

SEVENTY-SEVENTH DAY - MAY 11, 2023**LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 11, 2023

PRAYER

The prayer was offered by Pastor Joshua Jones, Beth-El Community Church, Milford.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hughes.

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 Albrecht who was excused; and Senators Day, Dover, B. Hansen, Hunt, Slama, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 10, 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

Upshaw, Arlyn

Autonomous Vehicle Industry Association (Withdrawn 05/08/2023)

Wolf, Ariel

Autonomous Vehicle Industry Association (Withdrawn 05/08/2023)

REPORTS

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

SELECT FILE

LEGISLATIVE BILL 243. Senator M. Cavanaugh offered [MO1043](#), found on page 1461, to reconsider the vote on MO169.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

The M. Cavanaugh motion to reconsider failed with 1 aye, 35 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered [MO168](#), found on page 925, to recommit to Revenue Committee.

Senator M. Cavanaugh withdrew her motion to recommit to committee.

Senator M. Cavanaugh withdrew [FA104](#), found on page 1433.

Senator M. Cavanaugh withdrew [FA105](#), found on page 1433.

Senator M. Cavanaugh withdrew [FA106](#), found on page 1433.

Senator M. Cavanaugh withdrew [AM1432](#), found on page 1460.

Senator M. Cavanaugh withdrew [MO167](#), found on page 925, to indefinitely postpone.

[ER21](#), found on page 1087, was adopted.

Senator Briese offered [AM1743](#), found on page 1461.

Senator Briese withdrew [MO1042](#), found on page 1461, to indefinitely postpone.

Senator Briese withdrew [MO176](#), found on page 925, to bracket.

Senator Briese withdrew [MO1040](#), found on page 1461, to bracket.

Senator Briese withdrew [FA18](#), found on page 480.

Senator Briese withdrew [FA28](#), found on page 763.

Senator Briese offered the following motion:

[MO1052](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 33 ayes, 3 nays, and 13 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Hunt

Present and not voting, 3:

Cavanaugh, J. Cavanaugh, M. McKinney

Excused and not voting, 1:

Albrecht

The Briese motion to invoke cloture prevailed with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The Briese amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 813. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

MOTIONS - Print in Journal

Senator Linehan filed the following motion to [LB727](#):
[MO1044](#)
Bracket until June 9, 2023.

Senator Linehan filed the following motion to [LB727](#):
[MO1045](#)
Recommit to the Revenue Committee.

Senator Linehan filed the following motion to [LB727](#):
[MO1046](#)
Indefinitely postpone.

Senator Linehan filed the following motion to [LB727](#):
[MO1047](#)
Recommit to Revenue Committee.

AMENDMENTS - Print in Journal

Senator Linehan filed the following amendment to [LB727](#):
[FA116](#)
Strike Section 1.

Senator Linehan filed the following amendment to [LB727](#):
[FA117](#)
Strike Section 1.

Senator Briese filed the following amendment to [LB243](#):
[FA115](#)
Strike Section 1.

RESOLUTIONS

LEGISLATIVE RESOLUTION 144. Introduced by Erdman, 47;
Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the subject of school choice where all education funding is distributed on a per student basis and follows the student to the school of their choice.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 145. Introduced by Conrad, 46; Blood, 3; DeBoer, 10; Hughes, 24; Ibach, 44; Raybould, 28; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to explore the role of both the State of Nebraska and individual school districts in finding solutions to address the impact of the inability to afford menstrual products, often called "period poverty", among students.

Period poverty can adversely affect an individual's health and wellbeing. Period poverty exacerbates the cycle of poverty by further marginalizing girls and women, causing them to miss educational opportunities.

Several states have sought to address these negative impacts by enacting legislation requiring local school districts to provide free menstrual products in schools. Nebraska has in recent years addressed these issues with updates to state policy relating to sales tax on menstrual products and access to menstrual products in jails, juvenile facilities, and state prisons.

This interim study should examine how other states have successfully enacted legislation to address the inequity created by period poverty and to assess the cost of providing feminine hygiene products to students across the State of Nebraska.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 146. Introduced by Conrad, 46; Dungan, 26.

WHEREAS, the people living on the land that would eventually be designated as the District of Columbia were provided the right to vote for representation in Congress when the United States Constitution was ratified in 1788; and

WHEREAS, the passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of the United States Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States; and

WHEREAS, residents of the District of Columbia were granted the right to vote for the President and Vice President through passage of the Twenty-Third Amendment to the United States Constitution in 1961; and

WHEREAS, as of 2021, the United States Bureau of the Census data estimates that the District of Columbia's population at approximately 689,545 residents, which is comparable to the populations of Wyoming (576,851), Vermont (643,077), Alaska (733,391), and North Dakota (779,094); and

WHEREAS, residents of the District of Columbia share all the responsibilities of United States citizenship, including paying more federal taxes than residents of twenty-two states, service on federal juries, and defending the United States as members of the United States Armed Forces in every war since the War for Independence, yet they are denied full representation in Congress; and

WHEREAS, the residents of the District of Columbia themselves have endorsed statehood for the District of Columbia and passed a District-wide referendum on November 8, 2016, which favored statehood by eighty-six percent; and

WHEREAS, no other democratic nation denies the right of self-government, including participation in its national legislature, to the residents of its capital; and

WHEREAS, the residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the fifty states; and

WHEREAS, the United States Congress repeatedly has interfered with the District of Columbia's limited self-government by enacting laws that affect the District of Columbia's expenditure of its locally raised tax revenue, including barring the usage of locally raised revenue, thus violating the fundamental principle that states and local governments are best suited to enact legislation that represents the will of their citizens; and

WHEREAS, although the District of Columbia has passed consecutive balanced budgets since Fiscal Year 1997, it still faces the possibility of being shut down yearly because of Congressional deliberations over the federal budget; and

WHEREAS, District of Columbia Delegate Eleanor Holmes Norton and Delaware United States Senator Tom Carper introduced in the 117th Congress H.R. 51 and S. 51, the Washington, D.C. Admission Act, that provides that the State of Washington, D.C. would have all the rights of citizenship as taxpaying American citizens, including two Senators and at least one House member; and

WHEREAS, the United Nations Human Rights Committee has called on the United States Congress to address the District of Columbia's lack of political equality, and the Organization of American States has declared the disenfranchisement of the District of Columbia residents a violation of its charter agreement, to which the United States is a signatory.

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

1. That the Legislature urges the members of the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.

2. That copies of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska congressional delegation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study relating to parental involvement in public schools. The study shall include, but need not be limited to, an examination of:

(1) The current statutory requirements relating to parental involvement in schools;

(2) Potential statutory changes to such requirements; and

(3) The discussions and issues raised at the public hearing for Legislative Bill 374 introduced during the First Session of the One Hundred Eighth Legislature.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 148. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the use of federal funds from the federal Elementary and Secondary School Emergency Relief Fund and the use of the Launch Nebraska website by the State Department of Education. The study shall include, but need not be limited to:

(1) The State Department of Education's use of federal funds from the federal Elementary and Secondary School Emergency Relief Fund;

(2) Content promoted and shared by the State Department of Education on the Launch Nebraska website; and

(3) The overall use of the Launch Nebraska website.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 149. Introduced by Murman, 38.

PURPOSE: The purpose of this resolution is to propose an interim study related to social-emotional learning. The study shall include, but need not be limited to:

- (1) The core concepts of social-emotional learning;
- (2) How school personnel in this state utilize social-emotional learning in the classroom; and
- (3) How social-emotional learning relates to teaching about topics such as race, racism, sexual education, and mental health.

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

1. That the Education 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.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 705A. Introduced by Murman, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 705, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003, was offered.

Senator M. Cavanaugh withdrew [MO139](#), found on page 906, to bracket.

Senator M. Cavanaugh withdrew [MO138](#), found on page 906, to recommit to committee.

Senator M. Cavanaugh withdrew [MO137](#), found on page 905, to indefinitely postpone.

Senator M. Cavanaugh withdrew [MO134](#), found on page 924, to indefinitely postpone.

Senator M. Cavanaugh withdrew [MO135](#), found on page 924, to recommit to committee.

Senator M. Cavanaugh withdrew [MO136](#), found on page 924, to bracket.

Senator M. Cavanaugh withdrew [AM1720](#), found on page 1456.

Senator M. Cavanaugh withdrew [AM1721](#), found on page 1456.

Senator M. Cavanaugh withdrew [AM111](#), found on page 405.

Senator Linehan offered the following amendment, to [ER19](#):
[AM1760](#)

(Amendments to E&R amendments, ER19)

- 1 1. Insert the following new amendment:
- 2 3. In the Standing Committee amendments, AM906:
- 3 a. Strike sections 7, 11, 12, and 14;
- 4 b. On page 5, lines 4 and 5, strike "ten million" and insert "two million five hundred thousand";
- 6 c. On page 25, strike lines 27 through 31;
- 7 d. On page 26, line 1, strike "(21)" and insert "(20)";
- 8 e. On page 48, line 31, strike "ten" and insert "seven" and after
- 9 "million" insert "five hundred thousand"; and
- 10 f. Renumber the remaining sections and correct the repealer
- 11 accordingly.

SPEAKER ARCH PRESIDING

PRESIDENT KELLY PRESIDING

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

Senator Linehan requested a roll call vote on her amendment, to [ER19](#).

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, J. Cavanaugh, M. Hunt Raybould

Excused and not voting, 4:

Albrecht Bosn Dover Slama

The Linehan amendment, to [ER19](#), was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB754](#):

[FA119](#)

Strike Section 1.

MOTIONS - Print in Journal

Senator Linehan filed the following motion to [LB754](#):

[MO1051](#)

Recommit to the Revenue Committee.

Senator Hunt filed the following motion to [LB574](#):

[MO1053](#)

Recommit to the Health and Human Services Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 150. Introduced by DeBoer, 10.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the gap in services such as emergency shelters and transitional housing for individuals experiencing domestic violence and human trafficking in Nebraska. Emergency shelters and transitional housing are essential resources for individuals who are in the process of leaving these unsafe situations. Requests for such services have increased in recent years. This study shall include, but need not be limited to, an examination of the following:

(1) The demand for emergency shelter or transitional housing services compared to what is available from community resources;

(2) The factors leading to the gap in services including, but not limited to, staffing concerns, operational costs, availability of property, and barriers to individuals accessing services;

(3) How emergency shelter and transitional housing facilities operate;

(4) What individuals in need of such services view as barriers to achieving shelter or housing and what they view as essential services from organizations that provide service to individuals in domestic violence and human trafficking situations;

(5) Recommendations from organizations who provide services to individuals in domestic violence and human trafficking situations;

(6) What state-supported resources exist to help provide such services, and whether the resources are sufficient; and

(7) What barriers exist for the State of Nebraska to close the gap in service and how have other states resolved those barriers.

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

1. That the Health and Human 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.

LEGISLATIVE RESOLUTION 151. Introduced by DeBoer, 10; Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the results of the Nebraska Child Care Cost Model developed as a product of the Preschool Development Grant. The Nebraska Child Care Cost Model is a tool for answering questions about the cost of providing child care in Nebraska based on multiple data points specific to the child care landscape and cost drivers of Nebraska. This study shall include, but need not be limited to:

(1) A review of the development process to create the Nebraska Child Care cost Model;

(2) An examination of the relationship between the cost of providing child care and the revenue available to cover those expenses while meeting state licensing standards;

(3) An analysis of the factors associated with variations in the costs of providing care, including, but not limited to, age of the children, program type, geographic location, increases in the quality of care related to the Step Up To Quality Child Care Act, and compensation of staff;

(4) A review of the regulatory and statutorily permitted uses of cost models under the Child Care Development Block Grant compared to sections 43-536, 68-1206, and 71-1961 of the Nebraska Revised Statutes;

(5) A review of utilization of cost models in other states for child care subsidy programs, quality rating and improvement systems, and other approved uses; and

(6) Recommendations for the infrastructure and oversight needed for sustainability and continued utilization of the Nebraska Child Care Cost Model.

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

1. That the Health and Human Services 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.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

Senator Conrad offered the following amendment, to [ER19](#):
[AM1762](#)

(Amendments to E&R amendments, ER19)

- 1 1. Insert the following new amendment:
- 2 3. In the Standing Committee amendments, AM906:
- 3 a. Strike sections 4, 13, and 16;
- 4 b. On page 1, strike lines 8 through 14; in line 15 strike "(5)" and
- 5 insert "(3)"; in line 16 after the semicolon insert "and"; and strike
- 6 lines 17 through 27;
- 7 c. On page 2, strike lines 1 through 12; and in line 13 strike "(8)"
- 8 and insert "(4)";
- 9 d. On page 3, line 21, strike "fifteen" and insert "twenty-five";
- 10 e. On page 15, strike beginning with "and" in line 30 through line
- 11 31 and insert an underscored period;
- 12 f. On page 16, strike line 1; and
- 13 g. Renumber the remaining sections, correct internal references, and
- 14 correct the repealer accordingly.

Senator Conrad moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Senator Conrad requested a roll call vote on her amendment, to [ER19](#).

Voting in the affirmative, 16:

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

Voting in the negative, 19:

Aguilar	DeKay	Hardin	Jacobson	Lowe
Armendariz	Erdman	Holdcroft	Kauth	Moser
Ballard	Halloran	Hughes	Linehan	Murman
Brewer	Hansen	Ibach	Lippincott	

Present and not voting, 7:

Arch	Brandt	Riepe	von Gillern
Bostar	Briese	Sanders	

Excused and not voting, 7:

Albrecht	Bostelman	Dorn	Slama
Bosn	Clements	Dover	

The Conrad amendment, to [ER19](#), lost with 16 ayes, 19 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 152. Introduced by Hughes, 24.

PURPOSE: The purpose of this resolution is to propose an interim study to examine all factors that may impact a school district's ability to attract and retain qualified superintendents and administrators and the impact such factors have upon the salary and benefits provided.

(1) The study shall include, but need not be limited to:

(a) The ability of school districts to readily obtain data relevant to the development of competitive compensation for superintendent and other administrator positions;

(b) A comparability analysis of the current compensation for superintendents for school districts categorized by the size of the district, the geographic location of the district, and the population of the community in which the district is located;

(c) An analysis of how superintendent compensation is influenced by qualifications and work experience;

(d) The correlation between the salaries and benefits offered to superintendents and the ability of a school district to recruit and retain individuals for such positions;

(e) How overall compensation for superintendents is influenced by other roles and duties performed by superintendents such as athletic director or principal;

(f) An analysis of school administrator compensation in Nebraska compared to school administrator compensation around the country;

(g) An analysis of school administrator compensation in Nebraska compared to compensation for other tax-funded professions in Nebraska and around the country; and

(h) Recommendations for any possible statutory changes to the Superintendent Pay Transparency Act.

(2) In order to carry out the purpose of this resolution, the committee shall seek the assistance of stakeholders in public education, including, but not limited to, school board members, administrators, and advocacy groups.

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

1. That the Education 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.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

Senator Linehan withdrew [FA12](#), found on page 449.

Senator Hunt withdrew [AM1039](#), found on page 883.

Senator Hunt withdrew [AM1036](#), found on page 880.

Senator Hunt withdrew [AM1038](#), found on page 879.

Senator Raybould withdrew [AM1099](#), found on page 940.

Senator Raybould withdrew [AM1517](#), found on page 1351.

Senator DeBoer offered [AM1092](#), found on page 929.

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

Senator DeBoer requested a roll call vote on her amendment.

Voting in the affirmative, 13:

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

Voting in the negative, 25:

Aguilar	Bostelman	Halloran	Ibach	McDonnell
Arch	Brewer	Hansen	Kauth	Moser
Armendariz	Briese	Hardin	Linehan	Murman
Ballard	DeKay	Holdcroft	Lippincott	Riepe
Bosn	Erdman	Hughes	Lowe	von Gillern

Present and not voting, 6:

Bostar	Dungan	Sanders
Brandt	Jacobson	Wishart

Excused and not voting, 5:

Albrecht	Clements	Dorn	Dover	Slama
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The DeBoer amendment lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the fiscal impact of statutory tuition and fee waivers for various constituencies on Nebraska's public university, state colleges, and community colleges and the lack of corresponding state appropriation funding for the lost tuition and fee revenue. Currently, several statutory provisions exist or are being considered by the Legislature to require the University of Nebraska, state colleges, and community colleges to waive all or a portion of tuition and fees for various constituencies. Such waivers currently include:

(1) Section 80-411, which provides a waiver for dependents of deceased or disabled veterans of all tuition and fees after subtracting awarded federal financial aid grants and state scholarships and grants;

(2) Sections 80-901 to 80-903, which provide a waiver for qualified members of the Active Selected Reserve of seventy-five percent of tuition for a baccalaureate degree program and fifty percent of tuition for a graduate degree program;

(3) The In the Line of Duty Dependent Education Act, sections 85-2301 to 85-2306, which provides a waiver for the children of law enforcement officers and firefighters killed in the line of duty on or after April 23, 2009, of full-time undergraduate tuition and fees;

(4) The Law Enforcement Education Act, sections 85-2601 to 85-2604, which provides a waiver for law enforcement officers of one hundred percent of the resident tuition charges of any state university, state college, or community college. The officer must pursue studies leading to a degree that relates to a career in law enforcement and may receive the tuition waiver for up to five years; and

(5) Legislative Bill 447, One Hundred Eighth Legislature, First Session, 2023, that would provide a waiver for (a) any legal dependent of a law enforcement officer who agrees to reside in Nebraska for a period of five years following the use of the tuition waiver, (b) a professional firefighter who pursues studies leading to a degree in science or medicine that relates to a career in professional firefighting, (c) any legal dependent of a professional firefighter who agrees to reside in Nebraska for a period of five years following the use of the tuition waiver of one hundred percent of resident tuition charges.

The study should include a review of whether the various statutory waivers are effective in accomplishing their purposes, the cost of statutory waivers to public institutions of higher education, the impact on tuition and fees to other students, and the consistency of waivers provided.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 154. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine Nebraska's maternal care deserts. A significant number of Nebraska counties are now considered "maternal care deserts" meaning that the counties have no obstetric hospitals or birth centers and no obstetric providers. Women who live in counties without access to maternal care face a higher risk of a number of poor health outcomes. Currently, more than seven in ten Nebraska counties fall into this category.

The interim study shall include, but need not be limited to:

(1) A review of the areas and communities in Nebraska that have become maternal care deserts and are experiencing disparities in health outcomes as well as the reasons for these outcomes;

(2) A review of ways to encourage and support small hospitals in maintaining obstetric units;

(3) An examination of the effect of rural hospital closures on maternal care deserts;

(4) An examination of the effect of medicaid provider rates on the closure of obstetric units;

(5) A review of Nebraska's obstetrician-gynecologist programs and ways to make Nebraska more appealing during residency match selection;

(6) A review of strategies other states have used to address the loss of obstetrician-gynecologist care following rural hospital closures; and

(7) A state-by-state examination of the effect of reproductive rights on the number of obstetrician-gynecologist providers, and maternal care infrastructure.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 155. Introduced by Day, 49.

PURPOSE: The purpose of this resolution is to propose an interim study to examine Nebraska's disability classifications for the homestead exemption. Nebraska's homestead exemption provides property tax relief for six categories of homeowners: Persons over age sixty-five; veterans totally disabled by a non-service-connected accident or illness; qualified disabled individuals; qualified totally disabled veterans and their surviving spouses; veterans and their surviving spouses whose home was substantially contributed to by the Department of Veterans Affairs; and individuals who have a developmental disability.

The study shall include, but need not be limited to:

(1) An examination of the process for certifying a disability for the homestead exemption in Nebraska;

(2) A review of Nebraska's disability classifications which are eligible for the homestead exemption;

(3) An examination whether Nebraska's disability classifications are consistent with federal law and recognized best practices;

(4) An examination whether mental health conditions should be included in the disability category; and

(5) A review of the scope of disability eligibility for homestead exemptions in other states.

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

1. That the Revenue 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.

LEGISLATIVE RESOLUTION 156. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the impact and increased frequency and intensity of wildfires in Nebraska and the sufficiency of the firefighting response to such wildfires. The study should focus on reviewing the resources available in Nebraska to fight wildfires, the limitations and burdens placed upon the present resources used in fighting wildfires in Nebraska, and the development of additional state-supported resources to assist in fighting wildfires. This study shall include, but need not be limited to:

(1) An identification of the different resources presently available in fighting wildfires, including those resources supplied by Nebraska's volunteer firefighters, the State Fire Marshal, the Nebraska Emergency Management Agency, the Nebraska Forest Service, and the Game and Parks Commission;

(2) An examination of the policies and procedures presently used by each of the above entities to fight wildfires, recommended improvements to such policies and procedures, if additional state funding is needed to assist each of such entities to fight wildfires, and if state-funded wildfire task forces should be created to support intrastate mutual aid to fight wildfires; and

(3) A cost-benefit analysis of assigning and funding a state agency, department, program, or division with jurisdiction over wildfire task forces to support intrastate mutual aid.

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

1. That the Government, Military and Veterans 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.

LEGISLATIVE RESOLUTION 157. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 158. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to propose an interim study to carry out the provisions of section 13-2402, which requires the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions. The study shall include a public hearing for the presentation of reports by political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 159. Introduced by McDonnell, 5; Walz, 15.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the retirement system for firefighters of cities of the first class and

the creation of a cash balance retirement system such as in the Cities of the First Class Firefighters Cash Balance Retirement Act proposed in Legislative Bill 686 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement systems including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with the act.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 160. Introduced by McDonnell, 5; Brandt, 32.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the retirement system for firefighters of cities of the first class and the changes proposed in Legislative Bill 406 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement system including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with Legislative Bill 406.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 161. Introduced by McDonnell, 5; Bostar, 29.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the Nebraska State Patrol Retirement System and the changes to the Nebraska State Patrol Retirement System proposed in Legislative Bill 196 introduced in the One Hundred Eighth Legislature of Nebraska, First Session. The study shall examine issues related to the retirement system

including, but not limited to, funding needs, benefits, contributions, and administration and any actuarial or cost studies prepared and presented in conjunction with Legislative Bill 196.

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

1. That the Nebraska Retirement Systems 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.

SELECT FILE

LEGISLATIVE BILL 754. [ER19](#), found on page 1003 and considered in this day's Journal, was renewed.

ER19 was adopted.

Senator Raybould offered [AM1405](#), found on page 1184.

The Raybould amendment lost with 12 ayes, 20 nays, 11 present and not voting, and 6 excused and not voting.

Senator Wayne offered [AM1410](#), found on page 1330.

The Wayne amendment was withdrawn.

Senator Raybould offered [AM1650](#), found on page 1450.

Senator Raybould moved for a call of the house. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

The Raybould amendment lost with 14 ayes, 29 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 162. Introduced by Bostelman, 23.

PURPOSE: The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Game and Parks Commission that may arise during the interim.

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

1. That the Natural Resources 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.

SELECT FILE

LEGISLATIVE BILL 754. Senator Raybould offered [AM1651](#), found on page 1449.

The Raybould amendment lost with 10 ayes, 28 nays, 7 present and not voting, and 4 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 163. Introduced by Hughes, 24; Armendariz, 18.

PURPOSE: The purpose of this resolution is to propose an interim study to examine opportunities that increase recycling of municipal solid waste while also facilitating economic development and growth.

The study shall include, but need not be limited to:

(1) An analysis of ongoing instate efforts to divert more municipal solid waste from landfills into recycling and remanufacturing;

(2) An analysis of regional efforts to divert more municipal solid waste from landfills into recycling and remanufacturing;

(3) An examination of the potential for Nebraska to update existing law to develop and sustain private innovative solutions to managing municipal solid waste through the remanufacture of recycled materials into useful products of value for other Nebraska-based industries; and

(4) Recommendations for potential legislation to simultaneously increase recycling in Nebraska and promote economic growth.

In order to carry out the purpose of this resolution, the committee may seek the assistance of entities such as the League of Nebraska Municipalities, the Nebraska Recycling Council, the Nebraska Chamber of Commerce and Industry, the Colorado General Assembly, the United States Environmental Protection Agency Region 7, the Association of Plastic Recyclers, and any other entities the committee deems necessary.

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

1. That the Natural Resources 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.

VISITORS

Visitors to the Chamber were students from Gates Elementary, Grand Island; students, teachers, and sponsors from Cross County, Stromsburg; students from West Lawn Elementary, Grand Island; students, teachers, and sponsors from North Star High School, Lincoln; students from Sandoz Elementary, Omaha.

ADJOURNMENT

At 1:56 p.m., on a motion by Senator Moser, the Legislature adjourned until 9:00 a.m., Tuesday, May 16, 2023.

Brandon Metzler
Clerk of the Legislature

