

**SIXTY-EIGHTH DAY - APRIL 26, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 26, 2023

**PRAYER**

The prayer was offered by David Palomaki, Redeemer Lutheran Church, David City.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Arch presiding.

The roll was called and all members were present except Senators Albrecht, Bostar, Briese, Day, DeBoer, Dungan, B. Hansen, Hunt, Linehan, McKinney, Raybould, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-seventh day was approved.

**AMENDMENT - Withdraw and Refile in Journal to LB562**

Senator Halloran withdrew and refiled [AM1248](#), found on page 1098.

**AMENDMENT - Print in Journal**

Senator Sanders filed the following amendment to [LB583A](#):

[FA69](#)

On page 2, line 1, strike "\$103,762,107" and insert "\$103,762,106."

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 99, 101, and 102 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 99, 101, and 102.

**SELECT FILE**

**LEGISLATIVE BILL 815.** Senator Clements withdrew [MO921](#), found on page 1053, to bracket.

Senator Clements withdrew [MO922](#), found on page 1053, to recommit to committee.

Senator Clements withdrew [MO923](#), found on page 1054, to indefinitely postpone.

Senator M. Cavanaugh offered [AM1264](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO991](#)

Reconsider vote on AM1264.

**SENATOR DEBOER PRESIDING****PRESIDENT KELLY PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 6 nays, and 36 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 35 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 705.** Placed on General File with amendment.  
[AM1468](#) is available in the Bill Room.

(Signed) Dave Murman, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 84.** Placed on General File with amendment.  
[AM1385](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 68-1017.02, Revised Statutes Cumulative  
4 Supplement, 2022, is amended to read:  
5 68-1017.02 (1)(a) The Department of Health and Human Services shall  
6 apply for and utilize to the maximum extent possible, within limits  
7 established by the Legislature, any and all appropriate options available  
8 to the state under the federal Supplemental Nutrition Assistance Program  
9 and regulations adopted under such program to maximize the number of  
10 Nebraska residents being served under such program within such limits.  
11 The department shall seek to maximize federal funding for such program  
12 and minimize the utilization of General Funds for such program and shall  
13 employ the personnel necessary to determine the options available to the  
14 state and issue the report to the Legislature required by subdivision (b)  
15 of this subsection.  
16 (b) The department shall submit electronically an annual report to  
17 the Health and Human Services Committee of the Legislature by December 1  
18 on efforts by the department to carry out the provisions of this  
19 subsection. Such report shall provide the committee with all necessary  
20 and appropriate information to enable the committee to conduct a  
21 meaningful evaluation of such efforts. Such information shall include,  
22 but not be limited to, a clear description of various options available  
23 to the state under the federal Supplemental Nutrition Assistance Program,  
24 the department's evaluation of and any action taken by the department  
25 with respect to such options, the number of persons being served under  
26 such program, and any and all costs and expenditures associated with such  
27 program.  
28 (c) The Health and Human Services Committee of the Legislature,  
29 after receipt and evaluation of the report required in subdivision (b) of  
30 this subsection, shall issue recommendations to the department on any  
31 further action necessary by the department to meet the requirements of  
32 this section.  
33 (2)(a) The department shall develop a state outreach plan to promote  
34 access by eligible persons to benefits of the Supplemental Nutrition  
35 Assistance Program. The plan shall meet the criteria established by the  
36 Food and Nutrition Service of the United States Department of Agriculture  
37 for approval of state outreach plans. The Department of Health and Human  
38 Services may apply for and accept gifts, grants, and donations to develop  
39 and implement the state outreach plan.  
40 (b) For purposes of developing and implementing the state outreach  
41 plan, the department shall partner with one or more counties or nonprofit  
42 organizations. If the department enters into a contract with a nonprofit  
43 organization relating to the state outreach plan, the contract may  
44 specify that the nonprofit organization is responsible for seeking  
45 sufficient gifts, grants, or donations necessary for the development and  
46 implementation of the state outreach plan and may additionally specify

20 that any costs to the department associated with the award and management  
21 of the contract or the implementation or administration of the state  
22 outreach plan shall be paid out of private or federal funds received for  
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan to the Food  
25 and Nutrition Service of the United States Department of Agriculture for  
26 approval on or before August 1, 2011, and shall request any federal  
27 matching funds that may be available upon approval of the state outreach  
28 plan. It is the intent of the Legislature that the State of Nebraska and  
29 the Department of Health and Human Services use any additional public or  
30 private funds to offset costs associated with increased caseload  
31 resulting from the implementation of the state outreach plan.

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

8 (3)(a) It is the intent of the Legislature that:

9 (i) Hard work be rewarded and no disincentives to work exist for  
10 Supplemental Nutrition Assistance Program participants;

11 (ii) Supplemental Nutrition Assistance Program participants be  
12 enabled to advance in employment, through greater earnings or new,  
13 better-paying employment;

14 (iii) Participants in employment and training pilot programs be able  
15 to maintain Supplemental Nutrition Assistance Program benefits while  
16 seeking employment with higher wages that allow them to reduce or  
17 terminate such program benefits; and

18 (iv) Nebraska better utilize options under the Supplemental  
19 Nutrition Assistance Program that other states have implemented to  
20 encourage work and employment.

21 (b)(i) The department shall create a TANF-funded program or policy  
22 that, in compliance with federal law, establishes categorical eligibility  
23 for federal food assistance benefits pursuant to the Supplemental  
24 Nutrition Assistance Program to maximize the number of Nebraska residents  
25 being served under such program in a manner that does not increase the  
26 current gross income eligibility limit except as otherwise provided in  
27 subdivision (3)(b)(ii) of this section.

28 (ii) Except as otherwise provided in this subdivision, such TANF-  
29 funded program or policy shall increase the gross income eligibility  
30 limit to one hundred sixty-five percent of the federal Office of  
31 Management and Budget income poverty guidelines as allowed under federal  
1 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on  
2 April 1, 2021, but shall not increase the net income eligibility limit.

3 ~~It is the intent of the Legislature to fund the administrative costs~~  
4 ~~associated with the benefits under this subdivision beginning on May 27,~~  
5 ~~2021, with federal funds as allowed under the federal American Rescue~~  
6 ~~Plan Act of 2021, Public Law 117-2, as such act existed on April 1, 2021,~~  
7 ~~and continue to fund such administrative costs with such federal funds~~  
8 ~~through September 30, 2023. Such administrative costs shall not be paid~~  
9 ~~for with General Funds. Beginning October 1, 2025 2023,~~ the gross income  
10 eligibility limit shall return to the amount used prior to the increase  
11 required by this subdivision. The department shall evaluate the TANF-  
12 funded program or policy created pursuant to this subsection and provide  
13 a report electronically to the Health and Human Services Committee of the  
14 Legislature and the Legislative Fiscal Analyst on or before December 15  
15 of each year ~~31, 2022,~~ regarding the gross income eligibility limit and  
16 whether it maximizes the number of Nebraska residents being served under  
17 the program or policy. The evaluation shall include an identification and

18 determination of additional administrative costs resulting from the  
19 increase to the gross income eligibility limit, a recommendation  
20 regarding the gross income eligibility limit, and a determination of the  
21 availability of federal funds for the program or policy.  
22 (iii) To the extent federal funds are available to the Department of  
23 Labor for the SNAP Next Step Program, until September 30, 2023, any  
24 recipient of Supplemental Nutrition Assistance Program benefits whose  
25 household income is between one hundred thirty-one and one hundred sixty-  
26 five percent of the federal Office of Management and Budget income  
27 poverty guidelines and who is not exempt from work participation  
28 requirements shall be encouraged to participate in the SNAP Next Step  
29 Program administered by the Department of Labor if the recipient is  
30 eligible to participate in the program and the program's services are  
31 available in the county in which such household is located. It is the  
1 intent of the Legislature that no General Funds be utilized by the  
2 Department of Labor for the processes outlined in this subdivision (iii).  
3 For purposes of this section, SNAP Next Step Program means a partnership  
4 program between the Department of Health and Human Services and the  
5 Department of Labor to assist under-employed and unemployed recipients of  
6 Supplemental Nutrition Assistance Program benefits in finding self-  
7 sufficient employment.  
8 (iv) Such TANF-funded program or policy shall eliminate all asset  
9 limits for eligibility for federal food assistance benefits, except that  
10 the total of liquid assets which includes cash on hand and funds in  
11 personal checking and savings accounts, money market accounts, and share  
12 accounts shall not exceed twenty-five thousand dollars pursuant to the  
13 Supplemental Nutrition Assistance Program, as allowed under federal law  
14 and under 7 C.F.R. 273.2(j)(2).  
15 (v) This subsection becomes effective only if the department  
16 receives funds pursuant to federal participation that may be used to  
17 implement this subsection.  
18 (c) For purposes of this subsection:  
19 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
20 U.S.C. 2011 et seq., and regulations adopted under the act; and  
21 (ii) TANF means the federal Temporary Assistance for Needy Families  
22 program established in 42 U.S.C. 601 et seq.  
23 (4)(a) Within the limits specified in this subsection, the State of  
24 Nebraska opts out of the provision of the federal Personal Responsibility  
25 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
26 January 1, 2009, that eliminates eligibility for the Supplemental  
27 Nutrition Assistance Program for any person convicted of a felony  
28 involving the possession, use, or distribution of a controlled substance.  
29 (b) A person shall be ineligible for Supplemental Nutrition  
30 Assistance Program benefits under this subsection if he or she (i) has  
31 had three or more felony convictions for the possession or use of a  
1 controlled substance or (ii) has been convicted of a felony involving the  
2 sale or distribution of a controlled substance or the intent to sell or  
3 distribute a controlled substance. A person with one or two felony  
4 convictions for the possession or use of a controlled substance shall  
5 only be eligible to receive Supplemental Nutrition Assistance Program  
6 benefits under this subsection if he or she is participating in or has  
7 completed a state-licensed or nationally accredited substance abuse  
8 treatment program since the date of conviction. The determination of such  
9 participation or completion shall be made by the treatment provider  
10 administering the program.  
11 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative  
12 Supplement, 2022, is repealed.

(Signed) Ben Hansen, Chairperson

## AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB341:  
AM1305

1 1. Insert the following new sections:

2 Sec. 10. Section 76-701, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 76-701 For purposes of sections 76-701 to 76-726:

5 (1) Condemnee means any person, partnership, limited liability  
 6 company, corporation, or association owning or having an encumbrance on  
 7 any interest in property that is sought to be acquired by a condemner or  
 8 in possession of or occupying any such property;

9 (2) (4) Condemner means any legal entity that by law has been  
 10 granted the right to exercise the power of eminent domain and includes  
 11 the state and any governmental or political subdivision thereof;

12 (2) Condemnee means any person, partnership, limited liability  
 13 company, corporation, or association owning or having an encumbrance on  
 14 any interest in property that is sought to be acquired by a condemner or  
 15 in possession of or occupying any such property;

16 (3) Property means any such interest in real or personal property as  
 17 the condemner is empowered by law to acquire for public use; and

18 (3) (4) County judge means the county judge of the county where  
 19 condemnation proceedings provided by such sections are had; -

20 (4) Dilapidated means the condition of a building or structure that,  
 21 due to inadequate maintenance, structural deterioration, obsolescence, or  
 22 abandonment, is no longer adequate for either the purposes for which it  
 23 was originally intended or for which it has been repurposed;

24 (5) Property means any such interest in real or personal property as  
 25 the condemner is empowered by law to acquire for public use;

26 (6) Replacement cost includes the costs that are not included in the  
 27 fair market value of the taken property that a condemnee will incur to:

1 (a) Replace any of the following taken property: Dwellings, garages,  
 2 sheds, barns, wells, septic systems, fences, and any other permanent  
 3 structures; or

4 (b) Rebuild, replace, or move property located on the remaining  
 5 property of the condemnee that will need to be rebuilt, replaced, or  
 6 moved to compensate for the taken property; and

7 (7) Severance damages includes:

8 (a) Replacement costs for any of the following that are not  
 9 dilapidated: Dwellings, garages, sheds, barns, wells, septic systems,  
 10 fences, and any other permanent structures; and

11 (b) The net loss in the fair market value of the remaining property  
 12 of the condemnee that occurs due to the severance of the taken property  
 13 from the remaining property of the condemnee.

14 Sec. 11. Section 76-710.01, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:

16 76-710.01 (1) Where any condemner shall have taken or attempts to  
 17 take property for public use, the damages for taking such property shall  
 18 be determined according to the laws of this state irrespective of whether  
 19 the condemner may be reimbursed for a part of such damage from the  
 20 federal government. ~~Such and such~~ damages shall include all compensable  
 21 damages suffered by the condemnee, ~~which shall be determined as follows:~~  
 22 ~~including but not limited to reasonable severance damages and condemnee's~~  
 23 ~~abstracting expenses.~~

24 (a) For any property not described in subdivision (1)(b) of this  
 25 section, the damages shall include:

26 (i) The fair market value of the taken property;

27 (ii) Reasonable severance damages; and

28 (iii) The condemnee's abstracting expenses; and

29 (b) For agricultural land and real property located on agricultural  
 30 land, the damages shall include:  
 31 (i) Two times the fair market value of the taken property;  
 1 (ii) Reasonable severance damages; and  
 2 (iii) The condemnee's abstracting expenses.  
 3 (2) In determining the amount of such severance damages under  
 4 subsection (1) of this section, account shall be taken, together with  
 5 other relevant factors, of the economic effect, if any, caused by the  
 6 severance therefrom of the part taken or sought to be taken upon the  
 7 whole of such property as a going concern as it will be and remain after  
 8 the severance.  
 9 (3) Any decrease or increase in the fair market value of real  
 10 property prior to the date of valuation caused by the public improvement  
 11 for which such property is acquired, or by the likelihood that the  
 12 property would be acquired for such improvement, other than due to  
 13 physical deterioration within the reasonable control of the owner, shall  
 14 be disregarded in determining the compensation for the property.  
 15 (4) The county assessor for the county in which the property is to  
 16 be taken shall determine if any structures that are to be taken are  
 17 dilapidated. No replacement costs for any dilapidated structure are  
 18 required to be paid as part of the reasonable severance damages  
 19 determined under subsection (1) of this section.  
 20 (5) The provisions of this section shall apply to any case now or  
 21 hereafter pending.  
 22 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, and 16 of this  
 23 act become operative three calendar months after the adjournment of this  
 24 legislative session. The other sections of this act become operative on  
 25 their effective date.  
 26 Sec. 15. Original sections 76-701 and 76-710.01, Reissue Revised  
 27 Statutes of Nebraska, are repealed.  
 28 Sec. 17. Since an emergency exists, this act takes effect when  
 29 passed and approved according to law.  
 30 2. Renumber the remaining sections and correct internal references  
 31 accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 110.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Stapleton FFA placed second out of one hundred twenty-eight teams with a score of 763 in the Environment and Natural Resources event at the convention.

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

1. That the Legislature congratulates Stapleton FFA on placing second overall in the Environment and Natural Resources event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Stapleton FFA team members Caleb Burnside, Tad Dimmitt, Natalie Newman, and Kyle Kramer and Stapleton Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 111.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, North Platte FFA placed third out of one hundred twenty-seven teams with a score of 1234 in the Agriscience event at the convention.

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

1. That the Legislature congratulates North Platte FFA on placing third overall in the Agriscience event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to North Platte FFA team members Jazlyn Arensdorf, Brynna Barker, Ava Franzen, and Makynzi Smith and North Platte High School.

Laid over.

**LEGISLATIVE RESOLUTION 112.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.



WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Wallace FFA placed second out of fifty-seven teams with a score of 455.1001 in the Livestock Management event at the convention.

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

1. That the Legislature congratulates Wallace FFA on placing second overall in the Livestock Management event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Wallace FFA team members Kyler Flaming, Trey Robertson, Chase Martin, Brylie Robinson, and Ashley Robertson and Wallace Public School.

Laid over.

**LEGISLATIVE RESOLUTION 113.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Wallace FFA placed third out of thirty-six teams with a score of 909 in the Food Science and Technology event at the convention.

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

1. That the Legislature congratulates Wallace FFA on placing third overall in the Food Science and Technology event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Wallace FFA team members Emma Matson, Karlie Finley, Kendyl Flaming, and Reagan Pelster and Wallace Public School.

Laid over.

**LEGISLATIVE RESOLUTION 114.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Clements, 2; DeKay, 40; Dorn, 30; Erdman, 47; Hardin, 48; Kauth, 31; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Sanders, 45; Slama, 1; von Gillern, 4; Walz, 15.

WHEREAS, Future Farmers of America (FFA) is an organization dedicated to making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education; and

WHEREAS, FFA held the ninety-fifth annual Nebraska FFA State Convention in Lincoln, Nebraska, from March 29, 2023, through March 31, 2023; and

WHEREAS, at the convention, students participated in twenty career development events which tested leadership abilities, knowledge, and skills; and

WHEREAS, Hershey FFA placed first out of thirteen teams with a score of 506 in the Marketing Plan event at the convention.

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

1. That the Legislature congratulates Hershey FFA on placing first overall in the Marketing Plan event at the ninety-fifth annual Nebraska FFA State Convention.

2. That copies of this resolution be sent to Hershey FFA team members Calie Troyer, Kandice Thompson, and Aliyah Vaughn and Hershey Public Schools.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 815.** Senator M. Cavanaugh offered [AM1265](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 3 nays, and 39 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1269](#), found on page 1084.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 5 nays, and 36 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 38 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 50.** Placed on General File with amendment. [AM1436](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 815.** Senator M. Cavanaugh offered [AM1270](#), found on page 1084.

Pending.

### NOTICE OF COMMITTEE HEARING

Business and Labor  
Room 1524 12:00 PM

Thursday, May 4, 2023  
AM1354  
Amending LB282

(Signed) Merv Riepe, Chairperson

### VISITORS

Visitors to the Chamber were students from Centennial Elementary, Utica; sponsor, students and teachers from North Star High School, Lincoln; students from Palisades Elementary, Omaha/Gretna; students from Axtell Elementary, Axtell; sponsors, students, and teachers from Pershing Grade School, Lexington; students from West Dodge Station Elementary, Elkhorn.

### RECESS

At 11:58 a.m., on a motion by Senator Conrad, 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 Bosn, Bostar, Briese, Day, DeKay, Dover, B. Hansen, Kauth, Linehan, McDonnell, McKinney, Raybould, Slama, Vargas, von Gillern, and Wayne who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 815.** Senator M. Cavanaugh renewed [AM1270](#), found on page 1084 and considered in this day's Journal.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1272](#), found on page 1084.

Speaker Arch offered the following motion:

[MO993](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Speaker Arch requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

Aguilar	Brandt	Dungan	Ibach	Raybould
Albrecht	Cavanaugh, J.	Erdman	Jacobson	Riepe
Arch	Cavanaugh, M.	Fredrickson	Kauth	Sanders
Armendariz	Conrad	Hansen	Lippincott	Slama
Ballard	DeBoer	Hardin	Lowe	von Gillern
Blood	DeKay	Holdcroft	McDonnell	Walz
Bostar	Dorn	Hughes	Moser	Wishart
Bostelman	Dover	Hunt	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Halloran

Excused and not voting, 9:

Bosn	Briese	Day	McKinney	Wayne
Brewer	Clements	Linehan	Vargas	

The Arch motion to invoke cloture prevailed with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

The M. Cavanaugh amendment lost with 0 ayes, 38 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

### ANNOUNCEMENT

The Transportation and Telecommunications Committee elected Senator DeKay as Vice Chairperson.

### AMENDMENT - Print in Journal

Senator Riepe filed the following amendment to LB131:

[AM1511](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:

2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 48-145 To secure the payment of compensation under the Nebraska

5 Workers' Compensation Act:

6 (1) Every employer in the occupations described in section 48-106,  
7 except the State of Nebraska and any governmental agency created by the  
8 state, shall either (a) insure and keep insured its liability under such  
9 act in some corporation, association, or organization authorized and  
10 licensed to transact the business of workers' compensation insurance in  
11 this state, (b) in the case of an employer who is a lessor of one or more  
12 commercial vehicles leased to a self-insured motor carrier, be a party to  
13 an effective agreement with the self-insured motor carrier under section  
14 48-115.02, (c) be a member of a risk management pool authorized and  
15 providing group self-insurance of workers' compensation liability  
16 pursuant to the Intergovernmental Risk Management Act, or (d) with  
17 approval of the Nebraska Workers' Compensation Court, self-insure its  
18 workers' compensation liability.

19 An employer seeking approval to self-insure shall make application  
20 to the compensation court in the form and manner as the compensation  
21 court may prescribe, meet such minimum standards as the compensation  
22 court shall adopt and promulgate by rule and regulation, and furnish to  
23 the compensation court satisfactory proof of financial ability to pay  
24 direct the compensation in the amount and manner when due as provided for  
25 in the Nebraska Workers' Compensation Act. Approval is valid for the

26 period prescribed by the compensation court unless earlier revoked  
1 pursuant to this subdivision or subsection (1) of section 48-146.02.  
2 Notwithstanding subdivision (1)(d) of this section, a professional  
3 employer organization shall not be eligible to self-insure its workers'  
4 compensation liability. The compensation court may by rule and regulation  
5 require the deposit of an acceptable security, indemnity, trust, or bond  
6 to secure the payment of compensation liabilities as they are incurred.  
7 The agreement or document creating a trust for use under this section  
8 shall contain a provision that the trust may only be terminated upon the  
9 consent and approval of the compensation court. Any beneficial interest  
10 in the trust principal shall be only for the benefit of the past or  
11 present employees of the self-insurer and any persons to whom the self-  
12 insurer has agreed to pay benefits under subdivision (11) of section  
13 48-115 and section 48-115.02. Any limitation on the termination of a  
14 trust and all other restrictions on the ownership or transfer of  
15 beneficial interest in the trust assets contained in such agreement or  
16 document creating the trust shall be enforceable, except that any  
17 limitation or restriction shall be enforceable only if authorized and  
18 approved by the compensation court and specifically delineated in the  
19 agreement or document. The trustee of any trust created to satisfy the  
20 requirements of this section may invest the trust assets in the same  
21 manner authorized under subdivisions (1)(a) through (i) of section  
22 30-3209 for corporate trustees holding retirement or pension funds for  
23 the benefit of employees or former employees of cities, villages, school  
24 districts, or governmental or political subdivisions, except that the  
25 trustee shall not invest trust assets into stocks, bonds, or other  
26 obligations of the trustor. If, as a result of such investments, the  
27 value of the trust assets is reduced below the acceptable trust amount  
28 required by the compensation court, then the trustor shall deposit  
29 additional trust assets to account for the shortfall.  
30 Notwithstanding any other provision of the Nebraska Workers'  
31 Compensation Act, a three-judge panel of the compensation court may,  
1 after notice and hearing, revoke approval as a self-insurer if it finds  
2 that the financial condition of the self-insurer or the failure of the  
3 self-insurer to comply with an obligation under the act poses a serious  
4 threat to the public health, safety, or welfare. The Attorney General,  
5 when requested by the administrator of the compensation court, may file a  
6 motion pursuant to section 48-162.03 for an order directing a self-  
7 insurer to appear before a three-judge panel of the compensation court  
8 and show cause as to why the panel should not revoke approval as a self-  
9 insurer pursuant to this subdivision. The Attorney General shall be  
10 considered a party for purposes of such motion. The Attorney General may  
11 appear before the three-judge panel and present evidence that the  
12 financial condition of the self-insurer or the failure of the self-  
13 insurer to comply with an obligation under the act poses a serious threat  
14 to the public health, safety, or welfare. The presiding judge shall rule  
15 on a motion of the Attorney General pursuant to this subdivision and, if  
16 applicable, shall appoint judges of the compensation court to serve on  
17 the three-judge panel. The presiding judge shall not serve on such panel.  
18 Appeal from a revocation pursuant to this subdivision shall be in  
19 accordance with section 48-185. No such appeal shall operate as a  
20 supersedeas unless the self-insurer executes to the compensation court a  
21 bond with one or more sureties authorized to do business within the State  
22 of Nebraska in an amount determined by the three-judge panel to be  
23 sufficient to satisfy the obligations of the self-insurer under the act;  
24 (2) An approved self-insurer shall furnish to the State Treasurer an  
25 annual amount equal to two and one-half percent of the prospective loss  
26 costs for like employment but in no event less than twenty-five dollars.  
27 Prospective loss costs is defined in section 48-151. The compensation  
28 court is the sole judge as to the prospective loss costs that shall be

29 used. All money which a self-insurer is required to pay to the State  
 30 Treasurer, under this subdivision, shall be computed and tabulated under  
 31 oath as of January 1 and paid to the State Treasurer immediately  
 1 thereafter. The compensation court or designee of the compensation court  
 2 may audit the payroll of a self-insurer at the compensation court's  
 3 discretion. All money paid by a self-insurer under this subdivision shall  
 4 be credited to the Compensation Court Cash ~~General~~ Fund;  
 5 (3) Every employer who fails, neglects, or refuses to comply with  
 6 the conditions set forth in subdivision (1) or (2) of this section shall  
 7 be required to respond in damages to an employee for personal injuries,  
 8 or when personal injuries result in the death of an employee, then to his  
 9 or her dependents; and  
 10 (4) Any security, indemnity, trust, or bond provided by a self-  
 11 insurer pursuant to subdivision (1) of this section shall be deemed a  
 12 surety for the purposes of the payment of valid claims of the self-  
 13 insurer's employees and the persons to whom the self-insurer has agreed  
 14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to  
 15 subdivision (11) of section 48-115 and section 48-115.02 as generally  
 16 provided in the act.  
 17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,  
 18 16, 17, 18, 19, 20, 21, and 25 of this act become operative three  
 19 calendar months after the adjournment of this legislative session. The  
 20 other sections of this act become operative on their effective date.  
 21 Sec. 23. If any section in this act or any part of any section is  
 22 declared invalid or unconstitutional, the declaration shall not affect  
 23 the validity or constitutionality of the remaining portions.  
 24 Sec. 24. Original section 48-145, Reissue Revised Statutes of  
 25 Nebraska, is repealed.  
 26 Sec. 26. Since an emergency exists, this act takes effect when  
 27 passed and approved according to law.  
 28 2. On page 14, lines 5 and 8, strike "effective date of this act"  
 29 and insert "operative date of this section".  
 30 3. Renumber the remaining sections accordingly.

### SELECT FILE

**LEGISLATIVE BILL 816.** Senator Clements withdrew [MO928](#), found on page 1054, to bracket.

Senator Clements withdrew [MO929](#), found on page 1054, to recommit to committee.

Senator Clements offered [MO930](#), found on page 1054, to indefinitely postpone.

Senator Clements withdrew his motion to indefinitely postpone.

Senator M. Cavanaugh offered [AM1273](#), found on page 1085.

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

The M. Cavanaugh amendment lost with 0 ayes, 35 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[AM1281](#)

(Amendments to Standing Committee amendments, AM1136)

1 1. On page 6, line 4, after "military leave," insert "family medical  
2 leave,".

**SENATOR DORN PRESIDING**

**SENATOR DEBOER PRESIDING**

Pending.

## COMMITTEE REPORTS

Health and Human Services

**LEGISLATIVE BILL 204.** Placed on General File with amendment.

[AM1418](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 68-901 Sections 68-901 to 68-9,101 and section 2 of this act shall  
6 be known and may be cited as the Medical Assistance Act.  
7 Sec. 2. (1) Beginning with fiscal year 2024-25, contingent upon  
8 implementation of the contractual agreements with medicaid managed care  
9 organizations as described in subsection (2) of this section, the  
10 department shall establish a fee-for-service pharmacy dispensing fee  
11 reimbursement of ten dollars and thirty-eight cents per prescription for  
12 any independent pharmacy until a cost of dispensing survey is completed.  
13 The actual dispensing fee shall be determined by a cost of dispensing  
14 survey administered by the department and completed by all medical  
15 assistance program participating independent pharmacies every two years.  
16 The change in the dispensing fee shall become effective following federal  
17 approval of the medicaid state plan. For purposes of this section,  
18 independent pharmacy means any pharmacy as defined in section 71-425 that  
19 owns six or fewer pharmacies.  
20 (2) The department shall amend all medicaid managed care  
21 organization contracts to authorize establishment of a managed care  
22 pharmacy dispensing fee reimbursement in accordance with the established  
23 fee-for-service pharmacy dispensing fee reimbursement per prescription  
24 for independent pharmacies pursuant to subsection (1) of this section.  
25 (3) Any dispensing fee cost information submitted to the department  
26 as part of the cost of dispensing survey described in subsection (1) of  
27 this section that specifically identifies individual costs of a pharmacy  
1 or provider shall remain confidential.  
2 (4) No later than December 15, 2024, the department shall  
3 electronically submit a report to the Clerk of the Legislature providing  
4 recommendations for adjusting pharmacy dispensing fees between completion  
5 of surveys to ensure fair and adequate reimbursement for independent  
6 pharmacies.  
7 Sec. 3. Original section 68-901, Revised Statutes Cumulative  
8 Supplement, 2022, is repealed.

(Signed) Ben Hansen, Chairperson



## Enrollment and Review

**LEGISLATIVE BILL 562.** Placed on Select File.

(Signed) Beau Ballard, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 816.** Senator M. Cavanaugh renewed [AM1281](#), found and considered in this day's Journal.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 31 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[AM1282](#)

(Amendments to Standing Committee amendments, AM1136)

1 1. On page 6, line 5, after the first comma insert "paternity  
2 leave,".

**PRESIDENT KELLY PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 3 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 28 nays, 7 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA73](#)

Strike Section 1.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 6 ayes, 4 nays, and 39 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 33 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 198.** Placed on General File with amendment. [AM1391](#) is available in the Bill Room.

(Signed) Mike McDonnell, Chairperson

**AMENDMENTS - Print in Journal**

Senator Riepe filed the following amendment to [LB191](#):  
[AM1514](#)

(Amendments to Standing Committee amendments, AM1330)

1 1. Insert the following new sections:  
2 Sec. 7. Section 48-145, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 48-145 To secure the payment of compensation under the Nebraska  
5 Workers' Compensation Act:  
6 (1) Every employer in the occupations described in section 48-106,  
7 except the State of Nebraska and any governmental agency created by the  
8 state, shall either (a) insure and keep insured its liability under such  
9 act in some corporation, association, or organization authorized and  
10 licensed to transact the business of workers' compensation insurance in  
11 this state, (b) in the case of an employer who is a lessor of one or more  
12 commercial vehicles leased to a self-insured motor carrier, be a party to  
13 an effective agreement with the self-insured motor carrier under section  
14 48-115.02, (c) be a member of a risk management pool authorized and  
15 providing group self-insurance of workers' compensation liability  
16 pursuant to the Intergovernmental Risk Management Act, or (d) with  
17 approval of the Nebraska Workers' Compensation Court, self-insure its  
18 workers' compensation liability.  
19 An employer seeking approval to self-insure shall make application  
20 to the compensation court in the form and manner as the compensation  
21 court may prescribe, meet such minimum standards as the compensation  
22 court shall adopt and promulgate by rule and regulation, and furnish to  
23 the compensation court satisfactory proof of financial ability to pay  
24 direct the compensation in the amount and manner when due as provided for  
25 in the Nebraska Workers' Compensation Act. Approval is valid for the  
26 period prescribed by the compensation court unless earlier revoked  
1 pursuant to this subdivision or subsection (1) of section 48-146.02.  
2 Notwithstanding subdivision (1)(d) of this section, a professional  
3 employer organization shall not be eligible to self-insure its workers'  
4 compensation liability. The compensation court may by rule and regulation  
5 require the deposit of an acceptable security, indemnity, trust, or bond  
6 to secure the payment of compensation liabilities as they are incurred.  
7 The agreement or document creating a trust for use under this section  
8 shall contain a provision that the trust may only be terminated upon the  
9 consent and approval of the compensation court. Any beneficial interest  
10 in the trust principal shall be only for the benefit of the past or  
11 present employees of the self-insurer and any persons to whom the self-  
12 insurer has agreed to pay benefits under subdivision (1) of section  
13 48-115 and section 48-115.02. Any limitation on the termination of a  
14 trust and all other restrictions on the ownership or transfer of  
15 beneficial interest in the trust assets contained in such agreement or  
16 document creating the trust shall be enforceable, except that any  
17 limitation or restriction shall be enforceable only if authorized and  
18 approved by the compensation court and specifically delineated in the  
19 agreement or document. The trustee of any trust created to satisfy the

20 requirements of this section may invest the trust assets in the same  
21 manner authorized under subdivisions (1)(a) through (i) of section  
22 30-3209 for corporate trustees holding retirement or pension funds for  
23 the benefit of employees or former employees of cities, villages, school  
24 districts, or governmental or political subdivisions, except that the  
25 trustee shall not invest trust assets into stocks, bonds, or other  
26 obligations of the trustor. If, as a result of such investments, the  
27 value of the trust assets is reduced below the acceptable trust amount  
28 required by the compensation court, then the trustor shall deposit  
29 additional trust assets to account for the shortfall.  
30 Notwithstanding any other provision of the Nebraska Workers'  
31 Compensation Act, a three-judge panel of the compensation court may,  
1 after notice and hearing, revoke approval as a self-insurer if it finds  
2 that the financial condition of the self-insurer or the failure of the  
3 self-insurer to comply with an obligation under the act poses a serious  
4 threat to the public health, safety, or welfare. The Attorney General,  
5 when requested by the administrator of the compensation court, may file a  
6 motion pursuant to section 48-162.03 for an order directing a self-  
7 insurer to appear before a three-judge panel of the compensation court  
8 and show cause as to why the panel should not revoke approval as a self-  
9 insurer pursuant to this subdivision. The Attorney General shall be  
10 considered a party for purposes of such motion. The Attorney General may  
11 appear before the three-judge panel and present evidence that the  
12 financial condition of the self-insurer or the failure of the self-  
13 insurer to comply with an obligation under the act poses a serious threat  
14 to the public health, safety, or welfare. The presiding judge shall rule  
15 on a motion of the Attorney General pursuant to this subdivision and, if  
16 applicable, shall appoint judges of the compensation court to serve on  
17 the three-judge panel. The presiding judge shall not serve on such panel.  
18 Appeal from a revocation pursuant to this subdivision shall be in  
19 accordance with section 48-185. No such appeal shall operate as a  
20 supersedeas unless the self-insurer executes to the compensation court a  
21 bond with one or more sureties authorized to do business within the State  
22 of Nebraska in an amount determined by the three-judge panel to be  
23 sufficient to satisfy the obligations of the self-insurer under the act;  
24 (2) An approved self-insurer shall furnish to the State Treasurer an  
25 annual amount equal to two and one-half percent of the prospective loss  
26 costs for like employment but in no event less than twenty-five dollars.  
27 Prospective loss costs is defined in section 48-151. The compensation  
28 court is the sole judge as to the prospective loss costs that shall be  
29 used. All money which a self-insurer is required to pay to the State  
30 Treasurer, under this subdivision, shall be computed and tabulated under  
31 oath as of January 1 and paid to the State Treasurer immediately  
1 thereafter. The compensation court or designee of the compensation court  
2 may audit the payroll of a self-insurer at the compensation court's  
3 discretion. All money paid by a self-insurer under this subdivision shall  
4 be credited to the Compensation Court Cash ~~General~~ Fund;  
5 (3) Every employer who fails, neglects, or refuses to comply with  
6 the conditions set forth in subdivision (1) or (2) of this section shall  
7 be required to respond in damages to an employee for personal injuries,  
8 or when personal injuries result in the death of an employee, then to his  
9 or her dependents; and  
10 (4) Any security, indemnity, trust, or bond provided by a self-  
11 insurer pursuant to subdivision (1) of this section shall be deemed a  
12 surety for the purposes of the payment of valid claims of the self-  
13 insurer's employees and the persons to whom the self-insurer has agreed  
14 to pay benefits under the Nebraska Workers' Compensation Act pursuant to  
15 subdivision (11) of section 48-115 and section 48-115.02 as generally  
16 provided in the act.  
17 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15,

18 16, 17, 18, 19, 20, 21, and 25 of this act become operative three  
 19 calendar months after the adjournment of this legislative session. The  
 20 other sections of this act become operative on their effective date.  
 21 Sec. 23. If any section in this act or any part of any section is  
 22 declared invalid or unconstitutional, the declaration shall not affect  
 23 the validity or constitutionality of the remaining portions.  
 24 Sec. 24. Original section 48-145, Reissue Revised Statutes of  
 25 Nebraska, is repealed.  
 26 Sec. 26. Since an emergency exists, this act takes effect when  
 27 passed and approved according to law.  
 28 2. On page 14, lines 5 and 8, strike "effective date of this act"  
 29 and insert "operative date of this section".  
 30 3. Renumber the remaining sections accordingly.

Senator Riepe filed the following amendment to LB191:

[FA70](#)

Strike section 1.

Senator Riepe filed the following amendment to LB191:

[FA71](#)

Strike Section 2.

Senator Riepe filed the following amendment to LB191:

[FA72](#)

Strike Section 3.

Senator Blood filed the following amendment to LB757:

[AM1506](#)

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

4 involved in a dating relationship with each other. For purposes of this  
5 subdivision, dating relationship means frequent, intimate associations  
6 primarily characterized by the expectation of affectional or sexual  
7 involvement, but does not include a casual relationship or an ordinary  
8 association between persons in a business or social context; ~~and~~  
9 (4) Household pet means any animal maintained for companionship or  
10 pleasure but does not include any animal kept primarily for commercial  
11 purposes or for consumption or any livestock animal as defined in section  
12 54-902; and  
13 ~~(5)~~ (4) Law enforcement agency means the police department or town  
14 marshal in incorporated municipalities, the office of the sheriff in  
15 unincorporated areas, and the Nebraska State Patrol.  
16 Sec. 2. Section 42-924, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:  
18 42-924 (1)(a) Any victim of domestic abuse may file a petition and  
19 affidavit for a protection order as provided in this section. Upon the  
20 filing of such a petition and affidavit in support thereof, the court may  
21 issue a protection order without bond granting the following relief:  
22 (i) Enjoining the respondent from imposing any restraint upon the  
23 petitioner or upon the liberty of the petitioner;  
24 (ii) Enjoining the respondent from threatening, assaulting,  
25 molesting, attacking, or otherwise disturbing the peace of the  
26 petitioner;  
27 (iii) Enjoining the respondent from telephoning, contacting, or  
28 otherwise communicating with the petitioner;  
29 (iv) Removing and excluding the respondent from the residence of the  
30 petitioner, regardless of the ownership of the residence;  
31 (v) Ordering the respondent to stay away from any place specified by  
1 the court;  
2 (vi) Awarding the petitioner temporary custody of any minor children  
3 not to exceed ninety days;  
4 (vii) Enjoining the respondent from possessing or purchasing a  
5 firearm as defined in section 28-1201; ~~or~~  
6 (viii) Directing that the petitioner have sole possession of any  
7 household pet owned, possessed, leased, kept, or held by the petitioner,  
8 the respondent, or any family or household member residing in the  
9 household of the petitioner or respondent;  
10 (ix) Enjoining the respondent from coming into contact with,  
11 harming, or killing any household pet owned, possessed, leased, kept, or  
12 held by the petitioner, the respondent, or any family or household member  
13 of the petitioner or respondent; or  
14 ~~(x)~~ ~~(viii)~~ Ordering such other relief deemed necessary to provide  
15 for the safety and welfare of the petitioner and any designated family or  
16 household member.  
17 (b) If sole possession of a household pet is ordered by a court  
18 pursuant to subdivision (1)(a)(viii) of this section, such possession  
19 shall be for the duration of the protection order or until further order  
20 of the court. The grant of sole possession of a household pet under such  
21 subdivision is not intended to permanently determine ownership of such  
22 household pet. The petitioner shall not permanently transfer, sell, or  
23 dispose of a household pet placed in the petitioner's possession without  
24 prior court approval, except that court approval shall not be required in  
25 cases where humane euthanasia of a seriously ill or injured household pet  
26 is recommended by a licensed veterinarian.  
27 (c) (b) The petition for a protection order shall state the events  
28 and dates or approximate dates of acts constituting the alleged domestic  
29 abuse, including the most recent and most severe incident or incidents.  
30 (d) (e) The protection order shall specify to whom relief under this  
31 section was granted.  
1 (2) Petitions for protection orders shall be filed with the clerk of

2 the district court, and the proceeding may be heard by the county court  
3 or the district court as provided in section 25-2740. A petition for a  
4 protection order may not be withdrawn except upon order of the court.  
5 (3)(a) A protection order shall specify that it is effective for a  
6 period of one year and, if the order grants temporary custody, the number  
7 of days of custody granted to the petitioner unless otherwise modified by  
8 the court.  
9 (b)(i) Any victim of domestic abuse may file a petition and  
10 affidavit to renew a protection order. Such petition and affidavit for  
11 renewal shall be filed any time within forty-five days before the  
12 expiration of the previous protection order, including the date the order  
13 expires.  
14 (ii) A protection order may be renewed on the basis of the  
15 petitioner's affidavit stating that there has been no material change in  
16 relevant circumstances since entry of the order and stating the reason  
17 for the requested renewal if:  
18 (A) The petitioner seeks no modification of the order; and  
19 (B)(I) The respondent has been properly served with notice of the  
20 petition for renewal and notice of hearing and fails to appear at the  
21 hearing; or  
22 (II) The respondent indicates that he or she does not contest the  
23 renewal.  
24 (iii) Such renewed order shall specify that it is effective for a  
25 period of one year to commence on the first calendar day following the  
26 expiration of the previous order or on the calendar day the court grants  
27 the renewal if such day is subsequent to the first calendar day after  
28 expiration of the previous order and, if the court grants temporary  
29 custody, the number of days of custody granted to the petitioner unless  
30 otherwise modified by the court.  
31 (4) Any person, except the petitioner, who knowingly violates a  
1 protection order issued pursuant to this section or section 42-931 after  
2 service or notice as described in subsection (2) of section 42-926 shall  
3 be guilty of a Class I misdemeanor, except that any person convicted of  
4 violating such order who has a prior conviction for violating a  
5 protection order shall be guilty of a Class IV felony.  
6 (5) If there is any conflict between sections 42-924 to 42-926 and  
7 any other provision of law, sections 42-924 to 42-926 shall govern.  
8 2. Renumber the remaining sections and correct the repealer  
9 accordingly.

### EASE

The Legislature was at ease from 5:33 p.m. until 6:10 p.m.

### SELECT FILE

**LEGISLATIVE BILL 816.** Senator Blood offered the following motion:

[MO994](#)

Overrule the Speaker's Agenda pursuant to Rule 1, Section 16, and consider  
LB 757 prior to further discussion of LB 816.

Senator Blood moved for a call of the house. The motion prevailed with 17  
ayes, 4 nays, and 28 not voting.

Senator Blood requested a roll call vote on her motion to overrule the  
Speaker's Agenda.

Voting in the affirmative, 6:

Blood	Cavanaugh, M.	Hunt
Cavanaugh, J.	Conrad	Wayne

Voting in the negative, 31:

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

Present and not voting, 5:

DeBoer	Dungan	Hansen	Walz	Wishart
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Excused and not voting, 7:

Aguilar	Fredrickson	McKinney	Vargas
Day	McDonnell	Raybould	

The Blood motion to overrule the Speaker's Agenda failed with 6 ayes, 31 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA74](#)

Strike Section 2.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

The M. Cavanaugh amendment lost with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following amendment:

[FA75](#)

Strike Section 3.

Speaker Arch offered the following motion:

[MO995](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Speaker Arch moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The Arch motion to invoke cloture prevailed with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The M. Cavanaugh amendment lost with 0 ayes, 39 nays, 3 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

#### **AMENDMENT - Print in Journal**

Senator M. Cavanaugh filed the following amendment to LB816:

FA76

Strike Section 4.

#### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Kauth has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

#### **SELECT FILE**

**LEGISLATIVE BILL 799.** ER22, found on page 1109, was adopted.

Senator M. Cavanaugh offered MO869, found on page 975, to bracket until June 2, 2023.

#### **SPEAKER ARCH PRESIDING**

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

The M. Cavanaugh motion to bracket failed with 0 ayes, 34 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh withdrew MO868, found on page 975, to recommit to committee.

Senator M. Cavanaugh withdrew MO867, found on page 975, to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.



**UNANIMOUS CONSENT - Add Cointroducer**

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator J. Cavanaugh name added to LB254.

**VISITORS**

Visitors to the Chamber were students from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

**ADJOURNMENT**

At 7:43 p.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Thursday, April 27, 2023.

Brandon Metzler  
Clerk of the Legislature

