

SECOND DAY - JANUARY 4, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 2018

PRAYER

The prayer was offered by Pastor Aaron Householder, Southview Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Linehan who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MESSAGE(S) FROM THE GOVERNOR

June 30, 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 appointed as the Director of the Nebraska Department of Health and Human Services - Division of Children and Family Services:

Matt Wallen, 445 Brentwood Drive, Gretna, NE 68028

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

December 22, 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 individuals are being
reappointed to the Coordinating Commission for Postsecondary Education:

John Bernthal, Ph.D., 5251 Troon Drive, Lincoln, NE 68526
Dr. Deborah Frison, 11515 Spaulding Street, Omaha, NE 68164
Dr. Joyce Simmons, 3502 Cape Charles Road E., Lincoln, NE 68516

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR266 was referred to the Reference
Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 787. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
sections 68-907 and 68-915, Revised Statutes Cumulative Supplement,
2016; to define a term; to change provisions relating to income
determination; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Riepe, 12; Lindstrom, 18.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-145, Reissue Revised Statutes of Nebraska; to require continuing education regarding opiates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the marijuana and controlled substances tax; to amend section 28-1439.02, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2016; to eliminate the tax; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4307, 77-4308, 77-4309, 77-4310, 77-4310.01, 77-4310.02, 77-4311, 77-4313, 77-4314, 77-4315, and 77-4316, Reissue Revised Statutes of Nebraska, and sections 77-4310.03 and 77-4312, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 790. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, 38-1017, 38-1036, and 71-203, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for licensure of mobile cosmetology salons and mobile nail technology salons; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Ebke, 32; at the request of the Governor.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend sections 81-1369, 81-1373, and 81-1377, Reissue Revised Statutes of Nebraska; to change Nebraska State Patrol employees' bargaining rights; to provide applicability for portions of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Ebke, 32; at the request of the Governor.

A BILL FOR AN ACT relating to law enforcement; to amend sections 81-1425 and 81-2009, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties for law enforcement agencies regarding the hiring and separation from service of law enforcement officers; to provide for civil immunity as prescribed; to provide investigative and subpoena powers to the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to change powers and duties of the Attorney General; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 793. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216, Revised Statutes Supplement, 2017; to eliminate provisions relating to specialized services; and to repeal the original section.

LEGISLATIVE BILL 794. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1086 and 38-10,142, Reissue Revised Statutes of Nebraska; to change provisions relating to intoxicating beverages in salons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Reissue Revised Statutes of Nebraska; to provide for an acknowledgment of maternity as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to change allocation of the fee for an ignition interlock permit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 797. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-503 and 28-504, Reissue Revised Statutes of Nebraska; to change penalty provisions for second and third degree arson; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.04, Revised Statutes Cumulative Supplement, 2016, and section 77-2701, Revised Statutes Supplement, 2017; to provide a sales and use tax exemption for feminine hygiene products; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5512, Reissue Revised Statutes of Nebraska, and section 44-5511, Revised Statutes Cumulative Supplement, 2016; to change filing deadlines; to change procedures related to sanctions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Walz, 15.

A BILL FOR AN ACT relating to persons with disabilities; to amend section 81-6,122, Revised Statutes Cumulative Supplement, 2016; to provide and change requirements for a comprehensive strategic plan; to provide for a consultant; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to children; to adopt the Panhandle Beginnings Act; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 802. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-3701, Revised Statutes Supplement, 2017; to create a fund; to provide duties; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to children; to amend sections 79-728, 79-1101, and 79-1104, Reissue Revised Statutes of Nebraska, and sections 71-1954, 71-1955, 71-1956, 71-1957, 71-1958, 71-1959, 71-1960, 71-1961, 71-1962, 71-1963, and 79-101, Revised Statutes Cumulative Supplement, 2016; to amend the Step Up to Quality Child Care Act; to redefine terms; to change school district requirements for kindergarten; to change school district requirements for prekindergarten programs and early childhood education programs; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 804. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1801, 85-1802, 85-1804, 85-1805, 85-1806, 85-1807, 85-1808, 85-1809, 85-1810, 85-1811, 85-1812, 85-1813, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 68-1201, 72-1239.01, and 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide additional tax benefits for Nebraska educational savings plan trust accounts; to restate intent; to change provisions relating to withdrawals; to include savings plans for elementary and secondary education in the Nebraska educational savings plan trust; to redefine terms; to transfer provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 805. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1801,

2-1805, 2-1806, 2-1809, and 2-1811, Reissue Revised Statutes of Nebraska; to provide an annual reporting requirement under the Nebraska Potato Development Act; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to conveyances; to amend sections 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2513, 48-2514, 48-2515, 48-2516, and 48-2532, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Conveyance Safety Act; to repeal the original sections; and to outright repeal sections 48-2512, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, and 48-2529, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 807. Introduced by Harr, 8.

A BILL FOR AN ACT relating to state government; to state findings; to provide for replacement of a statue in the National Statuary Hall of the United States Capitol as prescribed; to create a committee; and to provide duties.

LEGISLATIVE BILL 808. Introduced by Harr, 8.

A BILL FOR AN ACT relating to agriculture; to amend section 51-201.01, Reissue Revised Statutes of Nebraska, sections 2-302, 2-303, 2-304, and 19-5210, Revised Statutes Cumulative Supplement, 2016, and section 2-301, Revised Statutes Supplement, 2017; to rename the Community Gardens Act; to restate legislative findings and intent; to define and redefine terms; to change provisions relating to use of vacant public land; to create a fund and provide for grants and annual reports; to transfer funds; to provide for the use of seed libraries at public libraries; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 809. Introduced by Harr, 8.

A BILL FOR AN ACT relating to public records; to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska; to prohibit charging a fee when a member of the Legislature requests a public record; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 810. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,219, Revised Statutes Supplement, 2017; to change provisions relating to liability for misrepresentation or deceit; and to repeal the original section.

LEGISLATIVE BILL 811. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-632 and 28-634, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to prohibited uses of scanning devices and encoding machines; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318, 8-355, and 21-17,115, Revised Statutes Supplement, 2017; to adopt certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 813. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101, 8-1101.01, 8-1103, and 8-1111, Revised Statutes Supplement, 2017; to redefine terms; to adopt certain federal provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to state government; to amend section 73-504, Revised Statutes Cumulative Supplement, 2016; to provide a procedure for resolving protests of service contract procurement protests; to require rules and regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend section 44-416.09, Reissue Revised Statutes of Nebraska, and sections 44-416.06 and 44-416.07, Revised Statutes Cumulative Supplement, 2016; to provide regulatory authority regarding reinsurance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1304, 81-2002.01, and 81-2003, Reissue Revised Statutes of Nebraska, and sections 60-1303 and 81-2014, Revised Statutes Supplement, 2017; to designate the patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services; to provide powers and duties for the patrol; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate committees; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend section 83-4,131, Reissue Revised Statutes of Nebraska, and section 83-4,126, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to powers and duties as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 819. Introduced by Hughes, 44; Hilgers, 21.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-915.01, Revised Statutes Cumulative Supplement, 2016; to provide additional uses for the Inmate Welfare and Club Accounts Fund; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1015, Revised Statutes Cumulative Supplement, 2016; to add and provide duties for the executive director of the board relating to privately developed renewable energy generation facilities; to provide a penalty as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1020, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to assessments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 61-206, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of the department; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-661, Reissue Revised Statutes of Nebraska, and section 48-604,

Revised Statutes Supplement, 2017; to redefine employment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the taxation of benefits received under the federal Social Security Act; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to state and local government; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-518, 13-519, and 13-520, Revised Statutes Supplement, 2017; to change provisions relating to budget limitations and procedures and property tax request public hearing notice requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Uniform Child Custody Jurisdiction and Enforcement Act; to amend section 43-1238, Reissue Revised Statutes of Nebraska; to provide for jurisdiction to make factual findings as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Lowe, 37; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; McDonnell, 5.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to amend sections 83-153, 83-154, 83-155, and 83-156, Reissue Revised Statutes of Nebraska, and sections 80-301.01 and 81-1316, Revised Statutes Supplement, 2017; to provide for disposition of property of members of veterans homes as prescribed; to exempt certain personnel of the department from the State Personnel System; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Lowe, 37; Clements, 2.

A BILL FOR AN ACT relating to schools; to adopt the Empowerment Savings Account Act.

LEGISLATIVE BILL 829. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Property Tax Relief Act; to provide for a refundable tax credit; to adjust income for tax purposes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, section 60-1438.01, Revised Statutes Cumulative Supplement, 2016, and section 60-1407, Revised Statutes Supplement, 2017; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

LEGISLATIVE BILL 831. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to political subdivisions; to define a term; and to provide annual salary limitations for certain elected officials.

LEGISLATIVE BILL 832. Introduced by Wayne, 13; Crawford, 45; Ebke, 32; Morfeld, 46; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Supplement, 2017; to change the definition of marijuana; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petroleum products liens; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Howard, 9; Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-101, Revised Statutes Supplement, 2017; to define terms; to provide for waiver of fees as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-801 and 71-804, Revised Statutes Cumulative Supplement, 2016; to require patient encounter data upon request as prescribed; to provide for independent audits and external independent third-party reviews of payment denials by managed care organizations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 836. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2001, 38-2101, and 38-3101, Reissue Revised Statutes of

Nebraska; to provide for minors' consent to certain mental health services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017; to require submission of waiver applications to the Health and Human Services Committee of the Legislature as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Wishart, 27; Howard, 9.

A BILL FOR AN ACT relating to the Indoor Tanning Facility Act; to amend sections 71-3902, 71-3904, 71-3905, 71-3906, and 71-3907, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to age and signed agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1403, Reissue Revised Statutes of Nebraska, section 49-1463.01, Revised Statutes Cumulative Supplement, 2016, and section 49-1401, Revised Statutes Supplement, 2017; to define a term; to require reporting regarding electioneering communications; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 840. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to change reporting requirements for the Foster Care Review Office; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Ebke, 32; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to correctional services; to state findings; to provide duties for the department and the Board of Parole relating to overcrowding emergencies; and to require a report.

LEGISLATIVE BILL 842. Introduced by Pansing Brooks, 28; Ebke, 32; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2204, Revised Statutes Supplement, 2017; to change provisions relating to minimum sentences; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Pansing Brooks, 28; Blood, 3; Crawford, 45; Howard, 9; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2016; to provide protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Crawford, 45; Ebke, 32; Hansen, 26; Howard, 9; Pansing Brooks, 28; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 268. Introduced by Krist, 10.

WHEREAS, the framers of the Constitution of the United States of America intended that Congress be "dependent on the people alone" (The Federalist No. 52, Alexander Hamilton or James Madison); and

WHEREAS, what was a dependency on the people alone has transformed into a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportionate influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, the Constitution of Nebraska states that "governments are instituted among people, deriving their just powers from the consent of the governed." (Article I, section 1); and

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, in order to restore balance and integrity to our nation's elections, the Nebraska Unicameral Legislature perceives the need for an Article V convention limited to proposing an amendment to the Constitution of the United States that would permanently protect free and fair elections in America; and

WHEREAS, the State of Nebraska desires that delegates to the convention be comprised equally of individuals currently elected to state and local office or that such delegates be selected by election in each congressional district for the purpose of serving as delegates, and further desires that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention; and

WHEREAS, the State of Nebraska intends this resolution to be a continuing application for an Article V convention to be considered together with the applications calling for a convention passed in the 2013-2014

Vermont General Assembly as J.R.S. 27 (Act R-454), the 2013-2014 California State Legislature as AJR 1 (res. ch. 77), the 2013-2014 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, and the 2016 Rhode Island General Assembly as HR 7670 and SR 2589, and with all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by Congress.

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

1. That the people of the State of Nebraska, speaking through their Nebraska Unicameral Legislature, and pursuant to Article V of the Constitution of the United States, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that would restore free and fair elections as described in this resolution, as soon as two-thirds of the several states have applied for a convention for a similar purpose.

2. That the Nebraska delegates to such convention shall have no discretion beyond that granted by the Nebraska Unicameral Legislature and that the Legislature retains its authority to restrict or expand the power of Nebraska's delegates within the limits expressed in this resolution.

3. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the minority leader of the United States House of Representatives, the president pro tempore of the United States Senate, the members of the Senate and House of Representatives from this state, the Archivist of the United States, and the respective clerks of the United States House of Representatives and the United States Senate, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record and recorded in the published tally of state applications for an Article V convention.

4. That the Clerk of the Legislature transmit copies of this resolution to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call an Article V convention to propose an amendment to the Constitution of the United States to restore free and fair elections as described in this resolution.

LEGISLATIVE RESOLUTION 269CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 26 to Article XV:

XV-26 Notwithstanding any provision of this Constitution and subject to the limitations of the laws and treaties of the United States, the Legislature

may delegate complete or partial sovereignty to one area of the state not to exceed thirty-six square miles in area and a population density of ten persons per square mile for a period not to exceed ninety-nine years under such terms and conditions as set by the Legislature at the time of the delegation.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to delegate complete or partial sovereignty to one area of the state under such terms and conditions as set by the Legislature.

For

Against.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB299.

Senator McCollister name added to LB652.

WITHDRAW - Cointroducer(s)

Senator Ebke name withdrawn from LR6.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Halloran, the Legislature adjourned until 10:00 a.m., Friday, January 5, 2018.

Patrick J. O'Donnell
Clerk of the Legislature