

THIRTY-FIFTH DAY - FEBRUARY 28, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 2018

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries of Nebraska, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Brewer who was excused; and Senators Geist, Hansen, Harr, Hughes, Krist, Larson, Linehan, Morfeld, Watermeier, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 329. Introduced by Quick, 35.

WHEREAS, Jonathan Novinski won first place in the boys 500-yard freestyle at the 2018 State Swimming and Diving Championship; and

WHEREAS, Jonathan is a freshman on the Grand Island Senior High School swim team; and

WHEREAS, Jonathan won with a time of 4:39, a full eight seconds ahead of the second-place finisher; 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, SECOND SESSION:

1. That the Legislature congratulates Jonathan Novinski on his first place finish in the boys 500-yard freestyle at the 2018 State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Jonathan Novinski and to Coach Brian Jensen.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR318 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR318.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

GENERAL FILE

LEGISLATIVE BILL 158. Senator Groene offered the following motion:

MO235

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 1009. Placed on General File with amendment.

AM1737

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

2 sections:

3 Section 1. Section 39-2103, Revised Statutes Supplement, 2017, is

4 amended to read:

5 39-2103 Rural highways are hereby divided into nine functional

6 classifications as follows:

7 (1) Interstate, which shall consist of the federally designated

8 National System of Interstate and Defense Highways;

9 (2) Expressway, which shall consist of a group of highways following

10 major traffic desires in Nebraska which rank next in importance to the

11 National System of Interstate and Defense Highways. The expressway system

12 is one which ultimately should be developed to multilane divided highway

13 standards;

14 (3) Major arterial, which shall consist of the balance of routes

15 which serve major statewide interests for highway transportation. This

16 includes super-two, which shall consist of two-lane highways designed

17 primarily for through traffic with passing lanes spaced intermittently

18 and on alternating sides of the highway to provide predictable

19 opportunities to pass slower moving vehicles. This system is
20 characterized by high-speed, relatively long-distance travel patterns;
21 (4) Scenic-recreation, which shall consist of highways or roads
22 located within or which provide access to or through state parks,
23 recreation or wilderness areas, other areas of geographical, historical,
24 geological, recreational, biological, or archaeological significance, or
25 areas of scenic beauty;
26 (5) Other arterial, which shall consist of a group of highways of
27 less importance as through-travel routes which would serve places of
1 smaller population and smaller recreation areas not served by the higher
2 systems;
3 (6) Collector, which shall consist of a group of highways which pick
4 up traffic from many local or land-service roads and carry it to
5 community centers or to the arterial systems. They are the main school
6 bus routes, mail routes, and farm-to-market routes;
7 (7) Local, which shall consist of all remaining rural roads, except
8 minimum maintenance roads and remote residential roads;
9 (8) Minimum maintenance, which shall consist of (a) roads used
10 occasionally by a limited number of people as alternative access roads
11 for areas served primarily by local, collector, or arterial roads or (b)
12 roads which are the principal access roads to agricultural lands for farm
13 machinery and which are not primarily used by passenger or commercial
14 vehicles; and
15 (9) Remote residential, which shall consist of roads or segments of
16 roads in remote areas of counties with (a) a population density of no
17 more than five people per square mile or (b) an area of at least one
18 thousand square miles, and which roads or segments of roads serve as
19 primary access to no more than seven residences. For purposes of this
20 subdivision, residence means a structure which serves as a primary
21 residence for more than six months of a calendar year. Population shall
22 be determined using data from the most recent federal decennial census.
23 The rural highways classified under subdivisions (1) through (3) of
24 this section should, combined, serve every incorporated municipality
25 having a minimum population of one hundred inhabitants as determined by
26 the most recent federal decennial census or the most recent revised
27 certified count by the United States Bureau of the Census or sufficient
28 commerce, a part of which will be served by stubs or spurs, and along
29 with rural highways classified under subdivision (4) of this section,
30 should serve the major recreational areas of the state.
31 For purposes of this section, sufficient commerce means a minimum of
1 two hundred thousand dollars of gross receipts under the Nebraska Revenue
2 Act of 1967.
3 Sec. 2. Section 60-4,182, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 60-4,182 In order to prevent and eliminate successive traffic
6 violations, there is hereby provided a point system dealing with traffic
7 violations as disclosed by the files of the director. The following point
8 system shall be adopted:
9 (1) Conviction of motor vehicle homicide - 12 points;

- 10 (2) Third offense drunken driving in violation of any city or
11 village ordinance or of section 60-6,196, as disclosed by the records of
12 the director, regardless of whether the trial court found the same to be
13 a third offense - 12 points;
- 14 (3) Failure to stop and render aid as required under section 60-697
15 in the event of involvement in a motor vehicle accident resulting in the
16 death or personal injury of another - 6 points;
- 17 (4) Failure to stop and report as required under section 60-696 or
18 any city or village ordinance in the event of a motor vehicle accident
19 resulting in property damage - 6 points;
- 20 (5) Driving a motor vehicle while under the influence of alcoholic
21 liquor or any drug or when such person has a concentration of eight-
22 hundredths of one gram or more by weight of alcohol per one hundred
23 milliliters of his or her blood or per two hundred ten liters of his or
24 her breath in violation of any city or village ordinance or of section
25 60-6,196 - 6 points;
- 26 (6) Willful reckless driving in violation of any city or village
27 ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- 28 (7) Careless driving in violation of any city or village ordinance
29 or of section 60-6,212 - 4 points;
- 30 (8) Negligent driving in violation of any city or village ordinance
31 - 3 points;
- 1 (9) Reckless driving in violation of any city or village ordinance
2 or of section 60-6,213 - 5 points;
- 3 (10) Speeding in violation of any city or village ordinance or any
4 of sections 60-6,185 to 60-6,190 and 60-6,313:
- 5 (a) Not more than five miles per hour over the speed limit - 1
6 point;
- 7 (b) More than five miles per hour but not more than ten miles per
8 hour over the speed limit - 2 points;
- 9 (c) More than ten miles per hour but not more than thirty-five miles
10 per hour over the speed limit - 3 points, except that one point shall be
11 assessed upon conviction of exceeding by not more than ten miles per
12 hour, two points shall be assessed upon conviction of exceeding by more
13 than ten miles per hour but not more than fifteen miles per hour, and
14 three points shall be assessed upon conviction of exceeding by more than
15 fifteen miles per hour but not more than thirty-five miles per hour the
16 speed limits provided for in subdivision (1)(f) ~~(1)(e)~~, (g) ~~(f)~~, (h) ~~(g)~~,
17 or (i) ~~(h)~~ of section 60-6,186; and
- 18 (d) More than thirty-five miles per hour over the speed limit - 4
19 points;
- 20 (11) Failure to yield to a pedestrian not resulting in bodily injury
21 to a pedestrian - 2 points;
- 22 (12) Failure to yield to a pedestrian resulting in bodily injury to
23 a pedestrian - 4 points;
- 24 (13) Using a handheld wireless communication device in violation of
25 section 60-6,179.01 or texting while driving in violation of subsection
26 (1) or (3) of section 60-6,179.02 - 3 points;
- 27 (14) Using a handheld mobile telephone in violation of subsection

28 (2) or (4) of section 60-6,179.02 - 3 points;
29 (15) Unlawful obstruction or interference of the view of an operator
30 in violation of section 60-6,256 - 1 point;
31 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
1 and
2 (17) All other traffic violations involving the operation of motor
3 vehicles by the operator for which reports to the Department of Motor
4 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.
5 Subdivision (17) of this section does not include violations
6 involving an occupant protection system or a three-point safety belt
7 system pursuant to section 60-6,270, parking violations, violations for
8 operating a motor vehicle without a valid operator's license in the
9 operator's possession, muffler violations, overwidth, overheight, or
10 overlength violations, motorcycle or moped protective helmet violations,
11 or overloading of trucks.
12 All such points shall be assessed against the driving record of the
13 operator as of the date of the violation for which conviction was had.
14 Points may be reduced by the department under section 60-4,188.
15 In all cases, the forfeiture of bail not vacated shall be regarded
16 as equivalent to the conviction of the offense with which the operator
17 was charged.
18 The point system shall not apply to persons convicted of traffic
19 violations committed while operating a bicycle as defined in section
20 60-611 or an electric personal assistive mobility device as defined in
21 section 60-618.02.
22 Sec. 3. Section 60-601, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:
24 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
25 be known and may be cited as the Nebraska Rules of the Road.
26 Sec. 4. Section 60-605, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:
28 60-605 For purposes of the Nebraska Rules of the Road, the
29 definitions found in sections 60-606 to 60-676 and section 5 of this act
30 shall be used.
31 Sec. 5. Super-two highway means a two-lane highway designed
1 primarily for through traffic with passing lanes spaced intermittently
2 and on alternating sides of the highway to provide predictable
3 opportunities to pass slower moving vehicles.
4 Sec. 6. Section 60-6,186, Revised Statutes Supplement, 2017, is
5 amended to read:
6 60-6,186 (1) Except when a special hazard exists that requires lower
7 speed for compliance with section 60-6,185, the limits set forth in this
8 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
9 the maximum lawful speeds unless reduced pursuant to subsection (2) of
10 this section, and no person shall drive a vehicle on a highway at a speed
11 in excess of such maximum limits:
12 (a) Twenty-five miles per hour in any residential district;
13 (b) Twenty miles per hour in any business district;
14 (c) Fifty miles per hour upon any highway that is gravel or not

15 dustless surfaced ~~and not part of the state highway system;~~
 16 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
 17 a part of the state highway system;
 18 (e) Sixty-five miles per hour upon any four-lane divided highway not
 19 a part of the state highway system;
 20 (f) Sixty-five (e) Sixty miles per hour upon any part of the state
 21 highway system other than an expressway, a super-two highway, or a
 22 freeway, ~~except that the Department of Transportation may, where existing~~
 23 ~~design and traffic conditions allow, according to an engineering study,~~
 24 ~~authorize a speed limit five miles per hour greater;~~
 25 (g) Seventy (f) Sixty-five miles per hour upon an expressway or a
 26 super-two highway that is part of the state highway system;
 27 (h) Seventy (g) Sixty-five miles per hour upon a freeway that is
 28 part of the state highway system but not part of the National System of
 29 Interstate and Defense Highways; and
 30 (i) (h) Seventy-five miles per hour upon the National System of
 31 Interstate and Defense Highways, except that: ~~the maximum speed limit~~
 1 ~~shall be~~
 2 (i) The maximum speed limit shall be sixty-five sixty miles per hour
 3 for:
 4 (A) (i) Any portion of the National System of Interstate and Defense
 5 Highways located in Douglas County; and
 6 (B) (ii) That portion of the National System of Interstate and
 7 Defense Highways designated as Interstate 180 in Lancaster County and
 8 Interstate 129 in Dakota County; and -
 9 (ii) The maximum speed limit may be increased up to five miles per
 10 hour over seventy-five miles per hour upon the National System of
 11 Interstate and Defense Highways as authorized by the Department of
 12 Transportation based on an engineering and traffic investigation.
 13 (2) The maximum speed limits established in subsection (1) of this
 14 section may be reduced by the Department of Transportation or by local
 15 authorities pursuant to section 60-6,188 or 60-6,190.
 16 (3) The Department of Transportation and local authorities may erect
 17 and maintain suitable signs along highways under their respective
 18 jurisdictions in such number and at such locations as they deem necessary
 19 to give adequate notice of the speed limits established pursuant to
 20 subsection (1) or (2) of this section upon such highways.
 21 Sec. 7. Original sections 60-4,182, 60-601, and 60-605, Revised
 22 Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186,
 23 Revised Statutes Supplement, 2017, are repealed.

(Signed) Curt Friesen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1015. Placed on General File with amendment.
 AM1927

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

3 Section 1. Section 48-144.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 48-144.01 (1) In every case of reportable injury arising out of and
6 in the course of employment, the employer or workers' compensation
7 insurer shall file a report thereof with the Nebraska Workers'
8 Compensation Court. Such report shall be filed within ten days after the
9 employer or insurer has been given notice of or has knowledge of the
10 injury.

11 (2) For purposes of this section:

12 (a) Reportable injury means an injury or diagnosed occupational
13 disease which results in: (i) Death, regardless of the time between the
14 death and the injury or onset of disease; (ii) time away from work; (iii)
15 restricted work or termination of employment; (iv) loss of consciousness;
16 or (v) medical treatment other than first aid;

17 (b) Restricted work means the inability of the employee to perform
18 one or more of the duties of his or her normal job assignment. Restricted
19 work does not occur if the employee is able to perform all of the duties
20 of his or her normal job assignment, but a work restriction is assigned
21 because the employee is experiencing minor musculoskeletal discomfort and
22 for the purpose of preventing a more serious condition from developing;

23 (c) Medical treatment means treatment administered by a physician or
24 other licensed health care professional; and

25 (d) First aid means:

26 (i) Using a nonprescription medication at nonprescription strength.
27 For medications available in both prescription and nonprescription form,
1 a recommendation by a physician or other licensed health care
2 professional to use a nonprescription medication at prescription strength
3 is not first aid;

4 (ii) Administering tetanus immunizations. Administering other
5 immunizations, such as hepatitis B vaccine and rabies vaccine, is not
6 first aid;

7 (iii) Cleaning, flushing, or soaking wounds on the surface of the
8 skin;

9 (iv) Using wound coverings, such as bandages and gauze pads, and
10 superficial wound closing devices, such as butterfly bandages and steri-
11 strips. Using other wound closing devices, such as sutures and staples,
12 is not first aid;

13 (v) Using hot or cold therapy;

14 (vi) Using any nonrigid means of support, such as elastic bandages,
15 wraps, and nonrigid back belts. Using devices with rigid stays or other
16 systems designed to immobilize parts of the body is not first aid;

17 (vii) Using temporary immobilization devices, such as splints,
18 slings, neck collars, and back boards, while transporting accident
19 victims;

20 (viii) Drilling of a fingernail or toenail to relieve pressure or
21 draining fluid from a blister;

22 (ix) Using eye patches;

23 (x) Removing foreign bodies from the eye using only irrigation or a
24 cotton swab;

25 (xi) Removing splinters or foreign material from areas other than
26 the eye by irrigation, tweezers, cotton swabs, or other simple means;
27 (xii) Using finger guards;
28 (xiii) Using massages. Using physical therapy or chiropractic
29 treatment is not first aid; and
30 (xiv) Drinking fluids for relief of heat stress.
31 (3) Reports filed pursuant to this section shall be confidential and
1 not open to public inspection or copying, except as required pursuant to
2 subdivision (21) of section 84-712.05.
3 Sec. 2. Section 84-712.05, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 84-712.05 The following records, unless publicly disclosed in an
6 open court, open administrative proceeding, or open meeting or disclosed
7 by a public entity pursuant to its duties, may be withheld from the
8 public by the lawful custodian of the records:
9 (1) Personal information in records regarding a student, prospective
10 student, or former student of any educational institution or exempt
11 school that has effectuated an election not to meet state approval or
12 accreditation requirements pursuant to section 79-1601 when such records
13 are maintained by and in the possession of a public entity, other than
14 routine directory information specified and made public consistent with
15 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
16 regulations adopted thereunder;
17 (2) Medical records, other than records of births and deaths and
18 except as provided in subdivision (5) of this section, in any form
19 concerning any person; records of elections filed under section 44-2821;
20 and patient safety work product under the Patient Safety Improvement Act;
21 (3) Trade secrets, academic and scientific research work which is in
22 progress and unpublished, and other proprietary or commercial information
23 which if released would give advantage to business competitors and serve
24 no public purpose;
25 (4) Records which represent the work product of an attorney and the
26 public body involved which are related to preparation for litigation,
27 labor negotiations, or claims made by or against the public body or which
28 are confidential communications as defined in section 27-503;
29 (5) Records developed or received by law enforcement agencies and
30 other public bodies charged with duties of investigation or examination
31 of persons, institutions, or businesses, when the records constitute a
1 part of the examination, investigation, intelligence information, citizen
2 complaints or inquiries, informant identification, or strategic or
3 tactical information used in law enforcement training, except that this
4 subdivision shall not apply to records so developed or received relating
5 to the presence of and amount or concentration of alcohol or drugs in any
6 body fluid of any person;
7 (6) Appraisals or appraisal information and negotiation records
8 concerning the purchase or sale, by a public body, of any interest in
9 real or personal property, prior to completion of the purchase or sale;
10 (7) Personal information in records regarding personnel of public
11 bodies other than salaries and routine directory information;

12 (8) Information solely pertaining to protection of the security of
13 public property and persons on or within public property, such as
14 specific, unique vulnerability assessments or specific, unique response
15 plans, either of which is intended to prevent or mitigate criminal acts
16 the public disclosure of which would create a substantial likelihood of
17 endangering public safety or property; computer or communications network
18 schema, passwords, and user identification names; guard schedules; lock
19 combinations; or public utility infrastructure specifications or design
20 drawings the public disclosure of which would create a substantial
21 likelihood of endangering public safety or property, unless otherwise
22 provided by state or federal law;

23 (9) The security standards, procedures, policies, plans,
24 specifications, diagrams, access lists, and other security-related
25 records of the Lottery Division of the Department of Revenue and those
26 persons or entities with which the division has entered into contractual
27 relationships. Nothing in this subdivision shall allow the division to
28 withhold from the public any information relating to amounts paid persons
29 or entities with which the division has entered into contractual
30 relationships, amounts of prizes paid, the name of the prize winner, and
31 the city, village, or county where the prize winner resides;

1 (10) With respect to public utilities and except as provided in
2 sections 43-512.06 and 70-101, personally identified private citizen
3 account payment and customer use information, credit information on
4 others supplied in confidence, and customer lists;

5 (11) Records or portions of records kept by a publicly funded
6 library which, when examined with or without other records, reveal the
7 identity of any library patron using the library's materials or services;

8 (12) Correspondence, memoranda, and records of telephone calls
9 related to the performance of duties by a member of the Legislature in
10 whatever form. The lawful custodian of the correspondence, memoranda, and
11 records of telephone calls, upon approval of the Executive Board of the
12 Legislative Council, shall release the correspondence, memoranda, and
13 records of telephone calls which are not designated as sensitive or
14 confidential in nature to any person performing an audit of the
15 Legislature. A member's correspondence, memoranda, and records of
16 confidential telephone calls related to the performance of his or her
17 legislative duties shall only be released to any other person with the
18 explicit approval of the member;

19 (13) Records or portions of records kept by public bodies which
20 would reveal the location, character, or ownership of any known
21 archaeological, historical, or paleontological site in Nebraska when
22 necessary to protect the site from a reasonably held fear of theft,
23 vandalism, or trespass. This section shall not apply to the release of
24 information for the purpose of scholarly research, examination by other
25 public bodies for the protection of the resource or by recognized tribes,
26 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
27 the federal Native American Graves Protection and Repatriation Act;

28 (14) Records or portions of records kept by public bodies which
29 maintain collections of archaeological, historical, or paleontological

30 significance which reveal the names and addresses of donors of such
31 articles of archaeological, historical, or paleontological significance
1 unless the donor approves disclosure, except as the records or portions
2 thereof may be needed to carry out the purposes of the Unmarked Human
3 Burial Sites and Skeletal Remains Protection Act or the federal Native
4 American Graves Protection and Repatriation Act;

5 (15) Job application materials submitted by applicants, other than
6 finalists or a priority candidate for a position described in section
7 85-106.06 selected using the enhanced public scrutiny process in section
8 85-106.06, who have applied for employment by any public body as defined
9 in section 84-1409. For purposes of this subdivision, (a) job application
10 materials means employment applications, resumes, reference letters, and
11 school transcripts and (b) finalist means any applicant who is not an
12 applicant for a position described in section 85-106.06 and (i) who
13 reaches the final pool of applicants, numbering four or more, from which
14 the successful applicant is to be selected, (ii) who is an original
15 applicant when the final pool of applicants numbers less than four, or
16 (iii) who is an original applicant and there are four or fewer original
17 applicants;

18 (16) Records obtained by the Public Employees Retirement Board
19 pursuant to section 84-1512;

20 (17) Social security numbers; credit card, charge card, or debit
21 card numbers and expiration dates; and financial account numbers supplied
22 to state and local governments by citizens;

23 (18) Information exchanged between a jurisdictional utility and city
24 pursuant to section 66-1867;

25 (19) Draft records obtained by the Nebraska Retirement Systems
26 Committee of the Legislature and the Governor from Nebraska Public
27 Employees Retirement Systems pursuant to subsection (4) of section
28 84-1503; ~~and~~

29 (20) All prescription drug information submitted pursuant to section
30 71-2454, all data contained in the prescription drug monitoring system,
31 and any report obtained from data contained in the prescription drug
1 monitoring system; ~~and~~ -

2 (21) Reports filed pursuant to section 48-144.01, except that such
3 reports:

4 (a) Shall be made available for inspection or copying by the
5 Nebraska Workers' Compensation Court pursuant to sections 84-712 to
6 84-712.09 upon request:

7 (i) By the employee who is the subject of the report or by an
8 attorney or authorized agent of such employee;

9 (ii) By the employer, workers' compensation insurer, risk management
10 pool, or third-party administrator that is a party to the report or an
11 attorney or authorized agent of such party;

12 (iii) By a third party for the purpose of identifying the number and
13 nature of any injuries to any employees of an employer identified in the
14 request, so long as the court redacts any information revealing the
15 identity of any employee prior to releasing the reports; or
16 (iv) By a nonprofit organization for the purpose of sending

17 condolences to, providing memorials for, and offering grief counseling to
 18 family members of an employee whose death was caused by a workplace
 19 incident; and

20 (b) Shall be disclosed by the court if the reports are requested for
 21 use in connection with a state or federal investigation or examination or
 22 for use by the state or federal government to compile statistical
 23 information.

24 Sec. 3. Original section 48-144.01, Reissue Revised Statutes of
 25 Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement,
 26 2016, are repealed.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1084:

FA109

Strike Section 1.

Senator Smith filed the following amendment to LB389:

AM2129

(Amendments to Standing Committee amendments, AM1456)

1 1. Strike original section 35 and insert the following new section:

2 Sec. 35. An authority shall require that all rates, charges, fees,
 3 or compensation paid by a wireless provider are based on fair market
 4 value for the right to use or occupy a right-of-way. Application fees
 5 charged to a wireless provider shall be cost-based.

Senator Smith filed the following amendment to LB389:

AM2130

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 6, strike lines 17 through 31.

2 2. On page 7, strike lines 1 through 20 and insert the following new
 3 subsection:

4 "(4) A wireless provider shall have the right, subject to authority
 5 approval, to collocate small wireless facilities and install, maintain,
 6 modify, operate, and replace utility poles along, across, upon, and under
 7 the right-of-way."; in line 21 strike "(8)" and insert "(5)"; and in line
 8 26 strike "(9)" and insert "(6)".

9 3. On page 8, strike beginning with "in" in line 5 through "section"
 10 in line 6; strike lines 12 through 17; and in line 18 strike "(4)" and
 11 insert "(3)".

12 4. On page 12, line 27, strike "(5)" and insert "(4)".

13 5. On page 13, line 4, strike "subsections (3) and (4)" and insert
 14 "subsection (3)"; and in line 5 strike "(6)" and insert "(5)".

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications

Room 1113

Thursday, March 8, 2018 1:00 p.m.

LaShonna Dorsey - Nebraska Information Technology Commission
Thomas Nutt - Nebraska Information Technology Commission
Terry Haack - Nebraska Information Technology Commission
Dorest Harvey - Nebraska Information Technology Commission
Gerald Warren - Nebraska Information Technology Commission
Walter G. Weir - Nebraska Information Technology Commission

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 330.** Introduced by Lowe, 37.

WHEREAS, the Kearney High School wrestling team brought home four individual titles and the team runner-up trophy from the 2018 Class A State Wrestling Championship; and

WHEREAS, Lee Herrington, a senior, was a repeat champion in the 285-pound division; and

WHEREAS, Phillip Moomey, a junior and a repeat champion, won the 126-pound division; and

WHEREAS, Nick James, a junior in the 138-pound division, won his first state title during his third trip to the State Wrestling Championship; and

WHEREAS, Brayden Smith, a sophomore, won the title in the 113-pound division during his first trip to the State Wrestling Championship; 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, SECOND SESSION:

1. That the Legislature congratulates Lee Herrington, Phillip Moomey, Nick James, and Brayden Smith on their state wrestling championships.

2. That a copy of this resolution be sent to Kearney High School and to Lee Herrington, Phillip Moomey, Nick James, and Brayden Smith.

Laid over.

LEGISLATIVE RESOLUTION 331. Introduced by Bolz, 29.

WHEREAS, René Ferdinand grew up in Bakersfield, California, and received his Bachelor of Arts degree in Sociology and Political Science from California State University, Bakersfield in 1973; and

WHEREAS, René Ferdinand moved to Grand Island in 1974 as a volunteer with Volunteers in Service to America (VISTA) to develop a cultural learning community center; and

WHEREAS, René Ferdinand has worked in the field of developmental disabilities for over forty years, including in direct support, services coordination, and state level directorships; and

WHEREAS, René Ferdinand has worked with service providers, advocacy organizations, and state agencies at the local and national level; and

WHEREAS, René Ferdinand has improved the lives of Nebraskans with developmental disabilities throughout his career while holding positions at the Lincoln Regional Center, Region V Services, the Nebraska Department of Health and Human Services, the Arc of Nebraska, and the Nebraska Health Care Association; and

WHEREAS, René Ferdinand has participated on many professional boards, advisory groups, and community organizations, such as the Nebraska Association of Service Providers, the Nebraska Planning Council on Developmental Disabilities, the National Association of State Directors of Developmental Disabilities Services, the Association of Community Professionals of Nebraska, the Nebraska Brain Injury Advisory Council, the Arc of Nebraska, the Near South Neighborhood Association, and the Preservation Association of Lincoln; and

WHEREAS, René Ferdinand has been recognized with the Robert L. Schalock Quality Award, Soldier of Justice Award, Distinguished Service Award, Executive of the Year, and Outstanding Service Award; and

WHEREAS, René Ferdinand has served as Chief Executive Officer and President of the Autism Center of Nebraska since 2007; and

WHEREAS, while at the Autism Center of Nebraska, René Ferdinand has been instrumental in developing programs that support and enhance the quality of life for persons with autism and other developmental disabilities, including Transitional Educational Services, Employment Connections, the Art Garden, and the Autism Care for Toddlers Clinic; and

WHEREAS, René Ferdinand will retire on March 2, 2018.

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

1. That the Legislature thanks René Ferdinand for his years of service to the state and his contributions to improve the lives of those with developmental disabilities.

2. That a copy of this resolution be sent to René Ferdinand.

Laid over.

LEGISLATIVE RESOLUTION 332. Introduced by McDonnell, 5.

WHEREAS, the International Association of Fire Fighters (IAFF) convened its first convention one hundred years ago when thirty-six delegates selected from twenty-four local unions gathered on February 28, 1918, in Washington, D.C.; and

WHEREAS, the thirty-six delegates met at the American Federation of Labor building at 10:00 in the morning to adopt a Constitution and By-Laws for the new union, created for the sole benefit of rank-and-file fire fighters in the United States and Canada; and

WHEREAS, the delegates elected Thomas G. Spellacy of Schenectady, New York as the IAFF's first president and William Smith as the union's first Secretary-Treasurer; and

WHEREAS, before the IAFF was formed, fire fighters received salaries as low as twenty-nine cents per hour. The IAFF has fought for better wages, fair benefits, better working conditions, and improved safety for its members, as well as greater public safety services for the communities they serve; and

WHEREAS, the IAFF currently has more than 300,000 members that represent more than 3,200 affiliates in every state and Canada; and

WHEREAS, the IAFF remains the primary advocate for providing fire fighters and paramedics with the tools they need to perform their jobs.

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

1. That the Legislature recognizes and celebrates the centennial of the International Association of Fire Fighters.
2. That Nebraska's fire fighters are encouraged to celebrate the history of the IAFF.
3. That the Legislature recognizes and respects the role of the IAFF as the protector of the protectors.
4. That copies of this resolution be sent to the IAFF headquarters, the Nebraska Professional Fire Fighters Association, and the IAFF Local 385.

Laid over.

PROPOSED RULES CHANGES

Senator Scheer offered the following proposed rules changes:

Amend Rule 2

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session in odd-numbered years, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted which shall govern the Legislature for a period of two years. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Referred to the Rules Committee.

Senator Watermeier offered the following proposed rules changes:

Strike the original Rule 10 and insert the following:

**RULE 10 – ELECTION CONTESTS AND
QUALIFICATIONS CHALLENGES**

Section 1. Committee Selection. (a) Each qualifications challenge and election contest filed with the Clerk of the Legislature shall be referred by the Clerk of the Legislature to the Executive Board of the Legislative Council, who in turn shall refer the matter to a specially created committee to consider such challenge. The committee shall consist of seven members appointed by the Executive Board of the Legislative Council.

(b) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules shall be consistent with the Constitution, Nebraska statutes, and the Rules of the Nebraska Legislature. Such adopted rules shall be filed with the Clerk within twenty-four hours of adoption and shall be made available to all parties and to the public.

(c) The committee shall give notice of all rules, timetables, or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt or by certified mail (return receipt requested).

Sec. 2. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Rules of the Legislature, Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions shall be given weight as precedent.

(b) Due process is met if the respondent member received notice of the challenge and each party had a reasonable opportunity to present his or her claim, any defense and arguments, and to respond to those of his or her opponent. If the parties submitted a brief and had an opportunity to respond to the opposing party's brief, a hearing is not required to meet due process requirements. The Committee may nonetheless hold a hearing if the Committee so chooses.

(c) All parties may be represented by counsel.

Sec. 3. Discovery in Contests and Challenges. (a) Discovery may commence in an election contest or qualifications challenge as soon as a response is filed by the respondent member or eleven calendar days after a petition is filed under the Legislative Qualifications and Election Contests

Act, whichever occurs sooner. Either party to a petition may obtain discovery regarding any matter which is not privileged and is relevant to the particular grounds stated in the petition or response.

(b) Discovery shall be conducted in any manner permitted by the rules of discovery for civil cases adopted by the Supreme Court.

(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.

(d) No testimony shall be received in the taking of depositions or by the Legislature which does not relate to the points specified in the petition.

(e) Discovery materials shall be filed with the Clerk of the Legislature only when ordered by the committee or when required by law or these rules.

Sec. 4. Discovery in Qualifications Challenges. (a) A party to a petition to challenge qualifications shall respond to a discovery request within four calendar days after receipt of the request or by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner. A person who is not a party to the petition shall respond to a discovery request within seven calendar days after receipt of the request or by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner.

(b) The chairperson of the committee may grant additional time to respond to a discovery request if he or she finds good cause for additional time to be granted. The chairperson shall not grant more than seven calendar days of additional time beyond the initial time period to respond.

(c) All discovery, including responses to discovery, shall be completed by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election. The petitioner or respondent member shall not be granted any additional time after such deadline to conduct discovery unless additional time is granted pursuant to subsection (b) of this section.

Sec. 5. Submission of Discovery Record and Briefs in Contests and Challenges. (a) The petitioner and respondent member shall each file a brief with the Clerk of the Legislature which outlines the party's claims or defenses, relevant legal authority and legislative precedent, and proposed form of relief. The briefs shall be filed with the Clerk of the Legislature and served on the opposing party within five calendar days after the final date for conducting discovery.

(b) A party may file a response to the opposing party's brief which addresses the issues raised in the opposing party's brief. The response shall be filed with the Clerk of the Legislature and served upon the opposing party within five calendar days after receipt of the opposing party's brief.

(c) Each party shall submit any proof or evidence, including, but not limited to, depositions, affidavits, and documents to the Clerk of the Legislature within five calendar days after receipt of the opposing party's brief. Only proof of issues raised in the initial petition or amendments to the petition or in the response to the petition may be submitted for consideration by the Legislature.

Sec. 6. Committee Proceedings and Powers in Contests and Challenges.

(a) The committee shall consider the qualifications challenge within fourteen calendar days after the deadline for which the parties have to submit discovery materials to the committee.

(b) The committee shall resolve the election contest or qualifications challenge as expeditiously as possible.

(c) Upon meeting and considering the record and arguments of the petitioner and respondent member, the committee may dismiss a petition filed under the Legislative Qualifications and Election Contests Act or may conduct a further inquiry as permitted by the Rules of the Legislature.

(d) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(e) In conducting inquiries, investigations, and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents, and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 21. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 21. At any point during the election contest or qualifications challenge, the committee may require the parties to submit a brief to the committee on any issue relevant to the matter.

(f) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk of the Legislature's Office.

(g) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff, and other personnel as deemed necessary.

Sec. 7. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be approved by a majority of the members of the committee. Such decisions shall be reported in writing to the Legislature. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports, or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and rerefer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are not amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 935. Title read. Considered.

Committee AM1888, found on page 632, was offered.

Senator Harr offered the following amendment to the committee amendment:

FA110

Amend AM1888

Page 1, line 4 delete "may" and replace with "shall".

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE RESOLUTION 266. Reported to the Legislature for further consideration.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 873. Placed on General File with amendment. AM2065 is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB822:
AM2191

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

3 Section 1. Notwithstanding any other provision of law, the public
4 power industry shall not be required to disclose proprietary or
5 commercial information which if released would give advantage to business
6 competitors.

7 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
8 to Chapter 70, article 6.

9 Sec. 3. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, March 7, 2018 12:30 p.m.

AM2191 to LB822 Note: Clarify public power exception from public records

(Signed) Dan Hughes, Chairperson

CONFLICT OF INTEREST STATEMENT

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

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB690.

Senator Halloran name added to LB931.

Senator Kolterman name added to LB1040.

Senator Brewer name added to LB1100.

Senator Murante name added to LR6.

VISITORS

Visitors to the Chamber were 16 eleventh-grade students, teachers, and sponsor from Sterling; 25 members of the Adult Leadership Program as sponsored by Hastings Area Chamber of Commerce; and Erin Ball and Henry Clymer from Cass County.

RECESS

At 11:57 a.m., on a motion by Senator Watermeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Brewer and Lindstrom who were excused; and Senators Groene, Larson, Morfeld, Stinner, Williams, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 935. Senator Harr renewed his amendment, FA110, found in this day's Journal, to the committee amendment.

Senator Chambers offered the following motion:

MO236

Bracket until April 4, 2018.

Senator Chambers withdrew his motion to bracket.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 931. Placed on Select File with amendment.

ER112

- 1 1. On page 1, line 1, strike "opiates" and insert "controlled
- 2 substances"; and in line 3 after the semicolon insert "to harmonize
- 3 provisions; to provide termination dates;".

LEGISLATIVE BILL 1078. Placed on Select File.**LEGISLATIVE BILL 439A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 17. Placed on Final Reading Second.

ST45

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. The Erdman amendment, AM1528, has been incorporated into the Final Reading copy of LB17.
2. In the Erdman amendment, AM1528, on page 1, line 6, the second comma has been struck.
3. On page 18, line 30, "fails" has been struck and "failed" inserted.
4. On page 26, line 27, "Registration" has been inserted after "Company".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 833. Placed on General File.**LEGISLATIVE BILL 983.** Placed on General File.**LEGISLATIVE BILL 1051.** Placed on General File.**LEGISLATIVE RESOLUTION 293CA.** Placed on General File with amendment.

AM2077

- 1 1. On page 1, strike beginning with "The" in line 7 through line 13
- 2 and insert "The people of Nebraska have the right to use or consume
- 3 cannabis and cannabis products in any form to treat or relieve any
- 4 diagnosed medical condition or illness, subject only to laws, rules, or
- 5 regulations that preserve or facilitate this right, or that advance a
- 6 compelling government interest and are narrowly tailored to use the least
- 7 restrictive means necessary to advance such interest."; and strike lines
- 8 18 through 23 and insert "have the right to use or consume cannabis and

9 cannabis products in any form to treat or relieve any diagnosed medical
 10 condition or illness, subject only to laws, rules, or regulations that
 11 preserve or facilitate this right, or that advance a compelling
 12 government interest and are narrowly tailored to use the least
 13 restrictive means necessary to advance such interest."

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 333. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, educating citizens about the dangers of problem gambling is crucial to preventing problem gambling.

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

1. That the Legislature recognizes March 2018 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 935. The Harr amendment, FA110, found in this day's Journal, to the committee amendment, was renewed.

PRESIDENT FOLEY PRESIDING

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Harr amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Kuehn offered the following amendment to the committee amendment:

FA111

Amend AM1888

Strike line 30 on page 4 through line 12 on page 5 and strike lines 8 to 25 on page 7.

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

Senator Kuehn requested a roll call vote on his amendment.

Voting in the affirmative, 43:

Baker	Ebke	Hilkemann	McDonnell	Thibodeau
Blood	Erdman	Howard	Morfeld	Vargas
Bolz	Friesen	Hughes	Murante	Walz
Bostelman	Geist	Kolowski	Pansing Brooks	Watermeier
Brasch	Groene	Kolterman	Quick	Wayne
Briese	Halloran	Krist	Riepe	Williams
Chambers	Hansen	Kuehn	Scheer	Wishart
Clements	Harr	Linehan	Schumacher	
Crawford	Hilgers	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Low	Stinner
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The Kuehn amendment was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Senator Wayne requested a record vote on the committee amendment, AM1888, as amended.

Voting in the affirmative, 37:

Albrecht	Clements	Harr	Linehan	Thibodeau
Baker	Crawford	Hilgers	McCollister	Vargas
Blood	Ebke	Hilkemann	Murante	Watermeier
Bolz	Erdman	Howard	Pansing Brooks	Wayne
Bostelman	Friesen	Hughes	Quick	Williams
Brasch	Geist	Kolowski	Scheer	
Briese	Groene	Krist	Schumacher	
Chambers	Hansen	Kuehn	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Halloran	McDonnell	Riepe	Wishart
Kolterman	Morfeld	Walz	

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Lowe	Stinner
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The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

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

Voting in the affirmative, 36:

Albrecht	Clements	Hansen	Krist	Walz
Baker	Crawford	Harr	Kuehn	Watermeier
Blood	Ebke	Hilgers	McCollister	Wayne
Bolz	Erdman	Hilkemann	Quick	Williams
Bostelman	Friesen	Howard	Scheer	
Brasch	Geist	Hughes	Schumacher	
Briese	Groene	Kolowski	Thibodeau	
Chambers	Halloran	Kolterman	Vargas	

Voting in the negative, 0.

Present and not voting, 8:

Linehan	Morfeld	Pansing Brooks	Smith
McDonnell	Murante	Riepe	Wishart

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Lowe	Stinner
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Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 773. Title read. Considered.

Committee AM1932, found on page 679, was offered.

Senator Clements offered the following amendment to the committee amendment:

AM2174

(Amendments to Standing Committee amendments, AM1932)

1 1. On page 1, strike beginning with "causes" in line 7 through
2 "transmitting" in line 8 and insert "telephones such individual or

3 transmits"; and in line 27 strike "in".
 4 2. On page 2, line 1, strike "the state" and reinstate the stricken
 5 matter.

The Clements amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB389:

AM2139

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 7, line 29, strike "pursuant to the" and insert "as
 2 determined by the authority"; and strike beginning with "competitively"
 3 in line 30 through "authority" in line 31.

Senator Quick filed the following amendment to LB389:

AM2141

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 9, lines 2 and 29, strike "(h)" and insert "(g)"; strike
 2 lines 7 and 8; in line 9 strike "(e)" and insert "(d)"; in line 15 strike
 3 "(f)" and insert "(e)"; and in lines 19 and 23 strike "(g)" and insert
 4 "(f)".
 5 2. On page 10, line 16, strike "(i)" and insert "(h)"; and in line
 6 24 strike "(j)" and insert "(i)".
 7 3. On page 11, line 12, strike "(k)" and insert "(j)"; in line 24
 8 strike "(h)" and insert "(g)"; in line 26 strike "(l)" and insert "(k)";
 9 and in line 31 strike "(m)(i)" and insert "(l)(i)".

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 670. Placed on General File with amendment.
 AM2093 is available in the Bill Room.

LEGISLATIVE BILL 729. Placed on General File with amendment.
 AM2160

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 81-8,219, Revised Statutes Supplement, 2017, is
 4 amended to read:
 5 81-8,219 The State Tort Claims Act shall not apply to:
 6 (1) Any claim based upon an act or omission of an employee of the

7 state, exercising due care, in the execution of a statute, rule, or
 8 regulation, whether or not such statute, rule, or regulation is valid, or
 9 based upon the exercise or performance or the failure to exercise or
 10 perform a discretionary function or duty on the part of a state agency or
 11 an employee of the state, whether or not the discretion is abused;

12 (2) Any claim arising with respect to the assessment or collection
 13 of any tax or fee, or the detention of any goods or merchandise by any
 14 law enforcement officer;

15 (3) Any claim for damages caused by the imposition or establishment
 16 of a quarantine by the state whether such quarantine relates to persons
 17 or property;

18 (4) Any claim arising out of assault, battery, false imprisonment,
 19 false arrest, malicious prosecution, abuse of process, libel, slander,
 20 ~~misrepresentation, deceit~~, or interference with contract rights;

21 (5) Any claim arising out of misrepresentation or deceit, except
 22 that the State Tort Claims Act shall apply to a claim arising out of
 23 misrepresentation or deceit by the Department of Health and Human
 24 Services in failing to warn, notify, or inform of a ward's mental and
 25 behavioral health history, educational history, and medical history,
 26 including any history as a victim or perpetrator of sexual abuse in cases
 27 of adoption or placement;

1 ~~(6)~~ (5) Any claim by an employee of the state which is covered by
 2 the Nebraska Workers' Compensation Act;

3 ~~(7)~~ (6) Any claim based on activities of the Nebraska National Guard
 4 when such claim is cognizable under the Federal Tort Claims Act, 28
 5 U.S.C. 2674, or the federal National Guard Tort Claims Act of the United
 6 States, 32 U.S.C. 715, or when such claim accrues as a result of active
 7 federal service or state service at the call of the Governor for quelling
 8 riots and civil disturbances;

9 ~~(8)~~ (7) Any claim based upon the failure to make an inspection or
 10 making an inadequate or negligent inspection of any property other than
 11 property owned by or leased to the state to determine whether the
 12 property complies with or violates any statute, ordinance, rule, or
 13 regulation or contains a hazard to public health or safety unless the
 14 state had reasonable notice of such hazard or the failure to inspect or
 15 inadequate or negligent inspection constitutes a reckless disregard for
 16 public health or safety;

17 ~~(9)~~ (8) Any claim based upon the issuance, denial, suspension, or
 18 revocation of or failure or refusal to issue, deny, suspend, or revoke
 19 any permit, license, certificate, or order. Such claim shall also not be
 20 filed against a state employee acting within the scope of his or her
 21 office. Nothing in this subdivision shall be construed to limit the
 22 state's liability for any claim based upon the negligent execution by a
 23 state employee in the issuance of a certificate of title under the Motor
 24 Vehicle Certificate of Title Act and the State Boat Act except when such
 25 title is issued upon an application filed electronically by an approved
 26 licensed dealer participating in the electronic dealer services system
 27 pursuant to section 60-1507;

28 ~~(10)~~ (9) Any claim arising out of the malfunction, destruction, or

29 unauthorized removal of any traffic or road sign, signal, or warning
30 device unless it is not corrected by the governmental entity responsible
31 within a reasonable time after actual or constructive notice of such
1 malfunction, destruction, or removal. Nothing in this subdivision shall
2 give rise to liability arising from an act or omission of any
3 governmental entity in placing or removing any traffic or road signs,
4 signals, or warning devices when such placement or removal is the result
5 of a discretionary act of the governmental entity;

6 (11) ~~(10)~~ Any claim arising out of snow or ice conditions or other
7 temporary conditions caused by nature on any highway as defined in
8 section 60-624, bridge, public thoroughfare, or other state-owned public
9 place due to weather conditions. Nothing in this subdivision shall be
10 construed to limit the state's liability for any claim arising out of the
11 operation of a motor vehicle by an employee of the state while acting
12 within the course and scope of his or her employment by the state;

13 (12) ~~(11)~~ Any claim arising out of the plan or design for the
14 construction of or an improvement to any highway as defined in such
15 section or bridge, either in original construction or any improvement
16 thereto, if the plan or design is approved in advance of the construction
17 or improvement by the governing body of the governmental entity or some
18 other body or employee exercising discretionary authority to give such
19 approval;

20 (13) ~~(12)~~ Any claim arising out of the alleged insufficiency or want
21 of repair of any highway as defined in such section, bridge, or other
22 public thoroughfare. Insufficiency or want of repair shall be construed
23 to refer to the general or overall condition and shall not refer to a
24 spot or localized defect. The state shall be deemed to waive its immunity
25 for a claim due to a spot or localized defect only if the state has had
26 actual or constructive notice of the defect within a reasonable time to
27 allow repair prior to the incident giving rise to the claim;

28 (14)(a) ~~(13)(a)~~ Any claim relating to recreational activities on
29 property leased, owned, or controlled by the state for which no fee is
30 charged (i) resulting from the inherent risk of the recreational
31 activity, (ii) arising out of a spot or localized defect of the premises
1 unless the spot or localized defect is not corrected within a reasonable
2 time after actual or constructive notice of the spot or localized defect,
3 or (iii) arising out of the design of a skatepark or bicycle motocross
4 park constructed for purposes of skateboarding, inline skating,
5 bicycling, or scootering that was constructed or reconstructed,
6 reasonably and in good faith, in accordance with generally recognized
7 engineering or safety standards or design theories in existence at the
8 time of the construction or reconstruction. For purposes of this
9 subdivision, the state shall be charged with constructive notice only
10 when the failure to discover the spot or localized defect of the premises
11 is the result of gross negligence.

12 (b) For purposes of this subdivision:

13 (i) Recreational activities include, but are not limited to, whether
14 as a participant or spectator: Hunting, fishing, swimming, boating,
15 camping, picnicking, hiking, walking, running, horseback riding, use of

16 trails, nature study, waterskiing, winter sports, use of playground
17 equipment, biking, roller blading, skateboarding, golfing, athletic
18 contests; visiting, viewing, or enjoying entertainment events, festivals,
19 or historical, archaeological, scenic, or scientific sites; and similar
20 leisure activities;
21 (ii) Inherent risk of recreational activities means those risks that
22 are characteristic of, intrinsic to, or an integral part of the activity;
23 (iii) Gross negligence means the absence of even slight care in the
24 performance of a duty involving an unreasonable risk of harm; and
25 (iv) Fee means a fee to participate in or be a spectator at a
26 recreational activity. A fee shall include payment by the claimant to any
27 person or organization other than the state only to the extent the state
28 retains control over the premises or the activity. A fee shall not
29 include payment of a fee or charge for parking or vehicle entry.
30 (c) This subdivision, and not subdivision ~~(8)~~ ~~(7)~~ of this section,
31 shall apply to any claim arising from the inspection or failure to make
1 an inspection or negligent inspection of premises owned or leased by the
2 state and used for recreational activities; or
3 ~~(15)~~ ~~(14)~~ Any claim arising as a result of a special event during a
4 period of time specified in a notice provided by a political subdivision
5 pursuant to subsection (3) of section 39-1359.
6 Sec. 2. Original section 81-8,219, Revised Statutes Supplement,
7 2017, is repealed.

LEGISLATIVE BILL 841. Placed on General File with amendment.
AM2092 is available in the Bill Room.

(Signed) Laura Ebke, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 28, 2018

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 78, 275, 285, 310, 345, 472, 480, 486, 618,
710, 744, 757, and 758e were received in my office on February 23, 2018.

These bills were signed and delivered to the Secretary of State on
February 28, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

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

Voting in the affirmative, 37:

Albrecht	Crawford	Hilgers	McCollister	Stinner
Baker	Erdman	Hilkemann	McDonnell	Thibodeau
Blood	Friesen	Howard	Morfeld	Vargas
Bolz	Geist	Hughes	Pansing Brooks	Walz
Brasch	Groene	Kolowski	Quick	Wishart
Briese	Halloran	Kolterman	Riepe	
Chambers	Hansen	Krist	Scheer	
Clements	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Ebke	Linehan	Smith
Kuehn	Murante	Wayne

Excused and not voting, 6:

Bostelman	Larson	Watermeier
Brewer	Lindstrom	Williams

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 913. Title read. Considered.

Senator McDonnell offered the following amendment:

AM2061

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

2 sections:

3 Section 1. Section 28-929.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 28-929.02 Every hospital and health clinic shall display at all
6 times in a prominent place a printed sign with a minimum height of twenty
7 inches and a minimum width of fourteen inches, with each letter to be a
8 minimum of one-fourth inch in height, which shall read as follows:

9 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE

10 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH

11 CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE

12 PUNISHABLE AS A FELONY.

13 Sec. 2. Section 28-934, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 28-934 (1) Any person who knowingly and intentionally strikes any
16 public safety officer with any bodily fluid is guilty of assault with a
17 bodily fluid against a public safety officer.
18 (2) Except as provided in subsection (3) of this section, assault
19 with a bodily fluid against a public safety officer is a Class I
20 misdemeanor.
21 (3) Assault with a bodily fluid against a public safety officer is a
22 Class IIIA felony if the person committing the offense strikes with a
23 bodily fluid the eyes, mouth, or skin of a public safety officer and knew
24 the source of the bodily fluid was infected with the human
25 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
26 offense was committed.
27 (4) Upon a showing of probable cause by affidavit to a judge of this
1 state that an offense as defined in subsection (1) of this section has
2 been committed and that identifies the probable source of the bodily
3 fluid or bodily fluids used to commit the offense, the judge shall grant
4 an order or issue a search warrant authorizing the collection of any
5 evidence, including any bodily fluid or medical records or the
6 performance of any medical or scientific testing or analysis, that may
7 assist with the determination of whether or not the person committing the
8 offense or the person from whom the person committing the offense
9 obtained the bodily fluid or bodily fluids is infected with the human
10 immunodeficiency virus, hepatitis B, or hepatitis C.
11 (5) As used in this section:
12 (a) Bodily fluid means any naturally produced secretion or waste
13 product generated by the human body and shall include, but not be limited
14 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
15 fluid, or feces; and
16 (b) Public safety officer includes any of the following persons who
17 are engaged in the performance of their official duties at the time of
18 the offense: A peace officer; a probation officer; a firefighter; an out-
19 of-hospital emergency care provider as defined in section 28-929.01; a
20 health care professional as defined in section 28-929.01; an employee of
21 a county, city, or village jail; an employee of the Department of
22 Correctional Services; an employee of the secure youth confinement
23 facility operated by the Department of Correctional Services, if the
24 person committing the offense is committed to such facility; an employee
25 of the Youth Rehabilitation and Treatment Center-Geneva or the Youth
26 Rehabilitation and Treatment Center-Kearney; or an employee of the
27 Department of Health and Human Services if the person committing the
28 offense is committed as a dangerous sex offender under the Sex Offender
29 Commitment Act.
30 Sec. 3. Original sections 28-929.02 and 28-934, Reissue Revised
31 Statutes of Nebraska, are repealed.

The McDonnell amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 104. Title read. Considered.

Committee AM1464, found on page 470, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 869. Placed on General File with amendment.

AM1850

- 1 1. On page 3, line 6, strike "or district court".
- 2 2. On page 4, line 15, strike "diversion or" and insert "diversion
3 program offered by the county attorney or city attorney or the" and
4 strike "or district"; and in line 16 strike "court".
- 5 3. On page 5, line 2, strike "or district".

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 334. Introduced by Geist, 25.

WHEREAS, the Lincoln East High School wrestling team won the 2018 Class A State Wrestling Championship; and

WHEREAS, Lincoln East had not won the State Wrestling team title since 2004; and

WHEREAS, the Lincoln East Spartans were the only team at the championship meet to have an entry qualify in each of the fourteen weight classes; and

WHEREAS, sophomore Maxx Mayfield won the 120-pound division title, junior Chance Fry won the 145-pound division title, and senior DaShawn Dixon won the 152-pound division title; and

WHEREAS, junior Andrew (A.J.) Muthersbaugh was the runner-up in the 182-pound division; and

WHEREAS, the other Spartans competing in the State Wrestling Championship included seniors Elliot Alexander, Corbin Harrington, Cade Kammerer, Adam Kinnaman, and Drake Reinke, juniors Chris Karmazin and Nathan Rizek, sophomores Grant Lyman and Breckin Sperling, and freshman Nic Swift; and

WHEREAS, co-head coaches, Jeff Rutledge and Keenan McCurdy, led the team with their experience as alumni of the program, former individual state champions, and members of a state title team; 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, SECOND SESSION:

1. That the Legislature congratulates the Lincoln East High School wrestling team on its state wrestling championship and Maxx Mayfield, Chance Fry, and DaShawn Dixon on their individual state wrestling titles.

2. That copies of this resolution be sent to Lincoln East High School, wrestlers Maxx Mayfield, Chance Fry, and DaShawn Dixon, and coaches Jeff Rutledge and Keenan McCurdy.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB295:

AM2071

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 12, strike "2017" and insert "2018".
- 2 2. On page 3, line 31; page 5, line 1; page 6, line 10; page 7, line 3 12; and page 9, line 19, strike "2019" and insert "2020".
- 4 3. On page 4, line 4; page 5, line 10; page 6, line 14; and page 7, 5 line 16, after "to" insert "seventy-five percent of".
- 6 4. On page 4, line 8; page 5, line 17; page 6, line 19; page 7, line 7 19; and page 9, line 20, strike "2020" and insert "2021".

Senator Smith filed the following amendment to LB1089:

AM2188

(Amendments to Standing Committee amendments, AM2049)

- 1 1. Strike section 20.
- 2 2. Renumber the remaining sections, correct internal references, and 3 correct the repealer accordingly.

Senator Morfeld filed the following amendment to LB389:

AM2138

(Amendments to Standing Committee amendments, AM1456)

- 1 1. On page 2, line 30, after "city" insert "of the second class".
- 2 2. On page 3, line 1, after "utilities" insert "in cities of the 3 second class".

Senator McCollister filed the following amendment to LB389:

AM2131

(Amendments to Standing Committee amendments, AM1456)

- 1 1. Insert the following new section:
- 2 Sec. 40. This act becomes operative on January 31, 2022.

Senator McCollister filed the following amendment to LB389:

AM2137

(Amendments to Standing Committee amendments, AM1456)

- 1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 20 of this act shall be known and may be
4 cited as the Small Wireless Facilities Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) There is a need for statewide uniformity in the regulation of
7 the deployment of facilities for providing wireless service;

8 (2) Wireless facilities are critical to public safety and to
9 increase access to advanced wireless technology and information services;

10 (3) Wireless facilities are essential to help businesses and schools
11 throughout the state remain competitive in the global economy; and

12 (4) The permitting, construction, modification, maintenance,
13 installation, replacement, and operation of wireless facilities are
14 matters of statewide and local concern and interest.

15 Sec. 3. The purposes of the Small Wireless Facilities Act are to:

16 (1) Secure public access to advanced wireless technology and
17 information services in an efficient manner;

18 (2) Promote the public benefits from such wireless technology and a
19 reliable process for deployment of small wireless facilities; and

20 (3) Confirm that wireless service providers and communications
21 facility providers have a right to occupy and utilize public rights-of-
22 way as set forth in the act for the efficient conduct of their business.

23 Sec. 4. For purposes of the Small Wireless Facilities Act, the
24 definitions in sections 5 to 18 of this act apply.

25 Sec. 5. Applicant means a wireless service provider that submits an
26 application to an authority for approval of the collocation of one or
1 more wireless facilities or placement of a pole for the collocation of
2 small wireless facilities.

3 Sec. 6. Authority means a county, city, village, public power
4 district, or other political subdivision within the State of Nebraska.

5 Sec. 7. Authority right-of-way means the area on, below, or above a
6 public highway, street, sidewalk, alley, or similar property under the
7 jurisdiction of an authority and includes a federal interstate highway.

8 Sec. 8. Collocate or collocation means the mounting, installation,
9 maintenance, modification, replacement, or operation of small wireless
10 facilities on or adjacent to a tower, building, pole, or structure for
11 the purpose of transmitting or receiving radio frequency signals for
12 communications purposes. Collocate or collocation also means the
13 mounting, installation, maintenance, or modification of small wireless
14 facilities-rated pole or streetlight or on a new replacement pole in the
15 same location where a current pole exists.

16 Sec. 9. Communications facility means any facility used to provide
17 wireless service or fixed wireless service, including microwave backhaul,
18 and includes an antenna, vertical cable runs and related conduit on a
19 pole for the connection of power and other services, pipes, radio
20 transceivers, microwave devices, power supplies, and all other equipment
21 used to provide communications service. Communications facility also
22 includes wireless facilities.

23 Sec. 10. Communications facility provider means a person or entity
24 that installs or constructs facilities or structures used to provide

25 communications services.

26 Sec. 11. Communications service means service provided over a
27 communications facility, including cable service as defined in 47 U.S.C.
28 522(6), information service as defined in 47 U.S.C. 153(24), and
29 telecommunications service as defined in 47 U.S.C. 153(53), as such
30 sections existed on January 1, 2018, including, but not limited to,
31 wireline backhaul service. Communications service also includes wireless
1 service as defined in section 15 of this act.

2 Sec. 12. Pole means a utility pole, pole, light pole, light
3 standard, or structure that is used in whole or in part for
4 communications service, lighting, or a similar function.

5 Sec. 13. Small wireless facility means a wireless facility that
6 meets the following qualifications:

7 (1) Each antenna is located inside an enclosure of no more than
8 three cubic feet in volume, or in the case of an antenna that has exposed
9 elements, the antenna and all its exposed elements could fit within an
10 enclosure of no more than three cubic feet; and

11 (2) All other wireless equipment associated with the structure is
12 cumulatively no more than seventeen and one half cubic feet in volume.
13 The following types of associated ancillary equipment are included in the
14 calculation of equipment volume: Electric meters, concealment material,
15 telecommunications demarcation boxes, ground-based enclosures, backup
16 power systems, grounding equipment, power transfer switches, cutoff
17 switches, and vertical cable runs and related conduit on a pole for
18 connection of power and other services.

19 Sec. 14. Wireless facility means equipment at a fixed location that
20 enables the provision of wireless services between user equipment and a
21 communications network, including radio transceivers, antennas, regular
22 and backup power supplies, and comparable equipment regardless of
23 technological configuration. Wireless facility includes small wireless
24 facilities but does not include wireline backhaul service facilities or
25 coaxial or fiber-optic cable that is between poles or wireless support
26 structures or that is otherwise not immediately adjacent to or directly
27 associated with a particular collocation.

28 Sec. 15. Wireless service means any service using licensed wireless
29 spectrum whether fixed or mobile and is provided using wireless
30 facilities and includes personal wireless service as defined in 47 U.S.C.
31 332 and mobile service as defined in 47 U.S.C. 153(33), as such sections
1 existed on January 1, 2018.

2 Sec. 16. Wireless service provider means a person who provides
3 wireless services.

4 Sec. 17. Wireless support structure means a pole or other
5 freestanding structure capable of supporting the attachment or
6 installation of small wireless facilities in compliance with applicable
7 codes, including, but not limited to, water towers, buildings, and other
8 structures whether within or outside the authority right-of-way.

9 Sec. 18. Wireline backhaul service means the transport of
10 communications service by wire from wireless facilities to a network.

11 Sec. 19. (1) For any construction, operation, collocation, or

12 placement of communications facilities, small wireless facilities,
13 wireless facilities, or wireless support structures that occur along,
14 upon, across, or under a state or federal highway or upon a state-owned
15 wireless support structure, the application process, location, and
16 installation of such facilities and structures, as such pertain to the
17 present and future use of the right-of-way or state-owned poles or
18 wireless support structures for highway purposes, are subject to the
19 rules and regulations, guidance documents, and usual and customary
20 permitting requirements of the State of Nebraska and the Department of
21 Transportation, including, but not limited to, requirements for location
22 and design review, liability and automobile insurance, indemnification of
23 the department from liability, protection of public safety and property
24 interests, and compliance with federal transportation funding
25 requirements.
26 (2) The construction, operation, collocation, or placement of
27 communications facilities, small wireless facilities, wireless
28 facilities, or wireless support structures shall occur at no cost to the
29 department unless otherwise agreed in advance between an applicant and
30 the department.
31 (3) The department may set and collect a reasonable application fee
1 to cover its costs in administering the activities described in this
2 section, as well as a uniform and nondiscriminatory system of occupancy
3 fees for the use and occupancy of state-owned property.
4 (4) If the future use of the state or federal highway requires the
5 moving or relocating of communications facilities, small wireless
6 facilities, wireless facilities, or wireless support structures, such
7 facilities or structures shall be removed or relocated by the owner at
8 the owner's expense and as directed by the department.
9 Sec. 20. (1) For any construction, operation, collocation, or
10 placement of communications facilities, small wireless facilities,
11 wireless facilities, or wireless support structures that occur within an
12 authority right-of-way, the application process, location, and
13 installation of such facilities and structures, as such pertain to the
14 present and future use of the authority right-of-way or authority-owned
15 poles or wireless support structures, are subject to the contractual
16 requirements, rules and regulations, guidance documents, and usual and
17 customary permitting requirements of the authority, including, but not
18 limited to, requirements for location and design review, third-party
19 technical review, liability and insurance, indemnification of the
20 authority from liability, protection of public safety and property
21 interests, and compliance with federal, state, and local requirements.
22 (2) The construction, operation, collocation, or placement of
23 communications facilities, small wireless facilities, wireless
24 facilities, or wireless support structures shall occur at no cost to the
25 authority unless otherwise agreed in advance between an applicant and the
26 authority.
27 (3) The authority may set and collect a reasonable application fee
28 to cover its costs in administering the activities described in this
29 section, as well as a uniform and nondiscriminatory system of occupancy

30 fees for the use and occupancy of authority-owned property, including
31 rights-of-way.
1 (4) If the future use of the authority right-of-way requires the
2 moving or relocating of communications facilities, small wireless
3 facilities, wireless facilities, or wireless support structures, such
4 facilities or structures shall be removed or relocated by the
5 communications facility provider or wireless service provider at such
6 provider's expense and as directed by the authority.

ANNOUNCEMENT

Senator Larson announced the General Affairs Committee will hold an executive session Thursday, March 1, 2018, at 9:15 a.m., in Room 2022.

ADJOURNMENT

At 4:59 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2018.

Patrick J. O'Donnell
Clerk of the Legislature