

TWENTY-FIFTH DAY - FEBRUARY 12, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 2018

PRAYER

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senators Hansen, Hilkemann, Krist, Kuehn, McCollister, Smith, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 258. Placed on Final Reading.

LEGISLATIVE BILL 285. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 750. Placed on Select File with amendment.

ER109

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 45-737, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 45-737 A licensee licensed as a mortgage banker shall:
- 6 (1) Disburse required funds paid by the borrower and held in escrow

7 for the payment of insurance payments no later than the date upon which
8 the premium is due under the insurance policy;

9 (2) Disburse funds paid by the borrower and held in escrow for the
10 payment of real estate taxes prior to the time such real estate taxes
11 become delinquent;

12 (3) Pay any penalty incurred by the borrower because of the failure
13 of the licensee to make the payments required in subdivisions (1) and (2)
14 of this section unless the licensee establishes that the failure to
15 timely make the payments was due solely to the fact that the borrower was
16 sent a written notice of the amount due more than fifteen calendar days
17 before the due date to the borrower's last-known address and failed to
18 timely remit the amount due to the licensee;

19 (4) At least annually perform a complete escrow analysis. If there
20 is a change in the amount of the periodic payments, the licensee shall
21 mail written notice of such change to the borrower at least twenty
22 calendar days before the effective date of the change in payment. The
23 following information shall be provided to the borrower, without charge,
24 in one or more reports, at least annually:

25 (a) The name and address of the licensee;

26 (b) The name and address of the borrower;

27 (c) A summary of the escrow account activity during the year which
1 includes all of the following:

2 (i) The balance of the escrow account at the beginning of the year;

3 (ii) The aggregate amount of deposits to the escrow account during
4 the year; and

5 (iii) The aggregate amount of withdrawals from the escrow account
6 for each of the following categories:

7 (A) Payments applied to loan principal;

8 (B) Payments applied to interest;

9 (C) Payments applied to real estate taxes;

10 (D) Payments for real property insurance premiums; and

11 (E) All other withdrawals; and

12 (d) A summary of loan principal for the year as follows:

13 (i) The amount of principal outstanding at the beginning of the
14 year;

15 (ii) The aggregate amount of payments applied to principal during
16 the year; and

17 (iii) The amount of principal outstanding at the end of the year;

18 (5) Establish and maintain a toll-free telephone number or accept
19 collect telephone calls to respond to inquiries from borrowers, if the
20 licensee services residential mortgage loans. If a licensee ceases to
21 service residential mortgage loans, it shall continue to maintain a toll-
22 free telephone number or accept collect telephone calls to respond to
23 inquiries from borrowers for a period of twelve months after the date the
24 licensee ceased to service residential mortgage loans. A telephonic
25 messaging service which does not permit the borrower an option of
26 personal contact with an employee, agent, or contractor of the licensee
27 shall not satisfy the conditions of this section. Each day such licensee
28 fails to comply with this subdivision shall constitute a separate

29 violation of the Residential Mortgage Licensing Act;
30 (6) Answer in writing, within seven business days after receipt, any
31 written request for payoff information received from a borrower or a
1 borrower's designated representative. This service shall be provided
2 without charge to the borrower, except that when such information is
3 provided upon request within sixty days after the fulfillment of a
4 previous request, a processing fee of up to ten dollars may be charged;
5 (7) Record or cause to be recorded ~~Execute and deliver~~ a release of
6 mortgage pursuant to the provisions of section ~~76-2803 76-252~~ or, in the
7 case of a trust deed, record or cause to be recorded ~~execute and deliver~~
8 a reconveyance pursuant to the provisions of section ~~76-2803 76-1014.01~~;
9 (8) Maintain a copy of all documents and records relating to each
10 residential mortgage loan and application for a residential mortgage
11 loan, including, but not limited to, loan applications, federal Truth in
12 Lending Act statements, good faith estimates, appraisals, notes, rights
13 of rescission, and mortgages or trust deeds for a period of three years
14 after the date the residential mortgage loan is funded or the loan
15 application is denied or withdrawn;
16 (9) Notify the director in writing or through the Nationwide
17 Mortgage Licensing System and Registry within three business days after
18 the occurrence of any of the following:
19 (a) The filing of a voluntary petition in bankruptcy by the licensee
20 or notice of a filing of an involuntary petition in bankruptcy against
21 the licensee;
22 (b) The licensee has lost the ability to fund a loan or loans after
23 it had made a loan commitment or commitments and approved a loan
24 application or applications;
25 (c) Any other state or jurisdiction institutes license denial, cease
26 and desist, suspension, or revocation procedures against the licensee;
27 (d) The attorney general of any state, the Consumer Financial
28 Protection Bureau, or the Federal Trade Commission initiates an action to
29 enforce consumer protection laws against the licensee or any of the
30 licensee's officers, directors, shareholders, partners, members,
31 employees, or agents;
1 (e) The Federal National Mortgage Association, Federal Home Loan
2 Mortgage Corporation, Federal Housing Administration, or Government
3 National Mortgage Association suspends or terminates the licensee's
4 status as an approved seller or seller and servicer;
5 (f) The filing of a criminal indictment or information against the
6 licensee or any of its officers, directors, shareholders, partners,
7 members, employees, or agents; or
8 (g) The licensee or any of the licensee's officers, directors,
9 shareholders, partners, members, employees, or agents was convicted of,
10 pleaded guilty to, or was found guilty after a plea of nolo contendere to
11 (i) a misdemeanor under state or federal law which involves dishonesty or
12 fraud or which involves any aspect of the mortgage banking business,
13 depository institution business, or installment loan company business or
14 (ii) any felony under state or federal law; and
15 (10) Notify the director in writing or through the Nationwide

16 Mortgage Licensing System and Registry within thirty days after the
17 occurrence of a material development other than as described in
18 subdivision (9) of this section, including, but not limited to, any of
19 the following:

20 (a) Business reorganization;

21 (b) A change of name, trade name, doing business as designation, or
22 main office address;

23 (c) The establishment of a branch office. Notice of such
24 establishment shall be on a form prescribed by the department and
25 accompanied by a fee of seventy-five dollars for each branch office;

26 (d) The relocation or closing of a branch office; or

27 (e) The entry of an order against the licensee or any of the
28 licensee's officers, directors, shareholders, partners, members,
29 employees, or agents, including orders to which the licensee or other
30 parties consented, by any other state or federal regulator.

31 Sec. 2. Section 76-238, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:

2 76-238 (1) Except as otherwise provided in sections 76-3413 to
3 76-3415, all deeds, mortgages, and other instruments of writing which are
4 required to be or which under the laws of this state may be recorded,
5 shall take effect and be in force from and after the time of delivering
6 such instruments to the register of deeds for recording, and not before,
7 as to all creditors and subsequent purchasers in good faith without
8 notice. All such instruments are void as to all creditors and subsequent
9 purchasers without notice whose deeds, mortgages, or other instruments
10 are recorded prior to such instruments. However, such instruments are
11 valid between the parties to the instrument. The transfer of any debt
12 secured by a mortgage shall also operate as a transfer of the security of
13 such debt.

14 (2) For purposes of this section, possession of agricultural real
15 estate or residential real estate by a party related to the owner of
16 record of the real estate within the third degree of consanguinity or
17 affinity shall not serve as notice to a creditor or subsequent purchaser
18 in any case in which such party is claiming rights in such real estate
19 pursuant to a lease (a) entered into on or after July 16, 2004; (b)
20 purporting to extend beyond a term of one year; and (c) which has not
21 satisfied the requirements of section 76-211, unless the creditor or
22 subsequent purchaser, in advance of recording a deed, mortgage, or other
23 instrument, has received a written copy of such lease.

24 (3) For purposes of this section:

25 (a) Agricultural products includes grain and feed crops; forages and
26 sod crops; and animal production, including breeding, feeding, or grazing
27 of cattle, horses, swine, sheep, goats, bees, or poultry;

28 (b) Agricultural real estate means land which is primarily used for
29 the production of agricultural products, including waste land lying in or
30 adjacent to and in common ownership with land used for the production of
31 agricultural products;

1 (c) Related within the third degree of consanguinity or affinity
2 includes parents, grandparents, great-grandparents, children,

3 grandchildren, great-grandchildren, brothers, sisters, uncles, aunts,
4 nephews, nieces, and spouses of the same and any partnership, limited
5 liability company, or corporation in which all of the partners, members,
6 or shareholders are related within the third degree of consanguinity or
7 affinity; and

8 (d) Residential real estate means real estate containing not more
9 than four units designed for use for residential purposes. A condominium
10 unit that is otherwise residential real estate remains so even though the
11 condominium development contains more than four dwelling units or units
12 for nonresidential purposes.

13 Sec. 3. Section 76-252, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 76-252 Section 76-2803 shall govern the mortgagee's obligation to
16 record or cause to be recorded a release of mortgage and the liability of
17 the mortgagee for failure to timely record or cause to be recorded a
18 release of mortgage ~~When the obligation secured by any mortgage has been~~
19 ~~satisfied, the mortgagee shall, upon receipt of a written request by the~~
20 ~~mortgagor or the mortgagor's successor in interest or designated~~
21 ~~representative or by a holder of a junior trust deed or junior mortgage,~~
22 ~~execute and deliver a release of mortgage in recordable form to the~~
23 ~~mortgagor or mortgagor's successor in interest or designated~~
24 ~~representative, as directed in the written request.~~

25 ~~Any mortgagee who fails to deliver such a release within sixty days~~
26 ~~after receipt of such written request shall be liable to the mortgagor or~~
27 ~~the mortgagor's successor in interest, as the case may be, for five~~
28 ~~thousand dollars or actual damages resulting from the failure, whichever~~
29 ~~is greater. In any action against the mortgagee pursuant to this section,~~
30 ~~the court shall award, in addition to the foregoing amounts, court costs,~~
31 ~~including reasonable attorney's fees, and may further order the mortgagee~~
1 ~~to execute a release. Successor in interest of the mortgagor shall~~
2 ~~include the current owner of the property and shall also include the~~
3 ~~person issuing a payoff check in accordance with the terms of a payoff~~
4 ~~letter from a mortgagee.~~

5 Sec. 4. Section 76-1014.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 76-1014.01 Section 76-2803 shall govern the beneficiary's
8 obligation to record or cause to be recorded a deed of reconveyance and
9 the liability of the beneficiary for failure to timely record or cause to
10 be recorded a deed of reconveyance ~~When the obligation secured by any~~
11 ~~trust deed has been satisfied, the beneficiary shall, upon receipt of a~~
12 ~~written request by the trustor or the trustor's successor in interest or~~
13 ~~designated representative or by the holder of a junior trust deed or~~
14 ~~junior mortgage, deliver to the trustor or trustor's successor in~~
15 ~~interest or designated representative a reconveyance in recordable form~~
16 ~~duly executed by the trustee. The reconveyance may designate the grantee~~
17 ~~therein as the person or persons entitled thereto. The beneficiary under~~
18 ~~such trust deed shall, upon receipt of a written request, deliver to the~~
19 ~~trustor or his or her successor in interest, as directed in the written~~
20 ~~request, the trust deed and the note or other evidence of the obligation~~

21 so satisfied. If a trustee fails or refuses to execute a reconveyance
22 required by the beneficiary, the beneficiary shall appoint a successor
23 trustee that will execute a reconveyance.

24 Any beneficiary who fails to deliver such a reconveyance within
25 sixty days after receipt of such written request shall be liable to the
26 trustor or his or her successor in interest, as the case may be, for five
27 thousand dollars or actual damages resulting from such failure, whichever
28 is greater. In any action against the beneficiary or trustee pursuant to
29 this section, the court shall award, in addition to the foregoing
30 amounts, court costs, including reasonable attorney's fees, and may
31 further order the trustee to reconvey the property. Successor in interest
1 of the trustor shall include the current owner of the property and shall
2 also include the person issuing a payoff check in accordance with the
3 terms of a payoff letter from a beneficiary.

4 Sec. 5. Section 76-2803, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 76-2803 (1) A secured creditor shall, after the secured creditor
7 receives full payment or performance of the secured obligation and
8 receives a written request by the trustor, mortgagor, or grantor, as
9 applicable, or the trustor's, mortgagor's, or grantor's successor in
10 interest or designated representative or by the holder of a junior trust
11 deed, junior mortgage, or other junior security interest, record, or
12 cause to be recorded, a deed of reconveyance or a release or satisfaction
13 of a mortgage or other security instrument, as applicable, interest in
14 the real property records of each county in which the trust deed,
15 mortgage, or other security instrument, as applicable, is recorded. If a
16 trust deed, mortgage, or other security instrument, as applicable,
17 secures a line of credit or future advances, the secured obligation is
18 fully paid or performed if, in addition to full payment or performance,
19 the secured creditor has received a written notification from the obligor
20 or obligors under a line of credit requesting the secured creditor to
21 terminate the line of credit or the secured creditor has received a
22 written notice containing a statement sufficient to terminate the
23 effectiveness of the provision for future advances as provided under
24 section 76-238.01 or 76-1002.

25 (2) A secured creditor who fails to record or cause to be recorded a
26 deed of reconveyance or a release or satisfaction of mortgage or other
27 security instrument within sixty days after receiving full payment or
28 performance of the secured obligation and receiving a written request as
29 required under subsection (1) of this section is liable to (a) the
30 trustor, mortgagor, or grantor, or the successor in interest of such
31 trustor, mortgagor, or grantor, as applicable, if such written request
1 was made by such trustor, mortgagor, or grantor, or a designated
2 representative of such trustor, mortgagor, or grantor, for the greater of
3 five thousand dollars or actual damages caused by such failure, plus
4 reasonable attorney's fees and costs or (b) a successor in interest of
5 the trustor, mortgagor, or grantor or of a landowner, purchaser, or
6 holder of a junior trust deed, junior mortgage, or other junior security
7 interest, as applicable, if such written request was made by such

8 successor in interest of the trustor, mortgagor, or grantor, or by such
9 landowner, purchaser, or holder of a junior trust deed, junior mortgage,
10 or other junior security interest, for actual damages caused by such
11 failure plus reasonable attorney's fees and costs. The court may further
12 order the trustee to reconvey the property or the mortgagee or grantee to
13 record a release or satisfaction of the mortgage or other security
14 instrument. This subsection does not apply if the secured creditor
15 received full payment or performance before the effective date of this
16 act. In addition to any other remedy provided by law, a secured creditor
17 who fails to record a deed of reconveyance or a release or satisfaction
18 of a security interest within sixty days after receiving full payment or
19 performance of the secured obligation is liable to the landowner or
20 purchaser for actual damages in the amount of any loss caused by the
21 failure, including reasonable attorney's fees and costs. The provisions
22 of this subsection do not apply if the secured creditor received full
23 payment or performance before July 18, 2008.

24 (3) A secured creditor is not liable under this section if the
25 secured creditor (a) established a reasonable procedure to achieve
26 compliance with its obligations under this section, (b) complied with
27 that procedure in good faith, and (c) was unable to comply with its
28 obligations due to circumstances beyond its control.

29 (4) A beneficiary under a deed of trust shall not be liable under
30 this section if the beneficiary (a) satisfies the conditions set forth
31 under subsection (3) of this section and (b) delivered to the trustee
1 under such deed of trust a written request to execute a deed of
2 reconveyance and the trustee failed to execute such deed of reconveyance,
3 provided that the beneficiary delivered such request within the time
4 provided herein for recording of a deed of reconveyance and the
5 beneficiary subsequently appoints a successor trustee who executes and
6 records or causes to be recorded a deed of reconveyance within a
7 reasonable time thereafter.

8 (5) Successor in interest of a trustor, mortgagor, or grantor shall
9 include the current owner of the real property and the person issuing a
10 payoff check in accordance with the terms of a payoff letter from a
11 beneficiary or mortgagee.

12 Sec. 6. Original sections 76-252, 76-1014.01, and 76-2803, Reissue
13 Revised Statutes of Nebraska, and sections 45-737 and 76-238, Revised
14 Statutes Cumulative Supplement, 2016, are repealed.

15 2. On page 1, line 3, strike "section" and insert "sections 45-737
16 and"; and in line 5 after "creditors" insert "with respect to the
17 Residential Mortgage Licensing Act, real estate conveyances, mortgages,
18 trust deeds, and the Nebraska Security Instrument Satisfaction Act" and
19 after the semicolon insert "to harmonize provisions;".

(Signed) Anna Wishart, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 9, 2018

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

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

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Richard (Rick) Rasby, 2300 N. 176 Street, Lincoln, NE 68527

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 310 and 311 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 310 and 311.

SELECT FILE

LEGISLATIVE BILL 744. Senator Watermeier offered his amendment, AM1801, found on page 535.

The Watermeier amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 757. ER106, found on page 524, was adopted.

Senator Morfeld offered his amendment, AM1830, found on page 564.

The Morfeld amendment was adopted with 39 ayes, 0 nays, 4 present and

not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 758. ER103, found on page 486, was adopted.

Senator Chambers offered the following amendment:

AM1866

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

2 insert the following new section:

3 Section 1. The following sections are outright repealed: Sections

4 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808,

5 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

| | | | | |
|------|--------|------|-------------|-----------|
| Ebke | Hansen | Harr | McCollister | McDonnell |
|------|--------|------|-------------|-----------|

Voting in the negative, 30:

| | | | | |
|-----------|----------|-----------|-----------|------------|
| Albrecht | Clements | Halloran | Lindstrom | Stinner |
| Blood | Crawford | Hilgers | Linehan | Thibodeau |
| Bolz | Erdman | Hilkemann | Lowe | Vargas |
| Bostelman | Friesen | Howard | Quick | Walz |
| Brasch | Geist | Hughes | Riepe | Watermeier |
| Brewer | Groene | Kolterman | Scheer | Williams |

Present and not voting, 8:

| | | | |
|----------|----------|----------------|---------|
| Baker | Kolowski | Pansing Brooks | Smith |
| Chambers | Morfeld | Schumacher | Wishart |

Absent and not voting, 1:

Briese

Excused and not voting, 5:

| | | | | |
|-------|-------|--------|---------|-------|
| Krist | Kuehn | Larson | Murante | Wayne |
|-------|-------|--------|---------|-------|

The Chambers amendment lost with 5 ayes, 30 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 315. Introduced by Howard, 9.

WHEREAS, Evan Schroder, a member of Troop 99 of Omaha, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Evan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout Service Project, Evan constructed a handicapped accessible switchback ramp at Mount Michael Benedictine High School involving over four hundred hours of volunteer labor; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Evan Schroder will be awarded the rank of Eagle Scout on Saturday, February 24, 2018; and

WHEREAS, through his hard work and perseverance, Evan will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Evan Schroder on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Evan Schroder.

Laid over.

ANNOUNCEMENT(S)

Senator Stinner designates LB98 as his priority bill.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 21, 2018 1:30 p.m.

LB722

LB723

Thursday, February 22, 2018 1:30 p.m.

Robert P. Goodwin - Nebraska Oil and Gas Conservation Commission
 Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission
 John W. Orr - Nebraska Environmental Trust Board
 LB713
 LB761

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 20, 2018 1:00 p.m.

Compliance Hearing - DMV Note: Required by Neb. Rev. Stat. 84-901.01
 LB1113
 LB1114
 LB856

(Signed) Curt Friesen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Dorsey, LaShonna - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Haack, Terry - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Harvey, Dorest - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Nutt, Thomas - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Rasby, Richard (Rick) - Climate Assessment Response Committee -
 Agriculture
 Warren, Gerald - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Weir, Walter G. - Nebraska Information Technology Commission -
 Transportation and Telecommunications

(Signed) Dan Watermeier, Chairperson
 Executive Board

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB51:

AM1736

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 77-1809, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 77-1809 (1) At all sales provided by law, the county board may
 5 purchase for the use and benefit, and in the name of the county, any real
 6 estate advertised and offered for sale when the same remains unsold for
 7 want of bidders. The county treasurer shall issue certificates of
 8 purchase of the real estate so sold in the name of the county. Such
 9 certificates shall remain in the custody of the county treasurer, who
 10 shall at any time assign the same to any person wishing to buy for the
 11 amount expressed on the face of the certificate and interest thereon at
 12 the rate of eleven percent per annum ~~specified in section 45-104.01, as~~
 13 ~~such rate may from time to time be adjusted by the Legislature,~~ from the
 14 date thereof. Such assignment shall be attested by the endorsement of the
 15 county clerk of his or her name on the back of such certificate, and such
 16 endorsement shall be made when requested by the county treasurer.
 17 (2) If real estate is purchased by a county under this section and
 18 such real estate lies within a municipality that has created a land bank
 19 pursuant to the Nebraska Municipal Land Bank Act, the county treasurer of
 20 such county shall notify the land bank of such purchase as soon as
 21 practical and shall give the land bank the first opportunity to acquire
 22 the certificate of purchase for such real estate from the county.
 23 2. On page 2, line 14, strike "specified in section 45-104.01" and
 24 insert "of eleven percent per annum"; and strike beginning with
 25 "specified" in line 27 through the comma in line 29, show as stricken,
 26 and insert "of eleven percent per annum".
 27 3. On page 7, strike beginning with "specified" in line 6 through
 1 "Legislature" in line 8, show as stricken, and insert "of eleven percent
 2 per annum".
 3 4. Renumber the remaining sections and correct the repealer
 4 accordingly.

SELECT FILE

LEGISLATIVE BILL 758. Senator Chambers offered the following
 motion:
 MO209
 Reconsider the vote taken on AM1866.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 4:

Chambers Harr Lowe Schumacher

Voting in the negative, 27:

| | | | | |
|-----------|----------|-----------|-----------|------------|
| Albrecht | Briese | Hilgers | Morfeld | Watermeier |
| Blood | Clements | Hilkemann | Quick | Williams |
| Bolz | Friesen | Hughes | Riepe | Wishart |
| Bostelman | Geist | Lindstrom | Scheer | |
| Brasch | Halloran | Linehan | Thibodeau | |
| Brewer | Hansen | McDonnell | Walz | |

Present and not voting, 8:

| | | | |
|----------|--------|----------|-------|
| Baker | Ebke | Howard | Krist |
| Crawford | Erdman | Kolowski | Smith |

Absent and not voting, 1:

Vargas

Excused and not voting, 9:

| | | | |
|-----------|--------|-------------|----------------------|
| Groene | Kuehn | McCollister | Pansing Brooks Wayne |
| Kolterman | Larson | Murante | Stinner |

The Chambers motion to reconsider failed with 4 ayes, 27 nays, 8 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his motion, MO184, found on page 424, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 37:

| | | | | |
|-----------|----------|-----------|------------|------------|
| Albrecht | Crawford | Hilkemann | McDonnell | Vargas |
| Blood | Ebke | Howard | Morfeld | Walz |
| Bolz | Friesen | Hughes | Quick | Watermeier |
| Bostelman | Geist | Kolterman | Riepe | Williams |
| Brasch | Halloran | Kuehn | Scheer | Wishart |
| Brewer | Hansen | Lindstrom | Schumacher | |
| Briese | Harr | Linehan | Smith | |
| Clements | Hilgers | Lowe | Thibodeau | |

Present and not voting, 5:

Baker Chambers Erdman Kolowski Krist

Excused and not voting, 7:

Groene McCollister Pansing Brooks Wayne
Larson Murante Stinner

The Chambers motion to indefinitely postpone failed with 0 ayes, 37 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO211

Reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

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

Present and not voting, 3:

Kolowski Krist Pansing Brooks

Excused and not voting, 2:

Howard Wayne

The Chambers motion to reconsider failed with 1 aye, 43 nays, 3 present and not voting, and 2 excused and not voting.

Senator Hughes offered the following motion:

MO210

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Harr

Excused and not voting, 2:

Howard Wayne

The Hughes motion to invoke cloture prevailed with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Howard Wayne

Advanced to Enrollment and Review for Engrossment with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 710. ER108, found on page 562, was adopted.

Senator Walz offered her amendment, AM1763, found on page 529.

The Walz amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
AM1867

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. The following sections are outright repealed: Sections
- 4 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808,
- 5 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Pending.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1070. Placed on General File.

(Signed) Mike Groene, Chairperson

Health and Human Services

LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 704. Placed on General File.

LEGISLATIVE BILL 706. Placed on General File.

(Signed) Merv Riepe, Chairperson

Judiciary

LEGISLATIVE BILL 816. Placed on General File.

LEGISLATIVE BILL 933. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File with amendment.

AM1834

- 1 1. On page 3, line 29, after "cannabidiol" insert ", including
- 2 cannabidiol".
- 3 2. On page 4, lines 6 through 10, strike the new matter.

LEGISLATIVE BILL 855. Placed on General File with amendment.

AM1780

- 1 1. On page 2, line 4; page 3, line 29; and page 4, line 1, strike
- 2 "petition" and insert "motion".
- 3 2. On page 3, strike beginning with "Any" in line 21 through the
- 4 period in line 28 and insert "Any person who has received a pardon may
- 5 file a motion with the sentencing court for an order to seal the criminal
- 6 history record information and any cases related to such charges or
- 7 conviction.".

LEGISLATIVE BILL 931. Placed on General File with amendment.

AM1849

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
- 4 amended to read:
- 5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
- 6 sections 3 to 5 of this act shall be known and may be cited as the
- 7 Nebraska Criminal Code.
- 8 Sec. 2. Section 28-401.01, Revised Statutes Supplement, 2017, is
- 9 amended to read:
- 10 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-472 and
- 11 sections 3 to 5 of this act shall be known and may be cited as the
- 12 Uniform Controlled Substances Act.
- 13 Sec. 3. (1) When prescribing a controlled substance listed in
- 14 Schedule II of section 28-405 or any other opiate not listed in Schedule
- 15 II, prior to issuing the initial prescription for a course of treatment
- 16 for acute or chronic pain and again prior to the third prescription for
- 17 such course of treatment, a practitioner shall discuss with the patient,
- 18 or the patient's parent or guardian if the patient is younger than
- 19 eighteen years of age and is not emancipated:
- 20 (a) The risks of addiction and overdose associated with the
- 21 controlled substance or opiate being prescribed, including, but not
- 22 limited to:
- 23 (i) Controlled substances and opiates are highly addictive even when
- 24 taken as prescribed;
- 25 (ii) There is a risk of developing a physical or psychological
- 26 dependence on the controlled substance or opiate; and
- 27 (iii) Taking more controlled substances or opiates than prescribed,
- 1 or mixing sedatives, benzodiazepines, or alcohol with controlled
- 2 substances or opiates, can result in fatal respiratory depression;
- 3 (b) The reasons why the prescription is necessary; and
- 4 (c) Alternative treatments that may be available.

5 (2) The practitioner shall include a note in the patient's medical
6 record that the patient or the patient's parent or guardian, as
7 applicable, has discussed with the practitioner the risks of developing a
8 physical or psychological dependence on the controlled substance or
9 opiate and alternative treatments that may be available.

10 (3) This section terminates on January 1, 2029.

11 Sec. 4. (1) The Legislature finds that:

12 (a) In most cases, acute pain can be treated effectively with
13 nonopiate or nonpharmacological options;

14 (b) With a more severe or acute injury, short-term use of opiates
15 may be appropriate;

16 (c) Initial opiate prescriptions for children should not exceed
17 seven days for most situations, and two or three days of opiates will
18 often be sufficient;

19 (d) If a patient needs medication beyond three days, the prescriber
20 should reevaluate the patient prior to issuing another prescription for
21 opiates; and

22 (e) Physical dependence on opiates can occur within only a few weeks
23 of continuous use, so great caution needs to be exercised during this
24 critical recovery period.

25 (2) A practitioner who is prescribing an opiate for a patient
26 younger than eighteen years of age for outpatient use for an acute
27 condition shall not prescribe more than a seven-day supply except as
28 otherwise provided in subsection (3) of this section and, if the
29 practitioner has not previously prescribed an opiate for such patient,
30 shall discuss with a parent or guardian of such patient the risks
31 associated with use of opiates and the reasons why the prescription is
1 necessary.

2 (3) If, in the professional medical judgment of the practitioner,
3 more than a seven-day supply of an opiate is required to treat such
4 patient's medical condition or is necessary for the treatment of pain
5 associated with a cancer diagnosis or for palliative care, the
6 practitioner may issue a prescription for the quantity needed to treat
7 such patient's medical condition or pain. The practitioner shall document
8 the medical condition triggering the prescription of more than a seven-
9 day supply of an opiate in the patient's medical record and shall
10 indicate that a nonopiate alternative was not appropriate to address the
11 medical condition.

12 (4) This section does not apply to controlled substances prescribed
13 pursuant to section 28-412.

14 (5) This section terminates on January 1, 2029.

15 Sec. 5. (1) In order to take receipt of dispensed opiates listed in
16 Schedule II, III, or IV of section 28-405, an individual shall display a
17 valid driver's or operator's license, a Nebraska state identification
18 card, a military identification card, an alien registration card, or a
19 passport as proof of identification.

20 (2) This section does not apply to a patient, resident, or employee
21 of a health care facility licensed pursuant to the Health Care Facility
22 Licensure Act if there are identification procedures in place for the

23 receipt and administration of controlled substances at the facility.
24 Sec. 6. Original sections 28-101 and 28-401.01, Revised Statutes
25 Supplement, 2017, are repealed.

LEGISLATIVE BILL 934. Placed on General File with amendment.
AM1841

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
6 3 of this act shall be known and may be cited as the Nebraska Criminal
7 Code.
8 Sec. 2. Section 28-401.01, Revised Statutes Supplement, 2017, is
9 amended to read:
10 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-472 and
11 section 3 of this act shall be known and may be cited as the Uniform
12 Controlled Substances Act.
13 Sec. 3. (1) In order to take receipt of dispensed opiates listed in
14 Schedule II, III, or IV of section 28-405, an individual shall display a
15 valid driver's or operator's license, a Nebraska state identification
16 card, a military identification card, an alien registration card, or a
17 passport as proof of identification.
18 (2) This section does not apply to a patient, resident, or employee
19 of a health care facility licensed pursuant to the Health Care Facility
20 Licensure Act if there are identification procedures in place for the
21 receipt and administration of controlled substances at the facility.
22 Sec. 4. Original sections 28-101 and 28-401.01, Revised Statutes
23 Supplement, 2017, are repealed.

LEGISLATIVE BILL 971. Placed on General File with amendment.
AM1759

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-416, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-416 (1) Except as authorized by the Uniform Controlled Substances
6 Act, it shall be unlawful for any person knowingly or intentionally: (a)
7 To manufacture, distribute, deliver, dispense, or possess with intent to
8 manufacture, distribute, deliver, or dispense a controlled substance; or
9 (b) to create, distribute, or possess with intent to distribute a
10 counterfeit controlled substance.
11 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
12 (10) of this section, any person who violates subsection (1) of this
13 section with respect to: (a) A controlled substance classified in
14 Schedule I, II, or III of section 28-405 which is an exceptionally
15 hazardous drug shall be guilty of a Class II felony; (b) any other
16 controlled substance classified in Schedule I, II, or III of section
17 28-405 shall be guilty of a Class IIA felony; or (c) a controlled

18 substance classified in Schedule IV or V of section 28-405 shall be
19 guilty of a Class IIIA felony.

20 ~~(3)(a) (3)~~ A person knowingly or intentionally possessing a
21 controlled substance, except marijuana or any substance containing a
22 quantifiable amount of the substances, chemicals, or compounds described,
23 defined, or delineated in subdivision (c)(25) of Schedule I of section
24 28-405, unless such substance was obtained directly or pursuant to a
25 medical order issued by a practitioner authorized to prescribe while
26 acting in the course of his or her professional practice, or except as
27 otherwise authorized by the act, is subject to the following penalties:
1 ~~shall be guilty of a Class IV felony.~~

2 (i) If the controlled substance is an amount constituting only
3 residue, such person is guilty of a Class I misdemeanor; or
4 (ii) If the controlled substance is an amount constituting more than
5 residue, such person is guilty of a Class IV felony.

6 (b) For purposes of this subsection, residue means:
7 (i) For a controlled substance customarily sold by weight, amounts
8 of one-tenth of a gram or less;
9 (ii) For a controlled substance not customarily sold by weight,
10 amounts of less than one dosage unit; or
11 (iii) The ashes, resin, or other actual physical remains of a
12 controlled substance that has already been consumed and is not a usable
13 amount.

14 (c) A person shall not be in violation of this subsection if section
15 28-472 applies.

16 (4)(a) Except as authorized by the Uniform Controlled Substances
17 Act, any person eighteen years of age or older who knowingly or
18 intentionally manufactures, distributes, delivers, dispenses, or
19 possesses with intent to manufacture, distribute, deliver, or dispense a
20 controlled substance or a counterfeit controlled substance (i) to a
21 person under the age of eighteen years, (ii) in, on, or within one
22 thousand feet of the real property comprising a public or private
23 elementary, vocational, or secondary school, a community college, a
24 public or private college, junior college, or university, or a
25 playground, or (iii) within one hundred feet of a public or private youth
26 center, public swimming pool, or video arcade facility shall be punished
27 by the next higher penalty classification than the penalty prescribed in
28 subsection (2), (7), (8), (9), or (10) of this section, depending upon
29 the controlled substance involved, for the first violation and for a
30 second or subsequent violation shall be punished by the next higher
31 penalty classification than that prescribed for a first violation of this
1 subsection, but in no event shall such person be punished by a penalty
2 greater than a Class IB felony.

3 (b) For purposes of this subsection:
4 (i) Playground means any outdoor facility, including any parking lot
5 appurtenant to the facility, intended for recreation, open to the public,
6 and with any portion containing three or more apparatus intended for the
7 recreation of children, including sliding boards, swingsets, and
8 teeterboards;

9 (ii) Video arcade facility means any facility legally accessible to
10 persons under eighteen years of age, intended primarily for the use of
11 pinball and video machines for amusement, and containing a minimum of ten
12 pinball or video machines; and

13 (iii) Youth center means any recreational facility or gymnasium,
14 including any parking lot appurtenant to the facility or gymnasium,
15 intended primarily for use by persons under eighteen years of age which
16 regularly provides athletic, civic, or cultural activities.

17 (5)(a) Except as authorized by the Uniform Controlled Substances
18 Act, it shall be unlawful for any person eighteen years of age or older
19 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
20 induce, entice, seduce, or coerce any person under the age of eighteen
21 years to manufacture, transport, distribute, carry, deliver, dispense,
22 prepare for delivery, offer for delivery, or possess with intent to do
23 the same a controlled substance or a counterfeit controlled substance.

24 (b) Except as authorized by the Uniform Controlled Substances Act,
25 it shall be unlawful for any person eighteen years of age or older to
26 knowingly and intentionally employ, hire, use, cause, persuade, coax,
27 induce, entice, seduce, or coerce any person under the age of eighteen
28 years to aid and abet any person in the manufacture, transportation,
29 distribution, carrying, delivery, dispensing, preparation for delivery,
30 offering for delivery, or possession with intent to do the same of a
31 controlled substance or a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of this
2 subsection shall be punished by the next higher penalty classification
3 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
4 this section, depending upon the controlled substance involved, for the
5 first violation and for a second or subsequent violation shall be
6 punished by the next higher penalty classification than that prescribed
7 for a first violation of this subsection, but in no event shall such
8 person be punished by a penalty greater than a Class IB felony.

9 (6) It shall not be a defense to prosecution for violation of
10 subsection (4) or (5) of this section that the defendant did not know the
11 age of the person through whom the defendant violated such subsection.

12 (7) Any person who violates subsection (1) of this section with
13 respect to cocaine or any mixture or substance containing a detectable
14 amount of cocaine in a quantity of:

15 (a) One hundred forty grams or more shall be guilty of a Class IB
16 felony;

17 (b) At least twenty-eight grams but less than one hundred forty
18 grams shall be guilty of a Class IC felony; or

19 (c) At least ten grams but less than twenty-eight grams shall be
20 guilty of a Class ID felony.

21 (8) Any person who violates subsection (1) of this section with
22 respect to base cocaine (crack) or any mixture or substance containing a
23 detectable amount of base cocaine in a quantity of:

24 (a) One hundred forty grams or more shall be guilty of a Class IB
25 felony;

26 (b) At least twenty-eight grams but less than one hundred forty

27 grams shall be guilty of a Class IC felony; or
28 (c) At least ten grams but less than twenty-eight grams shall be
29 guilty of a Class ID felony.
30 (9) Any person who violates subsection (1) of this section with
31 respect to heroin or any mixture or substance containing a detectable
1 amount of heroin in a quantity of:
2 (a) One hundred forty grams or more shall be guilty of a Class IB
3 felony;
4 (b) At least twenty-eight grams but less than one hundred forty
5 grams shall be guilty of a Class IC felony; or
6 (c) At least ten grams but less than twenty-eight grams shall be
7 guilty of a Class ID felony.
8 (10) Any person who violates subsection (1) of this section with
9 respect to amphetamine, its salts, optical isomers, and salts of its
10 isomers, or with respect to methamphetamine, its salts, optical isomers,
11 and salts of its isomers, in a quantity of:
12 (a) One hundred forty grams or more shall be guilty of a Class IB
13 felony;
14 (b) At least twenty-eight grams but less than one hundred forty
15 grams shall be guilty of a Class IC felony; or
16 (c) At least ten grams but less than twenty-eight grams shall be
17 guilty of a Class ID felony.
18 (11) Any person knowingly or intentionally possessing marijuana
19 weighing more than one ounce but not more than one pound shall be guilty
20 of a Class III misdemeanor.
21 (12) Any person knowingly or intentionally possessing marijuana
22 weighing more than one pound shall be guilty of a Class IV felony.
23 (13) Any person knowingly or intentionally possessing marijuana
24 weighing one ounce or less or any substance containing a quantifiable
25 amount of the substances, chemicals, or compounds described, defined, or
26 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:
27 (a) For the first offense, be guilty of an infraction, receive a
28 citation, be fined three hundred dollars, and be assigned to attend a
29 course as prescribed in section 29-433 if the judge determines that
30 attending such course is in the best interest of the individual
31 defendant;
1 (b) For the second offense, be guilty of a Class IV misdemeanor,
2 receive a citation, and be fined four hundred dollars and may be
3 imprisoned not to exceed five days; and
4 (c) For the third and all subsequent offenses, be guilty of a Class
5 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
6 be imprisoned not to exceed seven days.
7 (14) Any person convicted of violating this section, if placed on
8 probation, shall, as a condition of probation, satisfactorily attend and
9 complete appropriate treatment and counseling on drug abuse provided by a
10 program authorized under the Nebraska Behavioral Health Services Act or
11 other licensed drug treatment facility.
12 (15) Any person convicted of violating this section, if sentenced to
13 the Department of Correctional Services, shall attend appropriate

14 treatment and counseling on drug abuse.

15 (16) Any person knowingly or intentionally possessing a firearm
16 while in violation of subsection (1) of this section shall be punished by
17 the next higher penalty classification than the penalty prescribed in
18 subsection (2), (7), (8), (9), or (10) of this section, but in no event
19 shall such person be punished by a penalty greater than a Class IB
20 felony.

21 (17) A person knowingly or intentionally in possession of money used
22 or intended to be used to facilitate a violation of subsection (1) of
23 this section shall be guilty of a Class IV felony.

24 (18) In addition to the existing penalties available for a violation
25 of subsection (1) of this section, including any criminal attempt or
26 conspiracy to violate subsection (1) of this section, a sentencing court
27 may order that any money, securities, negotiable instruments, firearms,
28 conveyances, or electronic communication devices as defined in section
29 28-833 or any equipment, components, peripherals, software, hardware, or
30 accessories related to electronic communication devices be forfeited as a
31 part of the sentence imposed if it finds by clear and convincing evidence
1 adduced at a separate hearing in the same prosecution, following
2 conviction for a violation of subsection (1) of this section, and
3 conducted pursuant to section 28-1601, that any or all such property was
4 derived from, used, or intended to be used to facilitate a violation of
5 subsection (1) of this section.

6 (19) In addition to the penalties provided in this section:

7 (a) If the person convicted or adjudicated of violating this section
8 is eighteen years of age or younger and has one or more licenses or
9 permits issued under the Motor Vehicle Operator's License Act:

10 (i) For the first offense, the court may, as a part of the judgment
11 of conviction or adjudication, (A) impound any such licenses or permits
12 for thirty days and (B) require such person to attend a drug education
13 class;

14 (ii) For a second offense, the court may, as a part of the judgment
15 of conviction or adjudication, (A) impound any such licenses or permits
16 for ninety days and (B) require such person to complete no fewer than
17 twenty and no more than forty hours of community service and to attend a
18 drug education class; and

19 (iii) For a third or subsequent offense, the court may, as a part of
20 the judgment of conviction or adjudication, (A) impound any such licenses
21 or permits for twelve months and (B) require such person to complete no
22 fewer than sixty hours of community service, to attend a drug education
23 class, and to submit to a drug assessment by a licensed alcohol and drug
24 counselor; and

25 (b) If the person convicted or adjudicated of violating this section
26 is eighteen years of age or younger and does not have a permit or license
27 issued under the Motor Vehicle Operator's License Act:

28 (i) For the first offense, the court may, as part of the judgment of
29 conviction or adjudication, (A) prohibit such person from obtaining any
30 permit or any license pursuant to the act for which such person would
31 otherwise be eligible until thirty days after the date of such order and

1 (B) require such person to attend a drug education class;
 2 (ii) For a second offense, the court may, as part of the judgment of
 3 conviction or adjudication, (A) prohibit such person from obtaining any
 4 permit or any license pursuant to the act for which such person would
 5 otherwise be eligible until ninety days after the date of such order and
 6 (B) require such person to complete no fewer than twenty hours and no
 7 more than forty hours of community service and to attend a drug education
 8 class; and
 9 (iii) For a third or subsequent offense, the court may, as part of
 10 the judgment of conviction or adjudication, (A) prohibit such person from
 11 obtaining any permit or any license pursuant to the act for which such
 12 person would otherwise be eligible until twelve months after the date of
 13 such order and (B) require such person to complete no fewer than sixty
 14 hours of community service, to attend a drug education class, and to
 15 submit to a drug assessment by a licensed alcohol and drug counselor.
 16 A copy of an abstract of the court's conviction or adjudication
 17 shall be transmitted to the Director of Motor Vehicles pursuant to
 18 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
 19 juvenile is prohibited from obtaining a license or permit under this
 20 subsection.
 21 Sec. 2. Original section 28-416, Revised Statutes Supplement, 2017,
 22 is repealed.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

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

Michele R. Marsh - Foster Care Advisory Committee

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, February 20, 2018 1:30 p.m.

LR285CA

LR291

Lisa May - Nebraska Educational Telecommunications Commission

Robert Kobza - Board of Educational Lands and Funds
Joyce Simmons - Coordinating Commission for Postsecondary Education
Deborah Frison - Coordinating Commission for Postsecondary Education
John Bernthal - Coordinating Commission for Postsecondary Education

(Signed) Mike Groene, Chairperson

Agriculture

Room 1510

Tuesday, February 20, 2018 1:30 p.m.

Carl Sousek - Climate Assessment Response Committee
Richard (Rick) Rasby - Climate Assessment Response Committee

(Signed) Lydia Brasch, Chairperson

Health and Human Services

Room 1510

Wednesday, February 21, 2018 1:30 p.m.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT(S)

Senator Kolterman designates LB439 as his priority bill.

Senator McCollister designates LB776 as his priority bill.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB310:
AM1876

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 60-6,383, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 60-6,383 (1) An implement of husbandry being operated on any highway
- 6 of this state, except the National System of Interstate and Defense
- 7 Highways, shall be exempt from the weight and load limitations of
- 8 subsections (2), (3), and (4) of section 60-6,294 but shall be subject to
- 9 any ordinances or resolutions enacted by local authorities pursuant to
- 10 section 60-681.

11 (2) An implement of husbandry being operated on any highway of this
 12 state shall not cross any ~~bridge or culvert~~ with a span of more than
 13 sixty inches or any bridge if the vehicle axle, axle groupings, or gross
 14 weight exceeds the limits established in subsections (2), (3), and (4) of
 15 section 60-6,294 or weight limits established by bridge postings.

16 (3) For purposes of this section, an implement of husbandry includes
 17 (a) a farm tractor with or without a towed farm implement, (b) a self-
 18 propelled farm implement, (c) self-propelled equipment designed and used
 19 exclusively to carry and apply fertilizer, chemicals, or related products
 20 to agricultural soil or crops, (d) an agricultural floater-spreader
 21 implement as defined in section 60-303, (e) a fertilizer spreader, nurse
 22 tank, or truck permanently mounted with a spreader used for spreading or
 23 injecting water, dust, or liquid fertilizers or agricultural chemicals,
 24 (f) a truck mounted with a spreader used or manufactured to spread or
 25 inject animal manure, and (g) a mixer-feed truck owned and used by a
 26 livestock-raising operation designed for and used for the feeding of
 1 livestock.

2 Sec. 2. Original section 60-6,383, Revised Statutes Cumulative
 3 Supplement, 2016, is repealed.

Senator Harr filed the following amendment to LB310:
 AM1877

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new section:
 3 Section 1. Each county shall inspect any bridge within its
 4 boundaries at least once every two years to determine whether the
 5 carrying capacity or weight limit of any such bridge is less than the
 6 limits set forth in subsections (2), (3), and (4) of section 60-6,294.

VISITORS

Visitors to the Chamber were 8 members of the Open World delegation from Ukraine.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 2018.

Patrick J. O'Donnell
 Clerk of the Legislature