

SIXTY-FIFTH DAY - APRIL 19, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 19, 2023

PRAYER

The prayer was offered by Jaison Samuel, Crossover Church - Bennington, Bennington.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Brewer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Armendariz, Bostar, Clements, Dover, Erdman, Halloran, B. Hansen, Hardin, Hunt, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Murman, Slama, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 2023, at 8:14 a.m. were the following: LBs 296 and 775.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 88, 89, 90, 91, 92, and 93 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 88, 89, 90, 91, 92, and 93.

MOTION - Recommit LB77 to Committee

Senator Raybould offered [MO115](#), found on page 890, recommit to Judiciary Committee.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 708. Placed on General File.

(Signed) Dave Murman, Chairperson

AMENDMENT - Print in Journal

Senator Raybould filed the following amendment to [LB754](#):
[AM1405](#) is available in the Bill Room.

RESOLUTION

LEGISLATIVE RESOLUTION 101. Introduced by Day, 49.

WHEREAS, in 1951, the Knesset passed a resolution establishing Holocaust and Ghetto Uprising Remembrance Day; and

WHEREAS, this year's Yom HaShoah, Day of Remembrance, falls on April 18 and will highlight acts of resistance by the Jewish people, both physical and spiritual, against their oppressors such as the Warsaw Ghetto Uprising; and

WHEREAS, the Days of Remembrance, recognized by the United States Congress, gives survivors and their families and communities the opportunity to remember those who were killed, honor those who survived, and memorialize the legacies of all who fell victim to the Holocaust; and

WHEREAS, this year's Yom HaShoah will mark eighty years since the Warsaw Ghetto Uprising; and

WHEREAS, each year in Nebraska people gather to remember the tragedy of the Holocaust.

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

1. That the Legislature recognizes April 18, 2023, as Holocaust Remembrance Day in Nebraska.

2. That a copy of this resolution be sent to the Institute for Holocaust Education in Omaha, Nebraska.

Laid over.

MOTION - Recommit LB77 to Committee

Senator Raybould renewed [MO115](#), found on page 890 and considered in this day's Journal, to recommit to Judiciary Committee.

Senator Brewer offered the following motion:

[MO962](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 14:

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

Excused and not voting, 2:

McKinney Wayne

The Brewer motion to invoke cloture prevailed with 33 ayes, 14 nays, and 2 excused and not voting.

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

Voting in the affirmative, 5:

Cavanaugh, J. Cavanaugh, M. Day Hunt Raybould

Voting in the negative, 40:

Aguilar	Brandt	Dover	Ibach	Murman
Albrecht	Brewer	Dungan	Jacobson	Riepe
Arch	Briese	Erdman	Kauth	Sanders
Armendariz	Clements	Halloran	Linehan	Slama
Ballard	Conrad	Hansen	Lippincott	Vargas
Blood	DeBoer	Hardin	Lowe	von Gillern
Bosn	DeKay	Holdcroft	McDonnell	Walz
Bostelman	Dorn	Hughes	Moser	Wishart

Present and not voting, 2:

Bostar Fredrickson

Excused and not voting, 2:

McKinney Wayne

The Raybould motion to recommit to committee failed with 5 ayes, 40 nays, 2 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, 18-1703, 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes Cumulative Supplement, 2022; to prohibit regulation of weapons by cities, villages, and counties; to provide for the carrying of a concealed handgun without a permit; to change provisions relating to other concealed weapons; to provide for requirements, limits, and offenses relating to carrying a concealed handgun; to provide an affirmative defense; to create the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor; to change provisions of the Concealed Handgun Permit Act; to provide penalties; to change, provide, and eliminate definitions; to harmonize provisions; and to repeal the original sections.

Senator M. Cavanaugh requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

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

Voting in the negative, 14:

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

Excused and not voting, 2:

McKinney Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB77.

BILL ON FIRST READING

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

LEGISLATIVE BILL 583A. Introduced by Sanders, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh offered [MO350](#), found on page 939, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Halloran opened on his bill, LB191.

Senator M. Cavanaugh opened on her motion, MO350.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 2023, at 11:35 a.m. was the following: LB77.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB524](#):
[AM902](#) is available in the Bill Room.

Senator McDonnell filed the following amendment to [LB648](#):
[AM814](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-2304, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-2304 (1) It is the intent of the Legislature to appropriate seven
6 hundred fifty thousand dollars from the General Fund for fiscal years
7 2013-14 and 2014-15, and any amount determined by the Legislature for any
8 fiscal year thereafter, to the State Department of Education. Such funds
9 shall be used by the department to provide assistance to institutions
10 that offer high school equivalency programs and for expanding services
11 and programs to support the completion of the general educational test.
12 Each such institution shall offer to eligible individuals adult dropout
13 recovery services, including recruitment and learning plan development,
14 and provide proactive coaching and mentoring to such individuals,
15 culminating in qualification for a high school diploma. For purposes of
16 this section, eligible individuals include adults and out-of-school
17 youths sixteen years of age or older who are not enrolled or required to
18 be enrolled in secondary school under state law and who have not
19 previously earned a high school diploma or diploma of high school
20 equivalency. Assistance shall be provided based on participation in an
21 institution's high school equivalency program as follows:
22 (a) Each such institution shall receive one assistance payment for
23 each participant who enrolled in its high school equivalency program in
24 the most recently completed fiscal year;
25 (b) Each such institution shall receive one assistance payment for
26 each enrolled participant who took an initial examination for a diploma
27 of high school equivalency in the most recently completed fiscal year;
1 and
2 (c) Each such institution shall receive one assistance payment for
3 each participant not enrolled in the institution's high school
4 equivalency program who took the examination for a diploma of high school
5 equivalency in the most recently completed fiscal year.
6 (2) An institution shall receive ~~no~~ additional assistance for any
7 enrolled participant who failed his or her initial examination for a
8 diploma of high school equivalency and requires additional training and
9 testing.

10 Sec. 2. Section 79-2308, Revised Statutes Cumulative Supplement,
 11 2022, is amended to read:
 12 79-2308 (1) The State Department of Education shall provide for
 13 grants to any entity offering a high school equivalency program, ~~which~~
 14 ~~entity is not an institution.~~ Grants pursuant to this section shall be
 15 awarded to applicants which meet the requirements of section 79-2304.
 16 (2) The High School Equivalency Grant Fund is created. Any money in
 17 the fund available for investment shall be invested by the state
 18 investment officer pursuant to the Nebraska Capital Expansion Act and the
 19 Nebraska State Funds Investment Act.
 20 ~~(3) It is the intent of the Legislature to transfer four hundred~~
 21 ~~thousand dollars from the Job Training Cash Fund to the High School~~
 22 ~~Equivalency Grant Fund to carry out the purposes of subsection (1) of~~
 23 ~~this section.~~
 24 Sec. 3. Original section 79-2304, Reissue Revised Statutes of
 25 Nebraska, and section 79-2308, Revised Statutes Cumulative Supplement,
 26 2022, are repealed.
 27 Sec. 4. Since an emergency exists, this act takes effect when
 28 passed and approved according to law.

RESOLUTION

LEGISLATIVE RESOLUTION 102. Introduced by Clements, 2; Bosn,
 25.

WHEREAS, for fifty years, Lincoln Christian School has enjoyed the incredible privilege of having Mr. Phil Boehr teach music to the next generations; and

WHEREAS, Mr. Boehr started teaching at Lincoln Christian in 1972 after graduating from Grace College of the Bible in Omaha with a double major in instrumental and vocal music, and later earned a Master's Degree in music from the University of Nebraska-Lincoln; and

WHEREAS, Mr. Boehr has taught thousands of Lincoln Christian students the fundamentals of singing, reading music, and playing instruments; and

WHEREAS, Mr. Boehr has taught his students patriotic songs, melodies of faith, spirituals, African folk songs, songs he has written, and songs composed by students; and

WHEREAS, Mr. Boehr and his students have won numerous awards in music competitions and have been selected to perform in a variety of events including the Star City Christmas Concert, the Nebraska Music Educators Convention, and the Christian School convention in Kansas City, Missouri; and

WHEREAS, over the years, Mr. Boehr has put tremendous heart and soul into preparing the music and helping the students perform for Christmas concerts, Grandparents' and Friends' Day, chapel, Kindergarten graduation, and sixth grade recognition; and

WHEREAS, Mr. Boehr wrote and composed the musical "Nebraska Prairie - Memories Last" and, in addition to being performed at Lincoln Christian, the musical was performed at the Music Teachers Convention in the fall of 2017, and at the State Capitol building in March 2018; and

WHEREAS, in 2018 and 2019, Mr Boehr traveled to China where he taught two hundred eighty Chinese music teachers, both elementary and high school, about the floor staff, conducting, and use of manipulatives; and

WHEREAS, Mr. Boehr was inducted into the Lincoln Christian Hall of Honor in 2019.

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

1. That the Legislature congratulates Mr. Phil Boehr on fifty years of teaching music at Lincoln Christian School in Lincoln, Nebraska.

2. That copies of this resolution be sent to Lincoln Christian School and Mr. Phil Boehr.

Laid over.

VISITORS

Visitors to the Chamber were students from Holdrege High School, Holdrege; students from Walnut Creek Elementary, Papillion; students from Lost Creek Elementary, Columbus; students from North Star High School, Lincoln; students from Rumsey Station Elementary, Papillion.

RECESS

At 11:58 a.m., on a motion by Senator Walz, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Arch, Armendariz, Ballard, Blood, Bostar, Bostelman, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Holdcroft, Hughes, Linehan, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine entertainment district licenses issued under the Nebraska Liquor Control Act. This study shall include, but need not be limited to:

(1) An examination of entertainment district licenses, primarily for cities of the first class, cities of the second class, and villages with a focus on

safety requirements and the suitability of authorizing entertainment districts within historic districts with existing buildings and structures;

(2) Comments and issues discussed at the public hearing for Legislative Bill 150 introduced in the First Session of the One Hundred Eighth Legislature of Nebraska; and

(3) Potential statutory or regulatory changes that may be necessary relating to entertainment district licenses and requirements.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine sections 2-1201 to 2-1229 relating to the State Racing and Gaming Commission and its members to determine if any updates or changes to such sections are necessary based on the changing structure and powers and duties of the commission.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine and review occupational licenses and regulations under the State Electrical Act. The study shall be conducted to fulfill the requirements of section 84-948 and the Occupational Board Reform Act.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO350](#), found on page 939 and considered in this day's Journal, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

The M. Cavanaugh motion to indefinitely postpone prior to the bill being read, failed with 0 ayes, 38 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO963](#)

Reconsider MO350.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113 4:00 PM

Thursday, April 27, 2023

AM1390

Note: Amending LB600

(Signed) Mike Moser, Vice Chairperson

COMMITTEE REPORT

Education

LEGISLATIVE BILL 372. Placed on General File with amendment.

[AM1231](#)

1 1. On page 3, line 4, strike "not"; and in line 6 strike the first
 2 "any" and insert "no more and no less than five".

LEGISLATIVE BILL 632. Placed on General File with amendment.

AM1208

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-254 Sections 79-254 to 79-294 and section 5 of this act shall be
 6 known and may be cited as the Student Discipline Act.
 7 Sec. 2. Section 79-263, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 79-263 (1) Except as provided in section 5 of this act, each ~~Each~~
 10 school district shall adopt a policy requiring the expulsion from school
 11 for a period of not less than one year of any student who is determined
 12 to have knowingly and intentionally possessed, used, or transmitted a
 13 firearm on school grounds, in a vehicle owned, leased, or contracted by a
 14 school being used for a school purpose or in a vehicle being driven for a
 15 school purpose by a school employee or his or her designee, or at a
 16 school-sponsored activity or athletic event. For purposes of this
 17 section, firearm means a firearm as defined in 18 U.S.C. 921. The policy
 18 shall authorize the superintendent or the school board or board of
 19 education to modify the expulsion requirement on an individual basis.
 20 (2) Each school district shall provide annually to the State
 21 Department of Education:
 22 (a) An assurance that the school district has in effect the policy
 23 required by subsection (1) of this section; and
 24 (b) A description of the circumstances surrounding any expulsions
 25 imposed under the policy required by subsection (1) of this section,
 26 including:
 27 (i) The name of the school concerned;
 1 (ii) The number of students expelled from the school; and
 2 (iii) The types of weapons concerned.
 3 Sec. 3. Section 79-265, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-265 (1) Except as provided in section 5 of this act, the ~~The~~
 6 principal may deny any student the right to attend school or to take part
 7 in any school function for a period of up to five school days on the
 8 following grounds:
 9 (a) Conduct constituting grounds for expulsion as set out in the
 10 Student Discipline Act; or
 11 (b) Any other violation of rules and standards of behavior adopted
 12 under the act.
 13 (2) Such short-term suspension shall be made only after the
 14 principal has made an investigation of the alleged conduct or violation
 15 and has determined that such suspension is necessary to help any student,
 16 to further school purposes, or to prevent an interference with school
 17 purposes.
 18 (3) Before such short-term suspension takes effect, the student
 19 shall be given oral or written notice of the charges against him or her,
 20 an explanation of the evidence the authorities have, and an opportunity
 21 to present his or her version.
 22 (4) Within twenty-four hours or such additional time as is
 23 reasonably necessary following such suspension, the principal shall send
 24 a written statement to the student and his or her parent or guardian
 25 describing the student's conduct, misconduct, or violation of the rule or
 26 standard and the reasons for the action taken. The principal shall make a
 27 reasonable effort to hold a conference with the parent or guardian before
 28 or at the time the student returns to school.

29 (5) Any student who is suspended pursuant to this section may be
30 given an opportunity to complete any classwork, including, but not
31 limited to, examinations, missed during the period of suspension. Each
1 public school district shall develop and adopt guidelines stating the
2 criteria school officials shall use in determining whether and to what
3 extent such opportunity for completion will be granted to suspended
4 students. The guidelines shall be provided to the student and parent or
5 guardian at the time of suspension.

6 Sec. 4. Section 79-267, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-267 Except as provided in section 5 of this act, the The
9 following student conduct shall constitute grounds for long-term
10 suspension, expulsion, or mandatory reassignment, subject to the
11 procedural provisions of the Student Discipline Act, when such activity
12 occurs on school grounds, in a vehicle owned, leased, or contracted by a
13 school being used for a school purpose or in a vehicle being driven for a
14 school purpose by a school employee or by his or her designee, or at a
15 school-sponsored activity or athletic event:

16 (1) Use of violence, force, coercion, threat, intimidation, or
17 similar conduct in a manner that constitutes a substantial interference
18 with school purposes;

19 (2) Willfully causing or attempting to cause substantial damage to
20 property, stealing or attempting to steal property of substantial value,
21 or repeated damage or theft involving property;

22 (3) Causing or attempting to cause personal injury to a school
23 employee, to a school volunteer, or to any student. Personal injury
24 caused by accident, self-defense, or other action undertaken on the
25 reasonable belief that it was necessary to protect some other person
26 shall not constitute a violation of this subdivision;

27 (4) Threatening or intimidating any student for the purpose of or
28 with the intent of obtaining money or anything of value from such
29 student;

30 (5) Knowingly possessing, handling, or transmitting any object or
31 material that is ordinarily or generally considered a weapon;

1 (6) Engaging in the unlawful possession, selling, dispensing, or use
2 of a controlled substance or an imitation controlled substance, as
3 defined in section 28-401, a substance represented to be a controlled
4 substance, or alcoholic liquor as defined in section 53-103.02 or being
5 under the influence of a controlled substance or alcoholic liquor;

6 (7) Public indecency as defined in section 28-806, except that this
7 subdivision shall apply only to students at least twelve years of age but
8 less than nineteen years of age;

9 (8) Engaging in bullying as defined in section 79-2,137;

10 (9) Sexually assaulting or attempting to sexually assault any person
11 if a complaint has been filed by a prosecutor in a court of competent
12 jurisdiction alleging that the student has sexually assaulted or
13 attempted to sexually assault any person, including sexual assaults or
14 attempted sexual assaults which occur off school grounds not at a school
15 function, activity, or event. For purposes of this subdivision, sexual
16 assault means sexual assault in the first degree as defined in section
17 28-319, sexual assault in the second degree as defined in section 28-320,
18 sexual assault of a child in the second or third degree as defined in
19 section 28-320.01, or sexual assault of a child in the first degree as
20 defined in section 28-319.01, as such sections now provide or may
21 hereafter from time to time be amended;

22 (10) Engaging in any other activity forbidden by the laws of the
23 State of Nebraska which activity constitutes a danger to other students
24 or interferes with school purposes; or

25 (11) A repeated violation of any rules and standards validly
26 established pursuant to section 79-262 if such violations constitute a

27 substantial interference with school purposes.
 28 It is the intent of the Legislature that alternatives to suspension
 29 or expulsion be imposed against a student who is truant, tardy, or
 30 otherwise absent from required school activities.
 31 Sec. 5. (1) Except as provided in subsection (2) of this section, an
 1 elementary school shall not suspend a student in pre-kindergarten through
 2 second grade. Each school district shall develop a policy to implement
 3 this section which shall include disciplinary measures inside the school
 4 as an alternative to suspension.
 5 (2) An elementary school may suspend a student in pre-kindergarten
 6 through second grade if such student brings a deadly weapon as defined in
 7 section 28-109 on school grounds, in a vehicle owned, leased, or
 8 contracted by a school being used for a school purpose or in a vehicle
 9 being driven for a school purpose by a school employee or his or her
 10 designee, or at a school-sponsored activity or athletic event.
 11 Sec. 6. Original sections 79-254, 79-263, 79-265, and 79-267,
 12 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 703. Placed on General File with amendment.

AM1409

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.

LEGISLATIVE BILL 724. Placed on General File with amendment.

[AM1235](#)

1 1. On page 5, strike beginning with "or" in line 11 through
 2 "knowledge" in line 12.

(Signed) Dave Murman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO963](#), found
 and considered in this day's Journal, to reconsider MO350.

The M. Cavanaugh motion to reconsider failed with 1 aye, 16 nays, 22
 present and not voting, and 10 excused and not voting.

Title read. Considered.

Senator M. Cavanaugh offered [MO352](#), found on page 939, to bracket until
 June 1, 2023.

SPEAKER ARCH PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former
 State Legislators.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh renewed [MO352](#), found on page 939 and considered in this day's Journal, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 6:

Aguilar	Linehan	Slama
Dover	Raybould	Vargas

The M. Cavanaugh motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

MOTIONS - Print in Journal

Senator Halloran filed the following motion to [LB191](#):
[MO964](#)
Recommit to Business and Labor Committee.

Senator Halloran filed the following motion to [LB191](#):
[MO965](#)
Indefinitely postpone pursuant to Rule 6, Section 3f.

Senator Halloran filed the following motion to [LB191](#):
[MO966](#)
 Bracket until June 9, 2023.

EASE

The Legislature was at ease from 5:24 p.m. until 6:00 p.m.

SENATOR DORN PRESIDING

PRESIDENT KELLY PRESIDING

BILL ON FIRST READING

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

LEGISLATIVE BILL 254A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 254, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 191. Senator M. Cavanaugh offered the following motion:

[MO967](#)

Reconsider vote on MO352.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

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

Voting in the affirmative, 2:

Cavanaugh, J. Hunt

Voting in the negative, 27:

Albrecht	Brandt	Dorn	Lippincott	von Gillern
Arch	Briese	Hardin	Lowe	Walz
Armendariz	Clements	Holdcroft	Murman	Wishart
Ballard	Conrad	Hughes	Raybould	
Bostar	DeBoer	Ibach	Riepe	
Bostelman	DeKay	Kauth	Sanders	

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 19:

Aguilar	Day	Fredrickson	Linehan	Slama
Blood	Dover	Halloran	McDonnell	Vargas
Bosn	Dungan	Hansen	McKinney	Wayne
Brewer	Erdman	Jacobson	Moser	

The M. Cavanaugh motion to reconsider failed with 2 ayes, 27 nays, 1 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO351](#), found on page 939, to recommit to Business and Labor Committee.

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB191](#):
[AM1404](#)

(Amendments to Standing Committee amendments, AM1330)

- 1 1. Insert the following new sections:
- 2 Sec. 6. (1) For purposes of this section:
- 3 (a) Firefighter includes both professional and volunteer
- 4 firefighters;
- 5 (b) Professional firefighter means a person who has been employed
- 6 for five or more years in this state in a full-time salaried occupation
- 7 as:
- 8 (i) A firefighter for the benefit or safety of the public;
- 9 (ii) An investigator of fires or arson; or
- 10 (iii) An instructor or officer for the provision of training
- 11 concerning fire or hazardous materials; and
- 12 (c) Volunteer firefighter means a person who has acted for five or
- 13 more years in this state as a volunteer firefighter described in
- 14 subdivision (3) of section 48-115.
- 15 (2) Notwithstanding any provision of the Nebraska Workers'
- 16 Compensation Act to the contrary, cancer that results in either temporary
- 17 or permanent disability or death is an occupational disease and
- 18 compensable as such under the act if:
- 19 (a) The cancer develops or manifests itself out of and in the course
- 20 of the employment of a firefighter; and
- 21 (b) It is demonstrated that:
- 22 (i) The firefighter was exposed, while in the course of employment,
- 23 to a known carcinogen or a substance reasonably anticipated to be a human
- 24 carcinogen, as defined by the International Agency for Research on Cancer
- 25 or the National Toxicology Program; and
- 26 (ii) Such carcinogen is reasonably associated with such cancer.
- 1 (3) With respect to a firefighter, the following substances shall be
- 2 deemed, for purposes of subsection (2) of this section, to be known
- 3 carcinogens that are reasonably associated with the following cancers:
- 4 (a) Diesel exhaust, formaldehyde, and polycyclic aromatic

5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
6 associated with bladder cancer;
7 (b) Acrylonitrile, formaldehyde, and vinyl chloride shall be deemed
8 to be known carcinogens that are reasonably associated with brain cancer;
9 (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene
10 oxide, polychlorinated biphenyls, and polycyclic aromatic hydrocarbon
11 shall be deemed to be known carcinogens that are reasonably associated
12 with breast cancer;
13 (d) Diesel exhaust and formaldehyde shall be deemed to be known
14 carcinogens that are reasonably associated with colon cancer;
15 (e) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
16 hydrocarbon shall be deemed to be known carcinogens that are reasonably
17 associated with esophageal cancer;
18 (f) Formaldehyde shall be deemed to be a known carcinogen that is
19 reasonably associated with Hodgkin's lymphoma;
20 (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed
21 to be known carcinogens that are reasonably associated with kidney
22 cancer;
23 (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene,
24 and polycyclic aromatic hydrocarbon shall be deemed to be known
25 carcinogens that are reasonably associated with leukemia;
26 (i) Chloroform, soot, and vinyl chloride shall be deemed to be known
27 carcinogens that are reasonably associated with liver cancer;
28 (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic
29 aromatic hydrocarbon, radon, silica, soot, and tars shall be deemed to be
30 known carcinogens that are reasonably associated with lung cancer;
31 (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic
1 hydrocarbon, soot, and vinyl chloride shall be deemed to be known
2 carcinogens that are reasonably associated with lymphatic or
3 haematopoietic cancer;
4 (l) Diesel exhaust and soot, aldehydes, and polycyclic aromatic
5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
6 associated with basal cell carcinoma, squamous cell carcinoma and
7 malignant melanoma;
8 (m) Benzene, dioxins, and glyphosate shall be deemed to be known
9 carcinogens that are reasonably associated with multiple myeloma;
10 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,
11 formaldehyde, and hydrogen chloride shall be deemed to be known
12 carcinogens that are reasonably associated with nasopharyngeal cancer,
13 including laryngeal cancer and pharyngeal cancer;
14 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde, and
15 polychlorinated biphenyls shall be deemed to be known carcinogens that
16 are reasonably associated with non-Hodgkin's lymphoma;
17 (p) Asbestos, benzene, and formaldehyde shall be deemed to be known
18 carcinogens that are reasonably associated with ovarian cancer;
19 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known
20 carcinogen that is reasonably associated with pancreatic cancer;
21 (r) Acrylonitrile, benzene, and formaldehyde shall be deemed to be
22 known carcinogens that are reasonably associated with prostate cancer;
23 (s) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
24 hydrocarbon shall be deemed to be known carcinogens that are reasonably
25 associated with rectal cancer;
26 (t) Chlorophenols, chlorophenoxy herbicides, and polychlorinated
27 biphenyls shall be deemed to be known carcinogens that are reasonably
28 associated with soft tissue sarcoma;
29 (u) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
30 hydrocarbon shall be deemed to be known carcinogens that are reasonably
31 associated with stomach cancer;
1 (v) Diesel exhaust and soot, and polychlorinated biphenyls shall be
2 deemed to be known carcinogens that are reasonably associated with
3 testicular cancer;
4 (w) Diesel exhaust, benzene, and X-ray radiation shall be deemed to
5 be known carcinogens that are reasonably associated with thyroid cancer;
6 (x) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic

7 hydrocarbon shall be deemed to be known carcinogens that are reasonably
8 associated with urinary tract cancer and ureteral cancer; and
9 (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to
10 be known carcinogens that are reasonably associated with uterine cancer.
11 (4) Subsection (3) of this section is not an exhaustive list and
12 shall not preclude any person from demonstrating, on a case-by-case basis
13 for the purposes of subsection (2) of this section, that a substance is a
14 known carcinogen or is reasonably anticipated to be a human carcinogen,
15 including an agent classified by the International Agency for Research on
16 Cancer in Group 1 or Group 2A, that is reasonably associated with a
17 cancer.
18 (5) There shall be a rebuttable presumption that a cancer
19 experienced by a firefighter arose out of and in the course of employment
20 if the cancer is diagnosed during the course of the firefighter's
21 employment.
22 (6)(a) There shall be a rebuttable presumption, for purposes of
23 subsection (2) of this section, that cancer experienced by a retired
24 firefighter arose out of and in the course of employment if the cancer is
25 diagnosed within a period, not to exceed sixty months, which begins with
26 the last date the retired firefighter actually worked in the qualifying
27 capacity and extends for a period calculated by multiplying three months
28 by the number of full years of such employment.
29 (b) This subsection applies to a professional firefighter who
30 retires before January 1, 2024, and to a volunteer firefighter,
31 regardless of the date of retirement.
1 (7) There shall be a rebuttable presumption, for purposes of
2 subsection (2) of this section, that cancer experienced by a professional
3 firefighter who retires on or after January 1, 2024, arose out of and in
4 the course of employment if such cancer was diagnosed;
5 (a) If the firefighter ceases employment before completing twenty
6 years of service as a professional firefighter, during the period after
7 separation from employment which is equal to the number of years worked;
8 or
9 (b) If the firefighter ceases employment after completing twenty
10 years or more of service as a professional firefighter, investigator,
11 instructor, at any time during the person's life.
12 (8) Service credit which is purchased in a retirement system shall
13 not be used to calculate the number of years of service or employment for
14 purposes of this section.
15 (9) A person who files a claim for benefits for cancer pursuant to
16 subsection (7) of this section after retiring from employment as a
17 professional firefighter is not entitled to receive any compensation for
18 such cancer under the Nebraska Workers' Compensation Act other than
19 medical benefits.
20 Sec. 11. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 48-1,110 Sections 48-101 to 48-1,117 and section 6 of this act shall
23 be known and may be cited as the Nebraska Workers' Compensation Act.
24 2. Renumber the remaining sections and correct the repealer
25 accordingly.

Senator McDonnell filed the following amendment to [LB191](#):
[AM1411](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:
2 Sec. 16. Section 48-3502, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 48-3502 For purposes of the Workplace Privacy Act:
5 (1) Adverse action means the discharge of an employee, a threat
6 against an employee, or any other act against an employee that negatively
7 affects the employee's employment;
8 (2) Applicant means a prospective employee applying for employment;
9 (3) Electronic communication device means a cellular telephone,

10 personal digital assistant, electronic device with mobile data access,
11 laptop computer, pager, broadband personal communication device, two-way
12 messaging device, electronic game, or portable computing device;
13 (4) Employee means an individual employed by an employer;
14 (5) Employer means (a) a public or nonpublic entity or an individual
15 engaged in a business, an industry, a profession, a trade, or other
16 enterprise in the state, including any agent, representative, or designee
17 acting directly or indirectly in the interest of such an employer, (b) a
18 subcontractor of such an employer, and (c) a customer of such an
19 employer; and
20 (6)(a) Personal Internet account means an individual's online
21 account that requires login information in order to access or control the
22 account.
23 (b) Personal Internet account does not include:
24 (i) An online account that an employer or educational institution
25 supplies or pays for, except when the employer or educational institution
26 pays only for additional features or enhancements to the online account;
1 or
2 (ii) An online account that is used exclusively for a business
3 purpose of the employer.
4 Sec. 17. Section 48-3503, Reissue Revised Statutes of Nebraska, is
5 amended to read:
6 48-3503 No employer shall:
7 (1) Require or request that an employee or applicant provide or
8 disclose any user name or password or any other related account
9 information in order to gain access to the employee's or applicant's
10 personal Internet account by way of an electronic communication device;
11 (2) Require or request that an employee or applicant log into a
12 personal Internet account by way of an electronic communication device in
13 the presence of the employer in a manner that enables the employer to
14 observe the contents of the employee's or applicant's personal Internet
15 account or provides the employer access to the employee's or applicant's
16 personal Internet account;
17 (3) Require an employee or applicant to add anyone, including the
18 employer, to the list of contacts associated with the employee's or
19 applicant's personal Internet account or require or otherwise coerce an
20 employee or applicant to change the settings on the employee's or
21 applicant's personal Internet account which affects the ability of others
22 to view the content of such account; ~~or~~
23 (4) ~~Require an electronic communication device to be worn by an~~
24 ~~employee to track the employee's location or travel patterns or to~~
25 ~~confirm contacts with other employees, unless the Governor proclaims a~~
26 ~~state of emergency for a pandemic pursuant to section 81-829.40 and the~~
27 ~~following conditions are met:~~
28 (a) ~~The state of emergency proclamation permits an employer to use~~
29 ~~an electronic communication device for contact tracing purposes only;~~
30 (b) ~~The contact tracing is permitted only on the employer's premises~~
31 ~~during employee work hours; and~~
1 (c) ~~The data collected during the contact tracing is not included in~~
2 ~~the employee's personnel files and is destroyed within forty-eight hours~~
3 ~~after the expiration of any tracing period recommended by the Centers for~~
4 ~~Disease Control and Prevention; or~~
5 (5) (4) Take adverse action against, fail to hire, or otherwise
6 penalize an employee or applicant for failure to provide or disclose any
7 of the information or to take any of the actions specified in
8 subdivisions (1) through (4) (3) of this section.
9 2. Renumber the remaining sections and correct the repealer
10 accordingly.

VISITORS

Visitors to the Chamber were students from Messiah Lutheran, Lincoln; Cathy Erdman and Peggy Clements; students from Ravenna Public Schools, Ravenna.

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

ADJOURNMENT

At 8:01 p.m., on a motion by Senator Murman, the Legislature adjourned until 9:00 a.m., Thursday, April 20, 2023.

Brandon Metzler
Clerk of the Legislature