

**FIFTY-NINTH DAY - APRIL 4, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, April 4, 2017

**PRAYER**

The prayer was offered by Pastor Matt Schulte, Campus Life Ministries, Lincoln.

**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 Bostelman who was excused; and Senators Clements, Kuehn, Larson, Morfeld, Murante, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**COMMITTEE REPORT(S)**  
 Banking, Commerce and Insurance

**LEGISLATIVE BILL 220.** Placed on General File with amendment.  
 AM567

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 44-8601, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 44-8601 Sections 44-8601 to 44-8604 and sections 3 to 6 of this act
- 6 shall be known and may be cited as the Insured Homeowners Protection Act.
- 7 Sec. 2. Section 44-8602, Revised Statutes Cumulative Supplement,
- 8 2016, is amended to read:
- 9 44-8602 For purposes of the Insured Homeowners Protection Act:
- 10 (1) Residential contractor means a person in the business of
- 11 contracting or offering to contract with an owner or possessor of
- 12 residential real estate to:
- 13 (a) Repair ~~repair~~ or replace a roof system or perform any other
- 14 exterior repair, replacement, construction, or reconstruction work on

15 residential real estate; ~~or~~  
16 (b) ~~Perform~~ ~~perform~~ interior or exterior cleanup services on  
17 residential real estate;  
18 (c) Arrange for, manage, or process the work referred to in  
19 subdivision (1)(a) or (b) of this section; or  
20 (d) Serve as a representative, agent, or assignee of the owner or  
21 possessor of residential real estate;  
22 (2) Residential real estate means a new or existing building,  
23 including a detached garage, constructed for habitation by at least one  
24 but no more than four families; and  
25 (3) Roof system means and includes roof coverings, roof sheathing,  
26 roof weatherproofing, and insulation.  
27 Sec. 3. A post-loss assignment of rights or benefits to a  
1 residential contractor under a property and casualty insurance policy  
2 insuring residential real estate shall comply with the following:  
3 (1) The assignment may authorize a residential contractor to be  
4 named as a copayee for the payment of benefits under a property and  
5 casualty insurance policy covering residential real estate;  
6 (2) The assignment shall be provided to the insurer of the  
7 residential real estate within five business days after execution;  
8 (3) The assignment shall include a statement that the residential  
9 contractor has made no assurances that the claimed loss will be fully  
10 covered by an insurance contract and shall include the following notice  
11 in capitalized fourteen-point type:  
12 YOU ARE AGREEING TO ASSIGN CERTAIN RIGHTS YOU HAVE UNDER YOUR  
13 INSURANCE POLICY. WITH AN ASSIGNMENT, THE RESIDENTIAL CONTRACTOR SHALL BE  
14 ENTITLED TO PURSUE ANY RIGHTS OR REMEDIES THAT YOU, THE INSURED  
15 HOWEOWNER, HAVE UNDER YOUR INSURANCE POLICY. PLEASE READ AND UNDERSTAND  
16 THIS DOCUMENT BEFORE SIGNING.  
17 THE INSURER HAS THE RIGHT TO PAY ONLY FOR THE COST TO REPAIR OR  
18 REPLACE DAMAGED PROPERTY CAUSED BY A COVERED PERIL.  
19 (5) The assignment shall not impair the interest of a mortgagee  
20 listed on the declarations page of the property and casualty insurance  
21 policy which is the subject of the assignment; and  
22 (6) The assignment shall not prevent or inhibit an insurer from  
23 communicating with the named insured or mortgagee listed on the  
24 declarations page of the property and casualty insurance policy that is  
25 the subject of the assignment.  
26 Sec. 4. Prior to commencement of repair or replacement work, the  
27 residential contractor shall furnish the insured and insurer with an  
28 itemized description of the work to be done and the materials, labor, and  
29 fees for repair or replacement of the damaged residential real estate and  
30 the total itemized amount agreed to be paid for the work to be performed,  
31 except that the description shall not limit the insured or residential  
1 contractor from identifying other goods and services necessary to  
2 complete repairs or replacement associated with a covered loss.  
3 Sec. 5. Any written contract, repair estimate, or work order  
4 prepared by a residential contractor to provide goods or services to be  
5 paid from the proceeds of a property and casualty insurance policy shall

6 include the following notice of the prohibition contained in section  
 7 44-8604 in capitalized fourteen-point type which shall be signed by the  
 8 named insured and sent to the named insured's insurer prior to payment of  
 9 proceeds under the applicable insurance policy:

10 IT IS A VIOLATION OF THE INSURANCE LAWS OF NEBRASKA TO REBATE ANY  
 11 PORTION OF AN INSURANCE DEDUCTIBLE AS AN INDUCEMENT TO THE INSURED TO  
 12 ACCEPT A RESIDENTIAL CONTRACTOR'S PROPOSAL TO REPAIR DAMAGED PROPERTY.  
 13 REBATE OF A DEDUCTIBLE INCLUDES GRANTING ANY ALLOWANCE OR OFFERING ANY  
 14 DISCOUNT AGAINST THE FEES TO BE CHARGED FOR WORK TO BE PERFORMED OR  
 15 PAYING THE INSURED HOMEOWNER THE DEDUCTIBLE AMOUNT SET FORTH IN THE  
 16 INSURANCE POLICY.

17 THE INSURED HOMEOWNER IS PERSONALLY RESPONSIBLE FOR PAYMENT OF THE  
 18 DEDUCTIBLE. THE INSURANCE FRAUD ACT AND NEBRASKA CRIMINAL STATUTES  
 19 PROHIBIT THE INSURED HOMEOWNER FROM ACCEPTING FROM A RESIDENTIAL  
 20 CONTRACTOR A REBATE OF THE DEDUCTIBLE OR OTHERWISE ACCEPTING ANY  
 21 ALLOWANCE OR DISCOUNT FROM THE RESIDENTIAL CONTRACTOR TO COVER THE COST  
 22 OF THE DEDUCTIBLE. VIOLATIONS MAY BE PUNISHABLE BY CIVIL OR CRIMINAL  
 23 PENALTIES.

24 Sec. 6. A contract entered into with a residential contractor is  
 25 void if the residential contractor violates any provision of the Insured  
 26 Homeowners Protection Act.

27 Sec. 7. Original sections 44-8601 and 44-8602, Revised Statutes  
 28 Cumulative Supplement, 2016, are repealed.

(Signed) Brett Lindstrom, Chairperson

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 76, 82, and 83 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 76, 82, and 83.

### **GENERAL FILE**

**LEGISLATIVE BILL 427.** Title read. Considered.

Senator Vargas offered his amendment, AM739, found on page 837.

### **SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

The Vargas amendment was adopted with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Vargas offered the following amendment:

AM908

1 1. On page 2, line 12, after the period insert "Nothing in this  
 2 section limits the authority of administrative and teaching personnel to  
 3 regulate student behavior as provided by section 79-258 or the authority  
 4 of a private, denominational, or parochial school to regulate student  
 5 behavior in order to further school purposes or to prevent interference  
 6 with the educational process.".

#### SENATOR KRIST PRESIDING

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Vargas amendment was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

#### COMMITTEE REPORT(S)

##### Judiciary

**LEGISLATIVE BILL 517.** Placed on General File.

**LEGISLATIVE BILL 562.** Placed on General File.

**LEGISLATIVE BILL 366.** Placed on General File with amendment.

AM673

1 1. On page 25, lines 27 through 29, strike the new matter.

**LEGISLATIVE BILL 516.** Placed on General File with amendment.

AM562

1 1. Insert the following new sections:

2 Section 1. Section 71-1940, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:

4 71-1940 The department may deny, refuse to renew, or take  
 5 disciplinary action against a license issued under the Children's  
 6 Residential Facilities and Placing Licensure Act on any of the following  
 7 grounds:

8 (1) Failure to meet or violation of any of the requirements of the  
 9 act or the rules and regulations adopted and promulgated under the act;  
 10 (2) Violation of an order of the department under the act;

11 (3) Conviction, admission, or substantial evidence of committing or  
 12 permitting, aiding, or abetting another to commit any unlawful act,  
 13 including, but not limited to, unlawful acts committed by an applicant or  
 14 licensee under the act, household members who reside at the place where  
 15 children's residential care or child-placing services are provided, or  
 16 employees of the applicant or licensee that involve:  
 17 (a) Physical abuse of children or vulnerable adults as defined in  
 18 section 28-371;  
 19 (b) Endangerment or neglect of children or vulnerable adults;  
 20 (c) Sexual abuse, sexual assault, or sexual misconduct;  
 21 (d) Homicide;  
 22 (e) Use, possession, manufacturing, or distribution of a controlled  
 23 substance listed in section 28-405;  
 24 (f) Property crimes, including, but not limited to, fraud,  
 25 embezzlement, and theft by deception; or  
 26 (g) Use of a weapon in the commission of an unlawful act;  
 27 (4) Conduct or practices detrimental to the health, safety, or  
 1 welfare of any individual residing in, served by, or employed at the  
 2 residential child-caring agency or child-placing agency;  
 3 (5) Failure to allow an agent or employee of the department access  
 4 to the residential child-caring agency or child-placing agency for the  
 5 purposes of inspection, investigation, or other information collection  
 6 activities necessary to carry out the duties of the department;  
 7 (6) Failure to allow local or state inspectors, investigators, or  
 8 law enforcement officers access to the residential child-caring agency or  
 9 child-placing agency for the purposes of investigation necessary to carry  
 10 out their duties;  
 11 (7) Failure to meet requirements relating to sanitation, fire  
 12 safety, and building codes;  
 13 (8) Failure to comply with or violation of the Medication Aide Act;  
 14 (9) Failure to file a report of suspected abuse or neglect as  
 15 required by sections 28-372 and 28-711;  
 16 (10) Violation of any city, village, or county rules, regulations,  
 17 resolutions, or ordinances regulating licensees;  
 18 (11) A history of misconduct or violations by an applicant or  
 19 licensee involving children or vulnerable adults; ~~or~~  
 20 (12) Violation of the requirements of section 83-4,134.01; or  
 21 (13) (12) Violation of any federal, state, or local law involving  
 22 care of children.  
 23 Sec. 2. Section 83-4,125, Revised Statutes Cumulative Supplement,  
 24 2016, is amended to read:  
 25 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01:  
 26 (1) Criminal detention facility means any institution operated by a  
 27 political subdivision or a combination of political subdivisions for the  
 28 careful keeping or rehabilitative needs of adult or juvenile criminal  
 29 offenders or those persons being detained while awaiting disposition of  
 30 charges against them. Criminal detention facility does not include any  
 31 institution operated by the Department of Correctional Services. Criminal  
 1 detention facilities shall be classified as follows:

2 (a) Type I Facilities means criminal detention facilities used for  
 3 the detention of persons for not more than twenty-four hours, excluding  
 4 nonjudicial days;

5 (b) Type II Facilities means criminal detention facilities used for  
 6 the detention of persons for not more than ninety-six hours, excluding  
 7 nonjudicial days; and

8 (c) Type III Facilities means criminal detention facilities used for  
 9 the detention of persons beyond ninety-six hours;

10 (2) Juvenile detention facility means an institution operated by a  
 11 political subdivision or political subdivisions for the secure detention  
 12 and treatment of persons younger than eighteen years of age, including  
 13 persons under the jurisdiction of a juvenile court, who are serving a  
 14 sentence pursuant to a conviction in a county or district court or who  
 15 are detained while waiting disposition of charges against them. Juvenile  
 16 detention facility does not include any institution operated by the  
 17 department;

18 (3) Juvenile facility means a residential child-caring agency as  
 19 defined in section 71-1926, a juvenile detention facility or staff secure  
 20 juvenile facility as defined in this section, a facility operated by the  
 21 Department of Correctional Services that houses youth under the age of  
 22 majority, or a youth rehabilitation and treatment center;

23 (4) Room confinement means the involuntary restriction of a juvenile  
 24 placed alone in to a cell, alone in a room, or alone in another other  
 25 area, alone, including a juvenile's own room, except during normal  
 26 sleeping hours, whether or not such cell, room, or other area is subject  
 27 to video or other electronic monitoring; and

28 (5) Staff secure juvenile facility means a juvenile residential  
 29 facility operated by a political subdivision (a) which does not include  
 30 construction designed to physically restrict the movements and activities  
 31 of juveniles who are in custody in the facility, (b) in which physical  
 1 restriction of movement or activity of juveniles is provided solely  
 2 through staff, (c) which may establish reasonable rules restricting  
 3 ingress to and egress from the facility, and (d) in which the movements  
 4 and activities of individual juvenile residents may, for treatment  
 5 purposes, be restricted or subject to control through the use of  
 6 intensive staff supervision. Staff secure juvenile facility does not  
 7 include any institution operated by the department.

8 2. On page 3, strike lines 18 and 19 and insert the following new  
 9 subdivision:

10 "(e) Any juvenile facility which is not a residential child-caring  
 11 agency which fails to comply with the requirements of this section is  
 12 subject to disciplinary action as provided in section 83-4,134. Any  
 13 juvenile facility which is a residential child-caring agency which fails  
 14 to comply with the requirements of this section is subject to  
 15 disciplinary action as provided in section 71-1940."

16 3. Renumber the remaining sections and amend the repealer  
 17 accordingly.

(Signed) Laura Ebke, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB253:  
AM829

(Amendments to the Standing Committee amendments, AM693)

- 1 1. On page 1, lines 5 and 6, 17, and 22, strike "village, or
- 2 sanitary and improvement district".
- 3 2. On page 2, strike beginning with the first comma in line 6
- 4 through "district" in line 8 and insert "or city and be binding upon such
- 5 county or city".
- 6 3. On page 3, line 6, after "made" insert "from the levy authority".

Senator Wayne filed the following amendment to LB263:  
AM909

(Amendments to Standing Committee amendments, AM538)

- 1 1. Strike sections 73, 74, 75, 76, 77, 78, and 79.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 amend the repealer accordingly.

Senator Chambers filed the following amendment to LB661:  
AM918

- 1 1. On page 2, line 12, after "(2)" insert "Despite knowing that the
- 2 federal Food and Drug Administration had placed a total and absolute ban
- 3 on the importation of sodium thiopental for any purpose, the Governor,
- 4 Attorney General, and Director of Correctional Services labored for
- 5 months trying to arrange through an unscrupulous, disreputable drug
- 6 dealer in India the unlawful importation of the illegal drug for use in
- 7 judicial executions, by means of lethal injection which was developed by
- 8 the Nazis. If the Governor, Attorney General, and Director of
- 9 Correctional Services deem it necessary or advisable to again pursue such
- 10 a course, it is essential public knowledge of such clandestine action be
- 11 thwarted at all costs.".

**VISITOR(S)**

Visitors to the Chamber were 10 twelfth-grade students and teacher from Sutherland; and 20 eleventh- and twelfth-grade students from Papillion/La Vista.

**RECESS**

At 11:43 a.m., on a motion by Senator Albrecht, 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 Bostelman who was excused; and Senators Friesen, Groene, Larson, Morfeld, and Watermeier who were excused until they arrive.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 320.** Placed on General File.

**LEGISLATIVE BILL 458.** Placed on General File.

**LEGISLATIVE BILL 497.** Placed on General File.

**LEGISLATIVE BILL 200.** Placed on General File with amendment.

AM21

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 23-1901, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 23-1901 (1) It shall be the duty of the county surveyor to make or  
6 cause to be made all surveys within his or her county that the county  
7 surveyor may be called upon to make and record the same.

8 (2) In all counties having a population of at least ~~sixty~~ fifty

9 thousand inhabitants but less than one hundred fifty thousand

10 inhabitants, the county surveyor shall be ex officio county engineer and  
11 shall be either a professional engineer as provided in the Engineers and  
12 Architects Regulation Act or a registered land surveyor as provided in  
13 the Land Surveyors Regulation Act or both. In such counties, the office  
14 of surveyor shall be full time.

15 In counties having a population of one hundred fifty thousand  
16 inhabitants or more, a county engineer shall be a professional engineer  
17 as provided in the act and shall be elected as provided in section  
18 32-526.

19 (3) The county engineer or ex officio county engineer shall:

20 (a) Prepare all plans, specifications, and detail drawings for the  
21 use of the county in advertising and letting all contracts for the  
22 building and repair of bridges, culverts, and all public improvements  
23 upon the roads;

24 (b) Make estimates of the cost of all such contemplated public  
25 improvements, make estimates of all material required for such public  
26 improvements, inspect the material and have the same measured and  
27 ascertained, and report to the county board whether the same is in  
1 accordance with its requirements;

2 (c) Superintend the construction of all such public improvements and  
3 inspect and require that the same shall be done according to contract;

4 (d) Make estimates of the cost of all labor and material which shall  
5 be necessary for the construction of all bridges and improvements upon  
6 public highways, inspect all of the work and materials placed in any such  
7 public improvements, and make a report in writing to the county board



8 with a statement in regard to whether the same comply with the plans,  
9 specifications, and detail drawings of the county board prepared for such  
10 work or improvements and under which the contract was let; and  
11 (e) Have charge and general supervision of work or improvements  
12 authorized by the county board, inspect all materials, direct the work,  
13 and make a report of each piece of work to the county board.

14 The county engineer or surveyor shall also have such other and  
15 further powers as are necessarily incident to the general powers granted.

16 (4) The county surveyor shall prepare and file the required annual  
17 inventory statement of county personal property in his or her custody or  
18 possession as provided in sections 23-346 to 23-350.

19 (5) In counties having a population of one hundred fifty thousand  
20 inhabitants or more, the county engineer shall appoint a full-time county  
21 surveyor. The county surveyor shall perform all the duties prescribed in  
22 sections 23-1901 to 23-1913 and any other duties assigned to him or her  
23 by the county engineer. The county surveyor shall be a registered land  
24 surveyor as provided in the Land Surveyors Regulation Act.

25 Sec. 2. Section 23-1901.02, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 23-1901.02 The county surveyor may appoint a deputy for whose acts  
28 he or she will be responsible. The surveyor may not appoint the county  
29 treasurer, sheriff, register of deeds, or clerk as deputy.

30 In counties having a population of ~~sixty fifty~~ thousand but less  
31 than one hundred fifty thousand, if the county surveyor is a professional  
1 engineer, he or she shall appoint as deputy a registered land surveyor  
2 or, if the county surveyor is a registered land surveyor, he or she shall  
3 appoint as deputy a professional engineer. This requirement shall not  
4 apply if the county surveyor is both a professional engineer and a  
5 registered land surveyor.

6 The appointment shall be in writing and revocable in writing by the  
7 surveyor. Both the appointment and revocation shall be filed and kept in  
8 the office of the county clerk.

9 The deputy shall take the same oath as the surveyor which shall be  
10 endorsed upon and filed with the certificate of appointment. The surveyor  
11 may require a bond of the deputy.

12 In the absence or disability of the surveyor, the deputy shall  
13 perform the duties of the surveyor pertaining to the office, but when the  
14 surveyor is required to act in conjunction with or in place of another  
15 officer, the deputy cannot act in the surveyor's place.

16 Sec. 3. Section 33-116, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 33-116 Each county surveyor shall be entitled to receive the  
19 following fees: (1) For all services rendered to the county or state, a  
20 daily rate as determined by the county board; and (2) for each mile  
21 actually and necessarily traveled in going to and from work, the rate  
22 allowed by the provisions of section 81-1176. All expense of necessary  
23 assistants in the performance of the above work, the fees of witnesses,  
24 and material used for perpetuation and reestablishing lost exterior  
25 section and quarter corners necessary for the survey shall be paid for by

26 the county and the remainder of the cost of the survey shall be paid for  
 27 by the parties for whom the work may be done. All necessary equipment,  
 28 conveyance, and repairs to such equipment, required in the performance of  
 29 the duties of the office, shall be furnished such surveyor at the expense  
 30 of the county, except that in any county with a population of less than  
 31 ~~sixty~~ ~~fifty~~ thousand the county board may, in its discretion, allow the  
 1 county surveyor a salary fixed pursuant to section 23-1114, payable  
 2 monthly, by warrant drawn on the general fund of the county. All fees  
 3 received by surveyors so receiving a salary may, with the authorization  
 4 of the county board, be retained by the surveyor, but in the absence of  
 5 such authorization all such fees shall be turned over to the county  
 6 treasurer monthly for credit to the county general fund.

7 Sec. 4. Section 39-1506, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 39-1506 Any person, whether or not a resident of the county, who is  
 10 a duly licensed engineer in this state, any firm of consulting engineers  
 11 duly licensed in this state, or any other person who is a competent,  
 12 experienced, practical road builder shall be qualified to serve as county  
 13 highway superintendent, except that no member of the county board shall  
 14 be eligible for appointment. In counties having a population of ~~sixty~~  
 15 ~~fifty~~ thousand but less than one hundred fifty thousand inhabitants  
 16 according to the most recent official United States census, the county  
 17 surveyor shall perform all the duties and possess all the powers and  
 18 functions of the county highway superintendent. In counties having a  
 19 population of one hundred fifty thousand or more inhabitants, the county  
 20 engineer shall serve as county highway superintendent.

21 Sec. 5. Original sections 23-1901.02, 33-116, and 39-1506, Reissue  
 22 Revised Statutes of Nebraska, and section 23-1901, Revised Statutes  
 23 Cumulative Supplement, 2016, are repealed.

**LEGISLATIVE BILL 508.** Placed on General File with amendment.  
 AM658

1 1. Insert the following new sections:

2 Sec. 3. Section 23-2520, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 23-2520 There is hereby created a personnel office in the office of  
 5 the board of county commissioners, the executive head of which shall be  
 6 the county personnel officer. In such office there shall be a personnel  
 7 policy board ~~with consisting of six~~ members appointed pursuant to section  
 8 23-2521 and with powers and duties provided in the County Civil Service  
 9 Act. The board of county commissioners shall make appropriations from the  
 10 general fund to meet the estimated costs of administering the act.

11 Sec. 4. Section 23-2521, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 23-2521 (1) The members of the personnel policy board shall be  
 14 persons in sympathy with the application of merit principles to public  
 15 employment and who are not otherwise employed by the county, except that  
 16 the member employed by the county if serving on such board on May 6,  
 17 1987, shall continue to serve until the term of such member expires. No

18 member shall hold during his or her term, or shall have held for a period  
19 of one year prior thereto, any political office or a position as officer  
20 or employee of a political organization.

21 (2)(a) Prior to January 1, 2018, two ~~(2)~~ Two members of the board  
22 shall be appointed by the board of county commissioners, two members  
23 shall be appointed by the elected department heads, and two members shall  
24 be appointed by classified employees who are covered by the county  
25 personnel system.

26 (b) Beginning January 1, 2018, a new personnel policy board shall be  
27 appointed pursuant to this subdivision to replace the board appointed  
1 pursuant to subdivision (a) of this subsection. One member shall be  
2 appointed by the board of county commissioners, one member shall be  
3 appointed by the elected department heads, and two members shall be  
4 appointed by classified employees who are covered by the county personnel  
5 system. The four members shall select a fifth member for the personnel  
6 policy board. The initial selection of the fifth member for a term  
7 beginning on January 1, 2018, shall be made on or before March 1, 2018.

8 (3)(a) This subdivision applies until January 1, 2018. ~~(3)~~ The first  
9 appointments made to the personnel policy board shall be for one, two,  
10 three, four, and five years. The board of county commissioners shall  
11 initially appoint members for terms of one and five years. The elected  
12 department heads shall initially appoint members for terms of two and  
13 four years. The classified employees who are covered by the county  
14 personnel system shall initially appoint a member for a term of three  
15 years. Within three months after May 6, 1987, the classified employees  
16 who are covered by the county personnel system shall initially appoint  
17 another member for a term of one year.

18 (b) This subdivision applies beginning January 1, 2018. The member  
19 appointed for a term beginning on January 1, 2018, by the board of county  
20 commissioners shall serve for a term of one year. The member appointed  
21 for a term beginning on January 1, 2018, by the elected department heads  
22 shall serve for a term of five years. The members appointed for a term  
23 beginning on January 1, 2018, by the classified employees who are covered  
24 by the county personnel system shall serve for terms of two years and  
25 four years as designated by the appointment process. The fifth member  
26 appointed for a term beginning on January 1, 2018, by the other four  
27 members shall serve a term of three years.

28 (c) Thereafter, each member shall be appointed in the same manner  
29 for a term of five years, except that any person appointed to fill a  
30 vacancy occurring prior to the expiration of a term shall be appointed in  
31 the same manner for the remainder of the term. Each member of the board  
1 shall hold office until his or her successor is appointed and qualified.

2 (4) The board of county commissioners and elected department heads  
3 may remove any member of the personnel policy board for neglect of duty  
4 or misconduct in office after first giving him or her a copy of the  
5 reasons for removal and providing for the member to be heard publicly  
6 before the commissioners and elected department heads. A copy of the  
7 charges and a transcript of the record of the hearing shall be filed with  
8 the county clerk.

9 (5) The personnel policy board shall elect a chairperson from among  
 10 its members. The board shall meet at such time and place as shall be  
 11 specified by call of the chairperson or the county personnel officer. At  
 12 least one meeting shall be held quarterly. For the personnel policy board  
 13 appointed prior to January 1, 2018, pursuant to subdivision (2)(a) of  
 14 this section, four ~~four~~ members shall constitute a quorum for the  
 15 transaction of business. For the personnel policy board appointed on and  
 16 after January 1, 2018, pursuant to subdivision (2)(b) of this section,  
 17 three members shall constitute a quorum for the transaction of business,  
 18 except that no business shall be transacted unless one of the members  
 19 appointed by the board of county commissioners or the elected department  
 20 heads and one of the members appointed by the classified employees who  
 21 are covered by the county personnel system are present at the meeting.  
 22 Board members shall serve without compensation.  
 23 2. Renumber the remaining section and correct the repealer  
 24 accordingly.

(Signed) John Murante, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 68.** Title read. Considered.

Committee AM630, found on page 741, was offered.

Senator Chambers offered the following motion:

MO70

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers offered the following motion:

MO71

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

**SPEAKER SCHEER PRESIDING**

**SENATOR LINDSTROM PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 629.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB263:  
AM867

(Amendments to Standing Committee amendments, AM538)

1 1. Insert the following new sections:

2 Sec. 25. Section 60-317, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-317 Commercial trailer means any trailer or semitrailer which has  
5 a gross weight, including load thereon, of more than nine thousand pounds  
6 and which is designed, used, or maintained for the transportation of  
7 persons or property for hire, compensation, or profit or designed, used,  
8 or maintained primarily for the transportation of property. Commercial  
9 trailer does not include cabin trailers, farm trailers, fertilizer  
10 trailers, or utility trailers, ~~or public power district trailers.~~

11 Sec. 49. Section 60-3,151, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13 60-3,151 (1) For the registration of any commercial trailer or  
14 semitrailer, the fee shall be one dollar.

15 (2) The fee for utility trailers shall be one dollar for each one  
16 thousand pounds gross vehicle weight or fraction thereof, up to and  
17 including nine thousand pounds. ~~Utility~~ ~~Except as provided in section~~  
18 ~~60-3,228,~~ utility trailer license plates shall display, in addition to  
19 the registration number, the letter X. Trailers other than farm trailers  
20 ~~or trailers registered under section 60-3,228~~ of more than nine thousand  
21 pounds must be registered as commercial trailers.

22 (3) The fee for cabin trailers having gross vehicle weight of one  
23 thousand pounds or less shall be nine dollars and more than one thousand  
24 pounds, but less than two thousand pounds, shall be twelve dollars. Cabin  
25 trailers having a gross vehicle weight of two thousand pounds or more  
26 shall be registered for a fee of fifteen dollars.

1 (4) Recreational vehicles having a gross vehicle weight of eight  
2 thousand pounds or less shall be registered for a fee of eighteen  
3 dollars, those having a gross vehicle weight of more than eight thousand  
4 pounds but less than twelve thousand pounds shall be registered for  
5 thirty dollars, and those having a gross vehicle weight of twelve  
6 thousand pounds or over shall be registered for forty-two dollars. When  
7 living quarters are added to a registered truck, a recreational vehicle  
8 registration may be obtained without surrender of the truck registration,  
9 in which event both the truck and recreational vehicle license plates  
10 shall be displayed on the vehicle. Recreational vehicle license plates  
11 shall be the same size and of the same basic design as regular license  
12 plates issued pursuant to section 60-3,100.

13 (5) Farm trailers shall be licensed for a fee of one dollar, except  
14 that when a farm trailer is used with a registered farm truck, such farm  
15 trailer may, at the option of the owner, be registered as a separate unit  
16 for a fee of three dollars per ton gross vehicle weight and, if so  
17 registered, shall not be considered a truck and trailer combination for  
18 purposes of sections 60-3,145 and 60-3,146. Farm trailer license plates

19 shall display, in addition to the registration number, the letter X.  
 20 (6) Fertilizer trailers shall be registered for a fee of one dollar.  
 21 Fertilizer trailer license plates shall display, in addition to the  
 22 registration number, the letter X.  
 23 (7) Trailers used to haul poles and cable reels owned and operated  
 24 exclusively by public utility companies ~~or trailers used by public power~~  
 25 ~~districts and registered pursuant to section 60-3,228~~ shall be licensed  
 26 at a fee based on two dollars for each one-thousand-pound load to be  
 27 hauled or any fraction thereof, and such load shall not exceed sixteen  
 28 thousand pounds.  
 29 2. Renumber the remaining sections and correct internal references  
 30 accordingly.  
 31 3. Correct the operative date and repealer sections so that the  
 1 sections added by this amendment become operative on their effective date  
 2 with the emergency clause.

Senator Schumacher filed the following amendment to LB68:

FA55

Amend AM630

Strike "2" in line 31 page 21 and insert in its stead "9".

Senator Murante filed the following amendment to LB68:

FA56

Add a new section: "The provisions of this bill shall become operative January 1, 2018."

Senator Wayne filed the following amendment to LB346:

FA57

Add new section: This act become operative two years following the date the Governor signs the bill into law.

### COMMITTEE REPORT(S)

#### Revenue

**LEGISLATIVE BILL 400.** Placed on General File with amendment.

AM887

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 60-395, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 60-395 (1) Except as otherwise provided in subsection (2) of this  
 6 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
 7 60-3,224, and 60-3,227, the registration shall expire and the registered  
 8 owner or lessee may, by returning the registration certificate, the  
 9 license plates, and, when appropriate, the validation decals and by  
 10 either making application on a form prescribed by the department to the  
 11 county treasurer of the occurrence of an event described in subdivisions  
 12 (a) through (e) of this subsection or, in the case of a change in situs,  
 13 displaying to the county treasurer the registration certificate of such

14 other state as evidence of a change in situs, receive a refund of that  
15 part of the unused fees and taxes on motor vehicles or trailers from the  
16 date of any of the following events as follows based on the number of  
17 unexpired months remaining in the registration period from the date of  
18 any of the following events:

19 (a) Upon transfer of ownership of any motor vehicle or trailer  
20 before January 1, 2020, the refund shall be based on the number of  
21 unexpired months remaining in the registration period. Upon transfer of  
22 ownership of any motor vehicle or trailer on and after January 1, 2020,  
23 the refund shall be based upon the number of unexpired days remaining in  
24 the registration period;

25 (b) In case of loss of possession because of fire, theft,  
26 dismantlement, or junking the refund shall be based upon the number of  
27 unexpired months remaining in the registration period;

1 (c) When a salvage branded certificate of title is issued the refund  
2 shall be based upon the number of unexpired months remaining in the  
3 registration period;

4 (d) Whenever a type or class of motor vehicle or trailer previously  
5 registered is subsequently declared by legislative act or court decision  
6 to be illegal or ineligible to be operated or towed on the public roads  
7 and no longer subject to registration fees, the motor vehicle tax imposed  
8 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,  
9 and the alternative fuel fee imposed in section 60-3,191 the refund shall  
10 be based upon the number of unexpired months remaining in the  
11 registration period;

12 (e) Upon a trade-in or surrender of a motor vehicle under a lease  
13 the refund shall be based upon the number of unexpired months remaining  
14 in the registration period; or

15 (f) In case of a change in the situs of a motor vehicle or trailer  
16 to a location outside of this state the refund shall be based upon the  
17 number of unexpired months remaining in the registration period.

18 (2) Except for refunds under subdivision (1)(a) of this section, if  
19 ~~the~~ the date of the event falls within the same calendar month in which  
20 the motor vehicle or trailer is acquired, no refund shall be allowed for  
21 such month.

22 (3) If the transferor or lessee acquires another motor vehicle at  
23 the time of the transfer, trade-in, or surrender, the transferor or  
24 lessee shall have the credit provided for in this section applied toward  
25 payment of the motor vehicle fees and taxes then owing. Otherwise, the  
26 transferor or lessee shall file a claim for refund with the county  
27 treasurer upon an application form prescribed by the department.

28 (4) The registered owner or lessee shall make a claim for refund or  
29 credit of the fees and taxes for the unexpired ~~months in the~~ registration  
30 period within sixty days after the date of the event or shall be deemed  
31 to have forfeited his or her right to such refund or credit.

1 (5) For purposes of this section, the date of the event shall be:

2 (a) In the case of a transfer or loss, the date of the transfer or loss;

3 (b) in the case of a change in the situs, the date of registration in

4 another state; (c) in the case of a trade-in or surrender under a lease,

5 the date of trade-in or surrender; (d) in the case of a legislative act,  
 6 the effective date of the act; and (e) in the case of a court decision,  
 7 the date the decision is rendered.  
 8 (6) Application for registration or for reassignment of license  
 9 plates and, when appropriate, validation decals to another motor vehicle  
 10 or trailer shall be made within thirty days of the date of purchase.  
 11 (7) If a motor vehicle or trailer was reported stolen under section  
 12 60-178, a refund under this section shall not be reduced for a lost plate  
 13 charge and a credit under this section may be reduced for a lost plate  
 14 charge but the applicant shall not be required to pay the plate fee for  
 15 new plates.  
 16 (8) The county treasurer shall refund the motor vehicle fee and  
 17 registration fee from the fees which have not been transferred to the  
 18 State Treasurer. The county treasurer shall make payment to the claimant  
 19 from the undistributed motor vehicle taxes of the taxing unit where the  
 20 tax money was originally distributed. No refund of less than two dollars  
 21 shall be paid.  
 22 Sec. 2. Original section 60-395, Revised Statutes Cumulative  
 23 Supplement, 2016, is repealed.

**LEGISLATIVE BILL 565.** Placed on General File with amendment.  
 AM650

1 1. Strike original sections 4, 5, 6, 8, and 11 and insert the  
 2 following new section:  
 3 Sec. 7. (1) This section applies to the following programs and the  
 4 tax credits earned and tax refunds received under such programs:  
 5 (a) The Nebraska Advantage Act;  
 6 (b) The Nebraska Advantage Microenterprise Tax Credit Act;  
 7 (c) The Nebraska Advantage Research and Development Act;  
 8 (d) The Nebraska Advantage Rural Development Act;  
 9 (e) The Nebraska Job Creation and Mainstreet Revitalization Act;  
 10 (f) The New Markets Job Growth Investment Act;  
 11 (g) The renewable energy tax credit provided in section 77-27,235;  
 12 and  
 13 (h) Any similar program providing tax credits or tax refunds that is  
 14 created by the Legislature after the effective date of this act for the  
 15 purpose of recruitment or retention of businesses in Nebraska. In  
 16 determining whether a future program is enacted for the purpose of  
 17 recruitment or retention of businesses, the State Treasurer shall  
 18 consider legislative intent, including legislative statements of purpose  
 19 and goals, and may also consider whether the program is promoted as a  
 20 business incentive by the Department of Economic Development or other  
 21 relevant state agency.  
 22 (2) Except as provided in subsection (3) of this section, the web  
 23 site described in section 84-602.04 shall contain the following  
 24 information for each taxpayer receiving tax credits or tax refunds under  
 25 a program specified in subsection (1) of this section:  
 26 (a) The identity of the taxpayer;  
 27 (b) The location where the taxpayer is using tax credits or tax



1 refunds;  
 2 (c) The name of the program under which the taxpayer is earning tax  
 3 credits or tax refunds;  
 4 (d) The total tax credits used or tax refunds received by the  
 5 taxpayer under the program for the prior two-year period;  
 6 (e) The increases in jobs and investment that are intended to be  
 7 produced to earn tax credits or tax refunds;  
 8 (f) The increases in jobs and investment that are actually produced  
 9 to earn tax credits or tax refunds; and  
 10 (g) Any amount of tax credits or tax refunds recouped from the  
 11 taxpayer for failure to provide the increases in jobs and investment  
 12 required under the programs specified in subsection (1) of this section.  
 13 (3) For the Nebraska Advantage Research and Development Act, the web  
 14 site described in section 84-602.04 shall contain the total amount of tax  
 15 credits used by taxpayers in each year.  
 16 (4) The data described in subsections (2) and (3) of this section  
 17 for fiscal years 2014-15 through 2016-17 shall be available on the web  
 18 site no later than December 31, 2017. The data described in subsections  
 19 (2) and (3) of this section for each subsequent fiscal year shall be  
 20 available on the web site by December 31 following the end of such fiscal  
 21 year.  
 22 (5) All state entities shall provide to the State Treasurer, at such  
 23 times and in such form as designated by the State Treasurer, such  
 24 information as is necessary to accomplish the purposes of this section.  
 25 2. Renumber the remaining sections, correct internal references, and  
 26 correct the repealer accordingly.

(Signed) Jim Smith, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 122.** Senator Pansing Brooks offered her amendment, AM843, found on page 907.

The Pansing Brooks amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Senator Clements offered the following amendment:  
 AM919

(Amendments to Standing Committee amendments, AM223)

1 1. On page 1, line 3, strike "cousin, or domestic partner" and  
 2 insert "or cousin".

Senator Clements withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 222.** ER38, found on page 864, was adopted.

Senator Blood offered her amendment, AM816, found on page 878.

The Blood amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Stinner offered his amendment, FA53, found on page 911.

The Stinner amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** Senator Ebke withdrew her amendment, AM898, found on page 911.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 432.** ER34, found on page 867, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 166.** ER37, found on page 861, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 35.** ER33, found on page 861, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 151.** ER31, found on page 862, was adopted.

Senator Stinner offered his amendment, AM813, found on page 846.

The Stinner amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 639.** ER29, found on page 862, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **AMENDMENT(S) - Print in Journal**

Senator Ebke filed the following amendment to LR6:  
AM753

1 1. At the end of paragraph 3, after "subject" insert ", except that

2 this resolution expires on December 31, 2026, and is no longer a  
3 continuing application on and after such date unless the Legislature  
4 reapplies to Congress".

### **VISITOR(S)**

Visitors to the Chamber were Bernard Deaver from Grant; members of the Young Southeast Asian Leaders Initiative; and 30 fourth-grade students and teachers from Franklin Elementary, Omaha.

### **MOTION - Adjournment**

Senator Linehan moved to adjourn. The motion prevailed with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting, and at 5:02 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

