

TWENTY-FIRST DAY - FEBRUARY 5, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 2018

PRAYER

The prayer was offered by Pastor Steve Mason, South Pointe Christian Church, Lincoln.

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 Halloran and Wishart who were excused; and Senators Groene, Hansen, Harr, Larson, Morfeld, Schumacher, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

ANNOUNCEMENT(S)

The Banking, Commerce and Insurance Committee designates LB750 as its priority bill.

MESSAGE(S) FROM THE GOVERNOR

February 1, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Carl Sousek, 2816 County Road S, Prague, NE 68050

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 1, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Boiler Safety Code Advisory Board:

Johnie Jason Girmus, 1372 Ithaca Road, Ithaca, NE 68033

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 710. Title read. Considered.

Committee AM1683, found on page 469, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA96
Amend AM1683
Strike lines 1-3.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 34:

Albrecht	Clements	Hughes	Lowe	Scheer
Baker	Erdman	Kolterman	McCollister	Smith
Bolz	Geist	Krist	McDonnell	Thibodeau
Bostelman	Hansen	Kuehn	Morfeld	Vargas
Brasch	Harr	Larson	Pansing Brooks	Walz
Brewer	Hilgers	Lindstrom	Quick	Williams
Briese	Hilkemann	Linehan	Riepe	

Present and not voting, 6:

Blood	Friesen	Kolowski
Chambers	Groene	Schumacher

Excused and not voting, 9:

Crawford	Halloran	Murante	Watermeier	Wishart
Ebke	Howard	Stinner	Wayne	

The Chambers amendment lost with 0 ayes, 34 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S) Appropriations

LEGISLATIVE BILL 775. Placed on General File with amendment.
AM1723

- 1 1. On page 2, line 20, after the period insert "Construction manager
- 2 may include, but is not limited to, an architect licensed pursuant to the
- 3 Engineers and Architects Regulation Act or an engineer licensed pursuant
- 4 to the act.".
- 5 2. On page 3, line 5, after the period insert "Design-builder may
- 6 include, but is not limited to, an architect licensed pursuant to the
- 7 Engineers and Architects Regulation Act or an engineer licensed pursuant
- 8 to the act.".
- 9 3. On page 4, lines 13 and 14, strike "engineering or architectural
- 10 consultant" and insert "architect licensed pursuant to the Engineers and
- 11 Architects Regulation Act or an engineer licensed pursuant to the act".
- 12 4. On page 8, line 12, after the period insert "The refusal to pay
- 13 or accept the stipend shall leave the intellectual property contained in

14 the proposals and alternative technical concepts in the possession of the
 15 creator of the proposals and alternative technical concepts.".

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB158:
 AM1772

(Amendments to Standing Committee amendments, AM145)

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Section 1. The Juvenile Indigent Defense Fund is created. The fund
 4 shall be administered by the Commission on Public Advocacy and shall only
 5 be used to provide legal services to juveniles in juvenile court and
 6 provide resources to assist counties in fulfilling their obligation to
 7 provide for effective assistance of legal counsel for indigent juveniles.
 8 The commission shall distribute money in the fund periodically in the
 9 form of grants to counties under the Juvenile Indigent Defense Grant
 10 Program as provided by the commission's rules and regulations. Any money
 11 in the fund available for investment shall be invested by the state
 12 investment officer pursuant to the Nebraska Capital Expansion Act and the
 13 Nebraska State Funds Investment Act.

14 Sec. 2. (1) There is created a separate and distinct budgetary
 15 program within the Commission on Public Advocacy to be known as the
 16 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent
 17 Defense Fund shall be used to provide grants to counties to help offset
 18 the cost of providing legal counsel for indigent juveniles and for the
 19 administrative costs of the commission.

20 (2)(a) A county may apply for a grant under the program beginning
 21 September 15, 2019.

22 (b) To be eligible for a grant under the program, a county shall
 23 demonstrate to the commission that, after the operative date of this act,
 24 the county's per capita juvenile court costs have increased, as compared
 25 to such county's per capita juvenile court costs for the preceding three
 26 fiscal years. The county shall provide the commission with data showing
 1 that such increase in costs was due to the implementation of this
 2 legislative bill and pinpointing the factors contributing to such
 3 increase.

4 (c) Funds provided to counties under the program shall be used
 5 exclusively to provide legal counsel for indigent juveniles.

6 (3) Any county receiving a grant under the program shall annually
 7 submit information electronically to the commission as required by the
 8 commission's rules and regulations. Such information shall include, but
 9 not be limited to, the number of juveniles that received legal
 10 representation as a result of this legislative bill and the reason or
 11 reasons for not otherwise providing legal representation.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the
 13 commission shall electronically submit a report to the Legislature

14 concerning the distribution and use of funds for grants provided under
15 the program. The report shall include, but not be limited to, the
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,
22 or juvenile cases in county court, except for those costs provided for in
23 subsection (3) of section 24-703, two dollars of the fee provided in
24 section 33-107.01, the court automation fee provided in section
25 33-107.03, the juvenile indigent defense fee provided in section 4 of
26 this act, and the uniform data analysis fee provided in section 47-633,
27 are found by a county judge to be uncollectible for any reason, including
28 the dismissal of the case, such costs shall be deemed waived unless the
29 judge, in his or her discretion, enters an order assessing such portion
30 of the costs as by law would be paid over by the court to the State
31 Treasurer as follows:

1 (1) In all cases brought by or with the consent of the county
2 attorney, all such uncollectible costs shall be certified by the clerk of
3 the court to the county clerk who shall present the bills therefor to the
4 county board. The county board shall pay from the county general fund all
5 such bills found by the board to be lawful; and

6 (2) In all cases brought under city or village ordinance, all such
7 uncollectible costs shall be certified to the appropriate city or village
8 officer authorized to receive claims who shall present the bills therefor
9 to the governing body of the city or village in the same manner as other
10 claims. Such governing body shall pay from the general fund of the city
11 or village all such bills as are found to be lawful.

12 Sec. 4. In addition to all other court costs assessed according to
13 law, a juvenile indigent defense fee of one dollar shall be assessed as
14 costs for each case filed in each county court, separate juvenile court,
15 and district court, including appeals to such courts, and for each appeal
16 and original action filed in the Court of Appeals and the Supreme Court.
17 The fees shall be remitted to the State Treasurer on forms prescribed by
18 the State Treasurer within ten days after the end of each month. The
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense
20 Fund.

21 Sec. 7. This act becomes operative on September 15, 2018.

22 4. Renumber the remaining sections and amend the repealer
23 accordingly.

24 5. Renumber the remaining amendments accordingly.

Senator Erdman filed the following amendment to LB17:

AM1528

1 1. On page 4, line 19; and page 15, line 27, strike "2017" and
2 insert "2018".

3 2. On page 7, lines 16 and 22, after the comma insert "as such
4 regulation existed on January 1, 2018.".

5 3. On page 8, line 10, after "1813" insert "as such section
6 existed on January 1, 2018,".

7 4. On page 19, line 16, after "revoked" insert an underscored comma.

ANNOUNCEMENT(S)

The Appropriations Committee designates LB775 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 710. Senator Chambers offered the following motion:

MO201

Reconsider the vote taken on FA96.

The Chambers motion to reconsider failed with 2 ayes, 18 nays, 16 present and not voting, and 13 excused and not voting.

Pending.

COMMITTEE REPORT(S)

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Steven F. Anderson - Nebraska Arts Council

Alec Gorynski - Nebraska Arts Council

Ellen Hornady - Nebraska Arts Council

Darrel J. Huenergardt - Nebraska Arts Council

Sue Roush - Nebraska Arts Council

Heather Schneider - Nebraska Arts Council

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.

Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffrey Galyen - State Racing Commission

Dennis Patrick Lee - State Racing Commission

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.

Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Hiller - State Electrical Board

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 906. Placed on General File.

LEGISLATIVE BILL 913. Placed on General File.

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 708. Placed on General File with amendment.
AM1632

1 1. On page 2, line 13, after the semicolon insert "by operation of
2 law pursuant to section 43-1409."

LEGISLATIVE BILL 714. Placed on General File with amendment.
AM1754

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

3 Section 1. Sections 1 to 10 of this act provide a procedure for
4 judicial emancipation of a minor.

5 Sec. 2. A minor who is at least sixteen years of age, who is married
6 or living apart from his or her parents or legal guardian, and who is a
7 legal resident may file a petition in the district court of his or her
8 county of residence for a judgment of emancipation. The petition shall be
9 signed and verified by the minor.

10 Sec. 3. A petition for emancipation filed pursuant to section 2 of
11 this act shall state:

12 (1) The name, age, and address of the minor;

13 (2) The names and addresses of the parents of the minor, if known;

14 (3) The name and address of any legal guardian of the minor, if
15 known;

16 (4) If the name or address of a parent or legal guardian is unknown,
17 the name and address of the child's nearest known relative residing
18 within this state;

19 (5) Whether the minor is a party to or the subject of a pending
20 judicial proceeding in this state or any other jurisdiction, or the
21 subject of a judicial order of any description issued in connection with
22 such pending judicial proceeding, if known;

23 (6) The state, county, and case number of any court case in which an
24 order of support has been entered, if known;

25 (7) That the minor is seeking a judgment of emancipation; and
26 (8) Specific facts to support the petition, including:
27 (a) That the minor willingly lives apart from his or her parents or
1 legal guardian;
2 (b) That the minor is able to support himself or herself without
3 financial assistance, or, in the alternative, the minor has no parent,
4 legal guardian, or custodian who is providing support;
5 (c) That the minor is mature and knowledgeable to manage his or her
6 affairs without the guidance of a parent or legal guardian;
7 (d) That the minor has demonstrated an ability and commitment to
8 obtain and maintain education, vocational training, or employment;
9 (e) The reasons why emancipation would be in the best interests of
10 the minor; and
11 (f) The purposes for which emancipation is requested.
12 Sec. 4. Upon filing the petition, a notice of filing, together with
13 a copy of the petition for emancipation and a summons to appear at the
14 hearing, shall be served:
15 (1)(a) Upon the parents or legal guardian of the minor or, if the
16 parents or legal guardian cannot be found, the nearest known relative of
17 the minor residing within the state, if any; and
18 (b) Upon the legal custodian of the minor, if any; or
19 (2) By publication pursuant to section 25-519, if service pursuant
20 to subdivision (1) of this section is not possible.
21 Sec. 5. The court shall hold a hearing on the merits of the petition
22 no sooner than forty-five days after the date of filing but within sixty
23 days after the date of its filing. The petitioner shall notify by
24 certified mail the petitioner's parent or legal guardian or the
25 petitioner's nearest known relative residing within the state, whichever
26 is given notice under section 4 of this act, if any, and the petitioner's
27 legal custodian, if any, of the time, date, and place of the hearing at
28 least thirty days prior to the hearing date. Proof of such notice shall
29 be filed prior to the hearing on the petition. For good cause shown, the
30 court may continue the initial emancipation hearing.
31 Sec. 6. The minor's parent or legal guardian and the minor's legal
1 custodian may file an objection to the petition for emancipation within
2 thirty days of service of the notice of the hearing.
3 Sec. 7. (1) The minor has the burden of proving by clear and
4 convincing evidence that the requirements for ordering emancipation under
5 this section have been met. Prior to entering a judgment of emancipation,
6 the court shall advise the minor of the consequences of emancipation,
7 including, but not limited to, the benefits and services available to an
8 emancipated minor and the risks involved with being emancipated. Such
9 advisements shall include, at a minimum, the words to the following
10 effect:
11 (a) If you become emancipated, you will have some of the rights that
12 come with adulthood. These rights include: Handling your own affairs;
13 living where you choose; entering into contracts; keeping and spending
14 your money; making decisions regarding your own health care, medical
15 care, dental care, and mental health care, without parental knowledge;

16 enlisting in the military without your parent's consent; marrying without
17 your parent's consent; applying for public assistance; suing someone or
18 being sued; enrolling in school or college; and owning real property;
19 (b) Even if you are emancipated, you still must: Stay in school as
20 required by Nebraska law; be subject to child labor laws and work permit
21 rules limiting the number of hours you can work; and be of legal age to
22 consume alcohol; and
23 (c) When you become emancipated: You lose your right to have
24 financial support for basic living expenses for food, clothing, and
25 shelter, and health care paid for by your parents or guardian; your
26 parents or guardian will no longer be legally or financially responsible
27 if you injure someone; and being emancipated does not automatically make
28 you eligible for public assistance or benefits.
29 (2) If, after hearing, the court determines that emancipation is in
30 the best interests of the minor and that the minor understands his or her
31 rights and responsibilities under sections 1 to 10 of this act as an
1 emancipated minor, the court shall enter a judgment of emancipation. In
2 making its determination regarding the petition for emancipation, the
3 court shall determine whether the petitioner has proven each of the facts
4 set forth in subdivision (8) of section 3 of this act.
5 Sec. 8. (1) A judgment of emancipation removes the disability of
6 minority insofar as that disability may affect: (a) Establishment of his
7 or her own residence; (b) incurring indebtedness or contractual
8 obligations of any kind; (c) consenting to medical, dental, or
9 psychiatric care without the consent, knowledge, or liability of parents
10 or guardian; (d) enlisting in the military without a parent's or
11 guardian's consent; (e) marrying without a parent's or guardian's
12 consent; (f) being individually eligible for public assistance; (g) the
13 litigation and settlement of controversies; (h) enrolling in any school
14 or college; and (i) acquiring, encumbering, and conveying property or any
15 interest therein. For the purposes described in this subsection, the
16 minor shall be considered in law as an adult and any obligation or
17 benefit he or she incurs is enforceable by and against such minor without
18 regard to his or her minority.
19 (2) A minor emancipated by court order shall be considered to have
20 the rights and responsibilities of an adult, except for those specific
21 constitutional and statutory age requirements regarding voting, use of
22 alcoholic beverages, gambling, use of tobacco, and other health and
23 safety regulations relevant to the minor because of his or her age.
24 (3) The emancipated minor shall be provided a certified copy of the
25 judgment of emancipation at the time the judgment is entered. Upon
26 presentation of the judgment of emancipation, a third party shall be
27 allowed to retain a copy of the same as proof of the minor's ability to
28 act as stated in this section.
29 (4) Unless otherwise provided by the judgment of emancipation, the
30 obligation of support established for the benefit of the minor by his or
31 her parent or legal guardian is terminated by the entry of the judgment.
1 This includes child support owed by one parent to another parent. When a
2 judgment of emancipation terminates child support, the judgment of

3 emancipation shall explicitly terminate child support obligations and be
4 reported by the district court clerk to the jurisdiction in which such
5 support is ordered.

6 Sec. 9. An emancipated minor shall not be considered an adult for
7 prosecution of a criminal offense.

8 Sec. 10. (1) A motion for rescission may be filed by any interested
9 person or public agency in order to rescind a judgment of emancipation on
10 the following grounds:

11 (a) The minor has become indigent and has insufficient means of
12 support; or

13 (b) The judgment of emancipation was obtained by fraud,
14 misrepresentation, or the withholding of material information.

15 (2) The motion for rescission shall be filed in the district court
16 in which the petition for emancipation was filed. The motion for
17 rescission of a judgment of emancipation shall be granted if it is
18 proven:

19 (a) That rescinding the judgment of emancipation is in the best
20 interests of the emancipated minor; and

21 (b)(i) That the minor has become indigent and has insufficient means
22 of support; or

23 (ii) That the judgment of emancipation was obtained by fraud,
24 misrepresentation, or the withholding of material information.

25 (3) Upon filing the motion, a notice of filing, together with a copy
26 of the motion to rescind the emancipation and a notice to appear at the
27 hearing, shall be served:

28 (a) Upon the emancipated minor; and

29 (b)(i)(A) Upon the persons who were the minor's parents or legal
30 guardian prior to the minor's emancipation or, if the parents or legal
31 guardian cannot be found, the nearest known relative of the minor
1 residing within the state, if any; and

2 (B) Upon the legal custodian of the minor prior to emancipation, if
3 any; or

4 (ii) By publication pursuant to section 25-519, if service pursuant
5 to subdivision (b)(i) of this subsection is not possible.

6 (4)(a) The court shall hold a hearing on a motion filed under this
7 section no sooner than forty-five days but within sixty days after the
8 date of its filing. The movant shall notify by certified mail the
9 emancipated minor and any party provided notice under subdivision (3)(b)
10 of this section of the time, date, and place of the hearing by certified
11 mail at least thirty days before the hearing date. For good cause shown,
12 the court may continue the initial hearing.

13 (b) The emancipated minor may file a written response objecting to
14 the motion to rescind emancipation within thirty days after service of
15 the notice of the hearing.

16 (5) If, after hearing, the court determines by clear and convincing
17 evidence that rescinding the judgment of emancipation is in the best
18 interests of the minor because the minor has become indigent and has
19 insufficient means of support, or because the judgment of emancipation
20 was obtained by fraud, misrepresentation, or the withholding of material

21 information, the court shall rescind the judgment of emancipation.
 22 (6) The parents or legal guardian or legal custodian of a minor
 23 emancipated by court order are not liable for any debts incurred by the
 24 minor child during the period of emancipation.
 25 (7) Rescinding a judgment of emancipation does not affect an
 26 obligation, responsibility, right, or interest that arose during the
 27 period of time that the judgment of emancipation was in effect.

LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Laura Ebke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 710. Senator Chambers offered the following motion:

MO200

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 36:

Albrecht	Clements	Kolterman	Morfeld	Vargas
Baker	Erdman	Krist	Pansing Brooks	Walz
Blood	Friesen	Kuehn	Quick	Watermeier
Bolz	Geist	Lindstrom	Riepe	Williams
Bostelman	Harr	Linehan	Scheer	
Brasch	Hilgers	Lowe	Schumacher	
Brewer	Hilkemann	McCollister	Smith	
Briese	Hughes	McDonnell	Thibodeau	

Present and not voting, 3:

Chambers Hansen Kolowski

Excused and not voting, 10:

Crawford	Groene	Howard	Murante	Wayne
Ebke	Halloran	Larson	Stinner	Wishart

The Chambers motion to indefinitely postpone failed with 0 ayes, 36 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO202

Reconsider the vote taken to indefinitely postpone.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 321. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Select File with amendment.

ER107

- 1 1. On page 1, lines 6 and 7, strike "remove" and insert "eliminate".
- 2 2. On page 6, line 24; page 8, line 22; and page 12, line 8, strike
- 3 "act" and insert "Public Adjusters Licensing Act".
- 4 3. On page 12, line 13, strike "this" and insert "the".
- 5 4. On page 13, line 15, strike "Chapter 44, article 39," and insert
- 6 "sections 44-3901 to 44-3908".
- 7 5. On page 14, line 2, after "fee" insert an underscored comma.

LEGISLATIVE BILL 757. Placed on Select File with amendment.

ER106

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 8-2602, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 8-2602 For purposes of the Credit Report Protection Act:
- 6 (1) Consumer reporting agency means any person which, for monetary
- 7 fees, for dues, or on a cooperative nonprofit basis, regularly engages in
- 8 whole or in part in the practice of assembling or evaluating consumer
- 9 credit information or other information on consumers for the purpose of
- 10 furnishing consumer reports to third parties and which uses any means or
- 11 facility of interstate commerce for the purpose of preparing or
- 12 furnishing consumer reports;
- 13 (2) Credit report has the same meaning as consumer report as defined
- 14 in 15 U.S.C. 1681a(d);
- 15 (3) File, when used in connection with information on any consumer
- 16 or protected consumer, means all of the information on that consumer or
- 17 protected consumer recorded and retained by a consumer reporting agency

18 regardless of how the information is stored. File does not include a
19 record;

20 (4) Protected consumer means an individual who is (a) under sixteen
21 years of age at the time a request for the placement of a security freeze
22 is made or (b) an incapacitated person for whom a guardian or guardian ad
23 litem has been appointed;

24 (5) Record means a compilation of information that (a) identifies a
25 protected consumer, (b) is created by a consumer reporting agency solely
26 for the purpose of complying with section 8-2603.01, and (c) may not be
27 created or used to consider the protected consumer's credit worthiness,
1 credit standing, credit capacity, character, general reputation, personal
2 characteristics, or mode of living;

3 (6) Representative means a person who provides to a consumer
4 reporting agency sufficient proof of authority to act on behalf of a
5 protected consumer;

6 (7) Security freeze means:

7 (a) A notice placed in a consumer's file as provided in section
8 8-2603 that prohibits the consumer reporting agency from releasing a
9 credit report, or any other information derived from the file, in
10 connection with the extension of credit or the opening of a new account,
11 without the express authorization of the consumer;

12 (b) If a consumer reporting agency does not have a file pertaining
13 to a protected consumer, a restriction that:

14 (i) Is placed on the protected consumer's record in accordance with
15 section 8-2603.01; and

16 (ii) Prohibits the consumer reporting agency from releasing the
17 protected consumer's record except as provided in the Credit Report
18 Protection Act; or

19 (c) If a consumer reporting agency has a file pertaining to the
20 protected consumer, a restriction that:

21 (i) Is placed on the protected consumer's credit report in
22 accordance with section 8-2603.01; and

23 (ii) Prohibits the consumer reporting agency from releasing the
24 protected consumer's credit report or any information derived from the
25 protected consumer's credit report except as provided in section
26 8-2608.01;

27 (8) Substantially similar type of security product means any product
28 that provides the same level of protection to a consumer's or protected
29 consumer's credit report as that provided under the Credit Report
30 Protection Act regardless of the contact method used by a consumer or
31 protected consumer to request, temporarily lift, or remove a restriction
1 placed on the consumer's or protected consumer's credit report;

2 (9) (8) Sufficient proof of authority means documentation that shows
3 a representative has authority to act on behalf of a protected consumer.
4 Sufficient proof of authority includes, but is not limited to, an order
5 issued by a court of law, a lawfully executed and valid power of
6 attorney, or a written notarized statement signed by a representative
7 that expressly describes the authority of the representative to act on
8 behalf of a protected consumer. A representative who is a parent may

9 establish sufficient proof of authority by providing a certified or
10 official copy of the protected consumer's birth certificate;
11 ~~(10) (9)~~ Sufficient proof of identification means information or
12 documentation that identifies a consumer, a protected consumer, or a
13 representative of a protected consumer. Sufficient proof of
14 identification includes, but is not limited to, a social security number
15 or a copy of a social security card, a certified or official copy of a
16 birth certificate, a copy of a valid driver's license, or any other
17 government-issued identification; and
18 ~~(11) (10)~~ Victim of identity theft means a consumer or protected
19 consumer who has a copy of an official police report evidencing that the
20 consumer or protected consumer has alleged to be a victim of identity
21 theft.

22 Sec. 2. Section 8-2603.01, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 8-2603.01 (1) A consumer reporting agency shall place a security
25 freeze for a protected consumer if:

26 (a) The consumer reporting agency receives a request from the
27 representative for the placement of the security freeze under this
28 section; and

29 (b) The representative:

30 (i) Submits the request to the consumer reporting agency at the
31 address or other point of contact and in the manner specified by the
1 consumer reporting agency; and

2 (ii) Provides to the consumer reporting agency:

3 (A) Sufficient proof of identification of the protected consumer and
4 the representative; and

5 (B) Sufficient proof of authority to act on behalf of the protected
6 consumer; ~~and~~

7 ~~(iii) Pays to the consumer reporting agency a fee as provided in~~
8 ~~section 8-2609.01.~~

9 (2) If a consumer reporting agency does not have a file pertaining
10 to a protected consumer when the consumer reporting agency receives a
11 request described in subdivision (1)(a) of this section, the consumer
12 reporting agency shall create a record for the protected consumer.

13 (3) Within thirty days after receiving a request that meets the
14 requirements of this section, a consumer reporting agency shall place a
15 security freeze for the protected consumer.

16 Sec. 3. Section 8-2608.02, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 8-2608.02 If a protected consumer or the representative wishes to
19 remove a security freeze placed under section 8-2603.01 for the protected
20 consumer, the protected consumer or the representative shall:

21 (1) Submit a request for the removal of the security freeze to the
22 consumer reporting agency at the address or other point of contact and in
23 the manner specified by the consumer reporting agency; and

24 (2) Provide to the consumer reporting agency:

25 ~~(a) (i)~~ In the case of a request by the protected consumer:

26 ~~(i) (A)~~ Proof that the sufficient proof of authority for the

27 representative to act on behalf of the protected consumer is no longer
28 valid; and

29 ~~(ii) (B)~~ Sufficient proof of identification of the protected
30 consumer; or

31 ~~(b) (ii)~~ In the case of a request by the representative:

1 ~~(i) (A)~~ Sufficient proof of identification of the protected consumer
2 and the representative; and

3 ~~(ii) (B)~~ Sufficient proof of authority to act on behalf of the
4 protected consumer; ~~and~~

5 ~~(b) Payment of a fee as provided in section 8-2609.01.~~

6 Within thirty days after receiving a request that meets the
7 requirements of this section, the consumer reporting agency shall remove
8 the security freeze for the protected consumer.

9 Sec. 4. Section 8-2609, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 8-2609 (1) A consumer reporting agency shall not may charge any a
12 fee of three dollars for placing, temporarily lifting, or removing a
13 security freeze placed under section 8-2603 or for placing, temporarily
14 lifting, or removing any other substantially similar type of security
15 product. This subsection does not apply if the substantially similar type
16 of security product, alone or in combination with another product,
17 provides greater protection to the consumer than a security freeze.
18 unless:

19 ~~(a) The consumer is a victim of identity theft; and~~

20 ~~(b) The consumer provides the consumer reporting agency with a copy~~
21 ~~of an official police report documenting the identity theft.~~

22 (2) A consumer reporting agency shall reissue the same or a new
23 personal identification number or password required under section 8-2605
24 one time without charge and may charge a fee of no more than five dollars
25 for subsequent reissuance of the personal identification number or
26 password.

27 Sec. 5. Section 8-2609.01, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 8-2609.01 ~~(1)~~ A consumer reporting agency shall not may charge any
30 a fee of three dollars for each placement or removal of a security freeze
31 or for placement or removal of any other substantially similar type of
1 security product for a protected consumer. This section does not apply if
2 the substantially similar type of security product, alone or in
3 combination with another product, provides greater protection to the
4 protected consumer than a security freeze.

5 ~~(2)~~ A consumer reporting agency shall not charge any fee under this
6 section if:

7 ~~(a)(i) The protected consumer is a victim of identity theft; and~~

8 ~~(ii) The protected consumer's representative provides the consumer~~
9 ~~reporting agency with a copy of an official police report documenting the~~
10 ~~identity theft; or~~

11 ~~(b)(i) A request for the placement or removal of a security freeze~~
12 ~~is for a protected consumer who is under the age of sixteen years at the~~
13 ~~time of the request; and~~

14 ~~(ii) The consumer reporting agency has a credit report pertaining to~~
15 ~~the protected consumer.~~

16 Sec. 6. Section 87-801, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 87-801 Sections 87-801 to 87-807 and section 7 of this act shall be
19 known and may be cited as the Financial Data Protection and Consumer
20 Notification of Data Security Breach Act of 2006.

21 Sec. 7. (1) To protect personal information from unauthorized
22 access, acquisition, destruction, use, modification, or disclosure, an
23 individual or a commercial entity that conducts business in Nebraska and
24 owns, licenses, or maintains data that includes personal information
25 about a resident of Nebraska shall implement and maintain reasonable
26 security procedures and practices that are appropriate to the nature and
27 sensitivity of the personal information owned, licensed, or maintained
28 and the nature and size of the business and its operations, including
29 safeguards that protect the personal information when the individual or
30 commercial entity disposes of the personal information.

31 (2) An individual or commercial entity that discloses personal
1 information about a Nebraska resident to a nonaffiliated, third-party
2 service provider shall require by contract that the service provider
3 implement and maintain reasonable security procedures and practices that:

4 (a) Are appropriate to the nature of the personal information
5 disclosed to the service provider; and

6 (b) Are reasonably designed to help protect the personal information
7 from unauthorized access, acquisition, destruction, use, modification, or
8 disclosure.

9 (3) An individual or a commercial entity complies with subsections
10 (1) and (2) of this section if the individual or commercial entity:

11 (a) Complies with a state or federal law that provides greater
12 protection to personal information than the protections that this section
13 provides; or

14 (b) Complies with the regulations promulgated under Title V of the
15 Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., or the Health Insurance
16 Portability and Accountability Act of 1996, 42 U.S.C. 1320d to 1320d-9,
17 as such acts and sections existed on January 1, 2018, if the individual
18 or commercial entity is subject to either or both of such acts or
19 sections.

20 Sec. 8. Section 87-806, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 87-806 (1) For purposes of the Financial Data Protection and
23 Consumer Notification of Data Security Breach Act of 2006, the Attorney
24 General may issue subpoenas and seek and recover direct economic damages
25 for each affected Nebraska resident injured by a violation of section
26 87-803 ~~the act.~~

27 (2) A violation of section 7 of this act shall be considered a
28 violation of section 59-1602 and be subject to the Consumer Protection
29 Act and any other law which provides for the implementation and
30 enforcement of section 59-1602.

31 Sec. 9. Original sections 87-801 and 87-806, Reissue Revised

1 Statutes of Nebraska, and sections 8-2602, 8-2603.01, 8-2608.02, 8-2609, 2 and 8-2609.01, Revised Statutes Cumulative Supplement, 2016, are
3 repealed.
4 2. On page 1, line 3, after "sections" insert "8-2602,".

LEGISLATIVE BILL 744. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB710:
AM1763

1 1. On page 3, line 5, strike "from", show as stricken, and insert
2 "beginning thirty days after".

Senator Kolterman filed the following amendment to LB548:
AM1758 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 312. Introduced by Brasch, 16; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brewer, 43; Briese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Williams, 36.

WHEREAS, James Meiergerd has garnered national attention for a backward half-court basket made during halftime at the West Point-Beemer v. Wisner-Pilger high school boys' basketball game on January 5, 2018; and

WHEREAS, James is a senior at West Point-Beemer High School who suits up for the junior varsity basketball team and goes to all of the varsity games to root for his friends. Fellow senior Greg Johnson said of James, "He's really the heart and soul of this basketball team"; and

WHEREAS, two friends, including Manny Barragan, went to the floor with James encouraging him to try the trick shot he had been practicing. After making the basket with the crowd cheering him on, James hugged his friends and ran to the student section where he was embraced by classmates; and

WHEREAS, Orlando Melendez of the Harlem Globetrotters went to West Point-Beemer to personally invite James to be an honorary member of the Globetrotters when they play in Omaha on April 6, 2018; and

WHEREAS, West Point-Beemer held a pep rally with Orlando Melendez and more than eight hundred students from grade school through high

school. At the pep rally, James made the shot again with Orlando Melendez watching, Manny Barragan by his side, and the students cheering.

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

1. That the Legislature congratulates James Meiergerd for his incredible backward half-court shot and for being named an honorary member of the Harlem Globetrotters.

2. That a copy of this resolution be sent to James Meiergerd and Orlando Melendez.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Stinner name added to LB299.

Senator Wayne name added to LB548.

Senator Stinner name added to LB1001.

VISITORS

Visitors to the Chamber were Jessi Ferguson, DECA State President from Omaha Central High School, DJ Hardwick, FBLA State President from Dundy County-Stratton High School, Mia Kegley, FCCLA State President from Kearney High School, Jake Judge, FFA State President from West Holt High School, Ryan Campbell, SkillsUSA State President from Louisville High School, Carmel Notario, Educator's Rising Secretary from Omaha Bryan High School, Enya Zhu, HOSA State President from Lincoln East High School, and additional members from the Nebraska Career and Technical Student Organizations; and John Ross from Bancroft.

The Doctor of the Day was Dr. Gerry Luckey from David City.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2018.

Patrick J. O'Donnell
Clerk of the Legislature