

FIRST DAY - JANUARY 3, 2024**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 3, 2024

PRAYER

The prayer was offered by Speaker Arch.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Eighth Legislature, Second Session, 2024 of the Legislature of Nebraska assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 3, 2024, and was called to order by President Kelly.

The roll was called and the following members were present:

Aguilar, Raymond	Dover, Robert	McKinney, Terrell
Albrecht, Joni	Dungan, George III	Meyer, Fred
Arch, John	Erdman, Steve	Murman, Dave
Armendariz, Christy	Fredrickson, John	Sanders, Rita
Ballard, Beau	Halloran, Steve	Slama, Julie
Blood, Carol	Hansen, Ben	Vargas, Tony
Bosn, Carolyn	Hardin, Brian	von Gillern, R. Brad
Bostar, Eliot	Holdcroft, Rick	Walz, Lynne
Bostelman, Bruce	Hughes, Jana	Wayne, Justin
Brandt, Tom	Hunt, Megan	Wishart, Anna
Brewer, Tom	Ibach, Teresa	
Cavanaugh, John	Jacobson, Mike	

Cavanaugh, Machaela	Kauth, Kathleen
Clements, Robert	Linehan, Lou Ann
Conrad, Danielle	Lippincott, Loren
Day, Jen	Lowe, John S. Sr.
DeBoer, Wendy	McDonnell, Mike
Dorn, Myron	

The following members were excused:

Moser, Mike	Raybould, Jane	Riepe, Merv
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CERTIFICATE

State of Nebraska

United States of America,)	Secretary of State
) ss.	State Capitol
State of Nebraska)	Lincoln, Nebraska

I, Robert B. Evnen, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Eighth Legislature, Second Session, 2024.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Eighth Legislature, Second Session, 2024.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 3, 2024.

(SEAL)	(Signed) Robert B. Evnen
	Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama	November 3, 2020
2 Robert Clements	November 8, 2022
3 Carol Blood	November 3, 2020
4 R. Brad von Gillern	November 8, 2022

5	Mike McDonnell	November 3, 2020
6	Machaela Cavanaugh	November 8, 2022
7	Tony Vargas	November 3, 2020
8	Megan Hunt	November 8, 2022
9	John Cavanaugh	November 3, 2020
10	Wendy DeBoer	November 8, 2022
11	Terrell McKinney	November 3, 2020
12	Merv Riepe	November 8, 2022
13	Justin T. Wayne	November 3, 2020
14	John Arch	November 8, 2022
15	Lynne M. Walz	November 3, 2020
16	Ben Hansen	November 8, 2022
17	Joni Albrecht	November 3, 2020
18	Christy Armendariz	November 8, 2022
19	Robert Dover*	Appointed July 22, 2022
20	John A. Fredrickson	November 8, 2022
21	Beau Ballard*	Appointed January 4, 2023
22	Mike Moser	November 8, 2022
23	Bruce Bostelman	November 3, 2020
24	Jana Hughes	November 8, 2022
25	Carolyn Bosn*	Appointed April 7, 2023
26	George C. Dungan III	November 8, 2022
27	Anna Wishart	November 3, 2020
28	Jane Raybould	November 8, 2022
29	Eliot Bostar	November 3, 2020
30	Myron Dorn	November 8, 2022
31	Kathleen R. Kauth	November 8, 2022
32	Tom Brandt	November 8, 2022
33	Steve Halloran	November 3, 2020
34	Loren Lippincott	November 8, 2022
35	Raymond M. Aguilar	November 3, 2020
36	Rick Holdcroft	November 8, 2022
37	John S. Lowe Sr.	November 3, 2020
38	Dave Murman	November 8, 2022
39	Lou Ann Linehan	November 3, 2020
40	Barry DeKay	November 8, 2022
41	Fred Meyer*	Appointed November 15, 2023
42	Mike Jacobson	November 8, 2022
43	Tom Brewer	November 3, 2020
44	Teresa J. Ibach	November 8, 2022
45	Rita Sanders	November 3, 2020
46	Danielle Conrad	November 8, 2022
47	Steve Erdman	November 3, 2020
48	Brian Hardin	November 8, 2022
49	Jen Day	November 3, 2020

RESIGNATION

October 17, 2023

Dear Governor Pillen,

This letter is to inform you that I will be resigning from the Legislature effective at 11:59 PM on October 31, 2023. Thank you for the opportunity to serve as the State Treasurer for our Great State. I look forward to working with you in my new capacity.

Sincerely,
(Signed) Tom Briese

cc: Senator Arch, Speaker of the Legislature
Brandon Metzler, Clerk of the Legislature

MESSAGE(S) FROM THE GOVERNOR

November 15, 2023

Fredric C Meyer
1580 Hwy 281
St Paul, NE 68873-3410

Dear Senator Meyer:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 41 effective November 15, 2023. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I Jim Pillen, on behalf of the State of Nebraska and as Governor, do hereby appoint Fredric C Meyer as a member of the Nebraska Legislature representing District 41.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on November 15, 2023, and continue until January 7, 2025 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Jim Pillen
Governor

(Signed) Robert B. Evnen
Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"I, Fredric C. Meyer, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 41 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Fredric C. Meyer

Subscribed in my presence and sworn to before me this 15th day of November 2023.

(SEAL) (Signed) Robert B. Evnen
Secretary of State

*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

Senator Meyer was appointed to fill the vacancy on the Education Committee and Revenue Committee.

MESSAGE(S) FROM THE GOVERNOR

June 5, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Adjutant General for the State of Nebraska:

Craig Strong, 525 Half Moon Bay, Lincoln, NE 68527

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

June 5, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Nebraska Department of Economic Development:

KC Belitz, 2509 34th Street, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

June 12, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Executive Director of the Nebraska Crime Commission:

Bryan Tuma, 5421 NW Fairway Drive, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

June 20, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Crime Victim's Reparations Committee:

Michael D Jones, 1007 Wicklow Road, Papillion, NE 68046

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

June 26, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Nebraska Liquor Control Commission:

Bruce D Bailey, 118 Pelican Bay Pl, Lincoln, NE 68528

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

June 27, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Nebraska Broadband Office:

Patrick Haggerty, 2500 White Pine Way, Stillwater, MN 55082

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

July 10, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Nebraska State Patrol representative to the Public Employees Retirement Board:

Luke H. Splattstoesser, 4600 Innovation Drive, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 2, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Nebraska Educational Telecommunications Commission:

Courtney C. Wittstruck, 5937 Woodstock Avenue, Lincoln, NE 68512
Patricia M Kircher, 15715 California Street, Omaha, NE 68118
Dorothy C Anderson, 3210 Van Dorn Street, Lincoln NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

July 31, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Nebraska Crime Victim's Reparations Committee - Public Member representing a Charitable Organization:

Ann E Ames, 2128 Lake Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

July 31, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Crime Victim's Reparations Committee - Public Member - Experience with Victims and Survivors:

John Brazda, 1717 Harney Street, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 10, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Tax Commissioner of the Nebraska Department of Revenue:

James R Kamm, 2804 North 160 Avenue, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 15, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Executive Officer of the Nebraska Department of Health and Human Services:

Steven L. Corsi, PsyD, 1229 143rd Street NE, Marysville, WA 98271

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 15, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Board of Parole:

Layne Gissler, 10655 W Mill Road, Malcolm, NE 68402

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 15, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Dannika L Nelson, 534 24th Road, Oakland, NE 68045

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 16, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Commission of Industrial Relations:

Dallas Jones, 1900 South 25th Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

August 17, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the State Racing and Gaming Commission:

John (Chris) Stinson, 1715 Columbia Circle, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

September 1, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the State Highway Commission:

Richard W Meginnis, 2720 Katy Circle, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

September 15, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Nebraska Technical Advisory Committee for Statewide Assessment:

Christy Hovanetz, PhD, 7326 Willow Lane, Brooklyn Park, MN 55444
Jeffrey Nellhaus, 4017 48th Street NW, Washington, DC 20016
Linda Poole, 5054 South 171st Avenue, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

October 2, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Nebraska Public Employees Retirement Systems:

John Murante, 16423 Leavenworth Circle, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosure

cc: Senator McDonnell – Chairman of Retirement Committee

October 23, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Department of Health and Human Services - Division of Children and Family Services:

Alyssa L. Bish, PhD, 3303 Snow Leopard Dr, Columbia, MO 65202

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

October 25, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the State Highway Commission:

Heath Mello, 3424 South 94th Street, Omaha, NE 68124

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

October 30, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed as members of the Nebraska Environmental Trust Board:

Theodore E Vasko, 500 Windsor Drive, Papillion, NE 68046 , District 1
Roger Helgoth, 2517 South 126th Street, Omaha, NE 68144, District 2
Eric Hansen, 3723 West Foothill Rd, North Platte, NE 69101, District 3

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 6, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Nebraska Board of Health:

John Kuehn, DVM, 1101 43 Road, Heartwell, NE 68945, Veterinarian
Daniel J Rosenthal, PE, 7211 Woody Creek Lane, Lincoln, NE 68516,
Engineer

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

November 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the State Highway Commission:

Greg Wolford, 702 Airport Road, McCook, NE 69001, District 7
David Copple, 3405 Rolling Hills Drive, Norfolk, NE 68701, District 3
James Kindig, 201 E Pine Street – PO Box 336, Kenesaw, NE 68956,
District 4

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

November 29, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as member of the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 4, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Nebraska Ethanol Board:

Tracy Zink, 39495 Rd 719, Indianola, NE 69034, Sorghum Production
Jan K tenBensel, 703 Nasby Street, Cambridge, NE 69022, Wheat
Production

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Archer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Nebraska Investment Council:

Gail Werner-Robertsen, 1215 North 136th, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 18, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Board of Educational Lands and Funds:

Dwayne B Probyn, 813 Western Hills Drive, Papillion, NE 68046

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 18, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Power Review Board:

William F Austin, 2511 South 77th Place, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 18, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed as members of the Nebraska Arts Council:

Jon Gross, 2626 Ridgeline Ct, Lincoln, NE 68512, District 1
Lovell James Wright, 4369 S 153rd Circle, Omaha, NE 68137, District 2

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 18, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Nebraska Arts Council:

Jana Goranson, 899903 Dillon Rd, Gordon, NE 69343, District 3

Clark Roush, 525 N Ohio Avenue, York, NE 68467-3330, District 3
Brian Botsford, 411 East 26th, Kearney, NE 68847, District 3
Zachary Cheek, 3021 N 170th Street, Omaha, NE 68116, District 2

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 18, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Tax Equalization and Review Commission:

Steven Keetle, 14812 Berry Circle, Omaha, NE 68137

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Educational Lands and Funds - At Large:

Jon W Abegglen, 3114 8th Avenue, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Power Review Board:

David Liegl, 8100 Myrtle Street, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Coordinating Commission for Postsecondary Education - At Large:

Dr. LeDonna Griffin, 2865 Newport Avenue, Omaha, NE 68112

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 22, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Coordinating Commission for Postsecondary Education:

Dr. Dennis Headrick, 5808 Box Canyon Circle, Lincoln, NE 68516,
District 1

Dr. Deborah Frison, 6945 North 118th Circle, Omaha, NE 68142, District 2
Timothy Daniels, 9214 Crown Point Avenue, Omaha, NE 68134, At Large

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 27, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed as members of the Game and Parks Commission:

John M Hoggatt, 10210 14th Avenue, Kearney, NE 68847, District 4-Ag-
Independent

Donna Kush, 4001 South 173rd Circle, Omaha, NE 68130, District 2-
Republican

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 28, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Public Employees Retirement Board:

Charles Neumann, 908 North Kansas Avenue, Hastings, NE 68901, County
Retirement Program

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

December 28, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the Public Employees Retirement Board:

Gerald Clausen, 7855 South 25th Street, Lincoln, NE 68512, Public
Member (Non-State Employee)

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

COMMUNICATION(S)

Received communication to President Kelly, Speaker Arch, and Members of the Legislature from Timothy Tesmer, M.D., Chief Medical Officer, Division of Public Health, Department of Health and Human Services, regarding the appointment of the following to the Nebraska Stem Cell Research Advisory Committee:

Dr. Rui Yi
Dr. Dennis Roop
Dr. David Owens.

ATTORNEY GENERAL'S OPINION

Nebraska Department of Justice

Opinion No. 23-009 — December 15, 2023

Opinion for Senator Tom Brewer

The Power of Municipalities to Regulate the Possession of Weaponry at Public Parks, Trails, and Sidewalks.

Summary: Municipalities lack authority to regulate the possession of firearms and certain weapons in quintessential public spaces, such as parks, trails, and sidewalks. A statute enacted in 2023, L.B. 77, deprives municipalities of regulatory authority over the possession of firearms or other weapons. And municipalities cannot use their common law proprietary authority to evade this regulatory restriction. Additionally, a blanket ban on firearms possession in such spaces would infringe constitutional rights under the Second Amendment and the Nebraska Constitution.

This year, the Legislature passed L.B. 77, which, after becoming law, significantly changes the way the possession, carriage, and sale of firearms and other weapons are regulated in Nebraska. L.B. 77, 108th Leg., 1st Sess. (2023) (enacted). Relevant here, L.B. 77 declared the regulation of

the "ownership, possession, storage, transportation, sale, and transfer" of weaponry to be a "matter of statewide concern" and stripped municipalities of nearly all regulatory authority in that space. Neb. Rev. Stat. § 13-330 (Cum. Supp. 2023). In the wake of L.B. 77's passage, several Nebraska municipalities have issued executive orders that purport to restrict or ban the possession of weaponry on property the municipality owns or controls. These orders include public buildings (such as courthouses), and in some cases expand beyond buildings to include quintessential public places that are usually held open to the public at large, such as parks, trails, and sidewalks. See, e.g., *Prohibition of Firearms on City of Omaha Property*, Executive Order No. S-48-23 (Aug. 30, 2023), <https://perma.cc/N6KY-M47S>; *City of Lincoln Weapons Policy*, Executive Order No. 97985 (Sep. 12, 2023), <https://perma.cc/RBL8-MKXB>.

You have asked whether existing law "prevent[s] Nebraska municipalities from regulating the possession of firearms and other weapons in public spaces, e.g., public parks, trails, and sidewalks." It does. You have also asked whether additional legislation would be necessary to prevent municipalities from regulating weapon possession in these places. None is needed. Municipal action—regardless of the form it takes (enacted ordinance, executive order, informal policy, etc.)—that restricts or bans the possession of weaponry in quintessential public spaces, like those public places identified in your opinion request (parks, trails, sidewalks, and the like), violates at least two rules of law.

First, L.B. 77 forbids municipalities from "regulat[ing] the . . . possession [and] transportation . . . of firearm or other weapons, except as expressly provided by state law." Neb. Rev. Stat. § 13-330(2), (3). The public spaces identified in your request are not public buildings or like areas where municipal corporations can properly exercise significant common law "proprietary" authority; as such, restrictions on weapon possession in places such as parks, trails, and sidewalks necessarily are regulatory in nature. No matter the form of the restriction nor the way in which it is described, these prohibitions are in conflict with L.B. 77. Second, there is an individual constitutional right to bear arms in public secured by the constitutions of the United States and the State of Nebraska. Thus, even if a municipality possessed and could properly exercise proprietary authority over quintessential public spaces such as parks, trails, and sidewalks, a total ban or significant restriction on the possession of weaponry would violate those constitutionally protected rights.

Accordingly, measures like Omaha Executive Order S-48-23 and Lincoln Executive Order 97985 are unlawful, at least to the extent they restrict or prohibit the possession of weaponry in those quintessential public spaces traditionally held open to the public at large, such as public parks,

trails, and sidewalks. No additional legislation would be needed to cabin the authority of Nebraska municipalities to regulate the possession of firearms and other weapons in such spaces.

Because your opinion request expressly is directed towards these spaces, and not to specific public buildings such as courthouses, this opinion does not address the legality of the orders in those respects. Indeed, the question as to whether and to what extent a governmental entity may restrict possession in these facilities is a subject of ongoing jurisprudential and scholarly debate.

I.

A.

We begin with L.B. 77, the Legislature's 2023 law that deprived Nebraska municipalities of any regulatory authority over the possession of firearms and other weapons. The Act provides, in pertinent part:

- (1) The Legislature finds and declares that the regulation of the ownership, possession, storage, transportation, sale, and transfer of firearms and other weapons is a matter of statewide concern.
- (2) Notwithstanding the provisions of any home rule charter, counties, cities, and villages shall not have the power to:
 - (a) Regulate the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by state law; or
 - (b) Require registration of firearms or other weapons.
- (3) Any county, city, or village ordinance, permit, or regulation in violation of subsection (2) of this section is declared to be null and void.

Neb. Rev. Stat. § 13-330. For L.B. 77 to make an executive order or other municipal action "null and void," three factors must be present. Voidable action must (1) regulate, (2) cover the "the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons," and (3) not be grounded in some express authority provided elsewhere in state law.

The second and third factors clearly apply to the Omaha and Lincoln executive orders. Omaha's order provides that "no person shall have in his or her possession any firearm on City Property" which is broadly

defined to include "all City managed buildings/facilities/parks/public spaces" and the "surrounding areas such as sidewalks, driveways, and parking lots under the City's Control." Executive Order No. S-48-23, <https://perma.cc/N6KY-M47S>. Lincoln's order prohibits the "possession of weapons" on "City property," which is defined as "any premises under the care and control of the City of Lincoln" including "sidewalks . . . [and] parks" Executive Order No. 97985, <https://perma.cc/RBL8-MKXB>.¹ Thus, both concern the possession of firearms or other weaponry. And neither cites to any provision of state law that "expressly provides" municipalities authority to regulate the possession of weaponry. Nor are we aware of one.

B.

Having concluded that the Omaha and Lincoln executive orders satisfy two of the three factors that trigger the preemptive language of L.B. 77, we turn to the final factor, whether those orders "regulate." They do.

The portions of the executive orders that apply to quintessential public spaces have a regulatory character. When a municipality engages in action that is "public in nature" or "in furtherance of general law for the interest of the public at large," it is exercising governmental (regulatory) power. *Gates v. City of Dallas*, 704 S.W.2d 737, 738 (Tex. 1986). This includes the promulgation of policies that are "aimed at society as a whole" and actions that are "historically undertaken exclusively by the State as one of its unique civic responsibilities." *Sebastian v. State*, 93 N.Y.2d 790, 795 (1999). For example, "it is clear that a municipality is acting in a governmental capacity in the acquisition and allocation of resources for fighting fires." *Hall v. City of Youngstown*, 239 N.E.2d 57, 60 (Ohio 1968).

Municipalities' regulatory authority stands in contrast to their proprietary authority. Municipal corporations, like all other persons or legal entities with a possessory interest in real property, enjoy fundamental property rights recognized at common law. See *Henry v. City of Lincoln*, 93 Neb. 331, 140 N.W. 664, 666 (1913). "Property owned by [a] city used in a proprietary business enterprise . . . is regarded by the law the same as property owned by any individual or business corporation." *Borgman v. City of Fort Wayne*, 215 Ind. 201, 206 (1939).

The "right to exclude" is one of the "most essential sticks" in the "bundle of rights commonly characterized as property." *Kaiser Aetna v. United States*, 444 U.S. 164, 176 (1979). Because municipalities possess proprietary authority, they can (absent other pertinent considerations, as discussed below) exercise this fundamental right at or in property they own or control. Thus, just as a private person or business entity can bid a

houseguest or other licensee to leave property under their control by simple request, a municipality exercising its proprietary authority can do the same. *See, e.g., State v. Stanko*, 304 Neb. 675, 685, 936 N.W.2d 353, 362 (2019). And subsidiary of the power to remove is the power to condition entry. The ubiquity of "no shirt, no shoes, no service" illustrates this principle in action at the most basic level.

Given the foregoing, it follows that there are places where, relying solely on its fundamental common law proprietary authority,² a municipality can restrict (or even ban entirely) the possession of firearms or other weapons. As our Supreme Court said in *Stanko*, the common law recognizes the right of business owners to "exclude from their premises [individuals] whose actions disrupt the regular and essential operations of the premises or threaten the security of the premises and its occupants." 304 Neb. at 686, 936 N.W.2d at 362. A municipality wearing its "proprietary hat" enjoys a commensurate right.

That said, the proprietary authority of municipal corporations over quintessential public spaces, such as public parks, trails, and sidewalks, is limited.³ Though municipalities may hold legal title to or otherwise exercise control over them, these spaces are held in trust for public use and are presumptively open to and accessible by the public at large. *Hague v. Comm. for Indus. Org.*, 307 U.S. 496, 515 (1939); *see also United States v. Kokinda*, 497 U.S. 720, 743–74 (1990) (Brennan, J., dissenting). A municipality that governs behavior in these places must, with limited exception, exercise regulatory, not proprietary, power. "Wherever the title of streets and parks may rest . . . [the] use of [these] public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." *Hague*, 307 U.S. at 515; *accord Abboud v. Lakeview, Inc.*, 237 Neb. 326, 335, 466 N.W.2d 442, 449 (1991) ("A park is for the benefit of and is held in trust by a city for the public").

The character of these quintessential public spaces makes them unamenable to most exercises of proprietary authority by a municipality. In *Hague*, the United States Supreme Court rejected the argument, advanced by a municipality, that because "the city's ownership of streets and parks is as absolute as one's ownership of his home" its ownership interest carried with it the "consequent power [to] altogether . . . exclude citizens from the use thereof." 307 U.S. at 514. Exercising a proprietary "right to exclude," the Court explained, is incompatible with the concept of a space that is "held in trust for the use of the public," which necessarily makes such spaces open to the public at large. *Id.* at 515.⁴

That does not mean these public areas are law-free zones. On the contrary, *Hague* recognized that "[t]he privilege of a citizen . . . to use the

streets and parks . . . may be *regulated* in the interest of all." *Id.* (emphasis added). But there is a material difference between the exercise of proprietary and regulatory (governmental) authority. *See, e.g., Bldg. & Const. Trades Council of Metro. Dist. v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc.*, 507 U.S. 218, 227 (1993); *City of Buffalo v. State Bd. of Equalization & Assessment*, 260 N.Y.S.2d 710, 713 (Sup. Ct. 1965), *rev'd on other grounds*, 272 N.Y.S.2d 168 (1966) ("The distinction between these capacities [proprietary and regulatory] is not semantical; nor are the consequences insignificant."). Thus, as the Supreme Court of Illinois has stated, because "public streets are held in trust for the use of the public" municipalities generally "do not possess proprietary powers over [them]." *Am. Tel. & Tel. Co. v. Vill. of Arlington Heights*, 156 Ill. 2d 399, 409, 620 N.E.2d 1040, 1044 (1993). Instead, there (and in analogous public places) "[t]hey only possess regulatory powers." *Id.*

At least insofar as they apply to public parks, trails, sidewalks and analogous spaces, the executive orders do not exercise propriety authority. Consider Lincoln Executive Order No. 97985, which applies broadly to "any premises under the care and control of the City of Lincoln" including "public sidewalks . . . [and] parks . . . under the City's ownership or control." Executive Order 97,985, <https://perma.cc/RBL8-MKXB>. The order explicitly states that it is "intended to protect and promote the health, safety, and welfare of *all* community residents." *Id.* (emphasis added). Similarly, the stated impetus for Omaha Executive Order S-48-23, which prohibits firearms at all property "owned or leased [by the] City of Omaha," is the city's "obligation to provide a safe place for [its] citizens" and the "members of the public" who have access to and are "able to use" city property. Executive Order S-48-23, <https://perma.cc/N6KY-M47S>.

On their face, these orders are "aimed at society as a whole" and the "interests of the public at large." They both apply their weapons prohibition to public parks, sidewalks, and other quintessentially public places that have "immemorially been held in trust for the use of the public." Concomitantly, these executive orders (at least the portions that apply to such quintessential public spaces) are best understood as regulatory measures.⁵

To sum up, because L.B. 77 deprives municipalities of any regulatory power with respect to the possession and transportation of weaponry, municipal action that bans or otherwise regulates the possession of firearms or other weapons in those quintessentially public spaces is unlawful.⁶ There can be little doubt that portions of the municipal actions that prompted this Opinion have a regulatory character. Public parks, trails, and sidewalks are presumptively open to the public at large. General edicts designed to govern behavior in such spaces, then, are not aimed at a small

subset of the public, like municipal employees or individuals who come to a government office or other facility (akin to a customer) to interact with the municipal corporation operating in a proprietary capacity (akin to a business). Instead, they operate as a policy prescription applicable to all. Action with this sort of universal impact necessarily involves the exercise of regulatory authority.

II.

The Lincoln and Omaha executive orders (and any similar municipal action) also violate the Constitution. Insofar as those orders limit the right to carry weapons in public for self-defense, they infringe on the right to "bear arms" secured by the constitutions of the United States and Nebraska.

Both the Second Amendment to the United States Constitution and Article I, Section 1, of the Nebraska Constitution secure the right of Nebraska citizens "to keep and bear arms." These constitutional enshrinements secure to Nebraskans the fundamental, "basic" right to carry a firearm or other weapon for the purpose of self-defense. *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010).

The United States Supreme Court has explained that the plain meaning of the phrase "bear arms" "naturally encompasses [the] public carry" of firearms. *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Second Amendment's reference to the right to "bear arms" refers to the right to "wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person." *D.C. v. Heller*, 554 U.S. 570, 584 (2008) (citations and internal quotation marks omitted). Thus, "the Second Amendment guarantees 'an individual right to possess and carry weapons in case of confrontation.'" *Bruen*, 597 U.S. at 33 (quoting *Heller*, 554 U.S. at 592). Given that a "confrontation can surely take place outside the home" a less expansive understanding of the right to bear arms—one that did not embrace a right to public carriage—would "nullify half of the Second Amendment's operative protections." *Id.*⁷

The import of *Bruen*, then, is clear: "The Second Amendment's plain text . . . presumptively guarantees . . . a right to 'bear' arms in public for self-defense." 597 U.S. at 33. To the extent some municipal action, like Lincoln's or Omaha's executive order, infringes on that right, it is unconstitutional.

That said, not every exercise of municipal proprietary authority that restricts firearm or other weapon possession is unconstitutional. Both

Bruen and *Heller* recognized that there are some "sensitive places" where it is constitutionally permissible for the possession of weapons to be "altogether prohibited." *Bruen*, 597 U.S. at 30; *D.C. v. Heller*, 554 U.S. 570, 626 (2008). "Courthouses" along with "legislative assemblies" and "polling places" have been offered as examples, *Bruen*, 597 U.S. at 30, as have "schools and government buildings," *Heller*, 554 U.S. at 626. The precise scope of the doctrine remains unsettled: *Bruen* rejected an overly broad conception—any location where "people typically congregate and where law-enforcement . . . professionals are presumptively available"—but left the task of outlining a "comprehensive definition" to a later date. *See* 597 U.S. at 30–31.

Just as was the case above, the fact that one portion of an executive order or other municipal action is unconstitutional does not necessarily render that action unlawful in its entirety.⁸ Many public buildings where government business is conducted can be fairly described as "public places;" some, like courthouses, are even presumptively open to members of the public. *See, e.g.*, Neb. Rev. Stat. § 24-1001 (Reissue 2016) ("All judicial proceedings of all courts established in this state must be open to the attendance of the public unless otherwise specially provided by statute."). But there are many obvious and material differences between a courtroom and a public park or trail or sidewalk. That a municipality cannot constitutionally ban the possession of firearms or other weapons in a park or on its sidewalks does not mean that weapons must be allowed in the public gallery of a courtroom or other sensitive place.

Because your question is addressed to public spaces such as parks, trails, and sidewalks, not public buildings, this Opinion does not address where the "sensitive places" line exactly lies, which is a subject of ongoing jurisprudential and scholarly debate. Because state law already prohibits municipalities from regulating firearm possession, it suffices for present purposes to note that the sensitive places doctrine is but one of several possible reasons why constitutional limitations on the possession of weaponry may differ across various locations that can fairly be described as a "public space."

III.

Existing law prevents Nebraska municipalities from regulating the possession of firearms or other weapons in public spaces like those identified in your opinion request, namely "public parks, trails, and sidewalks." Municipalities have sharply limited proprietary authority over these spaces, and L.B. 77 deprived municipalities of all regulatory authority over the possession of weaponry. Consequently, municipalities have no

lawful means of restricting or prohibiting the possession of firearms or other weapons there.

Furthermore, the right to publicly bear arms for self-defense provides a constitutional backstop that would preclude a blanket prohibition on weapon possession in those spaces, regardless of whether a municipality sought to implement such a restriction or prohibition by way of regulation or through an exercise of its common law proprietary authority.

Michael T. Hilgers
Attorney General of Nebraska

¹ Lincoln’s executive order does exclude from its definition of “City property” “public street[s]” and “public sidewalk[s] that run[] parallel to a public street.”

² L.B. 77 contains a provision that effectively codifies the proprietary rigexclude individuals carrying a concealed handgun. L.B. 77, § 9, 108th Leg., 1st Sess. (2023) (enacted), *codified at* Neb. Rev. Stat. § 28-1202.01(2). L.B. 77 does not contain any language suggesting that this provision was intended to *restrict* the scope of proprietary authority recognized at common law. Our Supreme Court has instructed that legislative enactments should not be read or construed to “restrict[] or abolish[] common-law rights” unless “the plain words of the statute compel such result.” *Macku v. Drackett Prod. Co.*, 216 Neb. 176, 180, 343 N.W.2d 58, 61 (1984). Thus, it would be inappropriate to read L.B. 77 as a limitation, rather than a textual reinforcement, of the proprietary authority recognized at common law. Individuals or entities properly imbued with and appropriately exercising their common law proprietary authority can restrict or forbid the carriage of any type of firearm or other weaponry on property they own or control.

³ The limited proprietary authority municipalities retain over these spaces can be used to do basic things, such as set hours of operation. *See, e.g., Borough of Dumont v. Caruth*, 123 N.J. Super. 331, 336 (Mun. Ct. 1973) (“[A] municipality may close a park during certain hours of the night just as it may close public buildings . . . municipalities are [not] required to hold open all public facilities for public use 24 hours a day.”).

⁴ The inaptitude of proprietary power over such spaces also reflects practical reality. “Public access [to streets, sidewalks, parks, and other similar public spaces] is not a matter of grace by government officials but rather is inherent in the open nature of the locations.” *Kokinda*, 497 U.S. at 743 (Brennan, J., dissenting).

⁵ Our conclusion would hold even if the orders were understood to properly exercise proprietary authority. A governmental entity cannot evade an express restriction on its regulatory authority through the exercise of its proprietary

power. See *Wisconsin Dep't of Indus., Lab. & Hum. Rels. v. Gould Inc.*, 475 U.S. 282, 290–91 (1986). “In exercising its proprietary power, a municipality may not act beyond the purposes of [a] statutory grant of power or contrary to express statutory or constitutional limitations.” *Burns v. City of Seattle*, 161 Wash. 2d 129, 154 (2007). When a municipality attempts to subvert a regulatory restriction in this way, even a legitimate exercise of proprietary power will be treated as if it were an exercise of regulatory authority, and any applicable limitations constraining an exercise of regulatory authority in that context will be respected. See *Gould*, 475 U.S. at 291; *Friends of the Eel River v. N. Coast R.R. Auth.*, 3 Cal. 5th 677, 736–37 (2017).

⁶ Section 13-330 renders any municipal regulation of “the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons” not expressly permitted by state law to be “null and void.” Neb. Rev. Stat. § 13-330(2), (3). Whether Section 13-330 requires the *entirety* of an impermissible ordinance or other action be nullified, or instead renders only any unlawful portion of such action void, raises a severability question that is not facially resolved by the statutory text. Because there is no need to resolve that question here, we decline to wade into the murky waters of severability.

⁷ Our Supreme Court has not directly addressed whether Article I, Section 1, of the Nebraska Constitution embraces the public carriage of firearms. That said, textual similarity between the Second Amendment and Article I, Section 1, leads us to presume, at a minimum, a congruence between the rights secured by those two authorities.

⁸ Then again, Section 13-330 may require just that. This Opinion does not address this question of severability. See FN 6, *supra*.

COMMUNICATION(S)

Received a copy of HRC 1017 from the state of Oklahoma relating to an Article V Convention for proposing amendments to the United States Constitution and a gathering of the states in preparation for an Article V Convention; authorizing a delegation of commissioners from this state to attend and participate in gatherings of the states; stating purpose; providing for selection and composition of the delegation; providing that the delegation shall be bound by the rules established for the gathering of states; providing that the delegation to the convention of states shall also serve as commissioners to the Article V Convention for proposing amendments to the United States Constitution when called; providing for selection of alternates; prohibiting commissioners to the Article V convention from voting for unauthorized amendments; providing for replacement of commissioners who violate the prohibition; providing for voting; requiring the taking of an oath; establishing an Article V Convention Committee; providing composition and duties; requiring commissioner to adhere to certain principles; providing termination date; and directing filing and distribution.

Received a copy of HRC 1032 from the state of Oklahoma relating to a Constitutional Convention pursuant to Article V of the United States Constitution; application; distribution.

ANNOUNCEMENT(S)

Priority designation(s) received:

Jacobson - LB31
 Conrad - LB16
 Kauth - LB575
 Arch - LB461
 Brandt - LB61

ANNOUNCEMENT(S)

Speaker priority bill/resolution designations are as follows:
 LBs 78, 308, and 664.

MOTION - Chairperson of Executive Board

Senator Holdcroft moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Aguilar placed his name in nomination.

Senator M. Cavanaugh placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Sanders, Lowe, and Holdcroft as tellers.

Senator Aguilar	38
Senator M. Cavanaugh	<u>6</u>
	44

Senator Aguilar was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Senator Bosn moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Lowe placed his name in nomination.

Senator McKinney placed his name in nomination.

Senator Wayne placed his name in nomination.

Senator Wayne withdrew his name from nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hughes, Dungan, and J. Cavanaugh as tellers.

Senator Lowe	31
Senator McKinney	<u>15</u>
	46

Senator Lowe was duly elected Vice Chairperson of the Executive Board.

EASE

The Legislature was at ease from 10:44 a.m. until 10:51 a.m.

MOTION - Executive Board Member

Senator Walz moved to proceed to the election of the Third Caucus member of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senator Jacobson was nominated from District 3.

REPORT - Third District Congressional Caucus

January 3, 2024

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

The Third District Caucus has elected Senator Mike Jacobson as the new Third District representative to the Executive Board.

Sincerely,
(Signed) Senator John Lowe

MOTION - Approve Executive Board Member

Senator Bostar moved the approval of the nominee to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominee duly elected.

PROPOSED RULES CHANGE(S)

Senator Erdman filed the following proposed rule changes:

Proposed Rule Change 1

Rule 7, Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a co-introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. ~~A two-thirds majority of the elected members shall be required for the cloture motion to be successful.~~ A motion for cloture shall be deemed successful whenever passed by two-thirds of the members voting Yea or Nay with no fewer than 25 affirmative votes. A vote of Present/Not Voting shall not be counted as a vote when voting on a cloture motion. A motion for cloture on a major proposal shall require a three-fifths majority of the members voting Yea or Nay to pass. A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill or resolution ending for the day. When the Speaker chooses to resume debate on the bill or resolution, successive motions for cloture shall not be in order until one additional hour of debate has occurred. A vote on a cloture motion shall be a record machine vote.

Proposed Rule Change 2

RULE 11 – MOTIONS FOR DEBATE ON RULE CHANGES

All Rules of Procedure shall take precedence and hold priority over any motions for debate on changes to the rules.

Sec. 1. Motion, in Writing, Withdrawal, Parameters of Debate. (a) A motion when debating changes to the rules shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

(b) Once motions are stated they may be withdrawn or modified by the mover before a decision or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a viva voce majority vote of the elected members.

(c) The Speaker shall order the debate on the rules, shall set time parameters for debate on each proposed rule change, and shall allot up to eight hours of debate on any proposed rule change. Upon completion of the debate or expiration of the allotted time for debate as prescribed by the Speaker, which ever comes first, a record machine vote shall be taken to advance the proposed rule change. If there is a pending motion or amendment before the body when either the debate ends or the allotted time for debate expires, a record machine vote shall be taken on the pending matter followed by an immediate record machine vote to advance the proposed rule change. If the pending matter is an amendment to an amendment, following a record machine vote on the amendment to the amendment, a record machine vote shall be taken on the original amendment. If the original amendment has been divided, then the record machine vote shall be on the original undivided amendment being considered.

(d) If the Legislature has not adopted a permanent set of standardized rules by the 15th scheduled day of the session during an odd numbered year, a motion to adopt the previous year's set of standardized rules as amended shall be in order. A motion to adopt the previous year's set of standardized rules is neither amendable nor debatable.

(e) Because proposed rule changes effect parliamentary procedures rather than the constitutions or the state statutes, they shall require only one round of debate and shall not be subject to the three rounds of debate reserved for bills and resolutions for constitutional amendments.

Sec. 2. Proposals. Propositions considered for a standardized set of rules and propositions considered for changes in the rules shall take the form of a rules proposal and shall be known as a proposed rule change. Because proposed rule changes are neither bills nor resolutions, they must be submitted in a legible written form with new language to be added to the rule underlined or written in red ink and language to be deleted from the rule shown with a strike through.

Sec. 3. Ordering of Priority Motions. (a) Priority motions shall take precedence over and hold priority over non-priority motions, but shall not hold precedence over or hold priority over any of the Rules of Procedure. Priority motions shall take precedence in the following order:

- (1) To recess
- (2) To adjourn
- (3) Call the question
- (4) Motion to adopt temporary rules
- (5) For cloture
- (6) Motion to adopt permanent rules
- (7) To Recommit
- (8) To postpone to a time certain [Bracket]
- (9) To postpone indefinitely

Sec. 4. Priority Motions.

(a) Motion to Recess. (1) The motion to recess is a motion to temporarily suspend debate on a proposed rule change or an amendment to a proposed rule change. A motion to recess shall hold precedence over and hold priority over all other priority motions, but shall not be in order when another member is speaking or when a motion to adjourn or recess has just been defeated.

(2) Successive motions to recess for dilatory purposes shall never be in order and shall be subject to the dilatory rule.

(3) The motion to recess is not debatable, except that the Speaker shall be privileged to speak to the motion prior to any vote on such motion.

(4) The motion to recess shall be deemed successful whenever a viva voce majority of the members present agree.

(b) Motion to Adjourn. (1) The motion to adjourn is a motion to end debate on any rules proposals or other matters for the remainder of the day with the intention of returning for further debate on the rules at the next scheduled legislative day.

(2) A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn for dilatory purposes shall never be in order and shall be subject to the dilatory rule.

(3) When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn is not debatable.

(4) A motion to adjourn shall be deemed successful whenever a record majority of the members present agree.

(c) Motion to Call the Question. (1) A motion to call the question is a motion asking the presiding officer to end debate on a proposed rule change, an amendment, or a motion by calling for the previous (concluding) question. A Senator making the motion for the previous question, shall ask the presiding officer to call for the previous question. The presiding officer shall then ask the body, "Shall debate cease?"

(2) At any time during a debate on a proposed rule change any member of the body wishing to end debate on a proposed rule change, an amendment, or a motion and who has been recognized by the presiding officer to speak may call for the debate to cease by calling for the previous question.

(3) A motion to call for the question shall be made only in the normal course of speaking order and shall be in order when demanded by ten or more members, and must be sustained by a record vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except a motion to recess or a motion to adjourn.

(4) On a motion to call the question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

(5) When the previous question shall have been ordered on a proposed rule change, the chair of the Rules Committee shall be given the right to close the debate thereon.

(6) A motion for the previous question shall be deemed successful by way of a record majority vote of the members present.

d) Motion to Adopt Temporary Rules. A motion to adopt temporary rules is a motion to adopt the rules from a previous session of the Legislature or another set of standardized rules until permanent rules have been so adopted. A motion to adopt temporary rules shall be deemed successful when passed by a record majority vote of the members elected. Once permanent rules have been adopted, the motion to adopt temporary rules shall be deemed out of order, except when preceded by a successful motion to suspend the rules.

(e) Motion to Adopt Permanent Rules. A motion to adopt permanent rules is a motion to adopt a set of standardized rules for the remainder of the Legislative session at hand. Any member of the Legislature may move to adopt a permanent set of standardized rules, provided that no permanent set of rules have yet been adopted. The presiding officer shall not recognize a

motion to adopt a permanent set of rules unless such motion is supported by one tenth of the members elected and verified by a show of hands. A motion to adopt a permanent set of rules shall be deemed successful when passed by a majority roll call vote of the members elected.

(f) Motion for Cloture. (1) The motion for cloture is a motion to end debate on the current amendment to the rules under consideration and immediately proceed to voting on the proposal along with any pending amendments to the proposal which have already been recognized by the presiding officer during the course of the debate. At any time during debate on the rules the principal introducer of a proposed rule change under consideration or the chairperson of the rules committee may move for cloture to the presiding officer. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending motion to cease. A vote on the cloture motion shall then be taken.

(2) A motion for cloture on an amendment to a proposed rule change shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately and without debate.

(3) If any Senators have left the chamber, the presiding officer shall make a call of the house before voting on a cloture motion.

(4) A motion for cloture shall be deemed successful whenever two-thirds of the members voting Yea or Nay have cast their votes as Yea or Nay and no fewer than 25 Senators have cast a vote. A vote of Present/Not voting shall not be counted as a Yea or Nay vote when voting on a cloture motion.

(5) A motion for cloture which fails for lack of sufficient votes shall result in the debate on the proposed rule change ending for the day. When the Speaker chooses to resume debate on the proposed rule change, a motion for cloture shall be out of order. Debate may continue until time expires and a record vote shall then be taken on the proposed rule change.

(g) Motion to Amend. (1) A motion to amend is a motion to remove content and/or add content to a proposed rule change.

(2) A motion to amend shall be submitted in writing and shall contain the actual words to be added to a proposed rule change and/or the actual words to be stricken from a proposed rule change.

(3) During an odd numbered year or unless otherwise directed by the Speaker, and a motion to amend is under consideration, a motion to amend that amendment shall be in order.

(4) A motion to amend the rules shall be deemed successful by way of record majority vote of the members elected.

(h) Motion to Recommit. (1) The Motion to Recommit is a motion to remove a proposed rule change from debate and send it back to the Rules Committee for reconsideration and/or amending.

(2) A motion to recommit shall not be recognized by the presiding officer until after the introducer of a proposed rule change has opened by explaining the rule or the rule change for a period up to ten minutes.

(3) Any Senator filing a motion to recommit shall do so in writing to the Clerk.

(4) The presiding officer shall not recognize a motion to recommit unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(5) A motion to recommit may only be filed once on a proposed rule change, except that this limitation shall not apply to the introducer of the proposed rule change. This rule shall apply even after the motion fails to be attested to by five or more members by way of a show of hands.

(6) A motion to recommit shall be deemed successful if three-fifths of the members of the Legislature agree by way of a record machine vote.

(i) Motion to Postpone to a Time Certain [Bracket]. (1) The motion to postpone to a time certain is a motion to postpone debate on a proposed rule change to another time or to another date. The motion to postpone to a time certain is also known as a bracket motion.

(2) A motion to postpone to a time certain [Bracket] shall not be recognized by the presiding officer until after the chair of the Rules Committee or the introducer of the proposed rule change has opened on the proposal by explaining the proposal for a period up to ten minutes.

(3) The presiding officer shall not recognize a motion to postpone to a time certain [Bracket] unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(4) Any Senator filing a motion to postpone to a time certain shall do so in writing to the Clerk and indicate the time or the date when debate on such rule proposal or proposed rule change should reconvene.

(5) A motion to postpone to a time certain may only be recognized by the presiding officer once on a proposed rule change, except that this limitation shall not apply to the introducer of the proposed rule change. A Senator filing a second motion to postpone to a time certain on shall be deemed out of order.

(6) A proposed rule change successfully postponed to a time certain after sine die shall be subject to the rule to indefinitely postpone.

(7) A vote to postpone to a time certain [Bracket] shall be deemed successful when three-fifths of the members of the Legislature agree by way of a record machine vote.

(i) Motion to Postpone Indefinitely. (1) A motion to postpone a proposed rule change effectively kills it. A proposed rule change which has been indefinitely postponed means that no further action may be taken on the proposal.

(2) A motion to indefinitely postpone a proposed rule change shall not be recognized by the presiding officer until the proposal is read and the introducer of the proposal has been given up to ten minutes to open on the proposed rule change by explaining the proposal.

(3) The presiding officer shall not recognize a motion to indefinitely postpone a rules proposal or a proposed rule change unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(4) The motion to indefinitely postpone a proposed rule change shall not be recognized by the presiding officer more than once for a proposal being debated. A member who files a second motion to indefinitely postpone a proposed rule change shall be deemed out of order. This rule shall apply even after the motion fails to be attested to by five or more Senators by way of a show of hands

Sec. 5. Incidental Motions. Incidental motions may pertain to correcting breaches of good parliamentary procedure.

(a) Motion of Germaneness. (1) No motion, proposition, or subject different from that under consideration shall be admitted under color of amendment. Any amendment that is not germane is out of order and is subject to the germaneness rule. Germane amendments relate only to the details of the specific subject of the bill or resolution and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject. A motion of germaneness shall be deemed successful whenever a viva voce majority of the members agree.

(b) Motion to Divide the Question. (1) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings.

(2) Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(3) A motion to divide the question shall be deemed successful whenever a viva voce majority of the members present agree.

(4) Following a successful vote of the members to divide the question, the Lieutenant Governor or the presiding officer shall decide how the question is to be divided. Such decision shall not be subject to any further debate.

(c) Motion for a Call of the House. (1) Members of the Legislature are expected to remain inside the chamber during floor debates; however, members of the body on occasion may have good reason to leave. When members are absent from the chamber and have not been excused, such members may be called to return to the chamber by way of a motion for a Call of the House.

(2) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call.

(3) If a majority of the members present and voting vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

(4) The presiding officer may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

(5) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

(d) Motion to Suspend for Dilatory Purposes. (1) Motions shall not be filed for dilatory purposes. If more than two motions are offered to a proposed rule change which are believed to delay progress of the debate, the Speaker or the principal introducer of the proposal may file a motion to suspend for dilatory purposes, stating that he or she believes the motions are being used for dilatory purposes. The motion to suspend for dilatory purposes shall be filed in writing with the Clerk and each motion charged with being dilatory shall be named and/or identified in the motion.

(2) The presiding officer shall recognize the Speaker and/or the principal introducer of the proposed rule change for five minutes to explain why the motions are of a dilatory nature. The presiding officer shall then recognize the Senator or Senators filing the motions for five minutes each to explain why such motions are not of a dilatory nature. The motion to suspend for dilatory purposes is a non-debatable motion and no Senator may yield time to another Senator.

(3) Without any further debate, the presiding officer shall ask, "Are the motions of a dilatory nature?" and a machine vote shall be taken among the members present.

(4) If the majority of the members present decide by way of a record machine vote that the motions are of a dilatory nature, the motions shall be withdrawn and the Senator or Senators who filed such motions shall be precluded from filing any further motions to the proposed rule change.

Proposed Rule Change 3

Rule 3, Section 8: Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ a roll call majority vote of the elected members ~~vote on the floor~~ of the legislature, whereby each Senator shall state the name of the candidate of his or her choice.

Proposed Rule Change 4

Rule 3, Sec. 16. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public and members of the news media, and the proceedings of which are not electronically recorded and transcribed, unless the chair of the committee so provides, but the records of which shall be available for public inspection. ~~Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.~~

(b) ~~Except as provided in Rule 3, Section 5(c)(ii), all other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.~~

Proposed Rule Change 5

Rule 7, Section 11. Motions and Amendments for Dilatory Purposes. Motions and amendment shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution the ~~principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendments and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and /or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included~~

in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and /or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order. which are believed to be used to delay progress on the debate, the principal introducer of the bill or resolution or the chair of the committee if the bill is a committee bill may file a motion to suspend for dilatory purposes, stating that he or she believes the motions are being used for dilatory purposes. The motion to suspend for dilatory purposes shall be filed in writing with the Clerk and shall be recognized by the presiding officer when verified by a show of ten hands or more. Each motion and/or amendment charged with being dilatory shall be named and/or identified in the motion along with the name(s) of the Senators filing such motions and/or amendments.

(2) The presiding officer shall recognize the Speaker and/or the principal introducer of the bill or resolution or the committee chair if the bill is a committee bill for five minutes each to explain why the motion(s) and/or amendment(s) are of a dilatory nature. The presiding officer shall then recognize the Senator or Senators filing the motion(s) and/or amendment(s) for five minutes each to explain why such motions and/or amendments are not of a dilatory nature. The motion to suspend for dilatory purposes is a non-debatable motion and no Senator may yield time to another Senator.

(3) Without any further debate, the presiding officer shall ask, "Are the motions or amendments of a dilatory nature?" and a record machine vote shall be taken among the members present.

(4) If a three-fifths majority of the members present decide by way of a record machine vote that the motion(s) and/or amendment(s) are of a dilatory nature, the motion(s) and/or amendment(s) shall be withdrawn and the Senator or Senators who filed such motion(s) and/or amendment(s) shall be precluded from filing any further motion(s) and/or amendment(s) to the bill or resolution under consideration until the bill or resolution advances to the next stage of debate.

(5) Once a motion or amendment has been declared dilatory by way of a successful vote of the Legislature, a motion to reconsider shall be out of order.

Proposed Rule Change 6

Rule 7, Sec. 4. Shall the Debate Cease. Motion to Call the Question. The previous question shall be in the form, "Shall the debate now close?"

~~The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.~~

~~On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.~~

~~When the previous question shall have been ordered on a proposition under debate, the mover, proponents, or introducer of such proposition shall be given the right to close debate thereon.~~

(1) The motion to call the question is a motion asking the presiding officer to end debate on a bill, a resolution, an amendment, or a motion by calling for the previous (concluding) question. A Senator making the motion to call the question, shall ask the presiding officer to call for the previous question. The presiding officer shall then ask the body, "Shall debate cease?"

(2) At any time during a debate on a bill or resolution any member of the body wishing to end debate on a bill, a resolution, an amendment, or a motion and who has been recognized by the presiding officer to speak may call for the debate to cease by calling for the question.

(3) Calling for the question shall be made only in the normal course of speaking order and shall be in order when demanded by ten or more members and verified by way of a show of hands.

(4) On a motion to call the question there shall be no debate.

(5) When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

(6) A motion to call the question shall be deemed successful by way of a viva voce majority vote of the members present.

(7) A motion to call the question shall hold priority over all other motions, except a motion to recess, a motion to adjourn, and a motion for cloture.

Proposed Rule Change 7

Rule 7, Sec. 2. Machine Voting, Electronic Roll Call, and Show of Hands.

(a) All votes shall be taken viva voce ~~unless otherwise provided for herein.~~ Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

...

(f) The presiding officer shall not recognize a motion to call the question, to reconsider, to postpone to a time certain, to recommit to a committee, or to postpone indefinitely unless five or more Senators agree to the motion and the motion is sustained by a show of hands of five or more Senators, except that a motion to call the question shall require the approval of ten or more Senators by way of a show of hands.

Proposed Rule Change 8

Rule 7, Sec. 3 Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

(b) The presiding officer shall not recognize any of the following motions more than once per each stage of debate on a bill or resolution: The motion to reconsider, the motion to postpone to a time certain, the motion to recommit to a committee, and the motion to postpone indefinitely.

(c) For General File and Select File the presiding officer shall allow the Introducer of a bill or resolution and the chair of a committee who is introducing a committee amendment to open on any such bill, resolution or committee amendment by allowing such individual to speak for a period not to exceed ten minutes. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 1, Section 17.

(d) Once motions are stated they may be withdrawn or modified by the mover before a decision, an amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent of a majority vote of the elected members.

(e) When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- ~~a~~. 1. To recess
- ~~b~~. 2. To adjourn
- ~~c~~. 3. For cloture
- ~~d~~. 4. Call for the previous question
- ~~e~~. 5. To reconsider
- ~~f~~. 6. To postpone to a time certain
- ~~g~~. 7. To recommit to a committee
- ~~h~~. 8. To amend
- ~~i~~. 9. To postpone indefinitely

(f) Such motions shall have precedence in the order in which they are arranged except as provided in for in Rule 1, Section 17 and Chapter 11, Section 3. Motions to postpone indefinitely and amend do not yield to each other.

(g) When any of the following motions shall be made, any actions on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- ~~a~~. 1. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
- ~~b~~. 2. Motion to place on General File pursuant to Rule 3, Section 20(b).
- ~~c~~. 3. Motion to place bills on General File, notwithstanding the action of a standing committee.

(h) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(i) Amendments to the title shall be made by the Enrollment and Review Committee.

(j) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. German amendments relate only to details of the specific subject of the bills and must be in a natural

and logical sequences to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(k) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6. Such a call for division shall not be allowed for the mainline budget bill, the deficit bill, the capital construction bill, and the funds transfer bill.

(l) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

~~Rule 6, Sec. 3 (b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.~~

~~Rule 7, Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.~~

Rule 6, Sec. 3. General File ...

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall then be considered following the

consideration of the standing committee amendments and any amendments thereto. Other amendments ~~and motions~~ permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17. Other motions may then be filed with the Clerk, provided that the motion to reconsider, the motion to postpone to a time certain, the motion to recommit to a committee, and the motion to postpone indefinitely are only filed once by the collective membership of the body on a bill when it is debated on General File.

Rule 6, Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions may be in order, provided that the motion to reconsider, the motion to postpone to a time certain, the motion to recommit to a committee, and the motion to postpone indefinitely are only filed once by the collective membership of the body on a bill when it is debated on Select File.

Proposed Rule Change 9

Rule 3, Sec. 6. Redistricting Committee. (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. ~~No more than five members appointed to the committee shall be affiliated with the same political party.~~ A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. ~~The chair and vice chair shall not be a member of the same political party.~~

Proposed Rule Change 10

Rule 1, Sec. 12. Overrule Ruling of the Chair. The President or presiding officer may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, and shall be in order when such challenge be demanded by five or more members. ~~on which challenge no member may speak more~~

~~than once, unless by leave of the Legislature. No member may yield time to another member. In the event to a challenge to the ruling of the chair, the President or presiding officer shall ask for five hands, and if seeing such shall allow the challenging member five minutes to speak, or a designee to speak on their behalf. Afterwards, the Speaker and or the Chair of the Rules Committee may request five minutes each to speak to the challenge with no further debate. ¶The ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A viva voce majority vote of those present shall be required to overrule the chair. A motion to overrule the chair shall not be subject to a reconsideration motion, nor shall the President or presiding officer be required to recognize another motion to overrule the chair that addresses the same question or order.~~

Proposed Rule Change 11

Rule 1, Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. ~~No member shall use profane or abusive language when speaking to or about another member.~~

Rule 1, Sec. 8. Transgression of Rules, Call Member to Order Germane Speech ~~If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.~~

(a) When speaking, senators shall maintain germane speech by confining their speech to address the question under consideration in an orderly manner. The presiding officer shall, or a member may, call another member to order for non-germane speech,

(b)(i) Germane speech is relevant speech that pertains to the question under consideration or the main subject that has been opened by the underlying bill, resolution, amendment, debatable motion, or rule to which such current question is related, or how it may interact with current law. It may include the discussion of comparisons and interrelated aspects of other bills, resolutions, amendments, or rules that are currently introduced or were previously introduced that are logically connected. It may also include philosophy, principles, research, or lessons that could be logically applied to the question or subject under consideration. This definition shall be liberally applied by the presiding officer and members.

(ii) Non-germane speech is irrelevant or disorderly speech that is persistent in its irrelevance or repetition. Non-germane speech shall be addressed in the manner as expressed in subsections (c) through (e) of this section.

(c) When the presiding officer or another member first calls a member to order for non-germane speech, the presiding officer shall issue a warning and direct the member to keep their remarks germane to the question before the legislature. If the relevance of their speech is unclear, the presiding officer may allow the member called to order to quickly explain the relevant point they seek to make and then allow them to continue.

(d) If the same member persistently engages in non-germane speech, after at least one warning, the presiding officer shall, or another member may, call the member to order, in which case such member shall sit down, unless permitted on motion of another member to explain. The presiding officer shall then state their ruling on the matter and if in agreement say "The member's speech is non-germane and therefore out of order." If so ruled, the member shall not be permitted to speak on the bill, resolution, rule, or report during the remainder of that stage of debate. A motion to overrule the chair is in order for this subsection.

(e) When a member who has been previously ruled out of order on any stage of debate for non-germane speech is again called to order during any further stage of debate of the same bill or resolution, the presiding officer shall state "Shall the member be twice ruled out of order for non-germane speech?" and the legislature shall decide the case without debate. If the member is twice ruled out of order for non-germane speech, the member shall immediately sit down and not be permitted to speak for the remainder of the debate on that bill or resolution. For this subsection, a motion to overrule the chair shall not be in order. Subsection (e) shall be used for any subsequent non-germane speech by such member on any other bill, resolution, amendment or rule.

Rule 1, Sec. 9. Words Excepted To. No member shall use profane or abusive language, or use the same when speaking to or about another member.

If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

...

Rule 1, Sec. 12. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Proposed Rule Change 12

Proposed Rule Change 12 is on file in the Clerk's Office.

Speaker Arch filed the following proposed rule changes:

Proposed Rule Change 13

Rule 4, Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and ~~3~~ 4 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Proposed Rule Change 14

~~**Rule 8, Sec. 6. Bill, Setting Tax Rates.** The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.~~

Proposed Rule Change 15

Rule 5, Sec. 7. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative

Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note ~~to be attached to~~ for each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is available.

...

(d) The fiscal note shall be transmitted by the Legislative Fiscal Analyst to the Clerk electronically at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. ~~The Clerk shall present the fiscal note to the principal introducer~~ The principal introducer shall be presented the fiscal note electronically. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. ~~The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.~~

Proposed Rule Change 16

Rule 8, Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all bills containing a transfer to or from the Cash Reserve Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; all bills containing a transfer to or from the Cash Reserve

Fund; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Proposed Rule Change 17

Rule 2, Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting on Final Reading may have inserted into the Journal how he or she would have voted had he or she been present.

Proposed Rule Change 18

Rule 6, Sec. 5. Select File.

(a) The Select File Enrollment and Review amendment, as prepared by the Revisor's Office, shall be neither debatable, amendable, nor divisible prior to its initial adoption. The amendment shall not be read by the Clerk. Amendments to make changes to the language in an enrollment and review amendment shall be offered as amendments to the bill and ordered pursuant to the provisions in these rules, following the initial adoption of the enrollment and review amendment.

(b) When the Legislature considers bills on Select File, any of the following motions shall be in order, after adoption or rejection of the Enrollment and Review Amendments, in accordance with the provisions of Rule 7, Section 3:

~~(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.~~

~~(b) (i) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.~~

~~(c) (ii) A motion to recommit to the proper standing committee.~~

~~(d) (iii) A motion to postpone indefinitely. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.~~

(e) ~~(iv)~~ Motions made pursuant to subsections ~~b, e, and d~~ i, ii, and iii hereof may be adopted only upon the affirmative vote of a majority of the elected members.

~~(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.~~

~~(g)~~ (v) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

~~(h)~~ (vi) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

Proposed Rule Change 19

Rule 7, Sec. 3. Motion, in Writing, Withdrawal.

...

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. ... Such a call for division shall not be allowed for ~~the mainline budget bill, the deficit bill, the capital construction bill, and the funds transfer bill~~ bills listed under Rule 8, Section 1(b).

Rule 8, Section 1. Purpose. (a) The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests.

(b) For purposes of these rules, the appropriations bills shall consist of the mainline budget bill, the deficit bill, the capital construction bill, the funds transfer bill, the bill making appropriations for the pay of members of the Legislature, the bill making appropriations for the salaries of constitutional officer of the Government, and the cash reserve fund transfer bill. The appropriations bills shall also include any instances of the aforementioned bills for the purposes of mid-biennium adjustments. These bills shall always be referred to the Appropriations Committee for purposes of public hearing and review.

(c) The bill changing judges' salaries as part of the standard biennial budgeting process shall be considered at each stage of floor debate following the appropriations bills listed above, followed by bills providing for approval and disapproval of claims against the state.

Proposed Rule Change 20

Rule 6, Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members. Both a motion to return a bill to Select File for a specific amendment, and the specific amendment once the bill has been returned to Select File, are neither divisible nor amendable.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for that specific amendment.

Proposed Rule Change 21

Rule 6, Sec. 3. General File. ...

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be ~~considered~~ introduced. After the introduction of the bill and the introduction of the committee amendment, other priority motions shall have precedence in the order in which they are arranged under Rule 7, Section 3, except as provided for in Rule 1, Section 17. Motions to adjourn or recess shall remain in order except as limited by Rule 7, Section 9. The introducer's amendments, if any, shall be ~~considered~~ introduced following the ~~consideration~~ introduction of the standing committee amendments and any amendments thereto. ~~Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17. Further amendments will be considered in the order in which they are filed with the Clerk.~~

Proposed Rule Change 22

Rule 2, Sec. 10. Time Limit on Speaking. Only the ~~The~~ introducer of the matter pending may speak for ten minutes when he or she first presents the

matter to the Legislature, except that a committee chair may designate the vice chair or a member of the committee to introduce a committee bill or a committee's amendment in the absence of that committee chair. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the introducer of the matter pending in which case he or she shall be permitted to close after every other member choosing to speak shall have spoken or after a motion to cease debate has prevailed. The introducer's close shall be included within the three opportunities permitted for speaking to an issue.

Proposed Rule Change 23

Rule 7, Sec. 6. ~~Postpone to Time Certain. Offering of Debatable Priority Motions.~~ No motion to postpone to a time certain, to recommit, or to postpone indefinitely being ~~decided~~ offered, shall again be allowed ~~on the same day~~ at the same stage of the bill or proposition, except that the primary introducer of the bill, resolution, or main motion under consideration may offer one additional motion to recommit or to postpone indefinitely, if the Legislature has not previously decided on a motion to recommit or postpone indefinitely.

Proposed Rule Change 24

Rule 5, Sec. 6. Consent Calendar. ...

(c) Any bill placed on consent calendar shall be removed at the written request of ~~three~~ seven or more senators. Such request must be filed with the Clerk prior to the ~~expiration of fifteen minutes of debate at that stage of consideration~~ reading of the bill at each stage of debate, on the bill to be removed.

Proposed Rule Change 25

Rule 7, Sec. 10. Cloture. At any stage of consideration the principal introducer of the underlying, bill, resolution, or main motion under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill, resolution, or main motion is introduced by that committee, may move for cloture to the presiding officer, except that motions to adopt permanent rules or amendments to the permanent rules may not be subject to cloture.; ~~however, †~~The presiding officer may rule ~~such a~~ motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required

for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

Proposed Rule Change 26

Rule 1, Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature, except that the challenging member may also open on their challenge. No member may yield time to another member, but may ask another member to yield to questioning. Challenges to the chair shall not be considered for purposes of determining full and fair debate in relation to a cloture motion. A motion for the previous question shall not be in order during debate on a challenge of the chair. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Proposed Rule Change 27

Rule 5, Sec. 4. Introducers Signing Bills. ...

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least ~~24 hours~~ five calendar days prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Proposed Rule Change 28

Rule 7, Sec. 3. Motion, in Writing, Withdrawal. ...

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To recess
- b. To adjourn

c. For cloture

d. To approve dilatory designation

~~d. e.~~ To reconsider

~~e. f.~~ For the previous question

~~f. g.~~ To postpone to a time certain

~~g. h.~~ To recommit to a committee

~~h. i.~~ To amend

~~i. j.~~ To postpone indefinitely

...

~~Sec. 11. Motions and Amendments for Dilatory Purposes.~~ Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order.

Rule 7, Sec. 11. Dilatory Designation

Motions and amendments shall not be filed for dilatory purposes. If the primary introducer of a pending bill, resolution, or main motion believes that the bill, resolution, or main motion is the subject of dilatory action, the primary introducer may offer a motion to approve dilatory designation. A motion to approve dilatory designation is not debatable, amendable, nor divisible. It shall require a four-fifths vote of elected members to approve the dilatory designation.

If the motion is approved, all amendments and motions, except for a motion to invoke cloture, including those amendments and motions currently pending, are out of order, unless designated as in order by direction of the Speaker. No member shall be allowed to offer a motion to overrule the chair concerning amendments and motions ruled out of order after a bill, resolution, or main motion has received a dilatory designation. If no further amendments or motions have been designated as in order by direction of the Speaker and all members wishing to speak have exhausted their opportunities pursuant to Rule 2, Section 10, a motion to advance the bill is presumed to be in order.

After the motion is approved, the bill, resolution, or main motion shall carry its dilatory designation for the remainder of the stage of consideration that the designation was assigned on. Subsequent stages of consideration shall require an additional designation.

If the motion is not approved, debate shall resume and another motion to approve dilatory designation is not in order until an additional two hours of debate on the bill, resolution, or main motion has occurred.

Motions to adjourn and recess will remain in order regardless of dilatory designation, subject to the provisions of Rule 7, Section 9.

Senator Hansen filed the following proposed rule change:

Proposed Rule Change 29

Rule 5, Sec. 4. Introducers Signing Bills. (d) Individual members shall ~~not~~ be limited as to ~~bill introduction~~ to no more than 14 bills introduced at any one session. If individual members limit the number of bills they introduce to five bills or less, they will be allowed to designate two bills as priority bills. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a), Rule 5, Section 4(c)(3), and bills introduced at the request of the Governor will not be included in the limitation.

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill, except as otherwise outlined under the provisions of Rule 5, Sec. 4(d). Such priority bill need not be the designator's bill, but the principal introducer must concur with the

designation as a priority bill and with the withdrawal of the designation once made.

ANNOUNCEMENT(S)

Priority designation(s) received:

Hunt - LB307

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 821. Introduced by Blood, 3.

A BILL FOR AN ACT relating to students; to amend section 79-215, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the preliminary enrollment in a school district by children of military families; to require any preliminary or advanced enrollment provisions of a school district apply to students with an individualized education program or students that receive special education as prescribed; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend sections 28-327, 38-2101, 38-2116, and 38-2139, Revised Statutes Cumulative Supplement, 2022, and section 38-131, Revised Statutes Supplement, 2023; to adopt the Social Worker Licensure Compact; to change provisions relating to criminal background checks under the Uniform Credentialing Act; to provide for issuance of multistate licenses to practice social work under the compact and require criminal background checks; to provide powers and duties under the Mental Health Practice Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend section 38-2001, Revised Statutes Cumulative Supplement, 2022, and section 38-131, Revised Statutes Supplement, 2023; to adopt the Physician Assistant (PA) Licensure Compact; to change provisions relating to criminal background checks under the Uniform Credentialing Act; to require criminal background checks under the Medicine and Surgery Practice Act as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend section 38-1101,

Revised Statutes Cumulative Supplement, 2022, and section 38-131, Revised Statutes Supplement, 2023; to adopt the Dentist and Dental Hygienist Compact; to change provisions relating to criminal background checks under the Uniform Credentialing Act; to require criminal background checks under the Dentistry Practice Act as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2023; to adopt the Nebraska Farmers of Color Opportunity Act; to provide tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-411 and 37-421, Reissue Revised Statutes of Nebraska, and section 37-438, Revised Statutes Cumulative Supplement, 2022; to authorize resident and nonresident veterans and active duty military personnel to acquire certain combination permits and stamps and state park entry permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 827. Introduced by Blood, 3.

A BILL FOR AN ACT relating to child labor; to amend sections 48-301 and 48-310.02, Reissue Revised Statutes of Nebraska; to adopt the Entertainment Industry Child Performer Protection Act; to redefine a term; to eliminate exemptions for employment in the performing arts; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-310.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 828. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections 81-2,165.01, 81-2,165.02, 81-2,166, and 81-2,179, Reissue Revised Statutes of Nebraska; to restate legislative intent; to define and redefine terms; to provide a penalty; to create the Pollinator Task Force and provide powers and duties to the task force; to provide duties to the Department of Agriculture, Director of Agriculture, Director of Natural Resources, Director of Environment and Energy, secretary of the Game and Parks Commission, and Director-State Engineer; to require a report; to create the Nebraska Apiary Registry; to provide immunity for certain damages related to bees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Blood, 3.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,102, Revised Statutes Supplement, 2023; to change provisions relating to coverage for screening for colorectal cancer; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Blood, 3.

A BILL FOR AN ACT relating to state government; to designate a state tartan.

LEGISLATIVE BILL 831. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-945.01, 2-945.02, 2-952, 2-953, 2-954, 2-961, 2-963, and 2-965.01, Reissue Revised Statutes of Nebraska; to restate legislative findings and declarations; to define and redefine terms; to provide a duty for the Director of Agriculture; to provide a penalty; to provide for the control of restricted plants as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Blood, 3.

A BILL FOR AN ACT relating to government; to amend section 84-168, Reissue Revised Statutes of Nebraska; to authorize acceptance of cession or retrocession of federal jurisdiction for juvenile matters; to change provisions and provide duties relating to such acceptance; to authorize certain agreements; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to adopt the Prescription Drug Affordability Act.

LEGISLATIVE BILL 834. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1123, Reissue Revised Statutes of Nebraska, and section 38-129.01, Revised Statutes Cumulative Supplement, 2022; to establish requirements for a resident license; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Blood, 3.

A BILL FOR AN ACT relating to public health; to amend section 38-3113, Reissue Revised Statutes of Nebraska; to adopt the School Psychologist Interstate Licensure Compact; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2023; to provide requirements for retail licensees displaying co-branded alcoholic beverages immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend sections 70-604.03 and 70-612, Reissue Revised Statutes of Nebraska; to provide for the division of voting precincts for purposes of establishing boundary lines for operating areas, chartered territory, and district elections and eliminate the requirement of approval by the Secretary of State; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 838. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-309, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of members to the council; and to repeal the original section.

LEGISLATIVE BILL 839. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the State Racing and Gaming Commission; to amend sections 2-1201 and 2-1202, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment, qualifications, and removal of members of the commission; to change provisions relating to the executive director of the commission; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 840. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to cities; to adopt the Poverty Elimination Action Plan Act.

LEGISLATIVE BILL 841. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to schools; to adopt the School Leadership Engagement Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 842. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to housing; to amend sections 19-901, 19-902, 19-5503, 58-701, 58-706, 71-1575, and 71-15,124, Reissue Revised

Statutes of Nebraska; to define and redefine terms under the Municipal Density and Missing Middle Housing Act, the Nebraska Affordable Housing Act, and the Nebraska Housing Agency Act; to change provisions relating to the activities that are eligible for assistance from the Affordable Housing Trust Fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 843. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to the Middle Income Workforce Housing Investment Act; to amend section 81-1238, Revised Statutes Supplement, 2023; to change workforce housing grant maximums and a matching funds requirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Farm Labor Contractors Act; to amend sections 48-1701, 48-1702, and 48-1714, Reissue Revised Statutes of Nebraska; to define terms; to require certain actions by certain seed corn producers; to provide duties to the Director of Agriculture and the Department of Agriculture; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 845. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1401, Revised Statutes Cumulative Supplement, 2022; to prohibit evictions of certain tenants during the school year; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Hunt, 8.

A BILL FOR AN ACT relating to bed bugs; to adopt the Bed Bug Detection and Treatment Act.

LEGISLATIVE BILL 847. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Interstate Civil Defense and Disaster Compact; to amend sections 81-829.47, 81-829.52, and 81-829.56, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency response agreements with other states; to withdraw from the Interstate Civil Defense and Disaster Compact; to harmonize provisions; to repeal the original sections; and to outright repeal section 1-109, Appendix, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 848. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 55-134 and 55-136, Reissue Revised Statutes of Nebraska; to

change the maximum age for the Adjutant General; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to insurance; to amend section 44-7509, Reissue Revised Statutes of Nebraska; to change provisions relating to rate adjustments; and to repeal the original section.

LEGISLATIVE BILL 850. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to appropriations; to change the use of reappropriated funds as prescribed; and to declare an emergency.

LEGISLATIVE BILL 851. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1210.02, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to internship grants; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 852. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the Medicare Supplement Insurance Minimum Standards Act; to amend sections 44-3601 and 44-3602, Reissue Revised Statutes of Nebraska; to provide limitations regarding reimbursement for durable medical equipment, prosthetics, orthotics, and supplies; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 853. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501.01 and 77-3507, Reissue Revised Statutes of Nebraska, section 77-3508, Revised Statutes Cumulative Supplement, 2022, and section 77-3506, Revised Statutes Supplement, 2023; to redefine a term; to change provisions relating to homestead exemptions; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-3505.02 and 77-3506.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 854. Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-116, 1-124, 1-136, and 1-136.02, Reissue Revised Statutes of Nebraska; to change the examination eligibility, certification, and permitting requirements relating to certified public accountants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to schools; to prohibit a school board or board of education of a school district from using a debt collection agency to collect or attempt to collect outstanding debts on a school lunch or breakfast account of a student or from assessing or collecting any interest, fees, or other monetary penalties for such debts as prescribed.

LEGISLATIVE BILL 856. Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to the child care subsidy program; to amend section 68-1206, Revised Statutes Supplement, 2023; to change eligibility requirements; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Dungan, 26; Bosn, 25; Hughes, 24.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to create the Nebraska Prenatal Plus Program as prescribed.

LEGISLATIVE BILL 858. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to the State Department of Education; and to declare an emergency.

LEGISLATIVE BILL 859. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change requirements for certain persons holding elective office relating to potential conflicts of interest; to provide an exception; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 860. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education: to amend section 79-1103, Reissue Revised Statutes of Nebraska; to change a reporting requirement relating to the Early Childhood Education Grant Program; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to election petitions; to amend sections 32-632 and 32-1546, Reissue Revised Statutes of Nebraska, and section 32-1305, Revised Statutes Cumulative Supplement, 2022; to change procedures for removal of a name from a petition; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the transportation of students; to provide a reporting duty to school districts; to provide powers and duties to the State Department of Education; and to repeal the original section.

LEGISLATIVE BILL 863. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2023; to change provisions relating to an income tax adjustment for federal retirement annuities; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to state intent regarding appropriations; and to declare an emergency.

LEGISLATIVE BILL 865. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend section 86-1301, Revised Statutes Cumulative Supplement, 2022; to require a provider to submit an annual report to the Nebraska Broadband Office as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 866. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to board composition, eligibility, terms, and compensation; and to repeal the original section.

LEGISLATIVE BILL 867. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Cumulative Supplement, 2022; to define terms; to provide for a voluntary hunting and fishing guide and outfitter database; to provide powers and duties for the Game and Parks Commission; to provide for a fee; to provide for applicability; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Cash Fund; to amend section 66-1519, Revised Statutes Cumulative Supplement, 2022; to extend a sunset date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 869. Introduced by Bostar, 29; Jacobson, 42.

A BILL FOR AN ACT relating to county veterans service committees; to amend section 80-102, Reissue Revised Statutes of Nebraska, and section 80-104, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the provision of veterans aid and burial services; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Sexual Assault Victims' Bill of Rights Act; to amend section 29-4313, Revised Statutes Cumulative Supplement, 2022; to provide for rights of notification and information for victims of sexual assault as prescribed; to require preservation of sexual assault forensic evidence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Temporary Assistance for Needy Families program; to require the Department of Health and Human Services to submit a report as prescribed.

LEGISLATIVE BILL 872. Introduced by Clements, 2.

A BILL FOR AN ACT relating to government; to amend sections 13-609 and 81-118.01, Reissue Revised Statutes of Nebraska; to prohibit payment to government entities by means of central bank digital currency; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,122, Reissue Revised Statutes of Nebraska, and section 76-2,121, Revised Statutes Cumulative Supplement, 2022; to redefine a term; to change provisions relating to requirements of real estate closing agents; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Bostar, 29; Ibach, 44.

A BILL FOR AN ACT relating to child care licensing and child care facilities; to amend sections 71-1911 and 71-1911.03, Reissue Revised Statutes of Nebraska, and sections 28-713, 71-1908, 71-1912, and 77-202, Revised Statutes Cumulative Supplement, 2022; to change requirements for child care licensing, liability insurance for child care license applicants, background checks for child care employees, and use of blankets in child care facilities; to provide reporting requirements to the Legislature for the Department of Health and Human Services, the State Fire Marshal, and municipalities; to provide a property tax exemption; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 875. Introduced by Hughes, 24; Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2023; to prohibit the sale of alcoholic liquor or beer at less than cost as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 876. Introduced by Holdcroft, 36; Cavanaugh, M., 6; Hardin, 48; Lippincott, 34; Sanders, 45.

A BILL FOR AN ACT relating to infants; to amend section 29-121, Reissue Revised Statutes of Nebraska; to adopt the Newborn Safe Haven Act; to prohibit prosecution for persons complying with the Newborn Safe Haven Act; and to repeal the original section.

ANNOUNCEMENT(S)

Priority designation(s) received:

Holdercroft - LB137

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 877. Introduced by Holdcroft, 36; Bostar, 29; Lippincott, 34.

A BILL FOR AN ACT relating to assessment of property; to amend sections 77-1344 and 77-1347, Revised Statutes Supplement, 2023; to change provisions relating to the special valuation of agricultural or horticultural land; to provide for retroactive applicability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Holdcroft, 36; DeKay, 40; Kauth, 31; Linehan, 39; Lippincott, 34; von Gillern, 4.

A BILL FOR AN ACT relating to elections; to amend sections 10-702, 13-519, 13-809, 13-2507, and 79-10,105, Reissue Revised Statutes of Nebraska, and sections 32-559, 32-1203, 77-3444, 79-1029, 79-1098, 79-10,117, and 79-10,118, Revised Statutes Cumulative Supplement, 2022; to provide, change, and eliminate provisions regarding elections for certain purposes; to harmonize provisions; to repeal the original sections; and to outright repeal section 10-703.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 879. Introduced by Cavanaugh, M., 6.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-178, 38-179, 38-192, 38-193, 38-196, 38-2021, and 38-2894,

Revised Statutes Supplement, 2023; to change provisions relating to discipline under the Uniform Credentialing Act; to eliminate the Let them Grow Act and the Preborn Child Protection Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-6912, 71-6913, 71-6914, 71-6915, 71-6916, 71-6917, 71-7301, 71-7302, 71-7303, 71-7304, 71-7305, 71-7306, and 71-7307, Revised Statutes Supplement, 2023.

LEGISLATIVE BILL 880. Introduced by Hughes, 24.

A BILL FOR AN ACT relating to the Drinking Water State Revolving Fund Act; to amend sections 71-5318 and 71-5322, Revised Statutes Cumulative Supplement, 2022; to change a requirement relating to the Land Acquisition and Source Water Loan Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to the Middle Income Workforce Housing Investment Act; to amend section 81-1237, Revised Statutes Supplement, 2023; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the federal Supplemental Nutrition Assistance Program; to amend section 68-1017.02, Revised Statutes Supplement, 2023; to require the Department of Health and Human Services to provide coverage for online ordering delivery fees; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to public safety; to amend sections 28-636, 69-2409.01, 71-904.01, 71-961, and 71-963, Reissue Revised Statutes of Nebraska, and section 83-109, Revised Statutes Supplement, 2023; to eliminate provisions relating to handgun purchase requirements; to change and transfer provisions on criminal history records checks relating to firearms and explosives; to provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal sections 69-2401, 69-2402, 69-2403, 69-2404, 69-2405, 69-2406, 69-2407, 69-2408, 69-2409, 69-2410, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, 69-2420, 69-2421, 69-2422, 69-2423, 69-2424, and 69-2425, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 884. Introduced by Bostar, 29.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-919, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to medicaid estate recovery by the Department of Health and Human Services; and to repeal the original section.

LEGISLATIVE BILL 885. Introduced by Bostar, 29; Ballard, 21; von Gillern, 4.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of lung cancer screening as prescribed.

LEGISLATIVE BILL 886. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to homeowner associations; to provide restrictions and exceptions for the regulation of political signs as prescribed.

LEGISLATIVE BILL 887. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to nonprofit organizations; to adopt the Nebraska Nonprofit Security Grant Program Act.

LEGISLATIVE BILL 888. Introduced by Vargas, 7; Aguilar, 35; Dorn, 30; Dungan, 26; Hughes, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 889. Introduced by Vargas, 7; Aguilar, 35; Dorn, 30; Dungan, 26; Hughes, 24; Ibach, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 890. Introduced by Bosn, 25.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,108.05, Revised Statutes Cumulative Supplement, 2022; to provide for certified copies of sealed juvenile records to attorneys as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by Bosn, 25.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1401.24, Reissue Revised Statutes of Nebraska; to redefine manufacturer; and to repeal the original section.

LEGISLATIVE BILL 892. Introduced by Bosn, 25.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-405 and 28-416, Revised Statutes Supplement, 2023; to change provisions relating to controlled substances schedules; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by Ibach, 44; Vargas, 7.

A BILL FOR AN ACT relating to the ImagiNE Nebraska Act; to amend section 77-6831, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the types of property receiving a property tax exemption; and to repeal the original section.

LEGISLATIVE BILL 894. Introduced by Ibach, 44; Hughes, 24.

A BILL FOR AN ACT relating to county sheriffs; to amend section 23-1701.01, Reissue Revised Statutes of Nebraska; to change law enforcement officer certification requirements for candidates for sheriff as prescribed; and to repeal the original section.

LEGISLATIVE BILL 895. Introduced by Sanders, 45; Albrecht, 17; Bostelman, 23; Brewer, 43; Holdcroft, 36; Meyer, 41.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 55-157.03, Reissue Revised Statutes of Nebraska; to change incentive payment provisions relating to recruitment and retention; and to repeal the original section.

LEGISLATIVE BILL 896. Introduced by Ballard, 21.

A BILL FOR AN ACT relating to telehealth services; to amend section 71-8505, Revised Statutes Cumulative Supplement, 2022; to eliminate a requirement relating to patient consent; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Lippincott, 34; Aguilar, 35; Brandt, 32; DeKay, 40; Dorn, 30; Hardin, 48; Holdcroft, 36; Ibach, 44; Vargas, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 898. Introduced by Ibach, 44; Ballard, 21; Holdcroft, 36; Vargas, 7.

A BILL FOR AN ACT relating to criminal history record information; to adopt the National Crime Prevention and Privacy Compact; and to provide powers and duties for the Superintendent of Law Enforcement and Public Safety and the Nebraska State Patrol.

LEGISLATIVE BILL 899. Introduced by Hughes, 24; Ballard, 21; Bostelman, 23; Brandt, 32; Brewer, 43; DeKay, 40; Dover, 19; Hansen, 16; Ibach, 44; Jacobson, 42; Lippincott, 34; Lowe, 37.

A BILL FOR AN ACT relating to schools; to amend section 79-265.01, Revised Statutes Supplement, 2023; to exempt Class III school districts

from the prohibition on suspending a student in pre-kindergarten through second grade; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Brandt, 32; DeKay, 40; Dorn, 30; Halloran, 33; Ibach, 44; Lippincott, 34; Meyer, 41; Murman, 38.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Reissue Revised Statutes of Nebraska; to change provisions relating to the length of vehicles; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 275CA. Introduced by Blood, 3.

THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2024, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article XV, sections 13, 14, and 15:

Article XV, sections 13, 14, and 15, of the Constitution of Nebraska are repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to repeal provisions that prohibit a person from being denied employment because of such person's membership in or nonmembership in a labor organization.

For

Against.

LEGISLATIVE RESOLUTION 276. Introduced by Ibach, 44; Brandt, 32; Brewer, 43; Holdcroft, 36; Jacobson, 42; Vargas, 7.

WHEREAS, all the counties located east of the Nebraska panhandle would benefit by being located entirely in the central time zone; and

WHEREAS, changing all the counties located east of the Nebraska panhandle to the central time zone would create greater consistency for commerce, transportation, and communication in Nebraska; and

WHEREAS, the convenience and uniformity gained from this change would positively impact education, recreation, health care, and religious worship for the counties located east of the Nebraska panhandle as well as benefit the general Nebraska economy; and

WHEREAS, changing the location of a time zone in the United States is the purview of the federal government and may only be changed through federal legislation by the United States Congress or through regulation by the Department of Transportation.

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

1. That the Legislature urges the members of the United States Congress to enact federal legislation changing all counties in Nebraska east of Sheridan County, Garden County, and Deuel County to the central time zone.

2. That copies of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska congressional delegation.

Laid over.

ANNOUNCEMENT(S)

Priority designation(s) received:

Dungan - LB857

Day - LB126

Fredrickson - LB856

Government, Military and Veterans Affairs - LB43

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB52.

Senator von Gillern name added to LB52.

Senator Brewer name added to LB126.

Senator Holdcroft name added to LB137.

Senator Brandt name added to LB137.

Senator Lowe name added to LB137.

Senator DeKay name added to LB137.

Senator Jacobson name added to LB137.

Senator Murman name added to LB165.

Senator Holdcroft name added to LB292.

Senator Blood name added to LB430.

Senator Murman name added to LB441.

Senator M. Cavanaugh name added to LB461.

VISITOR(S)

Visitors to the Chamber were Nancy and Luke Weller.

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Aguilar, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 2024.

Brandon Metzler
Clerk of the Legislature

