

SIXTY-THIRD DAY - APRIL 16, 2025

LEGISLATIVE JOURNAL

**ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 16, 2025

PRAYER

The prayer was offered by Senator Jacobson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Storer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Dorn presiding.

The roll was called and all members were present except Senators Bostar, Conrad, Guereca, Hunt, Juarez, Rountree, and Spivey who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 322. Committee [AM767](#), found on page 940 and considered on pages 1116 and 1123, was renewed.

Senator DeBoer renewed [MO107](#), found on page 840 and considered on pages 1116 and 1123, to bracket until June 9, 2025.

SPEAKER ARCH PRESIDING

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

Senator Hallstrom moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Hallstrom motion to cease debate prevailed with 36 ayes, 9 nays, and 4 present and not voting.

The DeBoer motion to bracket failed with 6 ayes, 36 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator McKinney offered the following motion:

[MO181](#)

Reconsider the vote taken on MO107.

Senator Clouse offered the following motion:

[MO182](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Clouse moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Clouse motion to invoke cloture prevailed with 36 ayes, 8 nays, and 5 present and not voting.

The McKinney motion to reconsider failed with 9 ayes, 36 nays, and 4 present and not voting.

The committee amendment was adopted with 33 ayes, 8 nays, and 8 present and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 8 nays, and 4 present and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Hallstrom filed the following amendments to [LB322](#):

[AM1095](#)

(Amendments to Standing Committee amendments, AM767)

- 1 1. Insert the following new section:
- 2 Sec. 9. In a prosecution for a violation of section 4, 5, 6, or 7 of
- 3 this act, it shall be an affirmative defense that the defendant is a
- 4 person with a developmental disability as defined in section 83-1205 or
- 5 autism spectrum disorder as defined in section 44-7,106.
- 6 2. On page 1, line 6, strike "8" and insert "9".
- 7 3. On page 3, line 9, strike "8" and insert "9".
- 8 4. Renumber the remaining sections accordingly.

[AM1092](#)

(Amendments to Standing Committee amendments, AM767)

- 1 1. Insert the following new section:

- 2 Sec. 9. In a prosecution for a violation of section 4, 5, 6, or 7 of
 3 this act, it shall be an affirmative defense that the defendant is a
 4 person with a developmental disability as defined in section 83-1205 or
 5 autism spectrum disorder as defined in section 44-7,106.
 6 2. On page 1, line 6, strike "8" and insert "9".
 7 3. On page 3, line 9, strike "8" and insert "9".
 8 4. Renumber the remaining sections accordingly.

Senator Ballard filed the following amendment to LB645:
AM1023

(Amendments to Standing Committee amendments, AM876)

- 1 1. Insert the following new section:
 2 Section 1. Section 79-934, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 79-934 (1) In lieu of the school retirement allowance provided by
 5 section 79-933, any member who is not an employee of a Class V school
 6 district and who becomes eligible to make application for and receive a
 7 school retirement allowance under section 79-931 may receive a formula
 8 annuity retirement allowance if it is greater than the school retirement
 9 allowance provided by section 79-933.
 10 (2) Subject to the other provisions of this section, the monthly
 11 formula annuity in the normal form shall be determined by multiplying the
 12 number of years of creditable service for which such member would
 13 otherwise receive the service annuity provided by section 79-933 by (a)
 14 one and one-quarter percent of his or her final average compensation for
 15 a member who has acquired the equivalent of one-half year of service or
 16 more as a school employee under the retirement system following August
 17 24, 1975, (b) one and one-half percent of his or her final average
 18 compensation for a member who has acquired the equivalent of one-half
 19 year of service or more as a school employee under the retirement system
 20 following July 17, 1982, (c) one and sixty-five hundredths percent of his
 21 or her final average compensation for a member who has acquired the
 22 equivalent of one-half year of service or more as a school employee under
 23 the retirement system following July 1, 1984, (d) one and seventy-three
 24 hundredths percent of his or her final average compensation for a member
 25 actively employed as a school employee under the retirement system or
 26 under contract with an employer on or after June 5, 1993, (e) one and
 1 eight-tenths percent of his or her final average compensation for a
 2 member who has acquired the equivalent of one-half year of service or
 3 more as a school employee under the retirement system following July 1,
 4 1995, and was employed as a school employee under the retirement system
 5 or under contract with an employer on or after April 10, 1996, (f) one
 6 and nine-tenths percent of his or her final average compensation for a
 7 member who has acquired the equivalent of one-half year of service or
 8 more as a school employee under the retirement system following July 1,
 9 1998, and was employed as a school employee under the retirement system
 10 or under contract with an employer on or after April 29, 1999, (g) two
 11 percent of his or her final average compensation for a member who has
 12 acquired the equivalent of one-half year of service or more as a school
 13 employee under the retirement system following July 1, 2000, who was
 14 employed as a school employee under the retirement system or under
 15 contract with an employer on or after May 2, 2001, and hired prior to
 16 July 1, 2016, and who has not retired prior to May 2, 2001, or (h) two
 17 percent of his or her final average compensation for a member initially
 18 hired on or after July 1, 2016, or a member who has taken a refund or
 19 retirement and is rehired or hired by a separate employer covered by the
 20 retirement system on or after July 1, 2016, and has acquired the
 21 equivalent of five years of service or more as a school employee under
 22 the retirement system or under contract with an employer on or after July
 23 1, 2016. Subdivision (2)(f) of this section shall not apply to a member

24 who is retired prior to April 29, 1999. Subdivision (2)(g) of this
25 section shall not apply to a member who is retired prior to May 2, 2001.

26 (3) If the annuity begins on or after the member's sixty-fifth
27 birthday, the annuity shall not be reduced.

28 (4) If the annuity begins prior to the member's sixtieth birthday
29 and the member has completed thirty-five or more years of creditable
30 service, the annuity shall be actuarially reduced on the basis of age
31 sixty-five.

1 (5)(a) For a member who has acquired the equivalent of one-half year
2 of creditable service or more as a school employee under the retirement
3 system following July 1, 1997, and who was a school employee on or after
4 March 4, 1998, and who was hired prior to July 1, 2016, if the annuity
5 begins at a time when the sum of the member's attained age and creditable
6 service totals eighty-five and the member is at least fifty-five years of
7 age, the annuity shall not be reduced. This subdivision shall not apply
8 to a member who is retired prior to March 4, 1998.

9 (b) For a member hired on or after July 1, 2016, and prior to July
10 1, 2018, or for a member who has taken a retirement or refund that
11 relinquished all prior service credit and who has not repaid the full
12 amount of the refund pursuant to section 79-921 and is rehired or hired
13 by any employer covered by the retirement system on or after July 1,
14 2016, and prior to July 1, 2018, if the annuity begins at a time when the
15 sum of the member's attained age and creditable service totals eighty-
16 five and the member is at least fifty-five years of age, the annuity
17 shall not be reduced.

18 (c) For a member hired on or after July 1, 2018, or for a member or
19 former member who has taken a retirement or refund that relinquished all
20 prior service credit and who has not repaid the full amount of the refund
21 pursuant to section 79-921 and is rehired or hired by any employer
22 covered by the retirement system on or after July 1, 2018, the annuity
23 shall not be reduced if the annuity begins at a time when the sum of the
24 member's attained age and creditable service totals eighty-five and the
25 member is:

26 (i) Prior to July 1, 2025, at least sixty years of age; and, the
27 annuity shall not be reduced.

28 (ii) On or after July 1, 2025, at least fifty-five years of age.

29 (6) If the annuity begins on or after the member's sixtieth birthday
30 and the member has completed at least a total of five years of creditable
31 service including eligibility and vesting credit but has not yet

1 qualified for an unreduced annuity as specified in this section, the
2 annuity shall be reduced by three percent for each year after the
3 member's sixtieth birthday and prior to his or her sixty-fifth birthday.

4 (7)(a) Except as provided in section 42-1107, the normal form of the
5 formula annuity shall be an annuity payable monthly during the remainder
6 of the member's life with the provision that in the event of the member's
7 death before sixty monthly payments have been made the monthly payments
8 will continue until sixty monthly payments have been made in total
9 pursuant to section 79-969.

10 (b) Except as provided in section 42-1107, a member may elect to
11 receive in lieu of the normal form of annuity an actuarially equivalent
12 annuity in any optional form provided by section 79-938.

13 (8) All formula annuities shall be paid from the School Retirement
14 Fund.

15 (9)(a) For purposes of this section, in the determination of
16 compensation for members whose retirement date is on or after July 1,
17 2013, that part of a member's compensation for the plan year which
18 exceeds the member's compensation for the preceding plan year by more
19 than eight percent during the capping period shall be excluded. Such
20 member's compensation for the first plan year of the capping period shall
21 be compared to the member's compensation received for the plan year

22 immediately preceding the capping period.

23 (b) For purposes of this subsection:

24 (i) Capping period means the five plan years preceding the later of

25 (A) such member's retirement date or (B) such member's final compensation

26 date; and

27 (ii) Final compensation date means the later of (A) the date on

28 which a retiring member's final compensation is actually paid or (B) if a

29 retiring member's final compensation is paid in advance as a lump sum,

30 the date on which such final compensation would have been paid to the

31 member in the absence of such advance payment.

1 2. On page 4, after line 21 insert the following new subdivision:

2 "(b) For each fiscal year beginning July 1, 2025, and prior to July

3 1, 2027, no transfer shall be made into the School Retirement Fund under

4 this subsection."; and in line 22 strike "(b)" and insert "(c)" and

5 strike "2025" and insert "2027".

6 3. On page 5, line 23, strike "79-958" and insert "79-934, 79-958,".

7 4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems

Room 1524 12:00 PM

Wednesday, April 23, 2025

AM1023 Amending LB645

(Signed) Beau Ballard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 123. Introduced by Jacobson, 42.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the collection, use, and protection of agricultural data in Nebraska with a focus on trade practices and consumer protection which is the focus of the Agricultural Data Protection Act introduced as LB525 in the First Session of the One Hundred Ninth Legislature. Agricultural data encompasses a wide range of information, from crop yields and soil conditions to livestock health and market trends, and is increasingly vital to the operation and profitability of Nebraska farms and ranches. The proliferation of digital technologies and data-driven practices in agriculture has led to a significant increase in the collection and storage of sensitive agricultural data by various corporations and entities. This has raised concerns regarding the potential for unauthorized use, sale, and sharing of farmers' and ranchers' data, which may lead to unfair trade practices and consumer protection issues.

The interim study shall include, but not be limited to, the following:

(1) The types of agricultural data being collected and utilized by corporations and other entities;

(2) The existing legal and contractual frameworks governing the ownership, use, and transfer of agricultural data;

(3) The potential for unfair trade practices and consumer protection issues arising from the unauthorized use or sale of farmers' and ranchers' data;

(4) Best practices for data protection and security in the agricultural sector;

(5) The impact of data sharing and aggregation on market transparency and competition; and

(6) Methods of protecting the data from third-party sales and unauthorized usage.

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

1. That the Banking, Commerce and Insurance 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 124. Introduced by Jacobson, 42.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the role of a pharmacy benefit manager (PBM) within the Nebraska health insurance industry and the impact on prescription drug prices, evaluate the transparency and accountability of the practices of a PBM, and identify potential legislative or regulatory solutions to address concerns related to PBM practices. Prescription prices continue to rise, placing a significant financial burden on Nebraska residents and businesses. A pharmacy benefit manager plays a substantial role in the administration of prescription drug benefits within health insurance plans. Concerns have been raised regarding the transparency and accountability of the practices of a PBM, including their impact on drug prices and patient access. Understanding the role and influence of a PBM is crucial to developing policies that promote affordability and accessibility of prescription medications for Nebraskans.

The interim study shall include, but not be limited to, the following:

(1) The contractual relationship between a PBM, a health insurance plan, and a pharmacy;

(2) The reimbursement models used by a PBM, including spread pricing and rebates;

(3) The formulary management practices of a PBM, including drug utilization review and prior authorization requirements;

(4) The impact of the practices of a PBM on patient access to affordable prescription medications;

(5) The degree of transparency in the operations of a PBM; and

(6) The effects of such practices on independent pharmacies.

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

1. That the Banking, Commerce and Insurance 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 125. Introduced by Spivey, 13; Cavanaugh, M., 6; Conrad, 46; DeBoer, 10; Fredrickson, 20; Guereca, 7; Hunt, 8; Juarez, 5; Lippincott, 34; McKinney, 11; Rountree, 3.

WHEREAS, Second Chance Month has been observed in April in the United States since 2017 in an effort to raise awareness of the collateral consequences of criminal, especially felony, convictions and to seek solutions; and

WHEREAS, each year, more than six hundred thousand individuals are released from state and federal prisons across the United States, including over four thousand returning to communities in Nebraska; and

WHEREAS, Second Chance Month is a time to recognize the importance of second chances and to support the safe and successful reentry of formerly incarcerated individuals; and

WHEREAS, individuals that are system impacted often face significant barriers to housing, employment, and education; and

WHEREAS, removing barriers and supporting reentry efforts through a commitment to second chance opportunities and social support not only strengthens families and communities, but also improves public safety, reduces recidivism, contributes to a stronger economy, and ensures that Nebraska remains a land of opportunity for all people; and

WHEREAS, Second Chance Month is an opportunity to affirm the dignity and potential of every person.

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

1. That the Legislature recognizes April 2025 as Second Chance Month in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 649. Title read. Considered.

Committee [AM933](#), found on page 1016, was offered.

Pending.

VISITOR(S)

Visitors to the Chamber were Jack Hunter, Sioux County High School; students from Friend Public School, Friend; students, teachers, and sponsors

from Twin River Public Schools, Geneoa; students, teacher, and sponsors from Verdigre Public School, Verdigre.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Arch presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostar, Dover, Hunt, Lonowski, McKinney, and Meyer who were excused until they arrive.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1023 12:00 PM

Thursday, April 24, 2025
Dennis Grennan - Nebraska Power Review Board

(Signed) Tom Brandt, Chairperson

GENERAL FILE

LEGISLATIVE BILL 649. Committee [AM933](#), found on page 1016 and considered in this day's Journal, was renewed.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 647. Placed on General File with amendment. [AM994](#) is available in the Bill Room.

(Signed) R. Brad von Gillern, Chairperson

GENERAL FILE

LEGISLATIVE BILL 649. Committee [AM933](#), found on page 1016 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Sanders withdrew [AM632](#), found on page 823.

Advanced to Enrollment and Review Initial with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 559. Title read. Considered.

Committee [AM731](#), found on page 963, was offered.

The committee amendment was adopted with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Hansen filed the following amendment to [LB676](#):
[AM1097](#)

(Amendments to Standing Committee amendments, AM655)

- 1 1. Strike sections 32 and 35 and insert the following new sections:
- 2 Sec. 13. Immediate newborn care means care that focuses on the
- 3 newborn up to and including seven days after birth. Immediate newborn
- 4 care includes, but is not limited to, the following:
- 5 (1) Routine assistance to the newborn to establish respiration and
- 6 maintain thermal stability;
- 7 (2) Routine physical assessment including Apgar scoring;
- 8 (3) Vitamin K administration;
- 9 (4) Eye prophylaxis for ophthalmia neonatorum;
- 10 (5) Methods to facilitate newborn adaptation to extrauterine life,
- 11 including stabilization, resuscitation, and emergency management as
- 12 indicated; and
- 13 (6) Collecting and submitting blood specimens in accordance with
- 14 section 71-519.
- 15 Sec. 23. Immediate newborn care means care that focuses on the
- 16 newborn up to and including seven days after birth. Immediate newborn
- 17 care includes, but is not limited to, the following:
- 18 (1) Routine assistance to the newborn to establish respiration and
- 19 maintain thermal stability;
- 20 (2) Routine physical assessment including Apgar scoring;
- 21 (3) Vitamin K administration;
- 22 (4) Eye prophylaxis for ophthalmia neonatorum;
- 23 (5) Methods to facilitate newborn adaptation to extrauterine life,
- 24 including stabilization, resuscitation, and emergency management as
- 25 indicated; and
- 26 (6) Collecting and submitting blood specimens in accordance with
- 1 section 71-519.
- 2 Sec. 34. (1) Subject to subsection (2) of this section, a licensed
- 3 professional midwife may practice professional midwifery at any location
- 4 other than a hospital as defined in section 71-419 and shall not be
- 5 required to practice under the supervision of or under a collaborative
- 6 practice agreement with another health care provider.
- 7 (2) In order to be permitted to practice professional midwifery in a
- 8 health care practitioner facility as defined in section 71-414 or a
- 9 health clinic as defined in section 71-416, a licensed professional

10 midwife shall be subject to the rules and procedures of the facility
 11 relating to medical staff membership and privileges.
 12 Sec. 37. Except as otherwise provided in subsection (2) of section
 13 34 of this act, nothing in the Licensed Professional Midwives Practice
 14 Act shall abridge, limit, or change in any way the right of parents to
 15 deliver their baby where, when, how, and with whom they choose,
 16 regardless of credentialed status.
 17 2. On page 8, lines 20 and 27, strike "section 11" and insert
 18 "sections 11 and 13".
 19 3. On page 10, line 26, strike "for females"; in line 27 strike
 20 "immediately following birth"; and in line 28 after "age" insert ",
 21 except that in the case of a home birth, the practice of the certified
 22 nurse midwife relating to the newborn shall be limited to immediate
 23 newborn care".
 24 4. On page 11, strike line 19 and show the old matter as stricken.
 25 5. On page 15, line 12, strike "17 to 37" and insert "18 to 39"; and
 26 in line 16 strike "19 to 24" and insert "20 to 26".
 27 6. On page 16, strike lines 21 through 25, and insert the following
 28 new subdivisions:
 29 "(d)(i) Has successfully completed an educational program or pathway
 30 accredited by the Midwifery Education Accreditation Council, or a similar
 31 organization as approved by the board; or
 1 (ii) Prior to January 1, 2026, has obtained a midwifery bridge
 2 certificate from the North American Registry of Midwives, or a similar
 3 organization as approved by the board."
 4 7. On page 17, strike beginning with "care" in line 14 through line
 5 15 and insert "immediate newborn care."; and after line 21 insert the
 6 following new subsection:
 7 "(4) A licensed professional midwife shall annually report to the
 8 board:
 9 (a) The number of births attended;
 10 (b) The number of fetal demise, infant death, and maternal death
 11 outcomes;
 12 (c) The number of women whose care was transferred to another health
 13 care professional during the antepartum period and the reasons for such
 14 transfers;
 15 (d) The number of nonemergency hospital transfers, the reasons for
 16 such transfers, and the outcomes of such transfers; and
 17 (e) Any complications resulting in the morbidity or mortality of a
 18 child bearing woman or neonate."
 19 8. On page 19, after line 25 insert the following new subdivision:
 20 "(10) Requirements for a written recommendation with referrals to at
 21 least two licensed physicians or certified nurse midwives to be presented
 22 to clients;"; in line 26 strike "(10)" and insert "(11)"; in line 31
 23 strike "(11)" and insert "(12)"; and in line 29, after the comma insert
 24 "the level of the licensed professional midwife's liability insurance."
 25 9. On page 21, line 13, strike "40" and insert "42".
 26 10. On page 23, line 20, strike "38-618, and 44-2803" and insert
 27 "and 38-618".
 28 11. Renumber the remaining sections accordingly.

Senator Dungan filed the following amendments to LB559:

FA114

On page 2, line 16 eliminate the comma after the word "services".

FA115

In AM731, eliminate the comma on page 1, line 15 after the word "organization".

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

VISITOR(S)

Visitors to the Chamber were students from St. Michael's of Albion, Albion; John Hughes and Virginia Hughes, Seward; LaVon Clouse, Kearney.

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

ADJOURNMENT

At 4:35 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 2025.

Brandon Metzler
Clerk of the Legislature

