

**FORTY-SECOND DAY - MARCH 13, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 13, 2024

**PRAYER**

The prayer was offered by Pastor John Schnell, Encounter Life Ministries, Mead.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Holdcroft.

**ROLL CALL**

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

The roll was called and all members were present except Senator Raybould who was excused; and Senators Albrecht, Bostar, Day, Hansen, Hunt, Linehan, McKinney, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 316 and 317 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 316 and 317.

**GENERAL FILE**

**LEGISLATIVE BILL 1412.** Senator M. Cavanaugh renewed [MO1244](#), found on page 998 and considered on pages 998 and 1003, 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 [AM2566](#), found on page 962, was offered.

Pending.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 550.** Placed on General File with amendment.

[AM2869](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 79-234, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 79-234 (1) An enrollment option program is hereby established to  
6 enable any kindergarten through twelfth grade Nebraska student to attend  
7 a school in a Nebraska public school district in which the student does  
8 not reside subject to the limitations prescribed in section 79-238. The  
9 option shall be available once during elementary school, once during  
10 middle school or junior high school, and once during high school for a  
11 total of three times only once to each student prior to graduation,  
12 except that the option does not count toward such limitation if such  
13 option meets, or met at the time of the option, one of the following  
14 criteria: (a) The student relocates to a different resident school  
15 district, (b) the option school district merges with another district,  
16 (c) the student will have completed either the grades offered in the  
17 school building originally attended in the option school district or the  
18 grades immediately preceding the lowest grade offered in the school  
19 building for which a new option is sought, (d) the option would allow the  
20 student to continue current enrollment in a school district, (e) the  
21 option would allow the student to enroll in a school district in which  
22 the student was previously enrolled as a student, or (f) the student is  
23 an open enrollment option student. Sections 79-232 to 79-246 do not  
24 relieve a parent or guardian from the compulsory attendance requirements  
25 in section 79-201.  
26 (2) The program shall not apply to any student who resides in a  
27 district which has entered into an annexation agreement pursuant to  
1 section 79-473, except that such student may transfer to another district  
2 which accepts option students.  
3 Sec. 2. Section 79-237, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 79-237 (1) For a student to begin attendance as an option student in  
6 an option school district, the student's parent or legal guardian shall  
7 submit an application to the school board of the option school district  
8 between September 1 and March 15 for attendance during the following and  
9 subsequent school years. Except as provided in subsection (2) of this  
10 section, applications submitted after March 15 shall contain a release  
11 approval from the resident school district, or if the student is an  
12 option student at the time of such application and applying to become an  
13 option student at a subsequent option school district, a release approval  
14 from the option school district the student is attending at the time of  
15 such application, on the application form prescribed and furnished by the

16 State Department of Education pursuant to subsection (8) of this section.  
17 A district may not accept or approve any applications submitted after  
18 such date without such a release approval. The option school district the  
19 student is applying to attend shall provide the resident school district,  
20 and if applicable, the option school district the student is attending at  
21 the time of such application, with the name of the applicant on or before  
22 April 1 or, in the case of an application submitted after March 15,  
23 within sixty days after submission. The option school district the  
24 student is applying to attend shall notify, in writing, the parent or  
25 legal guardian of the student and the resident school district, and, if  
26 applicable, the option school district the student is attending at the  
27 time of the application, whether the application is accepted or rejected  
28 on or before April 1 or, in the case of an application submitted after  
29 March 15, within sixty days after submission. An option school district  
30 that is a member of a learning community may not approve an application  
31 pursuant to this section for a student who resides in such learning  
1 community to attend prior to school year 2017-18.

2 (2) A student who relocates to a different resident school district  
3 after February 1 or whose option school district merges with another  
4 district effective after February 1 may submit an application to the  
5 school board of an option school district for attendance during the  
6 current or immediately following and subsequent school years unless the  
7 applicant is a resident of a learning community and the application is  
8 for attendance to begin prior to school year 2017-18 in an option school  
9 district that is also a member of such learning community. Such  
10 application does not require the release approval of the resident school  
11 district or the option school district the student is attending at the  
12 time of such application. The option school district the student is  
13 applying to attend shall accept or reject such application within forty-  
14 five days.

15 (3) A parent or guardian may provide information on the application  
16 for an option school district that is a member of a learning community  
17 regarding the applicant's potential qualification for free or reduced-  
18 price lunches. Any such information provided shall be subject to  
19 verification and shall only be used for the purposes of subsection (4) of  
20 section 79-238. Nothing in this subsection requires a parent or guardian  
21 to provide such information. Determinations about an applicant's  
22 qualification for free or reduced-price lunches for purposes of  
23 subsection (4) of section 79-238 shall be based on any verified  
24 information provided on the application. If no such information is  
25 provided, the student shall be presumed not to qualify for free or  
26 reduced-price lunches for the purposes of subsection (4) of section  
27 79-238.

28 (4) Applications for students who do not actually attend the option  
29 school district that the student applied to attend may be withdrawn in  
30 good standing upon mutual agreement by ~~both~~ the resident and option  
31 school districts involved.

1 (5) No option student shall attend an option school district for  
2 less than one school year unless the student relocates to a different  
3 resident school district, completes requirements for graduation prior to  
4 the end of his or her senior year, transfers to a private or parochial  
5 school, or upon mutual agreement of the resident and option school  
6 districts cancels the enrollment option and returns to the resident  
7 school district or the previous option school district the student was  
8 attending immediately prior.

9 (6) Except as provided in subsection (5) of this section or, for  
10 open enrollment option students, in section 79-235.01, the option student  
11 shall attend the option school district until graduation unless the  
12 student relocates in a different resident school district, transfers to a  
13 private or parochial school, ~~or~~ chooses to return to the resident school  
14 district, or options into a subsequent option school district, except  
15 that no student may use the enrollment option program other than as  
16 provided in section 79-234.

17 (7) In each case of cancellation pursuant to subsections (5) and (6)

18 of this section, the student's parent or legal guardian shall provide  
 19 written notification to the school board of the option school district or  
 20 districts and the resident school district on forms prescribed and  
 21 furnished by the department under subsection (8) of this section in  
 22 advance of such cancellation.  
 23 (8) The application and cancellation forms shall be prescribed and  
 24 furnished by the State Department of Education.  
 25 (9) An option student who subsequently chooses to attend a private  
 26 or parochial school and who is not an open enrollment option student  
 27 shall be automatically accepted to return to either the resident school  
 28 district or option school district upon the completion of the grade  
 29 levels offered at the private or parochial school. If such student  
 30 chooses to return to the option school district, the student's parent or  
 31 legal guardian shall submit another application to the school board of  
 1 the option school district which shall be automatically accepted, and the  
 2 deadlines prescribed in this section shall be waived.  
 3 Sec. 3. Original sections 79-234 and 79-237, Revised Statutes  
 4 Cumulative Supplement, 2022, are repealed.

(Signed) Dave Murman, Chairperson

**MOTION(S) - Print in Journal**

Senator Conrad filed the following motion to LB43A:  
[MO1253](#)

Indefinitely postpone.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services  
 Room 1510 1:00 PM

Wednesday, March 20, 2024

J. Paul Cook - State Board of Health  
 David Owens - Stem Cell Research Advisory Committee  
 Rui Yi - Stem Cell Research Advisory Committee  
 Daniel J. Rosenthal - State Board of Health  
 Dennis Roop - Stem Cell Research Advisory Committee

(Signed) Brian Hardin, Vice Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1412.** Committee [AM2566](#), found on page 962 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered [MO1245](#), found on page 1007, to bracket until April 18, 2024.

Pending.

**VISITOR(S)**

Visitors to the Chamber were Douglas Eicher, Milford; Sarah, Eleanor, and Jocelyn Mayo, Lincoln; Julia Paulzer and Nancy McKade, Omaha; students

from Grant Elementary, Norfolk; members of Civic Nebraska; members of Matriarchs for Change.

### RECESS

At 11:57 a.m., on a motion by Senator Dorn, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator DeBoer presiding.

### ROLL CALL

The roll was called and all members were present except Senators Hansen and Raybould who were excused; and Senators Albrecht, Bosn, Day, Dover, Dungan, Hunt, and Walz who were excused until they arrive.

### AMENDMENT(S) - Print in Journal

Senator Fredrickson filed the following amendment to [LB856](#):  
[AM2843](#)

(Amendments to AM2544)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 68-1206, Revised Statutes Supplement, 2023, is  
4 amended to read:  
5 68-1206 (1) The Department of Health and Human Services shall  
6 administer the program of social services in this state. The department  
7 may contract with other social agencies for the purchase of social  
8 services at rates not to exceed those prevailing in the state or the cost  
9 at which the department could provide those services. The statutory  
10 maximum payments for the separate program of aid to dependent children  
11 shall apply only to public assistance grants and shall not apply to  
12 payments for social services.  
13 (2)(a) As part of the provision of social services authorized by  
14 section 68-1202, the department shall participate in the federal child  
15 care assistance program under 42 U.S.C. 9857 et seq., as such sections  
16 existed on January 1, 2023, and provide child care assistance to families  
17 with incomes up to (i) one hundred eighty-five percent of the federal  
18 poverty level prior to October 1, 2026, or (ii) one hundred thirty  
19 percent of the federal poverty level on and after October 1, 2026.  
20 ~~(b)(i)~~ ~~(b)~~ As part of the provision of social services authorized by  
21 this section and section 68-1202, the department shall participate in the  
22 federal Child Care Subsidy program. A child care provider seeking to  
23 participate in the federal Child Care Subsidy program shall comply with  
24 the criminal history record information check requirements of the Child  
25 Care Licensing Act. In determining ongoing eligibility for this program,  
26 ten percent of a household's gross earned income shall be disregarded  
1 after twelve continuous months on the program and at each subsequent  
2 redetermination. In determining ongoing eligibility, if a family's income  
3 exceeds one hundred eighty-five percent of the federal poverty level  
4 prior to October 1, 2026, or one hundred thirty percent of the federal  
5 poverty level on and after October 1, 2026, the family shall receive  
6 transitional child care assistance through the remainder of the family's  
7 eligibility period or until the family's income exceeds eighty-five

8 percent of the state median income for a family of the same size as reported by the United States Bureau of the Census, whichever occurs first. When the family's eligibility period ends, the family shall continue to be eligible for transitional child care assistance if the family's income is below two hundred percent of the federal poverty level prior to October 1, 2026, or one hundred eighty-five percent of the federal poverty level on and after October 1, 2026. The family shall receive transitional child care assistance through the remainder of the transitional eligibility period or until the family's income exceeds eighty-five percent of the state median income for a family of the same size as reported by the United States Bureau of the Census, whichever occurs first. The amount of such child care assistance shall be based on a cost-shared plan between the recipient family and the state and shall be based on a sliding-scale methodology. A recipient family may be required to contribute a percentage of such family's gross income for child care that is no more than the cost-sharing rates in the transitional child care assistance program as of January 1, 2015, for those no longer eligible for cash assistance as provided in section 68-1724.

27 (ii) A household shall have all earned and unearned income excluded from its eligibility determination if the applicant or adult household member is:

30 (A)(I) Self-employed at a licensed child care program as described in section 71-1911, (II) employed at a licensed child care program as described in section 71-1911, (III) employed at a federal Head Start program, as described in 42 U.S.C. 9831 et seq., or (IV) employed at an Early Head Start program, as described in 42 U.S.C. 9840a;

4 (B) Verified for a minimum of thirty hours of employment per week; and

6 (C) Listed in the Nebraska Early Childhood Professional Record System as described in section 71-1962.

8 (iii) Child care programs with an eligible household described in subdivision (2)(b)(ii)(A)(II) or (2)(b)(ii)(A)(III) of this section shall make reasonable accommodations so that the eligible applicant or adult household member is not a primary caregiver to such applicant's or adult household member's child. If reasonable accommodation cannot be made, the department shall allow the applicant or adult household member to receive child care assistance for the applicant's or adult household member's child including when the applicant or adult household member is the primary caregiver for such child.

17 (iv) An eligible household described in subdivision (2)(b)(ii)(A)(I) of this section may enroll the household member's child in a child care program other than the household member's child care program to receive child care assistance.

21 (v) Nothing in subdivision (2)(b)(ii) of this section shall preclude a household from meeting additional eligibility requirements of the federal Child Care Subsidy program.

24 (vi) The department shall submit a report electronically to the Legislature on December 1 of each year that includes the monthly number of enrolled children and households by county and program type for households eligible pursuant to subdivision (2)(b)(ii) of this section.

28 (vii) No more than ten million dollars shall be spent annually for enrolled children under subdivisions (2)(b)(ii) through (vi) of this section.

31 (viii) The department shall provide for eligibility under subdivisions (2)(b)(ii) through (vi) of this section on a first-come, first-served basis and may limit eligibility once funds have been obligated for currently enrolled households through the remainder of the household's eligibility period. If all funds are obligated, the department shall maintain a wait list and when funds become available,

6 the department shall distribute such funds in the same manner as  
7 specified in this subdivision.  
8 (ix) Subdivisions (2)(b)(ii) through (ix) of this section shall  
9 terminate effective October 1, 2026.  
10 (c) For the period beginning July 1, 2021, through September 30,  
11 2026, funds provided to the State of Nebraska pursuant to the Child Care  
12 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such  
13 act and sections existed on January 1, 2023, shall be used to pay the  
14 costs to the state resulting from the income eligibility changes made in  
15 subdivisions (2)(a) and (b) of this section by Laws 2021, LB485. If the  
16 available amount of such funds is insufficient to pay such costs, then  
17 funds provided to the state for the Temporary Assistance for Needy  
18 Families program established in 42 U.S.C. 601 et seq. may also be used.  
19 No General Funds shall be used to pay the costs to the state, other than  
20 administration costs, resulting from the income eligibility changes made  
21 in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485, for  
22 the period beginning July 1, 2021, through September 30, 2026.  
23 (d) The Department of Health and Human Services shall collaborate  
24 with a private nonprofit organization with expertise in early childhood  
25 care and education for an independent evaluation of the income  
26 eligibility changes made in subdivisions (2)(a) and (b) of this section  
27 by Laws 2021, LB485, if private funding is made available for such  
28 purpose. The evaluation shall be completed by July 1, 2024, and shall be  
29 submitted electronically to the department and to the Health and Human  
30 Services Committee of the Legislature.  
31 (3) In determining the rate or rates to be paid by the department  
1 for child care as defined in section 43-2605, the department shall adopt  
2 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
3 of the state applicable to each child care program category of provider  
4 as defined in section 71-1910 which may claim reimbursement for services  
5 provided by the federal Child Care Subsidy program, except that the  
6 department shall not pay a rate higher than that charged by an individual  
7 provider to that provider's private clients. The schedule may provide  
8 separate rates for care for infants, for children with special needs,  
9 including disabilities or technological dependence, or for other  
10 individual categories of children. The schedule may also provide tiered  
11 rates based upon a quality scale rating of step three or higher under the  
12 Step Up to Quality Child Care Act. The schedule shall be effective on  
13 October 1 of every year and shall be revised annually by the department.  
14 Sec. 2. Original section 68-1206, Revised Statutes Supplement,  
15 2023, is repealed.

## MESSAGE(S) FROM THE GOVERNOR

March 8, 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:

Contingent upon your approval, the following individual is being appointed  
as a member of the Commission of Industrial Relations:

Spencer Hartman, 2300 Van Dorn Street, Lincoln, NE 68502, Attorney

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

Sincerely,  
(Signed) Jim Pillen  
Governor

Enclosures

March 8, 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:

Contingent upon your approval, the following individuals are being appointed as members of the Natural Resources Commission:

Larry Mohrman, 22624 235th Avenue, Columbus, NE 68601, Groundwater  
Irrigator  
John Shadle, 311 Morton Road, Columbus, NE 68601, Public Power  
District

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

Sincerely,  
(Signed) Jim Pillen  
Governor

Enclosures

March 8, 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:

Contingent upon your approval, the following individual is being appointed as a member of the State Racing and Gaming Commission:

Michael Drinnin, 493 E 53rd Street, Columbus, NE 68601, District 2



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

Sincerely,  
(Signed) Jim Pillen  
Governor

Enclosures

March 8, 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:

Contingent upon your approval, the following individual is being appointed as a member of the State Racing and Gaming Commission:

Helen Abbott Feller, 1121 18th Street, Wisner, NE 68791, District 1 -  
Horseracing

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

Sincerely,  
(Signed) Jim Pillen  
Governor

Enclosures

#### **GENERAL FILE**

**LEGISLATIVE BILL 1412.** Committee [AM2566](#), found on page 962 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO1245](#), found on page 1007 and considered in this day's Journal, to bracket until April 18, 2024.

Pending.

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

Senator Dorn filed the following amendment to [LB1108](#):

[AM2943](#)

(Amendments to AM2569)

1 1. On page 2, line 19 strike "(2)" and insert "(2)(a)"; in line 22

2 strike "(a)" and insert "(i)"; in line 24 strike "(b)" and insert "(ii)";  
 3 in line 26 strike "(c)" and insert "(iii)"; in line 28 strike "(d)" and  
 4 insert "(iv)"; in line 30 strike "(e)" and insert "(v)"; in line 31  
 5 strike "medical responders" and insert "care providers"; and after line  
 6 31 insert the following new subdivision:  
 7 "(b) The Department of Health and Human Services may adopt and  
 8 promulgate rules and regulations to carry out this subsection."

Senator Brewer filed the following amendment to [LB287](#):  
[AM2982](#)

(Amendments to AM2890)

1 1. On page 21, line 11, strike "[25-1564](#)" and insert "[25-1654](#)".

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 904A.** Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 904, One Hundred Eighth Legislature, Second Session, 2024.

**LEGISLATIVE BILL 1204A.** Introduced by Cavanaugh, J., 9.

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

**LEGISLATIVE BILL 644A.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 644, One Hundred Eighth Legislature, Second Session, 2024; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 1412.** Committee [AM2566](#), found on page 962 and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO1245](#), found on page 1007 and considered in this day's Journal, to bracket until April 18, 2024.

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

No objections. So ordered.

Senator M. Cavanaugh offered [MO1246](#), found on page 1007, to recommit to the Appropriations Committee.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to recommit to committee.

No objections. So ordered.

Speaker Arch offered the following motion:

[MO1254](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 38:

Albrecht	Brewer	Fredrickson	Linehan	Sanders
Arch	Clements	Halloran	Lippincott	Slama
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Meyer	Walz
Bostar	Dorn	Ibach	Moser	Wishart
Bostelman	Dover	Jacobson	Murman	
Brandt	Erdman	Kauth	Riepe	

Voting in the negative, 4:

Blood	Hunt	McKinney	Wayne
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Present and not voting, 4:

Cavanaugh, J.	Cavanaugh, M.	Day	Dungan
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Excused and not voting, 3:

Aguilar	Hansen	Raybould
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The Arch motion to invoke cloture prevailed with 38 ayes, 4 nays, 4 present and not voting, and 3 excused and not voting.

The committee amendment was adopted with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Albrecht	Brandt	Dungan	Kauth	Riepe
Arch	Brewer	Erdman	Linehan	Sanders
Armendariz	Clements	Fredrickson	Lippincott	Slama
Ballard	Conrad	Halloran	Lowe	Vargas
Blood	DeBoer	Hardin	McDonnell	von Gillern
Bosn	DeKay	Holdcroft	Meyer	Walz
Bostar	Dorn	Ibach	Moser	Wishart
Bostelman	Dover	Jacobson	Murman	

Voting in the negative, 4:

Cavanaugh, M.    Hunt                    McKinney    Wayne

Present and not voting, 3:

Cavanaugh, J.    Day                    Hughes

Excused and not voting, 3:

Aguilar            Hansen            Raybould

Advanced to Enrollment and Review Initial with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 685.** Placed on Final Reading.

**LEGISLATIVE BILL 844.** Placed on Final Reading.

#### [ST47](#)

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

1. Due to the adoption of the Jacobson amendment, FA252, in the Ibach amendment, AM2891:

- a. Section 4 has been struck, and section 5 has been renumbered as section 4; and
- b. On page 4, line 28, ", 48-1702, and 48-1714" has been struck and "and 48-1702" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "the Farm Labor Contractors Act; to amend sections 48-1701 and 48-1702, Reissue Revised Statutes of Nebraska; to define terms; to require certain actions by certain seed corn producers; to provide duties to the Director of Agriculture and the Department of Agriculture; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 857.** Placed on Final Reading.

#### [ST46](#)

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

1. Section 9 of the Bosn amendment, AM2761, has been incorporated into the Standing Committee amendments, AM2409, as follows: In AM2409, on page 2, line 16, "providing coverage for continuous glucose monitors as described in section 68-911." has been inserted after the first comma.

2. In the Standing Committee amendments, AM2409:





30 Sec. 3. Original section 76-214, Reissue Revised Statutes of  
 31 Nebraska, is repealed.  
 1 2. On page 1, strike beginning with "76-903" in line 1 through line  
 2 5 and insert "76-214, Reissue Revised Statutes of Nebraska; to define a  
 3 term; to require affidavits for certain purchases of real estate; to  
 4 change provisions relating to a real estate transfer statement; and to  
 5 repeal the original section."

**LEGISLATIVE BILL 1004.** Placed on Select File with amendment.

[ER80](#)

1 1. On page 1, line 4, strike "and"; and in line 5 after "sections"  
 2 insert "; and to declare an emergency".

**LEGISLATIVE BILL 262.** Placed on Select File with amendment.

[ER84](#)

1 1. In the Standing Committee amendments, AM719:  
 2 a. On page 40, line 21, strike "22, 25, 26, 30, 31, and 32" and  
 3 insert "24, and 25";  
 4 b. On page 45, line 9, after the comma insert "the"; and in line 10  
 5 after "or" insert "the"; and  
 6 c. On page 56, line 20, strike "and" and "81-2,239,"; in line 21  
 7 strike "81-2,240,"; and in line 23 after the comma insert "and sections  
 8 81-2,239 and 81-2,240, Revised Statutes Supplement, 2023."  
 9 2. On page 1, strike beginning with "the" in line 1 through line 13  
 10 and insert "agriculture; to amend sections 2-503, 2-504, 2-505, 2-506,  
 11 2-508, 2-509, 2-510, 2-511, 2-514, 2-515, 2-517, 75-902, 75-903,  
 12 75-903.02, 81-2,251.03, 88-526, 88-527, 88-528.01, 88-541, and 88-549,  
 13 Reissue Revised Statutes of Nebraska, sections 28-401, 75-156,  
 14 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,263, 81-2,270, 81-2,271,  
 15 81-2,281, and 88-530, Revised Statutes Cumulative Supplement, 2022, and  
 16 sections 81-2,239 and 81-2,240, Revised Statutes Supplement, 2023; to  
 17 change and eliminate provisions of the Nebraska Hemp Farming Act and the  
 18 Uniform Controlled Substances Act relating to hemp; to change provisions  
 19 relating to warehouse operators; to change provisions of the Grain Dealer  
 20 Act, the Nebraska Pure Food Act, and the Grain Warehouse Act; to  
 21 eliminate provisions relating to hemp; to harmonize provisions; to repeal  
 22 the original sections; and to outright repeal sections 2-5701,  
 23 81-2,242.03, and 81-2,251.02, Reissue Revised Statutes of Nebraska, and  
 24 sections 81-2,245, 81-2,251.01, and 81-2,272.31, Revised Statutes  
 25 Cumulative Supplement, 2022."

**LEGISLATIVE BILL 867.** Placed on Select File with amendment.

[ER88](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 6  
 2 and insert "natural resources; to amend sections 37-420 and 37-421,  
 3 Reissue Revised Statutes of Nebraska, and sections 37-201, 37-438,  
 4 66-1519, 66-1523, 66-1525, 66-1529.02, and 70-1003, Revised Statutes  
 5 Cumulative Supplement, 2022; to provide under the Game Law for a database  
 6 for guides and outfitters, a migratory waterfowl hunting season for  
 7 veterans as prescribed, a one-day hunting permit and stamps for certain  
 8 veterans for use on Veterans Day, and active-duty military permits as a  
 9 type of state park motor vehicle entry permit; to change reimbursement,  
 10 transfer, investment, and remedial action provisions relating to the  
 11 Petroleum Release Remedial Action Cash Fund; to change provisions  
 12 relating to service on the Nebraska Power Review Board; to harmonize  
 13 provisions; to provide operative dates; to repeal the original sections;  
 14 and to declare an emergency."

(Signed) Beau Ballard, Chairperson

## Revenue

**LEGISLATIVE BILL 126.** Placed on General File with amendment. [AM2941](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Natural Resources

**LEGISLATIVE BILL 1335.** Placed on General File with amendment. [AM2947](#) is available in the Bill Room.

(Signed) Bruce Bostelman, Chairperson

Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

KC Belitz Director - Department of Economic Development

Aye: 8. Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524 1:00 PM

Wednesday, March 20, 2024

Sarah Scott - Department of Revenue

(Signed) Lou Ann Linehan, Chairperson

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

Senator Hughes filed the following amendment to [LB1412](#):

[AM2986](#)

(Amendments to Standing Committee amendments, AM2566)

- 1 1. On page 50, line 22, strike "20,832,043" and insert "10,832,043";
- 2 in line 23 strike "1,003,874,134" and insert "993,874,134"; and in line
- 3 27 strike "\$20,832,043" and insert "\$10,832,043".
- 4 2. On page 53, strike line 28, show as stricken, and insert "FEDERAL
- 5 FUND 189,200,000 -0-"; and in line 29 strike "266,000,000" and insert
- 6 "276,000,000".
- 7 3. On page 55, after line 10 insert the following new paragraph:
- 8 "There is included in the appropriation to this program for



9 FY2023-24 \$10,000,000 Federal Funds to provide a grant to a city of the  
10 first class located in a county with less than twenty thousand  
11 inhabitants which is located in a metropolitan statistical area, as  
12 defined in section 18-803, with more than three hundred thousand  
13 inhabitants for the purpose of funding a portion of the cost of a  
14 wastewater system. The Federal Funds appropriated in this section are  
15 from the funds allocated to the State of Nebraska from the federal  
16 Coronavirus State Fiscal Recovery Fund pursuant to the federal American  
17 Rescue Plan Act of 2021, 42 U.S.C. 802, as amended."

Senator M. Cavanaugh filed the following amendment to LB1412:

[FA280](#)

Strike line 22 on page 37 and reinstate line 23.

Senator M. Cavanaugh filed the following amendment to LB1412:

[FA281](#)

Strike line 22 on page 34 and reinstate line 23.

Senator M. Cavanaugh filed the following amendment to LB1412:

[FA282](#)

Strike lines 1-20 on page 75.

Senator M. Cavanaugh filed the following amendment to LB1412:

[FA283](#)

Strike lines 26-30 on page 50 and line 1 on page 51.

Senator M. Cavanaugh filed the following amendment to LB1412:

[FA284](#)

Strike lines 6-15 on page 10.

Senator Fredrickson filed the following amendment to LB1412:

[AM2983](#)

(Amendments to Standing Committee amendments, AM2566)

1 1. On page 34, line 22, strike "70,382,211" and insert "82,382,211";

2 and in line 27 strike "102,466,682" and insert "114,466,682".

3 2. On page 35, line 3, strike "\$70,382,211" and insert

4 "\$82,382,211".

5 3. On page 41, line 30, strike "84,553,606" and insert "87,553,606".

6 4. On page 42, line 6, strike "94,107,211" and insert "97,107,211".

Senator Clements filed the following amendment to LB1412:

[AM2987](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to LB1413:

[FA275](#)

Strike Sections 4 - 27.

Senator M. Cavanaugh filed the following amendment to LB1413:

[FA276](#)

Strike Section 26.

Senator M. Cavanaugh filed the following amendment to LB1413:

[FA277](#)

Strike Section 8.

Senator M. Cavanaugh filed the following amendment to LB1413:

[FA278](#)

Strike Section 7.

Senator M. Cavanaugh filed the following amendment to LB1413:

[FA279](#)

Strike Section 3.

Senator Conrad filed the following amendment to LB1413:

[FA285](#)

On page 5, strike lines 8-12 in Sec. 26.

Senator Jacobson filed the following amendment to LB1413:

[FA286](#)

Strike lines 13-17 on page 5.

### GENERAL FILE

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

Senator Clements opened on the bill, LB1413.

Senator M. Cavanaugh opened on her motion, MO1247.

### SENATOR VON GILLERN PRESIDING

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 1108.** Placed on Select File with amendment.

[ER89](#)

1 1. On page 1, strike beginning with "motor" in line 1 through line 4  
2 and insert "the Nebraska Emergency Medical System Operations Fund; to  
3 amend section 71-51,103, Reissue Revised Statutes of Nebraska, section  
4 37-327.02, Revised Statutes Cumulative Supplement, 2022, and section  
5 77-27,132, Revised Statutes Supplement, 2023; to provide for transfers to  
6 the Nebraska Emergency Medical System Operations Fund; to change the  
7 permitted uses of the fund; to provide for a report; to harmonize  
8 provisions; to repeal the original sections; and to declare an  
9 emergency."

(Signed) Beau Ballard, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Dungan filed the following amendment to LB399:

[AM2804](#)

(Amendments to Standing Committee amendments, AM2702)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. Section 70-1014.02, Revised Statutes Cumulative Supplement,
- 3 2022, is amended to read:
- 4 70-1014.02 ~~(1)(a) (+)~~ The Legislature finds that:
- 5 ~~(i) (+)~~ Nebraska has the authority as a sovereign state to protect
- 6 its land, natural resources, and cultural resources for economic and
- 7 aesthetic purposes for the benefit of its residents and future
- 8 generations by regulation of energy generation projects;
- 9 ~~(ii) (b)~~ The unique terrain and ecology of the Nebraska Sandhills
- 10 provide an irreplaceable habitat for millions of migratory birds and
- 11 other wildlife every year and serve as the home to numerous ranchers and
- 12 farmers;
- 13 ~~(iii) (e)~~ The grasslands of the Nebraska Sandhills and other natural
- 14 resources in Nebraska will become increasingly valuable, both
- 15 economically and strategically, as the demand for food and energy
- 16 increases; and
- 17 ~~(iv) (d)~~ The Nebraska Sandhills are home to priceless archaeological
- 18 sites of historical and cultural significance to American Indians.
- 19 ~~(b)~~ The Legislature further finds that local governmental entities
- 20 in Nebraska best understand local needs and should have the right to
- 21 determine if they want privately developed renewable energy generation
- 22 facilities within their boundaries.
- 23 (2)(a) A privately developed renewable energy generation facility
- 24 that meets the requirements of this section is exempt from sections
- 25 70-1012 to 70-1014.01. ~~Prior if no less than thirty days prior to the~~
- 26 ~~commencement of construction of a privately developed renewable energy~~
- 1 ~~generation facility, the owner of such the facility shall either file an~~
- 2 ~~application and receive a conditional use permit or special exception to~~
- 3 ~~commence construction from the local governmental entity having~~
- 4 ~~jurisdiction or file an application with - (i) Notifies the board and~~
- 5 ~~receive the board's approval in writing of its intent to commence~~
- 6 ~~construction. Whichever application the owner elects to file shall be~~
- 7 ~~exclusive. If the owner elects to file an application for a conditional~~
- 8 ~~use permit or special exception, the owner shall comply with the local~~
- 9 ~~governmental entity's application requirements and the board shall not~~
- 10 ~~impose additional requirements. If the owner elects to file an~~
- 11 ~~application with the board, the local governmental entity shall not~~
- 12 ~~impose additional requirements. The owner shall certify in an application~~
- 13 ~~to the board that: of a privately developed renewable energy generation~~
- 14 ~~facility;~~
- 15 ~~(i) The (ii) Certifies to the board that the facility will meet the~~
- 16 ~~requirements for a privately developed renewable energy generation~~
- 17 ~~facility;~~
- 18 ~~(ii) The (iii) Certifies to the board that the private electric~~
- 19 ~~supplier will (A) comply with any decommissioning requirements adopted by~~
- 20 ~~the local governmental entities having jurisdiction over the privately~~
- 21 ~~developed renewable energy generation facility and (B) except as~~
- 22 ~~otherwise provided in subdivision (b) of this subsection, submit a~~
- 23 ~~decommissioning plan to the board obligating the private electric~~
- 24 ~~supplier to bear all costs of decommissioning the privately developed~~
- 25 ~~renewable energy generation facility and requiring that the private~~
- 26 ~~electric supplier post a security bond or other instrument, no later than~~
- 27 ~~the third tenth year following commercial operation, securing the costs~~
- 28 ~~of decommissioning the facility and provide a copy of the bond or~~
- 29 ~~instrument to the board;~~
- 30 ~~(iii) The (iv) Certifies to the board that the private electric~~
- 31 ~~supplier has entered into or prior to commencing construction will enter~~
- 1 ~~into a joint transmission development agreement pursuant to subdivision~~
- 2 ~~(c) of this subsection with the electric supplier owning the transmission~~
- 3 ~~facilities of sixty thousand volts or greater to which the privately~~
- 4 ~~developed renewable energy generation facility will interconnect; and~~
- 5 ~~(iv) The (+) Certifies to the board that the private electric~~
- 6 ~~supplier has consulted with the Game and Parks Commission to identify~~

7 potential measures to avoid, minimize, and mitigate impacts to species  
8 identified under subsection (1) or (2) of section 37-806 during the  
9 project planning and design phases, if possible, but in no event later  
10 than the commencement of construction; -

11 (v) The applicant has entered into a power purchase agreement for  
12 the output of the privately developed renewable energy generation  
13 facility; and

14 (vi) For a proposed privately developed renewable energy generation  
15 facility that has a generating capacity that is greater than ten  
16 megawatts, the entity with whom the applicant has entered into a power  
17 purchase agreement has held at least one public meeting with advanced  
18 publicized notice in one of the counties in which the proposed facility  
19 will be located at which (A) at least fifty percent of the governing body  
20 of such entity attends either in person or by videoconference, but with  
21 not less than one member of the governing body physically present, (B)  
22 the applicant explains the need for the proposed facility and the type of  
23 facility, and (C) real property owners in any of the counties in which  
24 the proposed facility will be located are provided an opportunity to  
25 comment on the proposed facility. The applicant shall provide a report to  
26 the board containing the minutes of any such meeting and how many people  
27 commented on the proposed facility. Documentation received at any such  
28 meeting may be made available to the board upon its request. A meeting  
29 described in this subdivision is not subject to the requirements  
30 described in subdivision (2)(b)(iv) of section 84-1411.

31 (b) The board may bring an action in the name of the State of  
1 Nebraska for failure to comply with subdivision (a)(ii)(B) ~~(a)(iii)(B)~~ of  
2 this subsection, ~~except that such subdivision -Subdivision (a)(iii)(B)~~  
3 ~~of this subsection~~ does not apply if a local government entity with the  
4 authority to create requirements for decommissioning has enacted  
5 decommissioning requirements for the applicable jurisdiction.

6 (c) ~~A~~ The joint transmission development agreement shall be entered  
7 into to address construction, ownership, operation, and maintenance of  
8 such additions or upgrades to the transmission facilities as required for  
9 the privately developed renewable energy generation facility. The joint  
10 transmission development agreement shall be negotiated and executed  
11 contemporaneously with the generator interconnection agreement or other  
12 directives of the applicable regional transmission organization with  
13 jurisdiction over the addition or upgrade of transmission, upon terms  
14 consistent with prudent electric utility practices for the  
15 interconnection of renewable generation facilities, the electric  
16 supplier's reasonable transmission interconnection requirements, and  
17 applicable transmission design and construction standards. The electric  
18 supplier shall have the right to purchase and own transmission facilities  
19 as set forth in the joint transmission development agreement. The private  
20 electric supplier of the privately developed renewable energy generation  
21 facility shall have the right to construct any necessary facilities or  
22 improvements set forth in the joint transmission development agreement  
23 pursuant to the standards set forth in the agreement at the private  
24 electric supplier's cost.

25 ~~(3)(a)~~ ~~(3)~~ Within ten days after receipt of an application to the  
26 board a written notice complying with subsection (2) of this section,  
27 including the holding of at least one public meeting pursuant to  
28 subdivision (2)(a)(vi) of this section, if applicable, the board shall  
29 approve the application if the board finds that (i) the application meets  
30 the criteria certified in such application pursuant to subsection (2) of  
31 this section, (ii) the application will serve the public convenience and  
1 necessity, and (iii) the applicant can most economically and feasibly  
2 supply the electric service resulting from the proposed construction or  
3 acquisition without unnecessary duplication of facilities or operations.

4 (b) ~~The~~ ~~the~~ executive director of the board shall issue a written  
5 acknowledgment of such board approval and that the privately developed  
6 renewable energy generation facility is exempt from sections 70-1012 to  
7 70-1014.01 if such facility remains in compliance with the requirements  
8 of this section.

9 (4) The exemption allowed under this section for a privately  
 10 developed renewable energy generation facility shall extend to and exempt  
 11 all private electric suppliers owning any interest in the facility,  
 12 including any successor private electric supplier which subsequently  
 13 acquires any interest in the facility.  
 14 (5) No property owned, used, or operated as part of a privately  
 15 developed renewable energy generation facility shall be subject to  
 16 eminent domain by a consumer-owned electric supplier operating in the  
 17 State of Nebraska. Nothing in this section shall be construed to grant  
 18 the power of eminent domain to a private electric supplier or limit the  
 19 rights of any entity to acquire any public, municipal, or utility right-  
 20 of-way across property owned, used, or operated as part of a privately  
 21 developed renewable energy generation facility as long as the right-of-  
 22 way does not prevent the operation of or access to the privately  
 23 developed renewable energy generation facility.  
 24 (6) Only a consumer-owned electric supplier operating in the State  
 25 of Nebraska may exercise eminent domain authority to acquire the land  
 26 rights necessary for the construction of transmission lines and related  
 27 facilities. There is a rebuttable presumption that the exercise of  
 28 eminent domain to provide needed transmission lines and related  
 29 facilities for a privately developed renewable energy generation facility  
 30 is a public use.  
 31 (7) Nothing in this section shall be construed to authorize a  
 1 private electric supplier to sell or deliver electricity at retail in  
 2 Nebraska.  
 3 (8) Nothing in this section shall be construed to limit the  
 4 authority of or require a consumer-owned electric supplier operating in  
 5 the State of Nebraska to enter into a joint agreement with a private  
 6 electric supplier to develop, construct, and jointly own a privately  
 7 developed renewable energy generation facility.

Senator Jacobson filed the following amendment to LB1413:

[FA287](#)

Strike lines 13-17 on page 5.

### VISITOR(S)

Visitors to the Chamber were members of Girl Scouts-Lincoln; Olena and Olha Rudenko, Kearney and Ukraine; Milena Rudenko and Sandy Cook-Fong, Kearney; students, teachers, and sponsors from Sutton Public School, Sutton; students and teachers from North Platte St. Patrick's Catholic High school, North Platte; Carter Brady, Lincoln.

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

### ADJOURNMENT

At 5:03 p.m., on a motion by Senator Jacobson, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2024.

Brandon Metzler  
 Clerk of the Legislature

