

**FIFTEENTH DAY - JANUARY 28, 2026****LEGISLATIVE JOURNAL****ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 28, 2026

**PRAYER**

The prayer was offered by Reverend Timothy C. Cartwright, Good Shepherd Lutheran Church, Milford.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Andersen.

**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, Bosn, Bostar, M. Cavanaugh, DeBoer, Dover, Raybould, and Sorrentino who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

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

Senator Lonowski filed the following amendment to LB353:

**AM1802**

1 1. On page 2, line 1, before "Δ" insert "(1)"; and after line 5  
2 insert the following new subsection:  
3 "(2) Any application to join a labor organization representing  
4 public school employees or employers of a public school employee shall  
5 include a statement on such application indicating that a member of such  
6 labor organization may enter or exit a contract with such labor  
7 organization at any time during the year.".

Senator Storer filed the following amendment to LB668:

[AM1808](#)

(Amendments to E&R amendments, ER97)

1 1. On page 5, line 7, after the comma insert "but not limited to".

Senator DeKay filed the following amendment to LB1261:

[FA926](#)

On page 3, line 7, after "Board", insert "(NPRB)".

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR 313, 314, and 315 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 313, 314, and 315.

### **MOTION(S) - Confirmation Report(s)**

Senator Ballard moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 510:

Nebraska Investment Council  
Keith Olson

Voting in the affirmative, 37:

|               |             |            |            |             |
|---------------|-------------|------------|------------|-------------|
| Andersen      | Dorn        | Hughes     | Meyer, F.  | Storer      |
| Ballard       | Dungan      | Hunt       | Meyer, G.  | Storm       |
| Bosn          | Fredrickson | Ibach      | Moser      | Strommen    |
| Brandt        | Guereca     | Jacobson   | Murman     | von Gillern |
| Cavanaugh, J. | Hallstrom   | Juarez     | Prokop     | Wordekemper |
| Clements      | Hansen      | Kauth      | Sanders    |             |
| Clouse        | Hardin      | Lippincott | Sorrentino |             |
| DeKay         | Holdcroft   | Lonowski   | Spivey     |             |

Voting in the negative, 0.

Present and not voting, 6:

|        |          |          |
|--------|----------|----------|
| Arch   | McKinney | Riepe    |
| Conrad | Quick    | Rountree |

Excused and not voting, 6:

|            |               |          |
|------------|---------------|----------|
| Armendariz | Cavanaugh, M. | Dover    |
| Bostar     | DeBoer        | Raybould |

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Holdcroft moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 512:

Nebraska Commission on Problem Gambling  
Susan Lutz  
Matthew Monheiser

Voting in the affirmative, 41:

|               |             |            |            |             |
|---------------|-------------|------------|------------|-------------|
| Andersen      | Dorn        | Ibach      | Murman     | Storer      |
| Ballard       | Fredrickson | Jacobson   | Prokop     | Storm       |
| Bosn          | Guereca     | Juarez     | Quick      | Strommen    |
| Brandt        | Hallstrom   | Kauth      | Raybould   | von Gillern |
| Cavanaugh, J. | Hansen      | Lippincott | Riepe      | Wordekemper |
| Clements      | Hardin      | Lonowski   | Rountree   |             |
| Clouse        | Holdcroft   | Meyer, F.  | Sanders    |             |
| DeBoer        | Hughes      | Meyer, G.  | Sorrentino |             |
| DeKay         | Hunt        | Moser      | Spivey     |             |

Voting in the negative, 0.

Present and not voting, 5:

|      |            |        |        |          |
|------|------------|--------|--------|----------|
| Arch | Armendariz | Conrad | Dungan | McKinney |
|------|------------|--------|--------|----------|

Excused and not voting, 3:

|        |               |       |
|--------|---------------|-------|
| Bostar | Cavanaugh, M. | Dover |
|--------|---------------|-------|

The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Bosn moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 521:

Crime Victim's Reparations Committee  
Kendra Bryant  
Christon MacTaggart

Voting in the affirmative, 42:

|               |             |            |           |             |
|---------------|-------------|------------|-----------|-------------|
| Andersen      | Conrad      | Holdcroft  | Meyer, G. | Spivey      |
| Arch          | DeKay       | Hughes     | Moser     | Storer      |
| Armendariz    | Dorn        | Hunt       | Murman    | Storm       |
| Ballard       | Dungan      | Ibach      | Prokop    | Strommen    |
| Bosn          | Fredrickson | Juarez     | Quick     | von Gillern |
| Brandt        | Guereca     | Kauth      | Raybould  | Wordekemper |
| Cavanaugh, J. | Hallstrom   | Lippincott | Riepe     |             |
| Clements      | Hansen      | Lonowski   | Rountree  |             |
| Clouse        | Hardin      | Meyer, F.  | Sanders   |             |

Voting in the negative, 0.

Present and not voting, 5:

|               |        |          |          |            |
|---------------|--------|----------|----------|------------|
| Cavanaugh, M. | DeBoer | Jacobson | McKinney | Sorrentino |
|---------------|--------|----------|----------|------------|

Excused and not voting, 2:

|        |       |
|--------|-------|
| Bostar | Dover |
|--------|-------|

The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Bosn moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 521:

Nebraska Board of Parole  
Mark T Langan

Voting in the affirmative, 38:

|               |           |            |           |             |
|---------------|-----------|------------|-----------|-------------|
| Andersen      | DeKay     | Hughes     | Meyer, G. | Sanders     |
| Arch          | Dorn      | Hunt       | Moser     | Storer      |
| Armendariz    | Dungan    | Ibach      | Murman    | Storm       |
| Bosn          | Guereca   | Juarez     | Prokop    | Strommen    |
| Brandt        | Hallstrom | Kauth      | Quick     | von Gillern |
| Cavanaugh, J. | Hansen    | Lippincott | Raybould  | Wordekemper |
| Clements      | Hardin    | Lonowski   | Riepe     |             |
| Clouse        | Holdcroft | Meyer, F.  | Rountree  |             |

Voting in the negative, 0.

Present and not voting, 9:

|               |        |             |            |        |
|---------------|--------|-------------|------------|--------|
| Ballard       | Conrad | Fredrickson | McKinney   | Spivey |
| Cavanaugh, M. | DeBoer | Jacobson    | Sorrentino |        |

Excused and not voting, 2:

Bostar            Dover

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Bosn moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 521:

Nebraska Board of Parole  
Jancee Pannkuk

Voting in the affirmative, 40:

|               |           |            |           |             |
|---------------|-----------|------------|-----------|-------------|
| Andersen      | Conrad    | Hardin     | Lonowski  | Riepe       |
| Arch          | DeBoer    | Holdcroft  | Meyer, F. | Rountree    |
| Armendariz    | DeKay     | Hughes     | Meyer, G. | Sanders     |
| Bosn          | Dorn      | Hunt       | Moser     | Storer      |
| Brandt        | Dungan    | Ibach      | Murman    | Storm       |
| Cavanaugh, J. | Guereca   | Juarez     | Prokop    | Strommen    |
| Clements      | Hallstrom | Kauth      | Quick     | von Gillern |
| Clouse        | Hansen    | Lippincott | Raybould  | Wordekemper |

Voting in the negative, 0.

Present and not voting, 7:

|               |             |            |        |
|---------------|-------------|------------|--------|
| Ballard       | Fredrickson | McKinney   | Spivey |
| Cavanaugh, M. | Jacobson    | Sorrentino |        |

Excused and not voting, 2:

Bostar            Dover

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

#### **NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs  
Room 1507 1:30 PM

Wednesday, February 4, 2026

LB904

LB927

LB1068

Room 1507 1:30 PM

Thursday, February 5, 2026

LB964

LB898

LB1145

LB997

Room 1507 1:30 PM

Friday, February 6, 2026

LB1048

LB905

LB1087

(Signed) Rita Sanders, Chairperson

**AMENDMENT(S) - Print in Journal**Senator DeKay filed the following amendment to LB877:AM1818

1 1. On page 31, line 10, strike "and"; in line 12 strike the period

2 and insert "; and"; and after line 12 insert the following new

3 subdivision:

4 "(10) Bromazolam."

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 333.** Introduced by Holdcroft, 36; Andersen, 49; Arch, 14; Rountree, 3; Sanders, 45.

WHEREAS, the 2025 NSAA Class A Volleyball State Championship was held on November 8, 2025, at Bob Devaney Sports Center in Lincoln, Nebraska; and

WHEREAS, the Papillion La Vista South Titans defeated the Lincoln North Star Navigators, giving the Navigators no rest by winning all three sets; and

WHEREAS, the Titans earned their fourth state title in five years and their fifth state title in seven years; and

WHEREAS, the Titans finished the season with a 31 and 9 record; and

WHEREAS, this is coach Katie Tarman's seventh season as head volleyball coach; and

WHEREAS, Papillion La Vista Community School District is committed to providing comprehensive athletic programming that develops not only competitive skills, but also leadership qualities, work ethic, and team collaboration abilities that serve students throughout their lives; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community; 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 NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Papillion La Vista South High School girls volleyball team for winning the 2025 NSAA Class A Volleyball State Championship title.

2. That copies of this resolution be sent to Papillion La Vista South High School and coach Katie Tarman.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 202.** Title read. Considered.

Committee [AM57](#), found on page 820, First Session, 2025, was offered.

The committee amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 320.** Title read. Considered.

Committee [AM687](#), found on page 842, First Session, 2025, was offered.

Senator Sanders moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

The committee amendment was adopted with 33 ayes, 4 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Sanders offered [AM170](#), found on page 633, First Session, 2025.

The Sanders amendment was withdrawn.

Senator Dungan offered the following amendment:

[FA927](#)

Strike Section 3, paragraph (3).

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

Senator Dungan requested a roll call vote, in reverse order, on the adoption of the amendment.

Voting in the affirmative, 18:

|               |             |          |          |          |
|---------------|-------------|----------|----------|----------|
| Bostar        | Conrad      | Guereca  | Prokop   | Rountree |
| Brandt        | DeBoer      | Hunt     | Quick    | Spivey   |
| Cavanaugh, J. | Dungan      | Juarez   | Raybould |          |
| Cavanaugh, M. | Fredrickson | McKinney | Riepe    |          |

Voting in the negative, 28:

|          |           |            |            |             |
|----------|-----------|------------|------------|-------------|
| Andersen | DeKay     | Hughes     | Meyer, F.  | Storm       |
| Arch     | Dorn      | Ibach      | Meyer, G.  | Strommen    |
| Ballard  | Hallstrom | Jacobson   | Moser      | von Gillern |
| Bosn     | Hansen    | Kauth      | Murman     | Wordekemper |
| Clements | Hardin    | Lippincott | Sorrentino |             |
| Clouse   | Holdcroft | Lonowski   | Storer     |             |

Present and not voting, 1:

Sanders

Excused and not voting, 2:

Armendariz    Dover

The Dungan amendment lost with 18 ayes, 28 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator J. Cavanaugh offered the following amendment :

[AM250](#)

1 1. On Page 6, line 15; and page 7, line 18, strike "may" and insert

2 "shall".

3 2. On page 8, line 4, after "trafficking" insert ", or has failed to

4 act in a reasonable manner".

The J. Cavanaugh amendment was withdrawn.

Senator Bosn offered the following amendment:

[FA928](#)

On Page 8, line 4, after "trafficking" insert ", or has failed to act in a reasonable manner".

The Bosn amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 663.** Title read. Considered.



Committee [AM973](#), found on page 1131, First Session, 2025, was offered.

Senator Storer offered the following amendment to the committee amendment:

[AM1693](#)

(Amendments to Standing Committee amendments, AM973)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 23-114.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 23-114.01 (1) In order to avail itself of the powers conferred by  
 6 section 23-114, the county board shall appoint a ~~planning commission to~~  
 7 ~~be known as the~~ county planning commission. The members of the commission  
 8 shall be residents of the county to be planned and shall be appointed  
 9 with due consideration to geographical and population factors. Since the  
 10 primary focus of concern and control in county planning and land-use  
 11 regulatory programs is the unincorporated area, a majority of the members  
 12 of the commission shall be residents of unincorporated areas, except that  
 13 this requirement shall not apply to joint planning commissions. Members  
 14 of the commission shall hold no county or municipal office, except that a  
 15 member may also be a member of a city, village, or other type of planning  
 16 commission. The term of each member shall be three years, except that  
 17 approximately one-third of the members of the first commission shall  
 18 serve for terms of one year, one-third for terms of two years, and one-  
 19 third for terms of three years. All members shall hold office until their  
 20 successors are appointed. Members of the commission may be removed by a  
 21 majority vote of the county board for inefficiency, neglect of duty, or  
 22 malfeasance in office or other good and sufficient cause upon written  
 23 charges being filed with the county board and after a public hearing has  
 24 been held regarding such charges. Vacancies occurring otherwise than  
 25 through the expiration of terms shall be filled for the unexpired terms  
 26 by individuals appointed by the county board. Members of the commission  
 1 shall be compensated for their actual and necessary expenses incurred in  
 2 connection with their duties in an amount to be fixed by the county  
 3 board. Reimbursement for mileage shall be made at the rate provided in  
 4 section 81-1176. Each county board may provide a per diem payment for  
 5 members of the commission of not to exceed fifteen dollars for each day  
 6 that each such member attends meetings of the commission or is engaged in  
 7 matters concerning the commission, but no member shall receive more than  
 8 one thousand dollars in any one year. Such per diem payments shall be in  
 9 addition to and separate from compensation for expenses.  
 10 (2) The county attorney, each member of the commission, and each  
 11 member of the county board of any county that has enacted county zoning  
 12 regulations shall undertake two hours of education per term on topics  
 13 specific to the role of the county attorney, commissioner, or board  
 14 member when addressing matters subject to this section.  
 15 (3)(2) The commission: (a) Shall prepare and adopt as its policy  
 16 statement a comprehensive development plan and such implemental means as  
 17 a capital improvement program, subdivision regulations, building codes,  
 18 and a zoning resolution; (b) shall consult with and advise public  
 19 officials and agencies, public utilities, civic organizations,  
 20 educational institutions, and citizens relating to the promulgation of  
 21 implemental programs; (c) may delegate authority to any of the groups  
 22 named in subdivision (b) of this subsection to conduct studies and make  
 23 surveys for the commission; and (d) shall make preliminary reports on its  
 24 findings and hold public hearings before submitting its final reports.  
 25 The county board shall not hold its public meetings or take action on  
 26 matters relating to the comprehensive development plan, capital  
 27 improvements, building codes, subdivision development, or zoning until it

28 has received the recommendations of the commission.

29 ~~(4)(a)(3)~~ The commission may, with the consent of the governing  
30 body, in its own name: (i) Make and enter into contracts with public or  
31 private bodies; (ii) receive contributions, bequests, gifts, or grants of  
1 funds from public or private sources; (iii) expend the funds appropriated  
2 to it by the county board; (iv) employ agents and employees; and (v)  
3 acquire, hold, and dispose of property.

4 (b) The commission may, on its own authority: (i) Make arrangements  
5 consistent with its program; (ii) conduct or sponsor special studies or  
6 planning work for any public body or appropriate agency; (iii) receive  
7 grants, remuneration, or reimbursement for such studies or work; and (iv)  
8 at its public hearings, summon witnesses, administer oaths, and compel  
9 the giving of testimony.

10 ~~(5)(a)(4)~~ In all counties in the state, the county planning  
11 commission may grant conditional uses or special exceptions to property  
12 owners for the use of their property if the county board of commissioners  
13 or supervisors has officially and generally authorized the commission to  
14 exercise such powers and has approved the standards and procedures the  
15 commission adopted for equitably and judiciously granting such  
16 conditional uses or special exceptions. The granting of a conditional use  
17 permit or special exception shall only allow property owners to put their  
18 property to a special use if it is among those uses specifically  
19 identified in the county zoning regulations as classifications of uses  
20 which may require special conditions or requirements to be met by the  
21 owners before a use permit or building permit is authorized.

22 (b) The applicant for a conditional use permit or special exception  
23 for a livestock operation specifically identified in the county zoning  
24 regulations as a classification of use which may require special  
25 conditions or requirements to be met within an area of a county zoned for  
26 agricultural use may request a determination of the special conditions or  
27 requirements to be imposed by the county planning commission or by the  
28 county board of commissioners or supervisors if the board has not  
29 authorized the commission to exercise such authority. Upon request the  
30 commission or board shall issue such determination of the special  
31 conditions or requirements to be imposed in a timely manner. Such special  
1 conditions or requirements to be imposed may include, but are not limited  
2 to, the submission of information that may be separately provided to  
3 state or federal agencies in applying to obtain the applicable state and  
4 federal permits. Granting a conditional use permit or special exception  
5 by the commission or county board shall be based solely on county zoning  
6 regulations. Nothing in this section shall be construed to release the  
7 applicant from complying with applicable rules and regulations of any  
8 local, state, or federal agency or with any applicable state or federal  
9 permit requirements. A commission or county board shall not require an  
10 applicant for a conditional use permit or special exception to apply for  
11 or obtain any other permit from a federal, state, or local agency as a  
12 condition for granting such conditional use permit or special exception.  
13 The granting of a conditional use permit or special exception by a  
14 commission or county board shall not relieve the applicant of any  
15 requirement to obtain other necessary permits from any federal, state, or  
16 local agency.

17 (c) The commission or the board may request and review, prior to  
18 making a determination of the special conditions or requirements to be  
19 imposed, reasonable information relevant to the conditional use or  
20 special exception. If a determination of the special conditions or  
21 requirements to be imposed has been made, final permit approval may be  
22 withheld subject only to a final review by the commission or county board  
23 to determine whether there is a substantial change in the applicant's  
24 proposed use of the property upon which the determination was based and  
25 that the applicant has met, or will meet, the special conditions or

26 requirements imposed in the determination. When making the determination  
27 as to whether the special use permit application should be approved or  
28 denied, the commission and board shall presume that the applicant for the  
29 permit will comply with all local, state, and federal requirements. The  
30 burden of proof to the contrary shall rest on the party challenging said  
31 presumption. Without factual evidence contrary to the application, the  
1 commission or board shall approve the application.  
2 (d) For purposes of this section, substantial change shall include  
3 any significant alteration in the original application including a  
4 significant change in the design or location of buildings or facilities,  
5 in waste disposal methods or facilities, or in capacity.  
6 (6)(5) The power to grant conditional uses or special exceptions as  
7 set forth in subsection (5)(4) of this section shall be the exclusive  
8 authority of the commission, except that the county board of  
9 commissioners or supervisors may choose to retain for itself the power to  
10 grant conditional uses or special exceptions for those classifications of  
11 uses specified in the county zoning regulations. The county board of  
12 commissioners or supervisors may exercise such power if it has formally  
13 adopted standards and procedures for granting such conditional uses or  
14 special exceptions in a manner that is equitable and which will promote  
15 the public interest. In an appeal of a decision by the county planning  
16 commission or county board of commissioners or supervisors regarding a  
17 conditional use or special exception, the appealing party shall have the  
18 burden of proving by clear and convincing evidence that such decision (i)  
19 was arbitrary, capricious, or illegal or (ii) did not adhere to the  
20 county's zoning regulations. In any county other than a county in which  
21 is located a city of the primary class, an appeal of a decision by the  
22 county planning commission or county board of commissioners or  
23 supervisors regarding a conditional use or special exception shall be  
24 made to the district court. In any county in which is located a city of  
25 the primary class, an appeal of a decision by the county planning  
26 commission regarding a conditional use or special exception shall be made  
27 to the county board of commissioners or supervisors, and an appeal of a  
28 decision by the county board of commissioners or supervisors regarding a  
29 conditional use or special exception shall be made to the district court.  
30 (7)(a)(6) Whenever a county planning commission or county board is  
31 authorized to grant conditional uses or special exceptions pursuant to  
1 subsection (5)(4) or (6)(5) of this section, the planning commission or  
2 county board shall, with its decision to grant or deny a conditional use  
3 permit or special exception, issue a statement of factual findings  
4 arising from the record of proceedings that support the granting or  
5 denial of the conditional use permit or special exception. If a county  
6 planning commission's role is advisory to the county board, the county  
7 planning commission shall submit such statement with its recommendation  
8 to the county board as to whether to approve or deny a conditional use  
9 permit or special exception.  
10 (b) Upon receipt by the planning commission of an application, the  
11 county zoning administrator or commission shall have thirty days to  
12 determine if the application is complete. If the administrator or  
13 commission determines the application is incomplete, within ten days  
14 following such determination, the administrator or commission shall  
15 notify the applicant in writing as to what information is required to  
16 make the application complete. The administrator or commission shall have  
17 thirty days after receipt of any additional information provided by the  
18 applicant to redetermine if the application is complete. Within ninety  
19 days after the commission receives a complete application, the commission  
20 shall:  
21 (i) If the commission has the authority to grant or deny a  
22 conditional use permit or special exception, grant or deny such  
23 application; or

24 (ii) If the commission does not have the authority to grant or deny  
 25 a conditional use permit or special exception, make a recommendation to  
 26 the board that such application be granted or denied.  
 27 (c) Once the board has received the recommendation of the  
 28 commission, the board shall have thirty days to make its own  
 29 determination if the application is complete. If the board determines the  
 30 application is incomplete, within ten days following such determination,  
 31 the board shall notify the applicant in writing as to what information is  
 1 required to make the application complete. The board shall have thirty  
 2 days after receipt of any additional information provided by the  
 3 applicant to redetermine if the application is complete. The board shall  
 4 have ninety days after receiving a complete application as determined by  
 5 the board to decide whether to grant or deny a conditional use permit or  
 6 special exception. If the board has not granted or denied a conditional  
 7 use permit or special exception by the end of such ninety-day period, the  
 8 conditional use permit or special exemption shall be deemed granted.  
 9 (d) If, at any time after the board has received the recommendation  
 10 of the commission and before the expiration of the ninety-day period  
 11 described in subdivision (7)(b) of this section, the board comes into  
 12 possession of information which materially affects an application, the  
 13 board may take action during an open meeting of the board to require the  
 14 submission of a new application to the board or the presentation of  
 15 information deemed necessary by the board to the board at a hearing not  
 16 less than ninety days after the board takes such action. The board shall  
 17 have ninety days after the submission of the new application or the  
 18 presentation of information to decide whether to grant or deny the  
 19 conditional use permit or special exception. If the board has not granted  
 20 or denied the conditional use permit or special exception by the end of  
 21 such ninety-day period, the conditional use permit or special exemption  
 22 shall be deemed granted.  
 23 (e) For purposes of this subsection, materially affect means having  
 24 a significant or substantial impact relating to state law, compliance  
 25 with county zoning regulations, or the rights of any affected party.  
 26 Sec. 2. Original section 23-114.01, Reissue Revised Statutes of  
 27 Nebraska, is repealed.

#### **SENATOR STROMMEN PRESIDING**

#### **PRESIDENT KELLY PRESIDING**

The Storer amendment was adopted with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Sec. 8, LR329 was referred to the Reference Committee.

#### **NOTICE OF COMMITTEE HEARING(S)**

Agriculture  
 Room 1023 1:30 PM

Tuesday, February 10, 2026  
LB1188

Room 1023 1:30 PM

Tuesday, February 17, 2026  
Mark Hesser - State Fair Board  
Susan J Connell - Nebraska Brand Committee  
LB1187  
LB1258

(Signed) Barry DeKay, Chairperson

Revenue  
Room 1524 1:30 PM

Wednesday, February 4, 2026  
James D Kuhn - Tax Equalization and Review Commission  
LB1109  
LB1244  
LB1124  
LB1131  
LB1238

(Signed) R. Brad von Gillern, Chairperson

Natural Resources  
Room 1023 1:30 PM

Wednesday, February 4, 2026  
Lance Hedquist - Environmental Quality Council  
Jessica Kolterman - Environmental Quality Council  
Kevin Peterson - Environmental Quality Council  
LB1172  
LB1259

(Signed) Tom Brandt, Chairperson

Executive Board  
Room 1524 12:00 PM

Wednesday, February 4, 2026  
LR300  
LB986

Room 1524 12:00 PM

Thursday, February 5, 2026

LB1245  
LB1155

Room 1524 12:00 PM

Wednesday, February 11, 2026  
LB1236  
LB1065

Room 1524 12:00 PM

Thursday, February 12, 2026  
LB1049  
LB1179

Room 1524 12:00 PM

Wednesday, February 18, 2026  
LR304  
LR297CA  
LR311CA

Room 1524 12:00 PM

Thursday, February 19, 2026  
LB1066  
LB917  
LB1125

(Signed) Ben Hansen, Chairperson

Banking, Commerce and Insurance  
Room 1507 1:30 PM

Tuesday, February 17, 2026  
LB939 (cancel)

Room 1507 1:30 PM

Tuesday, February 24, 2026  
LB762 (cancel)

(Signed) Mike Jacobson, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 783.** Placed on General File.

**LEGISLATIVE BILL 836.** Placed on General File with amendment.[AM1780](#)

1 1. Insert the following new section:

2 Sec. 4. Section 8-604, Revised Statutes Supplement, 2025, is amended

3 to read:

4 8-604 (1) The Financial Institution Assessment Cash Fund is hereby  
5 created. The fund shall be used solely for the purposes of administering  
6 and enforcing the laws specified in section 8-601, ~~except that transfers~~  
7 ~~may be made from the fund to the General Fund at the direction of the~~  
8 ~~Legislature.~~

9 (2) Any money in the Financial Institution Assessment Cash Fund  
10 available for investment shall be invested by the state investment  
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
12 State Funds Investment Act. Beginning October 1, 2024, any investment  
13 earnings from investment of money in the fund shall be credited to the  
14 General Fund.

15 2. Renumber the remaining sections and correct the repealer  
16 accordingly.

(Signed) Mike Jacobson, Chairperson

Judiciary

**LEGISLATIVE BILL 741.** Placed on General File.

**LEGISLATIVE BILL 751.** Placed on General File.

**LEGISLATIVE BILL 795.** Placed on General File.

(Signed) Carolyn Bosn, Chairperson

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

Senator DeBoer filed the following amendment to [LB103](#):

[AM1774](#)

(Amendments to Standing Committee amendments, AM878)

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

2 insert the following new sections:

3 Section 1. Section 27-412, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5 27-412 (1) The following evidence is not admissible in any civil or  
6 criminal proceeding involving alleged sexual misconduct except as  
7 provided in subsections (2) and (3) of this section:

8 (a) Evidence offered to prove that any victim engaged in other  
9 sexual behavior ~~or has been the victim of any other sexual assault~~; and

10 (b) Evidence offered to prove any victim's sexual predisposition.

11 (2)(a) In a criminal case, the following evidence is admissible, if

12 otherwise admissible under the Nebraska Evidence Rules:

13 (i) Evidence of specific instances of sexual behavior by the victim  
14 offered to prove that a person other than the accused was the source of  
15 semen, injury, or other physical evidence;

16 (ii) Evidence of specific instances of sexual behavior of the victim  
17 with respect to the accused offered by the accused to prove consent of  
18 the victim if it is first established to the court that such behavior is  
19 similar to the behavior involved in the case and tends to establish a  
20 pattern of behavior of the victim relevant to the issue of consent; and

21 (iii) Evidence, the exclusion of which would violate the

22 constitutional rights of the accused.

23 (b) In a civil case, evidence offered to prove the sexual behavior  
24 or sexual predisposition of any victim is admissible if it is otherwise  
25 admissible under the Nebraska Evidence Rules and its probative value  
26 substantially outweighs the danger of harm to any victim and of unfair  
1 prejudice to any party. Evidence of a victim's reputation is admissible  
2 only if it has been placed in controversy by the victim.  
3 (3)(a) A party intending to offer evidence under subsection (2) of  
4 this section shall:  
5 (i) File a written motion at least fifteen days before trial  
6 specifically describing the evidence and stating the purpose for which it  
7 is offered unless the court, for good cause, requires a different time  
8 for filing or permits filing during trial; and  
9 (ii) Serve the motion on all parties and notify the victim or, when  
10 appropriate, the victim's guardian or representative.  
11 (b) Before admitting evidence under this section, the court shall  
12 conduct a hearing in camera outside the presence of any jury.  
13 (4) Evidence of the victim's consent is not admissible in any civil  
14 proceeding involving alleged:  
15 (a) Sexual penetration when the actor is nineteen years of age or  
16 older and the victim is less than sixteen years of age; or  
17 (b) Sexual contact when the actor is nineteen years of age or older  
18 and the victim is less than fifteen years of age.  
19 Sec. 2. Section 29-1917, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:  
21 29-1917 (1) Except as provided in section 29-1926, at any time after  
22 the filing of an indictment or information in a felony prosecution, the  
23 prosecuting attorney or the defendant may request the court to allow the  
24 taking of a deposition of any person other than the defendant who may be  
25 a witness in the trial of the offense. The court may order the taking of  
26 the deposition when it finds the testimony of the witness:  
27 (a) May be material or relevant to the issue to be determined at the  
28 trial of the offense; or  
29 (b) May be of assistance to the parties in the preparation of their  
30 respective cases.  
31 (2) An order granting the taking of a deposition shall include the  
1 time and place for taking such deposition and such other conditions as  
2 the court determines to be just.  
3 (3) Except as provided in ~~subsection~~ subsection (4) and (5) of this  
4 section, the proceedings in taking the deposition of a witness pursuant  
5 to this section and returning it to the court shall be governed in all  
6 respects as the taking of depositions in civil cases, including section  
7 25-1223.  
8 (4)(a) If the prosecuting attorney or defendant seeks to question a  
9 witness at a deposition under this section regarding evidence admissible  
10 under subsection (2) of section 27-412 or regarding a prior alleged false  
11 allegation of sexual assault, such party shall state notice of intent to  
12 do so in the motion to depose the witness. Such notice shall not include  
13 the name or any identifying information of the witness, nor the grounds  
14 upon which the moving party believes such evidence may be relevant and  
15 admissible.  
16 (b) If the opposing party objects to questioning described in  
17 subdivision (4)(a) of this section, such party shall file a written  
18 objection. Such written objection shall not include the name or  
19 identifying information of the witness, nor the grounds upon which that  
20 party believes the evidence is not relevant or admissible.  
21 (c) Upon the filing of an objection under subdivision (4)(b) of this  
22 section, the court shall conduct an in camera hearing regarding such  
23 motion. Only the parties shall be permitted to be present at such  
24 hearing. The record of such hearing shall be sealed and preserved to be  
25 made available to the appellate court in the event of an appeal, and the



26 contents shall not otherwise be revealed without a court order. Such  
 27 hearing shall be conducted no fewer than seven days before any scheduled  
 28 deposition in which a party seeks to adduce evidence pursuant to this  
 29 subsection. At such hearing, the moving party shall state the grounds  
 30 upon which the moving party believes such evidence may be relevant and  
 31 admissible.  
 1 (d) The court shall allow questioning described in subdivision (4)  
 2 (a) of this section if the court finds that such testimony could be  
 3 relevant and admissible at trial.  
 4 (5)(a)(4)(a) A sexual assault victim may request to have an advocate  
 5 of the victim's choosing present during a deposition under this section.  
 6 The prosecuting attorney shall inform the victim that the victim may make  
 7 such request as soon as reasonably practicable prior to the deposition.  
 8 If the victim wishes to have an advocate present, the victim shall, if  
 9 reasonably practicable, inform the prosecuting attorney if an advocate  
 10 will be present, and, if known, the advocate's identity and contact  
 11 information. If so informed by the victim, the prosecuting attorney shall  
 12 notify the defendant as soon as reasonably practicable.  
 13 (b) An advocate present at a deposition under this section shall not  
 14 interfere with the deposition or provide legal advice.  
 15 (c) For purposes of this subsection, the terms sexual assault  
 16 victim, victim, and advocate have the same meanings as in section  
 17 29-4309.  
 18 (6)(5) A deposition taken pursuant to this section may be used at  
 19 the trial by any party solely for the purpose of contradicting or  
 20 impeaching the testimony of the deponent as a witness.  
 21 Sec. 3. Original sections 27-412 and 29-1917, Revised Statutes  
 22 Cumulative Supplement, 2024, are repealed.

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 334. Introduced by Juarez, 5; Guereca, 7.

WHEREAS, James N. "Jim" Hartung was born June 7, 1960, in Omaha, Nebraska; and

WHEREAS, Jim attended South High School where his team was State Champion for all three of his years and Jim was an eighteen-time All-Around and individual event champion; and

WHEREAS, Jim graduated and attended the University of Nebraska-Lincoln, where he was one of the most decorated athletes in collegiate history, earned twenty-two All-American honors, won seven All-Around and individual events in national championships, was a member of four national championship teams, and received the prestigious Nissen-Emery Award as the national outstanding senior male gymnast; and

WHEREAS, Jim was an Olympian and was named to the United States 1980 and 1984 gymnastics teams. He competed in 1984 and helped the United States earn the Team gold medal, the first and only time the medal has been earned by American men; and

WHEREAS, Jim dedicated his life to gymnastics and later became a high-level judge internationally as well as an assistant coach in 2006 for the University of Nebraska-Lincoln's gymnastics team for nineteen seasons; and

WHEREAS, Jim passed away on January 10, 2026, and is survived by his four children: Jim, Nick, Jake, and Hannah; and

WHEREAS, Jim Hartung was a gymnastics luminary and will be missed by his friends, family, and community.

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

1. That the Legislature recognizes Jim Hartung's life-long dedication to gymnastics and his love for the sport.
2. That a copy of this resolution be sent to the family of Jim Hartung.

Laid over.

#### **ANNOUNCEMENT**

Senator Sanders announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, January 29, 2026, immediately following the hearing in Room 1507.

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

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

Senator Conrad name added to LB1034.

Senator Hardin name added to LB1073.

Senator Hansen name added to LB1188.

Senator Hardin name added to LB1188.

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

Visitors to the Chamber were members of Leadership Scotts Bluff and Leadership Box Butte.

The Doctor of the Day was Dr. Dale Michels, Walton.

#### **ADJOURNMENT**

At 11:56 a.m., on a motion by Senator DeKay, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 2026.

Brandon Metzler  
Clerk of the Legislature