

TWENTY-EIGHTH DAY - FEBRUARY 14, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 2023

PRAYER

The prayer was offered by Pastor Bill Forbes, Paxton New Life Lutheran Church, Paxton.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator von Gillern.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators J. Cavanaugh, Day, DeBoer, B. Hansen, Raybould, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 22, 2023
LB53
LB791
LB20

Room 1507 1:30 PM

Thursday, February 23, 2023

LB712
LB642
LB731
LB771

Room 1507 1:30 PM

Friday, February 24, 2023

LB637
LB190
LR1CA
LB420

(Signed) Tom Brewer, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 36 and 37 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 36 and 37.

MOTION- Confirmation Report

Senator Bostelman renewed his motion to adopt the Natural Resources Committee report, found on page 498, for the confirmation of James Reed Macy.

Senator M. Cavanaugh offered her motion, found on page 503, to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

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

Senator Blood moved for a call of the house. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

The motion to cease debate prevailed with 30 ayes, 10 nays, and 9 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the motion to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee.

Voting in the affirmative, 10:

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

Voting in the negative, 35:

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

Present and not voting, 1:

Walz

Excused and not voting, 3:

Bostar	Day	Raybould
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The M. Cavanaugh motion to reconsider the vote on the motion to recommit the nomination of James Reed Macy to the Natural Resources Committee failed with 10 ayes, 35 nays, 1 present and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a point of order concerning bracketing the gubernatorial appointment of James Reed Macy.

Senator M. Cavanaugh withdrew her point of order prior to a ruling.

The Chair declared the call raised.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 18 ayes, 13 nays, and 18 not voting.

The motion to cease debate prevailed with 34 ayes, 9 nays, and 6 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the adoption of the Natural Resources Committee report.

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 8:

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

Excused and not voting, 3:

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

The Chair declared the call raised.

COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 376. Placed on General File with amendment.
[AM336](#) is available in the Bill Room.

(Signed) John Lowe, Chairperson

MOTIONS - Confirmation Reports

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

State Personnel Board
 Patrick Guinan

Voting in the affirmative, 34:

Aguilar	Brewer	Erdman	Ibach	Riepe
Arch	Cavanaugh, J.	Fredrickson	Jacobson	Slama
Armendariz	Conrad	Halloran	Kauth	Vargas
Ballard	DeKay	Hansen	Lippincott	von Gillern
Blood	Dorn	Holdcroft	Lowe	Walz
Bostelman	Dover	Hughes	McDonnell	Wishart
Brandt	Dungan	Hunt	Moser	

Voting in the negative, 0.

Present and not voting, 11:

Albrecht	DeBoer	Linehan	Sanders
Cavanaugh, M.	Geist	McKinney	Wayne
Clements	Hardin	Murman	

Excused and not voting, 4:

Bostar	Briese	Day	Raybould
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Nebraska State Patrol
John Andrew Bolduc, Superintendent

Voting in the affirmative, 31:

Aguilar	Brewer	Fredrickson	Kauth	Vargas
Arch	Cavanaugh, J.	Halloran	Lippincott	von Gillern
Armendariz	DeKay	Hansen	McDonnell	Wishart
Ballard	Dorn	Holdcroft	McKinney	
Blood	Dover	Hughes	Moser	
Bostelman	Dungan	Ibach	Riepe	
Brandt	Erdman	Jacobson	Slama	

Voting in the negative, 0.

Present and not voting, 14:

Albrecht	Conrad	Hardin	Lowe	Walz
Cavanaugh, M.	DeBoer	Hunt	Murman	Wayne
Clements	Geist	Linehan	Sanders	

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Department of Veterans Affairs
John Hilgert, Director

Voting in the affirmative, 32:

Aguilar	Brewer	Erdman	Ibach	Slama
Arch	Cavanaugh, J.	Fredrickson	Jacobson	Vargas
Armendariz	Clements	Geist	Kauth	von Gillern
Ballard	DeBoer	Halloran	Lippincott	Wishart
Blood	Dorn	Hardin	McDonnell	
Bostelman	Dover	Holdcroft	Moser	
Brandt	Dungan	Hunt	Riepe	

Voting in the negative, 0.

Present and not voting, 13:

Albrecht	DeKay	Linehan	Murman	Wayne
Cavanaugh, M.	Hansen	Lowe	Sanders	
Conrad	Hughes	McKinney	Walz	

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Nebraska Accountability and Disclosure Commission
Andrew N. Reuss

Voting in the affirmative, 29:

Aguilar	Brewer	Erdman	Jacobson	Riepe
Arch	Clements	Fredrickson	Kauth	Slama
Armendariz	DeBoer	Geist	Lippincott	Vargas
Ballard	Dorn	Halloran	Lowe	von Gillern
Bostelman	Dover	Hardin	McDonnell	Wishart
Brandt	Dungan	Holdcroft	Moser	

Voting in the negative, 0.

Present and not voting, 16:

Albrecht	Conrad	Hunt	Murman
Blood	DeKay	Ibach	Sanders
Cavanaugh, J.	Hansen	Linehan	Walz
Cavanaugh, M.	Hughes	McKinney	Wayne

Excused and not voting, 4:

Bostar	Briese	Day	Raybould
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The appointment was confirmed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 488:

Office of the Chief Information Officer

Edward A Toner, Chief Information Officer

Voting in the affirmative, 30:

Aguilar	Brandt	Dungan	Hunt	Moser
Arch	Brewer	Fredrickson	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Geist	Kauth	Slama
Ballard	DeBoer	Halloran	Lippincott	Vargas
Blood	Dorn	Hardin	Lowe	von Gillern
Bostelman	Dover	Holdcroft	McDonnell	Wishart

Voting in the negative, 0.

Present and not voting, 15:

Albrecht	Conrad	Hansen	Linehan	Sanders
Cavanaugh, M.	DeKay	Hughes	McKinney	Walz
Clements	Erdman	Ibach	Murman	Wayne

Excused and not voting, 4:

Bostar Briese Day Raybould

The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 487:

Department of Administrative Services
Jason Jackson, Director

Senator M. Cavanaugh offered the following motion:
Recommit the nomination of Jason Jackson to the Government, Military and Veteran Affairs Committee.

Senator M. Cavanaugh withdrew her motion to recommit to the Government, Military and Veteran Affairs committee.

Senator Brewer moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Voting in the affirmative, 36:

Aguilar	Brewer	Geist	Kauth	Slama
Albrecht	Briese	Halloran	Lippincott	von Gillern
Arch	Clements	Hansen	Lowe	Walz
Armendariz	Conrad	Hardin	McDonnell	Wayne
Ballard	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Hughes	Murman	
Bostelman	Dorn	Ibach	Riepe	
Brandt	Erdman	Jacobson	Sanders	

Voting in the negative, 0.

Present and not voting, 11:

Blood	Dover	Hunt	Vargas
Cavanaugh, J.	Dungan	Linehan	Wishart
Cavanaugh, M.	Fredrickson	McKinney	

Excused and not voting, 2:

Day Raybould

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 315. Placed on General File.

(Signed) Justin Wayne, Chairperson

Health and Human Services

LEGISLATIVE BILL 78. Placed on General File.

LEGISLATIVE BILL 123. Placed on General File.

LEGISLATIVE BILL 245. Placed on General File.

LEGISLATIVE BILL 261. Placed on General File.

LEGISLATIVE BILL 337. Placed on General File.

LEGISLATIVE BILL 345. Placed on General File.

LEGISLATIVE BILL 548. Placed on General File.

LEGISLATIVE BILL 572. Placed on General File.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Charity Merritt Menefee Director-Division of Public Health - Department of Health and Human Services

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Anthony (Tony) R. Green Director-Developmental Disabilities - Department of Health and Human Services

Aye: 7. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kevin Bagley Director-Medicaid & Long-Term Care - Department of Health and Human Services

Aye: 6. Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Walz. Nay: 1.
Riepe. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dannette R. Smith Chief Executive Officer - Department of Health and Human Services

Aye: 4. Ballard, Hansen, B., Hardin, Riepe. Nay: 1. Cavanaugh, M.. Absent: 0. Present and not voting: 2. Day, Walz.

(Signed) Ben Hansen, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 1:30 PM

Wednesday, February 22, 2023

LB593
LB586
LB792
LB765

Room 1510 1:30 PM

Thursday, February 23, 2023

LB276
LB605
LB570
LB657

Room 1510 1:30 PM

Friday, February 24, 2023

LB794
LB503
LB463
LB714

(Signed) Ben Hansen, Chairperson

Appropriations
Room 1525 1:30 PM

Wednesday, March 15, 2023

LB781 (cancel)

(Signed) Robert Clements, Chairperson

Banking, Commerce and Insurance
Room 1507 1:30 PM

Tuesday, March 7, 2023
LB476 (cancel)

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

Priority designation received:

Slama - LB343

MOTION - Print in Journal

Senator Halloran filed the following motion to LB781:

MO32

Withdraw LB781.

ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 15, 2023, after their hearing, in Room 1507.

UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Day name added to LB44.

Senator Vargas name added to LB52.

Senator Vargas name added to LB278.

Senator Vargas name added to LB323.

VISITORS

Visitors to the Chamber were Leadership Wayne; League of Women Voters, Omaha; and members of the Young Bankers of Nebraska.

The Doctor of the Day was Dr. Rachel Blake of Lincoln.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Ibach, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2023.

Brandon Metzler
Clerk of the Legislature

