

FORTY-SEVENTH DAY - MARCH 22, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 2018

PRAYER

The prayer was offered by Senator Watermeier.

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 Blood, Briese, Groene, Hansen, McCollister, Morfeld, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 950. Placed on Final Reading.
ST49

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

1. In the Standing Committee amendments, AM2359, on page 1, line 2, "\$112,500" has been struck and "\$112,500.00" inserted.
2. On page 5, line 10, the second comma has been struck.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1008. Title read. Considered.

Committee AM2292, found on page 883, was offered.

Senator Brewer requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2564

1 1. Strike the original sections and insert the following new
 2 section:
 3 Sec. 3. (1) Notwithstanding any other provision of law, the public
 4 power industry as defined in section 70-601 and the Nebraska Power Review
 5 Board may withhold competitive or proprietary information which would
 6 give an advantage to business competitors. Competitive information is
 7 information which a reasonable person, knowledgeable of the electric
 8 utility industry, could conclude gives an advantage to business
 9 competitors.
 10 (2) Any request for records described in this section shall be
 11 subject to the procedures for public record requests provided in sections
 12 84-712 to 84-712.09.

The second committee amendment is as follows:

AM2596

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 37-613 (1) Any person who sells, purchases, takes, or possesses
 6 contrary to the Game Law any wildlife shall be liable to the State of
 7 Nebraska for the damages caused thereby. Such damages shall be:
 8 (a) ~~Twenty-five~~ ~~Fifteen~~ thousand dollars for each mountain sheep;
 9 (b) ~~Ten~~ ~~Five~~ thousand dollars for each elk with a minimum of twelve
 10 total points and ~~three~~ ~~one~~ thousand ~~five hundred~~ dollars for any other
 11 elk;
 12 (c) ~~Ten~~ ~~Five~~ thousand dollars for each whitetail deer with a minimum
 13 of eight total points and an inside spread between beams of at least
 14 ~~sixteen~~ ~~eighteen~~ inches, ~~two~~ ~~one~~ thousand dollars for any other antlered
 15 whitetail deer, and ~~five hundred~~ ~~two hundred fifty~~ dollars for each
 16 antlerless whitetail deer and whitetail doe deer;
 17 (d) ~~Ten~~ ~~Five~~ thousand dollars for each mule deer with a minimum of
 18 eight total points and an inside spread between beams of at least ~~twenty-~~
 19 ~~two~~ ~~twenty-four~~ inches and ~~two~~ ~~one~~ thousand dollars for any other ~~twenty-~~
 20 deer;
 21 (e) Five thousand dollars for each antelope with the shortest horn
 22 measuring a minimum of fourteen inches in length and one thousand dollars
 23 for any other antelope;
 24 (f) One thousand five hundred dollars for each bear or moose or each
 25 individual animal of any threatened or endangered species of wildlife not
 26 otherwise listed in this subsection;
 27 (g) Five ~~thousand~~ ~~hundred~~ dollars for each mountain lion, lynx,
 1 bobcat, river otter, or raw pelt thereof;
 2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw
 3 pelt thereof;

- 4 (i) Five thousand dollars for each eagle;
5 (j) ~~Five~~ ~~One~~ hundred dollars for each wild turkey;
6 (k) Twenty-five dollars for each dove;
7 (l) Seventy-five dollars for each other game bird, other game
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife
9 in need of conservation as designated by the commission pursuant to
10 section 37-805, not otherwise listed in this subsection;
11 (m) Fifty dollars for each wild bird not otherwise listed in this
12 subsection;
13 (n) Seven hundred fifty dollars for each swan or paddlefish;
14 (o) Two hundred dollars for each master angler fish measuring more
15 than twelve inches in length;
16 (p) Fifty dollars for each game fish measuring more than twelve
17 inches in length not otherwise listed in this subsection;
18 (q) Twenty-five dollars for each other game fish; and
19 (r) Fifty dollars for any other species of game not otherwise listed
20 in this subsection.
- 21 (2) The commission shall adopt and promulgate rules and regulations
22 to provide for a list of master angler fish which are subject to this
23 section and to prescribe guidelines for measurements and point
24 determinations as required by this section. The commission may adopt a
25 scoring system which is uniformly recognized for this purpose.
- 26 (3) Such damages may be collected by the commission by civil action.
27 In every case of conviction for any of such offenses, the court or
28 magistrate before whom such conviction is obtained shall further enter
29 judgment in favor of the State of Nebraska and against the defendant for
30 liquidated damages in the amount set forth in this section and collect
31 such damages by execution or otherwise. Failure to obtain conviction on a
1 criminal charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be remitted to
3 the secretary of the commission who shall remit them to the State
4 Treasurer for credit to the State Game Fund.
- 5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 57-904 There is hereby established the Nebraska Oil and Gas
8 Conservation Commission. The commission shall consist of three members to
9 be appointed by the Governor. The director of the state geological survey
10 shall serve the commission in the capacity as its technical advisor, but
11 with no power to vote. Any two commissioners shall constitute a quorum
12 for all purposes. At least one member of the commission shall have had
13 experience in the production of oil or gas and shall have resided in the
14 State of Nebraska for at least one year. Each of the other members of the
15 commission shall have resided in the State of Nebraska for at least three
16 years. Initially, two of said members shall be appointed for a term of
17 two years each; and one shall be appointed for a term of four years. At
18 the expiration of the initial terms all members thereafter appointed
19 shall serve for a term of four years. The Governor may at any time remove
20 any appointed member of the commission for cause, and by appointment,
21 with the approval of the Legislature, shall fill any vacancy on the

22 commission.

23 The members of the commission shall receive as compensation for
 24 their services ~~not more than four hundred the sum of fifty~~ dollars per
 25 day for each day actually devoted to the business of the commission,
 26 ~~except - Provided,~~ that they shall not receive a sum in any one year in
 27 excess of ~~four two~~ thousand dollars each. In addition, each member of the
 28 commission shall be reimbursed for his or her actual and necessary
 29 traveling and other expenses incurred in connection with the carrying out
 30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~
 31 ~~employees.~~

1 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
 2 2016, is amended to read:

3 70-1015 (1) If any supplier violates Chapter 70, article 10, by
 4 either (a) ~~(1)~~ commencing the construction or finalizing or attempting to
 5 finalize the acquisition of any generation facilities, any transmission
 6 lines, or any related facilities without first providing notice or
 7 obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or
 8 attempting to serve at retail any customers located in Nebraska or any
 9 wholesale customers in violation of section 70-1002.02, such
 10 construction, acquisition, or service of such customers shall be enjoined
 11 in an action brought in the name of the State of Nebraska until such
 12 supplier has complied with Chapter 70, article 10.

13 (2) If the executive director of the board determines that a private
 14 electric supplier commenced construction of a privately developed
 15 renewable energy generation facility less than thirty days prior to
 16 providing the notice required in subdivision (1)(a) of section
 17 70-1014.02, the executive director shall send notice via certified mail
 18 to the private electric supplier, informing it of the determination that
 19 the private electric supplier is in violation of such subdivision and is
 20 subject to a fine in the amount of five hundred dollars. The private
 21 electric supplier shall have twenty days from the date on which the
 22 notice is received in which to submit the notice described in such
 23 subdivision and to pay the fine. Within ten days after the private
 24 electric supplier submits a notice compliant with the provisions of
 25 subsection (1) of section 70-1014.02 and payment of the fine, the
 26 executive director of the board shall issue the written acknowledgment
 27 described in subsection (2) of section 70-1014.02. If the private
 28 electric supplier fails to submit a notice compliant with the provisions
 29 of subsection (1) of section 70-1014.02 and pay the fine within twenty
 30 days after the date on which the private electric supplier receives the
 31 notice from the executive director of the board, the private electric
 1 supplier shall immediately cease construction or operation of the
 2 privately developed renewable energy generation facility.

3 (3) If the private electric supplier disputes that construction was
 4 commenced less than thirty days prior to submitting the written notice
 5 required by subdivision (1)(a) of section 70-1014.02, the private
 6 electric supplier may request a hearing before the board. Such request
 7 shall be submitted within twenty days after the private electric supplier
 8 receives the notice sent by the executive director pursuant to subsection

9 (2) of this section. If the private electric supplier does not accept the
10 certified mail sent pursuant to such subsection, the executive director
11 shall send a second notice to the private electric supplier by first-
12 class United States mail. The private electric supplier may submit a
13 request for hearing within twenty days after the date on which the second
14 notice was mailed.

15 (4) Upon receipt of a request for hearing, the board shall set a
16 hearing date. Such hearing shall be held within sixty days after such
17 receipt. The board shall provide to the private electric supplier written
18 notice of the hearing at least twenty days prior to the date of the
19 hearing. The board or its hearing officer may grant continuances upon
20 good cause shown or upon the request of the private electric supplier.
21 Timely filing of a request for hearing by a private electric supplier
22 shall stay any further enforcement under this section until the board
23 issues an order pursuant to subsection (5) of this section or the request
24 for hearing is withdrawn.

25 (5) The board shall issue a written decision within sixty days after
26 conclusion of the hearing. All costs of the hearing shall be paid by the
27 private electric supplier if (a) the board determines that the private
28 electric supplier commenced construction of the privately developed
29 renewable energy generation facility less than thirty days prior to
30 submitting the written notice required pursuant to subsection (1) of
31 section 70-1014.02 or (b) the private electric supplier withdraws its
1 request for hearing prior to the board issuing its decision.

2 (6) A private electric supplier which the board finds to be in
3 violation of the requirements of subsection (1) of section 70-1014.02
4 shall either (a) pay the fine described in this section and submit a
5 notice compliant with the provisions of subsection (1) of section
6 70-1014.02 or (b) immediately cease construction or operation of the
7 privately developed renewable energy generation facility.

8 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
11 created. The department shall deduct from the fund amounts sufficient to
12 reimburse itself for its costs of administration of the fund. The fund
13 shall be administered by the Department of Environmental Quality. The
14 fund shall consist of proceeds from the fees imposed pursuant to the
15 Waste Reduction and Recycling Incentive Act.

16 (2) The fund may be used for purposes which include, but are not
17 limited to:

18 (a) Technical and financial assistance to political subdivisions for
19 creation of recycling systems and for modification of present recycling
20 systems;

21 (b) Recycling and waste reduction projects, including public
22 education, planning, and technical assistance;

23 (c) Market development for recyclable materials separated by
24 generators, including public education, planning, and technical
25 assistance;

26 (d) Capital assistance for establishing private and public

27 intermediate processing facilities for recyclable materials and
28 facilities using recyclable materials in new products;
29 (e) Programs which develop and implement composting of yard waste
30 and composting with sewage sludge;
31 (f) Technical assistance for waste reduction and waste exchange for
1 waste generators;
2 (g) Programs to assist communities and counties to develop and
3 implement household hazardous waste management programs;
4 (h) Capital assistance for establishing private and public
5 facilities to manufacture combustible waste products and to incinerate
6 combustible waste to generate and recover energy resources, except that
7 no disbursements shall be made under this section for scrap tire
8 processing related to tire-derived fuel; and
9 (i) Grants for reimbursement of costs to cities of the second class,
10 villages, and counties of five thousand or fewer population for the
11 deconstruction of abandoned buildings. Eligible deconstruction costs will
12 be related to the recovery and processing of recyclable or reusable
13 material from the abandoned buildings.
14 (3) Grants up to one million five hundred thousand dollars annually
15 shall be available until June 30, ~~2019~~ 2024, for new scrap tire projects
16 only, if acceptable scrap tire project applications are received.
17 Eligible categories of disbursement under section 81-15,161 may include,
18 but are not limited to:
19 (a) Reimbursement for the purchase of crumb rubber generated and
20 used in Nebraska, with disbursements not to exceed fifty percent of the
21 cost of the crumb rubber;
22 (b) Reimbursement for the purchase of tire-derived product which
23 utilizes a minimum of twenty-five percent recycled tire content, with
24 disbursements not to exceed twenty-five percent of the product's retail
25 cost;
26 (c) Participation in the capital costs of building, equipment, and
27 other capital improvement needs or startup costs for scrap tire
28 processing or manufacturing of tire-derived product, with disbursements
29 not to exceed fifty percent of such costs or five hundred thousand
30 dollars, whichever is less;
31 (d) Participation in the capital costs of building, equipment, or
1 other startup costs needed to establish collection sites or to collect
2 and transport scrap tires, with disbursements not to exceed fifty percent
3 of such costs;
4 (e) Cost-sharing for the manufacturing of tire-derived product, with
5 disbursements not to exceed twenty dollars per ton or two hundred fifty
6 thousand dollars, whichever is less, to any person annually;
7 (f) Cost-sharing for the processing of scrap tires, with
8 disbursements not to exceed twenty dollars per ton or two hundred fifty
9 thousand dollars, whichever is less, to any person annually;
10 (g) Cost-sharing for the use of scrap tires for civil engineering
11 applications for specified projects, with disbursements not to exceed
12 twenty dollars per ton or two hundred fifty thousand dollars, whichever
13 is less, to any person annually;

14 (h) Disbursement to a political subdivision up to one hundred
15 percent of costs incurred in cleaning up scrap tire collection and
16 disposal sites; and
17 (i) Costs related to the study provided in section 81-15,159.01.
18 The director shall give preference to projects which utilize scrap
19 tires generated and used in Nebraska.
20 (4) Priority for grants made under section 81-15,161 shall be given
21 to grant proposals demonstrating a formal public/private partnership
22 except for grants awarded from fees collected under subsection (6) of
23 section 13-2042.
24 (5) Grants awarded from fees collected under subsection (6) of
25 section 13-2042 may be renewed for up to a five-year grant period. Such
26 applications shall include an updated integrated solid waste management
27 plan pursuant to section 13-2032. Annual disbursements are subject to
28 available funds and the grantee meeting established grant conditions.
29 Priority for such grants shall be given to grant proposals showing
30 regional participation and programs which address the first integrated
31 solid waste management hierarchy as stated in section 13-2018 which shall
1 include toxicity reduction. Disbursements for any one year shall not
2 exceed fifty percent of the total fees collected after rebates under
3 subsection (6) of section 13-2042 during that year.
4 (6) Any person who stores waste tires in violation of section
5 13-2033, which storage is the subject of abatement or cleanup, shall be
6 liable to the State of Nebraska for the reimbursement of expenses of such
7 abatement or cleanup paid by the Department of Environmental Quality.
8 (7) The Department of Environmental Quality may receive gifts,
9 bequests, and any other contributions for deposit in the Waste Reduction
10 and Recycling Incentive Fund. Transfers may be made from the fund to the
11 General Fund at the direction of the Legislature. Any money in the Waste
12 Reduction and Recycling Incentive Fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act.
15 Sec. 6. The Revisor of Statutes shall assign section 3 of this act
16 to Chapter 70, article 6.
17 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three
18 calendar months after the adjournment of this legislative session. The
19 other sections of this act become operative on their effective date.
20 Sec. 8. Original section 70-1015, Revised Statutes Cumulative
21 Supplement, 2016, is repealed.
22 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised
23 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative
24 Supplement, 2016, are repealed.
25 Sec. 10. Since an emergency exists, this act takes effect when
26 passed and approved according to law.

The first committee amendment, AM2564, found in this day's Journal, was offered.

Senator Larson offered the following motion:

MO284

Recommit to the Government, Military and Veterans Affairs Committee.

The Chair ruled the Larson motion to recommit to a committee other than the committee of origination is out of order.

Senator Larson raised a point of order on whether his motion, MO284, to recommit to the Government, Military and Veterans Affairs Committee is a priority motion and should be taken up first.

The Chair ruled the Larson motion to recommit to a committee other than the committee of origination is out of order because it is not a priority motion which should be considered prior to the committee amendments.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Scheer moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 2:

Brewer Larson

Voting in the negative, 40:

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

Present and not voting, 4:

Crawford Linehan Murante Wayne

Excused and not voting, 3:

Groene Hansen Lowe

The Larson motion to overrule the Chair failed with 2 ayes, 40 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO286

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

The first committee amendment, AM2564, found in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Senator Larson raised a point of order that AM2564 could not be considered by the Legislature because it violated Rule 3, Section 1(b) and (c), in that the amendment was not a measure referred to the Natural Resources Committee by the Legislature.

The Chair ruled that AM2564 is properly before the Legislature and complied with the appropriate committee procedures.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Hughes moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Hughes requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 2:

Brewer Larson

Voting in the negative, 38:

Albrecht	Clements	Howard	Morfeld	Stinner
Baker	Crawford	Hughes	Murante	Vargas
Blood	Ebke	Kolowski	Pansing Brooks	Walz
Bolz	Friesen	Krist	Quick	Watermeier
Bostelman	Geist	Kuehn	Riepe	Williams
Brasch	Groene	Lindstrom	Scheer	Wishart
Briese	Harr	McCollister	Schumacher	
Chambers	Hilkemann	McDonnell	Smith	

Present and not voting, 5:

Erdman Halloran Hilgers Linehan Wayne

Excused and not voting, 4:

Hansen Kolterman Lowe Thibodeau

The Larson motion to overrule the Chair failed with 2 ayes, 38 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 990A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 361. Introduced by Pansing Brooks, 28; Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine the extent of the parking shortage in the Capitol environs and provide possible solutions to eliminate such shortage.

The citizens and employees of the State of Nebraska are keenly aware of the shortage of parking available in the area around the Capitol. A parking study was completed in 2009 for the Department of Administrative Services, which identified issues that should be addressed in the determination of possible solutions to the parking problems in the Capitol environs. Further issues and potential solutions were laid out in the Department of Administrative Services' Capital Campus Area 20-Year Master Plan, which was completed in 2017.

Since 2009, the number of state employees working in the Capitol environs has increased and may increase further in the future. The development of office space for additional state employees in the Capitol environs may result in savings for the state. There also exists the possibility for a partnership with the City of Lincoln or private entities to address the shortage of available parking.

The study committee shall examine the extent of the parking shortage, provide possible solutions to eliminate such shortage, discuss a possible partnership with the City of Lincoln to address this issue, and examine the potential for cost savings through deployment of state-owned office space within the Capitol environs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LR353.

Senator Briese name added to LR353.

VISITORS

Visitors to the Chamber were 27 students and teacher from Southwest High School, Bartley; 35 students from Lincoln High School; 12 fourth-grade students from Emmanuel Faith Lutheran School, York; Dr. Michael Dehning and Debra Dehning from Omaha; Jim Spahr from Seward, Doug Kotil from Lincoln, and Rick Endicott from Seward; and 18 fourth-grade students from St. Patrick Catholic School, Lincoln.

RECESS

At 11:48 a.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Hughes, Larson, Morfeld, Murante, Watermeier, and Wishart who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1008:
AM2609

(Amendments to AM2564)

- 1 1. Insert the following new section:
- 2 Section 1. (1) For purposes of this section, wind energy generation
- 3 project means a project for the construction of a facility for the
- 4 generation of electricity using wind that is subject to sections 70-1001
- 5 to 70-1028.
- 6 (2) No wind energy generation project shall be constructed in a
- 7 county after August 1, 2018, until the county has zoning regulations or a
- 8 zoning resolution as described in section 23-114 which addresses:
- 9 (a) Protection of property value for nonparticipating property
- 10 owners adjacent to or impacted by the wind energy generation project;
- 11 (b) Fixed-distance setbacks measured from buildings used for
- 12 residential purposes and setbacks measured from property lines. The
- 13 setbacks shall not be variable distances based on the height of a
- 14 turbine. The determination of setbacks based on surface danger area due
- 15 to issues such as collapse and ice-throw shall ensure that the surface
- 16 danger area does not overlap a nonparticipating property owner's
- 17 property;
- 18 (c) Noise standards restricting the low-level noise generated by the
- 19 operation of a wind turbine so that it does not exceed a specified A-
- 20 weighted, equivalent sound level or specified A-weighted decibels at the
- 21 property line of the wind energy generation project. The measure of noise
- 22 shall meet the following requirements:
- 23 (i) Any instrument used to measure noise shall meet sound level
- 24 meter performance specifications of the American National Standards
- 25 Institute or the International Electrotechnical Commission for wind class
- 26 I:
- 1 (ii) The procedures used to measure noise shall meet the
- 2 requirements of the American National Standards Institute, the
- 3 International Electrotechnical Commission, or the International
- 4 Organization for Standardization for the measurement of sound or its
- 5 characteristics; and
- 6 (iii) The procedures shall not include procedures based on the
- 7 International Electrotechnical Commission Standard IEC 61400-11 (2002)
- 8 regarding noise measurement techniques;
- 9 (d) Evaluation of adverse environmental impacts and mitigation plans
- 10 for the protection of the environment, including domesticated animals,
- 11 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic
- 12 areas. The evaluation shall include consultation with local, state, and
- 13 federal agencies with jurisdiction over affected portions of the
- 14 environment; and
- 15 (e) Decommissioning terms and conditions which must be in place
- 16 before construction begins. The terms and conditions shall include a site
- 17 restoration plan and surety to be held by the county to pay for
- 18 decommissioning, which may include, but not be limited to, a performance

- 19 bond for each wind turbine.
- 20 2. On page 9, line 25, strike "3" and insert "4"; and in line 27
- 21 strike "5, and 9" and insert "3, 6, and 10".
- 22 3. Renumber the remaining sections accordingly.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1008:
 MO285
 Object to the referencing pursuant to Rule 6, Section 2 and to refer the bill back to the referencing committee for rereferencing.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB1008:
 AM2557
 (Amendments to Standing Committee amendments, AM2292)

- 1 1. Insert the following new section:
- 2 Sec. 4. (1) Beginning on the operative date of this section, a
- 3 public power entity shall not enter into a new contract with the
- 4 Southwest Power Pool but shall instead enter into any necessary contracts
- 5 with the Midcontinent Independent System Operator.
- 6 (2) Any public power entity which has a contract with the Southwest
- 7 Power Pool in effect prior to the operative date of this section shall
- 8 (a) as soon as practicable and without impairing any existing contract
- 9 negotiate and effect transfer of such contract to the Midcontinent
- 10 Independent System Operator, or (b) upon expiration of the contract term,
- 11 execute any new contract pursuant to subsection (1) of this section.
- 12 (3) For purposes of this section, public power entity means any
- 13 entity that is a part of the public power industry as defined in section
- 14 70-601.
- 15 2. On page 9, line 25, strike "section 3" and insert "sections 3 and
- 16 4".
- 17 3. Renumber the remaining sections and correct internal references
- 18 accordingly.

GENERAL FILE

LEGISLATIVE BILL 909. Title read. Considered.
 Committee AM2284, found on page 956, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.
 Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 778. Title read. Considered.
 Committee AM2098, found on page 953, was offered.

Senator Pansing Brooks offered the following amendment to the committee amendment:

AM2562

(Amendments to Standing Committee amendments, AM2098)

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

2 insert the following new sections:

3 Section 1. Section 79-1082, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-1082 The aggregate school tax for a Class V school district,
6 including the levy for the site and building fund as authorized by
7 section ~~79-10,120~~ ~~79-10,126~~, shall be subject to the limits provided in
8 section 77-3442.

9 Sec. 2. Section 79-1098, Reissue Revised Statutes of Nebraska, is

10 amended to read:

11 79-1098 Except as otherwise provided in sections 10-701 to
12 10-716.01 for the issuance of bonds, whenever the annual levy authorized
13 pursuant to section 79-10,120 ~~Whenever it is deemed insufficient for the~~
14 ~~purposes authorized in such section, necessary (1) to erect a schoolhouse~~
15 ~~or school building or an addition or additions and improvements to any~~
16 ~~existing schoolhouse or (2) to purchase equipment for such schoolhouse or~~
17 ~~school buildings, in any school district in this state except a Class I~~
18 ~~district the school board or board of education of a Class II, III, IV,~~
19 ~~V, or VI school district may and, upon petition of not less than one-~~
20 ~~fourth of the legal voters of the school district, shall submit to the~~
21 ~~people of the school district at the next general election, or at a~~
22 ~~special election held for such purpose, a proposition to vote on a~~
23 ~~special annual tax. Such annual tax, when combined with any annual tax~~
24 ~~imposed pursuant to section 79-10,120, shall for that purpose of not to~~
25 ~~exceed fourteen seventeen and five tenths cents on each one hundred~~
26 ~~dollars of upon the taxable value and shall not exceed of all the taxable~~
1 ~~property in such district for a term of not to exceed ten years. Such~~
2 ~~special tax may be voted at any annual or special meeting of the district~~
3 ~~by fifty five percent of the legal voters attending such meeting.~~

4 Sec. 3. Section 79-10,100, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 79-10,100 The school board or board of education, upon being
7 satisfied that all the requirements of section sections 79-1098 ~~and~~
8 ~~79-1099~~ have been substantially complied with and that a majority ~~fifty-~~
9 ~~five percent~~ of all votes cast at the election under such section
10 ~~sections~~ are in favor of such tax, shall enter such proposition and all
11 the proceedings had thereon upon the records of the school district and
12 shall certify the special tax levy to the county clerk in the same manner
13 as other tax levies.

14 Sec. 4. Section 79-10,101, Reissue Revised Statutes of Nebraska, is

15 amended to read:

16 79-10,101 The sum levied and collected under section 79-10,100 shall
17 (1) constitute a special fund for the purposes for which it was voted,
18 (2) not be used for any other purpose ~~unless otherwise authorized by a~~
19 ~~fifty five percent majority vote of the legal voters of the school~~

20 ~~district cast at the election under sections 79-1098 and 79-1099, (3) be~~
21 ~~paid over to the county treasurer of the county in which the~~
22 ~~administrative office of such school district is located, (4) except as~~
23 ~~provided in subsection (4) of section 79-10,120, be kept by the county~~
24 ~~treasurer and treasurer of the school district separate and apart from~~
25 ~~other district funds, and (5) be subject to withdrawal as provided in~~
26 ~~section 79-587 or, for Class V school districts, section 79-584. Any~~
27 ~~portion of such sum so levied and collected, the expenditure of which is~~
28 ~~not required to effectuate the purposes for which such sum was voted, may~~
29 ~~be transferred by the school board, at any regular or special meeting by~~
30 ~~the vote of a majority of the members attending, to the general fund of~~
31 ~~the district. All funds received by the district treasurer for such~~
1 purpose shall be immediately invested by such treasurer in United States
2 Government bonds or in such securities in which the state investment
3 officer may invest the permanent school funds during the accumulation of
4 such sinking fund.

5 Sec. 5. Section 79-10,120, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 79-10,120 (1) The school board or board of education of a Class II,
8 III, IV, V, or VI school district may establish a special fund for
9 purposes of acquiring sites for school buildings or teacherages,
10 purchasing existing buildings for use as school buildings or teacherages,
11 including the sites upon which such buildings are located, replacement
12 repairs on existing structures, and the erection, alteration, equipping,
13 and furnishing of school buildings or teacherages and additions to school
14 buildings for elementary and high school grades and for no other purpose.
15 The fund shall be established from the proceeds of an annual tax levy, to
16 be determined by the board, ~~of~~ not to exceed (a) for tax years beginning
17 prior to the effective date of this act, fourteen cents or (b) for tax
18 years beginning on or after the effective date of this act, (i) ten cents
19 or (ii) with a three-fifths majority vote of the board, fourteen cents on
20 each one hundred dollars upon the taxable value of all taxable property
21 in the district which shall be in addition to any other taxes authorized
22 to be levied for school purposes. Such tax shall be levied and collected
23 as are other taxes for school purposes.

24 (2) The school board or board of education of a Class II, III, IV,
25 V, or VI school district may continue an annual tax established pursuant
26 to this section prior to the effective date of this act through school
27 fiscal year 2024-25 for any project commenced prior to the effective date
28 of this act. Any annual tax continued pursuant to this subsection shall
29 not exceed the rate levied for such project for school fiscal year
30 2017-18. The proceeds of any such annual tax shall only be used for the
31 project for which the tax was levied. For purposes of this subsection,
1 commenced means any action taken by the school board on the record which
2 commits the board to expend district funds in planning, constructing, or
3 carrying out the project. Any tax authorized pursuant to this subsection
4 shall not exceed fourteen cents on each one hundred dollars of taxable
5 value when combined with all other taxes imposed pursuant to this
6 section.

7 (3) On or before October 1, 2018, the school board or board of
 8 education of any Class II, III, IV, V, or VI school district that levied
 9 an annual tax pursuant to this section for school fiscal year 2017-18
 10 shall file with the Auditor of Public Accounts a statement describing any
 11 projects for which an annual tax may be continued pursuant to subsection
 12 (2) of this section, the rate levied for school fiscal year 2017-18
 13 attributable to each such project, and the anticipated completion date
 14 for each such project.

15 (4) The proceeds of any annual tax imposed pursuant to this section
 16 shall be kept separate and apart from other school district funds, except
 17 that such proceeds may be combined with amounts levied and collected
 18 under sections 79-1098 to 79-10,101 for the same project.

19 Sec. 6. Section 79-10,126, Revised Statutes Cumulative Supplement,
 20 2016, is amended to read:

21 79-10,126 For school fiscal year 2017-18 and each school fiscal year
 22 thereafter, each Class V school district shall establish (1) for the
 23 general operation of the schools, such fund as will result from an annual
 24 levy of such rate of tax upon the taxable value of all the taxable
 25 property in such school district as the board of education determines to
 26 be necessary for such purpose, (2) ~~funds a fund~~ resulting from an annual
 27 ~~levies amount of tax~~ to be determined by the board of education pursuant
 28 ~~to sections 79-1098 to 79-10,101 and 79-10,120 of not to exceed fourteen~~
 29 ~~cents on each one hundred dollars upon the taxable value of all the~~
 30 ~~taxable property in the district~~ for the purpose of acquiring sites of
 31 school buildings and the erection, alteration, equipping, and furnishing
 1 of school buildings and additions to school buildings, which tax levies
 2 ~~levy~~ shall be used for no other purposes, and (3) a further fund
 3 resulting from an annual amount of tax to be determined by the board of
 4 education to pay interest on and retiring, funding, or servicing of
 5 bonded indebtedness of the district.

6 Sec. 7. Original sections 79-1082, 79-1098, 79-10,100, and
 7 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120
 8 and 79-10,126, Revised Statutes Cumulative Supplement, 2016, are
 9 repealed.

10 Sec. 8. The following section is outright repealed: Section
 11 79-1099, Reissue Revised Statutes of Nebraska.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S) General Affairs

LEGISLATIVE BILL 1120. Placed on General File with amendment.
 AM2545

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

3 Section 1. Section 59-1401, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 59-1401 Sections 59-1401 to 59-1406 and sections 2 and 4 to 8 of
 6 this act shall be known and may be cited as the Music Licensing Agency
 7 Act. As used in sections 59-1401 to 59-1406, person means any individual,
 8 resident or nonresident of this state, and every domestic, foreign, or
 9 alien partnership, limited liability company, society, association, or
 10 corporation and the words performing rights refer to public performance
 11 for profit.

12 Sec. 2. For purposes of the Music Licensing Agency Act:

13 (1) Copyright owner means the owner of a copyright of a nondramatic
 14 musical work recognized and enforceable under the copyright laws of the
 15 United States pursuant to 17 U.S.C. 101 et seq., as such sections existed
 16 on January 1, 2018, and does not include the owner of a copyright in a
 17 motion picture or audiovisual work or in part of a motion picture or
 18 audiovisual work;

19 (2) Music licensing agency means an association or corporation that
 20 licenses the public performance of nondramatic musical works on behalf of
 21 copyright owners;

22 (3) Performing right means the right to perform a copyrighted
 23 nondramatic musical work publicly for profit;

24 (4) Person means any individual, resident or nonresident of this
 25 state, and every domestic, foreign, or alien partnership, limited
 26 liability company, society, association, corporation, or music licensing
 27 agency;

1 (5) Proprietor means the owner of a retail establishment,
 2 restaurant, inn, bar, tavern, sports or entertainment facility, or other
 3 similar place of business or professional office located in this state in
 4 which the public may assemble and in which nondramatic musical works or
 5 similar copyrighted works may be performed, broadcast, or otherwise
 6 transmitted for the enjoyment of members of the public there assembled;
 7 and

8 (6) Royalty means the fees payable to a copyright owner for a
 9 performing right.

10 Sec. 3. Section 59-1403, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 59-1403 There From and after August 10, 1945, there is hereby
 13 levied and there shall be collected a tax for the act or privilege of
 14 selling, licensing, or otherwise disposing in this state of performing
 15 rights in any musical composition, which has been copyrighted under the
 16 laws of the United States, in an amount equal to three percent of the
 17 gross receipts of all such sales, licenses, or other dispositions of
 18 performing rights in this state payable to the Department of Revenue
 19 Secretary of State on or before March 15, 1946, with respect to all such
 20 gross receipts for the portion of the calendar year 1945 from August 10,
 21 1945, and annually thereafter, on or before March 15 of each succeeding
 22 year with respect to the gross receipts of the preceding calendar year.
 23 At the time of paying the said tax the Secretary of State shall issue a
 24 receipt therefor in duplicate, one of which shall be given to the
 25 taxpayer and one filed with the State Treasurer at the time the tax

26 ~~collected is paid by the Secretary of State to the state treasury. The~~
27 ~~department Secretary of State shall adopt and promulgate publish rules~~
28 ~~and regulations not in conflict with this section herewith, as well as a~~
29 ~~form of return and any other forms necessary to carry out the provisions~~
30 ~~of this section.~~

31 Sec. 4. (1) Beginning January 1, 2019, a music licensing agency
1 shall not license or attempt to license the use of or collect or attempt
2 to collect any compensation with regard to any sale, license, or other
3 disposition of a performing right unless the music licensing agency
4 registers and files annually, on or before February 15, with the
5 Department of Revenue an electronic copy of each variation of the
6 performing-rights agreement providing for the payment of royalties made
7 available from the music licensing agency to any proprietor within this
8 state. The registration shall be valid for the calendar year. The
9 department shall impose a fine for failure to renew or register in the
10 amount of ten thousand dollars for each forty-five-day period which has
11 passed since February 15 of the registration year if a music licensing
12 agency fails to renew a registration or engages in business without
13 registration.

14 (2) Each registered music licensing agency shall make available
15 electronically to proprietors the most current available list of members
16 and affiliates represented by the music licensing agency and the most
17 current available list of the performed works that the music licensing
18 agency licenses.

19 Sec. 5. (1) Beginning January 1, 2019, no music licensing agency
20 may enter into, or offer to enter into, a contract for the payment of
21 royalties by a proprietor unless at least seventy-two hours prior to the
22 execution of that contract it provides to the proprietor or the
23 proprietor's employees, in writing, the following:

24 (a) A schedule of the rates and terms of royalties under the
25 contract; and

26 (b) Notice that the proprietor is entitled to the information filed
27 with the Department of Revenue pursuant to section 4 of this act.

28 (2) Beginning January 1, 2019, a contract for the payment of
29 royalties executed in this state shall:

30 (a) Be in writing;

31 (b) Be signed by the parties; and

1 (c) Include, at least, the following information:

2 (i) The proprietor's name and business address;

3 (ii) The name and location of each place of business to which the
4 contract applies;

5 (iii) The duration of the contract; and

6 (iv) The schedule of rates and terms of the royalties to be
7 collected under the contract, including any sliding scale or schedule for
8 any increase or decrease of those rates for the duration of the contract.

9 Sec. 6. (1) Beginning January 1, 2019, before seeking payment or a
10 contract for payment of royalties for the use of copyrighted works by
11 that proprietor, a representative or agent for a music licensing agency
12 shall identify himself or herself to the proprietor or the proprietor's

13 employees, disclose that he or she is acting on behalf of a music
14 licensing agency, and disclose the purpose for being on the premises.
15 (2) A representative or agent of a music licensing agency shall not:
16 (a) Use obscene, abusive, or profane language when communicating
17 with a proprietor or his or her employees;
18 (b) Communicate by telephone or in person with a proprietor other
19 than at the proprietor's place of business during the hours when the
20 proprietor's business is open to the public unless otherwise authorized
21 by the proprietor or the proprietor's agents, employees, or
22 representatives;
23 (c) Engage in any coercive conduct, act, or practice that is
24 substantially disruptive to a proprietor's business;
25 (d) Use or attempt to use any unfair or deceptive act or practice in
26 negotiating with a proprietor; or
27 (e) Communicate with an unlicensed proprietor about licensing
28 performances of musical works at the proprietor's establishment after
29 receiving notification in writing from an attorney representing the
30 proprietor that all further communications related to the licensing of
31 the proprietor's establishment by the music licensing agency should be
1 addressed to the attorney. However, the music licensing agency may resume
2 communicating directly with the proprietor if the attorney fails to
3 respond to communications from the music licensing agency within sixty
4 days or the attorney becomes nonresponsive for a period of sixty days or
5 more.

6 Sec. 7. The Department of Revenue shall inform proprietors of their
7 rights and responsibilities regarding the public performance of
8 copyrighted music as part of the business licensing service.

9 Sec. 8. Nothing in the Music Licensing Agency Act may be construed
10 to prohibit a music licensing agency from conducting an investigation to
11 determine the existence of music use by a proprietor's business or
12 informing a proprietor of the proprietor's obligations under the
13 copyright laws of the United States pursuant to 17 U.S.C. 101 et seq., as
14 such sections existed on January 1, 2018.

15 Sec. 9. Section 59-1404, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 59-1404 Upon compliance with the Music Licensing Agency Act,
18 provisions of sections 59-1401 to 59-1406 the copyright owner, and his or
19 her proprietors, their assigns and licensees, of a nondramatic musical
20 work compositions copyrighted under the laws of the United States shall
21 be entitled to all the benefits thereof.

22 Sec. 10. Section 59-1405, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 59-1405 All music licensing agencies persons who sell, license the
25 use of, or in any manner whatsoever dispose of, in this state, the
26 performing rights in or to any copyrighted musical composition shall
27 refrain from discriminating in price or terms between licensees similarly
28 situated, except ; Provided, however, that differentials based upon
29 applicable business factors which justify different prices or terms shall
30 not be considered discriminations within the meaning of this section.

31 ~~Nothing~~ ; and provided further, that nothing contained in this section
 1 shall prevent price changes from time to time by reason of changing
 2 conditions affecting the market for or marketability of performing
 3 rights.

4 Sec. 11. Section 59-1406, Reissue Revised Statutes of Nebraska, is
 5 amended to read:

6 59-1406 Any person violating the Music Licensing Agency Act sections
 7 ~~59-1401 to 59-1406~~ shall be fined an amount not less than five one
 8 hundred dollars and not more than two one thousand dollars. Multiple
 9 violations on a single day may be considered separate violations.

10 Sec. 12. Original sections 59-1401, 59-1403, 59-1404, 59-1405, and
 11 59-1406, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB596:
 AM2523

(Amendments to Standing Committee amendments, AM621)

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

2 insert the following new sections:

3 Section 1. Section 38-3301, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 38-3301 Sections 38-3301 to 38-3335 and section 3 of this act shall
 6 be known and may be cited as the Veterinary Medicine and Surgery Practice
 7 Act.

8 Sec. 2. Section 38-3302, Reissue Revised Statutes of Nebraska, is
 9 amended to read:

10 38-3302 For purposes of the Veterinary Medicine and Surgery Practice
 11 Act and elsewhere in the Uniform Credentialing Act, unless the context
 12 otherwise requires, the definitions found in sections 38-3303 to 38-3318
 13 and section 3 of this act apply.

14 Sec. 3. Equine massage practice means the application of hands-on
 15 massage techniques for the purpose of increasing circulation, relaxing
 16 muscle spasms, relieving tension, enhancing muscle tone, and increasing
 17 range of motion in equines.

18 Sec. 4. Section 38-3314, Reissue Revised Statutes of Nebraska, is
 19 amended to read:

20 38-3314 Unlicensed assistant means an individual who is not a
 21 licensed veterinarian, a licensed veterinary technician, or a licensed
 22 animal therapist and who is working in veterinary medicine. Unlicensed
 23 assistant does not include a person engaged in equine massage practice.

24 Sec. 5. Section 38-3321, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 38-3321 No person may practice veterinary medicine and surgery in
 1 the state who is not a licensed veterinarian, no person may perform
 2 delegated animal health care tasks in the state who is not a licensed
 3 veterinary technician or an unlicensed assistant performing such tasks

4 within the limits established under subdivision (2) of section 38-3326,
5 and no person may perform health care therapy on animals in the state who
6 is not a licensed animal therapist. The Veterinary Medicine and Surgery
7 Practice Act shall not be construed to prohibit:

8 (1) An employee of the federal, state, or local government from
9 performing his or her official duties;

10 (2) A person who is a student in a veterinary school from performing
11 duties or actions assigned by his or her instructors or from working
12 under the direct supervision of a licensed veterinarian;

13 (3) A person who is a student in an approved veterinary technician
14 program from performing duties or actions assigned by his or her
15 instructors or from working under the direct supervision of a licensed
16 veterinarian or a licensed veterinary technician;

17 (4) Any merchant or manufacturer from selling feed or feeds whether
18 medicated or nonmedicated;

19 (5) A veterinarian regularly licensed in another state from
20 consulting with a licensed veterinarian in this state;

21 (6) Any merchant or manufacturer from selling from his or her
22 established place of business medicines, appliances, or other products
23 used in the prevention or treatment of animal diseases or any merchant or
24 manufacturer's representative from conducting educational meetings to
25 explain the use of his or her products or from investigating and advising
26 on problems developing from the use of his or her products;

27 (7) An owner of livestock or a bona fide farm or ranch employee from
28 performing any act of vaccination, surgery, pregnancy testing,
29 retrievable transplantation of embryos on bovine, including recovering,
30 freezing, and transferring embryos on bovine, or the administration of
31 drugs in the treatment of domestic animals under his or her custody or
1 ownership nor the exchange of services between persons or bona fide
2 employees who are principally farm or ranch operators or employees in the
3 performance of these acts;

4 (8) A member of the faculty of a veterinary school or veterinary
5 science department from performing his or her regular functions, or a
6 person lecturing or giving instructions or demonstrations at a veterinary
7 school or veterinary science department or in connection with a
8 continuing competency activity;

9 (9) Any person from selling or applying any pesticide, insecticide,
10 or herbicide;

11 (10) Any person from engaging in bona fide scientific research which
12 reasonably requires experimentation involving animals;

13 (11) Any person from treating or in any manner caring for domestic
14 chickens, turkeys, or waterfowl, which are specifically exempted from the
15 Veterinary Medicine and Surgery Practice Act;

16 (12) Any person from performing dehorning or castrating livestock,
17 not to include equidae.

18 For purposes of the Veterinary Medicine and Surgery Practice Act,
19 castration shall be limited to the removal or destruction of male testes;

20 (13) Any person who holds a valid credential in the State of
21 Nebraska in a health care profession or occupation regulated under the

22 Uniform Credentialing Act from consulting with a licensed veterinarian or
 23 performing collaborative animal health care tasks on an animal under the
 24 care of such veterinarian if all such tasks are performed under the
 25 immediate supervision of such veterinarian; ~~or~~

26 (14) A person from performing a retrievable transplantation of
 27 embryos on bovine, including recovering, freezing, and transferring
 28 embryos on bovine, if the procedure is being performed by a person who
 29 (a) holds a doctorate degree in animal science with an emphasis in
 30 reproductive physiology from an accredited college or university and (b)
 31 has and can show proof of valid professional liability insurance; or -

1 (15) Any person engaging solely in equine massage practice.
 2 Sec. 6. Original sections 38-3301, 38-3302, 38-3314, and 38-3321,
 3 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 362. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Walz, 15.

WHEREAS, Soil Analytics has been recognized by the Fremont Area Chamber of Commerce as the Ag Innovator of the Year; and

WHEREAS, Soil Analytics has been bringing innovative scientific procedures to the forefront of the agricultural industry; and

WHEREAS, by offering tools and services to improve agronomy, Soil Analytics has enhanced the production of farmers and their stewardship of the environment; and

WHEREAS, the Legislature recognizes businesses that add significant commercial and scientific contributions to the state of Nebraska and its communities.

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

1. That the Legislature congratulates Soil Analytics for their contributions to the Fremont community and for their excellence in agriculture.
2. That a copy of this resolution be sent to Soil Analytics.

Laid over.

LEGISLATIVE RESOLUTION 364. Introduced by Walz, 15.

WHEREAS, Butler Ag Equipment has been recognized by the Fremont Area Chamber of Commerce as the Ag Business of the Year; and

WHEREAS, Butler Ag Equipment has been, and continues to be, heavily involved in the Fremont community and the surrounding agricultural area; and

WHEREAS, Butler Ag Equipment has been a staple in the state's agricultural economy for the past century; and

WHEREAS, the Legislature recognizes businesses that add significant cultural and commercial contributions to the state of Nebraska and its communities.

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

1. That the Legislature congratulates Butler Ag Equipment for their significant contribution to the Fremont community and for their excellence in agriculture.

2. That a copy of this resolution be sent to Butler Ag Equipment.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Walz, 15.

WHEREAS, Scott Wagner and his family have been recognized by the Fremont Area Chamber of Commerce as the Farm Family of the Year; and

WHEREAS, the Wagners have lived in the Fremont area and engaged in agriculture for the past five generations; and

WHEREAS, for the past 146 years, the Wagners have made meaningful educational and commercial contributions to the agriculture community; and

WHEREAS, the Legislature recognizes individuals and families that add significant cultural and commercial contributions to their state and communities.

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

1. That the Legislature congratulates Scott Wagner and his family for their contribution to the community and for their excellence in agriculture.

2. That a copy of this resolution be sent to Scott Wagner.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 778. Senator Baker offered the following motion:

MO287

Bracket until April 18, 2018.

SENATOR WILLIAMS PRESIDING**PRESIDENT FOLEY PRESIDING**

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

Senator Baker moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Senator Baker requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 30:

Baker	Ebke	Kolowski	Morfeld	Smith
Blood	Hansen	Kolterman	Murante	Stinner
Bolz	Harr	Krist	Pansing Brooks	Walz
Briese	Hilgers	Lindstrom	Quick	Wayne
Chambers	Hilkemann	McCollister	Riepe	Williams
Crawford	Howard	McDonnell	Schumacher	Wishart

Voting in the negative, 10:

Albrecht	Erdman	Kuehn	Linehan	Scheer
Brewer	Halloran	Larson	Lowe	Thibodeau

Present and not voting, 8:

Bostelman	Clements	Geist	Vargas
Brasch	Friesen	Groene	Watermeier

Excused and not voting, 1:

Hughes

The motion to cease debate prevailed with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 17:

Baker	Ebke	Kolowski	Morfeld	Williams
Blood	Hansen	Kolterman	Pansing Brooks	
Chambers	Harr	Krist	Quick	
Crawford	Howard	McCollister	Walz	

Voting in the negative, 19:

Albrecht	Erdman	Hilkemann	Lowe	Scheer
Brasch	Groene	Kuehn	McDonnell	Thibodeau
Brewer	Halloran	Larson	Murante	Watermeier
Briese	Hilgers	Linehan	Riepe	

Present and not voting, 12:

Bolz	Friesen	Schumacher	Vargas
Bostelman	Geist	Smith	Wayne
Clements	Lindstrom	Stinner	Wishart

Excused and not voting, 1:

Hughes

The Baker motion to bracket failed with 17 ayes, 19 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Pansing Brooks amendment, AM2562, found in this day's Journal, to the committee amendment, was renewed.

Senator Groene offered the following motion:

MO288

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Groene moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

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

Voting in the affirmative, 18:

Albrecht	Clements	Halloran	Lowe	Thibodeau
Brasch	Erdman	Hilgers	Murante	Watermeier
Brewer	Geist	Larson	Riepe	
Briese	Groene	Linehan	Schumacher	

Voting in the negative, 12:

Baker	Harr	Morfeld	Walz
Blood	Kolowski	Pansing Brooks	Williams
Chambers	Kolterman	Stinner	Wishart

Present and not voting, 18:

Bolz	Friesen	Hughes	McCollister	Vargas
Bostelman	Hansen	Krist	McDonnell	Wayne
Crawford	Hilkemann	Kuehn	Quick	
Ebke	Howard	Lindstrom	Scheer	

Excused and not voting, 1:

Smith

The Groene motion to invoke cloture failed with 18 ayes, 12 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 990. Title read. Considered.

Committee AM2209, found on page 867, was offered.

SPEAKER SCHEER PRESIDING

Senator Krist moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1107. Placed on General File with amendment. AM2293 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 990. Senator Chambers offered the following motion:

MO289

Bracket until April 8, 2018.

SENATOR WILLIAMS PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Chambers requested a record vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 17:

Blood	Groene	Linehan	Quick	Williams
Briese	Halloran	Lowe	Scheer	
Crawford	Harr	McCollister	Stinner	
Erdman	Kuehn	McDonnell	Thibodeau	

Present and not voting, 27:

Baker	Clements	Hilkemann	Lindstrom	Watermeier
Bolz	Ebke	Howard	Morfeld	Wayne
Bostelman	Friesen	Hughes	Schumacher	Wishart
Brasch	Geist	Kolowski	Smith	
Brewer	Hansen	Kolterman	Vargas	
Chambers	Hilgers	Krist	Walz	

Excused and not voting, 5:

Albrecht	Larson	Murante	Pansing Brooks Riepe
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The Chambers motion to bracket failed with 0 ayes, 17 nays, 27 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB1015:
AM2590

(Amendments to Standing Committee amendments, AM1927)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 84-712.01, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 84-712.01 (1) Except when any other statute expressly provides that
- 5 particular information or records shall not be made public, public
- 6 records shall include all records and documents, regardless of physical
- 7 form, of or belonging to this state, any county, city, village, political
- 8 subdivision, or tax-supported district in this state, or any agency,
- 9 branch, department, board, bureau, commission, council, subunit, or
- 10 committee of any of the foregoing. Data which is a public record in its
- 11 original form shall remain a public record when maintained in computer
- 12 files.
- 13 (2) When a custodian of a public record of a county provides to a
- 14 member of the public, upon request, a copy of the public record by

15 transmitting it from a modem to an outside modem, a reasonable fee may be
 16 charged for such specialized service. Such fee may include a reasonable
 17 amount representing a portion of the amortization of the cost of computer
 18 equipment, including software, necessarily added in order to provide such
 19 specialized service. This subsection shall not be construed to require a
 20 governmental entity to acquire computer capability to generate public
 21 records in a new or different form when that new form would require
 22 additional computer equipment or software not already possessed by the
 23 governmental entity.

24 (3) Sections 84-712 to 84-712.03 shall be liberally construed
 25 whenever any state, county, or political subdivision fiscal records,
 26 audit, warrant, voucher, invoice, purchase order, requisition, payroll,
 1 check, receipt, or other record of receipt, cash, or expenditure
 2 involving public funds is involved in order that the citizens of this
 3 state shall have the full right to know of and have full access to
 4 information on the public finances of the government and the public
 5 bodies and entities created to serve them.

6 (4) No public record obtained directly or indirectly from the state
 7 or a political subdivision of the state shall be used for purposes of
 8 advertising or marketing or for any other commercial purpose.

9 2. Renumber the remaining sections and correct the repealer
 10 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1130. Title read. Considered.

Committee AM1844, found on page 752, was offered.

Senator Kuehn offered the following amendment to the committee
 amendment:

AM2371

(Amendments to Standing Committee amendments, AM1844)

1 1. On page 3, after line 11 insert the following new subsection:
 2 "(3) This section does not apply to a tax-exempt organization which
 3 is a postsecondary educational institution with programs approved by the
 4 Coordinating Commission for Postsecondary Education".

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB990:

FA129

Strike Section 6 on page 3.

Senator Wayne filed the following amendment to LB990:

FA131

Amend AM2209

In Section 3, page 2 line 21 change "twenty-five" to "twenty-five (25)".

Senator Wayne filed the following amendment to LB990:
FA133
Amend AM2209
On page 3, line 18 change "petition" to "petition or petitions".

VISITORS

Visitors to the Chamber were Judy and Doug Lane from Omaha; Lisa Lunz from Wakefield; 50 fourth-grade students from Arlington; 16 members of Leadership Washington County from the Blair Area Chamber of Commerce; 26 members from the Leadership Academy, Young Farmers and Ranchers Committee, and Nebraska Farm Bureau; UNL student, Katie Coil, from Hastings; and Steve Kraft from Omaha.

RECESS

At 6:00 p.m., on a motion by Senator Brewer, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Briebe, Crawford, Ebke, Groene, Hansen, Larson, Morfeld, Pansing Brooks, Stinner, Vargas, Walz, Watermeier, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1130. The Kuehn amendment, AM2371, found in this day's Journal, to the committee amendment, was renewed.

The Kuehn amendment lost with 17 ayes, 5 nays, 15 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following motion:
MO290
Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

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

Voting in the affirmative, 4:

Harr Krist Lowe Wayne

Voting in the negative, 21:

Albrecht	Clements	Hilgers	Linehan	Watermeier
Bostelman	Erdman	Hughes	Murante	
Brasch	Friesen	Kuehn	Riepe	
Brewer	Geist	Larson	Scheer	
Briese	Halloran	Lindstrom	Thibodeau	

Present and not voting, 16:

Baker	Groene	Kolterman	Schumacher
Blood	Hilkemann	McCollister	Smith
Bolz	Howard	McDonnell	Walz
Chambers	Kolowski	Quick	Williams

Absent and not voting, 1:

Crawford

Excused and not voting, 7:

Ebke	Morfeld	Stinner	Wishart
Hansen	Pansing Brooks	Vargas	

The Chambers motion to bracket failed with 4 ayes, 21 nays, 16 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO292

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO292, to reconsider. No objections. So ordered.

Pending.

LEGISLATIVE BILL 295. Senator Harr offered the following motion:

MO291

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

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

Senator Hilgers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

The Harr motion to indefinitely postpone failed with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Crawford has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILL ON FIRST READING

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

LEGISLATIVE BILL 994A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Fifth Legislature, Second Session, 2018.

GENERAL FILE

LEGISLATIVE BILL 295. Senator Harr offered the following motion:

MO294

Reconsider the vote taken to indefinitely postpone.

Pending.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB295:

MO293

Bracket until April 18, 2018.

VISITORS

The Doctor of the Day was Dr. Doug Bauer from Gretna.

ADJOURNMENT

At 9:52 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Friday, March 23, 2018.

Patrick J. O'Donnell
Clerk of the Legislature