

**FIRST DAY - JANUARY 4, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 4, 2017

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fifth Legislature, First 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., on Wednesday, January 4, 2017, and was called to order by President Foley.

The roll was called and the following members were present:

Albrecht, Joni	Hansen, Matt	McDonnell, Mike
Baker, Roy	Harr, Burke J.	Morfeld, Adam
Blood, Carol	Hilgers, Mike	Murante, John
Bolz, Kate	Hilkemann, Robert	Pansing Brooks, Patty
Bostelman, Bruce	Howard, Sara	Quick, Dan
Brasch, Lydia	Hughes, Dan	Riepe, Merv
Brewer, Tom	Kintner, Bill	Scheer, Jim
Briese, Tom	Kolowski, Rick	Schumacher, Paul
Chambers, Ernie	Kolterman, Mark A.	Smith, Jim
Craighead, Joni	Krist, Bob	Stinner, John P.
Crawford, Sue	Kuehn, John L.	Vargas, Tony
Ebke, Laura	Larson, Tyson	Walz, Lynne
Erdman, Steve	Lindstrom, Brett	Watermeier, Dan
Friesen, Curt	Linehan, Lou Ann	Wayne, Justin
Geist, Suzanne	Lowe, John S.	Williams, Matt
Groene, Mike	McCollister, John S.	Wishart, Anna
Halloran, Steve		

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Harr moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

**MOTION - Committee on Credentials**

Senator Brasch moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2016.

The motion prevailed.

Senator Hughes moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Harr, Krist, Schumacher, Smith, and Watermeier.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

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

Secretary of State  
State Capitol  
Lincoln, Nebraska

I, John A. Gale, 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 Fifth Legislature, First Session, 2017.

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 Fifth Legislature, First Session, 2017.

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.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL)

(Signed) John A. Gale  
Secretary of State

DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 8, 2016
2 Bill Kintner	November 4, 2014
3 Carol Blood	November 8, 2016
4 Robert Hilkemann	November 4, 2014
5 Mike McDonnell	November 8, 2016
6 Joni Craighead	November 4, 2014
7 Tony Vargas	November 8, 2016
8 Burke J. Harr	November 4, 2014
9 Sara Howard	November 8, 2016
10 Bob Krist	November 4, 2014
11 Ernie Chambers	November 8, 2016
12 Merv Riepe	November 4, 2014
13 Justin Wayne	November 8, 2016
14 Jim Smith	November 4, 2014
15 Lynne M. Walz	November 8, 2016
16 Lydia Brasch	November 4, 2014
17 Joni Albrecht	November 8, 2016
18 Brett Lindstrom	November 4, 2014
19 Jim Scheer	November 8, 2016
20 John S. McCollister	November 4, 2014
21 Mike Hilgers	November 8, 2016
22 Paul Schumacher	November 4, 2014
23 Bruce Bostelman	November 8, 2016
24 Mark A. Kolterman	November 4, 2014
25 Suzanne Geist	November 8, 2016
26 Matt Hansen	November 4, 2014
27 Anna Wishart	November 8, 2016
28 Patty Pansing Brooks	November 4, 2014
29 Kate Bolz	November 8, 2016
30 Roy Baker	November 4, 2014
31 Rick Kolowski	November 8, 2016
32 Laura Ebke	November 4, 2014
33 Steve Halloran	November 8, 2016
34 Curt Friesen	November 4, 2014
35 Dan Quick	November 8, 2016
36 Matt Williams	November 4, 2014
37 John S. Lowe Sr.	November 8, 2016
38 John L. Kuehn	November 4, 2014
39 Lou Ann Linehan	November 8, 2016
40 Tyson Larson	November 4, 2014
41 Tom Briese	November 8, 2016
42 Michael Groene	November 4, 2014
43 Tom Brewer	November 8, 2016
44 Dan Hughes	November 4, 2014
45 Sue Crawford	November 8, 2016
46 Adam Morfeld	November 4, 2014
47 Steve Erdman	November 8, 2016
48 John P. Stinner Sr.	November 4, 2014
49 John Murante	November 8, 2016

**MOTION - Credentials Committee Report**

Senator Smith moved to approve the attached report as certified and presented by the Secretary of State, and furthermore, the committee takes notice of statutory Section 32-1111, R.R.S., which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided.

The motion prevailed.

**NOTICE OF ELECTION CONTEST**

Nebraska Unicameral Legislature

<u>John Sciara, candidate</u>	)	
Plaintiff	)	
	)	Patrick J. O'Donnell, Clerk
vs	)	Clerk of the Legislature
<u>Ernest W. Chambers, candidate</u>	)	
Defendant	)	

Petition of Qualifications Challenge

- I. Pursuant to Nebraska Legislature Rule book, rule 10, sec 3, qualification challenges may be brought only by an unsuccessful candidate. Qualification challenges must be brought within forty days following the General Election.
- II. Pursuant to the Nebraska State Constitution, Article III, sec 8, qualification for the office of member of the Legislature require that the candidate has resided within the district from which he is elected for the term of one year next before his election.
- III. Pursuant to the Nebraska State Constitution, Article III, sec 10, the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members.
- IV. Pursuant to rule 10, sec 3, a qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner.
- V. Pursuant to rule 10, sec 1, each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

VI. Pursuant to rule 10, sec 4, election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

VII. It is my belief that through the conversations with numerous people, that Senator Chambers, while having a residence in North Omaha, actually domiciles in Bellevue, making him ineligible under the Nebraska Constitution for failing to meet the requirement to reside in the district for one year prior to election date.

As the unsuccessful candidate that meets all of the requirements under the Nebraska Constitution, I request that the Clerk of the Legislature meet his obligations under the Rules of the Legislature to have the reference committee establish a committee to determine the validity of my eligibility challenge in a expedited manner before the start of the new session of the Legislature.

(Signed) John Sciara  
4038 Seward St  
Omaha NE 68111  
402 378-2102

Nebraska Unicameral Legislature

John Sciara,	)	
Plaintiff	)	
	)	
vs.	)	<b>AFFIDAVIT OF SERVICE</b>
	)	
Ernie Chambers	)	
Defendant	)	

State of Nebraska

County of Douglas

John Sciara, being first duly sworn on oath, disposes and states that on

November 15th, 2016 he did deliver in person one copy of Plaintiff's petition for qualification challenge to Senator Chambers office with the State Capitol.

(Signed) John Sciara

Subscribed and Sworn to before me this 15th day of November, 2016

(Signed) Kathy Briden  
Notary Public

**MOTION - Escort Chief Justice**

Senator Morfeld moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Ebke, Kolterman, Riepe, Pansing Brooks, and Harr to serve on said committee.

**MEMBERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
                                  ) ss.  
LANCASTER COUNTY )

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

- |                  |                  |                 |
|------------------|------------------|-----------------|
| Albrecht, Joni   | Geist, Suzanne   | Quick, Dan      |
| Blood, Carol     | Halloran, Steve  | Scheer, Jim     |
| Bolz, Kate       | Hilgers, Mike    | Vargas, Tony    |
| Bostelman, Bruce | Howard, Sara     | Walz, Lynne M.  |
| Brewer, Tom      | Kolowski, Rick   | Watermeier, Dan |
| Briese, Tom      | Linehan, Lou Ann | Wayne, Justin   |
| Chambers, Ernie  | Lowe, John S.    | Wishart, Anna   |
| Crawford, Sue    | McDonnell, Mike  |                 |
| Erdman, Steve    | Murante, John    |                 |

The committee escorted the Chief Justice from the Chamber.

**MOTION - Adopt Temporary Rules**

Senator Schumacher moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 4, 2017.

Senator Kuehn requested a roll call vote on the adoption of the temporary rules.

The motion to adopt temporary rules prevailed with 45 ayes, 4 nays, and 0 not voting.

**MOTION - Election of Officers**

Senator Krist moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Fifth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

**MOTION - Election of Speaker**

Senator Watermeier moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Williams placed his name in nomination.

Senator Scheer placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Schumacher, Bolz, and Hughes as tellers.

Senator Williams	22
Senator Scheer	<u>27</u>
	49

Senator Scheer was duly elected Speaker of the Legislature.

**EASE**

The Legislature was at ease from 10:55 a.m. until 11:10 a.m.

**MOTION - Escort Chief Justice**

Senator Pansing Brooks moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Stinner, Friesen, Howard, Lindstrom, and Crawford to serve on said committee.

**OFFICERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
  ) ss.  
LANCASTER COUNTY )

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Speaker	Jim Scheer
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The committee escorted the Chief Justice from the Chamber.

**MOTION - Chairperson of Committee on Committees**

Senator McCollister moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Craighead placed her name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Craighead.

The motion prevailed.

Senator Craighead was duly elected Chairperson of the Committee on Committees.



**MOTION - Committee on Committees Members**

Senator Craighead moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Schumacher, Kolterman, Morfeld, and Pansing Brooks were nominated from District 1.

Senators Smith, Harr, Howard, and Hilkemann were nominated from District 2.

Senators Groene, Erdman, Friesen, and Kuehn were nominated from District 3.

Senator Craighead moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator Chambers moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Watermeier placed his name in nomination.

Senator Krist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Albrecht, Crawford, and Friesen as tellers.

Senator Watermeier 28  
Senator Krist 21  
49

Senator Watermeier was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Hilkemann moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Hughes nominated Senator Kuehn.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kuehn.

The motion prevailed.

Senator Kuehn was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Williams moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Bolz and Crawford were nominated from District 1.

Senators Chambers and McCollister were nominated from District 2.

Senators Larson and Hughes were nominated from District 3.

Senator Williams moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Ebke moved to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Agriculture**

Senator Brasch placed her name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brasch.

The motion prevailed.

Senator Brasch was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Stinner placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stinner.

The motion prevailed.

Senator Stinner was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Lindstrom placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lindstrom.

The motion prevailed.

Senator Lindstrom was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Harr placed his name in nomination.

Senator Albrecht placed her name in nomination.

Senator Harr moved for a call of the house. The motion prevailed with 48 ayes, 0 nays, and 1 not voting.

The Chair declared the nominations closed.

The Chair appointed Senators Kuehn, McCollister, and Morfeld as tellers.

Senator Harr	23
Senator Albrecht	<u>26</u>
	49

Senator Albrecht was duly elected Chairperson of the Business and Labor Committee.

The Chair declared the call raised.

CHAIRPERSON - Education

Senator Baker placed his name in nomination.

Senator Groene placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Walz, Brasch, and Wayne as tellers.

Senator Baker	21
Senator Groene	<u>28</u>
	49

Senator Groene was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator McCollister placed his name in nomination.

Senator Larson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Kolowski, Ebke, and Halloran as tellers.

Senator McCollister	18
Senator Larson	<u>31</u>
	49

Senator Larson was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Murante placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Murante.

The motion prevailed.

Senator Murante was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Riepe placed his name in nomination.

Senator Howard placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Briese, McDonnell, and Hilgers as tellers.

Senator Riepe	27
Senator Howard	<u>22</u>
	49

Senator Riepe was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ebke placed her name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ebke.

The motion prevailed.

Senator Ebke was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Kolowski placed his name in nomination.

Senator Hughes placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Linehan, Quick, and Vargas as tellers.

Senator Kolowski	19
Senator Hughes	<u>30</u>
	49

Senator Hughes was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kolterman.

The motion prevailed.

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Smith placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Smith.

The motion prevailed.

Senator Smith was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Friesen placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friesen.

The motion prevailed.

Senator Friesen was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Crawford placed her name in nomination.

Senator Wayne placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Blood, Wishart, and Hilkemann as tellers.

Senator Crawford	19
Senator Wayne	<u>30</u>
	49

Senator Wayne was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Lindstrom moved to proceed to the election of the special and select committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Rules

Senator Hansen placed his name in nomination.

Senator Hilgers placed his name in nomination.

Senator Kuehn requested, pursuant to Article III, Section 11, that the vote for Chairperson of the Rules Committee be taken viva voce and entered into the Journal.

Senator Morfeld raised a point of order on whether the Chair could rule on constitutional provisions.

The Chair ruled Senator Kuehn's request is in order.

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

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

The Morfeld motion to overrule the Chair prevailed with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair was overruled.

The Chair declared the nominations closed.

The Chair appointed Senators Lowe, Erdman, and Bostelman as tellers.

Senator Hansen	20
Senator Hilgers	<u>28</u>
	48

Senator Hilgers was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Hansen nominated Senator Wishart.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wishart.

The motion prevailed.

Senator Wishart was duly elected Chairperson of the Enrollment and Review Committee.

#### **MOTION - Election Returns**

Senator Murante moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2016.

The motion prevailed.

The Chair appointed Senators Kolowski, Craighead, and Murante to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

#### **REPORT FROM THE SECRETARY OF STATE**

January 4, 2017

Speaker of the Legislature  
One Hundred Fifth Legislature, First Session 2017  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 8, 2016, for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Chief Justice of the Supreme Court, Supreme Court Justices, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2016 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to a Referendum ordered by Petition of the People, Referendum Number 426 is on file in this office. A certification



of these returns is attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,  
(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, ) ss. Secretary of State  
State of Nebraska ) State Capitol  
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Chief Justice of the Supreme Court, Supreme Court Justices, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 8, 2016.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL) (Signed) John A. Gale  
Secretary of State

- Public Service Commission, District 4 - Rod Johnson
- Public Service Commission, District 5 - Mary Ridder
- Board of Regents of the University of Nebraska, Dist 6 - Paul Kenney
- Board of Regents of the University of Nebraska, Dist 7 - Bob Phares
- State Board of Education - Dist 1 - Patricia A. Koch Johns
- State Board of Education - Dist 2 - Lisa Fricke
- State Board of Education - Dist 3 - Rachel Wise
- State Board of Education - Dist 4 - John Witzel
- Chief Justice of the Supreme Court - Michael G. Heavican
- Supreme Court Justice, District 3 - William B. Cassel
- Supreme Court Justice, District 6 - John F. Wright
- Court of Appeals Judge, District 1 - Riko E. Bishop
- Court of Appeals Judge, District 3 - Francie Riedmann Weis
- Court of Appeals Judge, District 5 - Everett O. Inbody
- Court of Appeals Judge, District 6 - Frankie J. Moore
- Nebraska Workers Compensation Judge - Daniel R. Fridrich
- Nebraska Workers Compensation Judge - James R. Coe
- Nebraska Workers Compensation Judge - John R. Hoffert

**CERTIFICATE**

State of Nebraska

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

Secretary of State  
 State Capitol  
 Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Referendum ordered by Petition of the People, Referendum Number 426, showing the number of votes cast at the General Election in the State of Nebraska held on November 8, 2016.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL)

(Signed) John A. Gale  
 Secretary of State

2016 General Election  
 Referendum Measure

Referendum ordered by Petition of the People Referendum No. 426:

Shall Legislative Bill 268 enacted by the First Session of the One Hundred Fourth Legislature, the purpose of which is to eliminate the death penalty and change the maximum penalty for the crime of murder in the first degree to life imprisonment.

Retain	320,719
Repeal	494,151

The Secretary of State was escorted from the Chamber.

Senator Crawford moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

**MOTION - Inaugural Ceremonies**

Senator Kolowski moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 2017, at 1:30 p.m.

The motion prevailed.

**COMMUNICATION(S)**

January 4, 2017

Senator Dan Watermeier  
Executive Board Chairperson  
Room 2000, State Capitol Building  
Lincoln NE 68509

Dear Senator Watermeier,

On November 15, 2016, the attached Petition of Qualifications Challenge, contesting the results of the election of the 11th Legislative District, was filed with my office by Mr. John Sciara.

Pursuant to Rule 10, Section 1(d), I am forwarding this petition to you as Chair of the Reference Committee, in order that such matter may be referenced to a specially created committee appointed to consider such challenge.

If you have any questions please do not hesitate to contact my office.

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

**VISITOR(S)**

The Doctor of the Day was Dr. Josue D. Gutierrez from Lincoln.

**ADJOURNMENT**

At 3:10 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 10:00 a.m., Thursday, January 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

