

FIRST DAY - JANUARY 6, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 2021

PRAYER

The prayer was offered by Senator Williams.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Seventh 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 6, 2021, and was called to order by President Foley.

The roll was called and the following members were present:

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

MOTION - Temporary Clerk and Sergeant at Arms

Senator Brandt moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Doug Donscheski as temporary Sergeant at Arms.

The motion prevailed.

MOTION - Committee on Credentials

Senator Hughes 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 2020.

The motion prevailed.

Senator Hughes moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Friesen, Pansing Brooks, Williams, M. Hansen, and Hughes.

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, 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 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 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 January 6, 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 Bob 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 |

MOTION - Credentials Committee Report

Senator Erdman moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Senator Blood 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 Hilgers, Lathrop, Pansing Brooks, Geist, and Stinner 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).

| | | |
|---------------------|-------------------|----------------------|
| Aguilar, Raymond | Erdman, Steve | McKinney, Terrell M. |
| Albrecht, Joni | Flood, Mike | Pahls, Rich |
| Blood, Carol | Geist, Suzanne | Sanders, Rita |
| Bostar, Eliot | Halloran, Steve | Slama, Julie |
| Bostelman, Bruce | Hilgers, Mike | Vargas, Tony |
| Brewer, Tom | Linehan, Lou Ann | Walz, Lynne |
| Briese, Tom | Lowe, John S. Sr. | Wayne, Justin T. |
| Cavanaugh, John Jr. | McDonnell, Mike | Wishart, Anna |
| Day, Jen | | |

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator Lathrop moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 6, 2021.

The motion prevailed.

MOTION - Election of Officers

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

| | |
|------------------------------------|----------------------|
| Clerk of the Legislature | Patrick J. O'Donnell |
| Assistant Clerk of the Legislature | Richard K. Brown |
| Assistant Clerk of the Legislature | Brandon L. Metzler |
| Sergeant at Arms | Doug Donscheski |

The motion prevailed.

MOTION - Election of Speaker

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

The motion prevailed.

Senator Hilgers placed his name in nomination.

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

The motion prevailed.

Senator Hilgers was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Senator DeBoer 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 Groene, Wishart, Lowe, M. Cavanaugh, and Clements 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 | Mike Hilgers |
| Clerk of the Legislature | Patrick J. O'Donnell |
| Assistant Clerk of the Legislature | Richard K. Brown |
| Assistant Clerk of the Legislature | Brandon L. Metzler |
| Sergeant at Arms | Doug Donscheski |

The committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

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

The motion prevailed.

Senator Hilkemann placed his name in nomination.

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

The motion prevailed.

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

MOTION - Committee on Committees Members

Senator Bostelman 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 Bostelman, Kolterman, Morfeld, and Moser were nominated from District 1.

Senators Hunt, Lathrop, Lindstrom, and Vargas were nominated from District 2.

Senators Albrecht, Erdman, Groene, and Murman were nominated from District 3.

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

The motion prevailed.

Senator Hughes placed his name in nomination.

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

The motion prevailed.

Senator Hughes was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

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

The motion prevailed.

Senator Vargas placed his name in nomination.

Senator Slama placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Briese, Hunt, and Halloran as tellers.

| | |
|----------------|-----------|
| Senator Vargas | 26 |
| Senator Slama | <u>23</u> |
| | 49 |

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

MOTION - Executive Board Members

Senator Friesen 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 Geist and Pansing Brooks were nominated from District 1.

Senators Lathrop and McCollister were nominated from District 2.

Senators Lowe and Slama were nominated from District 3.

Senator Walz 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 Moser 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 Halloran placed his name in nomination.

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

The motion prevailed.

Senator Halloran was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Stinner placed his name in nomination.

Senator M. 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 Williams placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Business and Labor

Senator M. Hansen placed his name in nomination.

Senator B. Hansen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Lindstrom, Erdman, and Blood as tellers.

Senator M. Hansen 23
Senator B. Hansen 26
49

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

CHAIRPERSON - Education

Senator Groene placed his name in nomination.

Senator Walz placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators DeBoer, Dorn, and Gragert as tellers.

| | |
|----------------|-----------|
| Senator Groene | 24 |
| Senator Walz | <u>24</u> |
| | 48 |

The Chair announced that a second ballot would be cast between Senator Groene and Senator Walz.

The Chair appointed Senators Albrecht, Arch, and Vargas as tellers.

| | |
|----------------|-----------|
| Senator Groene | 23 |
| Senator Walz | <u>25</u> |
| | 48 |

Senator Walz was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Briese placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Health and Human Services

Senator Arch placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Judiciary

Senator Lathrop placed his name in nomination.

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

The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Gragert placed his name in nomination.

Senator Bostelman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hilkemann, McDonnell, and Murman as tellers.

| | |
|-------------------|-----------|
| Senator Gragert | 14 |
| Senator Bostelman | <u>33</u> |
| | 47 |

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

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator M. 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 Linehan placed her name in nomination.

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

The motion prevailed.

Senator Linehan was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Friesen placed his name in nomination.

Senator M. 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 Wayne placed his name in nomination.

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

The motion prevailed.

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

MOTION - Special and Select Committee Chairpersons

Senator Wayne moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Rules

Senator Clements placed his name in nomination.

Senator DeBoer placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Williams, Linehan, and Morfeld as tellers.

| | |
|------------------|-----------|
| Senator Clements | 25 |
| Senator DeBoer | <u>24</u> |
| | 49 |

Senator Clements was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Slama nominated Senator McKinney.

Senator Slama moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McKinney.

The motion prevailed.

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

REPORT FROM THE SECRETARY OF STATE

January 6, 2021

Speaker of the Legislature
One Hundred and Seventh Legislature, First Session (Regular) 2021
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 3, 2020 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education. These 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 two Constitutional Amendments and

four Initiative Measures is on file in this office. A certification of these returns is also 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) Robert B. Evnen
Secretary of State

CERTIFICATE

State of Nebraska

United States of America,) ss. Secretary of State
State of Nebraska) 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 list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 3, 2020.

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 January 6, 2021.

(SEAL) (Signed) Robert B. Evnen
Secretary of State

- Public Service Commission, District 2 - Crystal Rhoades
- Board of Regents of the University of Nebraska, Dist 1 - Tim Clare
- Board of Regents of the University of Nebraska, Dist 2 - Jack A. Stark
- State Board of Education - Dist 1 - Patsy Koch Johns
- State Board of Education - Dist 2 - Lisa Fricke
- State Board of Education - Dist 3 - Patti S. Gubbels
- State Board of Education - Dist 4 - Jacquelyn Morrison

CERTIFICATE

State of Nebraska

United States of America,) ss. Secretary of State
State of Nebraska) 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 listing of Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election in the state of Nebraska held on November 3, 2020.

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 January 6, 2021.

(SEAL) (Signed) Robert B. Evnen
Secretary of State

2020 General Election

Proposed Amendment No. 1

A constitutional amendment to eliminate slavery or involuntary servitude as a punishment for crime.

For 603,204
Against 280,898

Proposed Amendment No. 2

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if, due to a high rate of unemployment combined with a high poverty rate as determined by law, more than one-half of the property in the project area is extremely blighted.

For 520,236
Against 330,445

Initiative Measure 428

A statutory initiative measure to: (1) reduce the amount that delayed deposit services licensees, also known as payday lenders, can charge to a maximum annual percentage rate of thirty-six percent; (2) prohibit payday lenders from evading this rate cap; and (3) deem void and uncollectable any delayed deposit transaction made in violation of this rate cap.

For 723,521
Against 150,330

Initiative Measure 429

A constitutional amendment to state that laws may be enacted to provide for the authorization, regulation, and taxation of all forms of games of chance to be conducted by licensees within licensed racetrack enclosures in Nebraska.

For 588,405
Against 316,298

Initiative Measure 430

A statutory initiative measure which: (1) allows games of chance to be conducted by authorized gaming operators within licensed racetrack enclosures in Nebraska; (2) establishes a Nebraska Gaming Commission to license and regulate such gaming; and (3) amends and repeals existing sections of law to harmonize provisions consistent with the enactment of such statute.

For 591,086
Against 318,094

Initiative Measure 431

A statutory initiative measure which: (1) imposes a 20% annual tax on gross gaming revenue from games of chance operated at licensed racetrack locations; (2) distributes 75% of such gaming tax revenues to the State for credit of 2.5% to both the Compulsive Gamblers Assistance Fund and General Fund, and 70% to the Property Tax Credit Cash Fund; and (3) distributes 25% of such gaming tax revenues to the county where the licensed racetrack is located, or, if the racetrack is located partially within a city or village, distributes this percentage evenly between the county and city or village.

For 620,835
Against 282,703

Senator Wishart moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

ANNOUNCEMENT

Senator Williams announced the Banking, Commerce and Insurance Committee will hold an executive session Thursday, January 7, 2021, at 1:30 p.m., in Room 1507.

VISITOR(S)

The Doctor of the Day was Dr. Patrick Hotovy of York.

ADJOURNMENT

At 1:25 p.m., on a motion by M. Cavanaugh, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

