

THIRTY-NINTH DAY - MARCH 8, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 2016

PRAYER

The prayer was offered by Chaplain Brian High, First Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Campbell, Craighead, Hansen, Howard, Kolowski, Larson, Mello, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 451, 453, 454, 456, and 457 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 451, 453, 454, 456, and 457.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1109. Senator Chambers offered the following motion:

MO197

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 5:

| | | | | |
|------|-------|------|--------|-------|
| Cook | Davis | Ebke | Groene | McCoy |
|------|-------|------|--------|-------|

Voting in the negative, 34:

| | | | | |
|-----------|-----------|-----------|---------|------------|
| Baker | Garrett | Hughes | Mello | Schumacher |
| Bolz | Gloor | Johnson | Morfeld | Seiler |
| Campbell | Haar, K. | Kintner | Murante | Smith |
| Coash | Hadley | Kolowski | Riepe | Stinner |
| Craighead | Hansen | Kolterman | Scheer | Watermeier |
| Fox | Harr, B. | Larson | Schilz | Williams |
| Friesen | Hilkemann | Lindstrom | Schnoor | |

Present and not voting, 8:

| | | | |
|------------|----------|--------|-------------|
| Bloomfield | Chambers | Howard | McCollister |
| Brasch | Crawford | Krist | Sullivan |

Excused and not voting, 2:

| | |
|-------|----------------|
| Kuehn | Pansing Brooks |
|-------|----------------|

The Chambers motion to indefinitely postpone failed with 5 ayes, 34 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO198

Reconsider the vote taken to indefinitely postpone.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

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

Voting in the affirmative, 5:

Chambers Davis Ebke Groene McCoy

Voting in the negative, 32:

| | | | | |
|----------|-----------|-------------|------------|------------|
| Baker | Hadley | Kolterman | Murante | Smith |
| Bolz | Hansen | Krist | Riepe | Stinner |
| Coash | Harr, B. | Larson | Scheer | Watermeier |
| Friesen | Hilkemann | Lindstrom | Schilz | Williams |
| Garrett | Hughes | McCollister | Schnoor | |
| Gloor | Johnson | Mello | Schumacher | |
| Haar, K. | Kintner | Morfeld | Seiler | |

Present and not voting, 7:

| | | | |
|------------|----------|----------|----------|
| Bloomfield | Crawford | Howard | Sullivan |
| Brasch | Fox | Kolowski | |

Excused and not voting, 5:

| | | | | |
|----------|------|-----------|-------|----------------|
| Campbell | Cook | Craighead | Kuehn | Pansing Brooks |
|----------|------|-----------|-------|----------------|

The Chambers motion to reconsider failed with 5 ayes, 32 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

SENATOR SCHEER PRESIDING

Senator Chambers offered the following motion:

MO199

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers withdrew his motion.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 774. Placed on General File with amendment.
AM2422 is available in the Bill Room.

LEGISLATIVE BILL 1051. Placed on General File with amendment.

AM2309

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

2 sections:

3 Section 1. Section 77-5715, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,

6 qualified business means any business engaged in:

7 (a) The conducting of research, development, or testing for

8 scientific, agricultural, animal husbandry, food product, or industrial
9 purposes;

10 (b) The performance of data processing, data analysis, or

11 telecommunication, insurance, or financial services. For purposes of this

12 subdivision, financial services includes only financial services provided

13 by any financial institution subject to tax under Chapter 77, article 38,

14 or any person or entity licensed by the Department of Banking and Finance

15 or the federal Securities and Exchange Commission and telecommunication

16 services includes community antenna television service, Internet access,

17 satellite ground station, call center, or telemarketing. For purposes of

18 this subdivision, data analysis means the process of extracting,

19 compiling, and modeling raw data for purposes of obtaining constructive

20 information that can be applied to formulating conclusions, predicting

21 outcomes, or supporting decisions in business, scientific, and social

22 science settings;

23 (c) The assembly, fabrication, manufacture, or processing of

24 tangible personal property;

25 (d) The administrative management of the taxpayer's activities,

26 including headquarter facilities relating to such activities or the

27 administrative management of any of the activities of any business entity

1 or entities in which the taxpayer or a group of its shareholders holds

2 any direct or indirect ownership interest of at least ten percent,

3 including headquarter facilities relating to such activities;

4 (e) The storage, warehousing, distribution, transportation, or sale

5 of tangible personal property;

6 (f) The sale of tangible personal property if the taxpayer derives

7 at least seventy-five percent or more of the sales or revenue

8 attributable to such activities relating to the project from sales to

9 consumers who are not related persons and are located outside the state;

10 (g) The sale of software development services, computer systems

11 design, product testing services, or guidance or surveillance systems

12 design services or the licensing of technology if the taxpayer derives at

13 least seventy-five percent of the sales or revenue attributable to such

14 activities relating to the project from sales or licensing either to

15 customers who are not related persons and located outside the state or to

16 the United States Government, including sales of such services, systems,

17 or products delivered by providing the customer with software or access

18 to software over the Internet or by other electronic means, regardless of

19 whether the software or data accessed by customers is stored on a

20 computer owned by the applicant, the customer, or a third party and

21 regardless of whether the computer storing the software or data is
22 located at the project;

23 (h) The research, development, and maintenance of an Internet web
24 portal. For purposes of this subdivision, Internet web portal means an
25 Internet site that allows users to access, search, and navigate the
26 Internet;

27 (i) The research, development, and maintenance of a data center;

28 (j) The production of electricity by using one or more sources of
29 renewable energy to produce electricity for sale. For purposes of this
30 subdivision, sources of renewable energy includes, but is not limited to,
31 wind, solar, geothermal, hydroelectric, biomass, and transmutation of
1 elements; or

2 (k) Any combination of the activities listed in this subsection.

3 (2) For a tier 1 project, qualified business means any business
4 engaged in:

5 (a) The conducting of research, development, or testing for
6 scientific, agricultural, animal husbandry, food product, or industrial
7 purposes;

8 (b) The assembly, fabrication, manufacture, or processing of
9 tangible personal property;

10 (c) The sale of software development services, computer systems
11 design, product testing services, or guidance or surveillance systems
12 design services or the licensing of technology if the taxpayer derives at
13 least seventy-five percent of the sales or revenue attributable to such
14 activities relating to the project from sales or licensing either to
15 customers who are not related persons and are located outside the state
16 or to the United States Government, including sales of such services,
17 systems, or products delivered by providing the customer with software or
18 access to software over the Internet or by other electronic means,
19 regardless of whether the software or data accessed by customers is
20 stored on a computer owned by the applicant, the customer, or a third
21 party and regardless of whether the computer storing the software or data
22 is located at the project; or

23 (d) Any combination of activities listed in this subsection.

24 (3) For a tier 6 project, qualified business means any business
25 except a business excluded by subsection (4) of this section.

26 (4) Except for business activity described in subdivision (1)(f) of
27 this section, qualified business does not include any business activity
28 in which eighty percent or more of the total sales are sales to the
29 ultimate consumer of (a) food prepared for immediate consumption or (b)
30 tangible personal property which is not assembled, fabricated,
31 manufactured, or processed by the taxpayer or used by the purchaser in
1 any of the activities listed in subsection (1) or (2) of this section.

2 Sec. 2. Original section 77-5715, Revised Statutes Cumulative
3 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 910A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB768:
AM2350

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 7, strike beginning with "and" in line 7 through "weight"
- 2 in line 9, show as stricken, and insert "trailers, and semitrailers,
- 3 except motor vehicles, trailers, and semitrailers registered under
- 4 section 60-3,198".
- 5 2. On page 9, line 11, strike "when it is designed" and insert
- 6 "beginning January 1, 2017"; in line 22 strike "A" and insert "Beginning
- 7 January 1, 2017, a"; and in line 27 after "tons" insert "or a commercial
- 8 truck or truck-tractor with a gross weight of five tons or over".

Senator Chambers filed the following amendment to LB673:
AM2449

(Amendments to Standing Committee amendments, AM2244)

- 1 1. On page 1, line 11, after "exists" insert "or the court
- 2 determines that an appointment outside of the guardian ad litem division
- 3 would be more appropriate to serve the child's best interests".
- 4 2. On page 3, line 28, strike "and if" and insert "unless"; and
- 5 strike beginning with the underscored comma in line 28 through "division"
- 6 in line 29 and insert "or the court determines that an appointment
- 7 outside of the guardian ad litem division would be more appropriate to
- 8 serve the child's best interests".
- 9 3. On page 4, line 31, after "experience" insert "as a guardian ad
- 10 litem for children, including both trial and appellate practice
- 11 experience".
- 12 4. On page 5, lines 18, after "appointed" insert "outside of the
- 13 guardian ad litem division"; and in lines 20 through 25 strike the new
- 14 matter and reinstate the stricken matter.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Schilz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis, Groene - LB817

McCoy, Riepe, Schnoor, Smith, Stinner - LB768

Kolowski, Larson - LB768

VISITOR(S)

Visitors to the Chamber were Anna Holmquist from Lincoln; members from the Bellevue Chamber of Commerce; 22 members of Girl Scouts Spirit of Nebraska; Senator Krist's sister, niece, and friend, Kate and Teresa Malmberg, and Jace Noble from Papillion; and Rod, Sheila, Karen, and Kayla Livesay from Mount Sterling, IA.

RECESS

At 12:03 p.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Bolz, Fox, Hansen, Hughes, Krist, McCollister, Mello, Morfeld, Pansing Brooks, Schilz, Schnoor, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1109. Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Gloor | Johnson | Morfeld | Smith |
| Bolz | Haar, K. | Kintner | Murante | Stinner |
| Campbell | Hadley | Kolowski | Pansing Brooks | Watermeier |
| Coash | Hansen | Kolterman | Scheer | Williams |
| Craighead | Harr, B. | Larson | Schilz | |
| Fox | Hilkemann | Lindstrom | Schnoor | |
| Friesen | Howard | McCollister | Schumacher | |
| Garrett | Hughes | Mello | Seiler | |

Voting in the negative, 1:

McCoy

Present and not voting, 10:

| | | | | |
|------------|----------|----------|--------|----------|
| Bloomfield | Chambers | Crawford | Ebke | Riepe |
| Brasch | Cook | Davis | Groene | Sullivan |

Excused and not voting, 2:

Krist Kuehn

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 794. Title read. Considered.

SENATOR SCHEER PRESIDING

Senator Chambers offered the following motion:

MO200

Indefinitely postpone.

Senator Chambers withdrew his motion.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 707. Placed on General File.

LEGISLATIVE BILL 815. Placed on General File.

LEGISLATIVE BILL 971. Placed on General File.

LEGISLATIVE BILL 847. Placed on General File with amendment.
AM2273

- 1 1. Strike original section 42 and insert the following new section:
- 2 Sec. 42. The following section is outright repealed: Section 72-247,
- 3 Reissue Revised Statutes of Nebraska.
- 4 2. On page 6, line 5, strike "seventy" and reinstate the stricken
- 5 "sixty-five".
- 6 3. On page 11, line 4, strike "immediately" and show as stricken.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB1109:
FA93

Page 6, line 25 strike the period and insert "which input shall be taken into consideration by the Board of Regents prior to the hiring of the priority candidate."

GENERAL FILE

LEGISLATIVE BILL 867. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM1976, found on page 665, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Watermeier offered the following amendment:
AM2380

- 1 1. On page 6, line 28, after "84-907" insert "and the review process
- 2 required under section 84-905.01".

The Watermeier amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 867A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 894. Title read. Considered.

Committee AM1962, found on page 544, was offered.

Senator Coash withdrew his amendments, AM2053 and AM2321, found on pages 543 and 753.

Senator Krist offered the following amendment to the committee amendment:

AM2456

(Amendments to Standing Committee amendments, AM1962)

1 1. Insert the following new section:

2 Sec. 16. Section 43-3503, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-3503 (1) It is the intent of the Legislature to encourage

5 counties to develop a continuum of alternatives to detention ~~nonsecure~~

6 ~~detention services~~ for the purpose of enhancing, developing, and

7 expanding the availability of such services to juveniles requiring

8 alternatives to detention ~~nonsecure detention~~.

9 (2) A county may enhance, develop, or expand alternatives to

10 detention ~~nonsecure detention services~~ as needed with private or public

11 providers. Grants from the Commission Grant Program and aid from the

12 Community-based Juvenile Services Aid Program under the Juvenile Services

13 Act and the federal Juvenile Justice and Delinquency Prevention Act of

14 1974 may be used to fund alternatives to detention ~~nonsecure detention~~

15 ~~services~~. Each county shall routinely review services provided by

16 contract providers and modify services as needed.

17 2. On page 13, lines 14 and 15, strike "least restrict" and insert

18 "cause the least restriction of".

19 3. On page 14, lines 2 through 4, strike the new matter and

20 reinstate the stricken matter; and in lines 7 through 30 strike the new

21 matter and reinstate the stricken matter.

22 4. On page 15, line 6, strike the new matter and reinstate the

23 stricken matter; and in line 7, strike "(3)" and insert "(1), (2)";

24 reinstate the stricken "(3)(b)", and insert ", or (4)" before the first

25 "of".

26 5. On page 23, lines 20 and 22, strike "facilities", show as

1 stricken, and insert "programs, services, facilities, and providers"; and

2 in line 22 after "with" insert "the".

3 6. Renumber the remaining sections and correct the repealer

4 accordingly.

The Krist amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 678. Placed on General File with amendment.
AM2431

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

3 Section 1. Section 81-885, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-885 Sections 81-885 to 81-885.55 and section 3 of this act shall
6 be known and may be cited as the Nebraska Real Estate License Act.

7 Sec. 2. Section 81-885.01, Revised Statutes Supplement, 2015, is
8 amended to read:

9 81-885.01 For purposes of the Nebraska Real Estate License Act,
10 unless the context otherwise requires:

11 (1) Real estate means and includes condominiums and leaseholds, as
12 well as any other interest or estate in land, whether corporeal,
13 incorporeal, freehold, or nonfreehold, and whether the real estate is
14 situated in this state or elsewhere;

15 (2) Broker means any person who, for any form of compensation or
16 consideration or with the intent or expectation of receiving the same
17 from another, negotiates or attempts to negotiate the listing, sale,
18 purchase, exchange, rent, lease, or option for any real estate or
19 improvements thereon, or assists in procuring prospects or holds himself
20 or herself out as a referral agent for the purpose of securing prospects
21 for the listing, sale, purchase, exchange, renting, leasing, or optioning
22 of any real estate or collects rents or attempts to collect rents, gives
23 a broker's price opinion or comparative market analysis, or holds himself
24 or herself out as engaged in any of the foregoing. Broker also includes
25 any person: (a) Employed, by or on behalf of the owner or owners of lots
26 or other parcels of real estate, for any form of compensation or
27 consideration to sell such real estate or any part thereof in lots or
1 parcels or make other disposition thereof; (b) who auctions, offers,
2 attempts, or agrees to auction real estate; or (c) who buys or offers to
3 buy or sell or otherwise deals in options to buy real estate;

4 (3) Associate broker means a person who has a broker's license and
5 who is employed by another broker to participate in any activity
6 described in subdivision (2) of this section;

7 (4) Designated broker means an individual holding a broker's license
8 who has full authority to conduct the real estate activities of a real
9 estate business. In a sole proprietorship, the owner, or broker
10 identified by the owner, shall be the designated broker. In the event the
11 owner identifies the designated broker, the owner shall file a statement
12 with the commission subordinating to the designated broker full authority
13 to conduct the real estate activities of the sole proprietorship. In a
14 partnership, limited liability company, or corporation, the partners,
15 limited liability company members, or board of directors shall identify
16 the designated broker for its real estate business by filing a statement
17 with the commission subordinating to the designated broker full authority

18 to conduct the real estate activities of the partnership, limited
 19 liability company, or corporation. The designated broker shall also be
 20 responsible for supervising the real estate activities of any associate
 21 brokers or salespersons;

22 (5) Inactive broker means an associate broker whose license has been
 23 returned to the commission by the licensee's broker, a broker who has
 24 requested the commission to place the license on inactive status, a new
 25 licensee who has failed to designate an employing broker or have the
 26 license issued as an individual broker, or a broker whose license has
 27 been placed on inactive status under statute, rule, or regulation;

28 (6) Salesperson means any person, other than an associate broker,
 29 who is employed by a broker to participate in any activity described in
 30 subdivision (2) of this section;

31 (7) Inactive salesperson means a salesperson whose license has been
 1 returned to the commission by the licensee's broker, a salesperson who
 2 has requested the commission to place the license on inactive status, a
 3 new licensee who has failed to designate an employing broker, or a
 4 salesperson whose license has been placed on inactive status under
 5 statute, rule, or regulation;

6 (8) Person means and includes individuals, corporations,
 7 partnerships, and limited liability companies, except that when referring
 8 to a person licensed under the act, it means an individual;

9 (9) Team means two or more persons licensed by the commission who
 10 (a) work under the supervision of the same broker, (b) work together on
 11 real estate transactions to provide real estate brokerage services, (c)
 12 represent themselves to the public as being part of a team, and (d) are
 13 designated by a team name;

14 (10) Team leader means any person licensed by the commission and
 15 appointed or recognized by his or her broker as the leader for his or her
 16 team;

17 ~~(11 9)~~ Subdivision or subdivided land means any real estate offered
 18 for sale and which has been registered under the Interstate Land Sales
 19 Full Disclosure Act, ~~82 Stat. 590 and following~~, 15 U.S.C. 1701 ~~et seq.~~
 20 ~~and following~~, as such act existed on January 1, 1973, or real estate
 21 located out of this state which is divided or proposed to be divided into
 22 twenty-five or more lots, parcels, or units;

23 ~~(12 10)~~ Subdivider means any person who causes land to be subdivided
 24 into a subdivision for himself, herself, or others or who undertakes to
 25 develop a subdivision but does not include a public agency or officer
 26 authorized by law to create subdivisions;

27 ~~(13 11)~~ Purchaser means a person who acquires or attempts to acquire
 28 or succeeds to an interest in land;

29 ~~(14 12)~~ Commission means the State Real Estate Commission;

30 ~~(15 13)~~ Broker's price opinion means an analysis, opinion, or
 31 conclusion prepared by a person licensed under the Nebraska Real Estate
 1 License Act in the ordinary course of his or her business relating to the
 2 price of specified interests in or aspects of identified real estate or
 3 identified real property for the purpose of (a) listing, purchase, or
 4 sale, (b) originating, extending, renewing, or modifying a loan in a

5 transaction other than a federally related transaction, or (c) real
6 property tax appeals;
7 (16 44) Comparative market analysis means an analysis, opinion, or
8 conclusion prepared by a person licensed under the act in the ordinary
9 course of his or her business relating to the price of specified
10 interests in or aspects of identified real estate or identified real
11 property by comparison to other real property currently or recently in
12 the marketplace for the purpose of (a) listing, purchase, or sale, (b)
13 originating, extending, renewing, or modifying a loan in a transaction
14 other than a federally related transaction, or (c) real property tax
15 appeals;
16 (17 45) Distance education means courses in which instruction does
17 not take place in a traditional classroom setting, but rather through
18 other media by which instructor and student are separated by distance and
19 sometimes by time;
20 (18 46) Regulatory jurisdiction means a state, district, or
21 territory of the United States, a province of Canada or a foreign
22 country, or a political subdivision of a foreign country, which has
23 implemented and administers laws regulating the activities of a broker;
24 (19 47) Federal financial institution regulatory agency means (a)
25 the Board of Governors of the Federal Reserve System, (b) the Federal
26 Deposit Insurance Corporation, (c) the Office of the Comptroller of the
27 Currency, (d) the Office of Thrift Supervision, (e) the National Credit
28 Union Administration, or (f) the successors of any of those agencies; and
29 (20 48) Federally related transaction means a real-estate-related
30 transaction that (a) requires the services of an appraiser and (b) is
31 engaged in, contracted for, or regulated by a federal financial
1 institution regulatory agency.

2 Sec. 3. A team leader shall be responsible for supervising the real
3 estate activities of his or her team performed under the Nebraska Real
4 Estate License Act subject to the overall supervision by the designated
5 broker of the team leader and team members.

6 Sec. 4. Section 81-885.24, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 81-885.24 The commission may, upon its own motion, and shall, upon
9 the sworn complaint in writing of any person, investigate the actions of
10 any broker, associate broker, salesperson, or subdivider, may censure the
11 licensee or certificate holder, revoke or suspend any license or
12 certificate issued under the Nebraska Real Estate License Act, or enter
13 into consent orders, and, alone or in combination with such disciplinary
14 actions, may impose a civil fine on a licensee pursuant to section
15 81-885.10, whenever the license or certificate has been obtained by false
16 or fraudulent representation or the licensee or certificate holder has
17 been found guilty of any of the following unfair trade practices:
18 (1) Refusing because of religion, race, color, national origin,
19 ethnic group, sex, familial status, or disability to show, sell, or rent
20 any real estate for sale or rent to prospective purchasers or renters;
21 (2) Intentionally using advertising which is misleading or
22 inaccurate in any material particular or in any way misrepresents any

23 property, terms, values, policies, or services of the business conducted;
24 (3) Failing to account for and remit any money coming into his or
25 her possession belonging to others;
26 (4) Commingling the money or other property of his or her principals
27 with his or her own;
28 (5) Failing to maintain and deposit in a separate trust account all
29 money received by a broker acting in such capacity, or as escrow agent or
30 the temporary custodian of the funds of others, in a real estate
31 transaction unless all parties having an interest in the funds have
1 agreed otherwise in writing;
2 (6) Accepting, giving, or charging any form of undisclosed
3 compensation, consideration, rebate, or direct profit on expenditures
4 made for a principal;
5 (7) Representing or attempting to represent a real estate broker,
6 other than the employer, without the express knowledge and consent of the
7 employer;
8 (8) Accepting any form of compensation or consideration by an
9 associate broker or salesperson from anyone other than his or her
10 employing broker without the consent of his or her employing broker;
11 (9) Acting in the dual capacity of agent and undisclosed principal
12 in any transaction;
13 (10) Guaranteeing or authorizing any person to guarantee future
14 profits which may result from the resale of real property;
15 (11) Placing a sign on any property offering it for sale or rent
16 without the written consent of the owner or his or her authorized agent;
17 (12) Offering real estate for sale or lease without the knowledge
18 and consent of the owner or his or her authorized agent or on terms other
19 than those authorized by the owner or his or her authorized agent;
20 (13) Inducing any party to a contract of sale or lease to break such
21 contract for the purpose of substituting, in lieu thereof, a new contract
22 with another principal;
23 (14) Negotiating a sale, exchange, listing, or lease of real estate
24 directly with an owner or lessor if he or she knows that such owner has a
25 written outstanding listing contract in connection with such property
26 granting an exclusive agency or an exclusive right to sell to another
27 broker or negotiating directly with an owner to withdraw from or break
28 such a listing contract for the purpose of substituting, in lieu thereof,
29 a new listing contract;
30 (15) Discussing or soliciting a discussion of, with an owner of a
31 property which is exclusively listed with another broker, the terms upon
1 which the broker would accept a future listing upon the expiration of the
2 present listing unless the owner initiates the discussion;
3 (16) Violating any provision of sections 76-2401 to 76-2430;
4 (17) Soliciting, selling, or offering for sale real estate by
5 offering free lots or conducting lotteries for the purpose of influencing
6 a purchaser or prospective purchaser of real estate;
7 (18) Providing any form of compensation or consideration to any
8 person for performing the services of a broker, associate broker, or
9 salesperson who has not first secured his or her license under the

10 Nebraska Real Estate License Act unless such person is (a) a nonresident
11 who is licensed in his or her resident regulatory jurisdiction or (b) a
12 citizen and resident of a foreign country which does not license persons
13 conducting the activities of a broker and such person provides reasonable
14 written evidence to the Nebraska broker that he or she is a resident
15 citizen of that foreign country, is not a resident of this country, and
16 conducts the activities of a broker in that foreign country;
17 (19) Failing to include a fixed date of expiration in any written
18 listing agreement and failing to leave a copy of the agreement with the
19 principal;
20 (20) Failing to deliver within a reasonable time a completed and
21 dated copy of any purchase agreement or offer to buy or sell real estate
22 to the purchaser and to the seller;
23 (21) Failing by a broker to deliver to the seller in every real
24 estate transaction, at the time the transaction is consummated, a
25 complete, detailed closing statement showing all of the receipts and
26 disbursements handled by such broker for the seller, failing to deliver
27 to the buyer a complete statement showing all money received in the
28 transaction from such buyer and how and for what the same was disbursed,
29 and failing to retain true copies of such statements in his or her files;
30 (22) Making any substantial misrepresentations;
31 (23) Acting for more than one party in a transaction without the
1 knowledge of all parties for whom he or she acts;
2 (24) Failing by an associate broker or salesperson to place, as soon
3 after receipt as practicable, in the custody of his or her employing
4 broker any deposit money or other money or funds entrusted to him or her
5 by any person dealing with him or her as the representative of his or her
6 licensed broker;
7 (25) Filing a listing contract or any document or instrument
8 purporting to create a lien based on a listing contract for the purpose
9 of casting a cloud upon the title to real estate when no valid claim
10 under the listing contract exists;
11 (26) Violating any rule or regulation adopted and promulgated by the
12 commission in the interest of the public and consistent with the Nebraska
13 Real Estate License Act;
14 (27) Failing by a subdivider, after the original certificate has
15 been issued, to comply with all of the requirements of the Nebraska Real
16 Estate License Act;
17 (28) Conviction of a felony or entering a plea of guilty or nolo
18 contendere to a felony charge by a broker or salesperson;
19 (29) Demonstrating negligence, incompetency, or unworthiness to act
20 as a broker, associate broker, or salesperson, whether of the same or of
21 a different character as otherwise specified in this section; ~~or~~
22 (30) Inducing or attempting to induce a person to transfer an
23 interest in real property, whether or not for monetary gain, or
24 discouraging another person from purchasing real property, by
25 representing that (a) a change has occurred or will or may occur in the
26 composition with respect to religion, race, color, national origin,
27 ethnic group, sex, familial status, or disability of the owners or

28 occupants in the block, neighborhood, or area or (b) such change will or
 29 may result in the lowering of property values, an increase in criminal or
 30 antisocial behavior, or a decline in the quality of schools in the block,
 31 neighborhood, or area; -

1 (31) Failing by a team leader to provide a current list of all team
 2 members to his or her designated broker;

3 (32) Failing by a designated broker to maintain a record of all team
 4 leaders and team members working under him or her;

5 (33) Utilizing advertising which does not prominently display the
 6 name under which the designated broker does business as filed with the
 7 commission; or

8 (34) Utilizing team advertising or a team name suggesting the team
 9 is an independent real estate brokerage.

10 Sec. 5. This act becomes operative on October 1, 2016.

11 Sec. 6. Original sections 81-885 and 81-885.24, Reissue Revised
 12 Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement,
 13 2015, are repealed.

(Signed) Jim Scheer, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 470. Introduced by Campbell, 25.

WHEREAS, the Lincoln East High School girls' basketball team won the
 2016 Class A Girls' State Basketball Championship; and

WHEREAS, the Lincoln East Spartans defeated the Millard West
 Wildcats in the championship game by a score of 48-46; and

WHEREAS, the Spartans were seeded eighth at the beginning of the
 tournament but ended the season on a 12-game winning streak; and

WHEREAS, this is the team's first state championship since 2004; 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 FOURTH LEGISLATURE OF NEBRASKA, SECOND
 SESSION:

1. That the Legislature congratulates the Lincoln East High School girls'
 basketball team on winning the 2016 Class A Girls' State Basketball
 Championship.

2. That a copy of this resolution be sent to the Lincoln East High School
 girls' basketball team and Coach Dennis Prichard.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1067A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1067, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB1105:
AM2384

(Amendments to Standing Committee amendments, AM2029)

- 1 1. On page 1, line 15, after "The" insert "Director of Agriculture
2 or his or her designee and the"; and strike line 17 and insert "be
3 nonvoting, ex officio members of the board.".
- 4 2. On page 7, strike beginning with the second "a" in line 27 though
5 "premises" in line 28, show the old matter as stricken, and insert "the
6 production of"; and in line 29 after "year" insert "in the aggregate from
7 all physical locations comprising the licensed premises".

GENERAL FILE

LEGISLATIVE BILL 1092. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 467. Title read. Considered.

Committee AM2351, found on page 797, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1038. Placed on General File with amendment.
AM2472 is available in the Bill Room.

LEGISLATIVE BILL 961. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB977:
AM2478

(Amendments to Standing Committee amendments, AM2318)

- 1 1. On page 27, line 23, after the first comma insert "not including
- 2 animal manure"; and strike beginning with "(f)" in line 28 through "(g)"
- 3 in line 29 and insert "and (f)".

Senator Krist filed the following amendment to LB1098:
AM2452

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 33-107.01, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 33-107.01 A legal services fee of six ~~five~~ dollars and twenty-five
- 6 cents shall be taxed as costs in each case filed in each separate
- 7 juvenile court and district court, including appeals to such courts, and
- 8 on each case filed in each county court except those filed in county
- 9 court pursuant to its jurisdiction under section 25-2802. A legal
- 10 services fee of six ~~five~~ dollars and twenty-five cents shall be taxed as
- 11 costs for each appeal and original action filed in the Court of Appeals
- 12 and the Supreme Court. Such fees shall be remitted to the State Treasurer
- 13 on forms prescribed by the State Treasurer within ten days after the
- 14 close of each month for credit to the Legal Aid and Services Fund.
- 15 Sec. 2. Section 33-107.03, Revised Statutes Cumulative Supplement,
- 16 2014, is amended to read:
- 17 33-107.03 In addition to all other court costs assessed according to
- 18 law, a court automation fee of seven ~~eight~~ dollars shall be taxed as
- 19 costs for each case filed in each county court, separate juvenile court,
- 20 and district court, including appeals to such courts, and for each appeal
- 21 and original action filed in the Court of Appeals and the Supreme Court.
- 22 The fees shall be remitted to the State Treasurer on forms prescribed by
- 23 the State Treasurer within ten days after the end of each month. The
- 24 State Treasurer shall credit the fees to the Supreme Court Automation
- 25 Cash Fund.
- 26 Sec. 3. Original section 33-107.01, Reissue Revised Statutes of
- 27 Nebraska, and section 33-107.03, Revised Statutes Cumulative Supplement,
- 1 2014, are repealed.

Senator Krist filed the following amendment to LB1098:
AM2451

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 25-3002, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 25-3002 The Legal Aid and Services Fund is created. Money in the
- 6 fund shall be used to provide civil legal services to eligible low-income
- 7 persons. The Commission on Public Advocacy shall distribute all money in

8 the fund periodically in the form of grants to service providers of civil
9 legal services to eligible low-income persons as determined by the
10 commission pursuant to section 25-3004. Any money in the fund available
11 for investment shall be invested by the state investment officer pursuant
12 to the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act. Any money left in the Legal Aid and Services Fund on
14 December 31 of any year shall be distributed in the following year. The
15 State Treasurer shall transfer three hundred fifty thousand dollars from
16 the General Fund to the Legal Aid and Services Fund on or before October
17 1 of each year beginning in 2016.
18 Sec. 2. Original section 25-3002, Reissue Revised Statutes of
19 Nebraska, is repealed.

ADJOURNMENT

At 4:56 p.m., on a motion by Senator Baker, the Legislature adjourned until
9:00 a.m., Wednesday, March 9, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

