

EIGHTY-FIRST DAY - MAY 19, 2023

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 19, 2023

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Retired - Reaching the Unreached Ministry, Lincoln.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

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

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, Dover, Hunt, Raybould, Slama, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 18, 2023, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
Clerk of the Legislature

Omey, Samantha
Exxon Mobil Corporation (Withdrawn 05/12/2023)

REPORTS

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

SELECT FILE

LEGISLATIVE BILL 227A. Senator M. Cavanaugh offered the following amendment:

[FA150](#)

Strike Section 1.

Senator B. Hansen offered the following motion:

[MO1117](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

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

Voting in the affirmative, 41:

| | | | | |
|------------|---------------|-------------|------------|-------------|
| Aguilar | Brewer | Fredrickson | Linehan | Sanders |
| Albrecht | Briese | Halloran | Lippincott | Vargas |
| Arch | Cavanaugh, M. | Hansen | Lowe | von Gillern |
| Armendariz | Clements | Hardin | McDonnell | Walz |
| Ballard | Conrad | Holdcroft | McKinney | Wishart |
| Blood | DeBoer | Hughes | Moser | |
| Bosn | DeKay | Ibach | Murman | |
| Bostelman | Dorn | Jacobson | Raybould | |
| Brandt | Erdman | Kauth | Riepe | |

Voting in the negative, 1:

Hunt

Excused and not voting, 7:

| | | | |
|---------------|-------|--------|-------|
| Bostar | Day | Dungan | Wayne |
| Cavanaugh, J. | Dover | Slama | |

The B. Hansen motion to invoke cloture prevailed with 41 ayes, 1 nay, and 7 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

| | | | | |
|------------|---------------|-------------|------------|-------------|
| Aguilar | Brewer | Fredrickson | Linehan | Sanders |
| Albrecht | Briese | Halloran | Lippincott | Vargas |
| Arch | Cavanaugh, M. | Hansen | Lowe | von Gillern |
| Armendariz | Clements | Hardin | McDonnell | Walz |
| Ballard | Conrad | Holdcroft | McKinney | Wishart |
| Blood | DeBoer | Hughes | Moser | |
| Bosn | DeKay | Ibach | Murman | |
| Bostelman | Dorn | Jacobson | Raybould | |
| Brandt | Erdman | Kauth | Riepe | |

Present and not voting, 1:

Hunt

Excused and not voting, 7:

| | | | |
|---------------|-------|--------|-------|
| Bostar | Day | Dungan | Wayne |
| Cavanaugh, J. | Dover | Slama | |

The M. Cavanaugh amendment lost with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

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

Voting in the affirmative, 41:

| | | | | |
|------------|---------------|-------------|------------|-------------|
| Aguilar | Brewer | Fredrickson | Linehan | Sanders |
| Albrecht | Briese | Halloran | Lippincott | Vargas |
| Arch | Cavanaugh, M. | Hansen | Lowe | von Gillern |
| Armendariz | Clements | Hardin | McDonnell | Walz |
| Ballard | Conrad | Holdcroft | McKinney | Wishart |
| Blood | DeBoer | Hughes | Moser | |
| Bosn | DeKay | Ibach | Murman | |
| Bostelman | Dorn | Jacobson | Raybould | |
| Brandt | Erdman | Kauth | Riepe | |

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Excused and not voting, 7:

| | | | |
|---------------|-------|--------|-------|
| Bostar | Day | Dungan | Wayne |
| Cavanaugh, J. | Dover | Slama | |

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

The Chair declared the call raised.

MOTION - Recommit LB276 to Committee

Senator Hunt offered her motion, [MO437](#), found on page 943, recommit to Health and Human Services Committee.

Senator Hunt requested a roll call vote on her motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 39:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 9:

| | | | | |
|----------|---------------|--------|--------|-------|
| Albrecht | Cavanaugh, J. | Dover | Hansen | Wayne |
| Bosn | Day | Dungan | Slama | |

The Hunt motion to recommit to committee failed with 0 ayes, 39 nays, 1 present and not voting, and 9 excused and not voting.

MOTION - Return LB276 to Select File

Senator M. Cavanaugh moved to return LB276 to Select File for the following specific amendment:

[FA151](#)

Strike Section 1.

SPEAKER ARCH PRESIDING**PRESIDENT KELLY PRESIDING**

Senator Wishart offered the following motion:

[MO1119](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Albrecht Slama Wayne

The Wishart motion to invoke cloture prevailed with 46 ayes, 0 nays, and 3 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 3:

Albrecht Slama Wayne

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

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 276. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-801, Revised Statutes Cumulative Supplement, 2022; to adopt the Certified Community Behavioral Health Clinic Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Albrecht Slama Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB276A to Select File

Senator M. Cavanaugh moved to return LB276A to Select File for the following specific amendment:

[FA152](#)

Strike Section 1.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB276e.

MOTION - Return LB276A to Select File

Senator M. Cavanaugh renewed her motion, found and considered in this day's Journal, to return LB276A to Select File for her specific amendment,

[FA152](#).

Senator Wishart offered the following motion:

[MO1120](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Slama Wayne

The Wishart motion to invoke cloture prevailed with 47 ayes, 0 nays, and 2 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 46:

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

Present and not voting, 1:

Cavanaugh, M.

Excused and not voting, 2:

Slama Wayne

The M. Cavanaugh motion to return failed with 0 ayes, 46 nays, 1 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 276A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Senator M. Cavanaugh requested a roll call vote.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Slama Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Recommit LB565 to Committee

Senator Hunt offered her motion, [MO654](#), found on page 961, recommit to Natural Resources Committee.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB276Ae.

MOTION - Recommit LB565 to Committee

Senator Hunt renewed [MO654](#), found on page 961 and considered in this day's Journal, to recommit to Natural Resources Committee.

Pending.

AMENDMENTS - Print in Journal

Senator M. Cavanaugh filed the following amendment to [LB565](#):

[FA153](#)

Strike Section 1.

Senator M. Cavanaugh filed the following amendment to [LB565A](#):

[FA154](#)

Strike Section 1.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 2023, at 1:30 p.m. were the following: LBs 276e and 276Ae.

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

MOTION - Recommit LB574 to Committee

Senator M. Cavanaugh requested a point of order on whether the speaking queue should be cleared before debate starts on LB574.

The Chair indicated the Clerk will reread the title of the bill, and as soon as it is read, the speaking queue will be cleared.

Senator Hunt offered her motion, [MO665](#), found on page 961, recommit to Health and Human Services Committee.

Senator Hunt withdrew her motion to recommit to committee.

MOTION - Return LB574 to Select File

Senator J. Cavanaugh moved to return LB574 to Select File for his specific amendment, [AM1474](#), found on page 1440.

Pending.

EASE

The Legislature was at ease from 2:40 p.m. until 2:48 p.m.

MOTION - Return LB574 to Select File

Senator J. Cavanaugh renewed his motion found and considered in this day's Journal, to return LB574 to Select File for his specific amendment, [AM1474](#).

SENATOR DORN PRESIDING**PRESIDENT KELLY PRESIDING**

Senator M. Cavanaugh made a parliamentary inquiry on whether there was an inappropriate yielding of time.

The Chair clarified Senators may not yield time that was originally yielded.

Senator Kauth offered the following motion:

[MO1123](#)

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, 15:

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

Excused and not voting, 1:

Wayne

The Kauth motion to invoke cloture prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

Voting in the affirmative, 13:

| | | | | |
|---------------|---------------|-------------|----------|---------|
| Blood | Cavanaugh, M. | DeBoer | McKinney | Wishart |
| Bostar | Conrad | Dungan | Raybould | |
| Cavanaugh, J. | Day | Fredrickson | Vargas | |

Voting in the negative, 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 | |

Present and not voting, 2:

| | |
|------|------|
| Hunt | Walz |
|------|------|

Excused and not voting, 1:

Wayne

The J. Cavanaugh motion to return failed with 13 ayes, 33 nays, 2 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB574 with 34 ayes, 7 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 574. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-192, 38-193, and 38-196, Reissue Revised Statutes of Nebraska, and sections 38-178, 38-179, 38-2021, and 38-2894, Revised Statutes Cumulative Supplement, 2022; to adopt the Preborn Child Protection Act and the Let Them Grow Act; to provide for discipline under the Uniform Credentialing Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

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 | Wishart |

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB574e.

BILL ON FIRST READING

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

LEGISLATIVE BILL 514A. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

MOTIONS - Print in Journal

Senator Brewer filed the following motion to LB514A:

[MO1121](#)

Bracket until June 2, 2023.

Senator Brewer filed the following motion to LB514A:

[MO1122](#)

Indefinitely Postpone.

AMENDMENTS - Print in Journal

Senator Brewer filed the following amendment to [LB514A](#):

[FA155](#)

Strike Section 1.

Senator Brewer filed the following amendment to [LB514A](#):

[FA156](#)

Strike Section 1.

VISITORS

Visitors to the Chamber were students from Stolley Park Elementary, Grand Island.

ADJOURNMENT

At 4:18 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Monday, May 22, 2023.

Brandon Metzler
Clerk of the Legislature