

**SEVENTEENTH DAY - JANUARY 26, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 26, 2024

**PRAYER**

The prayer was offered by Jesse Randolph, Indian Hills Community Church, Lincoln.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Ibach.

**ROLL CALL**

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

The roll was called and all members were present except Senators Armendariz and McKinney who were excused; and Senators Bosn, M. Cavanaugh, Conrad, DeBoer, Dover, Dungan, Hansen, Hughes, Slama, Walz, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Hung, Ellen - State Investment Officer - Nebraska Investment Council -  
Nebraska Retirement Systems

(Signed) Raymond Aguilar, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 52A.** Placed on Select File with amendment.[ER38](#)

- 1 1. On page 1, strike beginning with "First" in line 3 through
- 2 "emergency" in line 4 and insert "Second Session, 2024".

**LEGISLATIVE BILL 140A.** Placed on Select File with amendment.[ER40](#)

- 1 1. On page 1, line 3, strike "First Session, 2023" and insert
- 2 "Second Session, 2024".

(Signed) Beau Ballard, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Raybould - LB20

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 25, 2024, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler  
Clerk of the Legislature

Abboud, Chris - Public Affairs Group  
American Healthy Alternatives Association  
Ficke, Melissa  
Cicero Action  
Hettle, Arlo  
Nebraska Civic Engagement Table  
Hoppe, Rodney  
Students for Life Action  
Houghton Bradford Whitted PC, LLO  
Nebraska Elite Volleyball  
Jensen Rogert Associates, Inc.  
Burt County Economic Development Corp.  
GEVO  
Johnson, Kevin  
Amgen  
Kissel Kohout ES Associates, LLC  
Copart  
Lucariello, Katelin  
Pharmaceutical Research and Manufacturers of America

Mueller Robak  
Lincoln Children's Zoo  
Nebraska Strategies  
Leaf Kratom Coalition  
National Shooting Sports Foundation, Inc.  
O'Hara Lindsay & Associates, Inc.  
Prospect Hill Cemetery and Arboretum  
Owen, Anthony  
Code.org  
Peetz & Company  
Lewis & Clark Natural Resources District  
Phillips, William  
American Federation for Children  
Pipes, Karen  
Bank of America Corporation  
Schmeling, Richard L  
ProRail Nebraska, Inc.  
Vankat, Hannah  
Smart Gen Society

### REPORTS

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

### GENERAL FILE

**LEGISLATIVE BILL 541.** Title read. Considered.

Committee [AM1062](#), found on page 317, was offered.

Senator Raybould offered the following motion:

[MO1177](#)

Recommit to the Government, Military, and Veterans Affairs Committee.

The Raybould motion to recommit to committee failed with 15 ayes, 28 nays, 4 present and not voting, and 2 excused and not voting.

Senator Lowe moved for a call of the house. The motion prevailed with 36 ayes, 4 nays, and 9 not voting.

The committee amendment was adopted with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 288.** Introduced by Albrecht, 17.

WHEREAS, James "Louis" LaRose, also known as Xatap Horaje ga or "Travels in Bush," was a member and advocate for the Winnebago Tribe of Nebraska and the Bear Clan; and

WHEREAS, Louis was born in Winnebago, Nebraska, on January 25, 1942, graduated from Winnebago High School in 1960, and graduated with a bachelor's degree in education from Bethel College in 1968; and

WHEREAS, Louis was elected to the Winnebago Tribal Council at age 26 and became Tribal Chairman at age 28; and

WHEREAS, with Louis' help, the Tribe successfully challenged the seizure of land from the Winnebago Reservation in Nebraska and Iowa by the Army Corps of Engineers for a proposed recreation project in a case that ultimately went to the United States Supreme Court; and

WHEREAS, Louis worked on the federal Winnebago Land Transfer Act of 2023 to return the seized land to the Tribe and worked on bills in the Legislature related to the repatriation of Native remains and burial goods and the retroceding of state Public Law 280 jurisdiction over the Winnebago Reservation; and

WHEREAS, Louis established the Tribal Bison Program and served as Chairman of the Intertribal Bison Cooperative, now known as the Intertribal Buffalo Council; and

WHEREAS, Louis assisted with the establishment of and served as president of the Nebraska Indian Community College, now known as Little Priest Tribal College, on the Winnebago and Omaha reservations; and

WHEREAS, Louis was a founding member and served as Vice-Chairman of the American Indian Higher Education Consortium, which advocates for tribal colleges; and

WHEREAS, in 2013, Louis received the Chief Standing Bear Humanitarian Award from the Commission on Indian Affairs; and

WHEREAS, when he was not working to reclaim tribal land, bring back bison to the reservation, or advance educational opportunities, Louis spent his time with his family, attended his children and grandchildren's games and events, hunted, grilled, gardened, read, watched the news and sports, solved crossword puzzles, and did presentations on the bison; and

WHEREAS, Louis passed away on November 7, 2023, and will be sorely missed by his family and friends, the Winnebago Tribe, and all those he helped with his advocacy.

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

1. That the Legislature recognizes the advocacy and dedication of Louis LaRose to his tribe and community.
2. That the Legislature offers its condolences to Louis LaRose's family and friends and the Winnebago Tribe.
3. That a copy of this resolution be sent to the family of Louis LaRose and the Winnebago Tribe.

Laid over.

**LEGISLATIVE RESOLUTION 289.** Introduced by Albrecht, 17.

WHEREAS, Jacob Gill, a member of South Sioux City Boy Scout Troop 149, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for his community service project, Jacob built flag retirement boxes for four local organizations of South Sioux City: First Lutheran Church of South Sioux City, American Legion Post 307, Omadi Masonic Lodge, and Siouxland Freedom Park Interpretive Center; and

WHEREAS, Jacob hosted a flag retirement ceremony at Siouxland Freedom Park on July 15, 2023, to close out his project; and

WHEREAS, Jacob collected and retired nearly four hundred American flags with the aid of Boy Scout Troop 149, American Legion Post 307, fundraisers, and donations; and

WHEREAS, Jacob received his Eagle Scout Badge on December 3, 2023; and

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Gill on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Gill and Boy Scout Troop 149 of South Sioux City.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Linehan filed the following amendment to [LB861](#):

[AM2194](#)

- 1 1. On page 2, line 10, after the period insert "The Secretary of
- 2 State, election commissioner, or county clerk shall verify the signature
- 3 in the letter with the signature appearing in the voter registration
- 4 records.".

Senator Hughes filed the following amendment to [LB875](#):

[AM2205](#)

- 1 1. On page 2, line 10, after "beer" insert "within six months of the
- 2 invoice date".

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary  
Room 1113 1:30 PM

Friday, February 2, 2024  
LB1366  
LB1267  
LB1192  
LB1292  
LB1265

(Signed) Justin Wayne, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 307.** Title read. Considered.

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

[MO480](#), found on page 946, First Session, 2023, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

[MO481](#), found on page 946, First Session, 2023, to recommit to committee.

[MO482](#), found on page 946, First Session, 2023, to bracket.

[MO483](#), found on page 946, First Session, 2023, to indefinitely postpone.

[MO484](#), found on page 946, First Session, 2023, to recommit to committee.

[MO485](#), found on page 946, First Session, 2023, to bracket.

[MO486](#), found on page 946, First Session, 2023, to recommit to committee.

No objections. So ordered.

Committee [AM381](#), found on page 639, First Session, 2023, was offered.

The committee amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 461.** Placed on Select File with amendment.

[ER39](#) is available in the Bill Room.

**LEGISLATIVE BILL 16.** Placed on Select File with amendment.[ER43](#)

1 1. On page 1, line 6, strike "a term" and insert "and redefine  
 2 terms"; in line 11 strike "occupational licensure, government  
 3 certification" and insert "a credential"; and in line 14 strike "from  
 4 denial of a license".

**LEGISLATIVE BILL 78.** Placed on Select File.**LEGISLATIVE BILL 308.** Placed on Select File with amendment.[ER42](#)

1 1. On page 2, line 1, strike "through 4" and insert "to 4 of this  
 2 act".  
 3 2. On page 4, line 7, strike "(b)(i)" and insert "(1)(b)(i)".

**LEGISLATIVE BILL 664.** Placed on Select File.**LEGISLATIVE BILL 43.** Placed on Select File with amendment.[ER44](#)

1 1. On page 1, strike beginning with "the" in line 1 through line 6  
 2 and insert "government; to amend sections 84-712, 84-712.01, and  
 3 84-712.07, Reissue Revised Statutes of Nebraska, and sections 84-712.03,  
 4 84-712.05, and 84-920, Revised Statutes Cumulative Supplement, 2022; to  
 5 adopt the First Freedom Act; to authorize wearing of tribal regalia by  
 6 students as prescribed; to change public records provisions relating to  
 7 residents, nonresidents, fees, duties, and remedies; to allow certain  
 8 records relating to cybersecurity to be withheld from the public as  
 9 prescribed; to provide a duty for the Nebraska Information Technology  
 10 Commission; to require hearing officers and courts to interpret statutes  
 11 and rules and regulations de novo on the record and in a manner to limit  
 12 agency power and maximize individual liberty; to prohibit state agencies  
 13 from imposing annual filing and reporting requirements on charitable  
 14 organizations as prescribed; to state intent; to adopt the Personal  
 15 Privacy Protection Act; to define terms; to harmonize provisions; to  
 16 provide operative dates; to provide severability; to repeal the original  
 17 sections; and to declare an emergency."

**LEGISLATIVE BILL 600.** Placed on Select File with amendment.[ER41](#)

1 1. In the Standing Committee amendments, AM2145, strike sections 9  
 2 and 10 and insert the following new sections:  
 3 Sec. 9. Section 84-612, Revised Statutes Supplement, 2023, is  
 4 amended to read:  
 5 84-612 (1) There is hereby created within the state treasury a fund  
 6 known as the Cash Reserve Fund which shall be under the direction of the  
 7 State Treasurer. The fund shall only be used pursuant to this section.  
 8 (2) The State Treasurer shall transfer funds from the Cash Reserve  
 9 Fund to the General Fund upon certification by the Director of  
 10 Administrative Services that the current cash balance in the General Fund  
 11 is inadequate to meet current obligations. Such certification shall  
 12 include the dollar amount to be transferred. Any transfers made pursuant  
 13 to this subsection shall be reversed upon notification by the Director of  
 14 Administrative Services that sufficient funds are available.  
 15 (3) In addition to receiving transfers from other funds, the Cash  
 16 Reserve Fund shall receive federal funds received by the State of

17 Nebraska for undesignated general government purposes, federal revenue  
18 sharing, or general fiscal relief of the state.

19 (4) The State Treasurer shall transfer two million dollars from the  
20 Governor's Emergency Cash Fund to the Cash Reserve Fund on or before June  
21 30, 2024, on such dates and in such amounts as directed by the budget  
22 administrator of the budget division of the Department of Administrative  
23 Services.

24 (5) The State Treasurer shall transfer two hundred sixteen million  
25 one hundred twenty thousand dollars from the Cash Reserve Fund to the  
26 Nebraska Capital Construction Fund on or after July 1, 2022, but before  
27 June 15, 2023, on such dates and in such amounts as directed by the  
1 budget administrator of the budget division of the Department of  
2 Administrative Services.

3 (6) The State Treasurer shall transfer one hundred eighty-two  
4 million six hundred twenty-three thousand eight hundred twenty-five  
5 dollars from the Cash Reserve Fund to the Nebraska Capital Construction  
6 Fund on or after July 1, 2023, but before June 30, 2024, on such dates  
7 and in such amounts as directed by the budget administrator of the budget  
8 division of the Department of Administrative Services.

9 (7) The State Treasurer shall transfer fifty-three million five  
10 hundred thousand dollars from the Cash Reserve Fund to the Perkins County  
11 Canal Project Fund on or before June 30, 2023, on such dates and in such  
12 amounts as directed by the budget administrator of the budget division of  
13 the Department of Administrative Services.

14 (8) No funds shall be transferred from the Cash Reserve Fund to  
15 fulfill the obligations created under the Nebraska Property Tax Incentive  
16 Act unless the balance in the Cash Reserve Fund after such transfer will  
17 be at least equal to five hundred million dollars.

18 (9) The State Treasurer shall transfer thirty million dollars from  
19 the Cash Reserve Fund to the Military Base Development and Support Fund  
20 on or before June 30, 2023, but not before July 1, 2022, on such dates  
21 and in such amounts as directed by the budget administrator of the budget  
22 division of the Department of Administrative Services.

23 (10) The State Treasurer shall transfer eight million three hundred  
24 thousand dollars from the Cash Reserve Fund to the Trail Development and  
25 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on  
26 such dates and in such amounts as directed by the budget administrator of  
27 the budget division of the Department of Administrative Services.

28 (11) The State Treasurer shall transfer fifty million dollars from  
29 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after  
30 July 1, 2022, but before July 15, 2023, on such dates and in such amounts  
31 as directed by the budget administrator of the budget division of the  
1 Department of Administrative Services.

2 (12) The State Treasurer shall transfer thirty million dollars from  
3 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on  
4 or after July 1, 2022, but before July 15, 2023, on such dates and in  
5 such amounts as directed by the budget administrator of the budget  
6 division of the Department of Administrative Services.

7 (13) The State Treasurer shall transfer twenty million dollars from  
8 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July  
9 1, 2022, but before June 15, 2023, on such dates and in such amounts as  
10 directed by the budget administrator of the budget division of the  
11 Department of Administrative Services.

12 (14) The State Treasurer shall transfer twenty million dollars from  
13 the Cash Reserve Fund to the Middle Income Workforce Housing Investment  
14 Fund on July 15, 2022, or as soon thereafter as administratively  
15 possible, and in such amounts as directed by the budget administrator of  
16 the budget division of the Department of Administrative Services.

17 (15) The State Treasurer shall transfer eighty million dollars from  
18 the Cash Reserve Fund to the Jobs and Economic Development Initiative



19 Fund on or after July 1, 2022, but before July 15, 2023, on such dates  
20 and in such amounts as directed by the budget administrator of the budget  
21 division of the Department of Administrative Services.

22 (16) The State Treasurer shall transfer twenty million dollars from  
23 the Cash Reserve Fund to the Site and Building Development Fund on July  
24 15, 2022, or as soon thereafter as administratively possible, and in such  
25 amounts as directed by the budget administrator of the budget division of  
26 the Department of Administrative Services.

27 (17) The State Treasurer shall transfer fifty million dollars from  
28 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund  
29 on or after July 15, 2022, but before January 1, 2023, on such dates and  
30 in such amounts as directed by the budget administrator of the budget  
31 division of the Department of Administrative Services.

1 (18) The State Treasurer shall transfer fifteen million dollars from  
2 the Cash Reserve Fund to the Site and Building Development Fund on or  
3 before June 30, 2022, on such dates and in such amounts as directed by  
4 the budget administrator of the budget division of the Department of  
5 Administrative Services.

6 (19) The State Treasurer shall transfer fifty-five million dollars  
7 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on  
8 or before June 30, 2022, on such dates and in such amounts as directed by  
9 the budget administrator of the budget division of the Department of  
10 Administrative Services.

11 (20) The State Treasurer shall transfer ten million dollars from the  
12 Cash Reserve Fund to the School Safety and Security Fund as soon as  
13 administratively possible after September 2, 2023, on such dates and in  
14 such amounts as directed by the budget administrator of the budget  
15 division of the Department of Administrative Services.

16 (21) The State Treasurer shall transfer ten million dollars from the  
17 Cash Reserve Fund to the General Fund as soon as administratively  
18 possible after June 7, 2023, on such dates and in such amounts as  
19 directed by the budget administrator of the budget division of the  
20 Department of Administrative Services.

21 (22) The State Treasurer shall transfer one million dollars from the  
22 Cash Reserve Fund to the Revitalize Rural Nebraska Fund as soon as  
23 administratively possible after June 7, 2023, on such dates and in such  
24 amounts as directed by the budget administrator of the budget division of  
25 the Department of Administrative Services.

26 (23) The State Treasurer shall transfer three million dollars from  
27 the Cash Reserve Fund to the Risk Loss Trust on or before June 30, 2024,  
28 on such dates and in such amounts as directed by the budget administrator  
29 of the budget division of the Department of Administrative Services.

30 (24) The State Treasurer shall transfer eleven million three hundred  
31 twenty thousand dollars from the Cash Reserve Fund to the Health and  
1 Human Services Cash Fund on or after July 1, 2023, but on or before June  
2 30, 2024, on such dates and in such amounts as directed by the budget  
3 administrator of the budget division of the Department of Administrative  
4 Services.

5 (25) The State Treasurer shall transfer five hundred seventy-four  
6 million five hundred thousand dollars from the Cash Reserve Fund to the  
7 Perkins County Canal Project Fund on or before June 30, 2024, on such  
8 dates and in such amounts as directed by the budget administrator of the  
9 budget division of the Department of Administrative Services.

10 (26) The State Treasurer shall transfer one million four hundred  
11 thousand dollars from the Cash Reserve Fund to the State Building  
12 Revolving Fund on or before July 10, 2023, on such dates and in such  
13 amounts as directed by the budget administrator of the budget division of  
14 the Department of Administrative Services.

15 (27) The State Treasurer shall transfer one million one hundred  
16 thousand dollars from the Cash Reserve Fund to the Accounting Division

17 Revolving Fund on or before July 10, 2023, on such dates and in such  
18 amounts as directed by the budget administrator of the budget division of  
19 the Department of Administrative Services.

20 (28) The State Treasurer shall transfer one million one hundred  
21 fifteen thousand dollars from the Cash Reserve Fund to the Public Safety  
22 Cash Fund on or after July 1, 2023, but before June 30, 2024, on such  
23 dates and in such amounts as directed by the budget administrator of the  
24 budget division of the Department of Administrative Services.

25 (29) The State Treasurer shall transfer one hundred million dollars  
26 from the Cash Reserve Fund to the Roads Operations Cash Fund before June  
27 30, 2023, on such dates and in such amounts as directed by the budget  
28 administrator of the budget division of the Department of Administrative  
29 Services.

30 (30) The State Treasurer shall transfer eighteen million seven  
31 hundred fifty thousand dollars from the Cash Reserve Fund to the State  
1 Self-Insured Indemnification Fund before June 30, 2023, on such dates and  
2 in such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 (31) The State Treasurer shall transfer five million dollars from  
5 the Cash Reserve Fund to the Nebraska Public Safety Communication System  
6 Revolving Fund on or after July 1, 2023, but before June 30, 2024, on  
7 such dates and in such amounts as directed by the budget administrator of  
8 the budget division of the Department of Administrative Services.

9 (32) The State Treasurer shall transfer seventy million dollars from  
10 the Cash Reserve Fund to the Shovel-Ready Capital Recovery and Investment  
11 Fund on or after July 1, 2023, but before June 30, 2024, on such dates  
12 and in such amounts as directed by the budget administrator of the budget  
13 division of the Department of Administrative Services.

14 (33) The State Treasurer shall transfer two million dollars from the  
15 Cash Reserve Fund to the Site and Building Development Fund on or after  
16 July 1, 2023, but before June 30, 2024, on such dates and in such amounts  
17 as directed by the budget administrator of the budget division of the  
18 Department of Administrative Services.

19 (34) The State Treasurer shall transfer twenty million dollars from  
20 the Cash Reserve Fund to the Economic Development Cash Fund on or after  
21 July 1, 2023, but before June 30, 2024, on such dates and in such amounts  
22 as directed by the budget administrator of the budget division of the  
23 Department of Administrative Services.

24 (35) The State Treasurer shall transfer zero dollars from the Cash  
25 Reserve Fund to the Rural Workforce Housing Investment Fund on or after  
26 July 1, 2023, but before June 30, 2024, on such dates and in such amounts  
27 as directed by the budget administrator of the budget division of the  
28 Department of Administrative Services.

29 (36) The State Treasurer shall transfer zero dollars from the Cash  
30 Reserve Fund to the Middle Income Workforce Housing Investment Fund on or  
31 after July 1, 2023, but before June 30, 2024, on such dates and in such  
1 amounts as directed by the budget administrator of the budget division of  
2 the Department of Administrative Services.

3 (37) The State Treasurer shall transfer two hundred forty million  
4 dollars from the Cash Reserve Fund to the Economic Recovery Contingency  
5 Fund on or after July 1, 2023, but before June 30, 2024, on such dates  
6 and in such amounts as directed by the budget administrator of the budget  
7 division of the Department of Administrative Services.

8 (38) The State Treasurer shall transfer ten million dollars from the  
9 Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund on  
10 or after July 1, 2023, but before June 30, 2024, on such dates and in  
11 such amounts as directed by the budget administrator of the budget  
12 division of the Department of Administrative Services.

13 (39) The State Treasurer shall transfer four hundred forty million  
14 dollars from the General Fund to the Cash Reserve Fund on or after July

15 1, 2023, but before June 30, 2024, on such dates and in such amounts as  
 16 directed by the budget administrator of the budget division of the  
 17 Department of Administrative Services.  
 18 (40) The State Treasurer shall transfer zero dollars from the Cash  
 19 Reserve Fund to the Site and Building Development Fund on or after July  
 20 1, 2024, but before June 30, 2025, on such dates and in such amounts as  
 21 directed by the budget administrator of the budget division of the  
 22 Department of Administrative Services.  
 23 (41) The State Treasurer shall transfer one million dollars from the  
 24 Cash Reserve Fund to the General Fund on or after July 1, 2024, but  
 25 before June 30, 2025, on such dates and in such amounts as directed by  
 26 the budget administrator of the budget division of the Department of  
 27 Administrative Services.  
 28 (42) The State Treasurer shall transfer twenty-five million four  
 29 hundred fifty-eight thousand eight hundred dollars from the Cash Reserve  
 30 Fund to the Nebraska Capital Construction Fund on or after July 1, 2024,  
 31 but before June 30, 2025, on such dates and in such amounts as directed  
 1 by the budget administrator of the budget division of the Department of  
 2 Administrative Services.  
 3 (43) The State Treasurer shall transfer two million five hundred  
 4 thousand dollars from the Cash Reserve Fund to the Materiel Division  
 5 Revolving Fund on or after July 1, 2023, but before June 30, 2024, on  
 6 such dates and in such amounts as directed by the budget administrator of  
 7 the budget division of the Department of Administrative Services.  
 8 (44) The State Treasurer shall transfer ten million dollars from the  
 9 Cash Reserve Fund to the Youth Outdoor Education Innovation Fund on or  
 10 after July 1, 2023, but before June 30, 2024, on such dates and in such  
 11 amounts as directed by the budget administrator of the budget division of  
 12 the Department of Administrative Services.  
 13 (45) The State Treasurer shall transfer ten million dollars from the  
 14 Cash Reserve Fund to the Municipality Infrastructure Aid Fund as soon as  
 15 administratively possible after the effective date of this act, on such  
 16 dates and in such amounts as directed by the budget administrator of the  
 17 budget division of the Department of Administrative Services.  
 18 Sec. 10. Original section 84-612, Revised Statutes Supplement, 2023,  
 19 is repealed.  
 20 2. On page 1, strike beginning with "the" in line 1 through line 7  
 21 and insert "cities and villages; to amend section 84-612, Revised  
 22 Statutes Supplement, 2023; to adopt the Municipality Infrastructure Aid  
 23 Act; to transfer funds from the Cash Reserve Fund; to repeal the original  
 24 section; and to declare an emergency."

(Signed) Beau Ballard, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to [LB831](#):

#### [AM2113](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 2-945.02, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 2-945.02 The Legislature finds and declares that:  
 6 (1) The failure to control noxious weeds ~~on lands~~ in this state is a  
 7 serious problem ~~that which~~ is detrimental to the production of crops and  
 8 livestock, ~~to the ecology of this state~~, and to the welfare of ~~the~~  
 9 residents of this state, ~~all of and~~ which may devalue land and reduce tax  
 10 revenue;  
 11 (2) It is the purpose of the Noxious Weed Control Act to establish a

12 workable framework, delineate responsibilities, encourage education of  
 13 the public concerning noxious weeds, and provide the necessary authority  
 14 to effectively control noxious weeds;

15 (3) It is the duty of each person who owns or controls land to  
 16 effectively control noxious weeds on such land. County boards or control  
 17 authorities are responsible for administration of noxious weed control  
 18 laws at the county level;

19 (4) The Department of Agriculture ~~has the should have~~ responsibility  
 20 for (a) ~~establishing basic standards such as~~ designating plant species  
 21 ~~that are which plants are to be considered~~ noxious weeds and which  
 22 control measures ~~to use are to be used~~ in particular situations and (b)  
 23 monitoring implementation of the act by the control authorities; and  
 24 (5) A state noxious weed advisory committee shall be convened by the  
 25 director with broad representation to advise the director.

26 Sec. 2. Section 2-954, Reissue Revised Statutes of Nebraska, is  
 27 amended to read:

1 2-954 ~~(1)(a)(i) (1)(a)~~ The duty of enforcing and carrying out the  
 2 Noxious Weed Control Act ~~is shall be~~ vested in the director and the  
 3 control authorities as designated in the Noxious Weed Control Act ~~aet.~~

4 (ii) The director shall determine the plant species that are noxious  
 5 ~~weeds what weeds are noxious~~ for purposes of the Noxious Weed Control Act  
 6 ~~aet.~~

7 (iii) A plant species may be designated as a noxious weed due to the  
 8 detrimental effect of the species on crops, livestock, the ecology of  
 9 this state, or the welfare of the residents of this state. A list of such  
 10 noxious weeds shall be included in the rules and regulations adopted and  
 11 promulgated by the director. The director shall prepare, publish, and  
 12 revise as necessary a list of noxious weeds. The list shall be  
 13 distributed to the public by the director, the Cooperative Extension  
 14 Service, the control authorities, and any other body the director deems  
 15 appropriate.

16 (iv) The director shall, from time to time, adopt and promulgate  
 17 rules and regulations on methods for control of noxious weeds and adopt  
 18 and promulgate such rules and regulations as are necessary to carry out  
 19 the act.

20 (v) Whenever special weed control problems exist in a county  
 21 involving weeds not included in the rules and regulations, the control  
 22 authority may petition the director to bring such weeds under the county  
 23 control program. The petition shall contain the approval of the county  
 24 board. Prior to petitioning the director, the control authority, in  
 25 cooperation with the county board, shall hold a public hearing and take  
 26 testimony upon the petition. Such hearing and the notice thereof shall be  
 27 in the manner prescribed by the Administrative Procedure Act. A copy of  
 28 the transcript of the public hearing shall accompany the petition filed  
 29 with the director. The director may approve or disapprove under the request. If  
 30 approval is granted, the control authority may proceed under the forced  
 31 control provisions of sections 2-953 to 2-955 and 2-958.

1 (b) The director shall (i) investigate the subject of noxious weeds,  
 2 (ii) require information and reports from any control authority as to the  
 3 presence of noxious weeds and other information relative to noxious weeds  
 4 and the control thereof in localities where such control authority has  
 5 jurisdiction, (iii) cooperate with control authorities in carrying out  
 6 other laws administered by him or her, (iv) cooperate with agencies of  
 7 federal and state governments and other persons in carrying out his or  
 8 her duties under the Noxious Weed Control Act, (v) with the consent of  
 9 the Governor, conduct investigations outside this state to protect the  
 10 interest of the agricultural industry of this state from noxious weeds  
 11 not generally distributed therein, (vi) with the consent of the federal  
 12 agency involved, control noxious weeds on federal lands within this  
 13 state, with reimbursement, when deemed by the director to be necessary to  
 14 an effective weed control program, (vii) advise and confer as to the  
 15 extent of noxious weed infestations and the methods determined best  
 16 suited to the control thereof, (viii) call and attend meetings and  
 17 conferences dealing with the subject of noxious weeds, (ix) disseminate

18 information and conduct educational campaigns with respect to control of  
19 noxious weeds, (x) procure materials and equipment and employ personnel  
20 necessary to carry out the director's duties and responsibilities, and  
21 (xi) perform such other acts as may be necessary or appropriate to the  
22 administration of the act.

23 (c) The director may (i) temporarily designate a weed as a noxious  
24 weed for up to eighteen months if the director, in consultation with the  
25 advisory committee created under section 2-965.01, has adopted criteria  
26 for making temporary designations and (ii) apply for and accept any gift,  
27 grant, contract, or other funds or grants-in-aid from the federal  
28 government or other public and private sources for noxious weed control  
29 purposes and account for such funds as prescribed by the Auditor of  
30 Public Accounts.

31 (d) When the director determines that a control authority has  
1 substantively failed to carry out its duties and responsibilities as a  
2 control authority or has substantively failed to implement a county weed  
3 control program, he or she shall instruct the control authority regarding  
4 the measures necessary to fulfill such duties and responsibilities. The  
5 director shall establish a reasonable date by which the control authority  
6 shall fulfill such duties and responsibilities. If the control authority  
7 fails or refuses to comply with instructions by such date, the Attorney  
8 General shall file an action as provided by law against the control  
9 authority for such failure or refusal.

10 (2)(a) Each control authority shall carry out the duties and  
11 responsibilities vested in it under the act with respect to land under  
12 its jurisdiction in accordance with rules and regulations adopted and  
13 promulgated by the director. Such duties shall include the establishment  
14 of a coordinated program for control of noxious weeds within the county.

15 (b) A control authority may cooperate with any person in carrying  
16 out its duties and responsibilities under the act.

17 (3)(a) Each county board shall employ one or more weed control  
18 superintendents. Each such superintendent shall, as a condition precedent  
19 to employment, be certified in writing by the federal Environmental  
20 Protection Agency as a commercial applicator under the Federal  
21 Insecticide, Fungicide, and Rodenticide Act. Each superintendent shall be  
22 bonded for such sum as the county board shall prescribe. The same person  
23 may be a weed control superintendent for more than one county. Such  
24 employment may be for such tenure and at such rates of compensation and  
25 reimbursement for travel expenses as the county board may prescribe. Such  
26 superintendent shall be reimbursed for mileage at a rate equal to or  
27 greater than the rate provided in section 81-1176.

28 (b) Under the direction of the control authority, it shall be the  
29 duty of every weed control superintendent to examine all land under the  
30 jurisdiction of the control authority for the purpose of determining  
31 whether the Noxious Weed Control Act and the rules and regulations  
1 adopted and promulgated by the director have been complied with. The weed  
2 control superintendent shall: (i) Compile such data on infested areas and  
3 controlled areas and such other reports as the director or the control  
4 authority may require; (ii) consult and advise upon matters pertaining to  
5 the best and most practical methods of noxious weed control and render  
6 assistance and direction for the most effective control; (iii)  
7 investigate or aid in the investigation and prosecution of any violation  
8 of the act; and (iv) perform such other duties as required by the control  
9 authority in the performance of its duties. Weed control superintendents  
10 shall cooperate and assist one another to the extent practicable and  
11 shall supervise the carrying out of the coordinated control program  
12 within the county.

13 (c) In cases involving counties in which municipalities have  
14 ordinances for weed control, the control authority may enter into  
15 agreements with municipal authorities for the enforcement of local weed  
16 ordinances and may follow collection procedures established by such  
17 ordinances. All money received shall be deposited in the noxious weed  
18 control fund or, if no noxious weed control fund exists, in the county  
19 general fund.

20 Sec. 3. Section 2-1081, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:  
 22 2-1081 Nuisance plant shall mean any plant not economically  
 23 essential to the welfare of the people of Nebraska, as determined by the  
 24 department, and which may serve as a favorable host of plant pests or may  
 25 be detrimental to the agricultural or ecological interests of the State  
 26 of Nebraska.  
 27 Sec. 4. Original sections 2-945.02, 2-954, and 2-1081, Reissue  
 28 Revised Statutes of Nebraska, are repealed.

Senator M. Cavanaugh filed the following amendment to LB870:  
AM2179

1 1. On page 2, line 14, strike "(b) No" and insert "(b)(i) Except as  
 2 provided in subdivision (3)(b)(ii) of this section, no"; and after line  
 3 19 insert the following new subdivisions:  
 4 "(ii) Subdivision (3)(b)(i) of this section does not apply to sexual  
 5 assault forensic evidence which has been provided anonymously.  
 6 (c) Each law enforcement agency which stores sexual assault forensic  
 7 evidence shall have a written policy that details retention periods for  
 8 sexual assault forensic evidence and methods for carrying out the  
 9 notifications required by subdivision (3)(b) of this section."  
 10 2. On page 3, line 5, after "informed" insert ", upon the victim's  
 11 request."

Senator Dungan filed the following amendment to LB1115:  
AM2191

1 1. Strike original section 5 and insert the following new section:  
 2 Sec. 5. Section 76-1446, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 76-1446 (1) The proceedings shall be in all respects as in other  
 5 cases, except that if either party requests a trial by jury, the trial of  
 6 the action for possession shall be scheduled by the court as soon as is  
 7 practicable for the proper administration of justice. If, at the request  
 8 of the tenant, the jury trial is continued beyond the initial trial date  
 9 as determined by the court, the court may require the tenant to deposit  
 10 with the clerk of the court such rental payments as accrue during the  
 11 pendency of the suit. Trial of the action for possession shall be held  
 12 not less than ten nor more than fourteen days after the issuance of the  
 13 summons. The action shall be tried by the court without a jury.  
 14 (2) If the plaintiff serves the summons in the manner provided in  
 15 section 76-1442.01, the action shall proceed as other actions for  
 16 possession except that a money judgment shall not be granted for the  
 17 plaintiff.  
 18 (3) If judgment is rendered against the defendant for the  
 19 restitution of the premises, the court (a) shall declare the forfeiture  
 20 of the rental agreement, (b) and shall, at the request of the plaintiff  
 21 or his or her attorney, issue a writ of restitution, directing the  
 22 constable or sheriff to restore possession of the premises to the  
 23 plaintiff on a specified date not more than ten days after issuance of  
 24 the writ of restitution, and (c) may, if authorized under the Uniform  
 25 Residential Landlord and Tenant Act, award reasonable attorney's fees to  
 26 the plaintiff. The plaintiff shall comply with the Disposition of  
 27 Personal Property Landlord and Tenant Act and subsection (5) of section  
 1 76-1414 in the removal of personal property remaining on the premises at  
 2 the time possession of the premises is restored.

#### SELECT FILE

**LEGISLATIVE BILL 1.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 151.** Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 94.** [ER2](#), found on page 588, First Session, 2023, was offered.

ER2 was adopted.

Senator Slama offered [AM2063](#), found on page 335.

The Slama amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 279.** [ER3](#), found on page 588, First Session, 2023, was offered.

ER3 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 52.** [ER6](#), found on page 588, First Session, 2023, was offered.

ER6 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 52A.** [ER38](#), found in this day's Journal, was offered.

ER38 was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 628.** [ER8](#), found on page 606, First Session, 2023, was offered.

ER8 was adopted.

Senator Jacobson offered the following amendment:

[AM676](#)

1 1. On page 2, line 8, after "[verification](#)" insert "[by the Secretary of State](#)"; in line 12 strike "[ancillary service as](#)" and insert "[a service ancillary to](#)"; and strike beginning with "by" in line 15 through 4 "State" in line 16 and show as stricken.

5 2. On page 6, lines 7 and 13; page 7, line 1; page 8, lines 11, 28, 6 and 31; page 9, lines 8, 11, and 26; and page 13, lines 5 and 6, strike

7 "ancillary service as" and insert "a service ancillary to".  
 8 3. On page 8, lines 21 and 22, strike "ancillary service as", show  
 9 as stricken, and insert "a service ancillary to".  
 10 4. On page 12, line 30, strike beginning with "or" through "those"  
 11 and show as stricken; and in line 31 after "organized" insert "or a  
 12 service ancillary to those which the professional corporation renders".  
 13 5. On page 10, line 11, after "verification" insert ", by the  
 14 Secretary of State,"; in line 15 strike "or an ancillary service"; in  
 15 line 16 after "organized" insert "or a service ancillary to those which  
 16 the professional corporation renders"; and strike beginning with "by" in  
 17 line 18 through "State" in line 19 and show as stricken.

The Jacobson amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Aguilar name added to LB307.  
 Senator Blood name added to LB984.  
 Senator Lowe name added to LB1087.  
 Senator Moser name added to LB1087.  
 Senator Kauth name added to LB1087.  
 Senator Brewer name added to LB1301.

#### **VISITOR(S)**

Visitors to the Chamber were Laura Berger and Lillian Elsener, Washington D. C.; Linda Porter, Lincoln; Bobby Navarro, Atlanta, GA; Mike, Scott, Lisa, Isaac, Ben, and Evelyn Albrecht; students and teachers from Louisville Elementary, Louisville.

The Doctor of the Day was Dr. Lillia Cherkasskly of Omaha.

#### **ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Moser, the Legislature adjourned until 10:00 a.m., Tuesday, January 30, 2024.

Brandon Metzler  
 Clerk of the Legislature