

**SEVENTY-EIGHTH DAY - MAY 16, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 16, 2023

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Ibach.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Albrecht, Bostar, Day, Hunt, McDonnell, McKinney, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**MESSAGE FROM THE GOVERNOR**

May 10, 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 Director of the Nebraska Public Employees Retirement Systems:

Jason Hayes, 3022 S Creek Rd, Lincoln, NE 68516-1605

The aforementioned appointee is respectfully submitted for your consideration, subject to the approval of the Legislature pursuant to Neb. Rev. Stat. §84-1503. Background information is included for your review.

Sincerely,  
(Signed) Jim Pillen  
Governor

Enclosures

cc: Senator McDonnell, Chairman of Retirement Committee

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 727A.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 727, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 164.** Introduced by Dorn, 30.

**PURPOSE:** The purpose of this resolution is to propose an interim study on improving the handicapped accessibility of parking, entryways into, and interior spaces in the Nebraska State Capitol. The State Capitol has only one entrance that allows handicapped accessibility with a ramp and push button entry, handicapped parking is a great distance from entries, not all restrooms are adapted for handicapped accessibility, and elevators are not large enough to accommodate some wheelchairs.

Due to the historic nature of the State Capitol and physical structure, certain handicapped accessibility changes may not be feasible. However, the State Capitol should be accessible to employees, citizens, and visitors to the greatest extent possible.

The study shall include, but need not be limited to, an examination of the following:

(1) Parking access at the State Capitol, including the potential conversion of the reserved parking spots on the north side of the State Capitol, under the steps, to handicapped parking spaces and the potential creation of handicapped spaces on all four sides of the building with ramp-equipped vehicle accommodations to allow for safer loading and unloading;

(2) Entryways into the State Capitol, including the potential creation of ramps on the east and west sides, handrails on all steps, curb cuts on the curb that extend directly out of the south entrance, and push-button entry systems on all doors into the building, and the potential extension of the step

immediately outside the south entrance door, to be compliant with the federal Americans with Disabilities Act;

(3) Bathroom accessibility at the State Capitol, including the potential creation of push-button entry and exit systems for restrooms and grab bars on at least one side in each stall area; and

(4) Elevators in the State Capitol, including potential access to the freight elevator in the northwest quadrant at all times, with appropriate signage to direct employees and visitors, and extending handrails to the top and bottom of all staircases.

In order to carry out the purposes of this resolution, the board shall consult with the Nebraska Capitol Commission.

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

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board 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.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR131 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR131.

### GENERAL FILE

**LEGISLATIVE BILL 727.** Senator Conrad offered [MO806](#), found on page 970, to indefinitely postpone prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Linehan opened on her bill, LB727.

Senator Conrad opened on her motion, MO806.

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

Senator Conrad requested a roll call vote on her motion to indefinitely postpone prior to the bill being read.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 5:

Cavanaugh, J.    Cavanaugh, M.    Day            DeBoer        Hunt

Excused and not voting, 4:

Albrecht        McDonnell    Wayne        Wishart

The Conrad motion to indefinitely postpone prior to the bill being read failed with 0 ayes, 40 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT

#### Enrollment and Review

#### **LEGISLATIVE BILL 814.** Placed on Final Reading.

##### ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. In the DeBoer amendment, AM1662, on page 1, line 8, "FY2023-25" has been struck and "FY2024-25" inserted.
2. In the Clements amendment, AM1730, on page 7, line 1, "est." has been inserted after "FUND".
3. In the E&R amendments, ER31:
  - a. On page 93, line 3, "&" has been struck and "and" inserted; and
  - b. On page 174, line 30, the paragraphing has been struck.

#### **LEGISLATIVE BILL 818.** Placed on Final Reading.

##### ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. The Bostelman amendment, AM1623, has been incorporated into the E & R amendments, ER32, as follows:
  - a. Section 12 has been renumbered as section 10; and
  - b. The repealer has been corrected accordingly.
2. In the E & R amendments, ER32:
  - a. On page 16, line 13, "20" has been struck and "19" inserted;
  - b. On page 25, lines 29 and 30, "(1)(l)" has been struck and "(1)(k)" inserted;
  - c. On page 49, lines 20 and 22, "43" has been struck and "42" inserted; and in line 28 "37-345, 37-446," has been struck and "39-2805," inserted; and

d. On page 50, line 11, "government" has been inserted after the first quotation mark and "37-345, 37-446," has been struck and "39-2805," inserted; and the matter beginning with "change" in line 17 through the first semicolon in line 20 has been struck and "provide, change, and eliminate provisions regarding the sources, uses, and transfers of funds; to provide for and change provisions regarding grants and funding of various projects;" inserted.

(Signed) Beau Ballard, Chairperson

### NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1507 1:00 PM

Thursday, May 25, 2023

Noah Bernhardson - Board of Emergency Medical Services

Timothy A. Tesmer - Division of Public Health-Department of Health and Human Services

(Signed) Ben Hansen, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 165.** Introduced by Kauth, 31; Aguilar, 35; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bosn, 25; Bostar, 29; Conrad, 46; DeBoer, 10; Dorn, 30; Dover, 19; Dungan, 26; Fredrickson, 20; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; Raybould, 28; Riepe, 12; Sanders, 45; Slama, 1; von Gillern, 4.

WHEREAS, more than eleven thousand Nebraskans are receiving care in Nebraska's one hundred ninety-six skilled nursing facilities and more than fifteen thousand dedicated professionals are providing care to Nebraskans; and

WHEREAS, skilled nursing facilities throughout the state are finding creative and unique ways to celebrate caregivers and residents in observance of National Skilled Nursing Care Week on May 14 through May 20, 2023; and

WHEREAS, the Legislature celebrates the essential role that each skilled nursing facility team member plays in providing high-quality twenty-four-hour care. These skilled professions include administrators, activities coordinators, dietary and kitchen staff, nurses, nurse aides and medication aides, maintenance, social services, and many other vital professions; and

WHEREAS, Nebraska supports quality health care, recognizes the hard-working professionals in the state's skilled nursing facilities, and embraces the theme of "Cultivating Kindness" during National Skilled Nursing Care Week, 2023.

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

1. That the Legislature recognizes the week of May 14 through May 20, 2023, as Skilled Nursing Care Week in Nebraska, a week to honor Nebraskans receiving care and their dedicated caregivers.

Laid over.

**LEGISLATIVE RESOLUTION 166.** Introduced by Walz, 15.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the impact of government-imposed mandates on school districts across the State of Nebraska.

Article VII, section 1, of the Constitution of Nebraska states that the "Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Understanding the accumulation of mandates over time from local, state, and federal governments imposed on local school districts and the changes, or lack thereof, in revenue is important to the State of Nebraska as both have a significant impact on the ability to maintain the strong education system of Nebraska.

This interim study shall include, but need not be limited to, an examination of the following:

- (1) History and impact of state and federal mandates on school districts;
- (2) History and impact of changes in revenue sources for school districts;
- (3) History and impact of the gap that may or may not exist between the historical change in cost of mandates and sources of revenue for school districts; and
- (4) Potential recommendations for legislation to address any such gap and the implications of such legislation.

In order to carry out the purpose of this resolution, the committee shall seek the input of the State Department of Education, school boards, school administrators, teachers, and educational service units 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 167.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the long-term fiscal sustainability of and how to best direct funding towards the most effective uses of Nebraska's federal Temporary Assistance for Needy Families (TANF) funds. Nebraska receives fifty-six million dollars every year in TANF block grant allocations from the federal

government and has not spent the full amount of that annual grant since fiscal year 2017-18. Nebraska has under-spent the TANF block grant by approximately ten million dollars each year for the past five years and has had a "rainy day" fund balance since the start of the TANF block grant. The Department of Health and Human Services has repeatedly claimed to have a plan for spending down the TANF "rainy day" fund. But a lack of transparency and accountability has led to the failure to use the full amount of the TANF block grant for its intended purpose of providing temporary assistance to Nebraskans living in poverty resulting in the accumulation of over one hundred thirty-one million dollars in the TANF "rainy day" fund.

TANF funds have not been diverted from direct cash assistance in Nebraska to the same extent as in other states. This is a positive aspect of Nebraska's TANF program that should be protected and expanded. In 2021, Nebraska spent around twenty-six percent of its TANF funds on basic assistance, compared to the national average of twenty-three percent, and only spent four percent of our TANF funds on "other services", compared to the national average of fourteen percent.

Several proposals considered by the Legislature during the One Hundred Eighth Legislature, First Session, would spend down the annual TANF block grant and would begin to spend down the TANF "rainy day" fund. The proposals advanced by the Appropriations Committee of the Legislature and included in the budget would be a major policy shift in TANF spending. Decisions of this magnitude should be made only after informed consideration by the Appropriations Committee of the Legislature.

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 168.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the impact on the services provided to eligible recipients and how to best use Nebraska's federal Temporary Assistance for Needy Families (TANF) funds to provide services to Nebraskans living in poverty.

Nebraska receives fifty-six million dollars every year in TANF block grant allocations from the federal government and has not spent the full amount of that annual grant since fiscal year 2017-18. Nebraska has under-spent the TANF block grant by approximately ten million dollars each year for the past five years and has had a "rainy day" fund balance since the start of the TANF block grant. The Department of Health and Human Services has repeatedly claimed to have a plan for spending down the TANF "rainy day"

fund. However, a lack of transparency and accountability has led to the failure to use the full amount of the TANF block grant for its intended purpose of providing temporary assistance to Nebraskans living in poverty. This has resulted in the accumulation of over one hundred thirty-one million dollars in the TANF "rainy day" fund.

TANF funds have not been diverted away from direct cash assistance in Nebraska to the same extent as in other states. This is a positive aspect of Nebraska's TANF program that should be protected and expanded. In 2021, Nebraska spent around twenty-six percent of its TANF funds on basic assistance, compared to the national average of twenty-three percent, and only spent four percent of our TANF funds on "other services", compared to the national average of fourteen percent.

Several proposals considered by the Legislature during the One Hundred Eighth Legislature, First Session, would spend down the annual TANF block grant and would begin to spend down the TANF "rainy day" fund. The proposals advanced by the Legislature would be a major policy shift in the usage of TANF funds in Nebraska. Decisions of this magnitude should be made only after the informed consideration by the Health and Human Services Committee of the Legislature.

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 169.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund.

The Nebraska Health Care Cash Fund was initially created with an endowment of fifty million dollars for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

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

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
- (2) An examination of input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and



(3) A recommendation for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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 170.** Introduced by Dungan, 26; Cavanaugh, J., 9; Cavanaugh, M., 6; Conrad, 46; DeBoer, 10; Fredrickson, 20.

**PURPOSE:** The purpose of this resolution is to propose an interim study to assess and examine whether student journalists and scholastic journalism is supported and promoted in public high schools and postsecondary institutions in Nebraska and free from censorship and inappropriate government interference or intervention.

The First Amendment to the Constitution of the United States is a bedrock for American values. The right of free speech and expression is fundamental to the State of Nebraska and the United States. The United States Supreme Court has held that youth and students are entitled to the right of free speech and expression and the rights of students at high schools and postsecondary institutions has often been the epicenter of modern conversations on the First Amendment.

This right includes the corollary right of the freedom of the press and by extension student reporters and student news media entities. The freedom of the press is critical to a democracy in which the government is accountable to the people. A free media functions as a watchdog that can investigate and report on government wrongdoing. When press freedom is harmed, holding the government accountable when it missteps or overreaches becomes more difficult. It is important that this principle is instilled in the next generation.

There is concern regarding the degree of commitment to the First Amendment rights of students and scholastic journalism in Nebraska public schools. For instance, in August 2022, Northwest Public Schools in Grand Island, Nebraska, shut down its fifty-four-year-old student newspaper and eliminated the journalism program in apparent response to an issue covering LGBTQ topics being published.

The interim study should examine whether the creation of affirmative statutory protections for student journalists and student media advisors in public high schools and postsecondary educational institutions are justified in order to ensure that First Amendment rights are protected.

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 171.** Introduced by Jacobson, 42.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the cost and needed frequency of rebasing medicaid inpatient per diem rates for psychiatric facilities, hospital-based psychiatric units, and psychiatric residential facilities.

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 172.** Introduced by Vargas, 7.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the occupation taxes imposed on wireless telecommunication services.

Nebraska has the fourth highest rate of taxation on wireless telecommunication consumers in the country with a rate of 19.49% as of July 2022, partly due to occupation taxes. There is no limit on the occupation tax rate that may be imposed on wireless telecommunication services. The occupation tax is a regressive tax, burdening lower-income customers at the same rate as higher-income customers. Occupation taxes burden the development of new wireless telecommunication services and the growth of existing wireless telecommunication services. The State of Nebraska covers a large geographic area, and it is in the interest of all Nebraskans to have affordable statewide wireless telecommunication services.

This interim study should focus on the occupation taxes imposed on wireless telecommunication services in Nebraska and determine ways the state can maintain and advance the efficiency and availability of telecommunication services in the state.

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

1. That the Transportation and Telecommunications 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 173.** Introduced by Briese, 41.

WHEREAS, Dennis Walters held to the highest standard of persistence and dedication in coaching and teaching and was a strong supporter of community within sports; and

WHEREAS, Dennis taught at Boone Central High School in Albion for forty-five years. He was the industrial arts teacher and driver's education instructor. He coached boys football and wrestling and girls golf; and

WHEREAS, in 2015, Dennis received the Nebraska Coaching Association service award for his forty-five years of coaching and some of his fondest memories were winning state championships and being recognized and awarded for this dedication; and

WHEREAS, besides coaching and teaching, Dennis enjoyed fishing, being surrounded by his loving family, and going on cruises with his wife Diane; and

WHEREAS, Dennis passed away on May 3, 2023, and he will be remembered for his persistence, dedication, and his desire to never quit despite the weather; and

WHEREAS, knowledge Dennis passed down to the students he taught and players he coached over the years will remain close to each student and player.

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

1. That the Legislature recognizes the dedication of Dennis Walters to teaching and sports.

2. That the Legislature offers its condolences to the family, friends, and students of Dennis Walters.

3. That a copy of this resolution be sent to the family of Dennis Walters.

Laid over.

**LEGISLATIVE RESOLUTION 174.** Introduced by Riepe, 12; Brandt, 32; Halloran, 33.

PURPOSE: The purpose of this resolution is to propose an interim study to examine issues related to Legislative Bill 335, introduced in the One

Hundred Eighth Legislature of Nebraska, First Session, and the impact health care staffing agencies have had on the delivery of health care services in Nebraska. This study shall include, but need not be limited to, an examination of the following:

- (1) The cost disparity between staffing agency workers and facility-employed workers;
- (2) The cost to taxpayers through medicaid expenditures from health care staffing agencies;
- (3) The impact of staffing issues including cost and availability of staff on the ability of health care facilities to independently hire and retain staff and provide services;
- (4) The number of health care staffing agencies operating in Nebraska;
- (5) The reliability of information regarding worker eligibility received from health care staffing agencies;
- (6) Legislation adopted by other states related to health care staffing agencies; and
- (7) The potential need for regulation or fee schedules for health care staffing agencies.

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

1. That the Business and Labor 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.

#### GENERAL FILE

**LEGISLATIVE BILL 727.** Senator M. Cavanaugh offered the following motion:

[MO1058](#)

Reconsider the vote taken on MO806.

Pending.

#### AMENDMENTS - Print in Journal

Senator Hunt filed the following amendment to [LB810](#):

[AM1763](#)

- 1 1. On page 4, line 9, after "any" insert "church, court".

Senator Hunt filed the following amendment to [LB810](#):

[AM1765](#)

- 1 1. On page 5, line 31, strike "Upon".
- 2 2. On page 6, line 1, strike "patient request, the" and insert
- 3 "The".

**RESOLUTIONS****LEGISLATIVE RESOLUTION 175.** Introduced by Ballard, 21.

**PURPOSE:** The purpose of this resolution is to propose an interim study to determine the impact on commerce, commercial and economic activity, and the community of having a United States Postal Service office in the West Haymarket area of downtown Lincoln.

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

(1) An analysis of the commercial and economic impact of having a United States Postal Service office in the West Haymarket area of downtown Lincoln on downtown retailers, businesses, community stakeholders, and residents;

(2) An analysis of the community impact of having a United States Postal Service office in the West Haymarket area of downtown Lincoln on downtown retailers, businesses, community stakeholders, and residents; and

(3) A study of the partnership with federal, state, city, and county governmental agencies related to this issue.

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

1. That the Banking, Commerce and Insurance 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 176.** Introduced by Ballard, 21.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the provisions of the Nebraska Right to Farm Act in comparison to similar laws in other states who rely on agriculture and recruitment of agriculture-related businesses as a significant portion of their economy.

According to the United States Department of Agriculture, agriculture, food, and related industries contributed over \$1.2 trillion to the United States gross domestic product in 2021 and \$164.7 billion of that amount is a direct output from farms. In addition, the agricultural and food sectors provide over 21 million full-time and part-time jobs, with direct on-farm employment accounting for about 2.6 million jobs. In Nebraska, agriculture accounts for approximately one-third of business sales, over twenty percent of the gross state product, and nearly twenty-five percent of jobs. Ninety-two percent of Nebraska's total land area is utilized by farms and ranches and almost half of Nebraska's farms have some type of livestock or poultry operation.

The interim study shall include, but need not be limited to, a review of the need for and utility of legislation to strengthen the Nebraska Right to Farm Act in order to:

- (1) Protect businesses and families who rely on Nebraska's vital agricultural industry and associated activities;
- (2) Consider what effect advancements in technology, best practices for agricultural operations, and regulatory oversight, have had on reducing nuisances and other impacts for those living near an agricultural operation;
- (3) Reduce the risk of frivolous or anti-agriculture lawsuits while preserving the ability to obtain relief for actual harm to residents; and
- (4) Ensure Nebraska's laws allow the state to compete with other states for agriculture-related businesses and economic development opportunities.

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

1. That the Agriculture 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 177.** Introduced by Murman, 38; DeKay, 40; Wayne, 13.

WHEREAS, Kipp Kissinger was raised in Nebraska Legislative District 38 and attended Sandy Creek High School; and

WHEREAS, John Higgins was raised in Omaha, Nebraska, and attended Cathedral High School; and

WHEREAS, Kipp Kissinger played college basketball for Nebraska Wesleyan University and was inducted into the school's Hall of Fame in 2010; and

WHEREAS, John Higgins played college basketball for the Kearney State College now the University of Nebraska at Kearney and reached the National Association of Intercollegiate Athletics national tournament four times; and

WHEREAS, Kipp Kissinger and John Higgins have made personal sacrifices to grow the game of basketball from the youth level to college; and

WHEREAS, John Higgins is known for having the best hair in college basketball; and

WHEREAS, both John Higgins and Kipp Kissinger were selected as referees for the Final Four of the National Collegiate Athletic Association Division I men's basketball tournament and called a great game between the San Diego State Aztecs and the Florida Atlantic Owls; and

WHEREAS, Akol Arop, a student-athlete from Omaha, Nebraska, who attended and played high school basketball for Creighton Preparatory High School, competed for the Aztecs in the tournament, including the Final Four game against the Owls.

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

1. That the Legislature honors Kipp Kissinger and John Higgins for their contributions to the game of basketball.
2. That the Legislature recognizes Kipp Kissinger and John Higgins for their hours of sacrifice to grow opportunities for youth in sports.
3. That the Legislature congratulates Akol Arop for his success and accomplishments in basketball.
4. That copies of this resolution be sent to Kipp Kissinger, John Higgins, and Akol Arop.

Laid over.

### VISITORS

Visitors to the Chamber were students, teachers, and sponsors from Elmwood-Murdock Public Schools, Elmwood; students from Wilber-Clatonia School, Wilber; students, teachers, and sponsors from Louisville Elementary, Louisville; members of the Parliament of the Republic of Kenya; students from St. Paul's Lutheran, Plymouth; students from Skyline Elementary, Elkhorn.

### RECESS

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

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Albrecht, Ballard, Bosn, Briese, DeBoer, Dorn, Erdman, B. Hansen, Hughes, Lippincott, Raybould, Riepe, Slama, Vargas, Walz, Wayne, and Wishart who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 727.** Senator M. Cavanaugh renewed [MO1058](#), found and considered in this day's Journal, to reconsider the vote taken on MO806.

The M. Cavanaugh motion to reconsider failed with 0 ayes, 24 nays, 8 present and not voting, and 17 excused and not voting.

Title read. Considered.

Committee [AM1152](#), found on page 1044, was offered.

Senator Linehan withdrew [AM1217](#), found on page 1044.

Senator Linehan offered the following amendment, to the committee amendment:

[AM1396](#) is available in the Bill Room.

Senator Conrad withdrew [MO807](#), found on page 971, to recommit to committee.

Senator Conrad withdrew [MO808](#), found on page 971, to bracket.

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

Senator Linehan requested a roll call vote on her amendment, to the committee amendment.

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 3:

Cavanaugh, M.    Hunt                    McKinney

Excused and not voting, 6:

Albrecht	DeBoer	Wayne
Bosn	Slama	Wishart

The Linehan amendment, to the committee amendment, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.



Senator Blood offered the following amendment, to the committee amendment:

[AM1570](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Strike sections 11 to 14 and insert the following new sections:  
 2 Sec. 11. For purposes of the Good Life Transformational Projects  
 3 Act:  
 4 (1) Department means the Department of Economic Development;  
 5 (2) Director means the Director of Economic Development; and  
 6 (3) Good life district means a district established pursuant to  
 7 section 14 of this act.  
 8 Sec. 12. (1) Any person may apply to the department to create a good  
 9 life district. All applications shall be in writing and shall contain:  
 10 (a) A description of the proposed project to be undertaken within  
 11 the good life district;  
 12 (b) An estimate of the total new development costs for the project;  
 13 (c) An estimate of the number of new jobs to be created as a result  
 14 of the project and the average wage rate to be paid for such jobs;  
 15 (d) A map identifying the good life district to be used for purposes  
 16 of the project;  
 17 (e) A description of the proposed financing of the project;  
 18 (f) Resolutions endorsing the proposed project from the governing  
 19 bodies of the county and city in which the district will be located;  
 20 (g) Documentation of local financial commitment to support the  
 21 project, including all public and private resources pledged or committed  
 22 to the project and a copy of any operating agreement or lease with  
 23 substantial users of the project area;  
 24 (h) Marketing plans and a five-year proposed advertising budget that  
 25 targets individuals who are not residents of this state; and  
 26 (i) Sufficient documents, plans, and specifications as required by  
 1 the department to define the project, including the following:  
 2 (i) A statement of how the jobs and taxes obtained from the project  
 3 will contribute significantly to the economic development of the state  
 4 and region;  
 5 (ii) Visitation expectations and a plan describing how the number of  
 6 visitors to the good life district will be tracked and reported on an  
 7 annual basis;  
 8 (iii) Any unique qualities of the project;  
 9 (iv) An economic impact study, including the anticipated effect of  
 10 the project on the regional and statewide economies;  
 11 (v) Project accountability, measured according to best industry  
 12 practices;  
 13 (vi) The expected return on state and local investment the project  
 14 is anticipated to produce; and  
 15 (vii) A summary of community involvement, participation, and support  
 16 for the project.  
 17 (2) Upon receiving an application, the department shall review the  
 18 application and notify the applicant of any additional information needed  
 19 for a proper evaluation of the application.  
 20 (3) The application and all supporting information shall be  
 21 confidential except for the location of the project, the total new  
 22 development costs estimated for the project, the number of new jobs  
 23 estimated to be created as a result of the project, and the average wage  
 24 rate to be paid for such new jobs.  
 25 Sec. 13. (1) Following the filing of an application, the department  
 26 shall submit the application to an independent consultant selected by the  
 27 department who shall perform an in-depth analysis of the proposed  
 28 project. All costs associated with such analysis shall be paid for by the  
 29 applicant. In order for the application to be eligible for approval, the

30 consultant's report must determine that:

31 (a) The total new development costs of the project will exceed:

1 (i) One billion dollars if the project will be located in a city of  
2 the metropolitan class;

3 (ii) Seven hundred fifty million dollars if the project will be  
4 located in a city of the primary class;

5 (iii) Five hundred million dollars if the project will be located in  
6 a city of the first class, city of the second class, or village within a  
7 county with a population of one hundred thousand inhabitants or more; or

8 (iv) One hundred million dollars if the project will be located in a  
9 city of the first class, city of the second class, or village within a  
10 county with a population of less than one hundred thousand inhabitants;

11 (b) The project will directly or indirectly result in the creation  
12 of at least:

13 (i) One thousand new jobs if the project will be located in a city  
14 of the metropolitan class;

15 (ii) Five hundred new jobs if the project will be located in a city  
16 of the primary class;

17 (iii) Two hundred fifty new jobs if the project will be located in a  
18 city of the first class, city of the second class, or village within a  
19 county with a population of one hundred thousand inhabitants or more; or

20 (iv) Fifty new jobs if the project will be located in a city of the  
21 first class, city of the second class, or village within a county with a  
22 population of less than one hundred thousand inhabitants;

23 (c)(i) For a project that will be located in a county with a  
24 population of one hundred thousand inhabitants or more, upon completion

25 of the project, at least thirty percent of the sales at each new business  
26 started as a result of the project will be made to persons residing

27 outside the State of Nebraska and the project will attract new-to-market  
28 retail to the state and will generate a minimum of three million visitors

29 per year; or

30 (ii) For a project that will be located in a county with a  
31 population of less than one hundred thousand inhabitants, upon completion

1 of the project, at least thirty percent of the sales at each new business  
2 started as a result of the project will be made to persons residing

3 outside the State of Nebraska;

4 (d) The project will have a significant and positive economic impact  
5 on the state by considering, among other factors, the extent to which the

6 project will compete directly with existing developments in the state and  
7 the amount by which the increased tax revenue from the project will

8 exceed the loss in revenue by the state; and

9 (e) The project will not adversely affect existing employment in the  
10 state.

11 (2) The department shall hold a public hearing on the proposed  
12 project prior to approval in order to allow an opportunity for public  
13 comment on the project.

14 (3) An application shall not be eligible for approval if the  
15 applicant is receiving any other state tax incentive associated with the  
16 same project.

17 (4) If the requirements of this section are met and an application  
18 is eligible for approval, the department may approve the application.

19 Sec. 14. (1) Upon approval of an application, the director shall  
20 enter into an agreement with the applicant. The agreement shall include,

21 but not be limited to:

22 (a) The total new development costs estimated for the project;

23 (b) The number of new jobs estimated to be created as a result of  
24 the project, including a requirement that the average wage rate paid for

25 such new jobs must be at least equal to the statewide average hourly wage  
26 paid by all employers in all counties in Nebraska as calculated by the

27 Office of Labor Market Information of the Department of Labor using

28 annual data from the Quarterly Census of Employment and Wages published  
 29 by the Federal Bureau of Labor Statistics;  
 30 (c) The good life district to be used for the project;  
 31 (d) A date certain by which the approved applicant shall have  
 1 completed the project and begun operations. Upon request from any  
 2 approved applicant, the department shall grant an extension to such date,  
 3 which shall not exceed eighteen months;  
 4 (e) A requirement to provide an annual trade area report identifying  
 5 where visitors to the good life district live; and  
 6 (f) A statement specifying the term of the agreement.  
 7 (2) Once the agreement is entered into under this section, the good  
 8 life district shall be established as described in the agreement. Upon  
 9 establishment of the district, any transactions occurring within the  
 10 district shall be subject to a reduced sales tax rate as provided in  
 11 section 77-2701.02. The district shall last for no more than ten years  
 12 and shall not exceed two thousand acres in size.  
 13 (3) Compliance with the agreement is subject to review by the  
 14 department. In the event an approved applicant fails to abide by the  
 15 terms of the agreement, then such agreement shall become void and the  
 16 district shall be dissolved.  
 17 (4) An approved applicant may, at the discretion of the department,  
 18 transfer its rights, duties, and obligations under the agreement to a  
 19 successor company if the successor company would have qualified for  
 20 approval had it submitted the original application. If the transfer is  
 21 approved by the department, such successor company shall abide by the  
 22 agreement for the remaining term of the agreement.

The Blood amendment was withdrawn.

Senator Blood offered the following amendment, to the committee amendment:

[AM1785](#)

(Amendments to Standing Committee amendments, AM1152)

1 1. Insert the following new section:  
 2 Sec. 54. (1) Sales and use taxes shall not be imposed on the gross  
 3 receipts from the sale, lease, or rental of and the storage, use, or  
 4 other consumption in this state of:  
 5 (a) A breast pump purchased by an individual for home use, including  
 6 repair and replacement parts for the breast pump;  
 7 (b) Breast pump collection and storage supplies purchased by an  
 8 individual for home use;  
 9 (c) A breast pump kit purchased by an individual for home use. If a  
 10 breast pump kit includes taxable items of tangible personal property, the  
 11 breast pump kit shall qualify for the exemption provided in this section  
 12 only if the sales price of the taxable items of tangible personal  
 13 property is ten percent or less of the total sales price of the breast  
 14 pump kit; or  
 15 (d) Nursing pads purchased by an individual for home use.  
 16 (2) For purposes of this section:  
 17 (a) Breast pump means an electrically or manually controlled pump  
 18 device used to express milk from a human breast;  
 19 (b) Breast pump collection and storage supplies means items of  
 20 tangible personal property used in conjunction with a breast pump to  
 21 collect breast milk and to store such milk until it is ready for  
 22 consumption. Breast pump collection and storage supplies includes: Breast  
 23 shields and breast shield connectors; breast pump tubes and tubing  
 24 adapters; breast pump valves and membranes; backflow protectors and  
 25 backflow protector adapters; bottles and bottle caps specific to the  
 26 operation of the breast pump; and breast milk storage bags. Breast pump  
 1 collection and storage supplies does not include: Bottles and bottle caps  
 2 not specific to the operation of the breast pump; breast pump travel bags

3 and other similar carrying accessories, including ice packs, labels, and  
 4 other similar products, unless sold as part of a breast pump kit; breast  
 5 pump cleaning supplies, unless sold as part of a breast pump kit; nursing  
 6 bras; breast shells; and creams, ointments, and other similar products  
 7 that relieve breastfeeding-related symptoms or conditions of the breasts;  
 8 and  
 9 (c) Breast pump kit means a pre-packaged set that contains one or  
 10 more of the following items: A breast pump; breast pump collection and  
 11 storage supplies; and other taxable items of tangible personal property  
 12 that are useful to initiate, support, or sustain breastfeeding using a  
 13 breast pump.  
 14 2. On page 38, lines 4 and 28; page 39, line 3; page 45, line 8;  
 15 page 48, line 8; page 50, line 6; page 54, line 25; page 55, lines 4 and  
 16 5, 19, 22, and 27; and page 85, line 6, strike "50 and 54" and insert  
 17 "50, 54, and 55".  
 18 3. Correct the operative date section so that the section added by  
 19 this amendment becomes operative on January 1, 2024.  
 20 4. Renumber the remaining sections and correct internal references  
 21 accordingly.

The Blood amendment, to the committee amendment, lost with 14 ayes, 25 nays, 9 present and not voting, and 1 excused and not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Cavanaugh, M.	Hunt	McKinney	Wayne
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Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Conrad filed the following amendment to LB531:  
[AM1757](#)

(Amendments to AM1222)

1 1. Insert the following new sections:  
 2 Section 1. Section 81-1237, Revised Statutes Cumulative Supplement,  
 3 2022, is amended to read:  
 4 81-1237 For purposes of the Middle Income Workforce Housing  
 5 Investment Act:  
 6 (1) Department means the Department of Economic Development;  
 7 (2) Director means the Director of Economic Development;  
 8 (3) Eligible activities of a workforce housing investment fund  
 9 means:  
 10 (a) New construction of owner-occupied housing in a neighborhood and  
 11 community with a demonstrated need for housing that is affordable and  
 12 attractive to first-time homebuyers, middle-income families, and the  
 13 emerging workforce;  
 14 (b) Substantial repair or rehabilitation of dilapidated housing  
 15 stock; or  
 16 (c) Upper-story housing development for occupation by a homeowner;  
 17 (4) HOME funds means funds awarded as formula grants under the HOME  
 18 Investment Partnerships Program administered by the United States  
 19 Department of Housing and Urban Development;  
 20 (5) Matching funds means dollars contributed by individuals,  
 21 businesses, foundations, local and regional political subdivisions, or  
 22 other nonprofit organizations to a workforce housing investment fund  
 23 administered by a nonprofit development organization;  
 24 (6) Nonprofit development organization means a regional or statewide  
 25 nonprofit development organization approved by the director;  
 26 (7) Qualified activities include purchase guarantees, loan  
 1 guarantees, loan participations, and other credit enhancements related to  
 2 eligible activities of the workforce housing investment fund;  
 3 (8) Qualified investment means a cash investment in a workforce  
 4 housing investment fund administered by a nonprofit development  
 5 organization;  
 6 (9) Urban community means any area that is:  
 7 (a) In a county with a population greater than one hundred thousand  
 8 inhabitants as determined by the most recent federal decennial census;  
 9 and  
 10 (b)(i) Within or adjacent to a qualified census tract as described  
 11 in 26 U.S.C. 42(d)(5)(B), as such section existed on January 1, 2022; or  
 12 (ii) Within a city of the primary class;  
 13 (10) Workforce housing means:  
 14 (a) Owner-occupied housing units that ~~cost not more than three~~  
 15 ~~hundred thirty thousand dollars to construct have an after-construction~~  
 16 ~~appraised value of at least one hundred twenty-five thousand dollars but~~  
 17 ~~not more than two hundred seventy-five thousand dollars.~~ For purposes of  
 18 this subdivision, housing unit costs (a) and subdivision (b) of this  
 19 subdivision, housing unit after-construction appraised value shall be  
 20 updated annually by the department based upon the most recent increase or  
 21 decrease in the Producer Price Index for all commodities, published by  
 22 the United States Department of Labor, Bureau of Labor Statistics;  
 23 (b) Owner-occupied housing units for which the cost to substantially  
 24 rehabilitate such units exceeds fifty percent of a unit's before-  
 25 construction assessed value, and the after-construction appraised value  
 26 of the building alone is at least one hundred twenty-five thousand  
 27 dollars but not more than two hundred seventy-five thousand dollars. For  
 28 purposes of this subdivision, housing unit after-construction appraised

29 value shall be updated annually by the department based upon the most  
 30 recent increase or decrease in the Producer Price Index for all  
 31 commodities, published by the United States Department of Labor, Bureau  
 1 of Labor Statistics;  
 2 (c) Upper-story housing for occupation by a homeowner; and  
 3 (d) Housing that does not receive federal or state low-income  
 4 housing tax credits, community development block grants, HOME funds, or  
 5 funds from the Affordable Housing Trust Fund; and  
 6 (11) Workforce housing investment fund means a fund that has been  
 7 created by a nonprofit development organization and certified by the  
 8 director to encourage development of workforce housing in urban  
 9 communities.  
 10 Sec. 11. Sections 1 and 12 of this act become operative three  
 11 calendar months after the adjournment of this legislative session. The  
 12 other sections of this act become operative on their effective date.  
 13 Sec. 12. Original section 81-1237, Revised Statutes Cumulative  
 14 Supplement, 2022, is repealed.  
 15 2. Renumber the remaining sections and correct internal references  
 16 accordingly.

Senator Hunt filed the following amendment to LB810:  
[AM1766](#)

1 1. On page 6, after line 6 insert the following new subsection:  
 2 "(3) A medical practitioner, health care institution, or health care  
 3 payer that generally objects to participating in, or paying for, any  
 4 medical procedure on the basis of conscience, shall post a notice  
 5 describing such practitioner's, institution's, or payer's objection to  
 6 the medical procedure prominently in or on every office, website, and  
 7 initial document a patient is required to complete prior to receiving a  
 8 health care service."; in line 7 strike "(3)" and insert "(4)"; in line  
 9 15 strike "(4)" and insert "(5)"; in line 19 strike "(5)" and insert  
 10 "(6)"; and in line 27 strike "(6)" and insert "(7)".  
 11 2. On page 7, line 1, strike "(7)" and insert "(8)".

Senator Hunt filed the following amendment to LB810:  
[AM1755](#)

1 1. Insert the following new section:  
 2 Sec. 7. In collaboration with a member of the Legislature, the State  
 3 Board of Health shall dictate by decree to the members and Clerk of the  
 4 Legislature, the medically ethical position on policy issues before the  
 5 Legislature each year that reflect the personal beliefs of the majority  
 6 of the members of the board, appointed by the Governor pursuant to  
 7 section 71-2601, based on their education and expertise in human or  
 8 animal medicine.  
 9 2. Renumber the remaining section accordingly.

Senator Hunt filed the following amendment to LB810:  
[AM1764](#)

1 1. On page 8, line 6, after "of" insert "psychological or".

#### **AMENDMENTS - Withdraw and Refile in Journal to LB727**

Senator M. Cavanaugh withdrew and refiled [AM1443](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1444](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1445](#), found on page 1222.

Senator M. Cavanaugh withdrew and refiled [AM1458](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1457](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1456](#), found on page 1262.

Senator M. Cavanaugh withdrew and refiled [AM1452](#), found on page 1262.

## RESOLUTION

**LEGISLATIVE RESOLUTION 178.** Introduced by Brewer, 43; Bostelman, 23; Moser, 22.

**PURPOSE:** The purpose of this resolution is to propose an interim study to examine the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska.

The State of Nebraska needs sustainable nuclear power generation to augment fossil fuel and renewable energy generation of electric energy. Nuclear power generation of electric energy helps lower carbon emissions and eliminate greenhouse gases. A nuclear power plant with a small modular reactor can be housed in a retrofitted or converted existing fossil fuel power plant.

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

1. That the Executive Board of the Legislative Council shall create a select interim committee, to be known as the Small Modular Nuclear Reactor Study Committee, shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the members of the select committee shall include the chairperson of the Natural Resources Committee of the Legislature or his or her designee, the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee, the chairperson of the Transportation and Telecommunications Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and three additional members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council.

3. The select committee shall elect a chairperson from the membership of the committee. The Executive Board may provide the select committee with a legal counsel, committee clerk, and other staff required by the select committee from existing legislative staff. The select committee shall hold meetings or public hearings at the call of and at locations selected by the chairperson. The select committee shall seek input from expert and interested sources, including representatives of the Nebraska Power Review Board and the public power industry in this state.

4. That the select 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.

The Chair declared the call raised.

**MOTION - Recommit LB574 to Committee**

Senator M. Cavanaugh offered [MO85](#), found on page 815, to recommit to the Health and Human Services Committee.

Senator Wayne requested a point of order that there was a pending amendment to the motion to recommit.

The Chair ruled that a motion to amend a motion to recommit has never been recognized.

Senator Wayne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Hunt requested a point of order on whether questions could be asked under a motion to overrule the Chair.

The Chair ruled the Hunt point of order is out of order, due to a pending point of order.

Senator Wayne requested a roll call vote on his motion to overrule the Chair.

The Wayne motion to overrule the Chair failed with 15 ayes, 30 nays, 3 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Senator M. Cavanaugh requested a point of order on Senator Hunt's previous point of order on whether Senators can ask questions during motions to overrule the Chair.

The Chair ruled that during a motion to overrule the Chair, members may speak one time, without yielding time, and questions may be asked.

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

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

Voting in the affirmative, 30:



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

Voting in the negative, 5:

Blood	DeBoer	Vargas	Walz	Wayne
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Present and not voting, 13:

Arch	Cavanaugh, M.	Dungan	Hunt	Riepe
Bostar	Conrad	Fredrickson	McKinney	
Cavanaugh, J.	Day	Hansen	Raybould	

Excused and not voting, 1:

Wishart

The motion to cease debate prevailed with 30 ayes, 5 nays, 13 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 2:

Blood	DeBoer
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Voting in the negative, 32:

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

Present and not voting, 14:

Cavanaugh, J.	Day	Hansen	Raybould	Walz
Cavanaugh, M.	Dungan	Hunt	Riepe	Wayne
Conrad	Fredrickson	McKinney	Vargas	

Excused and not voting, 1:

Wishart

The M. Cavanaugh motion to recommit to committee failed with 2 ayes, 32 nays, 14 present and not voting, and 1 excused and not voting.

Senator B. Hansen offered the following motion:

[MO1054](#)

Reconsider the vote taken on MO85.

### **SPEAKER ARCH PRESIDING**

### **PRESIDENT KELLY PRESIDING**

Senator Conrad requested a point of order on whether or not the back Chamber doors can be closed.

The Chair ruled the Chamber doors would remain open.

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

Senator M. Cavanaugh requested a point of order on the Chair's ruling of full and fair debate.

The Chair ruled that pursuant to Rule 7, Section 4 the body determined if there had been full and fair debate.

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

Voting in the affirmative, 30:

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

Voting in the negative, 4:

Blood	DeBoer	Raybould	Vargas
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Present and not voting, 13:

Arch	Cavanaugh, M.	Dungan	Hunt	Walz
Bostar	Conrad	Fredrickson	McKinney	
Cavanaugh, J.	Day	Hansen	Riepe	

Excused and not voting, 2:

Wayne          Wishart

The motion to cease debate prevailed with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the B. Hansen motion to reconsider.

Voting in the affirmative, 0.

Voting in the negative, 33:

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

Present and not voting, 15:

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

Excused and not voting, 1:

Wishart

The B. Hansen motion to reconsider failed with 0 ayes, 33 nays, 15 present and not voting, and 1 excused and not voting.

Senator J. Cavanaugh requested a point of order that there was a pending motion to reconsider.

The Chair ruled pursuant to Rule 7, Section 7, subsequent motions to reconsider require unanimous consent to raise another motion to reconsider.

Senator Slama objected to Senator J. Cavanaugh's additional motion to reconsider.

Senator J. Cavanaugh requested a point of order on the germaneness of AM1658.

The Chair ruled the point of order out of order as AM1658 was not pending.

Senator Kauth withdrew [AM873](#), found on page 776.

Senator Kauth withdrew [AM976](#), found on page 850.

Senator Kauth withdrew [AM901](#), found on page 812.

Senator M. Cavanaugh requested a point of order that there has been no clear understanding of what counts towards the clock and what does not.

The Chair stated the time for cloture and that procedural motions have not been counted in computing cloture.

#### **MOTION - Return LB574 to Select File**

Senator B. Hansen moved to return LB574 to Select File for his specific amendment, [AM1658](#), found on page 1399.

Senator J. Cavanaugh requested a ruling of the Chair on whether the B. Hansen specific amendment is germane to the bill.

The Chair ruled the B. Hansen specific amendment is germane to the bill.

Senator J. Cavanaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

#### **MOTION - Recess**

Senator Dungan moved to recess until 10:00 p.m.

Senator Raybould requested a point of order on whether cloture was in order.

The Chair ruled that procedural motions have not been counted in computing cloture and that cloture was not in order.

Senator Dungan requested a roll call vote on the motion to recess.

The Dungan motion to recess failed with 0 ayes, 35 nays, 13 present and not voting, and 1 excused and not voting.

**MOTION - Return LB574 to Select File**

Senator J. Cavanaugh renewed his motion to overrule the Chair, found and considered in this day's Journal.

Senator J. Cavanaugh requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 14:

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

Voting in the negative, 34:

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

Excused and not voting, 1:

Wishart

The J. Cavanaugh motion to overrule the Chair failed with 14 ayes, 34 nays, and 1 excused and not voting.

Senator B. Hansen renewed his motion, found in this day's Journal, to return LB574 to Select File for his specific amendment, [AM1658](#), found on page 1399.

Senator Kauth offered the following motion:

[MO1067](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 33:

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

Voting in the negative, 14:

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

Present and not voting, 1:

Blood

Excused and not voting, 1:

Wishart

The Kauth motion to invoke cloture prevailed with 33 ayes, 14 nays, 1 present and not voting, and 1 excused and not voting.

Pending.

### EASE

The Legislature was at ease from 8:00 p.m. until 8:04 p.m.

### MOTION - Return LB574 to Select File

Senator M. Cavanaugh requested a roll call vote on the B. Hansen motion to return.

The Conrad point of order was not recognized because the body had invoked cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 15:

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

Excused and not voting, 1:

Wishart

The B. Hansen motion to return prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

The Conrad point of order was not recognized because the body had invoked cloture.

#### SELECT FILE

**LEGISLATIVE BILL 574.** The B. Hansen specific amendment, [AM1658](#), found on page 1399, was offered.

Senator Conrad requested a roll call vote, in reverse order, on the B. Hansen specific amendment.

Voting in the affirmative, 33:

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

Voting in the negative, 15:

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

Excused and not voting, 1:

Wishart

The B. Hansen specific amendment was adopted with 33 ayes, 15 nays, and 1 excused and not voting.

The M. Cavanaugh point of order was not recognized because the body had invoked cloture.

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

Voting in the affirmative, 33:

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

Voting in the negative, 14:

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

Present and not voting, 1:

Walz

Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review for Reengrossment with 33 ayes, 14 nays, 1 present and not voting, and 1 excused and not voting.

### COMMITTEE REPORT

#### Enrollment and Review

**LEGISLATIVE BILL 562.** Placed on Final Reading.

#### [ST15](#)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Vargas amendment, AM1563:
  - a. Sections 16, 17, 18, 19, 20, and 21 have been renumbered as 24, 25, 26, 27, 28, and 29 respectively;
  - b. On page 1, line 4, "18 to 21" has been struck and "26 to 29" inserted; and in line 13 "18" has been struck and "26" inserted; and
  - c. On page 3, line 9, "19" has been struck and "27" inserted.



2. In the Standing Committee amendments, AM1248, on page 12, line 18, "77-7002, 77-7003, 77-7004, and 77-7007," has been struck and "58-242, 77-5205, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5208, 77-5209, 77-5209.01, 77-5211, 77-7002, 77-7003, 77-7004, 77-7007, 81-2,239, and 81-2,240," inserted.

3. On page 1, the matter beginning with "ethanol" in line 1 through line 4 has been struck and "business; to amend sections 58-242, 77-5205, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-5203, 77-5208, 77-5209, 77-5209.01, 77-5211, 77-7002, 77-7003, 77-7004, 77-7007, 81-2,239, and 81-2,240, Revised Statutes Cumulative Supplement, 2022; to adopt the E-15 Access Standard Act; to change a loan requirement under the Nebraska Investment Finance Authority Act; to redefine a term and change provisions relating to board membership and duties, a limitation on new applications, applicant qualifications, and a tax credit allowance and annual limitation under the Beginning Farmer Tax Credit Act; to redefine a term and change provisions relating to tax credit amounts, annual limits, and a limitation on new applications under the Nebraska Higher Blend Tax Credit Act; to define a term, provide for licensing reciprocity and an ordinance registry relating to mobile food establishments, require a report by certain regulatory authorities, and provide duties for the Department of Agriculture and certain cities under the Nebraska Pure Food Act; to harmonize provisions; and to repeal the original sections." inserted.

### **LEGISLATIVE BILL 583.** Placed on Final Reading.

#### **ST14**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM970, on page 19, line 23, "79-1003, 79-1007.11," has been struck; and in line 24 "and 79-1031.01," has been struck and "79-1031.01, and 79-1142," inserted.

2. On page 1, the matter beginning with "sections" in line 1 through line 7 and all amendments thereto have been struck and "sections 79-1001, 79-1009, 79-1017.01, 79-1022, 79-1022.02, 79-1023, 79-1027, 79-1031.01, and 79-1142, Revised Statutes Cumulative Supplement, 2022; to provide for foundation aid and change provisions relating to net option funding, local system formula resources, and certain certification dates under the Tax Equity and Educational Opportunities Support Act; to change reimbursement provisions under the Special Education Act; to provide duties for school districts and the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

### **LEGISLATIVE BILL 705.** Placed on Final Reading.

#### **ST13**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Murman amendment, AM1681, section 89 has been struck and the following new section inserted: Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023, is amended to read:

79-1021 (1) The Education Future Fund is created. The fund shall be administered by the department and shall consist of money transferred to the fund by the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. (2) The fund shall be used only for the following purposes, in order of priority: (a) To fully fund equalization aid under the Tax Equity and Educational Opportunities Support Act; (b) To fund reimbursements related to special education under section 79-1142; (c) To fund foundation aid under the Tax Equity and Educational Opportunities Support Act; (d) To increase funding for school districts in a way that results in direct property tax relief, which means a dollar-for-dollar replacement of property taxes by a state funding source; (e) To provide funding for a grant program created by the Legislature to address teacher turnover rates and keep existing teachers in classrooms; (f) To provide funding to increase career and technical educational classroom opportunities for students. Such funding must provide students with the academic and technical skills, knowledge, and training necessary to succeed in future careers; ~~and~~ (g) To provide funding for a grant program created by the Legislature to provide students the opportunity to have a mentor who will continuously engage with the student directly to aid in the student's professional growth and give ongoing support and encouragement to the student; ~~(h) To provide funding for extraordinary increases in special education expenditures to allow school districts with large, unexpected special education expenditures to more easily meet the needs of~~

all students; and (i) To provide funding to help recruit teachers throughout the state by utilizing apprenticeships through a teacher apprenticeship program and an alternative certification process. (3)(a) The State Treasurer shall transfer one billion dollars from the General Fund to the Education Future Fund in fiscal year 2023-24, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. (b) The State Treasurer shall transfer two hundred fifty million dollars from the General Fund to the Education Future Fund in fiscal year 2024-25, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. (c) It is the intent of the Legislature that two hundred fifty million dollars be transferred from the General Fund to the Education Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

2. In the E&R amendments, ER30:

- a. On page 131, line 16, "123" has been struck and "124" inserted;
- b. On page 132, the matter beginning with "Sections" in line 23 through line 31 has been struck and "Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 52, 53, 58, 59, 78, 90, 91, 94, 98, 99, 100, 107, 111, 117, 120, 121, 130, and 134 of this act become operative on July 1, 2023. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 93, 131, and 135 of this act become operative on July 1, 2024. Sections 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 95, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114, 115, 116, 118, 119, 123, 124, 125, 126, 132, and 136 of this act become operative" inserted;
- c. On page 133, line 8, "79-11,160," has been struck; in line 14 "and 79-8,137.05," has been struck and "79-8,137.05, and 79-11,160," inserted; in line 25 the first occurrence of "and" has been struck; and in line 26 "and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023," has been inserted after "2022,"; and
- d. On page 134, line 11, the second occurrence of "and" has been struck; in line 18 ", and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023" has been inserted after "2022"; and in line 27 "Paraprofessional to Teacher" has been struck and "Teacher Apprenticeship" has been inserted.

#### **LEGISLATIVE BILL 754.** Placed on Final Reading.

##### **ST18**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER19, on page 1, line 2, "77-2733," has been struck; in line 5 "77-2733," has been struck; in line 6 "77-2701," has been struck; in line 7 "77-2716.01," has been struck; in line 11 the comma has been struck and "and" inserted; and in line 12 ", and nonresident income" has been struck.
2. In the Standing Committee amendments, AM906, on page 49, line 19, "77-2701," has been struck; and in line 20 "77-2716.01," has been struck.

(Signed) Beau Ballard, Chairperson

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

Senator Fredrickson filed the following motion to LB574:

##### **MO1055**

Reconsider the vote taken on MO85.

Senator M. Cavanaugh filed the following motion to LB574:

##### **MO1056**

Reconsider the vote taken on MO85.

Senator B. Hansen filed the following motion to LB574:

##### **MO1057**

Reconsider the vote taken on MO665.

Senator Hunt filed the following motion to LB574:

[MO1061](#)

Reconsider the vote taken on MO85.

Senator Dungan filed the following motion to LB574:

[MO1062](#)

Reconsider the vote taken on MO85.

Senator Wayne filed the following motion to LB574:

[MO1063](#)

Recommit to Judiciary Committee.

Senator J. Cavanaugh filed the following motion to LB574:

[MO1064](#)

Reconsider the vote taken on MO85.

Senator Day filed the following motion to LB574:

[MO1065](#)

Reconsider the vote taken on MO85.

Senator Conrad filed the following motion to LB574:

[MO1066](#)

Reconsider the vote taken on MO85.

#### **AMENDMENT - Print in Journal**

Senator Wayne filed the following amendment to LB574:

[FA120](#)

Strike "Health and Human Services" and insert "Judiciary."

#### **VISITORS**

Visitors to the Chamber were students from Christ the King, Omaha; students from Bloomfield Elementary, Bloomfield; students from Emmanuel Faith Lutheran, York; Mike Albrecht; students from Palmer Elementary, Palmer; students from Valentine Middle School, Valentine; Cathy Erdman.

The Doctor of the Day was Dr. Patrick Hotovy of York.

#### **ADJOURNMENT**

At 8:15 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Wednesday, May 17, 2023.

Brandon Metzler  
Clerk of the Legislature