

FIFTH DAY - JANUARY 9, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 2018

PRAYER

The prayer was offered by Senator Vargas.

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 Senators Friesen, Groene, Larson, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 162, line 2, strike "131" and insert "241".
The Journal for the third day was approved as corrected.

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Tuesday, January 16, 2018 1:30 p.m.

LB812
LB813
LB743
LB799
LB815

(Signed) Brett Lindstrom, Chairperson

GENERAL FILE

LEGISLATIVE BILL 668. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 669. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 275. Introduced by Riepe, 12.

WHEREAS, Linda Richards has been a member of the Ralston Public Schools Board of Education for 22 years; and

WHEREAS, Linda currently serves as vice president of the school board and previously served as president of the board in 2005, 2007, 2009, and 2011; and

WHEREAS, Linda was awarded the 2013 Award of Achievement and the Ann Mactier Leadership for Learning Award in 2015 by the Nebraska Association of School Boards for her service; and

WHEREAS, the Nebraska Association of School Boards represents school boards across the State of Nebraska and works to improve public education; and

WHEREAS, Linda Richards completed her two-year term as president of the Nebraska Association of School Boards in November 2017.

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

1. That the Legislature expresses its appreciation for the service Linda Richards has provided, not only as president of the Nebraska Association of School Boards, but also as a member of the Ralston Public Schools Board of Education.

2. That a copy of this resolution be sent to Linda Richards and the Nebraska Association of School Boards.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, January 16, 2018 1:30 p.m.

LB756
LB865
LB719

LB748
LB765
LB873

(Signed) Justin Wayne, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 914. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to allow an income tax credit for certain long-term care insurance policy premiums; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,179.01 and 60-6,179.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to using a handheld wireless communication device while driving a motor vehicle and texting or using a handheld mobile telephone while driving a commercial motor vehicle; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to employment; to amend sections 48-1205, 48-1206, 48-1207, 48-1208, and 48-1209, Reissue Revised Statutes of Nebraska, and section 48-1228, Revised Statutes Cumulative Supplement, 2016; to prohibit retaliation under the Nebraska Wage Payment Collection Act and the Wage and Hour Act as prescribed; to provide for a private right of action; to provide powers for the Commissioner of Labor; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 229. Title read. Considered.

Speaker Scheer requested to pass over LB229.

LEGISLATIVE BILL 350. Title read. Considered.

Senator McCollister withdrew his amendment, AM382, found on page 678, First Session, 2017.

Senator McCollister offered his amendment, AM1497, found on page 212.

The McCollister amendment was adopted with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 304. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 399. Title read. Considered.

Senator Wayne offered his amendment, AM1507, found on page 213.

The Wayne amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

LEGISLATIVE BILL 135. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11 present and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

SPEAKER SCHEER PRESIDING

Senator Erdman offered the following amendment:

FA84

Amend the bill to read all fees for handgun certification be paid for by the State of Nebraska.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 917. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to eligibility; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to economic development; to amend sections 77-5714, 77-5719.01, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska, section 77-27,188, Revised Statutes Cumulative Supplement, 2016, and sections 77-5725 and 77-5735, Revised Statutes Supplement, 2017; to change the Nebraska Advantage Rural Development Act and the Nebraska Advantage Act as prescribed; to change provisions relating to job training grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to law; to amend sections 81-1204, 81-1210.02, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-2716, 77-2717, 77-2734.03, 77-2912, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Loan Repayment Tax Credit Act; to change provisions relating to a child and dependent care tax credit, adjustments to income, job training grants, and internship grants; to provide a sunset date for the Nebraska Job Creation and Mainstreet Revitalization Act; to create the Nebraska Integrated Education and Training Grant Program; to state intent; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a child and dependent care tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 921. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2121, Reissue Revised Statutes of Nebraska, and section 81-2102, Revised Statutes Supplement, 2017; to define a term; to create a licensing exception for farm building construction as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to health care coverage; to amend section 4-110, Reissue Revised Statutes of Nebraska; to adopt the All Kids Health Care Program Act; to provide an exemption from verification of lawful presence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to immunity; to amend sections 53-180.05 and 53-181, Revised Statutes Cumulative Supplement, 2016, and section 28-470, Revised Statutes Supplement, 2017; to provide immunity for certain law enforcement agency employees as prescribed; to define a term; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to health and human services; to amend sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-934, 38-122, 38-131, 38-1201, 38-1202, 38-1203, 38-1204, 38-1205, 38-1208, 38-1209, 38-1210, 38-1211, 38-1213, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225, 38-1226, 38-1228, 38-1229, 38-1232, 38-1233, 38-1234, 38-1237, 38-2518, 38-2519, 38-2521, 48-115, 71-507, 71-509, 71-8226, 71-8227, 71-8249, and 71-8251, Reissue Revised Statutes of Nebraska, section 13-303, Revised Statutes Cumulative Supplement, 2016, and sections 38-1217 and 38-1218, Revised Statutes Supplement, 2017; to change provisions relating to the form of credentials and criminal background checks pursuant to the Uniform Credentialing Act; to change licensure and continuing competency requirements under the Occupational Therapy Practice Act; to add, change, and eliminate provisions relating to the Emergency Medical Services Practice Act; to define and redefine terms; to change provisions relating to licensure; to provide, change, and eliminate duties of the Board of Emergency Medical Services and the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Pansing Brooks, 28; Hilgers, 21; Howard, 9; Scheer, 19; Wishart, 27.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-320.01, 28-707, and 29-110, Reissue Revised Statutes of Nebraska; to change certain penalty provisions relating to sexual assault of a child in the third degree and child abuse; to change provisions relating to time limitations for prosecution of visual depiction of sexually explicit conduct and sexually explicit acts; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,185, Reissue Revised Statutes of Nebraska; to exempt all members of the United States Armed Forces on active duty from motor vehicle taxes; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Howard, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2258, 29-2260.02, 43-247.02, 43-258, 43-281, 43-284, and 43-290.01, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-286, and 43-2,129, Revised Statutes Supplement, 2017; to change duties of the Office of Probation Administration, the Division of Children and Family Services of the Department of Health and Human Services, the Department of Health and Human Services, and juvenile courts relating to juveniles in out-of-home placement as prescribed; to change provisions relating to placement, care, custody, evaluations, and payment of costs; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, January 17, 2018 1:30 p.m.

LB672
LB675
LB676
LB692
LB841

(Signed) Laura Ebke, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Groene name added to LB759.
Senator Chambers name added to LB891.

VISITORS

Visitors to the Chamber were Ilene Grossman and Tim Anderson from the Council of State Governments; and Clint Howard and Monique Ramāge from Burbank, CA.

RECESS

At 11:45 a.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Bolz, Linehan, Morfeld, Pansing Brooks, Smith, and Wayne who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB876	Education
LB877	Education
LB878	Judiciary
LB879	Judiciary
LB880	Urban Affairs
LB881	Revenue
LB882	Revenue
LB883	Judiciary
LB884	Revenue
LB885	Revenue
LB886	Judiciary
LB887	Government, Military and Veterans Affairs
LB888	Education
LB889	Urban Affairs
LB890	Urban Affairs
LB891	Health and Human Services
LB892	Judiciary
LB893	Agriculture
LB894	Health and Human Services
LB895	Transportation and Telecommunications
LB896	Transportation and Telecommunications
LB897	Judiciary
LB898	Education
LB899	Revenue
LB900	Transportation and Telecommunications
LB901	Transportation and Telecommunications
LB902	Government, Military and Veterans Affairs
LB903	Health and Human Services
LB904	Banking, Commerce and Insurance

LB905 Revenue
LB906 Judiciary
LB907 Revenue
LB908 Natural Resources
LB909 Transportation and Telecommunications
LB910 Revenue
LB911 Revenue
LB912 Education
LB913 Judiciary
LR270CA Education

(Signed) Dan Watermeier, Chairperson
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 928. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122.01, Reissue Revised Statutes of Nebraska, and section 48-122, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to compensation paid upon the death of an employee; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Brewer, 43; Bostelman, 23; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Supplement, 2017; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 81. The Erdman amendment, FA84, found in this day's Journal, was renewed.

Senator Chambers offered the following motion:

MO157

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on the Erdman amendment.

Voting in the affirmative, 16:

Brasch	Erdman	Halloran	Linehan
Briese	Friesen	Hilgers	Murante
Chambers	Geist	Hughes	Riepe
Clements	Groene	Larson	Watermeier

Voting in the negative, 26:

Albrecht	Crawford	Kolowski	Quick	Williams
Baker	Ebke	Kolterman	Scheer	Wishart
Blood	Hansen	Lowe	Thibodeau	
Bolz	Harr	McCollister	Vargas	
Bostelman	Hilkemann	McDonnell	Walz	
Brewer	Howard	Pansing Brooks	Wayne	

Present and not voting, 5:

Kuehn	Lindstrom	Schumacher	Smith	Stinner
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Excused and not voting, 2:

Krist	Morfeld
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The Erdman amendment lost with 16 ayes, 26 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 276. Introduced by Scheer, 19.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and

WHEREAS, the Taipei Economic and Cultural Office in Denver, on behalf of the Taiwan Province Governor, presented a proclamation to the Governor of Nebraska to celebrate the one hundred fiftieth anniversary of Nebraska's Statehood; and

WHEREAS, Taiwan is the tenth largest global trading partner for the United States and is the seventh largest export market for American agricultural products; and

WHEREAS, the United States is the second largest trading partner for Taiwan, and Taiwan is Nebraska's eleventh largest trading partner for both imports and exports; and

WHEREAS, negotiations for a fair and reciprocal Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade, thereby increasing Nebraska's exports to Taiwan and promoting two-way investment.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the thirty-fifth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.

3. That copies of this resolution be sent to United States Secretary of State Rex W. Tillerson and Director General Jerry S. Chang of the Taipei Economic and Cultural Office in Denver.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

Monday, January 22, 2018 1:30 p.m.

LB784
LB858
LB806
LB712

(Signed) Joni Albrecht, Chairperson

Judiciary

Room 1113

Thursday, January 18, 2018 1:30 p.m.

LB678
LB776
LB818
LB819
LB878

Friday, January 19, 2018 1:30 p.m.

G. Randall Hansen - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee
LB696
LB697
LB792
LB816
LB883

Wednesday, January 24, 2018 1:30 p.m.

LB670
LB673
LB689
LB708
LB714
LB774
LB781

Thursday, January 25, 2018 1:30 p.m.

LB688
LB729
LB780
LB810
LB849

(Signed) Laura Ebke, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 930. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-249, Reissue Revised Statutes of Nebraska, and section 43-2,129, Revised Statutes Supplement, 2017; to prohibit use of juveniles' statements as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Howard, 9; Kuehn, 38; Lindstrom, 18.

A BILL FOR AN ACT relating to opiates; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to provide requirements for prescriptions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Howard, 9; Kuehn, 38; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Correctional Health Care Services Act; to amend section 83-4,157, Reissue Revised Statutes of Nebraska; to provide duties for the medical director of the Department of Correctional Services relating to discharge planning as prescribed; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Lindstrom, 18; Howard, 9; Kuehn, 38.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to provide requirements for certain prescriptions; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Kuehn, 38; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to require identification to take receipt of dispensed opiates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Briese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to tax incentives; to amend sections 77-5201 and 77-5901, Reissue Revised Statutes of Nebraska, sections 77-1101, 77-27,187, 77-27,187.02, 77-2901, 77-5701, 77-5723, 77-5801, 77-6301, and 77-6303, Revised Statutes Cumulative Supplement, 2016, and section 77-5904, Revised Statutes Supplement, 2017; to authorize the sharing of certain taxpayer information; to require certain application materials, reporting, and data retention relating to certain tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Briese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1209, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to tax incentive performance audits; to define terms; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equalization and Review

Commission; to amend section 77-5013, Revised Statutes Cumulative Supplement, 2016; to change filing fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a limit for such transfers; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 81. Senator Wayne offered the following amendment:

AM1520

1 1. Insert the following new section:

2 Sec. 2. Section 69-2407, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 69-2407 A certificate issued in accordance with section 69-2404
5 shall contain the holder's name, address, and date of birth and the
6 effective date of the certificate. A certificate shall authorize the
7 holder to acquire any number of handguns during the period that the
8 certificate is valid. The certificate shall be valid throughout the state
9 and shall become invalid ~~five~~ three years after its effective date. If
10 the chief of police or sheriff who issued the certificate determines that
11 the applicant has become disqualified for the certificate under section
12 69-2404, he or she may immediately revoke the certificate and require the
13 holder to surrender the certificate immediately. Revocation may be
14 appealed pursuant to section 69-2406.

15 2. Renumber the remaining section and correct the repealer
16 accordingly.

SPEAKER SCHEER PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

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

Voting in the affirmative, 36:

Blood	Ebke	Howard	Quick	Watermeier
Bolz	Erdman	Hughes	Scheer	Wayne
Bostelman	Friesen	Kolowski	Schumacher	Williams
Brasch	Geist	Kuehn	Smith	Wishart
Brewer	Halloran	Linehan	Stinner	
Briese	Harr	McCollister	Thibodeau	
Chambers	Hilgers	McDonnell	Vargas	
Crawford	Hilkemann	Pansing Brooks	Walz	

Voting in the negative, 10:

Albrecht	Clements	Hansen	Larson	Murante
Baker	Groene	Kolterman	Lowe	Riepe

Present and not voting, 1:

Lindstrom

Excused and not voting, 2:

Krist Morfeld

The Wayne amendment was adopted with 36 ayes, 10 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO158

Indefinitely postpone.

Senator Hansen moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

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

Voting in the affirmative, 27:

Albrecht	Erdman	Hilgers	Linehan	Thibodeau
Bostelman	Friesen	Hughes	Lowe	Watermeier
Brasch	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Riepe	
Clements	Halloran	Larson	Scheer	
Ebke	Harr	Lindstrom	Smith	

Voting in the negative, 17:

Baker	Crawford	Kolowski	Quick	Wishart
Blood	Hansen	McCollister	Vargas	
Brewer	Hilkemann	McDonnell	Walz	
Chambers	Howard	Pansing Brooks	Wayne	

Present and not voting, 2:

Schumacher Stinner

Absent and not voting, 1:

Bolz

Excused and not voting, 2:

Krist Morfeld

The Larson motion to indefinitely postpone prevailed with 27 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 100. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Senator Schumacher offered the following amendment:

FA85

Insert the word "firearm" after the word university on page 2, line 18.

Senator Chambers requested a record vote on the Schumacher amendment.

Voting in the affirmative, 40:

Albrecht	Clements	Hansen	Lindstrom	Scheer
Baker	Crawford	Hilgers	Linehan	Schumacher
Blood	Ebke	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Thibodeau
Bostelman	Friesen	Hughes	Murante	Vargas
Brasch	Geist	Kolowski	Pansing Brooks	Walz
Brewer	Groene	Kolterman	Quick	Wayne
Briese	Halloran	Kuehn	Riepe	Williams

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Harr Larson Smith Wishart

Excused and not voting, 4:

Krist McDonnell Morfeld Watermeier

The Schumacher amendment was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO159

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

Albrecht	Crawford	Hilgers	Lowe	Thibodeau
Baker	Ebke	Hilkemann	McCollister	Vargas
Blood	Erdman	Howard	Murante	Walz
Bolz	Friesen	Hughes	Pansing Brooks	Wayne
Bostelman	Geist	Kolowski	Quick	Williams
Brasch	Groene	Kolterman	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Lindstrom	Schumacher	
Clements	Harr	Linehan	Stinner	

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Krist McDonnell Smith
Larson Morfeld Watermeier

The Chambers motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 939. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3502 and 77-3503, Reissue Revised Statutes of Nebraska, and section 77-3506, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to provide a homestead exemption for certain dwelling complexes located on military installations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2703 and 13-2707, Revised Statutes Cumulative Supplement, 2016, and section 13-2705, Revised Statutes Supplement, 2017; to redefine terms; to expand the use of the Civic and Community Center Financing Fund; to change grant request limits as prescribed; to provide a restriction on the sale of certain municipally owned centers; to provide priority for certain grant applications as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the motor vehicle fuel tax; to amend section 66-489.02, Revised Statutes Supplement, 2017; to change the calculation of the tax on the average wholesale price of gasoline as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 942. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt the Metropolitan Port Authority Act; to provide a duty for the Revisor of Statutes; and to provide an operative date.

LEGISLATIVE BILL 943. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to budget limitations; to amend section 13-518, Revised Statutes Supplement, 2017; to redefine a term; to provide an operative date; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Monday, January 22, 2018 1:30 p.m.

Steven F. Anderson - Nebraska Arts Council
Jeffrey Galyen - State Racing Commission
Alec Gorynski - Nebraska Arts Council
John Hiller - State Electrical Board
Ellen Hornady - Nebraska Arts Council
Darrel J. Huenergardt - Nebraska Arts Council
Dennis Patrick Lee - State Racing Commission
Sue Roush - Nebraska Arts Council
Heather Schneider - Nebraska Arts Council
LB724

Monday, February 26, 2018 1:30 p.m.

LB747
LB679

(Signed) Tyson Larson, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 277.** Introduced by Schumacher, 22.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the contested presidential elections of 1800, 1876, and 2000, the Civil War, and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during the course of its two-hundred-thirty-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 2010, the Legislature passed Legislative Resolution 538 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, nearly all the members of the Legislature who voted for the foregoing resolutions are deceased and over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on any of the foregoing resolutions, indeed may not even be aware of their contents; and

WHEREAS, a litany of such resolutions have been passed by the legislatures of the several states and are currently pending, awaiting in some cases only the action of a few states;

WHEREAS, action by the current legislature of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened, perhaps concurrently, without the concurrence of two-thirds of the current legislatures; and

WHEREAS, the powers and limitations on a convention of the states or multiple conventions being held simultaneously or jointly are unclear and uncertain; and

WHEREAS, a constitutional convention convened by Congress could make sweeping changes to the Constitution and threaten the liberty of future generations of Nebraskans; and

WHEREAS, the Legislature is aware that other state legislatures have made applications requesting that Congress convene a constitutional convention; and

WHEREAS, the issues raised and contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, the Legislature no longer supports its previous resolutions which requested that Congress convene a constitutional convention, most of which were adopted over three decades ago, and does not wish for these resolutions to be included with similar applications which were made by other state legislatures.

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

1. That each resolution passed by the Legislature described in this resolution and any additional resolutions previously passed by the Legislature petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States shall be rescinded upon passage of this resolution.

2. That the members of the Legislature urge each state legislature which has previously requested Congress to convene a constitutional convention to withdraw such applications.

3. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR277 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB321:

FA86

On page 2, line 18, insert after "university", the words "school sponsored" prior to the word "firearm".

Senator Bostelman filed the following amendment to LB321:

FA87

On page 2, line 18 insert after the word "university", "shooting sports team"; and strike the word "firearm".

ADJOURNMENT

At 4:33 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:30 a.m., Wednesday, January 10, 2018.

Patrick J. O'Donnell
Clerk of the Legislature