

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

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

**PRAYER**

The prayer was offered by Senator Lowe.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Geist.

**ROLL CALL**

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

The roll was called and the following members were present:

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

The following members were excused:

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

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

(Signed) Mike Foley  
President of the Legislature

**PROCLAMATION**

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

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

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

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

(Signed) Pete Ricketts  
Governor

Attest:

(Signed) Robert B. Evnen  
Secretary of State

(SEAL)

### CERTIFICATE

State of Nebraska

United States of America, ) ss.	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 copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Seventh Legislature, First Special Session, 2021.

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

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

Nothing further is certified.

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

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

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

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

**COMMUNICATION(S)**

September 2, 2021

Patrick O'Donnell  
Clerk of the Legislature

Dear Patrick,

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

Sincerely,  
(Signed) Senator Lou Ann Linehan

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

**2021 Redistricting  
Administrative Guidelines**

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

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

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

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

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

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

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

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

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

**MESSAGE(S) FROM THE GOVERNOR**

June 3, 2021

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

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

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

Kim Lowe, 3 Wilderness Way, Kearney, NE 68847

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 4, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

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

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

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



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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

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

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

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

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

The aforementioned appointee is respectfully submitted for your

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 13, 2021

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

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

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

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

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

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

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

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

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

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 15, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2021

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2021

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

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

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 31, 2021

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

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 10, 2021

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

July 31, 2021

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

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

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

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

The aforementioned appointee is respectfully submitted for your

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 4, 2021

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

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

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

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

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

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

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

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

##### Opinion 21-013

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

REQUESTED BY:   Senator Carol Blood  
Nebraska Legislature



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

### INTRODUCTION

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

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

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

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

### BACKGROUND

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

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

### ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CONCLUSION**

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

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

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

07-1416-29

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

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

## BILLS ON FIRST READING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### EASE

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

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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

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

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

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

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

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

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

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

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

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

(Signed) Dan Hughes, Chairperson  
 Executive Board

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

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

(Signed) Mark Kolterman, Chairperson

Natural Resources  
 Room 1525

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

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

(Signed) Bruce Bostelman, Chairperson

Health and Human Services  
Room 1510

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

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

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

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

(Signed) John Arch, Chairperson

Government, Military and Veterans Affairs  
Room 1507

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

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

(Signed) Tom Brewer, Chairperson

General Affairs  
Room 1510

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

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

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

(Signed) Tom Briese, Chairperson

Business and Labor  
Room 1507

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

(Signed) Ben Hansen, Chairperson

Judiciary  
Room 1113

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

(Signed) Steve Lathrop, Chairperson

Education  
Room 1525

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

(Signed) Lynne Walz, Chairperson

### **EASE**

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

**SPEAKER HILGERS PRESIDING**



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

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

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

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

Room 1524

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

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

Scott Conference Center 6450 Pine St. Omaha, NE

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

LB1  
LB2  
LB3  
LB4  
LB5  
LB6  
LB7  
LB8

(Signed) Lou Ann Linehan, Chairperson

**ADJOURNMENT**

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

Patrick J. O'Donnell  
Clerk of the Legislature

