SEVENTEENTH DAY - JANUARY 27, 2017

LEGISLATIVE JOURNAL

ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 2017

PRAYER

The prayer was offered by Pastor Nathan Henschen, St. Paul's Lutheran Church, Bancroft.

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 Kintner who was excused; and Senators McCollister, Morfeld, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

Monday, February 6, 2017 1:30 p.m.

LB305
LB372

(Signed) Joni Albrecht, Chairperson

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 2017, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amack, Angela K.
Jensen Rogert Associates, Inc.
Ayers, Brad
TransCanada
Christian, Brad
ABATE of Nebraska, Inc.
Eash, Matthew
Nebraska School Finance Strategies, Inc.
Fellers, Trent
Reform for Nebraska's Future
Hall, Jared
Nebraska Friends of Midwives
Heartland Strategy Group, LLC
TransCanada
Jensen Rogert Associates, Inc.
American Massage Therapy Association, Nebraska Chapter
Kelley Plucker, LLC
Omaha Exposition and Racing, Inc.
Kelley, Michael A.
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kelley, Sean
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Klute, Anne M. N.
Associated Builders and Contractors, Inc.
Matheson, Michael D
Americans For Electricity Choice
Mueller Robak
Nebraska Council of School Administrators
Uber Technologies, Inc.
Pappas, James E.
Independent Cattlemen of Nebraska (ICON)
Plucker, Julia
Kelley Plucker, LLC
Radcliffe, Walter H. of Radcliffe and Associates
Fonner Race Course
Nebraska Horsemen's Benevolent and Protective Association
North Central States Unit of the National Association of Theatre Owners, Inc.

Torpy, Katie
Nature Conservancy, The
Wetzel, Jason
General Motors LLC
Winston, Kenneth C.
Bold Alliance, Inc.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 22. Placed on General File with amendment.
AM13 is available in the Bill Room.

(Signed) John Stinner, Chairperson

MOTION(S) - Withdraw LB403

Senator Stinner offered his motion, MO24, found on page 353, to withdraw LB403.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Agriculture

Room 2102

Tuesday, February 14, 2017 1:30 p.m.

LB449
LB499

Tuesday, February 21, 2017 1:30 p.m.

LB617

(Signed) Lydia Brasch, Chairperson

Health and Human Services

Room 1510

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

LB534

Friday, February 10, 2017 1:30 p.m.

LB287
LB506
LB430

Friday, February 3, 2017 1:30 p.m.

LB323

Friday, February 3, 2017 1:30 p.m.

LB360 (cancel)

(Signed) Merv Riepe, Chairperson

Natural Resources

Room 1525

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

Time change from 1:30 pm to 9:15 am

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 6, 2017 1:30 p.m.

LB54
LB368
LB83
LB275
LB310

Tuesday, February 7, 2017 1:30 p.m.

LB351
LB294
LB263
LB143
LB355

(Signed) Curt Friesen, Chairperson

Revenue

Room 1524

Friday, February 3, 2017 1:30 p.m.

LB215
LB325
LB601

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Monday, February 13, 2017 12:00 p.m.

LB653

Monday, February 6, 2017 12:00 p.m.

LB646
LB648

(Signed) Dan Watermeier, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 182. Placed on General File.

(Signed) Dan Hughes, Chairperson

Executive Board

LEGISLATIVE BILL 6. Placed on General File with amendment.
AM38
1 1. On page 2, strike lines 16 through 20 and insert the following
2 new subsection:
3 "(3)(a) A summarized final report based on an investigation may be
4 publicly released in order to bring awareness to systemic issues.
5 (b) Such report shall be released only:
6 (i) After a disclosure is made to the appropriate chairperson or
7 chairpersons pursuant to subsection (2) of this section; and
8 (ii) If a determination is made by the Inspector General with the
9 appropriate chairperson that doing so would be in the best interest of
10 the public.
11 (c) If there is disagreement about whether releasing the report

12 would be in the best interest of the public, the chairperson of the
13 Executive Board of the Legislative Council may be asked to make the final
14 decision.".

LEGISLATIVE BILL 207. Placed on General File with amendment.
AM23
1 1. On page 5, lines 5 through 7, strike the new matter and insert "
2 Any fees associated with counsel present under this section shall not be
3 the responsibility of the office of Inspector General of Nebraska Child
4 Welfare".

(Signed) Dan Watermeier, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 26. Introduced by Vargas, 7.

WHEREAS, Latinx Nebraskans are the fastest-growing demographic in Nebraska. Latinx Nebraskans currently make up ten percent of the state's population, and this percentage is projected to double by 2050; and

WHEREAS, in 2006, the Legislature passed LB239, which allowed young immigrants who grew up and were educated in Nebraska and lived in the state for at least three years and who were seeking opportunities in higher education to qualify for instate tuition; and

WHEREAS, in 2012, President Obama implemented Deferred Action for Childhood Arrivals, commonly referred to as DACA, which allowed young immigrants who entered the United States as children through no choice of their own the opportunity to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit; and

WHEREAS, in 2015, the Legislature passed LB623, which allowed young immigrants who grew up and were educated in Nebraska to obtain drivers' licenses so they could have the opportunity to continue to live and work in Nebraska; and

WHEREAS, in 2016, the Legislature passed LB947, which allowed young immigrants who grew up and were educated in Nebraska to obtain professional and commercial licenses so they could continue to live and work in Nebraska and contribute more fully to and share equally in the state's prosperity; and

WHEREAS, through these legislative measures, the Legislature has continued to affirm Nebraska's support for DACA youth who have grown up in Nebraska communities and call Nebraska home; and

WHEREAS, through these legislative measures, the Legislature has recognized that DACA youth are important members of Nebraska communities that were brought here as children through no choice of their own; and

WHEREAS, President Trump has stated that he will rescind DACA, which puts the future of DACA youth in Nebraska at risk.

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

1. That the Legislature stands by the educational, economic, and community investments that the people of Nebraska have made in these young immigrants and their families.

2. That the Legislature stands opposed to any federal action that would rescind Deferred Action for Childhood Arrivals or result in additional restrictions that would act as barriers to the continued contributions of these young immigrants and their families to Nebraska communities and the people of Nebraska.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR26 was referred to the Reference Committee.

MOTION(S) - Withdraw LB403

Senator Stinner renewed his motion, MO24, found on page 353 and considered in this day's Journal, to withdraw LB403.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Krist requested a roll call vote on the motion to withdraw the bill.

Voting in the affirmative, 40:

Albrecht	Crawford	Hilkemann	Lowe	Scheer
Baker	Erdman	Howard	McCollister	Schumacher
Blood	Friesen	Kolowski	McDonnell	Stinner
Bostelman	Geist	Kolterman	Morfeld	Vargas
Brasch	Groene	Krist	Murante	Walz
Brewer	Halloran	Kuehn	Pansing Brooks	Wayne
Briese	Hansen	Lindstrom	Quick	Williams
Craighead	Hilgers	Linehan	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Bolz	Harr	Kintner	Smith
Ebke	Hughes	Larson	Watermeier

The Stinner motion to withdraw the bill prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO25
Reconsider the vote taken to withdraw the bill.

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

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 34:

Albrecht	Ebke	Hilgers	Lowe	Vargas
Baker	Erdman	Hilkemann	McCollister	Walz
Bostelman	Friesen	Kolterman	McDonnell	Watermeier
Brasch	Geist	Krist	Pansing Brooks	Wayne
Brewer	Groene	Larson	Riepe	Williams
Briese	Halloran	Lindstrom	Schumacher	Wishart
Craighead	Hansen	Linehan	Stinner	

Present and not voting, 3:

Crawford	Howard	Morfeld

Absent and not voting, 1:

Scheer

Excused and not voting, 10:

Blood	Harr	Kintner	Kuehn	Quick
Bolz	Hughes	Kolowski	Murante	Smith

The Chambers motion to reconsider failed with 1 aye, 34 nays, 3 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

MOTION(S) - Withdraw LB419

Senator McCollister offered his motion, MO23, found on page 353, to withdraw LB419.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Pending.

The Chair declared the call raised.

EASE

The Legislature was at ease from 12:10 p.m. until 12:45 p.m.

MOTION(S) - Withdraw LB419

Senator McCollister renewed his motion, MO23, found on page 353 and considered in this day's Journal, to withdraw LB419.

Senator Bostelman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Pending.

The Chair declared the call raised.

MOTION - Adjournment

Senator Chambers moved to adjourn until 10:00 a.m., Monday, January 30, 2017.

Senator Chambers requested a machine vote on the motion to adjourn.

The Chambers motion to adjourn failed with 1 aye, 24 nays, 12 present and not voting, and 12 excused and not voting.

MOTION(S) - Withdraw LB419

Senator McCollister renewed his motion, MO23, found on page 353 and considered in this day's Journal, to withdraw LB419.

Pending.

MOTION - Adopt Temporary Rules

Senator Scheer moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twenty-fourth legislative day.

Senator Scheer moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Scheer requested a machine vote on the adoption of the temporary rules.

The motion to adopt temporary rules prevailed with 43 ayes, 0 nays, and 6 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Executive Board

Room 2102

Wednesday, February 8, 2017 12:00 p.m.

LB530
LB539

(Signed) Dan Watermeier, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB46:
AM52
1 1. Insert the following new sections:
2 Sec. 10. (1) The department shall design license plates to be known
3 as End Rape Culture License Plates. The department shall create designs
4 reflecting support for ending rape culture and supporting the victims of
5 rape in Nebraska. The design shall be selected on the basis of limiting
6 the manufacturing cost of each plate to an amount less than or equal to
7 the amount charged for license plates pursuant to section 60-3,102. The
8 department shall make applications available for this type of plate
9 beginning January 1, 2018. The department may adopt and promulgate rules
10 and regulations to carry out this section and section 11 of this act.
11 (2) One type of End Rape Culture License Plates shall be
12 alphanumeric plates. The department shall:
13 (a) Assign a designation up to five characters; and
14 (b) Not use a county designation.
15 (3) One type of End Rape Culture License Plates shall be
16 personalized message plates. Such plates shall be issued subject to the
17 same conditions specified for personalized message license plates in

18 section 60-3,118, except that a maximum of five characters may be used.
19 Sec. 11. (1) Beginning January 1, 2018, a person may apply to the
20 department for End Rape Culture License Plates in lieu of regular license
21 plates on an application prescribed and provided by the department for
22 any motor vehicle or trailer, except for a motor vehicle or trailer
23 registered under section 60-3,198. An applicant receiving an End Rape
24 Culture License Plate for a farm truck with a gross weight of over
25 sixteen tons or a commercial truck or truck-tractor with a gross weight
26 of five tons or over shall affix the appropriate tonnage decal to the
27 plate. The department shall make forms available for such applications
1 through the county treasurers. The license plates shall be issued upon
2 payment of the license fee described in subsection (2) of this section.
3 (2)(a) In addition to all other fees required for registration under
4 the Motor Vehicle Registration Act, each application for initial issuance
5 of alphanumeric End Rape Culture License Plates shall be accompanied by a
6 fee of five dollars. An application for renewal of such plates shall be
7 accompanied by a fee of five dollars. County treasurers collecting fees
8 pursuant to this subdivision shall remit them to the State Treasurer. The
9 State Treasurer shall credit five dollars of the fee to the Nebraska
10 Child Abuse Prevention Fund.
11 (b) In addition to all other fees required for registration under
12 the Motor Vehicle Registration Act, each application for initial issuance
13 or renewal of personalized message End Rape Culture License Plates shall
14 be accompanied by a fee of forty dollars. County treasurers collecting
15 fees pursuant to this subdivision shall remit them to the State
16 Treasurer. The State Treasurer shall credit twenty-five percent of the
17 fee for initial issuance and renewal of such plates to the Department of
18 Motor Vehicles Cash Fund and seventy-five percent of the fee to the
19 Nebraska Child Abuse Prevention Fund.
20 (3) When the department receives an application for End Rape Culture
21 License Plates, the department shall deliver the plates to the county
22 treasurer of the county in which the motor vehicle or trailer is
23 registered. The county treasurer shall issue End Rape Culture License
24 Plates in lieu of regular license plates when the applicant complies with
25 the other provisions of the Motor Vehicle Registration Act for
26 registration of the motor vehicle or trailer. If End Rape Culture License
27 Plates are lost, stolen, or mutilated, the licensee shall be issued
28 replacement license plates upon request pursuant to section 60-3,157.
29 (4) The owner of a motor vehicle or trailer bearing End Rape Culture
30 License Plates may apply to the county treasurer to have such plates
31 transferred to a motor vehicle other than the vehicle for which such
1 plates were originally purchased if such vehicle is owned by the owner of
2 the plates. The owner may have the unused portion of the fee for the
3 plates credited to the other vehicle which will bear the plates at the
4 rate of eight and one-third percent per month for each full month left in
5 the registration period. Application for such transfer shall be
6 accompanied by a fee of three dollars. Fees collected pursuant to this
7 subsection shall be remitted to the State Treasurer for credit to the
8 Department of Motor Vehicles Cash Fund.
9 (5) If the cost of manufacturing End Rape Culture License Plates at
10 any time exceeds the amount charged for license plates pursuant to

11 section 60-3,102, any money to be credited to the Nebraska Child Abuse
12 Prevention Fund shall instead be credited first to the Highway Trust Fund
13 in an amount equal to the difference between the manufacturing costs of
14 End Rape Culture License Plates and the amount charged pursuant to
15 section 60-3,102 with respect to such plates and the remainder shall be
16 credited to the Nebraska Child Abuse Prevention Fund.
17 2. On page 2, line 6, after the comma insert "the fees for End Rape
18 Culture License Plates as provided in section 11 of this act,"; and in
19 line 26 strike "and 9" and insert "to 11".
20 3. On page 3, lines 14 and 21; and page 6, line 2, strike "section
21 "9 and insert "sections 9 and 11".
22 4. On page 7, after line 14 insert the following new subdivision:
23 "(11) End Rape Culture License Plates issued pursuant to sections 10
24 and 11 of this act;"; and renumber the remaining subdivisions
25 accordingly.
26 5. On page 11, line 2, before the comma insert ", End Rape Culture
27 License Plates".
28 6. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Riepe name added to LB425.
Senator Crawford name added to LB230.
Senator Crawford name added to LB464.
Senator Krist name added to LB553.
Senator Pansing Brooks name added to LB438.
Senator Kolterman name added to LB506.

VISITOR(S)

Visitors to the Chamber were Brian Kruse, Douglas County Election Commissioner; Kent Jake Greeder of the Buffalo County Board of Supervisors, Kearney; and Polly Olson, Deuel County Clerk.

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

ADJOURNMENT

At 1:32 p.m., on a motion by Senator Ebke, the Legislature adjourned until 10:00 a.m., Monday, January 30, 2017.

Patrick J. O'Donnell
Clerk of the Legislature