

FIFTEENTH DAY - JANUARY 25, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 2018

PRAYER

The prayer was offered by Pastor Andrew Anderson, Country Bible Church, Blair.

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 Ebke, Hansen, Krist, Kuehn, McCollister, Morfeld, Murante, Pansing Brooks, Scheer, Thibodeau, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 7, 2018 1:30 p.m.

LB691
LB695
LB773
LB782
LB855
LB1083

Thursday, February 8, 2018 1:30 p.m.

LB752
LB833
LB886

LB990
LB1047
LR293CA

Friday, February 9, 2018 9:30 a.m.

LB781
LB869
LB875
LB930
LB983

Friday, February 9, 2018 1:30 p.m.

LB925
LB988
LB1013
LB1132

(Signed) Laura Ebke, Chairperson

Health and Human Services

Room 1510

Friday, February 2, 2018 1:30 p.m.

LB1107
LB1042
LB1034
LB1035

(Signed) Merv Riepe, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 375:

Nebraska Public Employees Retirement Systems
Randy D. Gerke, Director

Voting in the affirmative, 36:

Albrecht	Crawford	Hilkemann	Lowe	Walz
Baker	Ebke	Howard	Quick	Watermeier
Blood	Erdman	Hughes	Riepe	Williams
Bolz	Geist	Kolowski	Scheer	Wishart
Bostelman	Groene	Kolterman	Schumacher	
Briese	Halloran	Larson	Smith	
Chambers	Harr	Lindstrom	Stinner	
Clements	Hilgers	Linehan	Vargas	

Voting in the negative, 0.

Present and not voting, 4:

Brasch	Brewer	Friesen	McDonnell
--------	--------	---------	-----------

Excused and not voting, 9:

Hansen	Kuehn	Morfeld	Pansing Brooks	Wayne
Krist	McCollister	Murante	Thibodeau	

The appointment was confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 387:

Nebraska Power Review Board
Dennis Grennan

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 6:

Lindstrom	Schumacher	Vargas
McDonnell	Smith	Wishart

Excused and not voting, 4:

Kolterman Krist Morfeld Wayne

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 387:

Nebraska Ethanol Board
Scott McPheeters
Taylor Nelson

Voting in the affirmative, 38:

Albrecht	Clements	Harr	Linehan	Stinner
Baker	Crawford	Hilgers	Lowe	Thibodeau
Blood	Erdman	Hilkemann	McCollister	Walz
Bolz	Friesen	Howard	Murante	Watermeier
Bostelman	Geist	Hughes	Pansing Brooks	Wayne
Brasch	Groene	Kolowski	Quick	Williams
Briese	Halloran	Kuehn	Riepe	
Chambers	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Brewer	Lindstrom	Schumacher	Vargas
Ebke	McDonnell	Smith	Wishart

Excused and not voting, 3:

Kolterman Krist Morfeld

The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 419:

Game and Parks Commission
Douglas Zingula

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 7:

Brasch	Ebke	Smith	Wishart
Chambers	Schumacher	Wayne	

Excused and not voting, 3:

Kolterman	Krist	Morfeld
-----------	-------	---------

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 391 and 392:

Stem Cell Research Advisory Committee

Rebecca Jane Morris

Dennis Roop

Rui Yi

Voting in the affirmative, 33:

Albrecht	Chambers	Halloran	Lowe	Thibodeau
Baker	Clements	Hilgers	McDonnell	Vargas
Blood	Crawford	Hilkemann	Murante	Walz
Bolz	Ebke	Howard	Pansing Brooks	Williams
Bostelman	Erdman	Hughes	Quick	Wishart
Brewer	Friesen	Kolterman	Riepe	
Briese	Geist	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 14:

Brasch	Harr	Larson	Scheer	Watermeier
Groene	Kolowski	Lindstrom	Smith	Wayne
Hansen	Kuehn	McCollister	Stinner	

Excused and not voting, 2:

Krist Morfeld

The appointments were confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 391:

Division of Children and Family Services
Matt Wallen, Director

Voting in the affirmative, 29:

Albrecht	Briese	Geist	Kolterman	Riepe
Baker	Chambers	Groene	Kuehn	Schumacher
Blood	Clements	Hilgers	Lowe	Vargas
Bolz	Ebke	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Kolowski	Murante	

Voting in the negative, 0.

Present and not voting, 18:

Brasch	Harr	Linehan	Smith	Wayne
Crawford	Howard	Pansing Brooks	Stinner	Wishart
Halloran	Larson	Quick	Thibodeau	
Hansen	Lindstrom	Scheer	Watermeier	

Excused and not voting, 2:

Krist Morfeld

The appointment was confirmed with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, February 6, 2018 1:30 p.m.

LB1133

(Signed) Lydia Brasch, Chairperson

Revenue

Room 1524

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

LB1108
LB918
LB745
LB907

Friday, February 2, 2018 1:30 p.m.

LB1071
LB739
LB824
LB1074
LB920

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB995
LB1037
LB1130
LB1003
LB1000
LB960

(Signed) John Murante, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR296	Executive Board

(Signed) Dan Watermeier, Chairperson
Executive Board

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 683. Placed on General File.

LEGISLATIVE BILL 741. Placed on General File.

LEGISLATIVE BILL 750. Placed on General File with amendment.

AM1599

1 1. Insert the following new section:

2 Section 1. Section 45-737, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 45-737 A licensee licensed as a mortgage banker shall:

5 (1) Disburse required funds paid by the borrower and held in escrow
6 for the payment of insurance payments no later than the date upon which
7 the premium is due under the insurance policy;

8 (2) Disburse funds paid by the borrower and held in escrow for the
9 payment of real estate taxes prior to the time such real estate taxes
10 become delinquent;

11 (3) Pay any penalty incurred by the borrower because of the failure
12 of the licensee to make the payments required in subdivisions (1) and (2)
13 of this section unless the licensee establishes that the failure to
14 timely make the payments was due solely to the fact that the borrower was
15 sent a written notice of the amount due more than fifteen calendar days
16 before the due date to the borrower's last-known address and failed to
17 timely remit the amount due to the licensee;

18 (4) At least annually perform a complete escrow analysis. If there
19 is a change in the amount of the periodic payments, the licensee shall
20 mail written notice of such change to the borrower at least twenty
21 calendar days before the effective date of the change in payment. The
22 following information shall be provided to the borrower, without charge,
23 in one or more reports, at least annually:

24 (a) The name and address of the licensee;

25 (b) The name and address of the borrower;

26 (c) A summary of the escrow account activity during the year which
27 includes all of the following:

1 (i) The balance of the escrow account at the beginning of the year;

2 (ii) The aggregate amount of deposits to the escrow account during
3 the year; and

4 (iii) The aggregate amount of withdrawals from the escrow account
5 for each of the following categories:

6 (A) Payments applied to loan principal;

7 (B) Payments applied to interest;

8 (C) Payments applied to real estate taxes;

9 (D) Payments for real property insurance premiums; and

10 (E) All other withdrawals; and

11 (d) A summary of loan principal for the year as follows:

12 (i) The amount of principal outstanding at the beginning of the
13 year;

14 (ii) The aggregate amount of payments applied to principal during

15 the year; and
16 (iii) The amount of principal outstanding at the end of the year;
17 (5) Establish and maintain a toll-free telephone number or accept
18 collect telephone calls to respond to inquiries from borrowers, if the
19 licensee services residential mortgage loans. If a licensee ceases to
20 service residential mortgage loans, it shall continue to maintain a toll-
21 free telephone number or accept collect telephone calls to respond to
22 inquiries from borrowers for a period of twelve months after the date the
23 licensee ceased to service residential mortgage loans. A telephonic
24 messaging service which does not permit the borrower an option of
25 personal contact with an employee, agent, or contractor of the licensee
26 shall not satisfy the conditions of this section. Each day such licensee
27 fails to comply with this subdivision shall constitute a separate
28 violation of the Residential Mortgage Licensing Act;
29 (6) Answer in writing, within seven business days after receipt, any
30 written request for payoff information received from a borrower or a
31 borrower's designated representative. This service shall be provided
1 without charge to the borrower, except that when such information is
2 provided upon request within sixty days after the fulfillment of a
3 previous request, a processing fee of up to ten dollars may be charged;
4 (7) Record or cause to be recorded ~~Execute and deliver~~ a release of
5 mortgage pursuant to the provisions of section ~~76-2803 76-252~~ or, in the
6 case of a trust deed, record or cause to be recorded ~~execute and deliver~~
7 a reconveyance pursuant to the provisions of section ~~76-2803 76-1014.01~~;
8 (8) Maintain a copy of all documents and records relating to each
9 residential mortgage loan and application for a residential mortgage
10 loan, including, but not limited to, loan applications, federal Truth in
11 Lending Act statements, good faith estimates, appraisals, notes, rights
12 of rescission, and mortgages or trust deeds for a period of three years
13 after the date the residential mortgage loan is funded or the loan
14 application is denied or withdrawn;
15 (9) Notify the director in writing or through the Nationwide
16 Mortgage Licensing System and Registry within three business days after
17 the occurrence of any of the following:
18 (a) The filing of a voluntary petition in bankruptcy by the licensee
19 or notice of a filing of an involuntary petition in bankruptcy against
20 the licensee;
21 (b) The licensee has lost the ability to fund a loan or loans after
22 it had made a loan commitment or commitments and approved a loan
23 application or applications;
24 (c) Any other state or jurisdiction institutes license denial, cease
25 and desist, suspension, or revocation procedures against the licensee;
26 (d) The attorney general of any state, the Consumer Financial
27 Protection Bureau, or the Federal Trade Commission initiates an action to
28 enforce consumer protection laws against the licensee or any of the
29 licensee's officers, directors, shareholders, partners, members,
30 employees, or agents;
31 (e) The Federal National Mortgage Association, Federal Home Loan
1 Mortgage Corporation, Federal Housing Administration, or Government

2 National Mortgage Association suspends or terminates the licensee's
3 status as an approved seller or seller and servicer;
4 (f) The filing of a criminal indictment or information against the
5 licensee or any of its officers, directors, shareholders, partners,
6 members, employees, or agents; or
7 (g) The licensee or any of the licensee's officers, directors,
8 shareholders, partners, members, employees, or agents was convicted of,
9 pleaded guilty to, or was found guilty after a plea of nolo contendere to
10 (i) a misdemeanor under state or federal law which involves dishonesty or
11 fraud or which involves any aspect of the mortgage banking business,
12 depository institution business, or installment loan company business or
13 (ii) any felony under state or federal law; and
14 (10) Notify the director in writing or through the Nationwide
15 Mortgage Licensing System and Registry within thirty days after the
16 occurrence of a material development other than as described in
17 subdivision (9) of this section, including, but not limited to, any of
18 the following:
19 (a) Business reorganization;
20 (b) A change of name, trade name, doing business as designation, or
21 main office address;
22 (c) The establishment of a branch office. Notice of such
23 establishment shall be on a form prescribed by the department and
24 accompanied by a fee of seventy-five dollars for each branch office;
25 (d) The relocation or closing of a branch office; or
26 (e) The entry of an order against the licensee or any of the
27 licensee's officers, directors, shareholders, partners, members,
28 employees, or agents, including orders to which the licensee or other
29 parties consented, by any other state or federal regulator.
30 2. On page 5, line 20, after "a" insert "written" and after
31 "notification" insert "from the obligor or obligors under a line of
1 credit"; and in line 21, strike "containing a statement", show as
2 stricken, and insert "the secured creditor has received a written
3 notice".
4 3. On page 6, line 1, strike "a" and insert "such"; in lines 3 and 7
5 strike "of a" and insert "of the"; and in line 31 after the first
6 occurrence of "a" insert "written", after the second occurrence of "a"
7 insert "deed of", and strike "required by".
8 4. On page 7, line 1, strike "the beneficiary" and strike "do so"
9 and insert "execute such deed of reconveyance"; in line 3 after
10 "beneficiary" insert "subsequently"; and in line 11 strike "section" and
11 insert "sections 45-737 and".
12 5. Renumber the remaining sections accordingly.

(Signed) Brett Lindstrom, Chairperson

GENERAL FILE

LEGISLATIVE BILL 758. Senator Chambers renewed his amendment, FA92, found on page 421, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 733. Placed on General File.

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 895. Placed on General File.

LEGISLATIVE BILL 896. Placed on General File.

(Signed) Curt Friesen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 5, 2018 1:30 p.m.

LB1103 (cancel)

Monday, February 5, 2018 1:30 p.m.

LB1069

Tuesday, February 6, 2018 1:30 p.m.

LB1103

LB1056

LB1094

LB917

(Signed) Mike Groene, Chairperson

Executive Board

Room 2102

Thursday, February 1, 2018 12:00 p.m.

LR289CA

LB973

Monday, February 5, 2018 12:00 p.m.

LB974
LB975

(Signed) Dan Watermeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 758. Senator Chambers offered the following motion:
MO186
Bracket until April 18, 2018.

Pending.

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on page 396, was renewed.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB44.
Senator Wayne name added to LB696.
Senator Wayne name added to LB756.
Senator Wayne name added to LB809.
Senator Brewer name added to LB1123.
Senator McDonnell name added to LB1123.
Senator McCollister name added to LR293CA.

VISITORS

Visitors to the Chamber were Mike Smith, Howard Daharsh, and Allen Kreman from Morrill County; 20 home care providers from Nebraska Home Care Association; Jeff Metz, Morrill County Commissioner; Josh Skavdahl, Sioux County Commissioner; former Senator Mike Gloor from Grand Island and Mace Hack, Executive Director of Nature Conservancy, from Omaha; 52 sixth-grade students and teachers from North American Martyrs Catholic School, Lincoln; 60 elementary students from Holy Name, All Saints, and Sacred Heart Schools, Omaha; 40 seventh-grade students from Grand Island Central Catholic; and 20 students from Cathedral Elementary School, Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Friday, January 26, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

