

TWENTY-FIRST DAY - FEBRUARY 5, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 2016

PRAYER

The prayer was offered by Pastor Grant Reynolds, Good News Assembly of God Church, Falls City.

ROLL CALL

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

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hansen, Hilkemann, Larson, and McCollister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 311. Placed on Select File with amendment.
ER161 is available in the Bill Room.

LEGISLATIVE BILL 400. Placed on Select File.

LEGISLATIVE BILL 400A. Placed on Select File with amendment.
ER160

1 1. On page 1, line 3, strike "First Session, 2015" and insert
2 "Second Session, 2016".
3 2. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; and
4 in line 4, strike "First Session, 2015" and insert "Second Session,
5 2016".

LEGISLATIVE BILL 378. Placed on Select File.

(Signed) Matt Hansen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Allen, Brian
Helios
Bourke, Nick
Pew Charitable Trusts, The
Cavanaugh Law Firm, P.C., L.L.O.
Nebraska Chapter of the Sierra Club
Eash, Matthew
Nebraska School Finance Strategies, Inc.
Heartland Strategy Group, LLC
Peetz & Company
Kissel/E&S Associates, LLC
Kaplan Higher and Professional Education
Koops, Berend
Merck Sharp and Dohme Corp.
Lautenbaugh, Scott
Heartland Strategy Group, LLC
Mumgaard, D. Milo
Legal Aid of Nebraska
Nowka & Edwards
Intoximeters, Inc
Pappas, James E.
Planned Parenthood of the Heartland
UNO Chapter of the AAUP
Radcliffe, Walter H. of Radcliffe and Associates
One Vista LLC

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

RESOLUTION(S)

LEGISLATIVE RESOLUTION 433. Introduced by Riepe, 12.

WHEREAS, Nathan Andrew Richards, a member of Troop 282 from Omaha, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathan installed a memorial outside Ralston High School that honors the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty. The memorial includes a bronze monument depicting the Fallen Soldier Battle Cross. The memorial recognizes the American Legion and Veterans of Foreign Wars and pays tribute to prisoners of war and persons declared missing in action, as well as Nebraskans who have received the Medal of Honor; and

WHEREAS, Nathan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

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

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

MOTION - Return LB176 to Select File

Senator Davis moved to return LB176 to Select File for his specific amendment, AM1886, found on page 387.

Senator Schilz offered the following motion:

MO175

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 34:

Baker	Garrett	Kintner	McCollister	Schumacher
Campbell	Gloor	Kolowski	Mello	Seiler
Coash	Hadley	Kolterman	Murante	Smith
Craighead	Harr, B.	Krist	Pansing Brooks	Stinner
Ebke	Hilkemann	Kuehn	Riepe	Watermeier
Fox	Hughes	Larson	Scheer	Williams
Friesen	Johnson	Lindstrom	Schilz	

Voting in the negative, 14:

Bloomfield	Chambers	Davis	Hansen	Schnoor
Bolz	Cook	Groene	Howard	Sullivan
Brasch	Crawford	Haar, K.	Morfeld	

Excused and not voting, 1:

McCoy

The Schilz motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The Davis motion to return to Select File for his specific amendment, AM1886, failed with 13 ayes, 32 nays, 3 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend sections 54-2601, 54-2602, 54-2604, and 54-2627.01, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to prohibited acts; to change provisions relating to contract swine operations; to change and eliminate provisions relating to legislative findings; to harmonize provisions; to repeal the original sections; and to outright repeal section 54-2603, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Baker	Garrett	Kintner	McCollister	Schumacher
Campbell	Gloor	Kolowski	Mello	Seiler
Coash	Hadley	Kolterman	Murante	Smith
Craighead	Harr, B.	Krist	Pansing Brooks	Stinner
Ebke	Hilkemann	Kuehn	Riepe	Watermeier
Fox	Hughes	Larson	Scheer	Williams
Friesen	Johnson	Lindstrom	Schilz	

Voting in the negative, 14:

Bloomfield	Chambers	Davis	Hansen	Schnoor
Bolz	Cook	Groene	Howard	Sullivan
Brasch	Crawford	Haar, K.	Morfeld	

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB47 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014, and section 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to applications and anatomical gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2014; to change application provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Hughes	McCollister	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Garrett	Kintner	Morfeld	Stinner
Campbell	Gloor	Kolowski	Murante	Sullivan
Coash	Groene	Kolterman	Riepe	Watermeier
Craighead	Haar, K.	Krist	Scheer	Williams
Crawford	Hadley	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 2:

Chambers Cook

Present and not voting, 3:

Hansen Howard Pansing Brooks

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2709, Revised Statutes Cumulative Supplement, 2014; to change a reporting requirement under the Civic and Community Center Financing Act; to create a fund; to provide for distribution of certain amounts in the Civic and Community Center Financing Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Fox	Hughes	McCollister	Smith
Bolz	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Morfeld	Sullivan
Campbell	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Seiler	

Voting in the negative, 3:

Chambers Davis Schumacher

Present and not voting, 4:

Bloomfield Hansen Howard Schnoor

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 176, 47, 190, and 285.

SENATOR SCHEER PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 188. Senator Chambers renewed his motion, MO174, found on page 504, to reconsider the vote taken on FA85.

Pending.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE RESOLUTION 380CA. Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Health and Human Services

LEGISLATIVE BILL 786. Placed on General File.

LEGISLATIVE BILL 791. Placed on General File.

LEGISLATIVE BILL 813. Placed on General File.

LEGISLATIVE BILL 859. Placed on General File.

LEGISLATIVE BILL 746. Placed on General File with amendment.

AM1903

1 1. Insert the following new section:

2 Sec. 20. This act becomes operative on July 1, 2016.

3 2. On page 18, line 27, after "report" insert "as defined in 15

4 U.S.C. 1681a(d), as such section existed on January 1, 2016,".

5 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 849. Placed on General File with amendment.

AM1983

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

2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be

4 cited as the Assisting Caregiver Transitions Act.

5 Sec. 2. For purposes of the Assisting Caregiver Transitions Act:

6 (1) Activities of daily living means transfer, ambulation, exercise,

7 toileting, eating, self-administration of medication, and similar

8 activities;

9 (2) Aftercare means assistance provided by a caregiver to a patient

10 in the patient's residence after the patient's discharge from a hospital

11 following an inpatient stay and may include, but is not limited to, (a)

12 assisting with activities of daily living and (b) carrying out medical or
13 nursing tasks, including, but not limited to, managing wound care,
14 assisting in administration of medication, and operating medical
15 equipment;

16 (3) Caregiver means a person nineteen years of age or older who is
17 designated by a patient or a patient's legal guardian to provide
18 aftercare;

19 (4) Hospital means a general acute hospital as defined in section
20 71-412; and

21 (5) Residence means the home in which a patient resides. Residence
22 does not include an assisted-living facility as defined in section
23 71-406, a group home, a hospital as defined in section 71-419, an
24 intermediate care facility as defined in section 71-420, a rehabilitation
25 hospital as defined in section 71-427 or other rehabilitation facility, a
26 nursing facility as defined in section 71-424, or a skilled nursing
27 facility as defined in section 71-429.

1 Sec. 3. (1) A hospital shall give each patient or patient's legal
2 guardian the opportunity to designate at least one caregiver as soon as
3 practicable and prior to the patient's release.

4 (2) If a patient is unconscious or incapacitated upon his or her
5 admission to the hospital, the hospital shall give the patient or the
6 patient's legal guardian the opportunity to designate a caregiver as soon
7 as possible after the patient's recovery of consciousness or capacity.

8 (3) A patient or his or her legal guardian is not required to
9 designate a caregiver at any time. If a patient or a patient's legal
10 guardian declines to designate a caregiver, the hospital shall document
11 this fact in the patient's medical record.

12 Sec. 4. (1) If a patient or a patient's legal guardian designates a
13 caregiver, the hospital shall record in the patient's medical record the
14 designated caregiver's name, his or her relationship to the patient, and
15 the caregiver's telephone number, residence address, and other contact
16 information.

17 (2) A patient or a patient's legal guardian may change the caregiver
18 designation at any time. The hospital shall document the change in the
19 patient's medical record before the patient's discharge.

20 (3) A person designated as a caregiver is not obligated to accept
21 such designation or to perform aftercare for the designating patient or
22 patient's legal guardian.

23 Sec. 5. If a patient or a patient's legal guardian designates a
24 caregiver, the hospital shall notify the caregiver of the patient's
25 discharge from the hospital or transfer to another facility as soon as
26 practicable which may be after the patient's physician issues a discharge
27 or transfer order. If the hospital is unable to contact the caregiver,
28 such lack of contact shall not interfere with, delay, or otherwise affect
29 the medical care provided to the patient or the medically appropriate
30 discharge or transfer of the patient. The hospital shall document all
31 attempts to contact the caregiver in the patient's medical record.

1 Sec. 6. (1) As soon as possible after designation of a caregiver
2 and prior to the patient's discharge, the hospital shall attempt to

3 consult with the patient or the patient's legal guardian and the
 4 caregiver and shall issue a discharge plan that describes the patient's
 5 aftercare needs. The discharge plan shall include, but need not be
 6 limited to:
 7 (a) The name and contact information of the caregiver, as provided
 8 by him or her; and
 9 (b) A description of the aftercare tasks necessary to maintain the
 10 patient's ability to reside in his or her residence.
 11 (2) The hospital shall provide the caregiver with instructions
 12 concerning all aftercare tasks described in the discharge plan. The
 13 instructions shall include, but need not be limited to:
 14 (a) A live demonstration of or instruction in the aftercare tasks,
 15 as performed by a hospital employee or other authorized individual in a
 16 culturally competent manner;
 17 (b) An opportunity for the caregiver and the patient or the
 18 patient's guardian to ask questions about aftercare; and
 19 (c) Answers to the caregiver's, patient's, and patient's legal
 20 guardian's questions in a culturally competent manner.
 21 (3) The hospital shall document the instructions in the patient's
 22 medical record, including the date, time, and contents of the
 23 instructions and whether the caregiver accepted or refused the offer of
 24 instruction.
 25 Sec. 7. The Assisting Caregiver Transitions Act does not:
 26 (1) Create a private right of action against a hospital, a hospital
 27 employee, or a person with whom the hospital has a contractual
 28 relationship;
 29 (2) Create additional civil or regulatory liability for a hospital,
 30 a hospital employee, or a person with whom the hospital has a contractual
 31 relationship;
 1 (3) Supersede or replace existing rights or remedies under any other
 2 law;
 3 (4) Affect a license issued to a hospital pursuant to the Health
 4 Care Facility Licensure Act;
 5 (5) Establish a new requirement to reimburse or otherwise pay for
 6 services rendered by a caregiver for aftercare; or
 7 (6) Interfere with an individual acting under a valid health care
 8 power of attorney as defined in section 30-3401 or acting as a
 9 conservator as defined in section 30-2209.
 10 Sec. 8. The Department of Health and Human Services may adopt and
 11 promulgate rules and regulations to carry out the Assisting Caregiver
 12 Transitions Act.

LEGISLATIVE BILL 898. Placed on General File with amendment.
AM1859

1 1. On page 2, line 14, after the second comma insert "crochet
 2 hooks,"; in line 15 after the third comma insert "blunt-tipped"; in line
 3 20 after "agents" insert an underscored comma; and in line 21 after the
 4 last comma insert "in conjunction with hair braiding,".

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 328. Placed on Select File.
LEGISLATIVE BILL 19. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB510A:
AM2015

1 1. On page 2, line 1, strike "\$161,968" and insert "\$115,967".

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 17, 2016 1:30 p.m.

LB851
LB694
LB992
LB955

Thursday, February 18, 2016 1:30 p.m.

LB1080
LB978
LB999

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

LB1099
LB1084
LR381

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 136. Placed on Final Reading.

LEGISLATIVE BILL 471. Placed on Final Reading.

ST56

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

1. In the Howard amendment, AM1952, on page 5, line 6, the colon has been struck.

2. In the E and R amendments, ER148, on page 1, line 4, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; in line 7 "to provide that certain prescription information, data, and reports are not a public record;" has been inserted after "duties;"; and in line 8 "section" has been struck and "sections" inserted.

3. In the Kuehn amendment, AM1909:

a. Sections 3 and 4 have been renumbered as sections 4 and 5, respectively; and

b. On page 4, line 18, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; and in line 19 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 665. Placed on Final Reading.**LEGISLATIVE BILL 666.** Placed on Final Reading.**LEGISLATIVE BILL 667.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 820. Placed on General File with amendment.

AM1987

1 1. On page 3, line 14; page 5, lines 5 and 6; and page 6, lines 9
2 and 11, after each occurrence of "occurring" insert "weather".

LEGISLATIVE BILL 862. Placed on General File with amendment.

AM1970

1 1. Insert the following new sections:

2 Section 1. For purposes of sections 1 to 3 of this act:

3 (1) Confidential information means information related to the play

4 of a fantasy contest obtained as a result of or by virtue of a person's

5 employment by a fantasy contest operator;

6 (2) Entry fee means cash or cash equivalent that is required to be

7 paid to a fantasy contest operator by a person who participates as a

8 player in a fantasy contest;

9 (3) Fantasy contest has the same meaning as in section 28-1101; and

10 (4) Fantasy contest operator means a person or an entity that offers

11 fantasy contests for a cash prize to the general public upon the payment

12 of an entry fee.

13 Sec. 2. (1) A fantasy contest operator conducting fantasy contests

14 in Nebraska shall register with the Department of Revenue on forms

15 prescribed and furnished by the department. The registration fee shall be

16 fifty thousand dollars and the annual renewal fee shall be ten thousand
17 dollars, except that the fantasy contest operator's registration fee or
18 annual renewal fee shall not exceed ten percent of the amount of entry
19 fees collected by the fantasy contest operator from the operation of
20 fantasy contests in this state less the amount of cash prizes or cash
21 prize equivalents paid to fantasy contest participants. The department
22 shall require the fantasy contest operator to provide written evidence of
23 the proposed amount of entry fees and cash prizes or cash prize
24 equivalents to be paid to fantasy contest participants during the annual
25 registration period. Prior to renewal, the fantasy contest operator shall
26 provide written evidence to the department of the actual entry fees
27 collected and cash prizes or cash prize equivalents paid to fantasy
1 contest participants during the previous registration period. The fantasy
2 contest operator shall remit to the department any difference in fees
3 that results from the difference between the proposed amount of entry
4 fees and cash prizes or cash prize equivalents paid to fantasy contest
5 participants and the actual amounts collected and paid. The registration
6 shall be valid upon receipt by the department of both a registration or
7 renewal application and payment of the registration or renewal fee.
8 (2) The department shall remit all registration and renewal fees
9 collected under this section to the State Treasurer for credit to the
10 General Fund.
11 Sec. 3. A fantasy contest operator shall implement procedures for
12 fantasy contests that:
13 (1) Prevent an employee of the fantasy contest operator, and any
14 relative living in the same household as such employee, from
15 participating in any fantasy contest offered by the fantasy contest
16 operator;
17 (2) Prevent the sharing of confidential information with third
18 parties that could affect the outcome of any fantasy contest until the
19 information is made publicly available;
20 (3) Prevent the fantasy contest operator, and any relative living in
21 the same household as such fantasy contest operator, from participating
22 in any fantasy contest offered by the fantasy contest operator;
23 (4) Verify that a participant in a fantasy contest is eighteen years
24 of age or older;
25 (5) Ensure that a person who plays or officiates in a game or
26 contest that is the subject of any fantasy contest is restricted from
27 participating in such fantasy contest that is determined, in whole or in
28 part, on the accumulated statistical results of a team of players in a
29 game or contest in which such person is a player or an official;
30 (6) Allow a person to restrict himself or herself from entering a
31 fantasy contest upon request and provide reasonable steps to prevent the
1 person from participating in any fantasy contest offered by the fantasy
2 contest operator;
3 (7) Disclose the number of entries that a participant in a fantasy
4 contest may submit to each fantasy contest and provide reasonable steps
5 to prevent a participant from submitting more than the allowable number;
6 and

7 (8) Segregate fantasy contest funds of participants from operational
 8 funds of the fantasy contest operator and maintain a reserve in the form
 9 of cash, cash equivalents, an irrevocable letter of credit, a bond, or a
 10 combination thereof, in the amount of the deposits made to the accounts
 11 of the fantasy contest participants for the benefit and protection of the
 12 funds of the participants held in such separate accounts.

13 Sec. 4. A fantasy contest operator offering fantasy contests in
 14 Nebraska shall contract with a third party to annually perform an
 15 independent audit to ensure compliance with sections 2 and 3 of this act.
 16 Such audit shall be consistent with standards adopted by the Department
 17 of Revenue similar to those established by the Public Company Accounting
 18 Oversight Board. The fantasy contest operator shall submit the results of
 19 such audit to the Department of Revenue.

20 Sec. 7. Section 28-1113, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 28-1113 Nothing in this article shall be construed to:

23 (1) Apply to or prohibit wagering on the results of horseraces by
 24 the parimutuel or certificate method when conducted by licensees within
 25 the racetrack enclosure at licensed horserace meetings; or

26 (2) Prohibit or punish the conducting or participating in any bingo,
 27 lottery by the sale of pickle cards, lottery, raffle, ~~or~~ gift enterprise,
 28 or fantasy contest when conducted in accordance with the Nebraska Bingo
 29 Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and
 30 Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small
 31 Lottery and Raffle Act, the State Lottery Act, ~~or~~ section 9-701, or
 1 subdivision (5) of section 28-1101.

2 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

LEGISLATIVE BILL 970. Placed on General File with amendment.
 AM2020 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Judiciary

LEGISLATIVE BILL 924. Placed on General File.

LEGISLATIVE BILL 1009. Placed on General File with amendment.
 AM1960

1 1. Insert the following new sections:

2 Sec. 10. If any section in this act or any part of any section is
 3 declared invalid or unconstitutional, the declaration shall not affect
 4 the validity or constitutionality of the remaining portions.

5 Sec. 12. Since an emergency exists, this act takes effect when
 6 passed and approved according to law.

7 2. On page 9, strike lines 18 through 31 and insert the following
 8 new subdivision:

9 "(44) Lookalike substance means a product or substance, not

10 specifically designated as a controlled substance in section 28-405, that
11 is either portrayed in such a manner by a person to lead another person
12 to reasonably believe that it produces effects on the human body that
13 replicate, mimic, or are intended to simulate the effects produced by a
14 controlled substance or that possesses one or more of the following
15 indicia or characteristics:
16 (a) The packaging or labeling of the product or substance suggests
17 that the user will achieve euphoria, hallucination, mood enhancement,
18 stimulation, or another effect on the human body that replicates or
19 mimics those produced by a controlled substance;
20 (b) The name or packaging of the product or substance uses images or
21 labels suggesting that it is a controlled substance or produces effects
22 on the human body that replicate or mimic those produced by a controlled
23 substance;
24 (c) The product or substance is marketed or advertised for a
25 particular use or purpose and the cost of the product or substance is
26 disproportionately higher than other products or substances marketed or
27 advertised for the same or similar use or purpose;
1 (d) The packaging or label on the product or substance contains
2 words or markings that state or suggest that the product or substance is
3 in compliance with state and federal laws regulating controlled
4 substances;
5 (e) The owner or person in control of the product or substance uses
6 evasive tactics or actions to avoid detection or inspection of the
7 product or substance by law enforcement authorities;
8 (f) The owner or person in control of the product or substance makes
9 a verbal or written statement suggesting or implying that the product or
10 substance is a synthetic drug or that consumption of the product or
11 substance will replicate or mimic effects on the human body to those
12 effects commonly produced through use or consumption of a controlled
13 substance;
14 (g) The owner or person in control of the product or substance makes
15 a verbal or written statement to a prospective customer, buyer, or
16 recipient of the product or substance implying that the product or
17 substance may be resold for profit; or
18 (h) The product or substance contains a chemical or chemical
19 compound that does not have a legitimate relationship to the use or
20 purpose claimed by the seller, distributor, packer, or manufacturer of
21 the product or substance or indicated by the product name, appearing on
22 the product's packaging or label or depicted in advertisement of the
23 product or substance."
24 3. On page 10, strike lines 1 through 28.
25 4. Renumber the remaining section accordingly.

(Signed) Les Seiler, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2016, at 11:40 a.m. were the following: LBs 176, 47, 190, and 285.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

ANNOUNCEMENT(S)

The General Affairs Committee designates LB970 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kintner - LB717 and LB188

VISITOR(S)

Visitor to the Chamber was Marva Dunning from Omaha.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator McCollister, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2016.

Patrick J. O'Donnell
Clerk of the Legislature