

Legislature adjourns mid-biennium

The first session of the 108th Legislature adjourned sine die June 1, the 88th day of the scheduled 90-day session.

La Vista Sen. John Arch, Speaker of the Legislature, thanked senators for their hard work and long hours, which he said resulted in “historic” accomplishments.

“This session has tested the Legislature on every level — relationships, processes, rules and our individual commitment to the goal of passing good legislation to govern our state,” Arch said. “I stand here today to tell you, and those listening, we have done the work we were sent here to do in spite of all the challenges before us.”



Speaker John Arch said he hopes lawmakers are able to heal some of their divisions before the Legislature reconvenes in 2024.

Although the session was marked at times by “extreme rancor and division,” Arch said, lawmakers found a way to pass “transformative” legislation in many areas, including bills that will provide significant tax relief,

criminal justice reform and a new model for delivery of behavioral health services to communities across Nebraska.

Among other accomplishments, Arch also noted passage of a bill to implement the voter ID ballot initiative and the Economic Recovery Act, which will benefit the communities of North and South Omaha. In addition, he said, the Legislature adopted a fiscally responsible budget and made a \$1 billion investment in Nebraska’s education system.

The Legislature passed the provisions of 291 bills this year, in spite of extended filibusters in response to controversial abortion and transgender care bills that required almost all

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State auditor funding reinstated, other line-item vetoes stand

Lawmakers voted May 31 to override a gubernatorial veto and increase funding to the state auditor’s office, but all other line-item vetoes were sustained.

Several bills comprising the state’s \$10.7 billion, two-year budget package were passed May 18 and sent to Gov. Jim Pillen. The governor returned two bills to the Legislature May 24 with about a dozen line-item vetoes to expenditures and transfers that senators had approved.

Sen. Robert Clements, chairperson of the Appropriations Committee, offered motions to override three line-item vetoes on behalf of the committee.

Among the governor’s cuts were approximately \$848,700 in general funds and \$340,100 in cash funds over two years for a new state auditor position and salary increases.

Bennington Sen. Wendy DeBoer supported the mo-

tion to reinstate that funding, noting the need to ensure that an influx of pandemic relief funds in recent years is spent appropriately and not subject to “claw backs” by the federal government.

“We have to have an accounting and knowledge of where our money is,” DeBoer said. “We have to be able to do these audits; we have to know what all is going on financially in our state.”

Sen. Steve Erdman of Bayard also spoke in support of the override motion. The auditor’s office currently cannot offer competitive salaries, he said, and experienced staff have left the office for jobs in other state agencies for pay increases of up to \$30,000.

Effective audits of state government will save the state

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Legislature adjourns sine die

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other measures to be “packaged” into committee priority bills.

Arch said the passage of those omnibus measures resulted in one of the most productive sessions in recent years.

Gov. Jim Pillen, in his address to lawmakers, echoed that sentiment, calling the session one of the most impactful in the Legislature’s history.

Pillen thanked senators for their work on legislation that bans abortion in Nebraska at 12-weeks gestational age and will ban gender-affirming surgeries for minors beginning Oct. 1.

Lawmakers also secured over \$6 billion in tax relief for Nebraskans over the next six years, he said, and passed other “landmark” legislation, including the Opportunity Scholarship Act, creation of a state broadband office, investments in the Perkins County Canal project and the removal of the state’s concealed carry permit requirement.

“In the face of extraordinary challenges, the will of the people of Nebraska has prevailed,” Pillen said. “We’ve accomplished together far more than what anyone thought possible by working together.”

The second session of the 108th Legislature is scheduled to convene Jan. 3, 2024. ■



Gov. Jim Pillen greets senators as he is escorted out of the legislative chamber following his address.



UNICAMERAL UPDATE

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Clerk of the Legislature: Brandon Metzler

Editor: Kate Heltzel; Writers: Maggie English, Kyle Harpster and Emma Patel; Photographer: Bess Ghormley

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Senators may be contacted by mail at this address:

Senator Name, District #, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604

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State auditor funding reinstated, other line-item vetoes stand

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more money than the amount that was appropriated for staff in the budget, Erdman said.

“[Auditor Foley] has shared with me that it’s been 10 years since the Department of Education has been audited,” he said. “In general, it’s about five to seven years before each agency of the state gets a look at. That’s too long.”

Senators voted 31-14 to override the governor’s veto. Thirty votes were needed.

As passed by the Legislature, LB814, the mainline budget bill, would have increased provider rates for the Children’s Health Insurance Program and Medicaid by 3 percent in FY2023-24 and 2 percent in FY2024-25. The governor vetoed the second-year increase, amounting to a reduction of approximately \$15.3 million in general fund appropriations.

In his veto message, Pillen said the state’s hospitals have seen “record profits” in recent years and that increasing reimbursement rates would not address systemic workforce shortages.

Clements said he believed the governor’s veto was “reasonable” and that lawmakers could revisit the issue during mid-biennium budget adjustment discussions next year if necessary.

North Platte Sen. Mike Jacobson agreed. Speaking in opposition to the override motion, he said he introduced an interim study resolution to look at rebasing Medicaid rates, the results of which could be used when making budget adjustments during the 2024 legislative session if needed.

Jacobson acknowledged that inadequate provider rates place a burden on hospitals and insurance companies – and ultimately all Nebraskans in the form of higher premiums – but



Sen. Wendy DeBoer said the state auditor needs sufficient resources to ensure that tax dollars are used appropriately and efficiently.

said lawmakers have time to address the problem.

“There’s no emergency to do anything now,” Jacobson said. “The Legislature can come back next session and either go to 2 percent or greater next year.”

Sen. Tony Vargas of Omaha supported the override motion, saying the state should prioritize care for its most vulnerable residents in a budget cycle that has left the state in such a strong revenue position.

In addition, he said, failing to raise provider rates in the second year of the biennium would result in Nebraska missing out on tens of millions in federal matching funds.

The override motion failed on a vote of 22-24.

Lawmakers also declined to override the governor’s veto of \$40 million in cash fund transfers to the Rural Workforce Housing Investment Fund and the Middle Income Housing Investment Fund in LB818.

The state has invested more than \$200 million in affordable housing over the last three years, Pillen said,

which developers are leveraging to build up the state’s affordable housing supply.

Seward Sen. Jana Hughes supported the override motion. She said that only \$40 million of the \$200 million referenced by the governor in his veto message had been used for rural workforce housing – a program that provides matching grant funds to developers in rural communities to build housing that is affordable for middle-income families.

“The program is not one where we are throwing taxpayer money into a vacuum,” Hughes said, noting that communities must show evidence of housing needs and provide a minimum of 50 percent in matching dollars before they can even apply for program funds.

Sen. Anna Wishart of Lincoln also supported the motion, saying Nebraska currently is 50,000 housing units short of the statewide need. In addition, she said, the state has more than 80,000 jobs that it cannot fill. The two issues are connected, Wishart

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State auditor funding reinstated, other line-item vetoes stand

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said.

“When I look at all of these statistics and I think about what we as a Legislature should be prioritizing our investment in as a state, housing should absolutely be at the top of that list,” she said. “It is an anchor for young people to grow a family, to build their careers, [and] it’s a development tool for communities.”

Speaking in opposition to the motion, Erdman argued that the free market should drive housing construction.

“I’m not for the government building houses,” he said. “Not one.”

Sen. Tom Briese of Albion also opposed the motion, saying the program currently has a fund balance of approximately \$8 million that can be carried over. The most important priority for lawmakers should be tax cuts, he said, and every dollar that goes into a program impacts the state’s ability to protect those cuts.

The motion failed on a vote of 25-23.

Other override motions

Senators also declined to reinstate a veto of \$2 million to fund part of a second-year pay raise for legislative staff, offered by Fremont Sen. Lynne Walz.

Briese, chairperson of the Executive Board, opposed the override motion. He noted that the committee had voted earlier in the day to provide funding for the pay raise from unexpended carryover appropriations.

But Walz said that balance – approximately \$7.2 million by Briese’s estimate after accounting for the salary increase – should be preserved for other identified legislative needs, such as upgrading technology and better accommodations for public access to the Legislature.

“We have already made commitments to using these funds,” Walz said. “We are fully aware of the impacts that term limits have had on our Legislature and included in that is the loss of institutional knowledge ... we need to ensure that staff have incentives to stay in the positions they’re in.”

Wishart also expressed concern with the funding mechanism, not-

ing that without a general fund obligation to increase base salaries, it would be up to future lawmakers to maintain the promises made to staff in this budget cycle.

The motion failed 22-21.

Three other override motions also were rejected.

An attempt by Lincoln Sen. George Dungan to reinstate \$1.9 million in funding for the state Supreme Court to fund salary increases for court interpreters, ex-officio clerk services and guardianship services failed on a vote of 20-23.

Two motions from Lincoln Sen. Danielle Conrad also were unsuccessful. The first, which failed 17-22, would have reinstated \$500,000 in aid to expand the Court Appointed Special Advocate program. The second, which failed 19-27, would have reinstated \$1 million in general funds for a grant to house pregnant and parenting homeless youth. ■



Sen. Lynne Walz said lawmakers should use state general funds to guarantee staff pay raises.



Sens. Robert Clements (right) and Mike Jacobson confer during veto override debate May 31.

AGRICULTURE

E-15 requirement for retailers approved

Lawmakers passed a bill May 30 intended to increase consumer access to E-15 in Nebraska.

LB562, introduced by Adams Sen. Myron Dorn, requires motor fuel retail dealers in Nebraska to advertise and sell E-15 from at least 50 percent of their qualifying dispensers if they build a new retail motor fuel site or replace more than 80 percent of the motor fuel storage and dispensing infrastructure at an existing site, beginning in 2024.



Sen. Myron Dorn

Small retail motor fuel sites are exempt from the requirement if they file a statement with the state Department of Agriculture.

If the 2027 statewide ethanol blend rate — the average percentage of ethanol contained in each gallon of motor fuel sold — is below 14 percent, the bill requires retail dealers to advertise and sell E-15 from at least one qualifying dispenser at each site, unless the site qualifies for certain exemptions, beginning in 2028.

LB562 also increases a state income tax credit for retail dealers from 5 cents to 8 cents for each gallon of E-15 sold during 2024. The credit will be 9 cents per gallon in 2025, 8 cents per gallon in 2026, 7 cents per gallon in 2027 and 5 cents per gallon in 2028. The bill increases the annual limit on credits from \$4 million to \$5 million for those years.

As amended on select file, LB562 also includes provisions intended to

help more farmers and ranchers qualify for benefits under the Beginning Farmer Tax Credit Act and simplify the permitting process for food trucks.

Senators voted 46-0 to pass the bill.

BANKING, COMMERCE & INSURANCE

Banking regulation updates, economic development and insurance changes approved

Senators passed a measure June 1 that makes a variety of changes and updates to regulations governing a number of Nebraska industries.

LB92, sponsored by Dunbar Sen. Julie Slama, eliminates an onsite review requirement for title insurance agents. The bill was amended to become an omnibus Banking, Commerce and Insurance Committee measure and includes the provisions of more than a dozen additional proposals.



Sen. Julie Slama

Among the bills included is LB616, sponsored by Sen. Mike McDonnell of Omaha, which attempts to align Nebraska's economic development structure with the requirements of a federal microchip program. His LB617, also included, creates the Economic Development Cash Fund to provide matching grants to a Nebraska-based entity that qualifies under the federal CHIPS for America Act.



Sen. Mike McDonnell

LB145, sponsored by Lincoln Sen.

Eliot Bostar, amends laws relating to insurance coverage requirements for mammography screening and breast examinations by expanding coverage for younger women and those with increased breast cancer risk and heterogeneous or dense breast tissue, beginning Jan. 1, 2024.



Sen. Eliot Bostar

Finally, LB587, introduced by Lincoln Sen. Anna Wishart, creates a regulatory sandbox program under the state Department of Insurance to allow a participant to test innovative insurance products or services on a temporary, limited basis without otherwise being licensed or authorized under state law.



Sen. Anna Wishart

LB92 passed on a vote of 46-0 and takes effect immediately.

EDUCATION

Dyslexia, school dress code, teacher mobility measure approved

The state will collect data on students identified as having dyslexia under a bill approved by lawmakers May 31.

LB298, introduced by Sen. Lou Ann Linehan of Elkhorn, requires school districts to provide certain information on dyslexia to the state Department of Edu-



Sen. Lou Ann Linehan

cation each year. The department will compile the information and provide an annual report to the Legislature.

The required information includes the number of students in each public school tested for a specific learning disability in the area of reading, including tests that identify characteristics of dyslexia, and the results of those tests.

As amended, LB298 also requires Nebraska school boards to adopt a written dress code and grooming policy to be implemented at the start of the 2025-26 school year.

Finally, the bill authorizes Nebraska to join the Interstate Teacher Mobility Compact, which is intended to streamline the licensure process for teachers when moving between member states.

LB298 passed on a vote of 44-0.

Education package that includes lottery allocations passed

A bill distributing state lottery funds to education programs received final approval from lawmakers May 30.

LB705, introduced by Sen. Dave Murman of Glenvil, allocates lottery funds to a number of new and existing education programs for fiscal year 2024-25 through FY2028-29, including behavioral awareness training for school personnel and grants for teachers seeking qualification to teach dual-credit courses.

The bill was amended to include provisions of more than 20 other education-related measures, including a grant program intended to recruit and retain teachers and another to fund security-related infrastructure projects for school buildings.



Sen. Dave Murman

LB705 also prohibits Nebraska elementary schools from suspending students in kindergarten through second grade, creates a program intended to help small schools cover large, unexpected special education expenses and requires school districts to adopt specific capacity standards for acceptance and rejection of option enrollment applications.

LB705 passed on a vote of 47-0 and takes effect immediately.



Voter ID implementation measure approved after cloture vote

Lawmakers passed a bill June 1 that implements the provisions of an initiative petition approved by voters last year establishing a photo ID requirement to vote.

Among other provisions, LB514, introduced by Gordon Sen. Tom Brewer, lays out the requirements for a valid form of photographic identification, which includes a document issued by the state of Nebraska, an agency or a political subdivision of the state, the U.S. military, a Nebraska postsecondary educational institution or a recognized Native American tribe or band.

A hospital, assisted-living facility, nursing home or other skilled care facility record that includes a photo or digital image also will qualify.

The secretary of state's office is required to provide a website dedi-

cated to voter ID requirements and procedures and implement a public awareness campaign. No fee will be charged to Nebraska residents for an original, renewal or duplicate state ID card for voting purposes.

An individual without a photo ID may vote provisionally at the polls if they have a "reasonable impediment" to voting – including disability or illness or lack of a birth certificate or other required documents – or a religious objection to being photographed.

Mail-in ballots must include a copy of the voter's photo ID or their Nebraska driver's license number or state ID card number.

Ballots that do not meet these requirements can be "cured" through the election commissioner or county clerk's office by providing missing information by the Tuesday following the election.

After two hours of discussion on final reading, Brewer offered a motion to invoke cloture, which ends debate and forces a vote on the bill. The motion was adopted on a 44-1 vote.

Senators then voted 38-1 to pass LB514, which took effect immediately.



Health services package approved

An omnibus health services measure was given final approval June 1.

LB227, introduced by Blair Sen. Ben Hansen, requires the state Department of Health and Human Services to provide Medicaid reimbursement to hospitals at 100 percent of the statewide average nursing per diem rate for Medicaid enrollees who meet

certain criteria.

The bill was amended to include provisions of more than 20 other measures related to health and human services issues, including pharmacy practice, licensure and postpartum care.

Among those measures is LB84, sponsored by Omaha Sen. Jen Day, which extends the sunset date for expanded Supplemental Nutrition Assistance Program eligibility in Nebraska to Oct. 1, 2026.

Also included is LB586, introduced by Seward Sen. Jana Hughes, which provides \$3 million in general funds in fiscal year 2023-24 and \$3 million in FY2024-25 to incentivize and expand opportunities for nursing education and the training of nursing faculty.

LB227 passed on a vote of 47-0 and takes effect immediately.



Sen. Ben Hansen



Sen. Jen Day



Sen. Jana Hughes

grams intended to improve the state's criminal justice system, including a program to expand problem-solving courts, a pilot program to establish parole-violation residential housing and a probationer incentive program.

The bill also includes provisions of Wayne's LB352 related to habitual criminal enhancement and parole eligibility.

Under those provisions, an offender who is serving a maximum sentence up to 20 years will be parole eligible at least two years prior to their mandatory discharge date and an individual serving a sentence over 20 years will be parole eligible after serving 80 percent of the term prior to their mandatory discharge date.

The bill sets the mandatory minimum term for a habitual offender at three years and the maximum term will be no more than the maximum term given or twenty years — whichever is greater — for qualified offenders. Individuals who have committed offenses related to firearms, violence or sex crimes are excluded from those provisions.

LB50 also contains the provisions of more than a dozen other bills related to criminal penalties, parole and probation and requires that two criminal defense attorneys with at least 10 years experience be appointed by the governor to the newly created Nebraska Sentencing Reform Task Force.

Lawmakers then voted 34-15 to pass the measure.

Public guardianship bill passed

A bill that authorizes certain temporary public guardianships in Douglas County and contains a

variety of judicial measures dealing with protection orders, court fees and juvenile court disposition passed the final round of debate June 1.

LB157, introduced by Bennington Sen. Wendy DeBoer, allows for creation of temporary guardianships in a county containing a metropolitan class city to assist individuals who are applying for private or public benefits. Omaha currently is the state's only metropolitan class city. A temporary guardian may access personal and financial records necessary to apply for benefits.

The bill was amended to contain provisions of 10 other measures including LB82, also introduced by DeBoer, which updates reporting requirements from the director of the state's Department of Correctional Services.

It also contains provisions of LB315, introduced by Omaha Sen. John Fredrickson, which prohibit providers of medical or other services related to examination of injuries arising from sexual assault, domestic assault or trafficking from referring victims to collection agencies or taking other adverse action for failure to pay the debt.

LB157 passed 47-0 and takes effect immediately.



Sen. Justin Wayne



Sen. Wendy DeBoer



Sen. John Fredrickson

JUDICIARY

Omnibus criminal justice reform bill approved

A measure that will enact a variety of criminal justice programs and other reforms passed the final round of debate June 1.

LB50, sponsored by Omaha Sen. Justin Wayne, creates several pro-

REVENUE



Revenue omnibus bill clears final round

Lawmakers passed a bill June 1 that includes more than two dozen revenue-related measures.

As amended, LB727, sponsored by Elkhorn Sen. Lou Ann Linehan, creates a state income tax credit for retail dealers that sell biodiesel, allows certain waste treatment and disposal facilities to qualify for tax incentives under the ImagiNE Nebraska Act and directs taxes collected on aircraft sales to a fund used to build, repair or improve infrastructure at Nebraska's public-use airports.



Sen. Lou Ann Linehan

Additionally, the bill imposes a tax on electronic nicotine delivery systems, allows for the creation of special retail districts where transactions are subject to a reduced state sales tax rate and authorizes the state highway commission to issue bonds to accelerate completion of highway construction projects.

LB727 also updates Nebraska's tax sale certificate process to help prevent "equity theft" by requiring the grantee of a tax deed to pay any surplus — calculated using either the property's sale price or its assessed value — to the property's previous owner.

The state Department of Revenue estimates that the bill will reduce state general fund revenue by \$93.3 million from fiscal year 2023-24 to FY2027-28.

LB727 passed on a vote of 46-0 and takes effect immediately.

TRANSPORTATION & TELECOMMUNICATIONS

State's motorcycle helmet law repealed

A Transportation and Telecommunications Committee clean-up bill that includes a provision to remove the state's helmet law for riders age 21 and older passed the final round of debate May 31.

LB138, originally introduced by former Sen. Suzanne Geist and now sponsored by Lincoln Sen. Carolyn Bosn, is an annual clean-up measure to align state transportation law with federal requirements.



Sen. Carolyn Bosn

The bill includes provisions of Blair Sen. Ben Hansen's LB91, which allows an individual age 21 and older who has completed a certified motorcycle safety course to choose whether or not to wear a helmet, provided the rider uses protective eye equipment.



Sen. Ben Hansen

It also includes provisions of Gordon Sen. Tom Brewer's LB199 to create a new driving privilege card to serve as a license to operate a motor vehicle for individuals who are assigned parolee immigration status by the U.S. Department of Homeland Security.



Sen. Tom Brewer

The bill passed 41-0 and takes effect immediately.

URBAN AFFAIRS

Economic development measure passed with Lincoln water funding

A bill meant to spur economic development across the state received final approval from the Legislature June 1.

LB531, introduced by Sen. Terrell McKinney of Omaha, creates and outlines administration of the North and South Omaha Grant Program. The bill also includes \$11 million for projects in western Nebraska, including adding site acquisition, preparation and rail spur construction within 30 miles of the state's largest reservoir as a qualified use of an iHub grant.



Sen. Terrell McKinney

The measure was amended to include provisions from almost a dozen additional bills, including Lincoln Sen. Eliot Bostar's LB506, which authorizes a \$180 million grant to a primary class city to fund costs associated with potable water. Lincoln currently is Nebraska's only primary class city.



Sen. Eliot Bostar

Also included is LB45, introduced by Adams Sen. Myron Dorn, which creates the Revitalize Rural Nebraska Grant Fund for first and second class cities and villages and provides \$1 million in general funds for grants



Sen. Myron Dorn

to demolish dilapidated commercial property.

The provisions of LB98, introduced by North Platte Sen. Mike Jacobson, make changes to “micro” tax-increment financing projects by allowing limits on the number of expedited reviews of redevelopment plans, denial of redevelopment plans and an optional resolution before an area is declared substandard and blighted.



Sen. Mike Jacobson

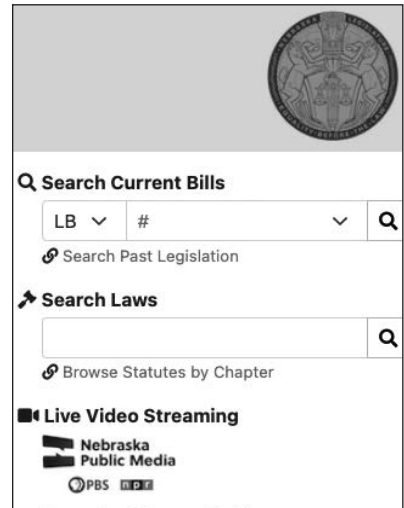
LB531 passed on a vote of 37-8 and takes effect immediately. ■

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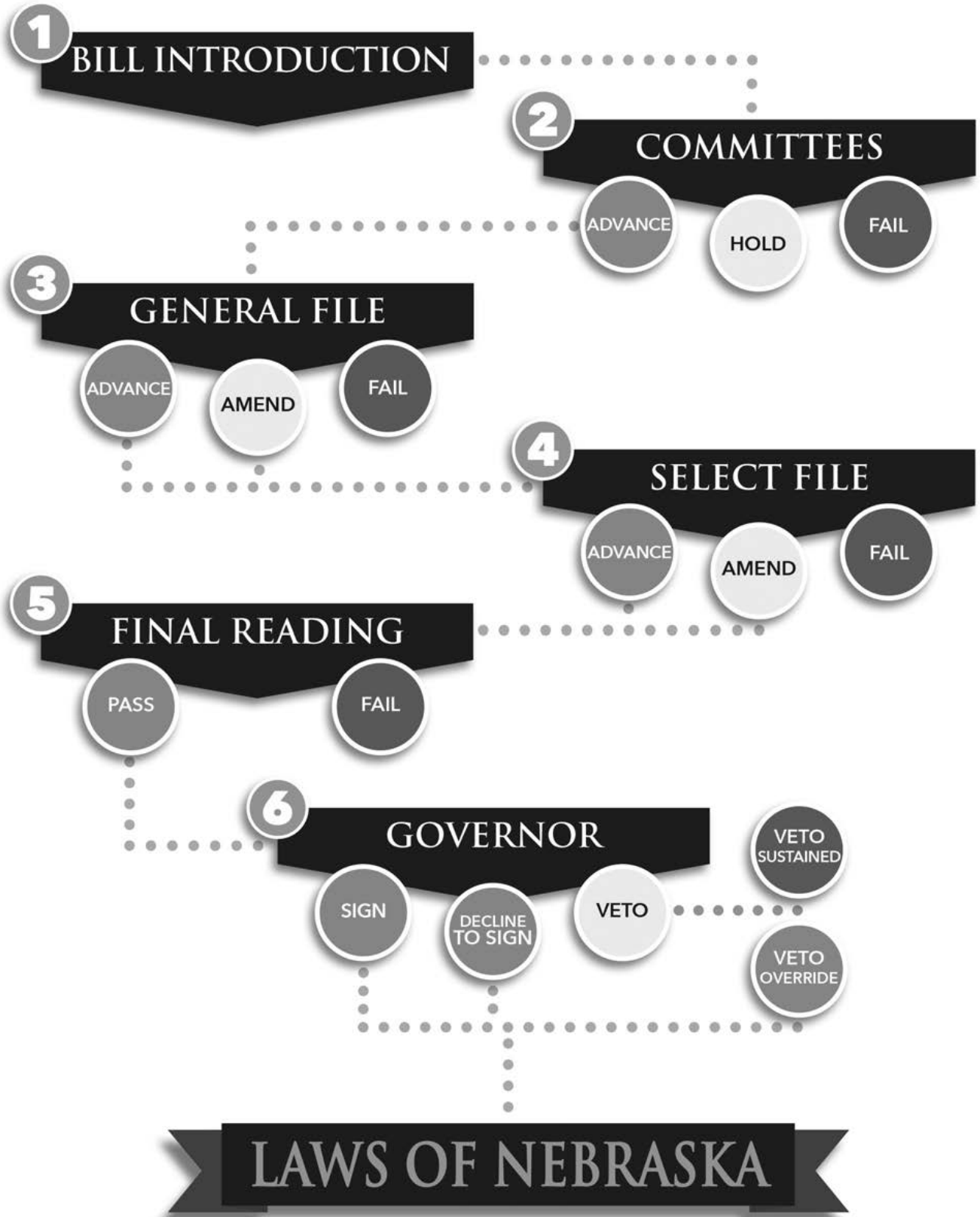
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SENATOR CONTACT INFO

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Sen. Raymond Aguilar Grand Island, District 35 Room 1118 (402) 471-2617 raguilar@leg.ne.gov	Sen. Tom Brewer Gordon, District 43 Room 1423 (402) 471-2628 tbrewer@leg.ne.gov	Sen. Robert Dover Norfolk, District 19 12th Floor (402) 471-2929 rdover@leg.ne.gov	Sen. Teresa Ibach Sumner, District 44 Room 1110 (402) 471-2805 tibach@leg.ne.gov	Sen. Jane Raybould Lincoln, District 28 10th Floor (402) 471-2633 jraybould@leg.ne.gov
Sen. Joni Albrecht Thurston, District 17 12th Floor (402) 471-2716 jalbrecht@leg.ne.gov	Sen. Tom Briese Albion, District 41 Room 2108 (402) 471-2631 tbriese@leg.ne.gov	Sen. George Dungan Lincoln, District 26 12th Floor (402) 471-2610 gdungan@leg.ne.gov	Sen. Mike Jacobson North Platte, District 42 Room 1523 (402) 471-2729 mjacobson@leg.ne.gov	Sen. Merv Riepe Ralston, District 12 Room 1308 (402) 471-2623 mriepe@leg.ne.gov
Sen. John Arch La Vista, District 14 Room 2103 (402) 471-2730 jarch@leg.ne.gov	Sen. John Cavanaugh Omaha, District 9 Room 1008 (402) 471-2723 jcavanaugh@leg.ne.gov	Sen. Steve Erdman Bayard, District 47 Room 1124 (402) 471-2616 serdman@leg.ne.gov	Sen. Kathleen Kauth Omaha, District 31 Room 1522 (402) 471-2327 kkauth@leg.ne.gov	Sen. Rita Sanders Bellevue, District 45 11th Floor (402) 471-2615 rsanders@leg.ne.gov
Sen. Christy Armendariz Omaha, District 18 10th Floor (402) 471-2618 carmendariz@leg.ne.gov	Sen. Machaela Cavanaugh Omaha, District 6 11th Floor (402) 471-2714 mcavanaugh@leg.ne.gov	Sen. John Fredrickson Omaha, District 20 Room 1004 (402) 471-2622 jfredrickson@leg.ne.gov	Sen. Lou Ann Linehan Elkhorn, District 39 Room 1116 (402) 471-2885 llinehan@leg.ne.gov	Sen. Julie Slama Dunbar, District 1 Room 1401 (402) 471-2733 jslama@leg.ne.gov
Sen. Beau Ballard Lincoln, District 21 Room 1403 (402) 471-2673 bballard@leg.ne.gov	Sen. Robert Clements Elmwood, District 2 Room 1305 (402) 471-2613 rclements@leg.ne.gov	Sen. Steve Halloran Hastings, District 33 Room 1115 (402) 471-2712 shalloran@leg.ne.gov	Sen. Loren Lippincott Central City, District 34 11th Floor (402) 471-2630 llippincott@leg.ne.gov	Sen. Tony Vargas Omaha, District 7 Room 1000 (402) 471-2721 tvargas@leg.ne.gov
Sen. Carol Blood Bellevue, District 3 10th Floor (402) 471-2627 cblood@leg.ne.gov	Sen. Danielle Conrad Lincoln, District 46 Room 1206 (402) 471-2720 dconrad@leg.ne.gov	Sen. Ben Hansen Blair, District 16 Room 1117 (402) 471-2728 bhansen@leg.ne.gov	Sen. John Lowe Kearney, District 37 Room 1306 (402) 471-2726 jlowe@leg.ne.gov	Sen. R. Brad von Gillern Elkhorn, District 4 10th Floor (402) 471-2621 bvongillern@leg.ne.gov
Sen. Carolyn Bosh Lincoln, District 25 Room 1529 (402) 471-2731 cbosh@leg.ne.gov	Sen. Jen Day Omaha, District 49 11th Floor (402) 471-2725 jday@leg.ne.gov	Sen. Brian Hardin Gering, District 48 11th Floor (402) 471-2802 bhardin@leg.ne.gov	Sen. Mike McDonnell Omaha, District 5 Room 1101 (402) 471-2710 mmcdonnell@leg.ne.gov	Sen. Lynne Walz Fremont, District 15 Room 1120 (402) 471-2625 lwalz@leg.ne.gov
Sen. Eliot Bostar Lincoln, District 29 10th Floor (402) 471-2734 ebostar@leg.ne.gov	Sen. Wendy DeBoer Bennington, District 10 12th Floor (402) 471-2718 wdeboer@leg.ne.gov	Sen. Rick Holdcroft Bellevue, District 36 Room 1302 (402) 471-2642 rholdcroft@leg.ne.gov	Sen. Terrell McKinney Omaha, District 11 Room 1212 (402) 471-2612 tmckinney@leg.ne.gov	Sen. Justin Wayne Omaha, District 13 Room 1103 (402) 471-2727 jwayne@leg.ne.gov
Sen. Bruce Bostelman Brainard, District 23 Room 1210 (402) 471-2719 bbostelman@leg.ne.gov	Sen. Barry DeKay Niobrara, District 40 11th Floor (402) 471-2801 bdekay@leg.ne.gov	Sen. Jana Hughes Seward, District 24 10th Floor (402) 471-2756 jhughes@leg.ne.gov	Sen. Mike Moser Columbus, District 22 Room 1202 (402) 471-2715 mmoser@leg.ne.gov	Sen. Anna Wishart Lincoln, District 27 Room 2000 (402) 471-2632 awishart@leg.ne.gov
Sen. Tom Brandt Plymouth, District 32 Room 1528 (402) 471-2711 tbrandt@leg.ne.gov	Sen. Myron Dorn Adams, District 30 Room 1208 (402) 471-2620 mdorn@leg.ne.gov	Sen. Megan Hunt Omaha, District 8 12th Floor (402) 471-2722 mhunt@leg.ne.gov	Sen. Dave Murman Glenvil, District 38 Room 1107 (402) 471-2732 dmurman@leg.ne.gov	

Unicameral Information Office
Nebraska Legislature
P.O. Box 94604
Lincoln, NE 68509
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Senators posed for a group photo June 1 after adjournment on the final day of the 2023 legislative session.