATIVE BILL 263. Placed on Select File.

(Signed) Dunixi Guereca, Chairperson

EASE

The Legislature was at ease from 5:34 p.m. until 6:05 p.m.

GENERAL FILE

LEGISLATIVE BILL 644. Senator McKinney renewed [MO200](#), found on page 1216 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

PRESIDENT KELLY PRESIDING

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

Senator Holdcroft moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Holdcroft requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Andersen	Clements	Hardin	McKeon	Sanders
Arch	Clouse	Holdcroft	Meyer	Sorrentino
Ballard	DeKay	Hughes	Moser	Storm
Bosn	Dorn	Kauth	Murman	Strommen
Bostar	Dover	Lippincott	Prokop	von Gillern
Brandt	Hansen	Lonowski	Riepe	Wordekemper

Voting in the negative, 6:

Cavanaugh, J.	Dungan	Rountree
Conrad	McKinney	Spivey

Present and not voting, 5:

Cavanaugh, M.	Fredrickson	Guereca	Juarez	Quick
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Excused and not voting, 8:

Armendariz	Hallstrom	Ibach	Raybould
DeBoer	Hunt	Jacobson	Storer

The Holdcroft motion to cease debate prevailed with 30 ayes, 6 nays, 5 present and not voting, and 8 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to indefinitely postpone prior to the bill being read.

Voting in the affirmative, 1:

McKinney

Voting in the negative, 30:

Andersen	Clements	Hardin	McKeon	Sanders
Arch	Clouse	Holdcroft	Meyer	Sorrentino
Ballard	DeKay	Hughes	Moser	Storm
Bosn	Dorn	Kauth	Murman	Strommen
Bostar	Dover	Lippincott	Prokop	von Gillern
Brandt	Hansen	Lonowski	Riepe	Wordekemper

Present and not voting, 10:

Cavanaugh, J.	Conrad	Fredrickson	Juarez	Rountree
Cavanaugh, M.	Dungan	Guereca	Quick	Spivey

Excused and not voting, 8:

Armendariz	Hallstrom	Ibach	Raybould
DeBoer	Hunt	Jacobson	Storer

The McKinney motion to indefinitely postpone prior to the bill being read failed with 1 aye, 30 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO237](#)

Reconsider the vote taken on MO200.

Senator M. Cavanaugh asked unanimous consent to withdraw [MO237](#), to reconsider the vote taken on MO200.

No objections. So ordered.

Title read. Considered.

Committee [AM959](#), found on page 1211, was offered.

Senator Conrad asked unanimous consent to withdraw [FA141](#), found on page 1248, to the committee amendment, and replace it with substitute amendment, [AM1306](#), found on page 1331, to the committee amendment.

No objections. So ordered.

The Conrad amendment, to the committee amendment, lost with 10 ayes, 27 nays, 6 present and not voting, and 6 excused and not voting.

Senator Bostar asked unanimous consent to withdraw [AM1199](#), found on page 1248, to the committee amendment, and replace it with substitute amendment, [AM1272](#), found on page 1349, to the committee amendment.

No objections. So ordered.

The Bostar amendment, to the committee amendment, was adopted with 32 ayes, 1 nay, 9 present and not voting, and 7 excused and not voting.

Senator Andersen withdrew [AM1205](#), found on page 1268, to the committee amendment.

Senator Dungan offered the following amendment, to the committee amendment:

[FA199](#)

In AM959, on page 18 strike lines 17-25.

The Dungan amendment, to the committee amendment, lost with 9 ayes, 30 nays, 2 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

Senator Conrad offered [FA138](#), found on page 1248.

The Conrad amendment was withdrawn.

Senator Conrad offered [FA139](#), found on page 1248.

The Conrad amendment was withdrawn.

Senator Conrad offered [FA140](#), found on page 1248.

The Conrad amendment was withdrawn.

Advanced to Enrollment and Review Initial with 30 ayes, 2 nays, 9 present and not voting, and 8 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bostar filed the following amendment to [LB77](#):

[AM1261](#)

(Amendments to Standing Committee amendments, AM1187)

1 1. On page 12, line 10; and page 13, line 10, after "[Alzheimer's](#)

2 disease" insert "[and related dementias](#)".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Strommen name added to LB693.

Senator Sorrentino name added to LB693.

Senator Raybould name added to LB693.

Senator Storer name added to LB693.

Senator Prokop name added to LB693.

VISITOR(S)

Visitors to the Chamber were Christy Warner and Annette Brower, Kimball; Reggie Bosn, Lincoln.

ADJOURNMENT

At 9:12 p.m., on a motion by Senator Sanders, the Legislature adjourned until 9:00 a.m., Friday, May 9, 2025.

Brandon Metzler
Clerk of the Legislature

