

**FORTY-FIRST DAY - MARCH 8, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 8, 2023

**PRAYER**

The prayer was offered by Senator Moser.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Dorn.

**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 Aguilar and Raybould who were excused; and Senators Bostar, Brewer, Geist, Hunt, Murman, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Revenue  
Room 1524 1:30 PM

Wednesday, March 15, 2023

LB235  
LB350  
LB185  
LB36  
LB211

Room 1524 1:30 PM

Thursday, March 16, 2023

LB623  
LB100  
LB118  
LB498  
LR23CA

(Signed) Lou Ann Linehan, Chairperson

### ANNOUNCEMENTS

Priority designations received:

Sanders - LB583  
Hughes - LB584

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 50, 51, 52, and 53 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 50, 51, 52, and 53.

### GENERAL FILE

**LEGISLATIVE BILL 753.** Committee [AM338](#), found on page 492 and considered on pages 684, 692 and 696, was renewed.

Senator Hunt renewed [AM507](#), found on page 595 and considered on page 697, to the committee amendment.

Senator M. Cavanaugh offered the following motion:

[MO59](#)

Bracket until May 22, 2023.

Senator Linehan offered the following motion:

[MO61](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with 40 ayes, 1 nays, and 8 not voting.

Senator Linehan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Walz
Cavanaugh, J.	Day	Fredrickson	Wishart

Present and not voting, 2:

Brandt	Vargas
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Excused and not voting, 2:

Aguilar	Raybould
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The Linehan motion to invoke cloture prevailed with 33 ayes, 12 nays, 2 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 3:

Cavanaugh, J.	Cavanaugh, M.	Day
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Voting in the negative, 42:

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

Present and not voting, 2:

Blood	Bostar
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Excused and not voting, 2:

Aguilar      Raybould

The M. Cavanaugh motion to bracket failed with 3 ayes, 42 nays, 2 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt amendment, AM507.

Voting in the affirmative, 15:

Blood	Cavanaugh, M.	DeBoer	Hunt	Walz
Bostar	Conrad	Dungan	McKinney	Wayne
Cavanaugh, J.	Day	Fredrickson	Vargas	Wishart

Voting in the negative, 31:

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

Present and not voting, 1:

Brandt

Excused and not voting, 2:

Aguilar      Raybould

The Hunt amendment lost with 15 ayes, 31 nays, 1 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the committee amendment.

Voting in the affirmative, 43:

Albrecht	Clements	Fredrickson	Kauth	Sanders
Arch	Conrad	Geist	Linehan	Slama
Armendariz	Day	Halloran	Lippincott	Vargas
Ballard	DeBoer	Hansen	Lowe	von Gillern
Blood	DeKay	Hardin	McDonnell	Walz
Bostar	Dorn	Holdcroft	McKinney	Wayne
Bostelman	Dover	Hunt	Moser	Wishart
Brewer	Dungan	Ibach	Murman	
Briese	Erdman	Jacobson	Riepe	

Voting in the negative, 0.

Present and not voting, 4:

Brandt      Cavanaugh, J.      Cavanaugh, M.      Hughes

Excused and not voting, 2:

Aguilar      Raybould

The committee amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Senator Slama requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 31:

Albrecht	Clements	Hardin	Lowe	Slama
Arch	DeKay	Holdcroft	McDonnell	von Gillern
Armendariz	Dover	Ibach	McKinney	Wayne
Ballard	Erdman	Jacobson	Moser	
Bostelman	Geist	Kauth	Murman	
Brewer	Halloran	Linehan	Riepe	
Briese	Hansen	Lippincott	Sanders	

Voting in the negative, 12:

Blood	Cavanaugh, M.	DeBoer	Hunt
Bostar	Conrad	Dungan	Walz
Cavanaugh, J.	Day	Fredrickson	Wishart

Present and not voting, 4:

Brandt      Dorn      Hughes      Vargas

Excused and not voting, 2:

Aguilar      Raybould

Advanced to Enrollment and Review Initial with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARINGS**

Health and Human Services  
Room 1510 1:00 PM

Wednesday, March 15, 2023

Douglass Haas - Health Information Technology Board  
Mark A. Latta - Health Information Technology Board  
Phillip James Vuchetich - Health Information Technology Board  
LB88  
LB85

Room 1510 1:30 PM

Thursday, March 16, 2023

LR18CA  
LR19CA

(Signed) Ben Hansen, Chairperson

Nebraska Retirement Systems  
Room 1307 12:30 PM

Wednesday, March 15, 2023

LB221  
LB406

(Signed) Mike McDonnell, Chairperson

Judiciary  
Room 1113 1:30 PM

Wednesday, March 15, 2023

LB549  
LB167  
LB127  
LB620  
LB717

(Signed) Justin Wayne, Chairperson

**AMENDMENTS - Print in Journal**

Senator von Gillern filed the following amendment to LB805:  
AM711

- 1 1. Strike original sections 2 and 3 and insert the following new
- 2 section:
- 3 Sec. 2. The following section is outright repealed: Section
- 4 79-2,103, Reissue Revised Statutes of Nebraska.

Senator McDonnell filed the following amendment to LB624:  
AM688

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 81-3710, Revised Statutes Cumulative Supplement,
- 4 2022, is amended to read:
- 5 81-3710 (1) The Nebraska Tourism Commission is created. ~~The terms of~~
- 6 ~~the members serving pursuant to subsection (2) of this section terminate~~
- 7 ~~thirty days after August 24, 2017. The terms of the members serving~~
- 8 ~~pursuant to subsection (3) of this section begin thirty days after August~~
- 9 ~~24, 2017. (2) Until thirty days after August 24, 2017, the commission~~
- 10 ~~shall consist of the following members: (a) One representative from the~~
- 11 ~~Game and Parks Commission; (b) One representative from the Nebraska~~
- 12 ~~Travel Association; (c) One representative from the Nebraska Hotel and~~
- 13 ~~Motel Association; (d) One representative from a tourism attraction that~~
- 14 ~~records at least two thousand out-of-state visitors per year; (e) One~~
- 15 ~~representative from the Nebraska Association of Convention and Visitors~~
- 16 ~~Bureaus; (f) One representative from the Western Nebraska Tourism~~
- 17 ~~Coalition; (g) One representative who resides in eastern Nebraska and is~~
- 18 ~~employed by a business that derives a majority of its revenue from out-~~
- 19 ~~of-state visitors; (h) One representative from the Central Nebraska~~
- 20 ~~Tourism Partnership; and (i) One representative of a business that~~
- 21 ~~derives a majority of its revenue from out-of-state visitors. (3)(a) The~~
- 22 ~~Governor shall, within thirty days after August 24, 2017, appoint the~~
- 23 ~~members of the commission to begin serving at such time, prior to~~
- 24 ~~approval by the Legislature. The members of the commission shall consist~~
- 25 ~~of the Director of Economic Development and twelve eleven residents of~~
- 26 ~~the State of Nebraska appointed by the Governor, to include one member~~
- 27 ~~representing a state chamber of commerce organized under the Nebraska~~
- 1 ~~Nonprofit Corporation Act, and one member appointed from each of the~~
- 2 ~~eleven districts described in subsection (2) of this section. The members~~
- 3 ~~appointed by the Governor shall be subject to approval by the majority of~~
- 4 ~~the members of the Legislature. The term of the member representing a~~
- 5 ~~state chamber of commerce shall be four years, and the terms of the~~
- 6 ~~district members shall be as provided in subdivision (2)(b) of this~~
- 7 ~~section. No appointed member may serve more than two successive terms.~~
- 8 Four of the district members shall have professional, volunteer, or
- 9 public service experience that contributes to the fiduciary and
- 10 governance duties of the commission. Seven of the district members shall
- 11 be affiliated with the tourism industry. ~~One member shall be appointed~~
- 12 ~~from each of the eleven districts designated in subdivision (b) of this~~
- 13 ~~subsection.~~
- 14 ~~(2)(a) (b)~~ For purposes of this section, the state is hereby divided
- 15 into eleven districts. The limits and designations of the eleven
- 16 districts shall be as follows:
- 17 (i) District No. 1. Douglas County;
- 18 (ii) District No. 2. Lancaster County;
- 19 (iii) District No. 3. The counties of Richardson, Pawnee, Nemaha,
- 20 Johnson, Otoe, Gage, Saline, and Jefferson;
- 21 (iv) District No. 4. The counties of Cass and Sarpy;

22 (v) District No. 5. The counties of Saunders, Washington, Dodge,  
 23 Colfax, Stanton, Cuming, Burt, Thurston, Wayne, Cedar, Dixon, and Dakota;  
 24 (vi) District No. 6. The counties of Butler, Polk, Platte, Merrick,  
 25 Nance, Boone, Madison, Pierce, Antelope, Knox, Holt, and Boyd;  
 26 (vii) District No. 7. The counties of Thayer, Nuckolls, Webster,  
 27 Adams, Clay, Fillmore, Seward, York, Hamilton, Franklin, and Harlan;  
 28 (viii) District No. 8. The counties of Kearney, Phelps, Hall,  
 29 Howard, Greeley, Wheeler, Buffalo, Sherman, Valley, and Garfield;  
 30 (ix) District No. 9. The counties of Lincoln, Keya Paha, Rock,  
 31 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker,  
 1 Thomas, and Cherry;  
 2 (x) District No. 10. The counties of Furnas, Red Willow, Hitchcock,  
 3 Dundy, Chase, Hayes, Frontier, Gosper, Dawson, Perkins, and Keith; and  
 4 (xi) District No. 11. The counties of Deuel, Garden, Sheridan,  
 5 Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and  
 6 Kimball.  
 7 (b) (e) The Governor shall appoint members representing district  
 8 numbers 1, 6, 8, and 11 to serve for terms ending April 1, 2019; members  
 9 representing district numbers 2, 5, 7, and 10 to serve for terms ending  
 10 April 1, 2021; and members representing district numbers 3, 4, and 9 to  
 11 serve for terms ending April 1, 2023. The terms of their successors shall  
 12 be four years. ~~The Governor shall appoint their successors with the~~  
 13 ~~approval of the majority of the members of the Legislature. A person~~  
 14 ~~appointed to serve pursuant to this subsection may serve only two~~  
 15 ~~successive terms.~~  
 16 Sec. 2. Original section 81-3710, Revised Statutes Cumulative  
 17 Supplement, 2022, is repealed.

Senator J. Cavanaugh filed the following amendment to [LB753](#):

[AM739](#)

(Amendments to Standing Committee amendments, AM338)

1 1. On page 4, line 8, after the semicolon insert "and"; in line 12  
 2 strike "and"; and strike lines 13 through 17.

Senator Murman filed the following amendment to [LB783](#):

[AM655](#) is available in the Bill Room.

#### **MOTION - Print in Journal**

Senator Dungan filed the following motion to [LB418](#):

[MO60](#)

Withdraw LB418.

#### **ANNOUNCEMENTS**

Priority designations received:

Ibach - LB249

Blood - LR1CA

Agriculture - LB116 and LB262

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 56.** Introduced by Lowe, 37; Arch, 14;  
 Ballard, 21; Brewer, 43; Briese, 41; Dorn, 30; Halloran, 33; Hardin, 48;

Holdercroft, 36; Hughes, 24; Ibach, 44; Kauth, 31; Lippincott, 34; McDonnell, 5; Moser, 22; Sanders, 45; von Gillern, 4.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and

WHEREAS, Nebraska and Taiwan have enjoyed a mutually beneficial bilateral trade relationship with Taiwan ranking as Nebraska's eleventh largest export market; and

WHEREAS, Taiwan is a major global trading partner for the United States and is a major export market for American agricultural products; and

WHEREAS, this year marks the forty-fourth anniversary of the Taiwan Relations Act, Public Law 96-8, which built a strong foundation for United States - Taiwan ties, and assures the continuation of commercial, cultural, and other relations between the two countries.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the fortieth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.

Laid over.

**LEGISLATIVE RESOLUTION 57.** Introduced by Wishart, 27.

WHEREAS, during the week of March 6 through March 10, Beyond School Bells, the Nebraska Department of Education, and Nebraska 4-H Extension are hosting two hundred seventy-five attendees from across the state and nation at Nebraska's ELO Innovation Invitational, at the University of Nebraska-Lincoln's Innovation Campus Conference Center in Lincoln, Nebraska, to help design new and expand existing high-quality expanded learning opportunity programs; and

WHEREAS, expanded learning opportunity programs, which are high-quality afterschool and summer programs for school-age youth powered by collaboration between schools and communities, create vital learning opportunities for youth to gain the skills necessary for careers and citizenship; and

WHEREAS, the people of Nebraska stand firmly committed to developing and supporting partnerships between schools and community-based organizations to provide high-quality, sustainable expanded learning opportunities beyond the traditional school day and academic year; and

WHEREAS, expanded learning opportunity programs provide school-age youth with safe, challenging, and enriching learning experiences and opportunities to develop their social, emotional, cultural, physical, and academic skills; and

WHEREAS, expanded learning opportunity programs engage school-age youth in hands-on science, technology, engineering, and math learning opportunities that inspire habits of mind, which, as has been demonstrated by research, motivate young people to prepare for the science, technology, engineering, and math careers that will power the future prosperity of Nebraska; and

WHEREAS, expanded learning opportunity programs support working families by ensuring that children are in safe, stimulating, nurturing environments both before and after the regular school day and traditional academic year; and

WHEREAS, expanded learning opportunity programs allow parents and families to become involved in year-round learning activities that encourage their children's educational, social, and emotional development; and

WHEREAS, expanded learning opportunity programs encourage families, schools, and diverse community organizations to work together to expand learning opportunities that create rich learning environments that benefit all children.

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

1. That the Legislature recognizes the week of March 6 through March 10, 2023, as Expanded Learning Opportunities Week in Nebraska.

2. That the Legislature encourages all people to take time this week to consider how school and community partnerships can be formed and existing partnerships can be strengthened to help expand learning opportunities for all youth.

Laid over.

#### GENERAL FILE

**LEGISLATIVE BILL 376.** The first committee amendment, [AM611](#), found on page 621 and considered on pages 628 and 636, was renewed.

The M. Cavanaugh motion, [MO45](#), found on page 628 and considered on pages 628 and 636, to bracket until March 1, 2023, was renewed.

Senator M. Cavanaugh withdrew her motion to bracket.

The first committee amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

#### MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB376](#):

[MO62](#)

Bracket until June 1, 2023.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 58.** Introduced by Blood, 3; Conrad, 46; Day, 49; Dorn, 30; Dover, 19; Dungan, 26; Fredrickson, 20; Hughes, 24; Kauth, 31; Sanders, 45; Walz, 15; Wishart, 27.

WHEREAS, the sixty-first annual United States Senate Youth Program will be held in Washington, D.C., on March 4, 2023, through March 11, 2023; and

WHEREAS, Nebraska high school students Jayden Speed and Kristie Trinh were selected as student delegates from Nebraska for the United States Senate Youth Program and will join United States Senator Deb Fisher in representing Nebraska at the program in addition to receiving a \$10,000 scholarship; and

WHEREAS, this extremely competitive and merit-based program selects two of the most accomplished high school students in each state, the District of Columbia, and the Department of Defense Education Activity; and

WHEREAS, the intensive week-long process is meant to instill these candidates with a more profound knowledge of the American political process and lifelong commitment to public service; and

WHEREAS, Jayden is a senior at Conestoga Junior-Senior High School, where he serves as the Student Council President, and also as a member of the Students Demand Action National Advisory Board and the Conestoga mock trial team and speech and debate team. Jayden believes representation and free expression are core tenants of our ideals as individuals living in a democratic society; and

WHEREAS, Kristie is a senior at Lincoln High School where she serves as the National Honor Society President, working to make the honors program more accessible to students of color while helping to increase accessibility for students in the local community to create art; and

WHEREAS, the Legislature recognizes the academic, athletic, artistic, and civic achievements of the youth of our state.

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

1. That the Legislature congratulates Jayden Speed and Kristie Trinh on being selected as student delegates to the sixty-first annual United States Senate Youth Program.

2. That copies of this resolution be sent to Jayden Speed and Kristie Trinh.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

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

Senator Slama name added to LB563.

Senator Aguilar name added to LR54.

**VISITORS**

Visitors to the Chamber were students from Trumble Park Elementary, Papillion; Kearney Youth Leadership; students from St. James Elementary, Crete; students from Golden Hills Elementary, Bellevue; Planned Parenthood Advocates of Nebraska.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Dungan, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2023.

Brandon Metzler  
Clerk of the Legislature