

THIRTY-NINTH DAY - MARCH 8, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 2018

PRAYER

The prayer was offered by Senator Williams.

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 Kuehn and Vargas who were excused; and Senators Larson, Linehan, McCollister, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Committee AM1965, found on page 700, was offered.

Senator Hilkemann moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

The committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Voting in the affirmative, 36:

Baker	Crawford	Howard	Morfeld	Walz
Blood	Ebke	Kolowski	Pansing Brooks	Wayne
Bolz	Friesen	Kolterman	Quick	Williams
Bostelman	Groene	Krist	Riepe	Wishart
Brasch	Halloran	Lindstrom	Schumacher	
Brewer	Hansen	Linehan	Smith	
Briese	Harr	McCollister	Stinner	
Chambers	Hilkemann	McDonnell	Thibodeau	

Voting in the negative, 3:

Erdman	Lowe	Murante
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Present and not voting, 5:

Albrecht	Clements	Geist	Hughes	Scheer
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Excused and not voting, 5:

Hilgers	Kuehn	Larson	Vargas	Watermeier
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Advanced to Enrollment and Review Initial with 36 ayes, 3 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1090. Title read. Considered.

Senator Smith withdrew his amendment, AM1704, found on page 671.

Senator Krist offered the following amendment:

AM2255

1 1. Insert the following new section:

2 Sec. 3. Section 77-4212, Revised Statutes Supplement, 2017, is

3 amended to read:

4 77-4212 (1) For tax year 2007, the amount of relief granted under

5 the Property Tax Credit Act shall be one hundred five million dollars.

6 For tax year 2008, the amount of relief granted under the act shall be

7 one hundred fifteen million dollars. It is the intent of the Legislature

8 to fund the Property Tax Credit Act for tax years 2009 through 2016 ~~after~~

9 ~~tax year 2008~~ using available revenue. For tax ~~years year~~ 2017 and 2018,

10 the amount of relief granted under the act shall be two hundred twenty-

11 four million dollars. For tax year 2019, the amount of relief granted

12 under the act shall be two hundred forty-four million dollars. The relief

13 shall be in the form of a property tax credit which appears on the

14 property tax statement.

15 (2)(a) For tax years prior to tax year 2017, to determine the amount

16 of the property tax credit, the county treasurer shall multiply the

17 amount disbursed to the county under subdivision (4)(a) of this section

18 by the ratio of the real property valuation of the parcel to the total
19 real property valuation in the county. The amount determined shall be the
20 property tax credit for the property.

21 (b) Beginning with tax year 2017, to determine the amount of the
22 property tax credit, the county treasurer shall multiply the amount
23 disbursed to the county under subdivision (4)(b) of this section by the
24 ratio of the credit allocation valuation of the parcel to the total
25 credit allocation valuation in the county. The amount determined shall be
26 the property tax credit for the property.

27 (3) If the real property owner qualifies for a homestead exemption
1 under sections 77-3501 to 77-3529, the owner shall also be qualified for
2 the relief provided in the act to the extent of any remaining liability
3 after calculation of the relief provided by the homestead exemption. If
4 the credit results in a property tax liability on the homestead that is
5 less than zero, the amount of the credit which cannot be used by the
6 taxpayer shall be returned to the State Treasurer by July 1 of the year
7 the amount disbursed to the county was disbursed. The State Treasurer
8 shall immediately credit any funds returned under this subsection to the
9 Property Tax Credit Cash Fund. Upon the return of any funds under this
10 subsection, the county treasurer shall electronically file a report with
11 the Property Tax Administrator, on a form prescribed by the Tax
12 Commissioner, indicating the amount of funds distributed to each taxing
13 unit in the county in the year the funds were returned, any collection
14 fee retained by the county in such year, and the amount of unused credits
15 returned.

16 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
17 each county shall be equal to the amount available for disbursement
18 determined under subsection (1) of this section multiplied by the ratio
19 of the real property valuation in the county to the real property
20 valuation in the state. By September 15, the Property Tax Administrator
21 shall determine the amount to be disbursed under this subdivision to each
22 county and certify such amounts to the State Treasurer and to each
23 county. The disbursements to the counties shall occur in two equal
24 payments, the first on or before January 31 and the second on or before
25 April 1. After retaining one percent of the receipts for costs, the
26 county treasurer shall allocate the remaining receipts to each taxing
27 unit levying taxes on taxable property in the tax district in which the
28 real property is located in the same proportion that the levy of such
29 taxing unit bears to the total levy on taxable property of all the taxing
30 units in the tax district in which the real property is located.

31 (b) Beginning with tax year 2017, the amount disbursed to each
1 county shall be equal to the amount available for disbursement determined
2 under subsection (1) of this section multiplied by the ratio of the
3 credit allocation valuation in the county to the credit allocation
4 valuation in the state. By September 15, the Property Tax Administrator
5 shall determine the amount to be disbursed under this subdivision to each
6 county and certify such amounts to the State Treasurer and to each
7 county. The disbursements to the counties shall occur in two equal
8 payments, the first on or before January 31 and the second on or before

9 April 1. After retaining one percent of the receipts for costs, the
10 county treasurer shall allocate the remaining receipts to each taxing
11 unit based on its share of the credits granted to all taxpayers in the
12 taxing unit.

13 (5) For purposes of this section, credit allocation valuation means
14 the taxable value for all real property except agricultural land and
15 horticultural land, one hundred twenty percent of taxable value for
16 agricultural land and horticultural land that is not subject to special
17 valuation, and one hundred twenty percent of taxable value for
18 agricultural land and horticultural land that is subject to special
19 valuation.

20 (6) The State Treasurer shall transfer from the General Fund to the
21 Property Tax Credit Cash Fund one hundred five million dollars by August
22 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

23 (7) The Legislature shall have the power to transfer funds from the
24 Property Tax Credit Cash Fund to the General Fund.

25 2. On page 5, line 11, after "individual" insert "whose income meets
26 the requirements of subdivision (1)(c) of this section"; and after line
27 29 insert the following new subdivision:

28 "(c) An individual shall be eligible for the personal exemption
29 credit allowed under subdivision (1)(b) of this section if federal
30 adjusted gross income is no more than (i) two hundred thousand dollars
31 for individuals with a filing status of married filing jointly or (ii)
1 one hundred thousand dollars for individuals with any other filing
2 status.".

3 3. Renumber the remaining section and correct the repealer
4 accordingly.

Senator Krist moved for a call of the house. The motion prevailed with 23
ayes, 3 nays, and 23 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Baker	Hansen	Krist	Quick
Bolz	Howard	Morfeld	Walz
Crawford	Kolowski	Pansing Brooks	Wayne

Voting in the negative, 24:

Albrecht	Geist	Kolterman	Riepe	Thibodeau
Brasch	Groene	Lindstrom	Scheer	Watermeier
Brewer	Halloran	Linehan	Schumacher	Williams
Clements	Hilgers	Lowe	Smith	Wishart
Friesen	Hughes	Murante	Stinner	

Present and not voting, 8:

Blood	Chambers	Harr	McCollister
Briese	Erdman	Hilkemann	McDonnell

Excused and not voting, 5:

Bostelman	Ebke	Kuehn	Larson	Vargas
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The Krist amendment lost with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 439. Placed on Final Reading.

LEGISLATIVE BILL 439A. Placed on Final Reading.

LEGISLATIVE BILL 874. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 826. Placed on General File.

LEGISLATIVE BILL 977. Placed on General File.

LEGISLATIVE BILL 982. Placed on General File.

LEGISLATIVE BILL 1047. Placed on General File.

LEGISLATIVE BILL 1082. Placed on General File.

LEGISLATIVE BILL 811. Placed on General File with amendment.
AM2216

1 1. On page 3, line 4, after "to" insert "intentionally and
2 knowingly"; and in lines 5 and 18, strike "directly or indirectly".

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2209

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
6 3 of this act shall be known and may be cited as the Nebraska Criminal
7 Code.
8 Sec. 2. Section 28-1201, Revised Statutes Supplement, 2017, is
9 amended to read:
10 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 3

11 of this act, unless the context otherwise requires:

12 (1) Firearm means any weapon which is designed to or may readily be
13 converted to expel any projectile by the action of an explosive or frame
14 or receiver of any such weapon;

15 (2) Fugitive from justice means any person who has fled or is
16 fleeing from any peace officer to avoid prosecution or incarceration for
17 a felony;

18 (3) Handgun means any firearm with a barrel less than sixteen inches
19 in length or any firearm designed to be held and fired by the use of a
20 single hand;

21 (4) Juvenile means any person under the age of eighteen years;

22 (5) Knife means:

23 (a) Any dagger, dirk, knife, or stiletto with a blade over three and
24 one-half inches in length and which, in the manner it is used or intended
25 to be used, is capable of producing death or serious bodily injury; or

26 (b) Any other dangerous instrument which is capable of inflicting
27 cutting, stabbing, or tearing wounds and which, in the manner it is used
1 or intended to be used, is capable of producing death or serious bodily
2 injury;

3 (6) Knuckles and brass or iron knuckles means any instrument that
4 consists of finger rings or guards made of a hard substance and that is
5 designed, made, or adapted for the purpose of inflicting serious bodily
6 injury or death by striking a person with a fist enclosed in the
7 knuckles;

8 (7) Machine gun means any firearm, whatever its size and usual
9 designation, that shoots automatically more than one shot, without manual
10 reloading, by a single function of the trigger;

11 (8) School means a public, private, denominational, or parochial
12 elementary, vocational, or secondary school, a private postsecondary
13 career school as defined in section 85-1603, a community college, a
14 public or private college, a junior college, or a university;

15 (9) Short rifle means a rifle having a barrel less than sixteen
16 inches long or an overall length of less than twenty-six inches; and

17 (10) Short shotgun means a shotgun having a barrel or barrels less
18 than eighteen inches long or an overall length of less than twenty-six
19 inches.

20 Sec. 3. (1) Except as provided in subsections (3) and (4) of this
21 section, a person under the age of twenty-five years who knowingly
22 possesses a firearm commits the offense of possession of a firearm by a
23 prohibited juvenile offender if he or she has previously been adjudicated
24 an offender in juvenile court for an act which would constitute a felony
25 or an act which would constitute a misdemeanor crime of domestic
26 violence.

27 (2) Possession of a firearm by a prohibited juvenile offender is a
28 Class IV felony for a first offense and a Class IIIA felony for a second
29 or subsequent offense.

30 (3) Subsection (1) of this section does not apply to the possession
31 of firearms by members of the armed forces of the United States, active
1 or reserve, National Guard of this state, or Reserve Officers Training

2 Corps or peace officers or other duly authorized law enforcement officers
3 when on duty or training.

4 (4)(a) Prior to reaching the age of twenty-five years, a person
5 subject to the prohibition of subsection (1) of this section may file a
6 petition for exemption from such prohibition and thereby have his or her
7 right to possess a firearm reinstated. A petitioner who is younger than
8 nineteen years of age shall petition the juvenile court in which he or
9 she was adjudicated for the underlying offense. A petitioner who is
10 nineteen years of age or older shall petition the district court in the
11 county in which he or she resides.

12 (b) In determining whether to grant a petition filed under
13 subdivision (4)(a) of this section, the court shall consider:

14 (i) The behavior of the person after the underlying adjudication;

15 (ii) The likelihood that the person will engage in further criminal
16 activity; and

17 (iii) Any other information the court considers relevant.

18 (c) The court may grant a petition filed under subdivision (4)(a) of
19 this section and issue an order exempting the person from the prohibition
20 of subsection (1) of this section when in the opinion of the court the
21 order will be in the best interests of the person and consistent with the
22 public welfare.

23 (5) The fact that a person subject to the prohibition under
24 subsection (1) of this section has reached the age of twenty-five or that
25 a court has granted a petition under subdivision (4)(a) of this section
26 shall not be construed to mean that such adjudication has been set aside.
27 Nothing in this section shall be construed to authorize the setting aside
28 of such an adjudication or conviction except as otherwise provided by
29 law.

30 (6) For purposes of this section, misdemeanor crime of domestic
31 violence has the same meaning as in section 28-1206.

1 Sec. 4. Section 28-1351, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-1351 (1) A person commits the offense of unlawful membership
4 recruitment into an organization or association when he or she knowingly
5 and intentionally coerces, intimidates, threatens, or inflicts bodily
6 harm upon another person in order to entice that other person to join or
7 prevent that other person from leaving any organization, group,
8 enterprise, or association whose members, individually or collectively,
9 engage in or have engaged in any of the following criminal acts for the
10 benefit of, at the direction of, or on behalf of the organization, group,
11 enterprise, or association or any of its members:

12 (a) Robbery under section 28-324;

13 (b) Arson in the first, second, or third degree under section
14 28-502, 28-503, or 28-504, respectively;

15 (c) Burglary under section 28-507;

16 (d) Murder in the first degree, murder in the second degree, or
17 manslaughter under section 28-303, 28-304, or 28-305, respectively;

18 (e) Violations of the Uniform Controlled Substances Act that involve
19 possession with intent to deliver, distribution, delivery, or manufacture

20 of a controlled substance;
21 (f) Unlawful use, possession, or discharge of a firearm or other
22 deadly weapon under sections 28-1201 to 28-1212.04 and section 3 of this
23 act;
24 (g) Assault in the first degree or assault in the second degree
25 under section 28-308 or 28-309, respectively;
26 (h) Assault on an officer, an emergency responder, a state
27 correctional employee, a Department of Health and Human Services
28 employee, or a health care professional in the first, second, or third
29 degree under section 28-929, 28-930, or 28-931, respectively, or assault
30 on an officer, an emergency responder, a state correctional employee, a
31 Department of Health and Human Services employee, or a health care
1 professional using a motor vehicle under section 28-931.01;
2 (i) Theft by unlawful taking or disposition under section 28-511;
3 (j) Theft by receiving stolen property under section 28-517;
4 (k) Theft by deception under section 28-512;
5 (l) Theft by extortion under section 28-513;
6 (m) Kidnapping under section 28-313;
7 (n) Any forgery offense under sections 28-602 to 28-605;
8 (o) Criminal impersonation under section 28-638;
9 (p) Tampering with a publicly exhibited contest under section
10 28-614;
11 (q) Unauthorized use of a financial transaction device or criminal
12 possession of a financial transaction device under section 28-620 or
13 28-621, respectively;
14 (r) Pandering under section 28-802;
15 (s) Bribery, bribery of a witness, or bribery of a juror under
16 section 28-917, 28-918, or 28-920, respectively;
17 (t) Tampering with a witness or an informant or jury tampering under
18 section 28-919;
19 (u) Unauthorized application of graffiti under section 28-524;
20 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
21 against another under section 28-1005; or
22 (w) Promoting gambling in the first degree under section 28-1102.
23 (2) Unlawful membership recruitment into an organization or
24 association is a Class IV felony.
25 Sec. 5. Section 28-1354, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 28-1354 For purposes of the Public Protection Act:
28 (1) Enterprise means any individual, sole proprietorship,
29 partnership, corporation, trust, association, or any legal entity, union,
30 or group of individuals associated in fact although not a legal entity,
31 and shall include illicit as well as licit enterprises as well as other
1 entities;
2 (2) Pattern of racketeering activity means a cumulative loss for one
3 or more victims or gains for the enterprise of not less than one thousand
4 five hundred dollars resulting from at least two acts of racketeering
5 activity, one of which occurred after August 30, 2009, and the last of
6 which occurred within ten years, excluding any period of imprisonment,

7 after the commission of a prior act of racketeering activity;
8 (3) Until January 1, 2017, person means any individual or entity, as
9 defined in section 21-2014, holding or capable of holding a legal,
10 equitable, or beneficial interest in property. Beginning January 1, 2017,
11 person means any individual or entity, as defined in section 21-214,
12 holding or capable of holding a legal, equitable, or beneficial interest
13 in property;
14 (4) Prosecutor includes the Attorney General of the State of
15 Nebraska, the deputy attorney general, assistant attorneys general, a
16 county attorney, a deputy county attorney, or any person so designated by
17 the Attorney General, a county attorney, or a court of the state to carry
18 out the powers conferred by the act;
19 (5) Racketeering activity includes the commission of, criminal
20 attempt to commit, conspiracy to commit, aiding and abetting in the
21 commission of, aiding in the consummation of, acting as an accessory to
22 the commission of, or the solicitation, coercion, or intimidation of
23 another to commit or aid in the commission of any of the following:
24 (a) Offenses against the person which include: Murder in the first
25 degree under section 28-303; murder in the second degree under section
26 28-304; manslaughter under section 28-305; assault in the first degree
27 under section 28-308; assault in the second degree under section 28-309;
28 assault in the third degree under section 28-310; terroristic threats
29 under section 28-311.01; kidnapping under section 28-313; false
30 imprisonment in the first degree under section 28-314; false imprisonment
31 in the second degree under section 28-315; sexual assault in the first
1 degree under section 28-319; and robbery under section 28-324;
2 (b) Offenses relating to controlled substances which include: To
3 unlawfully manufacture, distribute, deliver, dispense, or possess with
4 intent to manufacture, distribute, deliver, or dispense a controlled
5 substance under subsection (1) of section 28-416; possession of marijuana
6 weighing more than one pound under subsection (12) of section 28-416;
7 possession of money used or intended to be used to facilitate a violation
8 of subsection (1) of section 28-416 prohibited under subsection (17) of
9 section 28-416; any violation of section 28-418; to unlawfully
10 manufacture, distribute, deliver, or possess with intent to distribute or
11 deliver an imitation controlled substance under section 28-445;
12 possession of anhydrous ammonia with the intent to manufacture
13 methamphetamine under section 28-451; and possession of ephedrine,
14 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
15 methamphetamine under section 28-452;
16 (c) Offenses against property which include: Arson in the first
17 degree under section 28-502; arson in the second degree under section
18 28-503; arson in the third degree under section 28-504; burglary under
19 section 28-507; theft by unlawful taking or disposition under section
20 28-511; theft by shoplifting under section 28-511.01; theft by deception
21 under section 28-512; theft by extortion under section 28-513; theft of
22 services under section 28-515; theft by receiving stolen property under
23 section 28-517; criminal mischief under section 28-519; and unlawfully
24 depriving or obtaining property or services using a computer under

25 section 28-1344;
26 (d) Offenses involving fraud which include: Burning to defraud an
27 insurer under section 28-505; forgery in the first degree under section
28 28-602; forgery in the second degree under section 28-603; criminal
29 possession of a forged instrument under section 28-604; criminal
30 possession of written instrument forgery devices under section 28-605;
31 criminal impersonation under section 28-638; identity theft under section
1 28-639; identity fraud under section 28-640; false statement or book
2 entry under section 28-612; tampering with a publicly exhibited contest
3 under section 28-614; issuing a false financial statement for purposes of
4 obtaining a financial transaction device under section 28-619;
5 unauthorized use of a financial transaction device under section 28-620;
6 criminal possession of a financial transaction device under section
7 28-621; unlawful circulation of a financial transaction device in the
8 first degree under section 28-622; unlawful circulation of a financial
9 transaction device in the second degree under section 28-623; criminal
10 possession of a blank financial transaction device under section 28-624;
11 criminal sale of a blank financial transaction device under section
12 28-625; criminal possession of a financial transaction forgery device
13 under section 28-626; unlawful manufacture of a financial transaction
14 device under section 28-627; laundering of sales forms under section
15 28-628; unlawful acquisition of sales form processing services under
16 section 28-629; unlawful factoring of a financial transaction device
17 under section 28-630; and fraudulent insurance acts under section 28-631;
18 (e) Offenses involving governmental operations which include: Abuse
19 of public records under section 28-911; perjury or subornation of perjury
20 under section 28-915; bribery under section 28-917; bribery of a witness
21 under section 28-918; tampering with a witness or informant or jury
22 tampering under section 28-919; bribery of a juror under section 28-920;
23 assault on an officer, an emergency responder, a state correctional
24 employee, a Department of Health and Human Services employee, or a health
25 care professional in the first degree under section 28-929; assault on an
26 officer, an emergency responder, a state correctional employee, a
27 Department of Health and Human Services employee, or a health care
28 professional in the second degree under section 28-930; assault on an
29 officer, an emergency responder, a state correctional employee, a
30 Department of Health and Human Services employee, or a health care
31 professional in the third degree under section 28-931; and assault on an
1 officer, an emergency responder, a state correctional employee, a
2 Department of Health and Human Services employee, or a health care
3 professional using a motor vehicle under section 28-931.01;
4 (f) Offenses involving gambling which include: Promoting gambling in
5 the first degree under section 28-1102; possession of gambling records
6 under section 28-1105; gambling debt collection under section 28-1105.01;
7 and possession of a gambling device under section 28-1107;
8 (g) Offenses relating to firearms, weapons, and explosives which
9 include: Carrying a concealed weapon under section 28-1202;
10 transportation or possession of machine guns, short rifles, or short
11 shotguns under section 28-1203; unlawful possession of a handgun under

12 section 28-1204; unlawful transfer of a firearm to a juvenile under
13 section 28-1204.01; using a deadly weapon to commit a felony or
14 possession of a deadly weapon during the commission of a felony under
15 section 28-1205; possession of a deadly weapon by a prohibited person
16 under section 28-1206; possession of a firearm by a prohibited juvenile
17 offender under section 3 of this act; possession of a defaced firearm
18 under section 28-1207; defacing a firearm under section 28-1208; unlawful
19 discharge of a firearm under section 28-1212.02; possession, receipt,
20 retention, or disposition of a stolen firearm under section 28-1212.03;
21 unlawful possession of explosive materials in the first degree under
22 section 28-1215; unlawful possession of explosive materials in the second
23 degree under section 28-1216; unlawful sale of explosives under section
24 28-1217; use of explosives without a permit under section 28-1218;
25 obtaining an explosives permit through false representations under
26 section 28-1219; possession of a destructive device under section
27 28-1220; threatening the use of explosives or placing a false bomb under
28 section 28-1221; using explosives to commit a felony under section
29 28-1222; using explosives to damage or destroy property under section
30 28-1223; and using explosives to kill or injure any person under section
31 28-1224;

1 (h) Any violation of the Securities Act of Nebraska pursuant to
2 section 8-1117;

3 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
4 section 77-2713;

5 (j) Offenses relating to public health and morals which include:
6 Prostitution under section 28-801; pandering under section 28-802;
7 keeping a place of prostitution under section 28-804; labor trafficking,
8 sex trafficking, labor trafficking of a minor, or sex trafficking of a
9 minor under section 28-831; a violation of section 28-1005; and any act
10 relating to the visual depiction of sexually explicit conduct prohibited
11 in the Child Pornography Prevention Act; and

12 (k) A violation of the Computer Crimes Act;

13 (6) State means the State of Nebraska or any political subdivision
14 or any department, agency, or instrumentality thereof; and

15 (7) Unlawful debt means a debt of at least one thousand five hundred
16 dollars:

17 (a) Incurred or contracted in gambling activity which was in
18 violation of federal law or the law of the state or which is
19 unenforceable under state or federal law in whole or in part as to
20 principal or interest because of the laws relating to usury; or

21 (b) Which was incurred in connection with the business of gambling
22 in violation of federal law or the law of the state or the business of
23 lending money or a thing of value at a rate usurious under state law if
24 the usurious rate is at least twice the enforceable rate.

25 Sec. 6. (1) When the petition alleges the juvenile committed an act
26 which would constitute a felony or an act which would constitute a
27 misdemeanor crime of domestic violence, the court shall explain the
28 specific legal consequences that an adjudication for such an act will
29 have on the juvenile's right to possess a firearm. The court shall

30 provide such explanation at the earlier of:

31 (a) The juvenile's first court appearance or, if the juvenile is not
 1 present in the court at the time of the first appearance, by written
 2 notice sent by regular mail to the juvenile's last-known address; or

3 (b) Prior to adjudication.

4 (2) For purposes of this section:

5 (a) Firearm has the same meaning as in section 28-1201; and

6 (b) Misdemeanor crime of domestic violence has the same meaning as
 7 in section 28-1206.

8 Sec. 7. Section 43-2,129, Revised Statutes Supplement, 2017, is
 9 amended to read:

10 43-2,129 Sections 43-245 to 43-2,129 and section 6 of this act shall
 11 be known and may be cited as the Nebraska Juvenile Code.

12 Sec. 8. Original sections 28-1351 and 28-1354, Reissue Revised
 13 Statutes of Nebraska, and sections 28-101, 28-1201, and 43-2,129, Revised
 14 Statutes Supplement, 2017, are repealed.

LEGISLATIVE BILL 1112. Placed on General File with amendment.
 AM2070

1 1. Insert the following new section:

2 Sec. 4. Section 43-2404.01, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 43-2404.01 (1) To be eligible for participation in either the
 5 Commission Grant Program or the Community-based Juvenile Services Aid
 6 Program, a comprehensive juvenile services plan shall be developed,
 7 adopted, and submitted to the commission in accordance with the federal
 8 act and rules and regulations adopted and promulgated by the commission
 9 in consultation with the Director of the Community-based Juvenile
 10 Services Aid Program, the Director of Juvenile Diversion Programs, the
 11 Office of Probation Administration, and the University of Nebraska at
 12 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
 13 applicants for the Commission Grant Program and by individual counties,
 14 by multiple counties, by federally recognized or state-recognized Indian
 15 tribes, or by any combination of the three for the Community-based
 16 Juvenile Services Aid Program. Comprehensive juvenile services plans
 17 shall:

18 (a) Be developed by a comprehensive community team representing
 19 juvenile justice system stakeholders;

20 (b) Be based on data relevant to juvenile and family issues,
 21 including an examination of disproportionate minority contact as provided
 22 in 34 U.S.C. 11133(a)(2);

23 (c) Identify policies and practices that are research-based or
 24 standardized and reliable and are implemented with fidelity and which
 25 have been researched and demonstrate positive outcomes;

26 (d) Identify clear implementation strategies; and

27 (e) Identify how the impact of the program or service will be
 1 measured.

2 (2) Any portion of the comprehensive juvenile services plan dealing
 3 with administration, procedures, and programs of the juvenile court shall

4 not be submitted to the commission without the concurrence of the
5 presiding judge or judges of the court or courts having jurisdiction in
6 juvenile cases for the geographic area to be served. Programs or services
7 established by such plans shall conform to the family policy tenets
8 prescribed in sections 43-532 and 43-533 and shall include policies and
9 practices that are research-based or standardized and reliable and are
10 implemented with fidelity and which have been researched and demonstrate
11 positive outcomes.

12 (3) The commission, in consultation with the University of Nebraska
13 at Omaha, Juvenile Justice Institute, shall contract for the development
14 and administration of a statewide system to monitor and evaluate the
15 effectiveness of plans and programs receiving funds from (a) the
16 Commission Grant Program and (b) the Community-based Juvenile Services
17 Aid Program in preventing persons from entering the juvenile justice
18 system and in rehabilitating juvenile offenders, including an examination
19 of disproportionate minority contact as provided in 34 U.S.C. 11133(a)
20 (22).

21 (4) There is established within the commission the position of
22 Director of the Community-based Juvenile Services Aid Program, appointed
23 by the executive director of the commission. The director shall have
24 extensive experience in developing and providing community-based
25 services.

26 (5) The director shall be supervised by the executive director of
27 the commission. The director shall:

28 (a) Provide technical assistance and guidance for the development of
29 comprehensive juvenile services plans;

30 (b) Coordinate the review of the Community-based Juvenile Services
31 Aid Program application as provided in section 43-2404.02 and make
1 recommendations for the distribution of funds provided under the
2 Community-based Juvenile Services Aid Program, giving priority to those
3 grant applications funding programs and services that will divert
4 juveniles from the juvenile justice system, impact and effectively treat
5 juveniles within the juvenile justice system, and reduce the juvenile
6 detention population or assist juveniles in transitioning from out-of-
7 home placements to in-home treatments. The director shall ensure that no
8 funds appropriated or distributed under the Community-based Juvenile
9 Services Aid Program are used for purposes prohibited under subsection
10 (3) of section 43-2404.02;

11 (c) Develop data collection and evaluation protocols, oversee
12 statewide data collection, and generate an annual report on the
13 effectiveness of juvenile services that receive funds from the Community-
14 based Juvenile Services Aid Program, including an examination of
15 disproportionate minority contact as provided in 34 U.S.C. 11133(a)(22);

16 (d) Develop relationships and collaborate with juvenile justice
17 system stakeholders, provide education and training as necessary, and
18 serve on boards and committees when approved by the commission;

19 (e) Assist juvenile justice system stakeholders in developing
20 policies and practices that are research-based or standardized and
21 reliable and are implemented with fidelity and which have been researched

22 and demonstrate positive outcomes, including an examination of
 23 disproportionate minority contact as provided in 34 U.S.C. 11133(a)(22);
 24 (f) Develop and coordinate a statewide working group as a
 25 subcommittee of the coalition to assist in regular strategic planning
 26 related to supporting, funding, monitoring, and evaluating the
 27 effectiveness of plans and programs receiving funds from the Community-
 28 based Juvenile Services Aid Program; and
 29 (g) Work with the coordinator for the coalition in facilitating the
 30 coalition's obligations under the Community-based Juvenile Services Aid
 31 Program.
 1 2. Renumber the remaining sections and correct the repealer
 2 accordingly.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File with amendment.
 ER119

1 1. On page 1, line 1, strike "funds" and insert "government"; in
 2 line 2 strike "81-3714" and insert "13-2704.01"; and in line 4 strike
 3 "transfer funds" and insert "provide for grants from the Civic and
 4 Community Center Financing Fund".

LEGISLATIVE BILL 697. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB944:
 AM2274

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18 and insert:
 2 "No funds appropriated or distributed under the Federal Title X
 3 program shall be used for abortion or abortion counseling.
 4 No funds shall be granted to an organization that performs, assists
 5 with the performance of, or provides directive counseling in favor of
 6 abortion. Organizations may provide neutral, factual information,
 7 nondirective counseling, or referral upon request. An otherwise qualified
 8 organization shall not be disqualified from receipt of Title X funds when
 9 the organization can demonstrate objective independence. Objective
 10 independence includes legal, physical, and financial separation between
 11 the provision of abortion services and the services provided with Title X
 12 funds.
 13 It is the intent of the Legislature that Title X funds shall be
 14 distributed statewide and that the Department of Health and Human
 15 Services shall ensure that a network is maintained that is sufficient in
 16 numbers and types of providers to assure that Title X services will be
 17 accessible without unreasonable delay."

GENERAL FILE

LEGISLATIVE BILL 1090. Senator Chambers offered the following motion:

MO251

Reconsider the vote taken on AM2255.

The Chambers motion to reconsider failed with 5 ayes, 21 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO250

Indefinitely postpone.

Pending.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB44:

AM2261

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 77-2701.13, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 77-2701.13 (1) Engaged in business in this state means ~~conducting~~
- 6 operations in this state that exceed the level of activity required under
- 7 the commerce clause and due process clause of the United States
- 8 Constitution for a state to enforce collection responsibility on a
- 9 retailer and includes, but is not limited to, any of the following:
- 10 (a) ~~(1)~~ Maintaining, occupying, or using, permanently or
- 11 temporarily, directly or indirectly, or through a subsidiary or agent, by
- 12 whatever name called, an office, place of distribution, sales or sample
- 13 room or place, warehouse, storage place, or other place of business in
- 14 this state;
- 15 (b) ~~(2)~~ Having any representative, agent, salesperson, canvasser, or
- 16 solicitor operating in this state under the authority of the retailer or
- 17 its subsidiary for the purpose of selling, delivering, or taking orders
- 18 for any property;
- 19 (c) ~~(3)~~ Deriving rentals from a lease of property in this state by
- 20 any retailer;
- 21 (d) ~~(4)~~ Soliciting retail sales of property from residents of this
- 22 state on a continuous, regular, or systematic basis by means of
- 23 advertising which is broadcast from or relayed from a transmitter within
- 24 this state or distributed from a location within this state;
- 25 (e) ~~(5)~~ Soliciting or facilitating orders from or sales to residents
- 26 of this state ~~for property by mail~~, if the activities ~~solicitations~~ are
- 1 continuous, regular, seasonal, or systematic or ~~and~~ if the retailer
- 2 benefits from any banking, financing, debt collection, or marketing

3 activities occurring in this state or benefits from the location in this
 4 state of authorized installation, servicing, or repair facilities;
 5 ~~(f) (6)~~ Being owned or controlled by the same interests which own or
 6 control any retailer engaged in business in the same or similar line of
 7 business in this state; or
 8 ~~(g) (7)~~ Maintaining or having a franchisee or licensee operating
 9 under the retailer's trade name in this state if the franchisee or
 10 licensee is required to collect the tax under the Nebraska Revenue Act of
 11 1967.

12 (2) A person who lacks a physical presence in this state and who
 13 makes, solicits, or facilitates orders from this state of property
 14 subject to state and local sales or use taxes in this state or who makes,
 15 solicits, or facilitates retail sales of property subject to state and
 16 local sales or use taxes in this state shall be deemed to be engaged in
 17 business in this state if:
 18 (a) Such person's total retail sales or property subject to state
 19 and local sales or use taxes in this state exceeded one hundred thousand
 20 dollars in the previous or current calendar year; or
 21 (b) Such person made, solicited, or facilitated retail sales subject
 22 to state and local sales or use taxes in this state in two hundred or
 23 more separate transactions in the previous or current calendar year.
 24 (3) The changes made in this section by this legislative bill become
 25 operative on the first day of the second calendar quarter after a
 26 controlling United States Supreme Court decision or federal legislation
 27 alters the physical presence requirement of Quill Corp. v. North Dakota,
 28 504 U.S. 298 (1992).

29 Sec. 2. Section 77-2701.32, Reissue Revised Statutes of Nebraska, is
 30 amended to read:

31 77-2701.32 (1) Retailer means any seller.

1 (2) To facilitate the proper administration of the Nebraska Revenue
 2 Act of 1967, the following persons have the duties and responsibilities
 3 of sellers for the purposes of sales and use taxes:

4 (a) Any person in the business of making sales subject to tax under
 5 section 77-2703 at auction of property owned by the person or others;
 6 (b) Any person collecting the proceeds of the auction, other than
 7 the owner of the property, together with his or her principal, if any,
 8 when the person collecting the proceeds of the auction is not the
 9 auctioneer or an agent or employee of the auctioneer. The seller does not
 10 include the auctioneer in such case;
 11 (c) Every person who has elected to be considered a retailer
 12 pursuant to subdivision (1) of section 77-2701.10;
 13 (d) Every person operating, organizing, or promoting a flea market,
 14 craft show, fair, or similar event; ~~and~~
 15 (e) Every person engaged in the business of providing any service
 16 defined in subsection (4) of section 77-2701.16; ~~and~~ -
 17 (f) Every person making or facilitating sales in or into this state.
 18 (3) For the proper administration of the Nebraska Revenue Act of
 19 1967, the following persons do not have the duties and responsibilities
 20 of a seller for purposes of sales and use taxes:

21 (a) Any person who leases or rents films when an admission tax is
 22 charged under the Nebraska Revenue Act of 1967;
 23 (b) Any person who leases or rents railroad rolling stock
 24 interchanged pursuant to the provisions of the federal Interstate
 25 Commerce Act;
 26 (c) Any person engaged in the business of furnishing rooms in a
 27 facility licensed under the Health Care Facility Licensure Act in which
 28 rooms, lodgings, or accommodations are regularly furnished for a
 29 consideration or a facility operated by an educational institution
 30 established under Chapter 79 or Chapter 85 in which rooms are regularly
 31 used to house students for a consideration for periods in excess of
 1 thirty days; or
 2 (d) Any person making sales at a flea market, craft show, fair, or
 3 similar event when such person does not have a sales tax permit and has
 4 arranged to pay sales taxes collected to the person operating,
 5 organizing, or promoting such event.
 6 (4) The changes made in this section by this legislative bill become
 7 operative on the first day of the second calendar quarter after a
 8 controlling United States Supreme Court decision or federal legislation
 9 alters the physical presence requirement of Quill Corp. v. North Dakota,
 10 504 U.S. 298 (1992).
 11 Sec. 3. Original sections 77-2701.13 and 77-2701.32, Reissue
 12 Revised Statutes of Nebraska, are repealed.
 13 2. On page 1, strike lines 3 through 10 and insert "redefine the
 14 term engaged in business in this state for purposes of sales and use
 15 taxes; to change the persons who have certain duties and responsibilities
 16 relating to sales and use taxes; to provide operative dates for statutory
 17 changes as prescribed; and to repeal the original sections."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Quick name added to LB1132.

VISITORS

Visitors to the Chamber were 30 members of the Young Professionals Group from Lincoln; University of Nebraska Women's Volleyball coach, John Cook, and Michelle Waite from the University of Nebraska; 56 fourth-grade students from Walnut Creek Elementary, Papillion; 20 members of the Nemaha County Leadership and Nebraska City Leadership Groups; 15 University of Nebraska ALEC students and teacher from Lincoln; 40 high school band students from Concordia Christian in Omaha; and 31 fourth-grade students from Holy Name School, Omaha.

RECESS

At 11:56 a.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Kuehn and Vargas who were excused; and Senators Groene, Kolowski, Larson, McCollister, Morfeld, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE RESOLUTION 296. Reported to the Legislature for further consideration with the following amendment:

AM2179

1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, an individual residing at Life Quest at the Coolidge
4 Center, a state-licensed care facility in Palmer, died on September 3,
5 2017, after three days of life-threatening symptoms; and
6 WHEREAS, the Department of Health and Human Services produced an
7 eighty-one page report of violations found during inspections in June and
8 July of 2017 and another six-page report after a visit in September of
9 2017. These reports were not released until officials revoked the
10 facility's mental health care license on October 5, 2017, a month after
11 the incident occurred. The revocation took effect fifteen days later; and
12 WHEREAS, the report indicates that the Department of Health and
13 Human Services knew of multiple violations in the months preceding the
14 closure of this facility. If more immediate action had been taken to
15 remedy these violations or draw attention to the inequities in quality of
16 care standards, a life could have been saved; and
17 WHEREAS, the circumstances surrounding this event have garnered
18 media attention throughout Nebraska, along with scrutiny from the public.
19 This care facility, as well as multiple others in the past few years,
20 including Hotel Pawnee in North Platte and Park View Villa in Gothenburg,
21 have been shut down due to violations regarding maintenance, cleanliness,
22 and personnel issues; and
23 WHEREAS, the individuals affected by these policies are some of the
24 most vulnerable in our community. The citizens of Nebraska have a right
25 to know the standard of care to which our governmental organizations are
26 held, including, but not limited to, policies, procedures, and
27 regulations regarding oversight of assisted living facilities and mental

1 health centers; and
2 WHEREAS, under Title II of the Americans with Disabilities Act (ADA)
3 it is illegal for public entities, namely state and local governments, to
4 deny the benefits of programs, services, or activities to qualified
5 individuals with disabilities; and
6 WHEREAS, the regulations which implement Title II mandate that state
7 governments administer services "in the most integrated settings
8 appropriate to the needs of qualified individuals with disabilities"; and
9 WHEREAS, the integration mandate in the ADA is implicated when a
10 public entity administers its programs in a manner that results in
11 unjustified segregation of persons with disabilities; and
12 WHEREAS, a public entity may violate the integration mandate in the
13 ADA when it: (1) Directly or indirectly operates facilities or programs
14 that segregate individuals with disabilities; (2) finances the
15 segregation of individuals with disabilities in private facilities; or
16 (3) through planning, service system design, funding choices, or service
17 implementation practices, promotes or relies upon the segregation of
18 individuals with disabilities in private facilities or programs.
19 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
20 FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
21 1. That the Legislature hereby calls for the Executive Board of the
22 Legislative Council to meet forthwith and appoint a special committee of
23 the Legislature to be known as the State-Licensed Care Facilities
24 Oversight Committee of the Legislature. The committee shall consist of
25 seven members of the Legislature appointed by the Executive Board. The
26 committee shall elect a chairperson and vice-chairperson from the
27 membership of the committee. The Executive Board is hereby authorized to
28 provide the committee with a legal counsel, committee clerk, and other
29 staff as required by the committee from existing legislative staff.
30 2. The State-Licensed Care Facilities Oversight Committee shall
31 limit the scope of its inquiry to assisted living facilities where many
1 of the residents are diagnosed with a mental illness. The oversight
2 committee shall also examine the recent closures of the mental health
3 centers known as Life Quest, located in Palmer and Blue Hill.
4 3. The State-Licensed Care Facilities Oversight Committee of the
5 Legislature is hereby authorized to study the lack of adequate conditions
6 of state-licensed care facilities, the treatment of individuals residing
7 in such facilities, the effectiveness of regulation and licensure by the
8 Division of Public Health in providing oversight, and how the Department
9 of Health and Human Services implements and administers its behavioral
10 health services through the behavioral health regions to address the
11 needs of this vulnerable population. The committee shall also investigate
12 what steps the department has taken to advance the recommendations
13 proposed by the Technical Assistance Collaborative as a consultant to the
14 department, namely, the reasons that assisted living facilities are the
15 primary residential options for individuals with severe and persistent
16 mental illness and alternatives such as permanent supportive housing and
17 services do not exist. The committee shall also investigate whether the
18 department is taking adequate steps to ensure behavioral health services

19 are administered in the most integrated setting pursuant to the ADA. The
 20 committee shall utilize existing studies, reports, and legislation
 21 developed to address the current conditions. The committee shall not be
 22 limited to such studies, reports, or legislation.
 23 4. The State-Licensed Care Facilities Oversight Committee of the
 24 Legislature shall issue a report with its findings and recommendations to
 25 the Legislature on or before December 15, 2018.

(Signed) Dan Watermeier, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 340. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart Irish girls' basketball team is the back-to-back champion of the Class D-2 Girls' State Basketball Championship; and

WHEREAS, this year's 57-51 championship victory took place on March 3, 2018, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, this is the sixth state title for the girls' basketball team in school history; and

WHEREAS, Head Coach Luke Santo led the team to an outstanding 27-1 season; and

WHEREAS, throughout the season, the Falls City Sacred Heart Irish team has demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the Falls City Sacred Heart Irish team members are positive role models for young athletes in their community and throughout the region; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the Falls City Sacred Heart Irish girls' basketball team and its coaches.
2. That a copy of this resolution be sent to Head Coach Luke Santo.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1090. Senator Chambers withdrew his motion, MO250, found in this day's Journal, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Committee AM1907, found on page 757, was offered.

SPEAKER SCHEER PRESIDING

The committee amendment lost with 0 ayes, 19 nays, 24 present and not voting, and 6 excused and not voting.

Senator Friesen offered the following amendment:

AM2312

- 1 1. Strike original section 6 and insert the following new section:
- 2 Sec. 6. The State Treasurer shall transfer fifty thousand dollars
- 3 from the Nebraska Environmental Trust Fund to the Community Food
- 4 Production Water Fund for each of fiscal years 2018-19 and 2019-20.
- 5 2. On page 5, line 14, after "purpose" insert ", except that the
- 6 department may expend not more than five thousand dollars each fiscal
- 7 year for costs incurred by the department in the administration of the
- 8 fund".

Pending.

LEGISLATIVE BILL 993. Title read. Considered.

Committee AM1908, found on page 748, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1008. Placed on General File with amendment.

AM2292

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 37-613 (1) Any person who sells, purchases, takes, or possesses
- 6 contrary to the Game Law any wildlife shall be liable to the State of
- 7 Nebraska for the damages caused thereby. Such damages shall be:
- 8 (a) Twenty-five ~~Fifteen~~ thousand dollars for each mountain sheep;
- 9 (b) Ten ~~Five~~ thousand dollars for each elk with a minimum of twelve
- 10 total points and three ~~one~~ thousand five hundred ~~five hundred~~ dollars for any other
- 11 elk;
- 12 (c) Ten ~~Five~~ thousand dollars for each whitetail deer with a minimum
- 13 of eight total points and an inside spread between beams of at least
- 14 sixteen ~~eighteen~~ inches, two ~~one~~ thousand dollars for any other antlered
- 15 whitetail deer, and five hundred ~~two hundred fifty~~ dollars for each
- 16 antlerless whitetail deer and whitetail doe deer;

- 17 (d) ~~Ten~~ Five thousand dollars for each mule deer with a minimum of
18 eight total points and an inside spread between beams of at least ~~twenty-~~
19 ~~two twenty-four~~ inches and ~~two one~~ thousand dollars for any other mule
20 deer;
- 21 (e) Five thousand dollars for each antelope with the shortest horn
22 measuring a minimum of fourteen inches in length and one thousand dollars
23 for any other antelope;
- 24 (f) One thousand five hundred dollars for each bear or moose or each
25 individual animal of any threatened or endangered species of wildlife not
26 otherwise listed in this subsection;
- 27 (g) Five ~~thousand hundred~~ dollars for each mountain lion, lynx,
1 bobcat, river otter, or raw pelt thereof;
- 2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw
3 pelt thereof;
- 4 (i) Five thousand dollars for each eagle;
- 5 (j) ~~Five One~~ hundred dollars for each wild turkey;
- 6 (k) Twenty-five dollars for each dove;
- 7 (l) Seventy-five dollars for each other game bird, other game
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife
9 in need of conservation as designated by the commission pursuant to
10 section 37-805, not otherwise listed in this subsection;
- 11 (m) Fifty dollars for each wild bird not otherwise listed in this
12 subsection;
- 13 (n) Seven hundred fifty dollars for each swan or paddlefish;
- 14 (o) Two hundred dollars for each master angler fish measuring more
15 than twelve inches in length;
- 16 (p) Fifty dollars for each game fish measuring more than twelve
17 inches in length not otherwise listed in this subsection;
- 18 (q) Twenty-five dollars for each other game fish; and
- 19 (r) Fifty dollars for any other species of game not otherwise listed
20 in this subsection.
- 21 (2) The commission shall adopt and promulgate rules and regulations
22 to provide for a list of master angler fish which are subject to this
23 section and to prescribe guidelines for measurements and point
24 determinations as required by this section. The commission may adopt a
25 scoring system which is uniformly recognized for this purpose.
- 26 (3) Such damages may be collected by the commission by civil action.
27 In every case of conviction for any of such offenses, the court or
28 magistrate before whom such conviction is obtained shall further enter
29 judgment in favor of the State of Nebraska and against the defendant for
30 liquidated damages in the amount set forth in this section and collect
31 such damages by execution or otherwise. Failure to obtain conviction on a
1 criminal charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be remitted to
3 the secretary of the commission who shall remit them to the State
4 Treasurer for credit to the State Game Fund.
- 5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 57-904 There is hereby established the Nebraska Oil and Gas

8 Conservation Commission. The commission shall consist of three members to
 9 be appointed by the Governor. The director of the state geological survey
 10 shall serve the commission in the capacity as its technical advisor, but
 11 with no power to vote. Any two commissioners shall constitute a quorum
 12 for all purposes. At least one member of the commission shall have had
 13 experience in the production of oil or gas and shall have resided in the
 14 State of Nebraska for at least one year. Each of the other members of the
 15 commission shall have resided in the State of Nebraska for at least three
 16 years. Initially, two of said members shall be appointed for a term of
 17 two years each; and one shall be appointed for a term of four years. At
 18 the expiration of the initial terms all members thereafter appointed
 19 shall serve for a term of four years. The Governor may at any time remove
 20 any appointed member of the commission for cause, and by appointment,
 21 with the approval of the Legislature, shall fill any vacancy on the
 22 commission.

23 The members of the commission shall receive as compensation for
 24 their services not more than four hundred the sum of fifty dollars per
 25 day for each day actually devoted to the business of the commission,
 26 ~~except ; Provided,~~ that they shall not receive a sum in any one year in
 27 excess of four two thousand dollars each. In addition, each member of the
 28 commission shall be reimbursed for his or her actual and necessary
 29 traveling and other expenses incurred in connection with the carrying out
 30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~
 31 ~~employees.~~

1 Sec. 3. (1) Notwithstanding any other provision of law, the public
 2 power industry as defined in section 70-601 and the Nebraska Power Review
 3 Board may withhold competitive or proprietary information which would
 4 give an advantage to business competitors. Competitive information is
 5 information which a reasonable person, knowledgeable of the electric
 6 utility industry, could conclude gives an advantage to business
 7 competitors.

8 (2) Any request for records described in this section shall be
 9 subject to the procedures for public record requests provided in sections
 10 84-712 to 84-712.09.

11 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
 12 2016, is amended to read:

13 70-1015 (1) If any supplier violates Chapter 70, article 10, by
 14 either (a) ~~(1)~~ commencing the construction or finalizing or attempting to
 15 finalize the acquisition of any generation facilities, any transmission
 16 lines, or any related facilities without first providing notice or
 17 obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or
 18 attempting to serve at retail any customers located in Nebraska or any
 19 wholesale customers in violation of section 70-1002.02, such
 20 construction, acquisition, or service of such customers shall be enjoined
 21 in an action brought in the name of the State of Nebraska until such
 22 supplier has complied with Chapter 70, article 10.

23 (2) If the executive director of the board determines that a private
 24 electric supplier commenced construction of a privately developed
 25 renewable energy generation facility less than thirty days prior to

26 providing the notice required in subdivision (1)(a) of section
27 70-1014.02, the executive director shall send notice via certified mail
28 to the private electric supplier, informing it of the determination that
29 the private electric supplier is in violation of such subdivision and is
30 subject to a fine in the amount of five hundred dollars. The private
31 electric supplier shall have twenty days from the date on which the
1 notice is received in which to submit the notice described in such
2 subdivision and to pay the fine. Within ten days after the private
3 electric supplier submits a notice compliant with the provisions of
4 subsection (1) of section 70-1014.02 and payment of the fine, the
5 executive director of the board shall issue the written acknowledgment
6 described in subsection (2) of section 70-1014.02. If the private
7 electric supplier fails to submit a notice compliant with the provisions
8 of subsection (1) of section 70-1014.02 and pay the fine within twenty
9 days after the date on which the private electric supplier receives the
10 notice from the executive director of the board, the private electric
11 supplier shall immediately cease construction or operation of the
12 privately developed renewable energy generation facility.
13 (3) If the private electric supplier disputes that construction was
14 commenced less than thirty days prior to submitting the written notice
15 required by subdivision (1)(a) of section 70-1014.02, the private
16 electric supplier may request a hearing before the board. Such request
17 shall be submitted within twenty days after the private electric supplier
18 receives the notice sent by the executive director pursuant to subsection
19 (2) of this section. If the private electric supplier does not accept the
20 certified mail sent pursuant to such subsection, the executive director
21 shall send a second notice to the private electric supplier by first-
22 class United States mail. The private electric supplier may submit a
23 request for hearing within twenty days after the date on which the second
24 notice was mailed.
25 (4) Upon receipt of a request for hearing, the board shall set a
26 hearing date. Such hearing shall be held within sixty days after such
27 receipt. The board shall provide to the private electric supplier written
28 notice of the hearing at least twenty days prior to the date of the
29 hearing. The board or its hearing officer may grant continuances upon
30 good cause shown or upon the request of the private electric supplier.
31 Timely filing of a request for hearing by a private electric supplier
1 shall stay any further enforcement under this section until the board
2 issues an order pursuant to subsection (5) of this section or the request
3 for hearing is withdrawn.
4 (5) The board shall issue a written decision within sixty days after
5 conclusion of the hearing. All costs of the hearing shall be paid by the
6 private electric supplier if (a) the board determines that the private
7 electric supplier commenced construction of the privately developed
8 renewable energy generation facility less than thirty days prior to
9 submitting the written notice required pursuant to subsection (1) of
10 section 70-1014.02 or (b) the private electric supplier withdraws its
11 request for hearing prior to the board issuing its decision.
12 (6) A private electric supplier which the board finds to be in

13 violation of the requirements of subsection (1) of section 70-1014.02
14 shall either (a) pay the fine described in this section and submit a
15 notice compliant with the provisions of subsection (1) of section
16 70-1014.02 or (b) immediately cease construction or operation of the
17 privately developed renewable energy generation facility.

18 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
21 created. The department shall deduct from the fund amounts sufficient to
22 reimburse itself for its costs of administration of the fund. The fund
23 shall be administered by the Department of Environmental Quality. The
24 fund shall consist of proceeds from the fees imposed pursuant to the
25 Waste Reduction and Recycling Incentive Act.

26 (2) The fund may be used for purposes which include, but are not
27 limited to:

28 (a) Technical and financial assistance to political subdivisions for
29 creation of recycling systems and for modification of present recycling
30 systems;

31 (b) Recycling and waste reduction projects, including public
1 education, planning, and technical assistance;

2 (c) Market development for recyclable materials separated by
3 generators, including public education, planning, and technical
4 assistance;

5 (d) Capital assistance for establishing private and public
6 intermediate processing facilities for recyclable materials and
7 facilities using recyclable materials in new products;

8 (e) Programs which develop and implement composting of yard waste
9 and composting with sewage sludge;

10 (f) Technical assistance for waste reduction and waste exchange for
11 waste generators;

12 (g) Programs to assist communities and counties to develop and
13 implement household hazardous waste management programs;

14 (h) Capital assistance for establishing private and public
15 facilities to manufacture combustible waste products and to incinerate
16 combustible waste to generate and recover energy resources, except that
17 no disbursements shall be made under this section for scrap tire
18 processing related to tire-derived fuel; and

19 (i) Grants for reimbursement of costs to cities of the second class,
20 villages, and counties of five thousand or fewer population for the
21 deconstruction of abandoned buildings. Eligible deconstruction costs will
22 be related to the recovery and processing of recyclable or reusable
23 material from the abandoned buildings.

24 (3) Grants up to one million five hundred thousand dollars annually
25 shall be available until June 30, ~~2019~~ 2024, for new scrap tire projects
26 only, if acceptable scrap tire project applications are received.

27 Eligible categories of disbursement under section 81-15,161 may include,
28 but are not limited to:

29 (a) Reimbursement for the purchase of crumb rubber generated and
30 used in Nebraska, with disbursements not to exceed fifty percent of the

31 cost of the crumb rubber;
1 (b) Reimbursement for the purchase of tire-derived product which
2 utilizes a minimum of twenty-five percent recycled tire content, with
3 disbursements not to exceed twenty-five percent of the product's retail
4 cost;
5 (c) Participation in the capital costs of building, equipment, and
6 other capital improvement needs or startup costs for scrap tire
7 processing or manufacturing of tire-derived product, with disbursements
8 not to exceed fifty percent of such costs or five hundred thousand
9 dollars, whichever is less;
10 (d) Participation in the capital costs of building, equipment, or
11 other startup costs needed to establish collection sites or to collect
12 and transport scrap tires, with disbursements not to exceed fifty percent
13 of such costs;
14 (e) Cost-sharing for the manufacturing of tire-derived product, with
15 disbursements not to exceed twenty dollars per ton or two hundred fifty
16 thousand dollars, whichever is less, to any person annually;
17 (f) Cost-sharing for the processing of scrap tires, with
18 disbursements not to exceed twenty dollars per ton or two hundred fifty
19 thousand dollars, whichever is less, to any person annually;
20 (g) Cost-sharing for the use of scrap tires for civil engineering
21 applications for specified projects, with disbursements not to exceed
22 twenty dollars per ton or two hundred fifty thousand dollars, whichever
23 is less, to any person annually;
24 (h) Disbursement to a political subdivision up to one hundred
25 percent of costs incurred in cleaning up scrap tire collection and
26 disposal sites; and
27 (i) Costs related to the study provided in section 81-15,159.01.
28 The director shall give preference to projects which utilize scrap
29 tires generated and used in Nebraska.
30 (4) Priority for grants made under section 81-15,161 shall be given
31 to grant proposals demonstrating a formal public/private partnership
1 except for grants awarded from fees collected under subsection (6) of
2 section 13-2042.
3 (5) Grants awarded from fees collected under subsection (6) of
4 section 13-2042 may be renewed for up to a five-year grant period. Such
5 applications shall include an updated integrated solid waste management
6 plan pursuant to section 13-2032. Annual disbursements are subject to
7 available funds and the grantee meeting established grant conditions.
8 Priority for such grants shall be given to grant proposals showing
9 regional participation and programs which address the first integrated
10 solid waste management hierarchy as stated in section 13-2018 which shall
11 include toxicity reduction. Disbursements for any one year shall not
12 exceed fifty percent of the total fees collected after rebates under
13 subsection (6) of section 13-2042 during that year.
14 (6) Any person who stores waste tires in violation of section
15 13-2033, which storage is the subject of abatement or cleanup, shall be
16 liable to the State of Nebraska for the reimbursement of expenses of such
17 abatement or cleanup paid by the Department of Environmental Quality.

18 (7) The Department of Environmental Quality may receive gifts,
 19 bequests, and any other contributions for deposit in the Waste Reduction
 20 and Recycling Incentive Fund. Transfers may be made from the fund to the
 21 General Fund at the direction of the Legislature. Any money in the Waste
 22 Reduction and Recycling Incentive Fund available for investment shall be
 23 invested by the state investment officer pursuant to the Nebraska Capital
 24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 6. The Revisor of Statutes shall assign section 3 of this act
 26 to Chapter 70, article 6.

27 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three
 28 calendar months after the adjournment of this legislative session. The
 29 other sections of this act become operative on their effective date.

30 Sec. 8. Original section 70-1015, Revised Statutes Cumulative
 31 Supplement, 2016, is repealed.

1 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised
 2 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative
 3 Supplement, 2016, are repealed.

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

(Signed) Dan Hughes, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1081A. Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB327, section 49; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1081, One Hundred Fifth Legislature, Second Session, 2018; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 341. Introduced by Blood, 3; Albrecht, 17; Baker, 30; Bolz, 29; Bostelman, 23; Brewer, 43; Brieese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, March is Women's History Month and is a time to celebrate the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and

WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well-represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields. Thus, providing opportunities to support women in public office is imperative; and

WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities.

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

1. That the Legislature recognizes March 19, 2018, as Celebrating Women in Public Office Day and calls upon the people of this state to unite in supporting the success of women in public office.

Laid over.

LEGISLATIVE RESOLUTION 342. Introduced by Erdman, 47.

WHEREAS, Lieutenant Governor Mike Foley proclaimed the week of March 25-31, 2018, to be Nebraska Severe Weather Awareness Week; and

WHEREAS, the Nebraska Association of Emergency Management, the National Weather Service, the Nebraska Military Department, and the Nebraska Emergency Management Agency sponsored a 2018 Severe Weather Awareness poster contest; and

WHEREAS, more than 900 entries were submitted by fourth graders across the state; and

WHEREAS, Clayton Butler, age 10, of Hemmingford Elementary School in Box Butte County was recognized at the State Capitol on Monday, March 5, 2018, for winning first place in the 2018 Nebraska Severe Weather Awareness poster contest; and

WHEREAS, Clayton's poster features a super hero named Blue Lightning, who offers lessons on lightning safety, and a comic strip about Opposite Cooper, a guy who ignores these lessons and keeps getting struck by lightning.

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

1. That the Legislature congratulates Clayton Butler for winning the 2018 Nebraska Severe Weather Awareness poster contest.

2. That the Legislature endorses Blue Lightning's slogan: "Safety is super, so don't be like Cooper!"

3. That copies of this resolution be sent to Clayton Butler and Hemmingford Elementary School.

Laid over.

VISITORS

Visitor to the Chamber was Ben Ashman from Lincoln.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Friday, March 9, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

