

FORTY-EIGHTH DAY - MARCH 23, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 23, 2018

PRAYER

The prayer was offered by Pastor Gregg Gahan, Craig-Alder Grove Parish, Craig.

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 Linehan, McCollister, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1132. Placed on Select File with amendment.
ER139

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 every case; in which the health care provider ~~he~~ is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, ~~immediately to the chief of police of~~
13 ~~the municipality or to the sheriff of the county wherein the consultation~~
14 ~~or treatment occurs.~~ Such report shall include the name of the victim
15 ~~such person, the residence, if ascertainable, and a brief description of~~

16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 provision of law or rule of evidence relative to confidential
19 communications is suspended insofar as compliance with the provisions of
20 this section is are concerned.

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

27 (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. 2. (1) For purposes of this section:

30 (a) Prostitution-related offense includes:

31 (i) Prostitution under section 28-801, solicitation of prostitution
1 under section 28-801.01, keeping a place of prostitution under section
2 28-804, public indecency under section 28-806, or loitering for the
3 purpose of engaging in prostitution or related or similar offenses under
4 local ordinances; and

5 (ii) Attempt, conspiracy, solicitation, being an accessory to,
6 aiding and abetting, aiding the consummation of, or compounding a felony
7 with any of the offenses in subdivision (1)(a) of this section as the
8 underlying offense;

9 (b) Trafficker means a person who engages in sex trafficking or sex
10 trafficking of a minor as defined in section 28-830; and

11 (c) Victim of sex trafficking means a person subjected to sex
12 trafficking or sex trafficking of a minor, as those terms are defined in
13 section 28-830.

14 (2) At any time following the date of the conviction or
15 adjudication, a victim of sex trafficking convicted in county or district
16 court of, or adjudicated in a juvenile court for (a) a prostitution-
17 related offense or (b) any other offense committed as a direct result of,
18 or incident to, being a victim of sex trafficking may file a petition to
19 set aside such conviction or adjudication. The petition shall be filed in
20 the county or district court of the county in which charges were filed or
21 the petitioner was convicted or adjudicated. The prosecuting attorney
22 shall be named as respondent and shall be served with a copy of the
23 petition.

24 (3)(a) The court shall grant a petition to set aside a conviction or

25 adjudication for a prostitution-related offense if the court finds that
26 the petitioner was a victim of sex trafficking at the time of the offense
27 or if the court finds that the petitioner's participation in the offense
28 was otherwise incidental to being a victim of sex trafficking.
29 (b) The court shall grant a petition to set aside a conviction or
30 adjudication for an offense other than a prostitution-related offense if
31 the court finds that the petitioner's participation in the offense was a
1 direct result of or incidental to being a victim of sex trafficking.
2 (4) The court shall find that the petitioner is a victim of sex
3 trafficking if the petitioner submits to the court:
4 (a) A copy of an official record, certification, or eligibility
5 letter from a federal, state, tribal, or local proceeding, including an
6 approval notice or an enforcement certification generated from a federal
7 immigration proceeding, that shows that the petitioner is a victim of sex
8 trafficking; or
9 (b) An affidavit or sworn testimony from an attorney, a member of
10 the clergy, a medical professional, a trained professional staff member
11 of a victim services organization, or other professional from whom the
12 petitioner has sought legal counsel or other assistance in addressing the
13 trauma associated with being a victim of sex trafficking.
14 (5) In considering whether the petitioner is a victim of sex
15 trafficking, the court may consider any other evidence the court
16 determines is of sufficient credibility and probative value, including an
17 affidavit or sworn testimony. Examples of such evidence include, but are
18 not limited to:
19 (a) Branding or other tattoos on the petitioner that identified him
20 or her as having a trafficker;
21 (b) Testimony or affidavits from those with firsthand knowledge of
22 the petitioner's involvement in the commercial sex trade such as
23 solicitors of commercial sex, family members, hotel workers, and other
24 individuals trafficked by the same individual or group of individuals who
25 trafficked the petitioner;
26 (c) Financial records showing profits from the commercial sex trade,
27 such as records of hotel stays, employment at indoor venues such as
28 massage parlors or strip clubs, or employment at an escort service;
29 (d) Internet listings, print advertisements, or business cards used
30 to promote the petitioner for commercial sex; or
31 (e) Email, text, or voicemail records between the petitioner, the
1 trafficker, or solicitors of sex that reveal aspects of the sex trade
2 such as behavior patterns, meeting times, or payments or examples of the
3 trafficker exerting force, fraud, or coercion over the petitioner.
4 (6) Upon request of a petitioner, any hearing relating to the
5 petition shall be conducted in camera. The rules of evidence shall not
6 apply at any hearing relating to the petition.
7 (7) An order setting aside a conviction or adjudication under this
8 section shall:
9 (a) Nullify the conviction or adjudication; and
10 (b) Remove all civil disabilities and disqualifications imposed as a
11 result of the conviction or adjudication.

12 (8) The setting aside of a conviction in accordance with this
13 section shall not:
14 (a) Require the reinstatement of any office, employment, or position
15 which was previously held and lost or forfeited as a result of the
16 conviction or adjudication; or
17 (b) Preclude proof of a plea of guilty in a criminal proceeding or
18 an admission of responsibility in a juvenile proceeding whenever such
19 plea or admission is relevant to the determination of an issue involving
20 the rights or liabilities of someone other than the petitioner.
21 Sec. 3. Section 29-3523, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 29-3523 (1) After the expiration of the periods described in
24 subsection (3) of this section or after the granting of a motion under
25 subsection (4), (5), or (6) of this section, a criminal justice agency
26 shall respond to a public inquiry in the same manner as if there were no
27 criminal history record information and criminal history record
28 information shall not be disseminated to any person other than a criminal
29 justice agency, except as provided in subsection (2) of this section or
30 when the subject of the record:
31 (a) Is currently the subject of prosecution or correctional control
1 as the result of a separate arrest;
2 (b) Is currently an announced candidate for or holder of public
3 office;
4 (c) Has made a notarized request for the release of such record to a
5 specific person; or
6 (d) Is kept unidentified, and the record is used for purposes of
7 surveying or summarizing individual or collective law enforcement agency
8 activity or practices, or the dissemination is requested consisting only
9 of release of criminal history record information showing (i) dates of
10 arrests, (ii) reasons for arrests, and (iii) the nature of the
11 dispositions including, but not limited to, reasons for not prosecuting
12 the case or cases.
13 (2) That part of criminal history record information described in
14 subsection ~~(7)~~ (4) of this section may be disseminated to individuals and
15 agencies for the express purpose of research, evaluative, or statistical
16 activities pursuant to an agreement with a criminal justice agency that
17 specifically authorizes access to the information, limits the use of the
18 information to research, evaluative, or statistical activities, and
19 ensures the confidentiality and security of the information.
20 (3) Except as provided in subsections (1) and (2) of this section,
21 in the case of an arrest, citation in lieu of arrest, or referral for
22 prosecution without citation, all criminal history record information
23 relating to the case shall be removed from the public record as follows:
24 (a) When no charges are filed as a result of the determination of
25 the prosecuting attorney, the criminal history record information shall
26 not be part of the public record after one year from the date of arrest,
27 citation in lieu of arrest, or referral for prosecution without citation;
28 (b) When charges are not filed as a result of a completed diversion,
29 the criminal history record information shall not be part of the public

30 record after two years from the date of arrest, citation in lieu of
 31 arrest, or referral for prosecution without citation; and
 1 (c) When charges are filed, but the case is dismissed by the court
 2 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
 3 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
 4 completion of a program prescribed by a drug court or any other problem
 5 solving court approved by the Supreme Court, the criminal history record
 6 information shall not be part of the public record immediately upon
 7 notification of a criminal justice agency after acquittal pursuant to
 8 subdivision (3)(c)(iii) of this section or after the entry of an order
 9 dismissing the case.

10 (4) Upon the granting of a petition to set aside a conviction or
 11 adjudication pursuant to section 2 of this act, a person who is a victim
 12 of sex trafficking, as defined in section 2 of this act, may file a
 13 motion with the sentencing court for an order to seal the criminal
 14 history record information related to such conviction or adjudication.
 15 Upon a finding that a court issued an order setting aside such conviction
 16 or adjudication pursuant to section 2 of this act, the sentencing court
 17 shall grant the motion and issue an order as provided in subsection (7)
 18 of this section.

19 (5) Any person who has received a pardon may file a motion with the
 20 sentencing court for an order to seal the criminal history record
 21 information and any cases related to such charges or conviction. Upon a
 22 finding that the person received a pardon, the court shall grant the
 23 motion and issue an order as provided in subsection (7) of this section.

24 (6) Any person who is subject to a record which resulted in a case
 25 being dismissed prior to January 1, 2017, as described in subdivision (3)
 26 (c) of this section, may file a motion with the court to enter an order
 27 pursuant to subsection (7) of this section. Upon a finding that the case
 28 was dismissed for any reason described in subdivision (3)(c) of this
 29 section, the court shall grant the motion and enter an order as provided
 30 in subsection (7) of this section.

31 (7) ~~(4)~~ Upon acquittal, or entry of an order dismissing a case
 1 described in subdivision (3)(c) of this section, or after granting a
 2 motion under subsection (4), (5), or (6) of this section, the court
 3 shall:

4 (a) Order that all records, including any information or other data
 5 concerning any proceedings relating to the case, including the arrest,
 6 taking into custody, petition, complaint, indictment, information, trial,
 7 hearing, adjudication, correctional supervision, dismissal, or other
 8 disposition or sentence, are not part of the public record and shall not
 9 be disseminated to persons other than criminal justice agencies, except
 10 as provided in subsection (1) or (2) of this section;

11 (b) Send notice of the order (i) to the Nebraska Commission on Law
 12 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
 13 (iii) to law enforcement agencies, county attorneys, and city attorneys
 14 referenced in the court record;

15 (c) Order all parties notified under subdivision (7)(b) ~~(4)(b)~~ of
 16 this section to seal all records pertaining to the case; and

17 (d) If the case was transferred from one court to another, send
 18 notice of the order to seal the record to the transferring court.
 19 ~~(8) (5)~~ In any application for employment, bonding, license,
 20 education, or other right or privilege, any appearance as a witness, or
 21 any other public inquiry, a person cannot be questioned with respect to
 22 any offense for which the record is sealed. If an inquiry is made in
 23 violation of this subsection, the person may respond as if the offense
 24 never occurred.
 25 ~~(9) (6)~~ Any person arrested due to the error of a law enforcement
 26 agency may file a petition with the district court for an order to
 27 expunge the criminal history record information related to such error.
 28 The petition shall be filed in the district court of the county in which
 29 the petitioner was arrested. The county attorney shall be named as the
 30 respondent and shall be served with a copy of the petition. The court may
 31 grant the petition and issue an order to expunge such information if the
 1 petitioner shows by clear and convincing evidence that the arrest was due
 2 to error by the arresting law enforcement agency.
 3 (10) The relief set forth in this section shall apply to all persons
 4 otherwise eligible in accordance with the provisions of this section,
 5 whether arrested, cited in lieu of arrest, referred for prosecution
 6 without citation, charged, convicted, or adjudicated prior to, on or
 7 subsequent to the effective date of this act.
 8 Sec. 4. On or before July 1, 2019, the Attorney General shall
 9 develop and distribute a statewide model anonymous reporting protocol for
 10 use by health care providers as provided in section 28-902. Once
 11 developed, the statewide model anonymous reporting protocol shall be
 12 maintained by the Nebraska Commission on Law Enforcement and Criminal
 13 Justice.
 14 Sec. 5. Original sections 28-902 and 29-3523, Reissue Revised
 15 Statutes of Nebraska, are repealed.
 16 2. On page 1, strike beginning with "crimes" in line 1 through line
 17 5 and insert "crime victims; to amend sections 28-902 and 29-3523,
 18 Reissue Revised Statutes of Nebraska; to require reporting by a health
 19 care provider of injury from actual or attempted sexual assault as
 20 prescribed; to provide duties for health care providers and law
 21 enforcement as prescribed; to define terms; to provide a procedure to set
 22 aside convictions for victims of sex trafficking; to provide for
 23 expungement of criminal history record information of such victims; to
 24 provide for development and distribution by the Attorney General of a
 25 statewide model anonymous reporting protocol; to provide a duty for the
 26 Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize
 27 provisions; and to repeal the original sections."

LEGISLATIVE BILL 1009. Placed on Select File with amendment.

ER138

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 39-2103, Revised Statutes Supplement, 2017, is
 4 amended to read:

5 39-2103 Rural highways are hereby divided into nine functional
6 classifications as follows:

7 (1) Interstate, which shall consist of the federally designated
8 National System of Interstate and Defense Highways;

9 (2) Expressway, which shall consist of a group of highways following
10 major traffic desires in Nebraska which rank next in importance to the
11 National System of Interstate and Defense Highways. The expressway system
12 is one which ultimately should be developed to multilane divided highway
13 standards;

14 (3) Major arterial, which shall consist of the balance of routes
15 which serve major statewide interests for highway transportation. This
16 includes super-two, which shall consist of two-lane highways designed
17 primarily for through traffic with passing lanes spaced intermittently
18 and on alternating sides of the highway to provide predictable
19 opportunities to pass slower moving vehicles. This system is

20 characterized by high-speed, relatively long-distance travel patterns;
21 (4) Scenic-recreation, which shall consist of highways or roads
22 located within or which provide access to or through state parks,
23 recreation or wilderness areas, other areas of geographical, historical,
24 geological, recreational, biological, or archaeological significance, or
25 areas of scenic beauty;

26 (5) Other arterial, which shall consist of a group of highways of
27 less importance as through-travel routes which would serve places of
1 smaller population and smaller recreation areas not served by the higher
2 systems;

3 (6) Collector, which shall consist of a group of highways which pick
4 up traffic from many local or land-service roads and carry it to
5 community centers or to the arterial systems. They are the main school
6 bus routes, mail routes, and farm-to-market routes;

7 (7) Local, which shall consist of all remaining rural roads, except
8 minimum maintenance roads and remote residential roads;

9 (8) Minimum maintenance, which shall consist of (a) roads used
10 occasionally by a limited number of people as alternative access roads
11 for areas served primarily by local, collector, or arterial roads or (b)
12 roads which are the principal access roads to agricultural lands for farm
13 machinery and which are not primarily used by passenger or commercial
14 vehicles; and

15 (9) Remote residential, which shall consist of roads or segments of
16 roads in remote areas of counties with (a) a population density of no
17 more than five people per square mile or (b) an area of at least one
18 thousand square miles, and which roads or segments of roads serve as
19 primary access to no more than seven residences. For purposes of this
20 subdivision, residence means a structure which serves as a primary
21 residence for more than six months of a calendar year. Population shall
22 be determined using data from the most recent federal decennial census.

23 The rural highways classified under subdivisions (1) through (3) of
24 this section should, combined, serve every incorporated municipality
25 having a minimum population of one hundred inhabitants as determined by
26 the most recent federal decennial census or the most recent revised

27 certified count by the United States Bureau of the Census or sufficient
28 commerce, a part of which will be served by stubs or spurs, and along
29 with rural highways classified under subdivision (4) of this section,
30 should serve the major recreational areas of the state.

31 For purposes of this section, sufficient commerce means a minimum of
1 two hundred thousand dollars of gross receipts under the Nebraska Revenue
2 Act of 1967.

3 Sec. 2. Section 60-4,182, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-4,182 In order to prevent and eliminate successive traffic
6 violations, there is hereby provided a point system dealing with traffic
7 violations as disclosed by the files of the director. The following point
8 system shall be adopted:

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

14 three points shall be assessed upon conviction of exceeding by more than
15 fifteen miles per hour but not more than thirty-five miles per hour the
16 speed limits provided for in subdivision ~~(1)(f)~~ ~~(1)(e)~~, ~~(g)~~ ~~(f)~~, ~~(h)~~ ~~(g)~~,
17 or ~~(i)~~ ~~(h)~~ of section 60-6,186; and
18 (d) More than thirty-five miles per hour over the speed limit - 4
19 points;
20 (11) Failure to yield to a pedestrian not resulting in bodily injury
21 to a pedestrian - 2 points;
22 (12) Failure to yield to a pedestrian resulting in bodily injury to
23 a pedestrian - 4 points;
24 (13) Using a handheld wireless communication device in violation of
25 section 60-6,179.01 or texting while driving in violation of subsection
26 (1) or (3) of section 60-6,179.02 - 3 points;
27 (14) Using a handheld mobile telephone in violation of subsection
28 (2) or (4) of section 60-6,179.02 - 3 points;
29 (15) Unlawful obstruction or interference of the view of an operator
30 in violation of section 60-6,256 - 1 point;
31 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
1 and
2 (17) All other traffic violations involving the operation of motor
3 vehicles by the operator for which reports to the Department of Motor
4 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.
5 Subdivision (17) of this section does not include violations
6 involving an occupant protection system or a three-point safety belt
7 system pursuant to section 60-6,270, parking violations, violations for
8 operating a motor vehicle without a valid operator's license in the
9 operator's possession, muffler violations, overwidth, overheight, or
10 overlength violations, motorcycle or moped protective helmet violations,
11 or overloading of trucks.
12 All such points shall be assessed against the driving record of the
13 operator as of the date of the violation for which conviction was had.
14 Points may be reduced by the department under section 60-4,188.
15 In all cases, the forfeiture of bail not vacated shall be regarded
16 as equivalent to the conviction of the offense with which the operator
17 was charged.
18 The point system shall not apply to persons convicted of traffic
19 violations committed while operating a bicycle as defined in section
20 60-611 or an electric personal assistive mobility device as defined in
21 section 60-618.02.
22 Sec. 3. Section 60-601, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:
24 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
25 be known and may be cited as the Nebraska Rules of the Road.
26 Sec. 4. Section 60-605, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:
28 60-605 For purposes of the Nebraska Rules of the Road, the
29 definitions found in sections 60-606 to 60-676 and section 5 of this act
30 shall be used.
31 Sec. 5. Super-two highway means a two-lane highway designed

1 primarily for through traffic with passing lanes spaced intermittently
2 and on alternating sides of the highway to provide predictable
3 opportunities to pass slower moving vehicles.

4 Sec. 6. Section 60-6,186, Revised Statutes Supplement, 2017, is
5 amended to read:

6 60-6,186 (1) Except when a special hazard exists that requires lower
7 speed for compliance with section 60-6,185, the limits set forth in this
8 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
9 the maximum lawful speeds unless reduced pursuant to subsection (2) of
10 this section, and no person shall drive a vehicle on a highway at a speed
11 in excess of such maximum limits:

12 (a) Twenty-five miles per hour in any residential district;

13 (b) Twenty miles per hour in any business district;

14 (c) Fifty miles per hour upon any highway that is gravel or not
15 dustless surfaced and not part of the state highway system;

16 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
17 a part of the state highway system;

18 (e) Sixty-five miles per hour upon any four-lane divided highway not
19 a part of the state highway system;

20 (f) Sixty-five (e) Sixty miles per hour upon any part of the state
21 highway system other than an expressway, a super-two highway, or a
22 freeway, except that the Department of Transportation may, where existing
23 design and traffic conditions allow, according to an engineering study,
24 authorize a speed limit five miles per hour greater;

25 (g) Seventy (f) Sixty-five miles per hour upon an expressway or a
26 super-two highway that is part of the state highway system;

27 (h) Seventy (g) Sixty-five miles per hour upon a freeway that is
28 part of the state highway system but not part of the National System of
29 Interstate and Defense Highways; and

30 (i) (h) Seventy-five miles per hour upon the National System of
31 Interstate and Defense Highways, except that the maximum speed limit
1 shall be sixty-five sixty miles per hour for:

2 (i) Any portion of the National System of Interstate and Defense
3 Highways located in Douglas County; and

4 (ii) That portion of the National System of Interstate and Defense
5 Highways designated as Interstate 180 in Lancaster County and Interstate
6 129 in Dakota County.

7 (2) The maximum speed limits established in subsection (1) of this
8 section may be reduced by the Department of Transportation or by local
9 authorities pursuant to section 60-6,188 or 60-6,190.

10 (3) The Department of Transportation and local authorities may erect
11 and maintain suitable signs along highways under their respective
12 jurisdictions in such number and at such locations as they deem necessary
13 to give adequate notice of the speed limits established pursuant to
14 subsection (1) or (2) of this section upon such highways.

15 Sec. 7. Original sections 60-4,182, 60-601, and 60-605, Revised
16 Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186,
17 Revised Statutes Supplement, 2017, are repealed.

18 2. On page 1, strike beginning with "section" in line 1 through

19 "classification" in line 5 and insert "sections 60-4,182, 60-601, and
20 60-605, Revised Statutes Cumulative Supplement, 2016, and sections
21 39-2103 and 60-6,186, Revised Statutes Supplement, 2017; to change the
22 rural highway classification of major arterial to include super-two
23 highways".

LEGISLATIVE BILL 1091. Placed on Select File.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER140

1 1. On page 1, line 5, after the semicolon insert "to prohibit
2 suspension of a reading requirement for certain ordinances as
3 prescribed;"

LEGISLATIVE BILL 827. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:
AM2617

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 1, line 15; and page 3, line 10, strike "refundable" and
2 insert "nonrefundable".

Senator Harr filed the following amendment to LB947:
AM2615

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 1, strike beginning with the comma in line 18 through
2 "section" in line 19.
3 2. On page 2, strike lines 9 through 24; and in line 25 strike "(4)"
4 and insert "(3)".
5 3. On page 3, line 4, strike "(5)" and insert "(4)".

Senator Harr filed the following amendment to LB947:
AM2616

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 3, strike beginning with "The" in line 1 through line 3.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 22, 2018,
in accordance with Section 49-1481, Revised Statutes of Nebraska.
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Archer, Erin
Association for Accessible Medicines
Potter, Tim
AARP Nebraska

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

ANNOUNCEMENT

The Chair announced the birthday of Senator Lindstrom.

SELECT FILE

LEGISLATIVE BILL 944. Senator Wishart withdrew her amendment, AM2514, found on page 1034 and considered on pages 1068 and 1070.

Senator Pansing Brooks offered her amendment, AM2346, found on page 961.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 940. Placed on Select File with amendment.

ER142

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 13-2703 For purposes of the Civic and Community Center Financing
- 6 Act:
- 7 (1) Civic center means a facility that is primarily used to host
- 8 conventions, meetings, and cultural events and a library;
- 9 (2) Community center means property that is owned by a municipality
- 10 and located within the traditional center of a community, typically
- 11 comprised of a cohesive core of residential, civic, religious, and
- 12 commercial buildings, arranged around a main street and intersecting
- 13 streets;
- 14 (3) Department means the Department of Economic Development;
- 15 (4) Fund means the Civic and Community Center Financing Fund;

16 (5) Historic building or district means a building or district
17 eligible for listing on or currently listed on the National Register of
18 Historic Places; and

19 (6) Recreation center means a facility or park used for athletics,
20 fitness, sport activities, or recreation that is owned by a municipality
21 and is available for use by the general public with or without charge.
22 Recreation center does not include any facility that requires a person to
23 purchase a membership to utilize such facility.

24 Sec. 2. Section 13-2704.01, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 13-2704.01 (1) The department shall use the fund to provide grants
27 of assistance for the following purposes:

1 (a) To assist in the construction of new civic centers and
2 recreation centers or the renovation or expansion of existing civic
3 centers and recreation centers;

4 (b) To assist in the conversion, rehabilitation, or reuse of
5 historic buildings or districts; or

6 (c) To upgrade community centers, including the demolition of
7 substandard and abandoned buildings.

8 (2) Applications for grants of assistance pursuant to this section
9 shall be evaluated by the department pursuant to section 13-2707.

10 Sec. 3. Section 13-2705, Revised Statutes Supplement, 2017, is
11 amended to read:

12 13-2705 The department may conditionally approve grants of
13 assistance from the fund to eligible and competitive applicants within
14 the following limits:

15 (1) Except as provided in subdivision (2) of this section, a grant
16 request shall be in an amount meeting the following requirements:

17 (a) For a grant of assistance under section 13-2704.01, at least
18 ~~fifteen~~ ~~ten~~ thousand dollars but no more than:

19 (i) For a city of the primary class, ~~two one~~ million ~~two five~~
20 hundred ~~fifty~~ thousand dollars;

21 (ii) For a city with a population of more than forty thousand but
22 less than one hundred thousand inhabitants as determined by the most
23 recent federal decennial census or the most recent revised certified
24 count by the United States Bureau of the Census, ~~one million one hundred~~
25 ~~twenty-five~~ ~~seven hundred fifty~~ thousand dollars;

26 (iii) For a city with a population of more than twenty thousand but
27 less than forty thousand inhabitants as determined by the most recent
28 federal decennial census or the most recent revised certified count by
29 the United States Bureau of the Census, ~~seven hundred fifty five hundred~~
30 thousand dollars;

31 (iv) For a city with a population of more than ten thousand but less
1 than twenty thousand inhabitants as determined by the most recent federal
2 decennial census or the most recent revised certified count by the United
3 States Bureau of the Census, ~~six four~~ hundred thousand dollars; and

4 (v) For a municipality with a population of less than ten thousand
5 inhabitants as determined by the most recent federal decennial census or
6 the most recent revised certified count by the United States Bureau of

7 the Census, ~~three two~~ hundred ~~seventy-five fifty~~ thousand dollars; and
8 (b) For a grant of assistance under section 13-2704.02, at least
9 ~~three two~~ thousand dollars but no more than ~~fifteen ten~~ thousand dollars;
10 (2) Upon the balance of the fund reaching ~~three two~~ million ~~seven~~
11 ~~five~~ hundred ~~fifty~~ thousand dollars, and until the balance of the fund
12 falls below one million ~~five hundred thousand~~ dollars, a grant request
13 shall be in an amount meeting the following requirements:
14 (a) For a grant of assistance under section 13-2704.01, at least
15 ~~fifteen ten~~ thousand dollars but no more than:
16 (i) For a city of the primary class, ~~three two~~ million ~~three two~~
17 hundred ~~seventy-five fifty~~ thousand dollars;
18 (ii) For a city with a population of more than forty thousand but
19 less than one hundred thousand inhabitants as determined by the most
20 recent federal decennial census or the most recent revised certified
21 count by the United States Bureau of the Census, one million ~~six one~~
22 hundred ~~eighty-seven twenty-five~~ thousand dollars;
23 (iii) For a city with a population of more than twenty thousand but
24 less than forty thousand inhabitants as determined by the most recent
25 federal decennial census or the most recent revised certified count by
26 the United States Bureau of the Census, ~~one million one seven~~ hundred
27 ~~twenty-five fifty~~ thousand dollars;
28 (iv) For a city with a population of more than ten thousand but less
29 than twenty thousand inhabitants as determined by the most recent federal
30 decennial census or the most recent revised certified count by the United
31 States Bureau of the Census, ~~nine six~~ hundred thousand dollars; and
1 (v) For a municipality with a population of less than ten thousand
2 inhabitants as determined by the most recent federal decennial census or
3 the most recent revised certified count by the United States Bureau of
4 the Census, ~~five three~~ hundred ~~sixty-two seventy-five~~ thousand dollars;
5 and
6 (b) For a grant of assistance under section 13-2704.02, at least
7 ~~three two~~ thousand dollars but no more than ~~fifteen ten~~ thousand dollars;
8 (3) Assistance from the fund shall not amount to more than fifty
9 percent of the cost of the project for which a grant is requested; ~~and~~
10 (4) A municipality shall not be awarded more than one grant of
11 assistance under section 13-2704.01 and one grant of assistance under
12 section 13-2704.02 in any ~~two-year five-year~~ period; ~~and~~ -
13 (5) A municipality shall not sell any civic, community, or
14 recreation center that received grant funds for at least five years under
15 the Civic and Community Center Financing Act.
16 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:
18 13-2707 (1) The department shall evaluate all applications for
19 grants of assistance under section 13-2704.01 based on the following
20 criteria, which are listed in no particular order of preference:
21 (a) Retention Impact. Funding decisions by the department shall be
22 based on the likelihood of the project retaining existing residents in
23 the community where the project is located, developing, sustaining, and
24 fostering community connections, and enhancing the potential for economic

25 growth in a manner that will sustain the quality of life and promote
 26 long-term economic development;
 27 (b) New Resident Impact. Funding decisions by the department shall
 28 be based on the likelihood of the project attracting new residents to the
 29 community where the project is located;
 30 (c) Visitor Impact. Funding decisions by the department shall be
 31 based on the likelihood of the project enhancing or creating an
 1 attraction that would increase the potential of visitors to the community
 2 where the project is located from inside and outside the state;
 3 (d) Readiness. The applicant's fiscal and economic capacity to
 4 finance the local share and ability to proceed and implement its plan and
 5 operate the civic center, community center, or recreation center; and
 6 (e) Project Planning. Projects with completed technical assistance
 7 and feasibility studies shall be preferred to those with no prior
 8 planning.
 9 (2) The department shall give priority to applications from
 10 municipalities which have not received a grant of assistance under
 11 section 13-2704.01 within the last ten years.
 12 ~~(3) (2)~~ Any grant of assistance under section 13-2704.01 shall be
 13 matched at least equally from local sources. At least fifty percent of
 14 the local match must be in cash.
 15 ~~(4) (3)~~ To receive a grant of assistance under section 13-2704.01,
 16 the project for which the grant is requested shall be located in the
 17 municipality that applies for the grant.
 18 Sec. 5. Original sections 13-2703, 13-2704.01, and 13-2707, Revised
 19 Statutes Cumulative Supplement, 2016, and section 13-2705, Revised
 20 Statutes Supplement, 2017, are repealed.
 21 Sec. 6. Since an emergency exists, this act takes effect when passed
 22 and approved according to law.
 23 2. On page 1, line 2, after "13-2703" insert ", 13-2704.01,"; and in
 24 line 8 strike "and" and after "sections" insert "; and to declare an
 25 emergency".

LEGISLATIVE BILL 940A. Placed on Select File.

LEGISLATIVE BILL 906. Placed on Select File with amendment.
 ER141

1 1. On page 1, line 3, strike "certain Schedule I" and insert "the
 2 schedules of".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:
 AM2620

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 14, line 23, strike "five" and insert "twenty-five".

Senator Harr filed the following amendment to LB947:

AM2619

(Amendments to Standing Committee amendments, AM2542)

- 1 1. On page 8, strike beginning with "and" in line 26 through line 31
- 2 and insert "at a rate equal of 5.58 percent on all taxable income.".
- 3 2. On page 9, strike lines 1 through 17.

Senator Harr filed the following amendment to LB947:

AM2618

(Amendments to Standing Committee amendments, AM2542)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Harr filed the following amendment to LB947:

AM2621

(Amendments to Final Reading copy)

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Harr filed the following amendment to LB947:

AM2622

(Amendments to Final Reading copy)

- 1 1. Strike section 10.

BILL ON FIRST READING

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

LEGISLATIVE BILL 738A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 738, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 366. Introduced by Kolterman, 24.

WHEREAS, the York High School boys' basketball team won the 2018 Class B Boys' State Basketball Championship; and

WHEREAS, this is the second boys' state basketball title for the York Dukes basketball team and the first since 1944; and

WHEREAS, with their victory over Omaha Skutt in the championship game, the Dukes became the first team to win two double-overtime games in the same state tournament; and

WHEREAS, Coach Scott Lamberty provided the leadership to cap a 27-1 regular season with a state championship; and

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

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

1. That the Legislature congratulates the York High School boys' basketball team on winning the Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the York High School boys' basketball team and Coach Scott Lamberty.

Laid over.

SELECT FILE

LEGISLATIVE BILL 944. The Pansing Brooks amendment, AM2346, found on page 961 and considered in this day's Journal, was renewed.

PRESIDENT FOLEY PRESIDING

Senator Stinner offered the following motion:

MO295

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

Voting in the affirmative, 31:

Albrecht	Ebke	Hilkemann	Lowe	Thibodeau
Bolz	Erdman	Hughes	McDonnell	Watermeier
Bostelman	Friesen	Kolterman	Murante	Williams
Brasch	Geist	Kuehn	Riepe	
Brewer	Groene	Larson	Scheer	
Briese	Halloran	Lindstrom	Smith	
Clements	Hilgers	Linehan	Stinner	

Voting in the negative, 7:

Chambers	Kolowski	Morfeld	Schumacher
Hansen	Krist	Pansing Brooks	

Present and not voting, 10:

Baker	Crawford	Howard	Vargas	Wayne
Blood	Harr	McCollister	Walz	Wishart

Excused and not voting, 1:

Quick

The Stinner motion to invoke cloture failed with 31 ayes, 7 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1103:
 FA134
 Page 2, line 13 strike "the" and insert "this"

Senator Briese filed the following amendment to LB1103:
 FA135
 Page 2, line 13 strike "the" and insert "this"

Senator Briese filed the following amendment to LB1103:
 FA136
 Page 2, line 13 strike "the" and insert "this"

GENERAL FILE

LEGISLATIVE BILL 295. The Harr motion, MO294, found on page 1119, to reconsider the vote taken to indefinitely postpone, was renewed.

Senator Williams moved the previous question. The question is, "Shall the debate now close?"

Senator Linehan requested a record vote on the motion to cease debate.

Voting in the affirmative, 27:

Albrecht	Geist	Kolterman	McCollister	Smith
Baker	Groene	Krist	Murante	Thibodeau
Bostelman	Halloran	Kuehn	Pansing Brooks	Williams
Briese	Harr	Larson	Riepe	
Crawford	Hilkemann	Lindstrom	Scheer	
Erdman	Kolowski	Linehan	Schumacher	

Voting in the negative, 1:

Chambers

Present and not voting, 16:

Blood	Clements	Hughes	Stinner
Bolz	Ebke	Lowe	Walz
Brasch	Friesen	McDonnell	Watermeier
Brewer	Hansen	Morfeld	Wayne

Excused and not voting, 5:

Hilgers	Howard	Quick	Vargas	Wishart
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The motion to cease debate prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

The Harr motion to reconsider failed with 9 ayes, 19 nays, 14 present and not voting, and 7 excused and not voting.

Title read. Considered.

Committee AM1418, found on page 1626, First Session, 2017, was offered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 367. Introduced by Hansen, 26; Bolz, 29; Hilkemann, 4; Howard, 9.

WHEREAS, the Nebraska Wesleyan University men's basketball team won the 2018 NCAA Division III Men's Basketball Championship; and

WHEREAS, the Prairie Wolves won the national championship by defeating the University of Wisconsin-Oshkosh 78-72 in Salem, Virginia; and

WHEREAS, this is the first national men's basketball championship for the Prairie Wolves; and

WHEREAS, the Prairie Wolves finished the season with a record of 30 wins and 3 losses.

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

1. That the Legislature congratulates the Nebraska Wesleyan University men's basketball team for their outstanding season and for winning the 2018 NCAA Division III Men's Basketball Championship.

2. That a copy of this resolution be sent to the Nebraska Wesleyan University men's basketball team and Coach Dale Wellman.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB845.

WITHDRAW - Cointroducer(s)

Senator Krist name withdrawn from LB389.

VISITORS

Visitors to the Chamber were 55 fourth-grade students from Syracuse; 25 fourth-grade students from Sutton; 4 students and sponsors from Wayne State College; 20 fourth-grade students from Shelby-Rising City Schools, Shelby; 40 high school students from Lincoln High School; and a group from Angel Guardians, Omaha.

ADJOURNMENT

At 12:23 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Monday, March 26, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

