

TWENTY-EIGHTH DAY - FEBRUARY 13, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 2017

PRAYER

The prayer was offered by Senator Craighead.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Riepe who was excused; and Senators Hansen and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 9, 2017

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

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

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

Cameron Arch, 7204 South 160th Street, Omaha, NE 68136

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR31 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR31.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 119. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022.02, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska, and sections 79-1022 and 79-1023, Revised Statutes Cumulative Supplement, 2016; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hilgers	Lindstrom	Schumacher
Baker	Crawford	Hilkemann	Linehan	Smith
Blood	Ebke	Howard	Lowe	Stinner
Bolz	Erdman	Hughes	McCollister	Vargas
Bostelman	Friesen	Kolowski	McDonnell	Walz
Brasch	Geist	Kolterman	Morfeld	Watermeier
Brewer	Groene	Krist	Pansing Brooks	Wayne
Briese	Halloran	Kuehn	Quick	Williams
Chambers	Harr	Larson	Scheer	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Craighead Hansen Murante Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB22

Senator Krist withdrew his amendments, AM104 and AM151, found on pages 385 and 399, to LB22.

MOTION(S) - Return LB22 to Select File

Senator Krist moved to return LB22 to Select File for his specific amendment, AM235, found on page 455.

Senator Krist requested a record vote on the motion to return.

Voting in the affirmative, 11:

Ebke	Kolowski	Pansing Brooks	Walz
Hansen	Krist	Quick	Wayne
Howard	Morfeld	Schumacher	

Voting in the negative, 30:

Albrecht	Clements	Halloran	Larson	Smith
Blood	Craighead	Hilgers	Linehan	Stinner
Bostelman	Crawford	Hilkemann	Lowe	Vargas
Brasch	Erdman	Hughes	McDonnell	Watermeier
Brewer	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Scheer	Wishart

Present and not voting, 7:

Baker	Chambers	Harr	McCollister
Bolz	Friesen	Lindstrom	

Excused and not voting, 1:

Riepe

The Krist motion to return failed with 11 ayes, 30 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO33

Reconsider the vote taken to return the bill to Select File.

SENATOR LINDSTROM PRESIDING

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 3 nays, and 6 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 9:

Blood	Ebke	Howard	Krist	Schumacher
Chambers	Hansen	Kolowski	Quick	

Voting in the negative, 31:

Albrecht	Crawford	Hilkemann	Lowe	Watermeier
Bostelman	Erdman	Hughes	McDonnell	Williams
Brasch	Friesen	Kolterman	Murante	Wishart
Brewer	Geist	Kuehn	Scheer	
Briese	Groene	Larson	Smith	
Clements	Halloran	Lindstrom	Stinner	
Craighead	Hilgers	Linehan	Vargas	

Present and not voting, 8:

Baker	Harr	Morfeld	Walz
Bolz	McCollister	Pansing Brooks	Wayne

Excused and not voting, 1:

Riepe

The Chambers motion to reconsider failed with 9 ayes, 31 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MOTION(S) - Bracket LB22

Senator Chambers offered the following motion to LB22:

MO34

Bracket until February 27, 2017.

SENATOR WATERMEIER PRESIDING**SPEAKER SCHEER PRESIDING**

Senator Stinner offered the following motion:

MO35

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

Albrecht	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McCollister	Stinner
Bolz	Erdman	Howard	McDonnell	Vargas
Bostelman	Friesen	Hughes	Morfeld	Walz
Brasch	Geist	Kolterman	Murante	Watermeier
Brewer	Groene	Kuehn	Pansing Brooks	Williams
Briese	Halloran	Larson	Quick	Wishart
Clements	Hansen	Lindstrom	Scheer	
Craighead	Harr	Linehan	Schumacher	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Baker	Kolowski	Krist	Wayne
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Excused and not voting, 1:

Riepe

The Stinner motion to invoke cloture prevailed with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 2:

Chambers	Schumacher
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Voting in the negative, 42:

Albrecht	Crawford	Hilkemann	McCollister	Vargas
Blood	Ebke	Howard	McDonnell	Walz
Bolz	Erdman	Hughes	Morfeld	Watermeier
Bostelman	Friesen	Kolterman	Murante	Wayne
Brasch	Geist	Kuehn	Pansing Brooks	Williams
Brewer	Groene	Larson	Quick	Wishart
Briese	Halloran	Lindstrom	Scheer	
Clements	Harr	Linehan	Smith	
Craighead	Hilgers	Lowe	Stinner	

Present and not voting, 4:

Baker Hansen Kolowski Krist

Excused and not voting, 1:

Riepe

The Chambers motion to bracket failed with 2 ayes, 42 nays, 4 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB22 with 42 ayes, 5 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 22. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB259A, section 2; Laws 2015, LB265A, section 1; Laws 2015, LB469A, section 1; Laws 2015, LB605A, section 8; Laws 2015, LB657, sections 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26, 27, 28, 29, 34, 38, 39, 44, 51, 53, 54, 55, 56, 58, 64, 67, 68, 71, 80, 83, 84, 85, 90, 94, 95, 97, 99, 100, 101, 107, 108, 112, 113, 114, 119, 126, 127, 129, 131, 133, 134, 136, 137, 138, 139, 140, 145, 150, 152, 153, 154, 155, 163, 166, 167, 169, 174, 175, 178, 179, 188, 191, 192, 194, 195, 202, 204, 211, 213, 216, 218, 219, 221, 223, 224, 226, 232, 233, 234, 235, 237, 238, 239, 240, 241, 242, 244, 245, 247, 249, 256, and 260; Laws 2015, LB659, sections 7, 15, and 17; Laws 2015, LB660, sections 35 and 40; Laws 2016, LB746A, section 3; Laws 2016, LB956, sections 7, 10, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 61, 62, 63, 65, and 67; and Laws 2016, LB1038A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hilgers	McCollister	Vargas
Blood	Ebke	Hilkemann	McDonnell	Walz
Bolz	Erdman	Hughes	Morfeld	Watermeier
Bostelman	Friesen	Kolterman	Murante	Wayne
Brasch	Geist	Kuehn	Pansing Brooks	Williams
Brewer	Groene	Larson	Scheer	Wishart
Briese	Halloran	Lindstrom	Schumacher	
Clements	Hansen	Linehan	Smith	
Craighead	Harr	Lowe	Stinner	

Voting in the negative, 3:

Chambers Krist Quick

Present and not voting, 3:

Baker Howard Kolowski

Excused and not voting, 1:

Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 119 and 22.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 368. Placed on General File.

(Signed) Curt Friesen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Friday, March 17, 2017 2:00 p.m.

LB366 (cancel)

Wednesday, March 22, 2017 1:30 p.m.

LB366

(Signed) Laura Ebke, Chairperson

PRESIDENT FOLEY PRESIDING**MOTION - Adopt Permanent Rules**

The Larson proposed rule change, found on page 419 and considered on pages 436, 446, and 460, to Rule 7, Sec. 10, as amended, was renewed.

Senator Chambers renewed his amendment, found on page 460, to the Larson proposed rule change.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2017, at 11:42 a.m. were the following: LBs 119e and 22e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Baker name added to LB122.
Senator Pansing Brooks name added to LB355.
Senator Ebke name added to LB447.
Senator Halloran name added to LB506.
Senator Murante name added to LB576.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Realtors Association and Leadership Academy; members of One World: Olha Artemieva, Ivanna Fedkeo, Svetlana Ioffe, Yulia Ivaniv, Kateryna Sharag, and Alina Mosendz from Ukraine; and Alexander Keck from Lincoln.

The Doctor of the Day was Dr. Elizabeth Wooster from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 2017.

Patrick J. O'Donnell
Clerk of the Legislature