

FORTY-FIRST DAY - MARCH 14, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2019

PRAYER

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Williams presiding.

The roll was called and all members were present except Senators Bolz, Cavanaugh, Howard, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

UNANIMOUS CONSENT - Room Change

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearings on Monday, March 18, 2019, and on Monday, March 25, 2019, in the Warner Chamber instead of Room 1003. No objections. So ordered.

MOTION(S) - Confirmation Report(s)

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 786:

Crime Victim's Reparations Committee
Shawn Eatherton
Thomas Parker
Michelle Schindler

Voting in the affirmative, 37:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hilgers	Linehan	Scheer
Blood	DeBoer	Hilkemann	Lowe	Slama
Bostelman	Dorn	Hughes	McCollister	Stinner
Brandt	Geist	Hunt	McDonnell	Williams
Brewer	Gragert	Kolowski	Moser	
Briese	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 6:

Erdman	Hansen, M.	Walz
Friesen	Lindstrom	Wishart

Excused and not voting, 6:

Bolz	Howard	Vargas
Cavanaugh	Morfeld	Wayne

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 411. Title read. Considered.

Committee AM514, found on page 716, was offered.

Senator La Grone offered the following amendment to the committee amendment:

AM647

(Amendments to Standing Committee amendments, AM514)

- 1 1. On page 38, lines 20 and 21, strike the new matter.
- 2 2. On page 41, line 26, after "five" insert "business".

SPEAKER SCHEER PRESIDING

The La Grone amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 309. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Hunt - LB169

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to LB340:
AM644

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 29-2262 (1) When a court sentences an offender to probation, it
- 6 shall attach such reasonable conditions as it deems necessary or likely
- 7 to insure that the offender will lead a law-abiding life. No offender
- 8 shall be sentenced to probation if he or she is deemed to be a habitual
- 9 criminal pursuant to section 29-2221.
- 10 (2) The court may, as a condition of a sentence of probation,
- 11 require the offender:
- 12 (a) To refrain from unlawful conduct;
- 13 (b) To be confined periodically in the county jail or to return to
- 14 custody after specified hours but not to exceed the lesser of ninety days
- 15 or the maximum jail term provided by law for the offense;
- 16 (c) To meet his or her family responsibilities;
- 17 (d) To devote himself or herself to a specific employment or
- 18 occupation;
- 19 (e) To undergo medical or psychiatric treatment and to enter and
- 20 remain in a specified institution for such purpose;
- 21 (f) To pursue a prescribed secular course of study or vocational
- 22 training;
- 23 (g) To attend or reside in a facility established for the
- 24 instruction, recreation, or residence of persons on probation;
- 25 (h) To refrain from frequenting unlawful or disreputable places or
- 26 consorting with disreputable persons;
- 27 (i) To possess no firearm or other dangerous weapon if convicted of
- 1 a felony, or if convicted of any other offense, to possess no firearm or
- 2 other dangerous weapon unless granted written permission by the court;
- 3 (j) To remain within the jurisdiction of the court and to notify the
- 4 court or the probation officer of any change in his or her address or his

5 or her employment and to agree to waive extradition if found in another
6 jurisdiction;

7 (k) To report as directed to the court or a probation officer and to
8 permit the officer to visit his or her home;

9 (l) To pay a fine in one or more payments as ordered;

10 (m) To pay for tests to determine the presence of drugs or alcohol,
11 psychological evaluations, offender assessment screens, and
12 rehabilitative services required in the identification, evaluation, and
13 treatment of offenders if such offender has the financial ability to pay
14 for such services;

15 (n) To perform community service as outlined in sections 29-2277 to
16 29-2279 under the direction of his or her probation officer;

17 (o) To be monitored by an electronic surveillance device or system
18 and to pay the cost of such device or system if the offender has the
19 financial ability;

20 (p) To participate in a community correctional facility or program
21 as provided in the Community Corrections Act;

22 ~~(q) To successfully complete an incarceration work camp program as~~
23 ~~determined by the Department of Correctional Services;~~

24 ~~(q) (†)~~ To satisfy any other conditions reasonably related to the
25 rehabilitation of the offender;

26 ~~(r) (†)~~ To make restitution as described in sections 29-2280 and
27 29-2281; or

28 ~~(s) (†)~~ To pay for all costs imposed by the court, including court
29 costs and the fees imposed pursuant to section 29-2262.06.

30 (3) When jail time is imposed as a condition of probation under
31 subdivision (2)(b) of this section, the court shall advise the offender
1 on the record the time the offender will serve in jail assuming no good
2 time for which the offender will be eligible under section 47-502 is lost
3 and assuming none of the jail time imposed as a condition of probation is
4 waived by the court.

5 (4) Jail time may only be imposed as a condition of probation under
6 subdivision (2)(b) of this section if:

7 (a) The court would otherwise sentence the defendant to a term of
8 imprisonment instead of probation; and

9 (b) The court makes a finding on the record that, while probation is
10 appropriate, periodic confinement in the county jail as a condition of
11 probation is necessary because a sentence of probation without a period
12 of confinement would depreciate the seriousness of the offender's crime
13 or promote disrespect for law.

14 (5) In all cases in which the offender is guilty of violating
15 section 28-416, a condition of probation shall be mandatory treatment and
16 counseling as provided by such section.

17 (6) In all cases in which the offender is guilty of a crime covered
18 by the DNA Identification Information Act, a condition of probation shall
19 be the collecting of a DNA sample pursuant to the act and the paying of
20 all costs associated with the collection of the DNA sample prior to
21 release from probation.

22 Sec. 2. Section 83-4,142, Reissue Revised Statutes of Nebraska, is

23 amended to read:

24 83-4,142 The Department of Correctional Services shall develop and
25 implement an incarceration work camp for placement of felony offenders as
26 a condition of a sentence of intensive supervision probation, as a
27 transitional phase prior to release on parole; or as assigned by the
28 Director of Correctional Services pursuant to subsection (2) of section
29 83-176. As part of the incarceration work camp, an intensive residential
30 drug treatment program may be developed and implemented for felony
31 offenders.

1 It is the intent of the Legislature that the incarceration work camp
2 serve to reduce prison overcrowding and to make prison bed space
3 available for violent offenders. It is the further intent of the
4 Legislature that the incarceration work camp serve the interests of
5 society by addressing the criminogenic needs of certain designated
6 offenders and by deterring such offenders from engaging in further
7 criminal activity. To accomplish these goals, the incarceration work camp
8 shall provide regimented, structured, disciplined programming, including
9 all of the following: Work programs; vocational training; behavior
10 management and modification; money management; substance abuse awareness,
11 counseling, and treatment; and education, programming needs, and
12 aftercare planning, which will increase the offender's abilities to lead
13 a law-abiding, productive, and fulfilling life as a contributing member
14 of a free society.

15 Sec. 3. Section 83-4,143, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 83-4,143 ~~(1) It is the intent of the Legislature that the court~~
18 ~~target the felony offender (a) who is eligible and by virtue of his or~~
19 ~~her criminogenic needs is suitable to be sentenced to intensive~~
20 ~~supervision probation with placement at the incarceration work camp, (b)~~
21 ~~for whom the court finds that other conditions of a sentence of intensive~~
22 ~~supervision probation, in and of themselves, are not suitable, and (c)~~
23 ~~who, without the existence of an incarceration work camp, would, in all~~
24 ~~likelihood, be sentenced to prison.~~

25 ~~(2) When the court is of the opinion that imprisonment is~~
26 ~~appropriate, but that a brief and intensive period of regimented,~~
27 ~~structured, and disciplined programming within a secure facility may~~
28 ~~better serve the interests of society, the court may place an offender in~~
29 ~~an incarceration work camp for a period not to exceed one hundred eighty~~
30 ~~days as a condition of a sentence of intensive supervision probation. The~~
31 ~~court may consider such placement if the offender (a) is a male or female~~
1 ~~offender convicted of a felony offense in a district court, (b) is~~
2 ~~medically and mentally fit to participate, with allowances given for~~
3 ~~reasonable accommodation as determined by medical and mental health~~
4 ~~professionals, and (c) has not previously been incarcerated for a violent~~
5 ~~felony crime. Offenders convicted of a crime under sections 28-319 to~~
6 ~~28-322.04 or of any capital crime are not eligible to be placed in an~~
7 ~~incarceration work camp.~~

8 ~~(1) (3)~~ It is also the intent of the Legislature that the Board of
9 Parole may recommend placement of felony offenders at the incarceration

10 work camp. The offenders recommended by the board shall be offenders
11 currently housed at other Department of Correctional Services adult
12 correctional facilities and shall complete the incarceration work camp
13 programming prior to release on parole.

14 (2) (4) When the Board of Parole is of the opinion that a felony
15 offender currently incarcerated in a Department of Correctional Services
16 adult correctional facility may benefit from a brief and intensive period
17 of regimented, structured, and disciplined programming immediately prior
18 to release on parole, the board may direct placement of such an offender
19 in an incarceration work camp for a period not to exceed one hundred
20 eighty days as a condition of release on parole. The board may consider
21 such placement if the felony offender (a) is medically and mentally fit
22 to participate, with allowances given for reasonable accommodation as
23 determined by medical and mental health professionals, and (b) has not
24 previously been incarcerated for a violent felony crime. Offenders
25 convicted of a crime under sections 28-319 to 28-322.04 or of any capital
26 crime are not eligible to be placed in an incarceration work camp.

27 (3) (5) The Director of Correctional Services may assign a felony
28 offender to an incarceration work camp if he or she believes it is in the
29 best interests of the felony offender and of society, except that
30 offenders convicted of a crime under sections 28-319 to ~~28-322.04~~ ~~28-321~~
31 or of any capital crime are not eligible to be assigned to an
1 incarceration work camp pursuant to this subsection.

2 Sec. 4. Section 83-4,144, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-4,144 ~~Upon successful completion of the incarceration work camp~~
5 ~~program, as determined by the Department of Correctional Services, the~~
6 ~~sentencing court may modify the offender's conditions of his or her~~
7 ~~sentence of probation, place the offender in an aftercare program, or~~
8 ~~discharge the offender.~~ An offender placed in an incarceration work camp
9 pursuant to a recommendation of the Board of Parole shall be released on
10 parole upon successful completion, as determined by the board, of the
11 incarceration work camp program.

12 Sec. 5. Section 83-4,145, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 83-4,145 ~~If the offender for any reason fails to successfully~~
15 ~~complete the incarceration work camp program, the sentencing court may~~
16 ~~impose any other sentence that the court may have originally imposed.~~ An
17 offender placed at the incarceration work camp pursuant to a
18 recommendation of the Board of Parole who fails to successfully complete
19 the incarceration work camp program shall be returned to the board for a
20 rescission hearing. Credit shall be given for time actually served in the
21 incarceration work camp program.

22 Sec. 6. Section 83-4,146, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 83-4,146 All costs incurred during the period the offender is
25 committed to an incarceration work camp shall be the responsibility of
26 the state, ~~including~~ ~~Counties shall be liable for the cost of~~
27 ~~transporting the offender to the incarceration work camp and for~~

28 ~~returning the offender to the appropriate court for reimposition of~~
 29 ~~sentence or such other disposition as the court may then deem appropriate~~
 30 ~~only if the offender is discharged for unsatisfactory performance from~~
 31 ~~the incarceration work camp, except that the state shall be liable for~~
 1 ~~the cost of transporting the offender to the incarceration work camp when~~
 2 ~~such placement was made pursuant to a recommendation by the Board of~~
 3 ~~Parole and for returning the offender to the appropriate Department of~~
 4 ~~Correctional Services adult correctional facility if the offender is~~
 5 ~~discharged for unsatisfactory performance from the incarceration work~~
 6 ~~camp.~~
 7 Sec. 7. Original sections 29-2262, 83-4,142, 83-4,144, 83-4,145, and
 8 83-4,146, Reissue Revised Statutes of Nebraska, and section 83-4,143,
 9 Revised Statutes Cumulative Supplement, 2018, are repealed.

COMMITTEE REPORT(S)
 Business and Labor

LEGISLATIVE BILL 345. Placed on General File with amendment.
 AM626

1 1. Strike the original section and insert the following new
 2 sections:
 3 Section 1. (1) For purposes of this section:
 4 (a) Correctional facility means a facility as defined in section
 5 83-170;
 6 (b) Employee means an employee of the Department of Correctional
 7 Services or the Department of Health and Human Services providing
 8 services to individuals in a correctional facility or state institution
 9 under the twenty-four-hour care and supervision of the state;
 10 (c) State institution includes the:
 11 (i) Beatrice State Developmental Center;
 12 (ii) Lincoln Regional Center;
 13 (iii) Norfolk Regional Center;
 14 (iv) Hastings Regional Center;
 15 (v) Youth Rehabilitation and Treatment Center-Kearney; and
 16 (vi) Youth Rehabilitation and Treatment Center-Geneva; and
 17 (d) Temporary emergency condition means a riot, natural disaster, or
 18 severe weather.
 19 (2) Except as provided in subsection (4) of this section:
 20 (a) An employee may work more than twelve consecutive hours, but an
 21 employee shall under no circumstances be required to work more than
 22 twelve consecutive hours; and
 23 (b) An employee may work more than seven straight days without a day
 24 off, but an employee shall under no circumstances be required to work
 25 seven straight days without a day off.
 26 (3) The acceptance by an employee of overtime described in
 27 subsection (2) of this section is strictly voluntary. An employee shall
 1 not be disciplined nor lose any right, benefit, or privilege for refusing
 2 to work such overtime. An employee's refusal to work such overtime shall

3 not be grounds for discrimination, dismissal, discharge, or any other
 4 penalty, threat of report for discipline, or employment decision adverse
 5 to the employee.

6 (4) The prohibitions of this section shall not apply when the
 7 Director of Correctional Services or his or her designee, in the case of
 8 a correctional facility, or the chief executive officer of the Department
 9 of Health and Human Services, in the case of a state institution, has
 10 declared the existence of a temporary emergency condition. Such
 11 declaration shall take effect when the director or chief executive
 12 officer or his or her designee provides notice of such temporary
 13 emergency condition to the Executive Board of the Legislative Council and
 14 shall not extend beyond thirty calendar days after such notice.
 15 Sec. 2. This act becomes operative on January 1, 2020.

(Signed) Matt Hansen, Chairperson

Urban Affairs

LEGISLATIVE BILL 731. Placed on General File with amendment.
 AM607

1 1. Insert the following new section:

2 Sec. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 23-114.02 The general plan for the improvement and development of
 5 the county shall be known as the comprehensive development plan and
 6 shall, among other elements, include:

7 (1) A land-use element which designates the proposed general
 8 distribution, general location, and extent of the uses of land for
 9 agriculture, housing, commerce, industry, recreation, education, public
 10 buildings and lands, and other categories of public and private use of
 11 land;

12 (2) The general location, character, and extent of existing and
 13 proposed major streets, roads, and highways, and air and other
 14 transportation routes and facilities;

15 (3) When a new comprehensive plan or a full update to an existing
 16 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
 17 ~~than January 1, 2015~~, an energy element which: Assesses energy
 18 infrastructure and energy use by sector, including residential,
 19 commercial, and industrial sectors; evaluates utilization of renewable
 20 energy sources; and promotes energy conservation measures that benefit
 21 the community; and

22 (4) The general location, type, capacity, and area served of present
 23 and projected or needed community facilities including recreation
 24 facilities, schools, libraries, other public buildings, and public
 25 utilities and services.

26 The comprehensive development plan shall consist of both graphic and
 27 textual material and shall be designed to accommodate anticipated long-
 1 range future growth which shall be based upon documented population and

- 2 economic projections.
- 3 2. Renumber the remaining section and correct the repealer
- 4 accordingly.

(Signed) Justin Wayne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 400. Senator Wishart renewed her amendment, FA22, found on page 808, to the Halloran amendment, AM578.

SENATOR WILLIAMS PRESIDING

SPEAKER SCHEER PRESIDING

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

The Chair ruled there had not been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Wishart amendment.

Senator Chambers offered the following motion:

MO24

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Hunt offered the following motion:

MO25

Bracket until March 15, 2019.

SENATOR WILLIAMS PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 25, 2019 1:30 p.m.

LB181

LB24

LB403

LB404

LB480

Agency 28 - Veterans' Affairs, Department of

Agency 25 - Health and Human Services

Note: Medicaid, Public Health, Long Term Care

Tuesday, March 26, 2019 1:30 p.m.

LB202
LB226
LB326
LB327
LB485
LB558

Agency 25 - Health and Human Services

Note: Children and Family Services, Division of Developmental
Disabilities, Behavioral Health, Facilities

Room 1003

Wednesday, March 27, 2019 1:30 p.m.

LB586
LB587

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 10 - Auditor of Public Accounts

Agency 12 - State Treasurer

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 698. Placed on General File with amendment.

AM554

1 1. On page 3, strike lines 27 through 31 and insert the following
2 new subdivision:

3 "(b)(i) A violation of this subsection is a Class III misdemeanor
4 for a first offense.

5 (ii) A violation of this subsection is a Class III misdemeanor for a
6 second or subsequent offense, except that in lieu of issuing a citation
7 to an operator for such second or subsequent offense the Superintendent
8 of Law Enforcement and Public Safety may assess the owner of the vehicle
9 a civil penalty of one thousand dollars for each violation of this
10 subsection. The superintendent".

LEGISLATIVE BILL 719. Placed on General File with amendment.

AM258

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

2 sections:

3 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 60-169 (1)(a) Except as otherwise provided in subdivision (c) ~~(b)~~ of
6 this subsection, each owner of a vehicle and each person mentioned as
7 owner in the last certificate of title, when the vehicle is dismantled,
8 destroyed, or changed in such a manner that it loses its character as a
9 vehicle or changed in such a manner that it is not the vehicle described
10 in the certificate of title, shall surrender his or her certificate of
11 title to any county treasurer or to the department. If the certificate of
12 title is surrendered to a county treasurer, he or she shall, with the
13 consent of any holders of any liens noted thereon, enter a cancellation
14 upon the records and shall notify the department of such cancellation.
15 Beginning on the implementation date designated by the director pursuant
16 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall
17 report electronically to the department using the electronic reporting
18 system. If the certificate is surrendered to the department, it shall,
19 with the consent of any holder of any lien noted thereon, enter a
20 cancellation upon its records.

21 (b) This subdivision applies to all licensed wrecker or salvage
22 dealers and, except as otherwise provided in this subdivision, to each
23 vehicle located on the premises of such dealer. For each vehicle required
24 to be reported under 28 C.F.R. 25.56, as such regulation existed on
25 January 1, 2019, the information obtained by the department under this
26 section may be reported to the National Motor Vehicle Title Information
27 System in a format that will satisfy the requirement for reporting under
1 28 C.F.R. 25.56, as such regulation existed on January 1, 2019. Such
2 report shall include:

3 (i) The name, address, and contact information for the reporting
4 entity;

5 (ii) The vehicle identification number;

6 (iii) The date the reporting entity obtained such motor vehicle;

7 (iv) The name of the person from whom such motor vehicle was
8 obtained, for use only by a law enforcement or other appropriate
9 government agency;

10 (v) A statement of whether the motor vehicle was or will be crushed,
11 disposed of, offered for sale, or used for another purpose; and

12 (vi) Whether the motor vehicle is intended for export outside of the
13 United States.

14 The department may set and collect a fee, not to exceed the cost of
15 reporting to the National Motor Vehicle Title Information System, from
16 wrecker or salvage dealers for electronic reporting to the National Motor
17 Vehicle Title Information System, which shall be remitted to the State
18 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
19 subdivision does not apply to any vehicle reported by a wrecker or
20 salvage dealer to the National Motor Vehicle Title Information System as
21 required under 28 C.F.R. 25.56, as such regulation existed on January 1,
22 2019.

23 (c)(i) ~~(b)(i)~~ In the case of a mobile home or manufactured home for
24 which a certificate of title has been issued, if such mobile home or
25 manufactured home is affixed to real property in which each owner of the

26 mobile home or manufactured home has any ownership interest, the
27 certificate of title may be surrendered for cancellation to the county
28 treasurer of the county where such mobile home or manufactured home is
29 affixed to real property if at the time of surrender the owner submits to
30 the county treasurer an affidavit of affixture on a form provided by the
31 department that contains all of the following, as applicable:

1 (A) The names and addresses of all of the owners of record of the
2 mobile home or manufactured home;

3 (B) A description of the mobile home or manufactured home that
4 includes the name of the manufacturer, the year of manufacture, the
5 model, and the manufacturer's serial number;

6 (C) The legal description of the real property upon which the mobile
7 home or manufactured home is affixed and the names of all of the owners
8 of record of the real property;

9 (D) A statement that the mobile home or manufactured home is affixed
10 to the real property;

11 (E) The written consent of each holder of a lien duly noted on the
12 certificate of title to the release of such lien and the cancellation of
13 the certificate of title;

14 (F) A copy of the certificate of title surrendered for cancellation;
15 and

16 (G) The name and address of an owner, a financial institution, or
17 another entity to which notice of cancellation of the certificate of
18 title may be delivered.

19 (ii) The person submitting an affidavit of affixture pursuant to
20 subdivision ~~(c)(i)~~ ~~(b)(i)~~ of this subsection shall swear or affirm that
21 all statements in the affidavit are true and material and further
22 acknowledge that any false statement in the affidavit may subject the
23 person to penalties relating to perjury under section 28-915.

24 (2) If a certificate of title of a mobile home or manufactured home
25 is surrendered to the county treasurer, along with the affidavit required
26 by subdivision ~~(1)(c)~~ ~~(+)(b)~~ of this section, he or she shall enter a
27 cancellation upon his or her records, notify the department of such
28 cancellation, forward a duplicate original of the affidavit to the
29 department, and deliver a duplicate original of the executed affidavit
30 under subdivision ~~(1)(c)~~ ~~(+)(b)~~ of this section to the register of deeds
31 for the county in which the real property is located to be filed by the
1 register of deeds. The county treasurer shall be entitled to collect fees
2 from the person submitting the affidavit in accordance with section
3 33-109 to cover the costs of filing such affidavit. Following the
4 cancellation of a certificate of title for a mobile home or manufactured
5 home, the county treasurer or designated county official shall not issue
6 a certificate of title for such mobile home or manufactured home, except
7 as provided in subsection (5) of this section.

8 (3) If a mobile home or manufactured home is affixed to real estate
9 before June 1, 2006, a person who is the holder of a lien or security
10 interest in both the mobile home or manufactured home and the real estate
11 to which it is affixed on such date may enforce its liens or security
12 interests by accepting a deed in lieu of foreclosure or in the manner

13 provided by law for enforcing liens on the real estate.

14 (4) A mobile home or manufactured home for which the certificate of
15 title has been canceled and for which an affidavit of affixture has been
16 duly recorded pursuant to subsection (2) of this section shall be treated
17 as part of the real estate upon which such mobile home or manufactured
18 home is located. Any lien thereon shall be perfected and enforced in the
19 same manner as a lien on real estate. The owner of such mobile home or
20 manufactured home may convey ownership of the mobile home or manufactured
21 home only as a part of the real estate to which it is affixed.

22 (5)(a) If each owner of both the mobile home or manufactured home
23 and the real estate described in subdivision (1)(c) ~~(1)(b)~~ of this
24 section intends to detach the mobile home or manufactured home from the
25 real estate, the owner shall do both of the following: (i) Before
26 detaching the mobile home or manufactured home, record an affidavit of
27 detachment in the office of the register of deeds in the county in which
28 the affidavit is recorded under subdivision (1)(c) ~~(1)(b)~~ of this
29 section; and (ii) apply for a certificate of title for the mobile home or
30 manufactured home pursuant to section 60-147.

31 (b) The affidavit of detachment shall contain all of the following:

1 (i) The names and addresses of all of the owners of record of the
2 mobile home or manufactured home;

3 (ii) A description of the mobile home or manufactured home that
4 includes the name of the manufacturer, the year of manufacture, the
5 model, and the manufacturer's serial number;

6 (iii) The legal description of the real estate from which the mobile
7 home or manufactured home is to be detached and the names of all of the
8 owners of record of the real estate;

9 (iv) A statement that the mobile home or manufactured home is to be
10 detached from the real property;

11 (v) A statement that the certificate of title of the mobile home or
12 manufactured home has previously been canceled;

13 (vi) The name of each holder of a lien of record against the real
14 estate from which the mobile home or manufactured home is to be detached,
15 with the written consent of each holder to the detachment; and

16 (vii) The name and address of an owner, a financial institution, or
17 another entity to which the certificate of title may be delivered.

18 (6) An owner of an affixed mobile home or manufactured home for
19 which the certificate of title has previously been canceled pursuant to
20 subsection (2) of this section shall not detach the mobile home or
21 manufactured home from the real estate before a certificate of title for
22 the mobile home or manufactured home is issued by the county treasurer or
23 department. If a certificate of title is issued by the county treasurer
24 or department, the mobile home or manufactured home is no longer
25 considered part of the real property. Any lien thereon shall be perfected
26 pursuant to section 60-164. The owner of such mobile home or manufactured
27 home may convey ownership of the mobile home or manufactured home only by
28 way of a certificate of title.

29 (7) For purposes of this section:

30 (a) A mobile home or manufactured home is affixed to real estate if

31 the wheels, towing hitches, and running gear are removed and it is
 1 permanently attached to a foundation or other support system; and
 2 (b) Ownership interest means the fee simple interest in real estate
 3 or an interest as the lessee under a lease of the real property that has
 4 a term that continues for at least twenty years after the recording of
 5 the affidavit under subsection (2) of this section.
 6 (8) Upon cancellation of a certificate of title in the manner
 7 prescribed by this section, the county treasurer and the department may
 8 cancel and destroy all certificates and all memorandum certificates in
 9 that chain of title.
 10 Sec. 2. Original section 60-169, Revised Statutes Cumulative
 11 Supplement, 2018, is repealed.

(Signed) Curt Friesen, Chairperson

Education

LEGISLATIVE BILL 180. Placed on General File.

LEGISLATIVE BILL 534. Placed on General File with amendment.
 AM686

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) On or before September 15, 2019, and September 15 of
 3 each odd-numbered year thereafter, each public postsecondary institution
 4 shall electronically submit a report to the Clerk of the Legislature and
 5 the Education Committee of the Legislature regarding sexual violence,
 6 dating violence, domestic violence, and stalking.
 7 (2) The report shall include:
 8 (a) Results of any campus climate survey related to sexual violence,
 9 dating violence, domestic violence, and stalking; and
 10 (b) Information related to the training provided to Title IX
 11 coordinators, investigators, and decisionmakers regarding sexual
 12 violence, dating violence, domestic violence, and stalking.
 13 (3) The report shall not include any personally identifiable
 14 information, information that is subject to a privilege arising under
 15 state or federal law, or records that may be withheld from disclosure
 16 under section 84-712.05.
 17 (4) For purposes of this section:
 18 (a) Postsecondary institution has the same meaning as in section
 19 85-2403;
 20 (b) Sexual violence means sexual acts perpetrated against a person's
 21 will or when a person is incapable of giving consent by reason of, but
 22 not limited to, the following:
 23 (i) Such person's age;
 24 (ii) Such person's use of drugs or alcohol; or
 25 (iii) An intellectual or other disability that prevents such person
 26 from having the capacity to give consent; and
 27 (c) Title IX means Title IX of the Education Amendments of 1972,
 1 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying

2 regulations and guidance documents, as such law, regulations, and
 3 documents existed on January 1, 2019.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Dorn filed the following amendment to LB524:

AM332

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

3 Section 1. Section 13-509, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:

5 13-509 (1) On or before August 20 of each year, the county assessor
 6 shall certify to each governing body or board empowered to levy or
 7 certify a tax levy the current taxable value of the taxable real and
 8 personal property subject to the applicable levy. The certification shall
 9 be provided to the governing body or board (a) by mail if requested by
 10 the governing body or board, (b) electronically, or (c) by listing such
 11 certification on the county assessor's web site.

12 (2) Current taxable value for real property shall mean the value
 13 established by the county assessor and equalized by the county board of
 14 equalization and the Tax Equalization and Review Commission. Current
 15 taxable value for tangible personal property shall mean the net book
 16 value reported by the taxpayer and certified by the county assessor.

17 (3) If a political subdivision annexes property since the last time
 18 taxable values were certified under subsection (1) of this section, the
 19 governing body of such political subdivision shall file and record a
 20 certified copy of the annexation ordinance, petition, or resolution in
 21 the office of the register of deeds or, if none, the county clerk and the
 22 county assessor of the county in which the annexed property is located.
 23 The annexation ordinance, petition, or resolution shall include a full
 24 legal description of the annexed property. If the register of deeds or
 25 county clerk receives and records such ordinance, petition, or resolution
 26 prior to July 1 or, for annexations by a city of the metropolitan class,
 27 prior to August 1, the valuation of the real and personal property
 1 annexed shall be considered in the taxable valuation of the annexing
 2 political subdivision for the current year. If the register of deeds or
 3 county clerk receives and records such ordinance, petition, or resolution
 4 on or after July 1 or, for annexations by a city of the metropolitan
 5 class, on or after August 1, the ~~The~~ valuation of the ~~any~~ real and
 6 personal property annexed by a political subdivision on or after August 1
 7 shall be considered in the taxable valuation of the annexing political
 8 subdivision for the following year.

9 Sec. 2. Section 79-1074, Reissue Revised Statutes of Nebraska, is
 10 amended to read:

11 79-1074 (1) The county clerk of any county in which a part of a
 12 joint school district or learning community is located shall, on or
 13 before the date prescribed in subsection (1) of section 13-509, certify

14 the taxable valuation of all taxable property of such part of the joint
15 district or learning community to the clerk of the headquarters county in
16 which the schoolhouse or the administrative office of the school district
17 or learning community is located.

18 (2) The county clerk of any county in which a part of a joint
19 affiliated school system or learning community is located shall, on or
20 before the date prescribed in subsection (1) of section 13-509, certify
21 the taxable valuation of all taxable property of such part of the joint
22 affiliated school system or learning community to the clerk of the
23 headquarters county in which the schoolhouse or the administrative office
24 of the high school district or learning community is located.

25 Sec. 3. Original section 79-1074, Reissue Revised Statutes of
26 Nebraska, and section 13-509, Revised Statutes Cumulative Supplement,
27 2018, are repealed.

GENERAL FILE

LEGISLATIVE BILL 217. Title read. Considered.

Committee AM387, found on page 560, was adopted with 30 ayes, 1 nay,
and 18 present and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, and 19
present and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 590. Placed on Select File with amendment.

ER48

1 1. On page 1, strike beginning with "child" in line 1 through line 6
2 and insert "the Quality Child Care Act; to amend section 43-2606, Revised
3 Statutes Cumulative Supplement, 2018; to require the use of the Nebraska
4 Early Childhood Professional Record System for documentation and
5 verification of staff training; and to repeal the original section."

(Signed) Julie Slama, Chairperson

ANNOUNCEMENT

Senator Hilgers announced the Executive Board will hold an executive
session Friday, March 15, 2019, at 12:00 p.m., in Room 1525.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB15.

Senator Blood name added to LB217.

Senator Hilkemann name added to LB327.

Senator Blood name added to LB409.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Association of Behavioral Health Organizations from across the state; Garrett Salisbury from Lincoln; a group with Miss Nebraska High School America; members from Leadership Nebraska City and Leadership Nemaha County; John and Mary Carter from Kew Gardens, NY and George Barry from Lincoln; students from Rohwer Elementary School, Millard; and Ryan O'Grady from Bellevue.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

