

TWENTY-NINTH DAY - FEBRUARY 15, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 2024

PRAYER

The prayer was offered by Pastor Roger Sloan, First Christian Church, O'Neill.

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 Dover, Linehan, and Raybould who were excused; and Senators Bostar, M. Cavanaugh, Conrad, Day, Dungan, Hunt, McKinney, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 14, 2024, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Baldocchi, Danny
Airbnb, Inc.
Beienburg, Matt

Barry Goldwater Institute for Public Policy Research
 Catalyst Public Affairs
 Jasper Stone Partners LLC
 Fernandez, David
 Altria Client Services LLC and its Affiliates
 Frazier, Travis
 Association of National Advertisers
 Gorynski, Alec
 Lincoln Community Foundation
 Husch Blackwell Strategies
 Papio Valley Preservation Association, Inc.
 Jensen Rogert Associates, Inc.
 Veteran Benefits Guide
 Norman, Brian
 Barry Goldwater Institute for Public Policy Research
 O'Hara Lindsay & Associates, Inc.
 E-Titan Vapors LLC
 Fresenius Medical Care North America
 Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
 Delta Dental of Nebraska
 Good Life Coalition

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

ANNOUNCEMENT(S)

Priority designation(s) received:

DeBoer - LB175
 Legislature's Planning Committee - LB904
 Agriculture - LB262 and LB844
 Meyer - LB71
 Urban Affairs - LB840
 Dover - LB1313
 Ibach - LB1368

GENERAL FILE

LEGISLATIVE BILL 1087. Title read. Considered.

Committee [AM2404](#), found on page 684, was offered.

Senator Jacobson offered the following amendment to the committee amendment:

[AM2512](#)

(Amendments to Standing Committee amendments, AM2404)

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

2 sections:

3 Section 1. Sections 1 to 10 of this act shall be known and may be
4 cited as the Hospital Quality Assurance and Access Assessment Act.

5 Sec. 2. For purposes of the Hospital Quality Assurance and Access
6 Assessment Act:

7 (1) Assessment means a quality assurance and access assessment
8 imposed on hospitals pursuant to section 3 of this act;

9 (2) Department means the Division of Medicaid and Long-Term Care
10 Services of the Department of Health and Human Services;

11 (3) Hospital means a hospital as defined in section 71-419 or a
12 rural emergency hospital as defined in section 71-477;

13 (4) Medical assistance program means the medical assistance program
14 established pursuant to the Medical Assistance Act; and

15 (5) Net patient revenue means the revenue paid to a hospital for
16 patient care, room, board, and services less contractual adjustments, bad
17 debt, and revenue from sources other than operations, including, but not
18 limited to, interest, guest meals, gifts, and grants.

19 Sec. 3. (1) The department shall amend the medicaid state plan or
20 file other federal authorizing documents to establish assessments and
21 directed-payment programs for hospital inpatient and outpatient services.

22 (2) Upon approval by the federal Centers for Medicare and Medicaid
23 Services of a hospital assessment and a directed-payment program, the
24 department shall impose an assessment on hospitals to assure quality and
25 access in the medical assistance program.

26 (3) The department may establish different assessment rates based on
1 categories of hospital or hospital services as allowed by federal law.

2 (4) The department shall consult with a statewide association
3 representing a majority of hospitals and health systems in Nebraska
4 regarding the development, implementation, and annual renewal of the
5 assessments and the directed-payment programs.

6 (5) The department shall partner with a statewide association
7 representing a majority of hospitals and health systems in Nebraska to:

8 (a) Aggregate inpatient, outpatient, and clinic claims data in order
9 to establish quality improvement metrics and track progress on identified
10 metrics;

11 (b) Design and implement initiatives to improve children's mental
12 health, adult mental health, maternity care, and senior care; and

13 (c) Increase the workforce development of nurses and other health
14 professionals by hospitals and health systems providing at least fifty
15 million dollars per year in private investments in statewide health care
16 workforce development.

17 (6) The department shall adopt and promulgate rules and regulations
18 that are necessary and proper to implement the Hospital Quality Assurance
19 and Access Assessment Act.

20 Sec. 4. Except as provided in section 6 of this act, the department
21 shall collect assessments from hospitals and remit the assessments to the
22 State Treasurer for credit to the Hospital Quality Assurance and Access
23 Assessment Fund. It is the intent of the Legislature that no proceeds
24 from the fund, including the federal match, shall be placed in the
25 General Fund.

26 Sec. 5. (1) Each hospital shall pay an assessment based on net
27 patient revenue for the purpose of improving the quality of, and access
28 to, hospital care in the state. The statewide aggregate assessment shall
29 equal (a) the state share of the payments authorized by the federal
30 Centers for Medicare and Medicaid Services and (b) funds for expenditures
31 as provided in subsection (3) of section 6 of this act. The statewide
1 aggregate assessment total shall not exceed six percent of the net
2 patient revenue of all assessed hospitals.

3 (2)(a) A hospital shall pay its quarterly assessment within thirty
4 days after receipt of its quarterly directed payments. Failure of a
5 hospital to remit the assessments may result in penalties, interest, or
6 legal action.

7 (b) A new hospital shall begin paying an assessment and receiving
8 directed payments at the start of the first full fiscal year after the

9 hospital is eligible for medicaid reimbursement for inpatient or
10 outpatient services. A hospital that has merged with another hospital
11 shall have its assessment and directed payments revised at the start of
12 the first full fiscal year after the merger is recognized by the
13 department. A closed hospital shall be retroactively responsible for
14 assessments owed and shall receive directed payments for services
15 provided.

16 (3) If the department determines that a hospital has underpaid or
17 overpaid assessments, the department shall notify the hospital of the
18 unpaid assessments or of any refund due. Such payment or refund shall be
19 due or refunded within thirty days after the date of the notice.

20 Sec. 6. (1) The Hospital Quality Assurance and Access Assessment
21 Fund is created. Interest earned on the fund shall be credited to the
22 fund. Any money in the fund available for investment shall be invested by
23 the state investment officer pursuant to the Nebraska Capital Expansion
24 Act and the Nebraska State Funds Investment Act.

25 (2) The department shall use the Hospital Quality Assurance and
26 Access Assessment Fund, including the matching federal financial
27 participation, for the purpose of enhancing rates paid to hospitals under
28 the medical assistance program except as allowed by subsection (3) of
29 this section. Money in the fund shall not be used to replace or offset
30 existing state funds paid to hospitals for providing services under the
31 medical assistance program.

1 (3) The Hospital Quality Assurance and Access Assessment Fund shall
2 also be used to:

3 (a) Recover funds used to process directed payments to hospitals;
4 (b) Reimburse the department an administrative fee of three percent
5 of the assessment, not to exceed fifteen million dollars per year, to
6 collect assessments and administer directed-payment programs established
7 by the Hospital Quality Assurance and Access Assessment Act;
8 (c) Provide the Nebraska Center for Nursing Board one-half of one
9 percent of the assessment, not to exceed two million five hundred
10 thousand dollars per year, for the expansion of clinical nursing training
11 sites as authorized in subsection (3) of section 71-1798; and
12 (d) Provide funding of three and one-half of one percent of the
13 assessment, not to exceed seventeen million five hundred thousand dollars
14 per year, for rates for nonhospital providers in the medical assistance
15 program, continuous eligibility for children, or the designated health
16 information exchange authorized in section 81-6,125.

17 (4) In calculating rates, the proceeds from assessments and federal
18 match not utilized under subsection (3) of this section shall be used to
19 enhance rates for hospital inpatient and outpatient services in addition
20 to any funds appropriated by the Legislature.

21 (5) The department shall collect data for revenue, discharge, and
22 inpatient days from a hospital that does not file an annual medicare cost
23 report. At the request of the department, a hospital that does not file
24 an annual medicare cost report shall submit such requested data to the
25 department.

26 (6) The department shall prohibit a medicaid managed care
27 organization from (a) setting, establishing, or negotiating reimbursement
28 rates with a hospital in a manner that takes into account, directly or
29 indirectly, a directed payment that a hospital receives under the
30 Hospital Quality Assurance and Access Assessment Act, (b) unnecessarily
31 delaying a directed payment to a hospital, or (c) recouping or offsetting
1 a directed payment for any reason.

2 (7)(a) A hospital shall not:

3 (i) Set, establish, or negotiate reimbursement rates with a managed
4 care organization in a manner that directly or indirectly takes into
5 account a directed payment that a hospital receives under the Hospital
6 Quality Assurance and Access Assessment Act; or
7 (ii) Directly pass on the cost of an assessment to patients or
8 nonmedicaid payors, including as a fee or rate increase.

9 (b) A hospital that violates this subsection shall not receive a
10 directed payment for the remainder of the rate year. This subsection

11 shall not be construed to prohibit a hospital from negotiating with a
 12 payor for a rate increase.
 13 Sec. 7. It is the intent of the Legislature that medicaid rates
 14 paid for hospital inpatient and outpatient services and the General Fund
 15 appropriations for hospital inpatient and outpatient services in the
 16 medical assistance program shall not be reduced to an amount below the
 17 rates paid and General Fund appropriations for these services in fiscal
 18 year 2023-24.
 19 Sec. 8. Assessments and directed-payment programs shall be treated
 20 as a separate component in developing rates paid to hospitals and shall
 21 not be included with existing rate components. The assessments and
 22 directed-payment programs shall be retroactive to July 1, 2024, or the
 23 effective date approved by the federal Centers for Medicare and Medicaid
 24 Services.
 25 Sec. 9. (1) The department shall discontinue the collection of
 26 assessments when federal matching funds are unavailable. In such case,
 27 the department shall terminate the collection of the assessments
 28 beginning on the date such federal matching funds become unavailable.
 29 (2) If collection of assessments is discontinued as provided in this
 30 section, the money in the Hospital Quality Assurance and Access
 31 Assessment Fund shall be returned to the hospitals from which the
 1 assessments were collected on the same proportional basis as the
 2 assessments were assessed for the quarter in which the assessment was
 3 terminated.
 4 Sec. 10. The Hospital Quality Assurance and Access Assessment Act
 5 shall terminate effective January 1, 2027.
 6 Sec. 11. Since an emergency exists, this act takes effect when
 7 passed and approved according to law.

Senator Jacobson moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Jacobson amendment, to the committee amendment, was adopted with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

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

The Chair declared the call raised.

SENATOR DEKAY PRESIDING

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S) Health and Human Services

LEGISLATIVE BILL 856. Placed on General File with amendment.

AM2510

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 68-1206, Revised Statutes Supplement, 2023, is
 4 amended to read:
 5 68-1206 (1) The Department of Health and Human Services shall
 6 administer the program of social services in this state. The department
 7 may contract with other social agencies for the purchase of social

8 services at rates not to exceed those prevailing in the state or the cost
9 at which the department could provide those services. The statutory
10 maximum payments for the separate program of aid to dependent children
11 shall apply only to public assistance grants and shall not apply to
12 payments for social services.

13 (2)(a) As part of the provision of social services authorized by
14 section 68-1202, the department shall participate in the federal child
15 care assistance program under 42 U.S.C. 9857 et seq., as such sections
16 existed on January 1, 2023, and provide child care assistance to families
17 with incomes up to (i) one hundred eighty-five percent of the federal
18 poverty level prior to October 1, 2026, or (ii) one hundred thirty
19 percent of the federal poverty level on and after October 1, 2026.

20 (b)(i) (b) As part of the provision of social services authorized by
21 this section and section 68-1202, the department shall participate in the
22 federal Child Care Subsidy program. A child care provider seeking to
23 participate in the federal Child Care Subsidy program shall comply with
24 the criminal history record information check requirements of the Child
25 Care Licensing Act. In determining ongoing eligibility for this program,
26 ten percent of a household's gross earned income shall be disregarded
27 after twelve continuous months on the program and at each subsequent
1 redetermination. In determining ongoing eligibility, if a family's income
2 exceeds one hundred eighty-five percent of the federal poverty level
3 prior to October 1, 2026, or one hundred thirty percent of the federal
4 poverty level on and after October 1, 2026, the family shall receive
5 transitional child care assistance through the remainder of the family's
6 eligibility period or until the family's income exceeds eighty-five
7 percent of the state median income for a family of the same size as
8 reported by the United States Bureau of the Census, whichever occurs
9 first. When the family's eligibility period ends, the family shall
10 continue to be eligible for transitional child care assistance if the
11 family's income is below two hundred percent of the federal poverty level
12 prior to October 1, 2026, or one hundred eighty-five percent of the
13 federal poverty level on and after October 1, 2026. The family shall
14 receive transitional child care assistance through the remainder of the
15 transitional eligibility period or until the family's income exceeds
16 eighty-five percent of the state median income for a family of the same
17 size as reported by the United States Bureau of the Census, whichever
18 occurs first. The amount of such child care assistance shall be based on
19 a cost-shared plan between the recipient family and the state and shall
20 be based on a sliding-scale methodology. A recipient family may be
21 required to contribute a percentage of such family's gross income for
22 child care that is no more than the cost-sharing rates in the
23 transitional child care assistance program as of January 1, 2015, for
24 those no longer eligible for cash assistance as provided in section
25 68-1724.

26 (ii) A household shall have all earned and unearned income excluded
27 from its eligibility determination if the applicant or adult household
28 member is:

29 (A)(I) Self-employed at a licensed child care program as described
30 in section 71-1911, (II) employed at a licensed child care program as
31 described in section 71-1911, (III) employed at a federal Head Start
1 program, as described in 42 U.S.C. 9831 et seq., or (IV) employed at an
2 Early Head Start program, as described in 42 U.S.C. 9840a;

3 (B) Verified for a minimum of twenty hours of employment per week;
4 and

5 (C) Listed in the Nebraska Early Childhood Professional Record
6 System as described in section 71-1962.

7 (iii) Child care programs with an eligible household described in
8 subdivision (2)(b)(ii)(A)(II) or (2)(b)(ii)(A)(III) of this section shall
9 make reasonable accommodations so that the eligible applicant or adult

10 household member is not a primary caregiver to such applicant's or adult
 11 household member's child. If reasonable accommodation cannot be made, the
 12 department shall allow the applicant or adult household member to receive
 13 child care assistance for the applicant's or adult household member's
 14 child including when the applicant or adult household member is the
 15 primary caregiver for such child.
 16 (iv) An eligible household described in subdivision (2)(b)(ii)(A)(i)
 17 of this section may enroll the household member's child in a child care
 18 program other than the household member's child care program to receive
 19 child care assistance.
 20 (v) Nothing in subdivision (2)(b)(ii) of this section shall preclude
 21 a household from meeting additional eligibility requirements of the
 22 federal Child Care Subsidy program.
 23 (vi) The department shall submit a report electronically to the
 24 Legislature on December 1 of each year that includes the monthly number
 25 of enrolled children and households by county and program type for
 26 households eligible pursuant to subdivision (2)(b)(ii) of this section.
 27 (c) For the period beginning July 1, 2021, through September 30,
 28 2026, funds provided to the State of Nebraska pursuant to the Child Care
 29 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such
 30 act and sections existed on January 1, 2023, shall be used to pay the
 31 costs to the state resulting from the income eligibility changes made in
 1 subdivisions (2)(a) and (b) of this section by Laws 2021, LB485. If the
 2 available amount of such funds is insufficient to pay such costs, then
 3 funds provided to the state for the Temporary Assistance for Needy
 4 Families program established in 42 U.S.C. 601 et seq. may also be used.
 5 No General Funds shall be used to pay the costs to the state, other than
 6 administration costs, resulting from the income eligibility changes made
 7 in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485, for
 8 the period beginning July 1, 2021, through September 30, 2026.
 9 (d) The Department of Health and Human Services shall collaborate
 10 with a private nonprofit organization with expertise in early childhood
 11 care and education for an independent evaluation of the income
 12 eligibility changes made in subdivisions (2)(a) and (b) of this section
 13 by Laws 2021, LB485, if private funding is made available for such
 14 purpose. The evaluation shall be completed by July 1, 2024, and shall be
 15 submitted electronically to the department and to the Health and Human
 16 Services Committee of the Legislature.
 17 (3) In determining the rate or rates to be paid by the department
 18 for child care as defined in section 43-2605, the department shall adopt
 19 a fixed-rate schedule for the state or a fixed-rate schedule for an area
 20 of the state applicable to each child care program category of provider
 21 as defined in section 71-1910 which may claim reimbursement for services
 22 provided by the federal Child Care Subsidy program, except that the
 23 department shall not pay a rate higher than that charged by an individual
 24 provider to that provider's private clients. The schedule may provide
 25 separate rates for care for infants, for children with special needs,
 26 including disabilities or technological dependence, or for other
 27 individual categories of children. The schedule may also provide tiered
 28 rates based upon a quality scale rating of step three or higher under the
 29 Step Up to Quality Child Care Act. The schedule shall be effective on
 30 October 1 of every year and shall be revised annually by the department.
 31 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
 1 2023, is repealed.

LEGISLATIVE BILL 932. Placed on General File with amendment.

AM2509

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-130, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 38-130 (1) An individual shall file an application for a credential
6 to practice a profession with the department accompanied by the fee set
7 pursuant to the Uniform Credentialing Act. The application may be
8 submitted up to ninety days prior to the date of the applicant's
9 graduation from the required course of study and shall contain:

10 (a) The legal name of the applicant;

11 (b) The date and place of birth of the applicant;

12 (c) The address of the applicant;

13 (d) The social security number of the applicant or the resident

14 identification number of the applicant if the applicant is not a citizen
15 of the United States and is otherwise eligible to be credentialed under
16 section 38-129; and

17 (e) Any other information required by the department.

18 (2) A business shall file an application for a credential with the
19 department accompanied by the fee set pursuant to the Uniform
20 Credentialing Act. The application shall contain:

21 (a) The full name and address of the business;

22 (b) The full name and address of the owner of the business;

23 (c) The name of each person in control of the business;

24 (d) The social security number of the business if the applicant is a
25 sole proprietorship; and

26 (e) Any other information required by the department.

27 (3) The applicant shall sign the application. If the applicant is a
1 business, the application shall be signed by:

2 (a) The owner or owners if the applicant is a sole proprietorship, a
3 partnership, or a limited liability company that has only one member;

4 (b) Two of its members if the applicant is a limited liability
5 company that has more than one member;

6 (c) Two of its officers if the applicant is a corporation;

7 (d) The head of the governmental unit having jurisdiction over the
8 business if the applicant is a governmental unit; or

9 (e) If the applicant is not an entity described in subdivisions (a)
10 through (d) of this subsection, the owner or owners or, if there is no
11 owner, the chief executive officer or comparable official.

12 (4) Each credential holder under the Uniform Credentialing Act shall
13 notify the department of any change to the address of record so that the
14 department can update the record of the credential holder under section
15 38-123.

16 (5) Social security numbers obtained under this section shall not be
17 public information but may be shared by the department for administrative
18 purposes if necessary and only under appropriate circumstances to ensure
19 against any unauthorized access to such information.

20 Sec. 2. Original section 38-130, Reissue Revised Statutes of
21 Nebraska, is repealed.

(Signed) Ben Hansen, Chairperson

Revenue

LEGISLATIVE BILL 1394. Placed on General File.

LEGISLATIVE BILL 1067. Placed on General File with amendment.

[AM2492](#)

1 1. On page 2, line 13, strike "thirty-five" and insert "one
2 hundred".

3 2. On page 16, line 9, after "use" insert "up to fifty percent of".

(Signed) R. Brad von Gillern, Vice Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1108. Placed on General File with amendment.[AM2482](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-3,156, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-3,156 In addition to the registration fees for motor vehicles and
6 trailers, the county treasurer or his or her agent shall collect:
7 (1) Two dollars for each certificate issued and shall remit two
8 dollars of each additional fee collected to the State Treasurer for
9 credit to the Department of Motor Vehicles Cash Fund;
10 (2) One dollar ~~Fifty cents~~ for each certificate issued and shall
11 remit the fee to the State Treasurer for credit to the Nebraska Emergency
12 Medical System Operations Fund; and
13 (3) One dollar and fifty cents for each certificate issued and shall
14 remit the fee to the State Treasurer for credit to the State Recreation
15 Road Fund.
16 Sec. 2. Section 71-51,103, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 71-51,103 (1) There is hereby created the Nebraska Emergency
19 Medical System Operations Fund. The fund may receive gifts, bequests,
20 grants, fees, or other contributions or donations from public or private
21 entities.
22 (2) The fund shall be used to carry out the purposes of the
23 Statewide Trauma System Act and the Emergency Medical Services Practice
24 Act, including:
25 (a) ~~Activities~~ activities related to the design, maintenance, or
26 enhancement of the statewide trauma system; ;
27 (b) ~~Support for support of~~ emergency medical services programs; ;
28 and
29 (c) ~~Support support~~ for the emergency medical services programs for
30 children; ;
31 (d) Financial support for the statewide patient care reporting
32 system and trauma registry described in section 71-8248; and
33 (e) Financial support for recruitment, retention, and training
34 emergency medical responders.
35 (3) The Department of Health and Human Services shall electronically
36 deliver a report to the Clerk of the Legislature by December 31 of each
37 year that includes the following information from the most recent
38 previous fiscal year:
39 (a) The amount of money appropriated to the Department of Health and
40 Human Services from the Nebraska Emergency Medical System Operations Fund
41 that was not spent and an explanation for why such money was not spent;
42 and
43 (b) The amount of money appropriated to the Department of Health and
44 Human Services from the Nebraska Emergency Medical System Operations Fund
45 that was spent and an explanation for how such money was spent.
46 (4) Any money in the fund available for investment shall be invested
47 by the state investment officer pursuant to the Nebraska Capital
48 Expansion Act and the Nebraska State Funds Investment Act.
49 Sec. 3. This act becomes operative on August 1, 2024.
50 Sec. 4. Original sections 60-3,156 and 71-51,103, Reissue Revised
51 Statutes of Nebraska, are repealed.

(Signed) Mike Moser, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bostelman filed the following amendment to LB120:
AM2489

1 1. Strike the original section and insert the following new

2 sections:

3 Section 1. Section 70-1001.01, Revised Statutes Supplement, 2023, is

4 amended to read:

5 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the

6 context otherwise requires:

7 (1) Board means the Nebraska Power Review Board;

8 (2) Electric supplier or supplier of electricity means any legal

9 entity supplying, producing, or distributing electricity within the state

10 for sale at wholesale or retail;

11 (3) ~~Military installation~~ means a military base where fixed-wing

12 aircraft or strategic weapon assets are on a permanent or temporary basis

13 assigned, stored, operated from, or otherwise located;

14 (4) ~~(3)~~ Private electric supplier means an electric supplier

15 producing electricity from a privately developed renewable energy

16 generation facility that is not a public power district, a public power

17 and irrigation district, a municipality, a registered group of

18 municipalities, an electric cooperative, an electric membership

19 association, any other governmental entity, or any combination thereof;

20 (5) ~~(4)~~ Privately developed renewable energy generation facility

21 means a facility that (a) generates electricity using solar, wind,

22 geothermal, biomass, landfill gas, or biogas, including all electrically

23 connected equipment used to produce, collect, and store the facility

24 output up to and including the transformer that steps up the voltage to

25 sixty thousand volts or greater, and including supporting structures,

26 buildings, and roads, unless otherwise agreed to in a joint transmission

27 development agreement, (b) is developed, constructed, and owned, in whole

1 or in part, by one or more private electric suppliers, and (c) is not

2 wholly owned by a public power district, a public power and irrigation

3 district, a municipality, a registered group of municipalities, an

4 electric cooperative, an electric membership association, any other

5 governmental entity, or any combination thereof;

6 (6) ~~(5)~~ Regional transmission organization means an entity

7 independent from those entities generating or marketing electricity at

8 wholesale or retail, which has operational control over the electric

9 transmission lines in a designated geographic area in order to reduce

10 constraints in the flow of electricity and ensure that all power

11 suppliers have open access to transmission lines for the transmission of

12 electricity;

13 (7) ~~(6)~~ Reliable or reliability means the ability of an electric

14 supplier to supply the aggregate electric power and energy requirements

15 of its electricity consumers in Nebraska at all times under normal

16 operating conditions, taking into account scheduled and unscheduled

17 outages, including sudden disturbances or unanticipated loss of system

18 components that are to be reasonably expected for any electric utility

19 following prudent utility practices, recognizing certain weather

20 conditions and other contingencies may cause outages at the distribution,

21 transmission, and generation level;

22 (8) ~~(7)~~ Representative organization means an organization designated

23 by the board and organized for the purpose of providing joint planning

24 and encouraging maximum cooperation and coordination among electric

25 suppliers. Such organization shall represent electric suppliers owning a

26 combined electric generation plant accredited capacity of at least ninety

27 percent of the total electric generation plant accredited capacity

28 constructed and in operation within the state;

29 (9) (8) State means the State of Nebraska; and

30 (10) (9) Unbundled retail rates means the separation of utility
31 bills into the individual price components for which an electric supplier
1 charges its retail customers, including, but not limited to, the separate
2 charges for the generation, transmission, and distribution of
3 electricity.

4 Sec. 2. Section 70-1012, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 70-1012 (1) Before any electric generation facilities or any
7 transmission lines or related facilities carrying more than seven hundred
8 volts are constructed or acquired by any supplier, an application, filed
9 with the board and containing such information as the board shall
10 prescribe, shall be approved by the board, except that such approval
11 shall not be required (a) for the construction or acquisition of a
12 transmission line extension or related facilities within a supplier's own
13 service area or for the construction or acquisition of a line not
14 exceeding one-half mile outside its own service area when all owners of
15 electric lines located within one-half mile of the extension consent
16 thereto in writing and such consents are filed with the board, (b) for
17 any generation facility when the board finds that (i) such facility is
18 being constructed or acquired to replace a generating plant owned by an
19 individual municipality or registered group of municipalities with a
20 capacity not greater than that of the plant being replaced, (ii) such
21 facility will generate less than twenty-five thousand kilowatts of
22 electric energy at rated capacity, and (iii) the applicant will not use
23 the plant or transmission capacity to supply wholesale power to customers
24 outside the applicant's existing retail service area or chartered
25 territory, (c) for acquisition of transmission lines or related
26 facilities, within the state, carrying one hundred fifteen thousand volts
27 or less, if the current owner of the transmission lines or related
28 facilities notifies the board of the lines or facilities involved in the
29 transaction and the parties to the transaction, or (d) for the
30 construction of a qualified facility as defined in section 70-2002.

31 (2) Before any electric supplier commences construction of or
1 acquires an electric generation facility or transmission lines or related
2 facilities of any voltage that will be located within a ten-mile radius
3 of a military installation, the owner of such proposed facility,
4 transmission lines, or related facilities shall provide written notice
5 certifying to the board that such facility or facilities contain no
6 materials, electronics, or other components manufactured by any foreign
7 government or foreign nongovernment person determined to be a foreign
8 adversary pursuant to 15 C.F.R. 7.4.

9 (3) (2) A privately developed renewable energy generation facility
10 is exempt from this section if it complies with section 70-1014.02.

11 Sec. 3. Section 70-1014.02, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 70-1014.02 (1) The Legislature finds that:

14 (a) Nebraska has the authority as a sovereign state to protect its
15 land, natural resources, and cultural resources for economic and
16 aesthetic purposes for the benefit of its residents and future
17 generations by regulation of energy generation projects;

18 (b) The unique terrain and ecology of the Nebraska Sandhills provide
19 an irreplaceable habitat for millions of migratory birds and other
20 wildlife every year and serve as the home to numerous ranchers and
21 farmers;

22 (c) The grasslands of the Nebraska Sandhills and other natural
23 resources in Nebraska will become increasingly valuable, both
24 economically and strategically, as the demand for food and energy
25 increases; and

26 (d) The Nebraska Sandhills are home to priceless archaeological

27 sites of historical and cultural significance to American Indians.
28 (2)(a) A privately developed renewable energy generation facility
29 that meets the requirements of this section is exempt from sections
30 70-1012 to 70-1014.01 if no less than thirty days prior to the
31 commencement of construction the owner of the facility:
1 (i) Notifies the board in writing of its intent to commence
2 construction of a privately developed renewable energy generation
3 facility;
4 (ii) Certifies to the board that the facility will meet the
5 requirements for a privately developed renewable energy generation
6 facility;
7 (iii) Certifies to the board that the private electric supplier will
8 (A) comply with any decommissioning requirements adopted by the local
9 governmental entities having jurisdiction over the privately developed
10 renewable energy generation facility and (B) except as otherwise provided
11 in subdivision (b) of this subsection, submit a decommissioning plan to
12 the board obligating the private electric supplier to bear all costs of
13 decommissioning the privately developed renewable energy generation
14 facility and requiring that the private electric supplier post a security
15 bond or other instrument, no later than the tenth year following
16 commercial operation, securing the costs of decommissioning the facility
17 and provide a copy of the bond or instrument to the board;
18 (iv) Certifies to the board that the private electric supplier has
19 entered into or prior to commencing construction will enter into a joint
20 transmission development agreement pursuant to subdivision (c) of this
21 subsection with the electric supplier owning the transmission facilities
22 of sixty thousand volts or greater to which the privately developed
23 renewable energy generation facility will interconnect; ~~and~~
24 (v) Certifies to the board that the private electric supplier has
25 consulted with the Game and Parks Commission to identify potential
26 measures to avoid, minimize, and mitigate impacts to species identified
27 under subsection (1) or (2) of section 37-806 during the project planning
28 and design phases, if possible, but in no event later than the
29 commencement of construction; ~~and~~ -
30 (vi) Certifies in writing to the board that the facility, if located
31 within a ten-mile radius of a military installation, contains no
1 materials, electronics, or other components manufactured by any foreign
2 government or foreign nongovernment person determined to be a foreign
3 adversary pursuant to 15 C.F.R. 7.4.
4 (b) The board may bring an action in the name of the State of
5 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
6 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
7 a local government entity with the authority to create requirements for
8 decommissioning has enacted decommissioning requirements for the
9 applicable jurisdiction.
10 (c) The joint transmission development agreement shall address
11 construction, ownership, operation, and maintenance of such additions or
12 upgrades to the transmission facilities as required for the privately
13 developed renewable energy generation facility. The joint transmission
14 development agreement shall be negotiated and executed contemporaneously
15 with the generator interconnection agreement or other directives of the
16 applicable regional transmission organization with jurisdiction over the
17 addition or upgrade of transmission, upon terms consistent with prudent
18 electric utility practices for the interconnection of renewable
19 generation facilities, the electric supplier's reasonable transmission
20 interconnection requirements, and applicable transmission design and
21 construction standards. The electric supplier shall have the right to
22 purchase and own transmission facilities as set forth in the joint
23 transmission development agreement. The private electric supplier of the
24 privately developed renewable energy generation facility shall have the

25 right to construct any necessary facilities or improvements set forth in
 26 the joint transmission development agreement pursuant to the standards
 27 set forth in the agreement at the private electric supplier's cost.
 28 (3) Within ten days after receipt of a written notice complying with
 29 subsection (2) of this section, the executive director of the board shall
 30 issue a written acknowledgment that the privately developed renewable
 31 energy generation facility is exempt from sections 70-1012 to 70-1014.01.
 1 (4) The exemption allowed under this section for a privately
 2 developed renewable energy generation facility shall extend to and exempt
 3 all private electric suppliers owning any interest in the facility,
 4 including any successor private electric supplier which subsequently
 5 acquires any interest in the facility.
 6 (5) No property owned, used, or operated as part of a privately
 7 developed renewable energy generation facility shall be subject to
 8 eminent domain by a consumer-owned electric supplier operating in the
 9 State of Nebraska. Nothing in this section shall be construed to grant
 10 the power of eminent domain to a private electric supplier or limit the
 11 rights of any entity to acquire any public, municipal, or utility right-
 12 of-way across property owned, used, or operated as part of a privately
 13 developed renewable energy generation facility as long as the right-of-
 14 way does not prevent the operation of or access to the privately
 15 developed renewable energy generation facility.
 16 (6) Only a consumer-owned electric supplier operating in the State
 17 of Nebraska may exercise eminent domain authority to acquire the land
 18 rights necessary for the construction of transmission lines and related
 19 facilities. There is a rebuttable presumption that the exercise of
 20 eminent domain to provide needed transmission lines and related
 21 facilities for a privately developed renewable energy generation facility
 22 is a public use.
 23 (7) Nothing in this section shall be construed to authorize a
 24 private electric supplier to sell or deliver electricity at retail in
 25 Nebraska.
 26 (8) Nothing in this section shall be construed to limit the
 27 authority of or require a consumer-owned electric supplier operating in
 28 the State of Nebraska to enter into a joint agreement with a private
 29 electric supplier to develop, construct, and jointly own a privately
 30 developed renewable energy generation facility.
 31 Sec. 4. Original section 70-1012, Reissue Revised Statutes of
 1 Nebraska, section 70-1014.02, Revised Statutes Cumulative Supplement,
 2 2022, and section 70-1001.01, Revised Statutes Supplement, 2023, are
 3 repealed.
 4 Sec. 5. The following sections are outright repealed: Sections
 5 70-1029, 70-1030, 70-1031, and 70-1033, Reissue Revised Statutes of
 6 Nebraska, and section 70-1032, Revised Statutes Cumulative Supplement,
 7 2022.
 8 Sec. 6. Since an emergency exists, this act takes effect when passed
 9 and approved according to law.

Senator M. Cavanaugh filed the following amendment to LB1139:

AM2502

1 1. On page 7, after line 18 insert the following new subsection:
 2 "(3) A covered individual shall not be eligible to receive family
 3 and medical leave benefits until the covered individual has paid six
 4 months' worth of required contributions."; in line 19 strike "(3)" and
 5 insert "(4)"; in line 29 strike "(4)" and insert "(5)"; and in line 31
 6 strike "(5)" and insert "(6)".
 7 2. On page 8, line 7, strike "(6)" and insert "(7)"; and in line 10
 8 strike "(7)" and insert "(8)".
 9 3. On page 10 after line 5 insert the following new subsection:
 10 "(3) A covered individual shall not terminate participation in the

11 act after receiving paid family and medical leave benefits until the
12 covered individual either:
13 (a) Participates in the act and pays contributions for six months
14 following return from such leave; or
15 (b) Pays contributions in an amount equal to the amount of family
16 and medical leave benefits received for such leave."

Senator Murman filed the following amendment to LB1329:

[AM2475](#)

1 1. Strike section 1.

Senator Murman filed the following amendment to LB1331:

[AM2474](#)

1 1. Strike section 1.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525 1:30 PM

Thursday, February 22, 2024
AM2489 Amending LB120

(Signed) Bruce Bostelman, Chairperson

Revenue
Room 1524 1:30 PM

Thursday, February 22, 2024

LB1279
LB1372
LB1032
LB1218
LB853
LB1058
LB1341

Room 1524 1:30 PM

Friday, February 23, 2024

LB1389
LB950
LB1019
LB1151
LB1041
LB1362
LR285CA

(Signed) R. Brad von Gillern, Vice Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 302. Introduced by Sanders, 45.

WHEREAS, the United States Air Force Forty-Fifth Reconnaissance Squadron at Offutt Air Force Base in Bellevue, Nebraska, also known as the "Wildcats", is celebrating the thirtieth anniversary of its activation on July 1, 2024; and

WHEREAS, the Wildcats are one of four flying squadrons at Offutt Air Force Base and the squadron has numerous past achievements including the reception of the Air Force Outstanding Unit Award in 2016 and the Meritorious Unit Award in 2017; and

WHEREAS, the Wildcats have two hundred and twelve service members in the squadron and are commanded by Lieutenant Colonel Maria Methe; and

WHEREAS, the Wildcats fly and deploy the RC-135S Cobra Ball, RC-135U Combat Sent, and WC-135R Constant Phoenix; and

WHEREAS, the Wildcats have earned well-deserved recognition and admiration for thirty years of work at Offutt Air Force Base.

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

1. That the Legislature recognizes and congratulates the United States Air Force Forty-Fifth Reconnaissance Squadron Wildcats for thirty years of dedicated service to the United States.

2. That a copy of this resolution be sent to the United States Air Force Forty-Fifth Reconnaissance Squadron Wildcats.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

von Gillern - LB1023

Health and Human Services - LB1215

M. Cavanaugh - LB62

Murman - LB1092

Education - LB1329 and LB1331

Ballard - LB1300

McDonnell - LB1363

Wayne - LB25

Judiciary - LB253 and LB348

GENERAL FILE

LEGISLATIVE BILL 905. Title read. Considered.

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

LEGISLATIVE BILL 61. Senator Brandt renewed [AM2296](#), found on page 579 and considered on page 683.

Senator DeBoer withdrew [AM2471](#), to the Brandt amendment, found and considered on page 683.

Senator Bostelman withdrew [FA215](#), found on page 688.

Senator DeBoer offered the following amendment to the Brandt amendment:

[AM2531](#) is available in the Bill Room.

The DeBoer amendment, to the Brandt amendment, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

The Brandt amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator DeBoer withdrew [FA213](#), found on page 630.

Senator Bostelman withdrew [AM2068](#), found on page 328.

Senator Brandt withdrew [FA29](#), found on page 774, First Session, 2023.

Senator Wayne requested a roll call vote, in reverse order, on the advancement of the bill.

Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 3 present and not voting, 3 absent and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507 1:30 PM

Wednesday, February 28, 2024

LB1203

LB1382

LB1390 Note: *Note LB1390 will be a combined bill hearing with LB1262

LB1262 Note: *Note LB1262 will be a combined bill hearing with LB1390

Room 1507 1:30 PM

Thursday, February 29, 2024

LB1153

LB1417

LB1327
LB1246

(Signed) Tom Brewer, Chairperson

Judiciary
Room 1113 1:00 PM

Thursday, February 22, 2024
Michael D. Jones - Crime Victim's Reparations Committee
Bryan Tuma - Nebraska Crime Commission
Layne Gissler - Board of Parole

Room 1113 1:30 PM

Thursday, February 22, 2024
LB1109
LB1360
LB1021
LB883
LB921
LB919

Room 1113 1:30 PM

Friday, February 23, 2024
AM2534 Amending LB253
LB1281
LB1282
LB1208
LB1157
LB890
LB1057

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Revenue - LB1317 and LB388
Linehan - LB1402

AMENDMENT(S) - Print in Journal

Senator Bosn filed the following amendment to LB892:

[AM2278](#)

1 1. On page 26, strike line 18 and insert the following new
2 subdivisions:

3 "(27)(A) Xylazine or any of the substances listed below, including
4 their salts, isomers, and salts of isomers whenever the existence of such
5 salts, isomers, and salts of isomers is possible within the specific
6 chemical designation:
7 (i) Xylazine-M (2,6-Mich dimethylaniline);
8 (ii) Xylazine-M (N-thiourea-2,6-dimethylaniline);
9 (iii) Xylazine-M (sulfone-HO-) isomer 2;
10 (iv) Xylazine-M (HO-2,6-dimethylaniline isomer 1);
11 (v) Xylazine-M (HO-2,6-dimethylaniline isomer 2);
12 (vi) Xylazine M (oxo-);
13 (vii) Xylazine-M (HO-) isomer 1;
14 (viii) Xylazine-M (HO-) isomer 1 glucuronide;
15 (ix) Xylazine-M (HO-) isomer 2;
16 (x) Xylazine-M (HO-) isomer 2 glucuronide;
17 (xi) Xylazine-M (HO-oxo-) isomer 1;
18 (xii) Xylazine-M (HO-oxo-) isomer 1 glucuronide;
19 (xiii) Xylazine-M (HO-oxo-) isomer 2;
20 (xiv) Xylazine-M (HO-oxo-) isomer 2 glucuronide;
21 (xv) Xylazine-M (sulfone); and
22 (xvi) Xylazine-M (sulfone-HO-) isomer 1.
23 (B) This subdivision (27) shall not include xylazine when it is used
24 in any of the following manners:
25 (i) Dispensing or prescribing for, or administering to, a nonhuman
26 species a drug containing xylazine that has been approved by the United
27 States Secretary of Health and Human Services under section 512 of the
1 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360b, as such act existed
2 on January 1, 2024;
3 (ii) Dispensing or prescribing for, or administering to, a nonhuman
4 species that is permissible under section 512(a)(4) of the Federal Food,
5 Drug, and Cosmetic Act, 21 U.S.C. 360b(a)(4), as such act existed on
6 January 1, 2024;
7 (iii) The manufacturing, distribution, or use of xylazine as an
8 active pharmaceutical ingredient for manufacturing an animal drug that
9 has been approved under section 512 of the Federal Food, Drug, and
10 Cosmetic Act, 21 U.S.C. 360b, or that has been issued an investigational
11 use exemption under section 512(j) of the act, 21 U.S.C. 360b(j), as such
12 act existed on January 1, 2024;
13 (iv) The manufacturing, distribution, or use of a xylazine bulk
14 chemical for pharmaceutical compounding by licensed pharmacists or
15 veterinarians for a nonhuman species in accordance with subdivision (B)
16 (i) or (ii) of this subdivision (27); or
17 (v) Any other use approved or permissible under the Federal Food,
18 Drug, and Cosmetic Act, when dispensed or prescribed for, or administered
19 to, a nonhuman species in accordance with subdivision (B)(i) or (ii) of
20 this subdivision (27)."

LEGISLATIVE BILL 1104. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

EASE

The Legislature was at ease from 11:11 a.m. until 11:18 a.m.

SENATOR FREDRICKSON PRESIDING

ANNOUNCEMENT(S)

Priority designation(s) received:

Hansen - LB1004
Natural Resources - LB867 and LB1370
Bostelman - LB399
Albrecht - LB441
Bostar - LB937
Brewer - LB1394

VISITOR(S)

Visitors to the Chamber were Parent Ambassadors from across the state; students from Loveland and Westgate Elementaries, Omaha.

The Doctor of the Day was Dr. Steve Williams of Omaha.

ADJOURNMENT

At 11:19 a.m., on a motion by Senator DeBoer, the Legislature adjourned until 10:00 a.m., Tuesday, February 20, 2024.

Brandon Metzler
Clerk of the Legislature

