

FIFTY-SEVENTH DAY - MARCH 31, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 31, 2017

PRAYER

The prayer was offered by Father Ryan Lewis, Daniel J. Gross High School, Omaha.

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 and Hilgers who were excused; and Senators Craighead, Friesen, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 166. Placed on Select File with amendment. ER37 is available in the Bill Room.

LEGISLATIVE BILL 35. Placed on Select File with amendment. ER33

- 1 1. On page 1, line 7, after the first semicolon insert "to harmonize
- 2 provisions;"
- 3 2. On page 19, line 7, strike "(i)" and insert "(1)"; in line 9
- 4 strike "(ii)" and insert "(2)"; in line 10 strike "(iii)" and insert
- 5 "(3)" and strike "(iv)" and insert "(4)"; and in line 11 strike "(v)" and
- 6 insert "(5)".
- 7 3. On page 28, line 3 strike the new matter and insert "(1)"; and in
- 8 line 4 strike the new matter and insert "(2)".

LEGISLATIVE BILL 151. Placed on Select File with amendment.

ER31

- 1 1. In the Standing Committee amendments, AM 334, on page 5, line 1,
 2 strike "to".
- 3 2. On page 1, strike beginning with "the" in line 1 through line 6
 4 and insert "state and local government; to amend sections 35-507,
 5 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and
 6 sections 13-506, 13-511, 13-513, 73-506, 84-304, 84-305, and 84-311,
 7 Revised Statutes Cumulative Supplement, 2016; to change certain published
 8 notice of hearing requirements; to provide for remedial and late fees
 9 under the Nebraska Budget Act; to change provisions relating to the
 10 duration of certain state agency contracts and membership on the
 11 Suggestion Award Board; to change powers and duties of the Auditor of
 12 Public Accounts, provide for suitable accommodations for auditor
 13 employees by public entities, and authorize the sharing of auditor
 14 working papers as prescribed; to harmonize provisions; and to repeal the
 15 original sections."

LEGISLATIVE BILL 639. Placed on Select File with amendment.

ER29

- 1 1. On page 1, line 5, strike "section" and insert "sections".

LEGISLATIVE BILL 506. Placed on Select File.**LEGISLATIVE BILL 641.** Placed on Select File with amendment.

ER32

- 1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
- 3 Section 1. (1) The Bioscience Innovation Cash Fund is created. The
 4 fund shall be administered by the department to provide financial
 5 assistance to bioscience-related businesses applying for financial
 6 assistance under the Business Innovation Act. Any money in the fund
 7 available for investment shall be invested by the state investment
 8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 9 State Funds Investment Act.
- 10 (2) The State Treasurer shall credit to the fund such money as is
 11 (a) transferred to the fund by the Legislature, (b) paid to the state as
 12 fees, deposits, payments, and repayments relating to the fund, both
 13 principal and interest, (c) donated as gifts, bequests, or other
 14 contributions to such fund from public or private entities, (d) made
 15 available by any department or agency of the United States if so directed
 16 by such department or agency, and (e) beginning October 1, 2017, received
 17 by the department as repayments of loans from the Nebraska Progress Loan
 18 Fund as authorized by the federal State Small Business Credit Initiative
 19 Act of 2010, 12 U.S.C. 5701 et seq., as such act existed on January 1,
 20 2017.
- 21 (3) Money in the fund shall be expended by the department as
 22 provided in section 81-12,163 for the purpose of carrying out the
 23 Bioscience Innovation Program.

24 (4) Up to five percent of the fund may be used by the department for
25 administrative expenses.

26 Sec. 2. (1) The department shall establish a Bioscience Innovation
27 Program under the Business Innovation Act. The purpose of this program is
1 to provide financial assistance to:

2 (a) Support small enterprise formation in the bioscience sector of
3 Nebraska's rural and urban economies;

4 (b) Support the development of bioscience communities and economic
5 opportunity through innovation in biofuels, biosensors, and biotechnology
6 as it relates to animals, equipment, humans, industry, research, medical
7 and health information, medical and health products, medical and health
8 services, medical diagnostics, medical therapeutics, and pharmaceuticals;

9 (c) Enhance the creation of high-wage bioscience jobs to employ
10 graduates of postsecondary educational institutions in Nebraska and to
11 attract graduate students from other states;

12 (d) Encourage the development of new technologies in the bioscience
13 sector and the creation of new startup businesses focused on bioscience;

14 (e) Leverage the state's agricultural sector to support the
15 development of emerging bioscience technologies impacting livestock
16 operations and crop production; and

17 (f) Leverage the bioscience research and development conducted at
18 postsecondary educational institutions in Nebraska to create private-
19 sector bioscience enterprises.

20 (2) Private bioscience businesses and enterprises operating in
21 Nebraska shall be eligible for financial assistance as described in
22 sections 81-12,157, 81-12,158, 81-12,160, and 81-12,161. A bioscience
23 business or enterprise receiving financial assistance pursuant to any of
24 such sections shall provide a match of one hundred percent for such
25 assistance.

26 (3) The department may award up to two million dollars per year for
27 financial assistance from the Bioscience Innovation Cash Fund as provided
28 in section 81-12,163.

29 Sec. 3. Section 81-12,152, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-12,152 Sections 81-12,152 to 81-12,167 and sections 1 and 2 of
1 this act shall be known and may be cited as the Business Innovation Act.

2 Sec. 4. Section 81-12,154, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-12,154 The purpose of the Business Innovation Act is to encourage
5 and support the transfer of Nebraska-based technology and innovation in
6 rural and urban areas of Nebraska in order to create high growth, high
7 technological companies, small businesses, and microenterprises and to
8 enhance creation of wealth and quality jobs. The Legislature finds that
9 the act will:

10 (1) Provide technical assistance planning grants pursuant to section
11 81-12,157 to facilitate phase one applications for the federal grant
12 program;

13 (2) Provide financial assistance pursuant to section 81-12,157 to
14 companies receiving phase one and phase two grants pursuant to the

15 federal grant program;
 16 (3) Provide financial assistance pursuant to section 81-12,158 to
 17 companies or individuals creating prototypes;
 18 (4) Establish a financial assistance program pursuant to section
 19 81-12,159 for innovation in value-added agriculture;
 20 (5) Establish a financial assistance program for innovation in
 21 biosciences;
 22 (6) (~~5~~) Establish a financial assistance program pursuant to section
 23 81-12,160 to identify commercial products and processes;
 24 (7) (~~6~~) Provide financial assistance pursuant to section 81-12,161
 25 to companies using Nebraska public or private college and university
 26 researchers and facilities for applied research projects;
 27 (8) (~~7~~) Provide support and funding pursuant to section 81-12,162
 28 for microlending and microenterprise entities; and
 29 (9) (~~8~~) Provide support for locally owned and operated Nebraska-
 30 based, high growth businesses by providing technical resources to foster
 31 development, growth, and high wage creation. For purposes of this
 1 subdivision, Nebraska-based, high growth business means a corporation,
 2 partnership, limited liability company, limited partnership, or limited
 3 liability partnership registered with the Secretary of State that has two
 4 to fifty employees and has annual sales of no less than five hundred
 5 thousand dollars and no more than two million five hundred thousand
 6 dollars.
 7 Sec. 5. Original sections 81-12,152 and 81-12,154, Reissue Revised
 8 Statutes of Nebraska, are repealed.
 9 2. On page 1, strike beginning with "economic" in line 1 through
 10 line 7 and insert "the Business Innovation Act; to amend sections
 11 81-12,152 and 81-12,154, Reissue Revised Statutes of Nebraska; to provide
 12 for a Bioscience Innovation Program; to create a fund; to provide duties
 13 for the Director of Economic Development; to harmonize provisions; and to
 14 repeal the original sections."

LEGISLATIVE BILL 161. Placed on Select File.

LEGISLATIVE BILL 122. Placed on Select File.

LEGISLATIVE BILL 222. Placed on Select File with amendment.

ER38

1 1. On page 5, line 4, after the semicolon insert "and".

LEGISLATIVE BILL 600. Placed on Select File with amendment.

ER35

1 1. On page 1, line 2; and page 14, line 12, strike "54-1,102" and
 2 insert "54-1,100".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB225:
AM840

(Amendments to Standing Committee amendments, AM611)

1 1. On page 6, line 11, strike beginning with "be" through "ten" and
2 insert "not exceed three"; and strike beginning with "The" in line 14
3 through the period in line 17 and all amendments thereto.

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 30, 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

Pollock, Andy
The Rockwood Group

GENERAL FILE

LEGISLATIVE BILL 75. Title read. Considered.

Senator Larson moved for a call of the house. The motion prevailed with 22
ayes, 5 nays, and 22 not voting.

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

Voting in the affirmative, 28:

Baker	Erdman	Kolowski	McDonnell	Walz
Blood	Groene	Kolterman	Morfeld	Wayne
Bolz	Halloran	Krist	Pansing Brooks	Williams
Brewer	Hansen	Larson	Quick	Wishart
Chambers	Harr	Linehan	Schumacher	
Crawford	Howard	McCollister	Vargas	

Voting in the negative, 8:

Albrecht	Briese	Geist	Murante
Bostelman	Clements	Lindstrom	Riepe

Present and not voting, 10:

Brasch	Hilkemann	Kuehn	Scheer	Stinner
Craighead	Hughes	Lowe	Smith	Watermeier

Excused and not voting, 3:

Ebke	Friesen	Hilgers
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Advanced to Enrollment and Review Initial with 28 ayes, 8 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 512. Title read. Considered.

Committee AM724, found on page 824, was offered.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 263. Placed on Select File with amendment.
ER41

1 1. On page 1, strike beginning with "certificates" in line 1 through
2 line 19 and insert "government; to amend sections 13-910, 37-1201,
3 37-1279, 37-1283, 37-1287, 60-168.02, 60-192, 60-394, 60-3,126, 60-3,184,
4 60-483, 60-4,109, 60-4,168.01, 60-506.01, 60-699, 60-6,168, 75-110,
5 75-303.01, 75-303.02, 75-303.03, 76-2316, 76-2319, 76-2320, 81-8,219, and
6 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101,
7 60-102, 60-119.01, 60-144, 60-149, 60-154, 60-155, 60-161, 60-164,
8 60-166, 60-301, 60-302, 60-336.01, 60-363, 60-372, 60-385, 60-386,
9 60-3,104, 60-3,104.01, 60-3,113.04, 60-3,118, 60-3,120, 60-3,121,
10 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125,
11 60-3,128, 60-3,135.01, 60-3,141, 60-3,161, 60-3,193.01, 60-3,224,
12 60-3,227, 60-3,229, 60-3,231, 60-462.01, 60-479.01, 60-4,108,
13 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-1505, 60-2904, 60-2907,
14 75-128, 75-306, 75-309, 75-311, 75-363, 75-364, 75-366, 75-369.03,
15 75-392, 75-393, 76-2325, and 77-2703, Revised Statutes Cumulative
16 Supplement, 2016; to change provisions relating to the State Boat Act,
17 the Motor Vehicle Certificate of Title Act, the Motor Vehicle
18 Registration Act, the Motor Vehicle Operator's License Act, the Motor
19 Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the
20 Uniform Motor Vehicle Records Disclosure Act, and the One-Call
21 Notification System Act; to change provisions relating to the use of a
22 fund and certain registration and title records kept by the Department of
23 Motor Vehicles; to provide for an electronic dealer services system; to

24 change provisions relating to the Public Service Commission, motor
 25 carriers, and the issuance of license plates; to harmonize provisions; to
 26 provide a duty for the Revisor of Statutes; to provide operative dates;
 27 to repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 625. Placed on Select File.

LEGISLATIVE BILL 289. Placed on Select File with amendment.
 ER39 is available in the Bill Room.

LEGISLATIVE BILL 34. Placed on Select File

LEGISLATIVE BILL 432. Placed on Select File with amendment.
 ER34

1 1. On page 1, line 2, strike "eliminate" and insert "change"; and in
 2 line 4 strike "operative dates" and insert "an operative date".

LEGISLATIVE BILL 444. Placed on Select File with amendment.
 ER36

1 1. In the Standing Committee amendments, AM467, on page 1, line 16,
 2 strike each occurrence of "or".
 3 2. On page 1, line 3, strike "law enforcement officers" and insert
 4 "first responders".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LR6:
 AM758

1 1. Insert the following new paragraph:
 2 "2. This legislative resolution reflects and reaffirms the
 3 Legislature's ongoing commitment to fiscal restraint stated in LR 106,
 4 Eighty-Fourth Legislature, Second Session (1976), requesting either that
 5 the Congress of the United States propose a balanced budget amendment to
 6 the United States Constitution for ratification by the states or call a
 7 constitutional convention to propose such an amendment, reaffirmed in LR
 8 538, One Hundred First Legislature, Second Session (2010)."
 9 2. Renumber the remaining paragraphs accordingly.

Senator Schumacher filed the following amendment to LB148:
 AM835

1 1. Strike the E and R amendments, ER21, and insert the following new
 2 amendments:
 3 a. On page 27, line 10, strike "and" and show as stricken.
 4 b. On page 37, line 20; and page 45, line 12, strike "subsection"
 5 and insert "subdivision".
 6 c. On page 37, line 29, after the underscored semicolon insert "or".
 7 d. On page 42, line 14, reinstate the stricken "unless".

- 8 e. On page 43, line 6, strike the semicolon, show as stricken, and
 9 insert an underscored period; and in line 7 strike "(c)".
 10 f. On page 45, line 21, strike "this subsection", show the old
 11 matter as stricken, and insert "subdivision (8)(a) of this section".
 12 g. On page 61, lines 3 and 5, reinstate the last stricken comma.
 13 h. On page 65, line 29; and page 68, line 14, strike the first
 14 "director", show as stricken, and insert "Director of Banking and
 15 Finance".

GENERAL FILE

LEGISLATIVE BILL 512. Committee AM724, found on page 824 and considered in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Senator Harr offered the following amendment to the committee amendment:

AM845

(Amendments to Education Committee amendments, AM724)

- 1 1. Strike sections 6 and 14 and insert the following new section:
 2 Sec. 10. Section 79-819, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 79-819 A contract for employment of a teacher or administrator
 5 authorized under section 79-818 shall contain (1) a provision by which
 6 the employed person affirms that he or she holds or will hold, at the
 7 beginning of the term of the contract, a valid certificate properly
 8 registered with the school district and that he or she is not under
 9 contract with another school board of a school district in this state and
 10 (2) a provision that there shall be no penalty for release from the
 11 contract.
 12 Such contract may provide for the voluntary termination of
 13 employment under specified conditions in exchange for payments not to
 14 exceed forty-five thousand dollars per year for any employee.
 15 2. On page 31, lines 16 through 18 and lines 26 through 29 strike
 16 the new matter and reinstate the stricken matter.
 17 3. On page 63, line 20, after "4," insert "10,".
 18 4. Renumber the remaining sections and correct the operative date
 19 and repealer sections accordingly.

SENATOR KRIST PRESIDING

Senator Harr withdrew his amendment.

Senator Harr offered the following amendment to the committee amendment:

AM857

(Amendments to Education Committee amendments, AM724)

- 1 1. Strike sections 6 and 14 and insert the following new section:

2 Sec. 10. Section 79-819, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 79-819 A contract for employment of a teacher or administrator
 5 authorized under section 79-818 shall contain (1) a provision by which
 6 the employed person affirms that he or she holds or will hold, at the
 7 beginning of the term of the contract, a valid certificate properly
 8 registered with the school district and that he or she is not under
 9 contract with another school board of a school district in this state and
 10 (2) a provision that there shall be no penalty for release from the
 11 contract.
 12 Such contract may provide for the voluntary termination of
 13 employment under specified conditions in exchange for payments not to
 14 exceed forty-five thousand dollars for any employee.
 15 2. On page 31, lines 16 through 18 and lines 26 through 29 strike
 16 the new matter and reinstate the stricken matter.
 17 3. On page 63, line 20, after "4," insert "10,".
 18 4. Renumber the remaining sections and correct the operative date
 19 and repealer sections accordingly.

Senator Pansing Brooks moved the previous question. The question is,
 "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays,
 and 23 not voting.

Senator Pansing Brooks moved for a call of the house. The motion prevailed
 with 26 ayes, 3 nays, and 20 not voting.

Senator Harr requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 23:

Baker	Harr	McCollister	Riepe	Walz
Blood	Hilkemann	McDonnell	Scheer	Wayne
Bolz	Howard	Morfeld	Schumacher	Wishart
Crawford	Kolowski	Pansing Brooks	Smith	
Hansen	Krist	Quick	Vargas	

Voting in the negative, 17:

Albrecht	Briese	Friesen	Hughes	Watermeier
Bostelman	Clements	Geist	Kuehn	
Brasch	Craighead	Groene	Linehan	
Brewer	Erdman	Halloran	Lowe	

Present and not voting, 5:

Kolterman	Lindstrom	Murante	Stinner	Williams
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Excused and not voting, 4:

Chambers Ebke Hilgers Larson

The Harr amendment lost with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Senator Groene requested a roll call vote on the committee amendment.

Voting in the affirmative, 33:

Albrecht	Clements	Halloran	Linehan	Stinner
Blood	Craighead	Hilkemann	Lowe	Vargas
Bolz	Crawford	Howard	McCollister	Watermeier
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brasch	Friesen	Kolterman	Scheer	Wishart
Brewer	Geist	Kuehn	Schumacher	
Briese	Groene	Lindstrom	Smith	

Voting in the negative, 4:

Hansen	Harr	McDonnell	Quick
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Present and not voting, 5:

Baker	Kolowski	Krist	Riepe	Walz
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Absent and not voting, 2:

Pansing Brooks Williams

Excused and not voting, 5:

Chambers	Ebke	Hilgers	Larson	Murante
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The committee amendment was adopted with 33 ayes, 4 nays, 5 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 317. Title read. Considered.

Committee AM19, found on page 348, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB263:
AM670

(Amendments to Standing Committee amendments, AM538)

1 1. Insert the following new sections:

2 Sec. 31. Section 60-393, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-393 Any owner who has two or more motor vehicles or trailers
5 required to be registered under the Motor Vehicle Registration Act may
6 register all such motor vehicles or trailers on a calendar-year basis or
7 on an annual basis for the same registration period beginning in a month
8 chosen by the owner. When electing to establish the same registration
9 period for all such motor vehicles or trailers, the owner shall pay the
10 registration fee, the motor vehicle tax imposed in section 60-3,185, the
11 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
12 fee imposed in section 60-3,191 on each motor vehicle for the number of
13 months necessary to extend its current registration period to the
14 registration period under which all such motor vehicles or trailers will
15 be registered. Credit shall be given for registration paid on each motor
16 vehicle or trailer when the motor vehicle or trailer has a later
17 expiration date than that chosen by the owner except as otherwise
18 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
19 60-3,224, and 60-3,227 and section 59 of this act. Thereafter all such
20 motor vehicles or trailers shall be registered on an annual basis
21 starting in the month chosen by the owner.

22 Sec. 33. Section 60-395, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-395 (1) Except as otherwise provided in subsection (2) of this
25 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
26 60-3,224, and 60-3,227 and section 59 of this act, the registration shall
1 expire and the registered owner or lessee may, by returning the
2 registration certificate, the license plates, and, when appropriate, the
3 validation decals and by either making application on a form prescribed
4 by the department to the county treasurer of the occurrence of an event
5 described in subdivisions (a) through (e) of this subsection or, in the
6 case of a change in situs, displaying to the county treasurer the
7 registration certificate of such other state as evidence of a change in
8 situs, receive a refund of that part of the unused fees and taxes on
9 motor vehicles or trailers based on the number of unexpired months
10 remaining in the registration period from the date of any of the

11 following events:

12 (a) Upon transfer of ownership of any motor vehicle or trailer;

13 (b) In case of loss of possession because of fire, theft,

14 dismantlement, or junking;

15 (c) When a salvage branded certificate of title is issued;

16 (d) Whenever a type or class of motor vehicle or trailer previously

17 registered is subsequently declared by legislative act or court decision

18 to be illegal or ineligible to be operated or towed on the public roads

19 and no longer subject to registration fees, the motor vehicle tax imposed

20 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,

21 and the alternative fuel fee imposed in section 60-3,191;

22 (e) Upon a trade-in or surrender of a motor vehicle under a lease;

23 or

24 (f) In case of a change in the situs of a motor vehicle or trailer

25 to a location outside of this state.

26 (2) If the date of the event falls within the same calendar month in

27 which the motor vehicle or trailer is acquired, no refund shall be

28 allowed for such month.

29 (3) If the transferor or lessee acquires another motor vehicle at

30 the time of the transfer, trade-in, or surrender, the transferor or

31 lessee shall have the credit provided for in this section applied toward

1 payment of the motor vehicle fees and taxes then owing. Otherwise, the

2 transferor or lessee shall file a claim for refund with the county

3 treasurer upon an application form prescribed by the department.

4 (4) The registered owner or lessee shall make a claim for refund or

5 credit of the fees and taxes for the unexpired months in the registration

6 period within sixty days after the date of the event or shall be deemed

7 to have forfeited his or her right to such refund or credit.

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

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

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

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

12 the date of trade-in or surrender; (d) in the case of a legislative act,

13 the effective date of the act; and (e) in the case of a court decision,

14 the date the decision is rendered.

15 (6) Application for registration or for reassignment of license

16 plates and, when appropriate, validation decals to another motor vehicle

17 or trailer shall be made within thirty days of the date of purchase.

18 (7) If a motor vehicle or trailer was reported stolen under section

19 60-178, a refund under this section shall not be reduced for a lost plate

20 charge and a credit under this section may be reduced for a lost plate

21 charge but the applicant shall not be required to pay the plate fee for

22 new plates.

23 (8) The county treasurer shall refund the motor vehicle fee and

24 registration fee from the fees which have not been transferred to the

25 State Treasurer. The county treasurer shall make payment to the claimant

26 from the undistributed motor vehicle taxes of the taxing unit where the

27 tax money was originally distributed. No refund of less than two dollars

28 shall be paid.

29 Sec. 34. Section 60-396, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 60-396 Whenever the registered owner files an application with the
1 county treasurer showing that a motor vehicle or trailer is disabled and
2 has been removed from service, the registered owner may, by returning the
3 registration certificate, the license plates, and, when appropriate, the
4 validation decals or, in the case of the unavailability of such
5 registration certificate or certificates, license plates, or validation
6 decals, then by making an affidavit to the county treasurer of such
7 disablement and removal from service, receive a credit for a portion of
8 the registration fee from the fee deposited with the State Treasurer at
9 the time of registration based upon the number of unexpired months
10 remaining in the registration year except as otherwise provided in
11 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and
12 60-3,227 and section 59 of this act. The owner shall also receive a
13 credit for the unused portion of the motor vehicle tax and fee based upon
14 the number of unexpired months remaining in the registration year. When
15 the owner registers a replacement motor vehicle or trailer at the time of
16 filing such affidavit, the credit may be immediately applied against the
17 registration fee and the motor vehicle tax and fee for the replacement
18 motor vehicle or trailer. When no such replacement motor vehicle or
19 trailer is so registered, the county treasurer shall forward the
20 application and affidavit, if any, to the State Treasurer who shall
21 determine the amount, if any, of the allowable credit for the
22 registration fee and issue a credit certificate to the owner. For the
23 motor vehicle tax and fee, the county treasurer shall determine the
24 amount, if any, of the allowable credit and issue a credit certificate to
25 the owner. When such motor vehicle or trailer is removed from service
26 within the same month in which it was registered, no credits shall be
27 allowed for such month. The credits may be applied against taxes and fees
28 for new or replacement motor vehicles or trailers incurred within one
29 year after cancellation of registration of the motor vehicle or trailer
30 for which the credits were allowed. When any such motor vehicle or
31 trailer is reregistered within the same registration year in which its
1 registration has been canceled, the taxes and fees shall be that portion
2 of the registration fee and the motor vehicle tax and fee for the
3 remainder of the registration year.

4 Sec. 49. Section 60-3,130.04, Revised Statutes Cumulative
5 Supplement, 2016, is amended to read:

6 60-3,130.04 (1) An owner of a historical vehicle eligible for
7 registration under section 60-3,130 may use a license plate or plates
8 designed by this state in the year corresponding to the model year when
9 the vehicle was manufactured in lieu of the plates designed pursuant to
10 section 60-3,130.03 subject to the approval of the department. The
11 department shall inspect the plate or plates and may approve the plate or
12 plates if it is determined that the model-year license plate or plates
13 are legible and serviceable and that the license plate numbers do not
14 conflict with or duplicate other numbers assigned and in use. An
15 original-issued license plate or plates that have been restored to

16 original condition may be used when approved by the department.

17 (2) The department may consult with a recognized car club in
18 determining whether the year of the license plate or plates to be used
19 corresponds to the model year when the vehicle was manufactured.

20 (3) If only one license plate is used on the vehicle, the license
21 plate shall be placed on the rear of the vehicle. The owner of a
22 historical vehicle may use only one plate on the vehicle even for years
23 in which two license plates were issued for vehicles in general.

24 (4) License plates used pursuant to this section corresponding to
25 the year of manufacture of the vehicle shall not be personalized message
26 license plates, Pearl Harbor license plates, prisoner-of-war license
27 plates, disabled veteran license plates, Purple Heart license plates,
28 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
29 handicapped or disabled person license plates, specialty license plates,
30 special interest motor vehicle license plates, Military Honor Plates,
31 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, ~~or~~
1 Mountain Lion Conservation Plates, or Native American Cultural Awareness
2 and History Plates.

3 Sec. 58. (1) The department, in consultation with the Commission on
4 Indian Affairs, shall design license plates to be known as Native
5 American Cultural Awareness and History Plates. The design shall reflect
6 the unique culture and history of Native American tribes historically and
7 currently located in Nebraska. The design shall be selected on the basis
8 of limiting the manufacturing cost of each plate to an amount less than
9 or equal to the amount charged for license plates pursuant to section
10 60-3,102. The department shall make applications available for this type
11 of plate by January 1, 2018. The department may adopt and promulgate
12 rules and regulations to carry out this section and section 59 of this
13 act.

14 (2) One type of Native American Cultural Awareness and History
15 Plates shall be alphanumeric plates.

16 The department shall:

17 (a) Assign a designation up to five characters; and

18 (b) Not use a county designation.

19 (3) One type of Native American Cultural Awareness and History
20 Plates shall be personalized message plates. Such plates shall be issued
21 subject to the same conditions specified for personalized message license
22 plates in section 60-3,118, except that a maximum of five characters may
23 be used.

24 Sec. 59. (1) Beginning January 1, 2018, a person may apply to the
25 department for Native American Cultural Awareness and History Plates in
26 lieu of regular license plates on an application prescribed and provided
27 by the department for any motor vehicle or trailer, except for a motor
28 vehicle or trailer registered under section 60-3,198. An applicant
29 receiving a Native American Cultural Awareness and History Plate for a
30 farm truck with a gross weight of over sixteen tons shall affix the
31 appropriate tonnage decal to the plate. The department shall make forms
1 available for such applications through the county treasurers. The
2 license plates shall be issued upon payment of the license fee described

3 in subsection (2) of this section.

4 (2)(a) In addition to all other fees required for registration under
5 the Motor Vehicle Registration Act, each application for initial issuance
6 or renewal of alphanumeric Native American Cultural Awareness and History
7 Plates shall be accompanied by a fee of five dollars. County treasurers
8 collecting fees pursuant to this subdivision shall remit them to the
9 State Treasurer. The State Treasurer shall credit five dollars of the fee
10 to the Native American Scholarship and Leadership 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 Native American Cultural Awareness and
14 History Plates shall be accompanied by a fee of forty dollars. County
15 treasurers collecting fees pursuant to this subdivision shall remit them
16 to the State Treasurer. The State Treasurer shall credit twenty-five
17 percent of the fee for initial issuance and renewal of such plates to the
18 Department of Motor Vehicles Cash Fund and seventy-five percent of the
19 fee to the Native American Scholarship and Leadership Fund.

20 (3) Until January 1, 2019, when the department receives an
21 application for Native American Cultural Awareness and History Plates,
22 the department shall deliver the plates to the county treasurer of the
23 county in which the motor vehicle or trailer is registered. Beginning
24 January 1, 2019, when the department receives an application for Native
25 American Cultural Awareness and History Plates, the department may
26 deliver the plates and registration certificate to the applicant by
27 United States mail or to the county treasurer of the county in which the
28 motor vehicle or trailer is registered and the delivery of the plates and
29 registration certificate shall be made through a secure process and
30 system. The county treasurer or the department shall issue Native
31 American Cultural Awareness and History Plates in lieu of regular license
1 plates when the applicant complies with the other provisions of the Motor
2 Vehicle Registration Act for registration of the motor vehicle or
3 trailer. If Native American Cultural Awareness and History Plates are
4 lost, stolen, or mutilated, the licensee shall be issued replacement
5 license plates upon request pursuant to section 60-3,157.

6 (4) The owner of a motor vehicle or trailer bearing Native American
7 Cultural Awareness and History Plates may apply to the county treasurer
8 to have such plates transferred to a motor vehicle or trailer other than
9 the motor vehicle or trailer for which such plates were originally
10 purchased if such motor vehicle or trailer is owned by the owner of the
11 plates. The owner may have the unused portion of the fee for the plates
12 credited to the other motor vehicle or trailer which will bear the plates
13 at the rate of eight and one-third percent per month for each full month
14 left in the registration period. Application for such transfer shall be
15 accompanied by a fee of three dollars. Fees collected pursuant to this
16 subsection shall be remitted to the State Treasurer for credit to the
17 Department of Motor Vehicles Cash Fund.

18 (5) If the cost of manufacturing Native American Cultural Awareness
19 and History Plates at any time exceeds the amount charged for license
20 plates pursuant to section 60-3,102, any money to be credited to the

21 Native American Scholarship and Leadership Fund shall instead be credited
 22 first to the Highway Trust Fund in an amount equal to the difference
 23 between the manufacturing costs of Native American Cultural Awareness and
 24 History Plates and the amount charged pursuant to section 60-3,102 with
 25 respect to such plates and the remainder shall be credited to the Native
 26 American Scholarship and Leadership Fund.

27 Sec. 98. The Native American Scholarship and Leadership Fund is
 28 created. The fund shall be administered by the Commission on Indian
 29 Affairs and shall consist of money credited to the fund pursuant to
 30 section 59 of this act. The commission shall use the fund to provide
 31 scholarships to Native Americans to attend a postsecondary educational
 1 institution in this state and to provide other leadership opportunities
 2 to Native Americans as determined by the commission. Any money in the
 3 fund available for investment shall be invested by the state investment
 4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 5 State Funds Investment Act.

6 2. On page 23, line 20, strike "section 25" and insert "sections 25,
 7 58, and 59".

8 3. On page 28, after line 7 insert the following new subdivision:

9 "(24) Native American Cultural Awareness and History Plates issued
 10 pursuant to sections 58 and 59 of this act;"; in line 8 strike "(24)",
 11 show as stricken, and insert "(25)"; in line 10 strike "(25)", show as
 12 stricken, and insert "(26)"; in line 12 strike "(26)", show as stricken,
 13 and insert "(27)"; in line 14 strike "(27)", show as stricken, and insert
 14 "(28)"; in line 17 strike "(28)", show as stricken, and insert "(29)"; in
 15 line 20 strike "(29)", show as stricken, and insert "(30)"; in line 22
 16 strike "(30)", show as stricken, and insert "(31)"; in line 24 strike
 17 "(31)", show as stricken, and insert "(32)"; in line 27 strike "(32)",
 18 show as stricken, and insert "(33)"; in line 29 strike "(33)", show as
 19 stricken, and insert "(34)"; and in line 31 strike "(34)", show as
 20 stricken, and insert "(35)".

21 4. On page 29, line 2, strike "(35)", show as stricken, and insert
 22 "(36)"; in line 4 strike "(36)", show as stricken, and insert "(37)"; in
 23 line 5 strike "(37)", show as stricken, and insert "(38)"; in line 7
 24 strike "(38)", show as stricken, and insert "(39)"; in line 9 strike
 25 "(39)", show as stricken, and insert "(40)"; in line 12 strike "(40)",
 26 show as stricken, and insert "(41)"; in line 13 strike "(41)", show as
 27 stricken, and insert "(42)"; in line 15 strike "(42)", show as stricken,
 28 and insert "(43)"; in line 16 strike "(43)", show as stricken, and insert
 29 "(44)"; in line 17 strike "(44)", show as stricken, and insert "(45)"; in
 30 line 22 strike "(45)", show as stricken, and insert "(46)"; and in line
 31 24 strike "(46)", show as stricken, and insert "(47)".

1 5. Renumber the remaining sections and correct internal references
 2 accordingly.

3 6. Correct the operative date and repealer sections so that the
 4 sections added by this amendment become operative three calendar months
 5 after the adjournment of this legislative session.

Senator Lindstrom filed the following amendment to LR6:

AM755

1 1. In paragraph 1 strike ", limit the power and jurisdiction of the
2 federal government,".

Senator Blood filed the following amendment to LB88:

AM810

(Amendments to E&R amendments, ER26)

1 1. Insert the following new sections:

2 Sec. 53. Section 38-1509, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 38-1509 (1) Except as otherwise provided in this section, no ~~No~~

5 person shall engage in the sale of or practice of fitting hearing

6 instruments or display a sign or in any other way advertise or represent

7 himself or herself as a person who practices the fitting and sale or

8 dispensing of hearing instruments unless he or she holds an unsuspended,

9 unrevoked hearing instrument specialist license issued by the department

10 as provided in the Hearing Instrument Specialists Practice Act. A hearing

11 instrument specialist license shall confer upon the holder the right to

12 select, fit, and sell hearing instruments. A person holding a license

13 issued under the act prior to August 30, 2009, may continue to practice

14 under such license until it expires under the terms of the license.

15 (2) A licensed audiologist who maintains a practice pursuant to

16 licensure as an audiologist in which hearing instruments are regularly

17 dispensed or who intends to maintain such a practice shall ~~also be exempt~~

18 from the requirement to be licensed as a hearing instrument specialist

19 ~~pursuant to subsection (4) of section 38-1512.~~

20 (3) Nothing in the act shall prohibit a corporation, partnership,

21 limited liability company, trust, association, or other like organization

22 maintaining an established business address from engaging in the business

23 of selling or offering for sale hearing instruments at retail without a

24 license if it employs only properly licensed natural persons in the

25 direct sale and fitting of such products.

26 (4) Nothing in the act shall prohibit the holder of a hearing

1 instrument specialist license from the fitting and sale of wearable

2 instruments or devices designed for or offered for the purpose of

3 conservation or protection of hearing.

4 Sec. 54. Section 38-1512, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 38-1512 (1) Any person may obtain a hearing instrument specialist

7 license under the Hearing Instrument Specialists Practice Act by

8 successfully passing a qualifying examination if the applicant:

9 (a) Is at least twenty-one years of age; and

10 (b) Has an education equivalent to a four-year course in an

11 accredited high school.

12 (2) The qualifying examination shall consist of written and

13 practical tests. The examination shall not be conducted in such a manner

14 that college training is required in order to pass. Nothing in this

15 examination shall imply that the applicant is required to possess the

16 degree of medical competence normally expected of physicians.
 17 (3) The department shall give examinations approved by the board. A
 18 minimum of two examinations shall be offered each calendar year.
 19 (4) ~~The department shall issue a hearing instrument specialist~~
 20 ~~license without examination to a licensed audiologist who maintains a~~
 21 ~~practice pursuant to licensure as an audiologist in which hearing~~
 22 ~~instruments are regularly dispensed or who intends to maintain such a~~
 23 ~~practice upon application to the department, proof of licensure as an~~
 24 ~~audiologist, and payment of a twenty five dollar fee.~~
 25 2. Renumber the remaining sections and correct internal references
 26 accordingly.
 27 3. Correct the operative date and repealer sections so that the
 28 sections added by this amendment become operative three calendar months
 29 after the adjournment of this legislative session.

Senator Blood filed the following amendment to LB222:

AM816

1 1. On page 8, line 16, after the period insert "The commission shall
 2 review the plan annually and update as necessary.".

Senator Morfeld filed the following amendment to LB641:

AM854

(Amendments to the E and R amendments, ER32)

1 1. On page 1, lines 21 and 22, strike "as provided in section
 2 81-12,163".
 3 2. On page 2, strike lines 26 through 28.

Senator Wishart filed the following amendment to LB506:

AM851

1 1. Insert the following new sections:
 2 Sec. 5. Section 71-3407, Revised Statutes Cumulative Supplement,
 3 2016, is amended to read:
 4 71-3407 (1) The purposes of the team shall be to (a) develop an
 5 understanding of the causes and incidence of child or maternal deaths in
 6 this state, (b) develop recommendations for changes within relevant
 7 agencies and organizations which may serve to prevent child or maternal
 8 deaths, and (c) advise the Governor, the Legislature, and the public on
 9 changes to law, policy, and practice which will prevent child or maternal
 10 deaths.
 11 (2) The team shall:
 12 (a) Undertake annual statistical studies of the causes and incidence
 13 of child or maternal deaths in this state. The studies shall include, but
 14 not be limited to, an analysis of the records of community, public, and
 15 private agency involvement with the children, the pregnant or postpartum
 16 women, and their families prior to and subsequent to the child or
 17 maternal deaths;
 18 (b) Develop a protocol for retrospective investigation of child or
 19 maternal deaths by the team;
 20 (c) Develop a protocol for collection of data regarding child or

21 maternal deaths by the team;
 22 (d) Consider training needs, including cross-agency training, and
 23 service gaps;
 24 (e) Include in its annual report recommended changes to any law,
 25 rule, regulation, or policy needed to decrease the incidence of
 26 preventable child or maternal deaths;
 27 (f) Educate the public regarding the incidence and causes of child
 1 or maternal deaths, the public role in preventing child or maternal
 2 deaths, and specific steps the public can undertake to prevent child or
 3 maternal deaths. The team may enlist the support of civic, philanthropic,
 4 and public service organizations in the performance of its educational
 5 duties;
 6 (g) Provide the Governor, the Legislature, and the public with
 7 annual reports which shall include the team's findings and
 8 recommendations for each of its duties. The team shall provide the annual
 9 report on or before each September 15. For 2013 and 2014, the team shall
 10 also provide the report to the Health and Human Services Committee of the
 11 Legislature on or before September 15. The reports submitted to the
 12 Legislature shall be submitted electronically; and
 13 (h) When appropriate, make referrals to those agencies as required
 14 in section 28-711 or as otherwise required by state law.
 15 (3) The team may enter into consultation agreements with relevant
 16 experts to evaluate the information and records collected by the team.
 17 All of the confidentiality provisions of section 71-3411 shall apply to
 18 the activities of a consulting expert.
 19 (4) The team may enter into written agreements with entities to
 20 provide for the secure storage of electronic data based on information
 21 and records collected by the team, including data that contains personal
 22 or incident identifiers. Such agreements shall provide for the protection
 23 of the security and confidentiality of the content of the information,
 24 including access limitations, storage of the information, and destruction
 25 of the information. All of the confidentiality provisions of section
 26 71-3411 shall apply to the activities of the data storage entity.
 27 ~~(5)~~ (4) The team may enter into agreements with a local public
 28 health department as defined in section 71-1626 to act as the agent of
 29 the team in conducting all information gathering and investigation
 30 necessary for the purposes of the Child and Maternal Death Review Act.
 31 All of the confidentiality provisions of section 71-3411 shall apply to
 1 the activities of the agent.
 2 (6) For purposes of this section, entity means an organization which
 3 provides collection and storage of data from multiple agencies but is not
 4 solely controlled by the agencies providing the data.
 5 Sec. 6. Original section 71-3407, Revised Statutes Cumulative
 6 Supplement, 2016, is repealed.
 7 2. On page 2, line 1, strike "This" and insert "Sections 1 to 4 of
 8 this"; and after line 8 insert the following new subdivision:
 9 "(3) Nurse practitioner means any person licensed to practice as a
 10 nurse practitioner in this state."; in line 9 strike "(3)" and insert
 11 "(4)"; in line 18 strike "(4)" and insert "(5)"; and in line 30 after

12 "physicians" insert "and nurse practitioners".

BILL ON FIRST READING

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

LEGISLATIVE BILL 641A. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Fifth Legislature, First Session, 2017.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 88. Introduced by Vargas, 7.

WHEREAS, Helen (Caniglia) Butera celebrated her 100th birthday on March 29, 2017; and

WHEREAS, Helen Marie Caniglia was born in Omaha to Italian immigrants Gaetano Caniglia and Mary Anne Nigro on March 29, 1917; and

WHEREAS, Helen was married to Louis Anthony Butera in 1937 at Saint Philomena's Cathedral, which, in 1961, was renamed Saint Frances Cabrini Church; and

WHEREAS, Helen has four children, eight grandchildren, twenty-one great-grandchildren, and fifteen great-great-grandchildren; and

WHEREAS, Helen is a lifelong parishioner of Saint Frances Cabrini, where she was baptized, confirmed, and married; and

WHEREAS, Helen is very active in her community, belonging to many clubs and organizations, including the Sons of Italy; and

WHEREAS, Helen is an avid bowler and card player and a kind friend and neighbor. She is also renowned for her personal motto, "If you treat people how you want to be treated, you'll always have friends."; and

WHEREAS, the celebration of Helen Butera's 100th birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes Helen Butera a very happy 100th birthday.
2. That a copy of this resolution be sent to Helen Butera.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Watermeier, 1.

WHEREAS, the Humboldt-Table Rock-Steinauer High School speech team won the 2017 Class C-2 State Speech Championship; and

WHEREAS, the Titans won with a score of 110 points; and

WHEREAS, this victory was thanks to the efforts of Alex Fairchild-Flynn, James Jones, John Kanel, Chase Merwin, Tanner Merwin, Lauren Patzel, Trenton Plager, Matilyn Stalder, Kendall Werts, and Chloe Workman; and

WHEREAS, Coach Carl Linnerson guided the team to this outstanding victory; and

WHEREAS, throughout the year the Titans have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, such a team achievement was made possible not only by the students' performance and Coach Linnerson's guidance, but also by the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Humboldt-Table Rock-Steinauer speech team on winning the 2017 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Humboldt-Table Rock-Steinauer Titans speech team and Coach Carl Linnerson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB267.

Senator Pansing Brooks name added to LB285.

VISITOR(S)

Visitors to the Chamber were 40 students from Peru State College; 45 fourth-grade students and sponsors from Syracuse Middle School; 14 seventh- and eighth-grade students, teachers, and sponsors from Golden Plains Mennonite School, Madrid; 40 fourth-grade students from North Bend Central Elementary; and members of Student Education Association of Nebraska.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

MOTION - Adjournment

Senator Halloran moved to adjourn. The motion prevailed with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 9:00 a.m., Monday, April 3, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

