

FORTY-SEVENTH DAY - MARCH 21, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 2023

PRAYER

The prayer was offered by Senator Lowe.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Petty Officer R G Smith, A, Navy, Bellevue.

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 Bostar, Brewer, Day, Geist, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 566. Placed on General File.

(Signed) Tom Briese, Chairperson

Revenue

LEGISLATIVE BILL 235. Placed on General File.

LEGISLATIVE BILL 370. Placed on General File with amendment.

[AM920](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1704.01, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:
5 77-1704.01 (1) The county treasurer shall include with each tax
6 notice to every taxpayer and with each receipt provided to a taxpayer the
7 following information:
8 (a) The total amount of aid from state sources appropriated to the
9 county and each city, village, and school district in the county;
10 (b) The net amount of property taxes to be levied by the county and
11 each city, village, school district, and learning community in the
12 county;
13 (c) For real property, the amount of taxes reflected on the
14 statement that are levied by the county, city, village, school district,
15 learning community, and other subdivisions for the tax year and for the
16 immediately past year on the same parcel;
17 (d) For real property that has its taxes divided under section
18 18-2147 as part of a redevelopment project under the Community
19 Development Law, the amount of taxes reflected on the statement that are
20 allocated to the county, city, village, school district, learning
21 community, and other subdivisions, the amount of taxes reflected on the
22 statement that are allocated to the redevelopment project, and a
23 statement explaining that taxes on the real property have been divided as
24 part of a redevelopment project under the Community Development Law; ~~and~~
25 (e) For taxes levied for fiscal year 2017-18 on real property within
26 a learning community, statements explaining that the school district
27 levies for learning community member districts are increasing, in part,
1 as a result of the expiration of the learning community common levies,
2 the proceeds of which were distributed directly to school districts, and
3 that the remaining learning community levies fund activities of the
4 learning community; ~~and~~ -
5 (f) For real property, statements regarding the availability of tax
6 credits, which shall be printed in at least twelve-point type in
7 substantially the following form:
8 DON'T FORGET TO CLAIM YOUR NEBRASKA PROPERTY TAX INCENTIVE ACT
9 CREDIT
10 You may be eligible for a refundable income tax credit based on the
11 amount you paid for school district and community college property taxes.
12 To claim this credit, visit the Department of Revenue's website at
13 (insert current website address).
14 If you failed to claim this credit on your income tax return, you
15 can still receive the credit by submitting an amended return. The amended
16 return must be submitted within three years from the date your original
17 income tax return was filed.
18 If you have questions or need assistance filling out these forms,
19 please contact the Department of Revenue at (insert current telephone
20 number) or fill out the "Contact Us Form" located on the department's
21 website at (insert current website address).
22 (2) The necessary form for furnishing the information required by
23 subdivisions (1)(a), (b), and (e) of this section shall be prescribed by
24 the Department of Revenue. The necessary information required by
25 subdivision (1)(a) of this section shall be furnished to the county
26 treasurer by the Department of Revenue prior to October 1 of each year.
27 The form prescribed by the Department of Revenue shall contain the
28 following statement:
29 THE AMOUNT OF STATE FUNDS SHOWN ABOVE WOULD HAVE BEEN
30 ADDITIONAL
31 PROPERTY TAXES IF NOT ALLOCATED TO THE COUNTY, CITY, VILLAGE, AND
32 SCHOOL
33 DISTRICT BY THE LEGISLATURE.

1 Sec. 2. Original section 77-1704.01, Revised Statutes Cumulative
2 Supplement, 2022, is repealed.

LEGISLATIVE BILL 754. Placed on General File with amendment.
[AM906](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File with amendment.
[ER16](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "gambling; to amend sections 9-601, 9-603, 9-606, 9-607,
3 9-646.01, 9-651, 9-1103, 9-1106, 81-3717, and 81-3720, Reissue Revised
4 Statutes of Nebraska; to change provisions of the Nebraska County and
5 City Lottery Act, the Nebraska Racetrack Gaming Act, and the Nebraska
6 Visitors Development Act; and to repeal the original sections."

LEGISLATIVE BILL 552. Placed on Select File with amendment.
[ER14](#)

1 1. On page 1, line 4, strike "and"; and in line 5 after "section"
2 insert "; and to declare an emergency".

LEGISLATIVE BILL 103. Placed on Select File with amendment.
[ER15](#)

1 1. On page 1, strike beginning with "79-920" in line 1 through line
2 7 and insert "23-2301 and 23-2323.01, Reissue Revised Statutes of
3 Nebraska, and sections 24-701, 24-710.01, 24-710.04, 79-902, 79-920,
4 79-926, 81-2014, 81-2034, 84-1301, and 84-1325, Revised Statutes
5 Cumulative Supplement, 2022; to redefine and eliminate terms under the
6 County Employees Retirement Act, the Judges Retirement Act, the School
7 Employees Retirement Act, the Nebraska State Patrol Retirement Act, and
8 the State Employees Retirement Act; to change provisions relating to
9 applicable military service; to change provisions relating to
10 participation in the School Employees Retirement System of the State of
11 Nebraska; to harmonize provisions; to repeal the original sections; and
12 to declare an emergency."

(Signed) Beau Ballard, Chairperson

MINORITY COMMITTEE STATEMENT
Health and Human Services

LEGISLATIVE BILL 574. Minority committee statement filed.

(Signed) Jen Day
Machaela Cavanaugh

BILL ON FIRST READING

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

LEGISLATIVE BILL 328A. Introduced by Raybould, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, One Hundred Eighth Legislature, First Session, 2023.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR59 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR59.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt offered [MO9](#), found on page 289, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Kauth opened on her bill, LB574.

Senator Hunt opened on her motion, MO9.

Senator Slama moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Hunt motion.

Senator Slama challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Hunt raised a point of order on whether a member may ask another member to yield to a question during debate on a motion to overrule the Chair, pursuant to Rule 1, Section 12.

The Chair ruled that members may not yield to questions during debate on a motion to overrule the Chair.

The Chair called Senator Hunt to order for engaging in debate when recognized to raise a point of order.

Pending.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB757](#):

[AM903](#)

1 I. Insert the following new section:

2 Sec. 2. (1) A health care provider, an emergency medical services

3 provider, a laboratory, or a pharmacy providing medical services,

4 transportation, medications, or other services related to the examination

5 or treatment of injuries arising out of sexual assault as defined in

6 section 29-4309, domestic assault under section 28-323, or child abuse
 7 under section 28-707 shall not:
 8 (a) Refer a bill for such services to a collection agency or an
 9 attorney for collection against the victim or the victim's guardian or
 10 family;
 11 (b) Distribute information regarding such services and status of
 12 payment in any way that would affect the credit rating of the victim or
 13 the victim's guardian or family; or
 14 (c) Take any other action adverse to the victim or the victim's
 15 guardian or family on account of providing such services.
 16 (2) This section shall not be construed to prevent an entity
 17 described in subsection (1) of this section from otherwise seeking
 18 payment for such services from the victim or any other source.
 19 (3) If a collection agency or an attorney is referred a debt for a
 20 bill described in subsection (1) of this section, then upon notice of the
 21 applicability of this section, the collection agency or attorney shall
 22 return the debt to the referring health care provider, emergency medical
 23 services provider, laboratory, or pharmacy.
 24 (4) No private cause of action shall exist under this section
 25 against a debt collector.
 26 2. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to [LB532](#):
[AM861](#)

1 1. Insert the following new sections:
 2 Section 1. It is the intent of the Legislature to appropriate one
 3 hundred million dollars from the General Fund for fiscal year 2023-24 to
 4 the State Treasurer for Program No. 120, Aid to Municipalities, to
 5 provide assistance to a city of the metropolitan class for the purposes
 6 of establishing, maintaining, and operating a streetcar within two and
 7 one-half miles of a major airport as defined in section 13-3303.
 8 Such streetcar shall be established, maintained, and operated within
 9 two and one-half miles of a major airport as defined in section 13-3303
 10 and shall connect to the major airport without going outside the
 11 boundaries of the city of the metropolitan class.
 12 Sec. 5. Section 18-2117.01, Reissue Revised Statutes of Nebraska, is
 13 amended to read:
 14 18-2117.01 (1)(a) On or before December 1 each year, each city which
 15 has approved one or more redevelopment plans which are financed in whole
 16 or in part through the division of taxes as provided in section 18-2147
 17 shall provide a report to the Property Tax Administrator on each such
 18 redevelopment plan which includes the following information:
 19 (i) A copy of the redevelopment plan and any amendments thereto,
 20 including the date upon which the redevelopment plan was approved, the
 21 effective date for dividing the ad valorem tax as provided to the county
 22 assessor pursuant to subsection (6) (5) of section 18-2147, and the
 23 location and boundaries of the property in the redevelopment project; and
 24 (ii) A short narrative description of the type of development
 25 undertaken by the city or village with the financing and the type of
 26 business or commercial activity locating within the redevelopment project
 27 area as a result of the redevelopment project.
 1 (b) If a city has approved one or more redevelopment plans using an
 2 expedited review under section 18-2155, the city may file a single report
 3 under this subsection for all such redevelopment plans.
 4 (2) The report required under subsection (1) of this section must be
 5 filed each year, regardless of whether the information in the report has
 6 changed, except that a city is not required to refile a copy of the
 7 redevelopment plan or an amendment thereto if such copy or amendment has
 8 previously been filed.
 9 (3) The Property Tax Administrator shall compile a report for each

10 active redevelopment project, based upon information provided by the
11 cities pursuant to subsection (1) of this section and information
12 reported by the county assessor or county clerk on the certificate of
13 taxes levied pursuant to section 77-1613.01. Each report shall be
14 electronically transmitted to the Clerk of the Legislature not later than
15 March 1 each year. The report may include any recommendations of the
16 Property Tax Administrator as to what other information should be
17 included in the report from the cities so as to facilitate analysis of
18 the uses, purposes, and effectiveness of tax-increment financing and the
19 process for its implementation or to streamline the reporting process
20 provided for in this section to eliminate unnecessary paperwork.

21 Sec. 8. Section 18-2147, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-2147 (1) Any redevelopment plan as originally approved or as
24 later modified pursuant to section 18-2117 may contain a provision that
25 any ad valorem tax levied upon real property, or any portion thereof, in
26 a redevelopment project for the benefit of any public body shall be
27 divided, for the applicable period described in subsection (4) (3) of
28 this section, as follows:

29 (a) That portion of the ad valorem tax which is produced by the levy
30 at the rate fixed each year by or for each such public body upon the
31 redevelopment project valuation shall be paid into the funds of each such
1 public body in the same proportion as are all other taxes collected by or
2 for the body. When there is not a redevelopment project valuation on a
3 parcel or parcels, the county assessor shall determine the redevelopment
4 project valuation based upon the fair market valuation of the parcel or
5 parcels as of January 1 of the year prior to the year that the ad valorem
6 taxes are to be divided. The county assessor shall provide written notice
7 of the redevelopment project valuation to the authority as defined in
8 section 18-2103 and the owner. The authority or owner may protest the
9 valuation to the county board of equalization within thirty days after
10 the date of the valuation notice. All provisions of section 77-1502
11 except dates for filing of a protest, the period for hearing protests,
12 and the date for mailing notice of the county board of equalization's
13 decision are applicable to any protest filed pursuant to this section.
14 The county board of equalization shall decide any protest filed pursuant
15 to this section within thirty days after the filing of the protest. The
16 county clerk shall mail a copy of the decision made by the county board
17 of equalization on protests pursuant to this section to the authority or
18 owner within seven days after the board's decision. Any decision of the
19 county board of equalization may be appealed to the Tax Equalization and
20 Review Commission, in accordance with section 77-5013, within thirty days
21 after the date of the decision;

22 (b) That portion of the ad valorem tax on real property, as provided
23 in the redevelopment contract, bond resolution, or redevelopment plan, as
24 applicable, in the redevelopment project in excess of such amount, if
25 any, shall be allocated to and, when collected, paid into a special fund
26 of the authority to be used solely to pay the principal of, the interest
27 on, and any premiums due in connection with the bonds of, loans, notes,
28 or advances of money to, or indebtedness incurred by, whether funded,
29 refunded, assumed, or otherwise, such authority for financing or
30 refinancing, in whole or in part, the redevelopment project. When such
31 bonds, loans, notes, advances of money, or indebtedness, including
1 interest and premiums due, have been paid, the authority shall so notify
2 the county assessor and county treasurer and all ad valorem taxes upon
3 taxable real property in such a redevelopment project shall be paid into
4 the funds of the respective public bodies. An authority may use a single
5 fund for purposes of this subdivision for all redevelopment projects or
6 may use a separate fund for each redevelopment project; and
7 (c) Any interest and penalties due for delinquent taxes shall be

8 paid into the funds of each public body in the same proportion as are all
9 other taxes collected by or for the public body.

10 (2) To the extent that a redevelopment plan authorizes the division
11 of ad valorem taxes levied upon only a portion of the real property
12 included in such redevelopment plan, any improvements funded by such
13 division of taxes shall be related to the redevelopment plan that
14 authorized such division of taxes.

15 (3)(a) For any redevelopment plan located in a city of the
16 metropolitan class that includes a division of taxes, as provided in this
17 section, that produces, in whole or in part, funds to be used directly or
18 indirectly for (i) new construction, rehabilitation, or acquisition of
19 housing for households with annual incomes below the area median income
20 for households and located within six hundred yards of a public passenger
21 streetcar, or (ii) new construction, rehabilitation, or acquisition of
22 single-family housing or condominium housing used as primary residences
23 for individuals with annual incomes below the area median income for
24 individuals, such housing shall be deemed related to the redevelopment
25 plan that authorized such division of taxes regardless of whether such
26 housing is or will be located on real property within such redevelopment
27 plan, as long as such housing supports activities occurring on or
28 identified in such redevelopment plan.

29 (b) During each fiscal year in which the funds described in
30 subdivision (a) of this subsection are available, the authority and city
31 shall make best efforts to allocate not less than thirty percent of such
1 funds to single family housing deemed related to the redevelopment plan
2 described under such subdivision.

3 (c) In selecting projects to receive funding, the authority and city
4 shall develop a qualified allocation plan and give first priority to
5 financially viable projects that serve the lowest income occupants for
6 the longest period of time.

7 (4)(a) (3)(a) For any redevelopment plan for which more than fifty
8 percent of the property in the redevelopment project area has been
9 declared an extremely blighted area in accordance with section
10 18-2101.02, ad valorem taxes shall be divided for a period not to exceed
11 twenty years after the effective date as identified in the project
12 redevelopment contract or in the resolution of the authority authorizing
13 the issuance of bonds pursuant to section 18-2124.

14 (b) For all other redevelopment plans, ad valorem taxes shall be
15 divided for a period not to exceed fifteen years after the effective date
16 as identified in the project redevelopment contract, in the resolution of
17 the authority authorizing the issuance of bonds pursuant to section
18 18-2124, or in the redevelopment plan, whichever is applicable.

19 (5) (4) The effective date of a provision dividing ad valorem taxes
20 as provided in subsection (4) (3) of this section shall not occur until
21 such time as the real property in the redevelopment project is within the
22 corporate boundaries of the city. This subsection shall not apply to a
23 redevelopment project involving a formerly used defense site as
24 authorized in section 18-2123.01.

25 (6) (5) Beginning August 1, 2006, all notices of the provision for
26 dividing ad valorem taxes shall be sent by the authority to the county
27 assessor on forms prescribed by the Property Tax Administrator. The
28 notice shall be sent to the county assessor on or before August 1 of the
29 year of the effective date of the provision. Failure to satisfy the
30 notice requirement of this section shall result in the taxes, for all
31 taxable years affected by the failure to give notice of the effective
1 date of the provision, remaining undivided and being paid into the funds
2 for each public body receiving property taxes generated by the property
3 in the redevelopment project. However, the redevelopment project
4 valuation for the remaining division of ad valorem taxes in accordance
5 with subdivisions (1)(a) and (b) of this section shall be the last

6 certified valuation for the taxable year prior to the effective date of
 7 the provision to divide the taxes for the remaining portion of the
 8 twenty-year or fifteen-year period pursuant to subsection (4) (3) of this
 9 section.

10 2. On page 2, line 12, strike "(3)(a)", show as stricken, and insert
 11 "(4)(a)".

12 3. Renumber the remaining sections and correct the repealer and
 13 internal references accordingly.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 455. Placed on General File.

LEGISLATIVE BILL 71. Placed on General File with amendment.

AM833

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

3 Section 1. Section 79-530, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 79-530 (1) For purposes of sections 79-530 to 79-533 and sections 5
 6 to 7 of this act, educational decisionmaker means a person designated or
 7 ordered by a court to make educational decisions on behalf of a child.

8 (2) The Legislature finds and declares:

9 (a) ~~(1)~~ That ~~parental~~ involvement of parents, guardians, and
 10 educational decisionmakers is a key factor in the education of children;

11 (b) ~~(2)~~ That such individuals parents need to be informed of the
 12 educational practices affecting their children; and

13 (c) ~~(3)~~ That public schools should foster and facilitate access by
 14 such individuals to ~~parental~~ information about and involvement in
 15 educational practices affecting their children.

16 (3) It is the intent of the Legislature, through the enactment of
 17 sections 79-531 to 79-533 and sections 5 to 7 of this act, to strengthen
 18 the level of ~~parental~~ involvement and participation by parents,
 19 guardians, and educational decisionmakers in the public school system of
 20 the state.

21 Sec. 2. Section 79-531, Reissue Revised Statutes of Nebraska, is
 22 amended to read:

23 79-531 (1) On or before July 1, ~~2024~~ 1995, each public school
 24 district in the state shall develop and adopt a policy stating how the
 25 district will ~~seek to~~ involve parents, guardians, or educational
 26 decisionmakers in the education of their children ~~schools and the rights~~
 27 ~~of each parent, guardian, or educational decisionmaker to: what parents'~~
 1 ~~rights shall be relating to access to the schools;~~

2 (a) ~~Access~~ testing information; and curriculum; ~~and matters.~~

3 (b) Request that a child be excused from specific instruction or
 4 activities.

5 (2) The policy of each public school district relating to how the
 6 district will seek to involve parents in the schools and what rights
 7 parents have relating to access to schools that is in effect prior to the
 8 effective date of this act shall remain in effect until a new policy is
 9 developed and adopted on or before July 1, 2024, pursuant to subsection
 10 (1) of this section.

11 Sec. 3. Section 79-532, Reissue Revised Statutes of Nebraska, is
 12 amended to read:

13 79-532 (1) The policy required by section 79-531 shall include, but
 14 need not be limited to, the following:

15 (a) ~~(1)~~ How the school district will provide access to parents,
 16 guardians, or educational decisionmakers concerning textbooks; tests;

17 activities information; digital materials; websites or applications used
18 for learning; training materials for teachers, administrators, and staff;
19 procedures for the review and approval of training materials, learning
20 materials, and activities; and other curriculum materials used in the
21 school district;
22 (b) (2) How the school district will accommodate ~~handle~~ requests by
23 parents, guardians, or educational decisionmakers to attend and monitor
24 courses, assemblies, counseling sessions, and other instructional
25 activities;
26 (c) (3) Under what circumstances parents, guardians, or educational
27 decisionmakers may ask that their children be excused from testing,
28 classroom instruction, learning materials, activities, guest speaker
29 events, and other school experiences the parents, guardians, or
30 educational decisionmakers may find objectionable;
31 (d) (4) How the school district will provide access to records of
1 students;
2 (e) (5) What the school district's testing policy will be; and
3 (f) (6) How the school district participates in surveys of students
4 and the right of parents, guardians, or educational decisionmakers to
5 remove their children from such surveys.
6 (2) Nothing in this section shall be construed to require disclosure
7 of information in violation of the federal Family Educational Rights and
8 Privacy Act of 1974, as amended, 20 U.S.C. 1232g, or any federal
9 regulations and applicable guidelines adopted in accordance with such
10 act, as such act, regulations, and guidelines existed on January 1, 2023.
11 Sec. 4. Section 79-533, Reissue Revised Statutes of Nebraska, is
12 amended to read:
13 79-533 The policy required by section 79-531 shall be developed with
14 ~~parental~~ input from parents, guardians, and educational decisionmakers
15 and shall be the subject of a public hearing before the school board or
16 board of education of the school district before adoption by the board.
17 The policy shall be reviewed annually and either altered and adopted as
18 altered or reaffirmed by the board following a public hearing. Any public
19 hearing under this section shall include a reasonable opportunity for
20 public comments.
21 Sec. 5. By August 1, 2024, each school district shall make the
22 policy required by section 79-531 accessible on the school district's
23 public website. The policy shall be accessible by a prominently displayed
24 link on such website. If the policy is altered, the new version of the
25 policy shall be made accessible within a reasonable time thereafter.
26 Sec. 6. To the extent practicable, each public school district
27 shall make a reasonable effort to make any learning materials, including
28 original materials, available for inspection by a parent, guardian, or
29 educational decisionmaker upon request.
30 Sec. 7. If the Commissioner of Education determines that any school
31 district has intentionally refused, in a material manner, to comply with
1 sections 79-530 to 79-533 and sections 5 and 6 of this act, the
2 commissioner shall notify the school district of the noncompliance and
3 allow the school district a reasonable time to comply. If the
4 commissioner determines, after such time has elapsed, that the school
5 district is not in compliance and has not made a good faith attempt to
6 comply, the commissioner shall take appropriate remedial action within
7 the commissioner's authority, up to and including qualifying such
8 noncompliance as a violation of the rules and regulations for the
9 accreditation of schools.
10 Sec. 8. Original sections 79-530, 79-531, 79-532, and 79-533,
11 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 222. Placed on General File with amendment.
[AM699](#)

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) Except as provided in subsection (2) of this section,
 3 no publicly funded college or university in this state shall, as part of
 4 the student application and admission process for disciplines not
 5 requiring licensure or clinical or field placements, inquire about or
 6 consider any applicant's criminal history or juvenile court record
 7 information.
 8 (2)(a) Subsection (1) of this section does not prohibit an inquiry
 9 regarding an applicant's criminal history or juvenile court record
 10 information or consideration of such matters to the extent required by
 11 state or federal law or when such matters are voluntarily submitted by an
 12 applicant.
 13 (b) Any inquiry regarding an applicant's criminal history or
 14 juvenile court record information and any consideration of such matters
 15 shall be strictly limited to the extent permitted by this subsection.
 16 (3) This section does not apply to inquiries or consideration of
 17 criminal history or juvenile court record information (a) occurring
 18 subsequent to the student application and admission process as part of a
 19 professional licensure process or an academically required clinical or
 20 field placement, (b) any application or other process relating to student
 21 housing, or (c) any application or other process relating to any athletic
 22 program.
 23 (4) For purposes of this section, criminal history or juvenile court
 24 record information means all records relating to an applicant's criminal
 25 history record or juvenile court record, including, but not limited to,
 26 any information or other data concerning any proceedings relating to a
 27 case, any arrest, being taking into custody, a petition, a complaint, an
 1 indictment, an information, a trial, a hearing, an adjudication, any
 2 correctional supervision, a dismissal, or any other disposition or
 3 sentence.

(Signed) Dave Murman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 684A. Introduced by Briese, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 574. Senator Hunt renewed [MO9](#), found on page 289 and considered in this day's Journal, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Slama renewed her motion, found in this day's Journal, to overrule the Chair on the ruling of her previous question.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Senator Wayne requested a roll call vote on the motion to overrule the chair.

Voting in the affirmative, 27:

Albrecht	Dorn	Hardin	Lippincott	Sanders
Ballard	Dover	Holdcroft	Lowe	Slama
Bostelman	Erdman	Hughes	McDonnell	von Gillern
Brandt	Geist	Ibach	Moser	
Clements	Halloran	Jacobson	Murman	
DeKay	Hansen	Kauth	Riepe	

Voting in the negative, 16:

Armendariz	Conrad	Fredrickson	Vargas
Blood	Day	Hunt	Walz
Bostar	DeBoer	McKinney	Wayne
Cavanaugh, J.	Dungan	Raybould	Wishart

Present and not voting, 4:

Arch	Briese	Cavanaugh, M.	Linehan
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Excused and not voting, 2:

Aguilar	Brewer
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The Slama motion to overrule the Chair prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair was overruled.

Senator Hunt requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Albrecht	Clements	Halloran	Kauth	Riepe
Armendariz	DeKay	Hansen	Lippincott	Sanders
Ballard	Dorn	Hardin	Lowe	Slama
Bostelman	Dover	Holdcroft	McDonnell	von Gillern
Brandt	Erdman	Ibach	Moser	
Briese	Geist	Jacobson	Murman	

Voting in the negative, 15:

Blood	Conrad	Dungan	McKinney	Walz
Bostar	Day	Fredrickson	Raybould	Wayne
Cavanaugh, J.	DeBoer	Hughes	Vargas	Wishart

Present and not voting, 4:

Arch Cavanaugh, M. Hunt Linehan

Excused and not voting, 2:

Aguilar Brewer

The motion to cease debate prevailed with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

Senator Hunt requested a roll call vote on her motion to indefinitely postpone prior to the bill being read.

Voting in the affirmative, 13:

Blood	Day	Fredrickson	Vargas	Wishart
Cavanaugh, J.	DeBoer	McKinney	Walz	
Conrad	Dungan	Raybould	Wayne	

Voting in the negative, 31:

Albrecht	Clements	Hansen	Linehan	Sanders
Arch	DeKay	Hardin	Lippincott	Slama
Armendariz	Dorn	Holdcroft	Lowe	von Gillern
Ballard	Dover	Hughes	McDonnell	
Bostelman	Erdman	Ibach	Moser	
Brandt	Geist	Jacobson	Murman	
Briese	Halloran	Kauth	Riepe	

Present and not voting, 3:

Bostar Cavanaugh, M. Hunt

Excused and not voting, 2:

Aguilar Brewer

The Hunt motion to indefinitely postpone prior to the bill being read failed with 13 ayes, 31 nays, 3 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Kauth filed the following amendment to [LB574](#):

[AM901](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 38-179, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 38-179 For purposes of section 38-178, unprofessional conduct means

6 any departure from or failure to conform to the standards of acceptable
7 and prevailing practice of a profession or the ethics of the profession,
8 regardless of whether a person, consumer, or entity is injured, or
9 conduct that is likely to deceive or defraud the public or is detrimental
10 to the public interest, including, but not limited to:
11 (1) Receipt of fees on the assurance that an incurable disease can
12 be permanently cured;
13 (2) Division of fees, or agreeing to split or divide the fees,
14 received for professional services with any person for bringing or
15 referring a consumer other than (a) with a partner or employee of the
16 applicant or credential holder or his or her office or clinic, (b) with a
17 landlord of the applicant or credential holder pursuant to a written
18 agreement that provides for payment of rent based on gross receipts, or
19 (c) with a former partner or employee of the applicant or credential
20 holder based on a retirement plan or separation agreement;
21 (3) Obtaining any fee for professional services by fraud, deceit, or
22 misrepresentation, including, but not limited to, falsification of third-
23 party claim documents;
24 (4) Cheating on or attempting to subvert the credentialing
25 examination;
26 (5) Assisting in the care or treatment of a consumer without the
27 consent of such consumer or his or her legal representative;
28 (6) Use of any letters, words, or terms, either as a prefix, affix,
29 or suffix, on stationery, in advertisements, or otherwise, indicating
30 that such person is entitled to practice a profession for which he or she
31 is not credentialed;
32 (7) Performing, procuring, or aiding and abetting in the performance
33 of procurement of a criminal abortion;
34 (8) Knowingly disclosing confidential information except as
35 otherwise permitted by law;
36 (9) Commission of any act of sexual abuse, misconduct, or
37 exploitation related to the practice of the profession of the applicant
38 or credential holder;
39 (10) Failure to keep and maintain adequate records of treatment or
40 service;
41 (11) Prescribing, administering, distributing, dispensing, giving,
42 or selling any controlled substance or other drug recognized as addictive
43 or dangerous for other than a medically accepted therapeutic purpose;
44 (12) Prescribing any controlled substance to (a) oneself or (b)
45 except in the case of a medical emergency (i) one's spouse, (ii) one's
46 child, (iii) one's parent, (iv) one's sibling, or (v) any other person
47 living in the same household as the prescriber;
48 (13) Failure to comply with any federal, state, or municipal law,
49 ordinance, rule, or regulation that pertains to the applicable
50 profession;
51 (14) Disruptive behavior, whether verbal or physical, which
52 interferes with consumer care or could reasonably be expected to
53 interfere with such care; ~~and~~
54 (15) Performing gender-reassignment surgery for an individual
55 younger than nineteen years of age in violation of section 2 of this act;
56 and
57 (16) (45) Such other acts as may be defined in rules and
58 regulations.
59 Nothing in this section shall be construed to exclude determination
60 of additional conduct that is unprofessional by adjudication in
61 individual contested cases.
62 Sec. 2. (1) For purposes of this section:
63 (a) Biological sex means the biological indication of male and
64 female in the context of reproductive potential or capacity, such as sex
65 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
66 internal and external genitalia present at birth, without regard to an
67 individual's psychological, chosen, or subjective experience of gender;
68 (b) Gender means the psychological, behavioral, social, and cultural
69 aspects of being male or female;

12 (c) Gender transition means the process in which a person goes from
 13 identifying with and living as a gender that corresponds to the person's
 14 biological sex to identifying with and living as a gender different from
 15 the person's biological sex and may involve social, legal, or physical
 16 changes;

17 (d) Irreversible gender-reassignment surgery means a medical
 18 procedure performed for the purpose of assisting an individual with a
 19 gender transition, including any of the following:

20 (i) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or
 21 vulvoplasty for biologically male patients or hysterectomy or ovariectomy
 22 for biologically female patients;

23 (ii) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or
 24 implantation of erection or testicular prostheses for biologically female
 25 patients; or

26 (iii) Augmentation mammoplasty for biologically male patients and
 27 subcutaneous mastectomy for biologically female patients; and

28 (e) Physician means a person who is licensed as a physician pursuant
 29 to the Medicine and Surgery Practice Act.

30 (2) A physician shall not provide irreversible gender-reassignment
 31 surgery to any individual who is under nineteen years of age.

1 (3) A physician may provide any of the following to an individual
 2 who is under nineteen years of age:

3 (a) Services to an individual born with a medically verifiable
 4 disorder of sex development, including an individual with external
 5 biological sex characteristics that are irresolvably ambiguous, such as
 6 being born with forty-six XX chromosomes with virilization or forty-six
 7 XY chromosomes with undervirilization or having both ovarian and
 8 testicular tissue;

9 (b) Services provided when a physician has otherwise diagnosed a
 10 disorder of sexual development and has determined through genetic or
 11 biochemical testing that the individual does not have normal sex
 12 chromosome structure, sex steroid hormone production, or sex steroid
 13 hormone action;

14 (c) The treatment of any infection, injury, disease, or disorder
 15 that has been caused by or exacerbated by the performance of gender
 16 transition procedures, whether or not the gender transition procedure was
 17 performed in accordance with state and federal law; or

18 (d) Any procedure undertaken because the individual suffers from a
 19 physical disorder, physical injury, or physical illness that would, as
 20 certified by a physician, place the individual in imminent danger of
 21 death or impairment of major bodily function unless surgery is performed.

22 Sec. 3. Original section 38-179, Revised Statutes Cumulative
 23 Supplement, 2022, is repealed.

MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO82](#)
 Bracket until June 1, 2023.

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO83](#)
 Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):
[MO84](#)
 Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):

[MO85](#)

Recommit to the Health and Human Services Committee.

Senator M. Cavanaugh filed the following motion to [LB574](#):

[MO86](#)

Bracket until May 29, 2023.

Senator Hunt filed the following motion to [LB574](#):

[MO87](#)

Reconsider the vote taken on MO9.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator McDonnell named added to LB511.

Senator Bostar name added to LB736.

VISITORS

Visitors to the Chamber were students, parents, and teachers from Platte Valley Christian School, Paxton; Matriarchs for Change from across the state; Children and Family Coalition of Nebraska; Family Focused Treatment Association; Nebraska Association of Nebraska; NABHO; Nebraska Alliance of Family and Child Service Providers; Douglas County Democrats, Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator J. Cavanaugh the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 2023.

Brandon Metzler
Clerk of the Legislature

