

EIGHTY-THIRD DAY - MAY 26, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 26, 2021

PRAYER

The prayer was offered by Senator Geist.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Erdman.

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 Bostar, M. Cavanaugh, B. Hansen, Hilkemann, Lathrop, Pansing Brooks, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 358, after line, 17, insert "Senator Hansen, B. name added to LB387."
The Journal for the twentieth day was approved as corrected.

The Journal for the eighty-second day was approved.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 579, 236, 285e, and 100e.

(Signed) Matt Hansen

MOTION(S) - Print in Journal

Senator Hilgers filed the following motion:
Suspend Rule 6, Section 3 and 5, and Rule 7, Sections 3 and 7, and to

indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 99, 161, 162, 189, 218, 254, 288, 295, 316, 354, 365, 415, 549, 556, 570, and 647.

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR5.

(Signed) Terrell McKinney, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 5. Introduced by Gragert, 40; Brewer, 43; Halloran, 33; Slama, 1; Blood, 3.

WHEREAS, the One Hundred Sixth Legislature recognized the benefits of achieving more rapid and widespread adoption of soil-health management practices; and

WHEREAS, the One Hundred Sixth Legislature created a seventeen-member Healthy Soils Task Force to develop a healthy soils initiative for the State of Nebraska; and

WHEREAS, members of the Healthy Soils Task Force and stakeholders across Nebraska researched the soil-health programs and activities of other states, assessed current soil-health work in Nebraska, examined soil-health and related issues as specified by legislation, and developed a plan to build on and enhance existing programs; and

WHEREAS, the Healthy Soils Task Force focused on ways to increase profitability for producers and landlords while simultaneously protecting the environment for future generations without the need for mandates or regulations; and

WHEREAS, the Healthy Soils Task Force thinks by being proactive in addressing key agronomic and environmental issues that Nebraska might avoid the strict mandates and regulations found in other states; and

WHEREAS, growing interest exists for creating programs which reward producers to voluntarily implement practices to promote and conserve the health and quality of soil and water in Nebraska; and

WHEREAS, a permanent healthy soils initiative and a central hub providing a single point of contact would benefit Nebraska and increase coordination, collaboration, and communication relating to soil-health advancement.

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

1. That the Legislature acknowledges the report, findings, and recommendations that the Healthy Soils Task Force submitted to the Governor and the Agriculture Committee of the Legislature.

2. That the Legislature supports and encourages a voluntary grassroots effort to accelerate means to protect and enhance Nebraska's soil and receive the benefits described in the report from the Healthy Soils Task Force.

3. That the Legislature encourages the Department of Agriculture, the Department of Natural Resources, and other state agencies to assist in the voluntary grassroots effort.

MESSAGE(S) FROM THE GOVERNOR

May 24, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 2, 40, 40A, 156, 156A, 247e, 247Ae, 255, 260, 271, 271A, 273, 302, 307, 322e, 322Ae, 324, 324A, 411e, 411Ae, 485, 485A, 527, 527A, 639, 644, 650, 650A, 664, and 664A were received in my office on May 19, 2021.

These bills were signed and delivered to the Secretary of State on May 24, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. President and Members of the Legislature:

I have signed LB 131e and LB 131Ae but have concerns about provisions of the legislation, which create the Municipal Natural Gas Emergency Assistance Act to provide up to 80% of the extraordinary costs incurred due to extreme weather events to municipalities that own and operate a natural gas plant or natural gas system.

Providing a state-funded taxpayer bailout to communities which failed to manage and minimize their individual market exposure sets a bad precedent. Severe weather events are not unusual in Nebraska. The bill provides \$4

million dollars for public natural gas systems that did not properly plan and, therefore, had to purchase natural gas at high market prices during the extreme cold temperatures this past winter. It is especially concerning that the program continues through June 30, 2023. No community affected in February 2021 should continue to be eligible to claim against this fund for over one year after the event.

LB 131 obligates all Nebraskans to pay for the irresponsible errors made by certain communities' natural gas systems. Every taxpayer will already be paying their own increased bills. They will now be obligated to also pay to keep the rates lower for others in communities that chose to risk market prices instead of ensuring fixed cost contracts.

Notwithstanding the policy problem created by LB 131, I have signed the legislation due to the unusual year we have just withstood during the pandemic, which caused a financial hardship for many Nebraskans. I consider the funding provided by LB 131Ae as a one-time payment in light of this extreme hardship circumstance.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. President and Members of the Legislature:

I have signed LB 103 but have concerns about the troubling precedent that is being set by the bill.

The events leading to the introduction of LB 472, LB 473 and LB 474 in 2019 and LB 103 in 2021 are indeed tragic. It is tragic that Gage County's law enforcement officers violated the civil rights of the Beatrice Six. It is tragic that the County did not have the proper insurance, thus necessitating the county to raise property taxes to pay the federal judgment. Finally, it is tragic that the residents of Gage County will have to pay extremely large property taxes for the unscrupulous prior actions of their elected officials.

The 106th Legislature passed LB 472 over my objections, allowing the Gage County Board to impose a sales and use tax of one-half of one percent with a two-thirds majority vote of the board. Bypassing a vote of the people, the board enacted the sales tax increase.

LB 103 is the second bill to be passed by the Nebraska Legislature within two years that addresses the poor decisions made by prior Gage County Board of Supervisors, and it is another iteration of a prior legislative proposal that would have had State of Nebraska taxpayers from all counties pay for the egregious errors made by Gage County elected officials to satisfy the Beatrice Six court judgment.

Notwithstanding the policy problem created by LB 103, I have signed the bill for one reason. The unusual year we have just withstood during the pandemic caused a financial hardship for many Nebraskans, including those in Gage County. I consider the funding provided by LB 103 as a one-time payment in light of this extreme hardship circumstance.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 387 was received in my office on May 19, 2021.

This bill was signed and delivered to the Secretary of State on May 25, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 18e, 26, 39, 39A, 51, 51A, 64, 84, 139e, 185, 336, 366, 366A, 396, 396A, 406, 406A, 428e, 428Ae, 452, 528, 544, 544A, 561, 561A, 566e, 566Ae, 572, 595, 630, 630A, 649, 649A, and 682e were received in my office on May 20, 2021.

These bills were signed and delivered to the Secretary of State on May 25, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. President and Members of the Legislature:

I am returning LB 108e and 108Ae without my signature and with my objections. LB 108 will increase the gross income eligibility limit to apply for food stamps from 130% to 165% of the federal poverty level (FPL) until October 1, 2023. However, in order for applicants to receive these benefits they must also satisfy the 100% net income eligibility limit, which is set by the federal government. Many applicants will be denied the food stamp benefits. This will result in widespread disappointment among applicants and significant wasted effort to process the extreme volume of applications for individuals that will ultimately be deemed ineligible for benefits.

Additionally, impacts of the federal gross 100% FPL requirement were underrepresented during the debate. More families will have to reduce their incomes and may be incentivized to spend more in allowable expenses to meet the 100% FPL. This will create a perverse incentive for individuals who have an opportunity to get a better job to provide for their family to instead become more dependent on public benefits. The bill comes at a time when we are encouraging Nebraskans to return to work and remove their dependency on government assistance.

LB 108 would dramatically expand a taxpayer-funded food assistance program that is only intended to benefit those who are truly in need. While the bill contains a sunset for the expansion provision, history proves that it is nearly impossible to reign in a public benefit. In three years when the expansion provided in the bill ends, there will undoubtedly be a proposal before the Legislature to extend the sunset. Children and our most vulnerable Nebraskans are already being served by the current program. LB 108 does nothing more than create another cliff where individuals falling in the expansion population above 130% FPL and at or below 165% FPL will get their benefits cut off as of October 1, 2023.

Our state has successfully regained jobs and restored growth after the disruptions of the pandemic. We had the lowest average unemployment rate of any state in 2020, and our current unemployment rate of 2.8% is the lowest in the nation. We offer programs like SNAP Next Step to help families gain job skills to live better lives. On average, participants who complete SNAP Next Step receive more than a \$20,500 annual increase in their income. We should continue to empower families to achieve greater financial independence. A provision to require participation for the expansion population in this job training program was stripped from the bill. Therefore, the expanded population is not even asked to look for work or to engage in additional education or training that will assist in their future work efforts.

Nebraska is a step ahead recovering from the pandemic. We are getting people back to work and employers are trying to hire staff. As I have heard from many of you, small Nebraska businesses cannot hire staff, and they are struggling to stay open or to re-open. We should remove any incentives that would slow reopening, regrowth, re-employment, and reconnecting. Whether intended or not, LB 108 discourages Nebraskans from returning to work.

For these reasons, I respectfully urge you to sustain my vetoes of LB 108e and 108Ae.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. President and Members of the Legislature:

I am returning LB 147e and LB 147Ae without my signature and with my objections. The legislation entangles the State of Nebraska in the administration and management of the Omaha Public Schools (OPS) pension plan and sets a course for Nebraska taxpayers to bailout the OPS plan.

LB 147 takes a pivotal step in a series of incremental changes pushed by OPS to shift the burden to the State of Nebraska to fix the school district's long-term pension disaster. This crisis was created by the gross incompetence of the prior Omaha School Employees Retirement Systems (OSERS) Board. I objected early and have continued to repeat my objections to the State taking over management of the OPS plan for that reason.

Despite misleading statements to the contrary made by the bill's sponsor, I objected to taking over management of the OPS plan even when I signed LB 31 in 2019. LB 31 looked at the costs of assuming management of the OPS pension plan, but the report shows no benefit to the State and minimal benefits to OPS. The benefits touted in LB 147 are tenuous at best and could be achieved through better local management.

Despite representations that LB 147 protects the State, nothing in the language of LB 147 prevents OPS from seeking additional state funding to meet the district's obligations short of outright assuming the full liability. Additionally, State management erodes the distinction between the State's existing school retirement plan and the OPS pension plan. Without clear distinctions, future legislators will likely assume responsibility over both plans, which has always been OPS's intention.

The bill cannot bind future legislative actions. Should the State take over the OPS pension plan liability, it would cost Nebraskans property tax relief. The \$848 million of unfunded liabilities in the OPS plan exceeds the significant and generous amount of nearly \$790 million of property tax relief we all worked exceptionally hard to ensure will be provided for taxpayers next year. Funding the cost of taking over liability will come at the expense of increasing future property tax relief.

LB 147 is poor public policy and continues the slippery slope of the state taxpayer bailout of the OPS pension plan.

For these reasons, I respectfully urge you to sustain my vetoes of LB 147e and LB 147Ae.

Sincerely,
(Signed) Pete Ricketts
Governor

May 25, 2021

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

Dear Mr. President and Members of the Legislature:

I am returning LB 306e and LB 306Ae without my signature and with my objections.

LB 306 permanently increases the income eligibility for the Low-Income Energy Assistance Program (LIHEAP) from 130% of the Federal Poverty Level (FPL) to 150% FPL. The bill also requires that a minimum of 10% of available LIHEAP funds be allocated for weatherization assistance.

Apart from the temporary LIHEAP funding increase, the regular federal allotment does not fully fund the heating, cooling, and weatherization costs for Nebraskans who are at or below the existing 130% federal poverty level. Permanently expanding program participants who have higher incomes by what the fiscal office estimates to be another 22,555 individuals. This would be a permanent benefit expansion funded with one-time federal dollars. When those one-time federal dollars run out, the most in need will be disadvantaged by receiving a smaller share of the regular LIHEAP program funds.

Instead of jeopardizing the ongoing funding integrity of the program, I will commit to using the temporary LIHEAP funding increase that Nebraska is slated to receive under the American Rescue Plan Act to serve those whose incomes fall between 130 % - 150% of the Federal Poverty Level and to provide additional weatherization assistance as is proposed in the bill. When the enhanced LIHEAP funding is no longer available, then the program eligibility would return to their current levels to serve individuals whose incomes are at or below 130% of the Federal Poverty Level.

For these reasons, I respectfully urge you to sustain my vetoes of LB 306e and LB 306Ae.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 150, 153, 160, 169, 195, and 197 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 128, 150, 153, 160, 169, 195, and 197.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 134. Read. Considered.

Committee [AM1472](#), found on page 1545, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

[FA59](#)

Amend AM1472.

On page 2, line 6 strike "allow for".

Senator Blood offered the following motion:

[MO114](#)

Recommit to the Redistricting Committee.

Senator Blood withdrew her motion to recommit to committee.

Senator Linehan moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 16:

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

Voting in the negative, 28:

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

Present and not voting, 3:

Kolterman McCollister Pahls

Absent and not voting, 1:

Friesen

Excused and not voting, 1:

Wayne

The Morfeld amendment lost with 16 ayes, 28 nays, 3 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Morfeld offered the following amendment to the committee amendment:

[FA60](#)

Amend AM1472.

On page 3, line 20, strike "10%" and insert "8%".

The Morfeld amendment lost with 15 ayes, 28 nays, 5 present and not voting, and 1 excused and not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

Senator Linehan requested a roll call vote on the committee amendment.

Voting in the affirmative, 30:

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

Voting in the negative, 16:

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

Present and not voting, 2:

McCollister Pahls

Excused and not voting, 1:

Wayne

The committee amendment was adopted with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the adoption of the resolution.

Voting in the affirmative, 31:

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

Voting in the negative, 16:

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

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Wayne

LR134, as amended, was adopted with 31 ayes, 16 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR117	Natural Resources
LR131	Urban Affairs
LR239	Health and Human Services
LR246	Natural Resources
LR248	Judiciary
LR249	Judiciary
LR253	Judiciary
LR254	Judiciary
LR256	Judiciary
LR257	Judiciary
LR258	Judiciary
LR259	Judiciary
LR260	Judiciary

(Signed) Dan Hughes, Chairperson
Executive Board

MESSAGE(S) FROM THE GOVERNOR

May 26, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 100e, 236, 285e, 432, 432A, and 579 were received in my office on May 21, 2021.

These bills were signed and delivered to the Secretary of State on May 26, 2021.

(Signed) Sincerely,
Pete Ricketts
Governor

May 26, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 388e and 388Ae were received in my office on May 20, 2021.

These bills were signed and delivered to the Secretary of State on May 26, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

May 26, 2021

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 274e and 274Ae were received in my office on May 20, 2021.

These bills were signed on May 25, 2021, and delivered to the Secretary of State on May 26, 2021.

Sincerely,
(Signed) Pete Ricketts
Governor

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LR128.
Senator Sanders name added to LR134.

RECESS

At 11:06 a.m., on a motion by Senator Slama, 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 Bostar, Morfeld, and Pansing Brooks who were excused until they arrive.

MOTION(S) - Override Veto on LB108

Senator McCollister offered the following motion to LB108:

MO110

Becomes law notwithstanding the objections of the Governor.

Senator McCollister moved for a call of the house. The motion prevailed with 35 ayes, 4 nays, and 10 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

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

Voting in the negative, 19:

Aguilar	Brewer	Geist	Hughes	Murman
Albrecht	Briese	Groene	Linehan	Sanders
Arch	Clements	Hansen, B.	Lowe	Slama
Bostelman	Erdman	Hilgers	Moser	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Override Veto on LB108A

Senator McCollister offered the following motion to LB108A:
MO111

Becomes law notwithstanding the objections of the Governor.

Senator McCollister requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

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

Voting in the negative, 19:

Aguilar	Brewer	Geist	Hughes	Murman
Albrecht	Briese	Groene	Linehan	Sanders
Arch	Clements	Hansen, B.	Lowe	Slama
Bostelman	Erdman	Hilgers	Moser	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION(S) - Override Veto on LB306

Senator Brandt offered the following motion to LB306:
MO108

Becomes law notwithstanding the objections of the Governor.

Senator Brandt moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Senator Brandt requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

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

Voting in the negative, 15:

Aguilar	Clements	Groene	Linehan	Murman
Albrecht	Erdman	Hilgers	Lowe	Sanders
Brewer	Geist	Hughes	Moser	Slama

Present and not voting, 2:

Arch Hansen, B.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Override Veto on LB306A

Senator Brandt offered the following motion to LB306A:

[MO109](#)

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

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

Voting in the negative, 16:

Aguilar	Erdman	Hilgers	Moser
Albrecht	Geist	Hughes	Murman
Brewer	Groene	Linehan	Sanders
Clements	Hansen, B.	Lowe	Slama

Present and not voting, 1:

Arch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION(S) - Override Veto on LB147

Senator Kolterman offered the following motion to LB147:

[MO112](#)

Becomes law notwithstanding the objections of the Governor.

Senator Kolterman moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

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

Voting in the negative, 18:

Albrecht	Briese	Geist	Lowe	Sanders
Arch	Clements	Groene	Moser	Slama
Bostelman	Erdman	Hansen, B.	Murman	
Brewer	Friesen	Hughes	Pahls	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Override Veto on LB147A

Senator Kolterman offered the following motion to LB147A:
[MO113](#)

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

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

Voting in the negative, 16:

Albrecht	Clements	Groene	Moser
Bostelman	Erdman	Hansen, B.	Murman
Brewer	Friesen	Hughes	Sanders
Briese	Geist	Lowe	Slama

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Suspend Rules

Senator Flood offered his motion, [MO46](#), found on page 1125, to suspend Rule 3, Section 20 (d) so as to provide that LR14 "not stand as indefinitely postponed", to LR14.

Senator Flood moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Flood requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

Aguilar	Briese	Gragert	Linehan	Pahls
Arch	Clements	Halloran	Lowe	Sanders
Bostar	Dorn	Hansen, B.	McCollister	Stinner
Bostelman	Erdman	Hilkemann	McDonnell	Wayne
Brandt	Flood	Kolterman	Moser	Williams
Brewer	Friesen	Lindstrom	Murman	Wishart

Voting in the negative, 14:

Blood	Geist	Hughes	McKinney	Vargas
Cavanaugh, J.	Hansen, M.	Hunt	Morfeld	Walz
Day	Hilgers	Lathrop	Pansing Brooks	

Present and not voting, 2:

Cavanaugh, M. DeBoer

Excused and not voting, 3:

Albrecht Groene Slama

The Flood motion to suspend the rules prevailed with 30 ayes, 14 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
 Secretary of State
 2300 State Capitol
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB108e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB108e, notwithstanding the objections of the Governor.

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

PJO;jl
 Enc.

CERTIFICATE

Legislative Bill 108e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB108Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB108Ae, notwithstanding the objections of the Governor.

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

PJO:jl
Enc.

CERTIFICATE

Legislative Bill 108Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB306e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB306e, notwithstanding the objections of the Governor.

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

PJO:jl
Enc.

CERTIFICATE

Legislative Bill 306e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB306Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB306Ae, notwithstanding the objections of the Governor.

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

PJO:jl
Enc.

CERTIFICATE

Legislative Bill 306Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB147e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB147e, notwithstanding the objections of the Governor.

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

PJO:jl
Enc.

CERTIFICATE

Legislative Bill 147e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION

May 26, 2021

The Honorable Robert Evnen
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB147Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB147Ae, notwithstanding the objections of the

Governor.

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

PJO:jl
Enc.

CERTIFICATE

Legislative Bill 147Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 26th day of May 2021.

(Signed) Mike Foley
President of the Legislature

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR134.

(Signed) Terrell McKinney, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 134. Introduced by Redistricting Committee Blood, 3; Briese, 41; Lathrop, 12; Morfeld, 46; Wayne, 13; Linehan, 39; Lowe, 37; Geist, 25; Sanders, 45.

WHEREAS, redistricting of the various election districts will be considered as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created the Redistricting Committee to administer the 2021 redistricting process; and

WHEREAS, the Redistricting Committee adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2021 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. Population data from the 2020 United States Census will be used for purposes of redistricting.

2. District boundaries established by the Legislature during the 2021 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters, preserve communities of interest, and allow for the preservation of the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2021:

UNITED STATES HOUSE OF REPRESENTATIVES

(a) Three single-member districts.

(b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.

(c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, the preservation of communities of interest, and allowance for the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

LEGISLATURE

- (a) Forty-nine single-member districts.
- (b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.
- (c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.
- (d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

NEBRASKA SUPREME COURT

- (a) Six single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

BOARD OF REGENTS

- (a) Eight single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

PUBLIC SERVICE COMMISSION

- (a) Five single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

STATE BOARD OF EDUCATION

- (a) Eight single-member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 261. Introduced by Revenue Committee: Linehan, 39, Chairperson; Albrecht, 17; Bostar, 29; Briese, 41; Flood, 19; Friesen, 34; Lindstrom, 18; Pahls, 31.

PURPOSE: The purpose of this interim study is to examine the structure and administration of and compliance with:

- (1) Individual and corporate income taxes;
- (2) Financial institution and insurance premiums taxes;
- (3) State and local sales and use taxes;
- (4) Real and personal property taxes; and
- (5) Any other taxes.

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

- 1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR261 Revenue

(Signed) Dan Hughes, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Hughes, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

LB406 - The Statewide Tourism and Recreational Water Access and Resource Sustainability (STAR WARS) Special Committee

Senator Brandt
Senator Clements
Senator Gragert
Senator Flood
Senator Hughes
Senator McCollister
Senator McDonnell
Senator Wishart

The committee also includes the Speaker, who shall serve as chairperson, and Senator Bostelman as chairperson of the Natural Resources Committee

LB247 - The Mental Health Crisis Hotline Task Force

Senator Bostar
Senator Pansing Brooks
Senator Brandt
Senator Day
Senator Friesen

LR141 - The School Finance Study Committee

Senator Bostar
Senator Brandt
Senator DeBoer
Senator Dorn
Senator Flood

Senator Friesen
Senator Groene
Senator McKinney
Senator Pahls
Senator Walz (Chair of Education Committee)
Senator Wishart

(Signed) Dan Hughes, Chairperson
Legislative Council, Executive Board

ADJOURNMENT

At 4:15 p.m., on a motion by Senator Stinner, the Legislature adjourned until 10:00 a.m., Thursday, May 27, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

