

EIGHTY-SECOND DAY - MAY 22, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 22, 2023

PRAYER

The prayer was offered by Pastor Zeke Pipher, Heart Evangelical Free Church, Central City.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Jeffrey Lampe, Former U.S. Marine, Omaha.

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 Ibach who was excused; and Senators Blood, Bostar, J. Cavanaugh, Day, Hunt, Walz, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 2023, at 7:56 a.m. was the following: LB574e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Linehan filed the following amendment to [LB754A](#):

[AM1900](#)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 514. Senator M. Cavanaugh offered [MO613](#), found on page 958, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator Brewer opened on his bill, LB514.

Senator M. Cavanaugh opened on her motion, MO613.

Senator M. Cavanaugh withdrew her motion to indefinitely postpone, prior to the bill being read, pursuant to Rule 6 Section 3(f).

Senator M. Cavanaugh offered [MO615](#), found on page 959, to bracket until June 1, 2023.

Title read. Considered.

The M. Cavanaugh motion to bracket failed with 0 ayes, 32 nays, 11 present and not voting, and 6 excused and not voting.

Committee [AM853](#), found on page 822, was offered.

Senator Conrad asked unanimous consent to withdraw [AM1013](#), found on page 883, to the committee amendment, and replace it with the Brewer substitute amendment, [AM1801](#), found on page 1572, to the committee amendment. No objections. So ordered.

The Brewer amendment, to the committee amendment, was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 531A. Placed on Select File.

LEGISLATIVE BILL 562A. Placed on Select File

LEGISLATIVE BILL 705A. Placed on Select File.

LEGISLATIVE BILL 727A. Placed on Select File.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Briese filed the following amendment to [LB243A](#):

[AM1881](#)

1 1. Strike section 3 and insert the following new section:

2 Sec. 3. There is hereby appropriated (1) \$409,719 from the General
3 Fund for FY2023-24 and (2) \$439,128 from the General Fund for FY2024-25
4 to the Tax Equalization and Review Commission, for Program 115, to aid in
5 carrying out the provisions of Legislative Bill 243, One Hundred Eighth
6 Legislature, First Session, 2023.
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed \$334,133
9 for FY2023-24 or \$358,804 for FY2024-25.

Senator Sanders filed the following amendment to [LB583A](#):
[AM1909](#) is available in the Bill Room.

VISITORS

Visitors to the Chamber were Nikki Lampe, Omaha; students from Everett Elementary, Lincoln; students from Millard Central and Anderson Middle School, Omaha.

RECESS

At 11:55 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator DeBoer presiding.

ROLL CALL

The roll was called and all members were present except Senators Bostelman, Briese, J. Cavanaugh, Conrad, Day, Dover, Hunt, Ibach, Linehan, McKinney, Raybould, Walz, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama asked unanimous consent to withdraw [FA137](#), found on page 1613, to the committee amendment, and replace it with substitute amendment, [AM1883](#), found on page 1620, to the committee amendment. No objections. So ordered.

SPEAKER ARCH PRESIDING

SENATOR DEBOER PRESIDING

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

The Slama amendment, to the committee amendment, lost with 8 ayes, 22 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Slama offered [FA138](#), to the committee amendment, found on page 1613.

The Slama amendment was withdrawn.

Senator Slama offered [FA145](#), found on page 1626, to the committee amendment.

The Slama amendment was withdrawn.

Senator Slama offered [FA139](#), found on page 1613, to the committee amendment.

The Slama amendment was withdrawn.

Pending.

MESSAGES FROM THE GOVERNOR

May 22, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bills 799e, 799Ae, 813e, 815e, 816e, and 282e were received in my office on May 17, 2023.

These bills were signed and delivered to the Secretary of State on May 22, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

May 22, 2023

Brandon Metzler
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Clerk Metzler:

Engrossed Legislative Bill 574e was received in my office on May 22, 2023.

This bill was signed and delivered to the Secretary of State on May 22, 2023.

Sincerely,
(Signed) Jim Pillen
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 253. Introduced by McDonnell, 5.

WHEREAS, Randy Gerke faithfully served the State of Nebraska for a total of over nineteen years; and

WHEREAS, Randy served as the Nebraska Public Employees Retirement System Executive Director from 2017 to 2023; and

WHEREAS, Randy previously served in a variety of roles for the Nebraska Public Employees Retirement System, including as the Accounting and Finance Manager from 2003 to 2017, the Information Technology Manager from 2005 to 2007, the Interim Executive Director from 2006 to 2007, and the Deputy Director from 2007 to 2017; and

WHEREAS, during Randy's service, plan membership increased from 127,980 members to 150,585 members and plan assets increased from 14.8 billion dollars to 18.7 billion dollars; and

WHEREAS, during Randy's service as Executive Director, the annual total of member benefits distributed by the Nebraska Public Employees Retirement System increased from 720 million dollars to 1.1 billion dollars, and state and county plan members were awarded a dividend in four separate years; and

WHEREAS, during Randy's service as the Executive Director the agency expanded its education programs and customer services, began virtual seminars, office visits, and webinars, launched the Nebraska Public Employees Retirement System YouTube channel, produced multiple educational videos, and redesigned the Nebraska Public Employees Retirement System website; and

WHEREAS, Randy oversaw the office expansion project associated with the transfer of administration of the Class V School Employees Retirement Systems to the Nebraska Public Employees Retirement System; and

WHEREAS, Randy successfully led the Nebraska Public Employees Retirement System through the COVID-19 global pandemic by managing an efficient and effective transition to a remote work model without an interruption in plan member benefit distributions; and

WHEREAS, Randy earned the respect and adoration of his fellow employees with his kind and fun-loving attitude and will be deeply missed by all those he has served over his career, the hallmark of a true leader; and

WHEREAS, Randy will retire from the State of Nebraska and the Nebraska Public Employees Retirement System on June 20, 2023.

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

1. That the Legislature congratulates and extends its appreciation, admiration, and gratitude to Randy Gerke for his commitment and tireless efforts throughout his over nineteen years of outstanding service to the State of Nebraska and its residents.

2. That the Legislature wishes Randy Gerke a happy and fulfilling retirement and commends him for his exemplary career with the State of Nebraska.

3. That a copy of this resolution be sent to Randy Gerke.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama offered [FA146](#), found on page 1627, to the committee amendment.

The Slama amendment was withdrawn.

Senator Slama offered [FA144](#), found on page 1626, to the committee amendment.

SPEAKER ARCH PRESIDING

The Slama amendment was withdrawn.

Senator Slama offered [FA147](#), found on page 1627, to the committee amendment.

SENATOR DORN PRESIDING

SPEAKER ARCH PRESIDING

The Slama amendment was withdrawn.

Pending.

EASE

The Legislature was at ease from 5:30 p.m. until 6:02 p.m.

SENATOR DORN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 514. Committee [AM853](#), found on page 822 and considered in this day's Journal, was renewed.

Senator Slama offered [FA148](#), found on page 1627, to the committee amendment.

The Slama amendment was withdrawn.

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

[FA157](#)

Strike Section 6.

Senator Slama asked unanimous consent to withdraw [FA157](#), found in this day's Journal, to the committee amendment, and replace it with substitute amendment, [AM1940](#), to the committee amendment. No objections. So ordered.

[AM1940](#) is available in the Bill Room.

Senator Brewer offered the following motion:

[MO1125](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Brewer moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Sanders Slama

Present and not voting, 2:

Bosn McKinney

Excused and not voting, 1:

Linehan

The Brewer motion to invoke cloture prevailed with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The Slama amendment, to the committee amendment, lost with 5 ayes, 26 nays, 17 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 514A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 227A. Placed on Final Reading.

LEGISLATIVE BILL 531. Placed on Final Reading.

ST20

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

1. In the Brandt amendment, AM1838:
 - a. Amendments 2 and 3 have been struck;
 - b. Sections 11 and 13 have been struck;
 - c. Section 1 has been renumbered as section 21; and
 - d. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.
2. In the McDonnell amendment, AM1771:
 - a. Sections 1, 2, 3, and 5 have been renumbered as 42, 43, 44, and 45, respectively; and
 - b. On page 5, line 18, "effective date of this act" has been struck and "operative date of this section" inserted.
3. In the Raybould amendment, AM1789:
 - a. Sections 12 and 14 have been struck;
 - b. Sections 1 and 2 have been renumbered as sections 26 and 27, respectively;
 - c. On page 1, line 4, "2" has been struck and "27" inserted; and
 - d. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.
4. In the Conrad amendment, AM1757:
 - a. Sections 11 and 12 have been struck;
 - b. Section 1 has been renumbered as section 32; and

c. The operative date and repealer provisions have been incorporated into the McKinney amendment, AM1880.

5. The Wayne amendment, FA149, has been incorporated into the McKinney amendment, AM1880, as section 54.

6. In the McKinney amendment, AM1880:

a. Due to the adoption of the Conrad amendment, AM1757, section 29 has been struck;

b. The following sections have been inserted: Sec. 55. Sections 21, 26, 27, 32, and 57 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date. Sec. 57. Sections 18-2709 and 71-6401, Reissue Revised Statutes of Nebraska, and section 81-1237, Revised Statutes Cumulative Supplement, 2022, are repealed.

c. On page 25, line 2; and page 54, lines 24 and 29, "effective date of this act" has been struck and "operative date of this section" inserted;

d. On page 43, line 8, "44" has been struck and "51" inserted;

e. On page 49, line 14, an underscored comma has been inserted after "Services";

f. On page 55, line 28, "81-1237," has been struck; and in line 29 "81-12,221, 81-12,222, 81-12,223, 81-12,225," has been inserted after "81-12,218,,"; and

g. The remaining sections have been renumbered accordingly.

7. The E&R amendments, ER23, have been struck.

8. On page 1, the matter beginning with "the" in line 1 through line 10 has been struck and "government; to amend sections 16-312, 16-404, 16-503, 17-110, 17-614, 18-2101, 18-2101.02, 18-2105, 18-2109, 18-2117.01, 18-2117.02, 18-2142.05, 18-2147, 18-2155, 18-2709, 19-5504, 19-5505, 58-209.01, 71-6401, and 72-1001, Reissue Revised Statutes of Nebraska, and sections 61-305, 76-3602, 76-3603, 76-3604, 81-1237, 81-1238, 81-1239, 81-1240, 81-1243, 81-12,109, 81-12,110, 81-12,203, 81-12,211, 81-12,218, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,238, 81-12,240, 81-12,241, 81-12,243, 81-12,244, and 84-612, Revised Statutes Cumulative Supplement, 2022; to create the Revitalize Rural Nebraska Grant Program and the Revitalize Rural Nebraska Fund and provide powers and duties for the Department of Environment and Energy; to change provisions relating to voting powers of mayors of cities of the first class and cities of the second class; to change provisions relating to extremely blighted areas, substandard and blighted areas, redevelopment projects and plans, reports, housing studies, allocation of funds, and expedited reviews and provide for designation reviews and removals under the Community Development Law; to redefine terms under the Local Option Municipal Economic Development Act and the Nebraska Investment Finance Authority Act; to change and provide reporting requirements under the Municipal Density and Missing Middle Housing Act; to change provisions of the Perkins County Canal Project Fund and the Nebraska Capital Construction Fund relating to investment earnings; to provide a state building code exception under the Building Construction Act; to change home inspection provisions as prescribed; to redefine terms and change provisions relating to grant qualifications, fund use, duties, and Department of Economic Development powers under the Middle Income Workforce Housing Investment Act; to change provisions relating to iHub applications, designations, and locations under the Nebraska Innovation Hub Act; to change project and matching funds provisions under the Nebraska Rural Projects Act; to redefine a term, change provisions relating to grant application, approval, and acceptance requirements, and restate legislative intent for funding under the Shovel-Ready Capital Recovery and Investment Act; to define a term and create the North and South Omaha Recovery Grant Program under the Economic Recovery Act; to change provisions of the Economic Recovery Act relating to powers and duties of the Economic Recovery and Incentives Division of the Department of Economic Development, allocation and use of grant funds, legislative intent for appropriations, and credits and transfers to the Economic Recovery Contingency Fund; to transfer funds from the Cash Reserve Fund; to require the Game and Parks Commission to construct, develop, and manage a Chief Standing Bear museum and visitor center and acquire, rehabilitate, and manage the Mayhew Cabin historical site; to state legislative intent for appropriations; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Beau Ballard, Chairperson

AMENDMENTS - Print in Journal

Senator Slama filed the following amendment to [LB514](#):

[FA158](#)

Strike Section 7.

Senator Slama filed the following amendment to [LB514](#):

[FA159](#)

Strike Section 8.

Senator Slama filed the following amendment to [LB514](#):

[FA160](#)

Strike Section 9.

Senator Slama filed the following amendment to [LB514](#):

[FA161](#)

Strike Section 10.

Senator Slama filed the following amendment to [LB514](#):

[FA162](#)

Strike Section 11.

Senator Slama filed the following amendment to [LB514](#):

[AM1901](#) is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 50. Senator Hunt withdrew [MO208](#), found on page 927, to indefinitely postpone, prior to the bill being read, pursuant to Rule 6, Section 3(f).

Title read. Considered.

Senator Hunt withdrew [MO210](#), found on page 928, to bracket.

Senator Hunt withdrew [MO209](#), found on page 928, to recommit to committee.

Committee [AM1436](#), found on page 1277, was offered.

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

[AM1796](#) is available in the Bill Room.

Senator Wayne moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Erdman requested a point of order on whether the vote was opened on [AM1796](#), before a motion for call of the house.

The Chair indicated that the vote was open prior and call in votes will be accepted.

The Wayne amendment, to the committee amendment, was adopted with 27 ayes, 5 nays, 9 present and not voting, and 8 excused and not voting.

Senator Ibach withdrew [AM1610](#), found on page 1353, to the committee amendment.

The committee amendment, as amended, was adopted with 27 ayes, 9 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 8 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 50A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Unanimous consent to add Senator as cointroducer. No objections. So ordered.

Senator Vargas name added to LB227.

VISITORS

Visitors to the Chamber were Tim and Kelly Horn, Hemingford; students from McPhee Elementary, Lincoln; Jan Bostelman, Brainard; Tony and Tracey Tangwal, Chadron.

ADJOURNMENT

At 9:10 p.m., on a motion by Senator Fredrickson, the Legislature adjourned until 9:00 a.m., Tuesday, May 23, 2023.

Brandon Metzler
Clerk of the Legislature

