

FIFTH DAY - JANUARY 9, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 2024

PRAYER

The prayer was offered by Senator Blood.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by MM3 R. G. Smith, Auxiliary, Navy, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Kelly presiding.

The roll was called and all members were present except Senators Hughes, Moser, and Slama who were excused; and Senators Day, Hunt, Linehan, Raybould, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB832	Judiciary (rereferred)
LB975	Appropriations
LB976	Judiciary
LB977	Judiciary
LB978	Judiciary
LB979	Judiciary
LB980	Judiciary
LB981	General Affairs

LB982	Health and Human Services
LB983	Judiciary
LB984	Banking, Commerce and Insurance
LB985	Education
LB986	Education
LB987	Education
LB988	Government, Military and Veterans Affairs
LB989	Banking, Commerce and Insurance
LB990	Banking, Commerce and Insurance
LB991	Banking, Commerce and Insurance
LB992	Banking, Commerce and Insurance
LB993	Business and Labor
LB994	Executive Board
LB995	Judiciary
LB996	Judiciary
LB997	Education
LB998	Government, Military and Veterans Affairs
LB999	Agriculture
LB1000	General Affairs
LB1001	Natural Resources
LB1002	Revenue
LB1003	Health and Human Services
LB1004	Transportation and Telecommunications
LB1005	Education
LB1006	Education
LB1007	Health and Human Services
LB1008	Appropriations
LB1009	Health and Human Services
LB1010	Education
LB1011	Education
LB1012	Education
LB1013	Education
LB1014	Education
LB1015	Health and Human Services
LB1016	Health and Human Services
LB1017	Business and Labor
LB1018	Government, Military and Veterans Affairs
LB1019	Revenue
LB1020	Executive Board
LB1021	Judiciary
LB1022	Revenue
LB1023	Revenue
LB1024	Banking, Commerce and Insurance
LB1025	Revenue
LB1026	Revenue
LB1027	Education
LB1028	Health and Human Services
LB1029	Education
LB1030	Transportation and Telecommunications

LB1031 Transportation and Telecommunications
 LB1032 Revenue
 LB1033 Transportation and Telecommunications
 LB1034 Education
 LB1035 Health and Human Services
 LR277CA Judiciary

(Signed) Raymond Aguilar, Chairperson
 Executive Board

COMMITTEE REPORT(S)
 Government, Military and Veterans Affairs

LEGISLATIVE BILL 541. Placed on General File with amendment.

[AM1062](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 32-404, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:
 5 32-404 (1) When any political subdivision holds an election in
 6 conjunction with the statewide primary or general election, the election
 7 shall be held as provided in the Election Act. Any other election held by
 8 a political subdivision shall be held as provided in the act unless
 9 otherwise provided by the charter, code, or bylaws of the political
 10 subdivision.
 11 (2) No later than December 1 of each odd-numbered year, the
 12 Secretary of State, election commissioner, or county clerk shall give
 13 notice to each political subdivision of the filing deadlines for the
 14 statewide primary election. No later than January 5 of each even-numbered
 15 year, the governing board of each political subdivision which will hold
 16 an election in conjunction with a statewide primary election shall
 17 certify to the Secretary of State, the election commissioner, or the
 18 county clerk the name of the subdivision, the number of officers to be
 19 elected, the length of the terms of office, the vacancies to be filled by
 20 election and length of remaining term, and the number of votes to be cast
 21 by a registered voter for each office.
 22 (3) No later than June 15 of each even-numbered year, the governing
 23 board of each reclamation district, county weed district, village, county
 24 under township organization, public power district receiving annual gross
 25 revenue of less than five hundred forty million dollars, or educational
 26 service unit which will hold an election in conjunction with a statewide
 27 general election shall certify to the Secretary of State, the election
 28 commissioner, or the county clerk the name of the subdivision, the number
 29 of officers to be elected, the length of the terms of office, the
 30 vacancies to be filled by election and length of remaining term, and the
 31 number of votes to be cast by a registered voter for each office.
 32 (4) The Secretary of State shall prescribe the forms to be used for
 33 certification to him or her, and the election commissioner or county
 34 clerk shall prescribe the forms to be used for certification to him or
 35 her.
 36 Sec. 2. Section 32-512, Reissue Revised Statutes of Nebraska, is
 37 amended to read:
 38 32-512 (1) After the selection of the original board of directors of
 39 a public power district as provided for in sections 70-803 and 70-805 or
 40 a district as provided for in sections 70-604 and 70-609, their
 41 successors shall be:
 42 (a) Nominated and elected on the partisan ballot for districts

16 ~~receiving annual gross revenue of five hundred million dollars or more;~~
 17 ~~and~~

18 ~~(b) Elected nominated and elected on the nonpartisan ballot for~~
 19 ~~districts receiving annual gross revenue of less than five hundred~~
 20 ~~million dollars. Candidates, except that in districts receiving annual~~
 21 ~~gross revenue of less than forty million dollars, the candidates for the~~
 22 ~~board of directors in such districts shall not appear on the ballot in~~
 23 ~~the primary election.~~

24 (2) The term of each elected director shall be not more than six
 25 years or until his or her successor is elected and qualified. Candidates
 26 for the board of directors shall meet the qualifications found in
 27 sections 70-610 and 70-619.

28 (3) (2) Registered voters residing within the chartered territory
 29 and registered voters duly certified in accordance with section 70-604.03
 30 shall be qualified to vote in the district as certified pursuant to
 31 section 70-611. The registered voters of a subdivision created under
 1 subsection (1) of section 70-612 may only cast their ballots for
 2 candidates for directors to be elected from such subdivision and for
 3 candidates for directors to be elected at large from the whole district.
 4 The registered voters of a subdivision created under subsection (2) or
 5 (3) of section 70-612 may only cast their ballots for candidates for
 6 directors to be elected from such subdivision.

7 Sec. 3. Section 32-606, Revised Statutes Cumulative Supplement,
 8 2022, is amended to read:

9 32-606 (1) Any candidate may place his or her name on the primary
 10 election ballot by filing a candidate filing form prescribed by the
 11 Secretary of State as provided in section 32-607. Except as otherwise
 12 provided in subsection (4) of this section, if a candidate for an
 13 elective office is an incumbent of any elective office, the filing period
 14 for filing the candidate filing form shall be between January 5 and
 15 February 15 prior to the date of the primary election. No incumbent who
 16 resigns from elective office prior to the expiration of his or her term
 17 shall file for any office after February 15 of that election year. All
 18 other candidates shall file for office between January 5 and March 1
 19 prior to the date of the primary election. A candidate filing form and a
 20 copy of payment of the filing fee, if applicable, may be transmitted by
 21 facsimile for the offices listed in subdivision (1) of section 32-607 if
 22 (a) the transmission is received in the office of the filing officer by
 23 the filing deadline and (b) the original filing form and payment of the
 24 filing fee, if applicable, is mailed to the filing officer with a legible
 25 postmark bearing a date on or prior to the filing deadline and is in the
 26 office of the filing officer no later than seven days after the filing
 27 deadline.

28 (2) Any candidate for a township office in a county under township
 29 organization, the board of trustees of a village, the board of directors
 30 of a reclamation district, the county weed district board, the board of
 31 directors of a public power district receiving annual gross revenue of
 1 less than ~~five hundred forty~~ million dollars, or the board of an
 2 educational service unit may place his or her name on the general
 3 election ballot by filing a candidate filing form prescribed by the
 4 Secretary of State as provided in section 32-607. Except as otherwise
 5 provided in subsection (4) of this section, if a candidate for an
 6 elective office is an incumbent of any elective office, the filing period
 7 for filing the candidate filing form shall be between January 5 and July
 8 15 prior to the date of the general election. No incumbent who resigns
 9 from elective office prior to the expiration of his or her term shall
 10 file for any office after July 15 of that election year. All other
 11 candidates shall file for office between January 5 and August 1 prior to
 12 the date of the general election. A candidate filing form may be
 13 transmitted by facsimile for the offices listed in subdivision (1) of

14 section 32-607 if (a) the transmission is received in the office of the
15 filing officer by the filing deadline and (b) the original filing form is
16 mailed to the filing officer with a legible postmark bearing a date on or
17 prior to the filing deadline and is in the office of the filing officer
18 no later than seven days after the filing deadline.

19 (3) Any city having a home rule charter may provide for filing
20 deadlines for any person desiring to be a candidate for the office of
21 council member or mayor.

22 (4) If a candidate for an elective office was appointed to an
23 elective office to fill a vacancy after the deadline for an incumbent to
24 file a candidate filing form in subsection (1) or (2) of this section but
25 before the deadline for all other candidates, the candidate may file a
26 candidate filing form for any office on or before the deadline for all
27 other candidates.

28 Sec. 4. Section 32-608, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 32-608 (1) Except as provided in subsection (4) or (5) of this
31 section, a filing fee shall be paid by or on behalf of each candidate
32 prior to filing for office. For candidates who file in the office of the
3 Secretary of State as provided in subdivision (1) of section 32-607, the
3 filing fee shall be paid to the Secretary of State who shall remit the
4 fee to the State Treasurer for credit to the Election Administration
5 Fund. For candidates for any city or village office, the filing fee shall
6 be paid to the city or village treasurer of the city or village in which
7 the candidate resides. For candidates who file in the office of the
8 election commissioner or county clerk, the filing fee shall be paid to
9 the election commissioner or county clerk in the county in which the
10 office is sought. The election commissioner or county clerk shall remit
11 the fee to the county treasurer. The fee shall be placed in the general
12 fund of the county, city, or village. No candidate filing forms shall be
13 filed until the proper payment or the proper receipt showing the payment
14 of such filing fee is presented to the filing officer. On the day of the
15 filing deadline, the city or village treasurer's office shall remain open
16 to receive filing fees until the hour of the filing deadline.

17 (2) Except as provided in subsection (4) or (5) of this section, the
18 filing fees shall be as follows:

19 (a) For the office of United States Senator, state officers,
20 including members of the Legislature, Representatives in Congress, county
21 officers, and city or village officers, except the mayor or council
22 members of cities having a home rule charter, a sum equal to one percent
23 of the annual salary as of November 30 of the year preceding the election
24 for the office for which he or she files as a candidate;

25 (b) For directors of public power and irrigation districts in
26 districts receiving annual gross revenue of ~~five hundred forty~~ million
27 dollars or more, twenty-five dollars, and in districts receiving annual
28 gross revenue of less than ~~five hundred forty~~ million dollars, ten
29 dollars;

30 (c) For directors of reclamation districts, ten dollars; and

31 (d) For Regents of the University of Nebraska, members of the State
1 Board of Education, and directors of metropolitan utilities districts,
2 twenty-five dollars.

3 (3) All declared write-in candidates shall pay the filing fees that
4 are required for the office at the time that they present the write-in
5 affidavit to the filing officer.

6 (4) No filing fee shall be required for any candidate filing for an
7 office in which a per diem is paid rather than a salary or for which
8 there is a salary of less than five hundred dollars per year. No filing
9 fee shall be required for any candidate for membership on a school board,
10 on the board of an educational service unit, on the board of governors of
11 a community college area, on the board of directors of a natural

12 resources district, or on the board of trustees of a sanitary and
13 improvement district.

14 (5) No filing fee shall be required of any candidate completing an
15 affidavit requesting to file for elective office in forma pauperis. A
16 pauper shall mean a person whose income and other resources for
17 maintenance are found under assistance standards to be insufficient for
18 meeting the cost of his or her requirements and whose reserve of cash or
19 other available resources does not exceed the maximum available resources
20 that an eligible individual may own. Available resources shall include
21 every type of property or interest in property that an individual owns
22 and may convert into cash except:

23 (a) Real property used as a home;

24 (b) Household goods of a moderate value used in the home; and

25 (c) Assets to a maximum value of three thousand dollars used by a
26 recipient in a planned effort directed towards self-support.

27 (6) If any candidate dies prior to an election, the spouse of the
28 candidate may file a claim for refund of the filing fee with the proper
29 governing body prior to the date of the election. Upon approval of the
30 claim by the proper governing body, the filing fee shall be refunded.

31 Sec. 5. Section 32-609, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 32-609 The candidate filing form filed pursuant to sections 32-606
3 and 32-607 by each candidate for the State Board of Education, member of
4 the Legislature, Regent of the University of Nebraska, director of a
5 public power and irrigation district receiving annual gross revenue of
6 less than five hundred million dollars, reclamation district, or natural
7 resources district, every other nonpartisan office created by law, member
8 of a school board of a Class IV or V school district, and candidate for
9 elective office of a city of the first or second class or a village shall
10 not in any way refer to or designate the political affiliation of the
11 candidate except as otherwise provided pursuant to section 32-557.

12 Sec. 6. Section 70-611, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 70-611 (1) Not later than January 5 in each even-numbered year, the
15 secretary of the district in districts grossing five hundred forty
16 million dollars or more annually shall certify to the Secretary of State
17 on forms prescribed by the Secretary of State the names of the counties
18 in which all registered voters are eligible to vote for public power
19 district candidates and for other counties the names of the election
20 precincts within each county excluding the municipalities in which voters
21 are not eligible to vote on public power district candidates. The
22 secretary shall also certify the number of directors to be elected and
23 the length of terms for which each is to be elected.

24 (2) Districts grossing less than five hundred forty million dollars
25 annually shall prepare the same type of certification as districts
26 grossing over five hundred forty million dollars annually and file such
27 certification with the Secretary of State not later than June 15 of each
28 even-numbered year.

29 (3) The secretary of each district shall, at the time of filing the
30 certification, cause to be published once in a newspaper or newspapers of
31 general circulation within the district a list of the incumbent directors
1 and naming the counties or election precincts excluding those
2 municipalities in which voters are not eligible to vote for public power
3 district candidates in the same general form as the certification filed
4 with the Secretary of State. A certified copy of the published notice
5 shall be filed with the Secretary of State within ten days after such
6 publication.

7 Sec. 7. Original sections 32-512 and 32-609, Reissue Revised
8 Statutes of Nebraska, and sections 32-404, 32-606, 32-608, and 70-611,
9 Revised Statutes Cumulative Supplement, 2022, are repealed.

LEGISLATIVE RESOLUTION 31. Reported to the Legislature for further consideration.

(Signed) Tom Brewer, Chairperson

MOTION(S) - Withdraw LB968

Senator DeKay offered [MO1165](#), found on page 305, to withdraw LB968.

The DeKay motion to withdraw the bill prevailed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

MOTION(S) - Withdraw LB1028

Senator Clements offered [MO1166](#), found on page 312, to withdraw LB1028.

The Clements motion to withdraw the bill prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073. Introduced by Slama, 1.

A BILL FOR AN ACT relating to the Third-Party Administrator Act; to amend section 44-5807, Reissue Revised Statutes of Nebraska; to change provisions relating to onsite audits of the operations of third-party administrators; and to repeal the original section.

LEGISLATIVE BILL 1074. Introduced by Slama, 1.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1116, 8-1120, 8-1726, and 21-1736, Reissue Revised Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101, 8-1101.01, 8-1704, 8-1707, 8-2724, 8-2903, 8-3005, 8-3007, 21-17,115, 59-1722, 69-2103, 69-2104, and 69-2112, Revised Statutes Supplement, 2023, and section 4A-108, Uniform Commercial Code, Revised Statutes Supplement, 2023; to adopt updates to federal law relating to banking and finance; to change provisions of the Securities Act of Nebraska, the Commodity Code, and the Credit Union Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1075. Introduced by Slama, 1.

A BILL FOR AN ACT relating to banking and finance; to amend sections

8-2729, 8-2730, 8-2735, 45-346, 45-346.01, 45-354, 45-737, 45-905.01, 45-912, 45-1005, 45-1018, and 45-1033.01, Reissue Revised Statutes of Nebraska; to change provisions relating to applications, background checks, registrations, and required notices under the Nebraska Money Transmitters Act, the Nebraska Installment Sales Act, and the Nebraska Installment Loan Act, registrations and background checks under the Delayed Deposit Services Licensing Act, and required notices under the Residential Mortgage Licensing Act; and to repeal the original sections.

LEGISLATIVE BILL 1076. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to public contracts; to adopt the Public Contract Provider Open Meetings Act.

LEGISLATIVE BILL 1077. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Labor to provide grants for facility expansion relating to workforce development and career readiness programs; and to declare an emergency.

LEGISLATIVE BILL 1078. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to health and human services; to state intent regarding an increase in rates for child welfare aid; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate Federal Funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 1080. Introduced by Holdcroft, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended; and to declare an emergency.

LEGISLATIVE BILL 1081. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to schools; to provide required student-to-teacher ratios as prescribed; to provide a reporting requirement; and to provide powers and duties to the Commissioner of Education, the State Department of Education, and the State Board of Education.

LEGISLATIVE BILL 1082. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend sections 84-1607, 84-1608, and 84-1609, Reissue Revised Statutes of Nebraska; to require coverage for in vitro fertilization as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1083. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Career Scholarship Act; to amend sections 85-3005 and 85-3006, Revised Statutes Cumulative Supplement, 2022; to include a program of study in education, engineering, and early childhood education as an eligible program of study for scholarship eligibility for private colleges and community colleges under the act as prescribed; to state intent regarding appropriations; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Ibach, 44; Kauth, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908 and 77-3806, Revised Statutes Cumulative Supplement, 2022, and sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2023; to adopt the Nebraska Shortline Rail Modernization Act; to provide for tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Holdcroft, 36; Bosn, 25; DeBoer, 10; DeKay, 40; Ibach, 44.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,111, Reissue Revised Statutes of Nebraska, and section 43-2,119, Revised Statutes Cumulative Supplement, 2022; to eliminate provisions relating to establishment of separate juvenile court districts and separate juvenile courts by a vote; to rename certain separate juvenile court districts; to change provisions relating to the number of judges in certain such districts; to repeal the original sections; and to outright repeal section 43-2,112, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 1086. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 38-1,101, 43-2202, 44-7006, 68-1015, 68-1207.01, 71-504, 71-3601, 71-6042, 71-6732, and 71-9103, Reissue Revised Statutes of Nebraska, sections 43-4203, 43-4216, 43-4401, 68-1207, 71-702, 71-8803, 81-101, 81-102, 81-132, 81-1113, 81-1316, and 81-3133, Revised Statutes Cumulative Supplement, 2022, and section 71-7305, Revised Statutes Supplement, 2023; to eliminate the Department of Health and Human Services; to create the Department of Children and Family Services, the Department of Public Health, and the Department of Healthcare; to transfer programs, services, and duties; to provide for the appointment of directors; to provide for administration responsibilities; to

provide for appointment of a chief medical officer; to create the Health and Human Services Cash Fund; to provide for the creation and use of petty cash funds by the Department of Children and Family Services; to provide a duty for the Health and Human Services Committee of the Legislature; to eliminate obsolete provisions and provisions regarding divisions of the Department of Health and Human Services; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-3110, 81-3111, 81-3112, 81-3114, 81-3115, 81-3117, 81-3118, 81-3120, 81-3121, 81-3122, 81-3123, and 81-3124, Reissue Revised Statutes of Nebraska, and sections 81-3113, 81-3116, 81-3119, 81-3133.01, 81-3133.02, and 81-3133.03, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 1087. Introduced by Jacobson, 42; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Brewer, 43; Cavanaugh, J., 9; Clements, 2; Conrad, 46; DeKay, 40; Dorn, 30; Dover, 19; Fredrickson, 20; Holdcroft, 36; Ibach, 44; Lippincott, 34; McDonnell, 5; Meyer, 41; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to hospitals; to adopt the Hospital Quality Assurance and Access Assessment Act; and to declare an emergency.

LEGISLATIVE BILL 1088. Introduced by Linehan, 39; Jacobson, 42; McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5723, 77-5727, and 77-5735, Revised Statutes Cumulative Supplement, 2022; to change the time period in which the required levels of employment and investment must be met for certain projects; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1089. Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to courts; to amend sections 25-1914, 25-3010, 29-1920, 29-2207, 29-2258, 29-2262.04, 29-2262.06, 29-2704, 29-4106, 29-4121, 33-103, 33-107.01, 33-107.03, 33-126.05, 33-154, 33-155, 33-156, 33-157, 43-261, 43-290, 47-633, and 81-1429, Reissue Revised Statutes of Nebraska, sections 24-703, 25-1140.09, 29-1903, 33-106, 33-124, 43-254, 43-260.04, 43-272, and 43-2,129, Revised Statutes Cumulative Supplement, 2022, and section 29-2262, Revised Statutes Supplement, 2023; to exempt individuals under nineteen years of age from payment of certain court fees and costs, probation fees, and DNA collection and testing costs; to provide that such individuals are presumed to be indigent for purposes of fees related to criminal discovery; to prohibit recovery of costs and fees in proceedings under the Nebraska Juvenile Code from juveniles and their parents or guardians as prescribed; to change provisions relating to juvenile pretrial diversion programs, appointed counsel, guardians ad litem, and recoupment of certain costs; to prohibit imposition of a fine as a penalty in a juvenile proceeding; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1090. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2023, LB814, section 226; to appropriate funds to the Department of Administrative Services; and to repeal the original section.

LEGISLATIVE BILL 1091. Introduced by Murman, 38; Aguilar, 35; Albrecht, 17; Ballard, 21; Bosn, 25; Brewer, 43; Clements, 2; DeKay, 40; Erdman, 47; Halloran, 33; Hansen, 16; Hardin, 48; Holdcroft, 36; Ibach, 44; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Meyer, 41; Riepe, 12; von Gillern, 4.

A BILL FOR AN ACT relating to education; to require a school board or board of education that grants access by a professional employees' organization to a school employee's physical or electronic mailbox or a meeting to also grant such access to any other such organization that requests access; and to prohibit a school board or board of education from designating any day or break in the school calendar using the name of any professional employees' organization.

LEGISLATIVE BILL 1092. Introduced by Murman, 38; Aguilar, 35; Albrecht, 17; Armendariz, 18; Ballard, 21; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Erdman, 47; Halloran, 33; Hardin, 48; Holdcroft, 36; Ibach, 44; Linehan, 39; Lippincott, 34; Lowe, 37; Meyer, 41; von Gillern, 4.

A BILL FOR AN ACT relating to civil liability; to adopt the Online Age Verification Liability Act.

LEGISLATIVE BILL 1093. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to first responders; to amend sections 81-1401, 81-1403, and 81-1414, Revised Statutes Cumulative Supplement, 2022, and sections 85-2601, 85-2602, 85-2603, 85-2603.01, and 85-2605, Revised Statutes Supplement, 2023; to provide for limited law enforcement officer certificates for federally trained investigators employed by state agencies; to change eligibility requirements under the First Responder Recruitment and Retention Act; to provide duties for public postsecondary institutions and the Department of Revenue; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to insurance; to limit the out-of-pocket cost of medically necessary epinephrine injectors to a covered individual as prescribed; and to require coverage for certain generic and authorized generic inhaled prescription corticosteroid medication as prescribed.

LEGISLATIVE BILL 1095. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-2210, 66-2211, 66-2215, and 77-7011, Revised Statutes Supplement, 2023; to change the E-15 Access Standard Act as prescribed; to change provisions relating to tax credits under the Nebraska Biodiesel Tax Credit Act; and to repeal the original sections.

LEGISLATIVE BILL 1096. Introduced by Armendariz, 18; Albrecht, 17; Ballard, 21; Bosn, 25; Brewer, 43; Clements, 2; Conrad, 46; DeKay, 40; Dorn, 30; Erdman, 47; Halloran, 33; Hansen, 16; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Kauth, 31; Lippincott, 34; McDonnell, 5; Meyer, 41; Murman, 38; Sanders, 45; von Gillern, 4; Walz, 15.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend section 87-302, Revised Statutes Cumulative Supplement, 2022; to provide that certain conduct relating to depictions of sexually explicit or obscene material or material harmful to minors is a deceptive trade practice; to define terms; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by DeKay, 40; Brewer, 43; McDonnell, 5.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Revised Statutes Cumulative Supplement, 2022; to change a requirement relating to reimbursement by the Department of Health and Human Services for mentally incompetent defendants; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by DeKay, 40; Brewer, 43; Holdcroft, 36; McDonnell, 5.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.02, 28-311.05, 42-901, 42-905, 42-924.01, 42-924.03, 42-927, 42-928, 42-929, 42-931, 43-2,107, and 60-3209, Reissue Revised Statutes of Nebraska, sections 25-2740, 28-311.04, 28-311.12, 28-358.01, 28-1206, 29-404.02, 29-422, 29-2292, 42-924.02, 42-925, 42-926, 43-1609, and 43-1611, Revised Statutes Cumulative Supplement, 2022, and sections 28-1205, 42-903, and 42-924, Revised Statutes Supplement, 2023; to adopt the Protection Orders Act; to extend the initial period of protection orders; to define terms; to provide penalties; to provide for powers and duties relating to such orders; to transfer provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-311.10, Reissue Revised Statutes of Nebraska, and sections 28-311.09 and 28-311.11, Revised Statutes Cumulative Supplement, 2022.

LEGISLATIVE BILL 1099. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to change the use of reappropriated funds as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1100. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 44-32,180, 44-4726, 68-978, 68-979, 68-981, 68-982, 68-983, 68-985, 68-986, 68-987, 68-988, and 71-8506, Reissue Revised Statutes of Nebraska; to define and eliminate terms; to change references to the intergovernmental transfer program and capitation payments and provide for a certified public expenditure program; to change department duties and powers as prescribed; to decrease an administration fee; to update federal references; to change a provision relating to managed care contracts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1101. Introduced by Hardin, 48.

A BILL FOR AN ACT relating to education; to require a memorandum of understanding regarding the Public Health Early Admission Student Track Program and the Rural Health Opportunities Program; to provide for tuition waivers to eligible students as prescribed; and to state intent regarding appropriations.

LEGISLATIVE BILL 1102. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to missing persons; to declare October 17 as Nebraska Missing Persons Day.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB252:

AM2061

1 1. Insert the following new sections:

2 Sec. 2. Section 80-322.01, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 80-322.01 The Department of Veterans' Affairs Cash Fund is created.

5 The fund shall include any transfers by the Legislature, any gifts,

6 grants, bequests, contributions, or donations received by the department,

7 and money transferred pursuant to section 80-322. The department shall

8 administer the fund. Disbursements from the fund shall be used by the

9 department for the purposes of supporting veteran services, carrying out

10 the duties and functions of the department, paying administrative costs

11 of the department, or for the specific purposes designated by acceptance

12 of any gift, grant, bequest, contribution, or donation. Any money in the

13 fund available for investment shall be invested by the state investment

14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

15 State Funds Investment Act.

16 Sec. 5. Section 80-404, Reissue Revised Statutes of Nebraska, is

17 amended to read:

18 80-404 The Department of Veterans' Affairs may (1) receive gifts,

19 grants, bequests, contributions, or donations from public or private

20 sources or hold in trust testamentary or other gifts, (2) and may

21 purchase or receive gifts of such real estate as may be necessary or

22 advantageous for the carrying out the duties and functions of the

23 department, and (3) contract with public or private groups to conduct
 24 department business of the provisions of sections 80-401 to 80-405. All
 25 property of the department so held or owned by it shall be free from
 26 taxation during the period of time such property is it shall be held or
 27 used by the department it for the purpose of furnishing aid to such
 1 veterans and their dependents authorized by the provisions of section
 2 80-403.
 3 2. Renumber the remaining sections and correct the repealer
 4 accordingly.

Senator Blood filed the following amendment to LB823:

AM2073

1 1. On page 17, line 17, after the second "or" insert "as determined
 2 by the commission".
 3 2. On page 28, line 18, after "all" insert "Licenses and".

Senator Blood filed the following amendment to LB561:

AM2071

1 1. On page 19, line 31, strike "be immune from suit and" and insert
 2 "have no greater liability than a state employee would have under the
 3 same or similar circumstances, either personally or".
 4 2. On page 20, line 1, strike "liability, both personally and".

Senator Bostelman filed the following amendment to LB61:

AM2068

1 1. On page 13, line 2, before the stricken matter insert "(1)"; in
 2 line 6 after "resolutions" insert ", except that subsidization is
 3 prohibited. For purposes of this subsection, subsidization means the
 4 establishment of taxes, surcharges, or rates collected by an agency or
 5 political subdivision (a) in the delivery of electric energy and related
 6 services by such agency or political subdivision for costs that are
 7 properly attributable to the leasing or licensing of dark fiber for the
 8 provision of telecommunications or broadband services by a lessee or
 9 licensee or (b) in the leasing or licensing of dark fiber for the
 10 provision of telecommunications or broadband services by a lessee or
 11 licensee for costs that are properly attributable to the delivery of
 12 electric energy and related services by such agency or political
 13 subdivision"; and after line 6 insert the following new subsection:
 14 "(2) It is the intent of the Legislature that any lease or license
 15 of dark fiber be utilized to serve locations that lack broadband Internet
 16 service providing access to the Internet at speeds of at least one
 17 hundred megabits per second for downloading and at least twenty megabits
 18 per second for uploading."

Senator McKinney filed the following amendment to LB164:

AM2075 is available in the Bill Room.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 43. Placed on General File with amendment.

AM2076 is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Rules

The Rules Committee met on January 9, 2024, and advanced the following proposed rules:

Proposed Rule Change 13 found on page 193.
Proposed Rule Change 15 found on page 193.
Proposed Rule Change 16 found on page 194.
Proposed Rule Change 19 found on page 196.
Proposed Rule Change 20 found on page 197.
Proposed Rule Change 27 found on page 199.
Proposed Rule Change 30 found on page 232.

The Rule Committee met on January 9, 2024, and advanced the following amended proposed rules:

Proposed Rule Change 18:**Rule 6, Sec. 5. Select File.**

(a) The Select File Enrollment and Review amendments, as prepared by the Revisor's Office, shall be neither debatable, amendable, nor divisible prior to its initial adoption, except that the primary introducer may be recognized to speak for five minutes prior to a vote on the Enrollment and Review amendments. The amendment shall not be read by the Clerk. Amendments to make changes to the language in an enrollment and review amendment shall be offered as amendments to the bill and ordered pursuant to the provisions in these rules, following the initial adoption of the enrollment and review amendment.

(b) When the Legislature considers bills on Select File, any of the following motions shall be in order, after adoption or rejection of the Enrollment and Review Amendments, in accordance with the provisions of Rule 7, Section 3:

~~(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.~~

~~(b) (i) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.~~

~~(c) (ii) A motion to recommit to the proper standing committee.~~

~~(d) (iii) A motion to postpone indefinitely. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.~~

(e) ~~(iv)~~ Motions made pursuant to subsections ~~b, c, and d~~ i, ii, and iii hereof may be adopted only upon the affirmative vote of a majority of the elected members.

~~(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.~~

~~(g)~~ (v) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(h) (vi) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

Proposed Rule Change 21:

Rule 6, Sec. 3. General File. ...

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be ~~considered~~ introduced. After the introduction of the bill and the introduction of the committee amendment, other priority motions shall have precedence in the order in which they are arranged under Rule 7, Section 3, except as provided for in Rule 1, Section 17. Motions to adjourn or recess shall remain in order except as limited by Rule 7, Section 9. The introducer's amendments, if any, shall be ~~considered~~ introduced following the consideration of the standing committee amendments and any amendments thereto. ~~Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17. Further amendments will be considered in the order in which they are filed with the Clerk.~~

Proposed Rule Change 24:

Rule 5, Sec. 6. Consent Calendar. ...

(c) Any bill placed on consent calendar shall be removed at the written request of ~~three~~ five or more senators. Such request must be filed with the Clerk prior to the ~~expiration of fifteen minutes of debate at that stage of consideration~~ reading of the bill at each stage of debate, on the bill to be removed.

Proposed Rule Change 27:

Rule 5, Sec. 4. Introdurers Signing Bills. ...

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least ~~24 hours~~ three calendar days prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

(Signed) Steve Erdman, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510 12:00 PM

Tuesday, January 16, 2024
AM2075 Amending LB164

(Signed) Terrell McKinney, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Raybould name added to LB174.
Senator Hunt name added to LB830.
Senator Dungan name added to LB830.
Senator J. Cavanaugh name added to LB830.
Senator Kauth name added to LB876.
Senator Moser name added to LB876.
Senator Linehan name added to LB876.
Senator Dover name added to LB876.
Senator Meyer name added to LB925.
Senator Dungan name added to LB933.
Senator Halloran name added to LB984.
Senator Ibach name added to LB984.
Senator Brewer name added to LB999.
Senator Fredrickson name added to LB1035.
Senator DeKay name added to LB1061.
Senator J. Cavanaugh name added to LR275CA.

WITHDRAW - Cointroducer(s)

Senator Blood name withdrawn from LB999.

VISITOR(S)

Visitor to the Chamber was Nelson Ildefonso-Cruz an Army Reserve Ambassador to Nebraska.

ADJOURNMENT

At 3:25 p.m., on a motion by Senator Conrad, the Legislature adjourned until 1:30 p.m., Wednesday, January 10, 2024.

Brandon Metzler
Clerk of the Legislature