

**FIFTEENTH DAY - JANUARY 27, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 27, 2016

**PRAYER**

The prayer was offered by Reverend Scott Porath, Immanuel Lutheran Church, Eagle.

**ROLL CALL**

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

The roll was called and all members were present except Senator Coash who was excused; and Senators Bolz, Craighead, Gloor, McCollister, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 864.** Placed on General File.

**LEGISLATIVE BILL 700.** Placed on General File with amendment.  
AM1889

1 1. On page 2, line 16, after the comma insert "except for an  
2 amendment that serves only to correct a misspelling or other  
3 typographical error.".

**LEGISLATIVE BILL 703.** Placed on General File with amendment.  
AM1877

1 1. On page 2, line 27, after the period insert "If the owner or  
2 occupant of the lot or piece of ground does not request a hearing with  
3 the city within five days after receipt of such notice or fails to comply  
4 with the order to abate and remove the nuisance, the city may have such  
5 work done.".  
6 2. On page 4, line 4, after the period insert "If the owner or

7 occupant of the lot or piece of ground does not request a hearing with  
 8 the city or village within five days after receipt of such notice or  
 9 fails to comply with the order to abate and remove the nuisance, the city  
 10 or village may have such work done."

**LEGISLATIVE BILL 705.** Placed on General File with amendment.  
 AM1884

- 1 1. On page 12, line 3, strike "remonstrance" and show as stricken.
- 2 2. On page 18, line 22, after "ordinance" insert "or as provided
- 3 under section 16-252".
- 4 3. On page 54, line 13, strike "paving and" and show as stricken.

(Signed) Sue Crawford, Chairperson

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| <b>LB/LR</b> | <b>Committee</b>     |
|--------------|----------------------|
| LB1095       | Revenue (rereferred) |

(Signed) Bob Krist, Chairperson  
 Executive Board

#### GENERAL FILE

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO167, found on page 422, to reconsider the vote taken to recommit to committee.

#### SPEAKER HADLEY PRESIDING

Senator Ebke offered the following motion:

MO169

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Senator Chambers requested the roll call vote be taken in regular order.

Voting in the affirmative, 32:

|            |           |             |         |            |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Fox       | Johnson     | McCoy   | Smith      |
| Bolz       | Friesen   | Kintner     | Murante | Stinner    |
| Brasch     | Garrett   | Kolterman   | Riepe   | Watermeier |
| Craighead  | Gloor     | Kuehn       | Scheer  | Williams   |
| Crawford   | Groene    | Larson      | Schilz  |            |
| Davis      | Hilkemann | Lindstrom   | Schnoor |            |
| Ebke       | Hughes    | McCollister | Seiler  |            |

Voting in the negative, 10:

|          |          |        |          |          |
|----------|----------|--------|----------|----------|
| Campbell | Cook     | Hadley | Harr, B. | Krist    |
| Chambers | Haar, K. | Hansen | Howard   | Sullivan |

Present and not voting, 6:

|          |         |                |
|----------|---------|----------------|
| Baker    | Mello   | Pansing Brooks |
| Kolowski | Morfeld | Schumacher     |

Excused and not voting, 1:

Coash

The Ebke motion to invoke cloture failed with 32 ayes, 10 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 729.** Placed on General File.  
**LEGISLATIVE BILL 758.** Placed on General File.  
**LEGISLATIVE BILL 772.** Placed on General File.  
**LEGISLATIVE BILL 819.** Placed on General File.  
**LEGISLATIVE BILL 840.** Placed on General File.

(Signed) Jim Scheer, Chairperson

#### **NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1525

Tuesday, February 9, 2016 12:00 p.m.

LB1069

(Signed) Mark Kolterman, Chairperson

Judiciary

Room 1113

Wednesday, February 3, 2016 1:30 p.m.

LB953  
LB780  
LB1103  
LB934  
LB1008

(Signed) Les Seiler, Chairperson

Revenue

Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB951 (cancel)

Wednesday, February 3, 2016 1:30 p.m.

LB1015

(Signed) Mike Gloor, Chairperson

Executive Board

Room 2102

Wednesday, February 3, 2016 12:00 p.m.

LB987  
LB1083

Friday, February 5, 2016 12:00 p.m.

LB1022  
LB1102

Monday, February 8, 2016 12:00 p.m.

LR403  
LR413  
LR418

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 3, 2016 1:30 p.m.

LB753  
LB718  
LB766

Thursday, February 4, 2016 1:30 p.m.

LB687  
LR379CA  
LB742

Friday, February 5, 2016 1:30 p.m.

LB993  
LB935  
LB823

(Signed) John Murante, Chairperson

Judiciary

Room 1113

Friday, February 19, 2016 1:30 p.m.

LB832  
LB890  
LB916  
LB966

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

## Transportation and Telecommunications

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

Kyle Schneweis, Director - Department of Roads

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Fox filed the following amendment to LB289:

AM1933

1 1. On page 15, line 17, after the semicolon insert the following new  
2 subdivision:  
3 "(iv) Any city of the metropolitan or primary class from regulating  
4 or prohibiting the possession of concealable firearms by a person who is  
5 at least eighteen years of age and younger than twenty-one years of  
6 age."; and in line 18 strike "(iv)" and insert "(v)".

Senator Johnson filed the following amendment to LB798:

AM1907

1 1. On page 2, line 20, after "sections" insert "2-102.12,  
2 2-102.20(B)."; and after the third comma insert "2-501.11.".

Senator Kuehn filed the following amendment to LB471:

AM1909

(Amendments to Standing Committee amendments, AM1809)

1 1. Strike original amendment 1 and insert the following new  
2 amendment:  
3 1. Strike the original sections and insert the following new  
4 sections:  
5 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:  
7 71-2454 (1) An ~~It is the intent of the Legislature that an~~ entity  
8 described in section 71-2455 shall establish a system of prescription  
9 drug monitoring for the purposes of (a) preventing the misuse of  
10 controlled substances that are prescribed ~~in an efficient and cost-~~  
11 ~~effective manner~~ and (b) allowing prescribers and dispensers ~~doctors~~  
12 ~~and pharmacists~~ to monitor the care and treatment of patients for whom  
13 such a prescription drug is prescribed to ensure that such prescription  
14 drugs are used for medically appropriate purposes and that the State of  
15 Nebraska remains on the cutting edge of medical information technology.

16 (2) Such system of prescription drug monitoring shall be implemented  
17 beginning January 1, 2017, and shall include, but not be limited to,  
18 provisions that:  
19 (a) Prohibit any patient from opting out of the prescription drug  
20 monitoring system;  
21 (b) Require all prescriptions dispensed in this state or to an  
22 address in this state to be entered into the system by the dispenser or  
23 his or her designee daily after such prescription is dispensed, including  
24 those for patients paying cash for such prescription drug or otherwise  
25 not relying on a third-party payor for payment for the prescription drug;  
26 (c) Allow all prescribers or dispensers of prescription drugs to  
1 access the system at no cost to such prescriber or dispenser; and  
2 (d) Ensure that such system includes information relating to all  
3 payors, including, but not limited to, the medical assistance program  
4 established pursuant to the Medical Assistance Act.  
5 Dispensers may begin on the effective date of this act to report  
6 dispensing of prescriptions to the entity described in section 71-2455  
7 which is responsible for establishing the system of prescription drug  
8 monitoring.  
9 (3) Prescription information that shall be submitted electronically  
10 to the prescription drug monitoring system shall include:  
11 (a) The patient's name, address, and date of birth;  
12 (b) The name and address of the pharmacy dispensing the  
13 prescription;  
14 (c) The date the prescription is written;  
15 (d) The date the prescription is filled;  
16 (e) The name of the drug prescribed;  
17 (f) The strength of the drug prescribed;  
18 (g) The quantity of the drug prescribed and the number of days'  
19 supply; and  
20 (h) The prescriber's name, address, and National Provider Identifier  
21 number.  
22 (4) Beginning January 1, 2018, a veterinarian licensed under the  
23 Veterinary Medicine and Surgery Practice Act shall be required to report  
24 a dispensed prescription of controlled substances listed on Schedule II,  
25 Schedule III, or Schedule IV pursuant to section 28-405.  
26 (5) For purposes of this section:  
27 (a) Designee means any licensed or registered health care  
28 professional designated by a dispenser to act as an agent of the  
29 dispenser for purposes of submitting or accessing data in the  
30 prescription drug monitoring system and who is directly supervised by  
31 such dispenser;  
1 (b) Dispenser means a person authorized in the jurisdiction in which  
2 he or she is practicing to deliver a prescription to the ultimate user by  
3 or pursuant to the lawful order of a prescriber but does not include (i)  
4 a licensed hospital pharmacy that distributes such prescription for the  
5 purposes of inpatient hospital care or emergency department care for the  
6 immediate use of a prescription, (ii) an authorized person who  
7 administers a prescription upon the lawful order of a prescriber, or

8 (iii) a wholesale distributor of a prescription drug monitored by the  
9 prescription drug monitoring system, and (iv) through December 31, 2017,  
10 a veterinarian licensed under the Veterinary Medicine and Surgery  
11 Practice Act when dispensing prescriptions for animals in the usual  
12 course of providing professional services; and  
13 (c) Prescriber means a health care professional authorized to  
14 prescribe in the profession which he or she practices.  
15 Sec. 2. (1) The Veterinary Prescription Monitoring Program Task  
16 Force is created. The task force shall conduct a study to develop  
17 recommendations of which controlled substances shall be reported by a  
18 veterinarian to the prescription monitoring program created under section  
19 71-2454 when dispensing drugs from a veterinarian's office or an animal  
20 shelter. The study shall include appropriate methods and procedures of  
21 reporting by the veterinarians with the necessary database field  
22 information. The task force shall utilize nationally available resources  
23 afforded by the American Association of Veterinary State Boards and the  
24 Department of State Legislative and Regulatory Affairs of the American  
25 Veterinary Medical Association in development of the recommendations.  
26 (2) The task force shall consist of at least ten members appointed  
27 by the chairperson of the Health and Human Services Committee of the  
28 Legislature as follows: One member of the Health and Human Services  
29 Committee; two at-large members of the Legislature; three members  
30 selected from a list of six veterinarians provided by the Board of  
31 Veterinary Medicine and Surgery, one of whom is employed by or provides  
1 services at an animal shelter; one pharmacist nominated by the Nebraska  
2 Pharmacists Association or its successor organization; and two members  
3 nominated by the Nebraska Veterinary Medical Association or its successor  
4 organization. The task force shall also include a representative of the  
5 prescription drug monitoring program who shall be a nonvoting member and  
6 serve in an advisory capacity only.  
7 (3) The members of the task force shall be appointed within one  
8 hundred twenty days after the effective date of this act. The initial  
9 meeting of the task force shall be convened within one hundred eighty  
10 days after the effective date of this act. The task force shall elect a  
11 chairperson and may elect any additional officers from among its members.  
12 All task force members shall serve without compensation.  
13 (4) The task force shall report its findings and recommendations to  
14 the Health and Human Services Committee of the Legislature on or before  
15 December 1, 2016.  
16 (5) For purposes of this section, animal shelter has the definition  
17 found in section 54-626.  
18 Sec. 3. Original section 71-2454, Revised Statutes Cumulative  
19 Supplement, 2014, is repealed.  
20 Sec. 4. Since an emergency exists, this act takes effect when passed  
21 and approved according to law.

Senator Cook filed the following amendment to LB289:  
AM1936

1 1. Insert the following new section:

2 Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition  
5 and affidavit for a protection order as provided in subsection (2) of  
6 this section. Upon the filing of such a petition and affidavit in support  
7 thereof, the court may issue a protection order without bond granting the  
8 following relief:

9 (i a) Enjoining the respondent from imposing any restraint upon the  
10 petitioner or upon the liberty of the petitioner;

11 (ii b) Enjoining the respondent from threatening, assaulting,  
12 molesting, attacking, or otherwise disturbing the peace of the  
13 petitioner;

14 (iii e) Enjoining the respondent from telephoning, contacting, or  
15 otherwise communicating with the petitioner;

16 (iv d) Removing and excluding the respondent from the residence of  
17 the petitioner, regardless of the ownership of the residence;

18 (v e) Ordering the respondent to stay away from any place specified  
19 by the court;

20 (vi f) Awarding the petitioner temporary custody of any minor  
21 children not to exceed ninety days; or

22 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~  
23 ~~as defined in section 28-1201; or~~

24 (vii h) Ordering such other relief deemed necessary to provide for  
25 the safety and welfare of the petitioner and any designated family or  
26 household member.

27 (b) An order issued pursuant to this subsection that meets the  
1 requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section  
2 exists on the effective date of this act, shall enjoin the respondent  
3 from possessing or purchasing a firearm, as defined in section 28-1201,  
4 for the length of the order.

5 (2) Petitions for protection orders shall be filed with the clerk of  
6 the district court, and the proceeding may be heard by the county court  
7 or the district court as provided in section 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this section may  
9 not be withdrawn except upon order of the court. An order issued pursuant  
10 to subsection (1) of this section shall specify that it is effective for  
11 a period of one year and, if the order grants temporary custody, the  
12 number of days of custody granted to the petitioner unless otherwise  
13 modified by the court.

14 (4) Any person who knowingly violates a protection order issued  
15 pursuant to subsection (1) of this section or section 42-931 after  
16 service or notice as described in subsection (2) of section 42-926 shall  
17 be guilty of a Class I misdemeanor, except that any person convicted of  
18 violating such order who has a prior conviction for violating a  
19 protection order shall be guilty of a Class IV felony.

20 (5) If there is any conflict between sections 42-924 to 42-926 and  
21 any other provision of law, sections 42-924 to 42-926 shall govern.

22 2. Renumber the remaining section and correct the repealer  
23 accordingly.

Senator Cook filed the following amendment to LB289:

AM1937

1 1. Insert the following new section:

2 Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass  
5 or iron knuckles and who has previously been convicted of a felony, who  
6 is a fugitive from justice, or who is the subject of a current and  
7 validly issued domestic violence protection order and is knowingly  
8 violating such order, or (b) any person who possesses a firearm or brass  
9 or iron knuckles and who has been convicted ~~within the past seven years~~  
10 of a misdemeanor crime of domestic violence, commits the offense of  
11 possession of a deadly weapon by a prohibited person.

12 (2) The felony conviction may have been had in any court in the  
13 United States, the several states, territories, or possessions, or the  
14 District of Columbia.

15 (3)(a) Possession of a deadly weapon which is not a firearm by a  
16 prohibited person is a Class III felony.

17 (b) Possession of a deadly weapon which is a firearm by a prohibited  
18 person is a Class ID felony for a first offense and a Class IB felony for  
19 a second or subsequent offense.

20 (4)(a)(i) For purposes of this section, misdemeanor crime of  
21 domestic violence means:

22 (A)(I) A crime that is classified as a misdemeanor under the laws of  
23 the United States or the District of Columbia or the laws of any state,  
24 territory, possession, or tribe;

25 (II) A crime that has, as an element, the use or attempted use of  
26 physical force or the threatened use of a deadly weapon; and

27 (III) A crime that is committed by another against his or her  
1 spouse, his or her former spouse, a person with whom he or she has a  
2 child in common whether or not they have been married or lived together  
3 at any time, or a person with whom he or she is or was involved in a  
4 dating relationship as defined in section 28-323; or

5 (B)(I) Assault in the third degree under section 28-310, stalking  
6 under subsection (1) of section 28-311.04, false imprisonment in the  
7 second degree under section 28-315, or first offense domestic assault in  
8 the third degree under subsection (1) of section 28-323 or any attempt or  
9 conspiracy to commit one of these offenses; and

10 (II) The crime is committed by another against his or her spouse,  
11 his or her former spouse, a person with whom he or she has a child in  
12 common whether or not they have been married or lived together at any  
13 time, or a person with whom he or she is or was involved in a dating  
14 relationship as defined in section 28-323.

15 (ii) A person shall not be considered to have been convicted of a  
16 misdemeanor crime of domestic violence unless:

17 (A) The person was represented by counsel in the case or knowingly  
18 and intelligently waived the right to counsel in the case; and

19 (B) In the case of a prosecution for a misdemeanor crime of domestic  
20 violence for which a person was entitled to a jury trial in the

21 jurisdiction in which the case was tried, either:  
22 (I) The case was tried to a jury; or  
23 (II) The person knowingly and intelligently waived the right to have  
24 the case tried to a jury.  
25 (b) For purposes of this section, subject of a current and validly  
26 issued domestic violence protection order pertains to a current court  
27 order that was validly issued pursuant to section 28-311.09 or 42-924 or  
28 that meets or exceeds the criteria set forth in section 28-311.10  
29 regarding protection orders issued by a court in any other state or a  
30 territory, possession, or tribe.  
31 2. Renumber the remaining section and correct the repealer  
1 accordingly.

### SELECT FILE

**LEGISLATIVE BILL 285.** ER144, found on page 275, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 47.** ER145, found on page 307, was adopted.

Senator Watermeier offered his amendment, AM1871, found on page 367.

The Watermeier amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers withdrew his amendment, FA82, found on page 397.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 471.** Title read. Considered.

Committee AM1809, found on page 225, was offered.

Senator Kuehn withdrew his amendment, AM1823, found on page 227.

Senator Kuehn offered his amendment, AM1909, found in this day's Journal, to the committee amendments.

Senator Kuehn moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Kuehn amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

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

#### **SELECT FILE**

**LEGISLATIVE BILL 190.** ER11, found on page 402, First Session, 2015, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 270.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 131.** Title read. Considered.

Committee AM405, found on page 537, First Session, 2015, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

#### **NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 2102

Monday, February 8, 2016 1:30 p.m.

LB836  
LB743  
LB1001  
LB1005  
LB983

(Signed) Burke Harr, Chairperson

Judiciary

Room 1113

Thursday, February 4, 2016 1:30 p.m.

LB710  
LB861  
LB910  
LB679  
LB1023

Friday, February 5, 2016 1:30 p.m.

LB991  
LB915  
LB919  
LB1027  
LB1007

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB618:  
AM1778

(Amendments to Standing Committee amendments, AM792)

- 1 1. On page 1, line 3; page 2, line 21; page 4, line 4; and page 6,  
2 line 16, strike "2015" and insert "2016".
- 3 2. On page 1, line 4; page 2, line 22; page 4, line 5; and page 6,  
4 line 17, strike "2020" and insert "2021".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis - LB689  
Gloor, Lindstrom - LB276  
Fox - LB1030 and LB190

**VISITOR(S)**

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

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature