

FORTY-FOURTH DAY - MARCH 15, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 15, 2024

PRAYER

The prayer was offered by Reverend Gary Eller, First Presbyterian Church, Omaha.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Corporal Antonio Espejo, 2nd Battalion 4th Marines, Marine Corps, Omaha.

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 Armendariz, Bostar, Conrad, Day, Dover, Hansen, Hunt, McKinney, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 13, 2024

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

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

Contingent upon your approval, the following individuals are being reappointed as members of the Commission on Problem Gambling:

Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701, Education
Todd Zohner, 82998 562 Avenue, Stanton, NE 68779, At-Large
Dan Volnek, 6330 Thompson Creek Circle, Lincoln, NE 68516, Consumer

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 11, 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 Nebraska Brand Committee:

Brenda R Masek, 40507 Loup River Road, Purdum, NE 69157, Rancher

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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 14, 2024, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

CP Strategies LLC

Primary Class, Inc.
 Duncan, Eric
 Indivior Inc
 Kelley Plucker, LLC
 D.A. Davidson & Co.
 Moenning, Josh
 Renew Nebraska, LLC
 Mueller Robak
 Circle City ABA
 Nebraska Strategies
 Education Facility Modernization Coalition
 Pratt, Fred
 Southwest Airlines Co.
 Vincent, Marlene
 U.S. Term Limits

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

MOTION(S) - Confirmation Report(s)

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 857:

Nebraska Broadband Office
 Patrick Haggerty, Director

Voting in the affirmative, 36:

Aguilar	Cavanaugh, J.	Erdman	Kauth	Riepe
Albrecht	Cavanaugh, M.	Fredrickson	Linehan	Sanders
Arch	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hardin	Lowe	von Gillern
Blood	DeBoer	Holdcroft	McDonnell	
Bosn	DeKay	Hughes	Meyer	
Bostelman	Dorn	Ibach	Moser	
Brandt	Dungan	Jacobson	Murman	

Voting in the negative, 0.

Present and not voting, 3:

Armendariz Brewer Slama

Excused and not voting, 10:

Bostar	Dover	Hunt	Raybould	Wayne
Day	Hansen	McKinney	Walz	Wishart

The appointment was confirmed with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1026:

Department of Economic Development
KC Belitz, Director

Voting in the affirmative, 30:

Aguilar	Brandt	Hardin	Linehan	Murman
Albrecht	Conrad	Holdcroft	Lippincott	Riepe
Ballard	DeKay	Hughes	Lowe	Sanders
Blood	Dorn	Ibach	McDonnell	Slama
Bosn	Dungan	Jacobson	Meyer	Vargas
Bostelman	Erdman	Kauth	Moser	von Gillern

Voting in the negative, 0.

Present and not voting, 9:

Arch	Brewer	Cavanaugh, M.	DeBoer	Halloran
Armendariz	Cavanaugh, J.	Clements	Fredrickson	

Excused and not voting, 10:

Bostar	Dover	Hunt	Raybould	Wayne
Day	Hansen	McKinney	Walz	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 644A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 904A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1204A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 43A. Title read. Considered.

Senator Conrad offered [MO1253](#), found on page 1014, to indefinitely postpone.

The Conrad motion to indefinitely postpone prevailed with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 358A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 685A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 857A. Senator Dungan offered [AM2951](#), found on page 985.

The Dungan amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 905A. Senator Riepe offered [AM3012](#), found on page 1049.

The Riepe amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1035A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1087A. Senator Jacobson offered [AM2928](#), found on page 981.

The Jacobson amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 327.** Introduced by Jacobson, 42.

WHEREAS, the American Angus Association created the Angus Heritage Foundation in 1983 to celebrate and honor the contributions of individuals who have gone above and beyond for the Angus Breed; and

WHEREAS, American Heritage Foundation inductees define the type of breeders who built their reputation with their drive, ambition and forward-thinking attitudes; and

WHEREAS, American Heritage Foundation inductees are on a mission to improve the Angus Breed and the cattle industry while navigating the ever-changing beef industry and its challenges; and

WHEREAS, Jerry and Sharon Connealy of Whitman, Nebraska, were inducted into the Angus Heritage Foundation during the fall of 2023; and

WHEREAS, Jerry and Sharon demonstrate their dedication to the betterment of the cattle industry by hosting bull sales, ranch tours, and supporting the Angus Heritage Foundation; and

WHEREAS, Jerry and Sharon share their passion for the Angus Breed with their children and grandchildren; and

WHEREAS, the Legislature recognizes dedication, hard work, and commitment of Jerry and Sharon to Angus Breed production and range management.

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

1. That the Legislature congratulates Jerry and Sharon Connealy of Whitman, Nebraska, on being named 2023 Angus Heritage Foundation inductees.

2. That a copy of this resolution be sent to Jerry and Sharon Connealy.

Laid over.

LEGISLATIVE RESOLUTION 328. Introduced by Jacobson, 42.

WHEREAS, Greg Wright, a native Nebraskan raised and living in Western Nebraska, received a Regional Forester Award from Nebraska National Forests and Grasslands in February 2024 for his work sustaining national forests and grasslands in the Bessey Ranger District and McKelvie National Forest; and

WHEREAS, Greg completed his undergraduate studies at the University of Nebraska at Kearney and his graduate studies at New Mexico State University; and

WHEREAS, Greg has worked for universities, the Nebraska Game and Parks Commission, the Crane Trust, and beginning in 2015, as a wildlife biologist for the Nebraska National Forests and Grasslands; and

WHEREAS, Greg's work for Nebraska National Forests and Grasslands has resulted in improvement and economic opportunities for the sandhills grassland area; and

WHEREAS, the Legislature recognizes Greg's accomplishments and work to improve wildlife habitats and efforts to advance community wildlife education.

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

1. That the Legislature congratulates Greg Wright for receiving a Nebraska National Forest and Grassland Regional Forester Award.
2. That a copy of this resolution be sent to Greg Wright.

Laid over.

LEGISLATIVE RESOLUTION 329. Introduced by Jacobson, 42.

WHEREAS, Ralph and Beverly Holzfaster were inducted into the Nebraska Business Hall of Fame on February 2, 2023; and

WHEREAS, Ralph and Beverly's interest in pivot irrigation technology led them to open Lindsay Manufacturing in Ogallala, Nebraska; and

WHEREAS, Ralph and Beverly's commitment to advancing agriculture led to Ralph serving on several boards including: the Nebraska Ethanol Authority and Development Board, Nebraska Public Power District Board, Keith County Economic Development Board, and Mid-Plains Community College Foundation Board, as well as serving on boards for private ethanol and bioenergy companies; and

WHEREAS, Ralph and Beverly and their family hosted the Cattleman's Ball in 2013 and remain actively engaged in agriculture, economic development, and housing and tourism including managing Ole's Big Game Steakhouse and Lounge in Paxton, Nebraska; and

WHEREAS, Ralph and Beverly's past and continued involvement and achievements in agribusiness and community development earned them an induction into the Nebraska Business Hall of Fame.

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

1. That the Legislature congratulates Ralph and Beverly Holzfaster for their induction into the Nebraska Business Hall of Fame.
2. That a copy of this resolution be sent to Ralph and Beverly Holzfaster.

Laid over.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB61 with 39 ayes, 4 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 61.

A BILL FOR AN ACT relating to dark fiber; to amend sections 18-419, 70-704, 70-1409, 86-416, and 86-575, Reissue Revised Statutes of Nebraska, and sections 70-625 and 86-577, Revised Statutes Cumulative Supplement, 2022; to authorize the licensing of dark fiber by any agency or political subdivision of the state as prescribed; to change and eliminate provisions relating to leasing and licensing of dark fiber; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Cavanaugh, J.	Erdman	Linehan	Slama
Arch	Cavanaugh, M.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	Lowe	von Gillern
Ballard	Conrad	Hansen	McDonnell	Walz
Blood	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Meyer	Wishart
Bostar	DeKay	Hughes	Moser	
Bostelman	Dorn	Ibach	Murman	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Excused and not voting, 2:

Hunt Raybould

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB198 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 198. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 4-111, 4-112, 23-2306, 24-703.01, 60-1304, 79-955, 79-9,118, 81-2016, 84-1503.03, and 84-1504, Reissue Revised Statutes of Nebraska, sections

79-901, 79-915, 79-978, 79-992, 79-9,117, 81-1316, 84-1307, and 84-1501, Revised Statutes Cumulative Supplement, 2022, and sections 79-902 and 79-920, Revised Statutes Supplement, 2023; to change provisions relating to participation in retirement programs by noncitizens; to change provisions relating to returning to work after termination and contributions under the School Employees Retirement Act and the Class V School Employees Retirement Act; to define and redefine terms; to change provisions relating to the preretirement planning program, the State Personnel System, and the members of the Public Employees Retirement Board; to provide for the hiring of assistant directors and deputies of the Nebraska Public Employees Retirement Systems and to authorize compensation for such employees to be determined by the director; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Brewer	Dungan	Kauth	Sanders
Albrecht	Cavanaugh, J.	Erdman	Linehan	Slama
Arch	Cavanaugh, M.	Fredrickson	Lippincott	Vargas
Armendariz	Clements	Halloran	Lowe	von Gillern
Ballard	Conrad	Hansen	McDonnell	Walz
Blood	Day	Hardin	McKinney	Wayne
Bosn	DeBoer	Holdcroft	Meyer	Wishart
Bostar	DeKay	Hughes	Moser	
Bostelman	Dorn	Ibach	Murman	
Brandt	Dover	Jacobson	Riepe	

Voting in the negative, 0.

Excused and not voting, 2:

Hunt Raybould

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to [LB1007](#):

[AM2990](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-911, Revised Statutes Supplement, 2023, is
- 4 amended to read:
- 5 68-911 (1) Medical assistance shall include coverage for health care

6 and related services as required under Title XIX of the federal Social
7 Security Act, including, but not limited to:
8 (a) Inpatient and outpatient hospital services;
9 (b) Laboratory and X-ray services;
10 (c) Nursing facility services;
11 (d) Home health services;
12 (e) Nursing services;
13 (f) Clinic services;
14 (g) Physician services;
15 (h) Medical and surgical services of a dentist;
16 (i) Nurse practitioner services;
17 (j) Nurse midwife services;
18 (k) Pregnancy-related services;
19 (l) Medical supplies;
20 (m) Mental health and substance abuse services;
21 (n) Early and periodic screening and diagnosis and treatment
22 services for children which shall include both physical and behavioral
23 health screening, diagnosis, and treatment services;
24 (o) Rural health clinic services; and
25 (p) Federally qualified health center services.
26 (2) In addition to coverage otherwise required under this section,
27 medical assistance may include coverage for health care and related
1 services as permitted but not required under Title XIX of the federal
2 Social Security Act, including, but not limited to:
3 (a) Prescribed drugs;
4 (b) Intermediate care facilities for persons with developmental
5 disabilities;
6 (c) Home and community-based services for aged persons and persons
7 with disabilities;
8 (d) Dental services;
9 (e) Rehabilitation services;
10 (f) Personal care services;
11 (g) Durable medical equipment;
12 (h) Medical transportation services;
13 (i) Vision-related services;
14 (j) Speech therapy services;
15 (k) Physical therapy services;
16 (l) Chiropractic services;
17 (m) Occupational therapy services;
18 (n) Optometric services;
19 (o) Podiatric services;
20 (p) Hospice services;
21 (q) Mental health and substance abuse services;
22 (r) Hearing screening services for newborn and infant children; and
23 (s) Administrative expenses related to administrative activities,
24 including outreach services, provided by school districts and educational
25 service units to students who are eligible or potentially eligible for
26 medical assistance.
27 (3) No later than July 1, 2009, the department shall submit a state
28 plan amendment or waiver to the federal Centers for Medicare and Medicaid
29 Services to provide coverage under the medical assistance program for
30 community-based secure residential and subacute behavioral health
31 services for all eligible recipients, without regard to whether the
1 recipient has been ordered by a mental health board under the Nebraska
2 Mental Health Commitment Act to receive such services.
3 (4) On or before October 1, 2014, the department, after consultation
4 with the State Department of Education, shall submit a state plan
5 amendment to the federal Centers for Medicare and Medicaid Services, as
6 necessary, to provide that the following are direct reimbursable services
7 when provided by school districts as part of an individualized education

8 program or an individualized family service plan: Early and periodic
 9 screening, diagnosis, and treatment services for children; medical
 10 transportation services; mental health services; nursing services;
 11 occupational therapy services; personal care services; physical therapy
 12 services; rehabilitation services; speech therapy and other services for
 13 individuals with speech, hearing, or language disorders; and vision-
 14 related services.
 15 (5) No later than January 1, 2023, the department shall provide
 16 coverage for continuous glucose monitors under the medical assistance
 17 program for all eligible recipients who have a prescription for such
 18 device.
 19 (6) On or before October 1, 2023, the department shall seek federal
 20 approval for federal matching funds from the federal Centers for Medicare
 21 and Medicaid Services through a state plan amendment or waiver to extend
 22 postpartum coverage for beneficiaries from sixty days to at least six
 23 months. Nothing in this subsection shall preclude the department from
 24 submitting a state plan amendment for twelve months.
 25 (7) No later than October 1, 2024, the department shall submit a
 26 state plan amendment to the federal Centers for Medicare and Medicaid
 27 Services to authorize medicaid eligibility pursuant to 42 U.S.C. 1383c
 28 for aged, blind, and disabled program recipients who are eligible for the
 29 federal Supplemental Security Income Program.
 30 Sec. 2. Original section 68-911, Revised Statutes Supplement, 2023,
 31 is repealed.

MOTION(S) - Return LB304 to Select File

Senator Wayne moved to return LB304 to Select File for the following specific amendment:

[FA289](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

The Wayne amendment, FA289, was not considered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to political subdivisions; to provide for disclosure of certain membership dues and lobbying fees paid as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Erdman	Kauth	Sanders
Arch	Cavanaugh, M.	Fredrickson	Linchan	Slama
Armendariz	Clements	Halloran	Lippincott	Vargas
Ballard	Conrad	Hansen	Lowe	von Gillern
Blood	Day	Hardin	McDonnell	Walz
Bosn	DeBoer	Holdcroft	McKinney	Wayne
Bostar	DeKay	Hughes	Meyer	Wishart
Bostelman	Dorn	Hunt	Moser	
Brandt	Dover	Ibach	Murman	

Voting in the negative, 0.

Excused and not voting, 1:

Raybould

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB771 to Select File

Senator Wayne moved to return LB771 to Select File for the following specific amendment:

[FA291](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

The Wayne amendment, FA291, was not considered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 771. With Emergency Clause.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to amend section 85-2701, Revised Statutes Cumulative Supplement, 2022, and section 80-401, Revised Statutes Supplement, 2023; to change provisions relating to the Veterans' Aid Income Fund; to provide for a postsecondary institution grant program under the Veteran and Active Duty Supportive Postsecondary Institution Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Murman
Arch	Cavanaugh, M.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostar	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	McKinney	Walz
Brandt	Dover	Hunt	Meyer	Wayne
Brewer	Dungan	Ibach	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Aguilar Armendariz Day Raybould

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 771A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 771, One Hundred Eighth Legislature, Second Session, 2024; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Murman
Arch	Cavanaugh, M.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostar	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	McKinney	Walz
Brandt	Dover	Hunt	Meyer	Wayne
Brewer	Dungan	Ibach	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Aguilar Armendariz Day Raybould

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 844.

A BILL FOR AN ACT relating to 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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Murman
Arch	Cavanaugh, M.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostar	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	McKinney	Walz
Brandt	Dover	Hunt	Meyer	Wayne
Brewer	Dungan	Ibach	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Aguilar Armendariz Day Raybould

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 895.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 55-157.03, Reissue Revised Statutes of Nebraska; to change incentive payment provisions relating to recruitment and retention; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Murman
Arch	Cavanaugh, M.	Fredrickson	Kauth	Riepe
Ballard	Clements	Halloran	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Slama
Bosn	DeBoer	Hardin	Lowe	Vargas
Bostar	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	McKinney	Walz
Brandt	Dover	Hunt	Meyer	Wayne
Brewer	Dungan	Ibach	Moser	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Aguilar Armendariz Day Raybould

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB938 to Select File

Senator Wayne moved to return LB938 to Select File for the following specific amendment:

[FA293](#)

Strike the enacting clause.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 61, 198e, 304, 771e, 771Ae, 844, and 895.

MOTION(S) - Return LB938 to Select File

Senator Wayne renewed his motion, found and considered in this day's Journal, to return LB938 to Select File for his specific amendment, [FA293](#), found in this day's Journal.

SPEAKER ARCH PRESIDING

Senator Wayne withdrew his motion to return.

The Wayne amendment, FA293, was not considered.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB938 with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 938.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3104, 23-3105, 23-3107, 23-3108, 23-3109, 23-3111, and 23-3115, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to the county board, purchasing agent, purchases, competitive bidding, and surplus property; to allow auctions and trades; to eliminate special purchases; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Albrecht	Cavanaugh, J.	Erdman	Kauth	Slama
Arch	Cavanaugh, M.	Fredrickson	Linehan	Vargas
Armendariz	Clements	Halloran	Lippincott	Walz
Ballard	Conrad	Hansen	Lowe	Wayne
Blood	Day	Hardin	McDonnell	Wishart
Bosn	DeBoer	Holdercroft	McKinney	
Bostar	DeKay	Hughes	Meyer	
Bostelman	Dorn	Hunt	Moser	
Brandt	Dover	Ibach	Murman	

Voting in the negative, 0.

Excused and not voting, 3:

Raybould Sanders von Gillern

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB1104 to Select File

Senator Wayne moved to return LB1104 to Select File for the following specific amendment:

[FA292](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

The Wayne amendment, FA292, was not considered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1104. With Emergency Clause.

A BILL FOR AN ACT relating to the Legislature; to amend sections 49-1480.01 and 49-1482, Reissue Revised Statutes of Nebraska; to change the amount and distribution of lobbyist registration fees; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Brandt	Dorn	Hunt	Meyer
Albrecht	Brewer	Dover	Ibach	Moser
Arch	Cavanaugh, J.	Dungan	Jacobson	Murman
Armendariz	Cavanaugh, M.	Erdman	Kauth	Riepe
Ballard	Clements	Fredrickson	Linehan	Sanders
Blood	Conrad	Hansen	Lippincott	Vargas
Bosn	Day	Hardin	Lowe	Walz
Bostar	DeBoer	Holdercroft	McDonnell	Wayne
Bostelman	DeKay	Hughes	McKinney	Wishart

Voting in the negative, 1:

Slama

Present and not voting, 1:

Halloran

Excused and not voting, 2:

Raybould von Gillern

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB1102

Senator McKinney withdrew [AM2685](#), found on page 813, to LB1102.

MOTION(S) - Return LB1102 to Select File

Senator McKinney moved to return LB1102 to Select File for the following specific amendment:

[AM2744](#)

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. October 17 of each year shall be recognized as Nebraska
- 4 Missing Persons Day. Nebraska Missing Persons Day is observed not only
- 5 for the missing people, but also for their families and friends who deal
- 6 with the trauma of having their loved one go missing without a trace.
- 7 This day respects and honors their grief.
- 8 Sec. 2. May 19 of each year shall be recognized as El-Hajj Malik
- 9 El-Shabazz, Malcolm X Day, and shall be set apart for holding suitable
- 10 exercises in the schools of the state in recognition of the sacrifices of
- 11 the late Nebraska Hall of Fame inductee El-Hajj Malik El-Shabazz, Malcolm
- 12 X and his contributions to the betterment of society.
- 13 2. On page 1, strike beginning with "missing" in line 1 through line
- 14 2 and insert "days of observance; to declare October 17 as Nebraska
- 15 Missing Persons Day and May 19 as El-Hajj Malik El-Shabazz, Malcolm X
- 16 Day."

The McKinney motion to return prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1102. The McKinney specific amendment, [AM2744](#), found in this day's Journal, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION(S) - Return LB1102 to Select File

Senator Wayne moved to return LB1102 to Select File for the following specific amendment:

[FA294](#)

Strike Section 2.

Senator Wayne withdrew his motion to return.

The Wayne amendment, FA294, was not considered.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB130 to Select File

Senator Dorn moved to return LB130 to Select File for his specific amendment, [AM3007](#), found on page 1039.

The Dorn motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 130. The Dorn specific amendment, [AM3007](#), found on page 1039, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 938 and 1104e.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 62. Placed on Select File with amendment.

[ER90](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 68-908, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 68-908 (1) The department shall administer the medical assistance
6 program.
7 (2) The department may (a) enter into contracts and interagency
8 agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee
9 schedules, (d) apply for and implement waivers and managed care plans for
10 services for eligible recipients, including services under the Nebraska
11 Behavioral Health Services Act, and (e) perform such other activities as
12 necessary and appropriate to carry out its duties under the Medical
13 Assistance Act. A covered item or service as described in section 68-911
14 that is furnished through a school-based health center, furnished by a
15 provider, and furnished under a managed care plan pursuant to a waiver
16 does not require prior consultation or referral by a patient's primary
17 care physician to be covered. Any federally qualified health center
18 providing services as a sponsoring facility of a school-based health
19 center shall be reimbursed for such services provided at a school-based
20 health center at the federally qualified health center reimbursement
21 rate.
22 (3) The department shall maintain the confidentiality of information
23 regarding applicants for or recipients of medical assistance and such
24 information shall only be used for purposes related to administration of
25 the medical assistance program and the provision of such assistance or as
26 otherwise permitted by federal law.
27 (4) The department shall prepare an annual summary and analysis of
1 the medical assistance program for legislative and public review. The
2 department shall submit a report of such summary and analysis to the
3 Governor and the Legislature electronically no later than December 1 of
4 each year. The annual summary shall include, but not be limited to:
5 (a) The number and percentage of applications approved and denied;
6 (b) The number of eligibility determinations, including the number
7 and percentage of those individuals remaining enrolled, terminations, and
8 other determinations;
9 (c) The number of case closures in the medical assistance program
10 and the Children's Health Insurance Program and the specific reason for

11 the closure broken down by (i) eligibility category, including program
 12 type, (ii) local public health district or other geographic area, and
 13 (iii) race or ethnicity, if available;
 14 (d) The number of medical assistance program and Children's Health
 15 Insurance Program enrollees broken down by (i) eligibility category,
 16 including program type, (ii) local public health district or other
 17 geographic area, and (iii) race or ethnicity, if available;
 18 (e) The number and percentage of redeterminations or renewals
 19 processed ex parte, broken down by (i) eligibility category, including
 20 program type and (ii) race or ethnicity, if available;
 21 (f) The average number of days required to process applications for
 22 the medical assistance program and Children's Health Insurance Program,
 23 separating the data by applicants with modified adjusted gross income and
 24 nonmodified adjusted gross income eligibility;
 25 (g) The rate of re-enrollment within ninety days of termination and
 26 within twelve months of termination, broken down by (i) eligibility
 27 category, including program type, (ii) local public health district or
 28 other geographic area, and (iii) race or ethnicity, if available;
 29 (h) The average client call duration;
 30 (i) The client call abandonment rate;
 31 (j) The number of requests for a fair hearing separated by (i)
 1 eligibility category and program type, (ii) outcome, and (iii) amount of
 2 time until final disposition; and
 3 (k) A link to the medical assistance program fair hearing decisions
 4 that have been redacted to protect private and health information, which
 5 shall be posted on the department's website.
 6 Sec. 2. Section 68-911, Revised Statutes Supplement, 2023, is
 7 amended to read:
 8 68-911 (1) Medical assistance shall include coverage for health care
 9 and related services as required under Title XIX of the federal Social
 10 Security Act, including, but not limited to:
 11 (a) Inpatient and outpatient hospital services;
 12 (b) Laboratory and X-ray services;
 13 (c) Nursing facility services;
 14 (d) Home health services;
 15 (e) Nursing services;
 16 (f) Clinic services;
 17 (g) Physician services;
 18 (h) Medical and surgical services of a dentist;
 19 (i) Nurse practitioner services;
 20 (j) Nurse midwife services;
 21 (k) Pregnancy-related services;
 22 (l) Medical supplies;
 23 (m) Mental health and substance abuse services;
 24 (n) Early and periodic screening and diagnosis and treatment
 25 services for children which shall include both physical and behavioral
 26 health screening, diagnosis, and treatment services;
 27 (o) Rural health clinic services; and
 28 (p) Federally qualified health center services.
 29 (2) In addition to coverage otherwise required under this section,
 30 medical assistance may include coverage for health care and related
 31 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) No later than January 1, 2024, the department shall provide
 25 coverage, and reimbursement to providers, for all necessary translation
 26 and interpretation services for eligible recipients utilizing a medical
 27 assistance program service. The department shall take all actions
 28 necessary to maximize federal funding to carry out this subsection.
 29 (b) The services described in subdivision (7)(a) of this section
 30 shall be funded by the Medicaid Managed Care Excess Profit Fund as
 31 described in section 68-996.
 1 Sec. 3. Section 68-996, Revised Statutes Cumulative Supplement,
 2 2022, is amended to read:
 3 68-996 The Medicaid Managed Care Excess Profit Fund is created. The
 4 fund shall contain money returned to the State Treasurer pursuant to
 5 subdivision (3) of section 68-995. The fund shall first be used to offset
 6 any losses under subdivision (2) of section 68-995 and then to provide

7 for services addressing the health needs of adults and children under the
 8 Medical Assistance Act, including filling service gaps, providing system
 9 improvements, translation and interpretation services, and sustaining
 10 access to care as determined by the Legislature. The fund shall only be
 11 used for the purposes described in this section. Any money in the fund
 12 available for investment shall be invested by the state investment
 13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 14 State Funds Investment Act.

15 Sec. 4. The Department of Health and Human Services shall
 16 electronically submit a report to the Health and Human Services Committee
 17 of the Legislature by November 1 of each year on the current and
 18 anticipated expenditures for the Temporary Assistance for Needy Families
 19 program funds allocated pursuant to the federal Personal Responsibility
 20 and Work Opportunity Reconciliation Act of 1996, Public Law 104-193. Such
 21 report shall provide the committee with all necessary and appropriate
 22 information to enable the committee to conduct a meaningful evaluation of
 23 such expenditures. Such information shall include, but not be limited to:
 24 (1) A clear description of programs and services currently funded by
 25 the Temporary Assistance for Needy Families program;
 26 (2) A clear explanation of each purpose met by such program or
 27 service;
 28 (3) For programs and services provided by entities other than the
 29 state, a clear description of the recipient of Temporary Assistance to
 30 Needy Families funds;
 31 (4) For programs other than the aid to dependent children program, a
 1 clear statement explaining how an expenditure for that program or service
 2 is more likely to help families achieve economic mobility and self-
 3 sufficiency than an increase in expenditures for the aid to dependent
 4 children program;
 5 (5) The number of persons served under each program or service; and
 6 (6) All costs and expenditures associated with each program or
 7 service.

8 Sec. 5. Original section 68-908, Reissue Revised Statutes of
 9 Nebraska, section 68-996, Revised Statutes Cumulative Supplement, 2022,
 10 and section 68-911, Revised Statutes Supplement, 2023, are repealed.
 11 2. On page 1, strike beginning with "the" in line 1 through line 4
 12 and insert "public health and welfare; to amend section 68-908, Reissue
 13 Revised Statutes of Nebraska, section 68-996, Revised Statutes Cumulative
 14 Supplement, 2022, and section 68-911, Revised Statutes Supplement, 2023;
 15 to change provisions relating to the annual summary and analysis of the
 16 medical assistance program; to provide for coverage of translation and
 17 interpretation services under the medical assistance program; to change
 18 provisions relating to the Medicaid Managed Care Excess Profit Fund; to
 19 require a report relating to the Temporary Assistance for Needy Families
 20 program; and to repeal the original sections."

LEGISLATIVE BILL 1169. Placed on Select File.

LEGISLATIVE BILL 932. Placed on Select File with amendment.

[ER91](#)

1 1. On page 1, strike beginning with "Mental" in line 1 through line
 2 4 and insert "Uniform Credentialing Act; to amend section 38-130, Reissue
 3 Revised Statutes of Nebraska; to change a requirement relating to
 4 applications for credentials under the Uniform Credentialing Act; and to
 5 repeal the original section."

LEGISLATIVE BILL 1069. Placed on Select File with amendment.

[ER92](#)

1 1. On page 1, strike lines 2 through 13 and insert "28-1250,
 2 81-520.01, 81-546, 81-547, 81-550, and 81-5,159, Reissue Revised Statutes
 3 of Nebraska, and sections 81-502 and 81-5,172, Revised Statutes
 4 Cumulative Supplement, 2022; to eliminate the Nebraska Fire Safety
 5 Appeals Board; to change open burning permit requirements; to change and
 6 provide enforcement, civil penalty, and appeals procedures under the
 7 Nebraska Natural Gas Pipeline Safety Act of 1969; to change a pipeline
 8 facility assessment under the Nebraska Natural Gas Pipeline Safety Cash
 9 Fund; to change a renewal application deadline for a contractor
 10 certificate relating to fire protection systems; to change exception
 11 provisions under the Boiler Inspection Act; to eliminate obsolete
 12 provisions; to harmonize provisions; to repeal the original sections; to
 13 outright repeal section 81-502.01, Reissue Revised Statutes of Nebraska,
 14 section 81-502.02, Revised Statutes Cumulative Supplement, 2022, and
 15 section 81-502.03, Revised Statutes Supplement, 2023; and to declare an
 16 emergency."
 17 2. On page 4, line 20, strike "land owner" and insert "landowner".
 18 3. On page 9, line 27, after "81-546," insert "81-547,".

(Signed) Beau Ballard, Chairperson

Judiciary

LEGISLATIVE BILL 253. Placed on General File with amendment.

[AM2978](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. For purposes of sections 1 to 7 of this act:
 4 (1) Case plan means a set of goals, conditions, and programs that
 5 is:
 6 (a) Based on a professional risk and needs assessment;
 7 (b) Tailored to the specific risks and needs of the veteran; and
 8 (c) Developed in collaboration with the veteran;
 9 (2) Condition from military service means substance-use disorder,
 10 military sexual trauma, traumatic brain injury, post-traumatic stress
 11 disorder, or another mental health condition that is related to an
 12 individual's military service in some manner and includes psychological
 13 effects from a veteran's time in service as well as from the period of
 14 family separation related to deployment;
 15 (3) Veteran means an individual who:
 16 (a) Is serving in the United States Armed Forces, including any
 17 reserve component or the National Guard;
 18 (b) Has served in such armed forces and was discharged or released
 19 from such service under conditions other than dishonorable; or
 20 (c) Has served in such armed forces and received a dishonorable
 21 discharge and such individual has been diagnosed with substance-use
 22 disorder, military sexual trauma, traumatic brain injury, post-traumatic
 23 stress disorder, or another mental health condition; and
 24 (4) Veteran justice program means the program described in sections
 25 2 to 5 of this act through which a veteran may request a court to defer
 26 entry of judgment of conviction for an offense pending completion of the
 27 program, and upon successful completion, avoid entry of judgment of
 1 conviction.
 2 Sec. 2. (1) The probation administrator shall create a veteran
 3 justice program as provided in sections 2 to 5 of this act and subject to
 4 the Supreme Court's rules. The program shall be available in every
 5 district court and county court.
 6 (2) A veteran justice program shall be operated by use of deferred
 7 judgments under section 29-2292, except that subdivisions (2)(a), (b),

8 and (c) of such section shall not apply.

9 Sec. 3. (1) A veteran shall be eligible to participate in a veteran
10 justice program if there is reason to believe that a condition from
11 military service contributed to the offense.

12 (2)(a) There shall be a rebuttable presumption that a veteran
13 eligible under subsection (1) of this section shall be allowed to
14 participate in a veteran justice program.

15 (b) This presumption applies even though a veteran may have
16 previously absconded from or violated pretrial release, probation,
17 parole, supervised release, or another form of court-ordered supervision,
18 including a violation arising from commission of a new offense or an
19 offense committed while previously participating in a veteran justice
20 program.

21 (c) The presumption shall only be overcome by a judicial finding,
22 based upon an individualized assessment of the veteran and consideration
23 of the supervision, treatment, and other programming available in the
24 community, that participation in the veteran justice program will not
25 reasonably ensure public safety.

26 Sec. 4. (1) A veteran justice program shall include the following
27 elements:

28 (a) Evidence-based treatment tailored to address the specific
29 challenges facing veterans, such as post-traumatic stress disorder,
30 traumatic brain injury, military sexual trauma, or another condition from
31 military service; and

1 (b) A case plan that:

2 (i) Is developed by the court with probation and appropriate
3 experts;

4 (ii) Is based on a professional assessment of the veteran's specific
5 risks and needs;

6 (iii) Is created in conjunction with input from the veteran;

7 (iv) Contains clear and individualized supervision and treatment
8 goals, including guidelines that detail the program rules, consequences
9 for violating the rules, and incentives for compliance; and

10 (v) Is communicated to the veteran at the start of the program.

11 (2) In the implementation of a veteran justice program, the district
12 court or county court shall retain discretion in:

13 (a) Determining eligibility for participation, subject to section 3
14 of this act;

15 (b) Establishing the conditions of the program, including the
16 creation of the case plan;

17 (c) Setting the terms of successful program completion and release
18 upon that successful completion; and

19 (d) Determining if the veteran has successfully completed the
20 program at a final hearing.

21 (3) A victim of the veteran shall have the opportunity to be
22 involved in the veteran justice program, including the opportunity to be
23 heard or submit a written statement at the final hearing where program
24 completion is determined.

25 (4) Upon successful completion of a veteran justice program, the
26 veteran shall be entitled to the relief provided for a deferred judgment
27 under section 29-2292.

28 Sec. 5. (1) When arraigning any defendant, the court shall offer the
29 defendant the ability to communicate his or her veteran status through
30 counsel or by other means. The court shall not require that the defendant
31 self-identify as a veteran in open court.

1 (2) When sentencing a defendant who is a veteran for any offense,
2 the court shall recognize the defendant's veteran status as a mitigating
3 factor in determining the sentence.

4 (3) The court shall consider a defendant's veteran status as a
5 mitigating factor in addition to any other mitigating factors provided by

6 law or considered by the court. The fact that a defendant may have
7 suffered trauma unrelated to military service or veteran status shall not
8 be used to deny the impact of any military trauma or condition of
9 military service.
10 (4) The court may take into consideration individual merit earned
11 during military service, overseas deployment, exposure to danger, and
12 service-connected disability ratings when considering sentencing
13 mitigation. When considering multiple factors, a court should give
14 additional credit for each factor.
15 (5) Unless the court finds that imprisonment is necessary for the
16 protection of the public, a sentence of imprisonment is inappropriate if
17 a veteran can show:
18 (a) A clear connection between the offense and a condition from
19 military service; and
20 (b) That the veteran has made progress in treating such condition.
21 (6) The court shall not:
22 (a) Use veteran status as an aggravating factor; or
23 (b) Require a connection between the offense and a condition from
24 military service in order to consider veteran status as a mitigating
25 factor.
26 (7) This section applies regardless of whether a veteran is eligible
27 for participation in a veteran justice program.
28 Sec. 6. (1) Law enforcement, court, and correctional personnel shall
29 verify the veteran status of any individual being processed through the
30 criminal justice system in order to identify individuals who may be
31 eligible for participation in a veteran justice program or for sentencing
1 mitigation as provided in section 5 of this act.
2 (2) Law enforcement, court, and correctional personnel shall receive
3 training designed to increase their understanding of cases involving
4 veterans, including veterans' exposure to violence and trauma. Such
5 training shall include attention on issues that disproportionately impact
6 female veterans, such as military sexual trauma.
7 Sec. 7. (1) The State Court Administrator shall compile information
8 on the number of veterans receiving, successfully completing, declining,
9 and denied participation in a veteran justice program and the sentencing
10 mitigation described in section 5 of this act.
11 (2) The State Court Administrator shall track outcomes among
12 veterans who participate in a veteran justice program, including
13 completion status, recidivism, and housing and employment status.
14 (3) Data collected under this section shall be disaggregated by
15 race, ethnicity, gender, age, military discharge characterization, and
16 the offense involved.
17 (4) On or before July 1, 2026, and on or before each July 1
18 thereafter, the State Court Administrator shall electronically submit a
19 report to the Judiciary Committee of the Legislature. The report shall
20 contain de-identified data collected pursuant to this section and shall
21 analyze the outcomes, successes, and areas for improvement of the veteran
22 justice programs and the sentencing mitigation described in section 5 of
23 this act.
24 Sec. 8. This act becomes operative on July 1, 2025.

LEGISLATIVE BILL 1220. Placed on General File with amendment.
[AM2915](#)

- 1 1. Strike original section 4.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

(Signed) Justin Wayne, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 2. Placed on General File.
LEGISLATIVE RESOLUTION 286CA. Placed on General File.

LEGISLATIVE BILL 859. Indefinitely postponed.

(Signed) Tom Brewer, Chairperson

MOTION(S)- Print in Journal

Senator Wayne filed the following motion:
Reconsider the confirmation of the appointment of KC Belitz to the
Nebraska Department of Economic Development.

Senator Slama filed the following motion to [LB325](#):
[MO1264](#)
Place LB325 on General File pursuant to Rule 3, Sec. 20(b).

Senator Slama filed the following motion to [LB341](#):
[MO1265](#)
Place LB341 on General File pursuant to Rule 3, Sec. 20(b).

BILL ON FIRST READING

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

LEGISLATIVE BILL 1169A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 1169, One Hundred
Eighth Legislature, Second Session, 2024.

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems
Room 1525 12:00 PM

Tuesday, March 26, 2024
Presentation of the Nebraska Public Employees Retirement System Annual
Report to the Retirement Committee pursuant to section 84-1503(3)
Presentation of the Nebraska Investment Council Annual Report to the
Retirement Committee pursuant to section 72-1243(3)

(Signed) Mike McDonnell, Chairperson

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 771e, 771Ae, 844, and 895.

(Signed) Raymond Aguilar

SELECT FILE

LEGISLATIVE BILL 287. [ER52](#), found on page 647, was offered.

ER52 was adopted.

Senator Conrad offered [AM2792](#), found on page 936.

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

Senator Brewer offered [AM2890](#), found on page 981.

The Brewer amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Brewer offered [AM2982](#), found on page 1020.

The Brewer amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Linehan offered the following amendment:
[AM3004](#) is available in the Bill Room.

The Linehan amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1215. [ER85](#), found on page 999, was offered.

ER85 was adopted.

Senator Blood offered the following amendment:
[AM3044](#) is available in the Bill Room.

The Blood amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Blood offered the following amendment:
[AM3043](#) is available in the Bill Room.

The Blood amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Day offered the following amendment:

[AM3045](#)

(Amendments to Standing Committee amendments, AM2549)

1 1. Insert the following new section:

2 Sec. 12. 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

1 services as permitted but not required under Title XIX of the federal

2 Social Security Act, including, but not limited to:

3 (a) Prescribed drugs;

4 (b) Intermediate care facilities for persons with developmental

5 disabilities;

6 (c) Home and community-based services for aged persons and persons

7 with disabilities;

8 (d) Dental services;

9 (e) Rehabilitation services;

10 (f) Personal care services;

11 (g) Durable medical equipment;

12 (h) Medical transportation services;

13 (i) Vision-related services;

14 (j) Speech therapy services;

15 (k) Physical therapy services;

16 (l) Chiropractic services;

17 (m) Occupational therapy services;

18 (n) Optometric services;

19 (o) Podiatric services;

20 (p) Hospice services;

21 (q) Mental health and substance abuse services;

22 (r) Hearing screening services for newborn and infant children; and

23 (s) Administrative expenses related to administrative activities,

24 including outreach services, provided by school districts and educational

25 service units to students who are eligible or potentially eligible for

26 medical assistance.

27 (3) No later than July 1, 2009, the department shall submit a state

28 plan amendment or waiver to the federal Centers for Medicare and Medicaid

29 Services to provide coverage under the medical assistance program for

30 community-based secure residential and subacute behavioral health

31 services for all eligible recipients, without regard to whether the
 1 recipient has been ordered by a mental health board under the Nebraska
 2 Mental Health Commitment Act to receive such services.
 3 (4) On or before October 1, 2014, the department, after consultation
 4 with the State Department of Education, shall submit a state plan
 5 amendment to the federal Centers for Medicare and Medicaid Services, as
 6 necessary, to provide that the following are direct reimbursable services
 7 when provided by school districts as part of an individualized education
 8 program or an individualized family service plan: Early and periodic
 9 screening, diagnosis, and treatment services for children; medical
 10 transportation services; mental health services; nursing services;
 11 occupational therapy services; personal care services; physical therapy
 12 services; rehabilitation services; speech therapy and other services for
 13 individuals with speech, hearing, or language disorders; and vision-
 14 related services.

15 (5) No later than January 1, 2023, the department shall provide
 16 coverage for continuous glucose monitors under the medical assistance
 17 program for all eligible recipients who have a prescription for such
 18 device.

19 (6) On or before October 1, 2023, the department shall seek federal
 20 approval for federal matching funds from the federal Centers for Medicare
 21 and Medicaid Services through a state plan amendment or waiver to extend
 22 postpartum coverage for beneficiaries from sixty days to at least six
 23 months. Nothing in this subsection shall preclude the department from
 24 submitting a state plan amendment for twelve months.

25 (7)(a) No later than January 1, 2025, the department shall provide
 26 coverage for an electric personal-use breast pump for every pregnant
 27 woman covered under the medical assistance program, or child covered
 28 under the medical assistance program if the pregnant woman is not
 29 covered, beginning at thirty-six weeks gestation or the child's date of
 30 birth, whichever is earlier. The electric personal-use breast pump shall
 31 be capable of (i) sufficiently supporting milk supply, (ii) double and
 1 single side pumping, and (iii) suction power ranging from zero mmHg to
 2 two hundred fifty mmHg. No later than January 1, 2025, the department
 3 shall provide coverage for a minimum of ten lactation consultation visits
 4 for every mother covered under the medical assistance program or child
 5 covered under the medical assistance program, if the mother is not
 6 covered under such program.

7 (b) It is the intent of the Legislature that the appropriation for
 8 lactation consultation visits shall be equal to an amount that is a one
 9 hundred forty-five percent rate increase over the current lactation
 10 consultation rate paid by the department.

11 2. Renumber the remaining sections and correct internal references
 12 accordingly.

13 3. Correct the operative date and the repealer so that the section
 14 added by this amendment becomes operative three calendar months after the
 15 adjournment of this legislative session.

The Day amendment was adopted with 37 ayes, 0 nays, 8 present and not
 voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1200. [ER86](#), found on page 999, was offered.

ER86 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1204. [ER79](#), found on page 1000, was offered.

ER79 was adopted.

Senator Hughes offered the following amendment:

[FA288](#)

Amend AM2640 on page 21, line 26, by striking "two hundred", and on line 27 strike "fifty" and insert "seventy-five".

The Hughes amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 262. [ER84](#), found on page 1025, was offered.

ER84 was adopted.

Senator Ibach offered [AM2654](#), found on page 995.

The Ibach amendment was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Senator Halloran offered [AM3015](#), found on page 1050.

The Halloran amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Senator Brandt offered the following amendment:

[AM2997](#)

(Amendments to Standing Committee amendments, AM719)

- 1 1. Strike section 20 and insert the following new sections:
- 2 Sec. 12. Section 2-3966, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 2-3966 For purposes of the Nebraska Milk Act, unless the context
- 5 otherwise requires:
- 6 (1) 3-A Sanitary Standards has the same meaning as in the Grade A
- 7 Pasteurized Milk Ordinance;
- 8 (2) Acceptable milk means milk that qualifies under sections 2-3979
- 9 to 2-3982 as to sight and odor and that is classified acceptable for
- 10 somatic cells, bacterial content, drug residues, and sediment content;
- 11 (3) Components of milk means whey, whey and milk protein
- 12 concentrate, whey cream, cream, butter, skim milk, condensed milk, ultra-
- 13 filtered milk, milk powder, dairy blends that are at least fifty-one
- 14 percent dairy components, and any similar milk byproduct;
- 15 (4) C-I-P or cleaned-in-place means the procedure by which sanitary
- 16 pipelines or pieces of dairy equipment are mechanically cleaned in place
- 17 by circulation;
- 18 (5) Dairy products means products allowed to be made from milk for
- 19 manufacturing purposes and not required to be of Grade A quality;
- 20 (6) Department means the Department of Agriculture;
- 21 (7) Director means the Director of Agriculture or his or her duly
- 22 authorized agent or designee;
- 23 (8) Field representative means an individual qualified and trained

24 in the sanitary methods of production and handling of milk as set forth
 25 in the Nebraska Milk Act and who is generally employed by a processing or
 26 manufacturing milk plant or cooperative for the purpose of quality
 1 control work;
 2 (9) First purchaser means a person who purchases raw milk directly
 3 from the farm for processing or for resale to a processor, who purchases
 4 milk products or components of milk for processing or resale to a
 5 processor, or who utilizes milk from the first purchaser's own farm for
 6 the manufacturing of milk products or dairy products;
 7 (10) Grade A Pasteurized Milk Ordinance means the documents
 8 delineated in subsection (3) of section 2-3965;
 9 (11) Milk for manufacturing purposes means milk produced for
 10 processing and manufacturing into products not required by law to be of
 11 Grade A quality;
 12 (12) Milk distributor means a person who distributes milk, fluid
 13 milk, milk products, or dairy products whether or not the milk is shipped
 14 within or into the state. The term does not include (a) a milk plant, a
 15 bulk milk hauler/sampler, or a milk producer, as such terms are defined
 16 in the Grade A Pasteurized Milk Ordinance, or (b) a food establishment,
 17 as defined in the Nebraska Pure Food Act, or (c) a private home not
 18 included in the definition of a food establishment in section
 19 81-2,245.01;
 20 (13) Probational milk means milk classified undergrade for somatic
 21 cells, bacterial content, or sediment content that may be accepted by
 22 plants for specific time periods; and
 23 (14) Reject milk means milk that does not qualify under sections
 24 2-3979 to 2-3982.
 25 Sec. 21. Section 81-2,245.01, Revised Statutes Cumulative
 26 Supplement, 2022, is amended to read:
 27 81-2,245.01 Food establishment shall mean an operation that stores,
 28 prepares, packages, serves, sells, vends, delivers, or otherwise provides
 29 food for human consumption. The term does not include:
 30 (1) An establishment or vending machine operation that offers only
 31 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
 1 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
 2 or corn chips; pretzels; cheese puffs and curls; crackers; popped
 3 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
 4 pastries, that are not time/temperature control for safety foods;
 5 (2) A produce stand that only offers whole, uncut fresh fruits and
 6 vegetables;
 7 (3) A food processing plant;
 8 (4) A salvage operation;
 9 (5) A private home where food is prepared or served for personal
 10 use, a small day care in the home, or a hunting lodge, guest ranch, or
 11 other operation where no more than ten paying guests eat meals in the
 12 home;
 13 (6) A private home or other area where food that is not
 14 time/temperature control for safety food is prepared for sale or service
 15 at a religious, charitable, or fraternal organization's bake sale or
 16 similar function;
 17 (7) A private home ~~or other area where a producer of food that meets~~
 18 ~~the requirements of section 81-2,280 is not time/temperature control for~~
 19 ~~safety food is prepared for sale directly to the consumer including, but~~
 20 ~~not limited to, at a farmers market, fair, festival, craft show, or other~~
 21 ~~public event or for pick up at or delivery from such private home; or~~
 22 ~~other area, if:~~
 23 ~~(a) The consumer is informed by a clearly visible notification that~~
 24 ~~the food was prepared in a kitchen that is not subject to regulation and~~
 25 ~~inspection by the regulatory authority and may contain allergens. For~~
 26 ~~sales conducted at a farmers market, fair, festival, craft show, or other~~
 27 ~~public event, such notification shall be at the sale location. For sales~~
 28 ~~conducted for pick up at or delivery from a private home or other area,~~
 29 ~~such notification shall be at such private home or other area, on the~~
 30 ~~producer's website if one exists, and in any print, radio, television, or~~

31 Internet advertisement for such sales;

1 (b) The name and address of the producer is provided to the consumer
2 on the package or container label;

3 (c) Product delivery is made directly from the producer to the
4 actual customer in a person-to-person transaction or by United States
5 mail or a commercial mail delivery service;

6 (d) The producer follows any food safety and handling guidelines for
7 sale at a farmers market, fair, festival, craft show, or other public
8 event required by the county, city, or village where the food is sold;

9 (e) Prior to conducting any food sales, the producer, other than one
10 selling directly to the consumer at a farmers market, has successfully
11 completed (i) a nationally accredited food safety and handling education
12 course that covers topics such as food safety issues, regulations, and
13 techniques to maintain a food-safe environment or (ii) a certified food

14 safety and handling training course offered at a culinary school or as
15 required by a county, city, or village to obtain a food handler permit;

16 (f) The producer, if using private well water to produce food sold
17 under this subdivision (7), has had such well water tested for
18 contamination by nitrates or bacteria prior to conducting any food
19 production and sales; and

20 (g) The producer complies with section 81-2,280;

21 (8) A private home or other area where food is prepared for
22 distribution at a fundraising event for a charitable purpose if the
23 consumer is informed by a clearly visible placard at the serving location
24 that the food was prepared in a kitchen that is not subject to regulation
25 and inspection by the regulatory authority. This subdivision does not
26 apply to a caterer or other establishment providing food for the event if
27 the caterer or establishment receives compensation for providing the
28 food;

29 (9) The location where food prepared by a caterer is served so long
30 as the caterer only minimally handles the food at the serving location;

31 (10) Educational institutions, health care facilities, nursing
1 homes, and governmental organizations which are inspected by a state
2 agency or a political subdivision other than the regulatory authority for
3 sanitation in the food preparation areas;

4 (11) A pharmacy as defined in section 71-425 if the pharmacy only
5 sells prepackaged pharmaceutical, medicinal, or health supplement foods
6 that are not time/temperature control for safety or foods described in
7 subdivision (1) of this section; and

8 (12) An establishment which is not a commercial food establishment
9 and which sells only commercially packaged foods that are not
10 time/temperature control for safety foods.

11 Sec. 31. Section 81-2,280, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 81-2,280 (1) A producer of food at a private home as described in
14 subdivision (7) of section 81-2,245.01 shall meet the requirements of
15 this section.

16 (2) Such producer shall only provide food that is not adulterated
17 and is not any of the following types of time/temperature control for
18 safety food:

19 (a) Any part of an animal, vertebrate or invertebrate, or animal by-
20 product;

21 (b) Fluid milk or milk products as defined in the Grade A
22 Pasteurized Milk Ordinance adopted by reference in the Nebraska Milk Act;

23 (c) Raw eggs;

24 (d) Unpasteurized juice;

25 (e) Infused oils or honey;

26 (f) Sprouts;

27 (g) Low-acid canned food and hermetically sealed acidified food;

28 (h) Tofu, tempeh, or similar meat substitutes; or

29 (i) Kimchi, kombucha, or similar fermented foods.

30 (3) Prior to conducting any food sales, the producer, other than a
31 producer selling food that is not time/temperature control for safety
1 food directly to the consumer at a farmers market, shall successfully

2 complete:

3 (a) A nationally accredited food safety and handling education
 4 course that covers topics such as food safety issues, regulations, and
 5 techniques to maintain a food-safe environment;
 6 (b) A certified food safety and handling training course offered at
 7 a culinary school or as required by a county, city, or village to obtain
 8 a food handler permit; or
 9 (c) A food safety and handling education course approved by the
 10 department.
 11 (4) The producer shall register with the department prior to
 12 conducting any sales of food. The registration shall be made on forms
 13 prescribed by the department and include (a) (1) the name, address, and
 14 telephone number of the producer, (b) (2) the type of food safety and
 15 handling education or training course taken pursuant to subsection (3) of
 16 this section and the date of its successful completion, and (c) (3) proof
 17 of private well water testing for contamination by nitrate or bacteria if
 18 the producer uses private well water pursuant to subdivision (7)(f) of
 19 section 81-2,245.01, if applicable. This subsection shall not
 20 apply to a producer of food that is not time/temperature control for
 21 safety food selling directly to the consumer at a farmers market.
 22 (5)(a) The producer shall inform the consumer by a clearly visible
 23 notification that the food:
 24 (i) Was prepared in a kitchen that is not subject to regulation and
 25 inspection by a regulatory authority; and
 26 (ii) May contain allergens.
 27 (b) For sales conducted at a farmers market, fair, festival, craft
 28 show, or other public event, such notification shall be provided at the
 29 sale location.
 30 (c) For sales conducted for pickup or delivery, such notification
 31 shall be provided at the producer's private home, on the producer's
 1 website, if such website exists, and in any print, radio, television, or
 2 Internet advertisement for such sales.
 3 (6) The producer shall label the food so that the name and address
 4 of the producer is provided to the consumer on the package or container
 5 label. Food that is time/temperature control for safety food shall also
 6 have labeling that includes ingredients in descending order of
 7 predominance.
 8 (7)(a) Food that is not time/temperature control for safety food may
 9 be delivered by United States mail or a commercial mail delivery service.
 10 (b) Food that is time/temperature control for safety food shall be
 11 delivered only by the producer to the consumer in person. When
 12 transported, such food shall be maintained at a temperature in accordance
 13 with the Nebraska Pure Food Act and not be transported for longer than
 14 two hours.
 15 (8) The provisions of this section supersede and preempt any
 16 ordinance, rule, regulation, or resolution regulating food safety and
 17 handling adopted or enacted by a political subdivision that is not in
 18 conformance with this section.
 19 2. Reumber the remaining sections and correct the repealer and
 20 internal references accordingly.

The Brandt amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Albrecht offered the following amendment:

[AM3042](#)

(Amendments to Standing Committee amendments, AM719)

1 1. Insert the following new section:
 2 Sec. 12. Section 2-3804, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 2-3804 Agricultural product or commodity shall include all products
 5 resulting from the conduct of farming or ranching activities, dairying,

6 beekeeping, aquaculture, insect production, poultry or egg production, or
 7 comparable activities, and any byproducts resulting from such activities.
 8 2. Renumber the remaining sections and correct the repealer and
 9 internal references accordingly.

The Albrecht amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867. [ER88](#), found on page 1025, was offered.

ER88 was adopted.

Senator Albrecht offered the following amendment:

[AM3054](#)

(Amendments to Standing Committee amendments, AM2767)

1 1. Insert the following new section:
 2 Sec. 12. (1) No county, city, village, or other political
 3 subdivision of the state shall enact or implement any ordinance, code,
 4 resolution, rule, regulation, or policy that restricts, prohibits, or has
 5 the effect of restricting or prohibiting the types or fuel sources of
 6 energy that may be used, delivered, converted, or supplied by the
 7 following entities to serve customers that such entities are authorized
 8 to serve:
 9 (a) A natural gas utility;
 10 (b) A natural gas transmission company; or
 11 (c) A retail marketer or dispenser of propane.
 12 (2) This section does not apply to ordinances, codes, resolutions,
 13 rules, regulations, or policies:
 14 (a) Governing a natural gas utility owned or operated and directly
 15 controlled by a city or village; or
 16 (b) Regulating a retail marketer or dispenser of propane.
 17 2. On page 18, line 18, strike "and 13" and insert "12, and 14".
 18 3. Renumber the remaining sections accordingly.

The Albrecht amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 1092. Placed on General File with amendment.

[AM2585](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and may be
 4 cited as the Online Age Verification Liability Act.
 5 Sec. 2. For purposes of the Online Age Verification Liability Act:
 6 (1) Commercial entity includes a corporation, limited liability
 7 company, partnership, limited partnership, sole proprietorship, or other
 8 legally recognized entity;
 9 (2) Digitized identification card means a data file that contains

10 all of the data elements visible on the face and back of a government-
11 issued operator's license or identification card and displays the current
12 status of the license or card;
13 (3) Distribute means to issue, sell, give, provide, deliver,
14 transfer, transmute, circulate, or disseminate by any means;
15 (4) Internet utility means an Internet service provider, a search
16 engine, or a cloud service provider or an affiliate or subsidiary of any
17 such provider or search engine;
18 (5) Material harmful to minors means any material to which all of
19 the following apply:
20 (a) The average person, applying contemporary community standards,
21 would find, taking the material as a whole and with respect to its
22 consumption by minors, that such material is designed to appeal to or
23 pander to the prurient interest;
24 (b) The material is patently offensive to prevailing standards in
25 the adult community as a whole with respect to its consumption by minors;
26 and
27 (c) The material taken as a whole lacks serious literary, artistic,
1 political, or scientific value for minors;
2 (6) Minor means any person under eighteen years of age;
3 (7) News-gathering organization means any of the following:
4 (a) A newspaper, news publication, or news source, printed or on an
5 online or mobile platform, of current news and public interest, or any
6 employee of such organization while acting within the scope of employment
7 for such organization; or
8 (b) A radio broadcast station, television broadcast station, cable
9 television operator, or wire service operator, or any employee of such
10 organization while acting within the scope of employment for such
11 organization;
12 (8) Publish means to communicate or make information available to
13 another person or entity on a publicly available Internet website;
14 (9) Reasonable age verification method means a process to verify
15 that the person attempting to access the material is at least eighteen
16 years of age or older through the use of (i) a digitized identification
17 card, including a digital copy of a driver's license, (ii) a government-
18 issued identification, (iii) a financial document or other document that
19 is a reliable proxy for age, or (iv) any commercially reasonable method
20 that relies on public or private transactional data to verify the age of
21 the person attempting to access the material; and
22 (10) Transactional data means a sequence of information that
23 documents an exchange, agreement, or transfer between an individual,
24 commercial entity, or third-party used for the purpose of satisfying a
25 request or event and includes records from mortgage, education, and
26 employment entities.
27 Sec. 3. (1) A commercial entity shall not knowingly and
28 intentionally publish or distribute material harmful to minors on the
29 Internet on a website that is used in the regular course of business to
30 create, host, or make available such material unless the entity uses a
31 reasonable age verification method to verify the age of an individual
1 attempting to access the material.
2 (2) A commercial entity or third party that performs an age
3 verification required by this section shall not retain any identifying
4 information of the individual after access has been granted to the
5 material.
6 Sec. 4. (1) A person aggrieved by a violation of section 3 of this
7 act may bring a civil action against the commercial entity or third party
8 which engaged in that violation to recover such relief as may be
9 appropriate.
10 (2) In an action under this section, appropriate relief includes:
11 (a) Such preliminary and other equitable or declaratory relief as

12 may be appropriate;

13 (b) Damages under subsection (3) of this section; and

14 (c) At the discretion of the court, reasonable attorney's fees and

15 other litigation costs reasonably incurred.

16 (3)(a) A minor or a parent or guardian of such minor aggrieved by a

17 violation of subsection (1) of section 3 of this act may recover actual

18 damages caused by such violation.

19 (b) An individual whose information was retained in violation of

20 subsection (2) of section 3 of this act may recover actual damages caused

21 by such violation.

22 Sec. 5. (1) The Online Age Verification Liability Act shall not

23 apply to any news-gathering organization or any bona fide news or public

24 interest broadcast, website video, or report.

25 (2) An Internet utility does not violate the Online Age Verification

26 Liability Act solely by providing access or connection to or from a

27 website or other information or content on the Internet or a facility,

28 system, or network not under the Internet utility's control, including

29 transmitting, downloading, or storing data or providing access, to the

30 extent that such Internet utility is not responsible for the creation of

31 the content that constitutes material harmful to minors.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB137](#):
[AM2970](#) is available in the Bill Room.

Senator Clements filed the following amendment to [LB1027](#):
[FA295](#)

Amend AM2440 by striking Section 1.

Senator Bostelman filed the following amendment to [LB1031](#):
[AM2893](#)

(Amendments to Standing Committee amendments, AM2780)

1 1. Strike section 6 and insert the following new section:

2 Sec. 6. Section 86-577, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 86-577 (1) For purposes of this section:

5 (a) Enforceable commitment means a binding legal agreement between

6 an Internet service provider and the federal government or this state by

7 which the Internet service provider receives a grant of federal or state

8 funds in exchange for the Internet service provider deploying broadband

9 service infrastructure to one or more unserved locations and that

10 includes administrative or other penalties if the Internet service

11 provider fails to meet the terms of such agreement; and

12 (b) Unserved location means a location, as determined in accordance

13 with the Nebraska location fabric broadband access map created by the

14 Nebraska Broadband Office pursuant to section 86-333, where:

15 (i) Broadband is not available by fiber-optic technology or cable

16 modem or hybrid fiber-coaxial technology at speeds of at least one

17 hundred megabits per second for downloading and at least twenty megabits

18 per second for uploading with a latency sufficient to support real-time,

19 interactive applications; and

20 (ii) No Internet service provider has an enforceable commitment to

21 make broadband service available at speeds of at least one hundred

22 megabits per second for downloading and at least twenty megabits per

23 second for uploading with a latency sufficient to support real-time,
 24 interactive applications.

25 (a) ~~Served location means a location receiving, or at the time the~~
 26 ~~lease is filed with the Public Service Commission able to receive,~~
 1 ~~communications service at a minimum download speed of twenty-five~~
 2 ~~megabits per second and a minimum upload speed of three megabits per~~
 3 ~~second or higher speeds, as determined by the Public Service Commission;~~
 4 ~~and~~

5 (b) ~~Unserved location means a location not receiving, and at the~~
 6 ~~time the lease is filed with the Public Service Commission not able to~~
 7 ~~receive, communications service at a minimum download speed of twenty-~~
 8 ~~five megabits per second and a minimum upload speed of three megabits per~~
 9 ~~second or higher speeds, as determined by the Public Service Commission.~~

10 (2) Any agency or political subdivision of the state may lease or
 11 license its dark fiber and related infrastructure under such terms as
 12 determined by such agency or political subdivision pursuant to its duly
 13 adopted and promulgated rules and regulations, issued orders, written
 14 policies, enacted ordinances, or adopted resolutions if:

15 (a) The lessee or licensee is a certificated telecommunications
 16 common carrier or a permitted telecommunications contract carrier
 17 pursuant to section 86-128 or an Internet service provider;

18 (b) The lease or license terms are fair, reasonable, and
 19 nondiscriminatory; ~~and~~

20 (c) All locations where service will be made available pursuant to
 21 the lease or license are, at the time the lease or license is filed
 22 pursuant to subsection (3) of this section, unserved locations; and

23 (d) (e) The lease or license complies with this section.

24 (3)(a) Before a lease or license of dark fiber under this section
 25 becomes effective, it shall be filed by the lessee or licensee with the
 26 commission, ~~and the which shall expeditiously cause notice of the lease,~~
 27 ~~including lease rates, to be published. (b)(i) The lease or license shall~~
 28 ~~become effective upon such filing. The lease or license rate shall be~~
 29 ~~within or above the safe harbor range of market rates established~~
 30 ~~pursuant to subdivision (4)(a) of this section fourteen business days~~
 31 ~~after the date of the published notice unless a protest is filed with the~~
 1 ~~commission, in which event the commission shall consider the lease as a~~
 2 ~~contested matter and consider the contested lease according to the~~
 3 ~~commission's rules of procedure.~~

4 (b) Within five days after a lease or license is filed, the
 5 commission shall provide notice of the lease or license to all Internet
 6 service providers providing service in the counties where any unserved
 7 locations subject to the lease or license are located.

8 (c) Any Internet service provider may challenge a lease or license
 9 filed with the commission pursuant to this subsection alleging that such
 10 lease or license does not serve an unserved location in violation of
 11 subdivision (2)(c) of this section. A provider shall file such challenge
 12 with the commission within thirty days after receipt of the notice
 13 described in subdivision (b) of this subsection. The commission shall
 14 make a determination regarding such alleged violation within thirty days
 15 after the challenge is filed.

16 (d) If an Internet service provider files a challenge under
 17 subdivision (c) of this subsection alleging that a location is not an
 18 unserved location and the commission finds that it is an unserved
 19 location, the Internet service provider filing such challenge may be
 20 prohibited from filing any other challenge pursuant to subdivision (c) of
 21 this subsection for a period of two years from the date such challenge
 22 was filed.

23 (ii) ~~If the allocation of served location and unserved location in~~
 24 ~~the lease is contested, the commission shall determine such allocation~~
 25 ~~under the lease as a contested matter and consider the contested lease~~

26 according to the commission's rules of procedure.

27 (4)(a) (4) For the lease or license of dark fiber under this
 28 section, the ~~(a)~~ The commission shall establish a safe harbor range of
 29 market rates for all dark fiber leases or licenses using a competitive
 30 price determination comparison. When conducting a competitive price
 31 determination comparison, the commission, in its discretion, shall use
 1 rate schedules, interconnection agreements, or other documents within its
 2 regulatory oversight and shall gather other market rate information as
 3 deemed necessary. If a lease or license utilizes rates within or above
 4 the safe harbor range, such rates shall be deemed approved. ~~Any other~~
 5 ~~term of the lease may be contested pursuant to subdivision (3)(b) of this~~
 6 ~~section; and~~

7 (b) Revenue obtained by any agency or political subdivision from the
 8 lease or license of dark fiber under this section shall only be used for
 9 billing, construction, operation, and maintenance costs associated with
 10 the lease or license of such dark fiber or for any existing dark fiber or
 11 fiber-related infrastructure.

12 (c) Revenue obtained by any agency or political subdivision from the
 13 sale or delivery of electricity shall not be used for billing,
 14 construction, operation, or maintenance costs associated with the lease
 15 or license of dark fiber under this section.

16 Fifty percent of the profit earned by the agency or political
 17 subdivision under a lease of dark fiber leased to serve a served location
 18 shall be remitted to the State Treasurer for credit to the Nebraska
 19 Telecommunications Universal Service Fund. For purposes of this
 20 subdivision, profit earned by the agency or political subdivision means
 21 the lease price less the cost of infrastructure deployment. This
 22 subdivision does not apply to a lease or portion of a lease of dark fiber
 23 leased to exclusively serve unserved locations.

24 (5)(a) If a dispute arises between an Internet service provider
 25 claiming an enforceable commitment for a location and an Internet service
 26 provider seeking to utilize a dark fiber lease or license to serve such
 27 location, either party may file a request with the state entity with
 28 which there is an enforceable commitment to verify the enforceable
 29 commitment. Upon the filing of the request, such state entity shall
 30 require, and the Internet service provider claiming the enforceable
 31 commitment shall provide, documentation related to the enforceable
 1 commitment. The state entity shall review the documentation and make a
 2 finding as to the Internet service provider's compliance with the
 3 enforceable commitment and the reasonable likelihood of meeting its
 4 deployment obligations under the enforceable commitment. All
 5 documentation submitted to the state entity under this subdivision shall
 6 be deemed confidential and not subject to public disclosure pursuant to
 7 sections 84-712 to 84-712.09.

8 (b) There is no enforceable commitment and a location is considered
 9 an unserved location when:

10 (i) A grant of federal or state funds is forfeited by the Internet
 11 service provider for such location;

12 (ii) The Internet service provider is disqualified by the granting
 13 governmental entity from receiving a grant of federal or state funds to
 14 deploy broadband service infrastructure to such location; or

15 (iii) After reviewing documentation submitted pursuant to this
 16 subsection, the state entity verifying the enforceable commitment finds
 17 that the Internet service provider is not in compliance with the
 18 enforceable commitment or will fail to meet the terms of the enforceable
 19 commitment for such location.

20 (5) The lessee shall make every reasonable effort to activate the
 21 maximum amount of the leased fiber as is possible, within one year after
 22 entering into the lease, unless good cause is shown.

MOTION(S) - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB137](#):

[MO1263](#)

Indefinitely postpone.

Senator Clements filed the following motion to [LB1027](#):

[MO1266](#)

Bracket until April 11, 2024.

Senator Clements filed the following motion to [LB1027](#):

[MO1267](#)

Indefinitely postpone.

Senator Clements filed the following motion to [LB1027](#):

[MO1268](#)

Recommit to the Education Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 330. Introduced by Erdman, 47.

WHEREAS, Bridgeport Public Schools is one of only two schools in the State of Nebraska to be formally recognized and honored by Nebraskans for the Arts in 2024 for its outstanding and high quality arts education programs for all kindergarten through twelfth grade students, including general music, vocal music, instrumental music, visual arts, speech, theater, and digital media arts; and

WHEREAS, the Bridgeport Public Schools' vocal music program has earned gold ratings in choir competitions, gold in show choir competitions, superior ratings and consistent Outstanding Performance awards at the District Music Contest, and students are regularly selected for All-State Chorus and honor choirs; and

WHEREAS, the Bridgeport Public Schools' instrumental music program promotes the sixth grade pep band for character assemblies, performs in Class C All-State selections, and has earned superior ratings at the District Music Contest; and

WHEREAS, the Bridgeport Public Schools' kindergarten through sixth grade music department has implemented a new ukulele program; and

WHEREAS, the Bridgeport Public Schools' visual arts program has been a consistent category winner at multiple art display shows including: The West Nebraska Art Center's Visionaries show and the Western Nebraska Community College show; and

WHEREAS, the Bridgeport Public Schools' speech team has been consistent meet champions including at the Western Trails Conference, and most of the team's members competed at the Nebraska School Activities Association's State championships in 2023; and

WHEREAS, the Bridgeport Public Schools' theater program has been a consistent conference champion and for many years has qualified for the

Nebraska School Activities Association's State championships for Play Production; and

WHEREAS, Bridgeport Public Schools continues to fund the Missoula Children's Theater for students in kindergarten through eighth grade, which is an annual highlight in the community; and

WHEREAS, the Bridgeport Public Schools' digital marketing program has created professional-level sports reels for the school district's website and streaming platform as well as commercials shown at games; and

WHEREAS, Bridgeport Public Schools' outstanding arts and music education programs deserve honor and recognition for the support they give students and families in education.

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

1. That the Legislature celebrates the outstanding achievements in the fine arts and in the performing arts of the students of the Bridgeport Public Schools.

2. That copies of this resolution be sent to George Schlothauer, Superintendent of the Bridgeport Public Schools; Jason Blanco, Principal of the Bridgeport High School; James Simmons, Principal of the Bridgeport Elementary School; and Dr. Lance Nielsen, Executive Director of Nebraskans for the Arts.

Laid over.

WITHDRAW - Coinroducer(s)

Senator Brewer name withdrawn from LB951.

VISITOR(S)

Visitors to the Chamber were Reagan McIntosh, Syracuse; students from Mitchell Elementary, Mitchell; students, teachers, and sponsor from Umo^ohoⁿ (Omaha) Nation Public School, Macy; Issaih Rauert and Donella Sweazy, Kennard; students and teachers from Omaha Christian Academy, Omaha; Jan Bostelman; members of Spaces of Democracy from Creighton University.

The Doctor of the Day was Dr. Lane Handke of Pierce.

ADJOURNMENT

At 3:28 p.m., on a motion by Senator Hardin, the Legislature adjourned until 10:00 a.m., Monday, March 18, 2024.

Brandon Metzler
Clerk of the Legislature