

FIFTY-EIGHTH DAY - APRIL 10, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 2024

PRAYER

The prayer was offered by Senator Walz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Bostelman.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Hunt, Jacobson, Raybould, Slama, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

AMENDMENT(S) - Print in Journal

Senator Bostar filed the following amendment to LB1300:

[FA400](#)

Amend AM3227 on line 8 after "against" insert "United States".

Senator Bostar filed the following amendment to LB1300:

[FA402](#)

Amend AM3227 on line 9 after "Pacific" insert the word "ocean".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 464, 465, 467, and 468 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 464, 465, 467, and 468.

SELECT FILE

LEGISLATIVE BILL 1317, [ER129](#), found on page 1552, was offered.

ER129 was adopted.

Senator Erdman offered [MO1178](#), found on page 588, to bracket until April 18, 2024.

Senator Erdman asked unanimous consent to withdraw his motion to bracket.

No objections. So ordered.

The Linehan motion [MO1349](#), found on page 1468, to bracket, was not considered.

Senator Linehan asked unanimous consent to withdraw [MO1350](#), found on page 1468, to recommit to committee.

No objections. So ordered.

Senator Hansen offered [AM3362](#), found on page 1519.

The Hansen amendment was adopted with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh offered [FA426](#), found on page 1603.

The M. Cavanaugh amendment was withdrawn.

Senator von Gillern withdrew [AM3427](#), found on page 1569.

Senator M. Cavanaugh offered [FA427](#), found on page 1603.

The M. Cavanaugh amendment was withdrawn.

Senator Bostar offered [FA429](#), found on page 1608.

The Bostar amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Bostar offered the following amendment:
[AM3378](#) is available in the Bill Room.

Senator Bostar offered the following amendment to his amendment:

[FA434](#)

Amend AM3378 on page 11, after line 19, insert "(iii) no claim under this section shall be paid until after July 1, 2027."

SENATOR FREDRICKSON PRESIDING

The Bostar amendment, to his amendment, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The Bostar amendment, as amended, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator von Gillern offered the following amendment:

[AM3447](#) is available in the Bill Room.

Senator Erdman offered the following amendment to the von Gillern amendment:

[FA435](#)

On page 4, line 5, of AM3447, strike "The Governor may waive this requirement."

The Erdman amendment, to the von Gillern amendment, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Bostelman offered the following amendment to the von Gillern amendment:

[FA440](#)

Amend AM3447 on page 3, line 25, by striking "to the extent practical,".

The Bostelman amendment, to the von Gillern amendment, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The von Gillern amendment, as amended, was adopted with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

Senator von Gillern offered the following motion:

[MO1412](#)

Reconsider the vote taken on AM3447.

Senator von Gillern asked unanimous consent withdrew his motion to reconsider.

No objections. So ordered.

Senator Blood offered the following amendment:

[FA438](#)

Strike lines 28-29 on page 78 to reinstate "the Federal Employees Retirement System or".

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1402. Placed on Select File with amendment.

[ER135](#)

1 1. On page 1, strike beginning with "appropriations" in line 1
2 through line 3 and insert "education scholarships; to amend sections
3 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2023;
4 to provide for education scholarships; to repeal the Opportunity
5 Scholarships Act; to harmonize provisions; to provide operative dates; to
6 repeal the original sections; to outright repeal sections 77-7101,
7 77-7102, 77-7103, 77-7104, 77-7105, 77-7106, 77-7107, 77-7108, 77-7109,
8 77-7110, 77-7111, 77-7112, and 77-7113, Revised Statutes Supplement,
9 2023; and to declare an emergency."

LEGISLATIVE BILL 1402A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

ATTORNEY GENERAL'S OPINION

Nebraska Department of Justice

Opinion No. 24-002 — April 5, 2024

Opinion for Senators Brad von Gillern and Ray Aguilar

**Constitutionality of the Proposed Amendment to the Sports Arena
Facility Financing Assistance Act**

Summary: L.B. 1197, a proposed amendment to the Sports Arena Facility Financing Assistance Act, does not violate Nebraska's constitutional prohibition against the lending of the credit of the State or the related principle prohibiting the spending of public money for a private purpose. The structure of L.B. 1197 ensures that a public body will have a sufficient degree of control over any private entity that can apply to, receive, or otherwise benefit from public funding made available under the Sports Arena Facility Financing Act. This structure alleviates any facial constitutional concern.

L.B. 1197 proposes changes to the Sports Arena Facility Financing Assistance Act, Neb. Rev. Stat. § 13-3101 to 13-3109, a statute which permits eligible facilities to apply for state financial assistance for certain statutorily delineated purposes, such as the repayment of "amounts expended or borrowed . . . to acquire, construct, improve, or equip the eligible . . . facility." Neb. Rev. Stat. § 13-3103(1). As amended, L.B. 1197

would expand the definition of "eligible sports arena facility," modifying it to include "any privately owned sports complex." *See* AM 2715 to L.B. 1197, § 2(8)(e), 108th Leg. 2nd Sess. (2024).¹ That expansion comes with a limitation: Privately owned complexes are required to use any financial assistance they receive in certain specified ways (outlined in greater detail below). *See id.* § 3(4). You have asked for an opinion regarding the constitutionality of L.B. 1197, specifically the constitutionality of the bill as amended by AM 2715.

A statute that allows a privately owned entity to receive state funds implicates Article XIII, § 3 of the Nebraska Constitution ("Section 3"), which (except for a limited exception not pertinent here) forbids "the credit of the state" from being "given or loaned in aid of any individual, association, or corporation." Neb. Const. Art. XIII, § 3. Analyzing the constitutionality of L.B. 1197 thus requires an analysis of the application of Section 3 and the related "fundamental principle that public moneys may not be used for private purposes." *State ex rel. Beck v. City of York*, 164 Neb. 223, 225, 82 N.W.2d 269, 271 (1957). We conclude that L.B. 1197, as amended, neither infringes Section 3 nor runs afoul of this related principle.

The Sports Arena Facility Financing Assistance Act was first enacted in 2010 as part of L.B. 779. *See* L.B. 779, §§ 7–15, 101st Leg., 2nd Sess. (2010) (enacted). L.B. 779 established a system by which political subdivisions could apply for "state assistance" to pay back "amounts expended or borrowed" through the issuance of a bond to "acquire, construct, improve, or equip an eligible sports arena facility." *Id.* § 9. The "state assistance" that subdivisions could apply for was drawn from increased sales tax revenue generated by retailers in the geographic vicinity of an eligible arena facility. *See id.* § 14. At the time L.B. 779 was enacted, "eligible sports arena facility" was defined to include only "publicly owned" sports complexes of a certain size that also met various other characteristics. *Id.* § 8(3)(a).

Since its initial enactment in 2010, the Sports Arena Facility Financing Assistance Act has been amended several times.² These various amendments have often expanded the scope of the defined term "eligible sports arena facility," bringing a wider array of projects within its ambit. For example, in 2023, L.B. 727 expanded the definition to include "privately owned concert venue[s]." L.B. 727, § 25(8)(d), 108th Leg. 1st, Sess. (2023)

¹ L.B. 1197 primarily amends a section currently codified at Neb. Rev. Stat. § 13-3102. The entire Act is currently codified at Neb. Rev. Stat. §§ 13-3101 to 13-3109.

² *See, e.g.*, L.B. 884, § 6, 104th Leg. 2nd Sess. (2016) (enacted); L.B. 39, § 2, 107th Leg., 1st Sess. (2021) (enacted); L.B. 927, § 6, 107th Leg., 2nd Sess. (2022) (enacted); L.B. 727, § 25(8)(d), 108th Leg. 1st, Sess. (2023) (enacted).

(enacted). Nevertheless, the general structure of the Sports Arena Facility Financing Act, in which sales tax revenue generated in the vicinity of an eligible project is used to fund state assistance that can be used to repay indebtedness incurred by a public entity to buy, build, remodel, or outfit an eligible sports arena facility has remained constant.

L.B. 1197, as introduced, retained this basic structure. *See* L.B. 1197, 108th Leg. 2nd Sess. (2024) (introduced). Like previous modifications to the Sports Arena Facility Financing Assistance Act, L.B. 1197 proposed to alter the statutory definition that governs when state assistance is potentially available. *Id.* Most notably, the introduced version of L.B. 1197 incorporated language that makes "privately owned" sports complexes eligible for state assistance, subject to certain restrictions. *Id.* § 2(4). The version of L.B. 1197 currently under consideration—Amendment 2715, which is a so-called "white copy" amendment which strikes the original language of the bill in its entirety and introduces a new version of the bill—retains this proposed change. AM 2715 to L.B. 1197, § 2(4), 108th Leg. 2nd Sess. (2024).³

The bottom-line question is whether L.B. 1197 facially violates Section 3 or the related fundamental principle that our Supreme Court has held to flow therefrom. We believe it does not. When a public body either has control over or a sufficient ownership interest in a privately owned recipient of state money, the constitutional prohibition against the lending the credit of the State is likely not infringed. Here, L.B. 1197 is structured in such a way that private recipients of state money are subject to a sufficient degree of public control. The various control mechanisms built into the statute (many of which have long been features of the Sports Arena Facility Financing Act) are designed to ensure that public money is spent for a permissible public (as opposed to an impermissible private) purpose. The existence of these statutory guardrails means that, in most circumstances,⁴ state money spent to extinguish debt associated with a privately owned eligible sports arena facility will nevertheless have been expended for a public purpose. Because that is so, we believe it likely that L.B. 1197 would survive facial constitutional scrutiny.

I.

A.

³ Unless otherwise noted, any subsequent references to L.B. 1197 refer to L.B. 1197 as amended by AM 2715.

⁴ As discussed below, *see* pp. 16, 18–21, *infra*, we acknowledge the possibility that, in rare circumstances and despite the guardrails built into the statute, state assistance might result in state money being unconstitutionally spent for a private rather than public purpose. On such a rare occasion, an as-applied Section 3 challenge to a purportedly unconstitutional expenditure might be warranted.

We begin with an examination of the text and purpose of Section 3, as informed by the history underlying its inclusion in the Constitution.

i.

The text of Section 3 provides, in pertinent part, that:

The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state.

Neb. Const. Art. XIII, § 3.

"Many jurisdictions have a state constitutional provision which expressly forbids the state or its political subdivisions from lending their credit to any individual or private corporation or association." John Martinez, 4 Local Government Law § 25:7 (West 2d. 2023). "[T]he mischief sought to be remedied is the use of public credit or funds to further *private* enterprise." *Id.* (emphasis in original). By contrast, when a State "uses, rather than lends, its credit, there is no infringement of a constitutional prohibition as to a loan of the State's credit." 81A C.J.S. States § 360 (2024).

As our Supreme Court explained in *Haman v. Marsh*, the "historical genesis" of state-level constitutional prohibitions like and including Section 3 was the "reaction of public opinion to the . . . extravagant dissipation of public funds by counties, townships, cities and towns in aid of the construction of railways, canals, and other like undertakings during the half century preceding 1880." 237 Neb. 699, 718, 467 N.W.2d 836, 850 (1991) (quoting *State v. Northwestern Mutual Insurance Co.*, 340 P.2d 200, 201 (Ariz. 1959)); *see also Beck*, 164 Neb. 223 at 225, 82 N.W.2d at 271 (Section 3 "protect[s] the State and its political subdivisions against reckless financial involvement in private enterprises supposed to serve the public good but which are in fact dominated by private interest."). The very purpose of Section 3 is to ensure the State does not become unnecessarily entangled with the endeavors of private enterprise. As its plain text indicates, Section 3 is "designed to prohibit the state from acting as a surety or guarantor of the debt of another." *Haman v. Marsh*, 237 Neb. 699, 718, 467 N.W.2d 836, 850 (1991).

In light of this historical context, our Supreme Court has stated that Section 3 was "designed . . . to prevent the use of public funds raised by general taxation in aid of enterprises apparently devoted to quasi public purposes, but actually engaged in private business." *Haman*, 237 Neb. at 718, 467 N.W.2d at 850 (emphasis omitted) (internal quotation marks and

citations omitted).⁵ Accordingly, "[t]he Legislature cannot appropriate the public moneys of the state to encourage private enterprises," *Oxnard Beet Sugar Co. v. State*, 73 Neb. 57, 105 N.W. 716, 717 (1905), because "[t]he financing of private enterprises with public funds is foreign to the fundamental concepts of our constitutional system," *Beck*, 164 Neb. at 229–30, 82 N.W.2d at 273.

That does not mean, however, that there is a constitutional problem any time state monies are pledged to or otherwise end up in the hands of a private entity. As a matter of common sense, it would be nearly impossible for the government to function if it was constitutionally forbidden from engaging in commerce or entering into contractual agreements with private businesses. That is why Section 3 is not implicated when the State "merely agree[s] to expend funds." *Japp v. Papio-Missouri River Nat. Res. Dist.*, 273 Neb. 779, 789, 733 N.W.2d 551, 559 (2007) (emphasis omitted). A private entity's receipt of government funds is not inherently unconstitutional. *See Chase v. Douglas County*, 195 Neb. 838, 847, 241 N.W.2d 334, 340 (1976) (recognizing that "public purposes" can be "accomplish[ed] . . . through private organizations"); *see also Lenstrom v. Thone*, 209 Neb. 783, 790, 311 N.W.2d 884, 888 (1981) ("Legislation which serves a public purpose is not constitutionally impermissible because incidental benefits may accrue to others."). Article XIII, Section 3 simply establishes "limits beyond which the Legislature cannot go." *Beck*, 164 Neb. at 230, 82 N.W.2d at 273. It ensures that neither the State nor any of its subdivisions can "spend public

⁵ Our acknowledgment of this historical context and this Opinion's embrace of precedent articulating an atextual (but perhaps strongly implied) prohibition regarding the expenditure of public money for private purposes should not be understood as an uncritical, unreserved endorsement of the Court's Section 3 jurisprudence, especially those portions that pour gloss atop the constitutional text. *See, e.g., Beck*, 164 Neb. at 227, 82 N.W.2d at 272 (suggesting that a bond's increased marketability, flowing from mere association with a government body, represents a lending of the State's credit); *Japp v. Papio-Missouri River Nat. Res. Dist.*, 273 Neb. 779, 788, 733 N.W.2d 551, 558 (2007) (reiterating sentiments from *Beck* regarding the "greater marketability" of certain bonds). Authority from the Supreme Court interpreting a constitutional provision is, of course, authoritative and binding unless and until it is overruled or altered, either by the Court in a future decision or the People via the process of amending the Constitution. Nevertheless, it is "the Constitution which [a Supreme Court Justice has] swor[n] to support and defend, not the gloss which his predecessors may have put on it." *South Carolina v. Gathers*, 490 U.S. 805, 825 (1989) (Scalia, J., dissenting) (quoting William O. Douglas, *Stare Decisis*, 49 Colum. L. Rev. 735, 736 (1949)). That, too, is our Office's lodestar.

money, or lend or give away, directly or indirectly, its credit or property for a purpose which is not a public one." *Id.*

The facts of *Japp* illustrate this principle in action. There, a Natural Resources District entered into an agreement with private real estate developers to fund the construction of two dams on a tributary of Papillion Creek flowing through the developers' property. The District pledged millions of dollars to defray most (but not all) of the "costs of design, construction, project administration, permits, and project land rights" necessary for the dams' construction. *Id.* at 782, 733 N.W.2d at 554. The Supreme Court characterized the agreement as the District "agreeing to pay for the [two] dams" but nevertheless concluded that the District had not violated Section 3. *Id.* at 788, 733 N.W.2d at 558–59. The Court explained that although the District was partnering with private entities who would thus receive public money, the expenditure was permissible because the District had not "use[d] its credit to secure capital for a *private project* or agree to act *as a guarantor* for a private company." *Id.* (emphasis added). Instead, the District was simply working in tandem with the developers by "provid[ing] funds for a project that would carry out its statutory purposes." *Id.* at 788–89, 733 N.W.2d at 559.

The question remains: What is the dividing line between a public and private purpose? We turn to that next.

ii.

Generally speaking, "[a] public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all." *State ex rel. Douglas v. Nebraska Mortg. Fin. Fund*, 204 Neb. 445, 458, 283 N.W.2d 12, 21 (1979).⁶ Beyond that general guidance, "[n]o hard and fast rule can be laid down for determining whether a proposed expenditure of public funds is . . . [for] a public use or purpose. Each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare." *Id.*

There is an initial presumption that "[i]t is for the Legislature to decide in the first instance what is and what is not a public purpose." *Lenstrom*, 209 Neb. at 789, 311 N.W.2d at 888. Legislative declaration is not, however, dispositive. *Chase*, 195 Neb. at 846, 241 N.W.2d at 339 (the Legislature's "determination is not conclusive on the courts"). When the absence of a public purpose is "clear and palpable . . . to the reasonable mind," a court should declare a statute authorizing an expenditure to a private entity invalid. *Lenstrom*, 209 Neb. at 789–90, 311 N.W.2d at 888.

Beck provides useful guidance on this front. When public money is expended on behalf of a "private corporation for *private profit and private*

⁶ *Cf.* Neb. Rev. Stat. § 77-202(a)(ii).

gain," that expenditure "serves no public . . . purpose." *Beck*, 164 Neb. at 230, 82 N.W.2d at 274 (emphasis added).

It was the application of this principle that controlled the outcome in *Chase v. Douglas County*. At issue there was a law that allowed political subdivisions to spend public money on certain types of development, including the mounting of a "publicity campaign" designed to attract new businesses and the "purchas[e] [of] real estate suitable for industrial development." 195 Neb. at 840–41, 241 N.W.2d at 337. The law was challenged on that grounds that it unconstitutionally "authorize[d] public funds to be used for private purposes." *Id.* at 841, 241 N.W.2d at 337. As noted above, *Chase* recognized that it is possible to undertake a "public purpose through [a] private organization[]." *Id.* at 847, 241 N.W.2d at 340. In *Chase*, the Court ultimately held that the portion of the statute authorizing expenditures on a publicity campaign was constitutional, but the portion authorizing the acquisition of real estate was not. *Id.* at 845, 241 N.W.2d at 339.

Expounding on why the real estate acquisition portion ran afoul of Section 3, the Court explained that for real estate to be "effectively used for industrial development, it must first in some way come into the use and possession of the private persons or entities which may engage in industry." *Id.* at 848, 241 N.W.2d at 340. Necessarily then, the expenditure of public money to acquire real estate would "result[] in capital being furnished by the city or county for private use." *Id.* at 849, 241 N.W.2d at 341. This was so, "[e]ven if title [to the property] [wa]s held by [a locality]" because the locality bore all the risk of loss (such as the possible depreciation of the property value) while the private entity would enjoy the "benefit of [any] increase." *Id.* at 850, 241 N.W.2d at 341. In short, the real estate acquisition provision was constitutionally problematic because it facilitated the prospect of purely "private profit and private gain," *Beck*, 164 Neb. at 230, 82 N.W.2d at 274,⁷ while leaving the public on the hook in the event of a loss. See *Haman*, 237 Neb. at 722, 467 N.W.2d at 852 (emphasizing that it was the risk of loss borne by the locality that was deemed constitutionally problematic in *Chase*).

B.

Concerns about private profit and inappropriate exposure to risk—hallmarks of expenditures that violate Section 3—can be effectively alleviated in a number of ways. Two are particularly relevant here.

⁷ Of course, a successful industrial development program would likely result in "general benefit[s] to the economy of [the local] community" such as increased "employment for [its] citizens." *Beck*, 164 Neb. at 230, 82 N.W.2d at 274. The *Beck* court concluded, however, that this sort of general benefit "does not justify the use of public funds" to "assist a private corporation that is engaged in an enterprise for profit." *Id.* at 230, 82 N.W.2d at 273–74.

First, ownership. When public money is expended on a project or endeavor involving a private entity, securing an ownership interest in the fruits of that public-private partnership effectively nullifies both concerns. So long as the ownership interest is commensurate with the value of the expenditure, the government shares both any potential profits and the burden of any losses proportionately with its private partner or partners. This alleviates any concern that the State is "acting as a surety or guarantor." *Haman*, 237 Neb.at 718, 467 N.W.2d at 850. There can be little doubt that where a government entity has a representative ownership stake in a project, the concerns animating Section 3 are not present.⁸

Second, control. When the government exercises sufficient control over a project involving a private entity that will be the recipient of public money, the dangers discussed above are minimized. The structure of the Sports Arena Facility Financing Assistance Act provides a ready example. In its present form, an "eligible sports arena facility" can apply for "state assistance" which is, practically speaking, redirected state sales tax revenue collected from the geographic vicinity of an eligible facility and ultimately paid to the assistance recipient from the coffers of the Sports Arena Facility Support Fund. *See* Neb. Rev. Stat. §§ 13-3102, 13-3103, 13-3107, 13-3108. At present, the Act includes within the definition of "eligible sports arena facility" any "privately owned concert venue." *Id.* § 13-3102(8)(d). Thus, even without adoption of L.B. 1197, *some* private entities can already receive public funds under the Sports Arena Facility Financing Assistance Act.⁹

An examination of the current structure of the Act leads us to believe it is at least facially constitutional. Numerous provisions ensure that the public entities involved have a significant degree of control over any private entity that stands to receive or benefit from state assistance available under the Act. The process of applying for such assistance *requires* the

⁸ Nothing in this Opinion should be construed to suggest that an ownership interest insulates government action from other statutory or constitutional objections, such as a claim that the action in question is ultra vires or otherwise unauthorized for reasons unrelated to Section 3.

⁹ Privately owned concert venues can use state assistance for only two purposes—"to acquire, construct, improve, or equip a nearby parking facility" or "to promote arts and cultural events which are open to or made available to the general public." Neb. Rev. Stat. § 13-3103(3). Furthermore, as discussed below, ultimately, the Act expressly requires private entities to use any assistance they receive for a public purpose, *id.* § 13-3104(5), and private entities have a special obligation to describe how any assistance they receive will be used "in furtherance of . . . a public use or public purpose" during the application and approval process, *id.* § 13-3104(3)(a).

involvement of a political subdivision; a private entity cannot apply for assistance without a government partner. *See* Neb. Rev. Stat. § 13-3102(1). Any assistance granted must be used for one of a limited number of statutorily delineated purposes. *See id.* § 13-3103(3). When applying for assistance, applicants must provide a "detailed description" outlining how the assistance will be used "in furtherance of the applicant's public use or public purpose" if the assistance will be "expended through one or more private organizations." *Id.* § 13-3104(3)(a). Assistance cannot be used as an "operating subsidy." Neb. Rev. Stat. § 13-3108(8). The Act also authorizes the government partner to secure its interest in the fruits of the project by way of a "mortgage or deed of trust encumbering all or any portion" of the relevant sports arena facility. *Id.* § 13-3109(1). And perhaps most relevant of all, the Act explicitly requires that all "state assistance received pursuant to the [A]ct shall be used only for public purposes." *Id.* § 13-3104(5).

Taken together, these statutory features help ensure that public money is used only for a public purpose. They also minimize the risk that a government entity will be left with a substantial loss in the event the project financed via state assistance is unprofitable.¹⁰ This degree of control is sufficient to allow a statute to survive Section 3 scrutiny. *See Haman*, 237 Neb. at 722, 467 N.W.2d at 852 (explaining that a statute's public purpose is "not vitiated" by the involvement of a private entity when "specific controls on the use of the [government] funds [are] attached").

That is not to say that the control exercised over a private entity *must* flow from statutory text itself; other oversight mechanisms are possible. For example, public money received and spent by so-called "63-20" entities, a special class of private nonprofits that meet the requirements of Internal Revenue Service Revenue Ruling 63-20, *See* Rev. Rul. 63-20, 1963-1 C.B. 24 (1963), is likely constitutional. These entities are, by design, "essentially public in nature" even if, as a formal legal matter, their existence is separate and apart from the government entity that creates them. *Id.* The express purpose of a 63-20 nonprofit is to serve as a corporate vehicle for housing debt that would otherwise be accrued by a related

¹⁰ Indeed, the Act's front-end restrictions on the permissible uses of state assistance are designed to ensure that any project funded will serve a public purpose and thereby guarantee that the public will receive *some* benefit even if the project is unsuccessful, nullifying the central policy concern that was the impetus for Section 3. *See Haman*, 237 Neb. at 719, 467 N.W.2d at 850 (constitutional prohibitions on the lending of the credit of the State, such as Section 3, were "designed primarily to prevent the use of public funds raised by general taxation in aid of enterprises apparently devoted to *quasi* public purposes, but actually engaged in private business.") (quoting *Northwestern Mutual*, 340 P.2d at 201)).

government entity for the purpose of "stimulating industrial development."
Id.

The requirements for establishing a 63-20 entity illustrate why there is no constitutional impediment to their receipt of public money. A 63-20 entity must:

- 1) be approved by the related government entity whose indebtedness it is a vehicle for;
- 2) engage in activities which are essentially public in nature;
- 3) be one which is not organized for profit (except to the extent profits are used to retire indebtedness);
- 4) not have the 63-20 entity's corporate income inure to any private person;
- 5) extend a beneficial interest to the government body that established it while any indebtedness remains outstanding;
- 6) hand over to that related government body full legal title to any property acquired by the 63-20 entity through the indebtedness occurred;
- 7) have the specific debt obligations which the 63-20 entity will incur be approved by the related government body.

Rev. Rul. 63-20, 1963-1 C.B. 24 (1963). If these requirements are met, the actions of a 63-20 entity are considered to be "on behalf of" the related, organizing government entity, even though, technically, the 63-20 is a wholly private creature. *Id.*; see, e.g. *Times of Trenton Pub. Corp. v. Lafayette Yard Cmty. Dev. Corp.*, 874 A.2d 1064, 1066 (N.J. 2005) (holding that although a 63-20 entity is a "private, nonprofit corporation" it should be treated as if it were a "public body").

The control mechanisms discussed above do not represent the complete universe of ways by which a public body can exercise sufficient control over private entity and thereby insulate an expenditure of public funds from the reach of Section 3. It is beyond the scope of this Opinion to identify every conceivable structure that might pass constitutional muster. For preset purposes articulation of general principles is sufficient. When a public body has sufficient control over the operations of a private entity, it is likely that any public money expended by the private entity will be spent for a public purpose rather than a private one. And as discussed above, see p. 7, *supra*, an expenditure of public money for a public purpose does not become unconstitutional simply because a private entity is involved with or actually makes that expenditure.

II.

Having set forth the authority that guides our analysis, we consider the proposed text of L.B. 1197 currently under consideration by the Legislature. See AM 2715, L.B. 1197, 108th Leg. 2nd Sess. (2024).

As noted above, the primary change contemplated by L.B. 1197 is an expansion of the definition of "eligible sports arena facility" to include "any privately owned sports complex, including concession areas, parking

facilities, and onsite administrative offices connected with operating the sports complex." *Id.* § 2(8)(e). Because this expanded definition would open the door to the expenditure of public money by a private entity, the constitutional restriction represented by Section 3 is implicated. *See* pp. 2, 5–7, *supra*. However, because L.B. 1197 retains the already extant statutory features that ensure private entities that receive state assistance are subject to sufficient government control, *see* pp. 12–13, *supra*, and adds new measures that reinforce and bolster those that already exist, it is likely that L.B. 1197, if enacted, will survive contact with Section 3.

At the threshold, L.B. 1197 retains the requirement that an application for state assistance involve a government entity. *Id.* §1(1). The only proposed change to that section—substituting the word "corporation" in place of the existing "organization" language—does not displace the requirement that an "applicant" be either "a political subdivision" or a "political subdivision" working in tandem with a nonprofit. *Id.* This represents a key measure of government control. It is safe to presume that localities and other political subdivisions are unlikely to partner with private entities that seek to pursue a private, rather than public purpose. (And, if they do engage in such a partnership, they run the risk of an as-applied Section 3 constitutional challenge.) This presumption is reinforced by the retention of the requirement, currently found at Neb. Rev. Stat. § 13-3104(5), that "[a]ny state assistance received pursuant to the [A]ct shall be used only for public purposes."

The presumption is further reinforced by new language, a definition of "governmental use," that is included in L.B. 1197. AM 2715 to L.B. 1197, §2(10) 108th Leg. 2nd Sess. (2024). "Governmental use" is defined to mean "operational control and use by [a] political subdivision for a statutorily permitted purpose of the political subdivision." *Id.* This new definition is incorporated into another newly added provision that limits the permissible uses to which state assistance afforded to privately owned sports complexes can be put, discussed in greater detail below. It is worth noting here, however, that such a definition, which emphasizes the importance of "control and use" by a governmental entity and makes express reference to that entity's "statutorily permitted purpose" is congruent with the authority discussed above, such as *Beck* and *Japp*. *See* pp. 5, 7–9, *supra*.

Before discussing the completely new restrictions that condition the use of assistance with respect to a privately owned facility, we briefly note that L.B. 1197 proposes an expansion that is a direct analogue to an already existing category where assistance can flow to a private entity. As noted above, *see* pp. 11–12, *supra*, the Act already allows assistance to be go privately owned concert venues for certain purposes, including the promotion of "arts and cultural events which are open to or made available to the general public." Neb. Rev. Stat. § 13-3103(3). L.B. 1197 would essentially expand that category to include the promotion of "sporting events which are open to or made available to the general public." AM 2715

to L.B. 1197, § 3(4)(c), 108th Leg. 2nd Sess. (2024). This expanded category would be subject to the same restrictions that currently governs the promotion of arts and cultural events. *See, e.g., id.* § 3(3)(b). For the reasons already discussed above, we believe this category was constitutional and see no reason why that conclusion would change if expanded as proposed.

All that is left to assess are the two remaining ways that assistance can be used with respect to a privately owned complex. Those are:

- (a) to pay back amounts expended or borrowed through one or more issues of bonds to be expended by the applicant to acquire, construct, improve, or equip a privately owned sports complex, and
- (b) to lease all or a portion of such privately owned sports complex for the governmental use of the political subdivision.

Id. § 3(4).

We consider first subsection (b), the easier of the two provisions to assess. As previewed above, there can be little doubt that a provision that conditions the use of state assistance in the manner that subsection (b) does—by incorporating the new term "governmental use"—can survive constitutional scrutiny. A governmental use, by definition, involves "operational control" by a public body. *Id.* § 2(10). As we have already stated, when a public body has sufficient control over a private entity that will receive and expend public money, that control obviates the policy concerns underlying Section 3. Simply put, when a public body has operational control, it is unlikely that expenditures of public money will be "dominated by private interest." *Beck*, 164 Neb. at 225, 82 N.W.2d at 271. That is especially true when, as in *Japp*, the expenditures in question are aimed at "carry[ing] out [one of the public body's] statutory purposes." 273 Neb. at 788–89, 733 N.W.2d at 559.

Subsection (a), considered in isolation, presents a much closer call. It contains no equivalent to subsection (b)'s inclusion of "governmental purpose" nor the sorts of additional restrictions that the existing Act imposed on assistance flowing to private concert venues (the same restrictions which L.B. 1197 proposes to extend to the promotion of sporting events). The existing version of the Act permits privately owned concert venues to receive assistance to "acquire, construct, improve, or equip" a "nearby parking facility." Neb. Rev. Stat. § 13-3103(3) (emphasis added). By comparison, L.B. 1197 proposes to allow privately owned sports complexes to receive assistance to "to acquire, construct, improve, or equip" the *complex itself*. AM 2715 to L.B. 1197, §3(4)(a), 108th Leg. 2nd Sess. (2024) (emphasis added). The potential for both significant private profit and private gain, as well as the possibility that the public will be left holding the bag if a privately owned facility is economically unviable, is obvious. After all, many (though not all) sports complexes are multimillion (or even

multibillion) dollar endeavors.¹¹ Thus, this subsection presents a heightened risk of authorizing expenditures that will violate Section 3.

Having said as much, we do not think subsection (a) is facially unconstitutional. State assistance made available under that subsection is still subject to the numerous other safeguards built into the overall structure of the Act. A private sports complex must still partner with a public body to even apply for state assistance, that public body can secure an interest in the facility by way of a mortgage or deed encumbering it, and any assistance awarded is expressly required to be used for a public, rather than private, purpose. In many circumstances—especially when these statutory measures of control are paired with either an ownership stake or some non-statutory mechanism designed to alleviate the constitutional considerations discussed at length above, *see pp. 4–8, supra*—it is likely that state assistance can be awarded to and spent by a privately owned sports complex without violating Section 3.

To be clear, we note that it is certainly possible to imagine scenarios where assistance awarded under the auspices of subsection (a) would constitute an impermissible, unconstitutional expenditure of public money for a private purpose. Nothing in this Opinion should be understood as casting doubt on the viability of an as-applied Section 3 challenge to an award of state assistance that would "secure capital for a private project" or effectively results in a public body "act[ing] as a guarantor for a private company." *Japp*, 273 Neb. at 788, 733 N.W.2d at 559. That is so even if the privately owned complex is ostensibly working in tandem with a public body. The prohibition that flows from Section 3 is a limit "beyond which the [government] cannot go." *Beck*, 164 Neb. at 230, 82 N.W.2d at 273. The Supreme Court has made clear that when the principles that animate Section 3 are infringed, a governmental declaration that a truly private project actually has a public purpose is empty *ipse dixit*.

That said, the mere potential of an unconstitutional use does not doom a statute. For one, there is a strong presumption that public bodies will act within statutory and constitutional constraints. *See State v. Hess*, 261 Neb. 368, 377, 622 N.W.2d 891, 900–01 (2001); *Niklaus v. Miller*, 159

¹¹ For example, Charles Schwab Field Omaha (formerly TD Ameritrade Park Omaha), the host venue for the College World Series and home of Creighton University baseball, which opened in 2011, had a construction cost of approximately \$130 million. *See* ME-Engineers, *Our Projects: TD Ameritrade Park Omaha*, <https://perma.cc/72BU-622S>. By contrast, SoFi Stadium, the home venue for the NFL's Los Angeles Rams and Los Angeles Chargers, which opened in 2020, had a reported construction cost of approximately \$5.5 billion. Rudi Schuller, *Los Angeles Rams & Chargers Stadium: What is SoFi Stadium's capacity and how much did it cost?*, Dazn.com (Oct. 2023), <https://perma.cc/X5VW-EA62>.

Neb. 301, 306, 66 N.W.2d 824, 828 (1954). For another, requests for state assistance must be approved by a Board consisting of "the Governor, the State Treasurer, the chairperson of the Nebraska Investment Council, the chairperson of the Nebraska State Board of Public Accountancy, and a professor of economics on the faculty of a state postsecondary educational institution . . . appointed . . . by the Coordinating Commission for Postsecondary Education." Neb. Rev. Stat. § 13-3102(2); *see also id.* § 13-3106(1) (providing that the board has discretion to approve projects "if [it] finds that the project . . . is eligible and that state assistance is in the best interest of the state" and reject those that do not). We find it unlikely that many unconstitutional projects will find a locality willing to shoulder the considerable financial risk and downside of a purely private project. It is even more unlikely that such a project will make it through the Board's eligibility and "best interest of the state" review. Surmounting both will be an even taller task. And for the few private projects that might manage to slip through the cracks, as-applied Section 3 litigation provides a final failsafe.

* * *

Having reviewed the proposed text of L.B. 1197, we find no facial constitutional infirmity. While there may be rare instances where state assistance awarded under its auspices runs afoul of Section 3, if enacted as currently proposed, L.B. 1197 should survive facial constitutional scrutiny.

Michael T. Hilgers
Attorney General of Nebraska

SELECT FILE

LEGISLATIVE BILL 1317. Senator Blood renewed [FA438](#), found and considered in this day's Journal, to the von Gillern amendment.

Senator Blood moved for a call of the house. The motion prevailed with 8 ayes, 6 nays, and 35 not voting.

Senator Blood requested a roll call vote, in reverse order, on her amendment to the von Gillern amendment.

Voting in the affirmative, 6:

Blood	Cavanaugh, M.	Day
Cavanaugh, J.	Conrad	DeBoer

Voting in the negative, 32:

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

Present and not voting, 8:

Bostar	Fredrickson	Vargas	Wayne
Dungan	McKinney	Walz	Wishart

Absent and not voting, 1:

Hunt

Excused and not voting, 2:

Holdcroft Raybould

The Blood amendment, to the von Gillern amendment, lost with 6 ayes, 32 nays, 8 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

VISITOR(S)

Visitors to the Chamber were students and teacher from Maywood; students and teachers from Holdrege High School, Holdrege; students from St. Stephen the Martyr, Omaha; students, teachers, and sponsor from Northeast High School, Lincoln; students from Westridge Elementary, Elkhorn; students from Fort. Calhoun Elementary, Fort Calhoun.

RECESS

At 12:09 p.m., on a motion by Senator Aguilar, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Dorn presiding.

ROLL CALL

The roll was called and all members were present except Senators Blood, J. Cavanaugh, Dungan, Halloran, Hunt, McDonnell, Raybould, and Slama who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 473. Introduced by Vargas, 7.

WHEREAS, the Omaha Symphony is conducted by Ankush Kumar Bahl and provides orchestral performances and musical entertainment and education to the community of Omaha, Nebraska; and

WHEREAS, Sculptures, a collection of movements composed by Andy Akiho and performed by the Omaha Symphony, was nominated for three Grammy Awards; and

WHEREAS, Sculptures was composed to honor of one of Omaha's most celebrated ceramic artists, Jun Kaneko, and includes sculptures, artwork, and music from three of his designed and produced operas: Beethoven's Fidelio, Puccini's Madame Butterfly, and Mozart's The Magic Flute; and

WHEREAS, the fourth movement, Cylinders, was nominated for Best Classical Instrumental Solo; the final movement, in that space, at that time, was nominated for Best Contemporary Classical Composition; and the entire collection was nominated for Best Classical Compendium; and

WHEREAS, since its founding in 1921, these Grammy Awards nominations are the first for the Omaha Symphony; and

WHEREAS, the Omaha Symphony's performances serve as an integral part in Omaha's cultural and musical communities.

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 Omaha Symphony and Andy Akiho for their Grammy Award nominations.
2. That the Legislature honors the incredible career of internationally renowned artist Jun Kaneko.
3. That copies of this resolution be sent to the Omaha Symphony and Ankush Kumar Bahl.

Laid over.

LEGISLATIVE RESOLUTION 474. Introduced by Vargas, 7.

WHEREAS, the inaugural match of the Pro Volleyball Federation, the first major league volleyball league in the United States, was hosted in Omaha, Nebraska; and

WHEREAS, the Omaha Supernovas made history on January 24th, 2024, as Nebraska's first and only major professional volleyball team; and

WHEREAS, the Omaha Supernovas set a United States record for attendance for women's professional volleyball, with eleven thousand nine hundred eighteen fans at CHI Health Center for their opening night; and

WHEREAS, the Omaha Supernovas continue to fuel Nebraska's love and support of women's volleyball; and

WHEREAS, the Legislature welcomes the Omaha Supernovas players to play volleyball in the great State of Nebraska.

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

1. That the Legislature congratulates the Omaha Supernovas and the Pro Volleyball Federation on their inaugural season.
2. That a copy of this resolution be sent to the Omaha Supernovas.

Laid over.

LEGISLATIVE RESOLUTION 475. Introduced by Vargas, 7.

WHEREAS, the South Omaha Community Care Council has served as an information and referral source that addresses the needs of the ever-changing and diverse south Omaha community for twenty-five years; and

WHEREAS, the South Omaha Community Care Council partners with community groups and organizations to enhance collaboration, communication, leadership, and services for the empowerment and well-being of the south Omaha community; and

WHEREAS, the South Omaha Community Care Council provides leadership and networking opportunities for the south Omaha community, which encourages relationships between neighbors, business owners, and leaders; and

WHEREAS, the Legislature appreciates the support, service, and contributions the South Omaha Community Care Council has provided for south Omaha.

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

1. That the Legislature recognizes the South Omaha Community Care Council for twenty-five years of service to Omaha, Nebraska.
2. That a copy of this resolution be sent to the South Omaha Community Care Council.

Laid over.

LEGISLATIVE RESOLUTION 476. Introduced by Vargas, 7.

WHEREAS, Union Omaha, founded in May 2019, is the only professional soccer team in the State of Nebraska; and

WHEREAS, Union Omaha's new stadium in downtown Omaha will be open to the public by the spring of 2026 and will provide the Union Omaha team with its own facility; and

WHEREAS, Union Omaha's new stadium will have pickleball courts, practice fields, retailers, bars, housing, and hotels in the surrounding eighteen-acre area and will allow the creation of expanded opportunities for the community, including a women's soccer team and a youth training academy; and

WHEREAS, the evolution and growth of professional soccer in Omaha will continue to serve the community, the economy, and Nebraska's loyal soccer fans.

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

1. That the Legislature congratulates Union Omaha on their continued success and the announcement of their new stadium.

2. That a copy of this resolution be sent to Union Omaha.

Laid over.

LEGISLATIVE RESOLUTION 477. Introduced by Vargas, 7.

WHEREAS, the Nebraska School Counselor Association presented the 2024 Nebraska School Counselor of the Year award to Cami Oelsligle of Humphrey Public Schools; and

WHEREAS, school counselors work with all students to support them in three areas: academic achievement, career planning and readiness, and social and emotional development; and

WHEREAS, school counselors deliver their services through classroom instruction, small group intervention, and individual advisement and counseling; and

WHEREAS, Ms. Oelsligle demonstrated excellence as a school counselor by advocating for school counseling in her school district by helping school staff recognize the need for counseling interventions to increase social and emotional learning and giving staff the tools to interact with students in need of social and emotional support.

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

1. That the Legislature congratulates Cami Oelsligle on receiving the 2024 Nebraska School Counselor of the Year award.

2. That copies of this resolution be sent to Cami Oelsligle and Humphrey Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 478. Introduced by Vargas, 7.

WHEREAS, volleyball players and coaches from the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska at Kearney, and Wayne State College made history with Volleyball Day in Nebraska on August 30, 2023; and

WHEREAS, the match between the University of Nebraska-Lincoln and the University of Nebraska at Omaha now holds the world record for attendance at a women's sporting event with a crowd of ninety-two thousand three fans beating the previous record set in Spain during a Champions League soccer match between Barcelona and Wolfsburg in 2022; and

WHEREAS, Volleyball Day showcased Nebraska's support and dedication to Nebraska volleyball; and

WHEREAS, Nebraska volleyball is an inspiration for young girls and women in sports around the world; and

WHEREAS, the Legislature appreciates the time, preparation, and hard work put in by all players, coaches, and staff to make Volleyball Day in Nebraska happen.

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

1. That the Legislature congratulates the players and coaches of the University of Nebraska-Lincoln and the University of Nebraska at Omaha for holding the world record for attendance at a women's sporting event.

2. That copies of this resolution be sent to the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska at Kearney, and Wayne State College volleyball teams.

Laid over.

LEGISLATIVE RESOLUTION 479. Introduced by Vargas, 7.

WHEREAS, mentorship relationships are transformative for young people, providing them with a safe space, a source of knowledge, and an advisor for their future endeavors; and

WHEREAS, when mentors contribute their time, young people are more likely to have increased confidence, self-esteem, improved academic performance, and improved relationships; and

WHEREAS, mentorship relationships positively impact both mentors and mentees with many relationships continuing and growing as the mentees become young adults; and

WHEREAS, the READ Nebraska program has invested in mentorship for Nebraska's youth by awarding funds to Bannisters Leadership Academy, Big Brothers Big Sisters of Central Nebraska, Big Brothers Big Sisters of Lincoln, Big Brothers Big Sisters of the Midlands, Community Connections of Lincoln County, Girls Inc. of Omaha, MENTOR Nebraska, MentoringWorks, Inc., Partnership 4 Kids, TeamMates Mentoring, and The Friends Program of Kearney.

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

1. That the Legislature encourages participation in and support of mentorship programs across the state.

2. That the Legislature honors those who volunteer their time to make a difference in the lives of Nebraskans through mentorship.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1317. Senator Erdman asked unanimous consent to withdraw [MO1179](#), found on page 588, to recommit to committee.

No objections. So ordered.

Senator Wayne offered the following motion:

[MO1413](#)

Reconsider the vote taken on AM3378.

Senator Wayne asked unanimous consent to withdraw his motion to reconsider.

No objections. So ordered.

Senator Wayne offered the following amendment:

[FA443](#)

Amend AM 3447

On page 7, line 21 strike "or are expected to be"

On page 7, line 22 after "Development Act", add ". Confirmation may include resolutions, meeting minutes, or other official measures adopted or taken by the City Council or Village Board of Trustees"

On pages 7-8, strike lines 24-31 on page 7, and lines 1-6 on page 8, and insert the following:

"(ii) Either the department has received written consent from the owners of real estate proposed to be removed from the good life district, or a hearing is held by the department in the manner described in this subdivision and the department finds that the removal of the affected property is in the best interests of the state and that the removal is consistent with the goals and purposes of the approved application for the good life district. In determining whether removal of the affected property is consistent with the goals and purposes of the approved application for the good life district, the department may consider any formal action taken by the city council or village board of trustees. Proof of such formal action may include resolutions, meeting minutes, or other official measures adopted or taken. Such hearing must be held at least ninety days after delivering written notice via certified mail to the owners of record for the affected real estate proposed to be removed from the good life district. The hearing must be open to the public and for the stated purpose of hearing testimony regarding the proposed removal of property from the good life district. Attendees must be given the opportunity to speak and submit documentary evidence at, prior to, or contemporaneously with such hearing for the department to consider in making its findings."

On page 10, strike lines 1-16.

PRESIDENT KELLY PRESIDING

The Wayne amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126. [ER108](#), found on page 1364, was offered.

ER108 was adopted.

Senator Day offered [MO1344](#), found on page 1467, to bracket until April 18, 2024.

Senator Day asked unanimous consent to withdraw her motion to bracket.

No objections. So ordered.

Senator Day asked unanimous consent to withdraw the following motions:

[MO1342](#), found on page 1467, to recommit to committee.

[MO1343](#), found on page 1467, to indefinitely postpone.

No objections. So ordered.

Senator Linehan offered [AM3404](#), found on page 1586.

The Linehan amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1023. [ER116](#), found on page 1392, was offered.

ER116 was adopted.

Senator von Gillern asked unanimous consent to withdraw the following motions:

[MO1351](#), found on page 1468, to bracket.

[MO1352](#), found on page 1468, to recommit to committee.

No objections. So ordered.

Senator von Gillern offered [AM3220](#), found on page 1472.

The von Gillern amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator von Gillern offered [AM3375](#), found on page 1561.

The von Gillern amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Bostar offered the following amendment:

[AM3400](#)

(Amendments to Standing Committee amendments, AM3034)

1 1. On page 28, line 25, after "earned" insert "Only compensation
2 paid to the individual for services performed within this state shall
3 constitute income derived from sources within this state under this
4 subdivision".

The Bostar amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 937. [ER115](#), found on page 1401, was offered.

ER115 was adopted.

Senator M. Cavanaugh offered [MO1258](#), found on page 1036, to bracket until April 12, 2024.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to bracket.

No objections. So ordered.

Senator M. Cavanaugh asked unanimous consent to withdraw the following motions:

[MO1257](#), found on page 1036, to recommit to committee.

[MO1256](#), found on page 1036, to indefinitely postpone.

[MO1260](#), found on page 1037, to recommit to committee.

No objections. So ordered.

The M. Cavanaugh motion [MO1396](#), found on page 1595, to bracket, was not considered.

The M. Cavanaugh motion [MO1395](#), found on page 1595, to recommit to committee, was not considered.

The M. Cavanaugh motion [MO1394](#), found on page 1594, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was not considered.

The M. Cavanaugh motion [MO1402](#), found on page 1604, to bracket, was not considered.

The M. Cavanaugh motion [MO1403](#), found on page 1604, to recommit to committee, was not considered.

The M. Cavanaugh motion [MO1404](#), found on page 1604, to indefinitely postpone, was not considered.

The Linehan motion [MO1346](#), found on page 1467, to bracket, was not considered.

The Linehan motion [MO1347](#), found on page 1468, to recommit to committee, was not considered.

The Linehan motion [MO1345](#), found on page 1467, to indefinitely postpone, was not considered.

Senator Bostar offered the following amendment:
[AM3420](#) is available in the Bill Room.

The Bostar amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Wayne offered [AM3287](#), found on page 1547.

The Wayne amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

MESSAGE(S) FROM THE GOVERNOR

April 10, 2024

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

Dear Clerk Metzler:

Engrossed Legislative Bills 130 and 130A were received in my office on April 5, 2024, and signed on April 10, 2024.

These bills were delivered to the Secretary of State on April 10, 2024.

Sincerely,
(Signed) Jim Pillen
Governor

COMMITTEE REPORT(S)

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Brenda R. Masek - Nebraska Brand Committee

Aye: 7. Brewer, Halloran, Hansen, Holdcroft, Hughes, Ibach, Riepe. Nay: 0.
Absent: 1. Raybould. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 480. Introduced by McDonnell, 5.

WHEREAS, Dr. Jeffrey Gold has served as Chancellor of the University of Nebraska Medical Center for the past ten years; and

WHEREAS, Dr. Gold has also served as Chancellor of the University of Nebraska at Omaha for four years; and

WHEREAS, Dr. Gold has been the author of more than two hundred peer-reviewed articles and more than forty books or chapters; and

WHEREAS, Dr. Gold has been active in the economic development arena by chairing various corporations including: the University Technology Development Corporation, the Medical Center Development Corporation, the University Technology Transfer Corporation, Nebraska Enterprises Corporation, and UNeTech Corporation; and

WHEREAS, during Dr. Gold's tenure, the University of Nebraska Medical Center has been highly ranked in a number of areas including research, primary care, and physician assistant programs among others; and

WHEREAS, Dr. Gold has worked with Chancellor Kristensen and President Carter to implement a collaborative rural health program and has worked with agricultural leaders across the state.

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

1. That the Legislature congratulates Dr. Jeffrey Gold on outstanding public service to the University of Nebraska system.
2. That a copy of this resolution be sent to Dr. Jeffrey Gold.

Laid over.

LEGISLATIVE RESOLUTION 481. Introduced by Cavanaugh, J., 9.

WHEREAS, Mike Kelley, an Omaha attorney and lobbyist, passed away on Friday, September 8, 2023, at the age of seventy-six; and

WHEREAS, Mike Kelley was a graduate of Creighton Preparatory School, Creighton University, and Creighton University School of Law; and

WHEREAS, after law school, Mike Kelley engaged in the private practice of law with his father, the late Thomas P. Kelley; and

WHEREAS, in 1981, Mike Kelley was appointed to the Douglas County Board of Commissioners and was subsequently elected to a second term; and

WHEREAS, after completing his term on the Douglas County Board, Mike Kelley's law practice centered on government relations and lobbying, primarily before the Legislature and the Nebraska Liquor Control Commission; and

WHEREAS, Mike Kelley represented a variety of interests with long time representation of Douglas County and the horse racing and gaming industries, and ultimately, shared a lobbying and government relations practice with his son, Sean; and

WHEREAS, Mike Kelley founded Clancy's Pub with his father, and was also owner of the original Zesto's across from Rosenblatt Stadium and the current Zesto's and Blatt Beer and Table, both located next to Charles Schwab Field; and

WHEREAS, Mike Kelley is survived by his wife, Kathleen, sons, Tom, James, and Sean, and seven grandchildren; and

WHEREAS, Mike Kelley, through his service to the Douglas County government and the Omaha community, through his activity in Nebraska politics, and through his lobbying of the Legislature, has left a lasting legacy and he will be sorely missed.

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

1. That the Legislature sends condolences to the family of Mike Kelley.
2. That a copy of this resolution be sent to the family of Mike Kelley.

Laid over.

LEGISLATIVE RESOLUTION 482. Introduced by Cavanaugh, J., 9.

WHEREAS, the 2023 University of Nebraska at Omaha Mavericks men's soccer team won the Summit League Tournament Championship for the second time and reached the National Collegiate Athletic Association Division I Men's Soccer Tournament for the third time in program history; and

WHEREAS, the Mavericks finished the season with a record of eight wins, eight losses, and four draws; and

WHEREAS, Mavericks head coach Donovan Dowling led the program to its first conference title since 2017 and its first national tournament appearance since the 2020-21 season in only his second year with the team; and

WHEREAS, the Mavericks continue to be a source of pride for the community, students, alumni, and fans of the University of Nebraska at Omaha.

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

1. That the Legislature congratulates the 2023 University of Nebraska at Omaha Mavericks men's soccer team on winning the 2023 Summit League Tournament Championship and reaching the 2023 NCAA Division I Men's Soccer Tournament.

2. That copies of this resolution be sent to head coach Donovan Dowling and the University of Nebraska at Omaha Mavericks men's soccer team.

Laid over.

LEGISLATIVE RESOLUTION 483. Introduced by Cavanaugh, J., 9.

WHEREAS, the 2023 Creighton University Bluejays women's volleyball team won its tenth consecutive Big East regular season championship, the team's ninth Big East Tournament championship in the past ten seasons, and reached the Sweet 16 of the National Collegiate Athletic Association Division I Women's Volleyball Tournament for the third time in program history; and

WHEREAS, the Bluejays reached the regional semifinals of the National Collegiate Athletic Association Division I Women's Volleyball Tournament by sweeping Colgate University and the University of Minnesota in front of a home crowd at D.J. Sokol Arena in Omaha, Nebraska; and

WHEREAS, junior Kendra Wait was named Big East Player of the Year and earned third team American Volleyball Coaches Association All-American honors, sophomore Ava Martin earned honorable mention All-American honors, and Kendra and Ava, with junior Norah Sis and senior Kianna Schmitt, were all named to the All-Big East team; and

WHEREAS, Bluejays head coach Kirsten Bernthal Booth, in her twenty-first season at Creighton, has amassed a record of four hundred and seventy wins and one hundred eighty-nine losses at Creighton, reaching the National Collegiate Athletic Association Division tournament each of the last twelve seasons and thirteen of the last fourteen years; and

WHEREAS, the success of the Bluejays women's volleyball team is a source of pride for the Creighton community, and its students, alumni, and fans.

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

1. That the Legislature congratulates the 2023 Creighton University Bluejays women's volleyball team on winning the Big East regular season and Tournament Championships and reaching the Sweet 16 of the National Collegiate Athletic Association Division I Women's Volleyball Tournament.

2. That copies of this resolution be sent to head coach Kirsten Bernthal Booth and the Creighton University Bluejays women's volleyball team.

Laid over.

LEGISLATIVE RESOLUTION 484. Introduced by Cavanaugh, J., 9.

WHEREAS, the 2023 University of Nebraska at Omaha women's volleyball team won the Summit League Tournament Championship and reached the National Collegiate Athletic Association Division I Women's Volleyball Tournament for the first time in program history; and

WHEREAS, the Mavericks bounced back from losing their first nine matches of the season to finish the season with a record of fifteen wins and fourteen losses, including twelve wins and four losses in conference play; and

WHEREAS, the Mavericks won the Summit League Tournament Championship by defeating Denver University and the University of Missouri-Kansas City in five sets each; and

WHEREAS, head coach Matt Buttermore led the Mavericks to their first National Collegiate Athletic Association Tournament appearance in his fifth season with the team; and

WHEREAS, the Mavericks are a source of pride for the community, students, alumni, and fans of volleyball and the University of Nebraska at Omaha.

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

1. That the Legislature congratulates the 2023 University of Nebraska at Omaha women's volleyball team on winning the Summit League Tournament Championship and reaching the National Collegiate Athletic Association Division I Women's Volleyball Tournament for the first time.

2. That copies of this resolution be sent to head coach Matt Buttermore and the University of Nebraska at Omaha Mavericks women's volleyball team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 388. [ER122](#), found on page 1453, was offered.

ER122 was adopted.

Committee [AM3203](#), found on page 1312, was not considered.

Senator M. Cavanaugh offered [MO555](#), found on page 959, First Session, 2023, to bracket until June 2, 2023.

Senator M. Cavanaugh asked unanimous consent to withdraw her motion to bracket.

No objections. So ordered.

Senator M. Cavanaugh asked unanimous consent to withdraw the following motions:

[MO554](#), found on page 958, First Session, 2023, to recommit to committee.

[MO553](#), found on page 958, First Session, 2023, to indefinitely postpone.

No objections. So ordered.

Senator M. Cavanaugh asked unanimous consent to withdraw [FA327](#), found on page 1397, and replace it with the Linehan substitute amendment, [AM3468](#). No objections. So ordered. [AM3468](#) is available in the Bill Room.

SENATOR FREDRICKSON PRESIDING

PRESIDENT KELLY PRESIDING

Senator Slama offered the following amendment to the Linehan amendment: [FA444](#)
Strike Sections 9-13.

Senator Slama moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The Slama amendment, to the Linehan amendment, lost with 18 ayes, 18 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered the following amendment to the Linehan amendment: [FA445](#)
Amend AM3468:

On page 57, strike lines 20-23.

On page 57, strike lines 24-29 and insert the following:

(c) The tax on an electronic nicotine delivery system shall be twenty percent of (i) the purchase price of such electronic nicotine delivery system paid by the first owner or (ii) the price at which the first owner who made, manufactured, or fabricated the electronic nicotine delivery system sells the items to others.

Re-number the remaining subsections accordingly.

Senator Hughes moved for a call of the house. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Senator Hughes requested a roll call vote, in reverse order, on her amendment to the Linehan amendment.

Voting in the affirmative, 25:

Albrecht	Bostelman	Clements	Fredrickson	Lippincott
Armendariz	Brandt	Day	Hardin	Meyer
Blood	Brewer	DeBoer	Holdcroft	Murman
Bosn	Cavanaugh, J.	Dorn	Hughes	Riepe
Bostar	Cavanaugh, M.	Dover	Ibach	von Gillern

Voting in the negative, 12:

Ballard	Hunt	McKinney	Slama
Conrad	Kauth	Moser	Vargas
Erdman	McDonnell	Sanders	Wayne

Present and not voting, 10:

Aguilar	Dungan	Hansen	Linehan	Walz
Arch	Halloran	Jacobson	Lowe	Wishart

Excused and not voting, 2:

DeKay Raybould

The Hughes amendment, to the Linehan amendment, was adopted with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Bostar offered the following amendment to the Linehan amendment:

[FA446](#)

Amend AM3468:

On page 7, line 11, strike the current Sec. 8 and insert "News media entity means a broadcast radio or television station licensed by the Federal Communications Commission or an entity engaged primarily in the business of news gathering, reporting, or publishing articles or commentary about news, current events, culture or other matters of public interest. The term does not include an entity that is primarily an aggregator or re-publisher of third-party content."

The Bostar amendment, to the Linehan amendment, was withdrawn.

Senator Day offered the following amendment to the Linehan amendment:

[AM3473](#)

(Amendments to AM3468)

1 1. On page 3, strike lines 16 through 23 and insert the following
 2 new subdivision:
 3 "(4) The amount of property taxes budgeted;
 4 (a) In support of a service relating to an imminent and significant
 5 threat to public safety or public health that (i) was not previously
 6 provided by the political subdivision and (ii) is the subject of an
 7 agreement or a modification of an existing agreement executed after the
 8 operative date of this act, whether provided by one of the parties to the
 9 agreement or by an independent joint entity or joint public agency;

10 (b) In support of an interlocal agreement relating to public safety;
11 (c) For vehicles, equipment, capital improvements, and technology
12 specifically related to law enforcement, fire safety, corrections, and
13 public safety communications; or
14 (d) To fulfill law enforcement, fire safety, corrections, and public
15 safety communications union agreement requirements, including
16 compensation requirements, adopted prior to January 1, 2024;".

The Day amendment, to the Linehan amendment, lost with 10 ayes, 20 nays, 17 present and not voting, and 2 excused and not voting.

Senator Conrad offered the following amendment to the Linehan amendment:

[FA447](#)

Amend AM 3468

On page 3, line 29, strike "or corrections officer" and insert "corrections officer, county attorney, or public defender".

On page 4, line 4, after the period insert "For county attorney and public defender positions, understaffing shall be determined by the county board."

On page 31, line 21, strike "or corrections officer" and insert "corrections officer, county attorney, or public defender".

Senator Conrad moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 24 not voting.

The Conrad amendment lost with 15 ayes, 20 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment to the Linehan amendment:

[AM3475](#)

(Amendments to AM3468)

- 1 1. Strike sections 9 to 13, 25, 30 to 37, 41, 42, and 50.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 3 correct the repealer accordingly.

Senator Erdman moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Senator Erdman requested a roll call vote, in reverse order, on his amendment, to the Linehan amendment.

Voting in the affirmative, 18:

Blood	Conrad	Fredrickson	Lippincott	Walz
Brewer	Day	Halloran	McKinney	Wayne
Cavanaugh, J.	Dungan	Hardin	Slama	
Cavanaugh, M.	Erdman	Hunt	Vargas	

Voting in the negative, 19:

Albrecht	Brandt	Ibach	Lowe	Murman
Arch	Dover	Jacobson	McDonnell	Riepe
Armendariz	Holdcroft	Kauth	Meyer	von Gillern
Bosn	Hughes	Linehan	Moser	

Present and not voting, 8:

Ballard	Bostelman	DeBoer	Sanders
Bostar	Clements	Hansen	Wishart

Excused and not voting, 4:

Aguilar	DeKay	Dorn	Raybould
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The Erdman amendment, to the Linehan amendment, lost with 18 ayes, 19 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Linehan amendment, as amended, was adopted with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

The M. Cavanaugh motion [MO551](#), found on page 958, First Session, 2023, to recommit to committee, was not considered.

The M. Cavanaugh motion [MO552](#), found on page 959, First Session, 2023, to bracket, was not considered.

The Linehan motion [MO1332](#), found on page 1454, to indefinitely postpone, was not considered.

The Linehan motion [MO1333](#), found on page 1454, to recommit to committee, was not considered.

The Linehan motion [MO1334](#), found on page 1454, to bracket, was not considered.

The Meyer amendment [AM3252](#), found on page 1335, was not considered.

The Dungan amendment [AM3242](#), found on page 1335, was not considered.

The J. Cavanaugh amendment [AM3243](#), found on page 1335, was not considered,

The J. Cavanaugh amendment [AM3239](#), found on page 1335, was not considered.

The Blood amendment [AM3268](#), found on page 1340, was not considered.

The Linehan amendment [AM3292](#), found on page 1429, was not considered.

The Slama amendment [AM3248](#), found on page 1393, was not considered.

The Lowe amendment [AM3298](#), found on page 1397, was not considered.

The Bostar amendment [FA329](#), found on page 1430, was not considered.

Senator M. Cavanaugh withdrew [FA424](#), found on page 1594.

Senator Linehan withdrew [AM3419](#), found on page 1608.

Senator Slama offered the following amendment:

[FA439](#)

Strike Sections 9-13.

The Slama amendment was withdrawn.

Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 485. Introduced by Erdman, 47.

WHEREAS, the state motto of Nebraska is "Equality before the Law"; and
WHEREAS, the Nebraska Supreme Court is the highest court in the State of Nebraska; and

WHEREAS, the Nebraska Supreme Court consists of one Chief Justice and six associate justices; and

WHEREAS, the current chief justice is Michael G. Heavican and the current associate justices are Stephanie F. Stacy, Lindsey Miller-Lerman, William B. Cassel, Jonathan J. Papik, Jeffrey J. Funke, and John R. Freudenberg; and

WHEREAS, the members of the Nebraska Supreme Court have devoted themselves faithfully to the work of jurisprudence, have worked tirelessly to

render just decisions, have demonstrated superior knowledge of the law, and have shown respect for the original intentions of the law; and

WHEREAS, the members of the Nebraska Supreme Court have demonstrated the utmost respect for the Constitution of the United States, the Constitution of Nebraska, and the statutes of Nebraska; and

WHEREAS, the members of the Nebraska Supreme Court have greatly increased happiness, peace, and prosperity by upholding the rights and liberties of the citizenry.

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

1. That the Legislature honors the hard work of and good decisions made by the justices of the Nebraska Supreme Court.

2. That the Legislature encourages the justices of the Nebraska Supreme Court to continue in their work of applying the law justly and equitably with respect for the original intentions of the law and with deference to the actual language of the law and the meanings of words.

3. That copies of this resolution be sent to the Chief Justice Michael G. Heavican and each associate justice of the Nebraska Supreme Court.

Laid over.

LEGISLATIVE RESOLUTION 486. Introduced by Vargas, 7.

WHEREAS, Opioid Awareness Week is August 27, 2024, to September 2, 2024; and

WHEREAS, the Legislature honors the lives lost and the lives affected by Nebraska's opioid epidemic; and

WHEREAS, the Legislature recognizes the work to decrease opioid addiction, overdoses, and overdose fatalities across the state through the support and expansion of education, prevention, treatment, and recovery; and

WHEREAS, the Legislature extends sincere gratitude to Nebraska's public health departments and healthcare facilities, community nonprofits and organizations, behavioral health regions, and local first responders for their work in addressing and overcoming this crisis.

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

1. That the Legislature recognizes August 27, 2024, to September 2, 2024, as Opioid Awareness Week in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 487. Introduced by Sanders, 45.

WHEREAS, Sarpy County Sheriff Jeff Davis has provided fifty years of devoted service to the Sarpy County community; and

WHEREAS, Jeff began his service at eighteen as a dispatcher for the Sarpy County Emergency 911 Operations Center; and

WHEREAS, Jeff obtained his law enforcement officer certification and later became the deputy sheriff for Sarpy County; and

WHEREAS, Jeff moved through the ranks to gain experience in multiple divisions of the sheriff's office such as Road Patrol, Investigations, Jail, and Administration. He was eventually promoted to chief deputy and was later sworn in as Sarpy County Sheriff in 2005; and

WHEREAS, Jeff also focused his efforts in community involvement projects earning him the Michael J. Elman Officer of the Year award and the Bellevue Kiwanis Chapter Officer of the Year award and was presented the Jewel of Bellevue in 1996 while he served on the Bellevue City Council; and

WHEREAS, Jeff's fifty years of service is worthy of recognition and admiration and has earned him several well-deserved awards and titles.

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

1. That the Legislature congratulates Sarpy County Sheriff Jeff Davis for fifty years of service to the Sarpy County community.
2. That a copy of this resolution be sent to Sheriff Jeff Davis.

Laid over.

LEGISLATIVE RESOLUTION 488. Introduced by Sanders, 45.

WHEREAS, Sarpy County Attorney Lee Kenneth Polikov has provided fifty years of advocacy and service to the Sarpy County community; and

WHEREAS, Lee was appointed as the Sarpy County Attorney in 1999 and has served five full terms; and

WHEREAS, Lee has worked for the Sarpy County Sheriff's Office for twenty-six years and grew the institution's staff from twenty-three people to over two hundred; and

WHEREAS, Lee's dedication to supporting mental health services and community development is seen through his continued involvement in Teen Court, Alcohol Diversion, Mental Health Diversion, Wellness Court, Werner Park, and the Sarpy County Wastewater Agency; and

WHEREAS, in 2022, Lee earned the Elected Official of the Year for Sarpy County; and

WHEREAS, Lee's fifty years of service and advocacy for the community is worthy of recognition and admiration.

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

1. That the Legislature congratulates Sarpy County Attorney Lee Kenneth Polikov for fifty years of service to the Sarpy County community.
2. That a copy of this resolution be sent to Sarpy County Attorney Lee Kenneth Polikov.

Laid over.

LEGISLATIVE RESOLUTION 489. Introduced by Slama, 1.

WHEREAS, Lila Tomek is a resident of Humboldt, Nebraska; and
WHEREAS, in 1942 at nineteen years of age, Lila took a job in Omaha building fighter planes; and

WHEREAS, Lila was one of the six million women, known as Rosie the Riveters, who worked in shipyards and factories during World War II; and

WHEREAS, the Rosie the Riveter Congressional Gold Medal Act of 2019 honors any woman who held employment or volunteered in support of the war efforts during World War II and recognizes their contributions to the United States war effort; and

WHEREAS, Lila Tomek received the Congressional Gold Medal at a ceremony in Washington, D.C., on April 10, 2024.

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

1. That the Legislature congratulates Lila Tomek on being awarded the Congressional Gold Medal and recognizes her work during World War II.
2. That a copy of this resolution be sent to Lila Tomek.

Laid over.

LEGISLATIVE RESOLUTION 490. Introduced by Kauth, 31.

WHEREAS, the Millard North High School Cheer Team won the 2024 Class A Traditional Performance Championship at the Nebraska State Cheer and Dance Competition scoring 93.30 points; and

WHEREAS, the Millard North Dance Team showcased their Pom routine winning first place with a score of 96.28 points and earning a trip to the National High School Cheerleading Championship; and

WHEREAS, Coach Connor Churchill and assistant coaches Emma Piffner and Courtney Jones provided the Millard North Cheer Team with leadership and guidance to excel at the state competition; and

WHEREAS, Coaches Andrea Feltz and Mila O'Brien provided the Millard North Dance Team with leadership and guidance to excel at the state competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the members of the Millard North High School Cheer Team, which includes Autumn Bravo, Presley Clark, Kendall Collins, Aubrey Deveney, Maria Hensley, Kaydence Hubby, Brooklyn Ilg, Peyton Johnson, Mia Kosel, Alivia Lane, Madeline McCall, Heidi Nordquist, Lily Norton, Kenzie Pettit, Ava Reisbig, Natalie Shnyder, Lauren Speckmann, Brooklynn Spence, Morgan Strong, Jaida Thorson, Ella Wurtele, and the members of the Millard North High School Dance Team, which includes Nora Baustert, Brooklyn Bratetic, Ella Broz, Alexis Christiansen, Kaitlyn Ellett, Elaina Etter, Delaney Feltz, Madeline Fischer,

Maggie Galligan, Payton Gocken, Grace Gottschalk, Caitlyn Gregg, Audra Hanson, Madeline Harris, Leila Klem, Sophia Mills-Herring, Shae Ozols, Ava Passo, Ella Quick, Madison Roberts, Addison Satterly, Gabriella Shuda, Jordan Speicher, and Jemma Syphers, for their outstanding performance at the 2024 Nebraska State Cheer and Dance Competition and at the National High School Cheerleading Championships.

2. That copies of this resolution be sent to the Millard North Cheer Team and Coach Connor Churchill and to the Millard North Dance Team and Coaches Andrea Feltz and Mila O'Brien.

Laid over.

LEGISLATIVE RESOLUTION 491. Introduced by Clements, 2; Brewer, 43; Dorn, 30; Erdman, 47; Halloran, 33; Lowe, 37.

WHEREAS, Samuel Clements is a senior at Elmwood-Murdock High School; and

WHEREAS, Samuel is a four-year honor roll student and a NCPA Academic All-State Student award recipient; and

WHEREAS, Samuel is a four-year student council member and a three-year Future Business Leaders of America member and officer; and

WHEREAS, Samuel has achieved many athletic honors throughout his high school career including Elmwood-Murdock Offensive Lineman of the Year, McCook Gazette First Team All-State Offensive Lineman, Huskerland Prep Second Team All-State Offensive Lineman, All-District First Team, All-Conference First Team, and many others; and

WHEREAS, Samuel has been selected for the Sertoma Eight Man All Star Game which will be held in Hastings on June 15, 2024; and

WHEREAS, Samuel is graduating from Elmwood-Murdock High School in May; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Samuel Clements on his athletic and academic accomplishments and his graduation from Elmwood-Murdock High School and wishes him the best in his future endeavors.

2. That a copy of this resolution be sent to Samuel Clements.

Laid over.

LEGISLATIVE RESOLUTION 492. Introduced by Kauth, 31.

WHEREAS, Millard West High School won three 2024 Class A Nebraska State titles at the Nebraska State Cheer and Dance Competition and went on to win three National Championship titles in two divisions at the National High School Cheerleading Championship in Orlando, Florida; and

WHEREAS, the Millard West Wildcats took home the first place win in Game Day A with 92.35 points; and

WHEREAS, Millard West Cheer Team also placed first in Tumbling A/B with 94.70 points and second in Unified Sideline with 84.43 points at the Nebraska State Championship; and

WHEREAS, Millard West Cheer Team took home two titles from the National High School Cheerleading Championship: the Varsity Non Building Division I Game Day with 91.6 points and the Varsity Non Building Division I with 94.3 points; and

WHEREAS, the Millard West Dance Team placed first in Hip Hop with 89.80 points at the Nebraska State Championship and took home a title at the National High School Cheerleading Championship in Game Day, Small Group, Division 1 with 89.1 points; and

WHEREAS, Coach Stefanie Lane provided the Millard West Cheer Team leadership and guidance to excel at the state and national competitions; and

WHEREAS, Coach Caroline Unger and Assistant Coach Lauren Hoff provided the Millard West Dance Team leadership and guidance to excel at the state and national competitions; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the members of the Millard West High School Cheer Team, which includes Ayda Matya, Erin Matthews, Haili Foster, Kennedy Cahoy, Kinsey Grause, Lilly Vazquez, Maddie Olsen, Madison Beecher, Skye Hester, Ava Frazier, Chloe Wellwood, Luci White, Maddie Pingel, Sophie Devitt, Abi Sadler, Charley Meisinger, Jordan Hosier, Kayleigh Grabenschroer, Bess Masat, Noelle Oswald, and Olivia Spracklin, and the members of the Millard West High School Dance Team, which includes Elaine Amenta, Bella Wanninger, Addisyn Hayduk, Jocelyn King, Ella Martinez, Brooklyn Maxon, Kate Hessel, Kara Stenger, Halle Hazuka, Sarah Lesley, Lexi Foster, Juliana Manzitto, Kenna Sellmeyer, Taylor Phillips, and Reagan Lane, for their outstanding performance at the 2024 Nebraska State Cheer and Dance Competition and at the National High School Cheerleading Championships.

2. That copies of this resolution be sent to the Millard West Cheer Team and Coach Stefanie Lane and to the Millard West Dance Team, Coach Caroline Unger, and Assistant Coach Lauren Hoff.

Laid over.

LEGISLATIVE RESOLUTION 493. Introduced by Erdman, 47.

WHEREAS, the state motto of Nebraska is "Equality before the Law"; and
WHEREAS, the Nebraska Supreme Court is the highest court in the State of Nebraska; and

WHEREAS, the Nebraska Supreme Court consists of one Chief Justice and six associate justices; and

WHEREAS, the current chief justice is Michael G. Heavican and the current associate justices are Stephanie F. Stacy, Lindsey Miller-Lerman, William B. Cassel, Jonathan J. Papik, Jeffrey J. Funke, and John R. Freudenberg; and

WHEREAS, the members of the Nebraska Supreme Court have devoted themselves faithfully to the work of jurisprudence, have worked tirelessly to render just decisions, have demonstrated superior knowledge of the law, and have shown respect for the original intentions of the law; and

WHEREAS, the members of the Nebraska Supreme Court have demonstrated the utmost respect for the Constitution of the United States, the Constitution of Nebraska, and the statutes of Nebraska; and

WHEREAS, the members of the Nebraska Supreme Court have greatly increased happiness, peace, and prosperity by upholding the rights and liberties of the citizenry.

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

1. That the Legislature honors the hard work of and good decisions made by the justices of the Nebraska Supreme Court.
2. That copies of this resolution be sent to the Chief Justice Michael G. Heavican and each associate justice of the Nebraska Supreme Court.

Laid over.

LEGISLATIVE RESOLUTION 494. Introduced by Brewer, 43.

WHEREAS, the 2024 Nebraska School Activities Association Boys Basketball State Championships was held from March 6 through March 9 in Lincoln, Nebraska; and

WHEREAS, the Ainsworth High School boys basketball team, coached by Jake Nelson, secured the Class D-1 Boys State Basketball runner-up title; and

WHEREAS, Ainsworth's runner-up title was secured by winning the quarter final round by beating Dundy County Stratton 62 to 55 and winning the semi-final round by beating Guardian Angels Central Catholic 54 to 53 before falling to Johnson-Brock in the championship game by a score of 52 to 45; and

WHEREAS, each student body class competes for a Sportsmanship Award during the Nebraska School Activities Association Boys State Basketball Championships and the Ainsworth student body received the Class D-1 Sportsmanship Award; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of the state.

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

1. That the Legislature congratulates the Ainsworth High School boys basketball team on achieving second place in the 2024 Class D-1 Boys State

Basketball Championship and the Ainsworth student body for receiving the Class D-1 Sportsmanship Award.

2. That a copy of this resolution be sent to Ainsworth High School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1363. [ER133](#), found on page 1602, was offered.

ER133 was adopted.

Senator M. Cavanaugh asked unanimous consent to withdraw the following motions:

[MO1390](#), found on page 1594, to indefinitely postpone.

[MO1391](#), found on page 1594, to bracket.

[MO1392](#), found on page 1594, to recommit to commit.

No objections. So ordered.

Senator Clements offered the following amendment:

[AM3472](#)

(Amendments to E and R amendments, ER133)

1 1. Strike sections 3, 5, 6, 7, and 9 and insert the following new

2 sections:

3 Sec. 3. Section 76-903, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 76-903 The Tax Commissioner shall design such stamps in such

6 denominations as in his or her judgment will be the most advantageous to

7 all persons concerned. When any deed subject to the tax imposed by

8 section 76-901 is offered for recordation, the register of deeds shall

9 ascertain and compute the amount of the tax due thereon and shall collect

10 such amount as a prerequisite to acceptance of the deed for recordation.

11 If a dispute arises concerning the taxability of the transfer, the

12 register of deeds shall not record the deed until the disputed tax is

13 paid. If a disputed tax has been paid, the taxpayer may file for a refund

14 pursuant to section 76-908. The taxpayer may also seek a declaratory

15 ruling pursuant to rules and regulations adopted and promulgated by the

16 Department of Revenue. From each ~~three two~~ dollars and twenty-five cents

17 of tax collected pursuant to section 76-901, the register of deeds shall

18 retain one dollar and fifteen fifty cents to be placed in the county

19 general fund and shall remit the balance to the State Treasurer who shall

20 credit: ~~ninety-five cents of such amount to the Affordable Housing Trust~~

21 ~~Fund, twenty-five cents of such amount to the Site and Building~~

22 ~~Development Fund, twenty-five cents of such amount to the Homeless~~

23 ~~Shelter Assistance Trust Fund, and thirty cents of such amount to the~~

24 ~~Behavioral Health Services Fund.~~

25 (1) One dollar and thirteen cents of such amount to the Affordable

26 Housing Trust Fund;

1 (2) Twenty-five cents of such amount to the Site and Building

2 Development Fund;

3 (3) Twenty-five cents of such amount to the Homeless Shelter

4 Assistance Trust Fund;

5 (4) Thirty-four cents of such amount to the Behavioral Health

6 Services Fund;

7 (5) Five cents of such amount to the Economic Recovery Contingency

8 Fund for the establishment and operation of an office to pursue and

9 coordinate grant funding on behalf of the state;

10 (6) Five cents of such amount to the Military Base Development and

11 Support Fund to provide funding to support businesses and amenities

12 linked to military installations and to enhance business attraction and

13 economic growth in Nebraska's military sector through the distributions

14 described in subsection (2) of section 55-901; and

15 (7) Three cents of such amount to the Health Care Homes for the

16 Medically Underserved Fund for federally qualified health centers as

17 grants to be used for persons receiving services under subsections (h)

18 and (i) of section 330 of the federal Public Health Service Act, 42

19 U.S.C. 254b, as such section existed on January 1, 2024.

20 Sec. 5. Section 77-2005, Revised Statutes Cumulative Supplement,

21 2022, is amended to read:

22 77-2005 (1) In the case of an uncle, aunt, niece, or nephew related

23 to the deceased by blood or legal adoption, or other lineal descendant of

24 the same, or the spouse or surviving spouse of any of such persons, the

25 rate of tax shall be:

26 (a) For decedents dying prior to January 1, 2023, thirteen percent

27 of the clear market value of the property received by each person in

28 excess of fifteen thousand dollars; ~~and~~

29 (b) For decedents dying on or after January 1, 2023, and before

30 January 1, 2024, eleven percent of the clear market value of the property

31 received by each person in excess of forty thousand dollars; ~~and~~ -

1 (c) For decedents dying on or after January 1, 2024, eight percent

2 of the clear market value of the property received by each person in

3 excess of forty thousand dollars.

4 (2) If the clear market value of the beneficial interest is less

5 than or equal to the applicable exempt amount under subsection (1) of

6 this section, it shall not be subject to tax. In addition, any interest

7 passing to a person described in subsection (1) of this section who is

8 under twenty-two years of age shall not be subject to tax.

9 Sec. 6. Section 77-2006, Revised Statutes Cumulative Supplement,

10 2022, is amended to read:

11 77-2006 (1) In all other cases the rate of tax shall be:

12 (a) For decedents dying prior to January 1, 2023, eighteen percent

13 of the clear market value of the beneficial interests received by each

14 person in excess of ten thousand dollars; ~~and~~

15 (b) For decedents dying on or after January 1, 2023, and before

16 January 1, 2024, fifteen percent of the clear market value of the

17 beneficial interests received by each person in excess of twenty-five

18 thousand dollars; ~~and~~ -

19 (c) For decedents dying on or after January 1, 2024, eight percent

20 of the clear market value of the beneficial interests received by each

21 person in excess of twenty-five thousand dollars.

22 (2) If the clear market value of the beneficial interest is less

23 than or equal to the applicable exempt amount under subsection (1) of

24 this section, it shall not be subject to any tax. In addition, any

25 interest passing to a person who is under twenty-two years of age shall

26 not be subject to tax.

27 Sec. 7. Section 77-2018, Reissue Revised Statutes of Nebraska, is

28 amended to read:

29 77-2018 (1) When any amount of inheritance tax shall have been paid

30 erroneously to the county treasurer, he shall, upon a finding by the

31 court and an order rendered to him of the erroneous payment, refund and

1 pay to the executor, administrator or trustee, person or persons who have

2 paid any such tax in error the amount of such tax so paid. All
 3 applications for the repayment of the tax shall be made to the county
 4 court within two years of the date of payment. The county court shall
 5 hear all evidence relevant to its finding whether or not any amount of
 6 inheritance tax has been erroneously paid and if any refund of such
 7 payment is due. The court shall notify the county treasurer of its final
 8 determination.

9 (2) This subsection applies only to inheritance taxes that were paid
 10 prior to the operative date of this act with respect to decedents dying
 11 on or after January 1, 2024. If the amount of inheritance taxes paid is
 12 more than the amount due after taking into consideration the changes made
 13 in sections 77-2005 and 77-2006 by this legislative bill, the county
 14 treasurer shall, upon a finding by the court and an order rendered to the
 15 county treasurer, refund the overpayment to the executor, administrator
 16 or trustee, or person who paid such tax. All applications for a refund
 17 under this subsection shall be made to the county court within two years
 18 after the date of payment. The county court shall hear all evidence
 19 relevant to its finding whether or not a refund is due. The court shall
 20 notify the county treasurer of its final determination.

21 Sec. 9. Section 81-3140, Revised Statutes Cumulative Supplement,
 22 2022, is amended to read:

23 81-3140 (1)(a) The purpose of the Health Care Homes for the
 24 Medically Underserved Fund is to enhance the ability of Nebraska's
 25 federally qualified health centers to provide patient-centered medical
 26 homes to low-income medically underserved populations. Twenty-five
 27 percent of the state portion of medicaid fraud settlement funds deposited
 28 into the Medicaid Fraud Settlement Fund in the Department of Health and
 29 Human Services annually shall be transferred to the Health Care Homes for
 30 the Medically Underserved Fund for distribution to federally qualified
 31 health centers in Nebraska. Such funds shall be distributed
 1 proportionately based on the unduplicated number of patients served in
 2 the previous year by such federally qualified health centers as reported
 3 through the uniform data system of the Health Resources and Services
 4 Administration of the United States Department of Health and Human
 5 Services.

6 (b) Five percent of the state portion of the medicaid fraud
 7 settlement funds deposited into the Medicaid Fraud Settlement Fund in the
 8 Department of Health and Human Services annually shall be transferred to
 9 the Health Care Homes for the Medically Underserved Fund for distribution
 10 to federally qualified health centers in Nebraska. Such funds shall be
 11 used for persons receiving services under section 330(h) or 330(i) of the
 12 federal Public Health Service Act, 42 U.S.C. 254b, as such section
 13 existed on January 1, 2016.

14 (2) Funds distributed pursuant to subsection (1) of this section
 15 shall be used for the following purposes:

- 16 (a) Hiring, training, certifying, and maintaining staff dedicated to
- 17 patient-centered chronic disease management, including, but not limited
- 18 to, case managers, health educators, social workers, outreach and
- 19 enrollment workers, and community health workers;
- 20 (b) Providing services, including, but not limited to, interpreter
- 21 services, transportation services, and social work assistance;
- 22 (c) Capital improvements, including, but not limited to, facility
- 23 expansion, leasing additional space, and furnishing, equipment, or
- 24 redesign of facilities to support patient-centered care;
- 25 (d) Medication management, including, but not limited to, clinical
- 26 pharmacy services, pharmacists, clinical pharmacists, technology for
- 27 monitoring and real-time notification, and care managers;
- 28 (e) Information technology, including, but not limited to,
- 29 telehealth services, analytics tools, patient registries, and updates to
- 30 electronic health records systems; and

31 (f) Reimbursement to health care providers, including, but not
 1 limited to, physicians, nurse practitioners, dieticians, diabetic
 2 educators, behavioral health providers, and oral health providers.
 3 (3) Money transferred to the fund under section 76-903 shall be
 4 distributed to federally qualified health centers as grants to be used
 5 for persons receiving services under subsections (h) and (i) of section
 6 330 of the federal Public Health Service Act, 42 U.S.C. 254b, as such
 7 section existed on January 1, 2024.
 8 2. Renumber the remaining sections and correct the repealer
 9 accordingly.

SENATOR VON GILLERN PRESIDING

PRESIDENT KELLY PRESIDING

The Clements amendment was adopted with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1363A. Senator McDonnell offered the following amendment:

[AM3477](#)

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated (1) \$344,852 from the Health
 4 Care Homes for the Medically Underserved Fund for FY2024-25 and (2)
 5 \$528,888 from the Health Care Homes for the Medically Underserved Fund
 6 for FY2025-26 to the Department of Health and Human Services, for Program
 7 502, to aid in carrying out the provisions of Legislative Bill 1363, One
 8 Hundred Eighth Legislature, Second Session, 2024.
 9 There is included in the appropriation to this program for FY2024-25
 10 \$344,852 Cash Funds for state aid, which shall only be used for such
 11 purpose. There is included in the appropriation to this program for
 12 FY2025-26 \$528,888 Cash Funds for state aid, which shall only be used for
 13 such purpose.
 14 No expenditures for permanent and temporary salaries and per diems
 15 for state employees shall be made from funds appropriated in this
 16 section.
 17 Sec. 2. There is hereby appropriated (1) \$574,753 from the Military
 18 Installation Development and Support Fund for FY2024-25 and (2) \$881,480
 19 from the Military Installation Development and Support Fund for FY2025-26
 20 to the Department of Veterans' Affairs, for Program 511, to aid in
 21 carrying out the provisions of Legislative Bill 1363, One Hundred Eighth
 22 Legislature, Second Session, 2024.
 23 There is included in the appropriation to this program for FY2024-25
 24 \$431,065 Cash Funds for state aid, which shall only be used for such
 25 purpose. There is included in the appropriation to this program for
 26 FY2025-26 \$661,110 Cash Funds for state aid, which shall only be used for
 27 such purpose.
 1 No expenditures for permanent and temporary salaries and per diems
 2 for state employees shall be made from funds appropriated in this
 3 section.
 4 Sec. 3. There is hereby appropriated (1) \$574,753 from the Economic
 5 Recovery Contingency Fund for FY2024-25 and (2) \$881,480 from the
 6 Economic Recovery Contingency Fund for FY2025-26 to the Department of
 7 Economic Development, for Program 603, to aid in carrying out the

8 provisions of Legislative Bill 1363, One Hundred Eighth Legislature,

9 Second Session, 2024.

10 Total expenditures for permanent and temporary salaries and per

11 diems from funds appropriated in this section shall not exceed \$102,710

12 for FY2024-25 or \$136,950 for FY2025-26.

The McDonnell amendment was adopted with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 25. [ER134](#), found on page 1608, was offered.

ER134 was adopted.

Senator Bosn asked unanimous consent to withdraw the following motions:

[MO1284](#), found on page 1156, to bracket.

[MO1285](#), found on page 1156, to recommit to committee.

[MO1286](#), found on page 1156, to indefinitely postpone.

No objections. So ordered.

Senator Wayne withdrew [FA387](#), found on page 1532.

Senator Wayne withdrew [FA389](#), found on page 1532.

Senator Wayne moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Holdcroft requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 28 ayes, 16 nays, 4 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Speaker Arch announced a reordering of the agenda.

SELECT FILE

LEGISLATIVE BILL 1317A. Senator Linehan offered the following amendment:

[AM3464](#)

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

2 sections:

3 Section 1. There is hereby appropriated (1) \$710,922 from the

4 General Fund and \$85,000 from the Department of Revenue Enforcement Fund

5 for FY2024-25 and (2) \$318,738 from the General Fund and \$65,000 from the

6 Department of Revenue Enforcement Fund for FY2025-26 to the Department of
7 Revenue, for Program 102, to aid in carrying out the provisions of
8 Legislative Bill 1317, One Hundred Eighth Legislature, Second Session,
9 2024.
10 Total expenditures for permanent and temporary salaries and per
11 diems from funds appropriated in this section shall not exceed \$160,900
12 for FY2024-25 or \$160,900 for FY2025-26.
13 Sec. 2. There is hereby appropriated (1) \$5,000 from the Department
14 of Motor Vehicles Cash Fund for FY2024-25 and (2) \$5,000 from the
15 Department of Motor Vehicles Cash Fund for FY2025-26 to the Department of
16 Motor Vehicles, for Program 70, to aid in carrying out the provisions of
17 Legislative Bill 1317, One Hundred Eighth Legislature, Second Session,
18 2024.
19 No expenditures for permanent and temporary salaries and per diems
20 for state employees shall be made from funds appropriated in this
21 section.
22 Sec. 3. There is hereby appropriated (1) \$925,000 from the General
23 Fund for FY2024-25 and (2) \$75,000 from the General Fund for FY2025-26 to
24 the Department of Environment and Energy for Program 513, to aid in
25 carrying out the provisions of Legislative Bill 1317, One Hundred Eighth
26 Legislature, Second Session, 2024.
27 No expenditures for permanent and temporary salaries and per diems
1 for state employees shall be made from funds appropriated in this
2 section.
3 Sec. 4. Since an emergency exists, this act takes effect when passed
4 and approved according to law.

The Linehan amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126A. Senator Day withdrew [AM3275](#), found on page 1466.

Senator Day offered the following amendment:

[AM3451](#)

1 Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$20,313 from the
4 General Fund for FY2024-25 and (2) \$-0- from the General Fund for
5 FY2025-26 to the Department of Revenue, for Program 102, to aid in
6 carrying out the provisions of Legislative Bill 126, One Hundred Eighth
7 Legislature, Second Session, 2024.
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.
11 Sec. 2. There is hereby appropriated (1) \$-0- from the General Fund
12 for FY2024-25 and (2) \$317,000 from the General Fund for FY2025-26 to the
13 Department of Revenue, for Program 108, to aid in carrying out the
14 provisions of Legislative Bill 126, One Hundred Eighth Legislature,
15 Second Session, 2024.
16 There is included in the appropriation to this program for FY2024-25
17 \$-0- General Funds for state aid, which shall only be used for such
18 purpose. There is included in the appropriation to this program for
19 FY2025-26 \$317,000 General Funds for state aid, which shall only be used
20 for such purpose.
21 No expenditures for permanent and temporary salaries and per diems
22 for state employees shall be made from funds appropriated in this
23 section.

The Day amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1023A. Senator von Gillern offered [AM3276](#), found on page 1450.

The von Gillern amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 937A. Senator Bostar withdrew [AM3322](#), found on page 1513.

Senator Bostar offered the following amendment:

[AM3474](#)

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$250,000 from the
4 General Fund for FY2024-25 and (2) \$780,367 from the General Fund for
5 FY2025-26 to the Department of Revenue, for Program 102, to aid in
6 carrying out the provisions of Legislative Bill 937, One Hundred Eighth
7 Legislature, Second Session, 2024.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$-0- for
10 FY2024-25 or \$218,800 for FY2025-26.
11 Sec. 2. There is hereby appropriated (1) \$135,883 from the General
12 Fund for FY2024-25 and (2) \$325,730 from the General Fund for FY2025-26
13 to the Department of Economic Development, for Program 603, to aid in
14 carrying out the provisions of Legislative Bill 937, One Hundred Eighth
15 Legislature, Second Session, 2024.
16 Total expenditures for permanent and temporary salaries and per
17 diems from funds appropriated in this section shall not exceed \$72,650
18 for FY2024-25 or \$124,010 for FY2025-26.

The Bostar amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB1317 to Select File

Senator Bostar moved to return LB1317 to Select File for the following specific amendment:

[AM3479](#)

(Amendments to AM3378)

1 1. Strike sections 35 and 37 and all amendments thereto and insert
2 the following new sections:
3 Sec. 35. Section 13-3103, Revised Statutes Supplement, 2023, is
4 amended to read:
5 13-3103 (1) Any applicant may apply to the board for state
6 assistance if (a) the applicant has acquired, constructed, improved, or

7 equipped an eligible sports arena facility, (b) the applicant has
8 approved a revenue bond issue or a general obligation bond issue to
9 acquire, construct, improve, or equip an eligible sports arena facility,
10 (c) the applicant has adopted a resolution authorizing the applicant to
11 pursue a general obligation bond issue to acquire, construct, improve, or
12 equip an eligible sports arena facility, or (d) a building permit has
13 been issued within the applicant's jurisdiction for an eligible sports
14 arena facility that is a privately owned concert venue.

15 (2) The state assistance shall only be used by the applicant to pay
16 back amounts expended or borrowed through one or more issues of bonds to
17 be expended by the applicant to acquire, construct, improve, or equip the
18 eligible sports arena facility and to acquire, construct, improve, or
19 equip nearby parking facilities.

20 (3) For an eligible sports arena facility that is a privately owned
21 concert venue, the state assistance shall only be used by the applicant
22 (a) to pay back amounts expended or borrowed through one or more issues
23 of bonds to be expended by the applicant to acquire, construct, improve,
24 or equip a nearby parking facility or (b) to promote arts and cultural
25 events which are open to or made available to the general public.

26 ~~(4) For applications for state assistance approved on or after
1 October 1, 2016, (a) no more than fifty percent of the final cost of the
2 project shall be funded by state assistance received pursuant to section
3 13-3108 and~~

4 ~~(4) No (b) no more than ten years of funding for promotion of the
5 arts and cultural events shall be paid by state assistance received
6 pursuant to section 13-3108.~~

7 (5) For any application for state assistance for a large public
8 stadium approved on or after the operative date of this section, up to
9 one hundred percent of the final cost of the project may be funded by
10 state assistance received pursuant to section 13-3108.

11 Sec. 37. Section 13-3108, Revised Statutes Supplement, 2023, is
12 amended to read:

13 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
14 money in the fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act and the
16 Nebraska State Funds Investment Act.

17 (2)(a) Upon receiving the certification described in subsection (3)
18 of section 13-3107, the State Treasurer shall transfer the amount
19 certified to the fund.

20 (b) Upon receiving the quarterly certification described in
21 subsection (4) of section 13-3107, the State Treasurer shall transfer the
22 amount certified to the fund.

23 (3)(a) It is the intent of the Legislature to appropriate from the
24 fund money to be distributed as provided in subsections (4) and (5) of
25 this section to any political subdivision for which an application for
26 state assistance under the Sports Arena Facility Financing Assistance Act
27 has been approved an amount not to exceed seventy percent of the (i)
28 state sales tax revenue collected by retailers doing business at eligible
29 sports arena facilities on sales at such facilities, (ii) state sales tax
30 revenue collected on primary and secondary box office sales of admissions
31 to such facilities, and (iii) new state sales tax revenue collected by
1 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to
2 the program area.

3 (b) The amount to be appropriated for distribution as state
4 assistance to a political subdivision under this subsection for any one
5 year after the tenth year shall not exceed the highest such amount
6 appropriated under subdivision (3)(a) of this section during any one year
7 of the first ten years of such appropriation. If seventy percent of the
8 state sales tax revenue as described in subdivision (3)(a) of this
9 section exceeds the amount to be appropriated under this subdivision,

10 such excess funds shall be transferred to the General Fund.

11 (4) The amount certified under subsection (3) of section 13-3107
12 shall be distributed as state assistance on or before April 15, 2014.

13 (5) Beginning in 2014, quarterly distributions and associated
14 transfers of state assistance shall be made. Such quarterly distributions
15 and transfers shall be based on the certifications provided under
16 subsection (4) of section 13-3107 and shall occur within fifteen days
17 after receipt of such certification.

18 ~~(6)(a) Except as provided in subdivision (6)(b) of this section, the~~
19 ~~(6) The total amount of state assistance approved for an eligible sports~~
20 ~~arena facility shall not exceed one hundred million dollars.~~

21 (b) For any eligible sports arena facility that is a large public
22 stadium:

23 (i) The total amount of state assistance approved for such facility
24 shall not exceed twenty-five million dollars;

25 (ii) The amount of state assistance approved for such facility for
26 any year shall not exceed one million two hundred fifty thousand dollars;
27 and

28 (iii) No state assistance for any large public stadium shall be paid
29 until after July 1, 2027.

30 (7)(a) ~~Except as provided in subdivisions (b) and (c) of this~~
31 ~~subsection, state~~ State assistance to the political subdivision shall no
1 longer be available upon the retirement of the bonds issued to acquire,
2 construct, improve, or equip the facility or any subsequent bonds that
3 refunded the original issue or when state assistance reaches the amount
4 determined under ~~subdivision (6)(a) subsection (6)~~ of this section,
5 whichever comes first.

6 (b) If the state assistance will be used to provide funding for
7 promotion of the arts and cultural events, such state assistance to the
8 political subdivision shall no longer be available after ten years of
9 funding or when state assistance reaches the amount determined under
10 ~~subdivision (6)(a) subsection (6)~~ of this section, whichever comes first.

11 (c) If the state assistance will be used to provide funding for a
12 large public stadium, such state assistance to the political subdivision
13 shall no longer be available after twenty years of funding or when state
14 assistance reaches the amount determined under subdivision (6)(b)(i) of
15 this section, whichever comes first.

16 (8) State assistance shall not be used for an operating subsidy.

17 (9) The thirty percent of state sales tax revenue remaining after
18 the appropriation and transfer in subsection (3) of this section shall be
19 appropriated by the Legislature and transferred quarterly as follows:

20 (a) If the revenue relates to an eligible sports arena facility that
21 is a sports complex and that is approved for state assistance under
22 section 13-3106 on or after May 26, 2021, eighty-three percent of such
23 revenue shall be transferred to the Support the Arts Cash Fund and
24 seventeen percent of such revenue shall be transferred to the Convention
25 Center Support Fund; and

26 (b) If the revenue relates to any other eligible sports arena
27 facility, such revenue shall be transferred to the Civic and Community
28 Center Financing Fund.

29 (10) Except as provided in subsection (11) of this section for a
30 city of the primary class, any municipality that has applied for and
31 received a grant of assistance under the Civic and Community Center
1 Financing Act shall not receive state assistance under the Sports Arena
2 Facility Financing Assistance Act for the same project for which the
3 grant was awarded under the Civic and Community Center Financing Act.

4 (11) A city of the primary class shall not be eligible to receive a
5 grant of assistance from the Civic and Community Center Financing Act if
6 the city has applied for and received a grant of assistance under the
7 Sports Arena Facility Financing Assistance Act.

The Bostar motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1317. The Bostar specific amendment, [AM3479](#), found in this day's Journal, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Readvanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1402. [ER135](#), found in this day's Journal, was offered.

ER135 was adopted.

Senator DeBoer offered [MO1387](#), found on page 1604, to bracket until April 18, 2024.

SPEAKER ARCH PRESIDING

Senator Lippincott moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Linehan offered the following motion:

[MO1414](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 33:

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

Voting in the negative, 13:

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

Present and not voting, 2:

McKinney Walz

Excused and not voting, 1:

Raybould

The Linehan motion to invoke cloture prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

The DeBoer motion to bracket failed with 8 ayes, 33 nays, 7 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 15 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1402A. Senator Linehan offered the following amendment:

[AM3478](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. There is hereby appropriated (1) \$10,000,000 from the

4 General Fund for FY2024-25 and (2) \$10,000,000 from the General Fund for

5 FY2025-26 to the State Treasurer, for Program 480, to aid in carrying out

6 the provisions of Legislative Bill 1402, One Hundred Eighth Legislature,

7 Second Session, 2024.

8 There is included in the appropriation to this program for FY2024-25

9 \$9,250,000 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 FY2025-26 \$9,250,000 General Funds for state aid, which shall only be

12 used for such purpose.

13 Total expenditures for permanent and temporary salaries and per

14 diems from funds appropriated in this section shall not exceed \$12,500

15 for FY2024-25 or \$13,125 for FY2025-26.

16 Sec. 2. Since an emergency exists, this act takes effect when

17 passed and approved according to law.

The Linehan amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 388A. Senator Linehan offered the following amendment:

[AM3480](#)

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

2 sections:

3 Section 1. The State Treasurer shall transfer an amount equal to the

4 difference between \$750,000,000 and the amount transferred to the School

5 Property Tax Credit Fund pursuant to section 77-4602, if the difference
 6 is a positive number, from the General Fund to the School Property Tax
 7 Credit Fund on or before December 31, 2024, on such dates and in such
 8 amounts as directed by the budget administrator of the budget division of
 9 the Department of Administrative Services.
 10 Sec. 2. There is hereby appropriated (1) \$757,581 from the General
 11 Fund for FY2024-25 and (2) \$235,832 from the General Fund for FY2025-26
 12 to the Department of Revenue, for Program 102, to aid in carrying out the
 13 provisions of Legislative Bill 388, One Hundred Eighth Legislature,
 14 Second Session, 2024.
 15 Total expenditures for permanent and temporary salaries and per
 16 diems from funds appropriated in this section shall not exceed \$98,900
 17 for FY2024-25 or \$58,900 for FY2025-26.
 18 Sec. 3. There is hereby appropriated (1) \$750,000,000 from the
 19 School Property Tax Credit Fund for FY2024-25 and (2) \$780,000,000 from
 20 the School Property Tax Credit Fund for FY2025-26 to the Department of
 21 Revenue, for Program 121, to aid in carrying out the provisions of
 22 Legislative Bill 388, One Hundred Eighth Legislature, Second Session,
 23 2024.
 24 There is included in the appropriation to this program for FY2024-25
 25 \$750,000,000 Cash Funds for state aid, which shall only be used for such
 26 purpose. There is included in the appropriation to this program for
 27 FY2025-26 \$780,000,000 Cash Funds for state aid, which shall only be used
 1 for such purpose.
 2 No expenditures for permanent and temporary salaries and per diems
 3 for state employees shall be made from funds appropriated in this
 4 section.
 5 Sec. 4. Since an emergency exists, this act takes effect when passed
 6 and approved according to law.

The Linehan amendment was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Confirmation Report(s)

Senator Wayne moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 870:

- Crime Victim's Reparations Committee
- Ann E. Ames
- John Brazda
- Michael D. Jones

Voting in the affirmative, 35:

Albrecht	Bostelman	DeKay	Hughes	Moser
Arch	Brandt	Dorn	Ibach	Murman
Armendariz	Cavanaugh, J.	Dover	Jacobson	Sanders
Ballard	Clements	Erdman	Linehan	Slama
Blood	Conrad	Halloran	Lippincott	Vargas
Bosn	Day	Hardin	Lowe	von Gillern
Bostar	DeBoer	Holdcroft	Meyer	Walz

Voting in the negative, 0.

Present and not voting, 12:

Brewer	Fredrickson	Kauth	Riepe
Cavanaugh, M.	Hansen	McDonnell	Wayne
Dungan	Hunt	McKinney	Wishart

Excused and not voting, 2:

Aguilar Raybould

The appointments were confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Wayne moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 870:

Nebraska Crime Commission
Bryan Tuma, Executive Director

Voting in the affirmative, 36:

Albrecht	Brandt	Halloran	Linehan	Slama
Arch	Cavanaugh, J.	Hansen	Lippincott	Vargas
Armendariz	Clements	Hardin	Lowe	von Gillern
Ballard	Conrad	Holdcroft	McDonnell	Walz
Blood	Day	Hughes	Meyer	
Bosn	DeBoer	Ibach	Moser	
Bostar	DeKay	Jacobson	Murman	
Bostelman	Dover	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 10:

Brewer	Dorn	Erdman	McKinney	Wayne
Cavanaugh, M.	Dungan	Hunt	Riepe	Wishart

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Wayne moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 871:

Board of Parole
Layne Gissler

Voting in the affirmative, 34:

Albrecht	Brandt	Dover	Jacobson	Murman
Arch	Cavanaugh, J.	Halloran	Kauth	Sanders
Armendariz	Clements	Hansen	Lippincott	Slama
Ballard	Conrad	Hardin	Lowe	Vargas
Blood	Day	Holdcroft	McDonnell	von Gillern
Bosn	DeBoer	Hughes	Meyer	Walz
Bostelman	DeKay	Ibach	Moser	

Voting in the negative, 1:

McKinney

Present and not voting, 11:

Bostar	Dorn	Hunt	Wayne
Brewer	Dungan	Linehan	Wishart
Cavanaugh, M.	Erdman	Riepe	

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1038:

Nebraska Educational Telecommunications Commission
 Patricia M. Kircher
 Courtney C. Wittstruck

Voting in the affirmative, 37:

Albrecht	Cavanaugh, J.	Halloran	Linehan	Sanders
Arch	Clements	Hansen	Lippincott	Slama
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	Day	Holdcroft	McDonnell	von Gillern
Blood	DeKay	Hughes	Meyer	Walz
Bosn	Dorn	Ibach	Moser	
Bostelman	Dover	Jacobson	Murman	
Brandt	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 9:

Bostar	Cavanaugh, M.	Erdman	McKinney	Wishart
Brewer	DeBoer	Hunt	Wayne	

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1039:

Technical Advisory Committee for Statewide Assessment
 Jeffrey Nellhaus
 Linda Poole

Voting in the affirmative, 33:

Albrecht	Brandt	Dover	Kauth	Sanders
Arch	Cavanaugh, J.	Halloran	Lippincott	Slama
Armendariz	Clements	Hardin	McDonnell	Vargas
Ballard	Conrad	Holdcroft	Meyer	von Gillern
Blood	Day	Hughes	Moser	Walz
Bosn	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 13:

Bostar	DeBoer	Hansen	Lowe	Wishart
Brewer	Dungan	Hunt	McKinney	
Cavanaugh, M.	Erdman	Linehan	Wayne	

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1165:

Aeronautics Division
 Jeremy S. Borrell

Voting in the affirmative, 37:

Albrecht	Cavanaugh, J.	Halloran	Linehan	Sanders
Arch	Clements	Hansen	Lippincott	Slama
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	Day	Holdcroft	McDonnell	von Gillern
Blood	DeBoer	Hughes	Meyer	Walz
Bosn	DeKay	Ibach	Moser	
Bostelman	Dorn	Jacobson	Murman	
Brandt	Dover	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 9:

Bostar	Cavanaugh, M.	Erdman	McKinney	Wishart
Brewer	Dungan	Hunt	Wayne	

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1165:

Board of Public Roads Classifications and Standards
Brandon B. Varilek

Voting in the affirmative, 36:

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

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, J.	Dungan	Hunt	Wayne
Brewer	Cavanaugh, M.	Halloran	McKinney	Wishart

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 1306:

Department of Revenue
Sarah Scott, Property Tax Administrator

Voting in the affirmative, 37:

Albrecht	Brandt	Dover	Kauth	Sanders
Arch	Cavanaugh, J.	Dungan	Linehan	Slama
Armendariz	Clements	Hansen	Lippincott	Vargas
Ballard	Conrad	Hardin	Lowe	von Gillern
Blood	Day	Holdcroft	McDonnell	Walz
Bosn	DeBoer	Hughes	Moser	
Bostar	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 9:

Brewer	Erdman	Hunt	Meyer	Wishart
Cavanaugh, M.	Halloran	McKinney	Wayne	

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1329:

Commission of Industrial Relations
Spencer Hartman

Voting in the affirmative, 36:

Albrecht	Cavanaugh, J.	Dungan	Linehan	Slama
Arch	Clements	Halloran	Lippincott	Vargas
Armendariz	Conrad	Hardin	Lowe	von Gillern
Ballard	Day	Holdcroft	McDonnell	Walz
Blood	DeBoer	Hughes	Moser	
Bosn	DeKay	Ibach	Murman	
Bostelman	Dorn	Jacobson	Riepe	
Brandt	Dover	Kauth	Sanders	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, M.	Hansen	McKinney	Wayne
Brewer	Erdman	Hunt	Meyer	Wishart

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1328:

Boiler Safety Code Advisory Board
Steven Bley

Voting in the affirmative, 33:

Albrecht	Clements	Hansen	Linehan	Sanders
Arch	Conrad	Hardin	Lippincott	Slama
Armendariz	Day	Holdcroft	McDonnell	Vargas
Ballard	DeBoer	Hughes	Meyer	von Gillern
Blood	Dorn	Ibach	Moser	Walz
Bosn	Dover	Jacobson	Murman	
Cavanaugh, J.	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 13:

Bostar	Brewer	Erdman	Lowe	Wishart
Bostelman	Cavanaugh, M.	Halloran	McKinney	
Brandt	DeKay	Hunt	Wayne	

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1329:

State Board of Health
J. Paul Cook

Voting in the affirmative, 38:

Albrecht	Cavanaugh, M.	Dungan	Kauth	Riepe
Arch	Clements	Halloran	Linehan	Sanders
Ballard	Conrad	Hansen	Lippincott	Slama
Blood	Day	Hardin	Lowe	Vargas
Bosn	DeBoer	Holdcroft	McDonnell	von Gillern
Bostelman	DeKay	Hughes	Meyer	Walz
Brandt	Dorn	Ibach	Moser	
Cavanaugh, J.	Dover	Jacobson	Murman	

Voting in the negative, 0.

Present and not voting, 8:

Armendariz	Brewer	Hunt	Wayne
Bostar	Erdman	McKinney	Wishart

Excused and not voting, 3:

Aguilar Fredrickson Raybould

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1329:

State Board of Health
Daniel J. Rosenthal

Voting in the affirmative, 37:

Albrecht	Cavanaugh, M.	Halloran	Linehan	Sanders
Arch	Clements	Hansen	Lippincott	Slama
Ballard	Conrad	Hardin	Lowe	Vargas
Blood	Day	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Meyer	Walz
Bostelman	Dorn	Ibach	Moser	
Brandt	Dover	Jacobson	Murman	
Cavanaugh, J.	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 9:

Armendariz	Brewer	Erdman	McKinney	Wishart
Bostar	DeBoer	Hunt	Wayne	

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1329:

Stem Cell Research Advisory Committee
 David Owens
 Dennis Roop
 Rui Yi

Voting in the affirmative, 38:

Albrecht	Cavanaugh, J.	Dover	Jacobson	Murman
Arch	Cavanaugh, M.	Dungan	Kauth	Riepe
Armendariz	Clements	Halloran	Linehan	Sanders
Ballard	Conrad	Hansen	Lippincott	Slama
Blood	Day	Hardin	Lowe	Vargas
Bosn	DeBoer	Holdcroft	McDonnell	Walz
Bostelman	DeKay	Hughes	Meyer	
Brandt	Dorn	Ibach	Moser	

Voting in the negative, 0.

Present and not voting, 8:

Bostar	Erdman	McKinney	Wayne
Brewer	Hunt	von Gillern	Wishart

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1396:

Nebraska Brand Committee
Christopher J. Gentry

Voting in the affirmative, 36:

Albrecht	Clements	Halloran	Linehan	Sanders
Arch	Conrad	Hansen	Lippincott	Slama
Armendariz	Day	Hardin	Lowe	Vargas
Ballard	DeBoer	Holdcroft	McDonnell	Walz
Blood	DeKay	Hughes	Meyer	
Bosn	Dorn	Ibach	Moser	
Bostelman	Dover	Jacobson	Murman	
Brandt	Dungan	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, J.	Erdman	McKinney	Wayne
Brewer	Cavanaugh, M.	Hunt	von Gillern	Wishart

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1396:

Beginning Farmer Board
Britt D. Anderson
Bradley D. Lubben
Lisa A. Lunz
Wade E. Thornburg
John E. Walvoord

Voting in the affirmative, 36:

Albrecht	Cavanaugh, J.	Hansen	Lippincott	Slama
Arch	Clements	Hardin	Lowe	Vargas
Armendariz	Day	Holdcroft	McDonnell	von Gillern
Ballard	DeBoer	Hughes	Meyer	Walz
Blood	DeKay	Ibach	Moser	
Bosn	Dorn	Jacobson	Murman	
Bostelman	Dover	Kauth	Riepe	
Brandt	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, M.	Dungan	Hunt	Wayne
Brewer	Conrad	Erdman	McKinney	Wishart

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointments were confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1427:

Coordinating Commission for Postsecondary Education

Timothy Daniels
Deborah Frison
LeDonna Griffin
Dennis Headrick
Dannika L. Nelson

Voting in the affirmative, 31:

Albrecht	Clements	Holdcroft	McDonnell	Vargas
Arch	DeBoer	Hughes	Meyer	von Gillern
Armendariz	DeKay	Ibach	Moser	Walz
Ballard	Dorn	Jacobson	Murman	
Blood	Dover	Kauth	Riepe	
Bosn	Erdman	Lippincott	Sanders	
Bostelman	Hardin	Lowe	Slama	

Voting in the negative, 0.

Present and not voting, 15:

Bostar	Cavanaugh, J.	Day	Hansen	McKinney
Brandt	Cavanaugh, M.	Dungan	Hunt	Wayne
Brewer	Conrad	Halloran	Linehan	Wishart

Excused and not voting, 3:

Aguilar	Fredrickson	Raybould
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The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1428:

Board of Educational Lands and Funds
 Jon W. Abegglen
 Dwayne B. Probyn

Senator Erdman requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1428:

Board of Educational Lands and Funds
 Jon W. Abegglen

Voting in the affirmative, 32:

Albrecht	Clements	Hansen	Lippincott	Sanders
Arch	Conrad	Hardin	Lowe	Vargas
Armendariz	DeBoer	Holdercroft	McDonnell	von Gillern
Ballard	DeKay	Hughes	Meyer	Walz
Blood	Dorn	Ibach	Moser	
Bosn	Dover	Jacobson	Murman	
Bostelman	Erdman	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 13:

Bostar	Cavanaugh, J.	Dungan	Linehan	Wishart
Brandt	Cavanaugh, M.	Halloran	McKinney	
Brewer	Day	Hunt	Wayne	

Excused and not voting, 4:

Aguilar Fredrickson Raybould Slama

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The second division is as follows:

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1428:

Board of Educational Lands and Funds

Dwayne B. Probyn

Voting in the affirmative, 26:

Albrecht	Bostelman	Dover	McDonnell	von Gillern
Arch	Brandt	Hansen	Meyer	Walz
Armendariz	Conrad	Ibach	Moser	
Ballard	DeBoer	Jacobson	Murman	
Blood	DeKay	Kauth	Sanders	
Bosn	Dorn	Linehan	Vargas	

Voting in the negative, 4:

Clements Erdman Halloran Lippincott

Present and not voting, 15:

Bostar	Cavanaugh, M.	Hardin	Hunt	Riepe
Brewer	Day	Holdercroft	Lowe	Wayne
Cavanaugh, J.	Dungan	Hughes	McKinney	Wishart

Excused and not voting, 4:

Aguilar Fredrickson Raybould Slama

The appointment was confirmed with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1428:

Nebraska Educational Telecommunications Commission

Dorothy C. Anderson

Voting in the affirmative, 34:

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

Voting in the negative, 0.

Present and not voting, 11:

Bostar	Cavanaugh, M.	Hardin	Wayne
Brewer	Day	Hunt	Wishart
Cavanaugh, J.	Dungan	McKinney	

Excused and not voting, 4:

Aguilar	Fredrickson	Raybould	Slama
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Murman moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1428:

Technical Advisory Committee for Statewide Assessment
Christy Hovanetz

Voting in the affirmative, 34:

Albrecht	Brandt	Dover	Kauth	Murman
Arch	Cavanaugh, J.	Erdman	Linehan	Riepe
Armendariz	Clements	Halloran	Lippincott	Sanders
Ballard	Conrad	Hansen	Lowe	Vargas
Blood	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Meyer	Walz
Bostelman	Dorn	Jacobson	Moser	

Voting in the negative, 0.

Present and not voting, 11:

Bostar	Day	Hunt	Wayne
Brewer	Dungan	Ibach	Wishart
Cavanaugh, M.	Hardin	McKinney	

Excused and not voting, 4:

Aguilar Fredrickson Raybould Slama

The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1428:

Nebraska Commission on Problem Gambling
Dan Volnek

Voting in the affirmative, 35:

Albrecht	Brandt	Dover	Ibach	Meyer
Arch	Cavanaugh, J.	Erdman	Jacobson	Moser
Armendariz	Clements	Halloran	Kauth	Murman
Ballard	Conrad	Hansen	Linehan	Riepe
Blood	DeBoer	Hardin	Lippincott	Sanders
Bosn	DeKay	Holdcroft	Lowe	Vargas
Bostelman	Dorn	Hughes	McDonnell	von Gillern

Voting in the negative, 0.

Present and not voting, 9:

Bostar	Cavanaugh, M.	Dungan	McKinney	Wishart
Brewer	Day	Hunt	Wayne	

Excused and not voting, 5:

Aguilar Fredrickson Raybould Slama Walz

The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1429:

Nebraska Commission on Problem Gambling
Paul Leckband

Voting in the affirmative, 30:

Albrecht	Brandt	Dover	Jacobson	Moser
Arch	Cavanaugh, J.	Halloran	Kauth	Murman
Armendariz	Clements	Hansen	Lippincott	Riepe
Ballard	Conrad	Hardin	Lowe	Sanders
Bosn	DeKay	Holdcroft	McDonnell	Vargas
Bostelman	Dorn	Hughes	Meyer	von Gillern

Voting in the negative, 0.

Present and not voting, 13:

Bostar	Day	Erdman	Linehan	Wishart
Brewer	DeBoer	Hunt	McKinney	
Cavanaugh, M.	Dungan	Ibach	Wayne	

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1428:

Nebraska Commission on Problem Gambling
Todd Zohner

Voting in the affirmative, 33:

Albrecht	Cavanaugh, J.	Erdman	Kauth	Murman
Arch	Clements	Halloran	Linehan	Riepe
Armendariz	Conrad	Hansen	Lippincott	Sanders
Ballard	DeBoer	Hardin	Lowe	Vargas
Bosn	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	Meyer	
Brandt	Dover	Jacobson	Moser	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, M.	Dungan	Ibach	Wayne
Brewer	Day	Hunt	McKinney	Wishart

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1429:

State Electrical Board
Stephen M. Farrington

Voting in the affirmative, 32:

Albrecht	Cavanaugh, J.	Halloran	Linehan	Riepe
Arch	Clements	Hansen	Lippincott	Sanders
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	Dorn	Hughes	Meyer	
Bostelman	Dover	Jacobson	Moser	
Brandt	Erdman	Kauth	Murman	

Voting in the negative, 0.

Present and not voting, 11:

Bostar	Day	Hunt	Wayne
Brewer	DeKay	Ibach	Wishart
Cavanaugh, M.	Dungan	McKinney	

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Lowe moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1429:

State Racing and Gaming Commission
Helen Abbott Feller

Voting in the affirmative, 32:

Albrecht	Cavanaugh, J.	Halloran	Linehan	Riepe
Arch	Clements	Hansen	Lippincott	Sanders
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Meyer	
Bostelman	Dorn	Jacobson	Moser	
Brandt	Dover	Kauth	Murman	

Voting in the negative, 0.

Present and not voting, 11:

Bostar	Day	Hunt	Wayne
Brewer	Dungan	Ibach	Wishart
Cavanaugh, M.	Erdman	McKinney	

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator McDonnell moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1439:

Public Employees Retirement Board
Janis Elliott

Voting in the affirmative, 31:

Albrecht	Cavanaugh, J.	Halloran	Lippincott	Sanders
Arch	Clements	Hansen	Lowe	Vargas
Armendariz	Conrad	Hardin	McDonnell	von Gillern
Ballard	DeKay	Holdcroft	Meyer	
Bosn	Dorn	Jacobson	Moser	
Bostelman	Dover	Kauth	Murman	
Brandt	Erdman	Linehan	Riepe	

Voting in the negative, 0.

Present and not voting, 12:

Bostar	Day	Hughes	McKinney
Brewer	DeBoer	Hunt	Wayne
Cavanaugh, M.	Dungan	Ibach	Wishart

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1468:

Nebraska Natural Resources Commission

Larry Mohrman
John Shadle

Voting in the affirmative, 33:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Murman
Arch	Clements	Halloran	Kauth	Riepe
Armendariz	Conrad	Hansen	Lippincott	Sanders
Ballard	DeBoer	Hardin	Lowe	Vargas
Bosn	DeKay	Holdcroft	McDonnell	von Gillern
Bostelman	Dorn	Hughes	Meyer	
Brandt	Dover	Ibach	Moser	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Cavanaugh, M.	Dungan	Linehan	Wayne
Brewer	Day	Hunt	McKinney	Wishart

Excused and not voting, 6:

Aguilar	Fredrickson	Slama
Blood	Raybould	Walz

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1468:

Environmental Quality Council
Jill Becker
Brad Bird
Kurt Bogner
Seth B. Harder
Lisa A. Lunz
Lynn Mayhew
Marty Stange
James E. Theiler
Allison Willis

Voting in the affirmative, 33:

Albrecht	Cavanaugh, J.	Halloran	Kauth	Murman
Arch	Clements	Hansen	Linehan	Riepe
Armendariz	Conrad	Hardin	Lippincott	Sanders
Ballard	DeBoer	Holdcroft	Lowe	Vargas
Bosn	DeKay	Hughes	McDonnell	von Gillern
Bostelman	Dorn	Ibach	Meyer	
Brandt	Dover	Jacobson	Moser	

Voting in the negative, 0.

Present and not voting, 8:

Bostar	Day	Erdman	McKinney
Cavanaugh, M.	Dungan	Hunt	Wayne

Excused and not voting, 8:

Aguilar	Brewer	Raybould	Walz
Blood	Fredrickson	Slama	Wishart

The appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1543:

Health Information Technology Board
Matt Ahern

Voting in the affirmative, 32:

Albrecht	Clements	Hansen	Linehan	Riepe
Arch	Conrad	Hardin	Lippincott	Sanders
Armendariz	DeBoer	Holdcroft	Lowe	Vargas
Bosn	DeKay	Hughes	McDonnell	von Gillern
Bostelman	Dorn	Ibach	Meyer	
Brandt	Dover	Jacobson	Moser	
Cavanaugh, J.	Halloran	Kauth	Murman	

Voting in the negative, 0.

Present and not voting, 9:

Ballard	Cavanaugh, M.	Dungan	Hunt	Wayne
Bostar	Day	Erdman	McKinney	

Excused and not voting, 8:

Aguilar	Brewer	Raybould	Walz
Blood	Fredrickson	Slama	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1545:

State Board of Health
 Brett Lindau
 Connie Lynn Petersen
 Jeffrey Wienke, Jr.

Voting in the affirmative, 32:

Albrecht	Cavanaugh, J.	Hansen	Linehan	Riepe
Arch	Clements	Hardin	Lippincott	Sanders
Armandariz	Conrad	Holdcroft	Lowe	Vargas
Ballard	DeBoer	Hughes	McDonnell	von Gillern
Bosn	DeKay	Ibach	Meyer	
Bostelman	Dorn	Jacobson	Moser	
Brandt	Dover	Kauth	Murman	

Voting in the negative, 0.

Present and not voting, 9:

Bostar	Day	Erdman	Hunt	Wayne
Cavanaugh, M.	Dungan	Halloran	McKinney	

Excused and not voting, 8:

Aguilar	Brewer	Raybould	Walz
Blood	Fredrickson	Slama	Wishart

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1561:

Board of Public Roads Classifications and Standards
 Roger Figard
 Russell L. Kreachbaum, Jr.
 Steven Rames

Voting in the affirmative, 31:

Albrecht	Cavanaugh, J.	Hansen	Lippincott	Sanders
Arch	Clements	Hardin	Lowe	Vargas
Armendariz	Conrad	Holdcroft	McDonnell	von Gillern
Ballard	DeKay	Hughes	Meyer	
Bosn	Dorn	Ibach	Moser	
Bostelman	Dover	Kauth	Murman	
Brandt	Erdman	Linehan	Riepe	

Voting in the negative, 0.

Present and not voting, 10:

Bostar	Day	Dungan	Hunt	McKinney
Cavanaugh, M.	DeBoer	Halloran	Jacobson	Wayne

Excused and not voting, 8:

Aguilar	Brewer	Raybould	Walz
Blood	Fredrickson	Slama	Wishart

The appointments were confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

EASE

The Legislature was at ease from 10:41 p.m. until 11:31 p.m.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 25. Placed on Final Reading.

LEGISLATIVE BILL 126. Placed on Final Reading.

[ST80](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-1613.02, 77-3501, 77-3506.03, 77-3511, 77-3521, and 77-3529, Reissue Revised Statutes of Nebraska, sections 77-3517 and 77-3523, Revised Statutes Cumulative Supplement, 2022, and sections 77-3522 and 77-4212, Revised Statutes Supplement, 2023; to change provisions relating to property assessment and tax rolls; to define a term; to change provisions relating to homestead exemptions; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

2. Changes have been made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 126A. Placed on Final Reading.

LEGISLATIVE BILL 388. Placed on Final Reading.

[ST82](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sales" in line 1 through line 4 and all amendments thereto have been struck and "revenue and taxation; to amend sections 13-518, 13-519,

13-2817, 29-3933, 72-2305, 72-2306, 77-2704.24, and 77-27,142, Reissue Revised Statutes of Nebraska, sections 77-382, 77-1776, 77-2602, 77-2701.16, 77-27,144, 77-3446, 77-4602, and 81-12,193, Revised Statutes Cumulative Supplement, 2022, and sections 77-1632, 77-1633, 77-1701, 77-2701, 77-2701.02, 77-2701.04, 77-2715.07, 77-4008, 77-6702, 77-6703, 79-3403, and 79-3406, Revised Statutes Supplement, 2023; to adopt the Property Tax Growth Limitation Act, the Advertising Services Tax Act, and the Property Tax Relief Act; to change provisions relating to budget limitations, the Property Tax Request Act, and tax statements; to change the rate and distribution of the cigarette tax; to change provisions relating to the sales tax rate; to impose sales tax on certain services; to define a term; to eliminate certain sales tax exemptions; to change the earned income tax credit; to change provisions relating to the base limitation, a tax on electronic nicotine delivery systems, certain transfers of excess General Fund receipts, the Nebraska Property Tax Incentive Act, and the School District Property Tax Limitation Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 77-2704.38, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

2. Changes were made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 388A. Placed on Final Reading.

LEGISLATIVE BILL 937. Placed on Final Reading.

LEGISLATIVE BILL 937A. Placed on Final Reading.

LEGISLATIVE BILL 1023. Placed on Final Reading.

[ST81](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-2733 and 86-704, Reissue Revised Statutes of Nebraska, sections 77-908, 77-3806, 77-6831, and 81-523, Revised Statutes Cumulative Supplement, 2022, and sections 77-2701, 77-2715.07, 77-2716, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2023; to adopt the Relocation Incentive Act; to provide for adjustments to federal adjusted gross income for nonresidents and for certain businesses for research or experimental expenditures and the cost of certain property; to change provisions relating to the taxation of nonresident income; to provide for additional incentives under the Imagine Nebraska Act; to change the occupation tax relating to telecommunications services; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections." inserted.

2. Changes have been made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 1023A. Placed on Final Reading.

LEGISLATIVE BILL 1317. Placed on Final Reading.

[ST79](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes have been made as necessary to incorporate all adopted amendments.

LEGISLATIVE BILL 1317A. Placed on Final Reading.

LEGISLATIVE BILL 1363. Placed on Final Reading.

[ST83](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendment, ER133, on page 10, lines 13 and 19, "and 77-1327" has been struck and "77-1327, and 77-2018" inserted; in lines 15 and 20 "81-12,114," has been struck; in line 24 "the Innovation Hub Cash Fund," has been struck; and in line 26 "and provide for refunds" has been inserted after "rates".

LEGISLATIVE BILL 1363A. Placed on Final Reading.

LEGISLATIVE BILL 1402. Placed on Final Reading.

LEGISLATIVE BILL 1402A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

AMENDMENT(S) - Print in Journal

Senator DeBoer filed the following amendment to LB1402:
[AM3476](#)

(Amendments to AM3431)

- 1 1. On page 1, line 10, strike "Privately operated elementary" and
2 insert "Elementary"; and in line 16 strike "privately operated".
- 3 2. On page 2, line 21, strike "nongovernmental, privately operated";
4 and in line 26 strike "privately operated".

Senator DeBoer filed the following amendment to LB1402:
[AM3459](#)

(Amendments to AM3431)

- 1 1. On page 2, line 27, strike "or approval".

VISITOR(S)

Visitors to the Chamber were Jon, Canyon, and Noah Day, Omaha; Julie Jacobson, North Platte; Chris Walz, Fremont; Dean Dennhardt.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 11:33 p.m., on a motion by Senator Bostar, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2024.

Brandon Metzler
Clerk of the Legislature