

**FIRST DAY - JANUARY 4, 2023****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 4, 2023

**PRAYER**

The prayer was offered by Senator Dorn.

**PRESENTATION OF COLORS**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Aguilar.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Eighth 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, 2023, and was called to order by President Foley.

The roll was called and the following members were present:

Aguilar, Raymond	DeKay, Barry	Lippincott, Loren
Albrecht, Joni	Dorn, Myron	Lowe, John S. Sr.
Arch, John	Dover, Robert	McDonnell, Mike
Armendariz, Christy	Dungan, George III	McKinney, Terrell
Ballard, Beau	Erdman, Steve	Moser, Mike
Blood, Carol	Fredrickson, John	Murman, Dave
Bostar, Eliot	Geist, Suzanne	Raybould, Jane
Bostelman, Bruce	Halloran, Steve	Riepe, Merv
Brandt, Tom	Hansen, Ben	Sanders, Rita
Brewer, Tom	Hardin, Brian	Slama, Julie
Briese, Tom	Holdcroft, Rick	Vargas, Tony
Cavanaugh, John	Hughes, Jana	von Gillern, R. Brad
Cavanaugh, Machaela	Hunt, Megan	Walz, Lynne

Clements, Robert  
Conrad, Danielle  
Day, Jen  
DeBoer, Wendy

Ibach, Teresa  
Jacobson, Mike  
Kauth, Kathleen  
Linehan, Lou Ann

Wayne, Justin  
Wishart, Anna

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

Senator Vargas moved to appoint Mr. Brandon Metzler as temporary Clerk of the Legislature and Mr. Burdette Burkhart as temporary Sergeant at Arms.

The motion prevailed.

### **MESSAGE FROM THE GOVERNOR**

June 7, 2022

Kathleen Kauth  
6103 S. 178th Street  
Omaha, NE 68135

Dear Ms. Kauth:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 31 effective June 7, 2022. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosure

### **GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Kathleen Kauth as a member of the Nebraska Legislature representing District 31.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on June 7, 2022, and continue until



who would serve the remainder of former Congressman Fortenberry's term in the United States House of Representatives. I am humbled to have gained their confidence and trust.

I have recently been informed by Speaker Pelosi's office of my official swearing in tomorrow, Tuesday, July 12, 2022. Therefore, I will no longer be able to serve in my current role.

For ten years, I have been privileged to serve the people of District 19, and I am thankful to them the opportunity. I look forward to continuing to serve them and others as I enter a new role.

Please accept this letter as formal notice of my resignation from the Nebraska Legislature at 8:00 a.m. today, July 11, 2022.

Yours very truly,  
(Signed) Michael J. Flood

MJF: jcf

cc: Senator Mike Hilgers, Speaker of the Legislature  
Clerk of the Legislature Patrick J. O'Donnell

**MESSAGE FROM THE GOVERNOR**

July 22, 2022

Robert Edward Dover  
3211 Dover Drive  
Norfolk, NE 68701

Dear Mr. Dover:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 19 effective July 22, 2022. Your knowledge and input are valuable and your willingness to serve in this position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Robert Edward Dover as a member of the Nebraska Legislature representing District 19.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on July 22, 2022, and continue until January 7, 2025 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts  
Governor

(Signed) Robert B. Evnen  
Secretary of State

**OFFICIAL OATH**

STATE OF NEBRASKA    )  
  ) ss.  
County of Lancaster    )

"I, Robert Edward Dover, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 19 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I 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 may give or withhold on any bill, resolution, or appropriation)."\*

(Signed) Robert Edward Dover

Subscribed in my presence and sworn to before me this 22nd day of July 2022.

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

\*Constitution of the State of Nebraska, Article XV, Section One.  
For Executive, Judicial Officers and Members of the Legislature.

**RESIGNATION**

November 22, 2022

Governor Pete Ricketts  
Nebraska State Capitol  
1445 K Street  
Lincoln, NE 68509

Dear Governor Ricketts,

At the November 8, 2022, General Election, the people of Nebraska elected me to serve as Attorney General. Accordingly, I resign the office of State Senator for District 21 and as Speaker of the Nebraska Unicameral Legislature effective Tuesday, January 3, 2023 at 11:59 pm.

It has been an honor and a privilege to serve the people of Nebraska as a State Senator and Speaker of the Legislature. I look forward to continuing my public service to Nebraskans as their Attorney General.

Sincerely,  
(Signed) Mike Hilgers  
Speaker

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature

**MESSAGE FROM THE GOVERNOR**

December 22, 2022

Beau J. Ballard  
6801 NW 2nd Street  
Lincoln, NE 68521

Dear Mr. Ballard:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 21 effective January 4, 2023. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated. Working together we can make wise decisions while keeping the best interests of our citizens in mind.

Congratulations and best wishes.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Beau J. Ballard as a member of the Nebraska Legislature representing District 21.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 4, 2023, and continue until January 7, 2025 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts  
Governor

(Signed) Robert B. Evnen  
Secretary of State

**MOTION - Committee on Credentials**

Senator Hunt 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 2022.

The motion prevailed.

The chair moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Aguilar, Conrad, Blood, Bostelman, and Erdman.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

United States of America, )  
  ) ss. Secretary of State  
State of 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 Eighth Legislature, First Session, 2023.

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 Eighth Legislature, First Session, 2023.

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 4, 2023.

(SEAL)

(Signed) Robert B. Evnen  
Secretary of State

DISTRICT/NAME	ELECTED
1 Julie Slama	November 3, 2020
2 Robert Clements	November 8, 2022
3 Carol Blood	November 3, 2020
4 R. Brad von Gillern	November 8, 2022
5 Mike McDonnell	November 3, 2020
6 Machaela Cavanaugh	November 8, 2022
7 Tony Vargas	November 3, 2020
8 Megan Hunt	November 8, 2022
9 John Cavanaugh	November 3, 2020
10 Wendy DeBoer	November 8, 2022
11 Terrell McKinney	November 3, 2020
12 Merv Riepe	November 8, 2022
13 Justin T. Wayne	November 3, 2020
14 John Arch	November 8, 2022
15 Lynne M. Walz	November 3, 2020
16 Ben Hansen	November 8, 2022
17 Joni Albrecht	November 3, 2020
18 Christy Armendariz	November 8, 2022
19 Robert Dover - Appointed	July 22, 2022
20 John A. Fredrickson	November 8, 2022
21 Beau Ballard - Appointed	January 4, 2023
22 Mike Moser	November 8, 2022
23 Bruce Bostelman	November 3, 2020
24 Jana Hughes	November 8, 2022
25 Suzanne Geist	November 3, 2020
26 George C. Dungan III	November 8, 2022
27 Anna Wishart	November 3, 2020
28 Jane Raybould	November 8, 2022
29 Eliot Bostar	November 3, 2020
30 Myron Dorn	November 8, 2022
31 Kathleen R. Kauth	November 8, 2022
32 Tom Brandt	November 8, 2022



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).

Arch, John	Dorn, Myron	Jacobson, Mike
Armendariz, Christy	Dungan, George III	Kauth, Kathleen
Ballard, Beau	Fredrickson, John	Lippincott, Loren
Brandt, Tom	Hansen, Ben	Moser, Mike
Cavanaugh, Machaela	Hardin, Brian	Murman, Dave
Clements, Robert	Holdcroft, Rick	Raybould, Jane
Conrad, Danielle	Hughes, Jana	Riepe, Merv
DeBoer, Wendy	Hunt, Megan	von Gillern, R. Brad
DeKay, Barry	Ibach, Teresa	

The committee escorted the Chief Justice from the Chamber.

#### **MOTION - Adopt Temporary Rules**

Senator Clements moved that the rules, as now in our possession, be adopted for today through Day Twelve, Friday, January 20, 2023.

The motion prevailed.

#### **MOTION - Election of Officers**

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

Clerk of the Legislature	Brandon Metzler
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Burdette Burkhart

The motion prevailed.

#### **MOTION - Election of Speaker**

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

The motion prevailed.

Senator Arch placed his name in nomination.

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

The motion prevailed.



**MOTION - Committee on Committees Members**

Senator Walz 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 Bostar, Bostelman, Sanders, and Moser were nominated from District 1.

Senators Vargas, Hunt, Linehan, and von Gillern were nominated from District 2.

Senators Lowe, Murman, Jacobson, and Erdman were nominated from District 3.

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

The motion prevailed.

Senator Briese placed his name in nomination.

Senator Sanders 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 Executive Board.

**MOTION - Vice Chairperson of Executive Board**

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

The motion prevailed.

Senator Aguilar placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Aguilar.

The motion prevailed.

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

#### **MOTION - Executive Board Members**

Senator Linehan 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 Bostar and Geist were nominated from District 1.

Senators Vargas and Riepe were nominated from District 2.

Senators Slama and Lowe were nominated from District 3.

Senator McDonnell 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 and Select Committee Chairpersons**

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

The motion prevailed.

#### **STANDING COMMITTEES**

##### **CHAIRPERSON - Agriculture**

Senator Halloran placed his name in nomination.

Senator Sanders 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 Clements placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Clements.

The motion prevailed.

Senator Clements was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Slama placed her name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Business and Labor

Senator Riepe placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Riepe.

The motion prevailed.

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

CHAIRPERSON - Education

Senator Murman placed his name in nomination.

Senator Walz placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Day, von Gillern, and Hansen as tellers.

Senator Murman	32
Senator Walz	<u>17</u>
	49

Senator Murman was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Lowe placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lowe.

The motion prevailed.

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

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Brewer placed his name in nomination.

Senator Sanders 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 Hansen placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Judiciary

Senator Wayne placed his name in nomination.

Senator Sanders 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 Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Bostelman placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Bostelman.

The motion prevailed.

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

CHAIRPERSON - Nebraska Retirement Systems

Senator McDonnell placed his name in nomination.

Senator Sanders moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McDonnell.

The motion prevailed.

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

CHAIRPERSON - Revenue

Senator Linehan placed her name in nomination.

Senator Sanders 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 Brandt placed his name in nomination.

Senator M. Cavanaugh nominated Senator DeBoer.

Senator DeBoer declined the nomination.

Senator Moser placed his name in nomination.

Senator Lowe nominated Senator Geist

The Chair declared the nominations closed.

The Chair appointed Senators Ibach, Erdman, and J. Cavanaugh as tellers.

Senator Brandt	10
Senator Moser	8
Senator Geist	<u>29</u>
	47

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

CHAIRPERSON - Urban Affairs

Senator McKinney placed his name in nomination.

Senator Sanders 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 Urban Affairs Committee.

**SELECT COMMITTEES**

CHAIRPERSON - Rules

Senator Erdman placed his name in nomination.

Senator J. Cavanaugh placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hunt, Ballard, and Lippincott as tellers.

Senator Erdman	33
Senator J. Cavanaugh	<u>15</u>
	48

Senator Erdman was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator McKinney nominated Senator Ballard.

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

The motion prevailed.

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

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

Senator Jacobson 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 2022.

The motion prevailed.

The Chair appointed Senators Halloran, Dorn, and M. Cavanaugh to serve on said committee.

The committee escorted Secretary of State, Robert B. Evnen, to the rostrum where he delivered the following report:

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

January 4, 2023

Speaker of the Legislature  
One Hundred Eighth Legislature, First Session 2023  
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, 2022 for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, Public Service Commissioner, State Board of Education, and Board of Regents of the University of Nebraska. These votes are required by law to be canvassed by the Nebraska State Legislature pursuant to Section 32-1039 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 abstracts containing the tabulation of votes from the ninety-three counties with reference to one Constitutional Amendment and two Initiative Measures is on file in this office. A certification of these returns is also attached.



**CERTIFICATE**

State of Nebraska

United States of America, )	) ss.	Secretary of State
State of 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 held on November 8, 2022.

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 4, 2023.

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

2022 General Election

Proposed Amendment No. 1

A constitutional amendment to authorize any city, county, or other political subdivision owning or operating an airport to expend its revenues for the public purpose of developing or encouraging the development of new or expanded regularly scheduled commercial passenger air service at such airport.

For	481,702
Against	129,699

Initiative Measure 432

A constitutional amendment to require that, before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature.

For	432,028
Against	228,031

Initiative Measure 433

A statutory initiative to amend the Nebraska statute establishing a minimum wage for employees to increase the state minimum wage from nine dollars (\$9.00) per hour to ten dollars and fifty cents (\$10.50) per hour on January

1, 2023, to twelve dollars (\$12.00) per hour on January 1, 2024, to thirteen dollars and fifty cents (\$13.50) per hour on January 1, 2025, and to fifteen dollars (\$15.00) per hour on January 1, 2026, to be adjusted annually thereafter to account for increases in the cost of living.

For	386,756
Against	272,603

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

The motion prevailed.

The Secretary of State was escorted from the Chamber.

#### **MOTION - Inaugural Ceremonies**

Senator Arch moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 2023, at 1:30 p.m.

The motion prevailed.

#### **VISITORS**

Visitors to the Chamber were Susan Foley and Peter Foley.

The Doctor of the Day was Dr. David Hoelting of Pender.

#### **ADJOURNMENT**

At 12:41 p.m., on a motion by Senator Wishart, the Legislature adjourned until 10:00 a.m., Thursday, January 5, 2023.

Brandon Metzler  
Clerk of the Legislature

