

SEVENTY-FOURTH DAY - MAY 10, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 10, 2019

PRAYER

The prayer was offered by Pastor Brian Loy, First United Methodist Church, O'Neill.

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 Howard, Hunt, and Pansing Brooks who were excused; and Senators Dorn, Friesen, B. Hansen, McCollister, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 9, 2019

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

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

Contingent upon your approval, the following individual is being appointed and reappointed to the State Personnel Board:

Sharon Rues, SPHR, SPHR-SCP, 20178 Nina Street, Omaha, NE 68130

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

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 9, 2019, 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

Antonich, John
 Nebraska Association of Public Employees NAPE/AFSCME Local 61
 (Withdrawn 05/07/2019)
 Cavanaugh & Associates, P.C., L.L.O.
 National Confectioners Association
 Fellers, Trent
 Windstream Communications
 Hays, Chloe
 Legal Momentum
 Heartland Strategy Group, LLC
 Nebraska Occupational Therapy Association
 Owen, Kathleen
 Legal Momentum

GENERAL FILE

LEGISLATIVE BILL 427. Title read. Considered.

Senator Lathrop withdrew his amendment, AM705, found on page 1434.

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

LEGISLATIVE BILL 447. Title read. Considered.

Committee AM548, found on page 716, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present

and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 447A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 315. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 281. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 454. Title read. Considered.

Committee AM501, found on page 634, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 260. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 476. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 505. Title read. Considered.

Committee AM125, found on page 720, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Committee AM335, found on page 721, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Brewer offered his amendment, AM980, found on page 1005.

The Brewer amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 248. Title read. Considered.

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

LEGISLATIVE BILL 571. Title read. Considered.

Committee AM609, found on page 793, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 571A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 525. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 609. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Committee AM258, found on page 824, was adopted with 36 ayes, 0 nays, 7

present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 719A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 62. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 559. Title read. Considered.

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

LEGISLATIVE BILL 220. Title read. Considered.

Committee AM660, found on page 966, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 135. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 244. Title read. Considered.

Committee AM1214, found on page 1099, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 308. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 392. Title read. Considered.

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

LEGISLATIVE BILL 564. Title read. Considered.

Committee AM1276, found on page 1238, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 123. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

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

LEGISLATIVE BILL 533. Title read. Considered.

Committee AM414, found on page 1313, was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 720. Placed on General File with amendment. AM1614 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Judiciary

LEGISLATIVE BILL 110. Placed on General File with amendment. AM1680 is available in the Bill Room.

LEGISLATIVE BILL 630. Placed on General File with amendment. AM1635 is available in the Bill Room.

LEGISLATIVE BILL 680. Placed on General File with amendment.
AM1537

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

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Uniform Civil Remedies for Unauthorized Disclosure of
5 Intimate Images Act.

6 Sec. 2. In the Uniform Civil Remedies for Unauthorized Disclosure
7 of Intimate Images Act:

8 (1) Consent means affirmative, conscious, and voluntary
9 authorization by an individual with legal capacity to give authorization.

10 (2) Depicted individual means an individual whose body is shown in
11 whole or in part in an intimate image.

12 (3) Disclosure means transfer, publication, or distribution to
13 another person. Disclose has a corresponding meaning.

14 (4) Identifiable means recognizable by a person other than the
15 depicted individual:

16 (A) from an intimate image itself; or

17 (B) from an intimate image and identifying characteristic displayed
18 in connection with the intimate image.

19 (5) Identifying characteristic means information that may be used to
20 identify a depicted individual.

21 (6) Individual means a human being.

22 (7) Intimate image means a photograph, film, video recording, or
23 other similar medium that shows:

24 (A) the uncovered genitals, pubic area, anus, or female post-
25 pubescent nipple of a depicted individual; or

26 (B) a depicted individual engaging in or being subjected to sexual
27 conduct.

1 (8) Person means an individual, estate, business or nonprofit
2 entity, public corporation, government or governmental subdivision,
3 agency, or instrumentality, or other legal entity.

4 (9) Sexual conduct includes:

5 (A) masturbation;

6 (B) genital, anal, or oral sex;

7 (C) sexual penetration of, or with, an object;

8 (D) bestiality; or

9 (E) the transfer of semen onto a depicted individual.

10 Sec. 3. (a) In this section:

11 (1) Harm includes physical harm, economic harm, and emotional
12 distress whether or not accompanied by physical or economic harm.

13 (2) Private means:

14 (A) created or obtained under circumstances in which a depicted
15 individual had a reasonable expectation of privacy; or

16 (B) made accessible through theft, bribery, extortion, fraud, false
17 pretenses, voyeurism, or exceeding authorized access to an account,
18 message, file, device, resource, or property.

19 (b) Except as otherwise provided in section 4 of this act, a
20 depicted individual who is identifiable and who suffers harm from a

21 person's intentional disclosure or threatened disclosure of an intimate
22 image that was private without the depicted individual's consent has a
23 cause of action against the person if the person knew or acted with
24 reckless disregard for whether:
25 (1) the depicted individual did not consent to the disclosure;
26 (2) the intimate image was private; and
27 (3) the depicted individual was identifiable.
28 (c) The following conduct by a depicted individual does not
29 establish by itself that the individual consented to the disclosure of
30 the intimate image which is the subject of an action under this act or
31 that the individual lacked a reasonable expectation of privacy:
1 (1) consent to creation of the image; or
2 (2) previous consensual disclosure of the image.
3 (d) A depicted individual who does not consent to the sexual conduct
4 or uncovering of the part of the body depicted in an intimate image of
5 the individual retains a reasonable expectation of privacy even if the
6 image was created when the individual was in a public place.
7 Sec. 4. (a) In this section:
8 (1) Child means an unemancipated individual who is less than
9 nineteen years of age.
10 (2) Parent means an individual recognized as a parent under law of
11 this state other than the Uniform Civil Remedies for Unauthorized
12 Disclosure of Intimate Images Act.
13 (b) A person is not liable under the act if the person proves that
14 disclosure of, or a threat to disclose, an intimate image was:
15 (1) made in good faith in:
16 (A) law enforcement;
17 (B) a legal proceeding; or
18 (C) medical education or treatment;
19 (2) made in good faith in the reporting or investigation of:
20 (A) unlawful conduct; or
21 (B) unsolicited and unwelcome conduct;
22 (3) related to a matter of public concern or public interest; or
23 (4) reasonably intended to assist the depicted individual.
24 (c) Subject to subsection (d) of this section, a defendant who is a
25 parent, legal guardian, or individual with legal custody of a child is
26 not liable under the act for a disclosure or threatened disclosure of an
27 intimate image, as defined in subdivision (7)(A) of section 2 of this
28 act, of the child.
29 (d) If a defendant asserts an exception to liability under
30 subsection (c) of this subsection, the exception does not apply if the
31 plaintiff proves the disclosure was:
1 (1) prohibited by law other than the act; or
2 (2) made for the purpose of sexual arousal, sexual gratification,
3 humiliation, degradation, or monetary or commercial gain.
4 (e) Disclosure of, or a threat to disclose, an intimate image is not
5 a matter of public concern or public interest solely because the depicted
6 individual is a public figure.
7 Sec. 5. (a) In an action under the Uniform Civil Remedies for

8 Unauthorized Disclosure of Intimate Images Act, a prevailing plaintiff
9 may recover as compensation:
10 (1)(A) economic and noneconomic damages proximately caused by the
11 defendant's disclosure or threatened disclosure, including damages for
12 emotional distress whether or not accompanied by other damages; or
13 (B) if the actual damages are incapable of being quantified or
14 difficult to quantify, presumed damages not to exceed ten thousand
15 dollars against each defendant in an amount that bears a reasonable
16 relationship to the probable damages incurred by the prevailing
17 plaintiff. In determining the amount of presumed damages under
18 subdivision (a)(1)(B) of this section, consideration must be given to the
19 age of the parties at the time of the disclosure or threatened
20 disclosure, the number of disclosures or threatened disclosures made by
21 the defendant, the breadth of distribution of the image by the defendant,
22 and other exacerbating or mitigating factors; and
23 (2) an amount equal to any monetary gain made by the defendant from
24 disclosure of the intimate image.
25 (b) In an action under the act, the court may award a prevailing
26 plaintiff:
27 (1) reasonable attorney's fees and costs; and
28 (2) additional relief, including injunctive relief.
29 (c) The act does not affect a right or remedy available under law of
30 this state other than the act.
31 Sec. 6. (a) An action under subsection (b) of section 3 of this act
1 for:
2 (1) an unauthorized disclosure may not be brought later than four
3 years from the date the disclosure was discovered or should have been
4 discovered with the exercise of reasonable diligence; and
5 (2) a threat to disclose may not be brought later than four years
6 from the date of the threat to disclose.
7 (b) This section is subject to section 25-213.
8 Sec. 7. (a) In an action brought under the Uniform Civil Remedies
9 for Unauthorized Disclosure of Intimate Images Act, no provider or user
10 of an interactive computer service shall be treated as a person
11 disclosing any information provided by another information content
12 provider unless the provider or user of such interactive computer service
13 is responsible, in whole or in part, for the creation or development of
14 the information provided through the Internet or any other interactive
15 service.
16 (b) No provider or user of an interactive computer service shall be
17 held liable under the act on account of:
18 (1) any action voluntarily taken in good faith to restrict access to
19 or availability of material that the provider or user considers to be
20 obscene, lewd, lascivious, filthy, excessively violent, harassing, or
21 otherwise objectionable, whether or not such material is constitutionally
22 protected; or
23 (2) any action taken to enable or make available to any information
24 content provider or others the technical means to restrict access to
25 material described in subdivision (b)(1) of this section.

26 (c) Nothing in the Uniform Civil Remedies for Unauthorized
27 Disclosure of Intimate Images Act shall be construed to impose liability
28 on an interactive computer service for content provided by another
29 person.

30 (d) The Uniform Civil Remedies for Unauthorized Disclosure of
31 Intimate Images Act must be construed to be consistent with 47 U.S.C.
1 230, as such section existed on January 1, 2019.

2 (e) The act may not be construed to alter the law of this state on
3 sovereign immunity.

4 (f) For purposes of this section, information content provider and
5 interactive computer service have the same meanings as in 47 U.S.C. 230,
6 as such section existed on January 1, 2019.

7 Sec. 8. In applying and construing the Uniform Civil Remedies for
8 Unauthorized Disclosure of Intimate Images Act, consideration must be
9 given to the need to promote uniformity of the law with respect to its
10 subject matter among states that enact it.

11 Sec. 9. In any action brought pursuant to the Uniform Civil
12 Remedies for Unauthorized Disclosure of Intimate Images Act, a plaintiff
13 may request to use a pseudonym instead of his or her legal name in all
14 court proceedings and records. Upon finding that the use of a pseudonym
15 is proper, the court shall ensure that the pseudonym is used in all court
16 proceedings and records.

17 Sec. 10. Section 25-213, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 25-213 Except as provided in sections 76-288 to 76-298, if a person
20 entitled to bring any action mentioned in Chapter 25, the Political
21 Subdivisions Tort Claims Act, the Nebraska Hospital-Medical Liability
22 Act, the State Contract Claims Act, the State Tort Claims Act, ~~or~~ the
23 State Miscellaneous Claims Act, or the Uniform Civil Remedies for
24 Unauthorized Disclosure of Intimate Images Act, except for a penalty or
25 forfeiture, for the recovery of the title or possession of lands,
26 tenements, or hereditaments, or for the foreclosure of mortgages thereon,
27 is, at the time the cause of action accrued, within the age of twenty
28 years, a person with a mental disorder, or imprisoned, every such person
29 shall be entitled to bring such action within the respective times
30 limited by Chapter 25 after such disability is removed. For the recovery
31 of the title or possession of lands, tenements, or hereditaments or for
1 the foreclosure of mortgages thereon, every such person shall be entitled
2 to bring such action within twenty years from the accrual thereof but in
3 no case longer than ten years after the termination of such disability.
4 Absence from the state, death, or other disability shall not operate to
5 extend the period within which actions in rem are to be commenced by and
6 against a nonresident or his or her representative.

7 Sec. 11. If any section in this act or any part of any section is
8 declared invalid or unconstitutional, the declaration shall not affect
9 the validity or constitutionality of the remaining portions.

10 Sec. 12. Original section 25-213, Reissue Revised Statutes of
11 Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 300. Placed on Select File.**LEGISLATIVE BILL 300A.** Placed on Select File with amendment.

ER110

1 1. In the Lathrop amendments, AM1579, on page 2, line 10, after

2 "the" insert "Nebraska".

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in JournalSenator M. Hansen filed the following amendment to LB433:

AM1729

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

2 insert the following new sections:

3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 76-1416 (1) A landlord may not demand or receive security, however
6 denominated, in an amount or value in excess of one month's periodic
7 rent, except that a pet deposit not in excess of one-fourth of one
8 month's periodic rent may be demanded or received when appropriate, but
9 this subsection shall not be applicable to housing agencies organized or
10 existing under the Nebraska Housing Agency Act.11 (2) Upon termination of the tenancy, property or money held by the
12 landlord as prepaid rent and security may be applied to the payment of
13 rent and the amount of damages which the landlord has suffered by reason
14 of the tenant's noncompliance with the rental agreement or section
15 76-1421. The balance, if any, and a written itemization shall be
16 delivered or mailed to the tenant within fourteen days after the date of
17 termination of the tenancy. If no mailing address or instructions are
18 provided by the tenant to the landlord, the landlord shall mail, by
19 first-class mail, the balance of the security deposit to be returned, if
20 any, and a written itemization of the amount of the security deposit not
21 returned to the tenant's last-known mailing address. If the mailing is
22 returned as undeliverable, or if the returned balance of the security
23 deposit remains outstanding thirty days after the date of the mailing,
24 the landlord shall, not later than sixty days after the date of the
25 mailing, remit the outstanding balance of the security deposit to the
26 State Treasurer for disposition pursuant to the Uniform Disposition of
27 Unclaimed Property Act demand and designation of the location where
1 payment may be made or mailed.2 (3) If the landlord fails to comply with subsection (2) of this
3 section, the tenant may recover the property and money due him or her,
4 court costs, and reasonable attorney's fees. In addition, if the
5 landlord's failure to comply with subsection (2) of this section is
6 willful and not in good faith, the tenant may recover an amount equal to

7 one month's periodic rent or two times the amount of the security
8 deposit, whichever is less, as liquidated damages.

9 (4) This section does not preclude the landlord or tenant from
10 recovering other damages to which he or she may be entitled under the
11 Uniform Residential Landlord and Tenant Act. However, a tenant shall not
12 be liable for damages directly related to the tenant's removal from the
13 premises by order of any governmental entity as a result of the premises
14 not being fit for habitation due to the negligence or neglect of the
15 landlord.

16 (5) The holder of the landlord's interest in the premises at the
17 time of the termination of the tenancy is bound by this section.
18 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 76-1431 (1) Except as provided in the Uniform Residential Landlord
21 and Tenant Act, if there is a noncompliance with section 76-1421
22 materially affecting health and safety or a material noncompliance by the
23 tenant with the rental agreement or any separate agreement, the landlord
24 may deliver a written notice to the tenant specifying the acts and
25 omissions constituting the breach and that the rental agreement will
26 terminate upon a date not less than thirty days after receipt of the
27 notice if the breach is not remedied in fourteen days, and the rental
28 agreement shall terminate as provided in the notice subject to the
29 following. If the breach is remediable by repairs or the payment of
30 damages or otherwise and the tenant adequately remedies the breach prior
31 to the date specified in the notice, the rental agreement will not
1 terminate. If substantially the same act or omission which constituted a
2 prior noncompliance of which notice was given recurs within six months,
3 the landlord may terminate the rental agreement upon at least fourteen
4 days' written notice specifying the breach and the date of termination of
5 the rental agreement.

6 (2) If rent is unpaid when due and the tenant fails to pay rent
7 within seven calendar ~~three~~ days after written notice by the landlord of
8 nonpayment and his or her intention to terminate the rental agreement if
9 the rent is not paid within that period of time, the landlord may
10 terminate the rental agreement.

11 (3) Except as provided in the Uniform Residential Landlord and
12 Tenant Act, the landlord may recover damages and obtain injunctive relief
13 for any noncompliance by the tenant with the rental agreement or section
14 76-1421. If the tenant's noncompliance is willful, the landlord may
15 recover reasonable attorney's fees.

16 (4) Notwithstanding subsections (1) and (2) of this section or
17 section 25-21,221, a landlord may, after five days' written notice of
18 termination of the rental agreement and without the right of the tenant
19 to cure the default, file suit and have judgment against any tenant or
20 occupant for recovery of possession of the premises if the tenant,
21 occupant, member of the tenant's household, guest, or other person who is
22 under the tenant's control or who is present upon the premises with the
23 tenant's consent, engages in any violent criminal activity on the
24 premises, the illegal sale of any controlled substance on the premises,

25 or any other activity that threatens the health or safety of other
26 tenants, the landlord, or the landlord's employees or agents. Such
27 activity shall include, but not be limited to, any of the following
28 activities of the tenant, occupant, member of the tenant's household,
29 guest, or other person who is under the tenant's control or who is
30 present upon the premises with the tenant's consent: (a) Physical assault
31 or the threat of physical assault; (b) illegal use of a firearm or other
1 weapon or the threat of illegal use of a firearm or other weapon; (c)
2 possession of a controlled substance if the tenant knew or should have
3 known of the possession, unless such controlled substance was obtained
4 directly from or pursuant to a medical order issued by a practitioner
5 legally authorized to prescribe while acting in the course of his or her
6 professional practice; or (d) any other activity or threatened activity
7 which would otherwise threaten the health or safety of any person or
8 involving threatened, imminent, or actual damage to the property.
9 (5) Subsection (4) of this section does not apply to a tenant if the
10 violent criminal activity, illegal sale of any controlled substance, or
11 other activity that threatens the health or safety of other tenants, the
12 landlord, or the landlord's employees or agents, as set forth in
13 subsection (4) of this section, is conducted by a person on the premises
14 other than the tenant and the tenant takes at least one of the following
15 measures against the person engaging in such activity:
16 (a) The tenant seeks a protective order, restraining order, or other
17 similar relief which would apply to the person conducting such activity;
18 or
19 (b) The tenant reports such activity to a law enforcement agency in
20 an effort to initiate a criminal action against the person conducting the
21 activity.
22 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised
23 Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendments to LB378:
AM1663

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 60-6,279 (1) A person shall not operate an autocycle, a motorcycle,
6 or moped on any highway in this state unless such person is wearing eye
7 protection.
8 (2) Except as otherwise provided in subsection (3) of this section,
9 a A person shall not operate or be a passenger in an autocycle described
10 in subsection (4) (~~2~~) of this section, on a motorcycle other than an
11 autocycle, or on a moped on any highway in this state unless such person
12 is wearing a protective helmet of the type and design manufactured for
13 use by operators of such vehicles and unless such helmet is secured
14 properly on his or her head with a chin strap while the vehicle is in
15 motion. All such protective helmets shall be designed to reduce injuries
16 to the user resulting from head impacts and shall be designed to protect

17 the user by remaining on the user's head, deflecting blows, resisting
 18 penetration, and spreading the force of impact. Each such helmet shall
 19 consist of lining, padding, and chin strap and shall meet or exceed the
 20 standards established in the United States Department of Transportation's
 21 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for
 22 motorcycle helmets.

23 (3) For purposes of this section, eye protection means glasses that
 24 cover the orbital region of a person's face, a protective face shield
 25 attached to a protective helmet, goggles, or a windshield on the
 26 motorcycle or moped that protects the operator's and passenger's
 27 horizontal line of vision in all operating positions.

1 (4) (2) This section applies to an autocycle that has a seating area
 2 that is not completely enclosed.

3 Sec. 2. Original section 60-6,279, Revised Statutes Cumulative
 4 Supplement, 2018, is repealed.

AM1662

1 1. On page 2, lines 6 and 22, strike "(2)" and insert "(2)(a)"; and
 2 after line 20 insert the following new subdivision:

3 "(b) A person shall not be a passenger on a motorcycle or moped on
 4 any highway in this state unless such person is at least sixteen years of
 5 age."

AM1664

1 1. Insert the following new section:

2 Section 1. Section 60-3,153, Reissue Revised Statutes of Nebraska,
 3 is amended to read:

4 60-3,153 For the registration of every motorcycle, the fee shall be
 5 one hundred six dollars.

6 2. Renumber the remaining sections and correct the repealer
 7 accordingly.

AM1659

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

3 Section 1. Section 60-6,279, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:

5 60-6,279 (1) A person shall not operate an autocycle, a motorcycle,
 6 or moped on any highway in this state unless such person is wearing eye
 7 protection and hearing protection.

8 (2) Except as otherwise provided in subsections (3) and (4) of this
 9 section, a A person shall not operate or be a passenger in an autocycle
 10 described in subsection (5) (2) of this section, on a motorcycle other
 11 than an autocycle, or on a moped on any highway in this state unless such
 12 person is wearing a protective helmet of the type and design manufactured
 13 for use by operators of such vehicles and unless such helmet is secured
 14 properly on his or her head with a chin strap while the vehicle is in
 15 motion. All such protective helmets shall be designed to reduce injuries
 16 to the user resulting from head impacts and shall be designed to protect

17 the user by remaining on the user's head, deflecting blows, resisting
18 penetration, and spreading the force of impact. Each such helmet shall
19 consist of lining, padding, and chin strap and shall meet or exceed the
20 standards established in the United States Department of Transportation's
21 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for
22 motorcycle helmets.

23 (3) A person who is at least twenty-one years of age is exempt from
24 subdivision (2) of this section.

25 (4) For purposes of this section:

26 (a) Eye protection means glasses that cover the orbital region of a
27 person's face, a protective face shield attached to a protective helmet,
1 goggles, or a windshield on the motorcycle or moped that protects the
2 operator's and passenger's horizontal line of vision in all operating
3 positions; and

4 (b) Hearing protection means disposable foam plugs or reusable
5 custom-molded devices that reduce noise.

6 (5) (2) This section applies to an autocycle that has a seating area
7 that is not completely enclosed.

8 Sec. 2. Original section 60-6,279, Revised Statutes Cumulative
9 Supplement, 2018, is repealed.

AM1665

1 1. Insert the following new section:

2 Section 1. Section 60-494, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-494 (1) Each operator's license and state identification card
5 shall include a special notation on the front of the license or card if
6 the licensee or cardholder is at least sixteen years of age and indicates
7 on the application or issuance certificate under section 60-484 or
8 60-4,144 his or her wish to be an organ and tissue donor. If the licensee
9 is at least sixteen years of age and a holder of a Class M license or an
10 operator's license with a Class M endorsement, the licensee shall be
11 required to be an organ or tissue donor, unless prohibited by a medical
12 condition or religious practice.

13 (2) The status as an organ and tissue donor shall continue until
14 amended or revoked by the licensee or cardholder as provided in
15 subsection (4) of this section or section 71-4829. The status as an organ
16 and tissue donor is not changed by the expiration, suspension,
17 cancellation, revocation, or impoundment of the license or card.

18 (3) Any person whose operator's license or state identification card
19 indicates his or her status as an organ and tissue donor may obtain a
20 replacement license or card without a notation of such status. The fee
21 for such replacement license or card shall be the fee provided in section
22 60-4,115.

23 (4) A licensee or cardholder may change his or her status as a donor
24 by indicating the desire that his or her name not be included in the
25 Donor Registry of Nebraska on an application for an operator's license, a
26 state identification card, or a replacement license or card under
27 subsection (3) of this section. A licensee or cardholder may also change

1 or limit the extent of his or her status as a donor by (a) Internet
 2 access to the Donor Registry of Nebraska, (b) telephone request to the
 3 registry, or (c) other methods approved by the federally designated organ
 4 procurement organization for Nebraska.
 5 (5) The department shall electronically transfer to the federally
 6 designated organ procurement organization for Nebraska all information
 7 which appears on the face of an original or replacement operator's
 8 license or state identification card except the image and signature of
 9 each person whose license or card includes the notation described in
 10 subsection (1) of this section.
 11 2. Renumber the remaining sections and correct the repealer
 12 accordingly.

Senator Hilgers filed the following amendment to LB532:
 AM1596

(Amendments to Standing Committee amendments, AM674)

1 1. On page 3, lines 23 and 24; and page 15, lines 23 and 24, strike
 2 "The court shall admit into evidence the petition and affidavit at any
 3 show-cause hearing" and insert "The petition and affidavit shall be
 4 deemed to have been offered into evidence at any show-cause hearing. The
 5 petition and affidavit shall be admitted into evidence unless
 6 specifically excluded by the court".
 7 2. On page 8, line 31, strike the new matter.
 8 3. On page 9, line 1, strike the new matter and insert "The petition
 9 and affidavit shall be deemed to have been offered into evidence at any
 10 show-cause hearing. The petition and affidavit shall be admitted into
 11 evidence unless specifically excluded by the court".

Senator Quick filed the following amendment to LB149:
 AM1679

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 28-1418, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 28-1418 Whoever, being a person ~~minor~~ under the age of nineteen
 6 ~~eighteen~~ years, shall smoke cigarettes or cigars, use electronic nicotine
 7 delivery systems ~~vapor products~~ or alternative nicotine products, or use
 8 tobacco in any form whatever, in this state, shall be guilty of a Class V
 9 misdemeanor. Any person ~~minor~~ charged with a violation of this section
 10 may be free from prosecution if he or she furnishes evidence for the
 11 conviction of the person or persons selling or giving him or her the
 12 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,
 13 alternative nicotine products, or tobacco.
 14 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is
 15 amended to read:
 16 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:
 17 (1) Alternative nicotine product means any noncombustible product
 18 containing nicotine that is intended for human consumption, whether
 19 chewed, absorbed, dissolved, or ingested by any other means. Alternative

20 nicotine product does not include any electronic nicotine delivery
 21 systems vapor product, cigarette, cigar, or other tobacco product, or any
 22 product regulated as a drug or device by the United States Food and Drug
 23 Administration under Chapter V of the Federal federal Food, Drug, and
 24 Cosmetic Act;

25 (2) Cigarette means any product that contains nicotine, is intended
 26 to be burned or heated under ordinary conditions of use, and consists of
 27 or contains (a) any roll of tobacco wrapped in paper or in any substance
 1 not containing tobacco, (b) tobacco, in any form, that is functional in
 2 the product which, because of its appearance, the type of tobacco used in
 3 the filler, or its packaging and labeling, is likely to be offered to, or
 4 purchased by, consumers as a cigarette, or (c) any roll of tobacco
 5 wrapped in any substance containing tobacco which, because of its
 6 appearance, the type of tobacco used in the filler, or its packaging and
 7 labeling, is likely to be offered to, or purchased by, consumers as a
 8 cigarette described in subdivision (2)(a) of this section;

9 (3)(a) Electronic nicotine delivery system means any product or
 10 device containing nicotine, tobacco, or tobacco derivatives that employs
 11 a heating element, power source, electronic circuit, or other electronic,
 12 chemical, or mechanical means, regardless of shape or size, to simulate
 13 smoking by delivering the nicotine, tobacco, or tobacco derivatives in
 14 vapor, fog, mist, gas, or aerosol form to a person inhaling from the
 15 product or device.

16 (b) Electronic nicotine delivery system includes, but is not limited
 17 to, the following:

18 (i) Any substance containing nicotine, tobacco, or tobacco
 19 derivatives, whether sold separately or sold in combination with a
 20 product or device that is intended to deliver to a person nicotine,
 21 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol
 22 form;

23 (ii) Any product or device marketed, manufactured, distributed, or
 24 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
 25 electronic pipe, electronic hookah, or similar products, names,
 26 descriptors, or devices; and

27 (iii) Any component, part, or accessory of such a product or device
 28 that is used during operation of the product or device when sold in
 29 combination with any substance whether or not it contains nicotine,
 30 tobacco, or tobacco derivatives.

31 (c) Electronic nicotine delivery system does not include an
 1 alternative nicotine product, cigarette, cigar, or other tobacco product,
 2 or any product regulated as a drug or device by the United States Food
 3 and Drug Administration under Chapter V of the Federal Food, Drug, and
 4 Cosmetic Act;

5 (4) (2) Self-service display means a retail display that contains a
 6 tobacco product, a tobacco-derived product, an electronic nicotine
 7 delivery system a vapor product, or an alternative nicotine product and
 8 is located in an area openly accessible to a retailer's customers and
 9 from which such customers can readily access the product without the
 10 assistance of a salesperson. Self-service display does not include a

11 display case that holds tobacco products, electronic nicotine delivery
12 systems ~~vapor products~~, or alternative nicotine products behind locked
13 doors; and
14 (5) ~~(3)~~ Tobacco specialty store means a retail store that (a)
15 derives at least seventy-five percent of its revenue from tobacco
16 products, tobacco-derived products, electronic nicotine delivery systems
17 ~~vapor products~~, or alternative nicotine products and (b) does not permit
18 persons ~~minors~~ under the age of nineteen ~~eighteen~~ years to enter the
19 premises unless accompanied by a parent or legal guardian; and
20 (4) ~~Vapor product means any noncombustible product containing~~
21 ~~nicotine that employs a heating element, power source, electronic~~
22 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~
23 ~~of shape or size, that can be used to produce vapor from nicotine in a~~
24 ~~solution or other form. Vapor product includes any electronic cigarette,~~
25 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~
26 ~~product or device and any vapor cartridge or other container of nicotine~~
27 ~~in a solution or other form that is intended to be used with or in an~~
28 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~
29 ~~pipe, or similar product or device. Vapor product does not include an~~
30 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~
31 ~~or any product regulated as a drug or device by the United States Food~~
1 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~
2 ~~Cosmetic Act.~~

3 Sec. 3. Section 28-1419, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-1419 Whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigarettes, cigarette paper,
7 electronic nicotine delivery systems ~~vapor products~~, or alternative
8 nicotine products, to any person ~~minor~~ under nineteen ~~eighteen~~ years of
9 age, is guilty of a Class III misdemeanor for each offense.

10 Sec. 4. Section 28-1420, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-1420 It shall be unlawful for any person, partnership, limited
13 liability company, or corporation to sell, keep for sale, or give away in
14 course of trade, any cigars, tobacco, cigarettes, electronic nicotine
15 delivery systems, or cigarette material to anyone without first obtaining
16 a license as provided in sections 28-1421 and 28-1422. It shall also be
17 unlawful for any wholesaler to sell or deliver any cigars, tobacco,
18 cigarettes, electronic nicotine delivery systems, or cigarette material
19 to any person, partnership, limited liability company, or corporation
20 who, at the time of such sale or delivery, is not the recipient of a
21 valid tobacco license for the current year to retail the same as provided
22 in such sections. It shall also be unlawful for any person, partnership,
23 limited liability company, or corporation to purchase or receive, for
24 purposes of resale, any cigars, tobacco, cigarettes, electronic nicotine
25 delivery systems, or cigarette material if such person, partnership,
26 limited liability company, or corporation is not the recipient of a valid
27 tobacco license to retail such tobacco products at the time the same are
28 purchased or received. Whoever shall be found guilty of violating this

29 section shall be guilty of a Class III misdemeanor for each offense.

30 Sec. 5. Section 28-1421, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 28-1421 Licenses for the sale of cigars, tobacco, cigarettes,
2 electronic nicotine delivery systems, and cigarette material to persons
3 nineteen years of age or over ~~the age of eighteen years~~ shall be issued
4 to individuals, partnerships, limited liability companies, and
5 corporations by the clerk or finance director of any city or village and
6 by the county clerk of any county upon application duly made as provided
7 in section 28-1422. The sale of cigarettes or cigarette materials that
8 contain perfumes or drugs in any form is prohibited and is not licensed
9 by the provisions of this section. Only cigarettes and cigarette material
10 containing pure white paper and pure tobacco shall be licensed.

11 Sec. 6. Section 28-1423, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 28-1423 The term for which such license shall run shall be from the
14 date of filing such application and paying such license fee to and
15 including December 31 of the calendar year in which application for such
16 license is made, and the license fee for any person, partnership, limited
17 liability company, or corporation selling at retail shall be twenty-five
18 dollars in cities of the metropolitan class, fifteen dollars in cities of
19 the primary and first classes, and ten dollars in cities of all other
20 classes and in towns and villages and in locations outside of the limits
21 of cities, towns, and villages. Any person, partnership, limited
22 liability company, or corporation selling annually in the aggregate more
23 than one hundred fifty thousand cigars, packages of cigarettes,
24 electronic nicotine delivery systems, and packages of tobacco in any
25 form, at wholesale, shall pay a license fee of one hundred dollars, and
26 if such combined annual sales amount to less than one hundred fifty
27 thousand cigars, packages of cigarettes, electronic nicotine delivery
28 systems, and packages of tobacco, the annual license fee shall be fifteen
29 dollars. No wholesaler's license shall be issued in any year on a less
30 basis than one hundred dollars per annum unless the applicant for the
31 same shall file with such application a statement duly sworn to by
1 himself or herself, or if applicant is a partnership, by a member of the
2 firm, or if a limited liability company, by a member or manager of the
3 company, or if a corporation, by an officer or manager thereof, that in
4 the past such wholesaler's combined sales of cigars, packages of
5 cigarettes, electronic nicotine delivery systems, and packages of tobacco
6 in every form have not exceeded in the aggregate one hundred fifty
7 thousand annually, and that such sales will not exceed such aggregate
8 amount for the current year for which the license is to issue. Any person
9 swearing falsely in such affidavit shall be guilty of perjury and upon
10 conviction thereof shall be punished as provided by section 28-915 and
11 such wholesaler's license shall be revoked until the full license fee of
12 one hundred dollars is paid. If application for license is made after
13 July 1 of any calendar year, the fee shall be one-half of the fee
14 provided in this section.

15 Sec. 7. Section 28-1424, Reissue Revised Statutes of Nebraska, is

16 amended to read:

17 28-1424 The license, provided for in sections 28-1421 and 28-1422
 18 ~~shall, when issued, shall~~ authorize the sale of cigars, tobacco,
 19 cigarettes, electronic nicotine delivery systems, and cigarette material
 20 by the licensee and employees; to persons nineteen years of age or over
 21 ~~the age of eighteen years~~, at the place of business described in such
 22 license for the term therein authorized, unless the license is same be
 23 forfeited as provided in section 28-1425.

24 Sec. 8. Section 28-1425, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 28-1425 Any licensee who shall sell, give, or furnish in any way to
 27 any person under the age of nineteen ~~eighteen~~ years, or who shall
 28 willingly allow to be taken from his or her place of business by any
 29 person under the age of nineteen ~~eighteen~~ years, any cigars, tobacco,
 30 cigarettes, cigarette material, electronic nicotine delivery systems
 31 ~~vapor products~~, or alternative nicotine products is guilty of a Class III
 1 misdemeanor. Any officer, director, or manager having charge or control,
 2 either separately or jointly with others, of the business of any
 3 corporation which violates sections ~~28-1419 28-1418.01~~, 28-1420 to
 4 28-1429, and 28-1429.03, if he or she has knowledge of such violation,
 5 shall be subject to the penalties provided in this section. In addition
 6 to the penalties provided in this section, such licensee shall be subject
 7 to the additional penalty of a revocation and forfeiture of his, her,
 8 their, or its license, at the discretion of the court before whom the
 9 complaint for violation of such sections may be heard. If such license is
 10 revoked and forfeited, all rights under such license shall at once cease
 11 and terminate.

12 Sec. 9. Section 28-1427, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 28-1427 Any person under the age of nineteen ~~eighteen~~ years who
 15 ~~obtains shall obtain~~ cigars, tobacco, cigarettes, cigarette material,
 16 electronic nicotine delivery systems ~~vapor products~~, or alternative
 17 nicotine products from a licensee by representing that he or she is of
 18 the age of nineteen ~~eighteen~~ years or over is guilty of a Class V
 19 misdemeanor.

20 Sec. 10. Section 28-1429.01, Reissue Revised Statutes of Nebraska,
 21 is amended to read:

22 28-1429.01 The Legislature finds that the incumbent health risks
 23 associated with ~~using smoking~~ tobacco products have been scientifically
 24 proven. The Legislature further finds that the growing number of young
 25 people minors who start using tobacco products ~~smoking~~ is staggering, and
 26 even more abhorrent are the ages at which such use begins ~~children begin~~
 27 ~~this deadly habit~~. The Legislature has established an age restriction on
 28 the use of tobacco products ~~by minors~~. To ensure that the use of tobacco
 29 products among young people minors is discouraged to the maximum extent
 30 possible, it is the intent of the Legislature to ban the use of vending
 31 machines and similar devices to dispense tobacco products in facilities,
 1 buildings, or areas which are open to the general public within Nebraska.

2 Sec. 11. Section 28-1429.02, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 28-1429.02 (1) Except as provided in subsection (2) of this section,
5 it shall be unlawful to dispense cigarettes, other tobacco products,
6 electronic nicotine delivery systems ~~vapor products~~, or alternative
7 nicotine products from a vending machine or similar device. Any person
8 violating this section is guilty of a Class III misdemeanor. In addition,
9 upon conviction for a second offense, the court shall order a six-month
10 suspension of the offender's license to sell tobacco and electronic
11 nicotine delivery systems, if any, and, upon conviction for a third or
12 subsequent offense, the court shall order the permanent revocation of the
13 offender's license to sell tobacco and electronic nicotine delivery
14 systems, if any.

15 (2) Cigarettes, other tobacco products, electronic nicotine delivery
16 systems ~~vapor products~~, or alternative nicotine products may be dispensed
17 from a vending machine or similar device when such machine or device is
18 located in an area, office, business, plant, or factory which is not open
19 to the general public or on the licensed premises of any establishment
20 having a license issued under the Nebraska Liquor Control Act for the
21 sale of alcoholic liquor for consumption on the premises when such
22 machine or device is located in the same room in which the alcoholic
23 liquor is dispensed.

24 (3) Nothing in this section shall be construed to restrict or
25 prohibit a governing body of a city or village from establishing and
26 enforcing ordinances at least as stringent as or more stringent than the
27 provisions of this section.

28 Sec. 12. Section 28-1429.03, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 28-1429.03 (1) Except as provided in subsection (2) of this section
31 and section 28-1429.02, it shall be unlawful to sell or distribute
1 cigarettes, cigars, electronic nicotine delivery systems ~~vapor products~~,
2 alternative nicotine products, or tobacco in any form whatever through a
3 self-service display. Any person violating this section is guilty of a
4 Class III misdemeanor. In addition, upon conviction for a second or
5 subsequent offense within a twelve-month period, the court shall order a
6 six-month suspension of the license issued under section 28-1421.

7 (2) Cigarettes, cigars, electronic nicotine delivery systems ~~vapor~~
8 ~~products~~, alternative nicotine products, or tobacco in any form whatever
9 may be sold or distributed in a self-service display that is located in a
10 tobacco specialty store or cigar shop as defined in section 53-103.08.

11 Sec. 13. This act becomes operative on January 1, 2020.

12 Sec. 14. Original sections 28-1418, 28-1418.01, 28-1419, 28-1420,
13 28-1421, 28-1423, 28-1424, 28-1425, 28-1427, 28-1429.01, 28-1429.02, and
14 28-1429.03, Reissue Revised Statutes of Nebraska, are repealed.

Senator Bolz filed the following amendment to LB583:

AM1454

1 1. Insert the following new section:

2 Section 1. Section 23-120, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 23-120 (1) The county board (a) shall, pursuant to a two-thirds
5 majority vote of the members of the board, acquire, purchase, construct,
6 renovate, remodel, furnish, equip, add to, improve, or provide a suitable
7 courthouse, jail, and other county buildings and a site or sites
8 therefor. (b) may, pursuant to a two-thirds majority vote of the members
9 of the board and a declaration by resolution that an emergency exists,
10 repair, retrofit, reconstruct, or replace any bridge owned by the county
11 which is (i) destroyed or damaged as a result of a natural disaster for
12 which a federal disaster declaration was issued by the President of the
13 United States or (ii) designated as scour critical or structurally
14 deficient pursuant to Department of Transportation standards, and (c)
15 may, for such purposes borrow money and issue the bonds of the county to
16 pay for the same. Agreements entered into under section 25-412.03 shall
17 be deemed to be in compliance with this section. The board shall keep
18 such buildings and bridges in repair and provide suitable rooms and
19 offices for the accommodation of the several courts of record, Nebraska
20 Workers' Compensation Court or any judge thereof, Commissioner of Labor
21 for the conduct and operation of the state free employment service,
22 county board, county clerk, county treasurer, county sheriff, clerk of
23 the district court, county surveyor, county agricultural agent, and
24 county attorney if the county attorney holds his or her office at the
25 county seat and shall provide suitable furniture and equipment therefor.
26 All such courts which desire such accommodation shall be suitably housed
27 in the courthouse.

1 (2) No levy exceeding (a) two million dollars in counties having in
2 excess of two hundred fifty thousand inhabitants, (b) one million dollars
3 in counties having in excess of one hundred thousand inhabitants and not
4 in excess of two hundred fifty thousand inhabitants, (c) three hundred
5 thousand dollars in counties having in excess of thirty thousand
6 inhabitants and not in excess of one hundred thousand inhabitants, or (d)
7 one hundred fifty thousand dollars in all other counties shall be made
8 within a one-year period for any of the purposes specified in subsection
9 (1) of this section without first submitting the proposition to a vote of
10 the people of the county at a general election or a special election
11 ordered by the board for that purpose and obtaining the approval of a
12 majority of the legal voters thereon.

13 (3)(a) The county board of any county in this state may, when
14 requested so to do by petition signed by at least a majority of the legal
15 voters in the county based on the average vote of the two preceding
16 general elections, make an annual levy of not to exceed seventeen and
17 five-tenths cents on each one hundred dollars upon the taxable value of
18 all the taxable property in the county for any of the purposes specified
19 in subsection (1) of this section.

20 (b) If a county on the day it first initiates a project for any of
21 the purposes specified in subsection (1) of this section had no bonded
22 indebtedness payable from its general fund levy, the county board may
23 make an annual levy of not to exceed five and two-tenths cents on each
24 one hundred dollars upon the taxable value of all the taxable property of
25 the county for a project or projects for any of the purposes specified in

26 subsection (1) of this section without the filing of a petition described
 27 in subdivision (3)(a) of this section. The county board shall designate
 28 the particular project for which such levy shall be expended, the period
 29 of years, which shall not exceed twenty, for which the tax will be levied
 30 for such project, and the number of cents of the levy for each year
 31 thereof. The county board may designate more than one project and levy a
 1 tax pursuant to this section for each such project, concurrently or
 2 consecutively, as the case may be, if the aggregate levy in each year and
 3 the duration of each levy will not exceed the limitations specified in
 4 this subsection. Each levy for a project which is authorized by this
 5 subdivision may be imposed for such duration specified by the county
 6 board notwithstanding the contemporaneous existence or subsequent
 7 imposition of any other levy or levies for another project or projects
 8 imposed pursuant to this subdivision and notwithstanding the subsequent
 9 issuance by the county of bonded indebtedness payable from its general
 10 fund levy.

11 2. Renumber the remaining sections and correct the repealer
 12 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 119. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities. The issues addressed by this interim study shall include, but not be limited to:

- (1) Current procedures for the disconnection of real property from cities of the first class under section 16-129 and cities of the second class and villages under section 17-414;
- (2) The proposed language for detachment of real property from municipalities under LB 197 (2019); and
- (3) Potential impacts of the disconnection or detachment of real property from municipalities, including the impact of disconnection or detachment on the service territory of electric utilities.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120. Introduced by Scheer, 19.

WHEREAS, Teresa McDermott has spent thirty-two years in the classroom, including twenty-two at Saint Robert Bellarmine in Omaha; and

WHEREAS, when she was first out of college, Mrs. McDermott taught first grade before taking time to raise her children; and

WHEREAS, Mrs. McDermott returned to work with Scholastic Books, encouraging students to read; and

WHEREAS, Mrs. McDermott then began teaching preschool at Saint Robert Bellarmine Catholic School; and

WHEREAS, as a teacher, Mrs. McDermott has had an impact educating over 1,600 students; and

WHEREAS, Mrs. McDermott is retiring from teaching; and

WHEREAS, dedicated teachers, like Mrs. McDermott, and motivated students are key to our state's future.

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

1. That the Legislature congratulates Teresa McDermott on her distinguished career in education and her retirement.

2. That a copy of this resolution be sent to Teresa McDermott.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Vargas, 7; Albrecht, 17; Arch, 14; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, 6; Chambers, 11; Clements, 2; Crawford, 45; DeBoer, 10; Dorn, 30; Erdman, 47; Friesen, 34; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Nebraska is suffering from an unprecedented natural disaster caused by blizzard conditions, widespread flooding, and high winds, which is profoundly affecting the livelihoods and living conditions of residents; and

WHEREAS, service to others is a hallmark of the character demonstrated by Nebraskans. Throughout history, neighbors have stepped up to meet challenges by volunteering in their communities, counties, regions, state, and country; and

WHEREAS, the mission of the Corporation for National and Community Service, which administers AmeriCorps, Senior Corps, and Disaster Services Unit programs, is "To improve lives, strengthen communities, and foster civic engagement through service and volunteering"; and

WHEREAS, AmeriCorps and Senior Corps also help communities across the country prepare for, respond to, and recover from natural and man-made disasters; and

WHEREAS, ServeNebraska is an affiliate of the Corporation for National and Community Service and has a mission of "Mobilizing Nebraskans to strengthen their communities through volunteering, collaboration, and national service programs"; and

WHEREAS, The Disaster Services Unit leads coordinated and collaborative disaster-related efforts with federal, state, and local governments, nonprofits, faith-based and philanthropic organizations, and other partners; and

WHEREAS, AmeriCorps programs do more than move communities forward, they serve their members by creating jobs and providing pathways to opportunity as participants enter the workforce. AmeriCorps places people into intensive service positions where they learn valuable skills, earn money for education, and develop a strong sense of civic responsibility; and

WHEREAS, AmeriCorps and Senior Corps teams from across the country have arrived to support recovery and relief efforts throughout Nebraska.

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

1. That the Legislature recognizes and thanks AmeriCorps and Senior Corps for the rapid response and for serving alongside Nebraskans in this time of need, offering their talents, their passion for service, and their commitment and dedication to serving our country at all times.

2. That the Legislature encourages all people to serve in a manner that has meaning and value to them personally and to their families, communities, state, and country.

Laid over.

LEGISLATIVE RESOLUTION 122. Introduced by Vargas, 7.

WHEREAS, Juliana Rodriguez of Omaha presented her research on the surface interaction of different types of E. coli on hydrophobic and hydrophilic salines on April 16, 2019, at the Undergraduate Creative Activities and Research Experience Capitol Poster presentation; and

WHEREAS, Juliana was a recipient of a top poster award at the presentation; and

WHEREAS, Juliana is a junior majoring in biological systems engineering at the University of Nebraska-Lincoln and a McNair Scholar; and

WHEREAS, Juliana's research project, "Surface Interaction of Antibiotic Resistant Bacteria: An Effective Step Towards Robust Biosensor Development" represents progress toward the future creation of a detector for antibiotic resistance; and

WHEREAS, Juliana is a first-generation college student who intends to pursue further education in the biological engineering field; and

WHEREAS, Juliana is a motivated, intelligent, and focused Omahan who is determined to make a lasting impact in the scientific community.

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

1. That the Legislature congratulates Juliana Rodriguez on her scientific and educational achievements.
2. That a copy of the resolution be sent to Juliana Rodriguez.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to assess the readiness of correctional facilities to implement the provisions of LB258 (2018) by its operative date of July 1, 2020, and the progress facilities have made in implementing the new requirements.

LB258 (2018) was passed to ensure that the Department of Correctional Services provide prisoners with an opportunity to obtain a state identification card or renew a motor vehicle operator's license prior to discharge from a correctional facility. The intent of the bill was to assist former prisoners reentering society, transitioning to a productive life, and obtaining employment.

This interim study shall also explore whether the state should provide assistance in obtaining other basic government-issued documents, such as birth certificates, that can assist prisoners who are transitioning from incarceration into the community.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124. Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public.

Research shows that most young people do not understand their right to counsel and right to remain silent when they are taken into custody and questioned. Young people are also more susceptible than adults to certain interrogation tactics by authority figures and more likely to give false information. Therefore, procedures tailored to the unique needs and circumstances of young people are required to ensure their rights are protected and the information they give under questioning is accurate.

Including a parent or attorney in the interrogation process is a policy option many states have introduced to address this issue. Other options include video recording of juvenile interrogations, requiring the provision of simplified advisements before interrogations, or changing certain procedures during interrogations.

The interim study shall include, but not be limited to:

- (1) A review of recent scientific literature and court rulings on custodial interrogations of juveniles, including the impact of procedural changes intended to protect the rights of juveniles;
- (2) A review of current law enforcement policies and practices used in conducting custodial interrogations of juveniles; and
- (3) An examination of best practices and policy options available to ensure that the right to counsel and right to remain silent during custodial interrogations are protected for juveniles and that all waivers of such rights are made knowingly and voluntarily.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LR118.

WITHDRAW - Cointroducer(s)

Senator Halloran name withdrawn from LB720.

VISITOR(S)

Visitors to the Chamber were Mrs. Nebraska, Adair Reese, from Grant and Miss Nebraska for America, Kara Kriha, from Ravenna; students from St. Philip Neri Catholic School, Omaha; members of Serve Nebraska/Americorps from across the state; students and teachers from Brady Public School; students, teachers, and sponsors from St. Patrick Catholic School, McCook; and students from Rockwell Elementary School, Millard.

ADJOURNMENT

At 11:07 a.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Monday, May 13, 2019.

Patrick J. O'Donnell
Clerk of the Legislature