

**FIFTY-FIFTH DAY - APRIL 3, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 3, 2023

**PRAYER**

The prayer was offered by Pastor Gary Wissel, Cross Roads Bible Church, Manley.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**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, Brewer, Day, Hunt, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**COMMITTEE REPORT**  
Urban Affairs

**LEGISLATIVE BILL 342.** Placed on General File.

(Signed) Terrell McKinney, Chairperson

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR71 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR71.

**GENERAL FILE**

**LEGISLATIVE BILL 243.** Committee [AM977](#), found on page 866 and considered on page 976, was renewed.

Senator DeBoer offered [AM1090](#), found on page 977, to the committee amendment.

Senator M. Cavanaugh offered [MO166](#), found on page 925, to bracket until June 1, 2023.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 1:

Hunt

Excused and not voting, 3:

Aguilar      Day      Vargas

The M. Cavanaugh motion to bracket failed with 0 ayes, 45 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Briese offered [MO175](#), found on page 925, to recommit to Revenue Committee.

Senator Briese withdrew his motion to recommit to committee.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on the DeBoer amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	DeBoer	Hunt	Raybould	Wishart
Cavanaugh, J.	Dungan	McDonnell	Walz	
Conrad	Fredrickson	McKinney	Wayne	

Voting in the negative, 31:

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

Present and not voting, 2:

Bostar            Cavanaugh, M.

Excused and not voting, 3:

Aguilar            Day            Vargas

The DeBoer amendment, to the committee amendment, lost with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO888](#)

Reconsider the vote taken on AM1090.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

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

Voting in the affirmative, 7:

Cavanaugh, M.	McDonnell	Walz	Wishart
DeBoer	Raybould	Wayne	

Voting in the negative, 36:

Albrecht	Brewer	Dungan	Ibach	Murman
Arch	Briese	Fredrickson	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Geist	Kauth	Sanders
Ballard	Clements	Halloran	Linchan	von Gillern
Blood	Conrad	Hansen	Lippincott	
Bostar	DeKay	Holdcroft	Lowe	
Bostelman	Dorn	Hughes	McKinney	
Brandt	Dover	Hunt	Moser	

Excused and not voting, 6:

Aguilar	Erdman	Slama
Day	Hardin	Vargas

The M. Cavanaugh motion to reconsider failed with 7 ayes, 36 nays, and 6 excused and not voting.

The Chair declared the call raised.

#### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Kauth has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

#### **VISITORS**

Visitors to the Chamber were members from OutNebraska; students from Prairie Hill Learning Center, Roca.

#### **RECESS**

At 11:52 a.m., on a motion by Senator B. Hansen, the Legislature recessed until 1:00 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Speaker Arch presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Aguilar, Albrecht, Bostar, Conrad, DeKay, Dover, Dungan, Erdman, Kauth, Linehan, Murman, Vargas, von Gillern, and Walz who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 243.** Committee [AM977](#), found on page 866 and considered on page 976 and in this day's Journal, was renewed.

Senator Blood offered the following amendment to the committee amendment:

[AM1117](#) is available in the Bill Room.

Senator Blood moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Senator Blood requested a roll call vote, in reverse order, on her amendment, to the committee amendment.

Voting in the affirmative, 13:

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

Voting in the negative, 32:

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

Present and not voting, 1:

Wishart

Excused and not voting, 3:

Lowe            McKinney    Wayne

The Blood amendment, to the committee amendment, lost with 13 ayes, 32 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

AM1118

(Amendments to Standing Committee amendments, AM977)

1 1. On page 3, strike beginning with "(1)" in line 9 through line 23  
2 and insert the following new subsection:  
3 "(1) A school district's property tax request may exceed its  
4 property tax request authority by an amount approved by the legal voters  
5 of the school district voting on the issue at a special election called  
6 for such purpose upon the recommendation of the school board of such  
7 school district or upon the receipt by the county clerk or election  
8 commissioner of a petition requesting an election signed by at least five  
9 percent of the legal voters of the school district. The recommendation of  
10 the school board or the petition of the legal voters shall include the  
11 amount by which the school board would increase its property tax request  
12 for the year over and above the property tax request authority of such  
13 school district. The county clerk or election commissioner shall call for  
14 a special election on the issue within thirty days after the receipt of  
15 such school board recommendation or legal voter petition. The election  
16 shall be held pursuant to the Election Act, and all costs shall be paid  
17 by the school district. The school district shall be empowered to exceed  
18 such limit if:  
19 (a) For any school district in a city of the metropolitan class or  
20 city of the primary class, a majority of the votes cast on the issue are  
21 in favor of exceeding such limit; or  
22 (b) For any other school district, a sixty percent majority of the  
23 votes cast on the issue are in favor of exceeding such limit."

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

**PRESIDENT KELLY PRESIDING**

Senator J. Cavanaugh requested a roll call vote, in reverse order, on his amendment, to the committee amendment.

Voting in the affirmative, 13:

Blood	Cavanaugh, M.	Dungan	Hughes	Raybould
Brandt	Conrad	Erdman	Hunt	
Cavanaugh, J.	Day	Fredrickson	Jacobson	

Voting in the negative, 32:

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

Present and not voting, 2:

McKinney Wayne

Excused and not voting, 2:

Clements Geist

The J. Cavanaugh amendment, to the committee amendment, lost with 13 ayes, 32 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 81.** Introduced by Bostelman, 23; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostar, 29; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; DeKay, 40; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Jacobson, 42; Kauth, 31; Linchan, 39; Lippincott, 34; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, the National Wild Turkey Federation was incorporated on March 28, 1973, in Fredericksburg, Virginia; and

WHEREAS, over the course of fifty years, the National Wild Turkey Federation and its chapters and millions of members across the nation have worked with state, federal, and nongovernmental partners to promote the conservation of the wild turkey and the preservation of hunting heritage and to participate in one of the greatest conservation success stories in American history, which is the return of the wild turkey from the brink of extinction; and

WHEREAS, the National Wild Turkey Federation and its chapters and members have been at the vanguard of reversing declining hunting participation through nationwide investment in hunter recruitment, retention, and reactivation efforts and have partnered with states to develop opportunities to engage people from all walks of life in the outdoors tradition. Since 2012, the Federation has recruited and reactivated more than one million five hundred thousand hunters; and

WHEREAS, since 1985, the National Wild Turkey Federation and its chapters and members have invested more than five hundred million dollars to conserve or enhance more than twenty-two million acres of critical wildlife habitat, forest, and grassland across public and private lands; and

WHEREAS, the National Wild Turkey Federation and its chapters and members have invested more than eight million five hundred thousand dollars in research throughout North America to ensure healthy wild turkey populations in the future; and

WHEREAS, the National Wild Turkey Federation is the largest and longest-serving nongovernmental stewardship partner of the United States Department of Agriculture Forest Service, conserving habitats on National Forest System Lands for more than forty years and heavily engaged in the development and implementation of the United States Department of Agriculture Wildfire Crisis Strategy; and

WHEREAS, along with the aforementioned accomplishments of the National Wild Turkey Federation at the national level, the Federation chapter system in Nebraska, much like the Nebraska Game and Parks Commission which the Federation frequently partners with, has established itself as a leader amongst its peers by working to restore wild turkeys in Nebraska, which were extirpated from the state by 1915, through reintroduction efforts starting in the Pine Ridge National Recreation Area during the decade of 1950 through 1959; and

WHEREAS, the National Wild Turkey Federation has been a strong partner in many public land habitat projects by helping to increase public access on private lands, assisting with acquiring wildlife management areas, funding shooting sports, and providing many volunteer hours as mentor hunters with youth.

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

1. That the Legislature recognizes and celebrates the fiftieth anniversary of the National Wild Turkey Federation and salutes the organization and its chapters and members from across the United States for their tremendous efforts to further scientific state-led wildlife management and the conservation of America's wild turkey and its habitat.

2. That the Legislature expresses support for the National Wild Turkey Federation and its chapters and members in their future work.

Laid over.

#### **COMMITTEE REPORT** Health and Human Services

**LEGISLATIVE BILL 358.** Placed on General File.

**LEGISLATIVE BILL 595.** Placed on General File.

**LEGISLATIVE BILL 570.** Placed on General File with amendment.

[AM1025](#) is available in the Bill Room.

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



Miguel Rocha - Commission for the Blind and Visually Impaired

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

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

Deacon Donald N. Blackbird, Jr. - Nebraska Child Abuse Prevention Fund Board  
Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board

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

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

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

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

The Health and Human Services 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.

April Dexter - Nebraska Rural Health Advisory Commission  
Kate Hesser - Nebraska Rural Health Advisory Commission  
Katherine Kusek - Nebraska Rural Health Advisory Commission  
Myra Stoney - Nebraska Rural Health Advisory Commission

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

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

Ryan K. Batenhorst - Board of Emergency Medical Services  
Karen Bowlin - Board of Emergency Medical Services  
Prince Harrison - Board of Emergency Medical Services  
Linda L. Jensen - Board of Emergency Medical Services  
Jonathan L. Kilstrom - Board of Emergency Medical Services  
Brent E. Lottman - Board of Emergency Medical Services

James Smith - Board of Emergency Medical Services  
 Leslie L. Vaughn, Jr. - Board of Emergency Medical Services

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

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

Martin Fattig - Nebraska Rural Health Advisory Commission

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

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

Heather Cramer - State Board of Health

Aye: 5. Ballard, Hansen, B., Hardin, Riepe, Walz. Nay: 0. Absent: 0. Present and not voting: 2. Cavanaugh, M., Day.

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

Jaime Kent Dodge - State Board of Health

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

(Signed) Ben Hansen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 243.** Committee [AM977](#), found on page 866 and considered on page 976 and in this day's Journal, was renewed.

Senator J. Cavanaugh offered the following amendment to the committee amendment:

[AM1115](#)

(Amendments to Standing Committee amendments, AM977)

- 1 1. On page 3, strike beginning with "(1)" in line 9 through line 23
- 2 and insert the following new subsection:
- 3 "(1) A school district's property tax request may exceed its
- 4 property tax request authority by an amount approved by the legal voters
- 5 of the school district voting on the issue at a statewide primary or
- 6 statewide general election. Such issue shall be placed on the ballot upon

7 the recommendation of the school board of such school district or upon  
 8 the receipt by the county clerk or election commissioner of a petition  
 9 requesting such issue to be placed on the ballot signed by at least five  
 10 percent of the legal voters of the school district. The recommendation of  
 11 the school board or the petition of the legal voters shall include the  
 12 amount by which the school board would increase its property tax request  
 13 for the year over and above the property tax request authority of such  
 14 school district. If a majority of the votes cast on the issue, and not  
 15 less than thirty-five percent of the total votes cast at the election at  
 16 which the same was submitted, are cast in favor of exceeding such limit,  
 17 the school district shall be empowered to do so."

Senator J. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator J. Cavanaugh requested a roll call vote on his amendment, to the committee amendment.

Voting in the affirmative, 15:

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

Voting in the negative, 31:

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

Excused and not voting, 3:

Clements	Geist	Wishart
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The J. Cavanaugh amendment, to the committee amendment, lost with 15 ayes, 31 nays, and 3 excused and not voting.

The Chair declared the call raised.

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

Senator Linehan requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Cavanaugh, J.	DeBoer	McKinney	Wayne
Cavanaugh, M.	Hunt	Walz	

Excused and not voting, 1:

Clements

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

## COMMITTEE REPORT

### Education

**LEGISLATIVE BILL 516.** Placed on General File with amendment.

#### [AM1107](#)

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 79-2,143, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:  
 5 79-2,143 (1) The position of state school security director is  
 6 created within the State Department of Education. The Commissioner of  
 7 Education shall appoint the director based on experience, knowledge, and  
 8 skills in the field of school security.  
 9 (2) It is the intent of the Legislature that regionally focused  
 10 specialists be hired as employees to be placed to assist approved or  
 11 accredited public and nonpublic schools and to increase the availability  
 12 of training, provide tailored technical support for the unique needs of  
 13 each region, and serve as a central point of contact for schools. Such  
 14 employees shall be placed under the direction of the state school  
 15 security director.  
 16 Sec. 2. Section 79-3106, Revised Statutes Cumulative Supplement,  
 17 2022, is amended to read:  
 18 79-3106 (1) It is the intent of the Legislature that federal funds  
 19 shall be used to implement the School Safety and Security Reporting  
 20 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The  
 21 Commissioner of Education shall electronically report data, a cost-

22 benefit analysis, and a funding recommendation regarding the continued  
23 viability of the Safe2HelpNE report line to the Appropriations Committee  
24 of the Legislature and the Education Committee of the Legislature on or  
25 before January 5, 2024.

26 (2) It is the intent of the Legislature to appropriate eight hundred  
27 seventy thousand dollars from the General Fund for fiscal year 2024-25  
1 and each fiscal year thereafter to the State Department of Education to  
2 carry out the School Safety and Security Reporting System Act.

3 Sec. 3. (1) The Commissioner of Education shall create and  
4 administer a grant program to provide funding to school districts and  
5 educational service units on behalf of approved or accredited nonpublic  
6 schools, for security-related infrastructure projects. Such projects may  
7 include, but are not limited to, surveillance equipment, door-locking  
8 systems, and double-entry doors for school buildings. Subject to  
9 available appropriations, the department shall provide a grant to any  
10 school district or educational service unit that applies for such grant  
11 for use for qualifying projects. The amount of such grant shall be a  
12 proportionate share of the total amount appropriated for such grants and:  
13 (a) A school district's share shall be based on the percentage of  
14 students attending such school district according to the most recent  
15 enrollment data collected by the State Department of Education; and  
16 (b) An educational service unit's share shall be based on the number  
17 of approved or accredited nonpublic schools that contract with such  
18 educational service unit for funding for qualifying projects as provided  
19 in subdivision (2)(b) of this section.

20 (2)(a) A school district may apply to the department for a grant on  
21 forms and in a manner prescribed by the Commissioner of Education. A  
22 school district receiving a grant under this section shall divide the use  
23 of such grant funds as evenly as possible among all eligible school  
24 buildings within such district.

25 (b) An educational service unit may apply to the department for a  
26 grant, on forms and in a manner prescribed by the Commissioner of  
27 Education, for use for funding qualifying projects at approved or  
28 accredited nonpublic schools which contract with such educational service  
29 unit on such qualifying projects. An approved or accredited nonpublic  
30 school may apply to and contract with the appropriate educational service  
31 unit in the school's area in a manner prescribed by the educational  
1 service unit for funding for qualifying projects pursuant to this  
2 section.

3 (3) The State Board of Education may adopt and promulgate rules and  
4 regulations to carry out this section.

5 (4) It is the intent of the Legislature to appropriate fifteen  
6 million dollars from the General Fund to the State Department of  
7 Education to administer the grant program pursuant to this section.

8 Sec. 4. (1) The State Department of Education shall create and  
9 administer a grant program to provide funding to hire mental health  
10 practitioners and school psychologists to provide access to mental and  
11 behavioral health support to students at an approved or accredited public  
12 or nonpublic school and within the community.

13 (2) A local public health department or an educational service unit  
14 may apply to the department, on forms and in a manner prescribed by the  
15 department, for a grant to hire a mental health practitioner or school  
16 psychologist to provide mental and behavioral health supports to students  
17 and serve as a liaison to approved and accredited public and nonpublic  
18 schools within the area served by such local public health department or  
19 educational service unit.

20 (3) It is the intent of the Legislature to appropriate five million  
21 dollars from the General Fund to administer such grant program.

22 Sec. 5. Original section 79-2,143, Reissue Revised Statutes of  
23 Nebraska, and section 79-3106, Revised Statutes Cumulative Supplement,  
24 2022, are repealed.

(Signed) Dave Murman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 243.** Senator Briese offered [MO174](#), found on page 925, to indefinitely postpone.

Senator Briese withdrew his motion to indefinitely postpone.

Senator M. Cavanaugh offered the following amendment:  
[AM1134](#) is available in the Bill Room.

Senator Briese offered the following motion:  
[MO891](#)  
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 30 ayes, 1 nays, and 18 not voting.

Senator Briese requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 6:

Blood	Cavanaugh, M.	Hunt
Cavanaugh, J.	DeBoer	Wayne

The Briese motion to invoke cloture prevailed with 43 ayes, 0 nays, and 6 present and not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment.

Voting in the affirmative, 7:

Bostelman	Erdman	McDonnell	Wayne
Clements	Halloran	Murman	

Voting in the negative, 41:

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

Present and not voting, 1:

Cavanaugh, M.

The M. Cavanaugh amendment lost with 7 ayes, 41 nays, and 1 present and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 1 nay, and 7 present and not voting.

The Chair declared the call raised.

#### GENERAL FILE

**LEGISLATIVE BILL 583.** Senator Hunt offered [MO680](#), found on page 966, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Sanders opened on her bill, LB583.

Senator Hunt opened on her motion, MO680.

#### SPEAKER ARCH PRESIDING

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

The Hunt motion to indefinitely postpone, prior to the bill being read, failed with 1 aye, 42 nays, 5 present and not voting, 1 absent and not voting, and 0 excused and not voting.

The Chair declared the call raised.

Pending.

**MINORITY COMMITTEE STATEMENT**

Health and Human Services

**LEGISLATIVE BILL 626.** Minority Committee Statement was filed.

(Signed) Machaela Cavanaugh  
Jen Day

**RESOLUTIONS****LEGISLATIVE RESOLUTION 82.** Introduced by Ballard, 21.

WHEREAS, Logan Lovelace of Lincoln, Nebraska, a member of Lincoln Boy Scout Troop 55 and son of Dane and Thuy Lovelace, completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Logan is a Brotherhood Member of the Order of the Arrow of the Boy Scouts of America and an honor roll student at Lincoln Southwest High School and will be attending the University of Nebraska for computer engineering in the fall of 2023; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men and women have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, thirteen of which are in required areas, and complete an approved community service project; and

WHEREAS, for his community service project, Logan was inspired to give back to the Willard Community Center in Lincoln, Nebraska, where Troop 55 meets so his project consisted of leveling the outside preschool play area at the Willard Community Center and having rubber tiles laid; and

WHEREAS, Logan has served his Boy Scout troop as Senior Patrol Leader, Patrol Leader, Assistant Patrol Leader, Scribe, and Den Chief; and

WHEREAS, Logan is the seventh scout from Troop 55 to earn the rank of Eagle Scout; and

WHEREAS, Logan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Logan Lovelace on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Logan Lovelace.

Laid over.



**LEGISLATIVE RESOLUTION 83.** Introduced by Ballard, 21.

WHEREAS, the 2023 Nebraska School Activities Association Class D-2 Boys State Basketball Championship was held on March 11, 2023, at Pinnacle Bank Arena in Lincoln, Nebraska; and

WHEREAS, the Parkview Christian Patriots boys basketball team won the 2023 Class D-2 Boys State Basketball Championship; and

WHEREAS, Parkview Christian finished the season with twenty-six wins and three losses after a victory over Wynot in the championship game by a score of 52 to 49; and

WHEREAS, such a team achievement is made possible through the support of parents, teachers, administrators, classmates, and the community; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic 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 recognizes and congratulates the Parkview Christian School boys basketball team and its coaches on winning the 2023 Class D-2 Boys State Basketball Championship.

2. That a copy of this resolution be sent to the Parkview Christian School boys basketball team.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 583.** Senator Wayne offered the following motion:

[MO892](#)

Reconsider the vote taken on MO680.

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 10:

Blood	Cavanaugh, M.	Day	Erdman	Raybould
Cavanaugh, J.	Conrad	DeBoer	McKinney	Wayne

Voting in the negative, 33:

Albrecht	Briese	Hansen	Kauth	Slama
Arch	Clements	Hardin	Linehan	Vargas
Armendariz	DeKay	Holdcroft	Lippincott	von Gillern
Ballard	Dorn	Hughes	Lowe	Walz
Bostelman	Dover	Hunt	Moser	Wishart
Brandt	Dungan	Ibach	Murman	
Brewer	Geist	Jacobson	Sanders	

Present and not voting, 3:

Bostar          Halloran          Riepe

Excused and not voting, 3:

Aguilar          Fredrickson          McDonnell

The Wayne motion to reconsider failed with 10 ayes, 33 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

#### AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to LB583:

[AM1112](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. Strike sections 5, 6, and 7.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 correct the repealer accordingly.

Senator Hunt filed the following amendment to LB583:

[AM1111](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. On page 11, line 9, strike "eighty" and insert "one hundred".

Senator Brandt filed the following amendment to LB583:

[AM1124](#) is available in the Bill Room.

Senator M. Cavanaugh filed the following amendment to LB583:

[AM1129](#)

(Amendments to Standing Committee amendments, AM970)

- 1 1. Insert the following new sections:
- 2 Section 1. Sections 1 to 9 of this act shall be known and may be
- 3 cited as the Hunger-Free Schools Act.
- 4 Sec. 2. Section ~~79-10,137~~, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 ~~79-10,137~~ The Legislature finds that, for Nebraska to compete
- 7 effectively in the world, it must have an educated and productive work
- 8 force. In order to have an educated and productive work force, it must

9 prepare its children to learn, and in order to do so the children must be  
 10 well-nourished. The Legislature further finds that school breakfast and  
 11 lunch programs are integral parts of Nebraska's educational system, and  
 12 that every student deserves access to healthy food during the school day.

13 Sec. 3. For purposes of the Hunger-Free Schools Act:

14 (1) Community eligibility provision has the same meaning as in  
 15 section 79-101;

16 (2) Department means the State Department of Education;

17 (3) Eligible breakfast means a school breakfast served to a student  
 18 which is reimbursable, in total or in part, with federal funds as  
 19 specified under regulations promulgated by the United States Department  
 20 of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42  
 21 U.S.C. 1771 et seq., as such act and regulations existed on January 1,  
 22 2023;

23 (4) Eligible lunch means a school lunch served to a student which is  
 24 reimbursable, in total or in part, with federal funds as specified under  
 25 regulations promulgated by the United States Department of Agriculture  
 26 pursuant to the federal Richard B. Russell National School Lunch Act, 42  
 1 U.S.C. 1751 et seq., as such act and regulations existed on January 1,  
 2 2023;

3 (5) Federal reimbursement rate means the payment levels received by  
 4 the qualified public school for an eligible breakfast or an eligible  
 5 lunch for the school year in which the eligible breakfast or the eligible  
 6 lunch was served, as published by the United States Department of  
 7 Agriculture pursuant to the federal Child Nutrition Act of 1966, 42  
 8 U.S.C. 1771 et seq., and the federal Richard B. Russell National School  
 9 Lunch Act, 42 U.S.C. 1751 et seq., and regulations promulgated under such  
 10 acts, as such acts and regulations existed on January 1, 2023; and

11 (6) Qualified public school means a school operated by a school  
 12 district which is participating in the school breakfast program or the  
 13 national school lunch program under the federal Child Nutrition Act of  
 14 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National  
 15 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January  
 16 1, 2023.

17 Sec. 4. Each qualified public school that is eligible to receive  
 18 one hundred percent of the federal reimbursement rate at the free rate  
 19 for all eligible breakfasts and eligible lunches shall operate under the  
 20 community eligibility provision.

21 Sec. 5. Section 79-10,138, Reissue Revised Statutes of Nebraska, is  
 22 amended to read:

23 79-10,138 The department State Department of Education shall  
 24 reimburse each qualified public school in Nebraska a portion of the cost  
 25 of such school's school breakfast program in the amount of five cents per  
 26 eligible school breakfast served by such school in the second preceding  
 27 school year. ~~Each To qualify,~~ a school district shall ~~operate a school~~  
 28 ~~lunch program and shall~~ submit information regarding the number of  
 29 eligible breakfasts served by each qualified public school in the school  
 30 district in a manner prescribed by the department. The Legislature shall  
 31 appropriate money from the General Fund to carry out this section.

1 Sec. 6. Section 79-10,139, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:

3 79-10,139 Payments pursuant to section 5 of this act 79-10,138 shall  
 4 be made to each school district according to rules and regulations for  
 5 disbursements adopted and promulgated by the department State Department  
 6 of Education.

7 Sec. 7. Nothing in the Hunger-Free Schools Act shall prevent a  
 8 school district from collecting information from the parent or guardian  
 9 of a student to determine eligibility for other services of the school  
 10 district.

11 Sec. 8. The department may grant a waiver of the requirement under  
 12 section 4 of this act to a school or district which lacks facilities,  
 13 equipment, or staff to offer a school breakfast program and in which the  
 14 acquisition of such facilities, equipment, or staff would cause extreme  
 15 hardship to such school or district. A waiver may also be granted if

16 participation in the program is too small to allow the program to be  
17 cost-effective or may create substantial scheduling difficulties. The  
18 waiver may be permanent or for a specified length of time as determined  
19 by the department.  
20 Sec. 9. The State Board of Education shall adopt and promulgate  
21 rules and regulations to carry out the Hunger-Free Schools Act.  
22 Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 25 of this act  
23 become operative on August 1, 2023. The other sections of this act become  
24 operative on their effective date.  
25 Sec. 25. Original sections 79-10,137, 79-10,138, and 79-10,139,  
26 Reissue Revised Statutes of Nebraska, are repealed.  
27 2. Renumber the remaining sections, correct internal references, and  
28 correct the repealer accordingly.

### **MOTIONS - Print in Journal**

Senator Conrad filed the following motion to [LB385](#):  
[MO893](#)  
Indefinitely postpone pursuant to Rule 6 Section 3(f).

Senator Conrad filed the following motion to [LB385](#):  
[MO894](#)  
Recommit to Education Committee.

Senator Conrad filed the following motion to [LB385](#):  
[MO895](#)  
Bracket until June 9, 2023.

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

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

Senator Raybould name added to LB138.  
Senator Brewer name added to LB138.  
Senator Bostelman name added to LB165.  
Senator Day name added to LB715.

### **VISITORS**

Visitors to the Chamber were members of Hemingford High School FCCLA.

### **ADJOURNMENT**

At 6:59 p.m., on a motion by Senator Raybould, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2023.

Brandon Metzler  
Clerk of the Legislature