

TWENTY-EIGHTH DAY - FEBRUARY 18, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 2016

PRAYER

The prayer was offered by Pastor Nora Mendyk, Grant United Methodist Church, Grant.

ROLL CALL

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

The roll was called and all members were present except Senators McCoy and Stinner who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENT(S)

The Business and Labor Committee designates LB830 as its priority bill.

The Education Committee designates LB959 and LB1066 as its priority bills.

Senator Sullivan designates LB1067 as her priority bill.

Senator Kuehn designates LR378CA as his priority resolution.

Senator Groene designates LB717 as his priority bill.

Senator Smith designates LB884 as his priority bill.

The Business and Labor Committee designates LB1110 as its priority bill.

Senator Scheer designates LB883 as his priority bill.

Senator Coash designates LB934 as his priority bill.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 921. Placed on Select File.

LEGISLATIVE BILL 735. Placed on Select File.

LEGISLATIVE BILL 811. Placed on Select File with amendment.

ER166

1 1. On page 2, line 7, strike the period and insert "; and".

LEGISLATIVE BILL 929. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 11, 2016

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

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

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Pete Goldschmidt, 521 Grand Boulevard, Venice, CA 90291

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

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, February 25, 2016 1:30 p.m.

Joint Judiciary and Appropriations Hearing on Department of Corrections' budget, 2014 Master Plan Report and 2015 Strategic Plan

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 29, 2016 1:30 p.m.

Timothy W. Weander - Board of Public Roads Classifications and Standards
 John F. Krager III - Board of Public Roads Classifications and Standards
 Roger Figard - Board of Public Roads Classifications and Standards
 David Wacker - Board of Public Roads Classifications and Standards

Room 1525

Friday, March 18, 2016 1:00 p.m.

Darold Tagge - Board of Public Roads Classifications and Standards
 Lisa Kramer - Board of Public Roads Classifications and Standards
 LeRoy Gerrard - Board of Public Roads Classifications and Standards

(Signed) Jim Smith, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 695.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 2015; to provide for the counting of ballots; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hansen | Krist | Riepe |
| Bloomfield | Ebke | Harr, B. | Kuehn | Scheer |
| Bolz | Fox | Hilkemann | Larson | Schilz |
| Brasch | Friesen | Howard | Lindstrom | Schnoor |
| Campbell | Garrett | Hughes | McCollister | Schumacher |
| Chambers | Gloor | Johnson | Mello | Smith |
| Cook | Groene | Kintner | Morfeld | Sullivan |
| Craighead | Haar, K. | Kolowski | Murante | Watermeier |
| Crawford | Hadley | Kolterman | Pansing Brooks | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Coash Seiler

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 699.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5205, 19-5210, and 19-5213, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to board members, priorities for use of land, and reporting; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schumacher |
| Bloomfield | Ebke | Howard | McCollister | Seiler |
| Bolz | Fox | Hughes | Mello | Smith |
| Brasch | Friesen | Johnson | Morfeld | Sullivan |
| Campbell | Garrett | Kintner | Murante | Watermeier |
| Chambers | Gloor | Kolowski | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolterman | Riepe | |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 702.

A BILL FOR AN ACT relating to cities of the second class; to amend sections 17-102 and 17-104, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to the election of city council members; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 737.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,149, 81-15,150, 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes of Nebraska; to redefine a term; to change powers of the Director of Environmental Quality; to change provisions relating to the Wastewater Treatment Facilities Construction Loan Fund, categories of loan eligibility, eligible items, loan conditions, and loan terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bloomfield | Fox | Howard | McCollister | Seiler |
| Bolz | Friesen | Hughes | Mello | Smith |
| Brasch | Garrett | Johnson | Morfeld | Sullivan |
| Campbell | Gloor | Kintner | Murante | Watermeier |
| Chambers | Groene | Kolowski | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |
| Davis | Harr, B. | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Cook

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB751 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 751. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-115.01, 8-117, 8-157, 8-234, 8-374, 8-1510, and 21-1725.01, Reissue Revised Statutes of Nebraska; to provide that payment of certain expenses is not a condition precedent to certain approvals by the Director of Banking and Finance; to change certain notice provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schumacher |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Seiler |
| Bolz | Fox | Howard | McCollister | Smith |
| Brasch | Friesen | Hughes | Mello | Sullivan |
| Campbell | Garrett | Johnson | Murante | Watermeier |
| Chambers | Gloor | Kintner | Pansing Brooks | Williams |
| Coash | Groene | Kolowski | Riepe | |
| Cook | Haar, K. | Kolterman | Scheer | |
| Craighead | Hadley | Krist | Schilz | |
| Crawford | Hansen | Kuehn | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 759. With Emergency Clause.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-403, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to stop-payment orders; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hadley | Krist | Scheer |
| Bloomfield | Davis | Hansen | Kuehn | Schilz |
| Bolz | Ebke | Harr, B. | Larson | Schnoor |
| Brasch | Fox | Hilkemann | Lindstrom | Schumacher |
| Campbell | Friesen | Howard | McCollister | Seiler |
| Chambers | Garrett | Hughes | Mello | Smith |
| Coash | Gloor | Kintner | Murante | Sullivan |
| Cook | Groene | Kolowski | Pansing Brooks | Watermeier |
| Craighead | Haar, K. | Kolterman | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Johnson Morfeld

Excused and not voting, 2:

McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB760 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-318 and 8-345.01, Reissue Revised Statutes of Nebraska, section 8-135, Revised Statutes Cumulative Supplement, 2014, and section 8-157.01, Revised Statutes Supplement, 2015; to update certain references to the federal Electronic Fund Transfer Act; to change an internal reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hansen | Krist | Riepe |
| Bloomfield | Ebke | Harr, B. | Kuehn | Scheer |
| Bolz | Fox | Hilkemann | Larson | Schnoor |
| Brasch | Friesen | Howard | Lindstrom | Schumacher |
| Campbell | Garrett | Hughes | McCollister | Seiler |
| Chambers | Gloor | Johnson | Mello | Smith |
| Coash | Groene | Kintner | Morfeld | Sullivan |
| Cook | Haar, K. | Kolowski | Murante | Watermeier |
| Crawford | Hadley | Kolterman | Pansing Brooks | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Craighead Schilz

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 761.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2014; to change and update certain federal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1106 and 8-1108.02, Revised Statutes Supplement, 2015; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hadley | Krist | Scheer |
| Bloomfield | Davis | Hansen | Kuehn | Schilz |
| Bolz | Ebke | Harr, B. | Lindstrom | Schnoor |
| Brasch | Fox | Howard | McCollister | Schumacher |
| Campbell | Friesen | Hughes | Mello | Seiler |
| Chambers | Garrett | Johnson | Morfeld | Smith |
| Coash | Gloor | Kintner | Murante | Sullivan |
| Cook | Groene | Kolowski | Pansing Brooks | Watermeier |
| Craighead | Haar, K. | Kolterman | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann Larson

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB775 with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 775. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-120 and 77-201, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2015; to redefine a term; to change property tax provisions relating to motor vehicles; to provide an operative

date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-113, 1-118, 1-119, 1-121, and 1-136.04, Reissue Revised Statutes of Nebraska, and section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an advisory committee, certified public accountant reexamination provisions, the examination fee, and accounting experience; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 876.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for public bodies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Smith |
| Brasch | Friesen | Hughes | Mello | Sullivan |
| Campbell | Garrett | Johnson | Morfeld | Watermeier |
| Chambers | Gloor | Kintner | Murante | Williams |
| Coash | Groene | Kolowski | Pansing Brooks | |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Seiler

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bloomfield | Fox | Howard | McCollister | Seiler |
| Bolz | Friesen | Hughes | Mello | Smith |
| Brasch | Garrett | Johnson | Morfeld | Sullivan |
| Campbell | Gloor | Kintner | Murante | Watermeier |
| Chambers | Groene | Kolowski | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolterman | Riepe | |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 136. With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2015; to prohibit flying lanterns; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hadley | Krist | Schilz |
| Bloomfield | Davis | Hansen | Kuehn | Schnoor |
| Bolz | Ebke | Harr, B. | Lindstrom | Schumacher |
| Brasch | Fox | Hilkemann | McCollister | Seiler |
| Campbell | Friesen | Howard | Mello | Smith |
| Chambers | Garrett | Hughes | Morfeld | Sullivan |
| Coash | Gloor | Johnson | Pansing Brooks | Watermeier |
| Cook | Groene | Kintner | Riepe | Williams |
| Craighead | Haar, K. | Kolterman | Scheer | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|----------|--------|---------|
| Kolowski | Larson | Murante |
|----------|--------|---------|

Excused and not voting, 2:

| | |
|-------|---------|
| McCoy | Stinner |
|-------|---------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 270. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend sections 48-1706, 48-2107, and 48-2710, Reissue Revised Statutes of Nebraska; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Ebke | Harr, B. | Kuehn | Scheer |
| Bolz | Fox | Hilkemann | Larson | Schnoor |
| Brasch | Friesen | Howard | Lindstrom | Schumacher |
| Campbell | Garrett | Hughes | McCollister | Seiler |
| Chambers | Gloor | Johnson | Mello | Smith |
| Coash | Groene | Kintner | Morfeld | Sullivan |
| Cook | Haar, K. | Kolowski | Murante | Watermeier |
| Craighead | Hadley | Kolterman | Pansing Brooks | Williams |
| Crawford | Hansen | Krist | Riepe | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|------------|-------|--------|
| Bloomfield | Davis | Schilz |
|------------|-------|--------|

Excused and not voting, 2:

| | |
|-------|---------|
| McCoy | Stinner |
|-------|---------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Revised Statutes Supplement, 2015; to change penalties for operating a motor vehicle during a revocation period; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 471. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to prescription drug monitoring; to create a task force; to provide powers and duties; to provide that certain prescription information, data, and reports are not a public record; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |
| Davis | Harr, B. | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Mountain Lion Conservation Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 474A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 665.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to eliminate obsolete transfer provisions; and to outright repeal sections 61-220 and 61-221, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Fox | Howard | McCollister | Seiler |
| Brasch | Friesen | Hughes | Mello | Smith |
| Campbell | Garrett | Johnson | Morfeld | Sullivan |
| Chambers | Gloor | Kintner | Murante | Watermeier |
| Coash | Groene | Kolowski | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB666 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 666.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,136 and 60-4,147.03, Reissue Revised Statutes of Nebraska, and sections 60-3,198, 60-487, 60-4,131, 60-4,144.01, 60-4,144.02, 60-4,168, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bloomfield | Fox | Howard | McCollister | Seiler |
| Bolz | Friesen | Hughes | Mello | Smith |
| Brasch | Garrett | Johnson | Morfeld | Sullivan |
| Campbell | Gloor | Kintner | Murante | Watermeier |
| Chambers | Groene | Kolowski | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolterman | Riepe | |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to the International Fuel Tax Agreement Act; to amend section 66-1418, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to trip permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Lindstrom | Schumacher |
| Bloomfield | Ebke | Hilkemann | McCollister | Seiler |
| Bolz | Fox | Howard | Mello | Smith |
| Brasch | Friesen | Hughes | Morfeld | Sullivan |
| Campbell | Garrett | Johnson | Murante | Watermeier |
| Chambers | Gloor | Kintner | Pansing Brooks | Williams |
| Coash | Groene | Kolterman | Riepe | |
| Cook | Haar, K. | Krist | Scheer | |
| Craighead | Hadley | Kuehn | Schilz | |
| Crawford | Hansen | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 695, 699, 702, 737, 751, 759, 760, 761, 771, 775, 853, 876, 131, 136, 270, 275, 471, 474, 474A, 665, 666, and 667.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 776. Placed on Select File.**LEGISLATIVE BILL 807.** Placed on Select File.**LEGISLATIVE BILL 1035.** Placed on Select File with amendment.

ER168

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

2 insert the following new sections:

3 Section 1. Section 52-1308, Reissue Revised Statutes of Nebraska, is
4 amended to read:5 52-1308 Farm product shall mean an agricultural commodity, a species
6 of livestock used or produced in farming operations, or a product of such
7 crop or livestock in its unmanufactured state, that is in the possession
8 of a person engaged in farming operations. Farm products shall include,
9 but are not limited to, apples, artichokes, asparagus, barley, bees,
10 buffalo, bull semen, cantaloupe, carrots, cattle and calves, chickens,
11 corn, cucumbers, dry beans, eggs, embryos or genetic products, emu, fish,
12 flax seed, grapes, hay, hogs, honey, honeydew melon, horses, llamas
13 legumes, milk, millet, muskmelon, oats, onions, ostrich, popcorn,
14 potatoes, pumpkins, raspberries, rye, safflower, seed crops, sheep and
15 lambs, silage, sorghum grain, soybeans, squash, strawberries, sugar
16 beets, sunflower seeds, sweet corn, tomatoes, trees, triticale, turkeys,
17 vetch, walnuts, watermelon, wheat, and wool. The Secretary of State may,
18 by rule and regulation, add other farm products to the list specified in
19 this section if such products are covered by the general definition
20 provided by this section.

21 Sec. 2. Section 52-1312, Revised Statutes Supplement, 2015, is

22 amended to read:

23 52-1312 The Secretary of State shall design and implement a central
24 filing system for effective financing statements. The Secretary of State
25 shall be the system operator. The system shall provide a means for filing
26 effective financing statements or notices of such financing statements on
27 a statewide basis. The system shall include requirements:1 (1) That an effective financing statement or notice of such
2 financing statement shall be filed in the office of the Secretary of
3 State. A debtor's residence shall be presumed to be the residence shown
4 on the filing. The showing of an improper residence shall not affect the
5 validity of the filing. The filing officer shall mark the statement or
6 notice with a consecutive file number and with the date and hour of
7 filing and shall hold the statement or notice or a microfilm or other
8 digital photographic copy thereof for public inspection. In addition, the
9 filing officer shall index the statements and notices according to the
10 name of the debtor and shall note in the index the file number and the
11 address of the debtor given in the statement;12 (2) That the Secretary of State compile information from all
13 effective financing statements or notices filed with the Secretary of
14 State into a master list (a) organized according to farm product, (b)

15 arranged within each such product (i) in alphabetical order according to
16 the last name of the individual debtors or, in the case of debtors doing
17 business other than as individuals, the first word in the name of such
18 debtors, (ii) in numerical order according to the approved unique
19 identifier of the ~~individual~~ debtors, (iii) geographically by county, and
20 (iv) by crop year, and (c) containing the information referred to in
21 subdivision (4) of section 52-1307;

22 (3) That the Secretary of State cause the information on the master
23 list to be published in lists (a) by farm product arranged alphabetically
24 by debtor and (b) by farm product arranged numerically by the debtor's
25 approved unique identifier. If a registered buyer so requests, the list
26 or lists for such buyer may be limited to any county or group of counties
27 where the farm product is produced or located or to any crop year or
28 years or a combination of such identifiers;

29 (4) That all buyers of farm products, commission merchants, selling
30 agents, and other persons may register with the Secretary of State to
31 receive or obtain lists described in subdivision (3) of this section. Any
1 buyer of farm products, commission merchant, selling agent, or other
2 person conducting business from multiple locations shall be considered as
3 one entity. Such registration shall be on an annual basis. The Secretary
4 of State shall provide the form for registration which shall include the
5 name and address of the registrant and the list or lists described in
6 subdivision (3) of this section which such registrant desires to receive
7 or obtain. A registration shall not be completed until the form provided
8 is properly completed and received by the Secretary of State accompanied
9 by the proper registration fee. The fee for annual registration shall be
10 thirty dollars.

11 A registrant shall pay an additional annual fee to receive or obtain
12 ~~quarterly~~ lists described in subdivision (3) of this section. For each
13 farm product list, the fee shall be an amount determined by the Secretary
14 of State not to exceed two hundred dollars per year ~~For each farm product~~
15 ~~list provided on microfiche, the annual fee shall be twenty five dollars.~~
16 ~~For each farm product list provided on paper, the annual fee shall be two~~
17 ~~hundred dollars. The annual fee for a special list which is a list~~
18 ~~limited to fewer than all counties or less than all crop years shall be~~
19 ~~one hundred fifty dollars for each farm product.~~

20 The Secretary of State shall maintain a record of the registrants
21 and the lists and contents of the lists received or obtained by the
22 registrants for a period of five years;

23 (5) That the lists as identified pursuant to subdivision (4) of this
24 section be distributed or published by the Secretary of State not more
25 often than once every month and not less often than once every three
26 months as determined by the Secretary of State on a quarterly basis and
27 be in written or printed form. A registrant may choose in lieu of
28 ~~receiving a written or printed form to receive statewide lists on~~
29 ~~microfiche.~~ The Secretary of State may provide for the distribution or
30 publication of the lists on any ~~other~~ medium and establish reasonable
31 charges for such lists, not to exceed the charges provided for in
1 subdivision (4) of this section therefor. The distribution shall be made

2 ~~by either certified or registered mail, return receipt requested.~~
3 The Secretary of State shall, by rule and regulation, establish the
4 dates upon which the ~~quarterly~~ distributions or publications will be
5 made, the dates after which a filing of an effective financing statement
6 will not be reflected on the next ~~quarterly~~ distribution or publication
7 of lists, and the dates by which a registrant must complete a
8 registration to receive or obtain the next ~~quarterly~~ list; and
9 (6) That the Secretary of State remove lapsed and terminated
10 effective financing statements or notices of such financing statements
11 from the master list prior to preparation of the lists required to be
12 distributed or published by subdivision (5) of this section.
13 Effective financing statements or any amendments or continuations of
14 effective financing statements originally filed in the office of the
15 county clerk that have been indexed and entered on the Secretary of
16 State's central filing system need not be retained by the county filing
17 office and may be disposed of or destroyed.
18 The Secretary of State shall apply to the Secretary of the United
19 States Department of Agriculture for (a) certification of the central
20 filing system and (b) approval of the system or method of selecting an
21 approved unique identifier.
22 The Secretary of State shall deposit any funds received pursuant to
23 subdivision (4) of this section in the Uniform Commercial Code Cash Fund.
24 Sec. 3. Section 52-1318, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 52-1318 (1) The State of Nebraska hereby adopts the federal rules
27 and regulations ~~in effect on September 1, 2007~~, adopted and promulgated
28 to implement section 1324 of the Food Security Act of 1985, Public Law
29 99-198. If there is a conflict between such rules and regulations and
30 sections 52-1301 to 52-1322, the federal rules and regulations shall
31 apply.
1 (2) The Secretary of State shall adopt and promulgate rules and
2 regulations necessary to implement sections 52-1301 to 52-1322 pursuant
3 to the Administrative Procedure Act. If necessary to obtain federal
4 certification of the central filing system, additional or alternative
5 requirements made in conformity with section 1324 of the Food Security
6 Act of 1985, Public Law 99-198, may be imposed by the Secretary of State
7 by rule and regulation.
8 (3) The Secretary of State shall prescribe all forms to be used for
9 filing effective financing statements and subsequent actions.
10 Sec. 4. Section 52-1601, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 52-1601 ~~(1) Prior to July 1, 2001, the Secretary of State shall~~
13 ~~compile lien information received by his or her office pursuant to~~
14 ~~subsection (2) of section 9-414, Uniform Commercial Code, into a master~~
15 ~~lien list in alphabetical order according to the last name of the~~
16 ~~individual against whom such lien is filed or, in the case of an entity~~
17 ~~doing business other than as an individual, the first word in the name of~~
18 ~~the debtor. Such master lien list shall contain the name and address of~~
19 ~~the debtor, the name and address of the lienholder, and the type of such~~

20 ~~lien.~~

21 ~~The (2) On and after July 1, 2001, the~~ Secretary of State shall
 22 compile lien information relative to liens created under Chapter 52,
 23 articles 2, 5, 7, 9, 11, 12, and 14, and Chapter 54, article 2, received
 24 by his or her office pursuant to subsection (a) of section 9-530, Uniform
 25 Commercial Code, into a master lien list in alphabetical order according
 26 to the last name of the individual against whom such lien is filed or, in
 27 the case of an entity doing business other than as an individual, the
 28 first word in the name of the debtor. Such master lien list shall contain
 29 the name and address of the debtor, the name and address of the
 30 lienholder, and the type of such lien.

31 Sec. 5. Section 52-1602, Reissue Revised Statutes of Nebraska, is
 1 amended to read:

2 52-1602 (1) The master lien list prescribed in section 52-1601 shall
 3 be distributed or published by the Secretary of State not more often than
 4 once every month and not less often than once every three months on the
 5 date on a quarterly basis corresponding to the date on which the lists
 6 provided pursuant to sections 52-1301 to 52-1322 are distributed or
 7 published. ~~Such master lien list may be mailed with the list provided~~
 8 ~~pursuant to sections 52-1301 to 52-1322. If mailed separately, the master~~
 9 ~~lien list shall be mailed by either certified or registered mail, return~~
 10 ~~receipt requested.~~

11 (2) Any person may register with the Secretary of State to receive
 12 or obtain the master lien list prescribed in section 52-1601. Such
 13 registration shall be on an annual basis. The Secretary of State shall
 14 provide the form for registration. A registration shall not be completed
 15 until the form provided is properly completed and received by the
 16 Secretary of State accompanied by the proper registration fee. The fee
 17 for annual registration shall be thirty dollars, except that a registrant
 18 under sections 52-1301 to 52-1322 shall not be required to pay the
 19 registration fee provided by this section in addition to the registration
 20 fee paid pursuant to sections 52-1301 to 52-1322 for the same annual
 21 registration period. ~~A Beginning for calendar year 1989, a registrant~~
 22 ~~under sections 52-1601 to 52-1605 shall pay an additional annual fee to~~
 23 ~~receive or obtain the quarterly master lien lists prescribed in section~~
 24 ~~52-1601. For each master lien list, the fee shall be an amount determined~~
 25 ~~by the Secretary of State not to exceed two hundred dollars per year~~ ~~For~~
 26 ~~each master lien list provided on microfiche, the annual fee shall be~~
 27 ~~twenty five dollars. For each master lien list provided on paper, the~~
 28 ~~annual fee shall be two hundred dollars.~~ The Secretary of State may
 29 provide for the distribution or publication of master lien lists on any
 30 ~~other~~ medium and may establish reasonable charges for such lists, not to
 31 exceed the charges provided for in this subsection therefor.

1 (3) The Secretary of State, by rule and regulation, shall establish
 2 the dates after which a filing of liens will not be reflected on the next
 3 ~~quarterly~~ distribution or publication of the master lien list and the
 4 date by which a registrant shall complete a registration in order to
 5 receive or obtain the next ~~quarterly~~ master lien list.

6 (4) The Secretary of State shall deposit any funds received pursuant

7 to subsection (2) of this section in the Uniform Commercial Code Cash
8 Fund.
9 Sec. 6. Section 52-1603, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 52-1603 (1) A buyer of farm products who is registered to receive or
12 obtain the master lien list as provided in section 52-1602 and who, in
13 the ordinary course of business, buys farm products from a seller engaged
14 in farming operations shall take free of any lien created under the
15 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, if such lien is
16 not on the most recent master lien list received or obtained by the buyer
17 pursuant to sections 52-1601 to 52-1605, except that such buyer shall
18 take subject to any such lien if the lien was filed after the last date
19 for inclusion in the most recent ~~quarterly~~ quarterly distribution or publication of
20 the master lien list and if the buyer has received from the lienholder or
21 seller written notice of the lien. For purposes of this subsection, the
22 form of such written notice of the lien may be a copy of the lien filing.
23 For purposes of this subsection, received or obtained by the buyer shall
24 mean the first date upon which delivery or publication of the master lien
25 list is attempted by a carrier or, in the case of electronic publication,
26 the first date upon which the Secretary of State made the most current
27 master lien list available electronically, and in all cases a buyer shall
28 be presumed to have received or obtained the master lien list ten days
29 after it was mailed or published by the Secretary of State.
30 (2) If a buyer buying property subject to a lien created under the
31 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, tenders to the
1 seller the total purchase price by means of a check or other instrument
2 payable to such seller and the lienholder of any such lien for such
3 property and if such lienholder authorizes the negotiation of such check
4 or other instrument, such authorization or endorsement and payment
5 thereof shall constitute a waiver or release of the lien specified to the
6 extent of the amount of the check or instrument. Such waiver or release
7 of the lien shall not serve to establish or alter in any way security
8 interest or lien priorities under Nebraska law.
9 (3) Except as otherwise provided in the provisions of subsections
10 (1) and (2) of this section, sections 52-1601 to 52-1605 shall not be
11 interpreted or construed to alter liability of buyers of property subject
12 to liens created under the provisions of Chapter 52, article 2, 5, 9, 11,
13 12, or 14.
14 Sec. 7. Original sections 52-1308, 52-1318, 52-1601, 52-1602, and
15 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312,
16 Revised Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 734. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 1083. Placed on General File.**LEGISLATIVE RESOLUTION 413.** Reported to the Legislature for further consideration.**LEGISLATIVE RESOLUTION 418.** Reported to the Legislature for further consideration.

(Signed) Bob Krist, Chairperson

Natural Resources

LEGISLATIVE BILL 745. Placed on General File.**LEGISLATIVE BILL 887.** Placed on General File.**LEGISLATIVE BILL 344.** Placed on General File with amendment.

AM2112

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

2 sections:

3 Section 1. Section 2-3226, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 2-3226 (1) Each district shall have the power and authority to
6 issue revenue bonds for the purpose of financing construction of
7 facilities authorized by law. Issuance of revenue bonds must be approved
8 by two-thirds of the members of the board of directors of the district.9 The district shall pledge sufficient revenue from any revenue-producing
10 facility constructed with the aid of revenue bonds for the payment of
11 principal and interest on such bonds and shall establish rates for such
12 facilities at a sufficient level to provide for the operation of such
13 facilities and for the bond payments.14 (2)(a) As provided in subdivision (b) of this subsection, each
15 district shall have the power and authority to issue general obligation
16 bonds for the purpose of financing part of the cost of non-revenue-
17 producing water projects authorized by law. Issuance of such bonds shall
18 be approved by two-thirds of the members of the board of directors of the
19 district, and such bonds shall be retired using the district's ad valorem
20 tax revenue and other funds available to the district not pledged for
21 another purpose.22 (b) If an application described in subsection (3) of this section is
23 not selected for funding from the Water Sustainability Fund, or is not
24 approved for the full amount requested in the application, the district
25 may issue bonds as authorized by subdivision (a) of this subsection in an
26 aggregate amount not to exceed sixty percent of the project cost. If such
27 application is selected for funding from the Water Sustainability Fund,
1 the district may issue bonds in an aggregate amount not to exceed forty
2 percent of the project cost. Any bonds issued under this subsection must

3 be issued within four years from the date an application is either
 4 selected for full or partial funding or not selected for funding through
 5 the Water Sustainability Fund.
 6 (3) A district shall be eligible to utilize the bonds for a project
 7 authorized under subsection (2) of this section if:
 8 (a) The district has submitted an application for funding from the
 9 Water Sustainability Fund pursuant to section 2-1507;
 10 (b) Such application is determined to be eligible for funding from
 11 the Water Sustainability Fund as determined by the Director of Natural
 12 Resources pursuant to subsection (3) of section 2-1509; and
 13 (c) The district receives a commitment for or approval of matching
 14 or cost share funds from other state, local, or federal agencies,
 15 including the Nebraska Environmental Trust, or other sources for the
 16 project prior to issuance of any bonds pursuant to subsection (2) of this
 17 section.
 18 (4) A district may issue bonds pursuant to section 2-3226.10 or as
 19 authorized by subsection (2) of this section but in no case shall the
 20 annual tax levied to pay debt service on such bonds exceed the district's
 21 tax levy limitation.
 22 Sec. 2. Section 2-3226.14, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 2-3226.14 The authority to issue bonds for qualified projects
 25 granted in section 2-3226.10 terminates on December 31, ~~2025~~ 2019, except
 26 that (1) any bonds already issued and outstanding for qualified projects
 27 as of such date are permitted to remain outstanding and the district
 28 shall retain all powers of taxation provided for in section 2-3226.10 to
 29 provide for the payment of principal and interest on such bonds and (2)
 30 refunding bonds may continue to be issued and outstanding as of December
 31 31, ~~2025~~ 2019, including extension of principal maturities if determined
 1 appropriate.
 2 Sec. 3. Original sections 2-3226 and 2-3226.14, Reissue Revised
 3 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 736. Placed on General File with amendment.
 AM2074

1 1. On page 2, line 25, strike beginning with "has" through
 2 "70-1014.02" and insert "means a public power district, a public power
 3 and irrigation district, an individual municipality, a registered group
 4 of municipalities, an electric membership association, or a
 5 cooperative".

(Signed) Ken Schilz, Chairperson
 Judiciary

LEGISLATIVE BILL 679. Placed on General File.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Hilary K. Maricle - Environmental Quality Council

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB655:
AM2178 is available in the Bill Room.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Goldschmidt, Pete - Technical Advisory Committee for Statewide
Assessment - Education

(Signed) Bob Krist, Chairperson
Executive Board

ANNOUNCEMENT(S)

Senator Crawford designates LB754 as her priority bill.

The Urban Affairs Committee designates LB704 and LB1059 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB794 and LB772 as its priority bills.

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. Senator Chambers renewed his motion, MO182, found on page 598, to reconsider the vote taken to bracket.

SENATOR COASH PRESIDING

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

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 18:

| | | | | |
|------------|----------|-------------|----------------|----------|
| Bloomfield | Cook | Kolowski | Pansing Brooks | Sullivan |
| Brasch | Friesen | Kolterman | Riepe | Williams |
| Campbell | Gloor | Krist | Schnoor | |
| Chambers | Harr, B. | McCollister | Seiler | |

Voting in the negative, 19:

| | | | | |
|---------|---------|-----------|---------|------------|
| Bolz | Hadley | Kintner | Mello | Schilz |
| Coash | Hansen | Kuehn | Morfeld | Schumacher |
| Ebke | Hughes | Larson | Murante | Watermeier |
| Garrett | Johnson | Lindstrom | Scheer | |

Present and not voting, 9:

| | | | | |
|-----------|----------|----------|-----------|-------|
| Baker | Crawford | Fox | Hilkemann | Smith |
| Craighead | Davis | Haar, K. | Howard | |

Excused and not voting, 3:

| | | |
|--------|-------|---------|
| Groene | McCoy | Stinner |
|--------|-------|---------|

The Chambers motion to reconsider failed with 18 ayes, 19 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO183

Recommit to the Government, Military and Veterans Affairs Committee.

SENATOR SCHEER PRESIDING

Senator Murante offered the following motion:

MO184

Unanimous consent to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers objected.

The Chambers motion, MO183, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

SENATOR COASH PRESIDING

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Murante moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Murante requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 15:

| | | | | |
|-------|---------|---------|-----------|------------|
| Coash | Garrett | Hughes | Lindstrom | Scheer |
| Ebke | Groene | Kintner | Morfeld | Schilz |
| Fox | Hansen | Larson | Murante | Watermeier |

Voting in the negative, 23:

| | | | | |
|------------|----------|-----------|----------------|----------|
| Baker | Chambers | Hilkemann | McCollister | Seiler |
| Bloomfield | Cook | Kolowski | Pansing Brooks | Sullivan |
| Bolz | Davis | Kolterman | Riepe | Williams |
| Brasch | Gloor | Krist | Schnoor | |
| Campbell | Harr, B. | Kuehn | Schumacher | |

Present and not voting, 7:

| | | | |
|-----------|----------|--------|-------|
| Craighead | Haar, K. | Howard | Smith |
| Crawford | Hadley | Mello | |

Excused and not voting, 4:

| | | | |
|---------|---------|-------|---------|
| Friesen | Johnson | McCoy | Stinner |
|---------|---------|-------|---------|

The Chambers motion to recommit to committee failed with 15 ayes, 23 nays, 7 present and not voting, and 4 excused and not voting.

Senator Larson offered the following motion:

MO185

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 26:

| | | | | |
|-----------|----------|---------|-----------|------------|
| Baker | Ebke | Hansen | Lindstrom | Smith |
| Bolz | Fox | Howard | Mello | Watermeier |
| Coash | Garrett | Hughes | Morfeld | |
| Craighead | Groene | Kintner | Murante | |
| Crawford | Haar, K. | Kuehn | Scheer | |
| Davis | Hadley | Larson | Schilz | |

Voting in the negative, 18:

| | | | | |
|----------|-----------|-------------|----------------|----------|
| Brasch | Gloor | Kolowski | Pansing Brooks | Sullivan |
| Campbell | Harr, B. | Kolterman | Riepe | Williams |
| Chambers | Hilkemann | Krist | Schnoor | |
| Cook | Johnson | McCollister | Seiler | |

Present and not voting, 2:

Bloomfield Schumacher

Excused and not voting, 3:

Friesen McCoy Stinner

The Larson motion to invoke cloture failed with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 718. Placed on Select File.

LEGISLATIVE BILL 753. Placed on Select File.

LEGISLATIVE BILL 786. Placed on Select File.

LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 898. Placed on Select File.

(Signed) Matt Hansen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 18, 2016, at 10:28 a.m. were the following: LBs 695, 699, 702, 737, 751e, 759e, 760, 761, 771, 775e, 853, 876, 131, 136e, 270e, 275, 471e, 474, 474A, 665, 666, and 667.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2016 12:00 p.m.

AM2178 to LB655

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:
AM2204

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:
6 To amend Article III, section 8:
7 III-8 ~~A No person is shall be eligible for to~~ the office of member
8 of the Legislature ~~if, unless~~ on the date of the general election at
9 which such person ~~he~~ is elected; or on the date of his or her
10 appointment, such person ~~he~~ is a registered voter, has attained the
11 federal voting age, of twenty-one years and has resided within the
12 district from which he or she is elected for the term of one year next
13 before his or her election unless such person has, ~~unless he shall have~~
14 been absent on the public business of the United States or of this State.
15 ~~A And no person elected to the office of member of the Legislature as~~
16 ~~aforsaid~~ shall not hold such his office after he or she has ~~shall have~~
17 removed from such district.
18 Sec. 2. The proposed amendment shall be submitted to the electors
19 in the manner prescribed by the Constitution of Nebraska, Article XVI,
20 section 1, with the following ballot language:
21 A constitutional amendment to permit persons who have attained the
22 federal voting age to be eligible for the office of member of the
23 Legislature.
24 For
25 Against.

Senator Murante filed the following amendment to LR26CA:

FA88

Strike the enacting clause.

Senator Morfeld filed the following amendment to LR26CA:

AM2207

(Amendments to Final Reading copy)

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

2 sections:

3 Section 1. At the general election in November 2016 the following

4 proposed amendment to the Constitution of Nebraska shall be submitted to

5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 8:

7 III-8 ~~A No person is shall be eligible for to~~ the office of member

8 of the Legislature ~~if, unless~~ on the date of the general election at

9 which such person ~~he~~ is elected; or on the date of his or her

10 appointment, such person ~~he~~ is a registered voter, has attained the

11 federal voting age, of twenty-one years ~~and~~ and has resided within the

12 district from which he or she is elected for the term of one year next

13 before his or her election unless such person has ~~, unless he shall have~~

14 been absent on the public business of the United States or of this State.

15 ~~A And no person elected to the office of member of the Legislature as~~

16 ~~aforsaid shall not hold such his office after he or she has shall have~~

17 removed from such district.

18 Sec. 2. The proposed amendment shall be submitted to the electors

19 in the manner prescribed by the Constitution of Nebraska, Article XVI,

20 section 1, with the following ballot language:

21 A constitutional amendment to permit persons who have attained the

22 federal voting age to be eligible for the office of member of the

23 Legislature.

24 For

25 Against.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 439. Introduced by Crawford, 45; Davis, 43; Friesen, 34; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine the use of tax-increment financing (TIF) by municipalities for residential development. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of housing needs in Nebraska municipalities, with particular emphasis on municipalities in rural Nebraska;

(2) A review of the current economic development tools available to Nebraska municipalities, including TIF, that can be utilized to address housing needs;

(3) An examination of the impacts of residential TIF projects on school districts and other political subdivisions;

(4) A review of notice requirements for residential TIF projects under the Community Development Law, including notices to school districts and other political subdivisions; and

(5) An examination of ways to improve cooperation between municipalities and school districts regarding residential TIF projects to address the concerns raised in items (3) and (4).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND 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.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 897. Placed on General File with amendment.

AM1968

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

2 sections:

3 Section 1. Section 10-1103, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 10-1103 For purposes of the Nebraska Governmental Unit Security

6 Interest Act:

7 (1) Authorizing statute means any statute which authorizes the

8 issuance of bonds;

9 (2) Bond means any bond, note, warrant, loan agreement, lease,

10 lease-purchase agreement, pledge agreement, agreement authorized by the

11 governing body of a generating power agency pursuant to section 2 of this

12 act, or other evidence of indebtedness for which a security interest is

13 granted or a pledge made upon revenue or other property, including any

14 limited tax revenue, to provide for payment or security;

15 (3) Governmental unit means the State of Nebraska, any county,

16 school district, city, village, public power district, sanitary and

17 improvement district, educational service unit, community college area,

18 natural resources district, airport authority, fire protection district,

19 hospital authority, joint entity created under the Interlocal Cooperation

20 Act, joint public agency, instrumentality, or any other district,

21 authority, or political subdivision of the State of Nebraska and

22 governmental units as defined in subdivision (a)(45) of section 9-102,

23 Uniform Commercial Code;

24 (4) Measure means any ordinance, resolution, or other enactment

25 authorizing the issuance of bonds or authorizing an indenture with

26 respect to bonds pursuant to an authorizing statute; and

27 (5) Owner means any holder, registered owner, or beneficial owner of
1 a bond.
2 Sec. 2. (1) For purposes of this section:
3 (a) Generating power agency has the same meaning as in Chapter 70,
4 article 6; and
5 (b) Regional transmission organization has the same meaning as in
6 section 70-1001.01.
7 (2) Any generating power agency buying or selling fuel, power, or
8 energy which operates in a regional transmission organization shall be
9 authorized to engage in commodity futures financial hedging transactions
10 with products regulated under the federal Commodity Futures Trading
11 Commission for fuel, power, or energy as part of its sound business
12 practices. Any generating power agency engaged in such transactions is
13 authorized to grant a foreclosable security interest in and a lien on
14 such agency's commodity futures account contracts or funds used for such
15 transactions in an amount not exceeding five percent of such agency's
16 annual gross revenue averaged over the preceding three calendar years.
17 (3) The authority to enter into agreements for the use of commodity
18 futures financial hedging transactions shall be authorized by a
19 resolution adopted or an agreement approved by the governing body of the
20 generating power agency.
21 (4) The authority granted in this section is limited to granting a
22 security interest in and a lien on future account contracts or funds
23 specifically designated and used for such commodity futures financial
24 hedging transactions. Except as otherwise authorized under Chapter 70,
25 this section does not authorize granting a foreclosable security interest
26 in or a lien on any other funds, assets, facilities, or property of a
27 generating power agency.
28 (5) An agreement authorized by this section shall be considered a
29 bond as defined in section 10-1103.
30 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
31 to Chapter 70, article 6.
1 Sec. 4. Original section 10-1103, Reissue Revised Statutes of
2 Nebraska, is repealed.

(Signed) Ken Schilz, Chairperson

Executive Board

LEGISLATIVE BILL 580. Placed on General File with amendment.
AM1961 is available in the Bill Room.

LEGISLATIVE BILL 1022. Placed on General File with amendment.
AM2170

1 1. On page 4, line 16, strike "(10)(c)", show as stricken, and
2 insert "(10)(d)".
3 2. On page 5, line 13; page 25, line 29; page 27, line 31; page 28,
4 line 17; page 38, lines 7 and 27; and page 39, line 18, strike "2020" and
5 insert "2022".

6 3. On page 22, lines 24 and 30, reinstate the stricken matter.
 7 4. On page 23, after line 3, insert the following new subdivision:
 8 "(b) When selecting tax returns or tax return information for a
 9 performance audit of a tax incentive program, the office of Legislative
 10 Audit shall select the tax returns or tax return information for either
 11 all or a statistically and randomly selected sample of taxpayers who have
 12 applied for or who have qualified for benefits under the tax incentive
 13 program that is the subject of the audit. When the office of Legislative
 14 Audit reports on its review of tax returns and tax return information, it
 15 shall comply with subdivision (10)(c) of this section."; in line 4 strike
 16 "(b)", show as stricken, and insert "(c)"; and in line 12 strike "(c)",
 17 show as stricken, and insert "(d)".
 18 5. On page 28, line 4, strike "2025" and insert "2027".
 19 6. On page 28, lines 28 and 29; page 29, lines 1, 10, 11, 14, 18,
 20 19, 22, 28, and 29; and page 30, lines 1, 13, 14, 17, 25, 26, and 29,
 21 strike "2018" and insert "2020".

LEGISLATIVE RESOLUTION 403. Reported to the Legislature for further consideration with the following amendment:

AM2162

1 1. In the first Resolved clause, strike the last occurrence of "or
 2 his or her designee".

(Signed) Bob Krist, Chairperson

Judiciary

LEGISLATIVE BILL 710. Placed on General File with amendment.

AM1846

1 1. Insert the following new section:
 2 Sec. 2. If any section in this act or any part of any section is
 3 declared invalid or unconstitutional, the declaration shall not affect
 4 the validity or constitutionality of the remaining portions.
 5 2. On page 2, line 18, after "person" insert "or the coercing of any
 6 such activity"; in line 23, strike "(a)"; and in line 26 strike "b" and
 7 reinstate the stricken "3".
 8 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 831. Placed on General File with amendment.

AM2119

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Automatic License Plate Reader Privacy Act.
 5 Sec. 2. For purposes of the Automatic License Plate Reader Privacy
 6 Act:
 7 (1) Alert means data held by the Department of Motor Vehicles, each
 8 criminal justice information system maintained in this state, the Federal
 9 Bureau of Investigation National Crime Information Center, the Federal

10 Bureau of Investigation Kidnappings and Missing Persons list, the Missing
11 Persons Information Clearinghouse established under section 29-214.01,
12 and license plate numbers that have been manually entered into the
13 automatic license plate reader system upon a law enforcement officer's
14 determination that the vehicles or individuals associated with the
15 license plate numbers are relevant and material to an ongoing criminal or
16 missing persons investigation;
17 (2) Automatic license plate reader system means one or more mobile
18 or fixed automated high-speed cameras used in combination with computer
19 algorithms to convert images of license plates into computer readable
20 data;
21 (3) Captured plate data means global positioning system coordinates,
22 date and time information, photographs, license plate numbers, and any
23 other data captured by or derived from any automatic license plate reader
24 system;
25 (4) Governmental entity means a department or agency of the state or
26 a political subdivision thereof, or an individual acting for or on behalf
27 of the state or a political subdivision thereof; and
1 (5) Secured area means a place, enclosed by clear boundaries, to
2 which access is limited and not open to the public and entry is only
3 obtainable through specific access-control points.
4 Sec. 3. (1) Except as otherwise provided in this section or in
5 section 4 of this act, the use of an automatic license plate reader
6 system by any person acting under color of state law is prohibited.
7 (2) An automatic license plate reader system may be used by a person
8 acting under color of state law when such use is:
9 (a) By a state, county, city, or village law enforcement agency as
10 an alert for the purpose of identifying:
11 (i) Outstanding parking or traffic violations;
12 (ii) An unregistered or uninsured vehicle;
13 (iii) A vehicle in violation of the vehicle equipment requirements
14 set forth under the Nebraska Rules of the Road;
15 (iv) A vehicle in violation of any other vehicle registration
16 requirement;
17 (v) A vehicle registered to an individual for whom there is an
18 outstanding warrant;
19 (vi) A vehicle associated with a missing person;
20 (vii) A vehicle that has been reported as stolen; or
21 (viii) A vehicle that is relevant and material to an ongoing
22 criminal investigation;
23 (b) By a parking enforcement entity for regulating the use of a
24 parking facility;
25 (c) For the purpose of controlling access to a secured area;
26 (d) For the purpose of electronic toll collection; or
27 (e) To assist weighing stations in performing their duties under
28 section 60-1301.
29 Sec. 4. (1) Except as otherwise provided in this section, the use
30 or sharing of captured plate data obtained for the purposes described in
31 subsection (2) of section 3 of this act is prohibited. Captured plate

1 data obtained for the purposes described in subsection (2) of section 3
2 of this act may be retained;
3 (a) As evidence under subsection (2) of section 3 of this act;
4 (b) Pursuant to a preservation request under subsection (1) of
5 section 5 of this act;
6 (c) Pursuant to a disclosure order under subsection (2) of section 5
7 of this act;
8 (d) Pursuant to a warrant issued under the Federal Rules of Criminal
9 Procedure or sections 29-401 to 29-411; or
10 (e) As part of an ongoing investigation if the captured plate data
11 is confirmed as matching an alert and is destroyed at the conclusion of
12 either:
13 (i) An investigation that does not result in any criminal charges
14 being filed; or
15 (ii) Any criminal action undertaken in the matter involving the
16 captured plate data.
17 (2) Any governmental entity that uses automatic license plate reader
18 systems pursuant to subsection (2) of section 3 of this act must update
19 those systems from the databases enumerated in such subsection at the
20 beginning of each law enforcement agency shift if such updates are
21 available.
22 (3) Any governmental entity that uses automatic license plate reader
23 systems pursuant to subsection (2) of section 3 of this act may manually
24 enter license plate numbers into the automatic license plate reader
25 system only where a law enforcement officer determines that the vehicle
26 or individuals associated with the license plate number are relevant and
27 material to an ongoing criminal or missing persons investigation subject
28 to the following limitations:
29 (a) Any manual entry must document the reason for the entry; and
30 (b) Manual entries must be automatically purged at the end of each
31 law enforcement agency shift.
1 Sec. 5. (1)(a) An operator of an automatic license plate reader
2 system, upon the request of a governmental entity or a defendant in a
3 criminal case, shall take all necessary steps to preserve captured plate
4 data in its possession for fourteen days pending the issuance of a court
5 order under subsection (2) of this section.
6 (b) A requesting governmental entity or defendant in a criminal case
7 must specify in a written sworn statement:
8 (i) The particular camera or cameras for which captured plate data
9 must be preserved or the particular license plate for which captured
10 plate data must be preserved; and
11 (ii) The date or dates and timeframes for which captured plate data
12 must be preserved.
13 (2) A governmental entity or defendant in a criminal case may apply
14 for a court order for disclosure of captured plate data, which shall be
15 issued by the court if the governmental entity or defendant in a criminal
16 case offers specific and articulable facts showing there are reasonable
17 grounds to believe the captured plate data is relevant and material to an
18 ongoing criminal or missing persons investigation or criminal prosecution

19 or defense.

20 (3) Captured plate data held by a governmental entity shall be
21 destroyed if the application for an order under subsection (2) of this
22 section is denied or at the end of six months, whichever is later.

23 (4) A governmental entity may obtain, receive, or use privately held
24 captured plate data only pursuant to a warrant issued under the Federal
25 Rules of Criminal Procedure or sections 29-401 to 29-411 or the procedure
26 described in subsection (2) of this section, and only if the private
27 automatic license plate reader system retains captured plate data for
28 fourteen days or fewer.

29 Sec. 6. Except as otherwise provided in subdivision (3)(b) of this
30 section, any governmental entity that uses an automatic license plate
31 reader system shall:

1 (1) Adopt a policy governing use of the system and conspicuously
2 post the policy on the governmental entity's Internet web site;

3 (2) Adopt a privacy policy to ensure that captured plate data is not
4 shared in violation of the Automatic License Plate Reader Privacy Act or
5 any other law, and conspicuously post the privacy policy on the
6 governmental entity's Internet web site; and

7 (3)(a) Report annually to the Nebraska Commission on Law Enforcement
8 and Criminal Justice on its automatic license plate reader practices and
9 usage. The report shall also be conspicuously posted on the governmental
10 entity's Internet web site. The report shall include:

11 (i) The number of license plates scanned;

12 (ii) The names of the lists against which captured plate data was
13 checked, the number of confirmed matches, and the number of matches that
14 upon further investigation did not correlate to an alert;

15 (iii) The number of matches that resulted in arrest and prosecution;

16 (iv) The number of preservation requests received under subsection
17 (1) of section 5 of this act;

18 (v) The number of preservation requests issued under subsection (1)
19 of section 5 of this act, broken down by the number of preservation
20 requests issued to other governmental entities and the number of
21 preservation requests issued to private automatic license plate reader
22 systems;

23 (vi) The number of disclosure orders received under subsection (2)
24 of section 5 of this act;

25 (vii) The number of disclosure orders applied for under subsection
26 (2) of section 5 of this act, broken down by:

27 (A) The number of applications for disclosure orders to governmental
28 entities under subsection (2) of section 5 of this act that were denied;

29 (B) The number of orders for disclosure to governmental entities
30 under subsection (2) of section 5 of this act resulting in arrest and
31 prosecution;

1 (C) The number of applications for disclosure orders to private
2 automatic license plate reader systems under subsection (2) of section 5
3 of this act that were denied; and

4 (D) The number of orders for disclosure to private automatic license
5 plate reader systems under subsection (2) of section 5 of this act

6 resulting in arrest and prosecution;

7 (viii) The number of manually-entered license plate numbers under
8 subsection (3) of section 4 of this act, broken down by reason justifying
9 the entry, the number of confirmed matches, and the number of matches
10 that upon further investigation did not correlate to an alert; and

11 (ix) Any changes in policy that affect privacy concerns.

12 (b) The reporting requirements of this subsection shall not apply to
13 weighing stations using an automatic license plate reader system pursuant
14 to subdivision (2)(e) of section 3 of this act.

15 Sec. 7. No captured plate data and no evidence derived therefrom
16 may be received in evidence in any trial, hearing, or other proceeding in
17 or before any court, grand jury, department, officer, agency, regulatory
18 body, legislative committee, or other authority of this state, or a
19 political subdivision thereof, if the disclosure of that information
20 would be in violation of the Automatic License Plate Reader Privacy Act.

21 Sec. 8. Any person who violates the Automatic License Plate Reader
22 Privacy Act shall be subject to legal action for damages. Such action may
23 be brought by any other person claiming that a violation of the act has
24 injured his or her business, his or her person, or his or her reputation.

25 A person so injured shall be entitled to actual damages, including mental
26 pain and suffering endured by him or her on account of violation of the
27 provisions of the act, and reasonable attorney's fees and costs of
28 litigation.

29 Sec. 9. (1) Captured plate data is not considered a public record
30 for the purposes of sections 84-712 to 84-712.09 and may only be
31 disclosed to the person to whom the vehicle is registered or with the
1 prior written consent of the person to whom the vehicle is registered.

2 (2) Upon the presentation to an appropriate governmental entity of a
3 valid, outstanding protection order pursuant to the Protection from
4 Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic
5 Violence Protection Orders Act, or section 28-311.09 or 28-311.10
6 protecting the driver of a vehicle jointly registered with or registered
7 solely in the name of the individual against whom the order was issued,
8 captured plate data may not be disclosed except pursuant to a disclosure
9 order under subsection (2) of section 5 of this act or as the result of a
10 match pursuant to subsection (2) of section 3 of this act.

11 Sec. 10. (1) The purchase or use of cell-site simulator technology
12 or devices by a law enforcement agency is prohibited. Any law enforcement
13 agency that currently possesses or uses cell-site simulator technology or
14 devices shall discontinue such use and discard the technology or devices.

15 (2) For purposes of this section, cell-site simulator means a device
16 that transmits or receives radio waves to or from a communications device
17 and that can be used to intercept, collect, access, transfer, or forward
18 the data transmitted or received by the communications device or stored
19 on the communications device. Cell-site simulator includes an
20 international mobile subscriber identity catcher or other surveillance or
21 eavesdropping device that mimics a cellular base station and transmits
22 radio waves that cause cell phones or other communications devices in the
23 area to transmit or receive radio waves, electronic data, location data,

24 information used to calculate location, identifying information,
 25 communications content, or metadata, or otherwise obtains this
 26 information through passive means, such as through the use of a digital
 27 analyzer or other passive interception device.

LEGISLATIVE BILL 919. Placed on General File with amendment.
 AM2171

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

3 Section 1. Section 24-1301, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 24-1301 The Legislature finds and declares that when left untreated,
 6 substance use disorders and mental illness ~~drug use and other offenses~~
 7 contribute to increased crime in Nebraska, cost millions of dollars in
 8 lost productivity, and contribute to the burden placed upon law
 9 enforcement, court, and correctional systems in Nebraska.

10 The Legislature also finds and declares that ~~drug court programs and~~
 11 problem solving courts, including drug, veterans, mental health, driving
 12 under the influence, reentry, and other problem solving courts, court
 13 ~~programs~~ are effective in reducing recidivism of persons who participate
 14 in and complete such courts programs. The Legislature recognizes that a
 15 ~~drug court program or a problem solving courts offer court program offers~~
 16 a person accused of drug, alcohol, offenses and other offenses
 17 alternatives an alternative to traditional criminal justice proceedings
 18 or juvenile justice dispositions proceedings.

19 Sec. 2. Section 24-1302, Reissue Revised Statutes of Nebraska, is
 20 amended to read:

21 24-1302 (1) Drug, veterans, mental health, driving under the
 22 influence, reentry, and other court programs and ~~problem solving courts~~
 23 ~~court programs~~ shall be subject to rules which shall be promulgated by
 24 the Supreme Court for procedures to be implemented in the administration
 25 of such courts programs.

26 (2) It is the intent of the Legislature that funds be appropriated
 27 separately to the Supreme Court for each of the ~~programs, the drug court~~
 1 ~~programs and the problem solving courts court programs~~, to carry out this
 2 section and section 24-1301.

3 Sec. 3. Section 29-2246, Revised Statutes Supplement, 2015, is
 4 amended to read:

5 29-2246 For purposes of the Nebraska Probation Administration Act
 6 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context
 7 otherwise requires:

8 (1) Association means the Nebraska District Court Judges
 9 Association;

10 (2) Court means a district court, county court, or juvenile court as
 11 defined in section 43-245;

12 (3) Office means the Office of Probation Administration;

13 (4) Probation means a sentence under which a person found guilty of
 14 a crime upon verdict or plea or adjudicated delinquent or in need of
 15 special supervision is released by a court subject to conditions imposed

16 by the court and subject to supervision. Probation includes post-release
 17 supervision;
 18 (5) Probationer means a person sentenced to probation or post-
 19 release supervision;
 20 (6) Probation officer means an employee of the system who supervises
 21 probationers and conducts presentence, predisposition, or other
 22 investigations as may be required by law or directed by a court in which
 23 he or she is serving or performs such other duties as authorized pursuant
 24 to section 29-2258, except unpaid volunteers from the community;
 25 (7) Juvenile probation officer means any probation officer who
 26 supervises probationers of a separate juvenile court;
 27 (8) Juvenile intake probation officer means an employee of the
 28 system who is called upon by a law enforcement officer in accordance with
 29 section 43-250 to make a decision regarding the furtherance of a
 30 juvenile's detention;
 31 (9) Chief probation officer means the probation officer in charge of
 1 a probation district;
 2 (10) System means the Nebraska Probation System;
 3 (11) Administrator means the probation administrator;
 4 (12) Non-probation-based program or service means a program or
 5 service established within the district, county, or juvenile courts and
 6 provided to individuals not sentenced to probation who have been charged
 7 with or convicted of a crime for the purpose of diverting the individual
 8 from incarceration or to provide treatment for issues related to the
 9 individual's criminogenic needs. Non-probation-based programs or services
 10 include, but are not limited to, ~~drug court programs and~~ problem solving
 11 ~~courts court programs~~ established pursuant to section 24-1302 and the
 12 treatment of problems relating to substance abuse, mental health, sex
 13 offenses, or domestic violence;
 14 (13) Post-release supervision means the portion of a split sentence
 15 following a period of incarceration under which a person found guilty of
 16 a crime upon verdict or plea is released by a court subject to conditions
 17 imposed by the court and subject to supervision by the office; and
 18 (14) Rules and regulations means policies and procedures written by
 19 the office and approved by the Supreme Court.
 20 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised
 21 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,
 22 2015, are repealed.

LEGISLATIVE BILL 934. Placed on General File with amendment.
 AM2190 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 447. Placed on General File with amendment.
 AM1979 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Judiciary

LEGISLATIVE BILL 947. Placed on General File with amendment.
AM2148

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

3 Section 1. Section 4-111, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 4-111 (1) Verification of lawful presence in the United States
6 pursuant to section 4-108 requires that the applicant for public benefits
7 attest in a format prescribed by the Department of Administrative
8 Services that:

9 (a ~~1~~) He or she is a United States citizen; or

10 (b ~~2~~) He or she is a qualified alien under the federal Immigration
11 and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on
12 January 1, 2009, and is lawfully present in the United States.

13 (2) A state agency or political subdivision of the State of Nebraska
14 may adopt and promulgate rules and regulations or procedures for the
15 electronic filing of the attestation required under subsection (1) of
16 this section if such attestation is substantially similar to the format
17 prescribed by the Department of Administrative Services.

18 (3)(a) The Legislature finds that it is in the best interest of the
19 State of Nebraska to make full use of the skills and talents in the state
20 by ensuring that a person who is work-authorized is able to obtain a
21 professional or commercial license and practice his or her profession.

22 (b) For purposes of a professional or commercial license, the
23 Legislature finds that a person not described in subdivision (1)(a) or
24 (1)(b) of this section who submits (i) an unexpired employment
25 authorization document issued by the United States Department of Homeland
26 Security, Form I-766 or Form I-688B, and (ii) documentation issued by the
27 United States Department of Homeland Security, the United States
1 Citizenship and Immigration Services, or any other federal agency, such
2 as one of the types of Form I-797 used by the United States Citizenship
3 and Immigration Services, demonstrating that such person is described in
4 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
5 Public Law 109-13, has demonstrated lawful presence pursuant to section
6 4-108 and is eligible to obtain such license. Nothing in this subsection
7 shall affect the requirements to obtain a professional or commercial
8 license that are unrelated to the lawful presence requirements
9 demonstrated pursuant to this subsection.

10 (c) The Legislature enacts this subsection pursuant to the authority
11 provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.
12 Sec. 2. Section 4-112, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 4-112 For any applicant who has executed a document described in
15 subdivision (1)(b) (~~2~~) of section 4-111 or who has otherwise complied
16 with the requirements of subsection (3) of section 4-111, eligibility for

17 public benefits shall be verified through the Systematic Alien
 18 Verification for Entitlements Program operated by the United States
 19 Department of Homeland Security or an equivalent program designated by
 20 the United States Department of Homeland Security. Until such
 21 verification of eligibility is made, ~~such~~ attestation under subdivision
 22 (1)(b) of section 4-111 may be presumed to be proof of lawful presence
 23 for purposes of sections 4-108 to 4-113 unless such verification is
 24 required before providing the public benefit under another provision of
 25 state or federal law.

26 Sec. 3. Section 38-129, Revised Statutes Cumulative Supplement,
 27 2014, is amended to read:

28 38-129 (1) No individual shall be issued a credential under the
 29 Uniform Credentialing Act until he or she has furnished satisfactory
 30 evidence to the department that he or she is of good character and has
 31 attained the age of nineteen years except as otherwise specifically
 1 provided by statute, rule, or regulation.

2 (2) A credential may only be issued to (a) a citizen of the United
 3 States, (b) an alien lawfully admitted into the United States who is
 4 eligible for a credential under the Uniform Credentialing Act, (c) ~~or~~ a
 5 nonimmigrant lawfully present in the United States who is eligible for a
 6 credential under the Uniform Credentialing Act, or (d) a person who
 7 submits (i) an unexpired employment authorization document issued by the
 8 United States Department of Homeland Security, Form I-766 or Form I-688B,
 9 and (ii) documentation issued by the United States Department of Homeland
 10 Security, the United States Citizenship and Immigration Services, or any
 11 other federal agency, such as one of the types of Form I-797 used by the
 12 United States Citizenship and Immigration Services, demonstrating that
 13 such person is described in section 202(c)(2)(B)(i) through (ix) of the
 14 federal REAL ID Act of 2005, Public Law 109-13.

15 Sec. 4. Original sections 4-111 and 4-112, Reissue Revised Statutes
 16 of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement,
 17 2014, are repealed.

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

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)

Senator Pansing Brooks designates LB843 as her priority bill.

Senator B. Harr designates LB1109 as his priority bill.

Senator Schumacher designates LB1103 as his priority bill.

The Agriculture Committee designates LB730 and LB968 as its priority bills.

Senator Seiler designates LB1094 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB668

VISITOR(S)

Visitors to the Chamber were 13 members of Nebraska Home Care Association; and former Nebraska Lt. Governor and Senator from District 30, David Maurstad.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

