

FORTY-THIRD DAY - MARCH 8, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 2017

PRAYER

The prayer was offered by Senator Geist.

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 Groene, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 345. Placed on General File.

LEGISLATIVE BILL 486. Placed on General File with amendment.
AM208

1 1. On page 2, lines 5 and 6, strike "a formal meeting" and insert
2 "formal meetings"; in line 7 strike "and attendance is verified by the
3 association"; in line 10 after the first comma insert "or"; and strike
4 beginning with the comma in line 11 through "director" in line 13.

(Signed) Brett Lindstrom, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 7, 2017

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 45, 56, 74, 80, 131, 132, and 134 were received in my office on March 3, 2017.

These bills were signed and delivered to the Secretary of State on March 7, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

ANNOUNCEMENT(S)

Senator McDonnell designates LB578 as his priority bill.

Senator Harr designates LB248 as his priority bill.

The Education Committee designates LB512 as its priority bill.

The Urban Affairs Committee designates LB590 as its priority bill.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 59. Introduced by Albrecht, 17.

WHEREAS, the South Sioux City High School girls' basketball team won the 2017 Class B Girls' State Basketball Championship; and

WHEREAS, the second-ranked Cardinals defeated the fourth-ranked Norris Titans in the title game with a score of 48 to 44; and

WHEREAS, this is the 12th state championship for the Cardinals, but the first since 2008; and

WHEREAS, Head Coach Molly Hornbeck played on four championship teams when she was a student at South Sioux City High School; and

WHEREAS, Coach Hornbeck also led this team to a record of 23-2 for the regular season; and

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

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

1. That the Legislature congratulates the South Sioux City Cardinals on winning the 2017 Class B Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the South Sioux City Cardinals and Coach Molly Hornbeck.

Laid over.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 496. Placed on General File with amendment.
AM470

1. On page 7, line 29, after the period insert "A public hearing
- 2 held under this subdivision shall be separate from any public hearing
- 3 held under section 18-2115."

(Signed) Justin Wayne, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 469A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fifth Legislature, First Session, 2017.

GENERAL FILE

LEGISLATIVE BILL 447. Senator Larson offered the following motion:

MO51

Bracket until January 3, 2018.

Senator Larson withdrew his motion to bracket.

Senator Chambers renewed his amendment, FA42, found on page 634 and considered on page 638.

SPEAKER SCHEER PRESIDING

Senator Chambers withdrew his amendment.

Senator Larson offered the following motion:

MO52

Indefinitely postpone.

SENATOR KRIST PRESIDING

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 566. Placed on General File with amendment.

AM551

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

2 sections:

3 Section 1. The Legislature hereby adopts the Interstate Wildlife

4 Violator Compact and enters into such compact with all states legally

5 joining the compact in the form substantially as contained in this

6 section.

7 Article I

8 Definitions

9 For purposes of the Interstate Wildlife Violator Compact:

10 (1) Citation means any summons, complaint, summons and complaint,

11 ticket, penalty assessment, or other official document that is issued to

12 a person by a wildlife officer or other peace officer for a wildlife

13 violation and that contains an order requiring the person to respond;

14 (2) Collateral means any cash or other security deposited to secure

15 an appearance for trial in connection with the issuance by a wildlife

16 officer or other peace officer of a citation for a wildlife violation;

17 (3) Compliance means, with respect to a citation, the act of

18 answering a citation through an appearance in a court or tribunal, or

19 through the payment of fines, costs, and surcharges, if any;

20 (4) Conviction means a conviction, including any court conviction,

21 for any offense that is related to the preservation, protection,

22 management, or restoration of wildlife and that is prohibited by state

23 statute, law, regulation, commission order, ordinance, or administrative

24 rule. The term also includes the forfeiture of any bail, bond, or other

25 security deposited to secure appearance by a person charged with having

26 committed any such offense, the payment of a penalty assessment, a plea

27 of nolo contendere, and the imposition of a deferred or suspended

1 sentence by the court;

2 (5) Court means a court of law, including magistrate's court and the

3 justice of the peace court, if any;

4 (6) Home state means the state of primary residence of a person;

5 (7) Issuing state means the participating state which issues a

6 wildlife citation to the violator;

7 (8) License means any license, permit, or other public document that

8 conveys to the person to whom it was issued the privilege of pursuing,

9 possessing, or taking any wildlife regulated by statute, law, regulation,

10 commission order, ordinance, or administrative rule of a participating

11 state;

12 (9) Licensing authority means the Game and Parks Commission or the

13 department or division within each participating state that is authorized

14 by law to issue or approve licenses or permits to hunt, fish, trap, or

15 possess wildlife;

16 (10) Participating state means any state that enacts legislation to

17 become a member of the Interstate Wildlife Violator Compact;

18 (11) Personal recognizance means an agreement by a person made at
19 the time of issuance of the wildlife citation that such person will
20 comply with the terms of the citation;
21 (12) State means any state, territory, or possession of the United
22 States, the District of Columbia, the Commonwealth of Puerto Rico, the
23 provinces of Canada, and other countries;
24 (13) Suspension means any revocation, denial, or withdrawal of any
25 or all license privileges, including the privilege to apply for,
26 purchase, or exercise the benefits conferred by any license;
27 (14) Terms of the citation means those conditions and options
28 expressly stated in the citation;
29 (15) Wildlife means all species of animals including mammals, birds,
30 fish, reptiles, amphibians, mollusks, and crustaceans, which are defined
31 as wildlife and are protected or otherwise regulated by statute, law,
1 regulation, commission order, ordinance, or administrative rule in a
2 participating state. Species included in the definition of wildlife for
3 purposes of the Interstate Wildlife Violator Compact are based on state
4 or local law;
5 (16) Wildlife law means the Game Law or any statute, law,
6 regulation, commission order, ordinance, or administrative rule developed
7 and enacted for the management of wildlife resources and the uses
8 thereof;
9 (17) Wildlife officer means any conservation officer and any
10 individual authorized by a participating state to issue a citation for a
11 wildlife violation; and
12 (18) Wildlife violation means any cited violation of a statute, law,
13 regulation, commission order, ordinance, or administrative rule developed
14 and enacted for the management of wildlife resources and the uses
15 thereof.
16 Article II
17 Procedures for Issuing State
18 When issuing a citation for a wildlife violation, a wildlife officer
19 shall issue a citation to any person whose primary residence is in a
20 participating state in the same manner as though the person were a
21 resident of the issuing state and may not require such person to post
22 collateral to secure appearance if the officer receives the personal
23 recognizance of such person that the person will comply with the terms of
24 the citation.
25 Personal recognizance is acceptable:
26 (1) If not prohibited by state or local law or the compact manual;
27 and
28 (2) If the violator provides adequate proof of identification to the
29 wildlife officer.
30 Upon conviction or failure of a person to comply with the terms of a
31 wildlife citation, the appropriate official shall report the conviction
1 or failure to comply to the licensing authority of the issuing state.
2 Upon receipt of the report of conviction or noncompliance, the
3 licensing authority of the issuing state shall transmit such information
4 to the licensing authority of the home state of the violator.

5 Article III6 Procedures for Home State

7 Upon receipt of a report from the licensing authority of the issuing
8 state reporting the failure of a violator to comply with the terms of a
9 citation, the licensing authority of the home state shall notify the
10 violator and may initiate a suspension action in accordance with the home
11 state's suspension procedures and may suspend the violator's license
12 privileges until satisfactory evidence of compliance with the terms of
13 the wildlife citation has been furnished by the issuing state to the home
14 state licensing authority. Due process safeguards shall be accorded.
15 Upon receipt of a report of conviction from the licensing authority
16 of the issuing state, the licensing authority of the home state may enter
17 such conviction in its records and may treat such conviction as though it
18 had occurred in the home state for the purposes of the suspension of
19 license privileges if the violation resulting in such conviction could
20 have been the basis for suspension of license privileges in the home
21 state.
22 The licensing authority of the home state shall maintain a record of
23 actions taken and shall make reports to issuing states.

24 Article IV25 Reciprocal Recognition of Suspension

26 All participating states may recognize the suspension of license
27 privileges of any person by any participating state as though the
28 violation resulting in the suspension had occurred in their state and
29 could have been the basis for suspension of license privileges in their
30 state.
31 Each participating state shall communicate suspension information to
1 other participating states.

2 Article V3 Applicability of Other Laws

4 Except as expressly required by the Interstate Wildlife Violator
5 Compact, nothing in the compact may be construed to affect the right of
6 any participating state to apply any of its laws relating to license
7 privileges to any person or circumstance or to invalidate or prevent any
8 agreement or other cooperative arrangement between a participating state
9 and a nonparticipating state concerning wildlife law enforcement.

10 Article VI11 Withdrawal from Compact

12 A participating state may withdraw from participation in the
13 Interstate Wildlife Violator Compact by enacting a statute repealing the
14 compact and by official written notice to each participating state.
15 Withdrawal shall not become effective until ninety days after the notice
16 of withdrawal is given. The notice shall be directed to the compact
17 administrator of each participating state. Withdrawal of any state does
18 not affect the validity of the compact as to the remaining participating
19 states.

20 Article VII21 Construction and Severability

22 The Interstate Wildlife Violator Compact shall be liberally

23 construed so as to effectuate its purposes. The provisions of the compact
 24 are severable, and if any phrase, clause, sentence, or provision of the
 25 compact is declared to be contrary to the constitution of any
 26 participating state or the United States, or the applicability thereof to
 27 any government, agency, individual, or circumstance is held invalid, the
 28 validity of the remainder of the compact is not affected thereby. If the
 29 compact is held contrary to the constitution of any participating state,
 30 the compact remains in full force and effect as to the remaining states
 31 and in full force and effect as to the participating state affected as to
 1 all severable matters.

2 Article VIII

3 Responsible State Entity

4 The Game and Parks Commission is authorized on behalf of the state
 5 to enter into the Interstate Wildlife Violator Compact. The commission
 6 shall enforce the compact and shall do all things within the jurisdiction
 7 of the commission that are appropriate in order to effectuate the
 8 purposes and the intent of the compact. The commission may adopt and
 9 promulgate rules and regulations necessary to carry out and consistent
 10 with the compact.

11 The commission may suspend the hunting, trapping, or fishing
 12 privileges of any resident of this state who has failed to comply with
 13 the terms of a citation issued for a wildlife violation in any
 14 participating state. The suspension shall remain in effect until the
 15 commission receives satisfactory evidence of compliance from the
 16 participating state. The commission shall send notice of the suspension
 17 to the resident, who shall surrender all current Nebraska hunting,
 18 trapping, or fishing licenses to the commission within ten days.
 19 The resident may, within twenty days of the notice, request a review
 20 or hearing in accordance with section 37-618. Following the review or
 21 hearing, the commission, through its authorized agent, may, based on the
 22 evidence, affirm, modify, or rescind the suspension of privileges.

23 Sec. 2. Section 37-504, Reissue Revised Statutes of Nebraska, is
 24 amended to read:

25 37-504 (1) Any person who at any time, except during an open season
 26 ordered by the commission as authorized in the Game Law, unlawfully
 27 hunts, traps, or has in his or her possession;

28 (a) ~~Any any elk, deer, antelope, swan, or wild turkey shall be~~
 29 guilty of a Class III misdemeanor and, upon conviction, shall be fined at
 30 least five hundred dollars for ~~each a violation; or involving elk and at~~
 31 least two hundred dollars for a violation involving deer, antelope, swan,
 1 or wild turkey.

2 (b) Any elk shall be guilty of a Class II misdemeanor and, upon
 3 conviction, shall be fined at least one thousand dollars for each
 4 violation.

5 (2) Any person who at any time, except during an open season ordered
 6 by the commission as authorized in the Game Law, unlawfully hunts, traps,
 7 or has in his or her possession any mountain sheep shall be guilty of a
 8 Class I ~~H~~ misdemeanor and shall be fined at least one thousand dollars
 9 upon conviction.

10 (3) Any person who at any time, except during an open season ordered
11 by the commission as authorized in the Game Law, unlawfully hunts, traps,
12 or has in his or her possession any quail, pheasant, partridge, Hungarian
13 partridge, curlew, grouse, mourning dove, sandhill crane, or waterfowl
14 shall be guilty of a Class III misdemeanor and shall be fined at least
15 five ~~one~~ hundred dollars upon conviction.

16 (4) Any person who unlawfully takes any game or unlawfully has in
17 his or her possession any such game shall be guilty of a Class III
18 misdemeanor and, except as otherwise provided in this section and section
19 37-501, shall be fined at least fifty dollars for each animal unlawfully
20 taken or unlawfully possessed up to the maximum fine authorized by law
21 upon conviction.

22 (5) Any person who, in violation of the Game Law, takes any mourning
23 dove that is not flying shall be guilty of a Class V misdemeanor.

24 (6) Any person who, in violation of the Game Law, has in his or her
25 possession any protected bird, or destroys or takes the eggs or nest of
26 any such bird, shall be guilty of a Class V misdemeanor.

27 (7) The provisions of this section shall not render it unlawful for
28 anyone operating a captive wildlife facility or an aquaculture facility,
29 pursuant to the laws of this state, to at any time kill game or fish
30 actually raised thereon or lawfully placed thereon by such person.

31 (8) A person holding a special permit pursuant to the Game Law for
1 the taking of any game or any birds not included in the definition of
2 game shall not be liable under this section while acting under the
3 authority of such permit.

4 Sec. 3. Section 37-513, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 37-513 (1) It shall be unlawful to shoot at any wildlife from any
7 highway or roadway, which includes that area of land from the center of
8 the traveled surface to the right-of-way on either side. Any person
9 violating this subsection shall be guilty of a Class III misdemeanor and
10 shall be fined at least five ~~one~~ hundred dollars.

11 (2)(a) Any county may adopt a resolution having the force and effect
12 of law to prohibit the trapping of wildlife in the county road right-of-
13 way or in a certain area of the right-of-way as designated by the county.

14 (b) A person trapping wildlife in a county road right-of-way is not
15 allowed to use traps in the county road right-of-way that are larger than
16 those allowed by the commission as of February 1, 2009, on any land owned
17 or controlled by the commission.

18 (c) For purposes of this subsection, county road right-of-way means
19 the area which has been designated a part of the county road system and
20 which has not been vacated pursuant to law.

21 Sec. 4. Section 37-614, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 37-614 (1) When a person pleads guilty to or is convicted of any
24 violation listed in this subsection, the court shall, in addition to any
25 other penalty, revoke and require the immediate surrender of all permits
26 to hunt, fish, and harvest fur held by such person and suspend the
27 privilege of such person to hunt, fish, and harvest fur and to purchase

28 such permits for a period of not less than ~~one nor more than~~ three years.
 29 The court shall consider the number and severity of the violations of the
 30 Game Law in determining the length of the revocation and suspension. The
 31 violations shall be:

1 (a) Carelessly or purposely killing or causing injury to livestock
 2 with a firearm or bow and arrow;

3 (b) Purposely taking or having in his or her possession a number of
 4 game animals, game fish, game birds, or fur-bearing animals exceeding
 5 twice the limit established pursuant to section 37-314;

6 (c) Taking any species of wildlife protected by the Game Law during
 7 a closed season in violation of section 37-502;

8 (d) Resisting or obstructing any officer or any employee of the
 9 commission in the discharge of his or her lawful duties in violation of
 10 section 37-609; and

11 (e) Being a habitual offender of the Game Law.

12 (2) When a person pleads guilty to or is convicted of any violation
 13 listed in this subsection, the court may, in addition to any other
 14 penalty, revoke and require the immediate surrender of all permits to
 15 hunt, fish, and harvest fur held by such person and suspend the privilege
 16 of such person to hunt, fish, and harvest fur and to purchase such
 17 permits for a period of not less than one ~~year nor more than three years~~.

18 The court shall consider the number and severity of the violations of the
 19 Game Law in determining the length of the revocation and suspension. The
 20 violations shall be:

21 (a) Hunting, fishing, or fur harvesting without a permit in
 22 violation of section 37-411;

23 (b) Hunting from a vehicle, aircraft, or boat in violation of
 24 section 37-513, 37-514, 37-515, 37-535, or 37-538; and

25 (c) Knowingly taking any wildlife on private land without permission
 26 in violation of section 37-722.

27 (3) When a person pleads guilty to or is convicted of any violation
 28 of the Game Law, the rules and regulations of the commission, or
 29 commission orders not listed in subsection (1) or (2) of this section,
 30 the court may, in addition to any other penalty, revoke and require the
 31 immediate surrender of all permits to hunt, fish, and harvest fur held by
 1 such person and suspend the privilege of such person to hunt, fish, and
 2 harvest fur and to purchase such permits for a period of not less than
 3 one year.

4 Sec. 5. Section 37-615, Reissue Revised Statutes of Nebraska, is
 5 amended to read:

6 37-615 It shall be unlawful for any person to take any species of
 7 wildlife protected by the Game Law while his or her permits are revoked
 8 or suspended. It shall be unlawful for any person to apply for or
 9 purchase a permit to hunt, fish, or harvest fur in Nebraska while his or
 10 her permits are revoked and while the privilege to purchase such permits
 11 is suspended. Any person who violates this section shall be guilty of a
 12 Class I ~~HH~~ misdemeanor and in addition shall be suspended from hunting,
 13 fishing, and fur harvesting or purchasing permits to hunt, fish, and
 14 harvest fur for a period of not less than two ~~nor more than five~~ years as

15 the court directs. The court shall consider the number and severity of
 16 the violations of the Game Law in determining the length of the
 17 suspension.

18 Sec. 6. Section 37-617, Reissue Revised Statutes of Nebraska, is
 19 amended to read:

20 37-617 The court shall notify the commission of any suspension,
 21 revocation, or conviction under sections 37-614 to 37-616. ~~The commission~~
 22 ~~shall notify permit agents of any suspension or revocation under sections~~
 23 ~~37-614 to 37-616 and the date such suspension or revocation expires.~~

24 Sec. 7. Original sections 37-504, 37-513, 37-614, 37-615, and
 25 37-617, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 2102

Wednesday, March 15, 2017 12:00 p.m.

LR46

(Signed) Dan Watermeier, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 60. Introduced by Urban Affairs
 Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9;
 Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine issues related to
 the use of tax-increment financing (TIF) that were raised in the December
 20, 2016 report issued by the Auditor of Public Accounts. The issues
 addressed by this interim study shall include, but not be limited to:

(1) A review of recordkeeping requirements related to TIF projects under
 the Community Development Law and the Records Management Act;

(2) A review of the reporting requirements for TIF projects to the Property
 Tax Administrator under section 18-2117.01 of the Nebraska Revised
 Statutes;

(3) An examination of redevelopment project costs that are typically
 reimbursed through TIF and whether the reimbursement of certain costs
 could potentially violate the provisions in section 18-2116 commonly
 referred to as the "but-for" test;

(4) A review of the statutory definitions of "substandard area" and
 "blighted area" under section 18-2103 and the process by which
 municipalities declare an area as "substandard and blighted" under section
 18-2109;

(5) An examination of the cost-benefit analysis required for TIF projects under section 18-2113; and

(6) A review of other findings in the Auditor's report related to specific TIF projects.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENT(S)

Senator McCollister designates LB358 as his priority bill.

The Urban Affairs Committee designates LB625 as its priority bill.

The Revenue Committee designates LB461 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB57:

AM453

- 1 1. Strike original section 9.
- 2 2. On page 2, line 4, strike the new matter and after "any" insert
- 3 "(a)"; in line 7 after "(b)" insert "official proceeding in the State of
- 4 Nebraska"; and in line 14 strike "Subordination" and insert
- 5 "Subornation".
- 6 3. On page 4, line 7, strike "10" and insert "9".
- 7 4. On page 5, strike beginning with "The" in line 6 through line 9.
- 8 5. Renumber the remaining sections accordingly.

Senator Krist filed the following amendment to LB11:

AM552

- 1 1. In the Krist amendments, AM 302, on page 1, strike beginning with
- 2 "Any" in line 5 through the period in line 6 and insert "Upon entry of an
- 3 order, any party may appeal to the Court of Appeals within ten days.";
- 4 strike beginning with the last comma in line 7 through "review" in line
- 5 10 and insert "except upon a showing of exceptional cause. Appeals shall
- 6 be submitted, assigned, and scheduled for oral argument as soon as the
- 7 appellee's brief is due to be filed. The Court of Appeals shall conduct
- 8 its review in an expedited manner and shall render the judgment and
- 9 opinion, if any, as speedily as possible"; strike beginning with "Any" in
- 10 line 16 through the period in line 17 and insert "Upon the entry of an

11 order, any party may appeal to the Court of Appeals within ten days.";
 12 and strike beginning with the last comma in line 18 through "review" in
 13 line 21 and insert "except upon a showing of exceptional cause. Appeals
 14 shall be submitted, assigned, and scheduled for oral argument as soon as
 15 the appellee's brief is due to be filed. The Court of Appeals shall
 16 conduct its review in an expedited manner and shall render the judgment
 17 and opinion, if any, as speedily as possible".

GENERAL FILE

LEGISLATIVE BILL 447. The Larson motion, MO52, found in this day's Journal, to indefinitely postpone, was renewed.

The Larson motion to indefinitely postpone failed with 13 ayes, 25 nays, and 11 present and not voting.

Senator Linehan offered the following amendment:

AM546

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

2 sections:

3 Section 1. Section 28-202, Reissue Revised Statutes of Nebraska,
 4 2008, is amended to read:

5 28-202 (1) A person shall be guilty of criminal conspiracy if, with
 6 intent to promote or facilitate the commission of a felony:

7 (a) He agrees with one or more persons that they or one or more of
 8 them shall engage in or solicit the conduct or shall cause or solicit the
 9 result specified by the definition of the offense; and

10 (b) He or another person with whom he conspired commits an overt act
 11 in pursuance of the conspiracy.

12 (2) If a person knows that one with whom he conspires to commit a
 13 crime has conspired with another person or persons to commit the same
 14 crime, he is guilty of conspiring to commit such crime with such other
 15 person or persons whether or not he knows their identity.

16 (3) If a person conspires to commit a number of crimes, he is guilty
 17 of only one conspiracy so long as such multiple crimes are the object of
 18 the same agreement or continuous conspiratorial relationship.

19 (4) Conspiracy is a crime of the same class as the most serious
 20 offense which is an object of the conspiracy, except that conspiracy to
 21 commit a Class I felony is a Class II felony. If the most serious offense
 22 which is the object of the conspiracy is a violation of section 28-416
 23 which specifically precludes imposition of a mandatory minimum term of
 24 imprisonment, the minimum term for such conspiracy shall likewise not be
 25 a mandatory minimum but a minimum only.

26 A person prosecuted for a criminal conspiracy shall be acquitted if
 27 such person proves by a preponderance of the evidence that his or her
 1 conduct occurred in response to an entrapment.

2 Sec. 2. Section 28-416, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 28-416 (1) Except as authorized by the Uniform Controlled Substances

5 Act, it shall be unlawful for any person knowingly or intentionally: (a)
6 To manufacture, distribute, deliver, dispense, or possess with intent to
7 manufacture, distribute, deliver, or dispense a controlled substance; or
8 (b) to create, distribute, or possess with intent to distribute a
9 counterfeit controlled substance.

10 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
11 (10) of this section, any person who violates subsection (1) of this
12 section with respect to: (a) A controlled substance classified in
13 Schedule I, II, or III of section 28-405 which is an exceptionally
14 hazardous drug shall be guilty of a Class II felony; (b) any other
15 controlled substance classified in Schedule I, II, or III of section
16 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
17 substance classified in Schedule IV or V of section 28-405 shall be
18 guilty of a Class IIIA felony.

19 (3) A person knowingly or intentionally possessing a controlled
20 substance, except marijuana or any substance containing a quantifiable
21 amount of the substances, chemicals, or compounds described, defined, or
22 delineated in subdivision (c)(25) of Schedule I of section 28-405, unless
23 such substance was obtained directly or pursuant to a medical order
24 issued by a practitioner authorized to prescribe while acting in the
25 course of his or her professional practice, or except as otherwise
26 authorized by the act, shall be guilty of a Class IV felony.

27 (4)(a) Except as authorized by the Uniform Controlled Substances
28 Act, any person eighteen years of age or older who knowingly or
29 intentionally manufactures, distributes, delivers, dispenses, or
30 possesses with intent to manufacture, distribute, deliver, or dispense a
31 controlled substance or a counterfeit controlled substance (i) to a
1 person under the age of eighteen years, (ii) in, on, or within one
2 thousand feet of the real property comprising a public or private
3 elementary, vocational, or secondary school, a community college, a
4 public or private college, junior college, or university, or a
5 playground, or (iii) within one hundred feet of a public or private youth
6 center, public swimming pool, or video arcade facility shall be punished
7 by the next higher penalty classification than the penalty prescribed in
8 subsection (2), (7), (8), (9), or (10) of this section, depending upon
9 the controlled substance involved, for the first violation and for a
10 second or subsequent violation shall be punished by the next higher
11 penalty classification than that prescribed for a first violation of this
12 subsection, but in no event shall such person be punished by a penalty
13 greater than a Class IB felony. If an enhancement under this subdivision
14 (4)(a) results in the imposition of a Class IC or ID felony, the minimum
15 term shall not be a mandatory minimum.

16 (b) For purposes of this subsection:

17 (i) Playground shall mean any outdoor facility, including any
18 parking lot appurtenant to the facility, intended for recreation, open to
19 the public, and with any portion containing three or more apparatus
20 intended for the recreation of children, including sliding boards,
21 swingsets, and teeterboards;

22 (ii) Video arcade facility shall mean any facility legally

23 accessible to persons under eighteen years of age, intended primarily for
24 the use of pinball and video machines for amusement, and containing a
25 minimum of ten pinball or video machines; and

26 (iii) Youth center shall mean any recreational facility or
27 gymnasium, including any parking lot appurtenant to the facility or
28 gymnasium, intended primarily for use by persons under eighteen years of
29 age which regularly provides athletic, civic, or cultural activities.

30 (5)(a) Except as authorized by the Uniform Controlled Substances
31 Act, it shall be unlawful for any person eighteen years of age or older
1 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
2 induce, entice, seduce, or coerce any person under the age of eighteen
3 years to manufacture, transport, distribute, carry, deliver, dispense,
4 prepare for delivery, offer for delivery, or possess with intent to do
5 the same a controlled substance or a counterfeit controlled substance.

6 (b) Except as authorized by the Uniform Controlled Substances Act,
7 it shall be unlawful for any person eighteen years of age or older to
8 knowingly and intentionally employ, hire, use, cause, persuade, coax,
9 induce, entice, seduce, or coerce any person under the age of eighteen
10 years to aid and abet any person in the manufacture, transportation,
11 distribution, carrying, delivery, dispensing, preparation for delivery,
12 offering for delivery, or possession with intent to do the same of a
13 controlled substance or a counterfeit controlled substance.

14 (c) Any person who violates subdivision (a) or (b) of this
15 subsection shall be punished by the next higher penalty classification
16 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
17 this section, depending upon the controlled substance involved, for the
18 first violation and for a second or subsequent violation shall be
19 punished by the next higher penalty classification than that prescribed
20 for a first violation of this subsection, but in no event shall such
21 person be punished by a penalty greater than a Class IB felony. If an
22 enhancement under this subdivision (5)(c) results in the imposition of a
23 Class IC or ID felony, the minimum term shall not be a mandatory minimum.

24 (6) It shall not be a defense to prosecution for violation of
25 subsection (4) or (5) of this section that the defendant did not know the
26 age of the person through whom the defendant violated such subsection.

27 (7) Any person who violates subsection (1) of this section with
28 respect to cocaine or any mixture or substance containing a detectable
29 amount of cocaine in a quantity of:

30 (a) One hundred forty grams or more shall be guilty of a Class IB
31 felony;

1 (b) At least twenty-eight grams but less than one hundred forty
2 grams shall be guilty of a Class IC felony, except that the minimum term
3 shall not be a mandatory minimum; or

4 (c) At least ten grams but less than twenty-eight grams shall be
5 guilty of a Class ID felony, except that the minimum term shall not be a
6 mandatory minimum.

7 (8) Any person who violates subsection (1) of this section with
8 respect to base cocaine (crack) or any mixture or substance containing a
9 detectable amount of base cocaine in a quantity of:

- 10 (a) One hundred forty grams or more shall be guilty of a Class IB
 11 felony;
- 12 (b) At least twenty-eight grams but less than one hundred forty
 13 grams shall be guilty of a Class IC felony, except that the minimum term
 14 shall not be a mandatory minimum; or
- 15 (c) At least ten grams but less than twenty-eight grams shall be
 16 guilty of a Class ID felony, except that the minimum term shall not be a
 17 mandatory minimum.
- 18 (9) Any person who violates subsection (1) of this section with
 19 respect to heroin or any mixture or substance containing a detectable
 20 amount of heroin in a quantity of:
- 21 (a) One hundred forty grams or more shall be guilty of a Class IB
 22 felony;
- 23 (b) At least twenty-eight grams but less than one hundred forty
 24 grams shall be guilty of a Class IC felony, except that the minimum term
 25 shall not be a mandatory minimum; or
- 26 (c) At least ten grams but less than twenty-eight grams shall be
 27 guilty of a Class ID felony, except that the minimum term shall not be a
 28 mandatory minimum.
- 29 (10) Any person who violates subsection (1) of this section with
 30 respect to amphetamine, its salts, optical isomers, and salts of its
 31 isomers, or with respect to methamphetamine, its salts, optical isomers,
 1 and salts of its isomers, in a quantity of:
- 2 (a) One hundred forty grams or more shall be guilty of a Class IB
 3 felony;
- 4 (b) At least twenty-eight grams but less than one hundred forty
 5 grams shall be guilty of a Class IC felony, except that the minimum term
 6 shall not be a mandatory minimum; or
- 7 (c) At least ten grams but less than twenty-eight grams shall be
 8 guilty of a Class ID felony, except that the minimum term shall not be a
 9 mandatory minimum.
- 10 (11) Any person knowingly or intentionally possessing marijuana
 11 weighing more than one ounce but not more than one pound shall be guilty
 12 of a Class III misdemeanor.
- 13 (12) Any person knowingly or intentionally possessing marijuana
 14 weighing more than one pound shall be guilty of a Class IV felony.
- 15 (13) Any person knowingly or intentionally possessing marijuana
 16 weighing one ounce or less or any substance containing a quantifiable
 17 amount of the substances, chemicals, or compounds described, defined, or
 18 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:
- 19 (a) For the first offense, be guilty of an infraction, receive a
 20 citation, be fined three hundred dollars, and be assigned to attend a
 21 course as prescribed in section 29-433 if the judge determines that
 22 attending such course is in the best interest of the individual
 23 defendant;
- 24 (b) For the second offense, be guilty of a Class IV misdemeanor,
 25 receive a citation, and be fined four hundred dollars and may be
 26 imprisoned not to exceed five days; and
- 27 (c) For the third and all subsequent offenses, be guilty of a Class

28 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
29 be imprisoned not to exceed seven days.

30 (14) Any person convicted of violating this section, if placed on
31 probation, shall, as a condition of probation, satisfactorily attend and
1 complete appropriate treatment and counseling on drug abuse provided by a
2 program authorized under the Nebraska Behavioral Health Services Act or
3 other licensed drug treatment facility.

4 (15) Any person convicted of violating this section, if sentenced to
5 the Department of Correctional Services, shall attend appropriate
6 treatment and counseling on drug abuse.

7 (16) Any person knowingly or intentionally possessing a firearm
8 while in violation of subsection (1) of this section shall be punished by
9 the next higher penalty classification than the penalty prescribed in
10 subsection (2), (7), (8), (9), or (10) of this section, but in no event
11 shall such person be punished by a penalty greater than a Class IB
12 felony. If an enhancement under this subsection (16) results in the
13 imposition of a Class IC or ID felony, the minimum term shall not be a
14 mandatory minimum.

15 (17) A person knowingly or intentionally in possession of money used
16 or intended to be used to facilitate a violation of subsection (1) of
17 this section shall be guilty of a Class IV felony.

18 (18) In addition to the existing penalties available for a violation
19 of subsection (1) of this section, including any criminal attempt or
20 conspiracy to violate subsection (1) of this section, a sentencing court
21 may order that any money, securities, negotiable instruments, firearms,
22 conveyances, or electronic communication devices as defined in section
23 28-833 or any equipment, components, peripherals, software, hardware, or
24 accessories related to electronic communication devices be forfeited as a
25 part of the sentence imposed if it finds by clear and convincing evidence
26 adduced at a separate hearing in the same prosecution, following
27 conviction for a violation of subsection (1) of this section, and
28 conducted pursuant to section 28-1601, that any or all such property was
29 derived from, used, or intended to be used to facilitate a violation of
30 subsection (1) of this section.

31 (19) In addition to the penalties provided in this section:

1 (a) If the person convicted or adjudicated of violating this section
2 is eighteen years of age or younger and has one or more licenses or
3 permits issued under the Motor Vehicle Operator's License Act:

4 (i) For the first offense, the court may, as a part of the judgment
5 of conviction or adjudication, (A) impound any such licenses or permits
6 for thirty days and (B) require such person to attend a drug education
7 class;

8 (ii) For a second offense, the court may, as a part of the judgment
9 of conviction or adjudication, (A) impound any such licenses or permits
10 for ninety days and (B) require such person to complete no fewer than
11 twenty and no more than forty hours of community service and to attend a
12 drug education class; and

13 (iii) For a third or subsequent offense, the court may, as a part of
14 the judgment of conviction or adjudication, (A) impound any such licenses

15 or permits for twelve months and (B) require such person to complete no
16 fewer than sixty hours of community service, to attend a drug education
17 class, and to submit to a drug assessment by a licensed alcohol and drug
18 counselor; and

19 (b) If the person convicted or adjudicated of violating this section
20 is eighteen years of age or younger and does not have a permit or license
21 issued under the Motor Vehicle Operator's License Act:

22 (i) For the first offense, the court may, as part of the judgment of
23 conviction or adjudication, (A) prohibit such person from obtaining any
24 permit or any license pursuant to the act for which such person would
25 otherwise be eligible until thirty days after the date of such order and
26 (B) require such person to attend a drug education class;

27 (ii) For a second offense, the court may, as part of the judgment of
28 conviction or adjudication, (A) prohibit such person from obtaining any
29 permit or any license pursuant to the act for which such person would
30 otherwise be eligible until ninety days after the date of such order and
31 (B) require such person to complete no fewer than twenty hours and no
1 more than forty hours of community service and to attend a drug education
2 class; and

3 (iii) For a third or subsequent offense, the court may, as part of
4 the judgment of conviction or adjudication, (A) prohibit such person from
5 obtaining any permit or any license pursuant to the act for which such
6 person would otherwise be eligible until twelve months after the date of
7 such order and (B) require such person to complete no fewer than sixty
8 hours of community service, to attend a drug education class, and to
9 submit to a drug assessment by a licensed alcohol and drug counselor.

10 A copy of an abstract of the court's conviction or adjudication
11 shall be transmitted to the Director of Motor Vehicles pursuant to
12 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
13 juvenile is prohibited from obtaining a license or permit under this
14 subsection.

15 Sec. 3. Original section 28-202, Reissue Revised Statutes of
16 Nebraska, 2008, and section 28-416, Reissue Revised Statutes of Nebraska,
17 are repealed.

Senator Crawford moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not
voting.

Senator Chambers moved for a call of the house. The motion prevailed with
32 ayes, 0 nays, and 17 not voting.

Senator Linehan requested a roll call vote on her amendment.

Voting in the affirmative, 29:

Baker	Ebke	Kolowski	Morfeld	Vargas
Blood	Groene	Krist	Pansing Brooks	Walz
Bolz	Hansen	Lindstrom	Quick	Wayne
Briese	Harr	Linehan	Schumacher	Williams
Chambers	Hilkemann	McCollister	Smith	Wishart
Crawford	Howard	McDonnell	Stinner	

Voting in the negative, 9:

Albrecht	Clements	Geist	Hilgers	Lowe
Brewer	Erdman	Halloran	Kuehn	

Present and not voting, 10:

Bostelman	Craighead	Hughes	Larson	Riepe
Brasch	Friesen	Kolterman	Murante	Watermeier

Excused and not voting, 1:

Scheer

The Linehan amendment was adopted with 29 ayes, 9 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 447A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Senator Craighead offered the following amendment:
AM547

1 1. On page 2, strike beginning with "A" in line 22 through line 25.

The Craighead amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 87. Indefinitely postponed.
LEGISLATIVE BILL 352. Indefinitely postponed.
LEGISLATIVE BILL 429. Indefinitely postponed.
LEGISLATIVE BILL 488. Indefinitely postponed.
LEGISLATIVE BILL 533. Indefinitely postponed.
LEGISLATIVE BILL 547. Indefinitely postponed.
LEGISLATIVE BILL 626. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 660. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

Senator Howard designates LB223 as her priority bill.

The Agriculture Committee designates LB600 as its priority bill.

The Natural Resources Committee designates LB566 and LB182 as its priority bills.

Senator Lindstrom designates LB337 as his priority bill.

Senator Walz designates LB444 as her priority bill.

Senator Hughes designates LB535 as his priority bill.

AMENDMENT(S) - Print in Journal

Senator Hilkemann filed the following amendments to LB368:

AM503

1 1. On page 2, line 20, strike "six" and insert "sixteen".

AM506

1 1. Insert the following new section:

2 Section 1. Section 60-4,127, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-4,127 (1) No person shall operate a motorcycle on the alleys or
5 highways of the State of Nebraska until such person has obtained a Class
6 M license. No such license shall be issued until the applicant has (a)

7 met the vision and physical requirements established under section
 8 60-4,118 for operation of a motor vehicle, (b) indicated his or her wish
 9 to be an organ and tissue donor and continues his or her status as such
 10 while he or she has such license, and (c) ~~(b)~~ successfully completed an
 11 examination, including the actual operation of a motorcycle, prescribed
 12 by the director, except that the required examination may be waived,
 13 including the actual operation of a motorcycle, if the applicant presents
 14 proof of successful completion of a motorcycle safety course under the
 15 Motorcycle Safety Education Act within the immediately preceding twenty-
 16 four months.

17 (2) Department personnel shall conduct the examination of the
 18 applicants and deliver to each successful applicant an issuance
 19 certificate or a receipt. If department personnel issue a receipt,
 20 department personnel shall collect the fee and surcharge as provided in
 21 section 60-4,115 and issue a receipt with driving privileges which is
 22 valid for up to thirty days. In counties where the county treasurer
 23 collects fees and issues receipts, the certificate may be presented to
 24 the county treasurer within ninety days after issuance. Upon presentation
 25 of an issuance certificate, the county treasurer shall collect the fee
 26 and surcharge for a Class M license as prescribed by section 60-4,115 and
 27 issue a receipt with driving privileges which is valid for up to thirty
 1 days. If department personnel refuse to issue an issuance certificate or
 2 receipt, the department personnel shall state such cause in writing and
 3 deliver such written cause to the applicant. The license shall be
 4 delivered as provided in section 60-4,113. If the applicant is the holder
 5 of an operator's license, the county treasurer or department personnel
 6 shall have endorsed on the license the authorization to operate a
 7 motorcycle. Fees for Class M licenses shall be as provided by section
 8 60-4,115.

9 2. Renumber the remaining sections and correct the repealer
 10 accordingly.

AM509

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

2 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
 3 is amended to read:

4 60-6,279 (1) A person shall not operate a motorcycle or moped on
 5 any highway in this state unless such person is wearing eye protection
 6 and hearing protection.

7 (2)(a) Except as otherwise provided in subsections (3) and (4) of
 8 this section, a ~~A~~ person shall not operate or be a passenger on a
 9 motorcycle or moped on any highway in this state unless such person is
 10 wearing a protective helmet of the type and design manufactured for use
 11 by operators of such vehicles and unless such helmet is secured properly
 12 on his or her head with a chin strap while the vehicle is in motion. All
 13 such protective helmets shall be designed to reduce injuries to the user
 14 resulting from head impacts and shall be designed to protect the user by
 15 remaining on the user's head, deflecting blows, resisting penetration,
 16 and spreading the force of impact. Each such helmet shall consist of

17 lining, padding, and chin strap and shall meet or exceed the standards
 18 established in the United States Department of Transportation's Federal
 19 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
 20 helmets.

21 (b) A person shall not be a passenger on a motorcycle or moped on
 22 any highway in this state unless such person is at least six years of
 23 age.

24 (3) A person who is at least twenty-one years of age is exempt from
 25 subdivision (2)(a) of this section.

26 (4) For purposes of this section:

27 (a) Eye protection means glasses that cover the orbital region of a
 1 person's face, a protective face shield attached to a protective helmet,
 2 goggles, or a windshield on the motorcycle or moped that protects the
 3 operator's and passenger's horizontal line of vision in all operating
 4 positions; and

5 (b) Hearing protection means disposable foam plugs or reusable
 6 custom-molded devices that reduce noise.

AM517

1 1. Insert the following new sections:

2 Section 1. Section 44-6408, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 44-6408 (1)(a) Except as provided in subdivision (b) of this
 5 subsection, no ~~(1)~~ No policy insuring against liability imposed by law
 6 for bodily injury, sickness, disease, or death suffered by a natural
 7 person arising out of the ownership, operation, maintenance, or use of a
 8 motor vehicle within the United States, its territories or possessions,
 9 or Canada shall be delivered, issued for delivery, or renewed with
 10 respect to any motor vehicle principally garaged in this state unless
 11 coverage is provided for the protection of persons insured who are
 12 legally entitled to recover compensatory damages for bodily injury,
 13 sickness, disease, or death from (i) ~~(a)~~ the owner or operator of an
 14 uninsured motor vehicle in limits of twenty-five thousand dollars because
 15 of bodily injury, sickness, disease, or death of one person in any one
 16 accident and, subject to such limit for one person, fifty thousand
 17 dollars because of bodily injury, sickness, disease, or death of two or
 18 more persons in any one accident, and (ii) ~~(b)~~ the owner or operator of
 19 an underinsured motor vehicle in limits of twenty-five thousand dollars
 20 because of bodily injury, sickness, disease, or death of one person in
 21 any one accident and, subject to such limit for one person, fifty
 22 thousand dollars because of bodily injury, sickness, disease, or death of
 23 two or more persons in any one accident.

24 (b) No policy insuring against liability imposed by law for bodily
 25 injury, sickness, disease, or death suffered by a natural person arising
 26 out of the ownership, operation, maintenance, or use of a motorcycle or
 27 moped within the United States, its territories or possessions, or Canada
 1 shall be delivered, issued for delivery, or renewed with respect to any
 2 motorcycle or moped principally garaged in this state unless coverage is
 3 provided for the protection of persons insured who are legally entitled

4 to recover compensatory damages for bodily injury, sickness, disease, or
5 death from (i) the owner or operator of an uninsured motorcycle or moped
6 in limits of one million dollars because of bodily injury, sickness,
7 disease, or death of one person in any one accident and, subject to such
8 limit for one person, two million dollars because of bodily injury,
9 sickness, disease, or death of two or more persons in any one accident,
10 and (ii) the owner or operator of an underinsured motorcycle or moped in
11 limits of one million dollars because of bodily injury, sickness,
12 disease, or death of one person in any one accident and, subject to such
13 limit for one person, two million dollars because of bodily injury,
14 sickness, disease, or death of two or more persons in any one accident.

15 (2) At the written request of the named insured, the insurer shall
16 provide higher limits of uninsured and underinsured motorist coverages in
17 accordance with its rating plan and rules, except that in no event shall
18 the insurer be required to provide limits higher than one hundred
19 thousand dollars per person and three hundred thousand dollars per
20 accident except as provided in subdivision (1)(b) of this section.

21 (3) After purchase of uninsured and underinsured motorist coverages,
22 no insurer or any affiliated insurer shall be required to notify any
23 policyholder in any renewal, reinstatement, substitute, amended, altered,
24 modified, transfer, or replacement policy as to the availability of
25 optional limits of such coverages. The named insured may, subject to the
26 limitations of this section, make a written request for additional
27 coverage or coverage more extensive than that provided in a prior policy.

28 Sec. 2. Section 60-310, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-310 Automobile liability policy means liability insurance written
31 by an insurance carrier duly authorized to do business in this state
1 protecting other persons from damages for liability on account of
2 accidents occurring subsequent to the effective date of the insurance
3 arising out of the ownership of a motor vehicle (1) in the amount of
4 twenty-five thousand dollars because of bodily injury to or death of one
5 person in any one accident, (2) subject to the limit for one person, in
6 the amount of fifty thousand dollars because of bodily injury to or death
7 of two or more persons in any one accident, and (3) in the amount of
8 twenty-five thousand dollars because of injury to or destruction of
9 property of other persons in any one accident. In addition, if the motor
10 vehicle is a motorcycle or moped, medical payments coverage in the amount
11 of one million dollars because of bodily injury to or death of one person
12 in any one accident and, subject to the limit for one person, in the
13 amount of two million dollars because of bodily injury or death of two or
14 more persons in any one accident, shall be required. An automobile
15 liability policy shall not exclude, limit, reduce, or otherwise alter
16 liability coverage under the policy solely because the injured person
17 making a claim is the named insured in the policy or residing in the
18 household with the named insured.

19 Sec. 3. Section 60-346, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-346 Proof of financial responsibility means evidence of ability

22 to respond in damages for liability, on account of accidents occurring
23 subsequent to the effective date of such proof, arising out of the
24 ownership, maintenance, or use of a motor vehicle, (1) in the amount of
25 twenty-five thousand dollars because of bodily injury to or death of one
26 person in any one accident, (2) subject to such limit for one person, in
27 the amount of fifty thousand dollars because of bodily injury to or death
28 of two or more persons in any one accident, and (3) in the amount of
29 twenty-five thousand dollars because of injury to or destruction of
30 property of others in any one accident. In addition, if the motor vehicle
31 is a motorcycle or moped, medical payments coverage in the amount of one
1 million dollars because of bodily injury to or death of one person in any
2 one accident and, subject to the limit for one person, in the amount of
3 two million dollars because of bodily injury or death of two or more
4 persons in any one accident, shall be required.

5 Sec. 4. Section 60-501, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
8 unless the context otherwise requires:

9 (1) Department means Department of Motor Vehicles;

10 (2) Golf car vehicle means a vehicle that has at least four wheels,
11 has a maximum level ground speed of less than twenty miles per hour, has
12 a maximum payload capacity of one thousand two hundred pounds, has a
13 maximum gross vehicle weight of two thousand five hundred pounds, has a
14 maximum passenger capacity of not more than four persons, and is designed
15 and manufactured for operation on a golf course for sporting and
16 recreational purposes;

17 (3) Judgment means any judgment which shall have become final by the
18 expiration of the time within which an appeal might have been perfected
19 without being appealed, or by final affirmation on appeal, rendered by a
20 court of competent jurisdiction of any state or of the United States, (a)
21 upon a cause of action arising out of the ownership, maintenance, or use
22 of any motor vehicle for damages, including damages for care and loss of
23 services, because of bodily injury to or death of any person or for
24 damages because of injury to or destruction of property, including the
25 loss of use thereof, or (b) upon a cause of action on an agreement of
26 settlement for such damages;

27 (4) License means any license issued to any person under the laws of
28 this state pertaining to operation of a motor vehicle within this state;

29 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose
30 speed attainable in one mile is more than twenty miles per hour and not
31 more than twenty-five miles per hour on a paved, level surface, (b) whose
1 gross vehicle weight rating is less than three thousand pounds, and (c)
2 that complies with 49 C.F.R. part 571, as such part existed on January 1,
3 2016;

4 (6) Minitruck means a foreign-manufactured import vehicle or
5 domestic-manufactured vehicle which (a) is powered by an internal
6 combustion engine with a piston or rotor displacement of one thousand
7 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
8 in width, (c) has a dry weight of four thousand two hundred pounds or

9 less, (d) travels on four or more tires, (e) has a top speed of
10 approximately fifty-five miles per hour, (f) is equipped with a bed or
11 compartment for hauling, (g) has an enclosed passenger cab, (h) is
12 equipped with headlights, taillights, turnsignals, windshield wipers, a
13 rearview mirror, and an occupant protection system, and (i) has a four-
14 speed, five-speed, or automatic transmission;

15 (7) Motor vehicle means any self-propelled vehicle which is designed
16 for use upon a highway, including trailers designed for use with such
17 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not
18 include (a) mopeds as defined in section 60-637, (b) traction engines,
19 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power
20 shovels, (g) well drillers, (h) every vehicle which is propelled by
21 electric power obtained from overhead wires but not operated upon rails,
22 (i) electric personal assistive mobility devices as defined in section
23 60-618.02, (j) off-road designed vehicles, including, but not limited to,
24 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-
25 terrain vehicles and utility-type vehicles as defined in section
26 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
27 defined in section 60-663, and (k) bicycles as defined in section 60-611;

28 (8) Nonresident means every person who is not a resident of this
29 state;

30 (9) Nonresident's operating privilege means the privilege conferred
31 upon a nonresident by the laws of this state pertaining to the operation
1 by him or her of a motor vehicle or the use of a motor vehicle owned by
2 him or her in this state;

3 (10) Operator means every person who is in actual physical control
4 of a motor vehicle;

5 (11) Owner means a person who holds the legal title of a motor
6 vehicle, or in the event (a) a motor vehicle is the subject of an
7 agreement for the conditional sale or lease thereof with the right of
8 purchase upon performance of the conditions stated in the agreement and
9 with an immediate right of possession vested in the conditional vendee or
10 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
11 such conditional vendee or lessee or mortgagor shall be deemed the owner
12 for the purposes of the act;

13 (12) Person means every natural person, firm, partnership, limited
14 liability company, association, or corporation;

15 (13) Proof of financial responsibility means evidence of ability to
16 respond in damages for liability, on account of accidents occurring
17 subsequent to the effective date of such proof, arising out of the
18 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
19 twenty-five thousand dollars because of bodily injury to or death of one
20 person in any one accident, (b) subject to such limit for one person, in
21 the amount of fifty thousand dollars because of bodily injury to or death
22 of two or more persons in any one accident, and (c) in the amount of
23 twenty-five thousand dollars because of injury to or destruction of
24 property of others in any one accident. In addition, if the motor vehicle
25 is a motorcycle or moped, medical payments coverage in the amount of one
26 million dollars because of bodily injury to or death of one person in any

27 one accident and, subject to the limit for one person, in the amount of
28 two million dollars because of bodily injury or death of two or more
29 persons in any one accident, shall be required;

30 (14) Registration means registration certificate or certificates and
31 registration plates issued under the laws of this state pertaining to the
1 registration of motor vehicles;

2 (15) State means any state, territory, or possession of the United
3 States, the District of Columbia, or any province of the Dominion of
4 Canada; and

5 (16) The forfeiture of bail, not vacated, or of collateral deposited
6 to secure an appearance for trial shall be regarded as equivalent to
7 conviction of the offense charged.

8 Sec. 5. Section 60-509, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-509 No such policy or bond shall be effective under section
11 60-508 unless issued by an insurance company or surety company authorized
12 to do business in this state, except that if such motor vehicle was not
13 registered in this state or was a motor vehicle which was registered
14 elsewhere than in this state at the effective date of a policy or bond or
15 the most recent renewal thereof, such policy or bond shall not be
16 effective under section 60-508 unless the insurance company or surety
17 company, if not authorized to do business in this state, shall execute an
18 acknowledgment that the company shall be amenable to process issued by a
19 court of this state in any action upon such policy or bond arising out of
20 such accident. Every such policy or bond is subject, if the accident has
21 resulted in bodily injury, sickness, disease, or death, to a limit,
22 exclusive of interest and costs, of not less than twenty-five thousand
23 dollars because of bodily injury to or death of one person in any one
24 accident and, subject to such limit for one person, to a limit of not
25 less than fifty thousand dollars because of bodily injury to or death of
26 two or more persons in any one accident and, if the accident has resulted
27 in injury to or destruction of property, to a limit of not less than
28 twenty-five thousand dollars because of injury to or destruction of
29 property of others in any one accident. In addition, if the motor vehicle
30 is a motorcycle or moped, medical payments coverage in the amount of one
31 million dollars because of bodily injury to or death of one person in any
1 one accident and, subject to the limit for one person, in the amount of
2 two million dollars because of bodily injury or death of two or more
3 persons in any one accident, shall be required. Upon receipt of a notice
4 of such accident, the insurance company or surety company which issued
5 such policy or bond shall furnish, for filing with the department, a
6 written notice that such policy or bond was in effect at the time of such
7 accident.

8 Sec. 6. Section 60-534, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-534 Such motor vehicle liability policy shall (1) designate by
11 explicit description or by appropriate reference all motor vehicles with
12 respect to which coverage is thereby to be granted and (2) insure the
13 person named therein and any other person, as insured, using any such

14 motor vehicle or motor vehicles with the express or implied permission of
 15 such named insured, against loss from the liability imposed by law for
 16 damages arising out of the ownership, maintenance, or use of such motor
 17 vehicle or motor vehicles within the United States of America or the
 18 Dominion of Canada, subject to limits exclusive of interest and costs,
 19 with respect to each such motor vehicle as follows: Twenty-five thousand
 20 dollars because of bodily injury to or death of one person in any one
 21 accident and, subject to such limit for one person, fifty thousand
 22 dollars because of bodily injury to or death of two or more persons in
 23 any one accident, and twenty-five thousand dollars because of injury to
 24 or destruction of property of others in any one accident. In addition, if
 25 the motor vehicle is a motorcycle or moped, medical payments coverage in
 26 the amount of one million dollars because of bodily injury to or death of
 27 one person in any one accident and, subject to the limit for one person,
 28 in the amount of two million dollars because of bodily injury or death of
 29 two or more persons in any one accident, shall be required.

30 Sec. 7. Section 60-549, Reissue Revised Statutes of Nebraska, is
 31 amended to read:

1 60-549 Proof of financial responsibility may be evidenced by the
 2 certificate of the State Treasurer that the person named in the
 3 certificate has deposited with him or her an amount equal to the sum of
 4 the amounts specified in subdivisions (13)(b) and (c) of section 60-501
 5 seventy five thousand dollars per vehicle in cash or securities such as
 6 may legally be purchased by savings banks or for trust funds of a market
 7 value of such amount ~~seventy five thousand dollars~~. The State Treasurer
 8 shall not accept any such deposit and issue a certificate therefor and
 9 the department shall not accept such certificate unless it is accompanied
 10 by evidence that there are no unsatisfied judgments of any character
 11 against the depositor in the county where the depositor resides.
 12 2. Renumber the remaining sections and correct the repealer
 13 accordingly.

AM505

1 1. Insert the following new section:
 2 Section 1. Section 60-3,153, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 60-3,153 For the registration of every motorcycle, the fee shall be
 5 one hundred six dollars.
 6 2. Renumber the remaining sections and correct the repealer
 7 accordingly.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 157. Placed on General File.

LEGISLATIVE BILL 618. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File with amendment.
AM445

1 1. Strike original section 3 and insert the following new sections:

2 Sec. 3. (1) A law enforcement agency is authorized to remove an
3 abandoned or trespassing vehicle from private property upon the request
4 of the private property owner on whose property the vehicle is located
5 and upon information indicating that the vehicle is an abandoned or
6 trespassing vehicle. After removal, the law enforcement agency with
7 custody of the vehicle shall follow the procedures in sections 60-1902
8 and 60-1903.

9 (2) A law enforcement agency is authorized to contact a private
10 towing service in order to remove an abandoned or trespassing vehicle
11 from private property upon the request of the private property owner on
12 whose property the vehicle is located and upon information indicating
13 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed
14 away under this subsection is subject to sections 52-601.01 to 52-605 and
15 60-2410 by the private towing service which towed the vehicle.

16 (3) A private property owner is authorized to remove or cause the
17 removal of an abandoned or trespassing vehicle from such property or to
18 any other place on any private property of the owner and may contact a
19 private towing service for such removal. A private towing service that
20 tows the vehicle shall notify, within twenty-four hours, the designated
21 law enforcement agency in the jurisdiction from which the vehicle is
22 removed and provide the registration plate number, the vehicle
23 identification number, if available, the make, model, and color of the
24 vehicle, and the name of the private towing service and the location, if
25 applicable, where the private towing service is storing the vehicle. A
26 vehicle towed away under this subsection is subject to sections 52-601.01
27 to 52-605 and 60-2410 by the private towing service that towed the
1 vehicle.

2 (4) For purposes of this section, a trespassing vehicle is a vehicle
3 that is parked without permission on private property that is not
4 typically made available for public parking.

5 Sec. 7. Section 60-2410, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-2410 (1) The owner or other person lawfully entitled to the
8 possession of any vehicle towed or stored shall be charged with the
9 reasonable cost of towing and storage fees. Any such towing or storage
10 fee shall be a lien upon the vehicle under Chapter 52, article 6, and,
11 except as provided in subsection (3) of this section, shall be prior to
12 all other claims. Any person towing or storing a vehicle may retain
13 possession of such vehicle until such charges are paid or, after ninety
14 days, may dispose of such vehicle to satisfy the lien. Upon payment of
15 such charges, the person towing or storing the vehicle shall return
16 possession of the vehicle to the (a) owner, (b) lienholder, or (c) any
17 other person lawfully entitled to the possession of such vehicle making
18 payment of such charges. The lien provided for in this section shall not
19 apply to the contents of any vehicle.

20 (2) The person towing the vehicle shall, within fifteen business

21 days after towing, notify any lienholder appearing on the certificate of
 22 title of the vehicle and the owner of the vehicle of the towing of the
 23 vehicle. The notice shall be sent by certified mail, return receipt
 24 requested, to the last-known address of the lienholder and owner of the
 25 vehicle. The notice shall contain:

26 (a) The make, model, color, year, and vehicle identification number
 27 of the vehicle;

28 (b) The name, address, and telephone number of the person who towed
 29 the vehicle;

30 (c) The date of towing;

31 (d) The daily storage fee and the storage fee accrued as of the date
 1 of the notification; and

2 (e) A statement that the vehicle is subject to lien and disposition
 3 by sale or other manner ninety days after the date of towing under
 4 Chapter 52, article 6.

5 (3) Failure to provide notice as prescribed in subsection (2) of
 6 this section shall (a) result in the lien of the person who towed the
 7 vehicle being void as to the storage fee, (b) result in the lien of the
 8 person who towed the vehicle being subordinate to the lien of the
 9 lienholder appearing on the certificate of title as to the reasonable
 10 towing fee, and (c) render void any disposition of the vehicle by the
 11 person who towed the vehicle.

12 2. Renumber the remaining section and correct the repealer
 13 accordingly.

(Signed) Curt Friesen, Chairperson

Health and Human Services

LEGISLATIVE BILL 61. Placed on General File.

(Signed) Merv Riepe, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB92.

Senator McCollister name added to LB322.

Senator Bostelman name added to LB323.

Senator Briese name added to LB340.

Senator Bostelman name added to LB506.

VISITOR(S)

Visitors to the Chamber were Lori and Paul Hogan, founders of Home Instead Senior Care and franchise owners from across Nebraska; 44 fourth-grade students and teachers from Bryan Elementary, Lexington; and members from Moms Demand Action.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

