

**FIRST DAY - SEPTEMBER 13, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, September 13, 2021

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Geist.

**ROLL CALL**

Pursuant to a proclamation by the Honorable Governor of the State of Nebraska, Pete Ricketts, the One Hundred Seventh Legislature, First Special Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol, at the hour of 10:00 a.m., Monday, September 13, 2021, and was called to order by President Foley.

The roll was called and the following members were present:

Aguilar, Raymond	Flood, Mike	McDonnell, Mike
Albrecht, Joni	Friesen, Curt	McKinney, Terrell M.
Arch, John	Geist, Suzanne	Morfeld, Adam
Blood, Carol	Gragert, Tim	Moser, Mike
Bostar, Eliot	Groene, Mike	Murman, Dave
Bostelman, Bruce	Halloran, Steve	Pahls, Rich
Brandt, Tom	Hansen, Ben	Pansing Brooks, Patty
Brewer, Tom	Hilgers, Mike	Sanders, Rita
Briese, Tom	Hilkemann, Robert	Slama, Julie
Cavanaugh, John Jr.	Hughes, Dan	Stinner, John
Cavanaugh, Machaela	Hunt, Megan	Vargas, Tony
Clements, Robert	Kolterman, Mark	Walz, Lynne
Day, Jen	Lathrop, Steve	Wayne, Justin T.
DeBoer, Wendy	Linehan, Lou Ann	Williams, Matt
Dorn, Myron	Lowe, John S. Sr.	Wishart, Anna
Erdman, Steve		

The following members were excused:

Hansen, Matt	Lindstrom, Brett	McCollister, John S.
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**DECLARATION**

Pursuant to a proclamation issued by the Honorable Pete Ricketts, Governor of Nebraska, we are here and now assembled in the One Hundred Seventh Legislature, First Special Session of the Nebraska Legislature. I, as President of the Legislature, declare that we are now open for the transaction of business.

(Signed) Mike Foley  
President of the Legislature

**PROCLAMATION**

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8 of the Nebraska Constitution, I, Pete Ricketts, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on September 13, 2021, at 10:00 a.m. for the purpose of considering and enacting legislation on only the following subjects:

1. Enacting legislation to redistrict boundaries of the Supreme Court judicial districts;
2. Enacting legislation to redistrict boundaries of the Public Service Commission districts;
3. Enacting legislation to redistrict boundaries for members of the Board of Regents of the University of Nebraska;
4. Enacting legislation to redistrict boundaries for members of the State Board of Education;
5. Enacting legislation to redistrict boundaries for members of the Legislature;
6. Enacting legislation to redistrict boundaries for the Representatives of Congress of the United States; and
3. Enacting legislation to appropriate funds to the Legislative Council for the necessary expenses incurred by the Legislature due to the convening of the extraordinary session herein called.

NOW, THEREFORE, I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by presenting to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the State of Nebraska to be affixed this Twenty-seventh day of August, in the year of our Lord Two Thousand Twenty-one.

(Signed) Pete Ricketts  
Governor

Attest:

(Signed) Robert B. Evnen  
Secretary of State

(SEAL)

**CERTIFICATE**

State of Nebraska

United States of America, ) ss.  
State of Nebraska )

Secretary of State  
State Capitol  
Lincoln, Nebraska

I, Robert B. Evnen, Secretary of State of the State of Nebraska, do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Seventh Legislature, First Special Session, 2021.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Seventh Legislature, First Special Session, 2021.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

Nothing further is certified.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of September 13, 2021.

(SEAL)

(Signed) Robert. B. Evnen  
Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama	November 3, 2020
2 Robert Clements	November 6, 2018
3 Carol Blood	November 3, 2020
4 Robert Hilkemann	November 6, 2018
5 Mike McDonnell	November 3, 2020

6	Machaela Cavanaugh	November 6, 2018
7	Tony Vargas	November 3, 2020
8	Megan Hunt	November 6, 2018
9	John Cavanaugh	November 3, 2020
10	Wendy DeBoer	November 6, 2018
11	Terrell McKinney	November 3, 2020
12	Steve Lathrop	November 6, 2018
13	Justin T. Wayne	November 3, 2020
14	John Arch	November 6, 2018
15	Lynne M. Walz	November 3, 2020
16	Ben Hansen	November 6, 2018
17	Joni Albrecht	November 3, 2020
18	Brett Lindstrom	November 6, 2018
19	Mike Flood	November 3, 2020
20	John S. McCollister	November 6, 2018
21	Mike Hilgers	November 3, 2020
22	Mike Moser	November 6, 2018
23	Bruce Bostelman	November 3, 2020
24	Mark A. Kolterman	November 6, 2018
25	Suzanne Geist	November 3, 2020
26	Matt Hansen	November 6, 2018
27	Anna Wishart	November 3, 2020
28	Patty Pansing Brooks	November 6, 2018
29	Eliot Bostar	November 3, 2020
30	Myron Dorn	November 6, 2018
31	Rich Pahls	November 3, 2020
32	Tom Brandt	November 6, 2018
33	Steve Halloran	November 3, 2020
34	Curt Friesen	November 6, 2018
35	Raymond M. Aguilar	November 3, 2020
36	Matt Williams	November 6, 2018
37	John S. Lowe Sr.	November 3, 2020
38	Dave Murman	November 6, 2018
39	Lou Ann Linehan	November 3, 2020
40	Tim Gragert	November 6, 2018
41	Tom Briese	November 3, 2020
42	Michael Groene	November 6, 2018
43	Tom Brewer	November 3, 2020
44	Dan Hughes	November 6, 2018
45	Rita Sanders	November 3, 2020
46	Adam Morfeld	November 6, 2018
47	Steve Erdman	November 3, 2020
48	John P. Stinner Sr.	November 6, 2018
49	Jen Day	November 3, 2020

**COMMUNICATION(S)**

September 2, 2021

Patrick O'Donnell  
Clerk of the Legislature

Dear Patrick,

As Chairman of the Redistricting Committee, I acknowledge that the attached Administrative Guidelines and Operating Procedures were adopted by the Redistricting Committee. Both the Guidelines and Operating Procedures were adopted by the Committee with a unanimous vote of 9-0. I approve that the attached documents may be posted on the Nebraska Legislature's Website.

Sincerely,  
(Signed) Senator Lou Ann Linehan

Attached Documents:  
2021 Redistricting Administrative Guidelines  
2021 Operating Procedures Adopted by the Redistricting Committee

**2021 Redistricting  
Administrative Guidelines**

The following administrative guidelines have been developed to guide the Legislature during the 2021 redistricting process:

1. Based on 2020 population data received from the United States Bureau of the Census, the Redistricting Committee shall formulate redistricting plans for the Legislature, the U.S. House of Representatives, the State Board of Education, and the Board of Regents of the University of Nebraska, the Public Service Commission, and the Nebraska Supreme Court. Once the plans are formulated, the committee shall incorporate them into legislative bills. The bills shall be referenced to the Redistricting Committee, and the committee shall provide notice for and hold at least one public hearing in each of the three Nebraska Congressional districts, pursuant to Rule 3, Sec. 6, of the Rules of the Nebraska Unicameral Legislature. Following the public hearings, the committee shall advance redistricting bills to the floor of the Legislature, with or without committee amendments.
2. Senators are encouraged to submit their redistricting plans to the committee. Nothing in these guidelines shall be construed to prevent a member of the Legislature from introducing a bill containing a redistricting plan or an amendment to a bill containing a redistricting plan at any stage in the legislative process pursuant to legislative rules.

3. (a) Except as provided in subdivision (b), all redistricting plans submitted to the committee, or the full Legislature must be sponsored by a member of the Legislature. All plans submitted to the committee or proposed as amendments on the floor of the Legislature must be created on or verified by the Legislature's primary Geographic Information System, in order to ensure that the plans conform to the census geography and population figures being used by the Legislature for redistricting.  
(b) If members of the public make suggestions during the public hearings that the committee wishes to incorporate, the committee may authorize the creation of maps on the Legislature's primary Geographic Information System that embody those suggestions.
4. All plans submitted to the committee, or the full Legislature must be accompanied by a statistical report, except that the committee may have a report generated in response to public input at committee hearings.
5. The committee shall encourage the participation of members of the public including members of minority groups, in the redistricting process.
6. Any plan generated by the redistricting support staff shall be kept confidential by such staff until filed with the Clerk of the Legislature unless the chief sponsor of the plan authorizes its release in writing.
7. The committee shall be authorized to establish, by a majority vote, any policies and procedures that will facilitate the redistricting process.
8. Legal, technical, and administrative staff support for the redistricting process shall be provided by the Legislative Research Office (LRO). A review shall be conducted by LRO for the Redistricting Committee to ensure that plans comply with constitutional and statutory standards. With the approval of the Redistricting Committee, the Director of Research may prescribe procedures designed to make the process run smoothly.
9. Redistricting support staff and all GIS workstations shall be located in LRO.
10. LRO shall make available two workstations, equipped with GIS software that may be used by senators and senators' staff to create redistricting plans on the independently operated workstations. These workstations shall be in addition to two workstations operated by GIS support staff. All plans prepared by senators and senators' staff must be verified by the Legislature's primary Geographic Information System, in order to ensure that the plans conform with the census geography and population figures being used by the Legislature for

redistricting, prior to being submitted to the committee or to the full Legislature.

11. LRO shall provide training designed to enable senators and senator's staff to create redistricting plans on the workstations.
12. No constituents shall be allowed to work at the GIS workstations located in LRO but can accompany legislators or their staff as they use the workstations with the legislator's approval.

**2021 Redistricting  
Operating Procedures Adopted by the Redistricting Committee**

1. Incumbents' resident addresses for all entities to be redistricted by the Nebraska Legislature (Legislature, U.S. House of Representatives, State Board of Education, Board of Regents, and Public Service Commission) shall be plotted on maps by the GIS staff in the Legislative Research Office (LRO).
2. Members of the Redistricting Committee shall develop plans for legislative districts. In so doing, committee members shall obtain input from members of the Legislature not on the committee. The plans shall be submitted to LRO by September 9, 2021, shall be presented at public hearings.

When added together, the deviation range of all districts within a plan shall approach 0%,

3. The Redistricting Committee as a whole, shall develop the redistricting plan for the U.S. House of Representatives. The population of each district shall be as nearly equal as practicable, that is, with an overall range of deviation at or near approaching 0%.
4. The chairperson of the Redistricting Committee shall appoint subcommittees as is necessary to prepare redistricting plans for the State Board of Education, Board of Regents, Public Service Commission, and Supreme Court.

**MESSAGE(S) FROM THE GOVERNOR**

June 3, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Kim Lowe, 3 Wilderness Way, Kearney, NE 68847

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 4, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing and Gaming Commission:

Tony Fulton, 6100 S. 31 Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:



Darrin Scott Good, Ph.D., 1010 Piedmont Road, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

James D. Scheer, 306 Valley View Drive, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Gerald Clausen, 7855 S. 25th Street, Lincoln, NE 68512

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Child Abuse Prevention Fund Board:

Donald N. Blackbird Jr., 202 N. Sawyer Street, Walthill, NE 68067  
Georgina Scurfield, 707 S. Beadle Street, Papillion, NE 68046

Contingent upon your approval, the following individual is being reappointed to the Child Abuse Prevention Fund Board:

Paul J. Nelson, 6803 North 68th Plaza, Apt. 401, Omaha, NE 68152

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Gaming Commission:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission on Problem Gambling:

Dan Volnek, 6330 Thompson Creek Circle, Lincoln, NE 68516

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701  
Todd Zohner, 82998 562 Avenue, Stanton, NE 68779

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Accountability and Disclosure Commission:

Jeffrey Davis, 807 N. 7th Street, Beatrice, NE 68310

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Tourism Commission:

Darrin Barner, 203 Wakefield Street, Laurel, NE 68745  
Barry McFarland, 2700 N. Adams Street, Lexington, NE 68850  
John P. Chapo, 2340 Stockwell Street, Lincoln, NE 68502  
Ashley Olson, 845 N. Elm Street, Red Cloud, NE 68970

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Advisory Committee:

Peggy Sue Snurr, 6920 NW 4th Street, Lincoln, NE 68521  
Michele R. Marsh, 414 N. 61 Street, Omaha, NE 68132  
Michael Aerni, 2530 E. 21st Street, Fremont, NE 68025  
Noelle M. Petersen, 6327 Colby Street, Lincoln, NE 68505

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission of Industrial Relations:

William G. Blake, 6601 Park Crest Court, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Environmental Quality Council:

Kurt Alan Bogner, 2911 East Nucor Road, Norfolk, NE 68701  
Marty Stange, P.E., 1228 North Denver Avenue, Hastings, NE 68901  
Amy Staples, 79568 Sumner Road, Broken Bow, NE 68222  
Jessica Kolterman, 1059 Plainview, Seward, NE 68434  
Tassia Falcon da Silva Steidley, 5811 Kennelley Court, Lincoln, NE 68516  
Kevin Peterson, 13010 K Road, Osceola, NE 68651

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Joseph Citta Jr., 1518 Kozy Drive, Columbus, NE 68601  
Robert C. Hall, 957 N. Beech, Wahoo, NE 68066  
Lance A. Hedquist, 905 E. 29 Street, So. Sioux City, NE 68776  
Alden Zuhlke, 52771 860 Road, Brunswick, NE 68720

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 31, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Health Information Technology Board:

Dr. Stephen Salzbrenner, 1719 South 171 Court, Omaha, NE 68130  
Dr. Anna C. Dalrymple, 810 23rd Street, Gothenburg, NE 68138  
Monalisa McGee, Ph.D., 2234 S. 84th Street, Omaha, NE 68124  
Felicia Quintana-Zinn, DHHS - Division of Public Health, 301 Centennial  
Mall South, Lincoln, NE 68509  
Tabitha Barnard, APRN, 330 Clear Creek Drive, Yutan, NE 68073  
Ashley Newmyer, MPH, DHHS - Office of CEO, 301 Centennial Mall  
South, Lincoln, NE 68509  
Jessika Benes, DVM, 6145 N. Roseland Avenue, Juniata, NE 68955  
Aimee J. Black, Ed.D., 15420 McKelvie Road, Weeping Water, NE 68463

Jamie L. Bland, 10383 12th Street, Murray, NE 68409  
Kimberley K. Haynes-Henson, M.D., 12918 Burt Street, Omaha, NE 68154  
Manuela Banner, 1033 Mary Beth Circle, Blair, NE 68008  
Lynn Elizabeth Modic Edwards, MBA, 914 Avenue D, Gothenburg, NE  
69138  
Kevin Bagley, DHA, DHHS - Medicaid and Long Term Care, 301  
Centennial Mall South, Lincoln, NE 68509

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 10, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

This letter is to inform you that the request for confirmation of the appointment of Tabitha Barnard, APRN, as a member of the Health Information Technology Board is respectfully withdrawn.

Sincerely,  
(Signed) Pete Ricketts  
Governor

July 31, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Board of Parole:

Habib Olomi, 6121 S. 96th Street, Lincoln, NE 68526

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 4, 2021

Mr. President, Speaker Hilgers  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hilgers and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Christy Hovanetz, Ph.D., 7326 Willow Lane, Brooklyn Park, MN 55444

Contingent upon your approval, the following individuals are being reappointed to the Technical Advisory Committee for Statewide Assessment:

Jeffrey M. Nellhaus, Ed.M., 4017 48 Street NW, Washington D.C., 20016  
Linda Poole, 5054 South 171 Avenue, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **ATTORNEY GENERAL'S OPINION**

##### Opinion 21-013

SUBJECT:           Constitutionality of the Statutory Requirement that a Political Party Nominee for Governor Select a Candidate for Lieutenant Governor of the Same Political Party (LB 635).

REQUESTED BY:   Senator Carol Blood  
Nebraska Legislature



WRITTEN BY: Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

### INTRODUCTION

Nebraska law currently provides that "[t]he candidate for Governor of each political party receiving the highest number of votes in the primary election shall select a candidate for Lieutenant Governor of the same political party by filing an affidavit indicating his or her choice with the Secretary of State." Neb. Rev. Stat. § 32-619.01 (2016). Under the Nebraska Constitution, "[e]ach candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor." Neb. Const. art. IV, § 1. Further, "[n]o person shall be eligible for the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and citizen of this state and a citizen of the United States." Neb. Const. art. IV, § 2.

You ask us to address the constitutionality of the requirement in § 32-619.01 that a candidate for Governor of a political party select a candidate for Lieutenant Governor of the same political party. You question whether this requirement unconstitutionally imposes a qualification for the office of Lieutenant Governor beyond what is required under art. IV, § 2, and impermissibly limits a Governor candidate's selection of a Lieutenant Governor candidate under art. IV, § 1. You further raise issues regarding whether § 32-619.01 "violates candidates' rights to choose running mates of their own choosing without regard to partisan designation," or "voters' rights to vote for candidates separate from political party or right to vote for candidates of different parties." You also ask us to consider "[w]hat happens if a gubernatorial candidate chooses a running mate with no party affiliation or a different party affiliation" and, if so, "[w]ill that candidate for Governor be listed on the ballot?"

Initially, we note it is our long-standing policy not to provide opinions to members of the Legislature on the interpretation or constitutionality of existing statutes. Op. Att'y Gen. No. 157 (Dec. 24, 1985). Rather, we only issue opinions to state legislators which pertain "to pending or proposed legislation." *Id.* at 1. Because your request makes no reference to any pending or proposed legislation, we normally would decline to provide an opinion on the questions presented. We have, however, identified pending legislation which would provide for nonpartisan primary elections for statewide offices and U.S. Congressional offices. LB 635. Section 13 of LB 635 proposes to amend § 32-619.01 to remove the "same political party" requirement for Lieutenant Governor candidates and provide instead that the two candidates for Governor receiving the highest number of votes in the primary election shall each select a candidate for Lieutenant Governor without regard for his or her political party. Because our conclusions could

impact consideration of this pending legislation, we will respond to your request.

### BACKGROUND

Prior to 1970, the Nebraska Constitution provided for the separate election of the Governor and Lieutenant Governor. *See* Neb. Const. art. IV, § 1 (Cum. Supp. 1967) ("The Governor, [and] Lieutenant Governor . . . shall be chosen at the general election . . ."). In 1970, an amendment was adopted providing that "[i]n the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party." 1969 Neb. Laws, ch. 417, § 1, p. 1428 (Neb. Const. art. IV, § 1 (Cum. Supp. 1972)). At the general election in 2000, the voters approved a constitutional amendment (LR 14CA) requiring "[e]ach candidate for Governor to select a person to be the candidate for Lieutenant Governor on the general election ballot." 1999 Neb. Laws LR 14CA (Neb. Const. art. IV, § 1 (Supp. 2001)). The amendment left the language stating that "[i]n the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor," but removed the previous language stating that the candidates be "nominated by the same party."

After LR 14CA was approved by the voters in 2000, the Legislature passed enabling legislation. 2001 Neb. Laws LB 768. The bill proposed "that the candidates for Governor of each political party receiving the highest number of votes in the primary election will select a candidate for Lieutenant Governor of the same political party within sixty days after the statewide primary election. Each of these two candidates would then run as a team on the general election ballot." Committee Records on LB 768, 97<sup>th</sup> Leg., 1<sup>st</sup> Sess., Introducer's Statement of Intent (Feb. 14, 2001). The bill's principal introducer, Senator Schrock, noted the requirement that the Governor select a Lieutenant Governor candidate from "the same political party" could be "controversial." *Id.* at 2. LB 768 was, however, passed with no subsequent discussion of the party affiliation requirement. The bill, codified at Neb. Rev. Stat. § 32-619.01, has not been changed since its enactment.

### ANALYSIS

Your primary question is whether the "party affiliation" rule in § 32-619.01 unconstitutionally imposes a qualification for the office of Lieutenant Governor beyond what is required under art. IV, § 2, and impermissibly limits a Governor candidate's selection of a Lieutenant Governor candidate under art. IV, § 1. As explained below, we conclude the "same political party" provision in § 32-619.01 does not conflict with the constitution's requirement that a candidate for Governor select the Lieutenant Governor candidate for the general election ballot and that "one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor." Neb. Const. art. IV, § 1. This interpretation is consistent with the constitutional language and the historical facts contained in the legislative record. Further,

the "same political party" requirement imposes no additional qualification for the office of Lieutenant Governor and places no improper limit on the selection of a running mate by a candidate for Governor of a political party.

**A. The Party Affiliation Rule Is Consistent with the Joint Vote Requirement in Neb. Const. Art. IV, § 1.**

The Nebraska Supreme Court has recognized the following general rules governing the interpretation of constitutional provisions:

The intent and understanding of [the] framers [of a constitutional provision] and the people who adopted it as expressed in the instrument is the main inquiry in construing it . . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layman . . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution . . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

*State ex rel. Spire v. Beermann*, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 508 (1949) (citations omitted)).

Under art. IV, § 1, the candidate for Governor must select the candidate for Lieutenant Governor for the general election and "one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor." The crucial inquiry in assessing the propriety of the statutory "party affiliation" rule is whether it is consistent with the intent and meaning of the constitutional "joint vote" requirement in art. IV, § 1.

In Nebraska, "[t]he Governor and Lieutenant Governor shall be elected on the partisan ballot." Neb. Rev. Stat. § 32-506 (2016). A candidate filing for a partisan office must "be a registered voter affiliated with the appropriate party if required pursuant to section 32-702." Neb. Rev. Stat. § 32-602(2) (Cum. Supp. 2020). A person cannot file a candidate filing form as a partisan candidate to have their name placed on the primary election ballot of a political party unless they are "a registered voter of the political party if required by section 32-702" and the party satisfies certain requirements. Neb. Rev. Stat. § 32-610 (Cum. Supp. 2020).

Thus, a person must be affiliated with and be a registered voter of a political party to have their name placed on the primary election ballot as

the party's candidate for a partisan office. The offices of Governor and Lieutenant Governor are elected on a partisan ballot. Under § 32-619.01, the winning candidate of a political party in the primary election for Governor must select a candidate for Lieutenant Governor "of the same political party" to run in the general election. Art. IV, § 1, provides that the candidate for Governor must select a Lieutenant Governor candidate and that one vote must be cast jointly for the candidates for Governor and Lieutenant Governor in the general election. The requirement in § 32-619.01 that a political party candidate for Governor receiving the most votes in the primary election must select a Lieutenant Governor candidate of the same political party for the general election contest for these partisan offices is consistent with the intent and meaning of the "joint vote" requirement in art. IV, § 1.

"The Nebraska Constitution is not a grant, but, rather, a restriction on legislative power, and the Legislature is free to act on any subject not inhibited by the Constitution." *Jaksha v. Thomas*, 243 Neb. 794, 798, 502 N.W.2d 826, 829 (1993). "[C]ourts can enforce only those limitations which the Constitution imposes." *Lenstrom v. Thone*, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981). Art. IV, § 1, places no restriction on the Legislature's power to establish a party affiliation rule for nominees for Governor of a political party in selecting a candidate to run with them jointly on the general election ballot. Absent such a restriction in the Constitution, the Legislature was free to enact such a requirement in § 32-619.01.

Construing the "joint vote" requirement in art. IV, § 1, to permit § 32-619.01's "same political party" requirement is also consistent with the historical development of the language in Art. IV, § 1. That section previously required that "the candidates for Governor and Lieutenant Governor [be] nominated by the same party." 1969 Neb. Laws, ch. 417, § 1, p. 1428 (Neb. Const. art. IV, § 1 (Cum. Supp. 1972)). But the people removed that language in 2000, and in so doing, they demonstrated their intent to leave that issue to the Legislature. Notably, the people did not resolve that question in a different way - by, for example, directing that "the candidates for Governor and Lieutenant Governor need not be nominated by the same party." Rather, they decided that the Constitution would be silent. Because the Constitution does not take a position on whether a candidate for Lieutenant Governor must be of the same party as the candidate for Governor, it is open for the Legislature to decide.

The historical facts surrounding the Legislature's consideration of LR 14CA further confirm this conclusion. As originally introduced, LR 14CA required each candidate for Governor to select a Lieutenant Governor candidate "of the same political party status." 1999 Neb. Leg. Journal, 96<sup>th</sup> Leg., 1<sup>st</sup> Sess. at 157 (Jan. 12, 1999). Senator Chambers offered a floor amendment (FA23) to strike this language. *Id.* at 596 (Feb. 17, 1999). Opening discussion on the amendment, Senator Chambers stated "[w]e should just make a general statement in the constitution to make it clear that

the person who is to be Lieutenant Governor will be selected by the person running for Governor." Floor Debate on LR 14CA, 96<sup>th</sup> Leg., 1<sup>st</sup> Sess. at 1149 (Feb. 7, 1999). He noted "there is no need for us to put this type of language in the constitution which would better be argued when we're considering a statute." *Id.* at 1150. Senator Schimek, citing the existing constitutional language providing that votes were to be cast jointly for the Governor and Lieutenant Governor "nominated by the same party," raised a concern that adoption of FA23 "would change the meaning that is . . . in the constitution now." *Id.* In response, Senator Chambers stated that the language referred to by Senator Schimek was "to prevent, in the general election, the public having the option of voting for a Governor of one party and a Lieutenant Governor of another party . . ." by "put[ting] the Democrat for Governor and the Democrat for Lieutenant Governor on one spot on the ballot, and a vote cast was a vote for both of them. The same with the [Republican] side—a vote for one was a vote for both." *Id.* at 1154. He continued by stating he "was not changing anything by [his] amendment," explaining: "When the names appear on the ballot, there will still have to be one vote cast for the candidate for Governor and Lieutenant Governor of the same party on one ballot, the candidates for Governor and Lieutenant Governor for the other party on the other ballot." *Id.* Advocating that "we should put as little restrictive language in the constitution as possible," Senator Chambers stated:

It will still be clear, with the adoption of this amendment that I'm offering, that in the general election, which is the only time that a person will have to vote for a Lieutenant Governor, they must be of the same political party. One vote will be cast jointly for the Governor and Lieutenant Governor candidate of the same party. *Id.* at 1155.

After FA23 was adopted, Senator Schimek again expressed "concern[ ] about the Chambers amendment." *Id.* at 1780 (March 4, 1999). Senator Schrock, noting that the "original constitutional amendment" required the Governor candidate to "choose a Lieutenant Governor of the same party," stated: "[S]hould LR 14CA be passed this session then we will need enabling legislation in the statutes next year, and then the issue could be decided by this legislative body as to whether we should require that the Governor candidate choose a Lieutenant Governor candidate from their same party or not." *Id.* at 1781. Toward the end of debate, Senator Schrock urged advancement of the amendment, stating "that [the] issue of whether the Lieutenant Governor should be from the same political party can be addressed statutorily." *Id.* at 1798.

This history reflects a legislative understanding that the "joint vote" requirement authorized the Legislature to implement the amendment by enacting a statute imposing a party affiliation requirement. These historical facts further support concluding that the party affiliation rule in § 32-619.01 is consistent with art. IV, § 1.

**B. The Party Affiliation Rule Does Not Impose an Additional Qualification for the Office of Lieutenant Governor.**

The constitutional qualifications to be eligible for the offices of Governor and Lieutenant Governor are "hav[ing] attained the age of thirty years" and being a resident and citizen of this state and the United States "for five years next preceding" election to office. Neb. Const. art. IV, § 2. You contend the party affiliation rule in § 32-619.01 "conflicts with the constitutional qualifications for eligibility for candidates for Governor and Lieutenant Governor because it requires consistency of party membership as eligibility for being candidates for these offices."

"[W]here the Constitution creates an office and enumerates the qualifications for eligibility to the office the legislature is without power to impose other conditions for eligibility." *State ex rel. Quinn v. Marsh*, 141 Neb. 436, 439, 3 N.W.2d 892, 894 (1942). *See also State ex rel. Brazda v. Marsh*, 141 Neb. 817, 830, 5 N.W.2d 206, 214 (1942) ("[W]hen a state Constitution creates an office and names the qualifications of the incumbent, the legislature has no authority to prescribe additional qualifications or to remove any of the requirements provided for by the Constitution.").

While this rule is well-established, the issue here is whether the party affiliation rule in § 32-619.01 imposes an additional qualification for the offices of Governor or Lieutenant Governor. As explained below, the party affiliation rule is not an additional qualification for the offices of Governor or Lieutenant Governor and thus does not violate art. IV, § 2.

In *Roberts v. Cleveland*, 48 N.M. 226, 149 P.2d 120 (N.M. 1944) ["*Roberts*"], the Supreme Court of New Mexico considered a challenge to the constitutionality of a statute requiring that a person be registered with a political party for a certain length of time to be eligible as that party's nominee for office. The relator asserted that the statute imposed an additional qualification for eligibility to the office of Representative in Congress in violation of the United States Constitution. *Id.* at \_\_\_\_, 149 P.2d at 121. While it was conceded "that the state legislature cannot add to or subtract from the qualifications to hold the office of Congressman," the court noted a "difference between the qualifications of a person to hold the office" and "the qualifications to enter the contest in the Primary Election for the nomination of [a party] as its candidate for said office." *Id.* "Every voter has a right to be a candidate for a public office if he possesses the qualifications required to fill the office. It does not necessarily follow that he can be the candidate of a particular political party." *Id.* "The statute provides when and how one may be a candidate of a political party. If he cannot fill the requirement so as to be the candidate of the political party of his choice, he may still be a candidate at the general election by petition." *Id.* Concluding that the statute did not impose an improper additional qualification for office, the court stated:

[N]o political party under our system can be compelled to put forward as its candidate one who does not affiliate with it. The voter at the general election may vote for whom he pleases but may not be deceived by false labels. It surely is within the power of the legislature to prevent such deception, and we think it clearly appears that it was intended to do so and, likewise, that it was not intended to enlarge upon or subtract from the constitutional qualifications of our citizens to hold public office. We are determining the qualifications for nomination as the candidate of a political party, and not the right to be a candidate for election to the office. *Id.* at 122.

*Roberts* instructs that there is a distinction between qualifications necessary to be a candidate for an office and eligibility to be nominated as the candidate of a political party running for an office. Because § 32-619.01 applies to candidates of a "political party" for Governor and requires such candidates to select a Lieutenant Governor candidate of the "same political party," it imposes no qualification for either office.<sup>1</sup> The Legislature has authority to require that candidates of a political party seeking election to an office be affiliated with that party. This requirement does not impose an additional qualification for office. It merely recognizes "the power of the legislature to protect the various political parties in their right to present candidates at the general election who affiliate with the party that presents them." *Roberts*, 48 N.M. at \_\_\_, 149 P.2d at 121.<sup>2</sup>

**C. The Party Affiliation Rule Does Not Violate the Rights of Candidates or Voters.**

You further raise issues regarding whether § 32-619.01 "violates candidates' rights to choose running mates of their own choosing without regard to partisan designation," or "voters' rights to vote for candidates separate from political party or right to vote for candidates of different parties." It does not.

As explained above, the Legislature may require that candidates of a political party seeking election to an office be affiliated with that party. A candidate for Governor that does not wish to run as a candidate of a political party retains the option to be a candidate by petition and is free to select any person as a Lieutenant Governor candidate without regard to party affiliation. Neb. Rev. Stat. § 32-619 (2016). Section 32-619.01 only requires that a political party's candidate for Governor select a Lieutenant Governor candidate of the same political party. There is no improper restriction on a candidate's right to select a running mate.

Nor does § 32-619 improperly restrict the rights of voters. Again, art. IV, § 1, provides for a joint vote in the general election for the candidate for Governor that wins the primary election and the person that candidate selects for Lieutenant Governor. The Constitution does not permit a separate vote for Governor and Lieutenant Governor. Voters are not denied the right

to vote for any candidates running jointly for Governor or Lieutenant Governor, whether they be on the ballot on a party basis or by petition.

**D. Effect of a Political Party Nominee for Governor Selecting a Lieutenant Governor Candidate Who Is Not of the Same Political Party.**

Finally, you ask us to address "[w]hat happens if a gubernatorial candidate chooses a running mate with no party affiliation or a different party affiliation" and, if so, "[w]ill that candidate for Governor be listed on the ballot?" As a member of the Legislature, you are entitled to ask our opinion about the constitutionality of pending or proposed legislation. While we have found it appropriate to address the constitutional issues you raise based on certain provisions in pending LB 635, your final questions regarding the effect of a political party nominee for Governor selecting a Lieutenant Governor candidate who is not of the same political party, and the placement of those candidates on the ballot, do not involve any pending legislation. Accordingly, we must decline to respond to these questions.

**CONCLUSION**

"A statute is presumed to be constitutional, and all reasonable doubts are resolved in favor of its constitutionality. *Yant v. City of Grand Island*, 279 Neb. 935, 939, 784 N.W.2d 101, 105 (2010). "The unconstitutionality of a statute must be clearly established before it will be declared void." *Id.* We conclude the "same political party" provision in § 32-619.01 is not in conflict with the Constitution's requirements that a candidate for Governor select the Lieutenant Governor candidate for the general election ballot and that "one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor." Neb. Const. art. IV, § 1. This interpretation is consistent with the constitutional language and the historical facts in the legislative record. Further, the "same political party" requirement imposes no additional qualification for the office of Lieutenant Governor and places no improper limit on the selection of a running mate by the Governor candidate of a political party.

Very truly yours,  
 (Signed) DOUGLAS J. PETERSON  
 Attorney General  
 (Signed) L. Jay Bartel  
 Assistant Attorney General

pc Patrick J. O'Donnell  
 Clerk of the Nebraska Legislature

07-1416-29

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<sup>1</sup> There is, of course, no "party affiliation" requirement for candidates for Governor seeking to be placed on the general election ballot by petition. Neb. Rev. Stat. § 32-619 (2016). Under the petition process, a person not seeking to be the candidate of a political party for the office of Governor may be a candidate for Governor and select a Lieutenant Governor candidate without any political party affiliation requirement. This further illustrates the party affiliation rule is not an additional qualification for these offices.

<sup>2</sup> There is some authority supporting the view that requiring a Lieutenant Governor candidate to be of the same political party as a candidate for Governor unconstitutionally adds to the constitutional qualifications for the office of Lieutenant Governor. *Opinion of the Justices*, 290 A.2d 645 (Del. 1972); Wash. Op. Att'y Gen. 1975 No. 4 (March 18, 1975), 1975 WL 165893. Unlike Nebraska, however, Delaware and Washington require the separate election of the Governor and Lieutenant Governor in the general election. While imposing a political party requirement when these offices are constitutionally required to be elected separately may well impose an additional qualification on a Lieutenant Governor candidate, Nebraska does not follow the separate vote model. Nebraska has chosen a "team ticket" model where the candidate for Governor selects the Lieutenant Governor candidate for the general election, and one vote is cast jointly for both candidates. See generally Yeargain, T. Quinn, *One Vote, Two Winners: Team-Ticket Gubernatorial Elections and the Need for Further Reform*, 75 U. Miami L. Rev. 751 (2021). Thus, the Delaware and Washington authority is not persuasive or relevant to interpreting our Constitution.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 1.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to set the district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 2.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Briese, 41; Lathrop, 12; Lowe, 37; Morfeld, 46; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to set the district

boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 3.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153 and 50-1154, Reissue Revised Statutes of Nebraska; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 4.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Briese, 41; Lathrop, 12; Lowe, 37; Morfeld, 46; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153 and 50-1154, Reissue Revised Statutes of Nebraska; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 5.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to set the boundaries of the public service commissioner districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 6.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to set the boundaries of the Supreme Court judicial districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 7.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311

and 79-312, Reissue Revised Statutes of Nebraska; to set the district boundaries for members of the State Board of Education by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 8.** Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to set the district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 9.** Introduced by Linehan, 39; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to set the district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 10.** Introduced by Linehan, 39; Wayne, 13.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153 and 50-1154, Reissue Revised Statutes of Nebraska; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 11.** Introduced by Wayne, 13; Linehan, 39.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153 and 50-1154, Reissue Revised Statutes of Nebraska; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 12.** Introduced by Kolterman, 24; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to change the number of members of the Legislature; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 13.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153

and 50-1154, Reissue Revised Statutes of Nebraska; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 14.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the One Hundred Seventh Legislature, First Special Session, 2021; and to declare an emergency.

### EASE

The Legislature was at ease from 10:42 a.m. until 11:12 a.m.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1	Redistricting
LB2	Redistricting
LB3	Redistricting
LB4	Redistricting
LB5	Redistricting
LB6	Redistricting
LB7	Redistricting
LB8	Redistricting
LB9	Redistricting
LB10	Redistricting
LB11	Redistricting
LB13	Redistricting
LB14	General File

Aerni, Michael - Foster Care Advisory Committee - Health and Human Services

Bagley, Kevin - Health Information Technology Board - Health and Human Services

Banner, Manuela - Health Information Technology Board - Health and Human Services

Barner, Darrin - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Benes, Jessika - Health Information Technology Board - Health and Human Services

Black, Aimee J. - Health Information Technology Board - Health and Human Services

Blackbird, Donald N., Jr. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services

Blake, William G. - Commission of Industrial Relations - Business and Labor  
Bland, Jamie L. - Health Information Technology Board - Health and Human Services  
Bogner, Kurt Alan - Environmental Quality Council - Natural Resources  
Chapo, John P. - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
Citta, Joseph, Jr. - Environmental Quality Council - Natural Resources  
Clausen, Gerald - Public Employees Retirement Board - Nebraska Retirement Systems  
Dalrymple, Anna C. - Health Information Technology Board - Health and Human Services  
Davis, Jeffrey - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
Edwards, Lynn Elizabeth Modic - Health Information Technology Board - Health and Human Services  
Falcon da Silva Steidley, Tassia - Environmental Quality Council - Natural Resources  
Fulton, Tony - State Racing and Gaming Commission - General Affairs  
Good, Darrin Scott - Nebraska Educational Telecommunications Commission - Education  
Greckel, Shane - State Racing and Gaming Commission - General Affairs  
Hall, Robert C. - Environmental Quality Council - Natural Resources  
Haynes-Henson, Kimberley K. - Health Information Technology Board - Health and Human Services  
Hedquist, Lance A. - Environmental Quality Council - Natural Resources  
Hovanetz, Christy - Technical Advisory Committee for Statewide Assessment - Education  
Kolterman, Jessica - Environmental Quality Council - Natural Resources  
Leckband, Paul - Nebraska Commission on Problem Gambling - General Affairs  
Lowe, Kim - Nebraska Liquor Control Commission - General Affairs  
Marsh, Michele R. - Foster Care Advisory Committee - Health and Human Services  
McFarland, Barry - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
McGee, Monalisa - Health Information Technology Board - Health and Human Services  
Nellhaus, Jeffrey M. - Technical Advisory Committee for Statewide Assessment - Education  
Nelson, Paul J. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
Newmyer, Ashley - Health Information Technology Board - Health and Human Services  
Olomi, Habib - Board of Parole - Judiciary  
Olson, Ashley - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
Petersen, Noelle M. - Foster Care Advisory Committee - Health and Human Services

Peterson, Kevin - Environmental Quality Council - Natural Resources  
 Poole, Linda - Technical Advisory Committee for Statewide Assessment -  
 Education  
 Quintana-Zinn, Felicia - Health Information Technology Board - Health and  
 Human Services  
 Salzbrenner, Stephen - Health Information Technology Board - Health and  
 Human Services  
 Scheer, James D. - Board of Educational Lands and Funds - Education  
 Scurfield, Georgina - Nebraska Child Abuse Prevention Fund Board -  
 Health and Human Services  
 Snurr, Peggy Sue - Foster Care Advisory Committee - Health and Human  
 Services  
 Stange, Marty - Environmental Quality Council - Natural Resources  
 Staples, Amy - Environmental Quality Council - Natural Resources  
 Volnek, Dan - Nebraska Commission on Problem Gambling - General  
 Affairs  
 Zohner, Todd - Nebraska Commission on Problem Gambling - General  
 Affairs  
 Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) Dan Hughes, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
 Nebraska Retirement Systems  
 Room 1524

Tuesday, September 14, 2021 9:30 a.m.  
 Gerald Clausen - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

Natural Resources  
 Room 1525

Tuesday, September 14, 2021 9:30 a.m.  
 Robert C. Hall - Environmental Quality Council  
 Joseph Citta Jr. - Environmental Quality Council  
 Marty Stange - Environmental Quality Council  
 Jessica Kolterman - Environmental Quality Council

Wednesday, September 15, 2021 9:30 a.m.  
 Amy Staples - Environmental Quality Council  
 Alden Zuhlke - Environmental Quality Council  
 Tassia Falcon da Silva Steidley - Environmental Quality Council  
 Kurt Alan Bogner - Environmental Quality Council  
 Lance A. Hedquist - Environmental Quality Council  
 Kevin Peterson - Environmental Quality Council

(Signed) Bruce Bostelman, Chairperson

Health and Human Services  
Room 1510

Tuesday, September 14, 2021 1:30 p.m.

Manuela Banner - Health Information Technology Board  
Ashley Newmyer - Health Information Technology Board  
Felicia Quintana-Zinn - Health Information Technology Board  
Kevin Bagley - Health Information Technology Board  
Anna C. Dalrymple - Health Information Technology Board  
Kimberley K. Haynes-Henson - Health Information Technology Board  
Monalisa McGee - Health Information Technology Board  
Lynn Elizabeth Modic Edwards - Health Information Technology Board  
Donald N. Blackbird Jr. - Nebraska Child Abuse Prevention Fund Board  
Peggy Sue Snurr - Foster Care Advisory Committee

Wednesday, September 15, 2021 1:30 p.m.

Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board  
Paul J. Nelson - Nebraska Child Abuse Prevention Fund Board  
Jamie L. Bland - Health Information Technology Board  
Jessica Benes - Health Information Technology Board  
Aimee J. Black - Health Information Technology Board  
Stephen Salzbrenner - Health Information Technology Board  
Michael Aerni - Foster Care Advisory Committee  
Noelle M. Petersen - Foster Care Advisory Committee  
Michele R. Marsh - Foster Care Advisory Committee

(Signed) John Arch, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Tuesday, September 14, 2021 09:30 a.m.

Jeffrey Davis - Nebraska Accountability and Disclosure Commission  
John P. Chapo - Nebraska Tourism Commission  
Ashley Olson - Nebraska Tourism Commission  
Darrin Barner - Nebraska Tourism Commission  
Barry McFarland - Nebraska Tourism Commission

(Signed) Tom Brewer, Chairperson

General Affairs  
Room 1510

Wednesday, September 15, 2021 1:30 p.m.

Dan Volnek - Nebraska Commission on Problem Gambling  
Paul Leckband - Nebraska Commission on Problem Gambling  
Todd Zohner - Nebraska Commission on Problem Gambling

Kim Lowe - Nebraska Liquor Control Commission  
Shane Greckel - State Racing and Gaming Commission  
Tony Fulton - State Racing and Gaming Commission

(Signed) Tom Briese, Chairperson

Business and Labor  
Room 1507

Wednesday, September 15, 2021 1:30 p.m.  
William G. Blake - Commission of Industrial Relations

(Signed) Ben Hansen, Chairperson

Judiciary  
Room 1113

Wednesday, September 15, 2021 12:00 p.m.  
Habib Olomi - Board of Parole

(Signed) Steve Lathrop, Chairperson

Education  
Room 1525

Tuesday, September 14, 2021 1:30 p.m.  
Darrin Scott Good - Nebraska Educational Telecommunications  
Commission  
James D. Scheer - Board of Educational Lands and Funds  
Linda Poole - Technical Advisory Committee for Statewide Assessment  
Jeffrey M. Nellhaus - Technical Advisory Committee for Statewide  
Assessment  
Christy Hovanetz - Technical Advisory Committee for Statewide  
Assessment

(Signed) Lynne Walz, Chairperson

### **EASE**

The Legislature was at ease from 11:13 a.m. until 11:44 a.m.

**SPEAKER HILGERS PRESIDING**



**NOTICE OF COMMITTEE HEARING(S)**  
Redistricting

Grand Island, Nebraska - Central Community College 3134 W. Hwy 34  
Room 555, Health Science Education Center

Tuesday, September 14, 2021 1:30 p.m.

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

Room 1524

Wednesday, September 15, 2021 9:00 a.m.

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

Scott Conference Center 6450 Pine St. Omaha, NE

Thursday, September 16, 2021 10:00 a.m.

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

(Signed) Lou Ann Linehan, Chairperson

**ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Hughes, the Legislature adjourned  
until 9:00 a.m., Tuesday, September 14, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - SEPTEMBER 14, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, September 14, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Gragert.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, Brewer, Briese, Groene, B. Hansen, Hilkemann, Hughes, Hunt, and Lindstrom who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**SENATOR WILLIAMS PRESIDING**

**ADJOURNMENT**

At 9:19 a.m., on a motion by Senator Friesen, the Legislature adjourned until 8:45 a.m., Wednesday, September 15, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRD DAY - SEPTEMBER 15, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, September 15, 2021

**PRAYER**

The prayer was offered by Senator DeBoer.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 8:45 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Groene and Lindstrom who were excused; and Senators Bostar, Day, Friesen, B. Hansen, M. Hansen, Hughes, McDonnell, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs  
Room 1510

Wednesday, September 15, 2021 1:30 p.m.

Dan Volnek - Nebraska Commission on Problem Gambling (cancel)  
Paul Leckband - Nebraska Commission on Problem Gambling (cancel)  
Todd Zohner - Nebraska Commission on Problem Gambling (cancel)  
Kim Lowe - Nebraska Liquor Control Commission (cancel)  
Shane Greckel - State Racing and Gaming Commission (cancel)  
Tony Fulton - State Racing and Gaming Commission (cancel)

Room 1525

Wednesday, September 15, 2021 1:30 p.m.

Paul Leckband - Nebraska Commission on Problem Gambling

Todd Zohner - Nebraska Commission on Problem Gambling

Dan Volnek - Nebraska Commission on Problem Gambling

Kim Lowe - Nebraska Liquor Control Commission

Shane Greckel - State Racing and Gaming Commission

Tony Fulton - State Racing and Gaming Commission

(Signed) Tom Briese, Chairperson

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 15.** Introduced by McKinney, 11; Hunt, 8.

A BILL FOR AN ACT relating to redistricting; to provide for counting Nebraska residents confined to prison in Nebraska as prescribed; and to declare an emergency.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Dorn name added to LB12.

Senator Brandt name added to LB12.

#### **ADJOURNMENT**

At 8:59 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, September 16, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTH DAY - SEPTEMBER 16, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, September 16, 2021

**PRAYER**

The prayer was offered by Senator Kolterman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Groene, Hilkemann, Moser, and Sanders who were excused; and Senators Blood, Bostar, Brewer, Briese, J. Cavanaugh, M. Cavanaugh, DeBoer, Friesen, B. Hansen, M. Hansen, Hunt, Lathrop, Linehan, McDonnell, Morfeld, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Gerald Clausen - Public Employees Retirement Board

Aye: 5. Clements, Kolterman, McDonnell, Slama, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeffrey Davis - Nebraska Accountability and Disclosure Commission

Aye: 7. Blood, Brewer, Halloran, Hansen, M., Lowe, McCollister, Sanders.  
Nay: 0. Absent: 1. Hunt. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Darrin Barner - Nebraska Tourism Commission  
John P. Chapo - Nebraska Tourism Commission  
Barry McFarland - Nebraska Tourism Commission  
Ashley Olson - Nebraska Tourism Commission

Aye: 7. Blood, Brewer, Halloran, Hansen, M., Lowe, McCollister, Sanders.  
Nay: 0. Absent: 1. Hunt. Present and not voting: 0.

(Signed) Tom Brewer, Chairperson

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Habib Olomi - Board of Parole

Aye: 7. Brandt, DeBoer, Geist, Lathrop, Morfeld, Pansing Brooks, Slama.  
Nay: 0. Absent: 1. McKinney. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kevin Bagley - Health Information Technology Board



Ashley Newmyer - Health Information Technology Board  
Felicia Quintana-Zinn - Health Information Technology Board

Aye: 6. Arch, Day, Hansen, B., Murman, Walz, Williams. Nay: 0. Absent: 0.  
Present and not voting: 1. Cavanaugh, M..

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Manuela Banner - Health Information Technology Board  
Jessica Benes - Health Information Technology Board  
Aimee J. Black - Health Information Technology Board  
Jamie L. Bland - Health Information Technology Board  
Anna C. Dalrymple - Health Information Technology Board  
Lynn Elizabeth Modic Edwards - Health Information Technology Board  
Kimberley K. Haynes-Henson - Health Information Technology Board  
Monalisa McGee - Health Information Technology Board  
Stephen Salzbrenner - Health Information Technology Board

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Aerni - Foster Care Advisory Committee  
Michele R. Marsh - Foster Care Advisory Committee  
Noelle M. Petersen - Foster Care Advisory Committee  
Peggy Sue Snurr - Foster Care Advisory Committee

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Donald N. Blackbird Jr. - Nebraska Child Abuse Prevention Fund Board  
Paul J. Nelson - Nebraska Child Abuse Prevention Fund Board  
Georgina Scurfield - Nebraska Child Abuse Prevention Fund Board

Aye: 7. Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Arch, Chairperson

## Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeffrey M. Nellhaus - Technical Advisory Committee for Statewide Assessment  
Linda Poole - Technical Advisory Committee for Statewide Assessment

Aye: 6. Day, Linehan, Murman, Pansing Brooks, Sanders, Walz. Nay: 0.  
Absent: 1. Morfeld. Present and not voting: 1. McKinney.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James D. Scheer - Board of Educational Lands and Funds

Aye: 6. Day, Linehan, Murman, Pansing Brooks, Sanders, Walz. Nay: 0.  
Absent: 1. Morfeld. Present and not voting: 1. McKinney.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Darrin Scott Good - Nebraska Educational Telecommunications Commission

Aye: 7. Day, Linehan, McKinney, Murman, Pansing Brooks, Sanders, Walz.  
Nay: 0. Absent: 1. Morfeld. Present and not voting: 0.

(Signed) Lynne Walz, Chairperson

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB12	Redistricting
LB15	Redistricting

(Signed) Dan Hughes, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Redistricting  
Room 1524

Friday, September 17, 2021 11:00 a.m.

LB9  
LB10  
LB11  
LB12  
LB13  
LB15

(Signed) Lou Ann Linehan, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion 21-014

SUBJECT: Whether LB 12 Is Within The Scope Of The Governor's Special Session Call.

REQUESTED BY: Senator Mark Kolterman  
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

**INTRODUCTION**

The One Hundred Seventh Legislature convened its First Special Session on September 13, 2021. The special session was convened pursuant to a Proclamation issued by the Governor on August 27, 2021. The Governor's Proclamation called the Legislature into special session "for the purpose of considering and enacting legislation on only" seven subjects. Among the subjects listed is "[e]nacting legislation to redistrict boundaries for members of the Legislature." You have introduced LB 12, which proposes to amend Neb. Rev. Stat. § 32-508 (2016) to increase the number of members of the Legislature by changing the number of legislative districts from forty-nine to fifty. Your question is whether LB 12 falls within the scope of the Governor's Proclamation calling the Legislature into special session. As explained below, we conclude the bill is outside the scope of the call.

**ANALYSIS**

The Governor's authority to call the Legislature into special session is found in Neb. Const. art. IV, § 28, which provides:

The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they are called together.

We have discussed this constitutional provision in numerous previous opinions, and have noted that the final portion of art. IV, § 8 "places an express limitation on the power of the Legislature to act during a special session." Op. Att'y Gen. No. 09010 at 2 (November 6, 2009); Op. Att'y Gen. No. 01034 at 2 (October 31, 2001); Op. Att'y Gen. No. 89069 at 1 (November 9, 1989). That limitation was described in *Arrow Club, Inc. v. Nebraska Liquor Control Commission*, 177 Neb. 686, 689, 131 N.W.2d 134, 137 (1964):

It is well established that the Legislature while in special session can transact no business except that for which it was called together. The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation. (Citations omitted).

While noting the express constitutional limitation on the power of the Legislature to act in a special session, the court in *Arrow Club* also recognized that,

"[w]hile the Legislature must confine itself to the matters submitted, it need not follow the views of the Governor or legislate in any particular way. Within the special business or designated subjects submitted, the Legislature cannot be restricted or dictated to by the Governor. It is a free agent, and the Governor, under the guise of definition, cannot direct or control its action." (quoting *Commonwealth ex rel. Schnader v. Liveright*, 308 Pa. 35, 57, 161 A. 697, 703 (1932)).

*The Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened.* The purpose or subject as stated in the proclamation is to be determined by an analysis and construction of the proclamation as in the case of any written instrument. The presumption is always in favor of the constitutionality of legislation, and an act should be held to be within the call if it can be done by any reasonable construction. *Arrow Club*, 177 Neb. at 690, 131 N.W.2d at 137 (emphasis added) (citations omitted).

Further, in *Jaksha v. State*, 222 Neb. 690, 696, 385 N.W.2d 922, 926 (1986), the Nebraska Supreme Court quoted favorably from *Stickler v. Higgins*, 269 Ky. 260, 265, 106 S.W.2d 1008, 1011 (1937), to the effect that a Kentucky constitutional provision very similar to Neb. Const. art. IV, § 8 confers upon the Governor "the power and authority to limit . . . the subjects

that the Legislature might consider at [an] extraordinarily called session." The *Jaksha* court then went on to state:

We conclude that Neb. Const. art. IV, § 8, as part of the power of the executive branch of government, permits the Governor to determine when an extraordinary occasion exists, necessitating convention of a special session of the Nebraska Legislature. The subject matter restriction envisioned in Neb. Const. art. IV, § 8, empowers the Governor to set the boundaries of legislative action permissible at a special session of the Nebraska Legislature. 222 Neb. at 698, 385 N.W.2d at 927.

We have also recognized that, while the Legislature may enact legislation during a special session "relating to, germane to, and having a natural connection with the purpose for which it was convened," *Arrow Club*, 177 Neb. at 690, 131 N.W.2d at 137, the Nebraska Supreme Court has "adopted a narrow view of germaneness, limiting it to 'a specified phase of a general subject.'" Op. Att'y Gen. No. 01034 at 4 (Oct. 31, 2001) (quoting *Arrow Club*, 177 Neb. at 689, 131 N.W.2d at 137)). As stated in Opinion No. 01034: "In light of the *Arrow Club* decision, it appears the Nebraska Supreme Court would take a restrictive view of what legislation is considered germane to a Governor's special session call." *Id.*

The Governor's call, in addition to authorizing legislation to appropriate funds for the necessary expenses of the special session, includes six subjects. Each is limited to "[e]nacting legislation to redistrict boundaries" for various offices. The subject of item five of the call is "[e]nacting legislation to redistrict boundaries for members of the Legislature." LB 12 would amend Neb. Rev. Stat. § 32-508 (2016) to "divide the state into fifty legislative districts," rather than the forty-nine legislative districts currently established by law.

The Nebraska Constitution provides "[t]he Legislature shall by law determine the number of members to be elected and divide the state into legislative districts." Neb. Const. art. III, § 5. The Constitution further provides "[t]he Legislature shall consist of not more than fifty members and not less than thirty members." Neb. Const. art. III, § 6. While the Constitution thus would permit legislation creating an additional legislative district to bring the total membership of the Legislature to fifty senators, the relevant specific subject in the call is restricted to enacting legislation "to redistrict boundaries" for members of the Legislature. The number of legislative districts and members of the Legislature is not sufficiently related to or naturally connected with this specific subject to fall within the limited scope of redistricting legislation permitted under the Governor's Proclamation.

While LB 12 is not within the scope of the current call, "the Governor may, during the Legislature's special session convened pursuant to a gubernatorial proclamation, submit by an appropriate amended proclamation any additional subjects for valid legislation to be enacted at

such special session of the Legislature." *Jaksha v. State*, 222 Neb. at 698, 385 N.W.2d at 927. You are, of course, free to ask the Governor to issue an amended proclamation to expand the subject matter of the call to include consideration of LB 12.

### CONCLUSION

The Governor's Proclamation restricts the subject of legislative redistricting to "[e]nacting legislation to redistrict boundaries for members of the Legislature." The increase in the number of legislative districts and members of the Legislature proposed under LB 12 is not sufficiently related to, germane to, and naturally connected with the limited scope of redistricting legislation allowed under the call. Expanding the call to include consideration of the matters proposed in LB 12 would be permissible, however, if the Governor were to issue an amended proclamation adding this subject to the call.

Very truly yours,

(Signed) DOUGLAS J. PETERSON  
Attorney General

(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick O'Donnell  
Clerk of the Nebraska Legislature

07-1417-29

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of September 15, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Acierno, Jenifer  
Jensen Rogert Associates, Inc. (Withdrawn 06/23/2021)  
Ames, Ann  
Windstream  
Baird Holm LLP  
Bridgepoint Holdings NE, LLC  
Benson, David  
American Cancer Society Cancer Action Network (Withdrawn  
07/29/2021)  
Blake, Jeremiah  
Blue Cross and Blue Shield of Nebraska

Charter Communications, Inc. (Withdrawn 08/12/2021)  
Block, Kristi  
Nebraska Grain and Feed Association (Withdrawn 06/02/2021)  
DeMont, Nicole  
National Redistricting Action Fund  
Devitt, Michelle  
Heartland Workers Center (Withdrawn 08/17/2021)  
Fallabel, Christine  
Dexcom, Inc.  
Frevert, Ashley  
Community Action of Nebraska (Withdrawn 06/17/2021)  
Garcia, Lauren  
American Federation for Children  
Nebraska Catholic Conference (Withdrawn 07/12/2021)  
Hack, Mace A.  
Nature Conservancy, The (Withdrawn 06/03/2021)  
Jones Jr., Dallas  
Lincoln Independent Business Association (LIBA) (Withdrawn  
07/20/2021)  
Kissel Kohout ES Associates, LLC  
Accel Entertainment, Inc.  
Park'N Go of Nebraska, LLC  
Marquis-Favinger, Carrie  
Nebraska Realtors Association (Withdrawn 07/21/2021)  
Moore, Travis  
Lincoln Electric System  
Mueller Robak  
AMUR Equipment Finance  
POET  
Nickerson, Jocelyn S.  
Humane Society of the United States, The (Withdrawn 07/29/2021)  
O'Hara Lindsay & Associates, Inc.  
Pace-O-Matic (Withdrawn 07/08/2021)  
Saint Francis Ministries  
O'Keefe, Karen  
Marijuana Policy Project (Withdrawn 07/19/2021)  
Peetz & Company  
School Employees' Retirement System of Douglas County School District  
1 (Withdrawn 07/21/2021)  
Potter, Cara E.  
Anthem, Inc. and Its Affiliates (Withdrawn 08/03/2021)  
Radcliffe, Walter H. of Radcliffe Gilbertson & Brady  
CIOX Health, LLC c/o MultiState Associates, Inc. (Withdrawn  
08/20/2021)  
Waldron, Kelsey  
Women's Fund of Greater Omaha, Inc. (Withdrawn 07/13/2021)  
Zulkoski Weber LLC  
CNH Industrial America LLC c/o MultiState Associates  
JE Dunn Construction (Withdrawn 06/22/2021)  
John Deere c/o MultiState Associates Inc.

**ANNOUNCEMENT**

Senator Erdman announced the birthdays of Senators Linehan and Lowe.

**SENATOR CLEMENTS PRESIDING****ADJOURNMENT**

At 9:16 a.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Friday, September 17, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTH DAY - SEPTEMBER 17, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, September 17, 2021

**PRAYER**

The prayer was offered by Senator McCollister.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Kolterman.

**ROLL CALL**

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

The roll was called and all members were present except Senators B. Hansen and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**COMMITTEE REPORT(S)****Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kurt Alan Bogner - Environmental Quality Council  
Joseph Citta Jr. - Environmental Quality Council  
Tassia Falcon da Silva Steidley - Environmental Quality Council  
Robert C. Hall - Environmental Quality Council  
Lance A. Hedquist - Environmental Quality Council  
Jessica Kolterman - Environmental Quality Council  
Kevin Peterson - Environmental Quality Council  
Marty Stange - Environmental Quality Council

Amy Staples - Environmental Quality Council  
Alden Zuhlke - Environmental Quality Council

Aye: 8. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes,  
Moser, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of September 16, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Gibson, Rachel

League of Women Voters of Nebraska

### REPORTS

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

### COMMITTEE REPORT(S) Redistricting

**LEGISLATIVE BILL 1.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1.** Title read. Considered.

Senator Blood offered the following amendment:

#### AM15

1 1. Insert the following new section:

2 Sec. 3. The entirety of Sarpy County shall be included in

3 congressional district 1 and the entirety of Douglas County shall be

4 included in congressional district 2.

5 2. Renumber the remaining sections accordingly.

### SPEAKER HILGERS PRESIDING

Pending.

**COMMITTEE REPORT(S)**

Redistricting

**LEGISLATIVE RESOLUTION 5.** Placed on General File.**LEGISLATIVE RESOLUTION 6.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**RECESS**

At 11:00 a.m., on a motion by Senator Aguilar, the Legislature recessed until 12:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 12:30 p.m., Senator Hughes presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Briese, Hilkemann, McDonnell, Morfeld, Pahls, Stinner, and Vargas who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Senator Blood renewed her amendment, [AM15](#), found in this day's Journal.

**SENATOR SLAMA PRESIDING****SENATOR HUGHES PRESIDING**

Senator Blood withdrew her amendment.

Senator M. Hansen offered the following amendment:

[AM12](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 32-504, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 32-504 (1) Based on the ~~2020~~ ~~2040~~ Census of Population by the United

6 States Department of Commerce, Bureau of the Census, the State of

7 Nebraska is hereby divided into three districts for electing

8 Representatives in the Congress of the United States, and each district  
9 shall be entitled to elect one representative.

10 (2) The numbers and boundaries of the districts are designated and  
11 established by maps identified and labeled as maps ~~CONG21-13001-1,~~  
12 ~~CONG21-13001-1A, CONG21-13001-2, CONG21-13001-2A, and CONG21-13001-3~~  
13 ~~CON11-30001-1, CON11-30001A, CON11-30001-2, CON11-30001-3,~~  
14 ~~CON11-30001-3A,~~ filed with the Clerk of the Legislature, and incorporated  
15 by reference as part of ~~this legislative bill Laws 2011, LB704.~~

16 (3)(a) The Clerk of the Legislature shall transfer possession of the  
17 maps referred to in subsection (2) of this section to the Secretary of  
18 State on the effective date of this act ~~May 27, 2011.~~

19 (b) When questions of interpretation of district boundaries arise,  
20 the maps referred to in subsection (2) of this section in possession of  
21 the Secretary of State shall serve as the indication of the legislative  
22 intent in drawing the district boundaries.

23 (c) Each election commissioner or county clerk shall obtain copies  
24 of the maps referred to in subsection (2) of this section for the  
25 election commissioner's or clerk's county from the Secretary of State.

26 (d) The Secretary of State shall also have available for viewing on  
27 his or her website the maps referred to in subsection (2) of this section  
1 identifying the boundaries for the districts.

2 Sec. 2. Section 32-505, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-505 For purposes of section 32-504, the Legislature adopts the  
5 official population figures and maps from the ~~2010~~ 2020 Census  
6 Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the  
7 United States Department of Commerce, Bureau of the Census.

8 Sec. 3. Original sections 32-504 and 32-505, Reissue Revised  
9 Statutes of Nebraska, are repealed.

10 Sec. 4. Since an emergency exists, this act takes effect when  
11 passed and approved according to law.

## **SPEAKER HILGERS PRESIDING**

Senator Wayne offered the following motion:

[MO1](#)

Recommit to Redistricting Committee.

## **SENATOR HUGHES PRESIDING**

Senator Linehan offered the following motion:

[MO2](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion prevailed with  
36 ayes, 3 nays, and 10 not voting.

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

Voting in the affirmative, 29:

Aguilar	Briese	Geist	Hilkemann	Murman
Albrecht	Clements	Gragert	Hughes	Sanders
Arch	Dorn	Groene	Lindstrom	Slama
Bostelman	Erdman	Halloran	Linehan	Stinner
Brandt	Flood	Hansen, B.	Lowe	Williams
Brewer	Friesen	Hilgers	Moser	

Voting in the negative, 17:

Blood	DeBoer	McCollister	Pansing Brooks	Wishart
Bostar	Hansen, M.	McDonnell	Vargas	
Cavanaugh, J.	Hunt	McKinney	Walz	
Cavanaugh, M.	Lathrop	Morfeld	Wayne	

Present and not voting, 2:

Kolterman      Pahls

Excused and not voting, 1:

Day

The Linehan motion to invoke cloture failed with 29 ayes, 17 nays, 2 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

#### **AMENDMENT(S) - Print in Journal**

Senator Linehan filed the following amendment to LB1:

[AM20](#)

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator Linehan filed the following amendment to LB1:

[AM18](#)

1 1. Strike section 1.

Senator Morfeld filed the following amendment to LB1:

[AM17](#)

1 1. On page 2, strike beginning with "CONG21-39001" in line 9 through  
 2 "CONG21-39001-3A" in line 11 and insert "CONG21-50002, CONG21-50002-1,  
 3 CONG21-50002-1A, CONG21-50002-1B, CONG21-50002-1C, CONG21-50002-2,  
 4 CONG21-50002-2A, CONG21-50002-3, CONG21-50002-3A, and CONG21-50002-3B".

Senator McCollister filed the following amendment to LB1:

AM25

1 1. On page 2, strike beginning with "CONG21-39001" in line 9 through  
2 "CONG21-39001-3A" in line 11 and insert "CONG21-20001, CONG21-20001-1,  
3 CONG21-20001-2, and CONG21-20001-3".

Senator Hunt filed the following amendment to LB1:

AM23

1 1. On page 2, after line 14 insert the following new subsection:  
2 "(3) The Legislature shall request and utilize 2020 Census data from  
3 the United States Department of Commerce, Bureau of the Census, and data  
4 from the Department of Correctional Services regarding prison inmates and  
5 their addresses prior to incarceration. For purposes of the maps referred  
6 to in subsection (2) of this section, all inmates who were residents of  
7 Nebraska prior to being confined to a prison in Nebraska shall be counted  
8 as a resident of the county, city, or village in which the inmate was a  
9 resident prior to being confined."; and in line 15 strike "(3)(a)", show  
10 as stricken, and insert "(4)(a)".

Senator Hunt filed the following amendment to LB1:

AM16

1 1. On page 2, strike beginning with "CONG21-39001" in line 9 through  
2 "CONG21-39001-3A" in line 11 and insert "CONG21-50001, CONG21-50001-1,  
3 CONG21-50001-1A, CONG21-50001-2, CONG21-50001-2A, and CONG21-50001-3".

### ADJOURNMENT

At 6:55 p.m., on a motion by Senator Pahls, the Legislature adjourned until  
12:00 p.m., Monday, September 20, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTH DAY - SEPTEMBER 20, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, September 20, 2021

**PRAYER**

The prayer was offered by Senator Blood.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator B. Hansen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 12:00 p.m., President Foley presiding.

The roll was called and all members were present except Senators Bostar, Murman, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**COMMITTEE REPORT(S)  
Redistricting**

**LEGISLATIVE BILL 3.** Placed on General File.

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 3.** Title read. Considered.

Senator M. Hansen offered the following amendment:

[AM26](#)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 50-1153, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 50-1153 (1) The State of Nebraska is hereby divided into forty-nine  
6 legislative districts. Each district shall be entitled to one member in  
7 the Legislature. The Legislature adopts the official population figures  
8 and maps from the 2020 ~~2010~~ Census Redistricting (Public Law 94-171)  
9 TIGER/Line Shapefiles published by the United States Department of  
10 Commerce, Bureau of the Census.  
11 (2) The numbers and boundaries of the legislative districts are  
12 designated and established by maps identified and labeled as maps  
13 LEG21-13001, LEG21-13001-Douglas/Sarpy, LEG21-13001-Lancaster,  
14 LEG21-13001-1, LEG21-13001-2, LEG21-13001-3, LEG21-13001-4,  
15 LEG21-13001-5, LEG21-13001-6, LEG21-13001-7, LEG21-13001-8,  
16 LEG21-13001-9, LEG21-13001-10, LEG21-13001-11, LEG21-13001-12,  
17 LEG21-13001-13, LEG21-13001-14, LEG21-13001-15, LEG21-13001-16,  
18 LEG21-13001-17, LEG21-13001-18, LEG21-13001-19, LEG21-13001-19A,  
19 LEG21-13001-20, LEG21-13001-21, LEG21-13001-22, LEG21-13001-22A,  
20 LEG21-13001-22B, LEG21-13001-23, LEG21-13001-23A, LEG21-13001-24,  
21 LEG21-13001-24A, LEG21-13001-25, LEG21-13001-26, LEG21-13001-27,  
22 LEG21-13001-28, LEG21-13001-29, LEG21-13001-30, LEG21-13001-31,  
23 LEG21-13001-32, LEG21-13001-32A, LEG21-13001-32B, LEG21-13001-33,  
24 LEG21-13001-34, LEG21-13001-34A, LEG21-13001-35, LEG21-13001-36,  
25 LEG21-13001-36A, LEG21-13001-37, LEG21-13001-38, LEG21-13001-38A,  
26 LEG21-13001-39, LEG21-13001-40, LEG21-13001-40A, LEG21-13001-41,  
27 LEG21-13001-41A, LEG21-13001-41B, LEG21-13001-42, LEG21-13001-43,  
1 LEG21-13001-44, LEG21-13001-45, LEG21-13001-46, LEG21-13001-47,  
2 LEG21-13001-48, and LEG21-13001-49 LEGH 1, LEGH 1A, LEGH 43002E 2,  
3 LEGH 43002E 2A, LEGH 2B, LEGH 3, LEGH 4, LEGH 5, LEGH 6, LEGH 7,  
4 LEGH 8, LEGH 9, LEGH 10, LEGH 11, LEGH 12, LEGH 13, LEGH 14,  
5 LEGH 15, LEGH 16, LEGH 17, LEGH 18, LEGH 19, LEGH 20, LEGH 21,  
6 LEGH 21A, LEGH 22, LEGH 23, LEGH 24, LEGH 25, LEGH 25A, LEGH 26,  
7 LEGH 27, LEGH 28, LEGH 29, LEGH 30, LEGH 30A, LEGH 31, LEGH 32,  
8 LEGH 32A, LEGH 33, LEGH 34, LEGH 34A, LEGH 35, LEGH 36, LEGH 37,  
9 LEGH 37A, LEGH 38, LEGH 38A, LEGH 39, LEGH 40, LEGH 41, LEGH 42,  
10 LEGH 43002E 43, LEGH 44, LEGH 45, LEGH 46, LEGH 43002E 47, LEGH 48,  
11 and LEGH 43002E 49, filed with the Clerk of the Legislature, and  
12 incorporated by reference as part of this legislative bill ~~Laws 2011,~~  
13 LB703.  
14 (3)(a) The Clerk of the Legislature shall transfer possession of the  
15 maps referred to in subsection (2) of this section to the Secretary of  
16 State on the effective date of this act ~~May 27, 2011.~~  
17 (b) When questions of interpretation of legislative district  
18 boundaries arise, the maps referred to in subsection (2) of this section  
19 in possession of the Secretary of State shall serve as the indication of  
20 the legislative intent in drawing the legislative district boundaries.  
21 (c) Each election commissioner or county clerk shall obtain copies  
22 of the maps referred to in subsection (2) of this section for the  
23 election commissioner's or clerk's county from the Secretary of State.  
24 (d) The Secretary of State shall also have available for viewing on  
25 his or her website the maps referred to in subsection (2) of this section  
26 identifying the boundaries for the legislative districts.  
27 Sec. 2. Section 50-1154, Reissue Revised Statutes of Nebraska, is  
28 amended to read:  
29 50-1154 The changes made to this section and section 50-1153 by this  
30 legislative bill ~~Laws 2011, LB703,~~ shall become operative on the  
31 effective date of this act. ~~The May 27, 2011, except that members of the~~  
1 Legislature from the ~~even-numbered odd-numbered~~ districts shall be  
2 nominated at the primary election in ~~2022~~ 2012 and elected at the general  
3 election in November ~~2022~~ 2012 for the term commencing January 4, 2023  
4 ~~January 9, 2013.~~ The members of the Legislature elected or appointed  
5 prior to the effective date of this act ~~May 27, 2011,~~ shall represent the



6 newly established districts for the balance of their terms, with each  
7 member representing the same numbered district as prior to the effective  
8 date of this act ~~May 27, 2011~~.  
9 Sec. 3. Original sections 50-1153 and 50-1154, Reissue Revised  
10 Statutes of Nebraska, are repealed.  
11 Sec. 4. Since an emergency exists, this act takes effect when  
12 passed and approved according to law.

Senator Erdman offered the following motion:

[MO3](#)

Recommit to Redistricting Committee.

Senator Erdman withdrew his motion to recommit to committee.

Senator Kolterman offered the following amendment to the M. Hansen amendment:

[AM27](#)

(Amendments to AM26)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 1. Strike the original sections and all amendments thereto and  
4 insert the following new sections:  
5 Section 1. Section 50-1153, Reissue Revised Statutes of Nebraska, is  
6 amended to read:  
7 50-1153 (1) The State of Nebraska is hereby divided into forty-nine  
8 legislative districts. Each district shall be entitled to one member in  
9 the Legislature. The Legislature adopts the official population figures  
10 and maps from the ~~2020~~ 2010 Census Redistricting (Public Law 94-171)  
11 TIGER/Line Shapefiles published by the United States Department of  
12 Commerce, Bureau of the Census.  
13 (2) The numbers and boundaries of the legislative districts are  
14 designated and established by maps identified and labeled as maps  
15 ~~LEG21-30001, LEG21-30001-1, LEG21-30001-2, LEG21-30001-3, LEG21-30001-4,~~  
16 ~~LEG21-30001-5, LEG21-30001-6, LEG21-30001-7, LEG21-30001-8,~~  
17 ~~LEG21-30001-9, LEG21-30001-10, LEG21-30001-11, LEG21-30001-12,~~  
18 ~~LEG21-30001-13, LEG21-30001-14, LEG21-30001-15, LEG21-30001-15A,~~  
19 ~~LEG21-30001-16, LEG21-30001-16A, LEG21-30001-17, LEG21-30001-17A,~~  
20 ~~LEG21-30001-18, LEG21-30001-19, LEG21-30001-19A, LEG21-30001-20,~~  
21 ~~LEG21-30001-21, LEG21-30001-22, LEG21-30001-22A, LEG21-30001-22B,~~  
22 ~~LEG21-30001-23, LEG21-30001-23A, LEG21-30001-24, LEG21-30001-24A,~~  
23 ~~LEG21-30001-25, LEG21-30001-26, LEG21-30001-27, LEG21-30001-28,~~  
24 ~~LEG21-30001-29, LEG21-30001-30, LEG21-30001-30A, LEG21-30001-31,~~  
25 ~~LEG21-30001-32, LEG21-30001-32A, LEG21-30001-33, LEG21-30001-33A,~~  
26 ~~LEG21-30001-34, LEG21-30001-34A, LEG21-30001-35, LEG21-30001-36,~~  
27 ~~LEG21-30001-36A, LEG21-30001-37, LEG21-30001-38, LEG21-30001-38A,~~  
28 ~~LEG21-30001-39, LEG21-30001-40, LEG21-30001-40A, LEG21-30001-41,~~  
29 ~~LEG21-30001-41A, LEG21-30001-41B, LEG21-30001-42, LEG21-30001-43,~~  
30 ~~LEG21-30001-44, LEG21-30001-45, LEG21-30001-46, LEG21-30001-47,~~  
31 ~~LEG21-30001-48, and LEG21-30001-49 LEG11-1, LEG11-1A, LEG11-43002E-2,~~  
32 ~~LEG11-43002E-2A, LEG11-2B, LEG11-3, LEG11-4, LEG11-5, LEG11-6, LEG11-7,~~  
33 ~~LEG11-8, LEG11-9, LEG11-10, LEG11-11, LEG11-12, LEG11-13, LEG11-14,~~  
34 ~~LEG11-15, LEG11-16, LEG11-17, LEG11-18, LEG11-19, LEG11-20, LEG11-21,~~  
35 ~~LEG11-21A, LEG11-22, LEG11-23, LEG11-24, LEG11-25, LEG11-25A, LEG11-26,~~  
36 ~~LEG11-27, LEG11-28, LEG11-29, LEG11-30, LEG11-30A, LEG11-31, LEG11-32,~~  
37 ~~LEG11-32A, LEG11-33, LEG11-34, LEG11-34A, LEG11-35, LEG11-36, LEG11-37,~~  
38 ~~LEG11-37A, LEG11-38, LEG11-38A, LEG11-39, LEG11-40, LEG11-41, LEG11-42,~~  
39 ~~LEG11-43002E-43, LEG11-44, LEG11-45, LEG11-46, LEG11-43002E-47, LEG11-48,~~  
40 ~~and LEG11-43002E-49, filed with the Clerk of the Legislature, and~~

15 incorporated by reference as part of this legislative bill ~~Laws 2011,~~  
16 ~~LB703.~~

17 (3)(a) The Clerk of the Legislature shall transfer possession of the  
18 maps referred to in subsection (2) of this section to the Secretary of  
19 State on the effective date of this act ~~May 27, 2011.~~

20 (b) When questions of interpretation of legislative district  
21 boundaries arise, the maps referred to in subsection (2) of this section  
22 in possession of the Secretary of State shall serve as the indication of  
23 the legislative intent in drawing the legislative district boundaries.

24 (c) Each election commissioner or county clerk shall obtain copies  
25 of the maps referred to in subsection (2) of this section for the  
26 election commissioner's or clerk's county from the Secretary of State.

27 (d) The Secretary of State shall also have available for viewing on  
28 his or her website the maps referred to in subsection (2) of this section  
29 identifying the boundaries for the legislative districts.

30 Sec. 2. Section 50-1154, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 50-1154 The changes made to this section and section 50-1153 by this  
2 legislative bill ~~Laws 2011, LB703,~~ shall become operative on the  
3 effective date of this act. ~~The May 27, 2011, except that~~ members of the  
4 Legislature from the ~~even-numbered odd-numbered~~ districts shall be  
5 nominated at the primary election in ~~2022~~ 2012 and elected at the general  
6 election in November ~~2022~~ 2012 for the term commencing January 4, 2023  
7 January 9, 2013. The members of the Legislature elected or appointed  
8 prior to the effective date of this act ~~May 27, 2011,~~ shall represent the  
9 newly established districts for the balance of their terms, with each  
10 member representing the same numbered district as prior to the effective  
11 date of this act ~~May 27, 2011.~~

12 Sec. 3. Original sections 50-1153 and 50-1154, Reissue Revised  
13 Statutes of Nebraska, are repealed.

14 Sec. 4. Since an emergency exists, this act takes effect when  
15 passed and approved according to law.

## **SPEAKER HILGERS PRESIDING**

## **PRESIDENT FOLEY PRESIDING**

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 30 ayes, 8 nays, and 11 not voting.

The motion to cease debate prevailed with 26 ayes, 16 nays, and 7 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 26:

Blood	DeBoer	Lathrop	Pahls	Williams
Bostar	Dorn	Lindstrom	Pansing Brooks	Wishart
Brandt	Hansen, M.	McCollister	Stinner	
Cavanaugh, J.	Hilkemann	McDonnell	Vargas	
Cavanaugh, M.	Hunt	McKinney	Walz	
Day	Kolterman	Morfeld	Wayne	

Voting in the negative, 21:

Aguilar	Briese	Geist	Hilgers	Sanders
Albrecht	Clements	Gragert	Linehan	
Arch	Erdman	Groene	Lowe	
Bostelman	Flood	Halloran	Moser	
Brewer	Friesen	Hansen, B.	Murman	

Present and not voting, 1:

Hughes

Excused and not voting, 1:

Slama

The Kolterman amendment was adopted with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered the following motion:

[MO5](#)

Reconsider the vote on AM27.

Pending.

### **COMMITTEE REPORT(S)**

#### General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Paul Leckband - Nebraska Commission on Problem Gambling

Dan Volnek - Nebraska Commission on Problem Gambling

Todd Zohner - Nebraska Commission on Problem Gambling

Aye: 8. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Lowe, Wayne.

Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Shane Greckel - State Racing and Gaming Commission

Aye: 8. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Lowe, Wayne.  
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tony Fulton - State Racing and Gaming Commission

Aye: 7. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Lowe. Nay: 1.  
Wayne. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kim Lowe - Nebraska Liquor Control Commission

Aye: 7. Arch, Brandt, Brewer, Briese, Cavanaugh, J., Groene, Wayne. Nay: 0.  
Absent: 0. Present and not voting: 0. Recused: 1. Lowe.

(Signed) Tom Briese, Chairperson

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

William G. Blake - Commission of Industrial Relations

Aye: 5. Blood, Gragert, Hansen, B., Hansen, M., Hunt. Nay: 0. Absent: 0.  
Present and not voting: 2. Halloran, Lathrop.

(Signed) Ben Hansen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 3.** Senator Hughes renewed his motion, [MO5](#), found in this day's Journal, to reconsider the vote on AM27.

**SPEAKER HILGERS PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Linehan offered the following motion:

[MO6](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Linehan moved for a call of the house. The motion to place the house under call prevailed with 28 ayes, 3 nays, and 18 not voting.

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

Voting in the affirmative, 27:

Aguilar	Briese	Geist	Hughes	Sanders
Albrecht	Clements	Gragert	Lindstrom	Slama
Arch	Dorn	Groene	Linehan	Williams
Bostelman	Erdman	Halloran	Lowe	
Brandt	Flood	Hansen, B.	Moser	
Brewer	Friesen	Hilgers	Murman	

Voting in the negative, 18:

Blood	Day	Lathrop	Morfeld	Wayne
Bostar	DeBoer	McCollister	Pansing Brooks	Wishart
Cavanaugh, J.	Hansen, M.	McDonnell	Vargas	
Cavanaugh, M.	Hunt	McKinney	Walz	

Present and not voting, 4:

Hilkemann	Kolterman	Pahls	Stinner
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The Linehan motion to invoke cloture failed with 27 ayes, 18 nays, and 4 present and not voting.

The Chair declared the call raised.

**ADJOURNMENT**

At 8:15 p.m., on a motion by Senator Halloran, the Legislature adjourned until 9:00 a.m., Tuesday, September 21, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTH DAY - SEPTEMBER 21, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, September 21, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lathrop.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senator Wishart who was excused; and Senators Bostar, Briese, J. Cavanaugh, M. Hansen, Hunt, Morfeld, Pansing Brooks, Vargas, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**SENATOR HUGHES PRESIDING**

**MOTION(S) - Confirmation Report(s)**

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 39:

Public Employees Retirement Board  
Gerald Clausen

Voting in the affirmative, 36:

Aguilar	Day	Groene	Lindstrom	Sanders
Albrecht	DeBoer	Halloran	Linehan	Slama
Arch	Dorn	Hansen, B.	Lowe	Stinner
Blood	Erdman	Hilgers	McCollister	Williams
Bostelman	Flood	Hilkemann	McDonnell	
Brandt	Friesen	Hughes	Moser	
Brewer	Geist	Kolterman	Murman	
Clements	Gragert	Lathrop	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. McKinney

Excused and not voting, 11:

Bostar	Hansen, M.	Pansing Brooks	Wayne
Briese	Hunt	Vargas	Wishart
Cavanaugh, J.	Morfeld	Walz	

The appointment was confirmed with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 40:

Health Information Technology Board  
 Kevin Bagley  
 Ashley Newmyer  
 Felicia Quintana-Zinn

Voting in the affirmative, 38:

Aguilar	Day	Halloran	Linehan	Sanders
Albrecht	DeBoer	Hansen, B.	Lowe	Slama
Arch	Dorn	Hilgers	McCollister	Stinner
Blood	Flood	Hilkemann	McDonnell	Vargas
Bostelman	Friesen	Hughes	Moser	Walz
Brandt	Geist	Kolterman	Murman	Williams
Brewer	Gragert	Lathrop	Pahls	
Clements	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 1:

Cavanaugh, M.



Present and not voting, 3:

Cavanaugh, J. Erdman McKinney

Excused and not voting, 7:

Bostar Hansen, M. Morfeld Wishart  
Briese Hunt Wayne

The appointments were confirmed with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 41:

Health Information Technology Board

Manuela Banner  
Jessika Benes  
Aimee J. Black  
Jamie L. Bland  
Anna C. Dalrymple  
Lynn Elizabeth Modic Edwards  
Kimberley K. Haynes-Henson  
Monalisa McGee  
Stephen Salzbrenner

Voting in the affirmative, 40:

Aguilar	Cavanaugh, M.	Gragert	Lathrop	Pahls
Albrecht	Clements	Groene	Lindstrom	Pansing Brooks
Arch	DeBoer	Halloran	Linehan	Sanders
Blood	Dorn	Hansen, B.	Lowe	Slama
Bostelman	Erdman	Hilgers	McCollister	Stinner
Brandt	Flood	Hilkemann	McDonnell	Vargas
Brewer	Friesen	Hughes	Moser	Walz
Cavanaugh, J.	Geist	Kolterman	Murman	Williams

Voting in the negative, 0.

Present and not voting, 3:

Day McKinney Morfeld

Excused and not voting, 6:

Bostar Hansen, M. Wayne  
Briese Hunt Wishart

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not

voting, and 6 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 41:

Foster Care Advisory Committee

Michael Aerni  
Michele R. Marsh  
Noelle M. Petersen  
Peggy Sue Snurr

Voting in the affirmative, 41:

Aguilar	Clements	Groene	Linehan	Slama
Albrecht	Day	Halloran	Lowe	Stinner
Arch	DeBoer	Hansen, B.	McCollister	Vargas
Blood	Dorn	Hilgers	McDonnell	Walz
Bostelman	Erdman	Hilkemann	Morfeld	Williams
Brandt	Flood	Hughes	Moser	
Brewer	Friesen	Kolterman	Murman	
Cavanaugh, J.	Geist	Lathrop	Pahls	
Cavanaugh, M.	Gragert	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 2:

McKinney Pansing Brooks

Excused and not voting, 6:

Bostar	Hansen, M.	Wayne
Briese	Hunt	Wishart

The appointments were confirmed with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Senator Arch moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 41:

Nebraska Child Abuse Prevention Fund Board

Donald N. Blackbird Jr.  
Paul J. Nelson  
Georgina Scurfield

Voting in the affirmative, 43:

Aguilar	Clements	Groene	Lindstrom	Pansing Brooks
Albrecht	Day	Halloran	Linehan	Sanders
Arch	DeBoer	Hansen, B.	Lowe	Slama
Blood	Dorn	Hilgers	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Vargas
Brandt	Flood	Hughes	Morfeld	Walz
Brewer	Friesen	Hunt	Moser	Williams
Cavanaugh, J.	Geist	Kolterman	Murman	
Cavanaugh, M.	Gragert	Lathrop	Pahls	

Voting in the negative, 0.

Present and not voting, 1:

McKinney

Excused and not voting, 5:

Bostar	Briese	Hansen, M.	Wayne	Wishart
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The appointments were confirmed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 40:

Nebraska Accountability and Disclosure Commission  
Jeffrey Davis

Voting in the affirmative, 39:

Aguilar	Day	Halloran	Lindstrom	Pahls
Albrecht	DeBoer	Hansen, B.	Linehan	Pansing Brooks
Blood	Dorn	Hilgers	Lowe	Sanders
Bostelman	Erdman	Hilkemann	McCollister	Stinner
Brandt	Flood	Hughes	McDonnell	Vargas
Brewer	Geist	Hunt	Morfeld	Walz
Cavanaugh, J.	Gragert	Kolterman	Moser	Williams
Clements	Groene	Lathrop	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Arch           Cavanaugh, M.   Friesen           McKinney   Slama

Excused and not voting, 5:

Bostar           Briese           Hansen, M.   Wayne           Wishart

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 40:

Nebraska Tourism Commission

Darrin Barner

John P. Chapo

Barry McFarland

Ashley Olson

Voting in the affirmative, 40:

Aguilar	Day	Halloran	Lindstrom	Pahls
Albrecht	DeBoer	Hansen, B.	Linehan	Pansing Brooks
Blood	Dorn	Hilgers	Lowe	Sanders
Bostelman	Erdman	Hilkemann	McCollister	Slama
Brandt	Flood	Hughes	McDonnell	Stinner
Brewer	Geist	Hunt	Morfeld	Vargas
Cavanaugh, J.	Gragert	Kolterman	Moser	Walz
Clements	Groene	Lathrop	Murman	Williams

Voting in the negative, 0.

Present and not voting, 4:

Arch           Cavanaugh, M.   Friesen           McKinney

Excused and not voting, 5:

Bostar           Briese           Hansen, M.   Wayne           Wishart

The appointments were confirmed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 40:

Board of Parole

Habib Olomi

Voting in the affirmative, 41:

Aguilar	Day	Hansen, B.	Lowe	Slama
Albrecht	DeBoer	Hilgers	McCollister	Stinner
Blood	Dorn	Hilkemann	McDonnell	Vargas
Bostar	Erdman	Hughes	Morfeld	Walz
Bostelman	Flood	Hunt	Moser	Williams
Brandt	Geist	Kolterman	Murman	
Brewer	Gragert	Lathrop	Pahls	
Cavanaugh, J.	Groene	Lindstrom	Pansing Brooks	
Clements	Halloran	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Arch	Cavanaugh, M.	Friesen	McKinney
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Excused and not voting, 4:

Briese	Hansen, M.	Wayne	Wishart
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The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 49:

Environmental Quality Council  
 Kurt Alan Bogner  
 Joseph Citta Jr.  
 Tassia Falcon da Silva Steidley  
 Robert C. Hall  
 Lance A. Hedquist  
 Jessica Kolterman  
 Kevin Peterson  
 Marty Stange  
 Amy Staples  
 Alden Zuhlke

Voting in the affirmative, 38:

Aguilar	Day	Hansen, B.	Linehan	Pansing Brooks
Albrecht	DeBoer	Hansen, M.	Lowe	Sanders
Blood	Dorn	Hilgers	McCollister	Slama
Bostar	Flood	Hilkemann	McDonnell	Stinner
Bostelman	Friesen	Hughes	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Williams
Brewer	Gragert	Lathrop	Murman	
Cavanaugh, J.	Halloran	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Clements	Groene	McKinney
Cavanaugh, M.	Erdman	Hunt	Vargas

Excused and not voting, 3:

Briese	Wayne	Wishart
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The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 6.** Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

### ADJOURNMENT

At 10:50 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Wednesday, September 22, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTH DAY - SEPTEMBER 22, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, September 22, 2021

**PRAYER**

The prayer was offered by Senator Erdman.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lindstrom.

**ROLL CALL**

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

The roll was called and all members were present except Senators M. Hansen, Hunt, Stinner, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**COMMITTEE REPORT(S)****Education**

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Christy Hovanetz - Technical Advisory Committee for Statewide Assessment

Aye: 6. Day, Linehan, Murman, Pansing Brooks, Sanders, Walz. Nay: 0.  
Absent: 1. Morfeld. Present and not voting: 1. McKinney.

(Signed) Lynne Walz, Chairperson

**MOTION(S) - Confirmation Report(s)**

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 59:

Nebraska Commission on Problem Gambling

Paul Leckband

Dan Volnek

Todd Zohner

Voting in the affirmative, 37:

Aguilar	Cavanaugh, J.	Groene	Lowe	Sanders
Albrecht	Clements	Halloran	McCollister	Slama
Arch	Day	Hansen, B.	McDonnell	Walz
Blood	DeBoer	Hilkemann	Morfeld	Wayne
Bostar	Dorn	Hughes	Moser	Williams
Bostelman	Erdman	Kolterman	Murman	
Brandt	Friesen	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	Flood	Hilgers	McKinney
Cavanaugh, M.	Geist	Linehan	

Excused and not voting, 5:

Hansen, M.	Hunt	Stinner	Vargas	Wishart
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The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 60:

State Racing and Gaming Commission

Shane Greckel

Voting in the affirmative, 34:



Aguilar	Cavanaugh, J.	Halloran	Lowe	Pansing Brooks
Albrecht	Clements	Hansen, B.	McCollister	Sanders
Arch	Day	Hilkemann	McDonnell	Slama
Blood	DeBoer	Kolterman	Morfeld	Walz
Bostar	Dorn	Lathrop	Moser	Wayne
Brandt	Gragert	Lindstrom	Murman	Williams
Briese	Groene	Linehan	Pahls	

Voting in the negative, 0.

Present and not voting, 10:

Bostelman	Cavanaugh, M.	Flood	Geist	Hughes
Brewer	Erdman	Friesen	Hilgers	McKinney

Excused and not voting, 5:

Hansen, M.	Hunt	Stinner	Vargas	Wishart
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 60:

State Racing and Gaming Commission  
Tony Fulton

Voting in the affirmative, 37:

Aguilar	Cavanaugh, J.	Halloran	Lowe	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	Day	Hilkemann	McDonnell	Walz
Blood	Dorn	Hughes	Morfeld	Wayne
Bostar	Erdman	Kolterman	Moser	Williams
Bostelman	Friesen	Lathrop	Murman	
Brandt	Gragert	Lindstrom	Pahls	
Briese	Groene	Linehan	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	DeBoer	Geist	McKinney
Cavanaugh, M.	Flood	Hilgers	

Excused and not voting, 5:

Hansen, M.    Hunt                    Stinner                    Vargas                    Wishart

The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 60:

Nebraska Liquor Control Commission  
Kim Lowe

Voting in the affirmative, 36:

Aguilar	Cavanaugh, J.	Halloran	Linehan	Sanders
Albrecht	Clements	Hansen, B.	McCollister	Slama
Arch	Day	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	Morfeld	Williams
Bostar	Erdman	Hughes	Moser	
Bostelman	Friesen	Kolterman	Murman	
Brandt	Gragert	Lathrop	Pahls	
Briese	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 8:

Brewer	DeBoer	Geist	McKinney
Cavanaugh, M.	Flood	Lowe	Wayne

Excused and not voting, 5:

Hansen, M.    Hunt                    Stinner                    Vargas                    Wishart

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator B. Hansen moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 60:

Commission of Industrial Relations  
William G. Blake

Voting in the affirmative, 37:

Aguilar	Cavanaugh, J.	Hansen, B.	Lowe	Sanders
Albrecht	Clements	Hilgers	McCollister	Slama
Arch	Day	Hilkemann	McDonnell	Walz
Blood	Dorn	Hughes	Morfeld	Williams
Bostar	Flood	Hunt	Moser	Wishart
Bostelman	Geist	Kolterman	Murman	
Brandt	Gragert	Lathrop	Pahls	
Briese	Groene	Lindstrom	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 9:

Brewer	DeBoer	Friesen	McKinney	Wayne
Cavanaugh, M.	Erdman	Halloran	Vargas	

Excused and not voting, 3:

Hansen, M.	Linehan	Stinner
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 42:

Technical Advisory Committee for Statewide Assessment  
 Jeffrey M. Nellhaus  
 Linda Poole

Voting in the affirmative, 39:

Aguilar	Cavanaugh, J.	Gragert	Lathrop	Pansing Brooks
Albrecht	Clements	Groene	Lindstrom	Sanders
Arch	Day	Hansen, B.	McCollister	Slama
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	Morfeld	Walz
Bostelman	Flood	Hughes	Moser	Williams
Brandt	Friesen	Hunt	Murman	Wishart
Brewer	Geist	Kolterman	Pahls	

Voting in the negative, 0.

Present and not voting, 6:

Briese	Erdman	McKinney
Cavanaugh, M.	Lowe	Wayne

Excused and not voting, 4:

Halloran Hansen, M. Linehan Stinner

The appointments were confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 42:

Board of Educational Lands and Funds  
James D. Scheer

Voting in the affirmative, 41:

Aguilar	Clements	Groene	Lowe	Slama
Albrecht	Day	Hansen, B.	McCollister	Vargas
Arch	DeBoer	Hilgers	McDonnell	Walz
Blood	Dorn	Hilkemann	Morfeld	Williams
Bostar	Erdman	Hughes	Moser	Wishart
Bostelman	Flood	Hunt	Murman	
Brandt	Friesen	Kolterman	Pahls	
Brewer	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Briese Cavanaugh, M. McKinney Wayne

Excused and not voting, 4:

Halloran Hansen, M. Linehan Stinner

The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 42:

Nebraska Educational Telecommunications Commission  
Darrin Scott Good

Voting in the affirmative, 41:

Aguilar	Cavanaugh, M.	Groene	McCollister	Slama
Albrecht	Clements	Hansen, B.	McDonnell	Vargas
Arch	Day	Hilgers	McKinney	Walz
Bostar	DeBoer	Hilkemann	Morfeld	Williams
Bostelman	Dorn	Hughes	Moser	Wishart
Brandt	Flood	Hunt	Murman	
Brewer	Friesen	Kolterman	Pahls	
Briese	Geist	Lathrop	Pansing Brooks	
Cavanaugh, J.	Gragert	Lindstrom	Sanders	

Voting in the negative, 0.

Present and not voting, 4:

Blood	Erdman	Lowe	Wayne
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Excused and not voting, 4:

Halloran	Hansen, M.	Linehan	Stinner
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The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Walz moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Technical Advisory Committee for Statewide Assessment  
Christy Hovanetz

Voting in the affirmative, 39:

Aguilar	Briese	Geist	Lathrop	Pansing Brooks
Albrecht	Cavanaugh, J.	Gragert	Lindstrom	Sanders
Arch	Clements	Groene	McCollister	Slama
Blood	Day	Hansen, B.	McDonnell	Vargas
Bostar	Dorn	Hilkemann	Morfeld	Walz
Bostelman	Erdman	Hughes	Moser	Williams
Brandt	Flood	Hunt	Murman	Wishart
Brewer	Friesen	Kolterman	Pahls	

Voting in the negative, 0.

Present and not voting, 6:

Cavanaugh, M.	Hilgers	McKinney
DeBoer	Lowe	Wayne

Excused and not voting, 4:

Halloran      Hansen, M.      Linehan      Stinner

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 14.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 6.** Placed on Select File.

**LEGISLATIVE BILL 5.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

#### **ADJOURNMENT**

At 10:27 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Thursday, September 23, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINTH DAY - SEPTEMBER 23, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, September 23, 2021

**PRAYER**

The prayer was offered by Senator Hilkemann.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Linehan.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Hughes presiding.

The roll was called and all members were present except Senators Bostar, B. Hansen, Hunt, Pansing Brooks, Stinner, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 14.** Placed on Select File.

(Signed) Terrell McKinney, Chairperson

**ANNOUNCEMENT**

Senator Arch announced the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature (LR29) Committee will hold an executive session Friday, September 24, 2021, at 8:15 a.m., in Room 1510.

**ADJOURNMENT**

At 9:15 a.m., on a motion by Senator Dorn, the Legislature adjourned until the call of the speaker, Friday, September 24, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - SEPTEMBER 24, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, September 24, 2021

**PRAYER**

The prayer was offered by Senator Clements.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:00 p.m., Senator Hughes presiding.

The roll was called and all members were present except Senator Stinner who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**ANNOUNCEMENT**

**Notice of Issuance of Legislative Subpoena**

Pursuant to Rule 3, Sec. 21(A)(iii), the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee has issued a legislative subpoena to the following persons to appear before that committee on Friday, October 8, 2021, to testify on matters under consideration by said committee. The subpoena was issued on Friday, September 24, 2021.

Saint Francis Ministries  
Copy to: William J. Clark  
Interim President and CEO

## GENERAL FILE

**LEGISLATIVE BILL 1.** Senator Wayne withdrew his motion, [MO1](#), found on page 52, to recommit to Redistricting Committee.

Senator M. Hansen withdrew his amendment, [AM12](#), found on page 51.

Senator Linehan withdrew her amendments, [AM20](#) and [AM18](#), found on page 53.

Senator Morfeld withdrew his amendment, [AM17](#), found on page 53.

Senator McCollister withdrew his amendment, [AM25](#), found on page 54.

Senator Hunt withdrew her amendments, [AM23](#) and [AM16](#), found on page 54.

Senator Linehan offered the following amendment:

[AM36](#)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 32-504, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 32-504 (1) Based on the 2020 ~~2010~~ Census of Population by the United  
 6 States Department of Commerce, Bureau of the Census, the State of  
 7 Nebraska is hereby divided into three districts for electing  
 8 Representatives in the Congress of the United States, and each district  
 9 shall be entitled to elect one representative.  
 10 (2) The numbers and boundaries of the districts are designated and  
 11 established by maps identified and labeled as maps ~~CONG21-39002,~~  
 12 ~~CONG21-39002-1, CONG21-39002-2, and CONG21-39002-3~~ ~~CON11-30001-1,~~  
 13 ~~CON11-30001A, CON11-30001-2, CON11-30001-3, CON11-30001-3A,~~ filed with  
 14 the Clerk of the Legislature, and incorporated by reference as part of  
 15 ~~this legislative bill~~ ~~Laws 2011, LB704.~~  
 16 (3)(a) The Clerk of the Legislature shall transfer possession of the  
 17 maps referred to in subsection (2) of this section to the Secretary of  
 18 State on the effective date of this act ~~May 27, 2011.~~  
 19 (b) When questions of interpretation of district boundaries arise,  
 20 the maps referred to in subsection (2) of this section in possession of  
 21 the Secretary of State shall serve as the indication of the legislative  
 22 intent in drawing the district boundaries.  
 23 (c) Each election commissioner or county clerk shall obtain copies  
 24 of the maps referred to in subsection (2) of this section for the  
 25 election commissioner's or clerk's county from the Secretary of State.  
 26 (d) The Secretary of State shall also have available for viewing on  
 27 his or her website the maps referred to in subsection (2) of this section  
 1 identifying the boundaries for the districts.  
 2 Sec. 2. Section 32-505, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 32-505 For purposes of section 32-504, the Legislature adopts the  
 5 official population figures and maps from the 2020 ~~2010~~ Census  
 6 Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the  
 7 United States Department of Commerce, Bureau of the Census.  
 8 Sec. 3. Original sections 32-504 and 32-505, Reissue Revised  
 9 Statutes of Nebraska, are repealed.  
 10 Sec. 4. Since an emergency exists, this act takes effect when

11 passed and approved according to law.

The Linehan amendment was adopted with 38 ayes, 8 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 10 nays, 2 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORT(S)**  
Redistricting

**LEGISLATIVE BILL 7.** Placed on General File with amendment.

[AM33](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 79-311, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 79-311 (1) For the purpose of section 79-310, the state is divided  
6 into eight districts. Each district shall be entitled to one member on  
7 the board.  
8 (2) The numbers and boundaries of the districts are designated and  
9 established by maps identified and labeled as maps ED21-39002,  
10 ED21-39002-1, ED21-39002-2, ED21-39002-3, ED21-39002-4, ED21-39002-5,  
11 ED21-39002-6, ED21-39002-7, and ED21-39002-8 ~~ED11-1~~, ~~ED11-2~~, ~~ED11-3~~,  
12 ~~ED11-4~~, ~~ED11-5~~, ~~ED11-5A~~, ~~ED11-6~~, ~~ED11-7~~, and ~~ED11-8~~, filed with the Clerk  
13 of the Legislature, and incorporated by reference as part of this  
14 legislative bill ~~Laws 2011, LB702~~.  
15 (3)(a) The Clerk of the Legislature shall transfer possession of the  
16 maps referred to in subsection (2) of this section to the Secretary of  
17 State on the effective date of this act ~~May 27, 2011~~.  
18 (b) When questions of interpretation of district boundaries arise,  
19 the maps referred to in subsection (2) of this section in possession of  
20 the Secretary of State shall serve as the indication of the legislative  
21 intent in drawing the district boundaries.  
22 (c) Each election commissioner or county clerk shall obtain copies  
23 of the maps referred to in subsection (2) of this section for the  
24 election commissioner's or clerk's county from the Secretary of State.  
25 (d) The Secretary of State shall also have available for viewing on  
26 his or her website the maps referred to in subsection (2) of this section  
27 identifying the boundaries for the districts.  
1 Sec. 2. Section 79-312, Reissue Revised Statutes of Nebraska, is  
2 amended to read:  
3 79-312 For purposes of section 79-311, the Legislature adopts the  
4 official population figures and maps from the ~~2020~~ 2010 Census  
5 Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the  
6 United States Department of Commerce, Bureau of the Census.  
7 Sec. 3. Original sections 79-311 and 79-312, Reissue Revised  
8 Statutes of Nebraska, are repealed.  
9 Sec. 4. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 7.** Title read. Considered.

Committee [AM33](#), found in this day's Journal, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**  
Redistricting

**LEGISLATIVE BILL 8.** Placed on General File with amendment.

[AM39](#)

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 85-103.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 85-103.01 (1) For the purpose of section 85-103, the state is  
6 divided into eight districts. Each district shall be entitled to one  
7 regent on the board.  
8 (2) The numbers and boundaries of the districts are designated and  
9 established by maps identified and labeled as maps REG21-39002,  
10 REG21-39002-1, REG21-39002-2, REG21-39002-3, REG21-39002-4,  
11 REG21-39002-5, REG21-39002-6, REG21-39002-7, and REG21-39002-8 ~~REG11-1~~,  
12 ~~REG11-2~~, ~~REG11-3~~, ~~REG11-4~~, ~~REG11-5~~, ~~REG11-5A~~, ~~REG11-6~~, ~~REG11-7~~, and  
13 ~~REG11-8~~, filed with the Clerk of the Legislature, and incorporated by  
14 reference as part of this legislative bill ~~Laws 2011, LB701~~.  
15 (3)(a) The Clerk of the Legislature shall transfer possession of the  
16 maps referred to in subsection (2) of this section to the Secretary of  
17 State on the effective date of this act ~~May 27, 2011~~.  
18 (b) When questions of interpretation of district boundaries arise,  
19 the maps referred to in subsection (2) of this section in possession of  
20 the Secretary of State shall serve as the indication of the legislative  
21 intent in drawing the district boundaries.  
22 (c) Each election commissioner or county clerk shall obtain copies  
23 of the maps referred to in subsection (2) of this section for the  
24 election commissioner's or clerk's county from the Secretary of State.  
25 (d) The Secretary of State shall also have available for viewing on  
26 his or her website the maps referred to in subsection (2) of this section  
27 identifying the boundaries for the districts.  
1 Sec. 2. Section 85-103.02, Reissue Revised Statutes of Nebraska, is  
2 amended to read:  
3 85-103.02 For purposes of section 85-103.01, the Legislature adopts  
4 the official population figures and maps from the ~~2020~~ 2010 Census  
5 Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the  
6 United States Department of Commerce, Bureau of the Census.  
7 Sec. 3. Original sections 85-103.01 and 85-103.02, Reissue Revised  
8 Statutes of Nebraska, are repealed.  
9 Sec. 4. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 8.** Title read. Considered.

Committee [AM39](#), found in this day's Journal, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 3.** Senator Hughes asked unanimous consent to withdraw his motion, [MO5](#), found on page 59, to reconsider the vote on AM27. No objections. So ordered.

Senator M. Hansen asked unanimous consent to withdraw his amendment, [AM26](#), found on page 55, as amended. No objections. So ordered.

Senator Wayne offered the following amendment:

[AM37](#)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 50-1153, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 50-1153 (1) The State of Nebraska is hereby divided into forty-nine  
 6 legislative districts. Each district shall be entitled to one member in  
 7 the Legislature. The Legislature adopts the official population figures  
 8 and maps from the 2020 2010 Census Redistricting (Public Law 94-171)  
 9 TIGER/Line Shapefiles published by the United States Department of  
 10 Commerce, Bureau of the Census.  
 11 (2) The numbers and boundaries of the legislative districts are  
 12 designated and established by maps identified and labeled as maps  
 13 [LEG21-39005](#), [LEG21-39005-1](#), [LEG21-39005-2](#), [LEG21-39005-2A](#), [LEG21-39005-3](#),  
 14 [LEG21-39005-4](#), [LEG21-39005-5](#), [LEG21-39005-6](#), [LEG21-39005-7](#),  
 15 [LEG21-39005-8](#), [LEG21-39005-9](#), [LEG21-39005-10](#), [LEG21-39005-11](#),  
 16 [LEG21-39005-12](#), [LEG21-39005-13](#), [LEG21-39005-14](#), [LEG21-39005-15](#),  
 17 [LEG21-39005-15A](#), [LEG21-39005-16](#), [LEG21-39005-16A](#), [LEG21-39005-17](#),  
 18 [LEG21-39005-18](#), [LEG21-39005-19](#), [LEG21-39005-19A](#), [LEG21-39005-20](#),  
 19 [LEG21-39005-21](#), [LEG21-39005-22](#), [LEG21-39005-22A](#), [LEG21-39005-23](#),  
 20 [LEG21-39005-24](#), [LEG21-39005-25](#), [LEG21-39005-26](#), [LEG21-39005-27](#),  
 21 [LEG21-39005-28](#), [LEG21-39005-29](#), [LEG21-39005-30](#), [LEG21-39005-30A](#),  
 22 [LEG21-39005-31](#), [LEG21-39005-32](#), [LEG21-39005-32A](#), [LEG21-39005-33](#),  
 23 [LEG21-39005-33A](#), [LEG21-39005-34](#), [LEG21-39005-34A](#), [LEG21-39005-35](#),  
 24 [LEG21-39005-36](#), [LEG21-39005-37](#), [LEG21-39005-38](#), [LEG21-39005-38A](#),  
 25 [LEG21-39005-39](#), [LEG21-39005-40](#), [LEG21-39005-40A](#), [LEG21-39005-40B](#),  
 26 [LEG21-39005-41](#), [LEG21-39005-41A](#), [LEG21-39005-41B](#), [LEG21-39005-42](#),  
 27 [LEG21-39005-42A](#), [LEG21-39005-43](#), [LEG21-39005-44](#), [LEG21-39005-44A](#),  
 1 [LEG21-39005-45](#), [LEG21-39005-46](#), [LEG21-39005-47](#), [LEG21-39005-48](#), and  
 2 [LEG21-39005-49](#) [LEG11-1](#), [LEG11-1A](#), [LEG11-43002E-2](#), [LEG11-43002E-2A](#),  
 3 [LEG11-2B](#), [LEG11-3](#), [LEG11-4](#), [LEG11-5](#), [LEG11-6](#), [LEG11-7](#), [LEG11-8](#), [LEG11-9](#),  
 4 [LEG11-10](#), [LEG11-11](#), [LEG11-12](#), [LEG11-13](#), [LEG11-14](#), [LEG11-15](#), [LEG11-16](#),  
 5 [LEG11-17](#), [LEG11-18](#), [LEG11-19](#), [LEG11-20](#), [LEG11-21](#), [LEG11-21A](#), [LEG11-22](#),  
 6 [LEG11-23](#), [LEG11-24](#), [LEG11-25](#), [LEG11-25A](#), [LEG11-26](#), [LEG11-27](#), [LEG11-28](#),  
 7 [LEG11-29](#), [LEG11-30](#), [LEG11-30A](#), [LEG11-31](#), [LEG11-32](#), [LEG11-32A](#), [LEG11-33](#),  
 8 [LEG11-34](#), [LEG11-34A](#), [LEG11-35](#), [LEG11-36](#), [LEG11-37](#), [LEG11-37A](#), [LEG11-38](#),  
 9 [LEG11-38A](#), [LEG11-39](#), [LEG11-40](#), [LEG11-41](#), [LEG11-42](#), [LEG11-43002E-43](#),  
 10 [LEG11-44](#), [LEG11-45](#), [LEG11-46](#), [LEG11-43002E-47](#), [LEG11-48](#), and

11 LEGH-43002E-49, filed with the Clerk of the Legislature, and  
 12 incorporated by reference as part of this legislative bill Laws 2011,  
 13 LB703.

14 (3)(a) The Clerk of the Legislature shall transfer possession of the  
 15 maps referred to in subsection (2) of this section to the Secretary of  
 16 State on the effective date of this act May 27, 2011.

17 (b) When questions of interpretation of legislative district  
 18 boundaries arise, the maps referred to in subsection (2) of this section  
 19 in possession of the Secretary of State shall serve as the indication of  
 20 the legislative intent in drawing the legislative district boundaries.

21 (c) Each election commissioner or county clerk shall obtain copies  
 22 of the maps referred to in subsection (2) of this section for the  
 23 election commissioner's or clerk's county from the Secretary of State.

24 (d) The Secretary of State shall also have available for viewing on  
 25 his or her website the maps referred to in subsection (2) of this section  
 26 identifying the boundaries for the legislative districts.

27 Sec. 2. Section 50-1154, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:

29 50-1154 The changes made to this section and section 50-1153 by this  
 30 legislative bill Laws 2011, LB703, shall become operative on the  
 31 effective date of this act. The May 27, 2011, except that members of the  
 1 Legislature from the ~~even-numbered~~ ~~odd-numbered~~ districts shall be  
 2 nominated at the primary election in ~~2022~~ ~~2012~~ and elected at the general  
 3 election in November ~~2022~~ ~~2012~~ for the term commencing January 4, 2023  
 4 January 9, 2013. The members of the Legislature elected or appointed  
 5 prior to the effective date of this act May 27, 2011, shall represent the  
 6 newly established districts for the balance of their terms, with each  
 7 member representing the same numbered district as prior to the effective  
 8 date of this act May 27, 2011.

9 Sec. 3. Original sections 50-1153 and 50-1154, Reissue Revised  
 10 Statutes of Nebraska, are repealed.

11 Sec. 4. Since an emergency exists, this act takes effect when  
 12 passed and approved according to law.

Senator Wayne moved for a call of the house. The motion prevailed with 39  
 ayes, 6 nays, and 4 not voting.

The Wayne amendment was adopted with 43 ayes, 5 nays, and 1 excused  
 and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 5 nays, and 1  
 excused and not voting.

The Chair declared the call raised.

## REPORTS

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

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of September 23,  
 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska.  
 Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Mueller Robak  
Olsson  
Troyer, Adria  
Google LLC and its Affiliates  
Zulkoski Weber LLC  
Dexcom, Inc.

**ADJOURNMENT**

At 5:14 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 10:00 a.m., Tuesday, September 28, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**ELEVENTH DAY - SEPTEMBER 28, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, September 28, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Albrecht.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Brewer and Flood who were excused; and Senators Lindstrom, Stinner, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File.

**LEGISLATIVE BILL 7.** Placed on Select File.

**LEGISLATIVE BILL 8.** Placed on Select File.

**LEGISLATIVE BILL 3.** Placed on Select File with amendment.

**[ER1](#)**

1 1. In the Wayne amendment, AM37, on page 1, line 3; page 2, line 27;  
2 and page 3, lines 9 and 10, strike "Reissue Revised Statutes of Nebraska"  
3 and insert "Revised Statutes Cumulative Supplement, 2020".  
4 2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"  
5 and insert "Revised Statutes Cumulative Supplement, 2020".

(Signed) Terrell McKinney, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 1.** Senator M. Hansen offered the following motion:

[MO7](#)

Recommit to Redistricting Committee.

Senator Wayne offered the following motion:

[MO8](#)

Bracket until September 30, 2021.

Senator Wayne withdrew his motion to bracket.

Senator M. Hansen offered the following motion:

[MO9](#)

Bracket until September 30, 2021.

Pending.

**RECESS**

At 12:00 p.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Brewer and Flood who were excused; and Senators Bostar, Groene, B. Hansen, McDonnell, Stinner, and Wayne who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 1.** Senator M. Hansen withdrew his motion, [MO9](#), found in this day's Journal, to bracket until September 30, 2021.

Senator M. Hansen withdrew his motion, [MO7](#), found in this day's Journal, to recommit to committee.

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

Advanced to Enrollment and Review for Engrossment with 29 ayes, 10 nays, 3 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 3.** [ER1](#), found in this day's Journal, was adopted.

Senator M. Hansen offered the following amendment:

[FA1](#)

Strike Section 2, and number the remaining sections accordingly.

Senator M. Hansen withdrew his amendment.

Senator Linehan offered the following amendment:

[AM43](#)

(Amendments to AM37)

- 1 1. On page 1, strike lines 13 through 27 and insert "[LEG21-39006](#),
- 2 [LEG21-39006-1](#), [LEG21-39006-2](#), [LEG21-39006-2A](#), [LEG21-39006-3](#),
- 3 [LEG21-39006-4](#), [LEG21-39006-5](#), [LEG21-39006-6](#), [LEG21-39006-7](#),
- 4 [LEG21-39006-8](#), [LEG21-39006-9](#), [LEG21-39006-10](#), [LEG21-39006-11](#),
- 5 [LEG21-39006-12](#), [LEG21-39006-13](#), [LEG21-39006-14](#), [LEG21-39006-15](#),
- 6 [LEG21-39006-15A](#), [LEG21-39006-16](#), [LEG21-39006-16A](#), [LEG21-39006-17](#),
- 7 [LEG21-39006-18](#), [LEG21-39006-19](#), [LEG21-39006-19A](#), [LEG21-39006-20](#),
- 8 [LEG21-39006-21](#), [LEG21-39006-22](#), [LEG21-39006-22A](#), [LEG21-39006-23](#),
- 9 [LEG21-39006-24](#), [LEG21-39006-25](#), [LEG21-39006-26](#), [LEG21-39006-27](#),
- 10 [LEG21-39006-28](#), [LEG21-39006-29](#), [LEG21-39006-30](#), [LEG21-39006-30A](#),
- 11 [LEG21-39006-31](#), [LEG21-39006-32](#), [LEG21-39006-32A](#), [LEG21-39006-33](#),
- 12 [LEG21-39006-33A](#), [LEG21-39006-34](#), [LEG21-39006-34A](#), [LEG21-39006-35](#),
- 13 [LEG21-39006-36](#), [LEG21-39006-37](#), [LEG21-39006-38](#), [LEG21-39006-38A](#),
- 14 [LEG21-39006-39](#), [LEG21-39006-40](#), [LEG21-39006-40A](#), [LEG21-39006-40B](#),
- 15 [LEG21-39006-41](#), [LEG21-39006-41A](#), [LEG21-39006-41B](#), [LEG21-39006-42](#),
- 16 [LEG21-39006-42A](#), [LEG21-39006-43](#), [LEG21-39006-44](#), [LEG21-39006-44A](#),
- 17 [LEG21-39006-45](#), [LEG21-39006-46](#), [LEG21-39006-47](#), [LEG21-39006-48](#), and
- 18 [LEG21-39006-49](#)".
- 19 2. On page 2, strike beginning with "[LEG21-39005-45](#)" in line 1
- 20 through "[LEG21-39005-49](#)" in line 2.

The Linehan amendment was adopted with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

Senator Clements offered the following amendment:

[AM40](#)

(Amendments to AM37)

- 1 1. On page 1, strike lines 13 through 27 and insert "[LEG21-23002](#),
- 2 [LEG21-23002-1](#), [LEG21-23002-1A](#), [LEG21-23002-2](#), [LEG21-23002-2A](#),
- 3 [LEG21-23002-3](#), [LEG21-23002-4](#), [LEG21-23002-5](#), [LEG21-23002-6](#),
- 4 [LEG21-23002-7](#), [LEG21-23002-8](#), [LEG21-23002-9](#), [LEG21-23002-10](#),
- 5 [LEG21-23002-11](#), [LEG21-23002-12](#), [LEG21-23002-13](#), [LEG21-23002-14](#),
- 6 [LEG21-23002-15](#), [LEG21-23002-15A](#), [LEG21-23002-16](#), [LEG21-23002-16A](#),
- 7 [LEG21-23002-17](#), [LEG21-23002-17A](#), [LEG21-23002-18](#), [LEG21-23002-19](#),
- 8 [LEG21-23002-19A](#), [LEG21-23002-20](#), [LEG21-23002-21](#), [LEG21-23002-22](#),
- 9 [LEG21-23002-22A](#), [LEG21-23002-23](#), [LEG21-23002-23A](#), [LEG21-23002-23B](#),
- 10 [LEG21-23002-24](#), [LEG21-23002-24A](#), [LEG21-23002-25](#), [LEG21-23002-26](#),
- 11 [LEG21-23002-27](#), [LEG21-23002-28](#), [LEG21-23002-29](#), [LEG21-23002-30](#),
- 12 [LEG21-23002-30A](#), [LEG21-23002-31](#), [LEG21-23002-32](#), [LEG21-23002-32A](#),
- 13 [LEG21-23002-33](#), [LEG21-23002-33A](#), [LEG21-23002-33B](#), [LEG21-23002-34](#),
- 14 [LEG21-23002-34A](#), [LEG21-23002-35](#), [LEG21-23002-36](#), [LEG21-23002-36A](#),
- 15 [LEG21-23002-36B](#), [LEG21-23002-37](#), [LEG21-23002-38](#), [LEG21-23002-38A](#),
- 16 [LEG21-23002-39](#), [LEG21-23002-40](#), [LEG21-23002-40A](#), [LEG21-23002-41](#),
- 17 [LEG21-23002-42](#), [LEG21-23002-43](#), [LEG21-23002-44](#), [LEG21-23002-44A](#),
- 18 [LEG21-23002-45](#), [LEG21-23002-46](#), [LEG21-23002-47](#), [LEG21-23002-48](#), and
- 19 [LEG21-23002-49](#)".

20 2. On page 2, strike beginning with "LEG21-39005-45" in line 1  
21 through "LEG21-39005-49" in line 2.

Senator Clements withdrew his amendment.

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

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

Voting in the affirmative, 38:

Aguilar	DeBoer	Hilkemann	McDonnell	Slama
Albrecht	Dorn	Hughes	McKinney	Vargas
Arch	Friesen	Kolterman	Morfeld	Walz
Blood	Geist	Lathrop	Moser	Wayne
Brandt	Gragert	Lindstrom	Murman	Williams
Briese	Halloran	Linehan	Pahls	Wishart
Clements	Hansen, B.	Lowe	Pansing Brooks	
Day	Hilgers	McCollister	Sanders	

Voting in the negative, 6:

Bostelman	Erdman	Hansen, M.
Cavanaugh, M.	Groene	Hunt

Present and not voting, 2:

Bostar	Cavanaugh, J.
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Excused and not voting, 3:

Brewer	Flood	Stinner
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Advanced to Enrollment and Review for Engrossment with 38 ayes, 6 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 6.** Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 5.** Senator M. Cavanaugh requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 3 nays, 3 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 8.** Senator Linehan offered the following amendment:

[AM41](#)

(Amendments to AM39)

- 1 1. On page 1, strike beginning with "REG21-39002" in line 9 through
- 2 "REG21-39002-8" in line 11 and insert "REG21-39003, REG21-39003-1,
- 3 REG21-39003-2, REG21-39003-3, REG21-39003-4, REG21-39003-5,
- 4 REG21-39003-6, REG21-39003-7, and REG21-39003-8".

The Linehan amendment was adopted with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 43 ayes, 2 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 7.** Senator Linehan offered the following amendment:

[AM42](#)

(Amendments to AM33)

- 1 1. On page 1, strike beginning with "ED21-39002" in line 9 through
- 2 "ED21-39002-8" in line 11 and insert "ED21-39003, ED21-39003-1,
- 3 ED21-39003-2, ED21-39003-3, ED21-39003-4, ED21-39003-5, ED21-39003-6,
- 4 ED21-39003-7, and ED21-39003-8".

The Linehan amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 14.** Considered.

Senator McCollister requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**EASE**

The Legislature was at ease from 3:10 p.m. until 4:34 p.m.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Final Reading.  
**LEGISLATIVE BILL 3.** Placed on Final Reading.  
**LEGISLATIVE BILL 5.** Placed on Final Reading.  
**LEGISLATIVE BILL 6.** Placed on Final Reading.  
**LEGISLATIVE BILL 7.** Placed on Final Reading.  
**LEGISLATIVE BILL 8.** Placed on Final Reading.  
**LEGISLATIVE BILL 14.** Placed on Final Reading.

(Signed) Terrell McKinney, Chairperson

**ADJOURNMENT**

At 4:35 p.m., on a motion by Speaker Hilgers, the Legislature adjourned until 9:00 a.m., Wednesday, September 29, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWELFTH DAY - SEPTEMBER 29, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, September 29, 2021

**PRAYER**

The prayer was offered by Senator Williams.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Slama.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Bostar, Brewer, Briese, J. Cavanaugh, M. Cavanaugh, Day, DeBoer, Flood, B. Hansen, M. Hansen, Hilkemann, Hunt, Lathrop, Lindstrom, Linehan, McDonnell, Moser, Murman, Pansing Brooks, Sanders, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**ADJOURNMENT**

At 9:09 a.m., on a motion by Senator McKinney, the Legislature adjourned until 10:00 a.m., Thursday, September 30, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTEENTH DAY - SEPTEMBER 30, 2021**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SPECIAL SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, September 30, 2021

**PRAYER**

The prayer was offered by Senator Geist.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lowe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Flood who was excused.

**CORRECTIONS FOR THE JOURNAL**

On page 94, strike line 9.

The Journal for the eleventh day was approved as corrected.

The Journal for the twelfth day was approved.

**REPORTS**

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

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of September 29, 2021, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

## Clerk of the Legislature

Mammoser, Matthew  
 National Association for Gun Rights  
 Mikolajczyk, Megan N.  
 Planned Parenthood North Central States (Withdrawn 09/24/2021)  
 Valenti, John  
 Sanofi US (Withdrawn 09/24/2021)

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 3.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1153 and 50-1154, Revised Statutes Cumulative Supplement, 2020; to set the district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; 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, 37:

Aguilar	Clements	Hilgers	McCollister	Slama
Albrecht	Day	Hilkemann	McDonnell	Stinner
Arch	Dorn	Hughes	Morfeld	Vargas
Blood	Friesen	Kolterman	Moser	Walz
Bostelman	Geist	Lathrop	Murman	Williams
Brandt	Gragert	Lindstrom	Pahls	
Brewer	Halloran	Linehan	Pansing Brooks	
Briese	Hansen, B.	Lowe	Sanders	

Voting in the negative, 7:

Cavanaugh, J.	Erdman	Hansen, M.	McKinney
Cavanaugh, M.	Groene	Hunt	

Present and not voting, 4:

Bostar	DeBoer	Wayne	Wishart
--------	--------	-------	---------

Excused and not voting, 1:

Flood

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

**LEGISLATIVE BILL 1.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to set the district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; 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, 35:

Aguilar	Briese	Gragert	Kolterman	Murman
Albrecht	Clements	Groene	Lindstrom	Pahls
Arch	Day	Halloran	Linehan	Pansing Brooks
Blood	Dorn	Hansen, B.	Lowe	Sanders
Bostelman	Erdman	Hilgers	McCollister	Slama
Brandt	Friesen	Hilkemann	McDonnell	Stinner
Brewer	Geist	Hughes	Moser	Williams

Voting in the negative, 11:

Bostar	DeBoer	Lathrop	Vargas
Cavanaugh, J.	Hansen, M.	McKinney	Wayne
Cavanaugh, M.	Hunt	Morfeld	

Present and not voting, 2:

Walz	Wishart
------	---------

Excused and not voting, 1:

Flood

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

**LEGISLATIVE BILL 6.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to set the boundaries of the Supreme Court judicial districts by the adoption of maps by reference; to harmonize provisions; 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, 46:

Aguilar	Cavanaugh, M.	Halloran	Lowe	Slama
Albrecht	Clements	Hansen, B.	McCollister	Stinner
Arch	Day	Hilgers	McDonnell	Vargas
Blood	DeBoer	Hilkemann	McKinney	Walz
Bostar	Dorn	Hughes	Morfeld	Williams
Bostelman	Erdman	Hunt	Moser	Wishart
Brandt	Friesen	Kolterman	Murman	
Brewer	Geist	Lathrop	Pahls	
Briese	Gragert	Lindstrom	Pansing Brooks	
Cavanaugh, J.	Groene	Linehan	Sanders	

Voting in the negative, 1:

Hansen, M.

Present and not voting, 1:

Wayne

Excused and not voting, 1:

Flood

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

**LEGISLATIVE BILL 5.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to set the boundaries of the public service commissioner districts by the adoption of maps by reference; to harmonize provisions; 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, 45:

Aguilar	Clements	Halloran	Linehan	Pansing Brooks
Albrecht	Day	Hansen, B.	Lowe	Sanders
Arch	DeBoer	Hilgers	McCollister	Slama
Blood	Dorn	Hilkemann	McDonnell	Stinner
Bostar	Erdman	Hughes	McKinney	Vargas
Bostelman	Friesen	Hunt	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Wayne
Brewer	Gragert	Lathrop	Murman	Williams
Briese	Groene	Lindstrom	Pahls	Wishart

Voting in the negative, 3:

Cavanaugh, J. Cavanaugh, M. Hansen, M.

Excused and not voting, 1:

Flood

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

**LEGISLATIVE BILL 8.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to set the district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; to harmonize provisions; 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, 46:

Aguilar	Clements	Hansen, B.	McCollister	Stinner
Albrecht	Day	Hilgers	McDonnell	Vargas
Arch	DeBoer	Hilkemann	McKinney	Walz
Blood	Dorn	Hughes	Morfeld	Wayne
Bostar	Erdman	Hunt	Moser	Williams
Bostelman	Friesen	Kolterman	Murman	Wishart
Brandt	Geist	Lathrop	Pahls	
Brewer	Gragert	Lindstrom	Pansing Brooks	
Briese	Groene	Linehan	Sanders	
Cavanaugh, J.	Halloran	Lowe	Slama	

Voting in the negative, 2:

Cavanaugh, M. Hansen, M.

Excused and not voting, 1:

Flood

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

**LEGISLATIVE BILL 7. With Emergency Clause.**

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311 and 79-312, Reissue Revised Statutes of Nebraska; to set the district boundaries for members of the State Board of Education by the adoption of maps by reference; to harmonize provisions; 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, 41:

Aguilar	Clements	Hansen, B.	McDonnell	Vargas
Albrecht	Day	Hilgers	McKinney	Walz
Arch	Dorn	Hilkemann	Moser	Wayne
Blood	Erdman	Hughes	Murman	Williams
Bostar	Friesen	Kolterman	Pahls	Wishart
Bostelman	Geist	Lindstrom	Pansing Brooks	
Brandt	Gragert	Linehan	Sanders	
Brewer	Groene	Lowe	Slama	
Briese	Halloran	McCollister	Stinner	

Voting in the negative, 7:

Cavanaugh, J.	DeBoer	Hunt	Morfeld
Cavanaugh, M.	Hansen, M.	Lathrop	

Excused and not voting, 1:

Flood

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: LBs 3, 1, 6, 5, 8, and 7.

**MOTION(S) - Return LB14 to Select File**

Senator M. Cavanaugh moved to return LB14 to Select File for the following specific amendment:

[AM44](#)

(Amendments to Final Reading copy)

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

Senator M. Cavanaugh withdrew her motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 14.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the One Hundred Seventh Legislature, First Special Session, 2021; 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, 44:

Aguilar	Cavanaugh, J.	Groene	Linehan	Sanders
Albrecht	Clements	Halloran	Lowe	Slama
Arch	Day	Hansen, B.	McCollister	Stinner
Blood	DeBoer	Hilgers	McDonnell	Vargas
Bostar	Dorn	Hilkemann	McKinney	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Lathrop	Murman	Wishart
Briese	Gragert	Lindstrom	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hansen, M.

Excused and not voting, 3:

Flood Kolterman Pansing Brooks

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: LB14.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on September 30, 2021, at 10:45 a.m. were the following: LBs 3e, 1e, 6e, 5e, 8e, and 7e.

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

**MESSAGE(S) FROM THE GOVERNOR**

September 30, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed First Special Session Legislative Bills 1e, 3e, 5e, 6e, 7e, and 8e were received in my office on September 30, 2021.

These bills and their accompanying maps were signed and delivered to the Secretary of State on September 30, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 1e, 3e, 5e, 6e, 7e, 8e and 14e.

(Signed) Michael J. Flood

**MOTION - Suspend Rules**

Senator Hilgers offered the following motion:

[MO11](#)

Suspend Rule 4, Section 6, to permit consideration of LR1.



The Hilgers motion to suspend the rules prevailed with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION** . Introduced by Redistricting Committee: Linehan, 39, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Geist, 25; Lathrop, 12; Lowe, 37; Morfeld, 46; Wayne, 13; Hilgers, 21.

WHEREAS, redistricting of various election districts is required under the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, due to delays in the receipt of census data from the United States Department of Commerce, Bureau of the Census, the Legislature was unable to conduct the required redistricting during the First Session of the 107th Legislature; and

WHEREAS, the Governor called the Legislature into special session on September 13, 2021, for the purpose of redistricting the various election districts; and

WHEREAS, the staff of the Legislative Research Office and other legislative employees have worked countless hours in an unprecedented timeframe to assist the Redistricting Committee in conducting its work during the special session; and

WHEREAS, without the personal sacrifices made by the staff of the Legislative Research Office and other legislative employees during the special session, it would not have been possible for the Legislature to complete the redistricting process in a timely manner; and

WHEREAS, the Legislature recognizes the outstanding work of its employees.

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

1. That the Legislature extends its deepest thanks and appreciation to the Legislative Research Office staff, including Director Ben Thompson, Tim Erickson, LaMont Rainey, Elice Hubbert, Dillon Cornett, Mark Marsh, and Jeff Fryman, as well as Grant Latimer, Committee Clerk to the Chairperson of the Redistricting Committee, Trevor Fitzgerald, Legal Counsel to the Vice-Chair of the Redistricting Committee, and Beau Ballard, Research Analyst to the Speaker of the Legislature, for their dedication and sacrifice in assisting the Legislature during the 2021 redistricting process.

2. That copies of this resolution be sent to Director Ben Thompson, Tim Erickson, LaMont Rainey, Elice Hubbert, Dillon Cornett, Mark Marsh, Jeff Fryman, Grant Latimer, Trevor Fitzgerald, and Beau Ballard.

LR1 was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR1.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on September 30, 2021, at 11:37 a.m. was the following: LB14e.

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

**MESSAGE(S) FROM THE GOVERNOR**

September 30, 2021

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed First Special Session Legislative Bill 14e was received in my office on September 30, 2021.

This bill was signed and delivered to the Secretary of State on September 30, 2021.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**MOTION - Approve Journal**

Senator Williams moved that the Journal for the Thirteenth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**MOTION(S) - Adjourn Sine Die**

Senator Hilgers moved that the One Hundred Seventh Legislature, First Special Session of the Nebraska Legislature, having finished all business before it, now at 11:48 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature