

**THIRTY-FOURTH DAY - FEBRUARY 27, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 27, 2024

**PRAYER**

The prayer was offered by Reverend Coral Parmenter, Purdum UCC, Thedford.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator DeBoer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Halloran and Hughes who were excused; and Senators Blood, Bostar, Bostelman, Day, Hunt, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR298.

(Signed) Beau Ballard, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 298.** Introduced by Arch, 14; Aguilar, 35; Ballard, 21; Clements, 2; Jacobson, 42; Lowe, 37; Riepe, 12; Slama, 1; Vargas, 7.

WHEREAS, the Legislature has the inherent power to secure information in order to legislate, hold hearings, and conduct investigations related to the operation of state government; and

WHEREAS, legislative oversight functions related to the Legislature's inherent power are currently distributed among the various legislative divisions within the Legislative Council, including the office of Public Counsel, the office of Legislative Audit, the office of Legislative Research, and the office of Legislative Fiscal Analyst; and

WHEREAS, the office of the Attorney General issued an opinion on August 16, 2023, stating that the current statutory regime governing two offices related to legislative oversight, the office of Inspector General of Nebraska Child Welfare and the office of Inspector General of the Nebraska Correctional System, violated the separation of powers provisions in Article II, section 1, of the Constitution of Nebraska; and

WHEREAS, the Legislature believes that the legislative divisions and offices, including the office of Inspector General of Nebraska Child Welfare and the office of Inspector General of the Nebraska Correctional System, serve important legislative oversight functions and that these divisions and offices will benefit from a full review to strengthen the performance of their legislative oversight functions, to address any restructuring or reorganization necessary for continued legislative oversight, to examine how any such restructuring or reorganization may impact the interface between the Legislature and the Executive and Judicial branches, and to address any remaining issues related to the opinion of the Attorney General issued on August 16, 2023.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to appoint a committee of the Legislature to be known as the Legislative Oversight Review Special Committee of the Legislature. Members shall include all members of the Executive Board of the Legislative Council, the chairperson of the Health and Human Services Committee of the Legislature, the chairperson of the Judiciary Committee of the Legislature, and three atlarge members of the Legislature. The Legislative Oversight Review Special Committee shall elect a chairperson and vice-chairperson from the membership of the committee. The executive board may provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board may authorize the committee to hire outside legal counsel as deemed necessary by the committee. The committee may hold hearings. After authorization by the executive board, the committee may issue subpoenas to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony under oath.

2. The Legislative Oversight Review Special Committee may study the current structure and organization of legislative oversight functions among the various legislative divisions and offices and the structure and organization of legislative oversight functions in other state legislatures. The

committee may also study whether current oversight conducted by any statutorily created board or commission would be more appropriately conducted within the legislative branch.

3. The Legislative Oversight Review Special Committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2024. The report shall include recommendations for draft legislation, if necessary. The committee terminates on December 31, 2024.

#### Natural Resources

**LEGISLATIVE BILL 880.** Placed on General File.

**LEGISLATIVE BILL 1199.** Placed on General File.

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

Roger Helgoth - Nebraska Environmental Trust Board

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

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

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

#### Business and Labor

**LEGISLATIVE BILL 1393.** Placed on General File.

**LEGISLATIVE BILL 1017.** Placed on General File with amendment.

[AM2683](#)

1 1. On page 5, strike lines 13 and 14.

**LEGISLATIVE BILL 1069.** Placed on General File with amendment.

[AM2583](#)

1 1. Strike original section 4 and insert the following new sections:

2 Sec. 4. Section 81-546, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-546 (1) Whenever the State Fire Marshal, after conducting an

5 inspection or investigation, has determined with a reasonable degree of

6 certainty that reason to believe any person has violated or is violating

7 any provision of subsection (1) of section 81-545 or any regulation under

8 the Nebraska Natural Gas Pipeline Safety Act of 1969, the State Fire  
 9 Marshal shall give notice of the determination of a probable violation to  
 10 such person and provide such person with the basis for the determination,  
 11 including all documentation or other evidence related to the inspection  
 12 or investigation.

13 (2) Such person shall have sixty business days to respond to the  
 14 notice of a probable violation by either (a) agreeing with the  
 15 determination and providing any details on what has been or will be done  
 16 to achieve compliance or (b) disputing the determination and providing  
 17 documentation or evidence to support that such person should not be found  
 18 in violation of such section or regulations.

19 (3) In response to an answer made pursuant to subsection (2) of this  
 20 section, the State Fire Marshal shall review the information provided.  
 21 The State Fire Marshal may request any additional information from such  
 22 person as the State Fire Marshal may require in order to reach a  
 23 conclusion pursuant to subdivisions (a) and (b) of this subsection. Such  
 24 person shall have thirty business days to respond to each such request  
 25 for additional information. After such review:

26 (a) If the State Fire Marshal concludes that such person was not or  
 27 is not in violation or that such person has achieved or will achieve  
 1 compliance to no longer be in violation of any provision of subsection  
 2 (1) of section 81-545 or any regulation under the Nebraska Natural Gas  
 3 Pipeline Safety Act of 1969, the State Fire Marshal shall issue a letter  
 4 indicating settlement based on such compliance and close the matter; or  
 5 (b) If the State Fire Marshal concludes that such person has not or  
 6 will not achieve compliance to no longer be in violation of any provision  
 7 of subsection (1) of section 81-545 or any regulation under the Nebraska  
 8 Natural Gas Pipeline Safety Act of 1969 and permit such person reasonable  
 9 opportunity to achieve compliance. If compliance has not been achieved in  
 10 a reasonable time, the State Fire Marshal shall issue an order finding  
 11 such person in violation and providing notice of the right to a hearing  
 12 pursuant to subdivision (4)(a) of this section.

13 (4)(a) If the State Fire Marshal issues an order pursuant to  
 14 subdivision (3)(b) of this section, such person may request a hearing. If  
 15 such person:

16 (i) Fails to request a hearing within thirty business days after the  
 17 date of the order, the State Fire Marshal shall issue a final order  
 18 finding such person in violation; or  
 19 (ii) Requests a hearing, the hearing officer shall conduct the  
 20 proceeding in accordance with the Administrative Procedure Act. After the  
 21 hearing, the hearing officer shall prepare findings of fact and  
 22 conclusions of law. The State Fire Marshal shall issue a final order  
 23 based on such findings of fact and conclusions of law.

24 (b) A final order issued pursuant to subdivision (4)(a)(i) or (ii)  
 25 of this section may be appealed. The appeal shall be in accordance with  
 26 the Administrative Procedure Act.

27 (5) After issuance of a final order under subdivision (4)(a)(i) or  
 28 (ii) of this section and if no appeal is timely filed, the State Fire  
 29 Marshal may request the Attorney General to bring an action under section  
 30 81-547 in the district court for the county in which the defendant's  
 31 principal place of business is located, and the

1 (6)(a) Except as provided in subdivision (b) of this subsection, the  
 2 district court may impose a civil penalty of not to exceed ten thousand  
 3 dollars for each violation for each day that such violation persists,  
 4 except that the maximum civil penalty shall not exceed five hundred  
 5 thousand dollars for any related series of violations.

6 (b) For a violation of the federal safety standards established by  
 7 the United States Secretary of Transportation pursuant to the federal  
 8 Natural Gas Pipeline Safety Act of 1968 that have been incorporated in  
 9 safety standards established by the State Fire Marshal under section  
 10 81-543, the district court may impose a civil penalty of up to two  
 11 hundred thousand dollars for each violation for each day that such  
 12 violation persists, except that the maximum civil penalty shall not  
 13 exceed two million dollars for any related series of violations.

14 (7) No person shall be subject to civil penalties under both section  
 15 81-547 and the One-Call Notification System Act for conduct which may  
 16 give rise to a violation under both the Nebraska Natural Gas Pipeline  
 17 Safety Act of 1969 and the One-Call Notification System Act, unless that  
 18 conduct is reckless or is done with willful disregard for the safety of  
 19 others or their property. In the absence of recklessness or willful  
 20 disregard for the safety of others or their property, such conduct shall  
 21 be enforced primarily in accordance with section 76-2325.  
 22 (8) (2) In determining the amount of a such penalty imposed under  
 23 subsection (6) of this section, the court shall consider the  
 24 appropriateness of such penalty to the size of the business of the person  
 25 charged, the gravity of the violation, the amount of harm or damage  
 26 resulting from the violation, prior offenses and compliance history of  
 27 the person charged, and the good faith of the person charged in  
 28 attempting to achieve compliance, remedial actions taken by the person  
 29 charged, and other such matters as justice may require. The amount of  
 30 such penalty, when finally determined, may be deducted from any sums  
 31 owing by the State of Nebraska to the person charged.  
 1 Sec. 5. Section 81-547, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:  
 3 81-547 (1) The district courts shall have jurisdiction to restrain  
 4 violations of sections 81-503, 81-505, 81-525, and 81-542 to 81-552,  
 5 including the restraint of transportation of gas or the operation of a  
 6 pipeline facility, or to enforce standards established under the Nebraska  
 7 Natural Gas Pipeline Safety Act of 1969 hereunder upon petition by the  
 8 Attorney General on behalf of the State of Nebraska. ~~Whenever~~  
 9 ~~practicable, the State Fire Marshal shall give notice to any person~~  
 10 ~~against whom an action for injunctive relief is contemplated and afford~~  
 11 ~~him an opportunity to present his views, and, except in the case of a~~  
 12 ~~knowing and willful violation, shall afford him reasonable opportunity to~~  
 13 ~~achieve compliance. The failure to give such notice and afford such~~  
 14 ~~opportunity shall not preclude the granting of appropriate relief.~~  
 15 (2) Actions under subsection (1) of this section and section 81-546  
 16 shall be brought in the county in the State of Nebraska in which the  
 17 defendant's principal place of business is located, and process in such  
 18 cases may be served in any other county in the State of Nebraska where  
 19 the defendant may be found or in which the defendant is an inhabitant or  
 20 transacts business.  
 21 Sec. 11. Since an emergency exists, this act takes effect when  
 22 passed and approved according to law.  
 23 2. Renumber the remaining sections and correct the repealer  
 24 accordingly.

(Signed) Merv Riepe, Chairperson

### MESSAGE(S) FROM THE GOVERNOR

February 20, 2024

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 Property Tax Administrator:

Sarah Scott, 200 S Silber, North Platte, NE 69101

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

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications  
Room 1113 1:00 PM

Monday, March 18, 2024

Jeremy S. Borrell - Aeronautics Division

(Signed) Mike Moser, Chairperson

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

Senator Fredrickson filed the following amendment to LB1255:  
AM2708

- 1 1. Strike original sections 7 and 8 and insert the following new
- 2 section:
- 3 Sec. 7. (1) For purposes of this section, originating service
- 4 provider means the telecommunications service provider, whether by
- 5 wireline or wireless service, or the voice over Internet protocol service
- 6 provider providing the capability for customers to originate 911 calls.
- 7 (2)(a) No later than January 1, 2026, unless otherwise required by
- 8 the Federal Communications Commission, an originating service provider
- 9 and the next-generation 911 service contractor shall ensure that:
- 10 (i) All 911 calls are transmitted to next-generation 911 or other
- 11 points designated by the state 911 director that allow 911 calls to be
- 12 answered; and
- 13 (ii) All translation and routing is completed to deliver all 911
- 14 calls, including associated location information in the requested
- 15 Internet protocol-enabled service format, to next-generation 911 or other
- 16 points designated by the state 911 director that allow 911 calls to be
- 17 answered.
- 18 (b) An originating service provider may enter into an agreement with
- 19 the state 911 director to establish an alternative timeframe for meeting
- 20 the requirements of subdivision (2)(a)(i) of this section. The
- 21 originating service provider shall notify the state 911 director of the
- 22 dates and terms of the alternative timeframe within thirty days after
- 23 entering into such agreement.
- 24 (3)(a) No later than January 1, 2026, unless otherwise required by
- 25 the Federal Communications Commission, a provider of telecommunications
- 26 relay services and the next-generation 911 service contractor shall
- 27 ensure that:
- 1 (i) All 911 calls are transmitted to next-generation 911 or other
- 2 points designated by the state 911 director that allow 911 calls to be
- 3 answered; and
- 4 (ii) All translation and routing is completed to deliver all 911

5 calls, including associated location information in the requested  
6 Internet protocol-enabled service format, to next-generation 911 or other  
7 points designated by the state 911 director that allow 911 calls to be  
8 answered.  
9 (b) A provider of telecommunications relay services may enter into  
10 an agreement with the state 911 director to establish an alternative  
11 timeframe for meeting the requirements of subdivision (3)(a)(ii) of this  
12 section. The provider shall notify the state 911 director of the dates  
13 and terms of the alternative timeframe within thirty days after entering  
14 into such agreement.  
15 (4) No later than November 15, 2024, and no later than November 15  
16 of each year thereafter, the next-generation 911 service contractor shall  
17 submit an annual report electronically to the Transportation and  
18 Telecommunications Committee of the Legislature and to the state 911  
19 director on the capabilities and redundancies of the next-generation 911  
20 service network.  
21 2. On page 4, line 14; page 5, line 13; and page 7, line 17, strike  
22 "8" and insert "7".  
23 3. On page 4, line 17, strike "to 8" and insert "and 7".  
24 4. Renumber the remaining sections accordingly.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 310.** Introduced by Aguilar, 35; Lippincott, 34; Meyer, 41.

WHEREAS, Grand Island Senior High football coach Jeff Tomlin is retiring in December 2024 after twenty-one legendary years and over two hundred career coaching victories; and

WHEREAS, under Coach Tomlin's leadership, the Grand Island Senior High football Islanders earned eighteen playoff wins, four district championships, six Heartland Athletic Conference championships, and a six-year streak of making it to the state playoffs; and

WHEREAS, Coach Tomlin serves as the physical education teacher, social studies teacher, weight training coach, and the boys assistant track coach; and

WHEREAS, Coach Tomlin earned multiple awards, including the Grand Island Independent Boys Coach of the Year in 2014, the Coach Mike Behrens Award Winner from Huskerland Prep in 2013 and 2018, the Semper Fi Coach of the Year from the U.S. Marine Corps in 2016, the Nebraska Coaches Association Football Coach of the Year in 2018, and the National Federation of State High School Associations State Football Coach of the Year in 2019; and

WHEREAS, Coach Tomlin led his teams to their maximum potential and will be missed by the players and students he helped along the way.

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

1. That the Legislature congratulates Coach Jeff Tomlin for his many years of service to high school football and his many achievements as a coach.

2. That a copy of this resolution be sent to Coach Jeff Tomlin.

Laid over.

**LEGISLATIVE RESOLUTION 311.** Introduced by Aguilar, 35; Lippincott, 34; Meyer, 41.

WHEREAS, Grand Island Central Catholic volleyball coach Sharon Zavala is retiring after forty-nine illustrious years; and

WHEREAS, under Coach Zavala's leadership, the Grand Island Central Catholic volleyball Crusaders earned one thousand one hundred seventy-seven wins, thirty-five appearances in the state championship, and eleven state titles; and

WHEREAS, Coach Zavala is retiring as the winningest coach in Nebraska high school sports history; and

WHEREAS, Coach Zavala has been inducted into the University of Nebraska Kearney's Athletic Hall of Fame and the Nebraska High School Sports Hall of Fame; and

WHEREAS, Coach Zavala earned multiple awards, including the Nebraska Coaches Association Volleyball Coach of the Year four times, the Grand Island KRGI Sportscasters Club Coach of the year four times, the National High School Athletics Coaches Association National High School Volleyball Coach of the Year, the Lincoln Journal Star Girls Coach of the Year, and the Grand Island Independent Girls Coach of the Year three times; and

WHEREAS, Coach Zavala coached her teams like a puzzle with the pieces fitting together to balance weaknesses and strengths. She will be missed by the players and students she led through the years.

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

1. That the Legislature congratulates Coach Sharon Zavala for her service to girls volleyball and for her numerous achievements as a coach.
2. That a copy of this resolution be sent to Coach Sharon Zavala.

Laid over.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR302 was adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR302.

### **GENERAL FILE**

**LEGISLATIVE BILL 1067.** Committee [AM2492](#), found on page 714 and considered on pages 742 and 807, was renewed.



Senator Conrad renewed [AM2580](#), found on page 742 and considered on pages 742 and 807, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 61.** Placed on Select File with amendment.

[ER70](#)

1 1. On page 1, strike beginning with "75-132.01" in line 2 through  
2 line 10 and insert "86-416, and 86-575, Reissue Revised Statutes of  
3 Nebraska, and sections 70-625 and 86-577, Revised Statutes Cumulative  
4 Supplement, 2022; to authorize the licensing of dark fiber by any agency  
5 or political subdivision of the state as prescribed; to change and  
6 eliminate provisions relating to leasing and licensing of dark fiber; to  
7 define terms; to harmonize provisions; and to repeal the original  
8 sections."

**LEGISLATIVE BILL 1104.** Placed on Select File.

(Signed) Beau Ballard, Chairperson

General Affairs

**LEGISLATIVE BILL 1204.** Placed on General File with amendment.  
[AM2640](#) is available in the Bill Room.

(Signed) John Lowe, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 358A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 358, One Hundred Eighth Legislature, Second Session, 2024.

**GENERAL FILE**

**LEGISLATIVE BILL 1067.** Committee [AM2492](#), found on page 714 and considered on pages 742, 807, and in this day's Journal, was renewed.

Senator Conrad renewed [AM2580](#), found on page 742 and considered on pages 742, 807, and in this day's Journal, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 875.** Placed on General File with amendment.

[AM2476](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 53-101, Revised Statutes Supplement, 2023, is  
4 amended to read:  
5 53-101 Sections 53-101 to 53-1,122 and section 2 of this act shall  
6 be known and may be cited as the Nebraska Liquor Control Act.  
7 Sec. 2. (1) Except as provided in subdivisions (2)(a) and (b) of  
8 this section, no person holding a retail license which authorizes the  
9 sale of alcoholic liquor or beer, for consumption off the licensed  
10 premises, sales in original packages only, under the Nebraska Liquor  
11 Control Act shall sell alcoholic liquor or beer for consumption off the  
12 licensed premises at less than the cost to the licensee to purchase the  
13 alcoholic liquor or beer.  
14 (2)(a) The licensee may sell alcoholic liquor for consumption off  
15 the licensed premises at less than the cost to the licensee to purchase  
16 the alcoholic liquor beginning six months after the invoice date for such  
17 alcoholic liquor.  
18 (b) The licensee may sell beer for consumption off the licensed  
19 premises at less than the cost to the licensee to purchase the beer  
20 beginning thirty days prior to the expiration date for such beer.  
21 Sec. 3. Original section 53-101, Revised Statutes Supplement, 2023,  
22 is repealed.

(Signed) John Lowe, Chairperson

Judiciary

**LEGISLATIVE BILL 175.** Placed on General File with amendment.

[AM2504](#)

1 1. On page 2, lines 25 and 26, strike "issue an order immediately"  
2 and insert "immediately issue an order under section 5 of this act".  
3 2. On page 3, strike lines 3 through 17 and insert the following new  
4 subsection:  
5 "(2) The trial court shall grant the petition without further  
6 hearing if the requirements of this section have been met."; in line 18  
7 strike "(4)" and insert "(3)"; in line 20 strike "(5)" and insert "(4)";  
8 and in line 22 strike "(6)" and insert "(5)".  
9 3. On page 4, line 22, strike "2024" and insert "2025".

**LEGISLATIVE BILL 870.** Placed on General File with amendment.

[AM2533](#)

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

**LEGISLATIVE BILL 1115.** Placed on General File with amendment.  
[AM2678](#)

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

**LEGISLATIVE BILL 1312.** Placed on General File with amendment.  
[AM2435](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

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

Senator McDonnell filed the following amendment to [LB1067](#):  
[AM2644](#)

(Amendments to Standing Committee amendments, AM2492)

1 1. Strike amendment 1 and insert the following new amendments:  
 2 1. Strike original sections 1 to 5 and insert the following new  
 3 sections:  
 4 Section 1. Sections 1 to 5 of this act shall be known and may be  
 5 cited as the State Prisoner Reimbursement Act.  
 6 Sec. 2. For purposes of the State Prisoner Reimbursement Act:  
 7 (1) Criminal detention facility has the same meaning as in section  
 8 83-4,125; and  
 9 (2) State prisoner means a person who:  
 10 (a) Has been convicted and sentenced as an adult to a Department of  
 11 Correctional Services facility;  
 12 (b) Has been placed on probation for such offense;

13 (c) Has been placed in a county jail for probation sanctions or  
14 probation violations;  
15 (d) Is serving consecutive misdemeanor sentences and the combined  
16 sentences total a term of one year or more; or  
17 (e) Is a parolee held on behalf of the department.  
18 Sec. 3. (1) The State Prisoner Reimbursement Act shall apply on and  
19 after July 1, 2024.  
20 (2)(a) After sentencing, if a prisoner is a state prisoner as  
21 defined in subdivision (2)(a), (b), (c), or (e) of section 2 of this act,  
22 the state shall reimburse the county where the state prisoner was or is  
23 maintained in a criminal detention facility at the rate of one hundred  
24 dollars per day for each day the state prisoner was maintained in the  
25 criminal detention facility from the state prisoner's initial date of  
26 detention until the day the state prisoner is transferred to a Department  
1 of Correctional Services facility, placed on probation for such offense,  
2 or released from custody at the request of the department.  
3 (b) After sentencing, if a prisoner is a state prisoner as defined  
4 in subdivision (2)(d) of section 2 of this act, the state shall reimburse  
5 the county where the state prisoner was or is maintained in a criminal  
6 detention facility at the rate of one hundred dollars per day for each  
7 day the state prisoner was maintained in the criminal detention facility  
8 from the state prisoner's initial date of detention until the completion  
9 of all consecutive sentences.  
10 (3) If state appropriations are not sufficient to satisfy all of the  
11 eligible county jail reimbursement claims filed during any quarterly  
12 fiscal period, then the state shall prorate each county's total  
13 reimbursement for that quarterly fiscal period in proportion to the  
14 remaining appropriation.  
15 (4) Any county jail reimbursement claims paid by the state on a  
16 prorated basis shall not be refiled.  
17 (5) Subject to available appropriations, the Department of  
18 Correctional Services shall reimburse all counties on a quarterly basis  
19 for all eligible county jail reimbursement claims as soon as practicable  
20 after the end of each quarterly filing period.  
21 (6) The county board or county board of corrections serving pursuant  
22 to Chapter 23, article 28, shall request reimbursement as provided in  
23 section 4 of this act. If the Department of Correctional Services has  
24 been notified under section 83-4,133 that the criminal detention facility  
25 which is requesting reimbursement does not qualify for reimbursement  
26 under this section, the department shall deny the reimbursement request  
27 for the days the facility was not qualified.  
28 (7) If a conviction on which reimbursement for prisoner costs was  
29 based is reversed and the case dismissed, the amount of such  
30 reimbursement shall be refunded as provided in section 4 of this act. The  
31 county attorney shall notify the sheriff or county board of corrections  
1 of the dismissal of any such case.  
2 (8) For fiscal year 2024-25 and each fiscal year thereafter, the  
3 total annual appropriations approved by the Legislature for the  
4 Department of Correctional Services for county jail reimbursement  
5 assistance shall not exceed fifty million dollars. County jail  
6 reimbursement claims filed for any fiscal year shall only be paid out of  
7 the same fiscal year's appropriation, including any amounts  
8 reappropriated or certified as encumbrances for county jail reimbursement  
9 assistance, but no previous fiscal year claims shall be paid or filed by  
10 counties to be paid from a subsequent fiscal year's new appropriation  
11 established for county jail reimbursement assistance. County jail  
12 reimbursement claims, as certified by each county, shall be received in  
13 the office of the accounting section of the department within forty-five  
14 days after the end of any quarterly fiscal period ending on March 31,  
15 June 30, September 30, and December 31. Any claims not meeting these

16 deadlines shall be determined ineligible for future filing and shall not  
17 be reimbursed by the state.

18 Sec. 4. (1) The county board of each county and the county board of  
19 corrections serving pursuant to Chapter 23, article 28, confining state  
20 prisoners within its jails shall receive reimbursement from the state  
21 pursuant to section 3 of this act for boarding such prisoners. Such  
22 boards are hereby authorized to provide such meals, fuel, lights,  
23 washing, and clothing as may be necessary for the comfort of such  
24 prisoners while in custody in the county. The sheriff or county board of  
25 corrections shall, on a regular basis not less than quarterly nor more  
26 than monthly, make a report in writing to the Director of Correctional  
27 Services of the number of state prisoners in custody in such county for  
28 whom reimbursement is claimed, the number of days for which reimbursement  
29 is claimed, and the amount of any reimbursement to be refunded pursuant  
30 to subsection (7) of section 3 of this act. Such report shall be  
31 consistent with any rules and regulations adopted and promulgated by the  
1 Department of Correctional Services under section 5 of this act. All  
2 claims for reimbursement shall be sworn to by the sheriff or a designated  
3 representative of the county board of corrections before the clerk of the  
4 county and certified to under his or her seal. Thereupon the director  
5 shall request that a warrant be drawn upon the State Treasurer for the  
6 amount due to the county treasurer of the county, and the amount drawn  
7 shall be credited to the general fund of the county.

8 (2) For purposes of substantiating a claim, the Department of  
9 Correctional Services may audit the records and reports of a county  
10 relating to the county's claim for reimbursement. The department shall  
11 audit such records and reports once every two years or as otherwise  
12 deemed necessary by the department. The county board or county board of  
13 corrections shall keep the records pertaining to a claim for two years  
14 after the date the claim is submitted to the department.

15 Sec. 5. The Department of Correctional Services may adopt and  
16 promulgate rules and regulations to carry out the State Prisoner  
17 Reimbursement Act.

18 Sec. 6. (1) The Court Security and Service Reimbursement Program is  
19 created. The program shall be administered by the Nebraska Commission on  
20 Law Enforcement and Criminal Justice. The commission shall make  
21 reimbursement payments to counties for the following security and service  
22 expenses:

23 (a) Actual wage costs of deputies assigned to court security and  
24 service for up to one and four-tenths deputies assigned per judge; and  
25 (b) Actual wage costs of supervisors of deputies for up to one  
26 supervisor for every ten deputies employed by the county and assigned to  
27 county security and service.

28 (2) For purposes of this section:

29 (a) Actual wage costs include any expense paid by the county for  
30 salary and benefits for any eligible deputy or supervisor; and  
31 (b) Judge includes any judge of the district court, county court,  
1 separate juvenile court, or workers' compensation court or any child  
2 support referee.

3 (3) Each county shall report to the commission the total actual wage  
4 costs eligible for reimbursement under the program for the previously  
5 completed fiscal year ending June 30 by October 1 of each year.

6 (4) The commission shall certify the total amount of actual wage  
7 costs reported by the counties and the amount of reimbursement payments  
8 to be paid to each county receiving reimbursement payments and to the  
9 budget administrator of the budget division of the Department of  
10 Administrative Services by November 1 of each year. If funds appropriated  
11 by the Legislature are insufficient to provide reimbursement payment for  
12 the total actual wage costs by counties as described in this section, the  
13 amount of reimbursement payments to each county shall be paid pro rata.

14 (5) The commission shall annually make reimbursement payments in  
15 eight equal monthly payments, beginning in November of each fiscal year.  
16 No reimbursement payments shall be made in the months of July, August,  
17 September, or October.  
18 (6) It is the intent of the Legislature to appropriate twelve  
19 million dollars per year from the General Fund for the Court Security and  
20 Service Reimbursement Program.  
21 3. Renumber the remaining sections accordingly.

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

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

Senator DeBoer name added to LB175.  
Senator Conrad name added to LB946.

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

Visitors to the Chamber were members of AARP Nebraska; Matt Hunt, Omaha; Les Parmenter, Thedford; Dan McGill, Omaha; Jennifer, Jadon, and Jud Skavdahl, Harrison; students from Wildewood Elementary, Ralston.

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

#### **ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Lippincott, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 2024.

Brandon Metzler  
Clerk of the Legislature