

THIRTY-EIGHTH DAY - MARCH 7, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 2018

PRAYER

The prayer was offered by Father Ryan Lewis, Gross Catholic High School, Bellevue.

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 Kuehn who was excused; and Senators Geist, Groene, Hughes, Kolowski, Murante, Watermeier, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 697. Title read. Considered.

Senator Chambers offered the following motion:

MO244

Indefinitely postpone.

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

The Chambers motion to indefinitely postpone failed with 0 ayes, 25 nays, 18 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO245

Reconsider the vote taken to indefinitely postpone.

The Chambers motion to reconsider failed with 1 aye, 23 nays, 19 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO246

Recommit to the Judiciary Committee.

The Chambers motion to recommit to committee failed with 1 aye, 24 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO247

Reconsider the vote taken to recommit to committee.

The Chambers motion to reconsider failed with 1 aye, 27 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 724. Title read. Considered.

Committee AM1707, found on page 536, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 714. Title read. Considered.

Committee AM1754, found on page 519, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 702. Title read. Considered.

Committee AM1887, found on page 719, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 339. Introduced by Thibodeau, 6.

PURPOSE: The purpose of this resolution is to study the issuance and usage of special designated licenses under the Nebraska Liquor Control Act issued pursuant to section 53-124.11 of the Nebraska Revised Statutes.

The study shall include, but not be limited to, an examination of the following:

- (1) The application process and cost of acquiring a special designated license;
- (2) The rights and liabilities of special designated license holders, local governing bodies, and the Nebraska Liquor Control Commission; and
- (3) The interplay of catering license holders and their utilizations of special designated licenses.

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

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

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

Referred to the Executive Board.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 44. Placed on Final Reading.

ST46

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 2 has been struck and "revenue and taxation; to amend sections 77-2701.13 and 77-2701.32, Reissue Revised Statutes of Nebraska; to adopt the Noncollecting Retailer Notice and Reporting Act; to provide civil penalties; to require taxpayer notice and reporting to the Department of Revenue as prescribed; to provide for taxation of certain business entities that lack a physical presence in this state; to provide for termination and operative dates for notice, reporting, and taxation provisions as prescribed; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were 18 seventh- through twelfth-grade students from Stirling Education, Council Bluffs, IA; 35 fourth-grade students from Pershing Elementary, Lexington; 20 twelfth-grade students from Central Valley High School, Greeley; 36 fourth-grade students from Wildwood Elementary, Ralston; and 30 members of Mom's Demand Action for Gun Safety from across the state.

RECESS

At 11:57 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Albrecht, Bostelman, Geist, Howard, Hughes, Kolowski, Larson, McCollister, Murante, Quick, Scheer, Walz, and Wishart who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333.

GENERAL FILE

LEGISLATIVE BILL 861. Title read. Considered.

Committee AM1946, found on page 693, was offered.

Senator Harr offered the following amendment to the committee amendment:

AM2285

(Amendments to Standing Committee amendments, AM1946)

- 1 1. Insert the following new section:
- 2 Sec. 6. If a state official or employee is suspected of committing
- 3 a crime or if the Attorney General has an actual or perceived personal or
- 4 ethical conflict in the prosecution of an alleged crime, the Attorney
- 5 General may request the appointment of independent counsel to appear as
- 6 counsel for the state in such action and to investigate and prosecute
- 7 such action. The request shall be made to the district court in any
- 8 county where the crime was alleged to have been committed. The
- 9 independent counsel shall have the same powers and prerogatives as the
- 10 Attorney General and, in each of the several counties, as a county
- 11 attorney. The independent counsel may employ such assistance and incur
- 12 such expenses as necessary in any such action. Such expenses shall be

13 paid from the budget of the Attorney General. The independent counsel
 14 shall be independent of and not act under the authority or direction of
 15 the Attorney General.

16 2. Renumber the remaining section accordingly.

The Harr amendment was adopted with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE RESOLUTION 269CA. Read. Considered.

SPEAKER SCHEER PRESIDING

Senator Schumacher moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator Schumacher requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 19:

Baker	Ebke	Hilkemann	McCollister	Walz
Brewer	Friesen	Hughes	McDonnell	Watermeier
Briese	Groene	Kolowski	Schumacher	Wayne
Chambers	Harr	Linehan	Smith	

Voting in the negative, 19:

Albrecht	Clements	Hilgers	Morfeld	Stinner
Blood	Erdman	Kolterman	Murante	Thibodeau
Bostelman	Geist	Lindstrom	Riepe	Williams
Brasch	Halloran	Lowe	Scheer	

Present and not voting, 6:

Bolz	Hansen	Quick
Crawford	Pansing Brooks	Vargas

Excused and not voting, 5:

Howard	Krist	Kuehn	Larson	Wishart
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Failed to advance to Enrollment and Review Initial with 19 ayes, 19 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 98. Senator Erdman renewed his amendment, AM819, found on page 850 and considered on page 1274, First Session, 2017.

Senator Erdman offered the following motion:

MO248

Bracket until April 18, 2018.

Senator Friesen offered the following motion:

MO249

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Friesen moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Friesen requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 27:

Baker	Friesen	Kolterman	Pansing Brooks	Watermeier
Blood	Hansen	Krist	Quick	Williams
Bolz	Harr	Lindstrom	Smith	Wishart
Bostelman	Hilkemann	Linehan	Stinner	
Chambers	Hughes	McCollister	Vargas	
Crawford	Kolowski	Morfeld	Walz	

Voting in the negative, 14:

Albrecht	Briese	Geist	Hilgers	Riepe
Brasch	Clements	Groene	Lowe	Thibodeau
Brewer	Erdman	Halloran	Murante	

Present and not voting, 4:

Ebke	Scheer	Schumacher	Wayne
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Excused and not voting, 4:

Howard	Kuehn	Larson	McDonnell
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The Friesen motion to invoke cloture failed with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1009:
AM2254

(Amendments to Standing Committee amendments, AM1737)

- 1 1. On page 6, line 31; and page 7, lines 4, 6, and 8, strike the new
2 matter and reinstate the stricken matter.
- 3 2. On page 7, line 1, reinstate the stricken matter; in line 2
4 strike paragraphing and "(i) The maximum speed limit shall be"; and
5 strike lines 9 through 12.

VISITORS

Visitors to the Chamber were 27 fourth-grade students from Pershing Elementary, Lexington; and Senator Scheer's wife and sister, Kris Scheer, and Dr. Mary Scheer from Nashville.

The Doctor of the Day was Dr. John Jacobsen from Kearney.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

