

TWENTY-THIRD DAY - FEBRUARY 7, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 2018

PRAYER

The prayer was offered by Pastor Wayne Reynolds, Grace United Methodist Church, Crete.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Vargas who was excused; and Senators Groene, Howard, Larson, Morfeld, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 14, 2018 1:30 p.m.

LB911
LB1007
LB1077
LB1106
LR290CA

Thursday, February 15, 2018 1:30 p.m.

LB926
LB1117
LB1087
LB1030
LB966

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, February 14, 2018 1:30 p.m.

Robert L. Newman - Commission for the Blind and Visually Impaired

(Signed) Merv Riepe, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 885. Placed on General File with amendment.

AM1626

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

2 sections:

3 Section 1. Section 77-1502, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 77-1502 (1) The county board of equalization shall meet for the
6 purpose of reviewing and deciding written protests filed pursuant to this
7 section beginning on or after June 1 and ending on or before July 25 of
8 each year. Protests regarding real property shall be signed and filed
9 after the county assessor's completion of the real property assessment
10 roll required by section 77-1315 and on or before June 30. For protests
11 of real property, a protest shall be filed for each parcel. Protests
12 regarding taxable tangible personal property returns filed pursuant to
13 section 77-1229 from January 1 through May 1 shall be signed and filed on
14 or before June 30. The county board in a county with a population of more
15 than one hundred thousand inhabitants based upon the most recent federal
16 decennial census may adopt a resolution to extend the deadline for
17 hearing protests from July 25 to August 10. The resolution must be
18 adopted before July 25 and it will affect the time for hearing protests
19 for that year only. By adopting such resolution, such county waives any
20 right to petition the Tax Equalization and Review Commission for
21 adjustment of a class or subclass of real property under section
22 77-1504.01 for that year.

23 (2) Each protest shall be signed and filed with the county clerk of
24 the county where the property is assessed. The protest shall contain or
25 have attached a statement of the reason or reasons why the requested
26 change should be made and a description of the property to which the
27 protest applies. If the property is real property, a description adequate
1 to identify each parcel shall be provided. If the property is tangible
2 personal property, a physical description of the property under protest
3 shall be provided. If the protest does not contain or have attached the
4 statement of the reason or reasons for the protest or the applicable
5 description of the property, the protest shall be dismissed by the county

6 board of equalization. The protest shall also indicate whether the person
7 signing the protest is an owner of the property or a person authorized to
8 protest on behalf of the owner. If the person signing the protest is a
9 person authorized to protest on behalf of the owner, such person shall
10 provide the authorization with the protest. If the person signing the
11 protest is not an owner of the property or a person authorized to protest
12 on behalf of the owner, the county clerk shall mail a copy of the protest
13 to the owner of the property at the address to which the property tax
14 statements are mailed.

15 (3) Beginning January 1, 2014, in counties with a population of at
16 least one hundred fifty thousand inhabitants according to the most recent
17 federal decennial census, for a protest regarding real property, each
18 protester shall be afforded the opportunity to meet in person with the
19 county board of equalization or a referee appointed under section
20 77-1502.01 to provide information relevant to the protested property
21 value.

22 (4) No hearing of the county board of equalization on a protest
23 filed under this section shall be held before a single commissioner or
24 supervisor.

25 (5) The county clerk or county assessor shall prepare a separate
26 report on each protest. The report shall include (a) a description
27 adequate to identify the real property or a physical description of the
28 tangible personal property to which the protest applies, (b) any
29 recommendation of the county assessor for action on the protest, (c) if a
30 referee is used, the recommendation of the referee, (d) the date the
31 county board of equalization heard the protest, (e) the decision made by
1 the county board of equalization, (f) the date of the decision, and (g)
2 the date notice of the decision was mailed to the protester. The report
3 shall contain, or have attached to it, a statement, signed by the
4 chairperson of the county board of equalization, describing the basis
5 upon which the board's decision was made. The report shall have attached
6 to it a copy of that portion of the property record file which
7 substantiates calculation of the protested value unless the county
8 assessor certifies to the county board of equalization that a copy is
9 maintained in either electronic or paper form in his or her office. One
10 copy of the report, if prepared by the county clerk, shall be given to
11 the county assessor on or before August 2. The county assessor shall have
12 no authority to make a change in the assessment rolls until there is in
13 his or her possession a report which has been completed in the manner
14 specified in this section. If the county assessor deems a report
15 submitted by the county clerk incomplete, the county assessor shall
16 return the same to the county clerk for proper preparation.

17 (6) On or before August 2, or on or before August 18 in a county
18 that has adopted a resolution to extend the deadline for hearing
19 protests, the county clerk shall mail to the protester written notice of
20 the board's decision. The notice shall contain a statement advising the
21 protester that a report of the board's decision is available at the
22 county clerk's or county assessor's office, whichever is appropriate. If
23 the protester is not an owner of the property involved in the protest or

24 a person authorized to protest on behalf of the owner, the county clerk
 25 shall also mail written notice of the board's decision to the owner of
 26 such property at the address to which the property tax statements are
 27 mailed.

28 Sec. 2. This act becomes operative on January 1, 2019.

29 Sec. 3. Original section 77-1502, Revised Statutes Cumulative

30 Supplement, 2016, is repealed.

(Signed) Jim Smith, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 949. Placed on General File with amendment.

AM1595

1 1. On page 27, lines 14 and 17, strike the new matter; and after

2 line 19 insert the following new subsection:

3 "(3) It is the intent of the Legislature that the changes made by
 4 this legislative bill in the name of the Nebraska Educational, Health,
 5 and Social Services Finance Authority Act to the Nebraska Educational,
 6 Health, Cultural, and Social Services Finance Authority Act and in the
 7 name of the Nebraska Educational, Health, and Social Services Finance
 8 Authority to the Nebraska Educational, Health, Cultural, and Social
 9 Services Finance Authority shall not affect or alter any rights,
 10 privileges, or obligations existing immediately prior to the effective
 11 date of this act."

LEGISLATIVE BILL 1012. Placed on General File with amendment.

AM1691

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

2 sections:

3 Section 1. Section 44-3903, Revised Statutes Cumulative Supplement,
 4 2016, is amended to read:

5 44-3903 Sections 44-3901 to 44-3908 shall not apply to the following
 6 persons:

7 (1) Licensees for whom an examination is not required under the laws
 8 of this state;

9 (2) Licensees who sell or consult only in the areas of credit life
 10 insurance and credit accident and health insurance;

11 (3) Licensees who sell or consult only in the area of travel
 12 insurance; ~~and~~

13 (4) Licensees who sell or consult only in the area of self-service
 14 storage facility insurance pursuant to section 5 of this act; and

15 (5) (4) Licensees holding such limited or restricted licenses as the
 16 director may exempt.

17 Sec. 2. Section 44-3910, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 44-3910 The preclicensing education requirements of section 44-3909
 20 shall not apply to an individual who, at the time of application for an

21 insurance producer license:

22 (1) Is applying for qualification for the life insurance line of
23 authority and has the certified employee benefit specialist designation,
24 the chartered financial consultant designation, the certified insurance
25 counselor designation, the certified financial planner designation, the
26 chartered life underwriter designation, the fellow life management
27 institute designation, or the Life Underwriter Training Council fellow
1 designation;

2 (2) Is applying for qualification for the accident and health or
3 sickness insurance line of authority and has the registered health
4 underwriter designation, the certified employee benefit specialist
5 designation, the registered employee benefit consultant designation, or
6 the health insurance associate designation;

7 (3) Is applying for qualification for the property insurance,
8 casualty insurance, or personal lines property and casualty insurance
9 line of authority and has the accredited advisor in insurance
10 designation, the associate in risk management designation, the certified
11 insurance counselor designation, or the chartered property and casualty
12 underwriter designation;

13 (4) Is applying for a limited lines travel insurance producer
14 license pursuant to section 44-4068;

15 (5) Is applying for a limited license for self-service storage
16 facility insurance pursuant to section 5 of this act;

17 ~~(6) (5)~~ Has a college degree with a concentration in insurance from
18 an accredited educational institution;

19 ~~(7) (6)~~ Is an individual described in section 44-4056 or 44-4058; or
20 ~~(8) (7)~~ Is a person who the director may exempt pursuant to a rule
21 or regulation adopted and promulgated pursuant to the Administrative
22 Procedure Act.

23 Sec. 3. Section 44-4047, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:
25 44-4047 Sections 44-4047 to 44-4068 and section 5 of this act shall
26 be known and may be cited as the Insurance Producers Licensing Act.

27 Sec. 4. Section 44-4052, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:
29 44-4052 (1) A resident individual applying for an insurance producer
30 license shall pass a written examination unless exempt pursuant to
31 section 44-4056 or 44-4068 or section 5 of this act. The examination
1 shall test the knowledge of the individual concerning the lines of
2 authority for which application is made, the duties and responsibilities
3 of an insurance producer, and the insurance laws, rules, and regulations
4 of this state. Examinations required by this section shall be developed
5 and conducted under rules and regulations adopted and promulgated by the
6 director.

7 (2) The director may make arrangements, including contracting with
8 an outside testing service, for administering examinations and collecting
9 the nonrefundable fee set forth in section 44-4064.

10 (3) Each individual applying for an examination shall remit a
11 nonrefundable fee as prescribed by the director as set forth in section
12 44-4064.

13 (4) An individual who fails to appear for the examination as
14 scheduled or fails to pass the examination shall reapply for an
15 examination and remit all required fees and forms before being
16 rescheduled for another examination.

17 Sec. 5. (1) The director may issue to the operator of a self-
18 service storage facility that has complied with this section a limited
19 license to act as an insurance producer with reference to the kinds of
20 insurance specified in this section for any insurer authorized to write
21 such kinds of insurance in this state.

22 (2) An applicant for a limited license shall file with the director:
23 (a) A written application for a limited license, signed by an
24 officer of the applicant, containing such information as the director
25 prescribes;
26 (b) A list of all self-service storage facilities at which the
27 applicant conducts business in this state;
28 (c) On request of the director, a list of all employees of the
29 applicant who may act on behalf and under the supervision of the
30 applicant pursuant to this section;
31 (d) A training program which meets the requirements of subsection
1 (9) of this section; and
2 (e) A certificate executed by the insurer, stating that the insurer
3 will appoint such applicant to act as the insurance producer in reference
4 to the doing of such kind or kinds of insurance specified in this section
5 if the limited license applied for is issued by the director. Such
6 certificate shall be signed by an officer or managing agent of such
7 insurer.

8 (3) Before a limited license is issued, the applicant shall pay or
9 cause to be paid to the director an application fee established by the
10 director, not to exceed one hundred dollars. Before a limited license is
11 renewed, the limited licensee shall pay or cause to be paid to the
12 director a renewal fee established by the director, not to exceed one
13 hundred dollars per year. The renewal fee shall be due on the anniversary
14 date of the issuance of the limited license.

15 (4) A limited licensee shall provide to the director an updated list
16 of all self-service storage facilities and of all employees of the
17 limited licensee who may act on behalf and under the supervision of the
18 limited licensee. Such list shall be provided to the director quarterly.

19 (5)(a) If any provision of this section or if one or more of the
20 grounds provided under section 44-4059 is violated by a limited licensee,
21 the director may, after notice and hearing:
22 (i) Revoke or suspend a limited license issued under this section;
23 (ii) Impose such other penalties, including suspending the
24 transaction of insurance at specific self-service storage facilities
25 where violations have occurred, as the director deems to be necessary or
26 convenient to carry out the purposes of this section; and
27 (iii) Order payment of an administrative fine of not more than one
28 thousand dollars per violation.

29 (b) An order issued pursuant to this subsection may be appealed, and
30 the appeal shall be in accordance with the Administrative Procedure Act.

31 (6) A limited licensee may act as an insurance producer for an
1 authorized insurer only in connection with insurance providing coverage
2 for the loss of, or damage to, tangible personal property that is
3 contained in storage space or in transit during a rental agreement
4 period, which may be offered on a month-to-month or other periodic basis
5 under an individual policy, or as a group, commercial, or master policy
6 to provide insurance for the self-service storage facility's occupants.
7 (7) No insurance may be issued pursuant to this section unless:
8 (a) The limited licensee provides brochures or other written
9 materials to the occupant that:
10 (i) Summarize the material terms of the insurance offered by the
11 limited licensee to occupants, including the identity of the insurer and
12 any third-party administrator or supervising entity authorized to act on
13 behalf of the insurer;
14 (ii) Describe the process for filing a claim; and
15 (iii) Contain information on the price, benefits, exclusions,
16 conditions, or other limitations of such insurance as the director may by
17 rule and regulation prescribe;
18 (b) The limited licensee makes the following disclosures to the
19 occupant:
20 (i) That the insurance offered by the limited licensee to occupants
21 may provide a duplication of coverage already provided by an occupant's
22 homeowner's insurance policy or by another source of coverage. This
23 disclosure shall be prominently displayed in the brochure or other
24 written materials provided to the occupant in at least twelve-point bold
25 type;
26 (ii) That, if purchased, the insurance offered by the limited
27 licensee to occupants is primary over any other coverages applicable to
28 the occupant;
29 (iii) That the purchase by the occupant of any kind of insurance
30 specified in this section from the limited licensee is not required in
31 order for the occupant to lease space at a self-service storage facility;
1 (iv) That, if purchased, the insurance offered by the limited
2 licensee to occupants is not an automobile liability policy and would not
3 provide compliance with the Motor Vehicle Safety Responsibility Act; and
4 (v) That a limited licensee's employee who is not licensed as an
5 insurance producer may not evaluate or interpret the technical terms,
6 benefits, or conditions of the kinds of insurance specified in this
7 section and may not evaluate or provide advice concerning an occupant's
8 existing insurance coverage;
9 (c) Evidence of coverage is issued at the time the insurance is
10 purchased; and
11 (d) Costs for insurance are separately itemized in the rental
12 agreement or an invoice issued to the occupant.
13 (8) Any limited license issued under this section shall also
14 authorize any employee of the limited licensee who is trained pursuant to
15 subsection (9) of this section to act individually on behalf and under
16 the supervision of the limited licensee with respect to the kinds of
17 insurance specified in this section.

- 18 (9) Each limited licensee shall conduct a training program which
19 shall meet the following minimum standards:
20 (a) Each trainee shall be instructed about the kinds of insurance
21 specified in this section offered for purchase by occupants;
22 (b) Each trainee shall be instructed that an occupant may have an
23 insurance policy that already provides the coverage being offered by the
24 limited licensee pursuant to this section and may not need to purchase
25 from the limited licensee the insurance specified in this section; and
26 (c) The training program shall be submitted and approved by the
27 director and shall contain, at a minimum, instructions on the types of
28 insurance offered, ethical sales practices, and required disclosures to
29 prospective occupants.
- 30 (10) All records pertaining to transactions under any limited
31 license shall be kept available and open to the inspection of the
1 director or his or her representatives at any time with notice and during
2 business hours. Records shall be maintained for three years following the
3 completion of transactions under a limited license.
- 4 (11) Notwithstanding any other provision of this section or rule or
5 regulation adopted and promulgated by the director, a limited licensee
6 shall not be required to treat money collected from occupants purchasing
7 insurance as funds received in a fiduciary capacity, except that the
8 charges for coverage shall be itemized and be ancillary to a rental
9 agreement.
- 10 (12) No limited licensee subject to this section shall:
11 (a) Offer or sell any kind of insurance specified in this section
12 except in conjunction with and incidental to a rental agreement;
13 (b) Advertise, represent, or otherwise hold itself or any of its
14 employees out as authorized insurers or licensed insurance producers;
15 (c) Pay its employees any additional compensation, fee, or
16 commission dependent on the placement of insurance under the limited
17 license issued pursuant to this section; or
18 (d) Require the purchase of any kind of insurance specified in this
19 section from the limited licensee as a condition of rental of leased
20 space at a self-service storage facility.
- 21 (13) A limited licensee is exempt from the continuing education
22 requirements in sections 44-3901 to 44-3908, the prelicensing education
23 requirements in sections 44-3909 to 44-3913, and the examination
24 requirements in section 44-4052.
- 25 (14) For purposes of this section:
26 (a) Leased space means the individual storage space at a self-
27 service storage facility which is rented to an occupant pursuant to a
28 rental agreement;
29 (b) Limited licensee means an operator of a self-service storage
30 facility authorized to sell certain kinds of insurance relating to the
31 use and occupancy of leased space at a self-service storage facility
1 pursuant to this section;
2 (c) Occupant means a person entitled to the use of leased space at a
3 self-service storage facility under a rental agreement or his or her
4 successors or assigns;

5 (d) Operator means the owner, operator, lessor, or sublessor of a
6 self-service storage facility or an agent or any other person authorized
7 to manage the facility. Operator does not include a warehouseman if the
8 warehouseman issues a warehouse receipt, bill of lading, or other
9 document of title for the personal property stored;

10 (e) Personal property means movable property that is not affixed to
11 land and includes: (i) Goods, wares, merchandise, household items, and
12 furnishings; (ii) vehicles, motor vehicles, trailers, and semitrailers;
13 and (iii) watercraft and motorized watercraft; and

14 (f) Rental agreement means any written agreement or lease that
15 establishes or modifies the terms, conditions, or rules concerning the
16 use and occupancy of leased space at a self-service storage facility.

17 Sec. 6. This act becomes operative on October 1, 2018.

18 Sec. 7. Original sections 44-3903, 44-3910, 44-4047, and 44-4052,

19 Revised Statutes Cumulative Supplement, 2016, are repealed.

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

Senator Chambers designates LB449 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 750. Title read. Considered.

Committee AM1599, found on page 434, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 775. Title read. Considered.

Committee AM1723, found on page 515, was offered.

Senator Stinner offered the following amendment to the committee amendment:

FA98

Amend AM1723

Strike 1 & 2.

Senator Chambers requested a roll call vote on the Stinner amendment.

The Stinner amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO206

Reconsider the vote taken on FA98.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 3:

Groene Vargas Wayne

The Chambers motion to reconsider failed with 0 ayes, 44 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA99

Amend AM1723

P. 1 strike lines 9-11.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Erdman	Hughes	McDonnell	Thibodeau
Baker	Friesen	Kolowski	Murante	Walz
Blood	Geist	Kolterman	Pansing Brooks	Watermeier
Bostelman	Halloran	Krist	Quick	Williams
Brasch	Hansen	Kuehn	Riepe	Wishart
Brewer	Harr	Larson	Scheer	
Clements	Hilgers	Lindstrom	Schumacher	
Crawford	Hilkemann	Linehan	Smith	
Ebke	Howard	Lowe	Stinner	

Present and not voting, 2:

Chambers Wayne

Absent and not voting, 1:

Bolz

Excused and not voting, 5:

Briese Groene McCollister Morfeld Vargas

The Chambers amendment lost with 0 ayes, 41 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO207

Reconsider the vote taken on FA99.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 900. Placed on General File with amendment.

AM1628

1 1. On page 19, line 14, strike "vehicle".

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 936. Placed on Select File.**LEGISLATIVE BILL 710.** Placed on Select File with amendment.
ER108

1 1. On page 1, line 3, after the second semicolon insert "to provide
2 an exception;".

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)

The Nebraska Retirement Systems Committee designates LB1005 and
LB548 as its priority bills.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB752:
AM1824

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 70-1014.02, Revised Statutes Cumulative
4 Supplement, 2016, is amended to read:
5 70-1014.02 (1)(a) A privately developed renewable energy generation
6 facility that meets the requirements of this section is exempt from
7 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
8 commencement of construction the owner of the facility:
9 (i) Notifies the board in writing of its intent to commence
10 construction of a privately developed renewable energy generation
11 facility;
12 (ii) Certifies to the board that the facility will meet the
13 requirements for a privately developed renewable energy generation
14 facility;
15 (iii) Certifies to the board that the private electric supplier will
16 (A) comply with any decommissioning requirements adopted by the local
17 governmental entities having jurisdiction over the privately developed
18 renewable energy generation facility and (B) except as otherwise provided
19 in subdivision (b) of this subsection, submit a decommissioning plan to
20 the board obligating the private electric supplier to bear all costs of
21 decommissioning the privately developed renewable energy generation
22 facility and requiring that the private electric supplier post a security
23 bond or other instrument, no later than the tenth year following
24 commercial operation, securing the costs of decommissioning the facility
25 and provide a copy of the bond or instrument to the board;
26 (iv) Certifies to the board that the private electric supplier has
27 entered into or prior to commencing construction will enter into a joint
1 transmission development agreement pursuant to subdivision (c) of this

2 subsection with the electric supplier owning the transmission facilities
3 of sixty thousand volts or greater to which the privately developed
4 renewable energy generation facility will interconnect; and
5 (v) Certifies to the board that the private electric supplier has
6 consulted with the Game and Parks Commission to identify potential
7 measures to avoid, minimize, and mitigate impacts to species identified
8 under subsection (1) or (2) of section 37-806 during the project planning
9 and design phases, if possible, but in no event later than the
10 commencement of construction.

11 (b) The board may bring an action in the name of the State of
12 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
13 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
14 a local government entity with the authority to create requirements for
15 decommissioning has enacted decommissioning requirements for the
16 applicable jurisdiction.

17 (c) The joint transmission development agreement shall address
18 construction, ownership, operation, and maintenance of such additions or
19 upgrades to the transmission facilities as required for the privately
20 developed renewable energy generation facility. The joint transmission
21 development agreement shall be negotiated and executed contemporaneously
22 with the generator interconnection agreement or other directives of the
23 applicable regional transmission organization with jurisdiction over the
24 addition or upgrade of transmission, upon terms consistent with prudent
25 electric utility practices for the interconnection of renewable
26 generation facilities, the electric supplier's reasonable transmission
27 interconnection requirements, and applicable transmission design and
28 construction standards. The electric supplier shall have the right to
29 purchase and own transmission facilities as set forth in the joint
30 transmission development agreement. The private electric supplier of the
31 privately developed renewable energy generation facility shall have the
1 right to construct any necessary facilities or improvements set forth in
2 the joint transmission development agreement pursuant to the standards
3 set forth in the agreement at the private electric supplier's cost.

4 (2) Within ten days after receipt of a written notice complying with
5 subsection (1) of this section, the executive director of the board shall
6 issue a written acknowledgment that the privately developed renewable
7 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

8 (3) The exemption allowed under this section for a privately
9 developed renewable energy generation facility shall extend to and exempt
10 all private electric suppliers owning any interest in the facility,
11 including any successor private electric supplier which subsequently
12 acquires any interest in the facility.

13 (4) No property owned, used, or operated as part of a privately
14 developed renewable energy generation facility shall be subject to
15 eminent domain by a consumer-owned electric supplier operating in the
16 State of Nebraska. Nothing in this section shall be construed to grant
17 the power of eminent domain to a private electric supplier or limit the
18 rights of any entity to acquire any public, municipal, or utility right-
19 of-way across property owned, used, or operated as part of a privately

20 developed renewable energy generation facility as long as the right-of-
 21 way does not prevent the operation of or access to the privately
 22 developed renewable energy generation facility.
 23 (5) Only a consumer-owned electric supplier operating in the State
 24 of Nebraska may exercise eminent domain authority to acquire the land
 25 rights necessary for the construction of transmission lines and related
 26 facilities. ~~The exercise of eminent domain to provide needed transmission~~
 27 ~~lines and related facilities for a privately developed renewable energy~~
 28 ~~generation facility is a public use.~~
 29 (6) Nothing in this section shall be construed to authorize a
 30 private electric supplier to sell or deliver electricity at retail in
 31 Nebraska.
 1 (7) Nothing in this section shall be construed to limit the
 2 authority of or require a consumer-owned electric supplier operating in
 3 the State of Nebraska to enter into a joint agreement with a private
 4 electric supplier to develop, construct, and jointly own a privately
 5 developed renewable energy generation facility.
 6 Sec. 2. Original section 70-1014.02, Revised Statutes Cumulative
 7 Supplement, 2016, is repealed.

Senator Morfeld filed the following amendment to LB757:
 AM1830

1 1. On page 6, line 24, after "maintains" insert "computerized"; in
 2 line 28 after "of" insert ", and the resources available to,"; and in
 3 line 31 strike "(2)" and insert "(2)(a)" and after "discloses" insert
 4 "computerized data that includes".
 5 2. On page 7, line 4, strike "(a)" and insert "(i)"; in line 6
 6 strike "(b)" and insert "(ii)"; after line 8 insert the following new
 7 subdivision:
 8 "(b) This subsection does not apply to any contract entered into
 9 before the effective date of this act. Any such contract renewed on or
 10 after the effective date of this act shall comply with the requirements
 11 of this subsection."; and in line 30 after the period insert "A violation
 12 of section 7 of this act does not give rise to a private cause of
 13 action.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Erdman name added to LB127.
 Senator Kolowski name added to LB838.
 Senator McCollister name added to LB974.
 Senator McCollister name added to LB975.
 Senator Krist name added to LB1133.

VISITORS

Visitors to the Chamber were members of AFL-CIO from across the state; 14 students of Merrick County Leading Locally group from Central City; Director General Jerry Chang, Taipei Economic and Cultural Office, and Mr. Forester Lee; and Jamy, Teghan, Owen, and Tatum Sullivan from Superior.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

