

TWENTY-SEVENTH DAY - FEBRUARY 14, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 2018

PRAYER

The prayer was offered by Senator Walz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Quick who was excused; and Senators Groene, Hansen, Harr, Kuehn, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Vargas, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 744. Placed on Final Reading.

LEGISLATIVE BILL 757. Placed on Final Reading.

ST41

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

1. On page 1, line 8, "to provide applicability for certain provisions;" has been inserted after the semicolon.

LEGISLATIVE BILL 758. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 760. Placed on General File.**LEGISLATIVE BILL 1091.** Placed on General File.**LEGISLATIVE BILL 745.** Placed on General File with amendment.

AM1910

1 1. On page 8, line 22, strike "If" and insert "Beginning July 1,2 2020, if".

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 21, 2018 1:30 p.m.

LB1093

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT(S)

Senator Thibodeau designates LB948 as her priority bill.

Senator Erdman designates LB829 as his priority bill.

COMMUNICATION

Received communication from the Nebraska Supreme Court regarding the February 13, 2018, meeting of the Judicial Resources Commission.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR314 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR314.

SELECT FILE**LEGISLATIVE BILL 472.** ER98, found on page 404, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 78. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 345. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 486. ER100, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 618. ER102, found on page 408, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 480. ER105, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. Senator Harr withdrew his amendments, AM1613, found on page 393 and considered on page 586, and AM1611 and AM1612, found on pages 393 and 394.

Senator Friesen offered his amendment, AM1610, found on page 397.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 275. ER101, found on page 405, was adopted.

Senator Chambers offered the following motion:

MO216

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 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	Hilkemann	Linehan	Stinner
Baker	Ebke	Howard	Lowe	Thibodeau
Blood	Erdman	Hughes	McCollister	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Williams
Brasch	Halloran	Krist	Riepe	Wishart
Brewer	Hansen	Kuehn	Scheer	
Briese	Harr	Larson	Schumacher	
Clements	Hilgers	Lindstrom	Smith	

Present and not voting, 2:

Chambers McDonnell

Excused and not voting, 5:

Groene Morfeld Quick Watermeier Wayne

The Chambers motion to bracket failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO217

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 39:

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

Present and not voting, 2:

Chambers Kolowski

Absent and not voting, 1:

Wishart

Excused and not voting, 7:

Brasch	Harr	Morfeld	Watermeier
Groene	Krist	Quick	

The Chambers motion to reconsider failed with 0 ayes, 39 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, February 22, 2018 1:30 p.m.

Norman B. Weverka - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 21, 2018 1:30 p.m.

Roger A. Dixon - Nebraska Tourism Commission
Starr Lehl - Nebraska Tourism Commission
Ashley Olson - Nebraska Tourism Commission
Sarah Sortum - Nebraska Tourism Commission
LB814
LB746
LB807
LB694

Thursday, February 22, 2018 1:30 p.m.

Marty Callahan - Nebraska Accountability and Disclosure Commission
Tom Carlson - Nebraska Accountability and Disclosure Commission
Patrick Guinan - State Personnel Board
LB817
LB839

LB1129
LB1027

Friday, February 23, 2018 1:30 p.m.

Sherry Blaha - State Emergency Response Commission
John Grimes - State Emergency Response Commission
Joseph Oswalt - State Emergency Response Commission
LB1036
LB682
LB969
LB1032

Tuesday, February 27, 2018 1:30 p.m.

Matthew J. DiVito - State Emergency Response Commission
LB1115

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mark Czaplewski - Environmental Quality Council
Rodney K. Gangwish - Environmental Quality Council

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

SELECT FILE

LEGISLATIVE BILL 275. Senator Chambers offered the following motion:

MO218

Recommit to the Transportation and Telecommunications Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Crawford	Hilkemann	Linehan	Sinner
Baker	Ebke	Howard	Lowe	Thibodeau
Blood	Friesen	Hughes	McCollister	Vargas
Bolz	Geist	Kolowski	Morfeld	Walz
Bostelman	Groene	Kolterman	Murante	Watermeier
Brewer	Halloran	Kuehn	Pansing Brooks	Wayne
Briese	Hansen	Larson	Scheer	Williams
Clements	Hilgers	Lindstrom	Schumacher	Wishart

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 7:

Brasch	Krist	Quick	Smith
Harr	McDonnell	Riepe	

The Chambers motion to recommit to committee failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO219

Reconsider the motion to recommit to committee.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 36:

Albrecht	Erdman	Hughes	Murante	Watermeier
Baker	Friesen	Kolterman	Pansing Brooks	Wayne
Bolz	Geist	Kuehn	Scheer	Williams
Bostelman	Groene	Linehan	Schumacher	Wishart
Brasch	Halloran	Lowe	Smith	
Brewer	Hansen	McCollister	Thibodeau	
Briese	Hilgers	McDonnell	Vargas	
Clements	Hilkemann	Morfeld	Walz	

Present and not voting, 1:

Kolowski

Absent and not voting, 1:

Lindstrom

Excused and not voting, 10:

Blood	Ebke	Howard	Larson	Riepe
Crawford	Harr	Krist	Quick	Stinner

The Chambers motion to reconsider failed with 1 aye, 36 nays, 1 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered his amendment, AM1638, found on page 484.

Senator Hughes offered the following motion:

MO220

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ebke Howard Quick Riepe Stinner

The Hughes motion to invoke cloture prevailed with 44 ayes, 0 nays, and 5 excused and not voting.

The Hughes amendment, AM1638, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 710. Placed on Final Reading.

ST42

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

1. On page 1, line 3, "attorney" has been struck and "attorney's" inserted.
2. On page 3, line 21, an underscored comma has been inserted after "amount"; in line 33 an underscored comma has been inserted after "less"; and in line 23 an underscored comma has been inserted after the first "dollars".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 784. Placed on General File.

LEGISLATIVE BILL 1024. Placed on General File.

(Signed) Joni Albrecht, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 316. Introduced by Watermeier, 1.

WHEREAS, Kadynce Mullins, an esteemed resident of Nebraska City and a student at Hayward Elementary School, has achieved national recognition for exemplary volunteer service by receiving the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving communities; and

WHEREAS, Ms. Mullins earned this honor by giving generously of her time and energy to raise \$1,500 for Children's Hospital & Medical Center of Omaha by converting her Radio Flyer wagon into a lollipop stand. Ms. Mullins also shopped, cooked, and collected goods for families staying at the Carolyn Scott Rainbow House, hosted a food drive and a "Queen for the Day" event in her city, participated in Children's Miracle Network fundraisers, and recruited classmates to help make more than two hundred "Get Well" tray liners; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Mullins who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Kadynce Mullins for receiving the 2018 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ms. Mullins' outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Kadynce Mullins.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB807:

AM1863

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The Legislature finds and declares:
- 4 (1) In 1864, the United States Congress established the National
- 5 Statuary Hall Collection in the Old Hall of the House of Representatives
- 6 in the United States Capitol and authorized each state to contribute to
- 7 the hall collection two statues that represent important historical
- 8 figures of each state;
- 9 (2) Nebraska currently has on display in the National Statuary Hall
- 10 Collection statues of William Jennings Bryan and Julius Sterling Morton
- 11 given by the State of Nebraska in 1937;
- 12 (3) In 2000, the United States Congress enacted legislation
- 13 authorizing states to request that the Joint Committee on the Library of
- 14 Congress approve the replacement of statues the state had provided for
- 15 display in the hall collection;
- 16 (4)(a) Willa Cather is a significant historical and literary figure
- 17 from Red Cloud, Nebraska;

18 (b) Willa Cather immortalized Nebraska in such works as My Antonia
19 and Oh Pioneers!;
20 (c) Willa Cather won the 1923 Pulitzer Prize for her novel One of
21 Ours; and
22 (d) Willa Cather is worthy of recognition in the National Statuary
23 Hall; and
24 (5)(a) Ponca Chief Standing Bear is a significant historical and
25 civil rights figure from Nebraska's Niobrara River Valley region;
26 (b) Chief Standing Bear's epic return to his Nebraska homeland to
27 bury his son culminated in the historic court case, United States ex rel.
1 Crook v. Standing Bear, which took place in Omaha, Nebraska, in May 1879;
2 (c) The court case set the historic precedent that Chief Standing
3 Bear, as a Native American individual, was found to be a person under the
4 law; and
5 (d) Chief Standing Bear is worthy of recognition in the National
6 Statuary Hall.
7 Sec. 2. The Secretary of State shall submit to the United States
8 Architect of the Capitol for his or her review for completeness a written
9 request to approve the replacement of the statue of Julius Sterling
10 Morton currently on display in the National Statuary Hall Collection in
11 the United States Capitol with a statue of Willa Cather. The written
12 request shall request authorization to provide a new statue, a
13 description of the location in Nebraska where the replaced statue will be
14 displayed after it is transferred, and a copy of the Nebraska statute
15 authorizing such replacement. After such review, it is the intent of the
16 Legislature that the architect forward the request to the Joint Committee
17 on the Library of Congress for its approval or denial. If the request is
18 approved by the committee, the architect and the Willa Cather National
19 Statuary Hall Selection Committee created pursuant to section 3 of this
20 act, acting on behalf of the State of Nebraska, shall enter into an
21 agreement as provided in 2 U.S.C. 2132(b).
22 Sec. 3. (1) The Willa Cather National Statuary Hall Selection
23 Committee is created. The committee shall consist of members of the
24 Nebraska Hall of Fame Commission created pursuant to section 72-724.
25 (2) Upon approval by the Joint Committee on the Library of Congress
26 and pursuant to the agreement described in section 2 of this act, the
27 Willa Cather National Statuary Hall Selection Committee shall:
28 (a) Select a sculptor to create a statue of Willa Cather to be
29 placed in the National Statuary Hall and review and approve the plans for
30 the statue; and
31 (b) Identify a method to obtain necessary funding to pay for all of
1 the following. All funds shall be privately donated and separately
2 managed. No state funds shall be expended for such purposes:
3 (i) The sculptor for designing and carving or casting the statue;
4 (ii) The design and fabrication of the pedestal;
5 (iii) The transportation of the statue and pedestal to the United
6 States Capitol;
7 (iv) The removal and transportation of the replaced statue;
8 (v) The temporary placement of the new statue in the Rotunda of the

9 United States Capitol for the unveiling ceremony;
10 (vi) The unveiling ceremony; and
11 (vii) Any other expenses that the committee determines are necessary
12 to incur.
13 (3) The committee has the authority to receive and disburse gifts.
14 Sec. 4. The Secretary of State shall submit to the United States
15 Architect of the Capitol for his or her review for completeness a written
16 request to approve the replacement of the statue of William Jennings
17 Bryan currently on display in the National Statuary Hall Collection in
18 the United States Capitol with a statue of Ponca Chief Standing Bear. The
19 written request shall request authorization to provide a new statue, a
20 description of the location in Nebraska where the replaced statue will be
21 displayed after it is transferred, and a copy of the Nebraska statute
22 authorizing such replacement. After such review, it is the intent of the
23 Legislature that the architect forward the request to the Joint Committee
24 on the Library of Congress for its approval or denial. If the request is
25 approved by the committee, the architect and the Chief Standing Bear
26 National Statuary Hall Selection Committee created pursuant to section 5
27 of this act, acting on behalf of the State of Nebraska, shall enter into
28 an agreement as provided in 2 U.S.C. 2132(b).
29 Sec. 5. (1) The Chief Standing Bear National Statuary Hall Selection
30 Committee is created. The committee shall consist of (a) a representative
31 of the Commission on Indian Affairs, selected by the chairperson of the
1 commission, (b) a member of the State-Tribal Relations Committee of the
2 Legislature, selected by the chairperson of the committee, (c) the
3 chairperson of the Lincoln Partners for Public Art Development or its
4 successor, and the Historic Preservation Planner of the City of Lincoln.
5 (2) Upon approval by the Joint Committee on the Library of Congress
6 and pursuant to the agreement described in section 4 of this act, the
7 Chief Standing Bear National Statuary Hall Selection Committee shall:
8 (a) Select a sculptor to create a statue of Chief Standing Bear to
9 be placed in the National Statuary Hall and review and approve the plans
10 for the statue; and
11 (b) Identify a method to obtain necessary funding to pay for all of
12 the following. All funds shall be privately donated and separately
13 managed. No state funds shall be expended for such purposes:
14 (i) The sculptor for designing and carving or casting the statue;
15 (ii) The design and fabrication of the pedestal;
16 (iii) The transportation of the statue and pedestal to the United
17 States Capitol;
18 (iv) The removal and transportation of the replaced statue;
19 (v) The temporary placement of the new statue in the Rotunda of the
20 United States Capitol for the unveiling ceremony;
21 (vi) The unveiling ceremony; and
22 (vii) Any other expenses that the committee determines are necessary
23 to incur.
24 (3) The committee has the authority to receive and disburse gifts.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LB1001.
Senator Briese name added to LB1069

VISITORS

Visitors to the Chamber were members of the Nebraska Speech-Language-Hearing Association including audiologists, speech-language, and pathology students from UNL, UNO, and UNK; Spencer, Lori, Makayla, and Spencer Danner Jr. from Omaha; and Todd Siel and Scott Dicke of the Lower Republican NRD from Alma.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:40 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

