

FORTY-FOURTH DAY - MARCH 14, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 2023

PRAYER

The prayer was offered by Reverend Coral Parmenter, Purdum UCC, Thedford.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Geist.

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 Senator Aguilar who was excused; and Senators J. Cavanaugh, Conrad, Day, Hunt, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 257. Placed on General File.
LEGISLATIVE BILL 544. Placed on General File.

LEGISLATIVE BILL 144. Placed on General File with amendment.
[AM778](#)

1 1. On page 5, line 9, strike the new matter and reinstate the
2 stricken matter; and in line 10 strike "solar installation".

LEGISLATIVE BILL 542. Placed on General File with amendment.
[AM779](#)

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.

LEGISLATIVE BILL 716. Placed on General File with amendment.

[AM271](#)

1 1. On page 2, line 7, after "shall" insert "by a unanimous vote of
2 the board.".
3 2. On page 3, line 16, after "shall" insert "by a unanimous vote
4 of the board.".

(Signed) John Lowe, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 22CA. Placed on General File.

(Signed) Tom Briese, Chairperson

ANNOUNCEMENTS

Priority designations received:

Aguilar - LB81
Clements - LB575
Executive Board - LB254 and LB552
Vargas - LB570
Day - LB84

J. Cavanaugh - LB184
Briese - LB243

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to LB385:

[AM841](#)

1 1. Strike section 1.

Senator Linehan filed the following amendment to LB385:

[AM842](#)

1 1. Strike section 2.

Senator Murman filed the following amendment to LB705:

[AM843](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to LB705:

[AM844](#)

1 1. Strike section 2.

Senator Briese filed the following amendment to LB684:

[AM808](#)

1 1. On page 2, line 2, after "entity" insert ", that has previously
2 conducted an efficiency review or study for another state."

Senator Briese filed the following amendment to LB327:

[AM764](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
5 to read:
6 48-1203 (1) Except as otherwise provided in this section and section
7 48-1203.01, every employer shall pay to each of his or her employees a
8 minimum wage of:
9 (a) Nine dollars per hour through December 31, 2022;
10 (b) Ten dollars and fifty cents per hour on and after January 1,
11 2023, through December 31, 2023;
12 (c) Twelve dollars per hour on and after January 1, 2024, through
13 December 31, 2024;
14 (d) Thirteen dollars and fifty cents per hour on and after January
15 1, 2025, through December 31, 2025; and
16 (e) Fifteen dollars per hour on and after January 1, 2026, through
17 December 31, 2026.
18 (2) The minimum wage established in subdivision (1)(e) of this
19 section shall be increased on January 1, 2027, and on January 1 of
20 successive years, by the lesser of (a) one and one-half percent, rounded
21 to the nearest cent, or (b) the increase in the cost of living. The
22 increase in the cost of living, which shall be measured by the percentage
23 increase, if any, as of August of the previous year over the level as of
24 August of the year preceding that year in the consumer price index for
25 all urban consumers (CPI-U) for the Midwest Region, or its successor
26 index, as published by the U.S. Department of Labor, or its successor
27 agency, with the amount of the minimum wage increase rounded up to the
1 nearest multiple of five cents. No later than October 15 of each year,
2 commencing October 15, 2026, the Nebraska Department of Labor shall

3 calculate and publish the minimum wage rate that will take effect the
4 following January 1.

5 (3) For persons compensated by way of gratuities such as waitresses,
6 waiters, hotel bellhops, porters, and shoeshine persons, the employer
7 shall pay wages at the minimum rate of two dollars and thirteen cents per
8 hour, plus all gratuities given to them for services rendered. The sum of
9 wages and gratuities received by each person compensated by way of
10 gratuities shall equal or exceed the applicable minimum wage rate
11 provided in subsection (1) or (2) of this section. In determining whether
12 or not the individual is compensated by way of gratuities, the burden of
13 proof shall be upon the employer.

14 (4) Any employer employing student-learners as part of a bona fide
15 vocational training program shall pay such student-learners' wages at a
16 rate of at least seventy-five percent of the minimum wage rate which
17 would otherwise be applicable under this section.

18 (5) An employer may pay a youth minimum wage of ten dollars and
19 fifty cents per hour to an employee who:

20 (a) Is at least fourteen years of age but no more than seventeen
21 years of age; and

22 (b) Is not an emancipated minor.

23 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1203.01 (1) An employer may pay a new employee who is at least
26 eighteen years of age but under ~~younger than~~ twenty years of age and who
27 is not a seasonal or migrant worker a training wage rate as described in
28 subsection (2) of this section ~~of at least seventy-five percent of the~~
29 ~~federal minimum wage~~ for ninety days from the date the new employee was

30 hired. An employer may pay such new employee the training wage rate for
31 an additional ninety-day period while the new employee is participating
1 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or
2 other skills which are necessary for his or her employment and (b) ~~(2)~~ is
3 approved by the Commissioner of Labor. No more than one-fourth of the
4 total hours paid by the employer shall be at the training wage rate.

5 (2) For purposes of this section, the training wage rate shall be:

6 (a) Ten dollars and fifty cents per hour through December 31, 2026;
7 and

8 (b) A rate of seventy-five percent of the minimum wage rate that
9 would otherwise be applicable under section 48-1203 on and after January
10 1, 2027.

11 (3) An employer shall not pay the training wage rate if the hours of
12 any other employee are reduced or if any other employee is laid off and
13 the hours or position to be filled by the new employee is substantially
14 similar to the hours or position of such other employee. An employer
15 shall not dismiss or reduce the hours of any employee with the intention
16 of replacing such employee or his or her hours with a new employee
17 receiving the training wage rate.

18 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
19 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
20 2020, as amended by section 1, Initiative Law 2022, No. 433, are
21 repealed.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR55 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business,
the President signed the following: LR55.

GENERAL FILE

LEGISLATIVE BILL 775. Committee [AM709](#), found on page 695 and considered on page 744, was renewed.

Senator M. Cavanaugh renewed [MO70](#), found and considered on page 744, to bracket until March 15, 2023.

Senator Erdman 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:
[AM856](#) is available in the bill Room.

The second committee amendment is as follows:
[AM832](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 9-601, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 9-601 Sections 9-601 to 9-653 and sections 3 and 8 of this act shall
6 be known and may be cited as the Nebraska County and City Lottery Act.
7 Sec. 2. Section 9-603, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 9-603 For purposes of the Nebraska County and City Lottery Act, the
10 definitions found in sections 9-603.02 to 9-618 and section 3 of this act
11 shall be used.
12 Sec. 3. Digital-on-premises ticket means a digital ticket purchased
13 in person on a mobile or other electronic device verified to be present
14 at the location of the lottery operator or an authorized sales outlet
15 location in accordance with subdivision (3)(b) of section 8 of this act.
16 Sec. 5. Section 9-607, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 9-607 (1) Lottery shall mean a gambling scheme in which:
19 (a) The players pay or agree to pay something of value for an
20 opportunity to win;
21 (b) Winning opportunities are represented by tickets;
22 (c) Winners are solely determined by one of the following two
23 methods:
24 (i) By a random drawing of tickets differentiated by sequential
25 enumeration from a receptacle by hand whereby each ticket has an equal
26 chance of being chosen in the drawing; or
27 (ii) By use of a game known as keno in which a player selects up to
1 twenty numbers from a total of eighty numbers on a ~~paper~~ ticket and a
2 computer, other electronic selection device, or electrically operated
3 blower machine which is not player-activated randomly selects up to
4 twenty numbers from the same pool of eighty numbers and the winning
5 players are determined by the correct matching of the numbers on the
6 ~~paper~~ ticket selected by the players with the numbers randomly selected
7 by the computer, other electronic selection device, or electrically
8 operated blower machine, except that (A) no keno game shall permit or
9 require player activation of lottery equipment and (B) the random
10 selection of numbers by the computer, other electronic selection device,
11 or electrically operated blower machine shall not occur within five
12 minutes of the completion of the previous selection of random numbers;
13 ~~and~~
14 (d) The holders of the winning ~~paper~~ tickets are to receive cash or

15 prizes redeemable for cash. Selection of a winner or winners shall be
16 predicated solely on chance; and -

17 (e) Tickets are issued either (i) on paper or (ii) with the consent
18 of the governing body of the county, city, or village conducting the
19 lottery, digitally to a mobile or other device which, at the time of
20 purchase, is verified to be present at the location of the lottery
21 operator or an authorized sales outlet location as provided in
22 subdivision (3)(b) of section 8 of this act.

23 (2) Lottery shall not include:

24 (a) Any gambling scheme which uses any mechanical gaming device,
25 computer gaming device, electronic gaming device, or video gaming device
26 which has the capability of awarding something of value, free games
27 redeemable for something of value, or tickets or stubs redeemable for
28 something of value;

29 (b) Any activity authorized or regulated under the Nebraska Bingo
30 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card
31 Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery
1 Act, section 9-701, or Chapter 2, article 12; or

2 (c) Any activity prohibited under Chapter 28, article 11.

3 (3) Notwithstanding the requirement in subdivision (1)(c)(ii) of
4 this section that a player select up to twenty numbers, a player may
5 select more than twenty numbers on a paper ticket when a top or bottom,
6 left or right, edge, or way ticket is played. For a top or bottom ticket,
7 the player shall select all numbers from one through forty or all numbers
8 from forty-one through eighty. For a left or right ticket, the player
9 shall select all numbers ending in one through five or all numbers ending
10 in six through zero. For an edge ticket, the player shall select all of
11 the numbers comprising the outside edge of the ticket. For a way ticket,
12 the player shall select a combination of groups of numbers in multiple
13 ways on a single ticket.

14 (4) A county, city, or village conducting a keno lottery shall
15 designate the method of winning number selection to be used in the
16 lottery and submit such designation in writing to the department prior to
17 conducting a keno lottery. Only those methods of winning number selection
18 described in subdivision (1)(c)(ii) of this section shall be permitted,
19 and the method of winning number selection initially utilized may only be
20 changed once during that business day as set forth in the designation. A
21 county, city, or village shall not change the method or methods of
22 winning number selection filed with the department or allow it to be
23 changed once such initial designation has been made unless (a) otherwise
24 authorized in writing by the department based upon a written request from
25 the county, city, or village or (b) an emergency arises in which case a
26 ball draw method of number selection would be switched to a number
27 selection by a random number generator. An emergency situation shall be
28 reported by the county, city, or village to the department within twenty-
29 four hours of its occurrence.

30 Sec. 6. Section 9-646.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 9-646.01 (1)(a) No person or licensee, or any employee or agent
2 thereof, accepting wagers on a lottery conducted pursuant to the Nebraska
3 County and City Lottery Act shall extend credit from the gross proceeds
4 of a lottery to participants in the lottery for the purchase of lottery
5 tickets. No person shall purchase or be allowed to purchase any lottery
6 ticket or make or be allowed to make any wager pursuant to the act unless
7 he or she pays for such ticket or wager with cash, a debit card, the cash
8 balance of a payment application, a transfer from a deposit account at a
9 financial institution, or an account established in the name of the
10 player with the lottery operator and funded as provided in subsection (2)
11 of this section. For purposes of this section, cash shall mean United
12 States currency having the same face value as the price of the ticket or
13 wager. A credit card shall not be accepted for payment for any wager on
14 keno.

15 (b) A participant shall not use a debit card to purchase more than
16 two hundred dollars of keno wagers from a lottery operator in a single

17 calendar day.

18 (2) A lottery operator may allow participants to create an account
 19 to be used for lottery play. Such accounts may only be funded with cash,
 20 a debit card, the cash balance of a payment application, or a transfer
 21 from a deposit account at a financial institution. The lottery operator
 22 may also allow a participant to deposit prize money won from the lottery
 23 and refunds from the lottery into a lottery play account. A participant
 24 shall not deposit funds into any such account from a debit card
 25 transaction if the total amount of funds from all such debit card
 26 transactions in that calendar day would exceed two hundred dollars.

27 Sec. 7. Section 9-651, Reissue Revised Statutes of Nebraska, is
 28 amended to read:

29 9-651 Each county, city, or village conducting a lottery shall have
 30 its name clearly associated with ~~printed on~~ each ticket used in the
 31 lottery. No such ticket shall be sold unless such ~~the~~ name is clearly

1 identified printed thereon.
 2 Sec. 8. (1) Any purchase of a ticket for a keno game shall be made
 3 in person at the location of the lottery operator or an authorized sales
 4 outlet location.

5 (2) The lottery operator shall file with the department the address
 6 of each location where digital-on-premises tickets are sold. The lottery
 7 operator shall use reasonable safeguards approved by the department to
 8 ensure that digital-on-premises tickets are only accessible to
 9 individuals nineteen years of age or older.

10 (3) The lottery operator shall submit controls, for approval by the
 11 department, that include the following at the location of the lottery
 12 operator or the locations of its associated authorized sales outlets at
 13 which digital-on-premises tickets are sold:

14 (a) Any specific procedure and any technology partner used to
 15 fulfill the requirements set forth by the department;

16 (b) Any location detection procedure to reasonably detect and
 17 dynamically monitor the location of a player attempting to purchase a
 18 digital-on-premises ticket for a keno game. The location procedures shall
 19 be designed so that a player outside the permitted boundary is rejected
 20 and the player is notified. The permitted boundary shall be established
 21 in such a manner that access is not regularly available away from the
 22 property on which the licensed premises is situated and such boundary is
 23 as closely matching to the actual or legal boundaries of the licensed
 24 premises as reasonably possible;

25 (c) Any other specific controls as designated by the department;

26 (d) A process to prominently display and easily impose any
 27 limitation parameters relating to the purchase of a digital-on-premises
 28 ticket for a keno game; and

29 (e) An easy and obvious method for a player to make a complaint and
 30 to enable the player to notify the department if such complaint has not
 31 been or cannot be addressed by the lottery operator.

1 (4) The department shall approve or deny the controls within thirty
 2 days after submission. If denied, the department shall provide the
 3 reasons for denial and allow the lottery operator to resubmit revised
 4 controls.

5 (5) The department may adopt and promulgate rules and regulations
 6 relating to digital-on-premises tickets. Such rules and regulations shall
 7 be adopted and promulgated no later than January 1, 2024.

8 Sec. 13. Original sections 9-601, 9-603, 9-606, 9-607, 9-646.01,
 9 9-651, 9-1103, 9-1106, 81-3717, and 81-3720, Reissue Revised Statutes of
 10 Nebraska, are repealed.

The first committee amendment, [AM856](#), found in this day's Journal, was offered.

Senator M. Cavanaugh withdrew her motion to bracket.

Senator M. Cavanaugh offered the following motion:

[MO72](#)

Recommit to General Affairs Committee.

Senator M. Cavanaugh offered the following motion:

[MO71](#)

Bracket until May 16, 2023.

Pending.

ANNOUNCEMENTS

Priority designations received:

Bostelman - LB165

Ballard - LB732

Nebraska Retirement Systems - LB198 and LB103

Revenue - LB727 and LB754

Appropriations - LB597 and LB598

Walz - LB516

Judiciary - LB341 and LB50

Wayne - LB792

McDonnell - LB617

Transportation and Telecommunications - LB683 and LB412

Natural Resources - LB425

Wishart - LB709

BILLS ON FIRST READING

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

LEGISLATIVE BILL 45A. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 45, One Hundred Eighth Legislature, First Session, 2023; to provide for fund transfers; and to declare an emergency.

LEGISLATIVE BILL 276A. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh renewed [MO72](#), found and considered in this day's Journal, to recommit to General Affairs Committee.

Senator M. Cavanaugh renewed [MO71](#), found and considered in this day's Journal, to bracket until May 16, 2023.

SPEAKER ARCH PRESIDING

Senator M. Cavanaugh withdrew her motion to bracket.

PRESIDENT KELLY PRESIDING

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

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

Voting in the affirmative, 0.

Voting in the negative, 47:

Albrecht	Cavanaugh, J.	Fredrickson	Kauth	Sanders
Arch	Clements	Geist	Linchan	Slama
Armendariz	Conrad	Halloran	Lippincott	Vargas
Ballard	Day	Hansen	Lowe	von Gillern
Blood	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wayne
Bostelman	Dorn	Hughes	Moser	Wishart
Brandt	Dover	Hunt	Murman	
Brewer	Dungan	Ibach	Raybould	
Briese	Erdman	Jacobson	Riepe	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 1:

Aguilar

The M. Cavanaugh motion to recommit to committee failed with 0 ayes, 47 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525 1:30 PM

Tuesday, March 21, 2023

Dan O'Neill - Nebraska Educational Telecommunications Commission
Molly O'Holleran - Coordinating Commission for Postsecondary Education
LB774
LB527
LB177
LB332

(Signed) Dave Murman, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, March 21, 2023

LB532

(Signed) Terrell McKinney, Chairperson

ANNOUNCEMENTS

Priority designations received:

State-Tribal Relations - LB474
Riepe - LB586
Business and Labor - LB267 and LB191
Raybould - LB327
Brandt - LB61
Bostar - LB63
M. Cavanaugh - LB348
Fredrickson - LB256
Hunt - LB307
Jacobson - LB644
Legislature's Planning Committee - LB157

BILL ON FIRST READING

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

LEGISLATIVE BILL 140A. Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, One Hundred Eighth Legislature, First Session, 2023.

AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to [LB404: AM782](#) is available in the Bill Room.

Senator Blood filed the following amendment to [LB5: AM476](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) For an employee other than a first responder,
 4 frontline state employee, or county correctional officer, personal injury
 5 includes mental injuries and mental illness unaccompanied by physical
 6 injury if such employee:
 7 (a) Establishes that such employee was physically present during an
 8 incident of workplace violence which occurred in such employee's
 9 workplace;
 10 (b) Establishes that such incident of workplace violence produced
 11 the mental injury or mental illness which brought about the need for
 12 medical attention and the interruption of employment; and
 13 (c) Establishes through a mental health professional the medical
 14 causation between the mental injury or mental illness and the incident of
 15 workplace violence by medical evidence.
 16 (2) For purposes of this section:
 17 (a) County correctional officer has the same meaning as in section
 18 48-101.01;
 19 (b) First responder has the same meaning as in section 48-101.01;
 20 (c) Frontline state employee has the same meaning as in section
 21 48-101.01;
 22 (d) Mental health professional has the same meaning as in section
 23 48-101.01; and
 24 (e) Workplace violence means a shooting, a hostage situation, or an
 25 act of terrorism occurring in the workplace.
 26 (3) All other provisions of the Nebraska Workers' Compensation Act
 27 apply to this section.
 1 Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is
 2 amended to read:
 3 48-151 Throughout the Nebraska Workers' Compensation Act, the
 4 following words and phrases shall be considered to have the following
 5 meaning, respectively, unless the context clearly indicates a different
 6 meaning in the construction used:
 7 (1) Physician means any person licensed to practice medicine and
 8 surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in
 9 the State of Nebraska or in the state in which the physician is
 10 practicing;
 11 (2) Accident means an unexpected or unforeseen injury happening
 12 suddenly and violently, with or without human fault, and producing at the
 13 time objective symptoms of an injury. The claimant has the burden of
 14 proof to establish by a preponderance of the evidence that such
 15 unexpected or unforeseen injury was in fact caused by the employment.
 16 There is no presumption from the mere occurrence of such unexpected or
 17 unforeseen injury that the injury was in fact caused by the employment;
 18 (3) Occupational disease means only a disease which is due to causes
 19 and conditions which are characteristic of and peculiar to a particular
 20 trade, occupation, process, or employment and excludes all ordinary
 21 diseases of life to which the general public is exposed;
 22 (4) Injury and personal injuries mean only violence to the physical
 23 structure of the body and such disease or infection as naturally results
 24 therefrom and personal injuries described in section 48-101.01 and
 25 section 1 of this act. The terms include disablement resulting from

26 occupational disease arising out of and in the course of the employment
 27 in which the employee was engaged and which was contracted in such
 28 employment. The terms include an aggravation of a preexisting
 29 occupational disease, the employer being liable only for the degree of
 30 aggravation of the preexisting occupational disease. The terms do not
 31 include disability or death due to natural causes but occurring while the
 1 employee is at work and do not include an injury, disability, or death
 2 that is the result of a natural progression of any preexisting condition;
 3 (5) Death, when mentioned as a basis for the right to compensation,
 4 means only death resulting from such violence and its resultant effects
 5 or from occupational disease;
 6 (6) Without otherwise affecting either the meaning or the
 7 interpretation of the abridged clause, personal injuries arising out of
 8 and in the course of employment, it is hereby declared not to cover
 9 workers except while engaged in, on, or about the premises where their
 10 duties are being performed or where their service requires their presence
 11 as a part of such service at the time of the injury and during the hours
 12 of service as such workers, and not to cover workers who on their own
 13 initiative leave their line of duty or hours of employment for purposes
 14 of their own. Property maintained by an employer is considered the
 15 premises of such employer for purposes of determining whether the injury
 16 arose out of employment;
 17 (7) Willful negligence consists of (a) a deliberate act, (b) such
 18 conduct as evidences reckless indifference to safety, or (c) intoxication
 19 at the time of the injury, such intoxication being without the consent,
 20 knowledge, or acquiescence of the employer or the employer's agent;
 21 (8) Intoxication includes, but is not limited to, being under the
 22 influence of a controlled substance not prescribed by a physician;
 23 (9) Prospective loss costs means prospective loss costs as defined
 24 in section 44-7504 and prepared, filed, or distributed by an advisory
 25 organization which has been issued a certificate of authority pursuant to
 26 section 44-7518;
 27 (10) Client means client as defined in section 48-2702;
 28 (11) Professional employer organization means professional employer
 29 organization as defined in section 48-2702;
 30 (12) Multiple coordinated policy means multiple coordinated policy
 31 as defined in section 48-2702;
 1 (13) Master policy means master policy as defined in section
 2 48-2702; and
 3 (14) Whenever in the Nebraska Workers' Compensation Act the singular
 4 is used, the plural is considered included; when the masculine gender is
 5 used, the feminine is considered included.
 6 Sec. 3. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
 7 amended to read:
 8 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall
 9 be known and may be cited as the Nebraska Workers' Compensation Act.
 10 Sec. 4. Original sections 48-151 and 48-1,110, Reissue Revised
 11 Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 775. The first committee amendment [AM856](#), found and considered in this day's Journal, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO73](#)

Reconsider the vote taken on [MO72](#).

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 10 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 1:

Wayne

Voting in the negative, 42:

Albrecht	Cavanaugh, J.	Geist	Linehan	Sanders
Arch	Clements	Halloran	Lippincott	Slama
Armendariz	Conrad	Hansen	Lowe	Vargas
Ballard	DeKay	Hardin	McDonnell	von Gillern
Blood	Dorn	Holdcroft	McKinney	Walz
Bostar	Dover	Hughes	Moser	Wishart
Bostelman	Dungan	Hunt	Murman	
Brandt	Erdman	Ibach	Raybould	
Brewer	Fredrickson	Jacobson	Riepe	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 5:

Aguilar	Briese	Day	DeBoer	Kauth
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The M. Cavanaugh motion to reconsider failed with 1 aye, 42 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

ANNOUNCEMENTS

Priority designations received:

B. Hansen - LB91
Health and Human Services - LB227

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 605. Placed on General File.

LEGISLATIVE BILL 451. Placed on General File with amendment.
[AM854](#)

1 1. On page 2, line 1, strike "Health and Human Services" and insert
 2 "Economic Development".

LEGISLATIVE BILL 772. Placed on General File with amendment.
[AM702](#)

1 1. On page 3, line 21, after the period insert "The grant shall be
 2 awarded in an amount equal to matching funds that the licensed
 3 residential child-caring agency commits to spending on such facility.".
 4 2. On page 3, line 5, strike "two" and insert "one".

LEGISLATIVE BILL 792. Placed on General File with amendment.
[AM765](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) The Department of Health and Human Services shall
 4 create a statewide pilot program to assess the need for substantial
 5 efforts to prevent post-traumatic stress disorder through the reduction
 6 of community gun violence.
 7 (2) The Department of Health and Human Services shall:
 8 (a) Assess the degree of community exposure to acts of violence,
 9 including, but not limited to, witnessing incidents of fighting or
 10 shooting, hearing gunshots, or experiencing an act of community violence;
 11 (b) Identify treatment services;
 12 (c) Ensure that pilot program providers use the best available
 13 evidence-supported assessment procedures and intervention strategies that
 14 include non-office-based treatment settings and parent-operated programs;
 15 (d) Build a sustainable and accessible program beyond the pilot
 16 community to engage community partnerships with key stakeholders,
 17 including, but not limited to, churches, law enforcement agencies, civic
 18 organizations, and businesses; and
 19 (e) Conduct periodic evaluations for all post-traumatic stress
 20 disorder assessment and treatment services, including costs and settings
 21 for care, and proximal and distal client outcomes.
 22 (3) It is the intent of the Legislature to appropriate twenty-five
 23 million dollars from the General Fund to carry out this section.
 24 Sec. 2. Since an emergency exists, this act takes effect when
 25 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 52A. Introduced by Lippincott, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 52, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB775](#):

[MO74](#)

Bracket until May 17, 2023.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator von Gillern name added to LB254.

Senator Fredrickson name added to LB256.

VISITORS

Visitors to the Chamber were Les Parmenter, Thedford; Habitat for Humanity Affiliates; Nebraska Appleseed; Nebraska Civic Engagement Table; Collective Impact Lincoln; Front Porch Investments; Spark; Neighborworks Lincoln; Together, Inc.; Women's Fund; students from St. Thomas More School, Omaha; Nebraska Manufacturing Alliance; teachers from the Omaha area/NSEA; students from Wildewood Elementary, Ralston; Dan and Stephanie Nantkes, Seward; Caroline and Will Conrad, Lincoln.

ADJOURNMENT

At 12:11 p.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2023.

Brandon Metzler
Clerk of the Legislature