

FORTY-THIRD DAY - MARCH 14, 2024**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2024

PRAYER

The prayer was offered by Father Michael Eckley, St. Wenceslaus Catholic Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hughes.

ROLL CALL

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

The roll was called and all members were present except Senator Raybould who was excused; and Senators Albrecht, Bostar, J. Cavanaugh, M. Cavanaugh, Day, Hunt, Meyer, Murman, Slama, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1037:
[AM2992](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 87-302, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 87-302 (a) A person engages in a deceptive trade practice when, in
6 the course of his or her business, vocation, or occupation, he or she:
7 (1) Passes off goods or services as those of another;
8 (2) Causes likelihood of confusion or of misunderstanding as to the
9 source, sponsorship, approval, or certification of goods or services;
10 (3) Causes likelihood of confusion or of misunderstanding as to

11 affiliation, connection, or association with, or certification by,
12 another;
13 (4) Uses deceptive representations or designations of geographic
14 origin in connection with goods or services;
15 (5) Represents that goods or services have sponsorship, approval,
16 characteristics, ingredients, uses, benefits, or quantities that they do
17 not have or that a person has a sponsorship, approval, status,
18 affiliation, or connection that he or she does not have;
19 (6) Represents that goods or services do not have sponsorship,
20 approval, characteristics, ingredients, uses, benefits, or quantities
21 that they have or that a person does not have a sponsorship, approval,
22 status, affiliation, or connection that he or she has;
23 (7) Represents that goods are original or new if they are
24 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,
25 except that sellers may repair damage to and make adjustments on or
26 replace parts of otherwise new goods in an effort to place such goods in
27 compliance with factory specifications;
1 (8) Represents that goods or services are of a particular standard,
2 quality, or grade, or that goods are of a particular style or model, if
3 they are of another;
4 (9) Disparages the goods, services, or business of another by false
5 or misleading representation of fact;
6 (10) Advertises goods or services with intent not to sell them as
7 advertised or advertises the price in any manner calculated or tending to
8 mislead or in any way deceive a person;
9 (11) Advertises goods or services with intent not to supply
10 reasonably expectable public demand, unless the advertisement discloses a
11 limitation of quantity;
12 (12) Makes false or misleading statements of fact concerning the
13 reasons for, existence of, or amounts of price reductions;
14 (13) Uses or promotes the use of or establishes, operates, or
15 participates in a pyramid promotional scheme in connection with the
16 solicitation of such scheme to members of the public. This subdivision
17 shall not be construed to prohibit a plan or operation, or to define a
18 plan or operation as a pyramid promotional scheme, based on the fact that
19 participants in the plan or operation give consideration in return for
20 the right to receive compensation based upon purchases of goods,
21 services, or intangible property by participants for personal use,
22 consumption, or resale so long as the plan or operation does not promote
23 or induce inventory loading and the plan or operation implements an
24 appropriate inventory repurchase program;
25 (14) With respect to a sale or lease to a natural person of goods or
26 services purchased or leased primarily for personal, family, household,
27 or agricultural purposes, uses or employs any referral or chain referral
28 sales technique, plan, arrangement, or agreement;
29 (15) Knowingly makes a false or misleading statement in a privacy
30 policy, published on the Internet or otherwise distributed or published,
31 regarding the use of personal information submitted by members of the
1 public;
2 (16) Uses any scheme or device to defraud by means of:
3 (i) Obtaining money or property by knowingly false or fraudulent
4 pretenses, representations, or promises; or
5 (ii) Selling, distributing, supplying, furnishing, or procuring any
6 property for the purpose of furthering such scheme;
7 (17) Offers an unsolicited check, through the mail or by other
8 means, to promote goods or services if the cashing or depositing of the
9 check obligates the endorser or payee identified on the check to pay for
10 goods or services. This subdivision does not apply to an extension of
11 credit or an offer to lend money;
12 (18) Mails or causes to be sent an unsolicited billing statement,

13 invoice, or other document that appears to obligate the consumer to make
14 a payment for services or merchandise he or she did not order;
15 (19)(i) Installs, offers to install, or makes available for
16 installation or download a covered file-sharing program on a computer not
17 owned by such person without providing clear and conspicuous notice to
18 the owner or authorized user of the computer that files on that computer
19 will be made available to the public and without requiring intentional
20 and affirmative activation of the file-sharing function of such covered
21 file-sharing program by the owner or authorized user of the computer; or
22 (ii) Prevents reasonable efforts to block the installation,
23 execution, or disabling of a covered file-sharing program;
24 (20) Violates any provision of the Nebraska Foreclosure Protection
25 Act;
26 (21) In connection with the solicitation of funds or other assets
27 for any charitable purpose, or in connection with any solicitation which
28 represents that funds or assets will be used for any charitable purpose,
29 uses or employs any deception, fraud, false pretense, false promise,
30 misrepresentation, unfair practice, or concealment, suppression, or
31 omission of any material fact; or
1 (22)(i) ~~(22)~~ In the manufacture, production, importation,
2 distribution, promotion, display for sale, offer for sale, attempt to
3 sell, or sale of a substance:
4 (A) ~~(i)~~ Makes a deceptive or misleading representation or
5 designation, or omits material information, about a substance or fails to
6 identify the contents of the package or the nature of the substance
7 contained inside the package; or
8 (B) ~~(ii)~~ Causes confusion or misunderstanding as to the effects a
9 substance causes when ingested, injected, inhaled, or otherwise
10 introduced into the human body.
11 (ii) A person shall be deemed to have committed a violation of the
12 Uniform Deceptive Trade Practices Act for each individually packaged
13 product that is either manufactured, produced, imported, distributed,
14 promoted, displayed for sale, offered for sale, attempted to sell, or
15 sold in violation of this section. A violation under this subdivision (a)
16 (22) shall be treated as a separate and distinct violation from any other
17 offense arising out of acts alleged to have been committed while the
18 person was in violation of this section; or -
19 (23)(i) Advertises, promotes, offers, sells, performs, or contracts
20 to perform any service in violation of subdivision (ii) or (iii) of this
21 subdivision (a)(23).
22 (ii) Except as permitted under state or federal law, no person shall
23 receive compensation, directly or indirectly, for preparing, presenting,
24 prosecuting, advising, consulting, or assisting any individual with
25 regard to any veterans benefits matter before the United States
26 Department of Veterans Affairs, the United States Department of Defense,
27 or the Nebraska Department of Veterans' Affairs.
28 (iii) Except as permitted under state or federal law, no person
29 shall receive compensation, directly or indirectly, for referring any
30 individual to another person to prepare, present, prosecute, advise,
31 consult, or provide assistance regarding any veterans benefits matter
1 before the United States Department of Veterans Affairs, the United
2 States Department of Defense, or the Nebraska Department of Veterans'
3 Affairs.
4 (iv) For purposes of this subdivision (a)(23):
5 (A) Veterans benefits matter means the preparation, presentation, or
6 prosecution of any claim affecting any person who has filed or expressed
7 an intent to file a claim for any benefit, program, service, commodity,
8 function, or status, to which entitlement is determined under the laws
9 and regulations administered by the United States Department of Veterans
10 Affairs, the United States Department of Defense, or the Nebraska

11 Department of Veterans' Affairs pertaining to veterans, their dependents
 12 or survivors, or any other individual eligible for such benefit, program,
 13 service, commodity, function, or status; and
 14 (B) Compensation means payment of any money, thing of value, or
 15 financial benefit.
 16 (v) Nothing in this subdivision (a)(23) shall be construed to
 17 prohibit a division of fees between attorneys that is otherwise proper
 18 under Nebraska law and the Nebraska Rules of Professional Conduct.
 19 (vi) This subdivision (a)(23) does not apply to county veterans
 20 service officers.
 21 (b) In order to prevail in an action under the Uniform Deceptive
 22 Trade Practices Act, a complainant need not prove competition between the
 23 parties.
 24 (c) This section does not affect unfair trade practices otherwise
 25 actionable at common law or under other statutes of this state.
 26 Sec. 2. Original section 87-302, Revised Statutes Cumulative
 27 Supplement, 2022, is repealed.

GENERAL FILE

LEGISLATIVE BILL 1413. Senator M. Cavanaugh renewed [MO1247](#), found on page 1008 and considered on page 1028, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 446. Placed on General File with amendment.

[AM366](#)

1 1. On page 3, strike lines 9 through 12 and insert the following new
 2 subdivision:
 3 "(10) Vehicle means a motor vehicle as defined in section 60-471
 4 that is available for use through a peer-to-peer vehicle sharing program.
 5 Vehicle does not include any motor vehicle used as or offered for use as
 6 a rental vehicle under section 44-4067, any commercial motor vehicle as
 7 defined in section 60-465, or any vehicle subject to section 75-363."

(Signed) Julie Slama, Chairperson

MOTION(S) - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB937](#):

[MO1256](#)

Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to [LB937](#):

[MO1257](#)

Recommit to the Revenue Committee.

Senator M. Cavanaugh filed the following motion to [LB937](#):

[MO1258](#)

Bracket until April 12, 2024.

Senator M. Cavanaugh filed the following motion to [LB937](#):
[MO1259](#)
Bracket until April 11, 2024.

Senator M. Cavanaugh filed the following motion to [LB937](#):
[MO1260](#)
Recommit to the Revenue Committee.

Senator M. Cavanaugh filed the following motion to [LB937](#):
[MO1261](#)
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

GENERAL FILE

LEGISLATIVE BILL 1413. Senator M. Cavanaugh renewed [MO1247](#), found on page 1008 and considered on page 1028 and in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

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

No objections. So ordered.

Title read. Considered.

Committee [AM2698](#), found on page 962, was offered.

Senator M. Cavanaugh offered [FA254](#), found on page 1006, to the committee amendment.

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

The M. Cavanaugh amendment, to the committee amendment, was adopted with 30 ayes, 12 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Conrad offered [FA285](#), found on page 1028, to the committee amendment.

Senator Conrad moved for a call of the house. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

The Conrad amendment, to the committee amendment, lost with 20 ayes, 20 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Riepe offered the following motion:

[MO1262](#)

Reconsider the vote on FA285.

Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 942. Placed on General File with amendment.

[AM3006](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-1917, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 68-1917 Except for facilities which are exempt under section 68-1918
 6 and facilities referred to in section 68-1919, each nursing facility or
 7 skilled nursing facility licensed under the Health Care Facility
 8 Licensure Act shall pay a quality assurance assessment based on total
 9 resident days, including bed-hold days, less medicare days, for the
 10 purpose of improving the quality of nursing facility or skilled nursing
 11 facility care in this state. The assessment shall be ~~nine~~ nine ~~three~~
 12 ~~and fifty cents~~ dollars for each resident day for the preceding calendar quarter.
 13 The assessment in the aggregate shall not exceed the amount stated in
 14 section 68-1920.
 15 Sec. 2. Original section 68-1917, Reissue Revised Statutes of
 16 Nebraska, is repealed.

(Signed) Robert Clements, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1358. Placed on General File with amendment.

[AM2755](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Education

The Education 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.

Patricia M. Kircher - Nebraska Educational Telecommunications
 Commission

Courtney C. Wittstruck - Nebraska Educational Telecommunications
 Commission

Aye: 7. Albrecht, Conrad, Linehan, Meyer, Murman, Sanders, Walz. Nay: 1.
 Wayne. Absent: 0. Present and not voting: 0.

The Education 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.

Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment
Linda Poole - Technical Advisory Committee for Statewide Assessment

Aye: 7. Albrecht, Conrad, Linehan, Meyer, Murman, Sanders, Walz. Nay: 1. Wayne. Absent: 0. Present and not voting: 0.

(Signed) Dave Murman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Holdcroft filed the following amendment to LB876:

AM2953

(Amendments to Standing Committee amendments, AM2458)

- 1 1. On page 1, line 6, after "means" insert "(a)"; and in line 7
- 2 strike the first comma and insert "and (b) a" and strike the second
- 3 comma.
- 4 2. On page 2, strike beginning with "displaying" in line 10 through
- 5 "act" in line 11; strike beginning with "displaying" in line 14 through
- 6 the comma in line 15; and strike beginning with "displaying" in line 22
- 7 through "act" in line 23.

Senator Hardin filed the following amendment to LB1120:

AM2952

(Amendments to E&R amendments, ER82)

- 1 1. On page 1, line 20, after the period insert "No title or interest
- 2 in land shall be invalid, unmarketable, or subject to divestiture for a
- 3 violation of this section.".

Senator Dorn filed the following amendment to LB130:

AM3007

(Amendments to Final Reading copy)

- 1 1. Strike section 2 and insert the following new sections:
- 2 Sec. 2. Section 68-1917, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 68-1917 Except for facilities which are exempt under section 68-1918
- 5 and facilities referred to in section 68-1919, each nursing facility or
- 6 skilled nursing facility licensed under the Health Care Facility
- 7 Licensure Act shall pay a quality assurance assessment based on total
- 8 resident days, including bed-hold days, less medicare days, for the
- 9 purpose of improving the quality of nursing facility or skilled nursing
- 10 facility care in this state. The assessment shall be nine ~~three~~ dollars
- 11 ~~and fifty cents~~ for each resident day for the preceding calendar quarter.
- 12 The assessment in the aggregate shall not exceed the amount stated in
- 13 section 68-1920.
- 14 Sec. 3. Original sections 68-949 and 68-1917, Reissue Revised
- 15 Statutes of Nebraska, are repealed.
- 16 2. On page 1, strike beginning with "the" in line 1 through 4 and
- 17 insert "nursing facilities; to amend sections 68-949 and 68-1917, Reissue
- 18 Revised Statutes of Nebraska; to state intent regarding medicaid nursing
- 19 facility rates; to provide for reports; to change the amount of quality
- 20 assurance assessments; and to repeal the original sections."

Senator Brewer filed the following amendment to LB1412:
AM3008

(Amendments to Standing Committee amendments, AM2566)

- 1 1. On page 75, line 27, strike "57,513,677" and insert "58,013,677".
- 2 2. On page 76, line 1, strike "116,762,544" and insert
- 3 "117,262,544".
- 4 3. On page 77, line 6, strike "\$56,839,197", show as stricken, and
- 5 insert "\$57,339,197".
- 6 4. On page 78, after line 10 insert the following new paragraph:
- 7 "There is included in the amount shown as aid for this program for
- 8 FY2024-25 \$500,000 Cash Funds from the Job Training Cash Fund for state
- 9 aid to a nonprofit organization holding a certificate of exemption under
- 10 section 501(c)(3) of the Internal Revenue Code of 1986 providing health
- 11 care screening, sports competitions, educational opportunities, and
- 12 leadership training for persons with developmental or intellectual
- 13 disabilities."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 321. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to determine the scope and use of student surveillance, monitoring, and tracking technology by school officials in Nebraska and the private companies involved that are contracting with schools for the use of such student surveillance, monitoring, and tracking technology.

The intersection of government and technology companies utilizing tools of mass surveillance raises red flags from a civil rights and civil liberties perspective. Numerous public schools in Nebraska have instituted various tracking systems of students or school-issued computers that can surveil and monitor student usage or student movement in classrooms and schools. The tracking systems include, but are not limited to, digital hall passes, anti-vaping devices, fingerprints swipes, and electronic surveys.

Tools of mass surveillance are being purchased and utilized with taxpayer funds through contracts with private companies. These tools may have legitimate use for educational purposes and new technologies can advance the goals of student success and school safety. However, it is unclear as to how decisions about the tools are being made, under what authority, whether or not students and families can opt in or out of these tools, how these tools interface with student privacy laws, whether these tools comply with constitutional rights and civil liberties, how much public funds are expended by schools in Nebraska for these tools, how these tools impact or are able to ensure proper accommodations for students with disabilities or individualized education programs, and how biometric or personally identifiable information is stored, shared, or sold with the private companies.

The study should also include, but not be limited to, a consideration of the following:

(1) What statutory reforms are necessary to ensure that the constitutional and privacy rights of students, parents, and guardians are protected regarding governmental and commercial surveillance of students; and

(2) What statutory reforms are necessary to provide remedies for students, parents, and guardians against schools and private surveillance or curriculum companies that misappropriate or improperly use collected data for commercial or other purposes beyond legitimate educational purposes.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Hughes, 24.

WHEREAS, Royce Schweitzer of Heartland Community Schools is retiring at the end of the school year after forty-eight years as the school's band teacher; and

WHEREAS, under Royce's leadership, the Heartland Community Schools band earned many awards, including the Traveling Trophy from the 2023 Yorkfest Parade, which was the third year in a row the band has secured the award, and the 2023 Cornerstone Bank Governor's Trophy for Best Overall Band; and

WHEREAS, Royce has earned achievements of his own while teaching at Heartland Community Schools, including being named the Secondary Teacher of the Year by the Nebraska Rural Community Schools Association in 2003, receiving the 2017 Donald A. Lentz Outstanding Bandmaster Award, and being the president of the Nebraska Band Masters Association; and

WHEREAS, Royce taught for fifty-one years and forty-eight of those years he taught at Heartland Community Schools. His steady and reliable contributions to the school will be missed by the students he taught through the years.

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

1. That the Legislature congratulates Royce Schweitzer for his service and dedication to Heartland Community Schools.

2. That a copy of this resolution be sent to Royce Schweitzer.

Laid over.

LEGISLATIVE RESOLUTION 323. Introduced by Cavanaugh, J., 9; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20;

Halloran, 33; Hansen, 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Meyer, 41; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, on October 7, 1924, President Calvin Coolidge formalized diplomatic relations between the United States and Ireland when he accepted the credentials of Ambassador Timothy Smiddy of the Irish Free State; and

WHEREAS, the United States was one of the first nations to formally open diplomatic relations with Ireland; and

WHEREAS, diplomatic ties between the United States and Ireland remain strong to this day; and

WHEREAS, millions of Americans and tens of thousands of Nebraskans celebrate their Irish heritage; and

WHEREAS, 2024 marks one hundred years since the establishment of diplomatic relations between the United States and Ireland.

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

1. That the Legislature commemorates one hundred years since the opening of diplomatic relations between the United States and Ireland.

2. That the Legislature recognizes the strong relationship between the United States and Ireland and the heritage of Irish-Americans throughout Nebraska.

Laid over.

VISITOR(S)

Visitors to the Chamber were members of Leadership Nebraska City; members of Nemaha County Leadership; students from Lincoln Christian, Lincoln; students from Jefferson Elementary, Norfolk; JoAnne Nickerson and Nick Sass, Lincoln; Cory Reed and Ashley DuBois, Omaha; Keley Sass, Firth; Lendy Kesler and Audrey Kesler, Kansas City, MO; students, teachers, and parents from Heritage Elementary, Bennington.

RECESS

At 11:53 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senator Raybould who was excused; and Senators Albrecht, Bostar, Conrad, Meyer, Slama, Vargas, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1413. Committee [AM2698](#), found on page 962 and considered in this day's Journal, was renewed.

Senator Riepe renewed [MO1262](#), found and considered in this day's Journal, to reconsider the vote on FA285.

Senator Riepe asked unanimous consent to withdraw his motion to reconsider.

No objections. So ordered.

Senator Jacobson offered [FA286](#), found on page 1028, to the committee amendment.

The Jacobson amendment, to the committee amendment, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Pending.

MESSAGE(S) FROM THE GOVERNOR

March 13, 2024

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

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

On November 20, 2023, John L Kuehn, DVM, was reappointed to the State Board of Health. Dr. Kuehn has recently submitted his resignation effective March 7, 2024. Accordingly, I hereby respectfully request you withdraw him from consideration for confirmation. His contact information is as follows:

Dr John L Kuehn, 1101 43 Road, Heartwell, NE 68945

Please contact my office if you have any questions.

Sincerely,
(Signed) Jim Pillen
Governor

cc: State Board of Health

March 14, 2024

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

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

I hereby respectfully request you withdraw Michael Drinnin from consideration for confirmation to the Racing and Gaming Commission.

Please contact my office if you have any questions.

Sincerely,
(Signed) Jim Pillen
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 324. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether the Nebraska statutes should be modified to provide a tax credit or consideration towards the purchase of a new or replacement vehicle for a private seller who sells a vehicle. This study should also consider whether a different sales tax rate should be assessed on the sale of pre-owned or used vehicles, or whether an exemption from sales tax for such vehicles is warranted.

In Nebraska, purchasers of new and used cars must pay the state sales tax whether the vehicle is purchased from a private party, a relative, a private seller, or a licensed car dealer. Nebraska does allow for the exclusion of the value of a trade-in vehicle from the purchase of another vehicle for purpose of calculating sales tax. Section 77-2701.35 allows exclusions from the sale price for credit from a trade-in vehicle that is taken as all or a part of the consideration for the sale of another vehicle. This statute does not impose a time requirement for qualifying a vehicle transfer as a trade-in credit but the Department of Revenue generally requires that a trade-in must occur at the time of the new vehicle purchase, or the completion of the Nebraska sales and use tax form for the purchase, completed by a licensed Nebraska dealer, which serves as the certification of the consideration between the parties including a trade-in credit.

As a practical matter, the option to exclude the value of a trade-in vehicle is not available to private parties who purchase individual vehicles from

other private parties. This results in a purchaser of a vehicle from a private seller having to pay sales tax on the total purchase price of a vehicle, regardless if the purchaser sold their own original vehicle at or near the time of the purchase.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to [LB1188](#):
[AM3018](#) is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 2102 3:00 PM

Thursday, March 21, 2024
AM3018 Amending LB1188

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1413. Committee [AM2698](#), found on page 962 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh withdrew [FA275](#), found on page 1027, to the committee amendment.

Senator M. Cavanaugh, withdrew [FA279](#), found on page 1028, to the committee amendment.

Senator M. Cavanaugh offered [FA277](#), found on page 1027, to the committee amendment.

The M. Cavanaugh amendment, to the committee amendment, was withdrawn.

Senator M. Cavanaugh withdrew [FA278](#), found on page 1028, to the committee amendment.

The M. Cavanaugh amendment, [FA276](#), found on page 1027, to the committee amendment, was not considered.

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

[MO1248](#), found on page 1008, to bracket.

[MO1249](#), found on page 1008, to recommit to committee.

No objections. So ordered.

The committee amendment, as amended, was adopted with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Speaker Arch requested LB1188 be passed over on General Final.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 325. Introduced by Dungan, 26.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether changes to the Nebraska statutes relating to pretrial discovery are necessary to accommodate or to provide for parties to inspect or extract information from personal communication devices, computers, and other similar devices.

In Nebraska, the pretrial discovery process is governed mostly by statute. Various statutes provide that both prosecution and defense are entitled to inspect, investigate, and copy or receive copies of anticipated evidence or information material to a criminal case from opposing parties, witnesses, or other sources. Section 29-1913 provides that in certain instances if the prosecutor intends to use evidence consisting of scientific tests or analyses of ballistics, firearms identification, fingerprints, blood, semen, or other stains, a defendant may request the court to order the prosecutor to make available such evidence necessary to allow the defense to conduct like tests or analyses with its own experts. Section 29-1913 does not clearly provide for a defendant to request to inspect or extract material information from personal communication devices, computers, and other similar devices which the prosecutor may intend to use evidence from or which the state may have in its possession.

Nebraska has a statutory mechanism for postconviction relief, found in sections 29-3001 to 29-3004. The postconviction relief statutes do not provide for statutory discovery or allow for the typical discovery process available in other proceedings.

This study should consider whether changes to the Nebraska statutes relating to pretrial discovery are necessary to accommodate or to provide for parties to utilize discovery during the postconviction relief process.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326. Introduced by McKinney, 11.

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

WHEREAS, Senior Ann Marie Meiman competed in the tournament for the Omaha North High School girls wrestling team coached by Steven Kirchner; and

WHEREAS, Meiman won the Girls 135-pound state championship by defeating Alexis Pehrson of Omaha Skutt; and

WHEREAS, Meiman is the first girl at Omaha North High School to win an individual state wrestling championship for Omaha North High School; and

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

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

1. That the Legislature congratulates Omaha North High School wrestler Ann Marie Meiman on winning the 2024 Girls 135-pound State Wrestling Championship.
2. That copies of this resolution be sent to Omaha North High School and Ann Marie Meiman.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 926. Title read. Considered.

Senator Aguilar offered [AM2904](#), found on page 994.

The Aguilar amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 880. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1167. Title read. Considered.

Committee [AM2829](#), found on page 967, was offered.

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

Senator DeBoer withdrew [AM2281](#), found on page 578.

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

LEGISLATIVE BILL 1270. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1095. Title read. Considered.

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

LEGISLATIVE BILL 484. Title read. Considered.

Committee [AM790](#), found on page 786, First Session, 2023, was offered.

Senator Moser offered [AM2939](#), found on page 995, to the committee amendment.

The Moser amendment, to the committee amendment, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

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

SELECT FILE

LEGISLATIVE BILL 1118. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1143. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 877. [ER76](#), found on page 940, was offered.

ER76 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 998. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1162. [ER78](#), found on page 975, was offered.

ER78 was adopted.

Senator Lowe offered the following amendment:

[AM2946](#)

(Amendments to E and R amendments, ER78)

1 1. On page 3, line 18, strike "mileage"; and in line 19 after

2 "except" insert "mileage fees".

The Lowe amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 851. Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to [LB905A](#):

[AM3012](#)

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

3 Section 1. There is hereby appropriated (1) \$106,045 from the
4 Medicaid Managed Care Excess Profit Fund and \$106,048 from federal funds
5 for FY2024-25 and (2) \$216,444 from the Medicaid Managed Care Excess
6 Profit Fund and \$216,445 from federal funds for FY2025-26 to the
7 Department of Health and Human Services, for Program 33, to aid in
8 carrying out the provisions of Legislative Bill 905, One Hundred Eighth
9 Legislature, Second Session, 2024.

10 Total expenditures for permanent and temporary salaries and per
11 diems from funds appropriated in this section shall not exceed \$50,917
12 for FY2024-25 or \$106,924 for FY2025-26.

13 Sec. 2. There is hereby appropriated (1) \$-0- from the Medicaid
14 Managed Care Excess Profit Fund and \$-0- from federal funds for FY2024-25
15 and (2) \$133,435 from the Medicaid Managed Care Excess Profit Fund and
16 \$1,057,953 from federal funds for FY2025-26 to the Department of Health
17 and Human Services, for Program 348, to aid in carrying out the
18 provisions of Legislative Bill 905, One Hundred Eighth Legislature.

19 Second Session, 2024.

20 There is included in the appropriation to this program for FY2024-25

21 \$-0- Medicaid Managed Care Excess Profit Funds and \$-0- federal funds for

22 state aid, which shall only be used for such purpose. There is included

23 in the appropriation to this program for FY2025-26 \$133,435 Medicaid

24 Managed Care Excess Profit Funds and \$1,057,953 federal funds for state

25 aid, which shall only be used for such purpose.

26 No expenditures for permanent and temporary salaries and per diems

27 for state employees shall be made from funds appropriated in this

1 section.

Senator Halloran filed the following amendment to [LB262](#):
[AM3015](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 852. Title read. Considered.

Committee [AM2355](#), found on page 659, was offered.

Senator Jacobson offered [AM2732](#), found on page 850, to the committee amendment.

The Jacobson amendment, to the committee amendment, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1344. Title read. Considered.

Committee [AM2361](#), found on page 736, was offered.

The committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1197. Title read. Considered.

Committee [AM2419](#), found on page 679, was offered.

Senator von Gillern offered [AM2715](#), found on page 833, to the committee amendment.

The von Gillern amendment, to the committee amendment, was adopted with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator von Gillern withdrew [AM2379](#), found on page 630.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to [LB1031](#):
[AM2956](#)

(Amendments to Standing Committee amendments, AM2780)

- 1 1. On page 12, strike lines 26 and 27 and insert the following new
- 2 subdivision:
- 3 "(a) Communications service provider means a cable operator as
- 4 defined in 47 U.S.C. 522, a provider of information service as defined in
- 5 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C.
- 6 153, but does not include a wireless provider."
- 7 2. On page 13, line 1, after "outage" insert "pursuant to 47 C.F.R.
- 8 4.9(h)".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Raybould name added to LR323.

VISITOR(S)

Visitors to the Chamber was Greg Ibach, Sumner.

The Doctor of the Day was Dr. Steve Williams of Omaha.

ADJOURNMENT

At 4:47 p.m., on a motion by Senator Dover, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2024.

Brandon Metzler
Clerk of the Legislature

