

FIFTIETH DAY - MARCH 20, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 20, 2017

PRAYER

The prayer was offered by Pastor Wilson Metz, Word of Hope Lutheran Church, Ashland.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Groene, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 61 and 62 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61 and 62.

SENATOR HOWARD PRESIDING

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 628:

Nebraska Ethanol Board
Scott McPheeters

Voting in the affirmative, 42:

Albrecht	Craighead	Hilkemann	McCollister	Stinner
Baker	Crawford	Howard	McDonnell	Walz
Blood	Ebke	Hughes	Morfeld	Watermeier
Bostelman	Erdman	Kolterman	Pansing Brooks	Wayne
Brasch	Friesen	Krist	Quick	Williams
Brewer	Geist	Kuehn	Riepe	Wishart
Briese	Halloran	Lindstrom	Scheer	
Chambers	Hansen	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 3:

Harr	Kolowski	Vargas
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Excused and not voting, 4:

Bolz	Groene	Larson	Murante
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The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 716:

Nebraska Information Technology Commission

Shane Greckel

Daniel Spray

Voting in the affirmative, 43:

Albrecht	Craighead	Hilgers	Linehan	Smith
Baker	Crawford	Hilkemann	Lowe	Stinner
Blood	Ebke	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brasch	Friesen	Kolowski	Morfeld	Watermeier
Brewer	Geist	Kolterman	Pansing Brooks	Williams
Briese	Halloran	Krist	Quick	Wishart
Chambers	Hansen	Kuehn	Scheer	
Clements	Harr	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Riepe	Wayne
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Excused and not voting, 4:

Bolz Groene Larson Murante

The appointments were confirmed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 716:

Motor Vehicle Industry Licensing Board
Stephan Budke

Voting in the affirmative, 39:

Albrecht	Clements	Hansen	Lindstrom	Schumacher
Baker	Craighead	Harr	Linehan	Smith
Blood	Crawford	Hilgers	Lowe	Stinner
Bostelman	Ebke	Hilkemann	McCollister	Vargas
Brasch	Erdman	Howard	McDonnell	Walz
Brewer	Friesen	Kolowski	Morfeld	Williams
Briese	Geist	Kolterman	Pansing Brooks	Wishart
Chambers	Halloran	Krist	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Hughes	Riepe	Watermeier
Kuehn	Scheer	Wayne

Excused and not voting, 4:

Bolz Groene Larson Murante

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 640:

Nebraska Child Abuse Prevention Fund Board
Mary Beth Hanus
Lisa Knoche

Voting in the affirmative, 41:

Albrecht	Craighead	Hilkemann	McCollister	Stinner
Baker	Crawford	Howard	McDonnell	Vargas
Blood	Ebke	Hughes	Morfeld	Walz
Bolz	Erdman	Kolowski	Pansing Brooks	Williams
Bostelman	Friesen	Kolterman	Quick	Wishart
Brasch	Geist	Krist	Riepe	
Brewer	Halloran	Lindstrom	Scheer	
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Briese	Hansen	Kuehn	Watermeier	Wayne
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Excused and not voting, 3:

Groene	Larson	Murante
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The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 640:

Division of Public Health-Department of Health and Human Services
Thomas L. Williams, Chief Medical Officer and Director

SPEAKER SCHEER PRESIDING

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

Senator Kolterman moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 37 ayes, 10 nays, and 2 present and not voting.

Senator Chambers requested a roll call vote on the confirmation report.

Voting in the affirmative, 39:

Albrecht	Crawford	Hilgers	Linehan	Schumacher
Baker	Ebke	Hilkemann	Lowe	Smith
Bostelman	Erdman	Hughes	McCollister	Stinner
Brasch	Friesen	Kolterman	McDonnell	Walz
Brewer	Geist	Krist	Murante	Watermeier
Briese	Groene	Kuehn	Quick	Williams
Clements	Halloran	Larson	Riepe	Wishart
Craighead	Harr	Lindstrom	Scheer	

Voting in the negative, 2:

Chambers Morfeld

Present and not voting, 8:

Blood	Hansen	Kolowski	Vargas
Bolz	Howard	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 2 nays, and 8 present and not voting.

The Chair declared the call raised.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 746:

Nebraska Rural Health Advisory Commission

Brian Buhlke
 April Dexter
 Martin Fattig
 Jessye Goertz
 Benjamin R. Iske

Voting in the affirmative, 42:

Albrecht	Craighead	Hilkemann	Linehan	Schumacher
Baker	Ebke	Howard	Lowe	Stinner
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Morfeld	Walz
Bostelman	Groene	Kolterman	Murante	Watermeier
Brasch	Halloran	Krist	Pansing Brooks	Wishart
Briese	Hansen	Kuehn	Quick	
Chambers	Harr	Larson	Riepe	
Clements	Hilgers	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 7:

Brewer Geist Smith Williams
Crawford McCollister Wayne

The appointments were confirmed with 42 ayes, 0 nays, and 7 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 75. Introduced by Vargas, 7.

WHEREAS, Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona; and

WHEREAS, after losing the farm during the Great Depression, Cesar Chavez became a migrant farm worker at age 10 in California, and was forced to leave school to help support his family; and

WHEREAS, Cesar Chavez served our nation in the United States Navy before returning to California, where he married Helen Fabela and raised eight children; and

WHEREAS, in 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latinx community to register and exercise their right to vote; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which later expanded nationally to become the United Farm Workers of America; and

WHEREAS, Cesar Chavez was a leader of non-violent protests, boycotts, and strikes that rallied millions to "La Causa," including a five-year grape-pickers' strike that, in 1970, was successful in gaining fair wages for thousands of workers; and

WHEREAS, the work of Cesar Chavez's national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farm workers, brought attention to discrimination faced by farm workers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the nation; and

WHEREAS, Cesar Chavez held fasts as a peaceful tactic to continue to bring attention to the plight of farm workers in the United States; and

WHEREAS, Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton, and portraits and artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, the continued work and advocacy of his descendants, and the millions of people around the world who continue his peaceful calls for a more just and equal society and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide.

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

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2017, as Cesar Chavez Day in Nebraska.
2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska and across the country.
3. That the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez's life and work.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB576:

AM399

- 1 1. Strike original section 1 and insert the following new sections:
- 2 Section 1. Section 77-1301, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 77-1301 (1) Except as provided in subsection (2) of this section,
- 5 all real property in this state subject to taxation shall be assessed
- 6 as of January 1 at 12:01 a.m., which assessment shall be used as a basis
- 7 of taxation until the next assessment.
- 8 (2)(a) The assessed value of real property as of January 1, 2019,
- 9 shall be the same as such property's assessed value on January 1, 2018,
- 10 plus the cost of any improvements made to the real property since January
- 11 1, 2018, and minus the assessed value on January 1, 2018, of any
- 12 improvements to the real property that have been destroyed or removed
- 13 since January 1, 2018.
- 14 (b) The assessed value of real property as of January 1, 2020, shall
- 15 be the same as such property's assessed value on January 1, 2019, plus
- 16 the cost of any improvements made to the real property since January 1,
- 17 2019, and minus the assessed value on January 1, 2019, of any
- 18 improvements to the real property that have been destroyed or removed
- 19 since January 1, 2019.
- 20 (c) The assessed value of real property as of January 1, 2021, shall
- 21 be the same as such property's assessed value on January 1, 2020, plus
- 22 the cost of any improvements made to the real property since January 1,
- 23 2020, and minus the assessed value on January 1, 2020, of any
- 24 improvements to the real property that have been destroyed or removed
- 25 since January 1, 2020.
- 26 (d) The assessed value of real property as of January 1, 2022, shall
- 27 be the same as such property's assessed value on January 1, 2021, plus

1 the cost of any improvements made to the real property since January 1,
 2 2021, and minus the assessed value on January 1, 2021, of any
 3 improvements to the real property that have been destroyed or removed
 4 since January 1, 2021.

5 (3) (2) Beginning January 1, 2014, in any county with a population
 6 of at least one hundred fifty thousand inhabitants according to the most
 7 recent federal decennial census, the county assessor shall provide notice
 8 of preliminary valuations to real property owners on or before January 15
 9 of each year. Such notice shall be (a) mailed to the taxpayer or (b)
 10 published on a web site maintained by the county assessor or by the
 11 county.

12 (4) (3) The county assessor shall complete the assessment of real
 13 property on or before March 19 of each year, except beginning January 1,
 14 2014, in any county with a population of at least one hundred fifty
 15 thousand inhabitants according to the most recent federal decennial
 16 census, the county assessor shall complete the assessment of real
 17 property on or before March 25 of each year.

18 Sec. 2. Original section 77-1301, Revised Statutes Cumulative
 19 Supplement, 2016, is repealed.

BILL ON FIRST READING

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

LEGISLATIVE BILL 44A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 10. Placed on Final Reading.

LEGISLATIVE BILL 10A. Placed on Final Reading.

LEGISLATIVE BILL 11. Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM302, on page 1, lines 7 and 18, the first comma has been struck.

2. On page 1, line 3, "and the appeal of such transfers" has been inserted after "cases".

LEGISLATIVE BILL 57. Placed on Final Reading.

LEGISLATIVE BILL 62. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 46A. Considered.

SENATOR LINDSTROM PRESIDING

Senator Chambers offered the following motion:

MO62

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 33:

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

Present and not voting, 15:

Baker	Hansen	Kolowski	Morfeld	Schumacher
Bolz	Harr	Krist	Pansing Brooks	Vargas
Chambers	Howard	McCollister	Quick	Walz

Excused and not voting, 1:

Wishart

The Chambers motion to indefinitely postpone failed with 0 ayes, 33 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO63

Reconsider the vote taken to indefinitely postpone.

SPEAKER SCHEER PRESIDING

Senator Chambers asked unanimous consent to withdraw his motion, MO63, to reconsider. No objections. So ordered.

Senator Watermeier offered the following motion:

MO64

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Chambers requested a record vote on the motion to invoke cloture.

Voting in the affirmative, 36:

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

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Baker	Kolowski	Morfeld	Vargas
Hansen	Krist	Pansing Brooks	Wayne
Howard	McCollister	Schumacher	

Excused and not voting, 1:

Wishart

The Watermeier motion to invoke cloture prevailed with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 35:

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

Voting in the negative, 3:

Chambers	Krist	Morfeld
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Present and not voting, 10:

Baker	Howard	McCollister	Schumacher	Walz
Hansen	Kolowski	Pansing Brooks	Vargas	Wayne

Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review for Engrossment with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Judiciary

LEGISLATIVE BILL 558. Placed on General File.

LEGISLATIVE BILL 666. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File with amendment. AM457 is available in the Bill Room.

LEGISLATIVE BILL 307. Placed on General File with amendment. AM227

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

2 sections:

3 Section 1. Section 33-106, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 33-106 (1) In addition to the ~~judges' judges~~ retirement fund fee

6 provided in section 24-703 and the ~~fees fee~~ provided in section 33-106.03

7 and except as otherwise provided by law, the fees of the clerk of the

8 district court shall be as follows: There shall be a docket fee of forty-

9 two dollars for each civil and criminal case except (a) a case commenced

10 by filing a transcript of judgment as hereinafter provided, (b)

11 proceedings under the Nebraska Workers' Compensation Act and the

12 Employment Security Law, when provision is made for the fees that may be

13 charged, and (c) a criminal case appealed to the district court from any
 14 court inferior thereto as hereinafter provided. There shall be a docket
 15 fee of twenty-five dollars for each case commenced by filing a transcript
 16 of judgment from another court in this state for the purpose of obtaining
 17 a lien. There shall be a docket fee of twenty-seven dollars for each
 18 criminal case appealed to the district court from any court inferior
 19 thereto.

20 (2) In all cases, other than those appealed from an inferior court
 21 or original filings which are within jurisdictional limits of an inferior
 22 court and when a jury is demanded in district court, the docket fee shall
 23 cover all fees of the clerk, except that the clerk shall be paid for each
 24 copy or transcript ordered of any pleading, record, or other paper and
 25 that the clerk shall be entitled to a fee of fifteen dollars for making a
 26 complete record of a case.

27 (3) The fee for making a complete record of a case shall be taxed as
 1 a part of the costs of the case. In all civil cases, except habeas corpus
 2 cases in which a poverty affidavit is filed and approved by the court,
 3 and for all other services, the docket fee or other fee shall be paid by
 4 the party filing the case or requesting the service at the time the case
 5 is filed or the service requested.

6 (4) For any other service which may be rendered or performed by the
 7 clerk but which is not required in the discharge of his or her official
 8 duties, the fee shall be the same as that of a notary public but in no
 9 case less than one dollar.

10 Sec. 2. Section 33-106.03, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 33-106.03 In addition to the fees provided for in sections 33-106
 13 and 33-123, the clerk of the court shall collect an additional fifty
 14 ~~seventy five~~ dollars as a mediation fee and twenty-five dollars as a
 15 child abuse prevention fee for each complaint filed in docket fees for
 16 dissolution of marriage marriages. The ~~fees fee~~ shall be remitted to the
 17 State Treasurer who shall credit the child abuse prevention fee twenty-
 18 five dollars to the Nebraska Child Abuse Prevention Fund and the
 19 mediation fee fifty dollars to the Parenting Act Fund.

20 Sec. 3. Section 33-107.02, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 33-107.02 (1) A mediation docket fee of fifty sixty five dollars and
 23 a civil legal services fee of fifteen dollars shall be collected by the
 24 clerk of the county court or the clerk of the district court for each
 25 paternity determination or parental support proceeding under sections
 26 43-1401 to 43-1418, for each proceeding complaint or action to modify a
 27 decree of dissolution or annulment of marriage, and for each complaint or
 28 action to modify a modification of an award of child support, or a
 29 modification of child custody, parenting time, visitation, or other
 30 access as defined in section 43-2922. Such fees shall be remitted to the
 31 State Treasurer on forms prescribed by the State Treasurer within ten
 1 days after the close of each month. The civil legal services fee Fifteen
 2 dollars shall be credited to the Legal Aid and Services Fund, and the
 3 mediation fee fifty dollars shall be credited to the Parenting Act Fund.

4 (2) Any proceeding filed by a county attorney or an authorized
 5 attorney, ~~as defined in section 43-1704~~, in a case in which services are
 6 being provided under Title IV-D of the federal Social Security Act, as
 7 amended, shall not be subject to the provisions of subsection (1) of this
 8 section. In any such proceeding, a mediation fee of fifty dollars and a
 9 civil legal services fee of fifteen dollars shall be collected by the
 10 clerk of the county court or the clerk of the district court for any
 11 pleading in such proceeding filed by any party, other than a county
 12 attorney or authorized attorney, subsequent to the paternity filing if
 13 such pleading is to modify an award of child support or to establish or
 14 modify custody, parenting time, visitation, or other access as defined in
 15 section 43-2922. Such fees shall be remitted to the State Treasurer on
 16 forms prescribed by the State Treasurer within ten days after the close
 17 of each month. The mediation fee shall be credited to the Parenting Act
 18 Fund and the civil legal services fee shall be credited to the Legal Aid
 19 and Services Fund.

20 (3) For purposes of this section, authorized attorney has the same
 21 meaning as in section 43-1704.

22 Sec. 4. Section 43-1906, Reissue Revised Statutes of Nebraska, is
 23 amended to read:

24 43-1906 (1) There is hereby established the Nebraska Child Abuse
 25 Prevention Fund. The additional child abuse prevention docket fee as
 26 provided in section 33-106.03, the additional charge for supplying a
 27 certified copy of the record of any birth as provided in sections 71-612,
 28 71-617.15, 71-627, and 71-628, and all amounts which may be received from
 29 grants, gifts, bequests, the federal government, or other sources granted
 30 or given for the purposes specified in sections 43-1901 to 43-1906 shall
 31 be remitted to the State Treasurer for credit to the Nebraska Child Abuse
 1 Prevention Fund. The fund shall be administered and disbursed by the
 2 department.

3 (2) Any money in the fund available for investment shall be invested
 4 by the state investment officer pursuant to the Nebraska Capital
 5 Expansion Act and the Nebraska State Funds Investment Act.

6 (3) In any one fiscal year, no more than twenty percent of the
 7 annually appropriated funds shall be disbursed to any one agency,
 8 organization, or individual.

9 (4) Funds allocated from the fund shall only be used for purposes
 10 authorized under sections 43-1901 to 43-1906 and shall not be used to
 11 supplant any existing governmental program or service. No grants may be
 12 made to any state department or agency.

13 Sec. 5. Original sections 33-106, 33-106.03, 33-107.02, and
 14 43-1906, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 556. Placed on General File with amendment.
 AM664

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

3 Section 1. Section 28-101, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 28-101 Sections 28-101 to 28-1357, ~~28-1418.01, 28-1429.03~~, and
6 28-1601 to 28-1603 and section 3 of this act shall be known and may be
7 cited as the Nebraska Criminal Code.

8 Sec. 2. Section 28-1201, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 3
11 of this act, unless the context otherwise requires:

12 (1) Facsimile firearm means any replica, toy, starter pistol, or
13 other object that bears a reasonable resemblance to or that reasonably
14 can be perceived to be an actual firearm;

15 (2) ~~(1)~~ Firearm means any weapon which is designed to or may readily
16 be converted to expel any projectile by the action of an explosive or
17 frame or receiver of any such weapon;

18 (3) ~~(2)~~ Fugitive from justice means any person who has fled or is
19 fleeing from any peace officer to avoid prosecution or incarceration for
20 a felony;

21 (4) ~~(3)~~ Handgun means any firearm with a barrel less than sixteen
22 inches in length or any firearm designed to be held and fired by the use
23 of a single hand;

24 (5) ~~(4)~~ Juvenile means any person under the age of eighteen years;

25 (6) ~~(5)~~ Knife means any dagger, dirk, knife, or stiletto with a
26 blade over three and one-half inches in length or any other dangerous
27 instrument capable of inflicting cutting, stabbing, or tearing wounds;

1 (7) ~~(6)~~ Knuckles and brass or iron knuckles means any instrument
2 that consists of finger rings or guards made of a hard substance and that
3 is designed, made, or adapted for the purpose of inflicting serious
4 bodily injury or death by striking a person with a fist enclosed in the
5 knuckles;

6 (8) ~~(7)~~ Machine gun means any firearm, whatever its size and usual
7 designation, that shoots automatically more than one shot, without manual
8 reloading, by a single function of the trigger;

9 (9) ~~(8)~~ School means a public, private, denominational, or parochial
10 elementary, vocational, or secondary school, a private postsecondary
11 career school as defined in section 85-1603, a community college, a
12 public or private college, a junior college, or a university;

13 (10) ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen
14 inches long or an overall length of less than twenty-six inches; and

15 (11) ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels
16 less than eighteen inches long or an overall length of less than twenty-
17 six inches.

18 Sec. 3. (1) Any person who uses a facsimile firearm or
19 nonfunctioning firearm to commit a felony commits the offense of use of a
20 facsimile firearm or nonfunctioning firearm to commit a felony.

21 (2) Use of a facsimile firearm or nonfunctioning firearm to commit a
22 felony is a Class IIA felony.

23 (3) Use of a facsimile firearm or nonfunctioning firearm to commit a
24 felony shall be treated as a separate and distinct offense from the
25 felony being committed, and a sentence imposed under this section shall
26 be consecutive to any other sentence imposed.

27 (4) For purposes of this section, use of a facsimile firearm or
28 nonfunctioning firearm includes the employment of such firearm or visible
29 display of any part of such firearm during, immediately prior to, or
30 immediately after the commission of a felony.

31 Sec. 4. Section 28-1351, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 28-1351 (1) A person commits the offense of unlawful membership
3 recruitment into an organization or association when he or she knowingly
4 and intentionally coerces, intimidates, threatens, or inflicts bodily
5 harm upon another person in order to entice that other person to join or
6 prevent that other person from leaving any organization, group,
7 enterprise, or association whose members, individually or collectively,
8 engage in or have engaged in any of the following criminal acts for the
9 benefit of, at the direction of, or on behalf of the organization, group,
10 enterprise, or association or any of its members:

11 (a) Robbery under section 28-324;

12 (b) Arson in the first, second, or third degree under section
13 28-502, 28-503, or 28-504, respectively;

14 (c) Burglary under section 28-507;

15 (d) Murder in the first degree, murder in the second degree, or
16 manslaughter under section 28-303, 28-304, or 28-305, respectively;

17 (e) Violations of the Uniform Controlled Substances Act that involve
18 possession with intent to deliver, distribution, delivery, or manufacture
19 of a controlled substance;

20 (f) Unlawful use, possession, or discharge of a firearm, facsimile
21 firearm, nonfunctioning firearm, or other deadly weapon under sections
22 28-1201 to 28-1212.04 and section 3 of this act;

23 (g) Assault in the first degree or assault in the second degree
24 under section 28-308 or 28-309, respectively;

25 (h) Assault on an officer, an emergency responder, a state
26 correctional employee, a Department of Health and Human Services
27 employee, or a health care professional in the first, second, or third
28 degree under section 28-929, 28-930, or 28-931, respectively, or assault
29 on an officer, an emergency responder, a state correctional employee, a
30 Department of Health and Human Services employee, or a health care
31 professional using a motor vehicle under section 28-931.01;

1 (i) Theft by unlawful taking or disposition under section 28-511;

2 (j) Theft by receiving stolen property under section 28-517;

3 (k) Theft by deception under section 28-512;

4 (l) Theft by extortion under section 28-513;

5 (m) Kidnapping under section 28-313;

6 (n) Any forgery offense under sections 28-602 to 28-605;

7 (o) Criminal impersonation under section 28-638;

8 (p) Tampering with a publicly exhibited contest under section
9 28-614;

10 (q) Unauthorized use of a financial transaction device or criminal
11 possession of a financial transaction device under section 28-620 or
12 28-621, respectively;

13 (r) Pandering under section 28-802;

14 (s) Bribery, bribery of a witness, or bribery of a juror under
15 section 28-917, 28-918, or 28-920, respectively;
16 (t) Tampering with a witness or an informant or jury tampering under
17 section 28-919;
18 (u) Unauthorized application of graffiti under section 28-524;
19 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
20 against another under section 28-1005; or
21 (w) Promoting gambling in the first degree under section 28-1102.
22 (2) Unlawful membership recruitment into an organization or
23 association is a Class IV felony.
24 Sec. 5. Section 28-1354, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 28-1354 For purposes of the Public Protection Act:
27 (1) Enterprise means any individual, sole proprietorship,
28 partnership, corporation, trust, association, or any legal entity, union,
29 or group of individuals associated in fact although not a legal entity,
30 and shall include illicit as well as licit enterprises as well as other
31 entities;
1 (2) Pattern of racketeering activity means a cumulative loss for one
2 or more victims or gains for the enterprise of not less than one thousand
3 five hundred dollars resulting from at least two acts of racketeering
4 activity, one of which occurred after August 30, 2009, and the last of
5 which occurred within ten years, excluding any period of imprisonment,
6 after the commission of a prior act of racketeering activity;
7 (3) Until January 1, 2017, person means any individual or entity, as
8 defined in section 21-2014, holding or capable of holding a legal,
9 equitable, or beneficial interest in property. Beginning January 1, 2017,
10 person means any individual or entity, as defined in section 21-214,
11 holding or capable of holding a legal, equitable, or beneficial interest
12 in property;
13 (4) Prosecutor includes the Attorney General of the State of
14 Nebraska, the deputy attorney general, assistant attorneys general, a
15 county attorney, a deputy county attorney, or any person so designated by
16 the Attorney General, a county attorney, or a court of the state to carry
17 out the powers conferred by the act;
18 (5) Racketeering activity includes the commission of, criminal
19 attempt to commit, conspiracy to commit, aiding and abetting in the
20 commission of, aiding in the consummation of, acting as an accessory to
21 the commission of, or the solicitation, coercion, or intimidation of
22 another to commit or aid in the commission of any of the following:
23 (a) Offenses against the person which include: Murder in the first
24 degree under section 28-303; murder in the second degree under section
25 28-304; manslaughter under section 28-305; assault in the first degree
26 under section 28-308; assault in the second degree under section 28-309;
27 assault in the third degree under section 28-310; terroristic threats
28 under section 28-311.01; kidnapping under section 28-313; false
29 imprisonment in the first degree under section 28-314; false imprisonment
30 in the second degree under section 28-315; sexual assault in the first
31 degree under section 28-319; and robbery under section 28-324;

1 (b) Offenses relating to controlled substances which include: To
2 unlawfully manufacture, distribute, deliver, dispense, or possess with
3 intent to manufacture, distribute, deliver, or dispense a controlled
4 substance under subsection (1) of section 28-416; possession of marijuana
5 weighing more than one pound under subsection (12) of section 28-416;
6 possession of money used or intended to be used to facilitate a violation
7 of subsection (1) of section 28-416 prohibited under subsection (17) of
8 section 28-416; any violation of section 28-418; to unlawfully
9 manufacture, distribute, deliver, or possess with intent to distribute or
10 deliver an imitation controlled substance under section 28-445;
11 possession of anhydrous ammonia with the intent to manufacture
12 methamphetamine under section 28-451; and possession of ephedrine,
13 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
14 methamphetamine under section 28-452;

15 (c) Offenses against property which include: Arson in the first
16 degree under section 28-502; arson in the second degree under section
17 28-503; arson in the third degree under section 28-504; burglary under
18 section 28-507; theft by unlawful taking or disposition under section
19 28-511; theft by shoplifting under section 28-511.01; theft by deception
20 under section 28-512; theft by extortion under section 28-513; theft of
21 services under section 28-515; theft by receiving stolen property under
22 section 28-517; criminal mischief under section 28-519; and unlawfully
23 depriving or obtaining property or services using a computer under
24 section 28-1344;

25 (d) Offenses involving fraud which include: Burning to defraud an
26 insurer under section 28-505; forgery in the first degree under section
27 28-602; forgery in the second degree under section 28-603; criminal
28 possession of a forged instrument under section 28-604; criminal
29 possession of written instrument forgery devices under section 28-605;
30 criminal impersonation under section 28-638; identity theft under section
31 28-639; identity fraud under section 28-640; false statement or book
1 entry under section 28-612; tampering with a publicly exhibited contest
2 under section 28-614; issuing a false financial statement for purposes of
3 obtaining a financial transaction device under section 28-619;
4 unauthorized use of a financial transaction device under section 28-620;
5 criminal possession of a financial transaction device under section
6 28-621; unlawful circulation of a financial transaction device in the
7 first degree under section 28-622; unlawful circulation of a financial
8 transaction device in the second degree under section 28-623; criminal
9 possession of a blank financial transaction device under section 28-624;
10 criminal sale of a blank financial transaction device under section
11 28-625; criminal possession of a financial transaction forgery device
12 under section 28-626; unlawful manufacture of a financial transaction
13 device under section 28-627; laundering of sales forms under section
14 28-628; unlawful acquisition of sales form processing services under
15 section 28-629; unlawful factoring of a financial transaction device
16 under section 28-630; and fraudulent insurance acts under section 28-631;

17 (e) Offenses involving governmental operations which include: Abuse
18 of public records under section 28-911; perjury or subornation of perjury

19 under section 28-915; bribery under section 28-917; bribery of a witness
20 under section 28-918; tampering with a witness or informant or jury
21 tampering under section 28-919; bribery of a juror under section 28-920;
22 assault on an officer, an emergency responder, a state correctional
23 employee, a Department of Health and Human Services employee, or a health
24 care professional in the first degree under section 28-929; assault on an
25 officer, an emergency responder, a state correctional employee, a
26 Department of Health and Human Services employee, or a health care
27 professional in the second degree under section 28-930; assault on an
28 officer, an emergency responder, a state correctional employee, a
29 Department of Health and Human Services employee, or a health care
30 professional in the third degree under section 28-931; and assault on an
31 officer, an emergency responder, a state correctional employee, a
1 Department of Health and Human Services employee, or a health care
2 professional using a motor vehicle under section 28-931.01;
3 (f) Offenses involving gambling which include: Promoting gambling in
4 the first degree under section 28-1102; possession of gambling records
5 under section 28-1105; gambling debt collection under section 28-1105.01;
6 and possession of a gambling device under section 28-1107;
7 (g) Offenses relating to firearms, weapons, and explosives which
8 include: Carrying a concealed weapon under section 28-1202;
9 transportation or possession of machine guns, short rifles, or short
10 shotguns under section 28-1203; unlawful possession of a handgun under
11 section 28-1204; unlawful transfer of a firearm to a juvenile under
12 section 28-1204.01; using a deadly weapon to commit a felony or
13 possession of a deadly weapon during the commission of a felony under
14 section 28-1205; use of a facsimile firearm or nonfunctioning firearm to
15 commit a felony under section 3 of this act; possession of a deadly
16 weapon by a prohibited person under section 28-1206; possession of a
17 defaced firearm under section 28-1207; defacing a firearm under section
18 28-1208; unlawful discharge of a firearm under section 28-1212.02;
19 possession, receipt, retention, or disposition of a stolen firearm under
20 section 28-1212.03; unlawful possession of explosive materials in the
21 first degree under section 28-1215; unlawful possession of explosive
22 materials in the second degree under section 28-1216; unlawful sale of
23 explosives under section 28-1217; use of explosives without a permit
24 under section 28-1218; obtaining an explosives permit through false
25 representations under section 28-1219; possession of a destructive device
26 under section 28-1220; threatening the use of explosives or placing a
27 false bomb under section 28-1221; using explosives to commit a felony
28 under section 28-1222; using explosives to damage or destroy property
29 under section 28-1223; and using explosives to kill or injure any person
30 under section 28-1224;
31 (h) Any violation of the Securities Act of Nebraska pursuant to
1 section 8-1117;
2 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
3 section 77-2713;
4 (j) Offenses relating to public health and morals which include:
5 Prostitution under section 28-801; pandering under section 28-802;

6 keeping a place of prostitution under section 28-804; labor trafficking,
 7 sex trafficking, labor trafficking of a minor, or sex trafficking of a
 8 minor under section 28-831; a violation of section 28-1005; and any act
 9 relating to the visual depiction of sexually explicit conduct prohibited
 10 in the Child Pornography Prevention Act; and
 11 (k) A violation of the Computer Crimes Act;
 12 (6) State means the State of Nebraska or any political subdivision
 13 or any department, agency, or instrumentality thereof; and
 14 (7) Unlawful debt means a debt of at least one thousand five hundred
 15 dollars:
 16 (a) Incurred or contracted in gambling activity which was in
 17 violation of federal law or the law of the state or which is
 18 unenforceable under state or federal law in whole or in part as to
 19 principal or interest because of the laws relating to usury; or
 20 (b) Which was incurred in connection with the business of gambling
 21 in violation of federal law or the law of the state or the business of
 22 lending money or a thing of value at a rate usurious under state law if
 23 the usurious rate is at least twice the enforceable rate.
 24 Sec. 6. Original sections 28-101, 28-1201, 28-1351, and 28-1354,
 25 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 113. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
 Judiciary

LEGISLATIVE BILL 622. Placed on General File with amendment.
 AM697 is available in the Bill Room.

(Signed) Laura Ebke, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB257:
 AM502

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. (1) For purposes of this section, real estate licensee
 4 means a broker or salesperson who is licensed under the Nebraska Real
 5 Estate License Act.
 6 (2) Any action to recover damages based on any act or omission of a
 7 real estate licensee relating to real estate brokerage services shall be

8 commenced within two years after whichever of the following occurs first
9 with respect to such brokerage services: (a) A transaction is completed
10 or closed; (b) an agency agreement is terminated; or (c) an unconsummated
11 transaction is terminated or expires. Such two-year period shall not be
12 reduced by agreement and shall not apply to disciplinary actions
13 initiated by the State Real Estate Commission.
14 (3) If the cause of action described in subsection (2) of this
15 section is not discovered and could not be reasonably discovered within
16 the two-year period described in such subsection, then the action may be
17 commenced within one year from the date of such discovery or from the
18 date of discovery of facts which would reasonably lead to such discovery,
19 whichever is earlier, except that in no event may any such action be
20 commenced more than ten years after the date of rendering or failing to
21 render the brokerage services which provide the basis for the cause of
22 action.

23 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
24 to Chapter 25, article 2.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilkemann name added to LB576.
Senator Clements name added to LR6.

VISITOR(S)

Visitors to the Chamber were Senator Clements' daughter and grandchildren, Mary, Savannah, and Alex Humphries, from Marysville, KS.

The Doctor of the Day was Dr. Russ Ebke from Crete.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 2017.

Patrick J. O'Donnell
Clerk of the Legislature