

FORTY-SIXTH DAY - MARCH 19, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 2024

PRAYER

The prayer was offered by Senator Erdman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Kauth.

ROLL CALL

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

The roll was called and all members were present except Senators Bosn, Bostar, Day, Hunt, Jacobson, McKinney, Raybould, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

POINT OF PERSONAL PRIVILEGE

Senator Conrad took a point of personal privilege.

MOTION - Overrule Speaker's Agenda

Senator DeBoer moved to overrule the Speaker's agenda pursuant to Rule 1, Sec. 16.

Pending.

POINT OF PERSONAL PRIVILEGE

Senator M. Cavanaugh took a point of personal privilege.

MOTION - Overrule Speaker's Agenda

Senator DeBoer renewed her motion to overrule the Speaker's agenda pursuant to Rule 1, Sec. 16, found and considered in this day's Journal.

Senator DeBoer withdrew her motion to overrule the Speaker's agenda.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 350. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment. [AM3001](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB1317](#):
[AM3079](#) is available in the Bill Room.

Senator Vargas filed the following amendment to [LB1355](#):
[AM3107](#) is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 331. Introduced by Kauth, 31; Albrecht, 17; Armendariz, 18; Ballard, 21; Bosn, 25; Bostelman, 23; Brandt, 32; Brewer, 43; Cavanaugh, J., 9; Clements, 2; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Halloran, 33; Hansen, 16; Hardin, 48; Hughes, 24; Jacobson, 42; Lippincott, 34; Lowe, 37; Meyer, 41; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; Wayne, 13.

WHEREAS, the Legislature recognizes the contributions of astronauts who push the limits of humanity to the stars; and

WHEREAS, achieving entry into the United States National Aeronautics and Space Administration Astronaut Corps is one of the most challenging and difficult achievements that can be attained anywhere in the world; and

WHEREAS, Jeanette Epps was first selected by the United States National Aeronautics and Space Administration as an astronaut in 2009 as one of nine members of the twentieth astronaut class; and

WHEREAS, Jeanette Epps was mentored by Nebraska astronaut Clayton Anderson for three years in spacewalk training, mission control center capsule communication, International Space Station systems, and operational procedure development; and

WHEREAS, Jeanette Epps' diligence and intelligence in successfully mastering the many and varied skills necessary to complete astronaut training and becoming the second African-American woman to fly long

duration on board the International Space Station has earned her well-deserved respect and recognition.

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

1. That the Legislature honors Jeanette Epps for her bravery in venturing into orbit around the earth.
2. That the Legislature congratulates astronaut Jeanette Epps on her many accomplishments and recognizes her as an exemplary citizen and a model to all, showing that with courage and dedication, anything is possible and there is nothing that cannot be achieved.
3. That a copy of this resolution be sent to Jeanette Epps.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1413. [ER93](#), found on page 1118, was offered.

ER93 was adopted.

Senator Clements asked unanimous consent to withdraw [FA256](#), found on page 1006, and replace it with substitute amendment, [AM3071](#), found on page 1129.

Senator M. Cavanaugh objected.

Senator Clements offered the following motion:

[MO1272](#)

Withdraw FA256 and substitute AM3071.

Senator M. Cavanaugh offered the following motion:

[MO1273](#)

Bracket until April 18, 2024.

Pending.

SPEAKER ARCH PRESIDING

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR318 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR318.

SELECT FILE

LEGISLATIVE BILL 1413. Senator Clements renewed [MO1272](#), found and considered in this day's Journal, to withdraw FA256 and substitute AM3071.

Senator M. Cavanaugh renewed [MO1273](#), found and considered in this day's Journal, to bracket until April 18, 2024.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

SENATOR FREDRICKSON PRESIDING

The M. Cavanaugh motion to bracket failed with 4 ayes, 37 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1274](#)

Recommit to the Appropriations Committee.

The M. Cavanaugh motion to recommit to committee failed with 4 ayes, 33 nays, 9 present and not voting, and 3 excused and not voting.

The Clements motion to withdraw and substitute prevailed with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

Senator Clements offered [AM3071](#), found on page 1129.

The Clements amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Clements withdrew [FA255](#), found on page 1006.

Senator Clements withdrew [FA257](#), found on page 1006.

Senator Jacobson withdrew [FA287](#), found on page 1031.

Senator McKinney offered [AM3069](#), found on page 1114.

Senator McKinney moved for a call of the house. The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the McKinney amendment.

Voting in the affirmative, 23:

Albrecht	Cavanaugh, J.	Dungan	McDonnell	von Gillern
Arch	Cavanaugh, M.	Fredrickson	McKinney	Walz
Ballard	Conrad	Hansen	Raybould	Wishart
Bostar	Day	Hunt	Riepe	
Brewer	DeBoer	Linehan	Sanders	

Voting in the negative, 21:

Aguilar	Clements	Halloran	Jacobson	Murman
Armendariz	DeKay	Hardin	Lippincott	
Bosn	Dorn	Holdcroft	Lowe	
Bostelman	Dover	Hughes	Meyer	
Brandt	Erdman	Ibach	Moser	

Present and not voting, 2:

Kauth Wayne

Absent and not voting, 1:

Slama

Excused and not voting, 2:

Blood Vargas

The McKinney amendment lost with 23 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following motion:

[MO1275](#)

Reconsider the vote on AM3069.

Pending.

NOTICE OF COMMITTEE HEARING(S)

General Affairs
Room 1510 12:00 PM

Thursday, March 28, 2024

Don F. Gerjevic - State Electrical Board

Michael M. Hunsberger - State Electrical Board

Jeanne Salerno - Nebraska Arts Council

(Signed) John Lowe, Chairperson

VISITOR(S)

Visitors to the Chamber were AmeriCorps members from ServeNebraska; students and teachers from Central Valley High School, Greeley; students from Ackerman Elementary, Omaha; members of Men of God Bible Study, Omaha; students, teachers, and sponsors from Trinity Lutheran, Fremont; students from Legacy School, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator DeBoer presiding.

ROLL CALL

The roll was called and all members were present except Senators Albrecht, Armendariz, Blood, Bosn, Bostar, Conrad, Dover, Fredrickson, Hunt, Raybould, and Walz who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1167. Placed on Select File with amendment.

[ER96](#)

1 1. On page 1, strike lines 2 through 5 and insert "29-404.02,
2 Revised Statutes Cumulative Supplement, 2022; to change provisions
3 relating to individuals who are arrested without a warrant; and to repeal
4 the original section."

LEGISLATIVE BILL 1270. Placed on Select File.

LEGISLATIVE BILL 1095. Placed on Select File.

LEGISLATIVE BILL 484. Placed on Select File with amendment.

[ER95](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-1401, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 60-1401 Sections 60-1401 to 60-1441 and sections 2 and 3 of this act
6 shall be known and may be cited as the Motor Vehicle Industry Regulation
7 Act.
8 Any amendments to the act shall apply to franchises subject to the
9 act which are entered into, amended, altered, modified, renewed, or
10 extended after the date of the amendments to the act except as otherwise
11 specifically provided in the act.
12 All amendments to the act shall apply upon the issuance or renewal
13 of a dealer's or manufacturer's license.
14 Sec. 2. (1) Beginning January 1, 2026:

15 (a) Every person applying for an initial motor vehicle dealer's
16 license shall have completed eight hours of continuing education
17 authorized by the board within the twelve-month period immediately
18 preceding the date of application; and
19 (b) Every licensee applying for renewal of a motor vehicle dealer's
20 license shall have completed four hours of continuing education
21 authorized by the board within the twelve-month period immediately
22 preceding the date of application.
23 (2) Every application for the issuance or renewal of a motor vehicle
24 dealer's license shall be accompanied by documentation, as prescribed by
25 the board, of the completion of continuing education required under
26 subsection (1) of this section.
27 (3) The continuing education requirements of this section shall not
1 apply to:
2 (a) A motor vehicle dealer whose primary business is the sale of
3 salvage vehicles on behalf of motor vehicle insurers;
4 (b) A motor vehicle dealer that only buys and sells manufactured
5 homes;
6 (c) A motor vehicle dealer that only buys and sells trailers; or
7 (d) A franchised new car dealer licensed by the board or any
8 employee of such a franchised new car dealer.
9 Sec. 3. (1) Any person may apply to the board for authorization to
10 qualify an educational seminar for continuing education credit provided
11 under section 2 of this act. The board shall require a complete and
12 specific description of such educational seminar from the applicant prior
13 to authorizing such educational seminar for continuing education credit.
14 Such description shall include:
15 (a) How the educational seminar will benefit a licensee in
16 conducting business;
17 (b) The length of time the educational seminar will be conducted;
18 (c) A description of the method that will be used to record
19 attendance during the educational seminar; and
20 (d) Copies of any instructional materials that will be provided to
21 attendees of the educational seminar.
22 (2)(a) The board shall determine whether to approve or deny an
23 application made under subsection (1) of this section. If authorization
24 for continuing education credit is granted, the board shall also
25 determine the number of continuing education credit hours authorized for
26 the educational seminar.
27 (b) Within ten days of receiving the application, the board shall
28 notify the applicant of the board's decision to approve or deny such
29 educational seminar for continuing education credit, and, if applicable,
30 the number of continuing education credit hours authorized.
31 Sec. 4. Section 60-1404, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 60-1404 The board shall have the authority to employ an executive
3 director who shall direct and administer the affairs of the board and who
4 shall keep a record of all proceedings, transactions, communications, and
5 official acts of the board. He or she shall be custodian of all records
6 of the board and perform such other duties as the board may require. The
7 executive director shall call a meeting of the board at the direction of
8 the chairperson thereof or upon a written request of two or more members
9 thereof. The executive director, with the approval of the board, is
10 authorized to employ an attorney at a minimum salary of six hundred
11 dollars per month together with such other employees, including staff for
12 its attorney, as may be necessary to properly carry out the Motor Vehicle
13 Industry Regulation Act, to fix the salaries of such employees, and to
14 make such other expenditures as are necessary to properly carry out the
15 act. The office of the board shall be maintained in the State Capitol at
16 Lincoln and all files, records, and property of the board shall at all

17 ~~times be and remain therein.~~ The executive director shall be the board's
 18 representative in the administration of the act, and he or she shall
 19 insure that the policies and directives of the board are carried out.
 20 Sec. 5. Original sections 60-1401 and 60-1404, Reissue Revised
 21 Statutes of Nebraska, are repealed.
 22 2. On page 1, line 8, strike "to provide operative dates;".

LEGISLATIVE BILL 852. Placed on Select File with amendment.

[ER97](#)

1 1. On page 1, strike beginning with "to" in line 3 through line 6
 2 and insert "to define terms; to change provisions relating to durable
 3 medical equipment, prosthetics, orthotics, and supplies; to provide
 4 certain requirements relating to individuals who are under sixty-five
 5 years of age and qualify for medicare by reason of disability; to
 6 harmonize provisions; to provide operative dates; and to repeal the
 7 original sections."

(Signed) Beau Ballard, Chairperson

SELECT FILE

LEGISLATIVE BILL 1413. Senator Wayne renewed [MO1275](#), found and considered in this day's Journal, to reconsider the vote on AM3069.

Senator Wayne moved for a call of the house. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 26:

Arch	Conrad	Holdcroft	Raybould	Wayne
Ballard	Day	Hunt	Riepe	Wishart
Blood	DeBoer	Linehan	Sanders	
Bostar	Dungan	McDonnell	Vargas	
Cavanaugh, J.	Fredrickson	McKinney	von Gillern	
Cavanaugh, M.	Hansen	Meyer	Walz	

Voting in the negative, 21:

Aguilar	Brewer	Erdman	Kauth	Slama
Albrecht	Clements	Hardin	Lippincott	
Armendariz	DeKay	Hughes	Lowe	
Bostelman	Dorn	Ibach	Moser	
Brandt	Dover	Jacobson	Murman	

Excused and not voting, 2:

Bosn	Halloran
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The Wayne motion to reconsider prevailed with 26 ayes, 21 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator McKinney reoffered [AM3069](#), found on page 1114 and considered in this day's Journal.

Senator McKinney requested a roll call vote, in reverse order, on his amendment.

The McKinney amendment was adopted with 25 ayes, 23 nays, and 1 excused and not voting.

Senator Hansen offered the following amendment:
[AM3115](#) is available in the Bill Room.

The Hansen amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Slama requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 42 ayes, 3 nays, 3 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 851. Placed on Final Reading.
LEGISLATIVE BILL 877. Placed on Final Reading.
LEGISLATIVE BILL 998. Placed on Final Reading.
LEGISLATIVE BILL 1118. Placed on Final Reading.
LEGISLATIVE BILL 1143. Placed on Final Reading.
LEGISLATIVE BILL 1162. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to [LB1188](#):
[AM3113](#)

(Amendments to AM3018)

1 1. On page 3, after line 17 insert the following new paragraphs:
2 "\$100,000.00 for Claim Number 2021-20575, against the State of
3 Nebraska, pay to Carlson and Blakeman, LLP, 2002 Douglas Street, Suite
4 100, Omaha, Nebraska 68102, on behalf of Abigail Comstock, out of the
5 State Insurance Fund.
6 \$100,000.00 for Claim Number 2021-20576, against the State of
7 Nebraska, pay to Carlson and Blakeman, LLP, 2002 Douglas Street, Suite
8 100, Omaha, Nebraska 68102, on behalf of Amy Comstock, out of the State
9 Insurance Fund."; and in lines 25 and 26 strike "\$7,450,000.00" and
10 insert "\$7,650,000.00".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 332. Introduced by Cavanaugh, J., 9; Brandt, 32; Ibach, 44.

PURPOSE: The purpose of this resolution is to propose an interim study to consider changes to Nebraska law relating to Legislative Bill 999, introduced in the One Hundred Eighth Legislature of Nebraska, Second Session, hemp, controlled substances, and related areas of the law. The study should also examine whether a regulatory framework of hemp-related retail businesses would be appropriate or justified.

Hemp, also called industrial hemp, is a plant and agricultural commodity cultivated for use in the production of a wide range of products. The federal Agriculture Improvement Act of 2018 became law on December 20, 2018, and categorizes hemp as an agricultural commodity and removes hemp and tetrahydrocannabinols in hemp from scheduled control under the federal Controlled Substances Act. The federal Agriculture Improvement Act of 2018 also modified and conformed the federal Controlled Substances Act to recognize hemp as a new commodity by expressly removing hemp from the definition of marijuana and exempted tetrahydrocannabinols in hemp from the definition of tetrahydrocannabinol.

Nebraska changed its laws in 2019 in order to be consistent with federal law and to provide for the production of hemp. In the time since the changes, many businesses that are involved in the hemp-marketing business have been established. At present, the hemp industry generates over one hundred million dollars annually in the Nebraska economy.

Nebraska does not have regulatory authority over the sale or marketing of hemp products and the Department of Agriculture only issues licenses for the growing and cultivation of hemp pursuant to the Nebraska Hemp Farming Act. However, the sale of hemp products or similar items may be subject to other state laws, such as food laws, controlled substances laws, or deceptive trade practice laws despite the lack of hemp-specific regulations or laws. This state of affairs has allowed for some flexibility for retailers.

Legislative Bill 999, introduced in the One Hundred Eighth Legislature, Second Session, would make significant changes to Nebraska law and the hemp retail market. The bill received a public hearing conducted by the Judiciary Committee of the Legislature and was opposed by the hemp and hemp-retail industry. However, opponents of the bill expressed a willingness to discuss state regulation of the hemp and hemp-retail industry to address the motivation for the bill.

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

1. That the Judiciary 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.

SELECT FILE

LEGISLATIVE BILL 1412. [ER94](#), found on page 1118, was offered.

ER94 was adopted.

Senator Hughes asked unanimous consent to withdraw [AM2932](#), found on page 1005, and replace it with substitute amendment, [AM2986](#), found on page 1026. No objections. So ordered.

Senator Hughes offered [AM2986](#), found on page 1026.

The Hughes amendment lost with 4 ayes, 22 nays, 22 present and not voting, and 1 excused and not voting.

Senator Brewer withdrew [AM2954](#), found on page 1004.

Senator Holdcroft offered [AM2955](#), found on page 1005.

SENATOR DEKAY PRESIDING

The Holdcroft amendment lost with 7 ayes, 23 nays, 18 present and not voting, and 1 excused and not voting.

Senator Vargas asked unanimous consent to withdraw [AM2949](#), found on page 1005, and replace it with substitute amendment, [FA297](#). No objections. So ordered.

[FA297](#)

On page 44, after line 20, insert the following new paragraph: "It is the intent of the Legislature that all unutilized or unspent funds appropriated to Program 424, inclusive of, General Funds will be distributed at the end of each fiscal year in this order: to service providers for the needs of persons with developmental disabilities under subdivision (4)(f) of section 83-1216."

Senator Vargas offered [FA297](#), found in this day's Journal.

Senator Hunt moved for a call of the house. The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

The Vargas amendment was adopted with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Clements asked unanimous consent to withdraw [FA258](#), found on page 1006, and replace it with substitute amendment, [AM3070](#), found on page 1129. No objections. So ordered.

Senator Clements offered [AM3070](#), found on page 1129.

Senator Fredrickson offered the following amendment to the Clements amendment:

[FA296](#)

Amend AM3070 on page 34, line 22, strike "70,382,211" and insert "82,382,211" and on line 27 strike "102,466,682" and insert "144,466,682"; on page 35, line 3, strike "\$70,382,211" and insert "\$82,382,211"; on page 41, line 30, strike "84,553,606" and insert "87,553,606"; and on page 42, line 6, strike "94,107,211" and insert "97,107,211".

Senator Fredrickson moved for a call of the house. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Senator Fredrickson requested a roll call vote on his amendment to the Clements amendment.

Voting in the affirmative, 16:

Aguilar	Cavanaugh, J.	Dungan	McKinney
Blood	Conrad	Fredrickson	Vargas
Bostar	Day	Hunt	Walz
Brandt	DeBoer	McDonnell	Wayne

Voting in the negative, 23:

Albrecht	Clements	Halloran	Lippincott	Sanders
Arch	DeKay	Hardin	Lowe	Slama
Armendariz	Dorn	Holdcroft	Meyer	von Gillern
Bostelman	Dover	Ibach	Moser	
Brewer	Erdman	Kauth	Murman	

Present and not voting, 8:

Ballard	Cavanaugh, M.	Hughes	Riepe
Bosn	Hansen	Jacobson	Wishart

Excused and not voting, 2:

Linehan	Raybould
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The Fredrickson amendment, to the Clements amendment, lost with 16 ayes, 23 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1279](#)

Reconsider the vote on FA296.

SENATOR DEBOER PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The M. Cavanaugh motion to reconsider failed with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Clements amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Clements withdrew [FA259](#), found on page 1006.

Senator Clements withdrew [FA260](#), found on page 1006.

Senator Clements offered [AM2987](#), found on page 1027.

The Clements amendment was withdrawn.

Senator Hansen offered the following amendment:
[AM3105](#) is available in the Bill Room.

The Hansen amendment was withdrawn.

Senator Ibach offered the following amendment:
[AM3062](#) is available in the Bill Room.

The Ibach amendment was withdrawn.

Senator Clements offered [AM2950](#), found on page 1004.

The Clements amendment was withdrawn.

Senator Dungan withdrew [AM2945](#), found on page 1005.

Senator M. Cavanaugh withdrew [AM2969](#), found on page 1006.

Senator M. Cavanaugh withdrew [FA280](#), found on page 1027.

Senator M. Cavanaugh withdrew [FA281](#), found on page 1027.

Senator M. Cavanaugh withdrew [FA282](#), found on page 1027.

Senator M. Cavanaugh withdrew [FA283](#), found on page 1027.

Senator M. Cavanaugh withdrew [FA284](#), found on page 1027.

Senator Fredrickson withdrew [AM2983](#), found on page 1027.

Senator Brewer withdrew [AM3008](#), found on page 1040.

Senator Clements asked unanimous consent to withdraw the following motions:

[MO1251](#), found on page 1008, to recommit to committee.

[MO1252](#), found on page 1008, to bracket.

No objections. So ordered.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1344. Placed on Select File.

(Signed) Beau Ballard, Chairperson

Education

LEGISLATIVE BILL 231. Placed on General File.

LEGISLATIVE BILL 915. Placed on General File.

LEGISLATIVE BILL 1284. Placed on General File with amendment.
[AM3061](#) is available in the Bill Room.

(Signed) Dave Murman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to [LB399](#):

[AM3053](#)

(Amendments to Standing Committee amendments, AM2702)

1 1. Strike sections 3 and 4 and all amendments thereto and insert the
2 following new sections:
3 Sec. 3. Section 70-1014.02, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 70-1014.02 (1) The Legislature finds that:
6 (a) Nebraska has the authority as a sovereign state to protect its
7 land, natural resources, and cultural resources for economic and
8 aesthetic purposes for the benefit of its residents and future
9 generations by regulation of energy generation projects;
10 (b) The unique terrain and ecology of the Nebraska Sandhills provide
11 an irreplaceable habitat for millions of migratory birds and other
12 wildlife every year and serve as the home to numerous ranchers and
13 farmers;
14 (c) The grasslands of the Nebraska Sandhills and other natural
15 resources in Nebraska will become increasingly valuable, both
16 economically and strategically, as the demand for food and energy
17 increases; ~~and~~

18 (d) The Nebraska Sandhills are home to priceless archaeological
19 sites of historical and cultural significance to American Indians; and -
20 (e) Local control, as vested in the county board for each respective
21 county, is the best mechanism for protecting local resources.
22 (2) (2)(a) A privately developed renewable energy generation
23 facility that meets the requirements of this section is exempt from
24 sections 70-1012 to 70-1014.01 if, no less than thirty days prior to the
25 commencement of construction, the owner of the facility notifies the
26 board and the county board of the county with zoning jurisdiction over
1 such facility : (i) Notifies the board in writing of the owner's its
2 intent to commence construction of a privately developed renewable energy
3 generation facility and apply for a conditional use permit or special
4 exception if required by such county. ;
5 (ii) Certifies to the board that the facility will meet the
6 requirements for a privately developed renewable energy generation
7 facility;
8 (iii) Certifies to the board that the private electric supplier will
9 (A) comply with any decommissioning requirements adopted by the local
10 governmental entities having jurisdiction over the privately developed
11 renewable energy generation facility and (B) except as otherwise provided
12 in subdivision (b) of this subsection, submit a decommissioning plan to
13 the board obligating the private electric supplier to bear all costs of
14 decommissioning the privately developed renewable energy generation
15 facility and requiring that the private electric supplier post a security
16 bond or other instrument, no later than the tenth year following
17 commercial operation, securing the costs of decommissioning the facility
18 and provide a copy of the bond or instrument to the board;
19 (iv) Certifies to the board that the private electric supplier has
20 entered into or prior to commencing construction will enter into a joint
21 transmission development agreement pursuant to subdivision (e) of this
22 subsection with the electric supplier owning the transmission facilities
23 of sixty thousand volts or greater to which the privately developed
24 renewable energy generation facility will interconnect; and
25 (v) Certifies to the board that the private electric supplier has
26 consulted with the Game and Parks Commission to identify potential
27 measures to avoid, minimize, and mitigate impacts to species identified
28 under subsection (1) or (2) of section 37-806 during the project planning
29 and design phases, if possible, but in no event later than the
30 commencement of construction.
31 (b) The board may bring an action in the name of the State of
1 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
2 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
3 a local government entity with the authority to create requirements for
4 decommissioning has enacted decommissioning requirements for the
5 applicable jurisdiction.
6 (c) The joint transmission development agreement shall address
7 construction, ownership, operation, and maintenance of such additions or
8 upgrades to the transmission facilities as required for the privately
9 developed renewable energy generation facility. The joint transmission
10 development agreement shall be negotiated and executed contemporaneously
11 with the generator interconnection agreement or other directives of the
12 applicable regional transmission organization with jurisdiction over the
13 addition or upgrade of transmission, upon terms consistent with prudent
14 electric utility practices for the interconnection of renewable
15 generation facilities, the electric supplier's reasonable transmission
16 interconnection requirements, and applicable transmission design and
17 construction standards. The electric supplier shall have the right to
18 purchase and own transmission facilities as set forth in the joint
19 transmission development agreement. The private electric supplier of the
20 privately developed renewable energy generation facility shall have the

21 right to construct any necessary facilities or improvements set forth in
 22 the joint transmission development agreement pursuant to the standards
 23 set forth in the agreement at the private electric supplier's cost.
 24 (3) Within ten days after receipt of a written notice complying with
 25 subsection (2) of this section, the executive director of the board shall
 26 issue a written acknowledgment that the privately developed renewable
 27 energy generation facility is exempt from sections 70-1012 to 70-1014.01
 28 if: -

29 (a) The privately developed renewable energy facility meets the
 30 county's requirements for a conditional use permit or special exception;
 31 or

1 (b) The county does not require a conditional use permit or special
 2 exception for such privately developed renewable energy generation
 3 facility.

4 (4) The exemption allowed under this section for a privately
 5 developed renewable energy generation facility shall extend to and exempt
 6 all private electric suppliers owning any interest in the facility,
 7 including any successor private electric supplier which subsequently
 8 acquires any interest in the facility.

9 (5) No property owned, used, or operated as part of a privately
 10 developed renewable energy generation facility shall be subject to
 11 eminent domain by a consumer-owned electric supplier operating in the
 12 State of Nebraska. Nothing in this section shall be construed to grant
 13 the power of eminent domain to a private electric supplier or limit the
 14 rights of any entity to acquire any public, municipal, or utility right-
 15 of-way across property owned, used, or operated as part of a privately
 16 developed renewable energy generation facility as long as the right-of-
 17 way does not prevent the operation of or access to the privately
 18 developed renewable energy generation facility.

19 (6) Only a consumer-owned electric supplier operating in the State
 20 of Nebraska may exercise eminent domain authority to acquire the land
 21 rights necessary for the construction of transmission lines and related
 22 facilities. There is a rebuttable presumption that the exercise of
 23 eminent domain to provide needed transmission lines and related
 24 facilities for a privately developed renewable energy generation facility
 25 is a public use.

26 (7) Nothing in this section shall be construed to authorize a
 27 private electric supplier to sell or deliver electricity at retail in
 28 Nebraska.

29 (8) Nothing in this section shall be construed to limit the
 30 authority of or require a consumer-owned electric supplier operating in
 31 the State of Nebraska to enter into a joint agreement with a private
 1 electric supplier to develop, construct, and jointly own a privately
 2 developed renewable energy generation facility.

3 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
 4 2022, is amended to read:

5 70-1015 ~~(1)~~ If any supplier violates Chapter 70, article 10, by (1)
 6 either ~~(a)~~ commencing the construction or finalizing or attempting to
 7 finalize the acquisition of any generation facilities, any transmission
 8 lines, or any related facilities without either first providing notice
 9 and meeting any county requirements for a conditional use permit or
 10 special exception, or without first ~~or~~ obtaining board approval,
 11 whichever is required, or (2) ~~(b)~~ serving or attempting to serve at
 12 retail any customers located in Nebraska or any wholesale customers in
 13 violation of section 70-1002.02, such construction, acquisition, or
 14 service of such customers shall be enjoined in an action brought in the
 15 name of the State of Nebraska until such supplier has complied with
 16 Chapter 70, article 10.

17 (2) ~~If the executive director of the board determines that a private~~
 18 ~~electric supplier commenced construction of a privately developed~~

19 renewable energy generation facility less than thirty days prior to
 20 providing the notice required in subdivision (2)(a) of section
 21 70-1014.02, the executive director shall send notice via certified mail
 22 to the private electric supplier, informing it of the determination that
 23 the private electric supplier is in violation of such subdivision and is
 24 subject to a fine in the amount of five hundred dollars. The private
 25 electric supplier shall have twenty days from the date on which the
 26 notice is received in which to submit the notice described in such
 27 subdivision and to pay the fine. Within ten days after the private
 28 electric supplier submits a notice compliant with subsection (2) of
 29 section 70-1014.02 and payment of the fine, the executive director of the
 30 board shall issue the written acknowledgment described in subsection (3)
 31 of section 70-1014.02. If the private electric supplier fails to submit a
 1 notice compliant with subsection (2) of section 70-1014.02 and pay the
 2 fine within twenty days after the date on which the private electric
 3 supplier receives the notice from the executive director of the board,
 4 the private electric supplier shall immediately cease construction or
 5 operation of the privately developed renewable energy generation
 6 facility.
 7 (3) If the private electric supplier disputes that construction was
 8 commenced less than thirty days prior to submitting the written notice
 9 required by subdivision (2)(a) of section 70-1014.02, the private
 10 electric supplier may request a hearing before the board. Such request
 11 shall be submitted within twenty days after the private electric supplier
 12 receives the notice sent by the executive director pursuant to subsection
 13 (2) of this section. If the private electric supplier does not accept the
 14 certified mail sent pursuant to such subsection, the executive director
 15 shall send a second notice to the private electric supplier by first-
 16 class United States mail. The private electric supplier may submit a
 17 request for hearing within twenty days after the date on which the second
 18 notice was mailed.
 19 (4) Upon receipt of a request for hearing, the board shall set a
 20 hearing date. Such hearing shall be held within sixty days after such
 21 receipt. The board shall provide to the private electric supplier written
 22 notice of the hearing at least twenty days prior to the date of the
 23 hearing. The board or its hearing officer may grant continuances upon
 24 good cause shown or upon the request of the private electric supplier.
 25 Timely filing of a request for hearing by a private electric supplier
 26 shall stay any further enforcement under this section until the board
 27 issues an order pursuant to subsection (5) of this section or the request
 28 for hearing is withdrawn.
 29 (5) The board shall issue a written decision within sixty days after
 30 conclusion of the hearing. All costs of the hearing shall be paid by the
 31 private electric supplier if (a) the board determines that the private
 1 electric supplier commenced construction of the privately developed
 2 renewable energy generation facility less than thirty days prior to
 3 submitting the written notice required pursuant to subsection (2) of
 4 section 70-1014.02 or (b) the private electric supplier withdraws its
 5 request for hearing prior to the board issuing its decision.
 6 (6) A private electric supplier which the board finds to be in
 7 violation of the requirements of subsection (2) of section 70-1014.02
 8 shall either (a) pay the fine described in this section and submit a
 9 notice compliant with subsection (2) of section 70-1014.02 or (b)
 10 immediately cease construction or operation of the privately developed
 11 renewable energy generation facility.
 12 2. On page 14, line 1, strike "subsection (2) of section
 13 70-1014.02."

Senator J. Cavanaugh filed the following amendment to [LB1204A](#):
[AM3108](#)

1 1. Strike section 1 and insert the following new section:
2 Section 1. There is hereby appropriated (1) \$482,013 from the
3 Tobacco Products Administration Cash Fund for FY2024-25 and (2) \$166,130
4 from the Tobacco Products Administration Cash Fund for FY2025-26 to the
5 Department of Revenue, for Program 102, to aid in carrying out the
6 provisions of Legislative Bill 1204, One Hundred Eighth Legislature,
7 Second Session, 2024.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$86,400
10 for FY2024-25 or \$86,400 for FY2025-26.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 887A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 887, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 1052A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1052, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 1054A. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1054, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 62A. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 62, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 870A. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 870, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 1115A. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1115, One Hundred Eighth Legislature, Second Session, 2024.

GENERAL FILE

LEGISLATIVE BILL 441. Committee [AM2789](#), found on page 931 and considered on pages 1126 and 1129, was renewed.

Senator Conrad renewed [MO1270](#), found on page 1126 and considered on pages 1126 and 1129, to bracket until April 18, 2024.

SPEAKER ARCH PRESIDING

SENATOR VON GILLERN PRESIDING

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:59 p.m. until 6:29 p.m.

SENATOR DEKAY PRESIDING

MESSAGE(S) FROM THE GOVERNOR

March 19, 2024

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

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

Contingent upon your approval, the following individuals are being appointed as members of the Environmental Quality Council:

Lynn Mayhew, 2003 W US Highway 34, Grand Island, NE 68801, Power
Generating Industry
James E Theiler, 2134 Bear Creek Road, Papillion, NE 68133, Professional
Engineer
Jill Becker, 2307 S 75th Street, Lincoln, NE 68506, Automotive/Petroleum
Industry
Timothy A Tesmer, MD, 3721 Doonbeg Road, Lincoln, NE 68520,
Physician
Lisa A Lunz, 86170 Highway 9, Wakefield, NE 68784, County Government

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

March 19, 2024

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

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

Contingent upon your approval, the following individuals are being reappointed as members of the Environmental Quality Council:

Seth B. Harder, 54011 Hwy 20, Plainview, NE 68769, Chemical Industry
Kurt Bogner, 1630 Hackberry Drive, Norfolk, NE 68701, Heavy Industry
Marty Stange, 5910 West 17th Street, Juniata, NE 68955, Municipal
Government

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

March 19, 2024

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

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

Contingent upon your approval, the following individuals are being appointed as members of the Environmental Quality Council:

Allison Willis, 12700 West Dodge Road, Omaha, NE 68154, Agricultural
Processing
Brad Bird, 12018 County Road P30, Blair, NE 68008, Labor

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

March 19, 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
reappointed to the Nebraska Public Employees Retirement Systems:

Janis Elliott, 1306 Lydia Circle, Papillion, NE 68133, School Representative

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

AMENDMENT(S) - Print in Journal

Senator Conrad filed the following amendment to LB1329:
[AM3097](#)

(Amendments to Standing Committee amendments, AM2831)

1 1. Insert the following new section:
2 Sec. 4. Section 79-209, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:
4 79-209 (1) In all school districts in this state, any
5 superintendent, principal, teacher, or member of the school board who
6 knows of any violation of subsection (2) of section 79-201 shall within
7 three days report such violation to the attendance officer of the school,
8 who shall immediately investigate the case. When of his or her personal
9 knowledge or by report or complaint from any resident of the district,
10 the attendance officer believes that there is a violation of subsection
11 (2) of section 79-201, the attendance officer shall immediately
12 investigate such alleged violation.
13 (2) All school boards shall have a written policy on attendance
14 developed and annually reviewed in collaboration with the county attorney
15 of the county in which the principal office of the school district is
16 located. The policy shall include a provision indicating how the school
17 district will handle cases in which excessive absences are due to
18 illness. The policy shall also state the circumstances and number of
19 absences or the hourly equivalent upon which the school shall render all

20 services to address barriers to attendance. Such services shall be
 21 provided upon twenty days of absence, and shall include, but not be
 22 limited to:
 23 (a) ~~Written~~ Verbal or written communication by school officials with
 24 the person or persons who have legal or actual charge or control of any
 25 child; and
 26 (b) One or more meetings between, at a minimum, a school attendance
 1 officer, a school social worker, or a school administrator or his or her
 2 designee, the person who has legal or actual charge or control of the
 3 child, the person who is responsible for making educational decisions on
 4 behalf of the child if that person is someone other than the person who
 5 has legal or actual charge or control of the child, and the child, when
 6 appropriate, ~~to attempt~~ to address the barriers to attendance. The result
 7 of the meeting or meetings shall be to develop a collaborative plan to
 8 reduce barriers identified to improve regular attendance. The plan shall
 9 include, if agreed to by the person who is responsible for making
 10 educational decisions on behalf of the child, an educational evaluation
 11 to determine whether any intellectual, academic, physical, or social-
 12 emotional barriers are contributing factors to the lack of attendance.
 13 The plan shall also consider, but not be limited to:
 14 (i) The physical, mental, or behavioral health of the child;
 15 (ii) Educational counseling;
 16 ~~(iii) Educational evaluation;~~
 17 ~~(iii)~~ ~~(iv)~~ Referral to community agencies for economic services;
 18 ~~(iv)~~ ~~(v)~~ Family or individual counseling;
 19 ~~(v)~~ ~~(vi)~~ Assisting the family in working with other community
 20 services; and
 21 ~~(vi)~~ ~~(vii)~~ Referral to restorative justice practices or services.
 22 (3) The school may report to the county attorney of the county in
 23 which the person resides when the school has documented the efforts it
 24 has made as required by subsection (2) of this section that the
 25 collaborative plan to reduce barriers identified to improve regular
 26 attendance has not been successful and that the child has been absent
 27 more than twenty days per school year. The school shall notify the
 28 child's family in writing prior to referring the child to the county
 29 attorney. Failure by the school to document the efforts required by
 30 subsection (2) of this section is a defense to prosecution under section
 31 79-201 and adjudication for educational neglect under subdivision (3)(a)
 1 of section 43-247 and habitual truancy under subdivision (3)(b) of
 2 section 43-247. Illness that makes attendance impossible or impracticable
 3 shall not be the basis for referral to the county attorney.
 4 (4) Nothing in this section shall preclude a county attorney from
 5 being involved at any stage in the process to address excessive
 6 absenteeism.
 7 2. Renumber the remaining sections and correct internal references
 8 and the repealer accordingly.

Senator Ballard filed the following amendment to LB1329:
AM3098

(Amendments to Standing Committee amendments, AM2831)

1 1. Insert the following new sections:
 2 Sec. 4. Section 79-234, Revised Statutes Cumulative Supplement,
 3 2022, is amended to read:
 4 79-234 (1) An enrollment option program is hereby established to
 5 enable any kindergarten through twelfth grade Nebraska student to attend
 6 a school in a Nebraska public school district in which the student does
 7 not reside subject to the limitations prescribed in section 79-238. The
 8 option shall be available once during elementary school, once during
 9 middle school or junior high school, and once during high school for a
 10 total of three times only once to each student prior to graduation,

11 except that the option does not count toward such limitation if such
12 option meets, or met at the time of the option, one of the following
13 criteria: (a) The student relocates to a different resident school
14 district, (b) the option school district merges with another district,
15 (c) the student will have completed either the grades offered in the
16 school building originally attended in the option school district or the
17 grades immediately preceding the lowest grade offered in the school
18 building for which a new option is sought, (d) the option would allow the
19 student to continue current enrollment in a school district, (e) the
20 option would allow the student to enroll in a school district in which
21 the student was previously enrolled as a student, or (f) the student is
22 an open enrollment option student. Sections 79-232 to 79-246 do not
23 relieve a parent or guardian from the compulsory attendance requirements
24 in section 79-201.

25 (2) The program shall not apply to any student who resides in a
26 district which has entered into an annexation agreement pursuant to
1 section 79-473, except that such student may transfer to another district
2 which accepts option students.

3 Sec. 5. Section 79-237, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 79-237 (1) For a student to begin attendance as an option student in
6 an option school district, the student's parent or legal guardian shall
7 submit an application to the school board of the option school district
8 between September 1 and March 15 for attendance during the following and
9 subsequent school years. Except as provided in subsection (2) of this
10 section, applications submitted after March 15 shall contain a release
11 approval from the resident school district, or if the student is an
12 option student at the time of such application and applying to become an
13 option student at a subsequent option school district, a release approval
14 from the option school district the student is attending at the time of
15 such application, on the application form prescribed and furnished by the
16 State Department of Education pursuant to subsection (8) of this section.
17 A district may not accept or approve any applications submitted after
18 such date without such a release approval. The option school district the
19 student is applying to attend shall provide the resident school district,
20 and if applicable, the option school district the student is attending at
21 the time of such application, with the name of the applicant on or before
22 April 1 or, in the case of an application submitted after March 15,
23 within sixty days after submission. The option school district the
24 student is applying to attend shall notify, in writing, the parent or
25 legal guardian of the student and the resident school district, and, if
26 applicable, the option school district the student is attending at the
27 time of the application, whether the application is accepted or rejected
28 on or before April 1 or, in the case of an application submitted after
29 March 15, within sixty days after submission. An option school district
30 that is a member of a learning community may not approve an application
31 pursuant to this section for a student who resides in such learning
1 community to attend prior to school year 2017-18.

2 (2) A student who relocates to a different resident school district
3 after February 1 or whose option school district merges with another
4 district effective after February 1 may submit an application to the
5 school board of an option school district for attendance during the
6 current or immediately following and subsequent school years unless the
7 applicant is a resident of a learning community and the application is
8 for attendance to begin prior to school year 2017-18 in an option school
9 district that is also a member of such learning community. Such
10 application does not require the release approval of the resident school
11 district or the option school district the student is attending at the
12 time of such application. The option school district the student is
13 applying to attend shall accept or reject such application within forty-
14 five days.

15 (3) A parent or guardian may provide information on the application
16 for an option school district that is a member of a learning community
17 regarding the applicant's potential qualification for free or reduced-

18 price lunches. Any such information provided shall be subject to
 19 verification and shall only be used for the purposes of subsection (4) of
 20 section 79-238. Nothing in this subsection requires a parent or guardian
 21 to provide such information. Determinations about an applicant's
 22 qualification for free or reduced-price lunches for purposes of
 23 subsection (4) of section 79-238 shall be based on any verified
 24 information provided on the application. If no such information is
 25 provided, the student shall be presumed not to qualify for free or
 26 reduced-price lunches for the purposes of subsection (4) of section
 27 79-238.

28 (4) Applications for students who do not actually attend the option
 29 school district that the student applied to attend may be withdrawn in
 30 good standing upon mutual agreement by ~~both~~ the resident and option
 31 school districts involved.

1 (5) No option student shall attend an option school district for
 2 less than one school year unless the student relocates to a different
 3 resident school district, completes requirements for graduation prior to
 4 the end of his or her senior year, transfers to a private or parochial
 5 school, or upon mutual agreement of the resident and option school
 6 districts cancels the enrollment option and returns to the resident
 7 school district or the previous option school district the student was
 8 attending immediately prior.

9 (6) Except as provided in subsection (5) of this section or, for
 10 open enrollment option students, in section 79-235.01, the option student
 11 shall attend the option school district until graduation unless the
 12 student relocates in a different resident school district, transfers to a
 13 private or parochial school, ~~or~~ chooses to return to the resident school
 14 district, or options into a subsequent option school district, except
 15 that no student may use the enrollment option program other than as
 16 provided in section 79-234.

17 (7) In each case of cancellation pursuant to subsections (5) and (6)
 18 of this section, the student's parent or legal guardian shall provide
 19 written notification to the school board of the option school district or
 20 districts and the resident school district on forms prescribed and
 21 furnished by the department under subsection (8) of this section in
 22 advance of such cancellation.

23 (8) The application and cancellation forms shall be prescribed and
 24 furnished by the State Department of Education.

25 (9) An option student who subsequently chooses to attend a private
 26 or parochial school and who is not an open enrollment option student
 27 shall be automatically accepted to return to either the resident school
 28 district or option school district upon the completion of the grade
 29 levels offered at the private or parochial school. If such student
 30 chooses to return to the option school district, the student's parent or
 31 legal guardian shall submit another application to the school board of
 1 the option school district which shall be automatically accepted, and the
 2 deadlines prescribed in this section shall be waived.

3 2. Renumber the remaining sections and correct internal references
 4 and the repealer accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1355A. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1355, One Hundred Eighth Legislature, Second Session, 2024.

GENERAL FILE

LEGISLATIVE BILL 441. Committee [AM2789](#), found on page 931 and considered on pages 1126 and 1129 and in this day's Journal, was renewed.

Senator Conrad renewed [MO1270](#), found on page 1126 and considered on pages 1126, 1129 and in this day's Journal, to bracket until April 18, 2024.

Senator Albrecht moved for a call of the house. The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

Senator Conrad requested a roll call vote on her motion to bracket.

Voting in the affirmative, 12:

Blood	Conrad	Dungan	Vargas
Bostar	Day	Hunt	Walz
Cavanaugh, J.	DeBoer	McKinney	Wishart

Voting in the negative, 28:

Aguilar	Bostelman	Dover	Hughes	Meyer
Albrecht	Brandt	Erdman	Ibach	Moser
Arch	Brewer	Halloran	Kauth	Murman
Armendariz	Clements	Hansen	Linehan	von Gillern
Ballard	DeKay	Hardin	Lippincott	
Bosn	Dorn	Holdcroft	Lowe	

Present and not voting, 2:

Cavanaugh, M. Riepe

Absent and not voting, 1:

McDonnell

Excused and not voting, 6:

Fredrickson	Raybould	Slama
Jacobson	Sanders	Wayne

The Conrad motion to bracket failed with 12 ayes, 28 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1288](#)

Reconsider the vote on MO1270.

Pending.

MOTION(S) - Print in Journal

Senator Bosn filed the following motion to LB25:
[MO1281](#)
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Bosn filed the following motion to LB25:
[MO1282](#)
Bracket until April 11, 2024.

Senator Bosn filed the following motion to LB25:
[MO1283](#)
Recommit to the Judiciary Committee.

Senator Bosn filed the following motion to LB25:
[MO1284](#)
Bracket until April 11, 2024.

Senator Bosn filed the following motion to LB25:
[MO1285](#)
Recommit to the Judiciary Committee.

Senator Bosn filed the following motion to LB25:
[MO1286](#)
Indefinitely postpone.

Senator Bosn filed the following motion to LB25:
[MO1287](#)
Recommit to the Judiciary Committee.

AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to LB1167:
[AM3118](#)
(Amendments to Standing Committee amendments, AM2829)
1 1. On page 1, line 24, strike "for a first" and insert "in the
2 county where the arrest occurred for an".

Senator Armendariz filed the following amendment to LB934:
[AM3050](#)
(Amendments to Standing Committee amendments, AM2706)
1 1. Insert the following new amendments:
2 1. Insert the following new sections:
3 Sec. 4. Section 87-302, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:
5 87-302 (a) A person engages in a deceptive trade practice when, in
6 the course of his or her business, vocation, or occupation, he or she:
7 (1) Passes off goods or services as those of another;
8 (2) Causes likelihood of confusion or of misunderstanding as to the
9 source, sponsorship, approval, or certification of goods or services;

10 (3) Causes likelihood of confusion or of misunderstanding as to
11 affiliation, connection, or association with, or certification by,
12 another;
13 (4) Uses deceptive representations or designations of geographic
14 origin in connection with goods or services;
15 (5) Represents that goods or services have sponsorship, approval,
16 characteristics, ingredients, uses, benefits, or quantities that they do
17 not have or that a person has a sponsorship, approval, status,
18 affiliation, or connection that he or she does not have;
19 (6) Represents that goods or services do not have sponsorship,
20 approval, characteristics, ingredients, uses, benefits, or quantities
21 that they have or that a person does not have a sponsorship, approval,
22 status, affiliation, or connection that he or she has;
23 (7) Represents that goods are original or new if they are
24 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,
25 except that sellers may repair damage to and make adjustments on or
26 replace parts of otherwise new goods in an effort to place such goods in
1 compliance with factory specifications;
2 (8) Represents that goods or services are of a particular standard,
3 quality, or grade, or that goods are of a particular style or model, if
4 they are of another;
5 (9) Disparages the goods, services, or business of another by false
6 or misleading representation of fact;
7 (10) Advertises goods or services with intent not to sell them as
8 advertised or advertises the price in any manner calculated or tending to
9 mislead or in any way deceive a person;
10 (11) Advertises goods or services with intent not to supply
11 reasonably expectable public demand, unless the advertisement discloses a
12 limitation of quantity;
13 (12) Makes false or misleading statements of fact concerning the
14 reasons for, existence of, or amounts of price reductions;
15 (13) Uses or promotes the use of or establishes, operates, or
16 participates in a pyramid promotional scheme in connection with the
17 solicitation of such scheme to members of the public. This subdivision
18 shall not be construed to prohibit a plan or operation, or to define a
19 plan or operation as a pyramid promotional scheme, based on the fact that
20 participants in the plan or operation give consideration in return for
21 the right to receive compensation based upon purchases of goods,
22 services, or intangible property by participants for personal use,
23 consumption, or resale so long as the plan or operation does not promote
24 or induce inventory loading and the plan or operation implements an
25 appropriate inventory repurchase program;
26 (14) With respect to a sale or lease to a natural person of goods or
27 services purchased or leased primarily for personal, family, household,
28 or agricultural purposes, uses or employs any referral or chain referral
29 sales technique, plan, arrangement, or agreement;
30 (15) Knowingly makes a false or misleading statement in a privacy
31 policy, published on the Internet or otherwise distributed or published,
1 regarding the use of personal information submitted by members of the
2 public;
3 (16) Uses any scheme or device to defraud by means of:
4 (i) Obtaining money or property by knowingly false or fraudulent
5 pretenses, representations, or promises; or
6 (ii) Selling, distributing, supplying, furnishing, or procuring any
7 property for the purpose of furthering such scheme;
8 (17) Offers an unsolicited check, through the mail or by other
9 means, to promote goods or services if the cashing or depositing of the
10 check obligates the endorser or payee identified on the check to pay for
11 goods or services. This subdivision does not apply to an extension of
12 credit or an offer to lend money;

13 (18) Mails or causes to be sent an unsolicited billing statement,
 14 invoice, or other document that appears to obligate the consumer to make
 15 a payment for services or merchandise he or she did not order;
 16 (19)(i) Installs, offers to install, or makes available for
 17 installation or download a covered file-sharing program on a computer not
 18 owned by such person without providing clear and conspicuous notice to
 19 the owner or authorized user of the computer that files on that computer
 20 will be made available to the public and without requiring intentional
 21 and affirmative activation of the file-sharing function of such covered
 22 file-sharing program by the owner or authorized user of the computer; or
 23 (ii) Prevents reasonable efforts to block the installation,
 24 execution, or disabling of a covered file-sharing program;
 25 (20) Violates any provision of the Nebraska Foreclosure Protection
 26 Act;
 27 (21) In connection with the solicitation of funds or other assets
 28 for any charitable purpose, or in connection with any solicitation which
 29 represents that funds or assets will be used for any charitable purpose,
 30 uses or employs any deception, fraud, false pretense, false promise,
 31 misrepresentation, unfair practice, or concealment, suppression, or
 1 omission of any material fact; ~~or~~
 2 (22)(i) ~~(22)~~ In the manufacture, production, importation,
 3 distribution, promotion, display for sale, offer for sale, attempt to
 4 sell, or sale of a substance:
 5 (A) ~~(i)~~ Makes a deceptive or misleading representation or
 6 designation, or omits material information, about a substance or fails to
 7 identify the contents of the package or the nature of the substance
 8 contained inside the package; or
 9 (B) ~~(ii)~~ Causes confusion or misunderstanding as to the effects a
 10 substance causes when ingested, injected, inhaled, or otherwise
 11 introduced into the human body.
 12 (ii) A person shall be deemed to have committed a violation of the
 13 Uniform Deceptive Trade Practices Act for each individually packaged
 14 product that is either manufactured, produced, imported, distributed,
 15 promoted, displayed for sale, offered for sale, attempted to sell, or
 16 sold in violation of this section. A violation under this subdivision (a)
 17 (22) shall be treated as a separate and distinct violation from any other
 18 offense arising out of acts alleged to have been committed while the
 19 person was in violation of this section; ~~or -~~
 20 (23)(i) Manufactures, produces, publishes, distributes, monetizes,
 21 promotes, or otherwise makes publicly available any visual depiction of
 22 sexually explicit conduct, any obscene material, or any material that is
 23 harmful to minors in which any person depicted as a participant or
 24 observer:
 25 (A) Is under eighteen years of age;
 26 (B) Is a trafficking victim;
 27 (C) Has not expressly and voluntarily consented to such person's
 28 depiction; or
 29 (D) Participated in any act depicted without consent.
 30 (ii) This subdivision (a)(23) does not apply to any
 31 telecommunications service.
 1 (iii) For purposes of this subdivision (a)(23):
 2 (A) Harmful to minors has the same meaning as in 47 U.S.C. 254, as
 3 such section existed on January 1, 2024;
 4 (B) Obscene material has the same meaning as in section 28-807;
 5 (C) Promote means to use any mechanism or publication, or take any
 6 action, that suggests, highlights, advertises, markets, curates,
 7 backlinks, hashtags, or otherwise directs, attempts to direct, or
 8 encourages traffic toward specific materials, including acts carried out
 9 affirmatively, through automation, algorithmically, and via other
 10 technical means both known and unknown at this time;

11 (D) Publish means to communicate or make information available to
 12 another person via an Internet website, regardless of whether the person
 13 consuming, viewing, or receiving the material gives any consideration for
 14 the published material;

15 (E) Trafficking victim has the same meaning as in section 28-830;

16 (F) Visual depiction of sexually explicit conduct has the same
 17 meaning as in section 28-1463.02; and

18 (G) Without consent has the same meaning as in section 28-318.

19 (b) In order to prevail in an action under the Uniform Deceptive
 20 Trade Practices Act, a complainant need not prove competition between the
 21 parties.

22 (c) This section does not affect unfair trade practices otherwise
 23 actionable at common law or under other statutes of this state.

24 Sec. 6. Section 87-303.11, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 87-303.11 (1) Any person who violates section 87-302 or 87-303.01

27 or who willfully violates the terms of an injunction or declaratory

28 judgment of a district court or the terms of a written assurance of

29 voluntary compliance entered into pursuant to the Uniform Deceptive Trade

30 Practices Act shall be subject to a civil penalty of not more than two

31 thousand dollars for each violation. The Attorney General, acting in the

1 name of the state, may seek recovery of such civil penalties in a civil

2 action.

3 (2) For purposes of this section, the district court which issues

4 any injunction shall retain jurisdiction and the cause shall be continued

5 while the Attorney General seeks the recovery of such civil penalties.

6 (3) Any civil penalties collected under this section shall be

7 remitted to the State Treasurer for distribution in accordance with

8 Article VII, section 5, of the Constitution of Nebraska.

9 6. Renumber the remaining sections, correct internal references, and

10 correct the repealer accordingly.

11 2. Renumber the remaining amendments accordingly.

Senator Albrecht filed the following amendment to LB441:

AM3091

(Amendments to Standing Committee amendments, AM2789)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Insert the following new section:

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

4 amended to read:

5 28-810 It shall be a defense to a prosecution under sections 28-808

6 and 28-809 that:

7 (1) Such person had reasonable cause to believe that the minor

8 involved was eighteen years of age or more, and that such reasonable

9 cause is based on but not limited to the presentation by the minor

10 exhibited to such person of a draft card, driver's license, birth

11 certificate, or other official or apparently official document purporting

12 to establish that such minor was eighteen years of age or more;

13 (2) The minor was accompanied by his parent or guardian and such

14 person had reasonable cause to believe that the person accompanying the

15 minor was the parent or guardian of that minor; or

16 ~~(3) Such person had reasonable cause to believe that the person was~~

17 ~~the parent or guardian of the minor; and~~

18 ~~(3) (4) Such person's activity falls within the defenses to a~~

19 prosecution contained in section 28-815.

Senator Holdcroft filed the following amendment to LB441:

AM3082

(Amendments to Standing Committee amendments, AM2789)

1 1. Insert the following new section:

2 Section 1. Section 28-394, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-394 (1) A person who causes the death of an unborn child
5 unintentionally while engaged in the operation of a motor vehicle in
6 violation of the law of the State of Nebraska or in violation of any city
7 or village ordinance commits motor vehicle homicide of an unborn child.

8 (2) Except as provided in subsection (3) of this section, motor
9 vehicle homicide of an unborn child is a Class I misdemeanor.

10 (3)(a) If the proximate cause of the death of an unborn child is the
11 operation of a motor vehicle in violation of section 60-6,213 or
12 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA
13 felony.

14 (b) Except as provided in subdivision (3)(c) of this section, if the
15 proximate cause of the death of an unborn child is the operation of a
16 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
17 vehicle homicide of an unborn child is a Class ~~IIA~~ ~~IIIA~~ felony and the
18 court shall, as part of the judgment of conviction, order the person not
19 to drive any motor vehicle for any purpose for a period of at least sixty
20 days and not more than fifteen years after the date ordered by the court
21 and shall order that the operator's license of such person be revoked for
22 the same period. The revocation shall not run concurrently with any jail
23 term imposed.

24 (c) If the proximate cause of the death of an unborn child is the
25 operation of a motor vehicle in violation of section 60-6,196 or
26 60-6,197.06 and the defendant has a prior conviction for a violation of
1 section 60-6,196 or a city or village ordinance enacted in conformance
2 with section 60-6,196, motor vehicle homicide of an unborn child is a
3 Class ~~II~~ ~~IIIA~~ felony and the court shall, as part of the judgment of
4 conviction, order the person not to drive any motor vehicle for any
5 purpose for a period of at least sixty days and not more than fifteen
6 years after the date ordered by the court and shall order that the
7 operator's license of such person be revoked for the same period. The
8 revocation shall not run concurrently with any jail term imposed.

9 (4) The crime punishable under this section shall be treated as a
10 separate and distinct offense from any other offense arising out of acts
11 alleged to have been committed while the person was in violation of this
12 section.

13 2. Renumber the remaining sections and correct the repealer
14 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 333. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether legislation similar to the model Hunger-Free Campus Bill is needed to address hunger and basic needs insecurity of Nebraska college students. This study should also determine the size and scope of hunger and basic needs insecurity of Nebraska college students, assess available resources to address hunger and basic needs insecurity of Nebraska college students, and research best practices other states utilize to address hunger and basic needs insecurity of college students.

Nationally, one in three college students face food insecurity and three in five college students face at least one form of basic needs insecurity. Basic needs include access to food, housing, health care, technology,

transportation, resources for personal hygiene, and child care and related needs. As students from diverse backgrounds are entering college with hopes of creating a better future, many are struggling to support themselves and finish their degrees. While additional forms of food assistance, such as local food pantries exist, many students do not know how to access these resources and the stigma of accessing such resources keeps students from using the resources.

The high cost of housing, transportation, textbooks, health care, and other living expenses, coupled with the rising cost of tuition, have created significant financial burdens for college students. These costs particularly impact students from low-income families, those who have children, first-generation and nontraditional college students, and former foster youth. Financial aid programs and scholarships designed for low-income students fail to cover the bulk of their needs and even if students work while in school the income from a job does not eliminate the threat of food and other basic needs insecurity.

Ten states have passed a version of the model Hunger-Free Campus Bill, which sends funding to public colleges to address student hunger. Any public college is eligible to access these funds if it meets certain criteria.

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.

VISITOR(S)

Visitors to the Chamber were students and teachers from St. Matthews Catholic School, Bellevue; Mary Jo Holdcroft, Bellevue; Arnold Tutorial Group, Arnold; Parker Jessen, Oshkosh; members of the Nebraska Library Association.

The Doctor of the Day was Dr. Sara Hoffschneider of Omaha.

MOTION - Adjournment

Speaker Arch moved to adjourn until 9:00 a.m., Wednesday, March 20, 2024.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 14 ayes, 16 nays, and 19 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to adjourn.

The Arch motion to adjourn prevailed with 32 ayes, 7 nays, 1 present and not voting, 2 absent and not voting, and 7 excused and not voting, and at 9:02 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2024.

Brandon Metzler
Clerk of the Legislature