

FORTY-FIFTH DAY - MARCH 18, 2024**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 2024

PRAYER

The prayer was offered by Father Brian Kane, Saint Gregory the Great Seminary, Seward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Jacobson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Dorn presiding.

The roll was called and all members were present except Senators Kauth and Slama who were excused; and Senators Bostar, Conrad, Day, DeBoer, Dover, Riepe, Sanders, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 2024, at 3:45 p.m. were the following: LBs 61, 198e, 304, 771e, 771Ae, 844, 895, 938, and 1104e.

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

COMMITTEE REPORT(S)

Judiciary

**Judiciary Committee
Executive Session Report
February 13, 2024**

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

Failed

4. LB 7 (Blood) - Provide a statute of limitations for exposure to hazardous or toxic chemicals

Motion: To advance LB 7 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

Failed

5. AM2854

Motion: To adopt AM 2854 to LB 18

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

- o LB 18 (Wayne) - Provide for motions for new trial based on newly discovered evidence

No Vote (Due to AM2854 failed vote)

Failed

6. AM1469

Motion: To adopt AM 1469 to LB 42

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV								
Absent	X							

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴
 (Absent = Senator Blood)¹

- o LB 42 (Hansen, B.) - Change provisions relating to child abuse and neglect under the Child Protection and Family Safety Act and the Nebraska Juvenile Code

No Vote (Due to AM1469 failed vote)

Failed

7. AM203

Motion: To adopt AM203 to LB 89

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X			X	X		
PNV								
Absent				X				

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, Holdcroft & Ibach)³
 (Absent = Senator DeKay)¹

- o LB 89 (Hunt) - Repeal provisions stating that surrogate parenthood contracts are void and unenforceable

No Vote (Due to AM203 failed vote)

Failed

8. LB 341 (Halloran) - Adopt the State and Political Subdivisions Child Sexual Abuse Liability Act and exempt actions from the State Tort Claims Act and Political Subdivisions Tort Claims Act

Motion: To advance LB 341 to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV	X							
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴
 (Present Not Voting = Senator Blood)¹

Failed

- LB 1109 (Riepe) - Provide an exception under the Preborn Child Protection Act to allow an abortion after twelve weeks in the case of a fatal fetal anomaly and change and eliminate certain penalty provisions relating to abortions

Motion: To advance LB 1109 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No				X	X			
PNV	X	X				X		
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators DeKay & Holdcroft)²
 (Present Not Voting = Senator Blood, Bosn & Ibach)³

Failed

- LR277CA (Sanders) - Constitutional amendment to require the Legislature to enact laws providing for life imprisonment for sex or labor trafficking of a minor and certain sex offenses involving minors

Motion: To indefinitely postpone LR277CA

Motion Made By: Sen. Blood

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X						X	X
No		X		X	X	X		
PNV			X					
Absent								

(Yes= Senators Blood, McKinney & Wayne)³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Present Not Voting = Senator DeBoer)¹

Failed

11. LB 19 (Wayne) - Change dollar amount thresholds for criminal penalty classifications

Motion: To advance LB 19 to general file

Motion Made By: Sen. Blood

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

12. LB 22 (Wayne) - Decriminalize use and possession of marijuana

Motion: To advance LB 22 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

13. LB 60 (Cavanaugh, J.) - Change provisions relating to room confinement of juveniles and required reports

Motion: To advance LB 60 to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

14. LB 163 (McKinney) - Provide for various reforms to jails and prisons, provide certain protections for prisoners, prohibit construction or expansion of prisons and jails as prescribed, and provide for oversight of the Department of Correctional Services during an overcrowding emergency by the Judiciary Committee

Motion: To advance LB 163 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV								
Absent	X							

(Yes= Senators DeBoer, McKinney & Wayne)³

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Absent= Senator Blood)¹

Failed

15. LB 169 (Hunt) - Prohibit discrimination based upon sexual orientation and gender identity

Motion: To advance LB 169 to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV								
Absent	X							

(Yes= Senators DeBoer, McKinney & Wayne)³

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Absent= Senator Blood)¹

Failed

16. LB 182 (Cavanaugh, J.) - Change requirements for a report by the Supreme Court on eviction proceedings and change requirements for complaints for restitution of premises

Motion: To advance LB 182 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV								
Absent	X							

(Yes= Senators DeBoer, McKinney & Wayne)³

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Absent= Senator Blood)¹

Failed

17. LB 187 (Cavanaugh, J.) - Require appointment of counsel for tenants in eviction proceedings in counties containing a city of the metropolitan class or primary class

Motion: To advance LB 187 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes							X	X
No		X		X	X	X		
PNV			X					
Absent	X							

(Yes= Senators McKinney & Wayne)²

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Present Not Voting= Senator DeBoer)¹

(Absent= Senator Blood)¹

Failed

18. LB 248 (Vargas) - Prohibit discrimination based on lawful source of income under the Nebraska Fair Housing Act and create the Landlord Guarantee Program

Motion: To advance LB 248 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV								
Absent	X							

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴
 (Absent= Senator Blood)¹

Failed

19. AM2039

Motion: To adopt AM2039 to LB 271

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

- o LB 271 (McKinney) - Change reporting requirements for child abuse and neglect

No Vote (Due to AM2039 failed vote)

Failed

20. AM2785

Motion: To adopt AM2785 to LB284

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes							X	X
No	X	X		X	X	X		
PNV			X					
Absent								

(Yes= Senators McKinney & Wayne)²
 (No= Senators Blood, Bosn, DeKay, Holdcroft & Ibach)⁵
 (Present Not Voting= Senator DeBoer)¹

- o LB 284 (McKinney) - Adopt the Municipal Police Oversight Act, require maintenance of Brady and Giglio lists, restrict usage of no-knock warrants, prohibit collection of data on gang membership, require a bachelor's degree for law enforcement certification, change requirements on law enforcement records, and

eliminate the offense of unlawful membership recruitment into an organization

No Vote (Due to AM2785 failed vote)

Failed

- 21. LB 788 (Wayne) - Designate the Nebraska State Patrol as the agency to investigate criminal activity within Department of Correctional Services correctional facilities

Motion: To advance LB 788 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X						X	X
No		X		X	X	X		
PNV			X					
Absent								

(Yes= Senators Blood, McKinney & Wayne)³

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Present Not Voting= Senator DeBoer)¹

Failed

- 22. LB 135 (Cavanaugh, J.) - Prohibit use of deception by peace officers in questioning juveniles

Motion: To advance LB 135 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

- 23. LB 846 (Hunt) - Adopt the Bed Bug Detection and Treatment Act

Motion: To advance LB 846 to general file (without the amendment)

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

24. AM2315

Motion: To adopt AM2315 to LB 846

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

25. LB 916 (Brewer) - Adopt the Controlled Substance Offenses Forfeiture Act and change provisions relating to forfeiture

Motion: To advance LB 916 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes		X	X				X	X
No	X	X		X	X	X		
PNV								
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators Blood, Bosn, DeKay, Holdcroft & Ibach)⁵

Failed

26. LB 919 (McKinney) - Require the demolition of the Nebraska State Penitentiary

Motion: To advance LB 919 to general file

Motion Made By: Sen. McKinney
 Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes							X	X
No		X		X	X	X		
PNV	X		X					
Absent								

(Yes= Senators McKinney & Wayne)²
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴
 (Present Not Voting= Senators Blood & DeBoer)²

Failed

- 27. LB 922 (McKinney) - Adopt the Parolee and Probationer Business Empowerment Act

Motion: To advance LB 922 to general file

Motion Made By: Sen. DeBoer
 Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No				X	X	X		
PNV		X						
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators DeKay, Holdcroft & Ibach)³
 (Present Not Voting= Senator Bosn)¹

Failed

- 28. LB 928 (Fredrickson) - Provide for the appointment of a mental health director for the Department of Correctional Services

Motion: To advance to LB 928 to general file

Motion Made By: Sen. Blood
 Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No				X	X	X		
PNV		X						
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators DeKay, Holdcroft & Ibach)³
 (Present Not Voting= Senator Bosn)¹

Failed

29. LB 980 (McKinney) - Change provisions relating to persons present when the death penalty is carried out

Motion: To advance LB 980 to general file

Motion Made By: Sen. Wayne

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

30. LB 983 (Cavanaugh, J.) - Provide for duties and procedures relating to plea agreements and sentencing

Motion: To advance LB 983 to general file

Motion Made By: Sen. Wayne

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X						X	X
No		X	X	X	X	X		
PNV								
Absent								

(Yes= Senators Blood, McKinney & Wayne)³

(No= Senators Bosn, DeBoer, DeKay, Holdcroft & Ibach)⁵

Failed

31. LB 996 (Wayne) - Provide for the Department of Correctional Services to operate the county jails

Motion: To advance LB 996 to general file

Motion Made By: Sen. Wayne

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No	X	X		X	X	X		
PNV								
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³

(No= Senators Blood, Bosn, DeKay, Holdcroft & Ibach)⁵

Failed

32. LB 1044 (McKinney) - Create a task force to study reparations for slavery and change permitted uses of a tax imposed on marijuana

Motion: To advance LB 1044 to general file

Motion Made By: Sen. Wayne

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV	X							
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

(Present Not Voting= Senator Blood)¹

Failed

33. LB 1045 (Cavanaugh, J.) - Prohibit use of peremptory challenges against jurors based on membership in certain groups

Motion: To advance LB 1045 to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

34. LB 1071 (Dungan) - Protect free speech rights of student journalists and student media advisers

Motion: To advance LB 1071 to general file

Motion Made By: Sen. Blood

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
Pass								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

35. LB 1119 (Dungan) - Provide restrictions on regulation by homeowner's associations and similar associations of solar energy and wind energy devices and provide for a civil cause of action

Motion: To advance LB 1119 to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. Blood

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

36. LB 1123 (Dungan) - Provide for postconviction relief for a claim of actual innocence and for exceptions from time limitations and procedural defaults

Motion: To advance LB 1123 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Blood

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

- 37. LB 1157 (McKinney) - Require hearings regarding juveniles in detention in certain counties and require payment of certain costs by the Office of Probation Administration

Motion: To advance LB 1157 to general file

Motion Made By: Sen. Wayne

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

Failed

**Judiciary Committee
 Executive Session Report
 March 6, 2024**

- 38. LB 1366 (Cavanaugh, J.) - Change provisions relating to the use of eminent domain

Motion: To advance LB 1366 to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. Wayne

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV	X							
Absent								

(Yes= Senators DeBoer, McKinney & Wayne)³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴
 (Present Not Voting= Senator Blood)¹

Failed

- 39. LR17CA (McKinney) - Constitutional amendment to prohibit the death penalty

Motion: To advance LR17CA to general file

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV	X							
Absent								

(Yes= Senators DeBoer, McKinney & Wayne) ³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴
 (Present Not Voting= Senator Blood) ¹

Failed

40. LR26CA (Day) - Constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska

Motion: To advance LR26CA to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

Failed

41. LR27CA (McKinney) - Constitutional amendment to change provisions relating to pardons and the Board of Pardons and to create the Board of Commutation

Motion: To advance LR27CA to general file

Motion Made By: Sen. McKinney

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes			X				X	X
No		X		X	X	X		
PNV	X							
Absent								

(Yes= Senators DeBoer, McKinney & Wayne) ³
 (No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴
 (Present Not Voting= Senator Blood) ¹

Failed

- 42. LR280CA (Wayne) - Constitutional amendment to remove the Attorney General and the Secretary of State from the Board of Pardons

Motion: To advance LR280CA to general file

Motion Made By: Sen. Blood

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

Failed

- 43. AM410

Motion: To adopt AM410 to LB 557

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X		X		X	X
No		X		X		X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, Holdcroft, McKinney & Wayne) ⁵

(No= Senators Bosn, DeKay & Ibach) ³

- o LB 557 (Vargas) - Limit use of restrictive housing and solitary confinement

Motion: To advance LB 557 as amended to general file

Motion Made By: Sen. Blood

Seconded By: Sen. DeBoer

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne) ⁴

(No= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴

Failed

44. AM2771

Motion: To adopt AM2771 to LB 1195

Motion Made By: Sen. DeBoer

Seconded By: Sen. McKinney

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X		X				X	X
No		X		X	X	X		
PNV								
Absent								

(Yes= Senators Blood, DeBoer, McKinney & Wayne)⁴
 (No= Senators Bosn, DeKay, Holdcroft & Ibach)⁴

- LB 1195 (Conrad) - Change provisions relating to county attorneys, public defenders, and loan repayments for attorneys practicing in certain rural areas

No Vote (Due to AM2771 failed vote)

Failed

45. AM2872

Motion: To adopt AM2872 to LB 162

Motion Made By: Sen. Bosn

Seconded By: Sen. DeKay

	Blood	Bosn	DeBoer	DeKay	Holdercroft	Ibach	McKinney	Wayne
Yes	X	X	X	X	X	X		X
No							X	
PNV								
Absent								

(Yes= Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach & Wayne)⁷
 (No= Senator McKinney)¹

- LB 162 (McDonnell) - Prohibit tampering with electronic monitoring devices required by court order or as a condition of parole

Motion: To advance LB 162 as amended to general file

Motion Made By: Sen. Holdcroft

Seconded By: Sen. DeKay

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes		X		X	X	X		
No	X		X				X	X
PNV								
Absent								

(Yes= Senators Bosn, DeKay, Holdcroft & Ibach) ⁴
 (No= Senators Blood, DeBoer, McKinney & Wayne) ⁴

Failed

46. LB 371 (Murman) - Prohibit an individual under nineteen years of age or under twenty-one years of age from being present at a drag show as prescribed present at a drag show as prescribed

Motion: To advance LB 371 to general file

Motion Made By: Sen. DeKay

Seconded By: Sen. Holdcroft

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes				X				
No	X	X	X				X	X
PNV					X	X		
Absent								

(Yes= Senator DeKay) ¹
 (No= Senators Blood, Bosn, DeBoer, McKinney & Wayne) ⁵
 (Present Not Voting= Senators Holdcroft & Ibach) ²

Failed

47. AM2585

Motion: To adopt AM2585 to LB 1092

Motion Made By: Sen. Dekay

Seconded By: Sen. Holdcroft

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes	X	X	X	X	X	X		X
No							X	
PNV								
Absent								

(Yes= Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach & Wayne) ⁷
 (No= Senator McKinney) ¹

- LB 1092 (Murman) - Adopt the Online Age Verification Liability Act

Motion: To advance LB 1092 as amended to general file
 Motion Made By: Sen. Dekay
 Seconded By: Sen. Holdcroft

	Blood	Bosn	DeBoer	DeKay	Holdcroft	Ibach	McKinney	Wayne
Yes				X				X
No	X						X	
PNV		X	X		X	X		
Absent								

(Yes= Senators DeKay & Wayne) ²
 (No= Senators Blood & McKinney) ²
 (Present Not Voting= Senators Bosn, DeBoer, Holdcroft & Ibach) ⁴

Failed

(Signed) Angenita Pierre-Louis, Committee Clerk
 (Signed) Justin Wayne, Chairperson

SELECT FILE

LEGISLATIVE BILL 137. [ER72](#), found on page 893, was offered.

ER72 was adopted.

Senator M. Cavanaugh offered [MO1230](#), found on page 905, to bracket until April 11, 2024.

The M. Cavanaugh motion to bracket failed with 3 ayes, 23 nays, 14 present and not voting, and 9 excused and not voting.

Senator Bosn asked unanimous consent to withdraw [FA231](#), found on page 871, and replace it with substitute amendment, [AM2828](#), found on page 935.

Senator Wayne objected.

Senator Bosn offered the following motion:

[MO1269](#)

Withdraw FA231 and substitute AM2828.

Pending.

COMMITTEE REPORT(S)
 Judiciary

LEGISLATIVE BILL 341. Placed on General File.

LEGISLATIVE BILL 974. Placed on General File.

LEGISLATIVE BILL 1096. Placed on General File with amendment.[AM2741](#)

1 1. On page 5, line 13, after "distributes," insert "monetizes,
 2 promotes,"; after line 27 insert the following new subdivision:
 3 "(C) Promote means to use any mechanism or publication, or take any
 4 action, that suggests, highlights, advertises, markets, curates,
 5 backlinks, hashtags, or otherwise directs, attempts to direct, or
 6 encourages traffic toward specific materials, including acts carried out
 7 affirmatively, through automation, algorithmically, and via other
 8 technical means both known and unknown at this time;"; and in line 28
 9 strike "(C)" and insert "(D)".
 10 2. On page 6, line 1, strike "(D)" and insert "(E)"; in line 2,
 11 strike "(E)" and insert "(F)"; and in line 4, strike "(F)" and insert
 12 "(G)".

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hardin filed the following amendment to [LB1120](#):

[AM3029](#)

(Amendments to E and R amendments, ER82)

1 1. On page 1, line 20, after the period insert "A violation of this
 2 section shall not make any title or interest in land invalid or
 3 unmarketable.".

Senator Lippincott filed the following amendment to [LB52A](#):

[AM3048](#)

(Amendments to Final Reading copy)

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated (1) \$152,793 from the
 4 General Fund for FY2023-24 and (2) \$152,793 from the General Fund for
 5 FY2024-25 to the Military Department, for Program 548, to aid in carrying
 6 out the provisions of Legislative Bill 52, One Hundred Eighth
 7 Legislature, Second Session, 2024.
 8 There is included in the appropriation to this program for FY2023-24
 9 \$152,793 General Funds for state aid, which shall only be used for such
 10 purpose. There is included in the appropriation to this program for
 11 FY2024-25 \$152,793 General Funds for state aid, which shall only be used
 12 for such purpose.
 13 No expenditures for permanent and temporary salaries and per diems
 14 for state employees shall be made from funds appropriated in this
 15 section.
 16 Sec. 2. Since an emergency exists, this act takes effect when
 17 passed and approved according to law.
 18 2. On page 1, line 3, after "2024" insert "; and to declare an
 19 emergency".

Senator McKinney filed the following amendment to [LB1413](#):

[AM3069](#)

(Amendments to Standing Committee amendments, AM2698)

1 1. On page 2, line 6, strike "\$20,000,000" and insert "\$12,500,000";
 2 and in line 11 strike "\$5,000,000" and insert "\$12,500,000".

VISITOR(S)

Visitors to the Chamber were students from Gretna Elementary, Gretna; students and teachers from St. Joseph School, Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator Day, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator DeBoer presiding.

ROLL CALL

The roll was called and all members were present except Senator Kauth who was excused; and Senators Bostar, Bostelman, Conrad, Day, Fredrickson, Sanders, and Slama who were excused until they arrive.

MESSAGE(S) FROM THE GOVERNOR

March 13, 2024

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Board of Public Roads Classifications and Standards:

Roger Figard, 8960 Sandhill Court, Lincoln, NE 68526, Municipal
representative over 50,000
Russell L Kreachbaum Jr, 2077 P Road, Central City, NE 68826, County
representative - Class 2
Steven Rames, 1900 Claycomb Road, Wayne, NE 68787, Municipal
representative 2,500-50,000

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ahern, Matt - Health Information Technology Board - Health and Human Services
 Barger, Carleen - State Board of Health - Health and Human Services
 Feller, Helen Abbott - State Racing and Gaming Commission - General Affairs
 Hartman, Spencer - Commission of Industrial Relations - Business and Labor
 Leckband, Paul - Nebraska Commission on Problem Gambling - General Affairs
 Lindau, Brett - State Board of Health - Health and Human Services
 Masek, Brenda R. - Nebraska Brand Committee - Agriculture
 Mohrman, Larry - Nebraska Natural Resources Commission - Natural Resources
 Petersen, Connie Lynn - State Board of Health - Health and Human Services
 Shadle, John - Nebraska Natural Resources Commission - Natural Resources
 Volnek, Dan - Nebraska Commission on Problem Gambling - General Affairs
 Wienke, Jeffrey, Jr. - State Board of Health - Health and Human Services
 Zohner, Todd - Nebraska Commission on Problem Gambling - General A

(Signed) Raymond Aguilar, Chairperson
 Executive Board

ANNOUNCEMENT

Speaker Arch requested LB137 be passed over on Select File.

SELECT FILE

LEGISLATIVE BILL 1313. Senator Dover offered the following amendment:

AM3077

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) A health benefit plan is not insurance and except as
 3 provided in this section is not subject to any law regarding insurance
 4 if:
 5 (a) The health benefit plan provides health benefits under a self-
 6 funded arrangement administered by an entity licensed as a third-party
 7 administrator under the Third-Party Administrator Act; and
 8 (b) The health benefit plan is sponsored by a nonprofit agricultural
 9 organization or an affiliate of a nonprofit agricultural organization
 10 that:
 11 (i) Is domiciled in this state;
 12 (ii) Was created primarily to promote programs for the development
 13 of rural communities and the economic stability and sustainability of
 14 farmers in this state pursuant to its articles of incorporation;

15 (iii) Provides membership opportunities for eligible persons in each
16 county of this state;
17 (iv) Collects annual dues from its members;
18 (v) Holds regular meetings to further the purposes of its members;
19 (vi) Provides its members with representation on its governing board
20 and any committees of such board; and
21 (vii) Contracts with the third-party administrator described in
22 subdivision (a) of this subsection for administration of the health
23 benefit plan.
24 (2) Before providing health benefits under a self-funded plan, an
25 organization shall file a certification with the Department of Insurance
26 verifying that the organization meets the requirements of this section.
27 Such certification shall be filed at a time and in a manner prescribed by
1 the Department of Insurance.
2 (3) The risk assumed by a health benefit plan under health care
3 benefit coverage under this section may be reinsured by a company
4 authorized to do business in this state.
5 (4) Any health benefit plan application for coverage and any
6 contract provided to a member shall prominently state the following:
7 (a) The health benefit plan is not insurance;
8 (b) The health benefit plan is not provided by an insurance company;
9 (c) The health benefit plan is not subject to the laws and rules
10 governing insurance; and
11 (d) The health benefit plan is not subject to the jurisdiction of
12 the Department of Insurance.

The Dover amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1004. [ER80](#), found on page 1025, was offered.

ER80 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 894. [ER83](#), found on page 984, was offered.

ER83 was adopted.

Senator Ibach offered [AM2927](#), found on page 986.

Senator Wayne moved for a call of the house. The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

The Ibach amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 906. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607. [ER81](#), found on page 999, was offered.

ER81 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 839. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 834. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1393. Title read. Considered.

SPEAKER ARCH PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 358A. Placed on Final Reading.

LEGISLATIVE BILL 685A. Placed on Final Reading.

LEGISLATIVE BILL 857A. Placed on Final Reading.

LEGISLATIVE BILL 905A. Placed on Final Reading.

LEGISLATIVE BILL 1035A. Placed on Final Reading.

LEGISLATIVE BILL 1087A. Placed on Final Reading.

LEGISLATIVE BILL 1412. Placed on Select File with amendment.

[ER94](#)

1 1. On page 1, strike beginning with "21" in line 3 through "307" in
2 line 7 and insert "21, 26, 52, 68, 71, 76, 78, 79, 83, 85, 87, 90, 91,
3 94, 95, 97, 98, 101, 102, 103, 104, 105, 113, 115, 118, 119, 120, 121,
4 122, 124, 130, 132, 133, 136, 165, 173, 198, 219, 221, 222, 223, 224,
5 225, 226, 228, 229, 230, 232, 235, 236, 241, 254, 255, 267, 268, 280,
6 285, 301, 302, 306, and 307".

LEGISLATIVE BILL 1413. Placed on Select File with amendment.

[ER93](#)

1 1. In the Jacobson amendment, FA286, on page 1, before "Strike"
2 insert "1."; and after the period insert the following new amendment:
3 "2. Renumber the remaining sections accordingly."
4 2. In the M. Cavanaugh amendment, FA254, on page 1, before "On"
5 insert "(c)".
6 3. On page 1, strike beginning with "8-604" in line 1 through line
7 10 and insert "48-621, 48-622.01, 58-703, and 59-1608.04, Reissue Revised
8 Statutes of Nebraska, sections 55-901, 61-405, 68-996, 71-812, 79-810,

9 81-1201.21, 81-12,146, and 81-12,157, Revised Statutes Cumulative
10 Supplement, 2022, and sections 37-1804, 48-622.02, 71-5328, 71-7611,
11 72-819, 79-3501, 81-12,147, 81-12,221, 81-12,222, 81-12,243, 84-612, and
12 86-324, Revised Statutes Supplement, 2023; to define and redefine terms;
13 to provide for, change, and eliminate fund transfers; to create, rename,
14 and change the use of certain funds; to provide powers for the Auditor of
15 Public Accounts; to change provisions of the Shovel-Ready Capital
16 Recovery and Investment Act and the Business Innovation Act relating to
17 requests for grants; to change provisions relating to a museum and
18 visitor center honoring Chief Standing Bear; to eliminate obsolete
19 provisions; to harmonize provisions; to repeal the original sections; and
20 to declare an emergency."

LEGISLATIVE BILL 644A. Placed on Select File.
LEGISLATIVE BILL 904A. Placed on Select File.
LEGISLATIVE BILL 1204A. Placed on Select File.
LEGISLATIVE BILL 926. Placed on Select File.
LEGISLATIVE BILL 880. Placed on Select File.

(Signed) Beau Ballard, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 18, 2024

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. Metzler:

Engrossed Legislative Bills 61, 198e, 304, 771e/771Ae, 844, 895, 938 and 1104e were received in my office on March 15, 2024 and signed on March 18, 2024.

These bills were delivered to the Secretary of State on March 18, 2024.

Sincerely,
(Signed) Jim Pillen
Governor

GENERAL FILE

LEGISLATIVE BILL 1088. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1031. Title read. Considered.

Committee [AM2780](#), found on page 931, was offered.

Senator Fredrickson offered [AM2905](#), found on page 1001, to the committee amendment.

The Fredrickson amendment, to the committee amendment, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator DeBoer offered [AM2956](#), found on page 1051, to the committee amendment.

The DeBoer amendment, to the committee amendment, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Bostelman offered [AM2893](#), found on page 1088, to the committee amendment.

The Bostelman amendment, to the committee amendment, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to [LB137](#):
[AM2790](#)

(Amendments to E and R amendments, ER72)

- 1 1. Insert the following new sections:
- 2 Sec. 2. (1) In order to educate students about the dangers posed by
- 3 the drug fentanyl and the risks of fentanyl poisoning, including
- 4 overdose, the Governor shall designate a week during the normal school
- 5 year to be known as Fentanyl Poisoning Awareness Week in public schools.
- 6 (2) Fentanyl Poisoning Awareness Week may include age-appropriate
- 7 instruction, including instruction on the prevention of the abuse of and
- 8 addiction to fentanyl, as determined by each school district.
- 9 Sec. 3. Beginning with school year 2025-26, each school district
- 10 shall annually provide research-based instruction related to fentanyl
- 11 abuse prevention and drug poisoning awareness to students in grades six
- 12 through twelve. The instruction required by this section must include
- 13 instruction concerning:
- 14 (1) Suicide prevention;
- 15 (2) Prevention of the abuse of and addiction to fentanyl;
- 16 (3) Awareness of local school and community resources and any
- 17 processes involved in accessing those resources;
- 18 (4) Methods of administering an opioid antagonist; and
- 19 (5) Health education that includes information about substance use
- 20 and abuse, including youth substance use and abuse.
- 21 2. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to [LB137](#):
[AM3076](#) is available in the Bill Room.

Senator Hunt filed the following amendment to [LB137](#):
[AM3084](#)

(Amendments to E&R amendments, ER72)

1 1. Insert the following new sections:

2 Section 1. (1) The governing body of a municipality or county may
3 authorize by ordinance or resolution a syringe services program to
4 operate within the bounds of such municipality or county. A county
5 ordinance or resolution shall not be effective within the corporate
6 boundaries of any incorporated municipality located in whole or in part
7 within the county.

8 (2) Participation in a syringe services program authorized by this
9 section shall be limited to persons eighteen years of age or older.

10 (3) A syringe services program authorized by this section shall, at
11 a minimum, offer or arrange for the provision of the following:

12 (a) A needs assessment for program participants;

13 (b) Access to sterile syringes, needles, and other items or
14 equipment used to reduce the risk of disease transmission or other harm;

15 (c) Safe disposal of used syringes, needles, and other items or
16 equipment;

17 (d) Referral information and educational materials regarding
18 substance use disorder prevention and treatment;

19 (e) Information to reduce injection and overdose risks;

20 (f) Naloxone or information about where naloxone can be obtained at
21 low or no cost; and

22 (g) Referral information and educational materials regarding social
23 services, mental health care, and other health care services.

24 (4) A syringe services program authorized by this section shall not
25 be located within five hundred feet of any:

26 (a) Public or private: Child care facility; elementary, vocational,
1 or secondary school; or youth center; or

2 (b) Public: Community recreation center, library, or swimming pool.

3 Sec. 3. Section 28-441, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 28-441 (1) It shall be unlawful for any person to use, or to possess
6 with intent to use, drug paraphernalia to manufacture, inject, ingest,
7 inhale, or otherwise introduce into the human body a controlled substance
8 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

9 (2) Any person who violates this section shall be guilty of an
10 infraction.

11 (3) A person shall not be in violation of this section if section
12 28-472 or 28-1701 applies.

13 (4) This section does not apply to:

14 (a) The staff of a syringe services program authorized by section 1
15 of this act when such staff are engaged in the provision, retrieval, or
16 disposal of syringes, needles, or other items or equipment in connection
17 with the program; or

18 (b) A participant in such a program when the participant is engaged
19 in the retrieval or disposal of syringes, needles, or other items or
20 equipment at or within the immediate vicinity of the program site or
21 facility.

22 Sec. 4. Section 28-442, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 28-442 (1) It shall be unlawful for any person to deliver, possess
25 with intent to deliver, or manufacture with intent to deliver, drug
26 paraphernalia, knowing, or under circumstances in which one reasonably
27 should know, that it will be used to manufacture, inject, ingest, or

28 inhale or otherwise be used to introduce into the human body a controlled
 29 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.
 30 (2) This section shall not apply to:
 31 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
 1 technicians, and pharmacy clerks who sell hypodermic syringes or needles
 2 for the prevention of the spread of infectious diseases; -
 3 (b) The staff of a syringe services program authorized by section 1
 4 of this act when such staff are engaged in the provision, retrieval, or
 5 disposal of syringes, needles, or other items or equipment in connection
 6 with the program; or
 7 (c) A participant in such a program when the participant is engaged
 8 in the retrieval or disposal of syringes, needles, or other items or
 9 equipment at or within the immediate vicinity of the program site or
 10 facility.
 11 (3) Any person who violates this section shall be guilty of a Class
 12 II misdemeanor.
 13 2. Renumber the remaining sections and correct the repealer
 14 accordingly.

Senator Hunt filed the following amendment to [LB137](#):
[AM3089](#)

(Amendments to FA231)

1 1. Strike the matter on page 1 beginning with "Strike" through the
 2 period and insert the following new amendments:
 3 1. Insert the following new sections:
 4 Section 1. (1) The governing body of a municipality or county may
 5 authorize by ordinance or resolution a syringe services program to
 6 operate within the bounds of such municipality or county. A county
 7 ordinance or resolution shall not be effective within the corporate
 8 boundaries of any incorporated municipality located in whole or in part
 9 within the county.
 10 (2) Participation in a syringe services program authorized by this
 11 section shall be limited to persons eighteen years of age or older.
 12 (3) A syringe services program authorized by this section shall, at
 13 a minimum, offer or arrange for the provision of the following:
 14 (a) A needs assessment for program participants;
 15 (b) Access to sterile syringes, needles, and other items or
 16 equipment used to reduce the risk of disease transmission or other harm;
 17 (c) Safe disposal of used syringes, needles, and other items or
 18 equipment;
 19 (d) Referral information and educational materials regarding
 20 substance use disorder prevention and treatment;
 21 (e) Information to reduce injection and overdose risks;
 22 (f) Naloxone or information about where naloxone can be obtained at
 23 low or no cost; and
 24 (g) Referral information and educational materials regarding social
 25 services, mental health care, and other health care services.
 26 (4) A syringe services program authorized by this section shall not
 1 be located within five hundred feet of any:
 2 (a) Public or private: Child care facility; elementary, vocational,
 3 or secondary school; or youth center; or
 4 (b) Public: Community recreation center, library, or swimming pool.
 5 Sec. 3. Section 28-441, Revised Statutes Cumulative Supplement,
 6 2022, is amended to read:
 7 28-441 (1) It shall be unlawful for any person to use, or to possess
 8 with intent to use, drug paraphernalia to manufacture, inject, ingest,
 9 inhale, or otherwise introduce into the human body a controlled substance
 10 in violation of sections 28-101, 28-431, and 28-439 to 28-444.
 11 (2) Any person who violates this section shall be guilty of an
 12 infraction.

13 (3) A person shall not be in violation of this section if section
 14 28-472 or 28-1701 applies.
 15 (4) This section does not apply to:
 16 (a) The staff of a syringe services program authorized by section 1
 17 of this act when such staff are engaged in the provision, retrieval, or
 18 disposal of syringes, needles, or other items or equipment in connection
 19 with the program; or
 20 (b) A participant in such a program when the participant is engaged
 21 in the retrieval or disposal of syringes, needles, or other items or
 22 equipment at or within the immediate vicinity of the program site or
 23 facility.
 24 Sec. 4. Section 28-442, Revised Statutes Cumulative Supplement,
 25 2022, is amended to read:
 26 28-442 (1) It shall be unlawful for any person to deliver, possess
 27 with intent to deliver, or manufacture with intent to deliver, drug
 28 paraphernalia, knowing, or under circumstances in which one reasonably
 29 should know, that it will be used to manufacture, inject, ingest, or
 30 inhale or otherwise be used to introduce into the human body a controlled
 31 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.
 1 (2) This section shall not apply to:
 2 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
 3 technicians, and pharmacy clerks who sell hypodermic syringes or needles
 4 for the prevention of the spread of infectious diseases; -
 5 (b) The staff of a syringe services program authorized by section 1
 6 of this act when such staff are engaged in the provision, retrieval, or
 7 disposal of syringes, needles, or other items or equipment in connection
 8 with the program; or
 9 (c) A participant in such a program when the participant is engaged
 10 in the retrieval or disposal of syringes, needles, or other items or
 11 equipment at or within the immediate vicinity of the program site or
 12 facility.
 13 (3) Any person who violates this section shall be guilty of a Class
 14 II misdemeanor.
 15 2. Renumber the remaining sections and correct the repealer
 16 accordingly.

Senator Hunt filed the following amendment to [LB137](#):
[AM3039](#)

(Amendments to E&R amendments, ER72)

1 1. Insert the following new sections:
 2 Section 1. (1) The governing body of a municipality or county may
 3 authorize by ordinance or resolution a syringe services program to
 4 operate within the bounds of such municipality or county. A county
 5 ordinance or resolution shall not be effective within the corporate
 6 boundaries of any incorporated municipality located in whole or in part
 7 within the county.
 8 (2) A syringe services program authorized by this section shall, at
 9 a minimum, offer or arrange for the provision of the following:
 10 (a) A needs assessment for program participants;
 11 (b) Access to sterile syringes, needles, and other items or
 12 equipment used to reduce the risk of disease transmission or other harm;
 13 (c) Safe disposal of used syringes, needles, and other items or
 14 equipment;
 15 (d) Referral information and educational materials regarding
 16 substance use disorder prevention and treatment;
 17 (e) Information to reduce injection and overdose risks;
 18 (f) Naloxone or information about where naloxone can be obtained at
 19 low or no cost; and
 20 (g) Referral information and educational materials regarding social
 21 services, mental health care, and other health care services.

22 (3) A syringe services program authorized by this section shall not
 23 be located within five hundred feet of any:

24 (a) Public or private: Child care facility; elementary, vocational,
 25 or secondary school; or youth center; or

26 (b) Public: Community recreation center, library, or swimming pool.

1 Sec. 3. Section 28-441, Revised Statutes Cumulative Supplement,
 2 2022, is amended to read:

3 28-441 (1) It shall be unlawful for any person to use, or to possess
 4 with intent to use, drug paraphernalia to manufacture, inject, ingest,
 5 inhale, or otherwise introduce into the human body a controlled substance
 6 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

7 (2) Any person who violates this section shall be guilty of an
 8 infraction.

9 (3) A person shall not be in violation of this section if section
 10 28-472 or 28-1701 applies.

11 (4) This section does not apply to:

12 (a) The staff of a syringe services program authorized by section 1
 13 of this act when such staff are engaged in the provision, retrieval, or
 14 disposal of syringes, needles, or other items or equipment in connection
 15 with the program; or

16 (b) A participant of such a program when the participant is engaged
 17 in the retrieval or disposal of syringes, needles, or other items or
 18 equipment at or within the immediate vicinity of the program site or
 19 facility.

20 Sec. 4. Section 28-442, Revised Statutes Cumulative Supplement,
 21 2022, is amended to read:

22 28-442 (1) It shall be unlawful for any person to deliver, possess
 23 with intent to deliver, or manufacture with intent to deliver, drug
 24 paraphernalia, knowing, or under circumstances in which one reasonably
 25 should know, that it will be used to manufacture, inject, ingest, or
 26 inhale or otherwise be used to introduce into the human body a controlled
 27 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

28 (2) This section shall not apply to:

29 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
 30 technicians, and pharmacy clerks who sell hypodermic syringes or needles
 31 for the prevention of the spread of infectious diseases;

1 (b) The staff of a syringe services program authorized by section 1
 2 of this act when such staff are engaged in the provision, retrieval, or
 3 disposal of syringes, needles, or other items or equipment in connection
 4 with the program; or

5 (c) A participant of such a program when the participant is engaged
 6 in the retrieval or disposal of syringes, needles, or other items or
 7 equipment at or within the immediate vicinity of the program site or
 8 facility.

9 (3) Any person who violates this section shall be guilty of a Class
 10 II misdemeanor.

11 2. Renumber the remaining sections and correct the repealer
 12 accordingly.

Senator Hunt filed the following amendment to [LB137](#):
[AM3088](#)

(Amendments to AM2828)

1 1. Strike amendments 1, 2, and 3 and insert the following new
 2 amendment:

3 1. Insert the following new sections:

4 Section 1. (1) The governing body of a municipality or county may
 5 authorize by ordinance or resolution a syringe services program to
 6 operate within the bounds of such municipality or county. A county
 7 ordinance or resolution shall not be effective within the corporate
 8 boundaries of any incorporated municipality located in whole or in part

9 within the county.

10 (2) Participation in a syringe services program authorized by this
 11 section shall be limited to persons eighteen years of age or older.

12 (3) A syringe services program authorized by this section shall, at
 13 a minimum, offer or arrange for the provision of the following:

14 (a) A needs assessment for program participants;

15 (b) Access to sterile syringes, needles, and other items or
 16 equipment used to reduce the risk of disease transmission or other harm;

17 (c) Safe disposal of used syringes, needles, and other items or
 18 equipment;

19 (d) Referral information and educational materials regarding
 20 substance use disorder prevention and treatment;

21 (e) Information to reduce injection and overdose risks;

22 (f) Naloxone or information about where naloxone can be obtained at
 23 low or no cost; and

24 (g) Referral information and educational materials regarding social
 25 services, mental health care, and other health care services.

26 (4) A syringe services program authorized by this section shall not
 1 be located within five hundred feet of any:

2 (a) Public or private: Child care facility; elementary, vocational,
 3 or secondary school; or youth center; or

4 (b) Public: Community recreation center, library, or swimming pool.

5 Sec. 3, Section 28-441, Revised Statutes Cumulative Supplement,

6 2022, is amended to read:

7 28-441 (1) It shall be unlawful for any person to use, or to possess
 8 with intent to use, drug paraphernalia to manufacture, inject, ingest,
 9 inhale, or otherwise introduce into the human body a controlled substance
 10 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

11 (2) Any person who violates this section shall be guilty of an
 12 infraction.

13 (3) A person shall not be in violation of this section if section
 14 28-472 or 28-1701 applies.

15 (4) This section does not apply to:

16 (a) The staff of a syringe services program authorized by section 1
 17 of this act when such staff are engaged in the provision, retrieval, or
 18 disposal of syringes, needles, or other items or equipment in connection
 19 with the program; or

20 (b) A participant in such a program when the participant is engaged
 21 in the retrieval or disposal of syringes, needles, or other items or
 22 equipment at or within the immediate vicinity of the program site or
 23 facility.

24 Sec. 4, Section 28-442, Revised Statutes Cumulative Supplement,

25 2022, is amended to read:

26 28-442 (1) It shall be unlawful for any person to deliver, possess
 27 with intent to deliver, or manufacture with intent to deliver, drug
 28 paraphernalia, knowing, or under circumstances in which one reasonably
 29 should know, that it will be used to manufacture, inject, ingest, or
 30 inhale or otherwise be used to introduce into the human body a controlled
 31 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

1 (2) This section shall not apply to:

2 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
 3 technicians, and pharmacy clerks who sell hypodermic syringes or needles
 4 for the prevention of the spread of infectious diseases; -

5 (b) The staff of a syringe services program authorized by section 1
 6 of this act when such staff are engaged in the provision, retrieval, or
 7 disposal of syringes, needles, or other items or equipment in connection
 8 with the program; or

9 (c) A participant in such a program when the participant is engaged
 10 in the retrieval or disposal of syringes, needles, or other items or
 11 equipment at or within the immediate vicinity of the program site or

12 facility.

13 (3) Any person who violates this section shall be guilty of a Class

14 II misdemeanor.

MOTION(S) - Print in Journal

Senator Conrad filed the following motion to LB1393:

MO1271

Indefinitely postpone.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102 1:15 PM

Tuesday, March 26, 2024

Spencer Hartman - Commission of Industrial Relations

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 441. Title read. Considered.

Committee AM2789, found on page 931, was offered.

Senator Conrad offered the following motion:

MO1270

Bracket until April 18, 2024.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 130A. Introduced by Dorn, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, One Hundred Eighth Legislature, Second Session, 2024.

LEGISLATIVE BILL 867A. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Eighth Legislature, Second Session, 2024; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator McKinney filed the following amendment to LB840:
AM3092

(Amendments to Standing Committee amendments, AM2862)

- 1 1. On page 8, lines 24 through 26, strike the new matter and
- 2 reinstate the stricken matter.
- 3 2. On page 9, strike lines 10 through 16; in line 17 strike "(4)"
- 4 and insert "(3)"; and in line 23 strike "(5)" and insert "(4)".

Senator Blood filed the following amendment to LB876:
AM2779

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Sections 1 to 4 of this act shall be known and may be
- 4 cited as the Newborn Safe Haven Act.
- 5 Sec. 2. For purposes of the Newborn Safe Haven Act:
- 6 (1) Approved drop-off location means a hospital or other health care
- 7 facility licensed by the State of Nebraska, staffed fire station, or
- 8 staffed law enforcement agency displaying a decal or placard as described
- 9 in section 4 of this act;
- 10 (2) Department means the Department of Health and Human Services;
- 11 (3) Emergency medical services provider means an individual licensed
- 12 in Nebraska to provide emergency medical services pursuant to the
- 13 Emergency Medical Services Practice Act; and
- 14 (4) Newborn infant means a child who is, or who appears to be,
- 15 ninety days old or younger.
- 16 Sec. 3. (1) A parent of a newborn infant may voluntarily release
- 17 custody of the newborn infant as follows:
- 18 (a) By surrendering physical custody of the newborn infant, without
- 19 expressing an intent to regain physical custody, at an approved drop-off
- 20 location or by authorizing another person to surrender physical custody
- 21 on the parent's behalf at an approved drop-off location;
- 22 (b) By surrendering physical custody of the newborn infant to
- 23 medical staff at a hospital or other health care facility displaying a
- 24 decal or placard as described in section 4 of this act, following
- 25 delivery of the newborn infant in the hospital or other health care
- 26 facility when the parent notifies the medical staff that the parent is
- 27 voluntarily surrendering physical custody of the newborn infant without
- 1 expressing an intent to regain physical custody; or
- 2 (c) By surrendering physical custody of the newborn infant, or by
- 3 authorizing another person to surrender physical custody on behalf of the
- 4 parent, to an emergency medical services provider without expressing an
- 5 intent to regain physical custody.
- 6 (2) In lieu of the procedure described in subsection (1) of this
- 7 section, a parent of a newborn infant or another person authorized to
- 8 surrender physical custody of the newborn infant on behalf of the parent,
- 9 may make telephone contact with a 911 service and surrender physical
- 10 custody of the newborn infant to an emergency medical services provider
- 11 responding to such 911 telephone call, without expressing an intent to
- 12 regain physical custody.
- 13 (3) For purposes of the Newborn Safe Haven Act and for any judicial
- 14 proceedings associated with the newborn infant, there shall be a
- 15 rebuttable presumption that the person who surrenders physical custody
- 16 pursuant to this section is the newborn infant's parent or has
- 17 surrendered physical custody with the parent's authorization.
- 18 (4)(a) Unless the parent or other person surrendering physical
- 19 custody of a newborn infant clearly expresses an intent to regain
- 20 physical custody of the newborn infant, any individual on duty at an

21 approved drop-off location, or the emergency medical services provider to
22 whom physical custody of the newborn infant was surrendered pursuant to
23 this section, shall take physical custody of the newborn infant. The
24 individual on duty at the approved drop-off location, or the emergency
25 medical services provider who takes physical custody of the newborn
26 infant, shall make a reasonable attempt to obtain from the parent or
27 other person the name of the parent or parents, the circumstances of the
28 infant's birth, the medical history of the newborn infant, and the
29 medical history of the newborn infant's parent or parents. However, the
30 parent or other person is not required to provide the names or medical
31 history information to comply with this section. The individual on duty
1 or medical staff at the approved drop-off location or the emergency
2 medical services provider who takes physical custody of the newborn
3 infant may perform reasonable acts necessary to protect the physical
4 health or safety of the newborn infant and is immune from criminal or
5 civil liability for any acts or omissions made in good faith to comply
6 with the requirements of this section.

7 (b) After the physical custody of a newborn infant is surrendered at
8 an approved drop-off location other than a hospital or an emergency
9 medical services provider, an appropriate staff person shall contact a
10 911 service to have an emergency medical services provider transport the
11 newborn infant to the nearest hospital. Such person shall provide any
12 available parental identification and medical history to the hospital.

13 (5) After the physical custody of a newborn infant is released
14 pursuant to this section, and after such infant is transported to a
15 hospital, if applicable, the approved drop-off location or emergency
16 medical provider shall notify the department as soon as possible.

17 Sec. 4. Subject to available funding, it is the intent of the
18 Legislature to appropriate fifty thousand dollars to the department for
19 fiscal year 2024-25 and ten thousand dollars each year thereafter, to
20 develop, implement, and maintain a public information program to inform
21 the general public of the Newborn Safe Haven Act. Components of the
22 program shall include, but not be limited to:

23 (1) Creation and maintenance of a permanent, interactive website
24 that provides pertinent information to the public about the Newborn Safe
25 Haven Act, including authorized drop-off locations and a method that
26 allows the parent of a newborn infant surrendered under the act, to
27 anonymously provide information about the medical history of the infant
28 and family. The website shall also provide a method for a parent to
29 reconsider the surrender of a newborn infant and allow an individual to
30 undergo paternity testing for the purpose of determining the paternity of
31 a surrendered child;

1 (2) Distribution of literature at statewide locations, as determined
2 by the department, including the toll-free telephone number of the
3 National Safe Haven Alliance;

4 (3) Creation and distribution of decals and placards designating
5 authorized drop-off locations and the toll-free telephone number of the
6 National Safe Haven Alliance;

7 (4) Development of educational, promotional, and informational
8 materials in print, audio, video, electronic, and other media formats to
9 provide the toll-free telephone number of the National Safe Haven
10 Alliance; and

11 (5) Training for emergency medical services providers, 911
12 operators, hospital staff, firefighters, law enforcement officers, or any
13 member of the public expressing an interest in such training.

14 Sec. 5. Section 29-121, Reissue Revised Statutes of Nebraska, is

15 amended to read:
16 29-121 No person shall be prosecuted for any crime based solely upon
17 the act of surrendering a newborn infant pursuant to the Newborn Safe
18 Haven Act for any crime based solely upon the act of leaving a child

19 thirty days old or younger in the custody of an employee on duty at a
20 hospital licensed by the State of Nebraska. The hospital shall promptly
21 contact appropriate authorities to take custody of the child.
22 Sec. 6. Original section 29-121, Reissue Revised Statutes of
23 Nebraska, is repealed.

EASE

The Legislature was at ease from 6:02 p.m. until 6:33 p.m.

SENATOR DORN PRESIDING

SENATOR DEBOER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 441. Committee [AM2789](#), found on page 931 and considered in this day's Journal, was renewed.

Senator Conrad renewed [MO1270](#), found and considered in this day's Journal, to bracket until April 18, 2024.

SENATOR VON GILLERN PRESIDING

SENATOR DEBOER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Murman filed the following amendment to [LB1329](#):
[AM3102](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 441. Committee [AM2789](#), found on page 931 and considered in this day's Journal, was renewed.

Senator Conrad renewed [MO1270](#), found and considered in this day's Journal, to bracket until April 18, 2024.

Pending.

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to [LB1412](#):
[AM3070](#) is available in the Bill Room.

Senator Clements filed the following amendment to [LB1413](#):
[AM3071](#) is available in the Bill Room.

VISITOR(S)

Visitors to the Chamber were students and teachers from Hartington-Newcastle Band; students from St. John the Baptist Catholic School, Plattsmouth.

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 8:00 p.m., on a motion by Senator Hunt, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2024.

Brandon Metzler
Clerk of the Legislature