

**THIRTY-SECOND DAY - FEBRUARY 22, 2023****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 22, 2023

**PRAYER**

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Speaker Arch.

**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 Slama and Walz who were excused; and Senators Blood, M. Cavanaugh, Conrad, Day, B. Hansen, and Raybould who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File.

**LEGISLATIVE BILL 151.** Placed on Select File.

**LEGISLATIVE BILL 207.** Placed on Select File.

**LEGISLATIVE BILL 296.** Placed on Select File with amendment.

**ER1**

1 1. On page 2, line 3, before "The" insert "(1)"; in line 6 before

2 "The" insert "(2)"; and in line 11 before "All" insert "(3)".

3 2. On page 9, line 13, strike "require" and insert "required"; and

4 in line 17 strike "has" and insert "have".

(Signed) Beau Ballard, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 13, 2023

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 Chief Medical Officer of the Department of Health and Human Services, Division of Public Health:

Timothy A Tesmer, MD, 3721 Doonbeg Road, Lincoln, Nebraska 68520

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 - Print in Journal**

Senator Moser filed the following amendment to [LB706](#):  
[AM450](#) is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING**

Revenue  
Room 1524 1:30 PM

Wednesday, March 1, 2023

LB303  
LB580  
LB495  
LB180  
LB209

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 140.** The Hunt motion, [MO33](#), found on page 564, to reconsider the vote on AM470, was offered.

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

The Hunt motion to reconsider the vote taken on AM470 failed with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Agriculture

#### LEGISLATIVE BILL 321. Placed on General File with amendment.

##### [AM483](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 2-3966, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 2-3966 For purposes of the Nebraska Milk Act, unless the context  
6 otherwise requires:  
7 (1) 3-A Sanitary Standards has the same meaning as in the Grade A  
8 Pasteurized Milk Ordinance;  
9 (2) Acceptable milk means milk that qualifies under sections 2-3979  
10 to 2-3982 as to sight and odor and that is classified acceptable for  
11 somatic cells, bacterial content, drug residues, and sediment content;  
12 (3) Components of milk means whey, whey and milk protein  
13 concentrate, whey cream, cream, butter, skim milk, condensed milk, ultra-  
14 filtered milk, milk powder, dairy blends that are at least fifty-one  
15 percent dairy components, and any similar milk byproduct;  
16 (4) C-I-P or cleaned-in-place means the procedure by which sanitary  
17 pipelines or pieces of dairy equipment are mechanically cleaned in place  
18 by circulation;  
19 (5) Dairy products means products allowed to be made from milk for  
20 manufacturing purposes and not required to be of Grade A quality;  
21 (6) Department means the Department of Agriculture;  
22 (7) Director means the Director of Agriculture or his or her duly  
23 authorized agent or designee;  
24 (8) Field representative means an individual qualified and trained  
25 in the sanitary methods of production and handling of milk as set forth  
26 in the Nebraska Milk Act and who is generally employed by a processing or  
27 manufacturing milk plant or cooperative for the purpose of quality  
1 control work;  
2 (9) First purchaser means a person who purchases raw milk directly  
3 from the farm for processing or for resale to a processor, who purchases  
4 milk products or components of milk for processing or resale to a  
5 processor, or who utilizes milk from the first purchaser's own farm for  
6 the manufacturing of milk products or dairy products;  
7 (10) Grade A Pasteurized Milk Ordinance means the documents  
8 delineated in subsection (3) of section 2-3965;  
9 (11) Milk for manufacturing purposes means milk produced for  
10 processing and manufacturing into products not required by law to be of  
11 Grade A quality;  
12 (12) Milk distributor means a person who distributes milk, fluid  
13 milk, milk products, or dairy products whether or not the milk is shipped  
14 within or into the state. The term does not include (a) a milk plant, a

15 bulk milk hauler/sampler, or a milk producer, as such terms are defined  
 16 in the Grade A Pasteurized Milk Ordinance, ~~or (b) a food establishment,~~  
 17 as defined in the Nebraska Pure Food Act, ~~or (c) a private home not~~  
 18 included in the definition of a food establishment in section  
 19 81-2,245.01;

20 (13) Probational milk means milk classified undergrade for somatic  
 21 cells, bacterial content, or sediment content that may be accepted by  
 22 plants for specific time periods; and

23 (14) Reject milk means milk that does not qualify under sections  
 24 2-3979 to 2-3982.

25 Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement,  
 26 2022, is amended to read:

27 81-2,245.01 Food establishment shall mean an operation that stores,  
 28 prepares, packages, serves, sells, vends, delivers, or otherwise provides  
 29 food for human consumption. The term does not include:

30 (1) An establishment or vending machine operation that offers only  
 31 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled  
 1 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato  
 2 or corn chips; pretzels; cheese puffs and curls; crackers; popped  
 3 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other  
 4 pastries, that are not time/temperature control for safety foods;

5 (2) A produce stand that only offers whole, uncut fresh fruits and  
 6 vegetables;

7 (3) A food processing plant;

8 (4) A salvage operation;

9 (5) A private home where food is prepared or served for personal  
 10 use, a small day care in the home, or a hunting lodge, guest ranch, or  
 11 other operation where no more than ten paying guests eat meals in the  
 12 home;

13 (6) A private home or other area where food that is not  
 14 time/temperature control for safety food is prepared for sale or service  
 15 at a religious, charitable, or fraternal organization's bake sale or  
 16 similar function;

17 (7) A private home ~~or other area where a producer of food that meets~~  
 18 ~~the requirements of section 81-2,280 is not time/temperature control for~~  
 19 ~~safety food~~ is prepared for sale directly to the consumer including, but  
 20 not limited to, at a farmers market, fair, festival, craft show, or other  
 21 public event or for pick up at or delivery from such private home; ~~or~~  
 22 ~~other area, if:~~

23 (a) ~~The consumer is informed by a clearly visible notification that~~  
 24 ~~the food was prepared in a kitchen that is not subject to regulation and~~  
 25 ~~inspection by the regulatory authority and may contain allergens. For~~  
 26 ~~sales conducted at a farmers market, fair, festival, craft show, or other~~  
 27 ~~public event, such notification shall be at the sale location. For sales~~  
 28 ~~conducted for pick up at or delivery from a private home or other area,~~  
 29 ~~such notification shall be at such private home or other area, on the~~  
 30 ~~producer's website if one exists, and in any print, radio, television, or~~  
 31 ~~Internet advertisement for such sales;~~

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

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

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

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

~~13 techniques to maintain a food-safe environment or (ii) a certified food  
 14 safety and handling training course offered at a culinary school or as  
 15 required by a county, city, or village to obtain a food handler permit;~~  
~~16 (f) The producer, if using private well water to produce food sold  
 17 under this subdivision (7), has had such well water tested for  
 18 contamination by nitrates or bacteria prior to conducting any food  
 19 production and sales; and~~  
~~20 (g) The producer complies with section 81-2,280;~~  
 21 (8) A private home or other area where food is prepared for  
 22 distribution at a fundraising event for a charitable purpose if the  
 23 consumer is informed by a clearly visible placard at the serving location  
 24 that the food was prepared in a kitchen that is not subject to regulation  
 25 and inspection by the regulatory authority. This subdivision does not  
 26 apply to a caterer or other establishment providing food for the event if  
 27 the caterer or establishment receives compensation for providing the  
 28 food;  
 29 (9) The location where food prepared by a caterer is served so long  
 30 as the caterer only minimally handles the food at the serving location;  
 31 (10) Educational institutions, health care facilities, nursing  
 1 homes, and governmental organizations which are inspected by a state  
 2 agency or a political subdivision other than the regulatory authority for  
 3 sanitation in the food preparation areas;  
 4 (11) A pharmacy as defined in section 71-425 if the pharmacy only  
 5 sells prepackaged pharmaceutical, medicinal, or health supplement foods  
 6 that are not time/temperature control for safety or foods described in  
 7 subdivision (1) of this section; and  
 8 (12) An establishment which is not a commercial food establishment  
 9 and which sells only commercially packaged foods that are not  
 10 time/temperature control for safety foods.  
 11 Sec. 3. Section 81-2,280, Revised Statutes Cumulative Supplement,  
 12 2022, is amended to read:  
 13 81-2,280 (1) A producer of food at a private home as described in  
 14 subdivision (7) of section 81-2,245.01 shall meet the requirements of  
 15 this section.  
 16 (2) Such producer shall only provide food that is not adulterated  
 17 and is not any of the following types of time/temperature control for  
 18 safety food:  
 19 (a) Any part of an animal, vertebrate or invertebrate, or animal by-  
 20 product;  
 21 (b) Fluid milk or milk products as defined in the Grade A  
 22 Pasteurized Milk Ordinance adopted by reference in the Nebraska Milk Act;  
 23 (c) Raw eggs;  
 24 (d) Unpasteurized juice;  
 25 (e) Infused oils or honey;  
 26 (f) Sprouts;  
 27 (g) Low-acid canned food and hermetically sealed acidified food;  
 28 (h) Tofu, tempeh, or similar meat substitutes; or  
 29 (i) Kimchi, kombucha, or similar fermented foods.  
 30 (3) Prior to conducting any food sales, the producer, other than a  
 31 producer selling food that is not time/temperature control for safety  
 1 food directly to the consumer at a farmers market, shall successfully  
 2 complete:  
 3 (a) A nationally accredited food safety and handling education  
 4 course that covers topics such as food safety issues, regulations, and  
 5 techniques to maintain a food-safe environment;  
 6 (b) A certified food safety and handling training course offered at  
 7 a culinary school or as required by a county, city, or village to obtain  
 8 a food handler permit; or  
 9 (c) A food safety and handling education course approved by the  
 10 department.

11 (4) The producer shall register with the department prior to  
 12 conducting any sales of food. The registration shall be made on forms  
 13 prescribed by the department and include (a) ~~(1)~~ the name, address, and  
 14 telephone number of the producer, (b) ~~(2)~~ the type of food safety and  
 15 handling education or training course taken pursuant to subsection (3) of  
 16 this section and the date of its successful completion, and (c) ~~(3)~~ proof  
 17 of private well water testing for contamination by nitrates or bacteria  
 18 if the producer uses private well water pursuant to subdivision (7)(f) of  
 19 section 81-2,245.01, if applicable. This subsection section shall not  
 20 apply to a producer of food that is not time/temperature control for  
 21 safety food selling directly to the consumer at a farmers market.  
 22 (5) The producer shall inform the consumer by a clearly visible  
 23 notification that the food was prepared in a kitchen that is not subject  
 24 to regulation and inspection by a regulatory authority and may contain  
 25 allergens. For sales conducted at a farmers market, fair, festival, craft  
 26 show, or other public event, such notification shall be provided at the  
 27 sale location. For sales conducted for pickup or delivery, such  
 28 notification shall be provided at the producer's private home, on the  
 29 producer's website, if such website exists, and in any print, radio,  
 30 television, or Internet advertisement for such sales.  
 31 (6) The producer shall label the food so that the name and address  
 1 of the producer is provided to the consumer on the package or container  
 2 label. Food that is time/temperature control for safety food shall also  
 3 have labeling that includes ingredients in descending order of  
 4 predominance.  
 5 (7)(a) The producer shall deliver the food to the customer in a  
 6 person-to-person transaction, except that food that is not  
 7 time/temperature control for safety food may be delivered by United  
 8 States mail or a commercial mail delivery service.  
 9 (b) Food that is time/temperature control for safety food shall be  
 10 delivered only by the producer to the consumer in person. Such food when  
 11 transported shall be maintained at a temperature in accordance with the  
 12 Nebraska Pure Food Act and not be transported for longer than two hours.  
 13 (8) The provisions of this section supersede and preempt any  
 14 ordinance, rule, regulation, or resolution regulating food safety and  
 15 handling adopted or enacted by a political subdivision that is not in  
 16 conformance with this section.  
 17 Sec. 4. Original section 2-3966, Reissue Revised Statutes of  
 18 Nebraska, and sections 81-2,245.01 and 81-2,280, Revised Statutes  
 19 Cumulative Supplement, 2022, are repealed.

**LEGISLATIVE BILL 442.** Placed on General File with amendment.

[AM372](#)

1 1. On page 2, lines 7 through 9, strike the new matter and insert  
 2 "The State Treasurer shall transfer two million dollars from the General  
 3 Fund to the Livestock Growth Act Cash Fund on July 31, 2023, or as soon  
 4 thereafter as administratively possible."

(Signed) Steve Halloran, Chairperson

Judiciary

**LEGISLATIVE BILL 30.** Placed on General File.

**LEGISLATIVE BILL 59.** Placed on General File.

**LEGISLATIVE BILL 260.** Placed on General File.

**LEGISLATIVE BILL 436.** Placed on General File.

**LEGISLATIVE BILL 27.** Placed on General File with amendment.**AM174**

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 29-2315.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 29-2315.02 If the application ~~is be granted in cases where the court~~  
6 ~~finds a defendant to be indigent, the trial court shall first contact the~~  
7 ~~public defender or, in counties not having a public defender, an attorney~~  
8 ~~licensed to practice law in this state, to inquire whether or not the~~  
9 ~~public defender or attorney is able to accept the appointment appoint-a~~  
10 ~~lawyer to argue the case against the prosecuting attorney. If the public~~  
11 ~~defender or the attorney declines the appointment because of a conflict~~  
12 ~~of interest or is unable to accept the appointment, the court shall~~  
13 ~~appoint another attorney. An attorney other than the public defender~~  
14 ~~appointed under this section shall file an application for fees and~~  
15 ~~expenses in the court which appointed such attorney for all fees and~~  
16 ~~expenses reasonably necessary to permit such attorney to effectively and~~  
17 ~~competently represent the defendant and to argue the case against the~~  
18 ~~prosecuting attorney. Such fees and expenses shall , which lawyer shall~~  
19 ~~receive for his services a fee not exceeding two hundred dollars, to be~~  
20 ~~fixed by such court, and to be paid out of the treasury of the county in~~  
21 ~~the full amount determined by the court. If the court does not find a~~  
22 ~~defendant indigent and does not appoint the public defender or another~~  
23 ~~attorney, the defendant may be represented by an attorney of the~~  
24 ~~defendant's choice . For such purpose, the court may appoint the~~  
25 ~~defendant's attorney, but if he is not appointed the defendant may in any~~  
26 ~~event appear and participate through an attorney of his own choice.~~  
27 Sec. 2. Section 29-2318, Reissue Revised Statutes of Nebraska, is  
1 amended to read:  
2 29-2318 When a notice is filed in cases where the court finds a  
3 defendant to be indigent, the trial court shall first contact the public  
4 defender or, in counties not having a public defender, an attorney  
5 licensed to practice law in this state, to inquire whether or not the  
6 public defender or attorney is able to accept the appointment appoint-a  
7 lawyer to argue the case against the prosecuting attorney. If the public  
8 defender or the attorney declines the appointment because of a conflict  
9 of interest or is unable to accept the appointment, the court shall  
10 appoint another attorney. An attorney other than the public defender  
11 appointed under this section shall file an application for fees and  
12 expenses in the court which appointed such attorney for all fees and  
13 expenses reasonably necessary to permit such attorney to effectively and  
14 competently represent the defendant and to argue the case against the  
15 prosecuting attorney. Such fees and expenses shall , which lawyer shall  
16 receive for his or her services a fee not exceeding two hundred dollars  
17 to be fixed by the court and to be paid out of the treasury of the county  
18 in the full amount determined by the court. If the court does not find a  
19 defendant indigent and does not appoint the public defender or another  
20 The court may appoint the defendant's attorney, but if an attorney, is  
21 not appointed the defendant may be represented by an attorney of the  
22 defendant's his or her choice.  
23 Sec. 3. Original sections 29-2315.02 and 29-2318, Reissue Revised  
24 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 314.** Placed on General File with amendment.**AM68**

1 1. Strike original section 1 and insert the following new section:  
2 Section 1. Section 69-2426, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923  
5 Dealers of firearms shall distribute to all firearm purchasers;  
6 (a) Information information developed by the Department of Health  
7 and Human Services regarding the dangers of leaving loaded firearms  
8 unattended around children; and -  
9 (b) Information on suicide prevention, including materials that  
10 provide evidence-based information aligned with best practices in suicide  
11 prevention. Such materials shall include information on the 988 Suicide  
12 and Crisis Lifeline or other similar resources. The Nebraska State Patrol  
13 shall maintain and publish a list of materials that may be used to comply  
14 with this subdivision.  
15 (2) There is hereby created the Firearm Information Fund. Private  
16 contributions shall be credited by the State Treasurer to such fund for  
17 the implementation of the provisions of this section.

(Signed) Justin Wayne, Chairperson

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 42. Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Rita Stinner at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Rita dedicated her professional endeavors to improving the quality of life for the residents of Nebraska, to the arts, and to music education after earning both Bachelor of Music in Education and Master of Music degrees from the University of Nebraska-Lincoln; and

WHEREAS, Rita was a Director of Choral Music for Lincoln Public Schools for seventeen years before moving to western Nebraska and becoming the Director of Choral Activities and Music Program Director at Western Nebraska Community College in 1997, for which she received many awards, including the Award for Teaching Excellence from Phi Theta Kappa, the Governor's Award for Excellence in Arts Education from the Nebraska Arts Council, and induction into the Nebraska Music Educators Hall of Fame; and

WHEREAS, Rita's many accomplishments include reorganizing The Valley Voices Community Chorus in 1990 and founding The Valley Eight, both of which performed live on Nebraska Public Radio's Big Band Spotlight, NPR Friday Live, Oregon Trail Days, the Willow Tree Festival, and the Valley Voices at Carnegie Hall, and expanding the Western Nebraska Community College choral program, which performed at two Nebraska Governor's Inaugurations, on NPR Live from the Mill, and semiannually at Carnegie Hall; and

WHEREAS, Rita's many accomplishments culminated while celebrating her retirement in an extraordinary opportunity to perform in the opera Medea in a month-long engagement with Western Nebraska Community College students in the Festival of the Aegean on the island of Syros, Greece; and

WHEREAS, Rita is currently President of the Nebraska Cultural Endowment and serves on the Hixson-Lied College of Fine and Performing



Arts Advisory Board and University of Nebraska-Lincoln Friends of Opera, she also previously served with distinction as the North Central Chairperson of the American Choral Directors for Repertoire and Standards in Two Year College Choirs, and served on the boards of both the Nebraska Music Educators and Nebraska Choral Directors; and

WHEREAS, Rita was honored as the Scottsbluff Star-Herald Citizen of the Year and was the recipient of the Association of Fundraising Professionals Outstanding Philanthropist Award, and accepted the Scottsbluff/Gering United Chamber of Commerce Trailblazer Award for her exceptional work related to economic development, tourism, public relations, marketing, and philanthropy, while continuing a solo singing career.

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

1. That the Legislature congratulates Rita Stinner as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.
2. That a copy of this resolution be sent to Rita Stinner.

Laid over.

**LEGISLATIVE RESOLUTION 43.** Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to former Nebraska State Senator John Stinner at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Senator Stinner was recruited by then Coach Bob Devaney to come from his hometown of Pittsburgh, Pennsylvania, to accept a football scholarship at the University of Nebraska-Lincoln, playing on the 1970 and 1971 Husker National Championship teams, earned a Bachelor of Science Degree in Business Administration and later a Master of Arts Degree in Economics at the University of Nebraska-Lincoln, and became a certified public accountant employed by Peat Marwick and Mitchell which is now KPMG; and

WHEREAS, Senator Stinner transitioned from public accounting to a distinguished banking career, initially working with First Commerce Group of Lincoln, a bank holding company, and then running troubled banks during the agricultural crisis of 1981 to 1985, culminating in fulfilling his lifelong ambition of bank ownership in 1988 when he organized a group of investors to establish Gering State Bank, which later became known as Valley Bank and Trust and then Western States Bank until its merger with First National Bank of Omaha; and

WHEREAS, during Senator Stinner's tenure, the bank received numerous awards from the Small Business Administration for business development and supporting women and minority business owners, including being

named One of the 100 Most Business-Friendly Banks in the United States; and

WHEREAS, Senator Stinner worked tirelessly on behalf of his community and state, serving as a member of the Gering School Board for ten years and on twenty-two other boards and numerous associations throughout his career, and was selected as Chair of the Board of Directors of the Nebraska Bankers Association in 2013; and

WHEREAS, Senator Stinner was elected to the Legislature in 2014, representing District 48 in Western Nebraska for two terms and served as Chairperson of the Appropriations Committee of the Legislature for six of his eight years in the Legislature; and

WHEREAS, Senator Stinner served District 48 with distinction, successfully leading and advocating for passage of numerous initiatives to overcome challenges facing Nebraska, including solving the state's budget deficit when he first took office, addressing the University of Nebraska's longstanding deferred maintenance issues, enacting land bank legislation to assist communities with dilapidated buildings, as well as increasing needed funding for early childhood development, mental health services, nursing home reimbursements, provider rates, the arts, and many other critically important programs serving Nebraskans.

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

1. That the Legislature congratulates former Nebraska State Senator John Stinner as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to former Nebraska State Senator John Stinner.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to former United States Secretary of Defense Chuck Hagel at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Secretary Hagel served two terms as a United States Senator representing the State of Nebraska with distinction from 1997 to 2009 before being appointed the twenty-fourth United States Secretary of Defense from February 2013 to February 2015, and during his tenure as Secretary of Defense directed significant steps to modernize our country's partnerships and alliances, bolstered support for European allies, and enhanced defense cooperation in the Middle East while overseeing America's combat mission in Afghanistan; and

WHEREAS, Secretary Hagel was the first enlisted combat veteran and Vietnam veteran to serve as Secretary of Defense, leading major initiatives to assist service members and their families, including increasing resources

for suicide prevention, combating sexual assault, and accounting for missing personnel while improving partnerships with the United States Department of Veterans Affairs to provide for health record interoperability, service treatment record transferability, and continuity of mental health services and support; and

WHEREAS, Secretary Hagel also served as a Distinguished Professor at Georgetown University and served on many high-profile boards and civic organizations, including serving as Co-Chairperson of the President's Intelligence Advisory Board, Chairperson of the Atlantic Council, Chairperson of the United States of America Vietnam War Commemoration Advisory Committee, Co-Chairperson of the Vietnam Veterans Memorial Fund Corporate Council, and serving as a member of the Secretary of Defense's Policy Board, Secretary of Energy's Blue Ribbon Commission on America's Nuclear Future, Georgetown's Institute for the Study of Diplomacy, United States Global Leadership Coalition, United States Institute of Peace Middle East Senior Working Group, Bread for the World, and Lung Cancer Alliance; and

WHEREAS, prior to being elected to the United States Senate, Secretary Hagel graduated from the University of Nebraska at Omaha, was President of McCarthy & Company and co-founded VANGUARD Cellular Systems, Inc., served as President and chief executive officer of the World USO, became the chief operating officer of the 1990 Economic Summit of Industrialized Nations, served as Deputy Administrator of the Veterans Administration under President Ronald Reagan, and also was deputy commissioner general of the United States of the 1982 World's Fair; and

WHEREAS, Secretary Hagel is a fourth-generation Nebraskan, who has received numerous prestigious awards, including two Purple Hearts, and authored the book, "America: Our Next Chapter" while dedicating his private, public, and volunteer career to make the world better by empowering people and organizations to succeed.

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

1. That the Legislature congratulates former United States Secretary of Defense Chuck Hagel as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for his service to the State of Nebraska.

2. That a copy of this resolution be sent to former United States Secretary of Defense Chuck Hagel.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Arch, 14.

WHEREAS, on March 4, 2023, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award, recognizing Nebraskans who have distinguished themselves and the state, to Dr. Maryanne Stevens at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, Dr. Stevens joined the Sisters of Mercy in 1966 after graduating from Mercy High School in Omaha and earning a bachelor's degree in math and sociology from Misericordia University in Dallas, Pennsylvania, a master's degree in theology from St. Louis University, and a Ph.D. in religion and education from Boston College; and

WHEREAS, Dr. Stevens served as the Creighton University Theology Program Chair before she decided to leave the classroom in 1996 and pursue a mission of higher education opportunities for women by accepting the position of President of the College of Saint Mary in Omaha; and

WHEREAS, due to the dynamic leadership and guidance of Dr. Stevens, the College of Saint Mary transformed from a struggling, debt-ridden institution into the thriving, financially sound university it is today offering several innovative programs, including a residence hall allowing college-age single mothers to live with their children on campus, scholarships for low-income women majoring in math or science, graduate programs in education, physician assistant studies, occupational therapy, kinesiology, organizational leadership training, a unique doctoral program in physical therapy, and the Latina and African-American Summer Academies for high school girls; and

WHEREAS, Dr. Stevens has a passion for the education and advancement of women as evidenced by her exceptional leadership of numerous capital campaigns and scholarship initiatives, including the recently completed forty million dollar "Striding Forward Campaign" at the College of St. Mary, allowing for growth in the endowment, new scholarships, and the building of an addition to its fitness center; and

WHEREAS, Dr. Stevens made affordability and transparency a high priority by rolling all student fees into the tuition rate so students know and better understand the cost of attending the College of Saint Mary and slashing undergraduate tuition rates to enable students to borrow less and have more affordable access to higher education; and

WHEREAS, Dr. Stevens will retire in May 2023 after twenty-five years of distinguished service as the longest-serving President of the College of Saint Mary in Omaha; and

WHEREAS, Dr. Stevens serves on several local, state, and national boards, including the Council of Independent Nebraska Colleges, Greater Omaha Chamber of Commerce, Nebraska Educational Finance Authority, Council of Independent Nebraska Colleges Foundation, the Tri-Faith Initiative, and the Association of Catholic Colleges and Universities; and

WHEREAS, Dr. Stevens has been honored by a multitude of organizations for her leadership and dedication to the education of women, including The Women's Fund of Greater Omaha, the Aksarben Foundation, the League of Women Voters, Girls Inc., Essential Pregnancy Services, Women's Center for Advancement, Mercy High School, Roncalli High School, the Greater Omaha Chamber of Commerce, and the Council for Advancement and Support of Education.

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

1. That the Legislature congratulates Dr. Maryanne Stevens as a recipient of the Distinguished NEBRASKAlander Award and extends its appreciation for her service to the State of Nebraska.
2. That a copy of this resolution be sent to Dr. Maryanne Stevens.

Laid over.

**LEGISLATIVE RESOLUTION 46.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the Division of Aeronautics of the Department of Transportation presented the 2022 Airport of the Year award, which recognizes Nebraska airports that have demonstrated benefits to aviation and involvement in the community, to Thomas County Airport in Thedford, Nebraska; and

WHEREAS, in October of 2022, over 18,000 acres in and near the Nebraska National Forest succumbed to the Bovee Fire; and

WHEREAS, Thomas County Airport served as a base for firefighters who used the airport and all amenities, services, and assistance available during the Bovee Fire disaster; and

WHEREAS, Thomas County Airport boasts many services to pilots and passengers, modern updates to the facility, and authority members ready to serve and assist.

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

1. That the Legislature congratulates Thomas County Airport on being named the Division of Aeronautics of the Department of Transportation 2022 Airport of the Year.
2. That copies of this resolution be sent to Thomas County Airport and to each member of the Thomas County Airport Authority, which includes Jack Johnson, Roy Licking, Ron Masten, Herb Hall, and Tim Maseberg.

Laid over.

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

Senator Fredrickson filed the following amendment to [LB179](#):

[AM145](#)

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

3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the  
6 following practice acts shall be known and may be cited as the Uniform  
7 Credentialing Act:

- 8 (1) The Advanced Practice Registered Nurse Practice Act;
- 9 (2) The Alcohol and Drug Counseling Practice Act;
- 10 (3) The Athletic Training Practice Act;
- 11 (4) The Audiology and Speech-Language Pathology Practice Act;
- 12 (5) The Certified Nurse Midwifery Practice Act;
- 13 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
17 Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Dialysis Patient Care Technician Registration Act;
- 20 (12) The Emergency Medical Services Practice Act;
- 21 (13) The Environmental Health Specialists Practice Act;
- 22 (14) The Funeral Directing and Embalming Practice Act;
- 23 (15) The Genetic Counseling Practice Act;
- 24 (16) The Hearing Instrument Specialists Practice Act;
- 25 (17) The Licensed Practical Nurse-Certified Practice Act until  
26 November 1, 2017;
- 27 (18) The Massage Therapy Practice Act;
- 1 (19) The Medical Nutrition Therapy Practice Act;
- 2 (20) The Medical Radiography Practice Act;
- 3 (21) The Medicine and Surgery Practice Act;
- 4 (22) The Mental Health Practice Act;
- 5 (23) The Nurse Practice Act;
- 6 (24) The Nurse Practitioner Practice Act;
- 7 (25) The Nursing Home Administrator Practice Act;
- 8 (26) The Occupational Therapy Practice Act;
- 9 (27) The Optometry Practice Act;
- 10 (28) The Perfusion Practice Act;
- 11 (29) The Pharmacy Practice Act;
- 12 (30) The Physical Therapy Practice Act;
- 13 (31) The Podiatry Practice Act;
- 14 (32) The Psychology Practice Act;
- 15 (33) The Respiratory Care Practice Act;
- 16 (34) The Surgical First Assistant Practice Act; and
- 17 (35) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to  
19 38-1,147 and section 3 of this act and any provision of a practice act,  
20 the provision of the practice act shall prevail except as otherwise  
21 specifically provided in section 38-129.02.

22 Sec. 2. Section 38-178, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 38-178 Except as otherwise provided in sections 38-1,119 to  
25 38-1,123, a credential to practice a profession may be denied, refused  
26 renewal, or have other disciplinary measures taken against it in  
27 accordance with section 38-185 or 38-186 on any of the following grounds:

- 28 (1) Misrepresentation of material facts in procuring or attempting  
29 to procure a credential;
- 30 (2) Immoral or dishonorable conduct evidencing unfitness to practice  
31 the profession in this state;
- 1 (3) Abuse of, dependence on, or active addiction to alcohol, any  
2 controlled substance, or any mind-altering substance;
- 3 (4) Failure to comply with a treatment program or an aftercare  
4 program, including, but not limited to, a program entered into under the

5 Licensee Assistance Program established pursuant to section 38-175;  
 6 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or  
 7 federal law, or (b) a crime in any jurisdiction which, if committed  
 8 within this state, would have constituted a misdemeanor or felony under  
 9 Nebraska law and which has a rational connection with the fitness or  
 10 capacity of the applicant or credential holder to practice the  
 11 profession;  
 12 (6) Practice of the profession (a) fraudulently, (b) beyond its  
 13 authorized scope, (c) with gross incompetence or gross negligence, or (d)  
 14 in a pattern of incompetent or negligent conduct;  
 15 (7) Practice of the profession while the ability to practice is  
 16 impaired by alcohol, controlled substances, drugs, mind-altering  
 17 substances, physical disability, mental disability, or emotional  
 18 disability;  
 19 (8) Physical or mental incapacity to practice the profession as  
 20 evidenced by a legal judgment or a determination by other lawful means;  
 21 (9) Illness, deterioration, or disability that impairs the ability  
 22 to practice the profession;  
 23 (10) Permitting, aiding, or abetting the practice of a profession or  
 24 the performance of activities requiring a credential by a person not  
 25 credentialed to do so;  
 26 (11) Performing or offering to perform scleral tattooing as defined  
 27 in section 38-10,172 by a person not credentialed to do so;  
 28 (12) Having had his or her credential denied, refused renewal,  
 29 limited, suspended, revoked, or disciplined in any manner similar to  
 30 section 38-196 by another state or jurisdiction based upon acts by the  
 31 applicant or credential holder similar to acts described in this section;  
 1 (13) Use of untruthful, deceptive, or misleading statements in  
 2 advertisements, including failure to comply with section 38-124;  
 3 (14) Conviction of fraudulent or misleading advertising or  
 4 conviction of a violation of the Uniform Deceptive Trade Practices Act;  
 5 (15) Distribution of intoxicating liquors, controlled substances, or  
 6 drugs for any other than lawful purposes;  
 7 (16) Violations of the Uniform Credentialing Act or the rules and  
 8 regulations relating to the particular profession;  
 9 (17) Unlawful invasion of the field of practice of any profession  
 10 regulated by the Uniform Credentialing Act which the credential holder is  
 11 not credentialed to practice;  
 12 (18) Violation of the Uniform Controlled Substances Act or any rules  
 13 and regulations adopted pursuant to the act;  
 14 (19) Failure to file a report required by section 38-1,124,  
 15 38-1,125, or 71-552;  
 16 (20) Failure to maintain the requirements necessary to obtain a  
 17 credential;  
 18 (21) Violation of an order issued by the department;  
 19 (22) Violation of an assurance of compliance entered into under  
 20 section 38-1,108;  
 21 (23) Failure to pay an administrative penalty;  
 22 (24) Unprofessional conduct as defined in section 38-179;  
 23 (25) Violation of the Automated Medication Systems Act; ~~or~~  
 24 (26) Failure to comply with section 38-1,147; ~~or~~ -  
 25 ~~(27) Providing conversion therapy, gender identity conversion~~  
 26 ~~therapy, or sexual orientation conversion therapy in violation of section~~  
 27 ~~3 of this act.~~  
 28 Sec. 3. (1) Except as provided in subsection (3) of this section, a  
 29 person holding a credential under the Medicine and Surgery Practice Act,  
 30 the Mental Health Practice Act, the Nurse Practice Act, the Pharmacy  
 31 Practice Act, or the Psychology Practice Act shall not provide conversion  
 1 therapy, gender identity conversion therapy, or sexual orientation  
 2 conversion therapy to any individual under nineteen years of age.

3 (2) A violation of subsection (1) of this section shall constitute a  
4 deceptive trade practice under the Uniform Deceptive Trade Practices Act  
5 and shall be subject to any remedies or penalties available for a  
6 violation of such act.

7 (3) This section does not apply to a practice or treatment conducted  
8 by a clergy member or religious counselor who is acting in a pastoral or  
9 religious capacity and not in the capacity of a health care professional.

10 (4) For purposes of this section:

11 (a)(i) Conversion therapy means a practice that seeks to change an  
12 individual's sexual orientation or gender identity; and

13 (ii) Conversion therapy does not mean a practice that does not seek  
14 to change an individual's sexual orientation or gender identity and that:

15 (A) Is neutral with respect to sexual orientation and gender  
16 identity;

17 (B) Provides assistance to a patient or client undergoing gender  
18 transition;

19 (C) Provides acceptance, support, and understanding to a patient or  
20 client;

21 (D) Facilitates a patient's or client's ability to cope, develop  
22 social support, and explore or understand the patient or client; or

23 (E) Addresses unlawful or unsafe sexual activities in a manner that  
24 is neutral with respect to sexual orientation and gender identity;

25 (b) Gender identity conversion therapy means any psychotherapy,  
26 counseling, or treatment, the goal of which is to alter the gender-  
27 related identity of an individual so that such individual's gender  
28 identity, appearance, expression, or behavior is eliminated, reduced, or  
29 redirected to the individual's assigned sex at birth; and

30 (c) Sexual orientation conversion therapy means any psychotherapy,  
31 counseling, or treatment, the goal of which is to alter the sexual or  
1 romantic attraction, desire, or behavior of an individual toward other  
2 individuals of the same sex so that the attraction and behavior of such  
3 individual is eliminated, reduced, or redirected toward individuals of  
4 the opposite sex.

5 (5) No state funds or funds belonging to a political subdivision of  
6 this state shall be expended for the purpose of:

7 (a) Conducting conversion therapy, gender identity conversion  
8 therapy, or sexual orientation conversion therapy;

9 (b) Referring a person for conversion therapy, gender identity  
10 conversion therapy, or sexual orientation conversion therapy; or

11 (c) Providing health benefits coverage for conversion therapy,  
12 gender identity conversion therapy, or sexual orientation conversion  
13 therapy.

14 Sec. 4. Section 38-2894, Revised Statutes Cumulative Supplement,  
15 2022, is amended to read:

16 38-2894 (1) A registration to practice as a pharmacy technician may  
17 be denied, refused renewal, removed, or suspended or have other  
18 disciplinary measures taken against it by the department, with the  
19 recommendation of the board, for failure to meet the requirements of or  
20 for violation of any of the provisions of subdivisions (1) through (18)  
21 and (20) through (27) (26) of section 38-178 and sections 38-2890 to  
22 38-2897 or the rules and regulations adopted under such sections.

23 (2) If the department proposes to deny, refuse renewal of, or remove  
24 or suspend a registration, it shall send the applicant or registrant a  
25 notice setting forth the action to be taken and the reasons for the  
26 determination. The denial, refusal to renew, removal, or suspension shall  
27 become final thirty days after mailing the notice unless the applicant or  
28 registrant gives written notice to the department of his or her desire  
29 for an informal conference or for a formal hearing.

30 (3) Notice may be served by any method specified in section  
31 25-505.01, or the department may permit substitute or constructive



1 service as provided in section 25-517.02 when service cannot be made with  
2 reasonable diligence by any of the methods specified in section  
3 25-505.01.  
4 (4) Pharmacy technicians may participate in the Licensee Assistance  
5 Program described in section 38-175.  
6 Sec. 5. Original sections 38-101, 38-178, and 38-2894, Revised  
7 Statutes Cumulative Supplement, 2022, are repealed.

Senator Fredrickson filed the following amendment to [LB315](#):  
[AM490](#)

1 1. On page 2, line 12, after the semicolon insert "or"; and after  
2 line 17, insert the following new subsections:  
3 "(3) If a collection agency or an attorney is referred a debt for a  
4 bill described in subsection (1) of this section, then upon notice of the  
5 applicability of this section, the collection agency or attorney shall  
6 return the debt to the referring health care provider, emergency medical  
7 services provider, laboratory, or pharmacy.  
8 (4) No private cause of action shall exist under this section  
9 against a debt collector."

Senator Fredrickson filed the following amendment to [LB626](#):  
[AM431](#)

1 1. On page 2, line 24, strike "(3)(a)" and insert "(3)"; in line 29  
2 strike the period and insert an underscored semicolon; and strike lines  
3 30 and 31.  
4 2. On page 3, strike lines 1 and 2.

### ANNOUNCEMENT

Priority designation received:

Halloran - LB195

### NOTICE OF COMMITTEE HEARING

Judiciary  
Room 1113 1:30 PM

Wednesday, March 1, 2023

LB480  
LB331  
LB169  
LB316  
LR26CA

(Signed) Justin Wayne, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 247.** Title read. Considered.

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

**LEGISLATIVE BILL 298.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 299.** Title read. Considered.

**SPEAKER ARCH PRESIDING**

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 146.** Title read. Considered.

Senator M. Cavanaugh offered the following motion:

[MO34](#)

Bracket until February 24, 2023.

The M. Cavanaugh motion to bracket failed with 5 ayes, 27 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**AMENDMENT - Print in Journal**

Senator McKinney filed the following amendment to [LB530](#):

[AM494](#)

1 1. On page 7, after line 28, insert the following new subdivision:

2 "(b) No person shall qualify for election or hold office as

3 executive director of a housing agency established by a city of the

4 metropolitan class unless such person resides in the county containing

5 such city."; and in line 29 strike "(b)" and insert "(c)".

**MOTION - Print in Journal**

Senator M. Cavanaugh filed the following motion to [LB147](#):

[MO35](#)

Bracket until February 24, 2023.

**UNANIMOUS CONSENT - Add Cointroducers**

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

Senator Blood name added to LB140.

Senator Sanders name added to LB274.

Senator DeBoer name added to LB298.

Senator Briese name added to LB562.

Senator Aguilar name added to LR39.

Senator Raybould name added to LR40.

**VISITORS**

Visitors to the Chamber were students and a teacher from Kimball High School; Nebraska Early Childhood Collaborative Parent Ambassadors; Leadership York; members of the Community College Association; Laura Laughlin, Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Holdcroft, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 2023.

Brandon Metzler  
Clerk of the Legislature

