

**TWENTY-SECOND DAY - FEBRUARY 5, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 5, 2024

**PRAYER**

The prayer was offered by Reverend Shawn Kitzing, Our Redeemer Lutheran Church, Staplehurst.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator McDonnell.

**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 Senator Raybould who was excused; and Senators Bostar, Clements, Conrad, Day, DeBoer, Hunt, McKinney, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 321, line 2, strike "Reported to the Legislature for further Consideration." and replace with "Placed on General File."  
The Journal for the fifth day was approved as corrected.  
The Journal for the twenty-first day was approved.

**COMMITTEE REPORT(S)****Revenue**

The Revenue 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.

Steven Keetle - Tax Equalization and Review Commission

Aye: 8. Albrecht, Bostar, Dungan, Kauth, Linehan, Meyer, Murman, von Gillern. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Aguilar filed the following amendment to [LB51](#):  
[AM2263](#)

(Amendments to Final Reading copy)

- 1 1. On page 1, line 4, after "system" insert "and certain long-  
2 distance calls".
- 3 2. On page 2, line 30, strike "and the cost of the call" and show as  
4 stricken.
- 5 3. On page 3, strike beginning with the second "the" in line 4  
6 through "and" in line 5 and show as stricken.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 288 and 289 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 288 and 289.

**SELECT FILE**

**LEGISLATIVE BILL 600A.** Advanced to Enrollment and Review for Engrossment.

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

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 521:

Military Department  
Craig Strong, Adjutant General

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, J. Cavanaugh, M. McKinney

Excused and not voting, 8:

Bostar	Day	Hunt	Wayne
Conrad	DeBoer	Raybould	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 585:

Nebraska Environmental Trust Board  
Theodore E. Vasko

Voting in the affirmative, 38:

Aguilar	Brandt	Erdman	Jacobson	Riepe
Albrecht	Brewer	Fredrickson	Kauth	Sanders
Arch	Cavanaugh, J.	Halloran	Linehan	Slama
Armendariz	Cavanaugh, M.	Hansen	Lippincott	Vargas
Ballard	Clements	Hardin	McDonnell	von Gillern
Blood	Conrad	Holdcroft	Meyer	Walz
Bosn	Dorn	Hughes	Moser	
Bostelman	Dungan	Ibach	Murman	

Voting in the negative, 0.

Present and not voting, 2:

Lowe McKinney

Excused and not voting, 9:

Bostar	DeBoer	Dover	Raybould	Wishart
Day	DeKay	Hunt	Wayne	

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

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 586:

Nebraska Environmental Trust Board  
Eric Hansen

Voting in the affirmative, 35:

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

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	Conrad	Dungan	Wayne
Cavanaugh, M.	DeKay	McKinney	

Excused and not voting, 7:

Bostar	DeBoer	Hunt	Wishart
Day	Dover	Raybould	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 586:

Department of Revenue  
James R. Kamm, Tax Commissioner

Voting in the affirmative, 37:

Aguilar	Brandt	Fredrickson	Linehan	Sanders
Albrecht	Brewer	Halloran	Lippincott	Slama
Arch	Cavanaugh, J.	Hansen	Lowe	Vargas
Armendariz	Clements	Hardin	McDonnell	von Gillern
Ballard	Conrad	Holdcroft	Meyer	Walz
Blood	Dorn	Ibach	Moser	
Bosn	Dungan	Jacobson	Murman	
Bostelman	Erdman	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M.	DeKay	Hughes	McKinney	Wayne
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Excused and not voting, 7:

Bostar            DeBoer            Hunt            Wishart  
Day                Dover              Raybould

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 287.** Title read. Considered.

Committee [AM2060](#), found on page 561, was offered.

Senator Clements offered the following amendment to the committee amendment:

[AM2343](#) is available in the Bill Room.

The Clements amendment, to the committee amendment, was adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

Senator Wayne offered the following motion:

[MO1182](#)

Reconsider the vote on AM2343.

The Wayne motion to reconsider prevailed with 41 ayes, 5 nays, and 3 excused and not voting.

The Clements amendment, [AM2343](#), found in this day's Journal, was reconsidered.

The Clements amendment was withdrawn.

The committee amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

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

### NOTICE OF COMMITTEE HEARING(S)

Education  
Room 1525 1:30 PM

Monday, February 12, 2024

LB821  
LB1034  
LB964  
LB1121  
LB1053  
LB1388

LB1273  
LB1398  
LB1253  
LB986  
LB1050

Room 1525 1:30 PM

Tuesday, February 13, 2024

LB953  
LB841  
LB1064  
LB1330  
LB1322  
LB1055  
LB1252  
LB1254  
LB1338  
LB1347

(Signed) Dave Murman, Chairperson

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

Wednesday, February 14, 2024

LB1042  
LB1211  
LB1297  
LB859  
LB988

Room 1507 1:30 PM

Thursday, February 15, 2024

LR287CA  
LB951  
LB1191  
LB998

(Signed) Tom Brewer, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 297.** Introduced by Murman, 38.

WHEREAS, every year, Travel and Leisure magazine creates an America's Best Small Towns feature; and

WHEREAS, one of the categories of the America's Best Small Towns feature recognizes the Best Small Food and Culture Town; and

WHEREAS, Travel and Leisure magazine recognized McCook, Nebraska, as the runner up for the 2023 Best Small Food and Culture Town; and

WHEREAS, McCook is home to Sehnert's Bakery, the only James Beard Award-winning restaurant in the state; and

WHEREAS, McCook holds several notable artistic attractions including the 6th Floor Project, the ArtBank, and Norris Alley; and

WHEREAS, McCook deserves this recognition for creating a welcoming space garnering great food and culture.

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

1. That the Legislature congratulates McCook, Nebraska, on being Travel and Leisure magazine's runner-up 2023 Best Small Food and Culture Town.
2. That a copy of this resolution be sent to Mayor Linda Taylor.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 143.** Senator Erdman renewed [FA207](#), found on page 531 and considered on pages 531 and 562.

Senator Moser moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Erdman requested a roll call vote on his amendment.

The Erdman amendment lost with 19 ayes, 25 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Failed to advance to Enrollment and Review Initial with 14 ayes, 25 nays, 7 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

**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 the Speaker of the Legislature, the chairperson 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, two at-large members of the executive board, and three at-large 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.

Laid over.

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

Pursuant to Rule 4, Sec. 8, LR298 was referred to the Reference Committee.

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

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

Senator Lippincott name added to LB16.  
Senator Lippincott name added to LB188.  
Senator Lippincott name added to LB228.  
Senator Lippincott name added to LB230.  
Senator Lippincott name added to LB250.  
Senator Lippincott name added to LB853.  
Senator Dorn name added to LB910.  
Senator Vargas name added to LB913.  
Senator Hansen name added to LB1061.  
Senator Hardin name added to LB1087.  
Senator Halloran name added to LB1260.

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

Visitors to the Chamber were students and teachers from Buffalo County Youth Advisory Board, Kearney; members from GROUNDWORK - Nebraska Cooperative Council; Courtney Brandes, Central City.

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

#### **ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2024.

Brandon Metzler  
Clerk of the Legislature

