

FIFTY-SIXTH DAY - APRIL 4, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 2023

PRAYER

The prayer was offered by Senator Holdcroft.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

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 Senator Aguilar who was excused; and Senators Bostar, Conrad, Day, DeBoer, Kauth, Slama, Vargas, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Lowe, 37.

PURPOSE: The purpose of this resolution is to propose an interim study to examine different methods, including potential statutory changes, to address the concerns raised by restaurant, bar, craft brewery, microdistillery, and farm winery owners relating to receiving shipments of alcoholic liquor and the available options such entities have to obtain and sell alcoholic liquor products under the Nebraska Liquor Control Act. This study shall include, but need not be limited to, an examination of:

(1) The effects of providing entities which hold a license that authorizes on-premises consumption of alcoholic liquor, the ability to purchase alcoholic liquor products from retail locations which hold a license to sell

alcoholic liquor for off-premises consumption and how best to accomplish such change;

(2) The concepts, needs, and concerns raised at the public hearing for Legislative Bill 375 introduced in the First Session of the One Hundred Eighth Legislature of Nebraska; and

(3) Methods and ideas that will improve access by restaurant, bar, craft brewery, microdistillery, and farm winery licensees to the wholesaler tier.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 72, 73, 74, and 75 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 72, 73, 74, and 75.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Senator Hunt offered [MO682](#), found on page 966, to bracket until June 1, 2023.

Senator Hunt moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

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

Voting in the affirmative, 7:

Cavanaugh, J.	Day	Hunt	Raybould
Cavanaugh, M.	DeBoer	McKinney	

Voting in the negative, 38:

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

Excused and not voting, 4:

Aguilar Bostar Slama Wayne

The Hunt motion to bracket failed with 7 ayes, 38 nays, and 4 excused and not voting.

The Chair declared the call raised.

Committee [AM970](#), found on page 960, was offered.

Senator Brandt offered [AM1124](#), found on page 998, to the committee amendment.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 754. Placed on Select File with amendment.

[ER19](#)

1 1. In the Standing Committee amendments, AM906, on page 49, line 18,
 2 strike "77-2733" and insert "77-2727, 77-2730, 77-2733, 77-2775"; and in
 3 line 20 after "77-2717," insert "77-2734.01,".
 4 2. On page 1, strike lines 2 through 4 and insert "77-2727, 77-2730,
 5 77-2733, 77-2775, 77-3605, and 77-3606, Reissue Revised Statutes of
 6 Nebraska, and sections 71-1962, 77-2701, 77-2715.03, 77-2715.07, 77-2716,
 7 77-2716.01, 77-2717, 77-2734.01, 77-2734.02, 77-2734.03, and 77-3604,
 8 Revised Statutes Cumulative Supplement, 2022; to adopt the Child Care Tax
 9 Credit Act; to reduce individual and corporate income tax rates as
 10 prescribed; to provide for certain income tax deductions; to change
 11 provisions relating to taxation of partnerships, small business
 12 corporations, and nonresident income; to define terms; to reauthorize tax
 13 credits under and change provisions relating to the School Readiness Tax
 14 Credit Act; to harmonize provisions; to provide severability; to repeal
 15 the original sections; and to declare an emergency."

LEGISLATIVE BILL 683. Placed on Select File with amendment.[ER18](#)

1 1. In the Standing Committee amendments, AM870, on page 3, line 30,
 2 strike the comma.
 3 2. On page 1 strike beginning with "sections" in line 1 through line
 4 7 and insert "section 66-4,100, Reissue Revised Statutes of Nebraska, and
 5 sections 86-331, 86-333, 86-1103, and 86-1309, Revised Statutes
 6 Cumulative Supplement, 2022; to provide duties for the Department of
 7 Transportation; to create the Nebraska Broadband Office and provide
 8 duties; to change provisions relating to a broadband access map, the
 9 state broadband coordinator, the Highway Cash Fund, the Roads Operations
 10 Cash Fund, and the Nebraska Broadband Bridge Fund; to provide for
 11 priority on the district court trial docket as prescribed; to require a
 12 report; to harmonize provisions; to repeal the original sections; and to
 13 declare an emergency."

(Signed) Beau Ballard, Chairperson

Urban Affairs

LEGISLATIVE RESOLUTION 531. Placed on General File with amendment.

[AM1128](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

AMENDMENTS - Print in Journal

Senator McKinney filed the following amendment to [LB629](#):
[AM1123](#) is available in the Bill Room.

Senator Hardin filed the following amendment to [LB342](#):
[AM75](#)

1 1. On page 3, line 7, strike "business", show as stricken, and
 2 insert "calendar".

RESOLUTION**LEGISLATIVE RESOLUTION 85.** Introduced by Holdcroft, 36.

WHEREAS, the third annual Animals in War & Peace Medal Ceremony, which recognizes and honors unsung United States animal heroes for their accomplishments in both war and peace, took place on March 8, 2023, at the Rayburn House Office Building in Washington, D.C.; and

WHEREAS, Military Working Dog Paco P352, a Belgian Malinois, received the Animals in War & Peace Medal of Bravery and Distinguished Service Medal for his service for the United States Army in Afghanistan; and

WHEREAS, Paco was deployed in October 2012 in support of Operation Detachment Alpha/Special Operations Task Force; and

WHEREAS, Paco led the unit during night raids on villages in extremely hostile territories, positively identified thirty-three IEDs during different missions, and likely saved the lives of one hundred twenty soldiers; and

WHEREAS, Paco was awarded the Purple Heart after being wounded with shrapnel but returned to duty after being treated for injuries and, upon his return, Paco led a convoy of thirty trucks twenty miles during an evacuation that was constantly fired upon with small arms and rocket propelled grenades; and

WHEREAS, Paco served side-by-side with his military working dog handler Staff Sergeant Brad Mrsny from 2009 through 2017;

WHEREAS, Paco now lives with Brad, his wife Brittany, and their two daughters Braelynn and Blakely in Gretna, Nebraska; and

WHEREAS, it is appropriate for the Legislature to recognize and honor the veterans of the United States military.

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

1. That the Legislature thanks Military Working Dog Paco P352 and his military working dog handler Staff Sergeant Brad Mrsny for their service to the United States in the United States Army.

2. That the Legislature congratulates Paco on receiving the Animals in War & Peace Medal of Bravery and Distinguished Service Medal.

3. That a copy of this resolution be sent to Staff Sergeant Brad Mrsny and Paco.

Laid over.

VISITORS

Visitors to the Chamber were students from Yutan Elementary, Yutan; students from St. John's Elementary, Lincoln; students from St. Wenceslaus Catholic School, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Day, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Kelly presiding.

ROLL CALL

The roll was called and all members were present except Senators Armendariz, Bostar, Clements, Conrad, Day, DeKay, Dorn, Dover, Erdman, Hunt, Lippincott, McDonnell, Vargas, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 583. Committee [AM970](#), found on page 960 and considered in this day's Journal, was renewed.

Senator Brandt renewed [AM1124](#), found on page 998 and considered in this day's Journal, to the committee amendment

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

Senator Linehan moved for a call of the house. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Senator Linehan requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 45:

Aguilar	Briese	Dungan	Ibach	Murman
Albrecht	Cavanaugh, J.	Erdman	Jacobson	Raybould
Arch	Cavanaugh, M.	Fredrickson	Kauth	Riepe
Armendariz	Clements	Geist	Linehan	Sanders
Ballard	Day	Halloran	Lippincott	Slama
Bostar	DeBoer	Hansen	Lowe	von Gillern
Bostelman	DeKay	Hardin	McDonnell	Walz
Brandt	Dorn	Holdcroft	McKinney	Wayne
Brewer	Dover	Hughes	Moser	Wishart

Voting in the negative, 4:

Blood	Conrad	Hunt	Vargas
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The motion to cease debate prevailed with 45 ayes, 4 nays, and 0 not voting.

The Brandt amendment, to the committee amendment, lost with 17 ayes, 29 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [AM1129](#), found on page 998, to the committee amendment.

Senator Sanders offered the following motion:

[MO896](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sanders moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

The Sanders motion to invoke cloture prevailed with 43 ayes, 3 nays, and 3 present and not voting.

The M. Cavanaugh amendment, to the committee amendment, lost with 16 ayes, 30 nays, and 3 present and not voting.

The committee amendment was adopted with 41 ayes, 3 nays, and 5 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, and 7 present and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Fredrickson filed the following amendment to [LB123](#):
[AM744](#) is available in the Bill Room.

Senator Geist filed the following amendment to [LB683](#):
[AM1142](#) is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 753. Speaker Arch requested to pass over LB753.

GENERAL FILE

LEGISLATIVE BILL 753A. Speaker Arch requested to pass over LB753A.

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803, was offered.

SPEAKER ARCH PRESIDING

Senator Hunt offered [MO850](#), found on page 975, to bracket until June 1, 2023.

Senator Hunt moved for a call of the house. The motion prevailed with 10 ayes, 3 nays, and 36 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Present and not voting, 2:

Cavanaugh, M. Hunt

The Hunt motion to bracket failed with 0 ayes, 47 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO897](#)

Reconsider the vote taken on MO850.

SENATOR B. HANSEN PRESIDING

SPEAKER ARCH PRESIDING

Pending.

EASE

The Legislature was at ease from 5:31 p.m. until 6:00 p.m.

SENATOR B. HANSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803 and considered in today's Journal, was renewed.

Senator M. Cavanaugh renewed [MO897](#), found and considered in this day's Journal, to reconsider the vote taken on MO850.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 6 nays, and 30 not voting.

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

Voting in the affirmative, 2:

Cavanaugh, M. Hunt

Voting in the negative, 44:

Aguilar	Briese	Erdman	Kauth	Riepe
Albrecht	Cavanaugh, J.	Fredrickson	Linehan	Sanders
Arch	Clements	Halloran	Lippincott	Slama
Armendariz	Conrad	Hansen	Lowe	Vargas
Ballard	Day	Hardin	McDonnell	von Gillern
Bostar	DeBoer	Holdcroft	McKinney	Walz
Bostelman	DeKay	Hughes	Moser	Wayne
Brandt	Dorn	Ibach	Murman	Wishart
Brewer	Dover	Jacobson	Raybould	

Absent and not voting, 1:

Geist

Excused and not voting, 2:

Blood Dungan

The M. Cavanaugh motion to reconsider failed with 2 ayes, 44 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hunt offered [MO849](#), found on page 974, to recommit to General Affairs Committee.

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

Senator Hunt moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

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

Voting in the negative, 5:

Cavanaugh, J.	Conrad	Day	Dungan	Vargas
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Present and not voting, 6:

Cavanaugh, M.	Hunt	Raybould
Fredrickson	McKinney	Wayne

Excused and not voting, 5:

Aguilar	Blood	Clements	Geist	Moser
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The motion to cease debate prevailed with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

PRESIDENT KELLY PRESIDING

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 42:

Albrecht	Cavanaugh, J.	Fredrickson	Linehan	Slama
Arch	Conrad	Halloran	Lippincott	Vargas
Armendariz	Day	Hansen	Lowe	von Gillern
Ballard	DeBoer	Hardin	McDonnell	Walz
Bostar	DeKay	Holdcroft	McKinney	Wayne
Bostelman	Dorn	Hughes	Murman	Wishart
Brandt	Dover	Ibach	Raybould	
Brewer	Dungan	Jacobson	Riepe	
Briese	Erdman	Kauth	Sanders	

Present and not voting, 2:

Cavanaugh, M.	Hunt
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Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The Hunt motion to recommit to committee failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Murman filed the following amendment to LB705:

[FA35](#)

Strike Section 3.

Senator Murman filed the following amendment to LB705:

[FA36](#)

Strike Section 4.

Senator Murman filed the following amendment to LB705:

[FA37](#)

Strike Section 1.

Senator Murman filed the following amendment to LB705:

[FA38](#)

Strike Section 2.

Senator McDonnell filed the following amendment to LB103:

[AM969](#)

(Amendments to Standing Committee amendments, AM417)

1 1. On page 6, lines 12, 14, 15, 17, and 18; page 17, lines 8, 10,
2 11, 13, and 14; page 28, lines 1, 3, 4, 6, and 7; page 40, lines 12, 14,
3 15, 17, and 18; page 49, lines 28, 30, and 31; and page 50, lines 2 and
4 3, strike the new matter and reinstate the stricken matter.

5 2. On page 6, strike lines 20 through 24; on page 17, strike lines
6 16 through 20; on page 28, strike lines 9 through 13; on page 40, strike
7 lines 20 through 24; and on page 50, strike lines 5 through 9, and insert
8 the following new subdivisions:

9 "(C) Attained at least seventy-three years of age for a member who
10 attained seventy-two years of age after December 31, 2022, and seventy-
11 three years of age prior to January 1, 2033; or

12 (D) Attained at least seventy-five years of age for a member who
13 attained seventy-four years of age after December 31, 2032; or".

14 3. On page 11, line 15; page 21, line 2; page 37, line 5; page 44,
15 line 5; and page 55, line 4, strike "of active" and insert "during
16 active".

17 4. On page 11, line 16; page 21, line 3; page 37, line 6; page 44,
18 line 6; and page 55, line 5, reinstate the stricken "provided".

19 5. On page 17, line 6; page 27, line 30; page 40, line 10; and page
20 49, line 26, after "distributions" insert "and the commencement of
21 mandatory distributions pursuant to section 401(a)(9) of the Internal
22 Revenue Code and the regulations issued thereunder".

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems
Room 1525 1:30 PM

Wednesday, April 12, 2023

Briefing on Nebraska Public Employees Retirement System's Annual Report

Note: Pursuant to Nebraska Revised Statute 84-1503(3)

Briefing on Nebraska Investment Council's Annual Report

Note: Pursuant to Nebraska Revised Statute 72-1243(3)

(Signed) Mike McDonnell, Chairperson

SELECT FILE

LEGISLATIVE BILL 775. [ER16](#), found on page 803 and considered in this day's Journal, was renewed.

Senator Hunt offered the following motion:

[MO898](#)

Reconsider the vote taken on MO849.

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

Senator Day moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

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

Voting in the negative, 12:

Cavanaugh, J.	Day	Fredrickson	Vargas
Cavanaugh, M.	DeBoer	Hunt	Walz
Conrad	Dungan	Raybould	Wayne

Present and not voting, 2:

McKinney Wishart

Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The motion to cease debate prevailed with 30 ayes, 12 nays, 2 present and not voting, and 5 excused and not voting.

Senator Hunt requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 44:

Albrecht	Cavanaugh, J.	Erdman	Jacobson	Riepe
Arch	Cavanaugh, M.	Fredrickson	Kauth	Sanders
Armendariz	Conrad	Halloran	Linehan	Slama
Ballard	Day	Hansen	Lippincott	Vargas
Bostar	DeBoer	Hardin	Lowe	von Gillern
Bostelman	DeKay	Holdcroft	McDonnell	Walz
Brandt	Dorn	Hughes	McKinney	Wayne
Brewer	Dover	Hunt	Murman	Wishart
Briese	Dungan	Ibach	Raybould	

Excused and not voting, 5:

Aguilar Blood Clements Geist Moser

The Hunt motion to reconsider failed with 0 ayes, 44 nays, and 5 excused and not voting.

The Chair declared the call raised.

ER16 was adopted.

Senator Lowe offered [AM813](#), found on page 742.

The Lowe amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Senator Conrad offered the following amendment:

[AM1178](#)

(Amendments to Standing Committee amendments, AM709)

1 1. Insert the following new sections:

2 Section 1. Section 9-204, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 9-204 (1) Bingo shall mean that form of gambling in which:

5 (a) The winning numbers are determined by random selection from a

6 pool of seventy-five or ninety numbered designators; and
 7 (b) A player marks ~~Players mark~~ by physically daubing or covering
 8 or, automatically or manually with the aid of a bingo card monitoring
 9 device, enters or otherwise conceals ~~concealing~~ those randomly selected
 10 numbers which match on a bingo card that the player has ~~cards which they~~
 11 ~~have~~ purchased or leased only at the time and place of the bingo
 12 occasion.
 13 (2) Bingo shall not mean or include:
 14 (a) Any scheme which uses any mechanical gaming device, computer
 15 gaming device, electronic gaming device, or video gaming device which has
 16 the capability of awarding something of value, free games redeemable for
 17 something of value, or tickets or stubs redeemable for something of
 18 value;
 19 (b) Any activity which is authorized or regulated under the Nebraska
 20 County and City Lottery Act, the Nebraska Lottery and Raffle Act, the
 21 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle
 22 Act, the State Lottery Act, section 9-701, or Chapter 2, article 12; or
 23 (c) Any activity which is prohibited under Chapter 28, article 11.
 24 Sec. 2. Section 9-204.04, Reissue Revised Statutes of Nebraska, is
 25 amended to read:
 26 9-204.04 Bingo card monitoring device shall mean a technological aid
 1 which allows a bingo player to automatically or manually enter bingo
 2 numbers as they are announced at a bingo occasion and which enters ~~marks~~
 3 or otherwise conceals those numbers on bingo cards which are
 4 electronically stored in and displayed on the device. A bingo card
 5 monitoring device shall not mean or include any device (1) into which
 6 currency, coins, or tokens may be inserted or from which currency, coins,
 7 tokens, or any receipt for monetary value can be dispensed or (2) which,
 8 once provided to a bingo player, is capable of communicating with any
 9 other bingo card monitoring device or any other form of electronic device
 10 or computer, except that such device may communicate with its host
 11 system.
 12 2. Renumber the remaining sections, correct internal references, and
 13 correct the repealer accordingly.

The Conrad amendment was adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Senator Hunt offered [MO851](#), found on page 974, to indefinitely postpone.

Senator Lowe offered the following motion:

[MO899](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lowe moved for a call of the house. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

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

Voting in the affirmative, 44:

Arch	Cavanaugh, M.	Erdman	Jacobson	Riepe
Armendariz	Clements	Fredrickson	Kauth	Sanders
Ballard	Conrad	Halloran	Linehan	Slama
Bostar	Day	Hansen	Lippincott	Vargas
Bostelman	DeBoer	Hardin	Lowe	von Gillern
Brandt	DeKay	Holdcroft	McDonnell	Walz
Brewer	Dorn	Hughes	McKinney	Wayne
Briese	Dover	Hunt	Murman	Wishart
Cavanaugh, J.	Dungan	Ibach	Raybould	

Voting in the negative, 1:

Albrecht

Excused and not voting, 4:

Aguilar Blood Geist Moser

The Lowe motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Hunt motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 4:

Aguilar Blood Geist Moser

The Hunt motion to indefinitely postpone failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Arch	Cavanaugh, J.	Dover	Kauth	Riepe
Armendariz	Cavanaugh, M.	Dungan	Linehan	Sanders
Ballard	Conrad	Fredrickson	Lowe	Slama
Bostar	Day	Hansen	McDonnell	Vargas
Brandt	DeBoer	Hughes	McKinney	Walz
Brewer	DeKay	Ibach	Murman	Wayne
Briese	Dorn	Jacobson	Raybould	Wishart

Voting in the negative, 8:

Albrecht	Erdman	Hardin	Lippincott
Clements	Halloran	Holdcroft	von Gillern

Present and not voting, 2:

Bostelman Hunt

Excused and not voting, 4:

Aguilar Blood Geist Moser

Advanced to Enrollment and Review for Engrossment with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 296. [ER1](#), found on page 567, was adopted.

Senator Fredrickson offered the following amendment:

[AM1179](#)

1 1. Strike section 11 and insert the following new sections:
 2 Sec. 11. Section 44-312, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 44-312 (1) For purposes of this section:
 5 (a)(i) Telehealth means the use of medical information
 6 electronically exchanged from one site to another, whether synchronously
 7 or asynchronously, to aid a health care provider in the diagnosis or
 8 treatment of a patient.
 9 (ii) Telehealth includes (A) services originating from a patient's
 10 home or any other location where such patient is located, (B)
 11 asynchronous services involving the acquisition and storage of medical
 12 information at one site that is then forwarded to or retrieved by a
 13 health care provider at another site for medical evaluation, and (C)
 14 telemonitoring.
 15 (iii) Telehealth also includes audio-only services for the delivery
 16 of individual behavioral health services for an established patient, when
 17 appropriate, or crisis management and intervention for an established

18 patient as allowed by federal law; and
19 (b) Telemonitoring means the remote monitoring of a patient's vital
20 signs, biometric data, or subjective data by a monitoring device which
21 transmits such data electronically to a health care provider for analysis
22 and storage.
23 (2) Any insurer offering (a) any individual or group sickness and
24 accident insurance policy, certificate, or subscriber contract delivered,
25 issued for delivery, or renewed in this state, (b) any hospital, medical,
26 or surgical expense-incurred policy, except for policies that provide
27 coverage for a specified disease or other limited-benefit coverage, or
1 (c) any self-funded employee benefit plan to the extent not preempted by
2 federal law, shall provide upon request to a policyholder, certificate
3 holder, or health care provider a description of the telehealth and
4 telemonitoring services covered under the relevant policy, certificate,
5 contract, or plan.
6 (3) The description shall include:
7 (a) A description of services included in telehealth and
8 telemonitoring coverage, including, but not limited to, any coverage for
9 transmission costs;
10 (b) Exclusions or limitations for telehealth and telemonitoring
11 coverage, including, but not limited to, any limitation on coverage for
12 transmission costs; and
13 (c) Requirements for the licensing status of health care providers
14 providing telehealth and telemonitoring services.
15 (4) Except as otherwise provided in section 44-793, the
16 reimbursement rate for any telehealth service shall, at a minimum, be the
17 same as a comparable in-person health care service if the licensed
18 provider providing the telehealth service also provides in-person health
19 care services at a physical location in Nebraska or is employed by or
20 holds medical staff privileges at a licensed facility in Nebraska and
21 such facility provides in-person health care services in Nebraska.
22 Sec. 12. (1) For purposes of this section:
23 (a) National Provider Identifier means the standard, unique health
24 identifier number for a health care provider that is issued by the
25 National Provider System in accordance with 45 C.F.R. part 162, as such
26 regulations existed on January 1, 2023; and
27 (b) Off-campus location means a facility:
28 (i) With operations that are directly or indirectly owned or
29 controlled by, in whole or in part, a hospital, or that is affiliated
30 with a hospital, regardless of whether such off-campus location is
31 operated by the same governing body as the hospital;
1 (ii) That is located in its entirety, including all real estate,
2 structures, and permanent fixtures, more than one mile from the main
3 campus of the hospital as measured from the closest real estate,
4 structure, or permanent fixture of the main campus;
5 (iii) That provides services which are organizationally and
6 functionally integrated with the hospital; and
7 (iv) That is an outpatient facility providing ambulatory surgery,
8 urgent care, or emergency room services.
9 (2) An off-campus location of a hospital shall obtain a National
10 Provider Identifier that is distinct from the National Provider
11 Identifier used by the main campus of the affiliated hospital and any
12 other off-campus location of such hospital and shall use such identifier
13 on all claims for reimbursement or payment for health care services
14 provided at such location.
15 Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this act
16 become operative on January 1, 2024. The other sections of this act
17 become operative on their effective date.
18 Sec. 14. Original section 44-312, Reissue Revised Statutes of
19 Nebraska, is repealed.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

The Fredrickson amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Hunt offered [MO461](#), found on page 946, to bracket until June 1, 2023.

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

Senator Hunt moved for a call of the house. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Senator Wayne requested a record vote on the motion to cease debate.

Voting in the affirmative, 30:

Albrecht	Brewer	Erdman	Jacobson	Raybould
Arch	Briese	Hansen	Kauth	Sanders
Armendariz	Clements	Hardin	Linehan	Slama
Ballard	DeKay	Holdcroft	Lippincott	von Gillern
Bostar	Dorn	Hughes	McDonnell	Wayne
Brandt	Dover	Ibach	Murman	Wishart

Voting in the negative, 8:

Cavanaugh, J.	Conrad	Fredrickson	McKinney
Cavanaugh, M.	Day	Hunt	Vargas

Present and not voting, 4:

DeBoer	Dungan	Riepe	Walz
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Excused and not voting, 7:

Aguilar	Bostelman	Halloran	Moser
Blood	Geist	Lowe	

The motion to cease debate prevailed with 30 ayes, 8 nays, 4 present and not voting, and 7 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Cavanaugh, M.	Erdman	Linehan	Vargas
Arch	Clements	Fredrickson	Lippincott	von Gillern
Armendariz	Conrad	Hansen	McDonnell	Walz
Ballard	Day	Hardin	McKinney	Wayne
Bostar	DeBoer	Holdcroft	Murman	Wishart
Brandt	DeKay	Hughes	Raybould	
Brewer	Dorn	Ibach	Riepe	
Briese	Dover	Jacobson	Sanders	
Cavanaugh, J.	Dungan	Kauth	Slama	

Present and not voting, 1:

Hunt

Excused and not voting, 7:

Aguilar	Bostelman	Halloran	Moser
Blood	Geist	Lowe	

The Hunt motion to bracket failed with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Brandt filed the following amendment to [LB683](#):
[AM1162](#) is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 296. Senator Hunt offered [MO460](#), found on page 945, to recommit to Banking, Commerce and Insurance Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator M. Cavanaugh offered the following motion:

[MO901](#)

Reconsider the vote taken on MO461.

Senator M. Cavanaugh withdrew her motion to reconsider.

Senator M. Cavanaugh offered [AM984](#), found on page 873.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM983](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM985](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM986](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM987](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM988](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM989](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM990](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM991](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM993](#), found on page 874.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM994](#), found on page 875.

The M. Cavanaugh amendment was withdrawn.

Senator Hunt offered [AM1020](#), found on page 885.

The Hunt amendment was withdrawn.

Senator Hunt offered [AM1021](#), found on page 885.

The Hunt amendment was withdrawn.

Senator Hunt offered [MO462](#), found on page 945, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Senator Hunt offered [MO459](#), found on page 945, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew her motion to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt offered [MO463](#), found on page 945, to recommit to Banking, Commerce and Insurance Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO464](#), found on page 946, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. Senator Linchan offered [AM657](#), found on page 696.

The Linchan amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator McKinney offered the following amendment:

[AM1188](#)

1 Insert the following new sections:

2 Sec. 2. (1) On or before July 1, 2025, the school board of each
 3 school district shall adopt a written dress code and grooming policy to
 4 be implemented at the start of the 2025-26 school year that is consistent
 5 with the model policy developed by the State Department of Education in
 6 accordance with section 3 of this act and may include any other
 7 procedures and provisions the school board deems appropriate.

8 (2) Enforcement of violations of the written dress code and grooming
 9 policy shall:

10 (a) Be treated as minor on the continuum of school rule violations
 11 and shall not constitute student conduct subject to long-term suspension,
 12 expulsion, or mandatory reassignment as provided in section 79-267;

13 (b) Not require the student to miss substantial classroom time,
 14 instruction time, or school activities; and

15 (c) Not, under any circumstance, allow an administrator, teacher,
 16 other member of the staff, or contractor to permanently or temporarily
 17 alter or cut a student's hair.

18 (3) No student shall be disproportionately affected by a dress code
 19 or grooming policy enforcement because of the student's gender, race,
 20 color, religion, disability, or national origin.

21 Sec. 3. (1) For purposes of this section:

22 (a) Department means the State Department of Education;

23 (b) National origin includes characteristics associated with actual
 24 or perceived place of birth, ancestry, or ethnicity including, but not
 25 limited to, skin color, natural and protective hairstyles, headdress,
 26 tribal regalia, and attire;

27 (c) Natural and protective hairstyles include, but are not limited

1 to, braids, locks, twists, tight coils or curls, cornrows, bantu knots,
2 afros, weaves, wigs or head wraps;
3 (d) Race includes characteristics associated with actual or
4 perceived race, ancestry, or ethnicity including, but not limited to,
5 skin color, natural and protective hairstyles, tribal regalia, and
6 attire;
7 (e) Religious attire and characteristics associated with religion
8 includes, but is not limited to, natural and protective hairstyles,
9 tribal regalia, burkas, hijabs, head wraps, or other headdress,
10 adornments, and clothing garments used to express or observe one's
11 religious beliefs; and
12 (f) Tribal regalia includes natural and protective hairstyles and
13 traditional garments, jewelry, or other adornments or similar objects of
14 cultural significance worn by members of an indigenous tribe of the
15 United States or another country. Tribal regalia does not include any
16 dangerous weapon or, except in compliance with an appropriate federal
17 permit, any object that is otherwise prohibited by federal law.
18 (2) On or before December 1, 2024, the department shall develop and
19 distribute a model dress code and grooming policy for schools that
20 facilitates and encourages an inclusive and positive learning environment
21 while complying with any applicable health or safety law, rule,
22 regulation, ordinance, or resolution. Such model policy shall not:
23 (a) Target, disproportionately impact, discriminate, or be applied
24 in a discriminatory manner against any students on the basis of race,
25 religion, sex, disability, or national origin;
26 (b) Prohibit a student from wearing attire, including religious
27 attire, natural and protective hairstyles, adornments or other
28 characteristics associated with race, national origin, or religion; or
29 (c) Require a student's hair be permanently or temporarily altered.
30 (3) Such model policy shall include a statement that specifies that
31 enforcement of a violation of such policy shall be done in a manner that
1 is consistent with a school's overall discipline plan and in a consistent
2 manner.
3 (4) The department may develop as part of the dress code and
4 grooming policy a health and safety standard that allows for the
5 regulation of characteristics associated with race, national origin, or
6 religion in the dress code and grooming policy under certain
7 circumstances. Such standard shall:
8 (a) Demonstrate that without the implementation of such standard, it
9 is reasonably certain that the health and safety of the student or
10 another individual will be impaired;
11 (b) Require adoption of the standard for nondiscriminatory reasons;
12 (c) Require that the standard be applied equally;
13 (d) Require that the school engage in a good faith effort to
14 reasonably accommodate the student and notify the student's parent or
15 guardian, in a language that such parent or guardian understands, of such
16 an attempt to accommodate the student's appearance or any attire, tribal
17 regalia, hairstyles, adornment, or other characteristic associated with
18 race, national origin, or religion;
19 (e) Provide a process to obtain consent from a student's parent or
20 guardian prior to altering a student's appearance or removing or altering
21 a student's attire, tribal regalia, hairstyle, adornment, or other
22 characteristic associated with race, national origin, or religion; and
23 (f) Provide a process to ensure records are kept on each effort to
24 reasonably accommodate a student's appearance, attire, hairstyle,
25 adornment, or other characteristics associated with race, national
26 origin, or religion occurring at school, on school grounds, or at a
27 school-sponsored event and ensure that such records allow for analysis of
28 related data and delineate:
29 (i) The reason for such student's referral relating to the dress

30 code and grooming policy; and
31 (ii) Federally identified demographic characteristics of such
1 student.

The McKinney amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Hunt offered [MO478](#), found on page 946, to bracket until June 2, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO477](#), found on page 945, to recommit to Education Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO476](#), found on page 945, to indefinitely postpone.

Senator Hunt withdrew her motion to indefinitely postpone.

Senator Hunt offered [MO475](#), found on page 946, to bracket until June 1, 2023.

Senator Hunt withdrew her motion to bracket.

Senator Hunt offered [MO474](#), found on page 945, to recommit to Education Committee.

Senator Hunt withdrew her motion to recommit to committee.

Senator Hunt offered [MO473](#), found on page 945, to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Hunt withdrew her motion to indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh offered [AM1008](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1005](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1004](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1007](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1006](#), found on page 876.

The M. Cavanaugh amendment was withdrawn.

Senator M. Cavanaugh offered [AM1009](#), found on page 875.

The M. Cavanaugh amendment was withdrawn.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298A. Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer

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

Senator Fredrickson name added to LB181.

VISITORS

Visitors to the Chamber were students from St. Michael's, Albion; students from Bancroft Elementary, Omaha; students from St. Paul's Lutheran, Beatrice; students from Wisner-Pilger Public Schools, Wisner.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

ADJOURNMENT

At 10:16 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2023.

Brandon Metzler
Clerk of the Legislature