

FIFTEENTH DAY - JANUARY 25, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 2017

PRAYER

The prayer was offered by Pastor Jon Sollberger, Immanuel Lutheran Church, Louisville.

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 Senators Kintner and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, February 9, 2017 1:30 p.m.

LB605 (cancel)

Wednesday, February 8, 2017 1:30 p.m.

LB605

(Signed) Merv Riepe, Chairperson

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senators Williams and Stinner have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

RESIGNATION

January 25, 2017

The Honorable Jim Scheer
Speaker
Nebraska Legislature
2103 State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

This letter is written to advise you that I am resigning my position as a Member of the Nebraska Legislature, effective at 12:01 a.m. on January 30, 2017. It has been an honor and immense privilege to serve Nebraskans throughout my tenure in this position.

I especially want to commend your leadership as Speaker of the Legislature. I have always appreciated your fair and balanced approach and your willingness to tackle the difficult but necessary policy issues to move our state forward. I wish you great success in your tenure as the Speaker.

Sincerely,
(Signed) Bill Kintner
Nebraska State Senator

COMMUNICATION(S)

January 25, 2017

Senator Bill Kintner
District 2
State Capitol
Lincoln, NE 68509

Dear Senator Kintner,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 25, 2017 letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 2 effective January 30, 2017 at 12:01 a.m.

Sincerely,
(Signed) Jim Scheer
Speaker

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
Pete Ricketts, Governor of the State of Nebraska

MOTION - Adopt Permanent Rules

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303 and considered on pages 310, 312, and 314, as amended, was renewed.

The Rules Committee renewed the proposed rule change, Proposed Rule Change 2, found on page 243, as amended, to Rule 5, Sec. 7.

Senator Harr offered his amendment, found on page 336, to the proposed rule change to Rule 5, Sec. 7.

Pending.

MOTION(S) - Print in Journal

Senator Hilkemann filed the following motion to LB667:
MO22
Withdraw bill.

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Wednesday, February 1, 2017 1:30 p.m.

LB49
LB69
LB129
LB174

Thursday, February 2, 2017 1:30 p.m.

LB98
LB217

Wednesday, February 8, 2017 1:30 p.m.

LB337
LB338

Thursday, February 9, 2017 1:30 p.m.

LB546
LB387
LB126

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 1, 2017 1:30 p.m.

LR6
LR18CA

Thursday, February 2, 2017 1:30 p.m.

LB127
LB365
LB494

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 45. Placed on Select File with amendment.

ER1

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-3,122.03, Revised Statutes Cumulative
4 Supplement, 2016, is amended to read:
5 60-3,122.03 (1) The department shall design license plates to be
6 known as Military Honor Plates. The department shall create designs
7 honoring persons who have served or are serving in the United States
8 Army, United States Army Reserve, United States Navy, United States Navy
9 Reserve, United States Marine Corps, United States Marine Corps Reserve,
10 United States Coast Guard, United States Coast Guard Reserve, United
11 States Air Force, United States Air Force Reserve, or National Guard.
12 There shall be eleven ~~six~~ designs, one for each of such armed forces
13 reflecting its official emblem, official seal, or other official image.
14 The issuance of plates for each of such armed forces shall be conditioned
15 on the approval of the armed forces owning the copyright to the official
16 emblem, official seal, or other official image. A person may qualify for
17 a Military Honor Plate by registering with the Department of Veterans'
18 Affairs pursuant to section 80-414. The Department of Motor Vehicles
19 shall verify the applicant's eligibility for a plate created pursuant to

20 this section by consulting the registry established by the Department of
21 Veterans' Affairs.

22 (2) The design shall be selected on the basis of limiting the
23 manufacturing cost of each plate to an amount less than or equal to the
24 amount charged for license plates pursuant to section 60-3,102. The
25 Department of Motor Vehicles shall make applications available for each
26 type of plate when it is designed. The department may adopt and
27 promulgate rules and regulations to carry out this section and section
1 60-3,122.04.

2 (3) One type of Military Honor Plates shall be alphanumeric plates.
3 The department shall:

4 (a) Assign a designation up to five characters; and

5 (b) Not use a county designation.

6 (4) One type of Military Honor Plates shall be personalized message
7 plates. Such plates shall be issued subject to the same conditions
8 specified for personalized message license plates in section 60-3,118,
9 except that a maximum of five characters may be used.
10 Sec. 2. Section 60-3,122.04, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-3,122.04 (1) ~~An~~ Beginning January 2, 2016, an eligible person may
13 apply to the department for Military Honor Plates in lieu of regular
14 license plates on an application prescribed and provided by the
15 department for any motor vehicle, trailer, semitrailer, or cabin trailer,
16 except for a motor vehicle or trailer registered under section 60-3,198.
17 An applicant receiving a Military Honor Plate for a farm truck with a
18 gross weight of over sixteen tons shall affix the appropriate tonnage
19 decal to the plate. The department shall make forms available for such
20 applications through the county treasurers. The license plates shall be
21 issued upon payment of the license fee described in subsection (2) of
22 this section and verification by the department of an applicant's
23 eligibility using the registry established by the Department of Veterans'
24 Affairs pursuant to section 80-414. To be eligible an applicant shall be
25 (a) active duty or reserve duty armed forces personnel serving in any of
26 the armed forces listed in subsection (1) of section 60-3,122.03, ~~or~~ (b)
27 a veteran of any of such armed forces who was discharged or otherwise
28 separated with a characterization of honorable or general (under
29 honorable conditions), or (c) a current or former commissioned officer of
30 the United States Public Health Service or National Oceanic and
31 Atmospheric Administration who has been detailed directly to any branch
1 of such armed forces for service on active or reserve duty and who was
2 discharged or otherwise separated with a characterization of honorable or
3 general (under honorable conditions) as proven with valid orders from the
4 United States Department of Defense, a statement of service provided by
5 the United States Public Health Service, or a report of transfer or
6 discharge provided by the National Oceanic and Atmospheric
7 Administration. Any person using Military Honor Plates shall surrender
8 the plates to the county treasurer if such person is no longer eligible
9 for the plates. Regular plates shall be issued to any such person upon
10 surrender of the Military Honor Plates for a three-dollar transfer fee

11 and forfeiture of any of the remaining annual fee. The three-dollar
12 transfer fee shall be remitted to the State Treasurer for credit to the
13 Department of Motor Vehicles Cash Fund.

14 (2)(a) In addition to all other fees required for registration under
15 the Motor Vehicle Registration Act, each application for initial issuance
16 or renewal of alphanumeric Military Honor Plates shall be accompanied by
17 a fee of five dollars. County treasurers collecting fees pursuant to this
18 subdivision shall remit them to the State Treasurer. The State Treasurer
19 shall credit five dollars of the fee to the Nebraska Veteran Cemetery
20 System Operation Fund.

21 (b) In addition to all other fees required for registration under
22 the Motor Vehicle Registration Act, each application for initial issuance
23 or renewal of personalized message Military Honor Plates shall be
24 accompanied by a fee of forty dollars. County treasurers collecting fees
25 pursuant to this subdivision shall remit them to the State Treasurer. The
26 State Treasurer shall credit twenty-five percent of the fee for initial
27 issuance and renewal of such plates to the Department of Motor Vehicles
28 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran
29 Cemetery System Operation Fund.

30 (3) When the Department of Motor Vehicles receives an application
31 for Military Honor Plates, the department shall deliver the plates to the
1 county treasurer of the county in which the motor vehicle or cabin
2 trailer is registered. The county treasurer shall issue Military Honor
3 Plates in lieu of regular license plates when the applicant complies with
4 the other provisions of the Motor Vehicle Registration Act for
5 registration of the motor vehicle or cabin trailer. If Military Honor
6 Plates are lost, stolen, or mutilated, the licensee shall be issued
7 replacement license plates upon request pursuant to section 60-3,157.

8 (4) The owner of a motor vehicle or cabin trailer bearing Military
9 Honor Plates may apply to the county treasurer to have such plates
10 transferred to a motor vehicle other than the vehicle for which such
11 plates were originally purchased if such vehicle is owned by the owner of
12 the plates. The owner may have the unused portion of the fee for the
13 plates credited to the other vehicle which will bear the plates at the
14 rate of eight and one-third percent per month for each full month left in
15 the registration period. Application for such transfer shall be
16 accompanied by a fee of three dollars. Fees collected pursuant to this
17 subsection shall be remitted to the State Treasurer for credit to the
18 Department of Motor Vehicles Cash Fund.

19 (5) If the cost of manufacturing Military Honor Plates at any time
20 exceeds the amount charged for license plates pursuant to section
21 60-3,102, any money to be credited to the Nebraska Veteran Cemetery
22 System Operation Fund shall instead be credited first to the Highway
23 Trust Fund in an amount equal to the difference between the manufacturing
24 costs of Military Honor Plates and the amount charged pursuant to section
25 60-3,102 with respect to such plates and the remainder shall be credited
26 to the Nebraska Veteran Cemetery System Operation Fund.

27 (6) If the director discovers evidence of fraud in an application
28 for Military Honor Plates or that the holder is no longer eligible to

29 have Military Honor Plates, the director may summarily cancel the plates
30 and registration and send notice of the cancellation to the holder of the
31 license plates.

1 Sec. 3. Section 80-414, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 80-414 (1) The Department of Veterans' Affairs shall create and
4 maintain a registry of residents of Nebraska who meet the requirements of
5 ~~subsection (1) subdivision (1)(a) or (b)~~ of section 60-3,122.04 or
6 subsection (1) of section 60-4,189. The Department of Veterans' Affairs
7 may adopt and promulgate rules and regulations governing the
8 establishment and maintenance of the registry. The registry may be used
9 to assist the department in carrying out the duties of the department and
10 shall provide for the collection of sufficient information to identify an
11 individual who qualifies for Military Honor Plates or a notation of
12 "veteran" on his or her operator's license or state identification card
13 issued by the Department of Motor Vehicles. The registry may include
14 information such as identifying information on an individual, an
15 individual's records on active duty or reserve duty in the armed forces
16 of the United States, or an individual's status of active duty, reserve
17 duty, retired, discharged, or other.

18 (2) Any resident of Nebraska who meets the requirements of
19 ~~subsection (1) subdivision (1)(a) or (b)~~ of section 60-3,122.04 or
20 subsection (1) of section 60-4,189 shall register with the Department of
21 Veterans' Affairs using the registry created by this section before being
22 eligible for Military Honor Plates or a notation of "veteran" on his or
23 her operator's license or state identification card issued by the
24 Department of Motor Vehicles. No person shall be deemed eligible until
25 his or her status has been verified on the registry.

26 (3) The Department of Motor Vehicles may adopt and promulgate rules
27 and regulations governing use of the registry of the Department of
28 Veterans' Affairs for determination of eligibility for the issuance of
29 Military Honor Plates or the notation of "veteran" on operators' licenses
30 and state identification cards.

31 Sec. 4. This act becomes operative on January 1, 2018.

1 Sec. 5. Original section 80-414, Reissue Revised Statutes of
2 Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes
3 Cumulative Supplement, 2016, are repealed.

LEGISLATIVE BILL 80. Placed on Select File.

LEGISLATIVE BILL 134. Placed on Select File with amendment.
ER2 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 315. Placed on General File.**LEGISLATIVE BILL 159.** Placed on General File with amendment.

AM22

1 1. On page 2, line 4, after "district" insert "in a city of the
2 metropolitan class".

LEGISLATIVE BILL 317. Placed on General File with amendment.

AM19

1 1. On page 2, line 4, strike "such city" and insert "city of the
2 second class"; in line 10 after the second "and" insert "village"; and in
3 line 22 after the first "and" insert "city" and after the second "and"
4 insert "village".

(Signed) Justin Wayne, Chairperson

MOTION - Adopt Permanent Rules

The Harr amendment, found on page 336 and considered in this day's Journal, to the proposed rule change to Rule 5, Sec. 7, was renewed.

Senator Harr withdrew his amendment to the proposed rule change.

Senator Wayne offered his amendment, found on page 336, to the proposed rule change to Rule 3, Sec. 14.

Senator Wayne moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

The Wayne amendment to the proposed rule change lost with 12 ayes, 29 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Rules Committee renewed the proposed rule change, Proposed Rule Change 2, found on page 243 and considered on page 314 and in this day's Journal, to Rule 5, Sec. 7, as amended.

Senator Harr moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Howard requested a roll call vote on the proposed rule change.

Voting in the affirmative, 14:

Baker	Chambers	Hilgers	McDonnell	Walz
Blood	Crawford	Howard	Quick	Williams
Briese	Harr	Kolowski	Vargas	

Voting in the negative, 17:

Albrecht	Craighead	Groene	Krist	Watermeier
Bostelman	Ebke	Halloran	Lowe	
Brasch	Erdman	Hilkemann	Riepe	
Brewer	Geist	Hughes	Scheer	

Present and not voting, 12:

Bolz	Kolterman	Linehan	Schumacher
Friesen	Kuehn	McCollister	Wayne
Hansen	Lindstrom	Pansing Brooks	Wishart

Excused and not voting, 6:

Kintner	Morfeld	Smith
Larson	Murante	Stinner

The Rules Committee's proposed rule change, Proposed Rule Change 2, to Rule 5, Sec. 7, as amended, lost with 14 ayes, 17 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 22. Introduced by Craighead, 6.

WHEREAS, Elizabeth "Kaitlyn" Fitzgerald was named the 120th Queen of Aksarben at the 2016 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Kaitlyn's family has strong historic connections to the AKSARBEN Foundation and the Coronation and Scholarship Ball on both sides of her family dating back seven decades; and

WHEREAS, Kaitlyn is the daughter of William "Tate" and Denise Fitzgerald of Omaha. Her father is the Senior Vice President of Business Strategy and Portfolio Management for Mutual of Omaha Bank. Her mother, the former Denise Wenger, is a small business owner and

exemplary community member who volunteers at many organizations in the greater Omaha area; and

WHEREAS, Kaitlyn attends Parsons School of Design at The New School in New York City and plans to remain in New York after graduating to work under a designer and establish her own clothing brand.

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

1. That the Legislature congratulates Elizabeth "Kaitlyn" Fitzgerald on being named the 120th Queen of Aksarben.
2. That a copy of this resolution be sent to Kaitlyn.

Laid over.

LEGISLATIVE RESOLUTION 23. Introduced by Craighead, 6.

WHEREAS, the life of Dr. Jack K. Lewis, June 11, 1934 - June 20, 2016, was celebrated at a Service of Witness to the Resurrection; and

WHEREAS, Dr. Lewis practiced and loved medicine and cared for his patients for 56 years in Omaha; and

WHEREAS, Dr. Lewis worked for many years as the athletic physician for Central High School and the ring-side doctor for Golden Gloves tournaments; and

WHEREAS, the life of Dr. Lewis centered around his family, friends, and community; and

WHEREAS, Dr. Lewis served on numerous Omaha boards throughout his life and was an exemplary member of the greater Omaha community; and

WHEREAS, Dr. Lewis leaves behind his wife of 56 years, Kathy Lewis; his sister, Judy Bachman; his daughter, Cindy Liekhus (Leo); his sons, Todd Lewis (Brian) and John Lewis (Sage); his grandchildren, Jason Liekhus (Sammie), Eric Liekhus (Jessica), Lylah Lewis, Sterling Lewis, and Trapp Lewis; and his great-granddaughter, Avery Liekhus.

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

1. That the Legislature celebrates the extraordinary life of Dr. Jack K. Lewis.
2. That a copy of this resolution be sent to John Lewis, P.A.

Laid over.

LEGISLATIVE RESOLUTION 24. Introduced by Craighead, 6.

WHEREAS, Dr. Ken Bird was named the 120th King of Aksarben at the 2016 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Dr. Bird served as superintendent of the Westside Community Schools for 16 years and now leads the Avenue Scholars Foundation; and

WHEREAS, Dr. Bird was named the 1998 Nebraska Superintendent of the Year and has received several professional awards, including the Nebraska Council of School Administrators Distinguished Service Award, the University of Nebraska-Lincoln Teachers College David W. Hutcheson Award for Distinguished Service to Education, the University of Nebraska-Omaha Department of Education Distinguished Alumni Award, the Friend of the Horace Mann League Award, the Educational Achievement Award from the Nebraska Alumni Association, and the Children's Hospital Marge Henningson Durham Leadership Award; and

WHEREAS, Dr. Bird was recognized by Creighton University with a Doctor of Humane Letters honoris causa in 2008; and

WHEREAS, Dr. Bird served and continues to serve on many boards and professional organizations in the community, state, and nation.

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

1. That the Legislature congratulates Dr. Ken Bird on being named the 120th King of Aksarben.
2. That a copy of this resolution be sent to Dr. Ken Bird.

Laid over.

LEGISLATIVE RESOLUTION 25. Introduced by Krist, 10.

PURPOSE: To study timeline, notification, and process requirements in the Rules of the Nebraska Unicameral Legislature for preparing and delivering fiscal notes in order to better serve the needs of senators and the public.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That such 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.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 1, 2017 1:30 p.m.

LB268

Wednesday, February 1, 2017 1:30 p.m.

LB544 (cancel)

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 17. Placed on General File.

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 138. Placed on General File.

LEGISLATIVE BILL 142. Placed on General File.

(Signed) Brett Lindstrom, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB188.

Senator Blood name added to LB188.

Senator Quick name added to LB188.

Senator Brasch name added to LB188.

Senator McDonnell name added to LB188.

Senator Blood name added to LB500.

Senator Blood name added to LB497.

Senator McDonnell name added to LB404.

Senator McDonnell name added to LB107.

Senator Blood name added to LB107.

Senator Blood name added to LB284.

Senator Hansen name added to LB188.

Senator Hansen name added to LB107.

MOTION(S) - Print in Journal

Senator Bolz filed the following motion:

To reconsider the adoption of Proposed Rule Change 2.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2017.

Patrick J. O'Donnell
Clerk of the Legislature