

**THIRTY-NINTH DAY - MARCH 6, 2024**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION**

**THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 6, 2024

**PRAYER**

The prayer was offered by Mike Whitney, Sower Church, Lincoln.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

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

The roll was called and all members were present except Senators Raybould and Sanders who were excused; and Senators Bosn, Bostar, Conrad, Day, Dover, Hansen, Hunt, Slama, Vargas, Walz, Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 28, 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 Board of Public Roads Classifications & Standards:

Brandon B. Varilek, 15800 N 1st, Raymond, NE 68428, DOT representative

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

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 312 and 313 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 312 and 313.

### **GENERAL FILE**

**LEGISLATIVE BILL 856A.** Title read. Considered.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

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

Voting in the affirmative, 30:

Aguilar	Bostelman	DeBoer	Holdcroft	McKinney
Arch	Brandt	DeKay	Hughes	Meyer
Armendariz	Brewer	Dorn	Hunt	Riepe
Ballard	Cavanaugh, J.	Dungan	Ibach	Vargas
Blood	Cavanaugh, M.	Fredrickson	Jacobson	Walz
Bosn	Conrad	Halloran	McDonnell	Wayne

Voting in the negative, 11:

Albrecht	Hardin	Lippincott	Slama
Clements	Kauth	Lowe	von Gillern
Erdman	Linehan	Murman	

Present and not voting, 1:

Moser

Excused and not voting, 7:

Bostar	Dover	Raybould	Wishart
Day	Hansen	Sanders	

Advanced to Enrollment and Review Initial with 30 ayes, 11 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 857A.** Title read. Considered.

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

**LEGISLATIVE BILL 1035A.** Title read. Considered.

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

**LEGISLATIVE BILL 175.** Title read. Considered.

Committee [AM2504](#), found on page 828, was offered.

Senator Wayne offered [AM2754](#), found on page 916, to the committee amendment.

Pending.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 1031.** Placed on General File with amendment. [AM2780](#) is available in the Bill Room.

(Signed) Mike Moser, Chairperson

Judiciary

**LEGISLATIVE BILL 441.** Placed on General File with amendment. [AM2789](#)

1 1. Insert the following new section:

2 Section 1. Section 28-810, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 28-810 It shall be a defense to a prosecution under sections 28-808

5 and 28-809 that:

6 (1) Either:

7 (a) Such person had reasonable cause to believe that the minor  
 8 involved was eighteen years of age or more, and that such reasonable  
 9 cause is based on but not limited to the presentation by the minor  
 10 exhibited to such person of a draft card, driver's license, birth  
 11 certificate, or other official or apparently official document purporting  
 12 to establish that such minor was eighteen years of age or more; or  
 13 (b) (2) The minor was accompanied by his parent or guardian and such  
 14 person had reasonable cause to believe that the person accompanying the  
 15 minor was the parent or guardian of that minor; and  
 16 (3) ~~Such person had reasonable cause to believe that the person was~~  
 17 ~~the parent or guardian of the minor; and~~  
 18 (2) (4) Such person's activity falls within the defenses to a  
 19 prosecution contained in section 28-815.  
 20 2. Renumber the remaining sections and correct the repealer  
 21 accordingly.

**LEGISLATIVE BILL 876.** Placed on General File with amendment.  
[AM2458](#) is available in the Bill Room.

**LEGISLATIVE BILL 892.** Placed on General File with amendment.  
[AM2765](#)

1 1. On page 26, strike line 18 and insert the following new  
 2 subdivisions:  
 3 "(27)(A) Xylazine or any of the substances listed below, including  
 4 their salts, isomers, and salts of isomers whenever the existence of such  
 5 salts, isomers, and salts of isomers is possible within the specific  
 6 chemical designation:  
 7 (i) Xylazine-M (2,6-dimethylaniline);  
 8 (ii) Xylazine-M (N-thiourea-2,6-dimethylaniline);  
 9 (iii) Xylazine-M (sulfone-HO-) isomer 2;  
 10 (iv) Xylazine-M (HO-2,6-dimethylaniline isomer 1);  
 11 (v) Xylazine-M (HO-2,6-dimethylaniline isomer 2);  
 12 (vi) Xylazine M (oxo-);  
 13 (vii) Xylazine-M (HO-) isomer 1;  
 14 (viii) Xylazine-M (HO-) isomer 1 glucuronide;  
 15 (ix) Xylazine-M (HO-) isomer 2;  
 16 (x) Xylazine-M (HO-) isomer 2 glucuronide;  
 17 (xi) Xylazine-M (HO-oxo-) isomer 1;  
 18 (xii) Xylazine-M (HO-oxo-) isomer 1 glucuronide;  
 19 (xiii) Xylazine-M (HO-oxo-) isomer 2;  
 20 (xiv) Xylazine-M (HO-oxo-) isomer 2 glucuronide;  
 21 (xv) Xylazine-M (sulfone); and  
 22 (xvi) Xylazine-M (sulfone-HO-) isomer 1.  
 23 (B) This subdivision (27) shall not include xylazine when it is used  
 24 in any of the following manners:  
 25 (i) Dispensing or prescribing for, or administering to, a nonhuman  
 26 species a drug containing xylazine that has been approved by the United  
 27 States Secretary of Health and Human Services under section 512 of the  
 1 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360b, as such act existed  
 2 on January 1, 2024;  
 3 (ii) Dispensing or prescribing for, or administering to, a nonhuman  
 4 species that is permissible under section 512(a)(4) of the Federal Food,  
 5 Drug, and Cosmetic Act, 21 U.S.C. 360b(a)(4), as such act existed on  
 6 January 1, 2024;  
 7 (iii) The manufacturing, distribution, or use of xylazine as an  
 8 active pharmaceutical ingredient for manufacturing an animal drug that  
 9 has been approved under section 512 of the Federal Food, Drug, and  
 10 Cosmetic Act, 21 U.S.C. 360b, or that has been issued an investigational  
 11 use exemption under section 512(j) of the act, 21 U.S.C. 360b(j), as such

12 act existed on January 1, 2024;

13 (iv) The manufacturing, distribution, or use of a xylazine bulk

14 chemical for pharmaceutical compounding by licensed pharmacists or

15 veterinarians for a nonhuman species in accordance with subdivision (B)

16 (i) or (ii) of this subdivision (27); or

17 (v) Any other use approved or permissible under the Federal Food,

18 Drug, and Cosmetic Act, when dispensed or prescribed for, or administered

19 to, a nonhuman species in accordance with subdivision (B)(i) or (ii) of

20 this subdivision (27)."

# **LEGISLATIVE BILL 1085.** Placed on General File with amendment.

## AM2369

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

2 sections:

3 Section 1. Section 43-2,119, Revised Statutes Cumulative Supplement,

4 2022, is amended to read:

5 43-2,119 (1) The number of judges of the separate juvenile court in

6 counties which have established a separate juvenile court shall be:

7 (a) Two judges in counties having seventy-five thousand inhabitants

8 but less than ~~three~~ two hundred thousand inhabitants;

9 (b) Four judges in counties having at least ~~three~~ two hundred

10 thousand inhabitants but less than ~~five~~ four hundred thousand

11 inhabitants; and

12 (c) Six judges in counties having ~~five~~ four hundred thousand

13 inhabitants or more.

14 (2) The senior judge in point of service as a juvenile court judge

15 shall be the presiding judge. The judges shall rotate the office of

16 presiding judge every three years unless the judges agree to another

17 system.

18 Sec. 2. Original section 43-2,119, Revised Statutes Cumulative

19 Supplement, 2022, is repealed.

(Signed) Justin Wayne, Chairperson

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

Senator Dorn filed the following amendment to LB942:

## AM2895

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~~ three dollars

12 ~~and fifty cents~~ 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.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations  
Room 1003 12:00 PM

Wednesday, March 13, 2024  
AM2895 Amending LB942

(Signed) Robert Clements, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 175.** Committee [AM2504](#), found on page 828 and considered in this day's Journal, was renewed.

Senator Wayne renewed [AM2754](#), found on page 916 and considered in this day's Journal, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 934.** Placed on General File with amendment.

[AM2706](#)

- 1 1. On page 2, strike beginning with "may" in line 11 through the
- 2 period in line 12 and insert "or defendant may demand that any claim
- 3 under the Consumer Protection Act be tried by a jury."
- 4 2. On page 5, line 23, after "has" insert "reasonable."
- 5 3. On page 6, strike lines 9 through 13 and insert the following new
- 6 subdivisions:
- 7 "(e) Obtain an order freezing or impounding connected accounts or
- 8 assets as provided in subsection (10) of this section.
- 9 (10)(a) For purposes of this subsection, connected accounts or
- 10 assets means any bank account, other financial account, money, asset, or
- 11 property connected with any alleged violation of sections 59-1602 to
- 12 59-1606.
- 13 (b) In order to ensure the availability of resources needed to
- 14 provide restitution or any other remedy available to a consumer by law,
- 15 the Attorney General may request an ex parte order from the district
- 16 court temporarily freezing or impounding connected accounts or assets. If
- 17 granted, such order shall be effective for a period of fourteen days, and
- 18 the court shall set the matter for a hearing. The Attorney General shall
- 19 provide notice of the order and hearing to the owner of the connected
- 20 account or asset. Such notice may be made by publication.
- 21 (c) Following such hearing, the court may extend the temporary order
- 22 for any period up to the completion of all proceedings undertaken under
- 23 the Consumer Protection Act unless earlier canceled or modified at the
- 24 request of the Attorney General."; in line 20 after "87-303.02" insert
- 25 "(a)" and after "has" insert "reasonable"; in line 24 strike "(a)", show
- 26 as stricken, and insert "(1)"; and in line 31 strike "(b)", show as
- 27 stricken, and insert "(2)".
- 1 4. On page 7, line 3, strike "(c)", show as stricken, and insert
- 2 "(3)"; in line 5 strike "(d)", show as stricken, and insert "(4)"; and
- 3 strike lines 10 through 15 and insert the following new subdivisions:
- 4 "(5) Obtain an order freezing or impounding connected accounts or
- 5 assets as provided in subsection (b) of this section.
- 6 (b)(1) For purposes of this subsection, connected accounts or assets

7 means any bank account, other financial account, money, asset, or  
 8 property connected with any alleged deceptive trade practice or  
 9 unconscionable act listed in section 87-302 or 87-303.01.  
 10 (2) In order to ensure the availability of resources needed to  
 11 provide restitution or any other remedy available to a consumer by law,  
 12 the Attorney General may request an ex parte order from the district  
 13 court temporarily freezing or impounding connected accounts or assets. If  
 14 granted, such order shall be effective for a period of fourteen days, and  
 15 the court shall set the matter for a hearing. The Attorney General shall  
 16 provide notice of the order and hearing to the owner of the connected  
 17 account or asset. Such notice may be made by publication.  
 18 (3) Following such hearing, the court may extend the temporary order  
 19 for any period up to the completion of all proceedings undertaken under  
 20 the Uniform Deceptive Trade Practices Act unless earlier canceled or  
 21 modified at the request of the Attorney General."; and strike beginning  
 22 with "may" in line 16 through the period in line 17 and insert "or  
 23 defendant may demand that any claim under the Uniform Deceptive Trade  
 24 Practices Act be tried by a jury."

(Signed) Justin Wayne, Chairperson

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

Senator Bosn filed the following amendment to [LB137](#):  
[AM2828](#) is available in the Bill Room.

#### **VISITOR(S)**

Visitors to the Chamber were members from North Central States Regional  
 Council of Carpenters; students from David City Elementary, David City;  
 members from Youth Leadership Kearney; members of the Alpha Kappa  
 Alpha Sorority-Lincoln and Omaha Chapters; students from Pershing  
 Elementary, Lexington.

#### **RECESS**

At 11:53 a.m., on a motion by Senator M. Cavanaugh 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 Senators  
 Armendariz, Raybould, and Sanders who were excused; and Senators  
 Fredrickson, Ibach, Jacobson, McKinney, Vargas, and Wayne who were  
 excused until they arrive.

#### **COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1047.** Placed on General File.

**LEGISLATIVE BILL 1134.** Placed on General File with amendment.**AM2881**

1 1. Insert the following new sections:

2 Section 1. Section 77-5005, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-5005 (1) Within ten days after appointment, the commissioners  
5 shall meet at their office in Lincoln, Nebraska, and enter upon the  
6 duties of their office.

7 (2) A majority of the commission shall ~~at all times~~ constitute a  
8 quorum to transact business, and one vacancy shall not impair the right  
9 of the remaining commissioners to exercise all the powers of the  
10 commission, except that two commissioners shall constitute a quorum to  
11 hear and determine any appeals or petitions.

12 (3) Any investigation, inquiry, or hearing held or undertaken by the  
13 commission may be held or undertaken by a single commissioner in those  
14 appeals designated for hearing pursuant to section 77-5015.02.

15 (4) All investigations, inquiries, hearings, and decisions of a  
16 single commissioner and every order made by a single commissioner shall  
17 be deemed to be the order of the commission, except as provided in  
18 subsection (6) of section 77-5015.02. The full commission, on an  
19 application made within thirty days after the date of an order, may grant  
20 a rehearing and determine de novo any decisions of or orders made by the  
21 commission. The commission, on an application made within thirty days  
22 after the date of an order issued after a hearing by a single  
23 commissioner, except for an order dismissing an appeal or petition for  
24 failure of the appellant or petitioner to appear at a hearing on the  
25 merits, shall grant a rehearing on the merits before the commission. The  
26 thirty-day filing period for appeals under subsection (2) of section  
27 77-5019 shall be tolled while a motion for rehearing is pending.

1 (5) All hearings or proceedings of the commission shall be open to  
2 the public.

3 (6) The Open Meetings Act applies only to hearings or proceedings of  
4 the commission held pursuant to the rulemaking authority of the  
5 commission.

6 Sec. 4. If any section in this act or any part of any section is  
7 declared invalid or unconstitutional, the declaration shall not affect  
8 the validity or constitutionality of the remaining portions.

9 Sec. 6. Since an emergency exists, this act takes effect when passed  
10 and approved according to law.

11 2. Renumber the remaining sections and correct the repealer  
12 accordingly.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Conrad filed the following amendment to LB287:

**AM2792**

(Amendments to Standing Committee amendments, AM2060)

1 1. Insert the following new sections:

2 Sec. 51. Section 84-217, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 84-217 ~~Section 84-216 is Sections 84-215 to 84-217 shall be~~  
5 cumulative to any existing remedies which may exist.

6 Sec. 56. The following section is outright repealed: Section 84-215,  
7 Reissue Revised Statutes of Nebraska.

8 2. On page 69, line 5, strike "and 49-1499.03" and insert  
9 "49-1499.03, and 84-217".



10 3. Renumber the remaining sections, correct internal references, and  
11 correct the operative date section so that the sections added by this  
12 amendment become operative three calendar months after the adjournment of  
13 this legislative session.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Anderson, Britt D. - Beginning Farmer Board - Agriculture  
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor  
Farrington, Stephen M. - State Electrical Board - General Affairs  
Gerjevic, Don F. - State Electrical Board - General Affairs  
Hunsberger, Michael M. - State Electrical Board - General Affairs  
Lubben, Bradley D. - Beginning Farmer Board - Agriculture  
Lunz, Lisa A. - Beginning Farmer Board - Agriculture  
Salerno, Jeanne - Nebraska Arts Council - General Affairs  
Scott, Sarah - Property Tax Administrator, Department of Revenue -  
Revenue  
Thornburg, Wade E. - Beginning Farmer Board - Agriculture  
Varilek, Brandon B. - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications  
Walvoord, John E. - Beginning Farmer Board - Agriculture

(Signed) Raymond Aguilar, Chairperson  
Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 175.** Committee [AM2504](#), found on page 828 and considered in this day's Journal, was renewed.

Senator Wayne renewed [AM2754](#), found on page 916 and considered in this day's Journal, to the committee amendment.

The Wayne amendment, to the committee amendment, was withdrawn.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1087A.** Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Eighth Legislature, Second Session, 2024.

**LEGISLATIVE BILL 685A.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 685, One Hundred Eighth Legislature, Second Session, 2024.

### AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB204A:

#### AM2871

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. There is hereby appropriated (1) \$75,000 from the General  
4 Fund for FY2024-25 and (2) \$-0- from the General Fund for FY2025-26 to  
5 the Department of Health and Human Services, for Program 33, to aid in  
6 carrying out the provisions of Legislative Bill 204, One Hundred Eighth  
7 Legislature, Second Session, 2024.  
8 No expenditures for permanent and temporary salaries and per diems  
9 for state employees shall be made from funds appropriated in this  
10 section.  
11 Sec. 2. There is hereby appropriated (1) \$2,510,597 from the General  
12 Fund and \$4,466,385 from federal funds for FY2024-25 and (2) \$2,510,597  
13 from the General Fund and \$4,466,385 from federal funds for FY2025-26 to  
14 the Department of Health and Human Services, for Program 348, to aid in  
15 carrying out the provisions of Legislative Bill 204, One Hundred Eighth  
16 Legislature, Second Session, 2024.  
17 There is included in the appropriation to this program for FY2024-25  
18 \$2,510,597 General Funds and \$4,466,385 federal funds for state aid,  
19 which shall only be used for such purpose. There is included in the  
20 appropriation to this program for FY2025-26 \$2,510,597 General Funds and  
21 \$4,466,385 federal funds for state aid, which shall only be used for such  
22 purpose.  
23 No expenditures for permanent and temporary salaries and per diems  
24 for state employees shall be made from funds appropriated in this  
25 section.  
26 Sec. 3. Since an emergency exists, this act takes effect when passed  
27 and approved according to law.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 317.** Introduced by Walz, 15.

WHEREAS, post-traumatic stress is a significant public health issue that can result from a variety of stressors including combat, interpersonal violence, high-impact collisions, natural disasters, and exposure to the suffering of others; and

WHEREAS, the diagnosis known as post-traumatic stress disorder was initially formulated in 1980 by the American Psychiatric Association to describe and categorize the symptoms and behavioral complications of severe traumatic stress; and

WHEREAS, post-traumatic stress has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and the word "disorder" carries a stigma that perpetuates this misconception and creates a barrier that interferes with the ability of individuals to seek and receive timely care; and

WHEREAS, electro-magnetic imaging has shown that severe traumatic stress causes physical changes within the brain, which are more accurately described as an injury than a disorder; and

WHEREAS, any injury consistent with criteria A through H of section 309.81 of the Diagnostic Statistical Manual of Mental Disorders deserves consideration and compensation strictly matching legal entitlements provided for disabilities that have been or are currently classified as post-traumatic stress disorder; and

WHEREAS, all individuals deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being as well as timely access to appropriate treatment of traumatic stress injuries averting complications and preventing suicide; and

WHEREAS, all individuals suffering from post-traumatic stress injuries and the brave men and women who received these wounds while risking their lives to protect the freedom, safety, and welfare of others deserve special recognition for their gallantry, commitment, and sacrifice.

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

1. That the Legislature recognizes June 27, 2024, as Post-Traumatic Stress Injury Awareness Day and June 2024 as Post-Traumatic Stress Injury Awareness Month in Nebraska.

2. That the Legislature urges all individuals to observe Post-Traumatic Stress Injury Awareness Day and Post-Traumatic Stress Injury Awareness Month with appropriate ceremonies and activities that promote public understanding of the challenges faced by individuals with traumatic stress injuries and their families.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 175.** Committee [AM2504](#), found on page 828 and considered in this day's Journal, was renewed.

Senator Dungan offered the following amendment to the committee amendment:

[AM2908](#) is available in the Bill Room.

#### **SPEAKER ARCH PRESIDING**

Senator Dungan moved for a call of the house. The motion prevailed with 9 ayes, 5 nays, and 35 not voting.

#### **PRESIDENT KELLY PRESIDING**

The Dungan amendment, to the committee amendment, was adopted with 32 ayes, 11 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Slama offered the following motion:

[MO1234](#)

Reconsider the vote on AM2908.

Senator Slama withdrew her motion to reconsider.

Senator Slama offered the following amendment to the committee amendment:

[FA248](#)

Strike line 1 on page 1.

Pending.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 1288.** Placed on Select File with amendment.

[ER75](#)

- 1 1. On page 1, line 5, strike "sections 83-338 and 83-364" and insert
- 2 "section 83-338".
- 3 2. On page 15, line 16, strike "(a)", show as stricken, and insert
- 4 "(i)"; in line 17 strike "(b)", show as stricken, and insert "(ii)"; and
- 5 in line 19 strike "(c)", show as stricken, and insert "(iii)".
- 6 3. On page 26, line 31, strike "sections" and insert "section".
- 7 4. On page 27, line 1, strike "and 83-364".

**LEGISLATIVE BILL 1118.** Placed on Select File.

**LEGISLATIVE BILL 1143.** Placed on Select File.

**LEGISLATIVE BILL 877.** Placed on Select File with amendment.

[ER76](#)

- 1 1. On page 1, line 4, strike "to provide for retroactive
- 2 applicability;".

**LEGISLATIVE BILL 998.** Placed on Select File.

**LEGISLATIVE BILL 771A.** Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

Revenue

**LEGISLATIVE BILL 1032.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Dorn filed the following amendment to LB1108:

AM2569

(Amendments to Standing Committee amendments, AM2482)

1 1. Strike sections 1 to 4 and insert the following new sections:  
 2 Section 1. Section 37-327.02, Revised Statutes Cumulative  
 3 Supplement, 2022, is amended to read:  
 4 37-327.02 (1) The Game and Parks Commission Capital Maintenance Fund  
 5 is created. The fund shall consist of money credited to the fund pursuant  
 6 to section 77-27,132, transfers authorized by the Legislature, and any  
 7 gifts, grants, bequests, or donations to the fund. The fund shall be  
 8 administered by the commission and shall be used to build, repair,  
 9 renovate, rehabilitate, restore, modify, or improve any infrastructure  
 10 within the statutory authority and administration of the commission. Any  
 11 money in the fund available for investment shall be invested by the state  
 12 investment officer pursuant to the Nebraska Capital Expansion Act and the  
 13 Nebraska State Funds Investment Act.  
 14 (2) On or before December 1, 2021, and on or before December 1 of  
 15 each year thereafter through 2027, the commission shall electronically  
 16 submit a report to the Clerk of the Legislature and the Revenue Committee  
 17 of the Legislature. The report shall include (a) a list of each project  
 18 that received funding from the Game and Parks Commission Capital  
 19 Maintenance Fund under subsection (1) of this section during the most  
 20 recently completed fiscal year and (b) a list of projects that will  
 21 receive such funding during the current fiscal year.  
 22 (3) Transfers may be made from the Game and Parks Commission Capital  
 23 Maintenance Fund to the Nebraska Emergency Medical System Operations  
 24 General Fund at the direction of the Legislature ~~through June 30, 2019.~~  
 25 The State Treasurer shall transfer ~~one four million two five hundred~~  
 26 ~~seventy thousand~~ dollars from the Game and Parks Commission Capital  
 1 Maintenance Fund to the Nebraska Emergency Medical System Operations  
 2 General Fund in June of each fiscal year beginning in June 2025, from the  
 3 proceeds of the sales and use taxes imposed pursuant to section 77-2703  
 4 on the sale or lease of all-terrain vehicles and utility-type vehicles as  
 5 provided in section 77-27,132 ~~between June 1, 2018, and June 30, 2018,~~ on  
 6 such date as directed by the budget administrator of the budget division  
 7 of the Department of Administrative Services. ~~The State Treasurer shall~~  
 8 ~~transfer eight million five hundred thousand dollars from the Game and~~  
 9 ~~Parks Commission Capital Maintenance Fund to the General Fund between~~  
 10 ~~June 1, 2019, and June 30, 2019, on such date as directed by the budget~~  
 11 ~~administrator of the budget division of the Department of Administrative~~  
 12 ~~Services.~~  
 13 Sec. 2. Section 71-51,103, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:  
 15 71-51,103 (1) There is hereby created the Nebraska Emergency  
 16 Medical System Operations Fund. The fund may receive gifts, bequests,  
 17 grants, fees, or other contributions or donations from public or private  
 18 entities.  
 19 (2) The fund shall be used to carry out the purposes of the  
 20 Statewide Trauma System Act and the Emergency Medical Services Practice  
 21 Act, including:  
 22 (a) ~~Activities~~ activities related to the design, maintenance, or  
 23 enhancement of the statewide trauma system; ;  
 24 (b) Support for support of emergency medical services programs; ;  
 25 and  
 26 (c) Support support for the emergency medical services programs for  
 27 children; ;  
 28 (d) Financial support for the statewide patient care reporting

29 system and trauma registry described in section 71-8248; and

30 (e) Financial support for recruitment, retention, and training

31 emergency medical responders.

1 (3) The Department of Health and Human Services shall electronically

2 deliver a report to the Clerk of the Legislature by December 31 of each

3 year that includes the following information from the most recent

4 previous fiscal year:

5 (a) The amount of money appropriated to the Department of Health and

6 Human Services from the Nebraska Emergency Medical System Operations Fund

7 that was not spent and an explanation for why such money was not spent;

8 and

9 (b) The amount of money appropriated to the Department of Health and

10 Human Services from the Nebraska Emergency Medical System Operations Fund

11 that was spent and an explanation for how such money was spent.

12 (4) Any money in the fund available for investment shall be invested

13 by the state investment officer pursuant to the Nebraska Capital

14 Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 3. Section 77-27,132, Revised Statutes Supplement, 2023, is

16 amended to read:

17 77-27,132 (1) There is hereby created a fund to be designated the

18 Revenue Distribution Fund which shall be set apart and maintained by the

19 Tax Commissioner. Revenue not required to be credited to the General Fund

20 or any other specified fund may be credited to the Revenue Distribution

21 Fund. Credits and refunds of such revenue shall be paid from the Revenue

22 Distribution Fund. The balance of the amount credited, after credits and

23 refunds, shall be allocated as provided by the statutes creating such

24 revenue.

25 (2) The Tax Commissioner shall pay to a depository bank designated

26 by the State Treasurer all amounts collected under the Nebraska Revenue

27 Act of 1967. The Tax Commissioner shall present to the State Treasurer

28 bank receipts showing amounts so deposited in the bank, and of the

29 amounts so deposited the State Treasurer shall:

30 (a)(i) ~~(a)~~ For transactions occurring on or after October 1, 2014,

31 and before July 1, 2024 ~~October 1, 2027~~, credit to the Game and Parks

1 Commission Capital Maintenance Fund all of the proceeds of the sales and

2 use taxes imposed pursuant to section 77-2703 on the sale or lease of

3 motorboats as defined in section 37-1204, personal watercraft as defined

4 in section 37-1204.01, all-terrain vehicles as defined in section 60-103,

5 and utility-type vehicles as defined in section 60-135.01; and

6 (ii) For transactions occurring on or after July 1, 2024, credit to

7 the Game and Parks Commission Capital Maintenance Fund all of the

8 proceeds of the sales and use taxes imposed pursuant to section 77-2703

9 on the sale or lease of motorboats as defined in section 37-1204,

10 personal watercraft as defined in section 37-1204.01, all-terrain

11 vehicles as defined in section 60-103, and utility-type vehicles as

12 defined in section 60-135.01, and from such proceeds, transfers shall be

13 made to the Nebraska Emergency Medical System Operations Fund as provided

14 in section 37-327.02;

15 (b) Credit to the Highway Trust Fund all of the proceeds of the

16 sales and use taxes derived from the sale or lease for periods of more

17 than thirty-one days of motor vehicles, trailers, and semitrailers,

18 except that the proceeds equal to any sales tax rate provided for in

19 section 77-2701.02 that is in excess of five percent derived from the

20 sale or lease for periods of more than thirty-one days of motor vehicles,

21 trailers, and semitrailers shall be credited to the Highway Allocation

22 Fund;

23 (c) For transactions occurring on or after July 1, 2013, and before

24 July 1, 2042, of the proceeds of the sales and use taxes derived from

25 transactions other than those listed in subdivisions (2)(a), (b), and (c)

26 of this section from a sales tax rate of one-quarter of one percent,

27 credit monthly eighty-five percent to the Highway Trust Fund and fifteen  
 28 percent to the Highway Allocation Fund;  
 29 (d) Of the proceeds of the sales and use taxes derived from  
 30 transactions other than those listed in subdivisions (2)(a), (b), and (e)  
 31 of this section, credit to the Property Tax Credit Cash Fund the amount  
 1 certified under section 77-27,237, if any such certification is made; and  
 2 (e) For transactions occurring on or after July 1, 2023, credit to  
 3 the Department of Transportation Aeronautics Capital Improvement Fund all  
 4 of the proceeds of the sales and use taxes imposed pursuant to section  
 5 77-2703 on the sale or lease of aircraft as defined in section 3-101.  
 6 The balance of all amounts collected under the Nebraska Revenue Act  
 7 of 1967 shall be credited to the General Fund.  
 8 Sec. 4. Original section 71-51,103, Reissue Revised Statutes of  
 9 Nebraska, section 37-327.02, Revised Statutes Cumulative Supplement,  
 10 2022, and section 77-27,132, Revised Statutes Supplement, 2023, are  
 11 repealed.  
 12 Sec. 5. Since an emergency exists, this act takes effect when passed  
 13 and approved according to law.

Senator Hunt filed the following amendment to LB62:

AM2824

1 1. Insert the following new sections:  
 2 Section 1. Section 68-911, Revised Statutes Supplement, 2023, is  
 3 amended to read:  
 4 68-911 (1) Medical assistance shall include coverage for health care  
 5 and related services as required under Title XIX of the federal Social  
 6 Security Act, including, but not limited to:  
 7 (a) Inpatient and outpatient hospital services;  
 8 (b) Laboratory and X-ray services;  
 9 (c) Nursing facility services;  
 10 (d) Home health services;  
 11 (e) Nursing services;  
 12 (f) Clinic services;  
 13 (g) Physician services;  
 14 (h) Medical and surgical services of a dentist;  
 15 (i) Nurse practitioner services;  
 16 (j) Nurse midwife services;  
 17 (k) Pregnancy-related services;  
 18 (l) Medical supplies;  
 19 (m) Mental health and substance abuse services;  
 20 (n) Early and periodic screening and diagnosis and treatment  
 21 services for children which shall include both physical and behavioral  
 22 health screening, diagnosis, and treatment services;  
 23 (o) Rural health clinic services; and  
 24 (p) Federally qualified health center services.  
 25 (2) In addition to coverage otherwise required under this section,  
 26 medical assistance may include coverage for health care and related  
 27 services as permitted but not required under Title XIX of the federal  
 1 Social Security Act, including, but not limited to:  
 2 (a) Prescribed drugs;  
 3 (b) Intermediate care facilities for persons with developmental  
 4 disabilities;  
 5 (c) Home and community-based services for aged persons and persons  
 6 with disabilities;  
 7 (d) Dental services;  
 8 (e) Rehabilitation services;  
 9 (f) Personal care services;  
 10 (g) Durable medical equipment;  
 11 (h) Medical transportation services;  
 12 (i) Vision-related services;  
 13 (j) Speech therapy services;  
 14 (k) Physical therapy services;

15 (l) Chiropractic services;  
 16 (m) Occupational therapy services;  
 17 (n) Optometric services;  
 18 (o) Podiatric services;  
 19 (p) Hospice services;  
 20 (q) Mental health and substance abuse services;  
 21 (r) Hearing screening services for newborn and infant children; and  
 22 (s) Administrative expenses related to administrative activities,  
 23 including outreach services, provided by school districts and educational  
 24 service units to students who are eligible or potentially eligible for  
 25 medical assistance.  
 26 (3) No later than July 1, 2009, the department shall submit a state  
 27 plan amendment or waiver to the federal Centers for Medicare and Medicaid  
 28 Services to provide coverage under the medical assistance program for  
 29 community-based secure residential and subacute behavioral health  
 30 services for all eligible recipients, without regard to whether the  
 31 recipient has been ordered by a mental health board under the Nebraska  
 1 Mental Health Commitment Act to receive such services.  
 2 (4) On or before October 1, 2014, the department, after consultation  
 3 with the State Department of Education, shall submit a state plan  
 4 amendment to the federal Centers for Medicare and Medicaid Services, as  
 5 necessary, to provide that the following are direct reimbursable services  
 6 when provided by school districts as part of an individualized education  
 7 program or an individualized family service plan: Early and periodic  
 8 screening, diagnosis, and treatment services for children; medical  
 9 transportation services; mental health services; nursing services;  
 10 occupational therapy services; personal care services; physical therapy  
 11 services; rehabilitation services; speech therapy and other services for  
 12 individuals with speech, hearing, or language disorders; and vision-  
 13 related services.  
 14 (5) No later than January 1, 2023, the department shall provide  
 15 coverage for continuous glucose monitors under the medical assistance  
 16 program for all eligible recipients who have a prescription for such  
 17 device.  
 18 (6) On or before October 1, 2023, the department shall seek federal  
 19 approval for federal matching funds from the federal Centers for Medicare  
 20 and Medicaid Services through a state plan amendment or waiver to extend  
 21 postpartum coverage for beneficiaries from sixty days to at least six  
 22 months. Nothing in this subsection shall preclude the department from  
 23 submitting a state plan amendment for twelve months.  
 24 (7)(a) On or before October 1, 2024, the department shall seek  
 25 approval for federal matching funds from the federal Centers for Medicare  
 26 and Medicaid Services through a state plan amendment to the Children's  
 27 Health Insurance Program to implement a health services initiative to  
 28 provide postpartum coverage for at least six months for a mother whose  
 29 child is covered under the unborn child option. The covered services  
 30 provided during the postpartum period shall be identical to the  
 31 comprehensive postpartum covered services provided to a pregnant woman  
 1 under medicaid. Nothing in this subsection shall preclude the department  
 2 from submitting a state plan amendment to provide twelve months of  
 3 postpartum coverage.  
 4 (b) It is the intent of the Legislature to use the Medicaid Managed  
 5 Care Excess Profit Fund, as established in section 68-996, to fund the  
 6 services described in subdivision (7)(a) of this section.  
 7 Sec. 2. Section 68-996, Revised Statutes Cumulative Supplement,  
 8 2022, is amended to read:  
 9 68-996 The Medicaid Managed Care Excess Profit Fund is created. The  
 10 fund shall contain money returned to the State Treasurer pursuant to  
 11 subdivision (3) of section 68-995. The fund shall first be used to offset  
 12 any losses under subdivision (2) of section 68-995 and then to provide  
 13 for services addressing the health needs of adults and children under the  
 14 Medical Assistance Act, including filling service gaps, providing system  
 15 improvements, providing postpartum coverage as described in section  
 16 68-911, and sustaining access to care as determined by the Legislature.



17 The fund shall only be used for the purposes described in this section.  
 18 Any money in the fund available for investment shall be invested by the  
 19 state investment officer pursuant to the Nebraska Capital Expansion Act  
 20 and the Nebraska State Funds Investment Act.  
 21 Sec. 3. Original section 68-996, Revised Statutes Cumulative  
 22 Supplement, 2022, and section 68-911, Revised Statutes Supplement, 2023,  
 23 are repealed.

Senator Slama filed the following amendment to LB175:

[FA245](#)

Strike the enacting clause.

Senator Slama filed the following amendment to LB175:

[FA249](#)

Strike line 2 on page 1 of AM2504.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 318.** Introduced by Dover, 19.

WHEREAS, Bertha Medina-Garcia was born in Cuba on July 4, 1968; and  
 WHEREAS, Bertha has lived in Norfolk, Nebraska, for the past eight  
 years and has worked at Tyson Foods in Madison, Nebraska, for most of  
 those years; and

WHEREAS, Bertha loves Norfolk, Nebraska, and has a healing and  
 sentimental connection with Skyview Lake inside of Norfolk's Skyview  
 Park; and

WHEREAS, Bertha was diagnosed with cancer four years ago and was  
 told she had five years left to live; and

WHEREAS, Bertha's final heartfelt desire is to become a United States  
 citizen and considering her shared birthday with the nation and her deep  
 connection with Norfolk, Nebraska, Bertha feels it is just meant to be; and

WHEREAS, given Bertha's final wish, an honorary Nebraska citizenship  
 dedicated to her years of love for Nebraska is well deserved.

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

1. That the Legislature recognizes Bertha Medina-Garcia as an honorary  
 citizen of Nebraska.
2. That a copy of this resolution be sent to Bertha Medina-Garcia.

Laid over.

## EXECUTIVE BOARD REPORT

Senator Aguilar, Chairperson of the Executive Board, reported the  
 appointments of the following members of the Legislature to the following  
 special committee:

LR298 Legislative Oversight Review Special Committee

Senator Aguilar

Senator Arch  
Senator Ballard  
Senator Bostar  
Senator M. Cavanaugh  
Senator Clements  
Senator Hansen  
Senator Holdcroft  
Senator Jacobson  
Senator Lowe  
Senator McDonnell  
Senator Riepe  
Senator Slama  
Senator Vargas  
Senator Wayne

(Signed) Raymond Aguilar, Chairperson  
Legislative Council, Executive Board

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator DeKay name added to LB896.  
Senator McDonnell name added to LB903.  
Senator McDonnell name added to LB1221.

**WITHDRAW - Cointroducer(s)**

Senator Erdman name withdrawn from LB1061.  
Senator Wayne name withdrawn from LB1370.

**VISITOR(S)**

Visitors to the Chamber were students, alumni, and supporters of the University of Nebraska; students from Pershing Elementary, Lexington; Dillon Metz, Bridgeport; Kaitlyn Miller, Maxwell; Jeff Metz, Angora.

The Doctor of the Day was Dr. Henry Dethlefs of La Vista.

**ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Bosn, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 2024.

Brandon Metzler  
Clerk of the Legislature