

FORTY-THIRD DAY - MARCH 14, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 2018

PRAYER

The prayer was offered by Pastor Todd Bumgarner, 2 Pillars Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Briese, Friesen, Groene, Hansen, Kuehn, Larson, Murante, Pansing Brooks, Watermeier, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 741. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Committee AM1719, found on page 731, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 807. Placed on General File with amendment.

AM2392

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

3 Section 1. The Legislature finds and declares:

4 (1) In 1864, the United States Congress established the National
5 Statuary Hall Collection in the Old Hall of the House of Representatives
6 in the United States Capitol and authorized each state to contribute to
7 the hall collection two statues that represent important historical
8 figures of each state;

9 (2) Nebraska currently has on display in the National Statuary Hall
10 Collection statues of William Jennings Bryan and Julius Sterling Morton
11 given by the State of Nebraska in 1937;

12 (3) In 2000, the United States Congress enacted legislation
13 authorizing states to request that the Joint Committee on the Library of
14 Congress approve the replacement of statues the state had provided for
15 display in the hall collection;

16 (4)(a) Willa Cather is a significant historical and literary figure
17 from Red Cloud, Nebraska;

18 (b) Willa Cather immortalized Nebraska in such works as My Antonia
19 and Oh Pioneers!;

20 (c) Willa Cather won the 1923 Pulitzer Prize for her novel One of
21 Ours; and

22 (d) Willa Cather is worthy of recognition in the National Statuary
23 Hall; and

24 (5)(a) Ponca Chief Standing Bear is a significant historical and
25 civil rights figure from Nebraska's Niobrara River Valley region;

26 (b) Chief Standing Bear's epic return to his Nebraska homeland to
27 bury his son culminated in the historic court case, United States ex rel.
28 Crook v. Standing Bear, which took place in Omaha, Nebraska, in May 1879;

29 (c) The court case set the historic precedent that Chief Standing
30 Bear, as a Native American individual, was found to be a person under the
1 law; and

2 (d) Chief Standing Bear is worthy of recognition in the National
3 Statuary Hall.

4 Sec. 2. The Secretary of State shall submit to the United States

5 Architect of the Capitol for his or her review for completeness a written
6 request to approve the replacement of the statue of Julius Sterling
7 Morton currently on display in the National Statuary Hall Collection in
8 the United States Capitol with a statue of Willa Cather. The written
9 request shall request authorization to provide a new statue, a
10 description of the location in Nebraska where the replaced statue will be
11 displayed after it is transferred, and a copy of the Nebraska statute
12 authorizing such replacement. After such review, it is the intent of the
13 Legislature that the architect forward the request to the Joint Committee
14 on the Library of Congress for its approval or denial. If the request is
15 approved by the committee, the architect and the Willa Cather National
16 Statuary Hall Selection Committee created pursuant to section 3 of this
17 act, acting on behalf of the State of Nebraska, shall enter into an
18 agreement as provided in 2 U.S.C. 2132(b).
19 Sec. 3. (1) The Willa Cather National Statuary Hall Selection
20 Committee is created. The committee shall consist of members of the
21 Nebraska Hall of Fame Commission created pursuant to section 72-724.
22 (2) Upon approval by the Joint Committee on the Library of Congress
23 and pursuant to the agreement described in section 2 of this act, the
24 Willa Cather National Statuary Hall Selection Committee shall:
25 (a) Select a sculptor to create a statue of Willa Cather to be
26 placed in the National Statuary Hall and review and approve the plans for
27 the statue; and
28 (b) Identify a method to obtain necessary funding to pay for all of
29 the following. All funds shall be privately donated and separately
30 managed. No state funds shall be expended for such purposes:
31 (i) The sculptor for designing and carving or casting the statue;
1 (ii) The design and fabrication of the pedestal;
2 (iii) The transportation of the statue and pedestal to the United
3 States Capitol;
4 (iv) The removal and transportation of the replaced statue;
5 (v) The temporary placement of the new statue in the Rotunda of the
6 United States Capitol for the unveiling ceremony;
7 (vi) The unveiling ceremony; and
8 (vii) Any other expenses that the committee determines are necessary
9 to incur.
10 (3) The committee has the authority to receive and disburse gifts.
11 Sec. 4. The Secretary of State shall submit to the United States
12 Architect of the Capitol for his or her review for completeness a written
13 request to approve the replacement of the statue of William Jennings
14 Bryan currently on display in the National Statuary Hall Collection in
15 the United States Capitol with a statue of Ponca Chief Standing Bear. The
16 written request shall request authorization to provide a new statue, a
17 description of the location in Nebraska where the replaced statue will be
18 displayed after it is transferred, and a copy of the Nebraska statute
19 authorizing such replacement. After such review, it is the intent of the
20 Legislature that the architect forward the request to the Joint Committee
21 on the Library of Congress for its approval or denial. If the request is
22 approved by the committee, the architect and the Chief Standing Bear
23 National Statuary Hall Selection Committee created pursuant to section 5
24 of this act, acting on behalf of the State of Nebraska, shall enter into

25 an agreement as provided in 2 U.S.C. 2132(b).
26 Sec. 5. (1) The Chief Standing Bear National Statuary Hall Selection
27 Committee is created. The committee shall consist of (a) a representative
28 of the Commission on Indian Affairs, selected by the chairperson of the
29 commission, (b) a member of the State-Tribal Relations Committee of the
30 Legislature, selected by the chairperson of the committee, (c) the
31 chairperson of the Lincoln Partners for Public Art Development or its
1 successor, and the Historic Preservation Planner of the City of Lincoln.
2 (2) Upon approval by the Joint Committee on the Library of Congress
3 and pursuant to the agreement described in section 4 of this act, the
4 Chief Standing Bear National Statuary Hall Selection Committee shall:
5 (a) Select a sculptor to create a statue of Chief Standing Bear to
6 be placed in the National Statuary Hall and review and approve the plans
7 for the statue; and
8 (b) Identify a method to obtain necessary funding to pay for all of
9 the following. All funds shall be privately donated and separately
10 managed. No state funds shall be expended for such purposes:
11 (i) The sculptor for designing and carving or casting the statue;
12 (ii) The design and fabrication of the pedestal;
13 (iii) The transportation of the statue and pedestal to the United
14 States Capitol;
15 (iv) The removal and transportation of the replaced statue;
16 (v) The temporary placement of the new statue in the Rotunda of the
17 United States Capitol for the unveiling ceremony;
18 (vi) The unveiling ceremony; and
19 (vii) Any other expenses that the committee determines are necessary
20 to incur.
21 (3) The committee has the authority to receive and disburse gifts.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 950. Placed on Select File.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1524

Thursday, March 22, 2018 1:00 p.m.

John W. Orr - Nebraska Environmental Trust Board

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB773:
AM2367

1 1. Insert the following new sections:

2 Section 1. Section 28-632, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-632 For purposes of this section and sections 28-633 and 28-634:

5 (1) Encoding machine means an electronic device that is used to
6 encode information onto a payment card;

7 ~~(2) (1) Merchant means;~~

8 (a) An ~~an~~ owner or operator of any retail mercantile establishment
9 or any agent, employee, lessee, consignee, officer, director, franchisee,
10 or independent contractor of such owner or operator;

11 (b) An establishing financial institution as defined in section
12 8-157.01; or

13 ~~(c) A Merchant also includes a person who receives from an~~
14 ~~authorized user of a payment card, or someone the person believes to be~~
15 ~~an authorized user, a payment card or information from a payment card, or~~
16 ~~what the person believes to be a payment card or information from a~~
17 ~~payment card, as the instrument for obtaining, purchasing, or receiving~~
18 ~~goods, services, money, or anything else of value from the person;~~

19 ~~(3) (2) Payment card means a credit card, charge card, or debit~~
20 ~~card, or any other card that is issued to an authorized card user and~~
21 ~~that allows the user to obtain, purchase, or receive goods, services,~~
22 ~~money, or anything else of value from a merchant;~~

23 ~~(4) (3) Person means an individual, firm, partnership, association,~~
24 ~~corporation, limited liability company, or other business entity; and~~

25 ~~(4) Reencoder means an electronic device that places encoded~~
26 ~~information from the magnetic strip or stripe of a payment card onto the~~
27 ~~magnetic strip or stripe of a different payment card; and~~

1 (5) Scanning device means a scanner, a reader, a wireless access
2 device, a radio-frequency identification scanner, near-field
3 communication technology, or any other electronic device that is used to
4 access, read, scan, obtain, memorize, or store, temporarily or
5 permanently, information encoded on the magnetic strip or stripe of a
6 payment card.

7 Sec. 2. Section 28-634, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-634 (1) It is unlawful for a person to intentionally and
10 knowingly use:

11 (a) Use a ~~A~~ scanning device to access, read, scan, obtain, memorize,
12 or store, temporarily or permanently, information encoded on ~~the magnetic~~
13 ~~strip or stripe of a payment card without the permission of the~~
14 ~~authorized user of the payment card and with the intent to defraud the~~
15 ~~authorized user, the issuer of the authorized user's payment card, or a~~
16 ~~merchant; or~~

17 (b) Possess a scanning device with the intent to obtain information
18 encoded on a payment card without the permission of the authorized user,

19 the issuer of the authorized user's payment card, or a merchant or
 20 possess a scanning device with knowledge that some other person intends
 21 to use the scanning device to obtain information encoded on a payment
 22 card without the permission of the authorized user, the issuer of the
 23 authorized user's payment card, or a merchant;
 24 (c) Use an encoding machine (b) A reencoder to place information
 25 encoded on the magnetic strip or stripe of a payment card onto the
 26 magnetic strip or stripe of a different card without the permission of
 27 the authorized user of the card from which the information was obtained
 28 is being reencoded and with the intent to defraud the authorized user,
 29 the issuer of the authorized user's payment card, or a merchant; or -
 30 (d) Possess an encoding machine with the intent to place information
 31 encoded on a payment card onto a different payment card without the
 1 permission of the user, the issuer of the authorized user's payment card,
 2 or a merchant.
 3 (2) A violation of this section is a Class IV felony for the first
 4 offense and a Class IIIA felony for a second or subsequent offense.
 5 2. Renumber the remaining sections and correct the repealer
 6 accordingly.

GENERAL FILE

LEGISLATIVE BILL 299. Committee AM1665, found on page 473 and considered on page 671, was renewed.

Senator Hilgers withdrew his amendment, FA102, found on page 684.

Senator Ebke withdrew her amendment, AM2028, found on page 684.

Senator Ebke offered her amendment, AM2349, found on page 930, to the committee amendment.

The Ebke amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Ebke moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 31:

Albrecht	Friesen	Kolterman	Scheer	Wayne
Baker	Groene	Krist	Schumacher	Williams
Blood	Halloran	Lindstrom	Stinner	Wishart
Brewer	Hilkemann	Linehan	Thibodeau	
Briese	Howard	Lowe	Vargas	
Crawford	Hughes	McCollister	Walz	
Ebke	Kolowski	Morfeld	Watermeier	

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Chambers	Geist	McDonnell	Quick
Bostelman	Clements	Hansen	Murante	
Brasch	Erdman	Kuehn	Pansing Brooks	

Excused and not voting, 5:

Harr	Hilgers	Larson	Riepe	Smith
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Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 945. Placed on Select File with amendment.

ER128

1 1. In the Standing Committee amendment, AM1700, on page 19, line 4, 2 strike "23 and 24" and insert "24 and 25"; and in line 17 strike "23" and 3 insert "24".

4 2. On page 1, strike beginning with "49-14,140" in line 2 through 5 line 6 and insert "9-1,101, 49-14,140, 61-224, 81-2,162.27, 81-1201.21, 6 81-1211, and 84-1227, Revised Statutes Cumulative Supplement, 2016, 7 sections 37-327.02, 48-1,116, 58-703, 59-1608.04, 61-218, 71-7611, 8 81-3701, and 81-3714, Revised Statutes Supplement, 2017, and Laws 2017, 9 LB331, sections 3, 4, and 11; to authorize, provide, change, and 10 eliminate fund transfer provisions; to create funds; to state intent; to 11 change provisions relating to the source and use of funds and interest on 12 funds; to eliminate a termination date; to change refund".

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were 21 fourth-grade students and sponsors from Lincoln Elementary, Red Cloud; 44 fourth-grade students from Lincoln Christian; and 100 fourth-grade students from Gretna.

RECESS

At 11:59 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 Howard, Kuehn, Larson, Murante, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 158. Senator Groene renewed his motion, MO235, found on page 790, to bracket until April 18, 2018.

Senator Krist moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator McCollister requested a record vote on the motion to bracket.

Voting in the affirmative, 13:

Albrecht	Brewer	Erdman	Hughes	Watermeier
Bostelman	Briese	Friesen	Lowe	
Brasch	Clements	Halloran	Schumacher	

Voting in the negative, 27:

Baker	Geist	Krist	Riepe	Wayne
Blood	Hansen	McCollister	Smith	Williams
Bolz	Hilkemann	McDonnell	Stinner	Wishart
Chambers	Howard	Morfeld	Thibodeau	
Crawford	Kolowski	Pansing Brooks	Vargas	
Ebke	Kolterman	Quick	Walz	

Present and not voting, 5:

Groene Kuehn Lindstrom Linehan Scheer

Excused and not voting, 4:

Harr Hilgers Larson Murante

The Groene motion to bracket failed with 13 ayes, 27 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Groene offered the following motion:

MO265

Reconsider the vote taken to bracket.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Pansing Brooks offered the following motion:

MO267

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Baker	Geist	Krist	Quick	Wayne
Blood	Hansen	Lindstrom	Scheer	Williams
Bolz	Hilgers	Linehan	Smith	Wishart
Brewer	Hilkemann	McCollister	Stinner	
Chambers	Howard	McDonnell	Thibodeau	
Crawford	Kolowski	Morfeld	Vargas	
Ebke	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 8:

Albrecht	Clements	Groene	Hughes
Brasch	Erdman	Halloran	Watermeier

Present and not voting, 4:

Briese Friesen Lowe Schumacher

Excused and not voting, 6:

Bostelman Kuehn Murante
Harr Larson Riepe

The Pansing Brooks motion to invoke cloture failed with 31 ayes, 8 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 994. Placed on General File with amendment.

AM2358

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

2 sections:

3 Section 1. The Legislature finds and declares that:

4 (1) The availability, quality, and affordability of broadband
5 telecommunications service is important to the residents of Nebraska; and
6 (2) Because availability, quality, and affordability of broadband
7 telecommunications service is lacking in certain rural areas in Nebraska,
8 combined with greater investment in urban areas, the state may be facing
9 a digital divide.

10 It is the intent of the Legislature that broadband
11 telecommunications service in rural areas of the state should be
12 comparable in download and upload speed and price to urban areas in the
13 state where possible, and that state resources should be utilized to
14 ensure that the rural residents of the state should not be penalized
15 simply because of their rural residence. It is further the intent of the
16 Legislature that the residents of this state should have access to
17 broadband telecommunications service at a minimum download speed of
18 twenty-five megabits per second, and a minimum upload speed of three
19 megabits per second.

20 Sec. 2. (1) The Rural Broadband Task Force is hereby created. Task
21 force members shall include the chairperson of the Transportation and
22 Telecommunications Committee of the Legislature and a member of the
23 Legislature selected by the Executive Board of the Legislative Council
24 who shall both serve as nonvoting, ex officio members, a member of the
25 Public Service Commission who shall be selected by the chairperson of
26 such commission, the chairperson of the Nebraska Information Technology
27 Commission or his or her designee who shall act as chairperson of the
1 task force, the Director of Economic Development or his or her designee,
2 the Director of Agriculture or his or her designee, and the following
3 members to be appointed by the Governor: A representative of the
4 agribusiness community, a representative of the Nebraska business
5 community, a representative of the regulated wireline telecommunications

6 industry, a representative of the wireless telecommunications industry, a
7 representative of the public power industry, a representative of Nebraska
8 postsecondary educational institutions, and a representative of rural
9 schools offering kindergarten through grade twelve.
10 (2) The task force may appoint advisory groups to assist the task
11 force in providing technical expertise and advice on any issue. The
12 advisory groups may be composed of representatives of stakeholder groups
13 which may include, but not necessarily be limited to, representatives
14 from small and large wireline companies, wireless companies, public power
15 districts, electric cooperative corporations, cable television companies,
16 Internet service providers, low-income telecommunications and electric
17 utility customers, health care providers, and representatives of
18 educational sectors. No compensation or expense reimbursement shall be
19 provided to any member of any advisory group appointed by the task force.
20 (3) The Nebraska Information Technology Commission shall provide
21 staff assistance to the task force in consultation with staff from the
22 Public Service Commission and other interested parties. The task force
23 may hire consultants to assist in carrying out its duties. The task force
24 shall review issues relating to availability, adoption, and affordability
25 of broadband services in rural areas of Nebraska. In particular, the task
26 force shall:
27 (a) Determine how Nebraska rural areas compare to neighboring states
28 and the rest of the nation in average advertised download and upload
29 speeds and in subscription rates to higher speed tiers, when available;
30 (b) Examine the role of the Nebraska Telecommunications Universal
31 Service Fund in bringing comparable and affordable broadband services to
1 rural residents;
2 (c) Review the feasibility of alternative technologies and providers
3 in accelerating access to faster and more reliable broadband service for
4 rural residents;
5 (d) Examine alternatives for deployment of broadband services to
6 areas that remain unserved or underserved, such as reverse auction
7 programs described in section 4 of this act, public-private partnerships,
8 funding for competitive deployment, and other measures, and make
9 recommendations to the commission to encourage deployment in such areas;
10 (e) Recommend state policies to effectively utilize state universal
11 service fund dollars to leverage federal universal service fund support
12 and other federal funding;
13 (f) Make recommendations to the Governor and Legislature as to the
14 most effective and efficient ways that federal broadband rural
15 infrastructure funds received after the operative date of this act should
16 be expended if such funds become available; and
17 (g) Determine other issues that may be pertinent to the purpose of
18 the task force.
19 (4) Task force members shall serve on the task force without
20 compensation but shall be entitled to receive reimbursement for any
21 actual expenses incurred for such service as provided in sections 81-1174
22 to 81-1177.
23 (5) The task force shall meet at the call of the chairperson and

24 shall present its findings in a report to the Executive Board of the
25 Legislative Council no later than November 1, 2019, and by November 1
26 every odd-numbered year thereafter. The report shall be submitted
27 electronically.

28 (6) For purposes of this section, broadband services means high-
29 speed telecommunications capability at a minimum download speed of
30 twenty-five megabits per second and a minimum upload speed of three
31 megabits per second, and that enables users to originate and receive
1 high-quality voice, data, and video telecommunications using any
2 technology.

3 Sec. 3. The Rural Broadband Task Force Fund is created. The fund
4 shall be used to carry out the purposes of the Rural Broadband Task Force
5 as described in section 2 of this act. For administrative purposes, the
6 fund shall be located in the Nebraska Information Technology Commission.
7 The fund shall consist of money appropriated or transferred by the
8 Legislature and gifts, grants, or bequests from any source, including
9 federal, state, public, and private sources. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 Sec. 4. Based on consumer complaints or upon its own motion, the
14 Public Service Commission may open a docket to consider the
15 implementation and operation of a reverse auction program that awards
16 funding to broadband Internet service providers to support high-speed
17 Internet infrastructure deployment projects in unserved or underserved
18 exchanges within the State of Nebraska. The commission may, in its
19 discretion, withhold funding from the Nebraska Telecommunications
20 Universal Service Fund to any telecommunications company that has not
21 served, to the commission's satisfaction, those areas with service that
22 meets the criteria for successful investment of funding from the Nebraska
23 Telecommunications Universal Service Fund.

24 The commission shall adopt and promulgate rules and regulations that
25 establish standards governing the withholding of funding from the
26 Nebraska Telecommunications Universal Service Fund from any recipient,
27 including the provision of notice and the right to a hearing prior to the
28 issuance of an order withdrawing such funding. If the commission
29 withdraws funding from the Nebraska Telecommunications Universal Service
30 Fund from any telecommunications company, the commission may use the
31 funding that is withdrawn to implement and operate a reverse auction
1 program, except that any funding that is withdrawn shall be utilized in
2 the exchange area for which the funding was originally granted. The
3 commission shall have wide discretion in the design, implementation, and
4 operation of a reverse auction program but may use as a guide the program
5 designed by the Federal Communications Commission in its Connect America
6 Fund Phase II Auction process.

7 Sec. 5. (1) The Public Service Commission shall establish and
8 maintain a registry of locations within the State of Nebraska for
9 complaints made to the commission regarding the lack of coverage for
10 wireless telecommunications service.

11 (2) The commission shall annually prepare and make publicly
12 available a report describing the areas of the state which fail to
13 receive adequate wireless telecommunications service.
14 (3) The commission may utilize the information maintained in the
15 registry in making any determination related to the granting of funds
16 through any program administered by the commission to support the
17 construction of wireless telecommunications service facilities.
18 (4) For purposes of this section, lack of appropriate coverage means
19 a geographic area where a wireless device is not able to receive a signal
20 from the wireless service provider's network whereby an individual is
21 unable to use a wireless device.
22 (5) The commission shall adopt and promulgate any rules and
23 regulations required to carry out this section.
24 Sec. 6. Section 86-141, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 86-141 ~~(1)~~ Telecommunications companies which serve less than five
27 percent of the state's subscriber lines in the aggregate statewide shall
28 not be subject to rate regulation by the commission pursuant to sections
29 86-140 and 86-153 unless ~~(1)~~ ~~(a)~~ the telecommunications company elects by
30 action of its board of directors to be subject to such rate regulation by
31 the commission or (2), ~~(b)~~ the proposed rate increase exceeds thirty
1 percent in any one year, ~~(c)~~ five percent of the subscribers petition the
2 commission to regulate rates pursuant to subsections (2) through (4) of
3 this section, or ~~(d)~~ the commission declares that the telecommunications
4 company shall be subject to rate regulation by the commission pursuant to
5 subsection (5) of this section.
6 ~~(2)~~ Each such telecommunications company not subject to rate
7 regulation shall, at least ninety days before the effective date of any
8 proposed rate change, notify the commission and each of the
9 telecommunications company's subscribers of the proposed rate change.
10 Notice to the commission shall include a list of the telecommunications
11 company's published subscribers. Notice by the telecommunications company
12 to all subscribers shall be in a form prescribed by the commission, shall
13 be by first class mail, and shall include a schedule of the proposed
14 rates, the effective date of the rates, and the procedure necessary for
15 the subscribers to petition the commission to determine rates in lieu of
16 the proposed rates.
17 ~~(3)~~ The subscribers of a telecommunications company not subject to
18 the commission's rate regulation may petition the commission to determine
19 rates in lieu of any rate change proposed by the telecommunications
20 company pursuant to subsection (2) of this section. A petition
21 substantially in compliance with the rules and regulations of the
22 commission shall not be deemed invalid due to minor errors in its form.
23 ~~(4)~~ If, by the effective date of the telecommunications company's
24 proposed rate change, the commission has received petitions from less
25 than five percent of the subscribers requesting that the commission
26 determine rates, the commission shall certify such fact to the
27 telecommunications company and the telecommunications company's proposed
28 rates shall become effective as published in the notice to subscribers.

29 If, on or before the effective date of the proposed rate change, the
30 commission has received petitions from five percent or more of the
31 subscribers requesting that the commission determine rates, the
1 commission shall notify the telecommunications company that it will
2 determine rates for the telecommunications company in lieu of the
3 telecommunications company's proposed rate change. Rates established by
4 the commission or by a telecommunications company pursuant to subsections
5 (2) through (4) of this section shall be in force for at least one year.
6 (5) In addition to the procedure for petition prior to any proposed
7 rate change pursuant to subsections (2) through (4) of this section, the
8 subscribers of a telecommunications company not subject to the
9 commission's rate regulation may at any time petition the commission to
10 declare that the telecommunications company shall be subject to such rate
11 regulation. If the commission determines that at least fifty one percent
12 of a telecommunications company's subscribers have properly petitioned
13 that the telecommunications company be subject to the commission's rate
14 regulation, the commission shall certify such fact to the
15 telecommunications company and thereafter the telecommunications company
16 shall be subject to rate regulation by the commission until at least
17 fifty one percent of the telecommunications company's subscribers
18 properly petition that the telecommunications company no longer shall be
19 subject to the commission's rate regulation. This section shall not be
20 construed to exempt any local exchange carrier from regulation of its
21 access charges pursuant to section 86-140.

22 Sec. 7. Section 86-144, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 86-144 (1) ~~(1)(a)~~ Except as provided in subsection (2) of this
25 section subdivision (b) of this subsection, in an exchange in which local
26 competition does not exist, telecommunications companies shall file rate
27 lists which, for all telecommunications service except for basic local
28 exchange rates, shall be effective after ten days' notice to the
29 commission.

30 (2) (b) Notwithstanding any other provision of Chapter 86, a
31 telecommunications company shall not be required to file rate lists,
1 tariffs, or contracts for any telecommunications service, including local
2 exchange and interexchange services, provided as a business service. Upon
3 written notice to the commission, a telecommunications company may
4 withdraw any rate list, tariff, or contract not required to be filed
5 under this subdivision if the telecommunications company posts the rates,
6 terms, and conditions of its telecommunications service on the company's
7 web site.

8 (2) In an exchange in which local competition does not exist, basic
9 local exchange rates may be increased by a telecommunications company
10 only after ninety days' notice to all affected subscribers. Such notice
11 of increase shall include (a) the reasons for the rate increase, (b) a
12 description of the affected telecommunications service, (c) an
13 explanation of the right of the subscriber to petition the commission for
14 a public hearing on the rate increase, (d) a list of exchanges which are
15 affected by the proposed rate increase, and (e) the dates, times, and

16 ~~places for the public informational meetings required by this section.~~
17 ~~(3) A telecommunications company which proposes to increase its~~
18 ~~basic local exchange rates shall hold at least one public informational~~
19 ~~meeting in each public service commissioner district as established by~~
20 ~~section 75-101.01 in which there is an exchange affected by the proposed~~
21 ~~rate increase.~~
22 Sec. 8. Section 86-162, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 86-162 Any telecommunications company or its agent who fails or
25 neglects to comply with section 86-131, 86-132, 86-140, ~~86-141~~, or 86-153
26 or who violates any of the provisions of such sections is guilty of a
27 Class IV misdemeanor.
28 Sec. 9. Section 86-579, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 86-579 The Nebraska Internet Enhancement Fund is created. The fund
31 shall be used to provide financial assistance to install and deliver
1 broadband or other advanced telecommunications infrastructure and service
2 throughout the state. It is the intent of the Legislature that two
3 hundred fifty thousand dollars shall be appropriated to the fund to be
4 used for startup costs and seed money for FY2001-02. The Public Service
5 Commission may receive gifts, contributions, property, and equipment from
6 public and private sources for purposes of the fund. The fund shall
7 consist of money appropriated by the Legislature, any money transferred
8 pursuant to section 86-127, and gifts, grants, or bequests from any
9 source, including money remitted to the fund pursuant to section 86-577
10 and any other federal, state, public, and private sources. Money in the
11 fund shall be distributed by the commission pursuant to section 86-580.
12 Transfers from the fund to the General Fund may be made at the direction
13 of the Legislature. Any money in the Nebraska Internet Enhancement Fund
14 available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.
17 The State Treasurer shall transfer one hundred thousand dollars from
18 the Nebraska Internet Enhancement Fund to the General Fund on or before
19 July 15, 2003.
20 The State Treasurer shall transfer fifty thousand dollars from the
21 Nebraska Internet Enhancement Fund to the Rural Broadband Task Force Fund
22 on or before July 15, 2018.
23 Sec. 10. This act becomes operative on July 1, 2018.
24 Sec. 11. Original sections 86-141, 86-144, 86-162, and 86-579,
25 Reissue Revised Statutes of Nebraska, are repealed.
26 Sec. 12. The following sections are outright repealed: Sections
27 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.
28 Sec. 13. Since an emergency exists, this act takes effect when
29 passed and approved according to law.

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Select File with amendment.
ER129

1 1. In the Standing Committee amendment, AM1699:

2 a. On page 35, line 3, strike "24,549,609" and insert "24,549,622";
3 and

4 b. On page 117, line 6, after "2018" insert an underscored comma.

5 2. On page 1, strike lines 4 through 14 and insert "39, 40, 45, 49,
6 50, 51, 52, 54, 55, 57, 59, 62, 68, 69, 70, 71, 73, 82, 85, 86, 87, 92,
7 95, 96, 97, 98, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111,
8 112, 115, 116, 125, 126, 128, 130, 132, 134, 136, 137, 138, 139, 150,
9 153, 154, 155, 160, 162, 163, 165, 166, 168, 169, 170, 172, 173, 176,
10 177, 182, 186, 189, 190, 192, 195, 196, 199, 201, 204, 208, 210, 211,
11 213, 215, 216, 218, 221, 222, 228, 229, 230, 231, 232, 233, 234, 235,
12 236, 237, 239, 240, 241, 242, 243, 244, 247, 249, 250, 251, 255, 260,
13 263, 265, and 272; Laws 2017, LB329, sections 5, 6, 7, 8, 9, 10, 11, 12,
14 13, 14, 15, 16, 17, and 18; Laws 2017, LB330, sections 25, 38, and 42;
15 and Laws 2017, LB512A, section 2; to define and redefine".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 845. Placed on General File with amendment.
AM2353

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

2 sections:

3 Section 1. The Legislature finds that individuals with

4 disabilities, as defined in section 42-364, continue to face unfair,

5 preconceived, and unnecessary societal biases as well as antiquated

6 attitudes regarding their ability to successfully parent their children.

7 Sec. 2. Section 42-364, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 42-364 (1)(a) In an action under Chapter 42 involving child support,

10 child custody, parenting time, visitation, or other access, the parties

11 and their counsel, if represented, shall develop a parenting plan as

12 provided in the Parenting Act. If the parties and counsel do not develop

13 a parenting plan, the complaint shall so indicate as provided in section

14 42-353 and the case shall be referred to mediation or specialized

15 alternative dispute resolution as provided in the Parenting Act. For good

16 cause shown and (i) when both parents agree and such parental agreement

17 is bona fide and not asserted to avoid the purposes of the Parenting Act,

18 or (ii) when mediation or specialized alternative dispute resolution is

19 not possible without undue delay or hardship to either parent, the

20 mediation or specialized alternative dispute resolution requirement may

21 be waived by the court. In such a case where waiver of the mediation or

22 specialized alternative dispute resolution is sought, the court shall
23 hold an evidentiary hearing and the burden of proof for the party or
24 parties seeking waiver is by clear and convincing evidence.

25 (b) The decree in an action involving the custody of a minor child
26 shall include the determination of legal custody and physical custody
27 based upon the best interests of the child, as defined in the Parenting
1 Act, and child support. Such determinations shall be made by
2 incorporation into the decree of (i) a parenting plan developed by the
3 parties, if approved by the court, or (ii) a parenting plan developed by
4 the court based upon evidence produced after a hearing in open court if
5 no parenting plan is developed by the parties or the plan developed by
6 the parties is not approved by the court. The decree shall conform to the
7 Parenting Act.

8 (c) The social security number of each parent and the minor child
9 shall be furnished to the clerk of the district court but shall not be
10 disclosed or considered a public record.

11 (2) In determining legal custody or physical custody, the court
12 shall not give preference to either parent based on the sex or disability
13 of the parent and, except as provided in section 43-2933, no presumption
14 shall exist that either parent is more fit or suitable than the other.

15 Custody shall be determined on the basis of the best interests of the
16 child, as defined in the Parenting Act. Unless parental rights are
17 terminated, both parents shall continue to have the rights stated in
18 section 42-381.

19 (3) Custody of a minor child may be placed with both parents on a
20 joint legal custody or joint physical custody basis, or both, (a) when
21 both parents agree to such an arrangement in the parenting plan and the
22 court determines that such an arrangement is in the best interests of the
23 child or (b) if the court specifically finds, after a hearing in open
24 court, that joint physical custody or joint legal custody, or both, is in
25 the best interests of the minor child regardless of any parental
26 agreement or consent.

27 (4) In determining the amount of child support to be paid by a
28 parent, the court shall consider the earning capacity of each parent and
29 the guidelines provided by the Supreme Court pursuant to section
30 42-364.16 for the establishment of child support obligations. Upon
31 application, hearing, and presentation of evidence of an abusive
1 disregard of the use of child support money or cash medical support paid
2 by one party to the other, the court may require the party receiving such
3 payment to file a verified report with the court, as often as the court
4 requires, stating the manner in which child support money or cash medical
5 support is used. Child support money or cash medical support paid to the
6 party having physical custody of the minor child shall be the property of
7 such party except as provided in section 43-512.07. The clerk of the
8 district court shall maintain a record, separate from all other judgment
9 dockets, of all decrees and orders in which the payment of child support,
10 cash medical support, or spousal support has been ordered, whether
11 ordered by a district court, county court, separate juvenile court, or
12 county court sitting as a juvenile court. Orders for child support or

13 cash medical support in cases in which a party has applied for services
14 under Title IV-D of the federal Social Security Act, as amended, shall be
15 reviewed as provided in sections 43-512.12 to 43-512.18.

16 (5) Whenever termination of parental rights is placed in issue the
17 court shall transfer jurisdiction to a juvenile court established
18 pursuant to the Nebraska Juvenile Code unless a showing is made that the
19 county court or district court is a more appropriate forum. In making
20 such determination, the court may consider such factors as cost to the
21 parties, undue delay, congestion of dockets, and relative resources
22 available for investigative and supervisory assistance. A determination
23 that the county court or district court is a more appropriate forum shall
24 not be a final order for the purpose of enabling an appeal. If no such
25 transfer is made, the court shall conduct the termination of parental
26 rights proceeding as provided in the Nebraska Juvenile Code.

27 (6) Modification proceedings relating to support, custody, parenting
28 time, visitation, other access, or removal of children from the
29 jurisdiction of the court shall be commenced by filing a complaint to
30 modify. Modification of a parenting plan is governed by the Parenting
31 Act. Proceedings to modify a parenting plan shall be commenced by filing
1 a complaint to modify. Such actions shall be referred to mediation or
2 specialized alternative dispute resolution as provided in the Parenting
3 Act. For good cause shown and (a) when both parents agree and such
4 parental agreement is bona fide and not asserted to avoid the purposes of
5 the Parenting Act, or (b) when mediation or specialized alternative
6 dispute resolution is not possible without undue delay or hardship to
7 either parent, the mediation or specialized alternative dispute
8 resolution requirement may be waived by the court. In such a case where
9 waiver of the mediation or specialized alternative dispute resolution is
10 sought, the court shall hold an evidentiary hearing and the burden of
11 proof for the party or parties seeking waiver is by clear and convincing
12 evidence. Service of process and other procedure shall comply with the
13 requirements for a dissolution action.

14 (7) In any proceeding under this section relating to custody of a
15 child of school age, certified copies of school records relating to
16 attendance and academic progress of such child are admissible in
17 evidence.

18 (8) For purposes of this section, disability has the same meaning as
19 in 42 U.S.C. 12102, as such section existed on January 1, 2018.

20 Sec. 3. Original section 42-364, Reissue Revised Statutes of
21 Nebraska, is repealed.

(Signed) Laura Ebke, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB1132:
AM2361

(Amendments to Standing Committee amendments, AM1971)

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

2 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-902 (1) Except as provided in subsection (2) of this section,
5 every health care provider ~~Every person engaged in the practice of~~
6 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
7 ~~aid station in this state, shall immediately report to law enforcement~~
8 ~~every case; in which the health care provider he is consulted for medical~~
9 ~~care for physical treatment or treats a wound or injury of violence which~~
10 ~~appears to have been received in connection with, or as a result of, the~~
11 ~~commission of a criminal offense, immediately to the chief of police of~~
12 ~~the municipality or to the sheriff of the county wherein the consultation~~
13 ~~or treatment occurs. Such report shall include the name of the victim~~
14 ~~such person, the residence, if ascertainable, and a brief description of~~
15 ~~the victim's physical injury, and, if ascertainable, the victim's~~
16 ~~residential address and the location of the offense injury. Any other~~
17 ~~provision of law or rule of evidence relative to confidential~~
18 ~~communications is suspended insofar as compliance with the provisions of~~
19 ~~this section is are concerned.~~

20 (2) When a health care provider is consulted for medical care for
21 physical injury which reasonably appears to have been received in
22 connection with, or as a result of, the commission of an actual or
23 attempted sexual assault and the victim was eighteen years of age or
24 older at the time of such actual or attempted sexual assault, the health
25 care provider shall:

26 (a) Provide the victim with information detailing the reporting
1 options available under subdivision (2)(b) of this section;

2 (b) Ask the victim either:

3 (i) To provide written consent to report such actual or attempted
4 sexual assault as provided in subsection (1) of this section. If the
5 victim provides such written consent, the health care provider shall make
6 the report required by subsection (1) of this section and submit to law
7 enforcement a sexual assault evidence collection kit if one has been
8 obtained; or

9 (ii) To sign a written acknowledgment that such actual or attempted
10 sexual assault will not be reported except as provided in subdivision (2)
11 (c) or subsection (3) of this section, but that the health care provider
12 will submit to law enforcement a sexual assault evidence collection kit,
13 if one has been obtained, using an anonymous reporting protocol. A health
14 care provider may use the anonymous reporting protocol developed by the
15 Attorney General under section 4 of this act or may use a different
16 anonymous reporting protocol;

17 (c) Regardless of the victim's decision under subdivision (2)(b) of
18 this section, if the victim is suffering from a serious bodily injury, or
19 any bodily injury where a deadly weapon was used to inflict such injury,
20 which appears to have been received in connection with, or as a result
21 of, the commission of an actual or attempted sexual assault, the health
22 care provider shall report such injury to law enforcement as provided in
23 subsection (1) of this section; and

24 (d) Unless declined by the victim, refer him or her to an advocate.

25 (3) When a health care provider is consulted for medical care for
26 physical injury which reasonably appears to have been received in
27 connection with, or as a result of, the commission of an actual or
28 attempted sexual assault, the health care provider shall, regardless of
29 the victim's age or the victim's decision under subdivision (2)(b) of
30 this section, provide law enforcement with a sexual assault evidence
31 collection kit if one has been obtained.

1 (4) A law enforcement agency receiving a sexual assault evidence
2 collection kit under this section shall preserve such kit for twenty
3 years after the date of receipt or as otherwise ordered by a court.

4 (5) Any health care provider who knowingly fails to make any report
5 required by subsection (1) of this section is guilty of a Class III
6 misdemeanor. If multiple health care providers are involved in the
7 consultation of a person in a given occurrence, this section does not
8 require each health care provider to make a separate report, so long as
9 one of such health care providers makes the report required by this
10 section.

11 (6) For purposes of this section:

12 (a) Advocate has the same meaning as in section 29-4302;

13 (b) Anonymous reporting protocol means a reporting protocol that
14 allows the identity of the victim, his or her personal or identifying
15 information, and the details of the sexual assault or attempted sexual
16 assault to remain confidential and undisclosed by the health care
17 provider, other than submission to law enforcement of any sexual assault
18 evidence collection kit, unless and until the victim consents to the
19 release of such information;

20 (c) Health care provider means any of the following individuals who
21 are licensed, certified, or registered to perform specified health
22 services consistent with state law: A physician, physician assistant,
23 nurse, or advanced practice registered nurse;

24 (d) Law enforcement means a law enforcement agency in the county in
25 which the consultation occurred; and

26 (e) Victim means the person seeking medical care.

27 ~~(2) Any person who fails to make the report required by subsection~~
28 ~~(1) of this section commits a Class III misdemeanor.~~

29 Sec. 3. Section 29-3523, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-3523 (1) After the expiration of the periods described in
1 subsection (3) of this section or after the granting of a motion under
2 subsection (4), (5), or (6) of this section, a criminal justice agency
3 shall respond to a public inquiry in the same manner as if there were no
4 criminal history record information and criminal history record
5 information shall not be disseminated to any person other than a criminal
6 justice agency, except as provided in subsection (2) of this section or
7 when the subject of the record:

8 (a) Is currently the subject of prosecution or correctional control
9 as the result of a separate arrest;

10 (b) Is currently an announced candidate for or holder of public
11 office;

12 (c) Has made a notarized request for the release of such record to a
13 specific person; or
14 (d) Is kept unidentifed, and the record is used for purposes of
15 surveying or summarizing individual or collective law enforcement agency
16 activity or practices, or the dissemination is requested consisting only
17 of release of criminal history record information showing (i) dates of
18 arrests, (ii) reasons for arrests, and (iii) the nature of the
19 dispositions including, but not limited to, reasons for not prosecuting
20 the case or cases.
21 (2) That part of criminal history record information described in
22 subsection (7) (4) of this section may be disseminated to individuals and
23 agencies for the express purpose of research, evaluative, or statistical
24 activities pursuant to an agreement with a criminal justice agency that
25 specifically authorizes access to the information, limits the use of the
26 information to research, evaluative, or statistical activities, and
27 ensures the confidentiality and security of the information.
28 (3) Except as provided in subsections (1) and (2) of this section,
29 in the case of an arrest, citation in lieu of arrest, or referral for
30 prosecution without citation, all criminal history record information
31 relating to the case shall be removed from the public record as follows:
1 (a) When no charges are filed as a result of the determination of
2 the prosecuting attorney, the criminal history record information shall
3 not be part of the public record after one year from the date of arrest,
4 citation in lieu of arrest, or referral for prosecution without citation;
5 (b) When charges are not filed as a result of a completed diversion,
6 the criminal history record information shall not be part of the public
7 record after two years from the date of arrest, citation in lieu of
8 arrest, or referral for prosecution without citation; and
9 (c) When charges are filed, but the case is dismissed by the court
10 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
11 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
12 completion of a program prescribed by a drug court or any other problem
13 solving court approved by the Supreme Court, the criminal history record
14 information shall not be part of the public record immediately upon
15 notification of a criminal justice agency after acquittal pursuant to
16 subdivision (3)(c)(iii) of this section or after the entry of an order
17 dismissing the case.
18 (4) Upon the granting of a petition to set aside a conviction or
19 adjudication pursuant to section 2 of this act, a person who is a victim
20 of sex trafficking, as defined in section 2 of this act, may file a
21 motion with the sentencing court for an order to seal the criminal
22 history record information related to such conviction or adjudication.
23 Upon a finding that a court issued an order setting aside such conviction
24 or adjudication pursuant to section 2 of this act, the sentencing court
25 shall grant the motion and issue an order as provided in subsection (7)
26 of this section.
27 (5) Any person who has received a pardon may file a motion with the
28 sentencing court for an order to seal the criminal history record
29 information and any cases related to such charges or conviction. Upon a

30 finding that the person received a pardon, the court shall grant the
31 motion and issue an order as provided in subsection (7) of this section.
1 (6) Any person who is subject to a record which resulted in a case
2 being dismissed prior to January 1, 2017, as described in subdivision (3)
3 (c) of this section, may file a motion with the court to enter an order
4 pursuant to subsection (7) of this section. Upon a finding that the case
5 was dismissed for any reason described in subdivision (3)(c) of this
6 section, the court shall grant the motion and enter an order as provided
7 in subsection (7) of this section.
8 ~~(7) (4)~~ Upon acquittal, ~~or~~ entry of an order dismissing a case
9 described in subdivision (3)(c) of this section, or after granting a
10 motion under subsection (4), (5), or (6) of this section, the court
11 shall:
12 (a) Order that all records, including any information or other data
13 concerning any proceedings relating to the case, including the arrest,
14 taking into custody, petition, complaint, indictment, information, trial,
15 hearing, adjudication, correctional supervision, dismissal, or other
16 disposition or sentence, are not part of the public record and shall not
17 be disseminated to persons other than criminal justice agencies, except
18 as provided in subsection (1) or (2) of this section;
19 (b) Send notice of the order (i) to the Nebraska Commission on Law
20 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
21 (iii) to law enforcement agencies, county attorneys, and city attorneys
22 referenced in the court record;
23 (c) Order all parties notified under subdivision ~~(7)(b)~~ ~~(4)(b)~~ of
24 this section to seal all records pertaining to the case; and
25 (d) If the case was transferred from one court to another, send
26 notice of the order to seal the record to the transferring court.
27 ~~(8) (5)~~ In any application for employment, bonding, license,
28 education, or other right or privilege, any appearance as a witness, or
29 any other public inquiry, a person cannot be questioned with respect to
30 any offense for which the record is sealed. If an inquiry is made in
31 violation of this subsection, the person may respond as if the offense
1 never occurred.
2 ~~(9) (6)~~ Any person arrested due to the error of a law enforcement
3 agency may file a petition with the district court for an order to
4 expunge the criminal history record information related to such error.
5 The petition shall be filed in the district court of the county in which
6 the petitioner was arrested. The county attorney shall be named as the
7 respondent and shall be served with a copy of the petition. The court may
8 grant the petition and issue an order to expunge such information if the
9 petitioner shows by clear and convincing evidence that the arrest was due
10 to error by the arresting law enforcement agency.
11 (10) The relief set forth in this section shall apply to all persons
12 otherwise eligible in accordance with the provisions of this section,
13 whether arrested, cited in lieu of arrest, referred for prosecution
14 without citation, charged, convicted, or adjudicated prior to, on or
15 subsequent to the effective date of this act.
16 Sec. 4. On or before July 1, 2019, the Attorney General shall

17 develop and distribute a statewide model anonymous reporting protocol for
 18 use by health care providers as provided in section 28-902. Once
 19 developed, the statewide model anonymous reporting protocol shall be
 20 maintained by the Nebraska Commission on Law Enforcement and Criminal
 21 Justice.
 22 2. Renumber the remaining sections and correct the repealer
 23 accordingly.

Senator Friesen filed the following amendment to LB994:
 AM2387

(Amendments to Standing Committee amendments, AM2358)

1 1. On page 5, line 9, after "of" insert "appropriate"; strike lines
 2 11 through 13; in line 14 strike "(3)" and insert "(2)"; in line 18
 3 strike "(4)" and insert "(3)"; and in line 22 strike "(5)" and insert
 4 "(4)".

Senator Morfeld filed the following amendment to LB873:
 AM2259

(Amendments to Standing Committee amendments, AM2065)

1 1. Insert the following new sections:
 2 Sec. 104. (1) For purposes of this section:
 3 (a) Municipality means a city or village; and
 4 (b) Short-term rental means a residential property, including a
 5 single-family dwelling or a unit in a condominium, cooperative, or time-
 6 share, that is rented wholly or partly for a fee for a period not longer
 7 than thirty consecutive days.
 8 (2) A municipality shall not adopt or enforce an ordinance or other
 9 regulation that expressly or effectively prohibits the use of a property
 10 as a short-term rental.
 11 (3) A municipality may adopt or enforce an ordinance or other
 12 regulation that specifically regulates property used as a short-term
 13 rental only if the municipality demonstrates that the primary purpose of
 14 the ordinance or other regulation is to protect the public's health and
 15 safety. An ordinance or other regulation authorized by this subsection
 16 includes:
 17 (a) Requirements addressing:
 18 (i) Fire and building codes;
 19 (ii) Health and sanitation;
 20 (iii) Traffic control; and
 21 (iv) Solid or hazardous waste and pollution control; and
 22 (b) Requirements regarding the designation of an emergency contact
 23 for the property.
 24 (4) A municipality may adopt or enforce an ordinance or other
 25 regulation that imposes a sales tax or an occupation tax on short-term
 26 rentals if the tax is otherwise permitted by applicable law.
 1 (5) A municipality may adopt or enforce an ordinance or other
 2 regulation that limits or prohibits the use of a short-term rental only
 3 if the law limits or prohibits the use of a short-term rental for the
 4 purpose of:

5 (a) Housing sex offenders;
6 (b) Operating a structured sober living home or similar enterprise;
7 (c) Selling illegal drugs;
8 (d) Selling alcohol or another activity that requires a permit or
9 license under the Nebraska Liquor Control Act; or
10 (e) Operating a sexually oriented business.
11 (6) A municipality shall apply an ordinance or other regulation
12 regulating land use to a short-term rental in the same manner as another
13 similar property. An ordinance or other regulation described by this
14 subsection includes:
15 (a) Residential use and other zoning matters;
16 (b) Noise and other nuisances; and
17 (c) Property maintenance.
18 (7) This section shall not be construed to affect regulations of a
19 private entity, including a homeowners association organized under the
20 Condominium Property Act or the Nebraska Condominium Act.
21 Sec. 343. Section 77-2701, Revised Statutes Supplement, 2017, is
22 amended to read:
23 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
24 77-27,236, and 77-27,238 and section 344 of this act shall be known and
25 may be cited as the Nebraska Revenue Act of 1967.
26 Sec. 344. (1) For purposes of this section, online hosting platform
27 means a marketplace connected by computer to one or more other computers
28 or networks, as through a commercial electronic information service or
29 the Internet, through which (a) a seller or hotel operator may rent or
30 furnish any room or rooms, lodgings, or accommodations in a hotel, a
31 motel, an inn, a tourist camp, a tourist cabin, or any other place, (b)
1 such room or rooms, lodgings, or accommodations may be advertised or
2 listed, and (c) a purchaser or occupant may arrange for the occupancy of
3 such room or rooms, lodgings, or accommodations.
4 (2) The Tax Commissioner may enter into an agreement with an online
5 hosting platform to permit the online hosting platform to collect and pay
6 the applicable sales taxes imposed under the Local Option Revenue Act,
7 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,
8 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
9 seller or hotel operator otherwise required to collect such taxes for
10 transactions consummated through the online hosting platform. Upon
11 entering into such agreement with the online hosting platform, the Tax
12 Commissioner shall waive the tax collection responsibility of a seller or
13 hotel operator for transactions consummated through the online hosting
14 platform for which the online hosting platform has assumed this
15 responsibility. The online hosting platform shall give written notice to
16 each seller or hotel operator which is covered by the agreement between
17 the online hosting platform and the Tax Commissioner.
18 (3) Upon entering into an agreement with the Tax Commissioner under
19 this section, the online hosting platform shall report aggregate
20 information on the tax return prescribed by the Tax Commissioner,
21 including an aggregate of gross receipts, exemptions, adjustments, and
22 taxable receipts of all transactions subject to the agreement.

23 (4) Taxes payable by an online hosting platform on transactions
24 subject to the agreement shall be subject to audit only by the Tax
25 Commissioner at his or her sole discretion. Any such audit shall be
26 conducted on the basis of returns and supporting documents filed by the
27 online hosting platform with the Tax Commissioner. An online hosting
28 platform shall not be required to disclose any personally identifiable
29 information relating to any seller, hotel operator, purchaser, or
30 occupant involved in any such transaction.

31 Sec. 345. The Revisor of Statutes shall assign section 104 of this
1 act to Chapter 18.

2. 2. Renumber the remaining sections and correct the repealer
3 accordingly.

Senator Harr filed the following amendment to LB861:
AM2426

(Amendments to AM2285)

1 1. Strike section 6 and insert the following new section:

2 Sec. 6. Due to the absence, sickness, disability, or conflict of
3 interest of the Attorney General and his or her assistants, or upon
4 request of the Attorney General for good cause, the Supreme Court, the
5 Court of Appeals, or any district court, separate juvenile court, or
6 county court before which the cause may be heard may appoint an attorney
7 to act as Attorney General or his or her assistant in any investigation,
8 appearance, or trial by an order entered upon the minutes of the court.
9 Such attorney shall be allowed compensation for such services as the
10 court determines, to be paid by order of the county treasurer of the
11 county in which the cause was heard upon presenting to the county board
12 the certificate of the judge before whom the cause was tried certifying
13 to services rendered by such attorney and the amount of compensation.

VISITORS

Visitors to the Chamber were 19 high school students and teachers from Bertrand Community School; and Senator Hilkemann's wife, Julie, daughter, grandson, and granddaughters, Liz, Ethan, Emma, and Kayla Sullivan from Houston, TX.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 4:54 p.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

