

FORTY-FOURTH DAY - MARCH 9, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 2017

PRAYER

The prayer was offered by Senator Vargas.

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 Hilgers and Larson who were excused; and Senators Bolz, Kolowski, McCollister, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 447. Placed on Select File with amendment.
ER17

1 1. On page 1, strike lines 2 and 3 and insert "28-202, Reissue
2 Revised Statutes of Nebraska, 2008, and section 28-416, Reissue Revised
3 Statutes of Nebraska; to change penalty provisions relating to criminal
4 conspiracy and certain drug-related offenses as prescribed; and to repeal
5 the original sections."

LEGISLATIVE BILL 447A. Placed on Select File.

LEGISLATIVE BILL 195. Placed on Select File.

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)

The Transportation and Telecommunications Committee designates LB263 and LB339 as its priority bills.

Senator Bolz designates LB173 as her priority bill.

Senator Hansen designates LB259 as his priority bill.

Senator Briese designates LB265 as his priority bill.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 641. Placed on General File with amendment.
AM560

- 1 1. Strike original sections 2 and 5 and insert the following new
- 2 sections:
- 3 Sec. 3. Section 81-12,152, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 81-12,152 Sections 81-12,152 to 81-12,167 and sections 1 and 2 of
- 6 this act shall be known and may be cited as the Business Innovation Act.
- 7 Sec. 6. Since an emergency exists, this act takes effect when passed
- 8 and approved according to law.
- 9 2. On page 2, line 12, strike "and"; and in line 14 after "agency"
- 10 insert ", and (e) received by the Department of Economic Development as
- 11 repayments of loans from the Nebraska Progress Loan Fund as authorized by
- 12 the federal State Small Business Credit Initiative Act of 2010, 12 U.S.C.
- 13 5701 et seq., as such act existed on January 1, 2017".
- 14 3. On page 4, lines 14 and 15, strike "pursuant" through "Act".
- 15 4. Amend the repealer and renumber the remaining sections
- 16 accordingly.

(Signed) Brett Lindstrom, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 61. Introduced by Pansing Brooks, 28;
Watermeier, 1.

WHEREAS, Thomas Lee Kaspar, AIA, began his architectural preservation career at the Nebraska State Capitol in 1977; and

WHEREAS, Mr. Kaspar worked with the Nebraska Unicameral Legislature in 1980 to establish the Capitol Original Furniture Collection through the passage of LB 885; and

WHEREAS, Mr. Kaspar oversaw the return to service of hundreds of pieces of original furniture purchased during the 1922-1932 construction of the Capitol, thus establishing the Nebraska Capitol Collections; and

WHEREAS, Mr. Kaspar established and maintained the Capitol Original Furniture Inventory as part of the Nebraska Capitol Collections and worked with the Capitol's carpentry staff to repair and restore Capitol original furniture and make it available for use by the Legislature and other occupants of the Capitol; and

WHEREAS, Mr. Kaspar was instrumental in developing a state-of-the-art archive as an important part of the Nebraska Capitol Collections, which houses thousands of documents, including drawings and correspondence

associated with the original construction of the Capitol. Preservation architects rely on the archive to provide important documentation supporting the accurate restoration of the Capitol; and

WHEREAS, Mr. Kaspar oversaw the restoration of the East Chamber, renamed the Warner Legislative Chamber, as it was being renovated to support the work of the Warner Institute for Education in Democracy; and

WHEREAS, Mr. Kaspar led the team which cleaned and restored the George W. Norris Legislative Chamber and Senators' Lounge, bringing the Chamber and Lounge back to their original condition and enhancing their beauty and function; and

WHEREAS, Mr. Kaspar has overseen the restoration of numerous legislative offices and chambers, including the restoration of the original office of the Speaker of the House.

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

1. That the Legislature recognizes the lifetime dedication to conservation and restoration of Mr. Thomas Lee Kaspar, which greatly enhanced the dignity of the environment in which the Nebraska Unicameral Legislature works.

2. That a copy of this resolution be sent to the family of Mr. Thomas Lee Kaspar.

Laid over.

ANNOUNCEMENT(S)

Senator Crawford designates LB225 as her priority bill.

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 March 8, 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

Allen, Brian
Helios
Heartland Strategy Group, LLC
DraftKings Inc.

Kravitz, Gabriel
 Pew Charitable Trusts, The
 McCabe, Lisa
 CTIA - The Wireless Association
 Schuler, James
 ACTWireless

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 51, 52, 53, 54, and 55 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 51, 52, 53, 54, and 55.

GENERAL FILE

LEGISLATIVE BILL 407. Title read. Considered.

Committee AM140, found on page 533, was offered.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The committee amendment was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks offered her amendment, AM528, found on page 639.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 27:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Albrecht | Erdman | Hughes | McDonnell | Walz |
| Baker | Friesen | Kolterman | Pansing Brooks | Watermeier |
| Brasch | Geist | Kuehn | Scheer | Williams |
| Brewer | Groene | Lindstrom | Schumacher | |
| Briese | Halloran | Linehan | Smith | |
| Clements | Hansen | Lowe | Stinner | |

Voting in the negative, 10:

| | | | | |
|----------|----------|---------|--------|---------|
| Blood | Howard | Krist | Quick | Wayne |
| Chambers | Kolowski | Morfeld | Vargas | Wishart |

Present and not voting, 8:

| | | | |
|-----------|------|-------------|---------|
| Craighead | Ebke | Hilkemann | Murante |
| Crawford | Harr | McCollister | Riepe |

Excused and not voting, 4:

| | | | |
|------|-----------|---------|--------|
| Bolz | Bostelman | Hilgers | Larson |
|------|-----------|---------|--------|

The Pansing Brooks amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

| | | | | |
|-----------|----------|-------------|----------------|------------|
| Albrecht | Crawford | Hughes | McDonnell | Vargas |
| Baker | Ebke | Kolowski | Morfeld | Walz |
| Blood | Erdman | Kolterman | Murante | Watermeier |
| Brasch | Friesen | Krist | Pansing Brooks | Wayne |
| Brewer | Geist | Kuehn | Quick | Williams |
| Briese | Groene | Lindstrom | Scheer | Wishart |
| Chambers | Halloran | Linehan | Schumacher | |
| Clements | Hansen | Lowe | Smith | |
| Craighead | Howard | McCollister | Stinner | |

Voting in the negative, 0.

Present and not voting, 2:

| | |
|-----------|-------|
| Hilkemann | Riepe |
|-----------|-------|

Excused and not voting, 5:

| | | | | |
|------|-----------|------|---------|--------|
| Bolz | Bostelman | Harr | Hilgers | Larson |
|------|-----------|------|---------|--------|

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE RESOLUTION 16CA. Placed on General File.

LEGISLATIVE BILL 597. Indefinitely postponed.

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT(S)

Senator Morfeld designates LB641 as his priority bill.

The Agriculture Committee designates LB276 as its priority bill.

Senator Kolowski designates LB484 as his priority bill.

Senator Larson designates LB291 as his priority bill.

Senator Stinner designates LB233 as his priority bill.

The Revenue Committee designates LB217 as its priority bill.

Senator Schumacher designates LB268 as his priority bill.

Senator Murante designates LR1CA as his priority resolution.

The Government, Military and Veterans Affairs Committee designates LB644 and LB451 as its priority bills.

Senator Groene designates LB595 as his priority bill.

Senator Brasch designates LB338 as her priority bill.

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB350:
AM382

1 1. On page 3, strike beginning with the underscored comma in line 14
2 through "law" in line 15; and in line 16 strike "does" and insert "he or
3 she should consult with an attorney regarding the effect of the order
4 on".

5 2. On page 4, line 26, after the underscored semicolon insert "or";
6 in line 28 strike "or" and insert an underscored period; and strike
7 lines 29 and 30.

SPEAKER SCHEER PRESIDING

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, and 50 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 48, 49, and 50.

GENERAL FILE

LEGISLATIVE BILL 368. Title read. Considered.

Senator Hilkemann offered his amendment, AM503, found on page 661.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 62. Introduced by Geist, 25.

WHEREAS, the Lincoln Christian High School girls' basketball team won the 2017 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Crusaders won against the previously undefeated Kearney Catholic Stars in the final minutes of the title game with a score of 45-41; and

WHEREAS, this is the first championship win for the Lincoln Christian girls' basketball team since 2002; and

WHEREAS, Head Coach Nick Orduna guided the team to a final season record of 26-1; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Lincoln Christian High School girls' basketball team on winning the Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crusaders and Coach Nick Orduna.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB140:

AM437

1 1. Strike original section 36 and insert the following new sections:

2 Sec. 36. Section 8-139, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 8-139 (1) No loan or investment shall be made by a bank, directly

5 or indirectly, without the approval of an active executive officer.

6 (2) Executive officers of banks shall be persons of good moral

7 character, known integrity, business experience and responsibility, and

8 be capable of conducting the affairs of a bank on sound banking

9 principles.

10 (3) Except as provided in subsection (6) of this section, no ~~no~~

11 person shall act as an active executive officer of any bank until such

12 bank ~~has applied shall apply~~ for and ~~obtained obtain~~ from the department
13 a license for such person to ~~so~~ act as an active executive officer. If
14 the ~~director department~~, upon investigation, ~~is shall be~~ satisfied that
15 any active executive officer of a bank is conducting ~~the its~~ business of
16 ~~the bank~~ in an unsafe or unauthorized manner, or is endangering the
17 interests of the stockholders or depositors of the bank, the department
18 ~~may shall have authority~~ to revoke ~~the such~~ license of such active
19 executive officer or suspend the ability of such active executive officer
20 to continue to act as an active executive officer.

21 (4) Any person (a) whose license has been revoked or whose authority
22 has been suspended by the department under subsection (3) of this section
23 or who lacks a license and on whose behalf no election was made under
24 subsection (6) of this section and (b) who ~~acts or attempts shall act or~~
25 ~~attempt~~ to act as an active executive officer of a ~~any~~ bank ~~is ,except~~
26 ~~under a license from the department, or anyone who shall permit or assist~~
27 ~~such person to act or attempt to act as such,~~ shall be guilty of a Class
1 III felony.

2 (5) As part of any order of revocation or suspension under
3 subsection (3) of this section, the director may levy a civil penalty
4 against the active executive officer personally in an amount not to
5 exceed ten thousand dollars. The civil penalty shall not be paid out of
6 the assets of the bank in which the active executive officer is employed
7 or otherwise performing services pursuant to contract. The department
8 shall remit the civil penalty collected to the State Treasurer for
9 distribution in accordance with Article VII, section 5, of the
10 Constitution of Nebraska. Any person whose authority has been revoked or
11 suspended with prejudice under this section shall not be eligible to act
12 as an executive officer at any other bank without authorization to do so
13 from the department. ~~The department may make and enforce reasonable~~
14 ~~regulations and prescribe forms to be used to carry out the intent of~~
15 ~~this section.~~

16 (6) A bank has the right, on or after the operative date of this
17 section, to elect for its active executive officers to be exempt from the
18 requirement to apply for and obtain a license from the department. An
19 election, once made, shall remain in effect with respect to all active
20 executive officers of the bank until and unless the election is revoked
21 by the bank. An election or revocation shall be made in a form and manner
22 established by the department. Within thirty days after revoking such
23 election, such bank shall apply for and obtain from the department a
24 license for any person acting or desiring to act as an active executive
25 officer of the bank.

26 (7) For purposes of this section, active executive officer means any
27 employee of a bank or any person under contract to perform services for a
28 bank who is determined by the department to be a policy-dominant
29 individual in the bank or who exercises (a) management functions, (b)
30 major policymaking functions, or (c) substantial employee supervision,
31 including the power to terminate employment. An active executive officer
1 includes, but is not limited to, a president, a vice-president, a
2 cashier, an assistant cashier, a chief executive officer, a loan officer,

3 or an investment officer.

4 (8) The director may adopt and promulgate rules and regulations and
5 prescribe forms to be used to carry out the intent of this section.

6 Sec. 130. Section 8-1,140, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 8-1,140 Notwithstanding any of the other provisions of the Nebraska
9 Banking Act or any other Nebraska statute, any bank incorporated under
10 the laws of this state and organized under the provisions of the act, or
11 under the laws of this state as they existed prior to May 9, 1933, shall
12 directly, or indirectly through a subsidiary or subsidiaries, have all
13 the rights, powers, privileges, benefits, and immunities which may be
14 exercised as of January 1, ~~2017~~ 2016, by a federally chartered bank doing
15 business in Nebraska, including the exercise of all powers and activities
16 that are permitted for a financial subsidiary of a federally chartered
17 bank. Such rights, powers, privileges, benefits, and immunities shall not
18 relieve such bank from payment of state taxes assessed under any
19 applicable laws of this state.

20 Sec. 134. Section 8-355, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 8-355 Notwithstanding any of the provisions of Chapter 8, article 3,
23 or any other Nebraska statute, except as provided in section 8-345.02,
24 any association incorporated under the laws of the State of Nebraska and
25 organized under the provisions of such article shall have all the rights,
26 powers, privileges, benefits, and immunities which may be exercised as of
27 January 1, ~~2017~~ 2016, by a federal savings and loan association doing
28 business in Nebraska. Such rights, powers, privileges, benefits, and
29 immunities shall not relieve such association from payment of state taxes
30 assessed under any applicable laws of this state.

31 Sec. 148. Section 21-1770, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 21-1770 The chief executive officer or the credit committee may
3 apply to the department on forms supplied by the department for the
4 licensing of one or more loan officers in order to delegate to such loan
5 officers the power to approve loans and disburse loan funds up to the
6 limits and according to policies established by the credit committee, if
7 any, and in the absence of a credit committee, the board of directors.
8 Such application shall include information deemed necessary by the
9 department and shall be signed by the entire credit committee, if any,
10 and in the absence of a credit committee, the entire board of directors,
11 as well as the new loan officer seeking a license. No person shall act in
12 the capacity of loan officer for more than thirty days until approved by
13 the department unless the credit union has elected to opt out of
14 licensing loan officers on forms supplied by the department.

15 Sec. 149. Section 21-17,115, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 21-17,115 Notwithstanding any of the other provisions of the Credit
18 Union Act or any other Nebraska statute, any credit union incorporated
19 under the laws of the State of Nebraska and organized under the
20 provisions of the act shall have all the rights, powers, privileges,

21 benefits, and immunities which may be exercised as of January 1, 2017
 22 ~~2016~~, by a federal credit union doing business in Nebraska on the
 23 condition that such rights, powers, privileges, benefits, and immunities
 24 shall not relieve such credit union from payment of state taxes assessed
 25 under any applicable laws of this state.

26 Sec. 160. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 27 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
 28 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
 29 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
 30 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,
 31 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,
 1 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,
 2 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132,
 3 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147,
 4 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, and 163 of
 5 this act become operative three calendar months after the adjournment of
 6 this legislative session. The other sections of this act become operative
 7 on their effective date.

8 Sec. 162. Original sections 8-1,140, 8-355, and 21-17,115, Revised
 9 Statutes Cumulative Supplement, 2016, are repealed.

10 Sec. 164. Since an emergency exists, this act takes effect when
 11 passed and approved according to law.

12 2. On page 142, lines 9 and 10 strike "effective date of this act"
 13 and insert "operative date of this section"; remove underscoring in lines
 14 9 through 13; and in line 28 after the first comma insert "21-1770,".

15 3. Renumber the remaining sections and correct internal references
 16 accordingly.

Senator Hilkemann filed the following amendment to LB368:

FA43

Amend AM503

Strike "sixteen" and insert "twelve".

ANNOUNCEMENT(S)

The Appropriations Committee designates LB611 and LB356 as its priority bills.

The Health and Human Services Committee designates LB333 and LB335 as its priority bills.

Senator Riepe designates LB417 as his priority bill.

Senator Hilkemann designates LB91 as his priority bill.

Senator Linehan designates LB651 as her priority bill.

Senator Erdman designates LB432 as his priority bill.

Contingent upon the adoption of the permanent rules, the Legislature's Planning Committee designates LB373 as its priority bill.

Senator Bostelman designates LB144 as his priority bill.

Senator Krist designates LB9 as his priority bill.

Senator Wayne designates LB75 as his priority bill.

Senator Vargas designates LB427 as his priority bill.

Senator Friesen designates LB640 as his priority bill.

ANNOUNCEMENT(S)

Senator Riepe announced the Health and Human Services Committee will meet March 17, 2017, at 2:00 p.m. instead of 1:30 p.m. in Room 1510.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 40. Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB518.

VISITOR(S)

Visitors to the Chamber were Senator Pansing Brooks' husband and daughter, Loel Brooks and Avary Pansing Brooks, from Lincoln; 30 preschool through middle school students from Sola Fide, Lincoln; 65 students and teachers from Lincoln High; Alyssa Ehler from the University of Nebraska; 40 fourth-grade students from Pershing Elementary, Lexington; and former Senator Dave Bloomfield and his wife Dee Boeckenhauer from Hoskins.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Monday, March 13, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

