

SEVENTEENTH DAY - JANUARY 27, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 2023

PRAYER

The prayer was offered by Deacon Tom Deall, St. Matthew the Evangelical Catholic Church, Bellevue.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

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 McDonnell who was excused; and Senators Bostar, McKinney, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Bohlmeyer, Katie
Lincoln Independent Business Association (LIBA)

Chandler, Thomas
Aircraft Owners and Pilots Association (AOPA)

Curry, Heather
Barry Goldwater Institute for Public Policy Research

Engelhardt, Ritchard
Ancestry

Ewer, Brett
CrossFit, LLC

Forbes, Meagan
Institute for Justice

Heartland Strategy Group, LLC
Nebraska Families 4 Medical Cannabis

Houghton Bradford Whitted PC, LLO
City of Ralston
Completely Kids
Houghton Bradford Whitted PC, LLO
Madonna Rehabilitation Hospital
Omaha Performing Arts

Husch Blackwell Strategies
Kleo, Inc,

Jensen Rogert Associates, Inc.
Mueller Robak, LLC

Joseph J. Johnson
Olsson

Mammoser, Matthew
National Association for Gun Rights

Mueller Robak
JustData
Nebraska Council of School Administrators

Nebraska Strategies
Mueller Robak, LLC

Nowka & Edwards
Mueller Robak, LLC

O'Hara Lindsay & Associates, Inc.
Mueller Robak, LLC

Peetz & Company
Goldfinch Health
Mueller Robak, LLC

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
PMA Financial Network

Synhorst, Bud
Lincoln Independent Business Association (LIBA)

Upshaw, Arlyn
Autonomous Vehicle Industry Association

Watson, Todd
Nebraska Republican Party

Wolf, Ariel
Autonomous Vehicle Industry Association
Zielske, Pamela
Dialysis Patient Citizens

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB763	Appropriations (rereferred)
LB813	Appropriations
LB814	Appropriations
LB815	Appropriations
LB816	Appropriations
LB817	Appropriations
LB818	Appropriations
LB819	Appropriations
LB820	Revenue

(Signed) Tom Briese, Chairperson
Executive Board

MESSAGES FROM THE GOVERNOR

January 25, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the State Fire Marshal:

Scott C Cordes, 600 Opal Lane, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Jim Pillen
Governor

Enclosures

January 25, 2023

Mr. President, Speaker Arch
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Arch, and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of Policy Research:

Kenny Zoeller, State Capitol Building, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Jim Pillen
Governor

Enclosures

NOTICE OF COMMITTEE HEARINGS

Natural Resources
Room 1525 9:30 AM

Wednesday, February 8, 2023
LB400
LB450

Room 1525 1:30 PM

Wednesday, February 8, 2023
LB292
LB636

Room 1525 9:30 AM

Thursday, February 9, 2023
LB397
LB425

Room 1525 1:30 PM

Thursday, February 9, 2023
LB456

(Signed) Bruce Bostelman, Chairperson

AMENDMENT - Print in Journal

Senator DeKay filed the following amendment to [LB782](#):

[AM116](#)

1 1. On page 6, strike beginning with "estimating" in line 11 through
 2 "guidelines" in line 12 and insert "original equipment manufacturer
 3 procedures".

MOTIONS - Confirmation Reports

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Economic Development
 Anthony L. Goins, Director

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 6:

Aguilar	Cavanaugh, M.	Hunt
Ballard	Geist	Riepe

Excused and not voting, 4:

Bostar	Dover	McDonnell	Wayne
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Banking and Finance
 Kelly J. Lammers, Director

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 5:

Aguilar	Cavanaugh, M.	DeBoer	Hunt	Riepe
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Excused and not voting, 4:

Bostar	Dover	McDonnell	Wayne
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The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Slama moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment found on page 396:

Department of Insurance
Eric Dunning, Director

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Aguilar	Erdman	Riepe
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Excused and not voting, 5:

Bostar Clements Dover McDonnell Wayne

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Department of Natural Resources
Thomas E. Riley, Director

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 3:

Aguilar Riepe Walz

Excused and not voting, 6:

Bostar Dover McDonnell
Clements Erdman Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Power Review Board
Kristen L. Gottschalk, Director

Voting in the affirmative, 36:

Albrecht	Conrad	Hansen	Linehan	Vargas
Arch	Day	Hardin	Lippincott	von Gillern
Armendariz	DeKay	Holdcroft	Lowe	Walz
Ballard	Dorn	Hughes	Moser	Wishart
Blood	Dungan	Hunt	Murman	
Bostelman	Fredrickson	Ibach	Raybould	
Brandt	Geist	Jacobson	Sanders	
Brewer	Halloran	Kauth	Slama	

Voting in the negative, 0.

Present and not voting, 7:

Aguilar	Cavanaugh, J.	DeBoer	Riepe
Briese	Cavanaugh, M.	McKinney	

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 403:

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

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
 Devin M. Brundage

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M. McKinney Riepe

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
Mark Czaplewski

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M. McKinney Raybould Riepe

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The third division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
Daniel (Dan) L. Steinkruger

Voting in the affirmative, 34:

Aguilar	Brewer	Fredrickson	Ibach	Murman
Albrecht	Briese	Geist	Jacobson	Sanders
Armendariz	Cavanaugh, J.	Halloran	Kauth	Slama
Ballard	Conrad	Hansen	Linehan	von Gillern
Blood	DeKay	Hardin	Lippincott	Walz
Bostelman	Dorn	Hughes	Lowe	Wishart
Brandt	Dungan	Hunt	Moser	

Voting in the negative, 0.

Present and not voting, 9:

Arch	Day	Holdcroft	Raybould	Vargas
Cavanaugh, M.	DeBoer	McKinney	Riepe	

Excused and not voting, 6:

Bostar	Dover	McDonnell
Clements	Erdman	Wayne

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The fourth division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Natural Resources Commission
Dennis Strauch

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M. Day Dungan Holdcroft McKinney

Excused and not voting, 5:

Bostar Briese Dover McDonnell Wayne

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Print in Journal

Senator Halloran filed the following motion to LB780:

[MO25](#)

Withdraw LB780.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to LB207:

[AM132](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB296:

[AM133](#)

1 1. Strike the enacting clause.

Senator M. Cavanaugh filed the following amendment to LB767:

[AM134](#)

1 1. Strike the enacting clause.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services
Room 1510 9:30 AM

Wednesday, February 8, 2023

LB590

LB664

LB13

Room 1510 1:30 PM

Wednesday, February 8, 2023

LB574

Room 1510 9:30 AM

Thursday, February 9, 2023

LB433

LB451

LB219

LB458

Room 1510 1:30 PM

Thursday, February 9, 2023

LB286

LB326

LB468

LB353

Room 1510 9:30 AM

Friday, February 10, 2023

LB611

LB810

Room 1510 1:30 PM

Friday, February 10, 2023

LB227

LB434

LB517

LB772

(Signed) Ben Hansen, Chairperson

Revenue

Room 1524 9:30 AM

Friday, February 3, 2023

LB602 (cancel)

LB38 (cancel)

Room 1524 9:30 AM

Friday, February 3, 2023
LB820

(Signed) Lou Ann Linehan, Chairperson

MOTIONS - Confirmation Reports

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 403:

Nebraska Ethanol Board
Bradley B. Bird
Michael S. Thede

Senator M. Cavanaugh requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Ethanol Board
Bradley B. Bird

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 5:

Cavanaugh, M. Dungan Holdcroft McKinney Sanders

Excused and not voting, 5:

Bostar Briese Dover McDonnell Wayne

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

The second division is as follows:

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 403:

Nebraska Ethanol Board
Michael S. Thede

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh, M.	Holdcroft	Murman
Day	McKinney	Raybould

Excused and not voting, 4:

Briese	Dover	McDonnell	Wayne
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Rerefer LB626

Senator Hunt reoffered [MO24](#), found on page 406, to reconsider MO16.

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

Senator Lowe moved for a call of the house. The motion prevailed with 20 ayes, 9 nays, and 20 not voting.

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

Voting in the affirmative, 30:

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

Voting in the negative, 16:

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

Excused and not voting, 3:

Brewer	Geist	McDonnell
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The motion to cease debate prevailed with 30 ayes, 16 nays, and 3 excused and not voting.

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

Voting in the affirmative, 16:

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

Voting in the negative, 30:

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

Excused and not voting, 3:

Brewer	Geist	McDonnell
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The Hunt motion to reconsider failed with 16 ayes, 30 nays, and 3 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

Speaker Arch announced the Health and Human Services Committee will conduct its hearing on Wednesday, February 1, 2023, in Room 1525 and the Natural Resources Committee conduct its hearing in Room 1510, both at 1:30 p.m.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Brewer name added to LB16.
Senator Sanders name added to LB16.
Senator Lippincott name added to LB17.
Senator Kauth name added to LB91.
Senator Lowe name added to LB374.
Senator Jacobson name added to LB374.
Senator Brewer name added to LB712.

VISITORS

The Doctors of the Day were Dr. Kip Anderson and Dr. Deb Anderson of Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Monday, January 30, 2023.

Brandon Metzler
Clerk of the Legislature