

ELEVENTH DAY - AUGUST 13, 2024**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, August 13, 2024

PRAYER

The prayer was offered by Senator Clements.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hardin.

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 Day and Hunt who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

GENERAL FILE

LEGISLATIVE BILL 34. Senator Linehan offered [MO130](#), found on page 126, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Brewer opened on his bill, LB34.

Senator Linehan asked unanimous consent to withdraw her motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh objected.

Senator Wayne moved to recess until 10:30 a.m.

Senator Wayne moved for a call of the house. The motion prevailed with 22 ayes, 8 nays, and 19 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to recess.

Voting in the affirmative, 4:

Erdman McDonnell McKinney Wayne

Voting in the negative, 40:

Aguilar	Bostelman	DeKay	Holdcroft	Moser
Albrecht	Brandt	Dorn	Hughes	Murman
Arch	Brewer	Dover	Ibach	Raybould
Armendariz	Cavanaugh, J.	Dungan	Jacobson	Riepe
Ballard	Cavanaugh, M.	Fredrickson	Kauth	Sanders
Blood	Clements	Halloran	Lippincott	Slama
Bosn	Conrad	Hansen	Lowe	Vargas
Bostar	DeBoer	Hardin	Meyer	von Gillern

Present and not voting, 3:

Linehan Walz Wishart

Excused and not voting, 2:

Day Hunt

The Wayne motion to recess failed with 4 ayes, 40 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator DeKay moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

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

Voting in the negative, 9:

Blood	Conrad	Hunt	Raybould	Wayne
Cavanaugh, J.	Dungan	McKinney	Vargas	

Present and not voting, 7:

Bostar	DeBoer	Riepe	Wishart
Cavanaugh, M.	Fredrickson	Walz	

Excused and not voting, 1:

Day

The motion to cease debate prevailed with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Linehan motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Voting in the affirmative, 9:

Aguilar	Conrad	Dungan	McKinney	Slama
Cavanaugh, J.	DeBoer	Hunt	Raybould	

Voting in the negative, 33:

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

Present and not voting, 6:

Bostar	Riepe	Wayne
Cavanaugh, M.	Walz	Wishart

Excused and not voting, 1:

Day

The Linehan motion to indefinitely postpone pursuant to Rule 6, Sec. 3(f) failed with 9 ayes, 33 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO149](#)

Reconsider the vote taken on MO130 to LB34.

Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 2. Placed on General File with amendment.

[AM39](#) is available in the Bill Room.

LEGISLATIVE BILL 3. Placed on General File with amendment.

[AM41](#) is available in the Bill Room.

(Signed) Robert Clements, Chairperson

RECESS

At 12:01 p.m., on a motion by Senator Walz, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senator Day who was excused; and Senators Bosn, Bostar, Conrad, Hughes, Slama, and Wayne who were excused until they arrive.

SPEAKER ARCH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 34. Senator M. Cavanaugh renewed [MO149](#), found in this day's Journal, to reconsider the vote taken on MO130 to LB34.

PRESIDENT KELLY PRESIDING

Senator Moser moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 6 nays, and 25 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

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

Voting in the negative, 7:

Cavanaugh, J.	Conrad	Hunt	Raybould
Cavanaugh, M.	Dungan	McKinney	

Present and not voting, 6:

Bostar	Fredrickson	Walz
DeBoer	Riepe	Wishart

Excused and not voting, 5:

Bosn	Day	Hughes	Slama	Wayne
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The motion to cease debate prevailed with 31 ayes, 7 nays, 6 present and not voting, and 5 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 13:

Aguilar	Cavanaugh, M.	Dungan	McKinney	Walz
Blood	Conrad	Fredrickson	Raybould	
Cavanaugh, J.	DeBoer	Hunt	Vargas	

Voting in the negative, 28:

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

Present and not voting, 3:

Bostar	Riepe	Wishart
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Excused and not voting, 5:

Bosn	Day	Hughes	Slama	Wayne
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The M. Cavanaugh motion to reconsider failed with 13 ayes, 28 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The M. Cavanaugh motion, [MO137](#), found on page 127, was not considered.

Title read. Considered.

Committee [AM73](#), found on page 126, was offered.

Senator Linehan offered [MO131](#), found on page 126, to bracket until September 3, 2024.

Senator Linehan asked unanimous consent to withdraw her motion, [MO131](#), to bracket until September 3, 2024.

Senator Dungan objected.

Senator Jacobson moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 22 ayes, 5 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

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

Voting in the negative, 9:

Blood	Conrad	Dungan	Hunt	Raybould
Cavanaugh, J.	DeBoer	Fredrickson	McKinney	

Present and not voting, 5:

Bostar	Cavanaugh, M.	Riepe	Walz	Wishart
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Excused and not voting, 2:

Day	Wayne
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The motion to cease debate prevailed with 33 ayes, 9 nays, 5 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to bracket.

Voting in the affirmative, 9:

Aguilar	Conrad	Dungan	McKinney	Slama
Cavanaugh, J.	DeBoer	Hunt	Raybould	

Voting in the negative, 34:

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

Present and not voting, 4:

Bostar Cavanaugh, M. Walz Wishart

Excused and not voting, 2:

Day Wayne

The Linehan motion to bracket failed with 9 ayes, 34 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO150](#)

Reconsider the vote taken on MO131.

Senator Brandt moved the previous question. The question is, "Shall the debate now close?"

Senator von Gillern moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 35:

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

Voting in the negative, 6:

Blood	Conrad	Hunt
Cavanaugh, J.	Dungan	McKinney

Present and not voting, 5:

Bostar Cavanaugh, M. DeBoer Riepe Wishart

Excused and not voting, 3:

Day Raybould Wayne

The motion to cease debate prevailed with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 11:

Aguilar	Cavanaugh, M.	Fredrickson	Slama
Blood	Conrad	Hunt	Vargas
Cavanaugh, J.	Dungan	McKinney	

Voting in the negative, 30:

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

Present and not voting, 5:

Bostar	DeBoer	Riepe	Walz	Wishart
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Excused and not voting, 3:

Day	Raybould	Wayne
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The M. Cavanaugh motion to reconsider failed with 11 ayes, 30 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The M. Cavanaugh motion, [MO138](#), found on page 127, to bracket until January 7, 2025, was not considered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 34A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 34, One Hundred Eighth Legislature, First Special Session, 2024; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Ibach filed the following amendment to [LB2](#):

[AM89](#)

(Amendments to Standing Committee amendments, AM39)

1 1. On page 20, after line 27 insert the following new paragraph:

2 "There is included in the amount shown as aid for this program

3 \$706,000 General Funds for FY2024-25 for state aid to assist local weed

4 control authorities and weed management entities in defraying the cost of

5 implementing and maintaining noxious weed control programs as provided in

6 section 2-958.02, which shall only be used for such purpose.".

Senator Brewer filed the following amendments to [LB34A](#):

[FA111](#)

Strike Section 1.

[FA112](#)

Strike Section 2.

[FA113](#)

Strike Section 1.

[FA114](#)

Strike Section 2.

[FA115](#)

Strike the enacting clause.

GENERAL FILE

LEGISLATIVE BILL 34. Committee [AM73](#), found on page 126 and considered in this day's Journal, was renewed.

Senator Linehan offered [MO132](#), found on page 126, to recommit to the Revenue Committee.

SPEAKER ARCH PRESIDING**PRESIDENT KELLY PRESIDING**

Senator Clements moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 23 ayes, 6 nays, and 20 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

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

Voting in the negative, 8:

Blood	Conrad	Dungan	Hunt
Cavanaugh, J.	DeBoer	Fredrickson	McKinney

Present and not voting, 4:

Bostar	Cavanaugh, M.	Walz	Wishart
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Excused and not voting, 3:

Day	Raybould	Wayne
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The motion to cease debate prevailed with 34 ayes, 8 nays, 4 present and not voting, and 3 excused and not voting.

The Linehan motion to recommit to committee failed with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO151](#)

Reconsider the vote taken on MO132.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

The motion to cease debate prevailed with 33 ayes, 7 nays, and 9 not voting.

The M. Cavanaugh motion to reconsider failed with 7 ayes, 33 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The M. Cavanaugh motion, [MO139](#), found on page 127, to recommit to the Revenue Committee, was not considered.

Senator J. Cavanaugh requested a division of the question on the committee amendment, AM73.

The Chair ruled the committee amendment, AM73, is not divisible.

Senator J. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Speaker Arch made a parliamentary inquiry on the proceedings regarding the motion to overrule the Chair, the speaking queue, and cloture time clock.

The Clerk responded with an explanation to the Arch parliamentary request.

Senator Erdman requested a roll call vote on the motion to overrule the Chair.

The J. Cavanaugh motion to overrule the Chair prevailed with 28 ayes, 13 nays, 5 absent and not voting, and 3 excused and not voting.

The Chair was overruled.

The first committee amendment is as follows:
[AM80](#) is available in the Bill Room.

Senator Linehan asked unanimous consent to withdraw [FA103](#), found on page 127, and replace it with substitute amendment, [AM84](#), to the committee amendment.
[AM84](#) is available in the Bill Room.

Senator Slama objected.

Senator Linehan offered the following motion:
[MO152](#)
Withdraw FA103 and substitute AM84.

Speaker Arch made a parliamentary inquiry for clarification on the upcoming cloture vote.

The Clerk explained the vote order.

Senator Brewer offered the following motion:
[MO156](#)
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

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

Voting in the affirmative, 34:

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

Voting in the negative, 11:

Cavanaugh, J.	Day	Hunt	Slama
Cavanaugh, M.	Dungan	McKinney	Wayne
Conrad	Fredrickson	Raybould	

Present and not voting, 3:

DeBoer	Riepe	Walz
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Excused and not voting, 1:

Blood

The Brewer motion to invoke cloture prevailed with 34 ayes, 11 nays, 3 present and not voting, and 1 excused and not voting.

The Linehan motion, MO152, prevailed with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

The Linehan amendment, AM84, to the committee amendment, AM73, was adopted with 35 ayes, 4 nays, 9 present and not voting, and 1 excused and not voting.

The original committee [AM73](#), as amended, was adopted with 35 ayes, 8 nays, 5 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 36:

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

Voting in the negative, 8:

Cavanaugh, J.	Conrad	Fredrickson	McKinney
Cavanaugh, M.	Dungan	Hunt	Raybould

Present and not voting, 4:

DeBoer	Riepe	Walz	Wayne
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Excused and not voting, 1:

Blood

Advanced to Enrollment and Review Initial with 36 ayes, 8 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB18:

[MO154](#)

Place on General File pursuant to Rule 9, Sec. 5.

Senator Wayne filed the following motion to LR2CA:

[MO155](#)

Place on General File pursuant to Rule 9, Sec. 5.

Senator Wayne offered the following motion:

Change the Speaker's Agenda to place LR2CA and LB18 before any other bill.

AMENDMENT(S) - Print in Journal

Senator Ibach filed the following amendments to LB34:

[FA105](#)

On page 30, line 2, reinstate the stricken matter. On page 121, line 29, strike "77.2704.60".

[FA106](#)

On page 51, line 16, strike the new material.

[FA107](#)

On page 52, strike the new material on lines 15-17.

Senator Dungan filed the following amendments to LB34:

[FA108](#)

Strike Section 52 of AM73 to LB34.

[FA109](#)

Strike (4)(rr) of Section 42 of AM73 to LB34.

Senator Hunt filed the following amendment to LB34:

[FA110](#)

Strike Section 1 of AM73 and replace with "The Governor of Nebraska shall not pay property taxes levied by the State of Nebraska."

Senator Dungan filed the following amendments to LB34:

[FA116](#)

Reinsert "and other real estate services" on page 32, lines 2-3.

[FA117](#)

Strike "prepaid" on line 5 of page 32 and reinsert the stricken language on line 5.

[FA118](#)

Strike Section 81.

Senator J. Cavanaugh filed the following amendment to LB34:

[FA119](#)

Strike line 27, page 50.

Senator DeBoer filed the following amendment to LB34:

[FA120](#)

Strike "candy" from line 7 of page 56.

MOTION - Adjournment

Senator Wishart moved to adjourn until 9:00 a.m., Wednesday, August 14, 2024.

Senator M. Cavanaugh requested a machine vote on the motion to adjourn.

The Wishart motion to adjourn prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting, and at 7:03 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, August 14, 2024.

Brandon Metzler
Clerk of the Legislature

