

**THIRTY-FIFTH DAY - FEBRUARY 28, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 28, 2023

**PRAYER**

The prayer was offered by Senator von Gillern.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brandt.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**MESSAGE FROM THE SECRETARY OF STATE**

February 27, 2023

Brandon Metzler  
Clerk of the Legislature  
State Capitol, Room 2028

Dear Clerk Metzler:

On Saturday, February 11, 2023 I selected Janet Chung to replace Ann Ashford on the Nebraska Accountability and Disclosure Commission. She was appointed to an unexpired term ending June 30, 2027.

Kind Regards,  
(Signed) Robert B. Evnen  
Nebraska Secretary of State

**NOTICE OF COMMITTEE HEARINGS**

Education  
Room 1525 1:30 PM

Tuesday, March 7, 2023

LB632  
LB340  
LB690  
LR24CA  
LR28CA  
LR29CA

(Signed) Dave Murman, Chairperson

Government, Military and Veterans Affairs  
Room 1507 1:30 PM

Wednesday, March 8, 2023

LB770  
LR3CA

Room 1507 1:30 PM

Thursday, March 9, 2023

LB624  
LB474

(Signed) Tom Brewer, Chairperson

**AMENDMENT - Print in Journal**

Senator von Gillern filed the following amendment to LB489:

**AM236**

1 1. On page 13, line 1, strike the semicolon and insert an  
2 underscored period; and after line 1 insert the following new  
3 subdivision:  
4 "(iii) Subdivision (6)(w) of this section shall not apply to  
5 services performed by a marketplace network contractor:  
6 (A) For any employer described in subdivision (4)(a) or (4)(b) of  
7 this section or in section 48-603.01; or  
8 (B) If with respect to such services a tax is required to be paid  
9 under any federal law imposing a tax against which credit may be taken  
10 for contributions required to be paid into a state unemployment  
11 compensation fund or which as a condition for full tax credit against the  
12 tax imposed by the Federal Unemployment Tax Act, as amended, is required  
13 to be covered under the Employment Security Law;".

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 39 and 40 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 39 and 40.

**GENERAL FILE**

**LEGISLATIVE BILL 376.** Title read. Considered.

Committee [AM336](#), found on page 510, was offered.

Senator M. Cavanaugh requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

[AM611](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,  
 4 2022, is amended to read:  
 5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act  
 6 shall be known and may be cited as the Nebraska Liquor Control Act.  
 7 Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:  
 9 53-103 For purposes of the Nebraska Liquor Control Act, the  
 10 definitions found in sections 53-103.01 to 53-103.49 and sections 3 and 4  
 11 of this act apply.  
 12 Sec. 4. (1) Primary source of supply in the United States means:  
 13 (a) The manufacturer, producer, or owner of any alcoholic liquor at  
 14 the time it becomes a marketable product in the United States;  
 15 (b) The bottler of any alcoholic liquor in the United States;  
 16 (c) The exclusive agent within the United States or any of the  
 17 states of any manufacturer, producer, owner, or bottler of any alcoholic  
 18 liquor outside the United States; or  
 19 (d) A licensed Nebraska craft brewery, farm winery, microdistillery,  
 20 or manufacturer.  
 21 (2) To be the primary source of supply in the United States, the  
 22 licensee causing such alcoholic liquor to be imported into Nebraska must  
 23 be the first source, such as the manufacturer or the source closest to  
 24 the manufacturer, in the channel of commerce from which the product can  
 25 be secured by Nebraska licensed wholesalers.  
 26 Sec. 5. (1)(a) Beginning July 1, 2024, prior to the sale or  
 27 shipment of any alcoholic liquor into the State of Nebraska, each  
 1 licensed manufacturer, licensed wholesaler, or holder of a shipping  
 2 license shall submit to the commission, along with any applicable fee set  
 3 by the commission not to exceed thirty dollars, a report on a form  
 4 prescribed and furnished by the commission, which shall include:  
 5 (i) The licensee's name and license number;  
 6 (ii) The designated Nebraska licensed wholesaler for such product,  
 7 if applicable;  
 8 (iii) The name of the primary source of supply in the United States;  
 9 (iv) The products to be imported, including the brand name, class or  
 10 type of product, and fanciful name if applicable;

11 (v) Evidence of compliance with federal label requirements pursuant  
 12 to the Federal Alcohol Administration Act 27 U.S.C. chapter 8, and rules  
 13 and regulations adopted pursuant to such act, as such act and regulations  
 14 existed on January 1, 2023, or a sample of the actual label if federal  
 15 approval is not required; and  
 16 (vi) Any other information the commission may require related to  
 17 such sale or shipment.  
 18 (b) If the licensed manufacturer, licensed wholesaler, or holder of  
 19 a shipping license is not the product manufacturer, such licensee shall  
 20 also include with such form a separate letter from the product  
 21 manufacturer designating such licensee as the primary source of supply in  
 22 the United States or the sole source of supply in Nebraska. A separate  
 23 letter is required for each primary source.  
 24 (2) If the primary source of supply in the United States for such  
 25 alcoholic liquor changes, the new licensed manufacturer, licensed  
 26 wholesaler, or holder of a shipping license importing such alcoholic  
 27 liquor shall submit the information required pursuant to subsection (1)  
 28 of this section at least thirty days prior to the shipment of such  
 29 alcoholic liquor into this state. The licensed manufacturer, licensed  
 30 wholesaler, or holder of a shipping license shall also remit to the  
 31 commission any applicable fee set by the commission not to exceed thirty  
 1 dollars.  
 2 (3) Nothing in this section shall restrict or prohibit the  
 3 importation of alcoholic liquor to a Nebraska licensed wholesaler from an  
 4 affiliated wholesaler if (a) the report required by this section has  
 5 previously been submitted for the alcoholic liquor product being  
 6 imported, (b) the report designates the Nebraska licensed wholesaler for  
 7 such product, and (c) the product was obtained by the affiliated  
 8 wholesaler from the same primary source of supply identified on the  
 9 report.  
 10 (4) The commission shall remit any fees collected pursuant to this  
 11 section to the State Treasurer for credit to the Nebraska Liquor Control  
 12 Commission Rule and Regulation Cash Fund.  
 13 (5) The commission may adopt and promulgate rules and regulations to  
 14 carry out this section.  
 15 Sec. 8. Section 53-117.06, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:  
 17 53-117.06 Any money collected by the commission pursuant to section  
 18 53-117.05 or 53-167.02 or section 5 of this act shall be credited to the  
 19 Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which  
 20 fund is hereby created. The purpose of the fund shall be to cover any  
 21 administrative costs, including salary and benefits, incurred by the  
 22 commission in producing or distributing the material referred to in such  
 23 sections and to defray the costs associated with electronic regulatory  
 24 transactions, industry education events, enforcement training, and  
 25 equipment for regulatory work. Transfers may be made from the fund to the  
 26 General Fund at the direction of the Legislature. Any money in the  
 27 Nebraska Liquor Control Commission Rule and Regulation Cash Fund  
 28 available for investment shall be invested by the state investment  
 29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 30 State Funds Investment Act.  
 31 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
 1 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
 2 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The second committee amendment is as follows:

[AM612](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 9. Section 53-123.11, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 53-123.11 (1) A farm winery license shall entitle the holder to:

6 (a) Sell wines produced at the farm winery onsite at wholesale and  
7 retail and to sell wines produced at the farm winery at off-premises  
8 sites holding the appropriate retail license;

9 (b) Sell wines produced at the farm winery at retail for consumption  
10 on the premises as designated pursuant to section 53-123.12;

11 (c) Permit a customer to remove one unsealed bottle of wine for  
12 consumption off the premises. The licensee or his or her agent shall (i)  
13 securely reseal such bottle and place the bottle in a bag designed so  
14 that it is visibly apparent that the resealed bottle of wine has not been  
15 opened or tampered with and (ii) provide a dated receipt to the customer  
16 and attach to such bag a copy of the dated receipt for the resealed  
17 bottle of wine. If the resealed bottle of wine is transported in a motor  
18 vehicle, it must be placed in the trunk of the motor vehicle or the area  
19 behind the last upright seat of such motor vehicle if the area is not  
20 normally occupied by the driver or a passenger and the motor vehicle is  
21 not equipped with a trunk;

22 (d) Ship wines produced at the farm winery by common carrier and  
23 sold at retail to recipients in and outside the State of Nebraska, if the  
24 output of such farm winery for each calendar year as reported to the  
25 commission by December 31 of each year does not exceed thirty thousand  
26 gallons. In the event such amount exceeds thirty thousand gallons, the  
27 farm winery shall be required to use a licensed wholesaler to distribute  
1 its wines for the following calendar year, except that this requirement  
2 shall not apply to wines produced and sold onsite at the farm winery  
3 pursuant to subdivision (1)(a) of this section;

4 (e) Allow sampling and sale of the wine at the farm winery and at  
5 four branch outlets in the state in reasonable amounts;

6 (f) Sell wines produced at the farm winery to other Nebraska farm  
7 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance  
8 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such  
9 regulations existed on January 1, 2008;

10 (g) Purchase distilled spirits from licensed microdistilleries in  
11 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm  
12 winery wine to be used in the production of fortified wine at the  
13 purchasing licensed farm winery;

14 (h) Store and warehouse products produced at the farm winery in a  
15 designated, secure, offsite storage facility if the holder of the farm  
16 winery license notifies the commission of the location of the facility  
17 and maintains, at the farm winery and at the facility, a separate  
18 perpetual inventory of the product stored at the facility. Consumption of  
19 alcoholic liquor at the facility is strictly prohibited; and

20 (i) Sell alcoholic liquor authorized under a farm winery license not  
21 in its original package, such as sangria or wine slushies, to a person  
22 twenty-one years of age or older for consumption off the premises if (i)  
23 the alcoholic liquor is (A) not partially consumed and (B) in a labeled  
24 and sealed container with a tamper-evident lid, cap, or seal, as approved  
25 by the commission, and (ii) for alcoholic liquor transported in a motor  
26 vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle  
27 or the area behind the last upright seat of such motor vehicle if the  
28 area is not normally occupied by the driver or a passenger and the motor  
29 vehicle is not equipped with a trunk. A farm winery which sells alcoholic  
30 liquor authorized under a farm winery license not in its original package  
31 for consumption off the premises shall provide notice to the commission  
1 during a farm winery licensee's initial licensure or at the time of the  
2 annual renewal of such license regarding such sales.

3 (2) No farm winery shall manufacture wine in excess of fifty  
4 thousand gallons per year.

5 (3) A farm winery may manufacture and sell hard cider on its

6 licensed premises. A farm winery shall not otherwise distribute the hard  
 7 cider it manufactures except by sale to a wholesaler licensed under the  
 8 Nebraska Liquor Control Act.  
 9 (4) A holder of a farm winery license may sell beer or other  
 10 alcoholic liquor not produced by the farm winery at retail for  
 11 consumption on the premises if the holder is also issued the appropriate  
 12 retail license for such sales at such location.  
 13 ~~(5)~~ (4) A holder of a farm winery license may obtain a special  
 14 designated license pursuant to section 53-124.11.  
 15 ~~(6)~~ (5) A holder of a farm winery license may obtain an annual  
 16 catering license pursuant to section 53-124.12.  
 17 ~~(7)~~ (6) A holder of a farm winery license may obtain a promotional  
 18 farmers market special designated license pursuant to section 53-124.16.  
 19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
 20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
 21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The third committee amendment is as follows:

[AM613](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Sec. 10. Section 53-124.11, Revised Statutes Cumulative Supplement,  
 4 2022, is amended to read:  
 5 53-124.11 (1) The commission may issue a special designated license  
 6 for sale or consumption of alcoholic liquor at a designated location to a  
 7 retail licensee, a craft brewery licensee, a microdistillery licensee, a  
 8 farm winery licensee, the holder of a manufacturer's license issued  
 9 pursuant to subsection (2) of section 53-123.01, a municipal corporation,  
 10 a fine arts museum incorporated as a nonprofit corporation, a religious  
 11 nonprofit corporation which has been exempted from the payment of federal  
 12 income taxes, a political organization which has been exempted from the  
 13 payment of federal income taxes, or any other nonprofit corporation the  
 14 purpose of which is fraternal, charitable, or public service and which  
 15 has been exempted from the payment of federal income taxes, under  
 16 conditions specified in this section. The applicant shall demonstrate  
 17 meeting the requirements of this subsection.  
 18 (2)(a) No retail licensee, craft brewery licensee, microdistillery  
 19 licensee, farm winery licensee, holder of a manufacturer's license issued  
 20 pursuant to subsection (2) of section 53-123.01, organization, or  
 21 corporation enumerated in subsection (1) of this section may be issued a  
 22 special designated license under this section for more than six calendar  
 23 days in any one calendar year, except that a nonprofit corporation, the  
 24 purpose of which is fraternal, charitable, or public service and which  
 25 has been exempted from the payment of federal income taxes, may be issued  
 26 a special designated license for up to twelve calendar days in any one  
 27 calendar year. Only one special designated license shall be required for  
 1 any application for two or more consecutive days.  
 2 (b) A municipal corporation, a fine arts museum incorporated as a  
 3 nonprofit corporation, a religious nonprofit corporation which has been  
 4 exempted from the payment of federal income taxes, a political  
 5 organization which has been exempted from the payment of federal income  
 6 taxes, or any other nonprofit corporation, the purpose of which is  
 7 fraternal, charitable, or public service and which has been exempted from  
 8 the payment of federal income taxes, may apply for special designated  
 9 licenses for the same location in a single application. The application  
 10 shall include all dates and times for which a special designated license  
 11 is being requested at such location.  
 12 (c) This subsection shall not apply to any holder of a catering  
 13 license.  
 14 (3) Except for any special designated license issued to a holder of

15 a catering license or to an organization or corporation as provided in  
16 subdivision (2)(b) of this section, there shall be a fee of forty dollars  
17 for each day identified in the special designated license. For a special  
18 designated license issued to an organization or corporation as provided  
19 in subdivision (2)(b) of this section, there shall be a fee of forty  
20 dollars for the initial special designated license and ten dollars for  
21 each additional day beyond the first at the same location in such  
22 application. Such fee shall be submitted with the application for the  
23 special designated license, collected by the commission, and remitted to  
24 the State Treasurer for credit to the General Fund. The applicant shall  
25 be exempt from the provisions of the Nebraska Liquor Control Act  
26 requiring an application or renewal fee and the provisions of the act  
27 requiring the expiration of forty-five days from the time the application  
28 is received by the commission prior to the issuance of a license, if  
29 granted by the commission. The retail licensees, craft brewery licensees,  
30 microdistillery licensees, farm winery licensees, holders of  
31 manufacturer's licenses issued pursuant to subsection (2) of section  
1 53-123.01, municipal corporations, organizations, and nonprofit  
2 corporations enumerated in subsection (1) of this section seeking a  
3 special designated license shall file an application on such forms as the  
4 commission may prescribe. Such forms shall contain, along with other  
5 information as required by the commission, (a) the name of the applicant,  
6 (b) the premises for which a special designated license is requested,  
7 identified by street and number if practicable and, if not, by some other  
8 appropriate description which definitely locates the premises, (c) the  
9 name of the owner or lessee of the premises for which the special  
10 designated license is requested, (d) sufficient evidence that the holder  
11 of the special designated license, if issued, will carry on the  
12 activities and business authorized by the license for himself, herself,  
13 or itself and not as the agent of any other person, group, organization,  
14 or corporation, for profit or not for profit, (e) a statement of the type  
15 of activity to be carried on during the time period for which a special  
16 designated license is requested, and (f) sufficient evidence that the  
17 activity will be supervised by persons or managers who are agents of and  
18 directly responsible to the holder of the special designated license.  
19 (4) No special designated license provided for by this section shall  
20 be issued by the commission without the approval of the local governing  
21 body. The local governing body may establish criteria for approving or  
22 denying a special designated license. The local governing body may  
23 designate an agent to determine whether a special designated license is  
24 to be approved or denied. Such agent shall follow criteria established by  
25 the local governing body in making his or her determination. The  
26 determination of the agent shall be considered the determination of the  
27 local governing body unless otherwise provided by the local governing  
28 body. For purposes of this section, the local governing body shall be the  
29 city or village within which the premises for which the special  
30 designated license is requested are located or, if such premises are not  
31 within the corporate limits of a city or village, then the local  
1 governing body shall be the county within which the premises for which  
2 the special designated license is requested are located.  
3 (5) If the applicant meets the requirements of this section, a  
4 special designated license shall be granted and issued by the commission  
5 for use by the holder of the special designated license. All statutory  
6 provisions and rules and regulations of the commission that apply to a  
7 retail licensee shall apply to the holder of a special designated license  
8 with the exception of such statutory provisions and rules and regulations  
9 of the commission so designated by the commission and stated upon the  
10 issued special designated license, except that the commission may not  
11 designate exemption of sections 53-180 to 53-180.07. The decision of the  
12 commission shall be final. If the applicant does not qualify for a

13 special designated license, the application shall be denied by the  
14 commission.

15 (6) A special designated license issued by the commission shall be  
16 mailed or delivered electronically to the city, village, or county clerk  
17 who shall deliver such license to the licensee upon receipt of any fee or  
18 tax imposed by such city, village, or county.

19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The fourth committee amendment is as follows:

AM614

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

3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act  
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 7. (1) A manufacturer, a wholesaler, or any agent of a  
8 manufacturer or wholesaler may enter into a sponsorship or advertising  
9 agreement with (a) the holder of a special designated license pursuant to  
10 section 53-124.11 that is a municipal corporation, a fine arts museum  
11 incorporated as a nonprofit corporation, a religious nonprofit  
12 corporation exempted from payment of federal income taxes, a political  
13 organization exempted from payment of federal income taxes, or any other  
14 nonprofit corporation the purpose of which is fraternal, charitable, or  
15 public service and which has been exempted from payment of federal income  
16 taxes, (b) a political subdivision of the State of Nebraska, or (c) an  
17 operator of property owned by a political subdivision of the State of  
18 Nebraska, to sponsor and advertise for events held by such organization,  
19 licensee, or political subdivision.

20 (2) The commission may adopt and promulgate rules and regulations to  
21 carry out this section.

22 Sec. 11. Section 53-168, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 53-168 (1) It shall be unlawful for any person having a retail  
25 license to sell beer to accept credit for the purchase of beer from any  
26 manufacturer or wholesaler of beer and for any person having a retail  
27 license to sell alcoholic liquor or any officer, associate, member,  
1 representative, or agent of such licensee to accept, receive, or borrow  
2 money or anything else of value or to accept or to receive credit, other  
3 than merchandising credit in the ordinary course of business for a period  
4 not to exceed thirty days, directly or indirectly, from (a) any person,  
5 partnership, limited liability company, or corporation engaged in  
6 manufacturing or wholesaling such liquor, (b) any person connected with  
7 or in any way representing such manufacturer or wholesaler, (c) any  
8 member of the family of such manufacturer or wholesaler, (d) any  
9 stockholders in any corporation engaged in manufacturing or wholesaling  
10 such liquor, or (e) any officer, manager, agent, member, or  
11 representative of such manufacturer or wholesaler.

12 (2) It shall be unlawful for any manufacturer or wholesaler to give  
13 or lend money or otherwise loan or extend credit, except the  
14 merchandising credit referred to in subsection (1) of this section,  
15 directly or indirectly, to any such licensee or to the manager,  
16 representative, agent, member, officer, or director of such licensee. It  
17 shall be unlawful for any wholesaler to participate in any manner in a  
18 merchandising and coupon plan of any manufacturer involving alcoholic  
19 liquor and the redemption in cash. The redemption of any merchandising  
20 and coupon plan involving cash shall be made by the manufacturer to the  
21 consumer.



22 (3) If any holder of a license to sell alcoholic liquor at retail or  
 23 wholesale violates subsection (1) or (2) of this section, such license  
 24 shall be suspended or revoked by the commission in the manner provided by  
 25 the Nebraska Liquor Control Act.

26 (4) It shall not be a violation of subsection (1) or (2) of this  
 27 section for a manufacturer or wholesaler to sell or provide alcoholic  
 28 liquor exclusively or in minimum quantities in containers bearing a  
 29 private label or to sell or provide alcoholic liquor in containers  
 30 bearing a generic label to a wholesaler or retailer.

31 (5) It shall not be a violation of subsection (1) or (2) of this  
 1 section for a wholesaler or retailer to accept or purchase from a  
 2 manufacturer or wholesaler alcoholic liquor exclusively or in minimum  
 3 quantities in containers bearing a private label or for a wholesaler or  
 4 retailer to accept or purchase from a manufacturer or wholesaler  
 5 alcoholic liquor in containers bearing a generic label.

6 (6) It shall not be a violation of subsection (1) or (2) of this  
 7 section for a wholesaler or manufacturer or the agent of a wholesaler or  
 8 manufacturer to enter into a sponsorship or advertising agreement with a  
 9 licensee, organization, or political subdivision of the State of Nebraska  
 10 pursuant to section 7 of this act.

11 Sec. 12. Section 53-169, Revised Statutes Cumulative Supplement,  
 12 2022, is amended to read:

13 53-169 (1) Except as provided in subsection (2) or (3) of this  
 14 section, no manufacturer or wholesaler shall directly or indirectly: (a)  
 15 Pay for any license to sell alcoholic liquor at retail or advance,  
 16 furnish, lend, or give money for payment of such license; (b) purchase or  
 17 become the owner of any note, mortgage, or other evidence of indebtedness  
 18 of such licensee or any form of security therefor; (c) be interested in  
 19 the ownership, conduct, or operation of the business of any licensee  
 20 authorized to sell alcoholic liquor at retail; or (d) be interested  
 21 directly or indirectly or as owner, part owner, lessee, or lessor thereof  
 22 in any premises upon which alcoholic liquor is sold at retail.

23 (2) This section does not apply to the holder of a farm winery  
 24 license. The holder of a craft brewery license shall have the privileges  
 25 and duties listed in section 53-123.14 and the holder of a manufacturer's  
 26 license shall have the privileges and duties listed in section 53-123.01  
 27 with respect to the manufacture, distribution, and retail sale of beer,  
 28 and except as provided in subsection (2) of section 53-123.14, the  
 29 Nebraska Liquor Control Act shall not be construed to permit the holder  
 30 of a craft brewery license or of a manufacturer's license issued pursuant  
 31 to section 53-123.01 to engage in the wholesale distribution of beer. The  
 1 holder of a microdistillery license shall have the privileges and duties  
 2 listed in section 53-123.16 with respect to the manufacture of alcoholic  
 3 liquor, and the Nebraska Liquor Control Act shall not be construed to  
 4 permit the holder of a microdistillery license to engage in the wholesale  
 5 distribution of alcoholic liquor.

6 (3) It shall not be a violation of this section for a wholesaler or  
 7 manufacturer or the agent of a wholesaler or manufacturer to enter into a  
 8 sponsorship or advertising agreement with a licensee, organization, or  
 9 political subdivision of the State of Nebraska pursuant to section 7 of  
 10 this act.

11 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
 12 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
 13 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The fifth committee amendment is as follows:

[AM615](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,

4 2022, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act  
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 53-103 For purposes of the Nebraska Liquor Control Act, the  
10 definitions found in sections 53-103.01 to 53-103.49 and sections 3 and 4  
11 of this act apply.

12 Sec. 3. Channel pricing means a pricing strategy that differentiates  
13 the price charged for a product based upon the type of license held by  
14 the retailer and the primary use of the premises on which the retailer  
15 operates.

16 Sec. 6. (1) For purposes of this section, alcoholic product means a  
17 particular brand of alcoholic liquor in a designated size container or a  
18 mix of brands and containers when sold on a combined basis, as  
19 established by the wholesaler.

20 (2) A wholesaler may employ channel pricing to sell such  
21 wholesaler's alcoholic product to retail licensees at a different price  
22 than the wholesaler sells alcoholic product to other retail licensees. If  
23 a wholesaler employs channel pricing, such pricing shall be made equally  
24 available to similarly situated retail licensees.

25 (3) Whether an establishment is similarly situated to another  
26 licensee is to be determined by the type of license held by the retailer  
27 and the primary use of the premises.

1 (4) A wholesaler may also provide discounts on the alcoholic product  
2 to retailers that are otherwise similarly situated if those discounts are  
3 based on the volume of the alcoholic product being purchased.

4 (5) A wholesaler may also provide discounts on the alcoholic product  
5 to retailers that are otherwise similarly situated if those discounts are  
6 based on the electronic ordering of the alcoholic product being  
7 purchased.

8 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
9 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
10 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.

The first committee amendment, [AM611](#), found in this day's Journal, was offered.

Senator M. Cavanaugh offered the following motion:

[MO45](#)

Bracket until March 1, 2023.

Pending.

### COMMITTEE REPORT

Health and Human Services

**LEGISLATIVE BILL 75.** Placed on General File.

**LEGISLATIVE BILL 419.** Placed on General File.

**LEGISLATIVE BILL 574.** Placed on General File.

**LEGISLATIVE BILL 626.** Placed on General File.

(Signed) Ben Hansen, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 298A.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 298, One Hundred Eighth Legislature, First Session, 2023.

**LEGISLATIVE BILL 442A.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 442, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

**AMENDMENTS - Print in Journal**

Senator Murman filed the following amendment to [LB373](#):

[AM589](#)

1 1. On page 2, strike beginning with "Agency" in line 1 through "781"  
2 in line 2 and insert "Agency No. 18, Department of Agriculture, for  
3 Program 78".

Senator Murman filed the following amendment to [LB811](#):

[AM562](#) is available in the Bill Room.

Senator Murman filed the following amendment to [LB703](#):

[AM606](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-145, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 81-145 As used in sections 81-145 to 81-162, unless the context  
6 otherwise requires:  
7 (1) Materiel division means ~~shall mean~~ the head of the division of  
8 the state government charged with the administration of sections 81-145  
9 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of  
10 and subject to the supervision of the office of the Director of  
11 Administrative Services;  
12 (2) Personal property includes ~~shall include~~ all materials,  
13 supplies, furniture, equipment, printing, stationery, automotive and road  
14 equipment, and other chattels, goods, wares, and merchandise whatsoever;  
15 (3) Using agencies means and includes ~~shall mean and include~~ all  
16 officers of the state, departments, bureaus, boards, commissions,  
17 councils, and institutions receiving legislative appropriations, except  
18 that using agencies does not include the University of Nebraska and the  
19 Nebraska state colleges; and  
20 (4) Lease or contract means ~~shall mean~~ an agreement entered into by  
21 the state or using agency with another party whereby, for a stated  
22 consideration, the state or using agency is to receive the personal  
23 property or use thereof furnished by the other party.  
24 Sec. 2. Section 81-161.04, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 81-161.04 (1) Whenever any using agency has any personal property  
27 for which it no longer has any need or use, it shall notify the materiel  
1 division in writing setting forth a description of the property and the  
2 approximate length of time that the property has been in the possession  
3 of the using agency. The materiel division shall appraise the property  
4 and notify all other using agencies of the state that the materiel  
5 division has the property for sale and that the property can be bought at  
6 the appraised price. No property will be sold until first offered to  
7 using agencies as provided by this section unless the property is  
8 unusable. If the materiel division fails to receive an offer from any  
9 using agency, it may sell or dispose of the property by any method which  
10 is most advantageous to the State of Nebraska, including auction, sealed  
11 bid, private or public sale, or trade-in for other property, with  
12 priorities given to the other political subdivisions. All sales shall be  
13 made in the name of the State of Nebraska. The materiel division shall  
14 charge an administrative fee for the disposition of surplus property.  
15 Such administrative fee shall be a percentage of the amount of the sale  
16 of the surplus property. In the event surplus property is determined to  
17 have no market value, the materiel administrator may waive the  
18 administrative fee.

19 (2) Except as otherwise provided in this subsection, the proceeds of  
20 ~~such~~ the sales shall be deposited with the State Treasurer and credited  
21 to the General Fund unless the using agency certifies to the materiel  
22 division that the property was purchased in part or in total from either  
23 cash accounts or federal funds or from a percentage of such accounts or  
24 funds, in which case the proceeds of the sale to that extent shall be  
25 credited to the cash or federal account in the percentage used in  
26 originally purchasing the property. The cost of selling surplus property  
27 shall be deducted from the proceeds of the surplus property sold. The  
28 proceeds received from the sale of passenger-carrying motor vehicles  
29 originally purchased with money from the General Fund, other than  
30 passenger-carrying motor vehicles used by the Nebraska State Patrol, less  
31 selling costs, shall be deposited in the state treasury and credited by  
1 the State Treasurer to the Transportation Services Bureau Revolving Fund.  
2 The proceeds received from the sale of passenger-carrying motor vehicles  
3 used by the Nebraska State Patrol, less selling costs, shall be deposited  
4 in the state treasury and credited by the State Treasurer to the Nebraska  
5 State Patrol Vehicle Replacement Cash Fund. The proceeds received from  
6 the sale of micrographic equipment, ~~other than that of the University of~~  
7 ~~Nebraska and state colleges~~, less selling costs, shall be deposited in  
8 the state treasury and credited by the State Treasurer to the Records  
9 Management Micrographics Services Revolving Fund. The proceeds received  
10 from the sale of aircraft, less selling costs, shall be deposited in the  
11 state treasury and credited by the State Treasurer to the Aeronautics  
12 Cash Fund.

13 Sec. 3. Section 81-1118, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 81-1118 The materiel division of the Department of Administrative  
16 Services is hereby established and shall be managed by the materiel  
17 administrator.

18 There are hereby established the following seven branches of the  
19 materiel division of the Department of Administrative Services which  
20 shall have the following duties, powers, and responsibilities:

21 (1) The office supplies bureau shall be responsible for providing  
22 office supplies, paper, and forms to using agencies;

23 (2) Central mail shall be responsible for all mailing operations,  
24 transportation of material, tracking shipments, and making freight  
25 claims;

26 (3) The print shop shall be responsible for specifications and for  
27 receiving bids and placing orders to the lowest and best commercial

28 bidder for all printing and reproduction operations for the state. The  
29 print shop shall also be responsible for coordinating all existing  
30 printing and reproduction operations of the state;  
31 (4) Copy services shall be responsible for the purchasing and  
1 placement of all copier requirements;  
2 (5) The state purchasing bureau shall be responsible for all  
3 purchases by all state agencies other than the University of Nebraska and  
4 the Nebraska state colleges. The materiel division shall administer the  
5 public notice and bidding procedures and any other areas designated by  
6 the Director of Administrative Services to carry out the lease or  
7 purchase of personal property. All purchases of and contracts for  
8 materials, supplies, or equipment and all leases of personal property  
9 shall be made in the following manner except in emergencies approved by  
10 the Governor:  
11 (a) By a competitive formal sealed bidding process through the  
12 materiel division in all cases in which the purchases are of estimated  
13 value exceeding fifty thousand dollars;  
14 (b) By a competitive informal bidding process through the materiel  
15 division in all cases in which the purchases are of estimated value equal  
16 to or exceeding twenty-five thousand dollars but equal to or less than  
17 fifty thousand dollars;  
18 (c) By unrestricted open market purchases through the materiel  
19 division in all cases in which purchases are of estimated value of less  
20 than twenty-five thousand dollars;  
21 (d) All requisitions for whatever purpose coming to the state  
22 purchasing bureau shall be in conformance with the approved budget of the  
23 requisitioning department or agency;  
24 (e) All contracts for purchases and leases shall be bid as a single  
25 whole item. In no case shall contracts be divided or fractionated in  
26 order to produce several contracts which are of an estimated value below  
27 that required for competitive bidding; and  
28 (f) No contract for purchase or lease shall be amended to extend the  
29 duration of the contract for a period of more than fifty percent of the  
30 initial contract term. Following the adoption of any amendment to extend  
31 the contract for a period of fifty percent or less of the initial  
1 contract term, no further extensions of the original contract shall be  
2 permitted. This subdivision (f) does not prohibit the exercise of any  
3 renewal option expressly provided in the original contract;  
4 (6) The state recycling office shall be responsible for the  
5 administration and operation of the State Government Recycling Management  
6 Act; and  
7 (7) State surplus property shall be responsible for the disposition  
8 of the state's surplus property and the maintenance of all inventory  
9 records.  
10 Nothing in this section shall be construed to require that works of  
11 art must be procured through the materiel division.  
12 Sec. 4. Section 81-1118.02, Reissue Revised Statutes of Nebraska, is  
13 amended to read:  
14 81-1118.02 (1) Except as otherwise provided in subsection (4) of  
15 this section, each Each executive, department, commission, or other state  
16 agency, and including the Supreme Court, the Board of Regents of the  
17 University of Nebraska, and the Board of Trustees of the Nebraska State  
18 Colleges, shall annually make or cause to be made an inventory of all  
19 property, including furniture and equipment, belonging to the State of  
20 Nebraska and in the possession, custody, or control of any executive,  
21 department, commission, or other state agency. The inventory shall  
22 include property in the possession, custody, or control of each  
23 executive, department, commission, or other state agency as of June 30  
24 and shall be completed and filed with the materiel administrator by  
25 August 31 of each year.

26 (2) If any of the property of the state, referred to in subsection  
 27 (1) of this section, is lost, destroyed, or unaccounted for by the  
 28 negligence or carelessness of the executive, department, commission, or  
 29 other state agency, the administrator shall, with the advice of the  
 30 Attorney General, take the proper steps to recover such state property or  
 31 the reasonable value thereof from the executive, department, commission,  
 1 or other state agency charged with the same and from the person bonding  
 2 such executive, department, commission, or other state agency, if any.

3 (3) Each such executive, department, commission, or other state  
 4 agency shall indelibly tag, mark, or stamp all such property belonging to  
 5 the State of Nebraska, with the following: Property of the State of  
 6 Nebraska. In the inventory required by subsection (1) of this section,  
 7 each such executive, department, commission, or other state agency shall  
 8 state positively that each item of such property has been so tagged,  
 9 marked, or stamped.

10 (4) This section does not apply to the Board of Regents of the  
 11 University of Nebraska or the Board of Trustees of the Nebraska State  
 12 Colleges.

13 Sec. 5. Section 85-102, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:

15 85-102 The object of the University of Nebraska such institution  
 16 shall be to afford to the inhabitants of this state the means of  
 17 acquiring a thorough knowledge of the various branches of literature,  
 18 science and arts.

19 Sec. 6. Section 85-328, Reissue Revised Statutes of Nebraska, is  
 20 amended to read:

21 85-328 The State College Capitol Improvement Facility Fee Fund is  
 22 created. Revenue credited to the fund shall include amounts generated  
 23 through assessment of a capital improvement facilities fee under the  
 24 authority of the Board of Trustees of the Nebraska State Colleges.  
 25 Amounts accumulated in the fund are authorized to be expended for the  
 26 purpose of paying the cost of capital improvement projects approved by  
 27 the board of trustees for any facilities on campuses or lands owned or  
 28 controlled by the board, except that no such amounts shall be expended  
 29 for capital improvement projects relating to facilities from which  
 30 revenue is derived and pledged for the retirement of revenue bonds issued  
 31 under the provisions of sections 85-403 to 85-411. All money accruing to  
 1 the fund is appropriated to the board of trustees and shall be used for  
 2 capital improvement projects authorized by the board. No expenditure may  
 3 be made from the fund without prior approval by a resolution of the board  
 4 of trustees. Any money in the fund available for investment shall be  
 5 invested by the state investment officer pursuant to the Nebraska Capital  
 6 Expansion Act and the Nebraska State Funds Investment Act. All revenue,  
 7 fund balances, and expenditures shall be recorded in the Nebraska State  
 8 Accounting System.

9 Sec. 7. Section 85-601, Reissue Revised Statutes of Nebraska, is  
 10 amended to read:

11 85-601 It shall be grounds for the dismissal of any member of the  
 12 faculty or administrative staff employed by, or the expulsion of any  
 13 student attending, the University of Nebraska or any community college  
 14 any public institution of higher education in this state to use or assist  
 15 others in any way in the use of force or to counsel, recommend, or urge  
 16 the use of force or the threat of force or the seizure of property under  
 17 the control of such institution, or by any act or action not sanctioned  
 18 by law to prevent the faculty, administrative officers, employees, or  
 19 students in such institution from engaging in their normal duties in  
 20 connection with the operation of the institution or pursuing their  
 21 studies at such institution.

22 Sec. 8. Section 85-602, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:

24 85-602 No person shall be dismissed or expelled under ~~the provisions~~  
 25 of section 85-601 until such person ~~he~~ has been accorded a public hearing  
 26 under rules and regulations for the administration of sections 85-601 to  
 27 85-605 established by the governing body ~~of the institution~~. Notice of  
 28 such hearing and a formal written statement of the charges against such  
 29 person ~~him~~ shall be served by either registered or certified mail, sent  
 30 to such person's ~~his~~ current address as shown on the records of the  
 31 University of Nebraska or community college institution, at least twenty  
 1 days before the date set for hearing. Such person ~~He~~ shall be entitled to  
 2 file a written response to such charges, to be present in person and by  
 3 counsel at the hearing, and to testify and produce other witnesses on his  
 4 or her behalf.

5 Sec. 9. Section 85-603, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 85-603 Dismissal or expulsion of any person under ~~the provisions of~~  
 8 section 85-601 shall be by written order, which shall contain findings of  
 9 fact upon which dismissal or expulsion is based, and shall be signed by  
 10 an authorized agent of the governing body. The order shall be entered  
 11 within thirty days after the hearing, shall state its effective date, and  
 12 shall be served by either registered or certified mail, return receipt  
 13 requested, sent to such person's ~~his~~ current address as shown on the  
 14 records of the University of Nebraska or community college institution.

15 Sec. 10. Section 85-604, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:

17 85-604 ~~Each~~ The governing body of ~~each public institution of higher~~  
 18 ~~education in this state~~ shall adopt rules and regulations for the  
 19 administration of ~~the provisions of~~ sections 85-601 to 85-605.

20 Sec. 11. Section 85-605, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does  
 23 ~~shall~~ not include the failure to renew a probationary appointment of any  
 24 faculty member or administrative staff member and (2) governing body  
 25 means the Board of Regents of the University of Nebraska or the Community  
 26 College Board of Governors, as applicable ~~public institution of higher~~  
 27 ~~education shall include the University of Nebraska, the state colleges,~~  
 28 ~~and the community colleges.~~

29 Sec. 12. Original sections 81-145, 81-1118.02, 85-102, 85-328,  
 30 85-601, 85-602, 85-603, 85-604, and 85-605, Reissue Revised Statutes of  
 31 Nebraska, and sections 81-161.04 and 81-1118, Revised Statutes Cumulative  
 1 Supplement, 2022, are repealed.

Senator Brewer filed the following amendment to LB138:  
AM585 is available in the Bill Room.

Senator Lowe filed the following amendment to LB542:  
AM516

1 1. Insert the following new sections:

2 Section 1. Section 2-1205, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 2-1205 (1) If the commission is satisfied that its rules and  
 5 regulations and all provisions of sections 2-1201 to 2-1218 have been and  
 6 will be complied with, it may issue a license for a period of not more  
 7 than five years. The license shall set forth the name of the licensee,  
 8 the place where the races or race meetings are to be held, and the time  
 9 and number of days during which racing may be conducted by such licensee.  
 10 Any such license issued shall not be transferable or assignable. The  
 11 commission shall have the power to revoke any license issued at any time  
 12 for good cause upon reasonable notice and hearing. No license shall be  
 13 granted to any corporation or association except upon the express

14 condition that it shall not, by any lease, contract, understanding, or  
15 arrangement of whatever kind or nature, grant, assign, or turn over to  
16 any person, corporation, or association the operation or management of  
17 any racing or race meeting licensed under such sections or of the  
18 parimutuel system of wagering described in section 2-1207 or in any  
19 manner permit any person, corporation, or association other than the  
20 licensee to have any share, percentage, or proportion of the money  
21 received for admissions to the racing or race meeting or from the  
22 operation of the parimutuel system; and any violation of such conditions  
23 shall authorize and require the commission immediately to revoke such  
24 license. No licensee shall be considered in violation of this section  
25 with respect to an agreement with an authorized gaming operator regarding  
26 employees and the acceptance of any parimutuel wager or sports wager  
27 pursuant to section 9-1110.

1 (2)(a) Any racetrack for which a licensee is issued a license to  
2 conduct a race or race meeting under sections 2-1201 to 2-1218 which is  
3 in existence and operational as of April 20, 2022, shall:  
4 (i) Hold a minimum of five live racing meet days and fifty live  
5 horseraces annually beginning January 1, 2026, through December 31, 2030;  
6 and

7 (ii) Beginning January 1, 2031, hold a minimum of fifteen live  
8 racing meet days and one hundred twenty live horseraces annually.

9 (b) Any racetrack for which a licensee is issued a license to  
10 conduct a race or race meeting under sections 2-1201 to 2-1218 which is  
11 not in existence and operational until after April 20, 2022, shall:

12 (i) Hold a minimum of one live racing meet day annually for the  
13 first three years of operation;

14 (ii) Hold a minimum of five live racing meet days and fifty live  
15 horseraces annually for the fourth year of operation through the seventh  
16 year of operation; and

17 (iii) Beginning with the eighth year of operation, hold a minimum of  
18 fifteen live racing meet days and one hundred twenty live horseraces  
19 annually.

20 (c) A racetrack that fails to meet the minimum requirements under  
21 this subsection is subject to discipline by the commission, including  
22 revocation of the license issued under sections 2-1201 to 2-1218.

23 (3) A racetrack for which a licensee is issued a license to conduct  
24 a race or race meeting under sections 2-1201 to 2-1218 in existence on  
25 November 1, 2020, which is located in the counties of Adams, Dakota,  
26 Douglas, Hall, Lancaster, and Platte, may move such racetrack location to  
27 another county in Nebraska that does not have a racetrack one time only,  
28 subject to approval by the commission as provided in subdivision (27) of  
29 section 9-1106, subsequent to the initial issuance of the market analysis  
30 and socioeconomic-impact studies conducted pursuant to section 9-1106.  
31 Sec. 2. Section 9-1110, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 9-1110 (1) The commission may permit an authorized gaming operator  
3 to conduct sports wagering. Any sports wager shall be placed in person or  
4 at a wagering kiosk in the designated sports wagering area at the  
5 licensed racetrack enclosure. A parimutuel wager in accordance with  
6 sections 2-1201 to 2-1218 may be placed in the designated sports wagering  
7 area at the licensed racetrack enclosure. An individual employed and  
8 authorized to accept a sports wager may also accept a parimutuel wager.

9 (2) A floor plan identifying the designated sports wagering area,  
10 including the location of any wagering kiosks, shall be filed with the  
11 commission for review and approval. Modification to a previously approved  
12 plan must be submitted for approval at least ten days prior to  
13 implementation. The area shall not be accessible to persons under twenty-  
14 one years of age and shall have a sign posted to restrict access.  
15 Exceptions to this subsection must be approved in writing by the  
16 commission.



17 (3) The authorized gaming operator shall submit controls for  
18 approval by the commission, that include the following for operating the  
19 designated sports wagering area:  
20 (a) Specific procedures and technology partners to fulfill the  
21 requirements set forth by the commission;  
22 (b) Other specific controls as designated by the commission;  
23 (c) A process to easily and prominently impose limitations or  
24 notification for wagering parameters, including, but not limited to,  
25 deposits and wagers; and  
26 (d) An easy and obvious method for a player to make a complaint and  
27 to enable the player to notify the commission if such complaint has not  
28 been or cannot be addressed by the sports wagering operator.  
29 (4) The commission shall develop policies and procedures to ensure a  
30 prohibited participant is unable to place a sports wager or parimutuel  
31 wager.  
1 2. Renumber the remaining sections and correct the repealer  
2 accordingly.

### **NOTICE OF COMMITTEE HEARINGS**

Health and Human Services  
Room 1510 1:00 PM

Wednesday, March 8, 2023

Deacon Donald N. Blackbird, Jr. - Nebraska Child Abuse Prevention Fund  
Board

Miguel Rocha - Commission for the Blind and Visually Impaired

Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board

LB290

LB310

LB510

LB595

Room 1510 1:00 PM

Thursday, March 9, 2023

Heather Cramer - State Board of Health

Jaime Kent Dodge - State Board of Health

LB333

LB291

LB677

(Signed) Ben Hansen, Chairperson

### **ANNOUNCEMENTS**

Priority designations received:

General Affairs - LB775

Linehan - LB753

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 49.** Introduced by Day, 49.

WHEREAS, Benjamin Austin, son of Robert and Peggy Austin, a junior at Gretna High School, and a member of Omaha Boy Scout Troop 282, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Benjamin is a Brotherhood Member of the Order of the Arrow of the Boy Scouts of America, a National Honor Society Member, and a member of the Gretna High School marching band, as well as involved in Revolution show choir, and the Gretna High School's spring musical; and

WHEREAS, Benjamin is the longest serving Senior Patrol Leader of the ninety-six scouts of Troop 282, having served through the COVID-19 lockdowns; and

WHEREAS, Benjamin was the Mid-America Council Leadership VLOG Interviewer of Valmont CEO Stephen Kaniewski; and

WHEREAS, Benjamin obtained the rank of Eagle Scout on January 30, 2023; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, Benjamin has gone above and beyond in the areas of service and leadership in all activities he takes part in; and

WHEREAS, Benjamin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Benjamin Austin on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Benjamin Austin.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 376.** The first committee amendment, [AM611](#), found and considered in this day's Journal, was renewed.

The M. Cavanaugh motion, [MO45](#), found and considered in this day's Journal, to bracket until March 1, 2023, was renewed.

Pending.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 201.** Placed on General File.**LEGISLATIVE BILL 285.** Placed on General File.**LEGISLATIVE BILL 630.** Placed on General File.**LEGISLATIVE BILL 647.** Placed on General File.**LEGISLATIVE BILL 787.** Placed on General File.

(Signed) Dave Murman, Chairperson

## Judiciary

**LEGISLATIVE BILL 11.** Placed on General File with amendment.[AM482](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 42-903, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 42-903 For purposes of the Protection from Domestic Abuse Act,  
6 unless the context otherwise requires:  
7 (1) Abuse means the occurrence of one or more of the following acts  
8 between family or household members:  
9 (a) Attempting to cause or intentionally and knowingly causing  
10 bodily injury with or without a dangerous instrument;  
11 (b) Placing, by means of credible threat, another person in fear of  
12 bodily injury. For purposes of this subdivision, credible threat means a  
13 verbal or written threat, including a threat performed through the use of  
14 an electronic communication device, or a threat implied by a pattern of  
15 conduct or a combination of verbal, written, or electronically  
16 communicated statements and conduct that is made by a person with the  
17 apparent ability to carry out the threat so as to cause the person who is  
18 the target of the threat to reasonably fear for his or her safety or the  
19 safety of his or her family. It is not necessary to prove that the person  
20 making the threat had the intent to actually carry out the threat. The  
21 present incarceration of the person making the threat shall not prevent  
22 the threat from being deemed a credible threat under this section; or  
23 (c) Engaging in sexual contact or sexual penetration without consent  
24 as defined in section 28-318;  
25 (2) Department means the Department of Health and Human Services;  
26 (3) Family or household members includes spouses or former spouses,  
27 children, persons who are presently residing together or who have resided  
1 together in the past, persons who have a child in common whether or not  
2 they have been married or have lived together at any time, other persons  
3 related by consanguinity or affinity, and persons who are presently  
4 involved in a dating relationship with each other or who have been  
5 involved in a dating relationship with each other. For purposes of this  
6 subdivision, dating relationship means frequent, intimate associations  
7 primarily characterized by the expectation of affectional or sexual  
8 involvement, but does not include a casual relationship or an ordinary  
9 association between persons in a business or social context; ~~and~~  
10 (4) Household pet means any animal maintained for companionship or  
11 pleasure but does not include any animal kept primarily for commercial  
12 purposes or for consumption or any livestock animal as defined in section  
13 54-902; and  
14 (5) (4) Law enforcement agency means the police department or town  
15 marshal in incorporated municipalities, the office of the sheriff in

16 unincorporated areas, and the Nebraska State Patrol.

17 Sec. 2. Section 42-924, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 42-924 (1)(a) Any victim of domestic abuse may file a petition and  
20 affidavit for a protection order as provided in this section. Upon the  
21 filing of such a petition and affidavit in support thereof, the court may  
22 issue a protection order without bond granting the following relief:

23 (i) Enjoining the respondent from imposing any restraint upon the  
24 petitioner or upon the liberty of the petitioner;

25 (ii) Enjoining the respondent from threatening, assaulting,  
26 molesting, attacking, or otherwise disturbing the peace of the  
27 petitioner;

28 (iii) Enjoining the respondent from telephoning, contacting, or  
29 otherwise communicating with the petitioner;

30 (iv) Removing and excluding the respondent from the residence of the  
31 petitioner, regardless of the ownership of the residence;

1 (v) Ordering the respondent to stay away from any place specified by  
2 the court;

3 (vi) Awarding the petitioner temporary custody of any minor children  
4 not to exceed ninety days;

5 (vii) Enjoining the respondent from possessing or purchasing a  
6 firearm as defined in section 28-1201; ~~or~~

7 ~~(viii) Directing that the petitioner have sole possession of any~~  
8 ~~household pet owned, possessed, leased, kept, or held by the petitioner,~~  
9 ~~the respondent, or any family or household member residing in the~~  
10 ~~household of the petitioner or respondent;~~

11 ~~(ix) Enjoining the respondent from coming into contact with,~~  
12 ~~harming, or killing any household pet owned, possessed, leased, kept, or~~  
13 ~~held by the petitioner, the respondent, or any family or household member~~  
14 ~~of the petitioner or respondent; or~~

15 ~~(x) (viii) Ordering such other relief deemed necessary to provide~~  
16 ~~for the safety and welfare of the petitioner and any designated family or~~  
17 ~~household member.~~

18 ~~(b) If sole possession of a household pet is ordered by a court~~  
19 ~~pursuant to subdivision (1)(a)(viii) of this section, such possession~~  
20 ~~shall be for the duration of the protection order or until further order~~  
21 ~~of the court. The grant of sole possession of a household pet under such~~  
22 ~~subdivision is not intended to permanently determine ownership of such~~  
23 ~~household pet. The petitioner shall not permanently transfer, sell, or~~  
24 ~~dispose of a household pet placed in the petitioner's possession without~~  
25 ~~prior court approval, except that court approval shall not be required in~~  
26 ~~cases where humane euthanasia of a seriously ill or injured household pet~~  
27 ~~is recommended by a licensed veterinarian.~~

28 ~~(c) (b) The petition for a protection order shall state the events~~  
29 ~~and dates or approximate dates of acts constituting the alleged domestic~~  
30 ~~abuse, including the most recent and most severe incident or incidents.~~

31 ~~(d) (e) The protection order shall specify to whom relief under this~~  
1 ~~section was granted.~~

2 (2) Petitions for protection orders shall be filed with the clerk of  
3 the district court, and the proceeding may be heard by the county court  
4 or the district court as provided in section 25-2740. A petition for a  
5 protection order may not be withdrawn except upon order of the court.

6 (3)(a) A protection order shall specify that it is effective for a  
7 period of one year and, if the order grants temporary custody, the number  
8 of days of custody granted to the petitioner unless otherwise modified by  
9 the court.

10 (b)(i) Any victim of domestic abuse may file a petition and  
11 affidavit to renew a protection order. Such petition and affidavit for  
12 renewal shall be filed any time within forty-five days before the  
13 expiration of the previous protection order, including the date the order

14 expires.

15 (ii) A protection order may be renewed on the basis of the  
16 petitioner's affidavit stating that there has been no material change in  
17 relevant circumstances since entry of the order and stating the reason  
18 for the requested renewal if:

19 (A) The petitioner seeks no modification of the order; and

20 (B)(I) The respondent has been properly served with notice of the  
21 petition for renewal and notice of hearing and fails to appear at the  
22 hearing; or

23 (II) The respondent indicates that he or she does not contest the  
24 renewal.

25 (iii) Such renewed order shall specify that it is effective for a  
26 period of one year to commence on the first calendar day following the  
27 expiration of the previous order or on the calendar day the court grants  
28 the renewal if such day is subsequent to the first calendar day after  
29 expiration of the previous order and, if the court grants temporary  
30 custody, the number of days of custody granted to the petitioner unless  
31 otherwise modified by the court.

1 (4) Any person, except the petitioner, who knowingly violates a  
2 protection order issued pursuant to this section or section 42-931 after  
3 service or notice as described in subsection (2) of section 42-926 shall  
4 be guilty of a Class I misdemeanor, except that any person convicted of  
5 violating such order who has a prior conviction for violating a  
6 protection order shall be guilty of a Class IV felony.

7 (5) If there is any conflict between sections 42-924 to 42-926 and  
8 any other provision of law, sections 42-924 to 42-926 shall govern.

9 Sec. 3. Original sections 42-903 and 42-924, Revised Statutes

10 Cumulative Supplement, 2022, are repealed.

**LEGISLATIVE BILL 25.** Placed on General File with amendment.

[AM440](#)

1 1. On page 2, strike beginning with "against" in line 30 through  
2 "in" in line 31 and insert "if the party seeking punitive damages proves  
3 by clear and convincing evidence that the conduct of the opposing party  
4 from which the action arose constituted a willfully".

**LEGISLATIVE BILL 265.** Placed on General File with amendment.

[AM499](#)

1 1. Strike original section 3.  
2 2. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 307.** Placed on General File with amendment.

[AM381](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 28-441, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 28-441 (1) It shall be unlawful for any person to use, or to possess  
6 with intent to use, drug paraphernalia to manufacture, inject, ingest,  
7 inhale, or otherwise introduce into the human body a controlled substance  
8 in violation of sections 28-101, 28-431, and 28-439 to 28-444.  
9 (2) Any person who violates this section shall be guilty of an  
10 infraction.  
11 (3) A person shall not be in violation of this section if section  
12 28-472 or 28-1701 applies.  
13 (4) This section does not apply to:  
14 (a) The staff of a public or behavioral health program, authorized  
15 by a local jurisdiction, who distribute hypodermic needles for the

16 purpose of prevention of the spread of infectious diseases; or  
 17 (b) A person identified by such a program as a program participant.  
 18 Sec. 2. Section 28-442, Revised Statutes Cumulative Supplement,  
 19 2022, is amended to read:  
 20 28-442 (1) It shall be unlawful for any person to deliver, possess  
 21 with intent to deliver, or manufacture with intent to deliver, drug  
 22 paraphernalia, knowing, or under circumstances in which one reasonably  
 23 should know, that it will be used to manufacture, inject, ingest, or  
 24 inhale or otherwise be used to introduce into the human body a controlled  
 25 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.  
 26 (2) This section shall not apply to:  
 27 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy  
 1 technicians, and pharmacy clerks who sell hypodermic syringes or needles  
 2 for the prevention of the spread of infectious diseases; -  
 3 (b) The staff of a public or behavioral health program, authorized  
 4 by a local jurisdiction, who distribute hypodermic needles for the  
 5 purpose of prevention of the spread of infectious diseases; or  
 6 (c) A person identified by such a program as a program participant.  
 7 (3) Any person who violates this section shall be guilty of a Class  
 8 II misdemeanor.  
 9 Sec. 3. Original sections 28-441 and 28-442, Revised Statutes  
 10 Cumulative Supplement, 2022, are repealed.

(Signed) Justin Wayne, Chairperson

### AMENDMENTS - Print in Journal

Senator Lowe filed the following amendment to LB376:  
AM472

(Amendments to Standing Committee amendments, AM336)

1 1. Strike section 12 and insert the following new sections:  
 2 Sec. 10. Section 53-123.16, Revised Statutes Cumulative Supplement,  
 3 2022, is amended to read:  
 4 53-123.16 (1) Any person who operates a microdistillery shall  
 5 obtain a license pursuant to the Nebraska Liquor Control Act. A license  
 6 to operate a microdistillery shall permit the licensee to produce a  
 7 maximum of one hundred thousand gallons of liquor per year in the  
 8 aggregate from all physical locations comprising the licensed premises.  
 9 For purposes of this section, licensed premises may include up to five  
 10 separate physical locations. A microdistillery may also sell to licensed  
 11 wholesalers for sale and distribution to licensed retailers. A  
 12 microdistillery license issued pursuant to this section shall be the only  
 13 license required by the Nebraska Liquor Control Act for the manufacture  
 14 and retail sale of microdistilled product for consumption on or off the  
 15 licensed premises, except that the sale of any beer, wine, or alcoholic  
 16 liquor, other than microdistilled product manufactured by the  
 17 microdistillery licensee, by the drink for consumption on the  
 18 microdistillery premises shall require the appropriate retail license.  
 19 Any license held by the operator of a microdistillery shall be subject to  
 20 the act. A holder of a microdistillery license may obtain an annual  
 21 catering license pursuant to section 53-124.12, a special designated  
 22 license pursuant to section 53-124.11, an entertainment district license  
 23 pursuant to section 53-123.17, or a promotional farmers market special  
 24 designated license pursuant to section 53-124.16. The commission may,  
 25 upon the conditions it determines, grant to any microdistillery licensed  
 26 under this section a special license authorizing the microdistillery to  
 1 purchase and to import, from such persons as are entitled to sell the  
 2 same, wines or spirits to be used solely as ingredients and for the sole  
 3 purpose of blending with and flavoring microdistillery products as a part

4 of the microdistillation process.

5 (2) A holder of a microdistillery license may directly sell for  
6 resale up to five hundred gallons per calendar year of microdistilled  
7 products produced at its licensed premises directly to retail licensees  
8 located in the State of Nebraska which hold the appropriate retail  
9 license if the holder of the microdistillery license:

10 (a) Self-distributes its microdistilled products utilizing only  
11 persons employed by the microdistillery licensee; and

12 (b) Complies with all relevant statutes, rules, and regulations that  
13 apply to Nebraska wholesalers regarding distribution of microdistilled  
14 products.

15 (3) A holder of a microdistillery license may store and warehouse  
16 tax paid products produced on such licensee's licensed premises in a  
17 designated, secure, offsite storage facility if the holder of the  
18 microdistillery license receives authorization from the commission and  
19 notifies the commission of the location of the storage facility and  
20 maintains, at the microdistillery and at the storage facility, a separate  
21 perpetual inventory of the product stored at the storage facility.  
22 Consumption of alcoholic liquor at the storage facility is strictly  
23 prohibited.

24 (4) The commission may adopt and promulgate rules and regulations  
25 relating to the distribution rights of microdistillery licensees.

26 Sec. 13. Section 53-169, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 53-169 (1) Except as provided in subsection (2) of this section, no  
29 manufacturer or wholesaler shall directly or indirectly: (a) Pay for any  
30 license to sell alcoholic liquor at retail or advance, furnish, lend, or  
31 give money for payment of such license; (b) purchase or become the owner  
1 of any note, mortgage, or other evidence of indebtedness of such licensee  
2 or any form of security therefor; (c) be interested in the ownership,  
3 conduct, or operation of the business of any licensee authorized to sell  
4 alcoholic liquor at retail; or (d) be interested directly or indirectly  
5 or as owner, part owner, lessee, or lessor thereof in any premises upon  
6 which alcoholic liquor is sold at retail.

7 (2) This section does not apply to the holder of a farm winery  
8 license. The holder of a craft brewery license shall have the privileges  
9 and duties listed in section 53-123.14 and the holder of a manufacturer's  
10 license shall have the privileges and duties listed in section 53-123.01  
11 with respect to the manufacture, distribution, and retail sale of beer,  
12 and except as provided in subsection (2) of section 53-123.14, the  
13 Nebraska Liquor Control Act shall not be construed to permit the holder  
14 of a craft brewery license or of a manufacturer's license issued pursuant  
15 to section 53-123.01 to engage in the wholesale distribution of beer. The  
16 holder of a microdistillery license shall have the privileges and duties  
17 listed in section 53-123.16 with respect to the manufacture of alcoholic  
18 liquor, and except as provided in subsection (2) of section 53-123.16,  
19 the Nebraska Liquor Control Act shall not be construed to permit the  
20 holder of a microdistillery license to engage in the wholesale  
21 distribution of alcoholic liquor.

22 (3) It shall not be a violation of this section for a wholesaler or  
23 manufacturer or the agent of a wholesaler or manufacturer to enter into a  
24 sponsorship or advertising agreement with a licensee, organization, or  
25 political subdivision of the State of Nebraska pursuant to section 7 of  
26 this act.

27 Sec. 14. Section 53-171, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 53-171 (1) No person licensed as a wholesaler of alcoholic liquor  
30 shall be permitted to receive any retail license at the same time. No  
31 person licensed as a manufacturer shall be permitted to receive any  
1 retail license at the same time except as set forth in subsection (2) of

2 section 53-123.01 with respect to the manufacture, distribution, and  
 3 retail sale of beer, and the Nebraska Liquor Control Act shall not be  
 4 construed to permit the holder of a manufacturer's license issued  
 5 pursuant to such subsection to engage in the wholesale distribution of  
 6 alcoholic liquor. No person licensed as a retailer of alcoholic liquor  
 7 shall be permitted to receive any manufacturer's or wholesale license at  
 8 the same time.  
 9 (2) This section shall not apply to the holder of a farm winery  
 10 license. The holder of a craft brewery license shall have the privileges  
 11 and duties listed in section 53-123.14 with respect to the manufacture,  
 12 distribution, and retail sale of beer, and except as provided in  
 13 subsection (2) of section 53-123.14, the Nebraska Liquor Control Act  
 14 shall not be construed to permit the holder of a craft brewery license to  
 15 engage in the wholesale distribution of beer. The holder of a  
 16 microdistillery license shall have the privileges and duties listed in  
 17 section 53-123.16 with respect to the manufacture of alcoholic liquor,  
 18 and except as provided in subsection (2) of section 53-123.16, the  
 19 Nebraska Liquor Control Act shall not be construed to permit the holder  
 20 of a microdistillery license to engage in the wholesale distribution of  
 21 alcoholic liquor.  
 22 2. Renumber the remaining sections and correct the repealer  
 23 accordingly.

Senator Lowe filed the following amendment to [LB376](#):

[AM571](#)

(Amendments to Standing Committee amendments, AM336)

1 1. Insert the following new section:  
 2 Sec. 14. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

Senator Hunt filed the following amendment to [LB637](#):

[AM617](#)

1 1. On page 2, line 11, after "meeting" insert ", unless a member or  
 2 members of such public body are found or declared to be too tired to hear  
 3 citizen testimony".

Senator Hunt filed the following amendment to [LB637](#):

[AM616](#)

1 1. On page 2, strike beginning with "Except" in line 9 through  
 2 "meeting" in line 11 and insert "A body shall not limit public  
 3 participation in any meeting at which citizens are allowed to speak".

Senator Raybould filed the following amendment to [LB77](#):

[FA22](#)

Strike the enacting clause.

## ANNOUNCEMENT

Speaker Arch announced the Government, Military and Veterans Affairs Committee will conduct its hearing on Wednesday, March 1, 2023, in Room 1525, and the Natural Resources Committee will conduct its hearing in Room 1507, both at 1:30 p.m.



**UNANIMOUS CONSENT - Add Cointroducers**

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

Senator Ibach name added to LB31.  
Senator Hardin name added to LB91.  
Senator DeBoer name added to LB323.  
Senator DeKay name added to LB563.  
Senator Wayne name added to LB693.  
Senator Moser name added to LB754.  
Senator Halloran name added to LB805.  
Senator Brewer name added to LR1CA.  
Senator DeKay name added to LR47.

**VISITORS**

Visitors to the Chamber were Hobert Rupe, Executive Director of the Nebraska Liquor Commission; Deborah Levitov, Omaha; Shannon Coryell, Omaha; Ann Fintel, Lincoln; fourth grade students from St. Columbkille School, Papillion.

The Doctor of the Day was Dr. Brady Beecham of Lexington.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2023.

Brandon Metzler  
Clerk of the Legislature

