

**TWENTY-SECOND DAY - FEBRUARY 3, 2023****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 3, 2023

**PRAYER**

The prayer was offered by Pastor John Nelson Jr., Christ Lutheran Church, O'Neill.

**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., President Kelly presiding.

The roll was called and all members were present except Senators Erdman, Halloran, and Moser who were excused; and Senators Day, B. Hansen, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 2, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler  
Clerk of the Legislature

Amack, Angela K.  
Alter Trading Corporation  
American Communications Group, Inc.  
Health Partners Initiative

Dougherty, Gary  
American Diabetes Association  
Feely, William  
Nebraska Republican Party  
Gutman, Daniel  
ACLU Nebraska  
Husch Blackwell Strategies  
JUUL Labs Inc. (Withdrawn 02/01/2023)  
Kelley Plucker, LLC  
Mueller Robak, LLC  
Kelley, Michael A.  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC  
Kelley, Sean  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC  
Kissel Kohout ES Associates, LLC  
Caseys General Stores, Inc.  
Mines, Mick  
Husch Blackwell Strategies LLC  
Nowka & Edwards  
Nantero Inc.  
Pierucci, Andy  
Northrop Grumman Systems Corporation  
Plucker, Julia  
Kelley Plucker, LLC  
Rathner, Todd  
Firearms Policy Coalition  
Vankat, Hannah  
Smart Gen Society  
Winston, Kenneth C.  
Bold Alliance, Inc.

### REPORTS

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

### NOTICE OF COMMITTEE HEARINGS

Revenue  
Room 1524 9:30 AM

Friday, February 10, 2023  
LB300  
LB384  
LB496

Room 1524 1:30 PM

Friday, February 10, 2023

LB440  
LB309  
LB809

(Signed) Lou Ann Linehan, Chairperson

General Affairs  
Room 1510 1:30 PM

Monday, February 13, 2023

LB72  
LB73  
LB168  
LB232  
LB775  
LB311  
LB685

(Signed) John Lowe, Chairperson

Urban Affairs  
Room 1510 1:30 PM

Tuesday, February 14, 2023

LB274  
LB346  
LB691  
LB693

(Signed) Terrell McKinney, Chairperson

Transportation and Telecommunications  
Room 1113 1:30 PM

Monday, February 13, 2023

John C. Ernst - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Suzanne Geist, Chairperson

Agriculture  
Room 1524 1:30 PM

Tuesday, February 14, 2023

LB662  
LB740

Room 1524 1:30 PM

Tuesday, February 21, 2023

LB263

LB336

LB735

(Signed) Steve Halloran, Chairperson

Judiciary

Room 1113 9:30 AM

Friday, February 10, 2023

LB220

LB757

LB760

Room 1113 1:30 PM

Friday, February 10, 2023

LB482

LB11

LB759

LB758

(Signed) Justin Wayne, Chairperson

Education

Room 1525 1:30 PM

Monday, February 13, 2023

LB99

LB201

LB575

(Signed) Dave Murman, Chairperson

Natural Resources

Room 1525 1:30 PM

Wednesday, February 15, 2023

LB281

Room 1525 1:30 PM

Thursday, February 16, 2023

LB120

LB121

LB568

(Signed) Bruce Bostelman, Chairperson

Appropriations  
Room 1307 1:30 PM

Monday, February 13, 2023

LB813  
LB814  
LB815  
LB816  
LB817  
LB818  
LB819

Room 1307 1:30 PM

Tuesday, February 14, 2023

Agency 32 - Educational Lands and Funds, Board of  
Agency 34 - Library Commission, Nebraska  
Agency 47 - Educational Telecommunications Commission, Nebraska  
Agency 75 - Investment Council, Nebraska  
Agency 85 - Public Employees Retirement Board, Nebraska  
Agency 41 - State Real Estate Commission  
Agency 53 - Real Property Appraiser Board  
Agency 63 - Public Accountancy, Nebraska Board of  
Agency 58 - Board of Engineers and Architects  
Agency 59 - Board of Geologists  
Agency 62 - Land Surveyors, State Board of Examiners for  
Agency 66 - Abstracters Board of Examiners  
Agency 73 - Landscape Architects, State Board of

Room 1307 1:30 PM

Wednesday, February 15, 2023

Agency 3 - Legislative Council  
Agency 11 - Attorney General  
Agency 30 - Electrical Board, State  
Agency 57 - Oil and Gas Conservation Commission, Nebraska  
Agency 74 - Power Review Board, Nebraska  
LB323  
LB597  
LB654

Room 1307 1:30 PM

Thursday, February 16, 2023

Agency 36 - Racing Commission, Nebraska State  
Agency 56 - Wheat Board, Nebraska  
Agency 60 - Ethanol Board, Nebraska  
Agency 61 - Dairy Industry Development Board, Nebraska

Agency 86 - Dry Bean Commission  
Agency 88 - Corn Development, Utilization and Marketing Board  
Agency 92 - Grain Sorghum Board, Nebraska  
Agency 95 - Dry Pea & Lentil Commission  
Agency 97 - Hemp Commission

Room 1507 1:30 PM

Tuesday, February 21, 2023

Agency 46 - Correctional Services, Department of  
Agency 64 - State Patrol, Nebraska  
Agency 94 - Public Advocacy, Commission on  
LB439  
LB554  
LB660

Room 1307 1:30 PM

Wednesday, February 22, 2023

Agency 18 - Agriculture, Department of  
Agency 18 - Agriculture, Department of  
Note: Potato Board & Poultry/Egg  
Agency 39 - Brand Committee, Nebraska  
Agency 19 - Banking, Department of  
Agency 22 - Insurance, Department of  
Agency 67 - Equal Opportunity Commission  
Agency 82 - Commission for the Deaf and Hard of Hearing  
Agency 81 - Commission for the Blind and Visually Impaired  
Agency 23 - Labor, Department of  
LB614  
LB755

Room 1307 1:30 PM

Thursday, February 23, 2023

Agency 5 - Supreme Court  
Agency 15 - Parole, Nebraska Board of  
Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice  
LB176  
LB508  
LB761

Room 1307 1:30 PM

Friday, February 24, 2023

Agency 7 - Governor  
Agency 8 - Lieutenant Governor  
Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts  
Agency 12 - State Treasurer  
Agency 87 - Accountability and Disclosure Commission  
LB477  
LB551  
LB578  
LB598

Room 1524 1:30 PM

Tuesday, February 28, 2023  
Agency 28 - Veterans' Affairs, Department of  
Agency 33 - Game and Parks Commission  
Agency 40 - Motor Vehicle Licensing Board, Nebraska  
Agency 52 - State Fair Board  
Agency 91 - Nebraska Tourism Commission  
LB80  
LB609  
LB744

Room 1307 1:30 PM

Wednesday, March 1, 2023  
Agency 14 - Public Service Commission  
Agency 21 - State Fire Marshal  
Agency 54 - Historical Society, Nebraska State  
Agency 69 - Arts Council, Nebraska  
LB361  
LB563  
LB615  
LB718

(Signed) Robert Clements, Chairperson

#### **AMENDMENTS - Print in Journal**

Senator Hunt filed the following amendment to LB606:

[AM220](#)

1 1. On page 2, line 31, after the semicolon insert "and".  
2 2. On page 3, strike lines 1 through 4; in line 5 strike "(iv)" and  
3 insert "(iii)"; strike lines 7 through 10 and insert the following new  
4 subdivision:  
5 "(d) Provides, pays for, provides coverage of, refers for,  
6 recommends, or provides medically accurate information about abortion  
7 procedures and emergency contraception if the patient requests; and"; in  
8 line 22 after the semicolon insert "and"; and strike beginning with the  
9 semicolon in line 24 through "abortions" in line 29.

Senator Hunt filed the following amendment to LB606:

[AM221](#)

(Amendments to FA3)

- 1 1. Strike the original amendment and insert the following new
- 2 amendments:
- 3 1. On page 2, line 31, after the semicolon insert "and".
- 4 2. On page 3, strike lines 1 through 4; in line 5 strike "(iv)" and
- 5 insert "(iii)"; strike lines 7 through 10 and insert the following new
- 6 subdivision:
- 7 "(d) Provides, pays for, provides coverage of, refers for,
- 8 recommends, or provides medically accurate information about abortion
- 9 procedures and emergency contraception if the patient requests; and"; in
- 10 line 22 after the semicolon insert "and"; and strike beginning with the
- 11 semicolon in line 24 through "abortions" in line 29.

Senator Hunt filed the following amendment to [LB371](#):  
[AM219](#)

(Amendments to AM67)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. On page 2, strike lines 1 through 7 and insert the following new
- 3 subsection:
- 4 "(1) For purposes of this section, beauty pageant means an event in
- 5 which:
- 6 (a) Women or minor girls wear dresses, costumes, makeup, or other
- 7 accessories which may or may not be age appropriate; and
- 8 (b) Women or minor girls sing, lip sync, dance, or otherwise perform
- 9 before an audience for entertainment in a manner that may be sexualizing
- 10 or provocative."; and in lines 9, 10, 13, 14 and 15, 18, 23, 26, and 29
- 11 strike "drag show" and insert "beauty pageant".

Senator Walz filed the following amendment to [LB517](#):  
[AM170](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 71-401, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 71-401 Sections 71-401 to 71-479 and section 2 of this act shall be
- 6 known and may be cited as the Health Care Facility Licensure Act.
- 7 Sec. 2. (1) The department shall pay a transfer incentive to each
- 8 skilled nursing facility, nursing facility, or swing-bed hospital as
- 9 described in 42 U.S.C. 1395tt, that accepts a patient with complex health
- 10 needs when such patient is medically stable and ready to be discharged
- 11 from an acute care hospital if the acute care hospital (a) is not
- 12 designated as a critical access hospital by the Centers for Medicare and
- 13 Medicaid Services and (b) has reached or exceeded eighty percent of
- 14 available staffed capacity for adult intensive-care-unit beds and acute
- 15 care inpatient medical-surgical beds.
- 16 (2) The one-time transfer incentives for post-acute skilled nursing
- 17 facility care shall be paid as follows:
- 18 (a) Six thousand dollars for each patient placement in a nursing
- 19 facility; and
- 20 (b) Three thousand dollars for each patient placement in a skilled
- 21 nursing facility or swing-bed hospital.
- 22 (3) The department shall work with representatives of acute care
- 23 hospitals, skilled nursing facilities, and nursing care facilities to
- 24 determine the:
- 25 (a) Criteria to define patients with complex health needs eligible
- 26 for the transfer incentives;
- 27 (b) Process by which acute care hospitals shall determine and report
- 1 changes in capacity to the department; and



2 (c) Process by which the transfer incentives may be subject to  
 3 recoupment by the department upon readmission to an acute care inpatient  
 4 hospital setting.

5 (4) For purposes of this section, patient means a person who is  
 6 medically stable and who the provider believes, with a reasonable medical  
 7 probability and in accordance with recognized medical standards, is safe  
 8 to be discharged or transferred and is not expected to have his or her  
 9 condition negatively impacted during, or as a result of, the discharge or  
 10 transfer.

11 (5) Any transfer incentive payment made for a patient with medicaid  
 12 or medicare shall comply with all medicaid and medicare reimbursement  
 13 policies for skilled nursing facilities, nursing facilities, and swing-  
 14 bed hospitals.

15 (6) Nothing in this section shall create any new requirement to  
 16 accept a patient transfer for skilled nursing facilities, nursing  
 17 facilities, or swing-bed hospitals.

18 (7) Transfer incentives are not available for transfers that occur  
 19 between facilities under common ownership.

20 Sec. 3. This act becomes operative on September 10, 2023.

21 Sec. 4. Original section 71-401, Revised Statutes Cumulative  
 22 Supplement, 2022, is repealed.

### COMMITTEE REPORTS

#### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Rhonda Lahm Director - Department of Motor Vehicles

Aye: 8. Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Vicki Kramer Director - Nebraska Department of Transportation

Aye: 8. Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 138.** Placed on General File.

**LEGISLATIVE BILL 140.** Placed on General File.

**LEGISLATIVE BILL 247.** Placed on General File.

(Signed) Suzanne Geist, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Dover name added to LB31.

Senator Hardin name added to LB64.

Senator Hardin name added to LB65.

Senator Day name added to LB80.

Senator Hunt name added to LB274.

Senator Slama name added to LB274.

Senator Aguilar name added to LB274.

Senator Hardin name added to LB419.

Senator Blood name added to LB588.

Senator B. Hansen name added to LB588.

Senator Sanders name added to LB712.

Senator Brewer name added to LB805.

**VISITOR**

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

**ADJOURNMENT**

At 9:10 a.m., on a motion by Senator Kauth, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 2023.

Brandon Metzler  
Clerk of the Legislature