

**THIRTIETH DAY - FEBRUARY 20, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 20, 2024

**PRAYER**

The prayer was offered by Father Ryan Lewis, St. Elizabeth Ann Seton Catholic Church, Omaha.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Bosn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Conrad, DeBoer, Dover, Hughes, Hunt, McKinney, Sanders, Vargas, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 832.** Placed on General File.

**LEGISLATIVE BILL 898.** Placed on General File.

**LEGISLATIVE BILL 918.** Placed on General File.

**LEGISLATIVE BILL 1288.** Placed on General File.

**LEGISLATIVE BILL 137.** Placed on General File with amendment.

[AM2154](#)

1 1. On page 7, line 11, strike "IB", show as stricken, and insert

2 "IC".

**LEGISLATIVE BILL 348.** Placed on General File with amendment.  
[AM1464](#) is available in the Bill Room.

**LEGISLATIVE BILL 631.** Placed on General File with amendment.  
[AM2098](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 83-190, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 83-190 (1) The members of the Board of Parole shall have terms of  
6 office of six years and until their successors are appointed. The  
7 successors shall be appointed in the same manner as provided for the  
8 members first appointed, and a vacancy occurring before expiration of a  
9 term of office shall be similarly filled for the unexpired term. A member  
10 of the board may be reappointed. The members of the board ~~shall~~ may be  
11 removed ~~only~~ for disability, neglect of duty, or malfeasance in office by  
12 the Board of Pardons after a hearing. The Board of Pardons shall promptly  
13 file in the office of the Secretary of State a complete statement of the  
14 charges, its findings and disposition, and a complete record of the  
15 proceedings.  
16 (2) For purposes of this section, neglect of duty includes not  
17 attending a total of twelve full days of hearings of the Board of Parole  
18 within a calendar year. A member's failure to attend a hearing day shall  
19 not count toward such limit if the failure was due to a medical  
20 appointment that could not reasonably be rescheduled or delayed, a family  
21 emergency, illness, an act of God, or similar circumstances beyond the  
22 member's control.  
23 Sec. 2. Section 83-196, Reissue Revised Statutes of Nebraska, is  
24 amended to read:  
25 83-196 ~~Four~~ Three members of the Board of Parole are required to  
26 shall constitute a quorum in order to transact ~~for the purpose of~~  
27 ~~transacting~~ any official business. The decisions of the Board of Parole  
1 shall be by majority vote. The board shall keep a record of its acts and  
2 shall notify the Director of Correctional Services of its decisions  
3 relating to offenders who are or have been committed.  
4 Sec. 3. The Board of Parole shall adopt and promulgate rules and  
5 regulations that include:  
6 (1) Clearly defined, easily understood written mission statements  
7 and strategic plans encompassing public safety and rehabilitation;  
8 (2) Procedures to ensure that victims are appropriately notified and  
9 given the opportunity to provide input in the rulemaking process;  
10 (3) A requirement that board members receive initial and ongoing  
11 training on cultural competency, implicit bias, an understanding of the  
12 historical perspective of how and why parole was created, the powers and  
13 duties of the board, and ethics. Such training shall address current  
14 suggested best practices and enhance and strengthen members'  
15 decisionmaking skills;  
16 (4) A code of ethics for members of the board;  
17 (5) Requirements and procedures for the board to incorporate  
18 evidence-based practices that reduce recidivism. This includes, but is  
19 not limited to, a requirement that the board measure performance outcomes  
20 and develop transparent, written criteria that shall be considered when  
21 making decisions on whether to grant or revoke parole and when setting  
22 the conditions of parole;  
23 (6) Methods by which the board will enhance opportunities for the  
24 success of people released on parole by collaborating with partners  
25 within and outside of the criminal justice system, supporting the  
26 supervision of people released on parole in their communities, employing  
27 informal social controls, and enabling people released on parole to

28 participate meaningfully in the supervision process; and  
29 (7) Policies and standard practices that will assist in ensuring  
30 neutrality, impartiality, and objectivity as an integral part of the  
31 board's culture and practices.  
1 Sec. 4. (1) This section applies to the Board of Parole whenever it  
2 makes a determination of whether to grant or deny parole, sets the  
3 conditions of parole, or determines the sanctions for a violation of  
4 parole.  
5 (2) The board shall serve as an impartial, neutral, and objective  
6 decisionmaker and shall be insulated from undue influences of specific  
7 ideological views and positions and from predetermined conceptions of the  
8 desired outcomes of proceedings before the board.  
9 (3) If the board collaborates with or receives input from other  
10 entities within the criminal justice system, the board shall do so in a  
11 manner that respects and reinforces impartiality, neutrality, and  
12 objectivity.  
13 (4) The board shall consider all evidence regarding a committed  
14 offender in an impartial, neutral, and objective manner.  
15 Sec. 5. Section 83-1,114, Revised Statutes Supplement, 2023, is  
16 amended to read:  
17 83-1,114 (1) Whenever the board considers the release of a committed  
18 offender who is eligible for release on parole, it shall order his or her  
19 release unless it is of the opinion that his or her release should be  
20 deferred because:  
21 (a) There is a substantial risk that he or she will not conform to  
22 the conditions of parole;  
23 (b) His or her release would depreciate the seriousness of his or  
24 her crime or promote disrespect for law;  
25 (c) His or her release would have a substantially adverse effect on  
26 institutional discipline; or  
27 (d) ~~Subject to subsection (3) of this section, his~~ His or her  
28 continued correctional treatment, medical care, or vocational or other  
29 training in the facility will substantially enhance his or her capacity  
30 to lead a law-abiding life when released at a later date.  
31 (2) In making its determination regarding a committed offender's  
1 release on parole, the board shall give consideration to the decision  
2 guidelines as set forth in its rules and regulations and shall take into  
3 account each of the following factors:  
4 (a) The adequacy of the offender's parole plan, including  
5 sufficiency of residence, employment history, and employability;  
6 (b) The offender's prior criminal record, including the nature and  
7 circumstances, dates, and frequency of previous offenses;  
8 (c) The offender's institutional behavior;  
9 (d) The offender's previous experience on parole and how recent such  
10 experience is;  
11 (e) Whether the offender has completed a risk and needs assessment  
12 completed pursuant to section 83-192; and  
13 (f) Any testimony or written statement by a victim as provided in  
14 section 81-1848.  
15 (3) ~~Parole shall not be denied for a committed offender solely~~  
16 ~~because the department did not offer or delayed programming due to~~  
17 ~~operational issues, including staffing shortages, maintenance issues, or~~  
18 ~~lack of funding.~~  
19 Sec. 6. Section 83-1,135, Revised Statutes Supplement, 2023, is  
20 amended to read:  
21 83-1,135 Sections 83-170 to 83-1,135.05 and sections 3 and 4 of this  
22 act shall be known and may be cited as the Nebraska Treatment and  
23 Corrections Act.  
24 Sec. 7. Section 83-962, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 83-962 (1) ~~Until July 1, 2020, the Governor may declare a~~  
 27 ~~correctional system overcrowding emergency whenever the director~~  
 28 ~~certifies that the department's inmate population is over one hundred~~  
 29 ~~forty percent of design capacity. Beginning July 1, 2020, a correctional~~  
 30 ~~system overcrowding emergency shall exist whenever the director certifies~~  
 31 ~~that the department's inmate population is over one hundred forty percent~~  
 1 ~~of design capacity. The director shall so certify within thirty days~~  
 2 ~~after the date on which the population first exceeds one hundred forty~~  
 3 ~~percent of design capacity.~~  
 4 (2) During a correctional system overcrowding emergency, the board  
 5 shall immediately consider or reconsider committed offenders eligible for  
 6 parole who have not been released on parole.  
 7 (3) Upon such consideration or reconsideration, and for all other  
 8 consideration of committed offenders eligible for parole while the  
 9 correctional system overcrowding emergency is in effect, the board shall  
 10 order the release of each committed offender unless it is of the opinion  
 11 that such release should be deferred because:  
 12 (a) The board has determined that it is more likely than not that  
 13 the committed offender will not conform to the conditions of parole;  
 14 (b) The board has determined that release of the committed offender  
 15 would have a very significant and quantifiable effect on institutional  
 16 discipline; or  
 17 (c) The board has determined that there is a very substantial risk  
 18 that the committed offender will commit a violent act against a person.  
 19 (4) In making the determination regarding the risk that a committed  
 20 offender will not conform to the conditions of parole, the board shall  
 21 take into account the factors set forth in subsection (2) of section  
 22 83-1,114 and shall comply with the requirements of subsection (3) of  
 23 section 83-1,114 and section 4 of this act.  
 24 (5) The board shall continue granting parole to offenders under this  
 25 section until the director certifies that the population is at  
 26 operational capacity. The director shall so certify within thirty days  
 27 after the date on which the population first reaches operational  
 28 capacity.  
 29 Sec. 8. Original sections 83-190 and 83-196, Reissue Revised  
 30 Statutes of Nebraska, section 83-962, Revised Statutes Cumulative  
 31 Supplement, 2022, and sections 83-1,114 and 83-1,135, Revised Statutes  
 1 Supplement, 2023, are repealed.  
 2 Sec. 9. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

**LEGISLATIVE BILL 894.** Placed on General File with amendment.

[AM2370](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 23-1701, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 23-1701 (1) It is the duty of the sheriff to serve or otherwise  
 6 execute, according to law, and return writs or other legal process issued  
 7 by lawful authority and directed or committed to the sheriff and to  
 8 perform such other duties as may be required by law. The county sheriff  
 9 shall prepare and file the required annual inventory statement of county  
 10 personal property in his or her custody or possession as provided in  
 11 sections 23-346 to 23-350.  
 12 (2) Except as provided in subsection (3) of this section, a  
 13 sheriff elected after November 1986 need not be a resident of the county  
 14 when he or she files for election as sheriff, but a sheriff shall reside  
 15 in a county for which he or she holds office.  
 16 (3) If there is no county sheriff elected pursuant to section 32-520  
 17 or if a vacancy occurs for any other reason, the county board of such

18 county may appoint a law enforcement officer qualified pursuant to  
 19 section 23-1701.01 from any Nebraska county to the office of county  
 20 sheriff. In making such appointment, the county board shall enter into a  
 21 contract with the appointed county sheriff, such contract to specify the  
 22 terms and conditions of the appointment, including the compensation of  
 23 the appointed county sheriff, which compensation shall not be subject to  
 24 sections 23-1114.02 to 23-1114.06.

25 Sec. 2. Section 23-1701.01, Reissue Revised Statutes of Nebraska, is  
 26 amended to read:

27 23-1701.01 (1) Any candidate for the office of sheriff and any  
 1 sheriff appointed under subsection (3) of section 23-1701 shall possess  
 2 who does not have a law enforcement officer certificate or diploma issued  
 3 by the Nebraska Commission on Law Enforcement and Criminal Justice. A  
 4 shall submit with the candidate filing form required by section 32-607 a  
 5 standardized letter issued by the director of the Nebraska Law  
 6 Enforcement Training Center certifying that the candidate or appointee  
 7 was duly issued such certificate or diploma shall be filed by a candidate  
 8 with the candidate filing form required by section 32-607 and by an  
 9 appointee with the contract entered into under section 23-1701, has:  
 10 (a) Within one calendar year prior to the deadline for filing the  
 11 candidate filing form, passed a background investigation performed by the  
 12 Nebraska Law Enforcement Training Center based on a check of his or her  
 13 criminal history record information maintained by the Federal Bureau of  
 14 Investigation through the Nebraska State Patrol. The candidate who has  
 15 not passed a background investigation shall apply for the background  
 16 investigation at least thirty days prior to the filing deadline for the  
 17 candidate filing form; and  
 18 (b) Received a minimum combined score on the reading comprehension  
 19 and English language portions of an adult basic education examination  
 20 designated by the Nebraska Law Enforcement Training Center.  
 21 (2) Each sheriff shall attend the Sheriff's Certification Course  
 22 conducted by the Nebraska Law Enforcement Training Center and obtain  
 23 receive a certificate awarded by the Nebraska Commission on Law  
 24 Enforcement and Criminal Justice attesting to satisfactory completion of  
 25 such course the Sheriff's Certification Course within eight months after  
 26 taking office unless such sheriff has already been awarded a certificate  
 27 by the commission Nebraska Commission on Law Enforcement and Criminal  
 28 Justice attesting to satisfactory completion of such course or unless  
 29 such sheriff can demonstrate to the Nebraska Police Standards Advisory  
 30 Council that his or her previous training and education is such that he  
 31 or she will professionally discharge the duties of the office. Any  
 1 sheriff in office prior to July 19, 1980, shall not be required to obtain  
 2 a certificate awarded by the commission attesting to satisfactory  
 3 completion of the Sheriff's Certification Course but shall otherwise be  
 4 subject to this section.

5 (3) Each sheriff shall attend continuing education as provided in  
 6 section 81-1414.07 each year following the first year of such sheriff's  
 7 term of office.

8 (4) Unless a sheriff is able to show good cause for not complying  
 9 with subsection (2) or (3) of this section or obtains a waiver of the  
 10 training requirements from the council, any sheriff who violates  
 11 subsection (2) or (3) of this section shall be punished by a fine equal  
 12 to such sheriff's monthly salary. Each month in which such violation  
 13 occurs shall constitute a separate offense.

14 Sec. 3. Section 32-520, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:

16 32-520 Except as provided in section 23-1701, a A county sheriff  
 17 shall be elected in each county at the statewide general election in 1990  
 18 and each four years thereafter. The term of the county sheriff shall be  
 19 four years or until his or her successor is elected and qualified. The

20 county sheriff shall meet the qualifications found in sections 23-1701  
 21 and 23-1701.01. The county sheriff shall be elected on the partisan  
 22 ballot.

23 Sec. 4. Section 32-604, Revised Statutes Cumulative Supplement,  
 24 2022, is amended to read:

25 32-604 (1) Except as provided in subsection (2) or (4) of this  
 26 section, no person shall be precluded from being elected or appointed to  
 27 or holding an elective office for the reason that he or she has been  
 28 elected or appointed to or holds another elective office.

29 (2) No person serving as a member of the Legislature or in an  
 30 elective office described in Article IV, section 1 or 20, or Article VII,  
 31 section 3 or 10, of the Constitution of Nebraska shall simultaneously  
 1 serve in any other elective office, except that such a person may  
 2 simultaneously serve in another elective office which is filled at an  
 3 election held in conjunction with the annual meeting of a public body.

4 (3) Whenever an incumbent serving as a member of the Legislature or  
 5 in an elective office described in Article IV, section 1 or 20, or  
 6 Article VII, section 3 or 10, of the Constitution of Nebraska assumes  
 7 another elective office, except an elective office filled at an election  
 8 held in conjunction with the annual meeting of a public body, the office  
 9 first held by the incumbent shall be deemed vacant.

10 (4) No person serving in a high elective office shall simultaneously  
 11 serve in any other high elective office, except that (a) a county  
 12 attorney may serve as the county attorney for more than one county if  
 13 appointed under subsection (2) of section 23-1201.01 and (b) a county  
 14 sheriff may serve as the county sheriff for more than one county if  
 15 appointed under subsection (3) of section 23-1701.

16 (5) Notwithstanding subsection (4) of this section, any person  
 17 holding more than one high elective office upon July 15, 2010, shall be  
 18 entitled to serve the remainder of all terms for which he or she was  
 19 elected or appointed.

20 (6) For purposes of this section, (a) elective office has the  
 21 meaning found in section 32-109 and includes an office which is filled at  
 22 an election held in conjunction with the annual meeting of a public body  
 23 created by an act of the Legislature but does not include a member of a  
 24 learning community coordinating council appointed pursuant to subsection  
 25 (5) or (7) of section 32-546.01 prior to January 5, 2017, and (b) high  
 26 elective office means a member of the Legislature, an elective office  
 27 described in Article IV, section 1 or 20, or Article VII, section 3 or  
 28 10, of the Constitution of Nebraska, or a county, city, community college  
 29 area, learning community, regional metropolitan transit authority, or  
 30 school district elective office.

31 Sec. 5. Original sections 23-1701, 23-1701.01, and 32-520, Reissue  
 1 Revised Statutes of Nebraska, and section 32-604, Revised Statutes  
 2 Cumulative Supplement, 2022, are repealed.

(Signed) Justin Wayne, Chairperson

### MESSAGE(S) FROM THE GOVERNOR

February 9, 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:

Christopher J Gentry, 25863 Dumbell Road, Hyannis, NE 69350, 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

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

Senator Bosn filed the following amendment to [LB137](#):

[FA219](#)

Strike the comma after "adjudication" on page 8, line 25.

Senator Bosn filed the following amendment to [LB934](#):

[AM2573](#)

1 1. Insert the following new section:  
2 Sec. 9. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

Senator Bosn filed the following amendment to [LB934](#):

[AM2574](#)

1 1. Insert the following new section:  
2 Sec. 9. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 300 and 301 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 300 and 301.

#### **ANNOUNCEMENT(S)**

Speaker priority bill/resolution designations are as follows:

LBs 233, 607, 834, 839, 852, 870, 874, 876, 894, 906, 932, 1027, 1030, 1051, 1069, 1088, 1126, 1195, 1197, 1306, 1344, and 1393.

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

Senator Linehan filed the following amendment to [LB1402](#):

[FA220](#)

On page 4, line 27, insert "eligible" after "such" and before "student".

Senator Linehan filed the following amendment to [LB1402](#):

[FA221](#)

Strike Section 1.

Senator Linehan filed the following amendment to [LB1402](#):

[FA222](#)

On page 2, line 26, after "sibling of" and before "student" insert "eligible".

Senator Linehan filed the following amendment to [LB1402](#):

[FA223](#)

On page 3, line 9, after "assist" and before "in attending," strike "them" and insert "such eligible students".

Senator Linehan filed the following amendment to [LB1402](#):

[FA224](#)

On page 3, line 26, after "sibling of a" and before "student," insert "eligible".

Senator Linehan filed the following amendment to [LB1402](#):

[AM2590](#)

1 1. On page 4, line 26, after "any" insert "eligible".

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

Senator Linehan filed the following motion to [LB1402](#):

[MO1186](#)

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Linehan filed the following motion to [LB1402](#):

[MO1187](#)

Bracket until April 18, 2024.

Senator Linehan filed the following motion to [LB1402](#):

[MO1188](#)

Recommit to the Appropriations Committee.

**SELECT FILE**

**LEGISLATIVE BILL 16A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 605.** [ER55](#), found on page 667, was offered.

ER55 was adopted.



Senator Albrecht offered [AM2417](#), found on page 696.

The Albrecht amendment was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 908.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 909.** Senator Aguilar offered [AM2413](#), found on page 687.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 989.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 992.** [ER59](#), found on page 703, was offered.

ER59 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 257.** [ER58](#), found on page 703, was offered.

ER58 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 144.** [ER63](#), found on page 703, was offered.

ER63 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 716.** Senator Bostar offered the following amendment:

[AM2582](#)

1 1. Insert the following new section:

2 Section 1. Section 81-2104, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 81-2104 The board shall have power to:

5 (1) Elect its own officers;

6 (2) Engage and fix the compensation of such officers, inspectors,

7 and employees as may be required in the performance of its duties;

8 (3) Pay such other expenses as may be necessary in the performance

9 of its duties;

10 (4) Provide upon request such additional voluntary inspections and  
11 reviews as it deems appropriate;

12 (5) Adopt, promulgate, and revise rules and regulations necessary to  
13 enable it to carry into effect the State Electrical Act. In adopting and  
14 promulgating such rules and regulations, the board shall be governed by  
15 the minimum standards set forth in the National Electrical Code issued  
16 and adopted by the National Fire Protection Association as follows: (i)  
17 Until January 1, 2026, the minimum standards of the 2020 edition of the  
18 National Electrical Code, Publication Number 70-2020, except that the  
19 minimum standards set forth in the 2017 edition of the National  
20 Electrical Code shall apply for sections 210.8(A), 210.8(A)(3), 210.8(A)  
21 (5), 210.52(c)(2)(a), 210.52(c)(2)(b), 230.67(A), and 230.85; and (ii)  
22 beginning January 1, 2026, the minimum standards of the 2023 edition of  
23 the National Electrical Code, Publication Number 70-2023, except that the  
24 minimum standards set forth in the 2017 edition of the National  
25 Electrical Code shall apply for sections 210.8(A), 210.8(A)(3), 210.8(A)  
26 (5), 230.67(A), and 230.85. Each edition of the National Electrical Code  
27 mentioned in this subdivision in 2017, Publication Number 70-2017, which  
1 code shall be filed in the offices of the Secretary of State and the  
2 board during the time the edition is in use under this subdivision and  
3 shall be a public record. The board shall adopt and promulgate rules and  
4 regulations establishing wiring standards that protect public safety and  
5 health and property and that apply to all electrical wiring which is  
6 installed subject to the State Electrical Act;

7 (6) Revoke, suspend, or refuse to renew any license or registration  
8 granted pursuant to the State Electrical Act when the licensee or  
9 registrant (a) violates any provision of the National Electrical Code as  
10 adopted pursuant to subdivision (5) of this section, the act, or any rule  
11 or regulation adopted and promulgated pursuant to the act, (b) fails or  
12 refuses to pay any examination, registration, or license renewal fee  
13 required by law, (c) is an electrical contractor or master electrician  
14 and fails or refuses to provide and keep in force a public liability  
15 insurance policy as required by the board, or (d) violates any political  
16 subdivision's approved inspection ordinances;

17 (7) Order disconnection of power to any electrical installation that  
18 is proximately dangerous to health and property;

19 (8) Order removal of electrical wiring and apparatus from premises  
20 when such wiring and apparatus is proximately dangerous to health and  
21 property;

22 (9) Investigate, for the purpose of identifying dangerous electrical  
23 wiring or violations of the National Electrical Code as adopted pursuant  
24 to subdivision (5) of this section, any death by electrocution that  
25 occurs within the State of Nebraska;

26 (10) Refuse to renew any license granted pursuant to the act when  
27 the licensee fails to submit evidence of completing the continuing  
28 education requirements under section 81-2117.01;

29 (11) Provide for the amount and collection of fees for inspection  
30 and other services;

31 (12) Adopt a seal, and the executive secretary shall have the care  
1 and custody thereof; and

2 (13) Enforce the provisions of the National Electrical Code as  
3 adopted pursuant to subdivision (5) of this section.

4. 2. Renumber the remaining sections and correct the repealer  
5 accordingly.

Pending.

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1169.** Placed on General File.

**LEGISLATIVE BILL 1175.** Placed on General File.

**LEGISLATIVE BILL 1162.** Placed on General File with amendment.

[AM2500](#)

1 1. On page 4, lines 9, 11, and 12, strike "or earned" and show as  
2 stricken; and strike beginning with "Except" in line 12 through  
3 "collected" in line 14, show the old matter as stricken, and insert "All  
4 mileage fees collected by the sheriff, except when the sheriff or his or  
5 her employee is using a personal vehicle, shall be paid".

**LEGISLATIVE BILL 1174.** Placed on General File with amendment.

[AM2506](#)

1 1. On page 2, line 3, strike "are not required", reinstate the  
2 stricken matter, and after "declared" insert ", but are not required";  
3 in line 6 strike "along" and insert "on"; and in lines 11 and 17 strike  
4 "may" and reinstate the stricken "shall".

(Signed) Tom Brewer, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John M. Hoggatt - Game and Parks Commission

Donna Kush - Game and Parks Commission

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 716.** Senator Bostar renewed [AM2582](#), found and considered in this day's Journal.

Senator Bostar offered the following amendment to his amendment:

[FA227](#)

Amend AM2582 on page 1, line 16, strike starting with "as" through all of line 21. In line 22, strike "January 1, 2026, the minimum standards" and insert "in".

The Bostar amendment, to his amendment, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The Bostar amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 569.** [ER60](#), found on page 703, was offered.

ER60 was adopted.

Senator Bostelman offered the following amendment:

[AM2496](#)

(Amendments to Standing Committee amendments, AM971)

1 1. On page 1, line 11, after "selection" insert "for the facility";  
2 in line 12 after the first occurrence of "county" insert "related to the  
3 facility"; in line 17 strike "any" and insert "the"; in line 25 strike  
4 "(3)" and insert "(3)(a)"; and after line 27 insert the following new  
5 subdivision:  
6 "(b) This section shall not affect any conflicts-of-interest  
7 provisions of the Nebraska Political Accountability and Disclosure Act.".

The Bostelman amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 624.** [ER62](#), found on page 703, was offered.

ER62 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 139.** [ER61](#), found on page 704, was offered.

ER61 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 854.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 847.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 848.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 936.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 940.** [ER65](#), found on page 704, was offered.

ER65 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1102.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Urban Affairs

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

**LEGISLATIVE BILL 1344.** Placed on General File with amendment.

[AM2361](#)

- 1 1. On page 2, line 19, strike "or"; and after line 20 insert the
- 2 following new subdivisions:
- 3 "(d) Thirty miles of the largest artificial reservoir constructed in
- 4 this state for the storage of water; or
- 5 (e) Any county having a population of less than one hundred thousand
- 6 inhabitants;".
- 7 2. On page 5, line 5, strike "XX" and insert "forty-five".

(Signed) Terrell McKinney, Chairperson

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

Senator M. Cavanaugh filed the following amendment to [LB62](#):

[AM2547](#)

- 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)(a) No later than January 1, 2024, the department shall provide  
 26 coverage for all necessary translation and interpretation services for  
 27 eligible recipients utilizing a medical assistance program service. The  
 28 department shall take all actions necessary to maximize federal funding  
 29 to carry out this subsection.

30 (b) The services described in subdivision (7)(a) of this section

31 shall be funded by the Medicaid Managed Care Excess Profit Fund as  
 1 described in section 68-996.  
 2 Sec. 2. Section 68-996, Revised Statutes Cumulative Supplement,  
 3 2022, is amended to read:  
 4 68-996 The Medicaid Managed Care Excess Profit Fund is created. The  
 5 fund shall contain money returned to the State Treasurer pursuant to  
 6 subdivision (3) of section 68-995. The fund shall first be used to offset  
 7 any losses under subdivision (2) of section 68-995 and then to provide  
 8 for services addressing the health needs of adults and children under the  
 9 Medical Assistance Act, including filling service gaps, providing system  
 10 improvements, translation and interpretation services, and sustaining  
 11 access to care as determined by the Legislature. The fund shall only be  
 12 used for the purposes described in this section. Any money in the fund  
 13 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. 3. Original section 68-996, Revised Statutes Cumulative  
 17 Supplement, 2022, and section 68-911, Revised Statutes Supplement, 2023,  
 18 are repealed.

Senator M. Cavanaugh filed the following amendment to LB1021:  
AM2423

1 1. Insert the following new sections:  
 2 Sec. 5. Notwithstanding the fact that the federal Occupational  
 3 Safety and Health Act may not apply to the employment of an inmate by a  
 4 jail, the jail and administrator shall act in accordance with the  
 5 requirements of the act and regulations adopted thereunder.  
 6 Sec. 13. Notwithstanding the fact that the federal Occupational  
 7 Safety and Health Act may not apply to the employment of a person  
 8 committed to the department, the department shall act in accordance with  
 9 the requirements of the act and regulations adopted thereunder.  
 10 Sec. 14. Section 83-1,135, Revised Statutes Supplement, 2023, is  
 11 amended to read:  
 12 83-1,135 Sections 83-170 to 83-1,135.05 and section 13 of this act  
 13 shall be known and may be cited as the Nebraska Treatment and Corrections  
 14 Act.  
 15 2. On page 1, line 1, strike "4" and insert "5".  
 16 3. Renumber the remaining sections and correct the repealer  
 17 accordingly.

Senator von Gillern filed the following amendment to LB1134:  
AM2518

1 1. Insert the following new sections:  
 2 Section 1. Section 77-5005, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 77-5005 (1) Within ten days after appointment, the commissioners  
 5 shall meet at their office in Lincoln, Nebraska, and enter upon the  
 6 duties of their office.  
 7 (2) A majority of the commission shall ~~at all times~~ constitute a  
 8 quorum to transact business, and one vacancy shall not impair the right  
 9 of the remaining commissioners to exercise all the powers of the  
 10 commission, except that two commissioners shall constitute a quorum to  
 11 hear and determine any appeals or petitions.  
 12 (3) Any investigation, inquiry, or hearing held or undertaken by the  
 13 commission may be held or undertaken by a single commissioner in those  
 14 appeals designated for hearing pursuant to section 77-5015.02.  
 15 (4) All investigations, inquiries, hearings, and decisions of a  
 16 single commissioner and every order made by a single commissioner shall  
 17 be deemed to be the order of the commission, except as provided in  
 18 subsection (6) of section 77-5015.02. The full commission, on an

19 application made within thirty days after the date of an order, may grant  
 20 a rehearing and determine de novo any decisions of or orders made by the  
 21 commission. The commission, on an application made within thirty days  
 22 after the date of an order issued after a hearing by a single  
 23 commissioner, except for an order dismissing an appeal or petition for  
 24 failure of the appellant or petitioner to appear at a hearing on the  
 25 merits, shall grant a rehearing on the merits before the commission. The  
 26 thirty-day filing period for appeals under subsection (2) of section  
 27 77-5019 shall be tolled while a motion for rehearing is pending.  
 1 (5) All hearings or proceedings of the commission shall be open to  
 2 the public.  
 3 (6) The Open Meetings Act applies only to hearings or proceedings of  
 4 the commission held pursuant to the rulemaking authority of the  
 5 commission.  
 6 Sec. 4. If any section in this act or any part of any section is  
 7 declared invalid or unconstitutional, the declaration shall not affect  
 8 the validity or constitutionality of the remaining portions.  
 9 Sec. 6. Since an emergency exists, this act takes effect when passed  
 10 and approved according to law.  
 11 2. Renumber the remaining sections and correct the repealer  
 12 accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 844.** Title read. Considered.

Committee [AM2449](#), found on page 695, was offered.

The committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Erdman withdrew [AM2208](#), found on page 569.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1394.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1067.** Title read. Considered.

Senator Conrad requested a division of the question on the bill

The Chair took the division of the question under advisement.

Committee [AM2492](#), found on page 714, was offered.

Senator Conrad offered the following amendment to the committee amendment:

[AM2580](#)

(Amendments to Standing Committee amendments, AM2492)

- 1 1. Strike amendments 1 and 2 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new



3 sections:

4 Section 1. Section 77-2001, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 77-2001 (1) Subject to subsection (2) of this section, all  
7 property, including proceeds of life insurance receivable by the executor  
8 or administrator to the extent of the amount receivable by the executor  
9 or administrator as insurance under policies upon the life of the  
10 decedent, which shall pass by will or by the intestate laws of this state  
11 from any person who, at the time of death was a resident of this state,  
12 or, if the decedent was not a resident, any part of the property within  
13 this state, except property exempted by the provisions of Chapter 77,  
14 article 20, shall be subject to inheritance tax at the rates prescribed  
15 by sections 77-2004 to 77-2006.

16 (2) The inheritance tax shall only apply if the decedent's estate is  
17 valued at one hundred million dollars or more at the time of death.

18 Sec. 2. Section 77-2002, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 77-2002 (1) Subject to subsection (4) of this section, any ~~Any~~  
21 interest in property whether created or acquired prior or subsequent to  
22 August 27, 1951, shall be subject to inheritance tax at the rates  
23 prescribed by sections 77-2004 to 77-2006, except property exempted by  
24 the provisions of Chapter 77, article 20, if it shall be transferred by  
25 deed, grant, sale, or gift, in trust or otherwise, and: (a) Made in  
26 contemplation of the death of the grantor; (b) intended to take effect in  
1 possession or enjoyment, after his or her death; (c) by reason of death,  
2 any person shall become beneficially entitled in possession or  
3 expectation to any property or income thereof; or (d) held as joint  
4 owners or joint tenants by the decedent and any other person in their  
5 joint names, except such part thereof as may be shown to have originally  
6 belonged to such other person and never to have been received or acquired  
7 by the latter from the decedent for less than an adequate and full  
8 consideration in money or property, except that when such property or any  
9 part thereof, or part of the consideration with which such property was  
10 acquired, is shown to have been at any time acquired by such other person  
11 from the decedent for less than an adequate and full consideration in  
12 money or property, there shall be excepted only such part of the value of  
13 such property as is proportionate to the consideration furnished by such  
14 other person or, when any property has been acquired by gift, bequest,  
15 devise, or inheritance by the decedent and any other person as joint  
16 owners or joint tenants and their interests are not otherwise specified  
17 or fixed by law, then to the extent of the value of a fractional part to  
18 be determined by dividing the value of the property by the number of  
19 joint owners or joint tenants.

20 (2) For the purpose of subsection (1) of this section, if the  
21 decedent, within a period of three years ending with the date of his or  
22 her death, except in the case of a bona fide sale for an adequate and  
23 full consideration for money or money's worth, transferred an interest in  
24 property for which a federal gift tax return is required to be filed  
25 under the provisions of the Internal Revenue Code, such transfer shall be  
26 deemed to have been made in contemplation of death within the meaning of  
27 subsection (1) of this section; no such transfer made before such three-  
28 year period shall be treated as having been made in contemplation of  
29 death in any event.

30 (3) Proceeds of life insurance receivable by a trustee, of either an  
31 inter vivos trust or a testamentary trust, as insurance under policies  
1 upon the life of the decedent shall not be subject to inheritance tax.  
2 This subsection shall not apply if the decedent's estate is the  
3 beneficiary of the trust.

4 (4) The inheritance tax shall only apply if the decedent's estate is  
5 valued at one hundred million dollars or more at the time of death.

6 Sec. 3. Original section 77-2001, Reissue Revised Statutes of  
7 Nebraska, and section 77-2002, Revised Statutes Cumulative Supplement,  
8 2022, are repealed.

### SENATOR DEBOER PRESIDING

Pending.

### MOTION(S) - Suspend Rules

Senator Linehan offered the following motion to LB1346:

[MO1189](#)

Suspend Rule 3, Sec. 14, to permit the Revenue Committee to conduct a hearing on LB1346 with less than seven days' notice.

The Linehan motion to suspend the rules prevailed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

### NOTICE OF COMMITTEE HEARING(S)

Revenue  
Room 1524 1:30 PM

Wednesday, February 21, 2024  
LB1346

(Signed) Lou Ann Linehan, Chairperson

### COMMITTEE REPORT(S)

Health and Human Services

**LEGISLATIVE BILL 421.** Placed on General File with amendment.

[AM2201](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 71-1626, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 71-1626 For purposes of sections 71-1626 to 71-1636:  
6 (1) Community-wide directed health measure means a public health  
7 action or intervention by a local public health department involving the  
8 total population of the jurisdiction of such local public health  
9 department when there are no known epidemiological links;  
10 (2) (+) Core public health functions means assessment, policy  
11 development, and assurance designed to protect and improve the health of  
12 persons within a geographically defined community by (a) emphasizing  
13 services to prevent illness, disease, and disability, (b) promoting  
14 effective coordination and use of community resources, and (c) extending  
15 health services into the community, including public health nursing,  
16 disease prevention and control, public health education, and  
17 environmental health services;  
18 (3) (2) County, district, or city-county health department means a  
19 governmental entity approved by the Department of Health and Human  
20 Services as a local full-time public health service which (a) utilizes

21 local, state, federal, and other funds or any combination thereof, (b)  
22 employs qualified public health medical, nursing, environmental health,  
23 health education, and other essential personnel who work under the  
24 direction and supervision of a full-time qualified medical director or of  
25 a full-time qualified lay administrator and are assisted at least part  
26 time by at least one medical consultant who shall be a licensed  
27 physician, and (c) is operated in conformity with the rules, regulations,  
1 and policies of the Department of Health and Human Services. The medical  
2 director or lay administrator shall be called the health director; ~~and~~  
3 (4) Epidemiological link means an instance in which an individual  
4 may have had exposure to a communicable disease and exposure through  
5 known modes of transmission is plausible. An exposure may be considered  
6 epidemiologically linked if at least one entity in the chain of  
7 transmission is a contact or a confirmed, probable, or suspect case; and  
8 (5) (3) Local public health department means a county, district, or  
9 city-county health department.

10 Sec. 2. Section 71-1630, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-1630 (1) When a health department has been established by the  
13 county board of a county and approved by the Department of Health and  
14 Human Services as a county health department, the county board of such  
15 county shall appoint a board of health which shall consist of the  
16 following members: (a) One member of the county board; (b) one dentist;  
17 (c) one physician; and (d) six public-spirited men or women interested in  
18 the health of the community. The physician and dentist shall each serve  
19 an initial term of three years. Three public-spirited men or women shall  
20 each serve an initial term of three years, and three public-spirited men  
21 or women shall each serve an initial term of two years. After the initial  
22 terms of office expire, each new appointment shall be for a term of three  
23 years. Appointments to fill any vacancies shall be for the unexpired term  
24 of the member whose term is being filled by such appointment. A county  
25 association or society of dentists or physicians or its managing board  
26 may submit each year to the county board a list of three persons of  
27 recognized ability in such profession. If such a list is submitted, the  
28 county board, in making an appointment for such profession, shall  
29 consider the names on the list and may appoint one of the persons so  
30 named.

31 (2) When a district health department has been established by a  
1 joint resolution of the county boards of each county in a district health  
2 department, the county boards of such district shall meet and establish a  
3 district board of health with due consideration for a fair and equitable  
4 representation from the entire area to be served. The district board of  
5 health shall consist of the following members: (a) One member of each  
6 county board in the district, (b) at least one physician, (c) at least  
7 one dentist, and (d) one or more public-spirited men or women interested  
8 in the health of the community from each county in the district. One-  
9 third of the members shall be appointed for terms of one year, one-third  
10 for terms of two years, and one-third for terms of three years. After  
11 their terms of office expire, each new appointment shall be for a term of  
12 three years. Appointments to fill any vacancies shall be for the  
13 unexpired terms. A county association or society of dentists or  
14 physicians or its managing board may submit each year to the county  
15 boards a list of three persons of recognized ability in such profession.  
16 If such a list is submitted, the county boards, in making an appointment  
17 for such profession, shall consider the names on the list and may appoint  
18 one of the persons so named.

19 (3) Except as provided in subsection (4) of this section, when the  
20 county board of any county and the city council of any city located in  
21 such county have executed an agreement, approved by the Department of  
22 Health and Human Services, for maintaining a city-county health

23 department, the city and county shall establish a city-county board of  
24 health. It shall consist of the following members selected by a majority  
25 vote of the city council and the county board, with due consideration to  
26 be given in an endeavor to secure a fair and equitable representation  
27 from the entire area to be served: (a) One representative of the county  
28 board, (b) one representative from the city council, (c) one physician,  
29 (d) one dentist, and (e) five public-spirited men or women, not employed  
30 in the health industry or in the health professions, who are interested  
31 in the health of the community. One-third of its members shall be  
1 appointed for terms of one year, one-third for terms of two years, and  
2 one-third for terms of three years. After their terms of office expire,  
3 each new appointment shall be for a period of three years. A county  
4 association or society of dentists or physicians or its managing board  
5 may submit each year to the city council and the county board a list of  
6 three persons of recognized ability in such profession. If such a list is  
7 submitted, the city council and the county board, in making an  
8 appointment for such profession, shall consider the names on the list and  
9 may appoint one of the persons so named.

10 (4)(a) When the county board of any county having a population of  
11 more than two hundred thousand inhabitants and the city council of any  
12 city located in such county have executed an agreement, approved by the  
13 Department of Health and Human Services, for maintaining a city-county  
14 health department on or after January 1, 1997, the city and county shall  
15 establish a city-county board of health. The board shall consist of the  
16 following members to be appointed by the mayor with the consent of the  
17 city council and county board: One representative of the county board,  
18 one representative from the city council, one physician, one dentist, and  
19 five public-spirited persons who are interested in the health of the  
20 community. Three of the members shall be appointed for terms of one year,  
21 three for terms of two years, and three for terms of three years. After  
22 the initial terms of office expire, each successor member shall be  
23 appointed for a term of three years. The physician and dentist members  
24 shall be appointed as provided in this subdivision. The mayor shall  
25 invite the local county association or society of dentists or physicians  
26 or its managing board to timely submit to the mayor a list of three  
27 persons of recognized ability in the profession. A list is timely  
28 submitted if it is submitted within sixty days after the mayor's  
29 invitation. If the list is not timely submitted, the mayor may consider  
30 the list timely submitted at any time prior to making an appointment,  
31 otherwise the mayor shall appoint a person of recognized ability in the  
1 profession. If the list is timely submitted, the mayor shall consider the  
2 names on the list and shall either appoint one of the persons on the list  
3 or invite a list of three new names using the process provided in this  
4 subdivision.

5 (b) The board of health shall, immediately after appointment, meet  
6 and organize by the election of one of its own members as president and  
7 one as vice president. The board members may elect such other officers as  
8 they deem necessary and may adopt and promulgate rules for the guidance  
9 of the board which are not inconsistent with law or the agreement  
10 creating the board. If any board member resigns or ceases to meet the  
11 requirements for eligibility on the board, or if there is any other  
12 vacancy on the board, the mayor shall appoint another representative to  
13 serve for the member's unexpired term subject to consent by a majority  
14 vote of both the city council and the county board. Any appointment to  
15 fill a vacancy on the board shall be for the unexpired term of the member  
16 whose vacancy is being filled.

17 (c) The board of health shall have the following duties:

18 (i) Assessment of community health status and available resources  
19 for health matters, including collecting and analyzing relevant data and  
20 annually reporting and making recommendations on improving public health

21 matters to the mayor, city council, and county board;  
22 (ii) Policy development for proposals before the board of health,  
23 the city council, and the county board to support and improve public  
24 health, including appointing, with the approval of the mayor, city  
25 council, and county board, advisory committees to the board of health to  
26 facilitate community development functions and coalition building related  
27 to public health and adopting and approving official health department  
28 policies consistent with applicable law and approved by the affirmative  
29 vote of not less than five board members at a regular meeting of the  
30 board in the following areas:  
31 (A) Community health services and health promotion and outreach,  
1 specifically including policies related to the following:  
2 (I) Client services and fees;  
3 (II) Standing orders, supervision, screening, and emergency and  
4 referral protocols and procedures;  
5 (III) Monitoring and reporting; and  
6 (IV) Communicable disease investigation, immunization, vaccination,  
7 testing, and prevention measures, including measures to arrest the  
8 progress of communicable diseases;  
9 (B) Environmental health, specifically including policies related to  
10 the following:  
11 (I) Permitting, inspection, and enforcement;  
12 (II) Monitoring, sampling, and reporting;  
13 (III) Technical assistance and plan review; and  
14 (IV) Prevention measures;  
15 (C) Investigating and controlling diseases and injury, specifically  
16 including policies related to the following:  
17 (I) Permitting, inspection, and enforcement;  
18 (II) Monitoring, sampling, and reporting;  
19 (III) Technical assistance and plan review; and  
20 (IV) Prevention measures; and  
21 (D) Other health matters as may be requested by the city council or  
22 county board; and  
23 (iii) Assurance that needed services are available through public or  
24 private sources in the community, including:  
25 (A) Acting in an advisory capacity to review and recommend changes  
26 to ordinances, resolutions, and resource allocations before the city  
27 council or county board related to health matters;  
28 (B) Annually reviewing and recommending changes in the proposed  
29 budget for resource allocations related to the health department as  
30 provided in the city-county agreement; and  
31 (C) Monitoring and reviewing the enforcement of laws and regulations  
1 of the board of health, city council, and county board related to public  
2 health in the community.  
3 (d) The mayor of the city shall appoint, with the approval of the  
4 board of health, city council, and county board, the health director of  
5 the health department. The health director shall be a member of the  
6 unclassified service of the city under the direction and supervision of  
7 the mayor. The health director shall be well-trained in public health  
8 work, but he or she need not be a graduate of an accredited medical  
9 school. If the health director is not a graduate of an accredited medical  
10 school, the health director shall be assisted at least part time by at  
11 least one medical consultant who is a licensed physician. The mayor shall  
12 submit the health department budget to the city council and county board.  
13 The mayor shall also provide budget information to the board of health  
14 with sufficient time to allow such board to consider such information.  
15 The mayor may enter into contracts and accept grants on behalf of the  
16 health department. The mayor may terminate the health director with  
17 approval of a majority vote of the city council, the county board, and  
18 the board of health. The health director shall:

19 (i) Provide administrative supervision of the health department;  
 20 (ii) Make all necessary sanitary and health investigations and  
 21 inspections;  
 22 (iii) Investigate the existence of any contagious or infectious  
 23 disease. The health director shall receive approval of community-wide  
 24 directed health measures in writing prior to issuance by a majority of  
 25 the publicly elected representatives of the county board and city council  
 26 who are appointed to the city-county health department pursuant to  
 27 subdivision (4)(a) of this section, and such directed health measures  
 28 shall be submitted to the city-county board of health for ratification at  
 29 the next regularly scheduled meeting of such board and adopt measures to  
 30 arrest the progress of the disease;  
 31 (iv) Distribute free, as the local needs may require, all vaccines,  
 1 drugs, serums, and other preparations obtained from the Department of  
 2 Health and Human Services or otherwise provided for public health  
 3 purposes;  
 4 (v) Give professional advice and information to school authorities  
 5 and other public agencies on all matters pertaining to sanitation and  
 6 public health;  
 7 (vi) Inform the board of health when the city council or county  
 8 board is considering proposals related to health matters or has otherwise  
 9 requested recommendations from the board of health;  
 10 (vii) Inform the board of health of developments in the field of  
 11 public health and of any need for updating or adding to or deleting from  
 12 the programs of the health department; and  
 13 (viii) Perform duties and functions as otherwise provided by law.  
 14 Sec. 3. Section 71-1632, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:  
 16 71-1632 ~~The~~ Except as provided in subsection (4) of section  
 17 ~~71-1630, the~~ health director of a county, district, or city-county health  
 18 department shall have the power and duty to (1) be the executive officer  
 19 of the local boards of health; (2) appoint, subject to any applicable  
 20 county or city civil service laws, rules, or regulations, a properly  
 21 functioning staff and other personnel as may be necessary, whose  
 22 qualifications shall conform to the United States Public Health Standards  
 23 and whose remuneration shall conform to an established compensation  
 24 schedule set by such local board of health and which is reviewed and  
 25 approved annually by such board; (3) issue and enforce community-wide  
 26 directed health measures. The health director shall receive approval of  
 27 such directed health measures in writing prior to issuance by a majority  
 28 of the publicly elected representatives of the county board and, if a  
 29 city-county health department, the city council, and such directed health  
 30 measures shall be submitted to the board of health for ratification at  
 31 the next regularly scheduled meeting of such board; (4) review annually,  
 1 with the local board of health, the proposed budget of the department;  
 2 (5) (4) organize, with the approval of the local board of health, a  
 3 citizens' advisory health council that will aid in developing a public  
 4 health program to meet the particular needs, hazards, and problems of the  
 5 health district; and (6) (5) organize, with the approval of the local  
 6 board of health, a medical and dental advisory committee.  
 7 Sec. 4. Original sections 71-1626, 71-1630, and 71-1632, Reissue  
 8 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 422.** Placed on General File with amendment.

AM414

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 38-2037, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 38-2037 (1) In addition to the grounds for disciplinary action

6 found in sections 38-178 and 38-179, a license to practice medicine and  
 7 surgery or osteopathic medicine and surgery or a license to practice as a  
 8 physician assistant may be denied, refused renewal, limited, revoked, or  
 9 suspended or have other disciplinary measures taken against it in  
 10 accordance with section 38-196 when the applicant or licensee fails to  
 11 comply with the provisions of section 71-603.01, 71-604, 71-605, or  
 12 71-606 relating to the signing of birth and death certificates.  
 13 (2) It is the intent of the Legislature to ensure the protection of  
 14 the rights under the First Amendment to the Constitution of the United  
 15 States for individuals licensed to practice medicine and surgery or  
 16 osteopathic medicine and surgery by providing for the public expression  
 17 of differing medical opinions and allowing such opinions to be subjected  
 18 to the scrutiny of public and professional forums. A license to practice  
 19 medicine and surgery or osteopathic medicine and surgery shall not be  
 20 subject to any disciplinary measures as a result of the applicant or  
 21 licensee merely expressing an opinion in a public or professional forum.  
 22 Sec. 2. Original section 38-2037, Reissue Revised Statutes of  
 23 Nebraska, is repealed.

**LEGISLATIVE BILL 910.** Placed on General File with amendment.

[AM2389](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 38-1201, Revised Statutes Cumulative Supplement,  
 4 2022, is amended to read:  
 5 38-1201 Sections 38-1201 to 38-1237 and section 2 of this act shall  
 6 be known and may be cited as the Emergency Medical Services Practice Act.  
 7 Sec. 2. (1) For purposes of this section, law enforcement canine  
 8 means any canine that is owned or employed in the service of any state or  
 9 local law enforcement agency, the Department of Correctional Services,  
 10 any local fire department, or the State Fire Marshal for the purpose of  
 11 aiding in the detection of criminal activity, flammable materials, or  
 12 missing persons; the enforcement of laws; the investigation of fires; or  
 13 the apprehension of criminal offenders.  
 14 (2) An emergency care provider validly licensed for emergency  
 15 transport may transport a law enforcement canine injured in the line of  
 16 duty to a veterinary clinic or similar facility if there is no person  
 17 requiring medical attention or transport at that time.  
 18 (3) An emergency care provider may provide emergency medical care to  
 19 a law enforcement canine injured in the line of duty while at the scene  
 20 of an emergency or while a law enforcement canine is being transported to  
 21 a veterinary clinic or similar facility if there is no person requiring  
 22 medical attention or transport at that time.  
 23 (4) An emergency care provider who acts in good faith to provide  
 24 emergency medical care to an injured law enforcement canine pursuant to  
 25 subsection (2) or (3) of this section shall be immune from criminal or  
 26 civil liability.  
 27 (5) The department may adopt and promulgate rules and regulations to  
 1 implement the provisions of this section.  
 2 Sec. 3. Section 38-3321, Revised Statutes Cumulative Supplement,  
 3 2022, is amended to read:  
 4 38-3321 No person may practice veterinary medicine and surgery in  
 5 the state who is not a licensed veterinarian, no person may perform  
 6 delegated animal health care tasks in the state who is not a licensed  
 7 veterinary technician or an unlicensed assistant performing such tasks  
 8 within the limits established under subdivision (2) of section 38-3326,  
 9 and no person may perform health care therapy on animals in the state who  
 10 is not a licensed animal therapist. The Veterinary Medicine and Surgery  
 11 Practice Act shall not be construed to prohibit:  
 12 (1) An employee of the federal, state, or local government from

13 performing his or her official duties;

14 (2) A person who is a student in a veterinary school from performing  
15 duties or actions assigned by his or her instructors or from working  
16 under the direct supervision of a licensed veterinarian;

17 (3) A person who is a student in an approved veterinary technician  
18 program from performing duties or actions assigned by his or her  
19 instructors or from working under the direct supervision of a licensed  
20 veterinarian or a licensed veterinary technician;

21 (4) Any merchant or manufacturer from selling feed or feeds whether  
22 medicated or nonmedicated;

23 (5) A veterinarian regularly licensed in another state from  
24 consulting with a licensed veterinarian in this state;

25 (6) Any merchant or manufacturer from selling from his or her  
26 established place of business medicines, appliances, or other products  
27 used in the prevention or treatment of animal diseases or any merchant or  
28 manufacturer's representative from conducting educational meetings to  
29 explain the use of his or her products or from investigating and advising  
30 on problems developing from the use of his or her products;

31 (7) An owner of livestock or a bona fide farm or ranch employee from  
1 performing any act of vaccination, surgery, pregnancy testing,  
2 retrievable transplantation of embryos on bovine, including recovering,  
3 freezing, and transferring embryos on bovine, or the administration of  
4 drugs in the treatment of domestic animals under his or her custody or  
5 ownership nor the exchange of services between persons or bona fide  
6 employees who are principally farm or ranch operators or employees in the  
7 performance of these acts;

8 (8) A member of the faculty of a veterinary school or veterinary  
9 science department from performing his or her regular functions, or a  
10 person lecturing or giving instructions or demonstrations at a veterinary  
11 school or veterinary science department or in connection with a  
12 continuing competency activity;

13 (9) Any person from selling or applying any pesticide, insecticide,  
14 or herbicide;

15 (10) Any person from engaging in bona fide scientific research which  
16 reasonably requires experimentation involving animals;

17 (11) Any person from treating or in any manner caring for domestic  
18 chickens, turkeys, or waterfowl, which are specifically exempted from the  
19 Veterinary Medicine and Surgery Practice Act;

20 (12) Any person from performing dehorning or castrating livestock,  
21 not to include equidae. For purposes of the Veterinary Medicine and  
22 Surgery Practice Act, castration shall be limited to the removal or  
23 destruction of male testes;

24 (13) Any person who holds a valid credential in the State of  
25 Nebraska in a health care profession or occupation regulated under the  
26 Uniform Credentialing Act from consulting with a licensed veterinarian or  
27 performing collaborative animal health care tasks on an animal under the  
28 care of such veterinarian if all such tasks are performed under the  
29 immediate supervision of such veterinarian;

30 (14) A person from performing a retrievable transplantation of  
31 embryos on bovine, including recovering, freezing, and transferring  
1 embryos on bovine, if the procedure is being performed by a person who  
2 (a) holds a doctorate degree in animal science with an emphasis in  
3 reproductive physiology from an accredited college or university and (b)  
4 has and can show proof of valid professional liability insurance; ~~or~~

5 (15) Any person engaging solely in equine, cat, and dog massage  
6 practice; ~~or~~ -

7 (16) An emergency care provider providing emergency medical care to  
8 a law enforcement canine injured in the line of duty as described in  
9 section 2 of this act.

10 Sec. 4. This act becomes operative on July 1, 2025.



11 Sec. 5. Original sections 38-1201 and 38-3321, Revised Statutes  
12 Cumulative Supplement, 2022, are repealed.

**LEGISLATIVE BILL 913.** Placed on General File with amendment.

AM2321

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)(a) On or before October 1, 2024, the department shall seek  
 26 approval for federal matching funds from the federal Centers for Medicare  
 27 and Medicaid Services through a state plan amendment to the Children's  
 28 Health Insurance Program to implement a health services initiative to  
 29 provide postpartum coverage for at least six months for a mother whose  
 30 child is covered under the unborn child option. The covered services  
 31 provided during the postpartum period shall be identical to the  
 1 comprehensive postpartum covered services provided to a pregnant woman  
 2 under medicaid. Nothing in this subsection shall preclude the department  
 3 from submitting a state plan amendment to provide twelve months of  
 4 postpartum coverage.  
 5 (b) It is the intent of the Legislature to use the Medicaid Managed  
 6 Care Excess Profit Fund, as established in section 68-996, to fund the  
 7 services described in subdivision (7)(a) of this section.  
 8 Sec. 2. Original section 68-911, Revised Statutes Supplement, 2023,  
 9 is repealed.

**LEGISLATIVE BILL 1355.** Placed on General File with amendment.  
[AM2559](#) is available in the Bill Room.

(Signed) Ben Hansen, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 1004.** Placed on General File with amendment.  
[AM2551](#)

1 1. Strike original section 1 and insert the following new section:  
 2 Section 1. Section 60-6,279, Revised Statutes Supplement, 2023, is  
 3 amended to read:  
 4 60-6,279 (1) A person shall not operate ~~or be a passenger on a~~  
 5 motorcycle or moped on any highway in this state unless such person is:

6 (a) Wearing a protective helmet of the type and design manufactured  
7 for use by operators of such vehicles and unless such helmet is secured  
8 properly on the user's head with a chin strap while the vehicle is in  
9 motion. All such protective helmets shall be designed to reduce injuries  
10 to the user resulting from head impacts and shall be designed to protect  
11 the user by remaining on the user's head, deflecting blows, resisting  
12 penetration, and spreading the force of impact. Each such helmet shall  
13 consist of lining, padding, and chin strap and shall meet or exceed the  
14 standards established in the United States Department of Transportation's  
15 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for  
16 motorcycle helmets; or  
17 ~~(b) Beginning January 1, 2024:~~  
18 ~~(b)(i) (i) At least twenty-one years of age; and~~  
19 ~~(ii)(A) Has a Nebraska Class M license and received such Class M~~  
20 ~~license prior to May 1, 2024, and has completed the Motorcycle Safety~~  
21 ~~Foundation three-hour Basic eCourse and submitted proof of such~~  
22 ~~completion to the Department of Motor Vehicles. Proof of such completion~~  
23 ~~shall be in a manner approved by the department;~~  
24 ~~(B) Has a Nebraska Class M license and received such Class M license~~  
25 ~~on or after May 1, 2024, and (ii)(A) For a resident of Nebraska, has~~  
26 ~~completed the basic motorcycle safety course as provided in the~~  
27 ~~Motorcycle Safety Education Act and submitted proof of such completion to~~  
1 the Department of Motor Vehicles. Proof of such completion shall be in a  
2 manner approved by the department; or  
3 ~~(C) Has a license to operate a motorcycle issued by another state.~~  
4 ~~(B) For a nonresident of Nebraska, has completed an equivalent to the~~  
5 ~~Motorcycle Safety Foundation basic motorcycle rider course or some other~~  
6 ~~substantially similar motorcycle rider course approved by the state of~~  
7 ~~the person's residence and provides proof of such completion to a law~~  
8 ~~enforcement officer upon request.~~  
9 ~~(2) A person shall not be a passenger on a motorcycle or moped on~~  
10 ~~any highway in this state unless:~~  
11 ~~(a) Such person is wearing a protective helmet described in~~  
12 ~~subdivision (1)(a) of this section; or~~  
13 ~~(b)(i) Such person is at least twenty-one years of age; and~~  
14 ~~(ii) The person operating the motorcycle or moped is a person~~  
15 ~~described in subdivision (1)(b) of this section.~~  
16 ~~(3) (2) The Department of Motor Vehicles shall modify the existing~~  
17 ~~system of the department by January 1, 2024, to allow the date of~~  
18 ~~completion of such course to be recorded on the person's record provided~~  
19 ~~for in section 60-483.~~  
20 ~~(4) (3) A person shall not operate a motorcycle or moped on any~~  
21 ~~highway in this state unless such person employs one of the following~~  
22 ~~forms of eye protection: (a) Glasses that cover the orbital region of the~~  
23 ~~person's face, (b) a protective face shield attached to a protective~~  
24 ~~helmet, (c) goggles, or (d) a windshield on the motorcycle or moped that~~  
25 ~~protects the operator's and passenger's horizontal line of vision in all~~  
26 ~~operating positions.~~

(Signed) Mike Moser, Chairperson

Urban Affairs

**LEGISLATIVE BILL 948.** Placed on General File with amendment.

[AM2513](#)

- 1 1. On page 4, lines 14 and 24, after "18-2147" insert "and that  
2 involves real property located within a county with a population of sixty  
3 thousand inhabitants or more".
- 4 2. On page 5, line 7, after "program" insert "via certified mail";

5 in line 8 after "denied" insert "via certified mail"; and in line 14  
6 strike "five" and insert "fifteen".

(Signed) Terrell McKinney, Chairperson

Education

**LEGISLATIVE BILL 855.** Placed on General File.  
**LEGISLATIVE BILL 878.** Placed on General File.  
**LEGISLATIVE BILL 1029.** Placed on General File.  
**LEGISLATIVE BILL 1091.** Placed on General File.  
**LEGISLATIVE BILL 1193.** Placed on General File.  
**LEGISLATIVE BILL 1270.** Placed on General File.  
**LEGISLATIVE BILL 1328.** Placed on General File.

(Signed) Dave Murman, Chairperson

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

Senator Wayne filed the following amendment to LB253:

AM2534

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, posttraumatic 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, posttraumatic  
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 defer entry of judgment of  
26 conviction for an offense pending completion of the program, and upon  
27 successful completion, avoid entry of judgment of conviction.  
1 Sec. 2. (1) Each district or county court shall establish a veteran  
2 justice program as provided in sections 2 to 5 of this act and subject to  
3 the Supreme Court's rules.  
4 (2) A veteran justice program may be operated pursuant to a problem-  
5 solving court or by use of deferred judgments under section 29-2292.  
6 Sec. 3. (1) A veteran shall be eligible to participate in a veteran  
7 justice program if:  
8 (a) The offense is eligible for probation;

9 (b) The offense is not listed in subsection (2) of section 29-2292;  
10 and  
11 (c) There is reason to believe that a condition from military  
12 service contributed to the offense.  
13 (2)(a) There shall be a rebuttable presumption that a court shall  
14 allow a veteran eligible under subsection (1) of this section to  
15 participate in a veteran justice program.  
16 (b) This presumption applies even though a veteran may have  
17 previously absconded from or violated pretrial release, probation,  
18 parole, supervised release, or another form of court-ordered supervision,  
19 including a violation arising from commission of a new offense, even an  
20 offense committed while previously participating in a veteran justice  
21 program.  
22 (c) The presumption shall only be overcome by a judicial finding  
23 that, based upon an individualized assessment of the veteran and  
24 consideration of the supervision, treatment, and other programming  
25 available in the community, participation in the veteran justice program  
26 will not reasonably ensure public safety.  
27 Sec. 4. (1) A veteran justice program shall include the following  
28 elements:  
29 (a) Evidence-based treatment tailored to address the specific  
30 challenges facing veterans, such as posttraumatic stress disorder,  
31 traumatic brain injury, military sexual trauma, or another condition from  
1 military service; and  
2 (b) A case plan that is:  
3 (i) Developed by the court with probation and appropriate experts;  
4 (ii) Based on a professional assessment of the veteran's specific  
5 risks and needs;  
6 (iii) Created in conjunction with input from the veteran;  
7 (iv) Containing 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) Communicated to the veteran at the start of the program.  
11 (2) In the implementation of a veteran justice program, the district  
12 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 set forth in the problem-solving  
27 court program or pursuant to a deferred judgment under section 29-2292.  
28 Sec. 5. (1) When sentencing a defendant who is a veteran for any  
29 offense, a court shall recognize the defendant's veteran status as a  
30 mitigating factor in determining the sentence.  
31 (2) When arraigning any defendant, a court shall notify the  
1 defendant that veteran status will be used as a mitigating factor as  
2 provided in this section. The court shall offer the defendant the ability  
3 to communicate his or her veteran status through counsel or by other  
4 means. The court shall not require that the defendant self-identify as a  
5 veteran in open court.  
6 (3) A court shall consider a defendant's veteran status as a

7 mitigating factor in addition to any other mitigating factors provided by  
 8 law or considered by the court. The fact that a defendant may have  
 9 suffered trauma unrelated to military service or veteran status shall not  
 10 be used to deny the impact of any military trauma or condition of  
 11 military service.

12 (4) A court may take into consideration individual merit earned  
 13 during military service, overseas deployment, exposure to danger, and  
 14 service-connected disability ratings when considering sentencing  
 15 mitigation. When considering multiple factors, a court should give  
 16 additional credit for each factor.

17 (5) A sentence of imprisonment is inappropriate in all but the most  
 18 severe cases if a veteran can show:

19 (a) A clear connection between the offense and a condition from  
 20 military service; and

21 (b) That the veteran has made progress in treating such condition.

22 (6) A court shall not:

23 (a) Use veteran status as an aggravating factor; or

24 (b) Require a connection between the offense and a condition from  
 25 military service in order to consider veteran status as a mitigating  
 26 factor.

27 (7) This section applies regardless of whether a veteran is eligible  
 28 for participation in a veteran justice program.

29 Sec. 6. (1) Law enforcement, court, and correctional personnel shall  
 30 verify the veteran status of any individual being processed through the  
 31 criminal justice system in order to identify individuals who may be  
 1 eligible for participation in a veteran justice program or for sentencing  
 2 mitigation as provided in section 5 of this act.

3 (2) Law enforcement, court, and correctional personnel shall receive  
 4 training designed to increase their understanding of cases involving  
 5 veterans, including veterans' exposure to violence and trauma. Such  
 6 training shall include attention on issues that disproportionately impact  
 7 female veterans, such as military sexual trauma.

8 Sec. 7. (1) The State Court Administrator shall compile information  
 9 on the number of veterans receiving, successfully completing, declining,  
 10 and denied participation in a veteran justice program and the sentencing  
 11 mitigation described in section 5 of this act.

12 (2) The State Court Administrator shall track outcomes among  
 13 veterans who participate in a veteran justice program, including  
 14 completion status, recidivism, and housing and employment status.

15 (3) Data collected under this section shall be disaggregated by  
 16 race, ethnicity, gender, age, military discharge characterization, and  
 17 the offense involved.

18 (4) On or before July 1, 2026, and on or before each July 1  
 19 thereafter, the State Court Administrator shall electronically submit a  
 20 report to the Judiciary Committee of the Legislature. The report shall  
 21 contain de-identified data collected pursuant to this section and shall  
 22 analyze the outcomes, successes, and areas for improvement of the veteran  
 23 justice programs and the sentencing mitigation described in section 5 of  
 24 this act.

25 Sec. 8. This act becomes operative on July 1, 2025.

Senator Fredrickson filed the following amendment to [LB856](#):  
[AM2544](#)

(Amendments to Standing Committee amendments, AM2510)

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

3 Section 1. Section 68-1206, Revised Statutes Supplement, 2023, is  
 4 amended to read:

5 68-1206 (1) The Department of Health and Human Services shall  
 6 administer the program of social services in this state. The department

7 may contract with other social agencies for the purchase of social  
8 services at rates not to exceed those prevailing in the state or the cost  
9 at which the department could provide those services. The statutory  
10 maximum payments for the separate program of aid to dependent children  
11 shall apply only to public assistance grants and shall not apply to  
12 payments for social services.

13 (2)(a) As part of the provision of social services authorized by  
14 section 68-1202, the department shall participate in the federal child  
15 care assistance program under 42 U.S.C. 9857 et seq., as such sections  
16 existed on January 1, 2023, and provide child care assistance to families  
17 with incomes up to (i) one hundred eighty-five percent of the federal  
18 poverty level prior to October 1, 2026, or (ii) one hundred thirty  
19 percent of the federal poverty level on and after October 1, 2026.

20 (b)(i) (b) As part of the provision of social services authorized by  
21 this section and section 68-1202, the department shall participate in the  
22 federal Child Care Subsidy program. A child care provider seeking to  
23 participate in the federal Child Care Subsidy program shall comply with  
24 the criminal history record information check requirements of the Child  
25 Care Licensing Act. In determining ongoing eligibility for this program,  
26 ten percent of a household's gross earned income shall be disregarded  
1 after twelve continuous months on the program and at each subsequent  
2 redetermination. In determining ongoing eligibility, if a family's income  
3 exceeds one hundred eighty-five percent of the federal poverty level  
4 prior to October 1, 2026, or one hundred thirty percent of the federal  
5 poverty level on and after October 1, 2026, the family shall receive  
6 transitional child care assistance through the remainder of the family's  
7 eligibility period or until the family's income exceeds eighty-five  
8 percent of the state median income for a family of the same size as  
9 reported by the United States Bureau of the Census, whichever occurs  
10 first. When the family's eligibility period ends, the family shall  
11 continue to be eligible for transitional child care assistance if the  
12 family's income is below two hundred percent of the federal poverty level  
13 prior to October 1, 2026, or one hundred eighty-five percent of the  
14 federal poverty level on and after October 1, 2026. The family shall  
15 receive transitional child care assistance through the remainder of the  
16 transitional eligibility period or until the family's income exceeds  
17 eighty-five percent of the state median income for a family of the same  
18 size as reported by the United States Bureau of the Census, whichever  
19 occurs first. The amount of such child care assistance shall be based on  
20 a cost-shared plan between the recipient family and the state and shall  
21 be based on a sliding-scale methodology. A recipient family may be  
22 required to contribute a percentage of such family's gross income for  
23 child care that is no more than the cost-sharing rates in the  
24 transitional child care assistance program as of January 1, 2015, for  
25 those no longer eligible for cash assistance as provided in section  
26 68-1724.

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

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

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

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

8 (iii) Child care programs with an eligible household described in  
9 subdivision (2)(b)(ii)(A)(II) or (2)(b)(ii)(A)(III) of this section shall

10 make reasonable accommodations so that the eligible applicant or adult  
11 household member is not a primary caregiver to such applicant's or adult  
12 household member's child. If reasonable accommodation cannot be made, the  
13 department shall allow the applicant or adult household member to receive  
14 child care assistance for the applicant's or adult household member's  
15 child including when the applicant or adult household member is the  
16 primary caregiver for such child.  
17 (iv) An eligible household described in subdivision (2)(b)(ii)(A)(I)  
18 of this section may enroll the household member's child in a child care  
19 program other than the household member's child care program to receive  
20 child care assistance.  
21 (v) Nothing in subdivision (2)(b)(ii) of this section shall preclude  
22 a household from meeting additional eligibility requirements of the  
23 federal Child Care Subsidy program.  
24 (vi) The department shall submit a report electronically to the  
25 Legislature on December 1 of each year that includes the monthly number  
26 of enrolled children and households by county and program type for  
27 households eligible pursuant to subdivision (2)(b)(ii) of this section.  
28 (vii) No more than ten million dollars shall be spent annually for  
29 enrolled children under subdivisions (2)(b)(ii) through (vi) of this  
30 section.  
31 (viii) Subdivisions (2)(b)(ii) through (vi) of this section shall  
1 terminate effective October 1, 2026.  
2 (c) For the period beginning July 1, 2021, through September 30,  
3 2026, funds provided to the State of Nebraska pursuant to the Child Care  
4 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such  
5 act and sections existed on January 1, 2023, shall be used to pay the  
6 costs to the state resulting from the income eligibility changes made in  
7 subdivisions (2)(a) and (b) of this section by Laws 2021, LB485. If the  
8 available amount of such funds is insufficient to pay such costs, then  
9 funds provided to the state for the Temporary Assistance for Needy  
10 Families program established in 42 U.S.C. 601 et seq. may also be used.  
11 No General Funds shall be used to pay the costs to the state, other than  
12 administration costs, resulting from the income eligibility changes made  
13 in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485, for  
14 the period beginning July 1, 2021, through September 30, 2026.  
15 (d) The Department of Health and Human Services shall collaborate  
16 with a private nonprofit organization with expertise in early childhood  
17 care and education for an independent evaluation of the income  
18 eligibility changes made in subdivisions (2)(a) and (b) of this section  
19 by Laws 2021, LB485, if private funding is made available for such  
20 purpose. The evaluation shall be completed by July 1, 2024, and shall be  
21 submitted electronically to the department and to the Health and Human  
22 Services Committee of the Legislature.  
23 (3) In determining the rate or rates to be paid by the department  
24 for child care as defined in section 43-2605, the department shall adopt  
25 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
26 of the state applicable to each child care program category of provider  
27 as defined in section 71-1910 which may claim reimbursement for services  
28 provided by the federal Child Care Subsidy program, except that the  
29 department shall not pay a rate higher than that charged by an individual  
30 provider to that provider's private clients. The schedule may provide  
31 separate rates for care for infants, for children with special needs,  
1 including disabilities or technological dependence, or for other  
2 individual categories of children. The schedule may also provide tiered  
3 rates based upon a quality scale rating of step three or higher under the  
4 Step Up to Quality Child Care Act. The schedule shall be effective on  
5 October 1 of every year and shall be revised annually by the department.  
6 Sec. 2. Original section 68-1206, Revised Statutes Supplement,  
7 2023, is repealed.



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

Senator M. Cavanaugh filed the following motion to [LB1067](#):  
[MO1190](#)  
Bracket until February 23, 2024.

Senator M. Cavanaugh filed the following motion to [LB1067](#):  
[MO1191](#)  
Recommit to the Revenue Committee.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue  
Room 1524 1:30 PM

Wednesday, February 28, 2024  
LB1346

(Signed) Lou Ann Linehan, Chairperson

Education  
Room 1525 1:30 PM

Tuesday, February 27, 2024  
Jeffrey Nellhaus - Technical Advisory Committee for Statewide Assessment  
Courtney C. Wittstruck - Nebraska Educational Telecommunications  
Commission  
Linda Poole - Technical Advisory Committee for Statewide Assessment  
Patricia M. Kircher - Nebraska Educational Telecommunications  
Commission  
LB957  
LB1150  
LB1065  
LB1006  
LB1011  
LB1013

(Signed) Dave Murman, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 303.** Introduced by Murman, 38.

**PURPOSE:** The purpose of this resolution is to propose an interim study to study the viability of adopting the Classical Learning Test as an option for meeting admissions requirements at the University of Nebraska and the Nebraska state colleges. The adoption of the Classical Learning Test as an admissions test option would not replace the ACT or any other standard

college admission test used by the University of Nebraska or the Nebraska state colleges for admissions, but would allow applicants the option to submit the results of the Classical Learning Test instead of or in addition to other accepted tests. In order to carry out the purpose of this resolution, the input of interested individuals, public officials, and such entities as deemed necessary shall be considered and a copy of any findings and recommendations from the study shall be sent to the State Board of Education, the University of Nebraska, and the Nebraska state colleges.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

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

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

Senator Fredrickson name added to LB20.

Senator Conrad name added to LB198.

Senator Conrad name added to LB233.

Senator Wayne name added to LB253.

Senator Clements name added to LB441.

Senator Lippincott name added to LB441.

Senator Slama name added to LB844.

Senator Dungan name added to LB856.

Senator Dungan name added to LB928.

Senator Brewer name added to LB951.

Senator Conrad name added to LB1078.

Senator Ibach name added to LB1251.

Senator Conrad name added to LB1392.

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

Visitors to the Chamber were Jennifer Jackson and Lauren Wehr of Heartland Counseling Services; Leadership Wayne, Wayne; Nebraskans for the Arts; members of the Nebraska Grocery Industry Association from across the state; teacher and students from Blair High School, Blair; physicians, residents and medical students from the Nebraska Medical Association; Michaela Tallman, Lillian, Allison, Jonathan, and Katherine, Omaha; Leadership Hastings, Hastings; members from the University of Nebraska-Kearney American Democracy Project.

The Doctor of the Day was Dr. Daniel Rosenquist of Columbus.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 2024.

Brandon Metzler  
Clerk of the Legislature

