

**SIXTEENTH DAY - JANUARY 26, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 26, 2023

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**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 Albrecht, Dover, B. Hansen, Linehan, von Gillern, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**AMENDMENT - Print in Journal**

Senator Holdcroft filed the following amendment to LB769:

[AM102](#)

1 1. On page 2, line 14, strike "develop a sewer system" and insert  
2 "provide a grant to an entity formed pursuant to the Interlocal  
3 Cooperation Act to fund a portion of the cost of constructing a  
4 wastewater system"; and in line 27 after the period insert "It is the  
5 intent of the Legislature to appropriate sixty million dollars from the  
6 Critical Infrastructure Facilities Cash Fund for fiscal year 2023-24 for  
7 the purposes described in subdivision (3) of this section."

**NOTICE OF COMMITTEE HEARINGS**

Revenue  
Room 1524 9:30 AM

Thursday, February 2, 2023

LB804  
LB806  
LB754

Room 1524 1:30 PM

Thursday, February 2, 2023

LB750  
LB783

Room 1524 9:30 AM

Friday, February 3, 2023

LB641  
LB602  
LB38

Room 1524 1:30 PM

Friday, February 3, 2023

LB753

(Signed) Lou Ann Linehan, Chairperson

**COMMITTEE REPORT**  
Agriculture

The Agriculture 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.

Sherry Vinton Director - Department of Agriculture

Aye: 8. Brewer, Halloran, Hansen, B., Holdcroft, Hughes, Ibach, Raybould, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Halloran, Chairperson

**MOTION - Rerefer LB626**

Senator Hunt offered [MO16](#), found on page 363, to rerefer LB626 to Judiciary Committee pursuant to Rule 6 Section 2(a).

Senator B. Hansen 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 31 ayes, 2 nays, and 16 not voting.

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

Senator M. Cavanaugh requested the roll call vote be in reverse order on the motion to cease debate

Voting in the affirmative, 32:

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

Voting in the negative, 15:

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

Present and not voting, 1:

Hunt

Excused and not voting, 1:

Dover

The motion to cease debate prevailed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

Senator Hunt requested a roll call vote on the motion to rerefer LB626.

Voting in the affirmative, 14:

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

Voting in the negative, 32:

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

Present and not voting, 2:

Cavanaugh, J.     Hunt

Excused and not voting, 1:

Dover

The Hunt motion to rerefer LB626 failed with 14 ayes, 32 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORTS

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 94.** Placed on General File with amendment.

[AM77](#)

1 1. On page 160, line 4, strike "22A-306" and insert "12A-306"; and  
2 in line 30 strike "22A-306" and insert "12A-306".

**LEGISLATIVE BILL 279.** Placed on General File with amendment.

[AM86](#)

1 1. On page 3, after line 24 insert the following new subsection:  
2 "(5)(a) Except as provided in subdivision (b) of this subsection,  
3 the board of directors of a bank may obtain a credit report from a  
4 recognized credit agency, on an annual basis, for any or all of its  
5 executive officers.  
6 (b) Subdivision (a) of this subsection does not apply to any  
7 executive officer if such officer is excluded by a resolution of the  
8 board of directors or by the bylaws of the bank from participating in the  
9 major policymaking functions of the bank and does not actually  
10 participate in the major policymaking functions of the bank."  
11 2. On page 4, lines 11, 17, and 31; and page 5, lines 25 and 29,  
12 strike the new matter and reinstate the stricken matter.

(Signed) Julie Slama, Chairperson

#### Natural Resources

The Natural Resources 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.

James Reed Macy Director - Department of Environment and Energy

Aye: 7. Bostelman, Brandt, Fredrickson, Hughes, Jacobson, Moser, Slama.  
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, J..

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

Bradley B. Bird - Nebraska Ethanol Board  
Michael S. Thede - Nebraska Ethanol 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 listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kristen L. Gottschalk - Nebraska Power Review Board

Aye: 7. Bostelman, Brandt, Fredrickson, Hughes, Jacobson, Moser, Slama.  
Nay: 0. Absent: 0. Present and not voting: 1. Cavanaugh, J..

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

Devin M. Brundage - Nebraska Natural Resources Commission  
Mark Czaplewski - Nebraska Natural Resources Commission  
Daniel (Dan) L. Steinkruger - Nebraska Natural Resources Commission  
Dennis Strauch - Nebraska Natural Resources Commission

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 listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas E. Riley Director - Department of Natural Resources

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

(Signed) Bruce Bostelman, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Judiciary  
Room 1113 9:30 AM

Thursday, February 2, 2023

LB83  
LB330  
LB579

Room 1113 1:30 PM

Thursday, February 2, 2023

LB19  
LB18  
LB553  
LB555  
LB27

Room 1113 1:30 PM

Friday, February 3, 2023

LB81  
LB363  
LB260  
LB236  
LB793

(Signed) Justin Wayne, Chairperson

**AMENDMENTS - Print in Journal**

Senator Brandt filed the following amendment to LB449:

[AM84](#)

1 1. On page 3, line 8, strike "sixty-eight" and insert "eight"; and  
2 in line 10 strike "beginning fiscal year 2023-24" and insert "for fiscal  
3 year 2023-24 through fiscal year 2027-28".

Senator M.Cavanaugh filed the following amendment to LB820:

[AM112](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB750:

[AM113](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to LB641:

[AM108](#)

1 1. Strike section 1.

Senator M.Cavanaugh filed the following amendment to LB804:

[AM109](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB806](#):

[AM110](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB754](#):

[AM111](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB783](#):

[AM114](#)

1 1. Strike section 1.

Senator M. Cavanaugh filed the following amendment to [LB589](#):

[AM115](#)

1 1. Strike section 1.

Senator Sanders filed the following amendment to [LB4](#):

[AM105](#)

1 1. On page 3, lines 12 and 20; and page 4, line 14, strike "once  
2 every five years" and insert "in every subsequent year evenly divisible  
3 by five".

### MOTION - Print in Journal

Senator M. Cavanaugh filed the following motion to [LB820](#):

[MO23](#)

Indefinitely postpone pursuant to Rule 6 Section 3(f).

### RESOLUTION

**LEGISLATIVE RESOLUTION 32.** Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Bostelman, 23; Brandt, 32; DeKay, 40; Dover, 19; Kauth, 31; Lowe, 37; Moser, 22; von Gillern, 4.

WHEREAS, Marlin Oliver Briscoe was born on September 10, 1945, in Oakland, California; and

WHEREAS, at five years old, Briscoe moved with his mother to Omaha; and

WHEREAS, Briscoe attended Omaha South High School, where he played multiple sports, including football; and

WHEREAS, after graduating from Omaha South High School, Briscoe attended Omaha University, graduating in 1967 with a bachelor's degree in education; and

WHEREAS, Briscoe played quarterback for the Omaha University football team, leading the team to three conference championships and setting 21 records; and

WHEREAS, Briscoe was drafted by the Denver Broncos in the fourteenth round of the 1968 National Football League/American Football League joint draft; and

WHEREAS, On October 6, 1968, Briscoe became the first starting African-American quarterback in the modern National Football League; and

WHEREAS, Briscoe threw fourteen touchdown passes in eleven games that year, becoming the runner-up for the American Football League Rookie of The Year award; and

WHEREAS, Briscoe played for five more professional football teams at the position of wide receiver, earned Pro Bowl honors in 1970, and won two Super Bowls with the Miami Dolphins; and

WHEREAS, Briscoe led the National Football League's only ever undefeated team, the 1972 Miami Dolphins, in touchdown receptions with four; and

WHEREAS, on December 6, 2016, Briscoe was inducted into the College Football Hall of Fame as an alumnus of the University of Nebraska at Omaha; and

WHEREAS, Briscoe passed away at the age of seventy-six on June 27, 2022.

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

1. That the Legislature honors Marlin Oliver Briscoe's dedication, resilience, hard work, and talent.

2. That the Legislature recognizes Marlin Oliver Briscoe's part in advancing the cause of equality in the National Football League and the United States.

3. That the Legislature offers its condolences to the family of Marlin Oliver Briscoe.

4. That a copy of this resolution be sent to the family of Marlin Oliver Briscoe.

Laid over.

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

Senator Hunt offered the following motion to [LB626](#):

[MO24](#)

Reconsider MO16.

Pending.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 33.** Introduced by Day, 49.

WHEREAS, Jason Ryan is a longtime coach and the current Papillion-La Vista High School principal; and



WHEREAS, Ryan began his career as an assistant at Papillion-La Vista High School; and

WHEREAS, Ryan has been an educator, assistant coach, head coach and assistant director at several Omaha-area schools; and

WHEREAS, Ryan's experience with the Metro Tournament spans back to his childhood when he watched and played sports himself; and

WHEREAS, Ryan served on the Metro Basketball Committee for over six years; and

WHEREAS, Ryan has prioritized young athletes having the best Metro Tournament experience for twenty-six years; and

WHEREAS, Jason Ryan was honored with the Special Recognition Award at the Metro Tournament for twenty-five years of Metro service.

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

1. That the Legislature congratulates Jason Ryan on his Special Recognition award for twenty-five years of Metro service.
2. That a copy of this resolution be sent to Jason Ryan.

Laid over.

### **ANNOUNCEMENT**

Senator Linehan announced the Revenue Committee will hold executive sessions immediately following Committee hearings that end before 4 PM except on Fridays.

### **UNANIMOUS CONSENT - Add Cointroducers**

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

Senator Hunt name added to LB52.

Senator McDonnell name added to LB91.

Senator Hunt name added to LB632.

Senator Jacobson name added to LB641.

Senator Aguilar name added to LB712.

### **VISITOR**

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

### **MOTION - Adjournment**

Senator von Gillern moved to adjourn until 9:00 a.m., Friday, January 27, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 13 ayes, 24 nays, and 12 not voting.

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

The von Gillern motion to adjourn prevailed with 37 ayes, 7 nays, 0 present not voting, 3 absent not voting, 2 excused not voting, and at 12:06 p.m., the Legislature adjourned until 9:00 a.m., Friday, January 27, 2023.

Brandon Metzler  
Clerk of the Legislature