

TWENTY-NINTH DAY - FEBRUARY 19, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 2016

PRAYER

The prayer was offered by Pastor Arin Hess, Community Bible Church, Norfolk.

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 Senators McCoy and Sullivan who were excused; and Senators Campbell, Kintner, Larson, Lindstrom, McCollister, Mello, Morfeld, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 440. Introduced by Garrett, 3.

WHEREAS, Justice Antonin Gregory Scalia, as the son of a first-generation American, Salvatore Eugene Scalia, is a testament to the American dream and American ideas; and

WHEREAS, in high school, Justice Scalia handled rifles as part of his training in his school's junior military training program and used to ride the subway from Queens to Manhattan with his rifle. As a child, he learned a proper appreciation for the Second Amendment and the Bill of Rights from his grandfather, who took him rabbit hunting on Long Island; and

WHEREAS, Justice Scalia promoted the proper interpretation of the Second Amendment through his lifetime. He was an avid hunter and took fellow Justice Elena Kagan bird and deer hunting; and

WHEREAS, Justice Scalia was a tireless advocate for an originalist interpretation of the United States Constitution, previously championed by liberal Justice Hugo Black.

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

1. That the Legislature commends Justice Antonin Gregory Scalia for his life of service.

Laid over.

LEGISLATIVE RESOLUTION 441. Introduced by Seiler, 33.

WHEREAS, Morton Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Morton Elementary School joins Alcott Elementary, Lincoln Elementary, and Hastings Middle School, all located in Hastings, in receiving this national distinction; and

WHEREAS, Morton Elementary School is one of only five schools located in Nebraska to receive this notable award; and

WHEREAS, the students of Morton Elementary School have been recognized for their exceptional academic performance; and

WHEREAS, the staff of Morton Elementary School have been acknowledged for their extraordinary effectiveness; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the students and teachers at Morton Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Jason Cafferty at Morton Elementary School.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

February 11, 2016

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Randy Schmailzl, Metropolitan Community College, P.O. Box 3777,
Omaha, NE 68103

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 12, 2016

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

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

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Pamela E. Lancaster, 2809 Apache Road, Grand Island, NE 68801

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

ANNOUNCEMENT(S)

Senator K. Haar designates LB1012 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB874 as its priority bill.

Senator Bolz designates LB371 as her priority bill.

Senator Baker designates LB722 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 18, 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

Bruning Law Group
Johnson Controls, Inc.
Vigilant Solutions
Propes, Margaret
Sunovion Pharmaceuticals Inc. (Withdrawn 02/17/2016)
Zulkoski Weber LLC
Nebraska State Irrigation Association

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>

SELECT FILE

LEGISLATIVE BILL 221. Senator B. Harr offered his amendment, AM1996, found on page 565.

Senator B. Harr offered his amendment, AM2133, found on page 574, to his amendment.

The B. Harr amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The B. Harr amendment, AM1996, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 970. Senator Chambers renewed his motion, MO180, found on page 557, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 806. Placed on General File with amendment.
AM2137 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson

Health and Human Services

LEGISLATIVE BILL 891. Placed on General File with amendment.
AM2095

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

3 Section 1. Sections 1 to 4 of this act shall be known and may be
4 cited as the Down Syndrome Diagnosis Information and Support Act.

5 Sec. 2. For purposes of the Down Syndrome Diagnosis Information and
6 Support Act:

7 (1) Department means the Division of Public Health of the Department
8 of Health and Human Services;

9 (2) Down syndrome means a chromosomal condition caused by cell
10 division that results in the presence of an extra whole or partial copy
11 of chromosome 21;

12 (3) Down syndrome organization means any national, state, or local
13 nonprofit organization primarily involved in providing advocacy, support,
14 and education to individuals with Down syndrome and their parents;

15 (4) Health care practitioner means any person who is credentialed
16 under the Uniform Credentialing Act to provide health or medical care in
17 the ordinary course of business or practice of a profession, including a
18 genetic counselor; and

19 (5) Parents means (a) expectant parents of a child who receive a
20 test result from a prenatal screening or diagnostic test that indicates a
21 high likelihood or the definite presence of Down syndrome, (b) parents of
22 a child postnatally diagnosed with Down syndrome, and (c) a legal
23 guardian of a child diagnosed with Down syndrome.

24 Sec. 3. A health care practitioner who provides prenatal or
25 postnatal care, who administers or requests administration of a prenatal
26 or postnatal screening or diagnostic test that detects Down syndrome, and
27 who receives a test result from such test that indicates a high
1 likelihood or the definite presence of Down syndrome shall deliver to the
2 parents the information support sheet provided by the department under
3 section 4 of this act.

4 Sec. 4. (1) The department shall make the following information
5 available:

6 (a) Up-to-date information about Down syndrome that has been
7 reviewed by medical experts and Down syndrome organizations. The
8 information shall be provided in a written format and shall include the
9 following:

10 (i) A clinical course description, including possible physical,

11 developmental, educational, and psychosocial outcomes;
 12 (ii) Treatment and therapy options; and
 13 (iii) Life expectancy; and
 14 (b) Contact information for Down syndrome organizations that are
 15 nonprofit and that provide information and support services for parents,
 16 including first-call programs and information hotlines specific to Down
 17 syndrome, resource centers or clearinghouses, and other education and
 18 support programs for Down syndrome.
 19 (2) The department shall post the information required in subsection
 20 (1) of this section on its web site and shall include an information
 21 support sheet to be delivered by health care practitioners to parents as
 22 prescribed in section 3 of this act.
 23 (3) The department shall ensure that the information required in
 24 subsection (1) of this section is culturally and linguistically
 25 appropriate for parents.
 26 (4) A Down syndrome organization may request that the department
 27 include the organization's informational material and contact information
 28 on the web site. The department may add the information to the web site
 29 upon request.

LEGISLATIVE BILL 979. Placed on General File with amendment.
 AM2139

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-28,109, Revised Statutes Supplement, 2015, is
 4 amended to read:
 5 38-28,109 The purposes of the Nebraska Drug Product Selection Act
 6 are to provide for the drug product selection of equivalent drug products
 7 or interchangeable biological products and to promote the greatest
 8 possible use of such products.
 9 Sec. 2. Section 38-28,110, Revised Statutes Supplement, 2015, is
 10 amended to read:
 11 38-28,110 For purposes of the Nebraska Drug Product Selection Act,
 12 unless the context otherwise requires:
 13 (1) Bioequivalent means drug products: (a) That are legally marketed
 14 under regulations promulgated by the federal Food and Drug
 15 Administration; (b) that are the same dosage form of the identical active
 16 ingredients in the identical amounts as the drug product prescribed; (c)
 17 that comply with compendial standards and are consistent from lot to lot
 18 with respect to (i) purity of ingredients, (ii) weight variation, (iii)
 19 uniformity of content, and (iv) stability; and (d) for which the federal
 20 Food and Drug Administration has established bioequivalent standards or
 21 has determined that no bioequivalence problems exist;
 22 (2) Biological product means a virus, a therapeutic serum, a toxin,
 23 an antitoxin, a vaccine, blood, a blood component or derivative, an
 24 allergenic product, a protein except any chemically synthesized
 25 polypeptide, or an analogous product, arsphenamine or derivative of
 26 arsphenamine, or any other trivalent organic arsenic compound which is
 27 applicable to the prevention, treatment, or cure of a disease or

1 condition of human beings;

2 ~~(3 2)~~ Brand name means the proprietary or trade name selected by the
3 manufacturer, distributor, or packager for a drug product and placed upon
4 the labeling of such product at the time of packaging;

5 ~~(4 3)~~ Chemically equivalent means drug products that contain amounts
6 of the identical therapeutically active ingredients in the identical
7 strength, quantity, and dosage form and that meet present compendial
8 standards;

9 ~~(5 4)~~ Drug product means any drug or device as defined in section
10 38-2841;

11 ~~(6 5)~~ Drug product select means to dispense, without the
12 practitioner's express authorization, an equivalent drug product or an
13 interchangeable biological product in place of the brand-name drug or
14 biological product contained in a medical order of such practitioner;

15 ~~(7 6)~~ Equivalent means drug products that are both chemically
16 equivalent and bioequivalent; ~~and~~

17 ~~(8 7)~~ Generic name means the official title of a drug or drug
18 combination as determined by the United States Adopted Names Council and
19 accepted by the federal Food and Drug Administration of those drug
20 products having the same active chemical ingredients in the same strength
21 and quantity; and -

22 (9) Interchangeable biological product means:

23 (a) A biological product licensed by the federal Food and Drug
24 Administration and determined to be interchangeable to the prescribed
25 biological product pursuant to 42 U.S.C. 262(k)(4); or

26 (b) A biological product determined by the federal Food and Drug
27 Administration to be therapeutically equivalent to the prescribed product
28 as set forth in the Approved Drug Products with Therapeutic Equivalence
29 Evaluations published by the federal Food and Drug Administration.

30 Sec. 3. Section 38-28,111, Revised Statutes Supplement, 2015, is
31 amended to read:

1 38-28,111 (1) A pharmacist may drug product select except when:

2 (a) A practitioner designates that drug product selection is not
3 permitted by specifying in the written, oral, or electronic prescription
4 that there shall be no drug product selection. For written or electronic
5 prescriptions, the practitioner shall specify "no drug product
6 selection", "dispense as written", "brand medically necessary", or "no
7 generic substitution" or the notation "N.D.P.S.", "D.A.W.", or "B.M.N."
8 or words or notations of similar import to indicate that drug product
9 selection is not permitted. The pharmacist shall note "N.D.P.S.",
10 "D.A.W.", "B.M.N.", "no drug product selection", "dispense as written",
11 "brand medically necessary", "no generic substitution", or words or
12 notations of similar import on the prescription to indicate that drug
13 product selection is not permitted if such is communicated orally by the
14 prescribing practitioner; or

15 (b) A patient or designated representative or caregiver of such
16 patient instructs otherwise.

17 (2) A pharmacist shall not drug product select ~~a drug product~~
18 unless:

19 (a) The drug product, if it is in solid dosage form, has been marked
20 with an identification code or monogram directly on the dosage unit;
21 (b) The drug product has been labeled with an expiration date;
22 (c) The manufacturer, distributor, or packager of the drug product
23 provides reasonable services, as determined by the board, to accept the
24 return of drug products that have reached their expiration date; and
25 (d) The manufacturer, distributor, or packager maintains procedures
26 for the recall of unsafe or defective drug products.

27 (3) If a pharmacist receives a prescription for a biological product
28 and chooses to dispense an interchangeable biological product for the
29 prescribed product, the pharmacist must advise the patient or the
30 patient's caregiver that drug product selection has occurred.

31 (4) Within three business days after the dispensing of a biological
1 product, the dispensing pharmacist or his or her designee shall make an
2 entry of the specific product which was provided to the patient,
3 including the name of the product and the manufacturer. The communication
4 shall be conveyed by making an entry that is electronically accessible to
5 the prescriber through an interoperable electronic medical records
6 system, electronic prescribing technology, a pharmacy benefit management
7 system, or a pharmacy record. Entry into an electronic records system
8 described in this subsection that is electronically accessible to the
9 prescriber is presumed to provide notice to the prescriber. Otherwise,
10 the pharmacist shall communicate the biological product dispensed to the
11 prescriber using facsimile, telephone, electronic transmission, or other
12 prevailing means. The communication shall not be required if (a) there is
13 no interchangeable biological product for the biological product
14 prescribed or (b) the biological product dispensed is based on a refilled
15 prescription and the biological product is not changed from the prior
16 filling of the prescription.

17 Sec. 4. Section 38-28,112, Revised Statutes Supplement, 2015, is
18 amended to read:

19 38-28,112 (1) Whenever a drug product has been prescribed with the
20 notation that no drug product selection is permitted for a patient who
21 has a contract whereunder he or she is reimbursed for the cost of health
22 care, directly or indirectly, the party that has contracted to reimburse
23 the patient, directly or indirectly, shall make reimbursements on the
24 basis of the price of the brand-name drug product and not on the basis of
25 the equivalent drug product or interchangeable biological product, unless
26 the contract specifically requires generic reimbursement under the Code
27 of Federal Regulations.

28 (2) A prescription drug or device when dispensed shall bear upon the
29 label the name of the drug or device in the container unless the
30 practitioner writes do not label or words of similar import in the
31 prescription or so designates orally.

1 (3) Nothing in this section shall (a) require a pharmacy to charge
2 less than its established minimum price for the filling of any
3 prescription or (b) prohibit any hospital from developing, using, and
4 enforcing a formulary.

5 Sec. 5. Section 38-28,113, Revised Statutes Supplement, 2015, is

6 amended to read:

7 38-28,113 (1) The drug product selection of ~~any drug product~~ by a
8 pharmacist pursuant to the Nebraska Drug Product Selection Act shall not
9 constitute the practice of medicine.

10 (2) Drug product selection of ~~drug products~~ by a pharmacist pursuant
11 to the act or any rules and regulations adopted and promulgated under the
12 act shall not constitute evidence of negligence if the drug product
13 selection was made within the reasonable and prudent practice of
14 pharmacy.

15 (3) When drug product selection by a pharmacist is permissible under
16 the act, such drug product selection shall not constitute evidence of
17 negligence on the part of the prescribing practitioner. The failure of a
18 prescribing practitioner to provide that there shall be no drug product
19 selection in any case shall not constitute evidence of negligence or
20 malpractice on the part of such prescribing practitioner.

21 Sec. 6. Section 38-28,116, Revised Statutes Supplement, 2015, is
22 amended to read:

23 38-28,116 (1) The department may adopt and promulgate rules and
24 regulations necessary to implement the Nebraska Drug Product Selection
25 Act upon the joint recommendation of the Board of Medicine and Surgery
26 and the Board of Pharmacy.

27 (2) The department shall maintain a link on its web site to the
28 current list of all biological products that the federal Food and Drug
29 Administration has determined to be interchangeable biological products.

30 Sec. 7. Original sections 38-28,109, 38-28,110, 38-28,111,
31 38-28,112, 38-28,113, and 38-28,116, Revised Statutes Supplement, 2015,
1 are repealed.

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB901:
AM2213

(Amendments to Standing Committee amendments, AM2024)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. On page 14, strike lines 21 through 23 and insert the following
3 new subsection:

4 "(5) Upon completion of education and testing approved by the board,
5 a dental assistant may:

6 (a) Take X-rays under the general supervision of a licensed dentist;
7 and

8 (b) Perform coronal polishing under the indirect supervision of a
9 licensed dentist."

10 2. On page 15, strike lines 2 through 7 and insert the following new
11 subsection:

12 "(7) Upon completion of education and testing approved by the board
13 and with a permit from the department for the respective competency, an
14 expanded function dental assistant may, under the indirect supervision of

15 a licensed dentist, perform (a) restorative level one simple restorations
 16 and (b) restorative level two complex restorations."
 17 3. On page 16, line 25, after "a" insert "licensed".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Lancaster, Pamela E. - Public Employees Retirement Board - Nebraska Retirement Systems
 Schmailzl, Randy - Nebraska Educational Telecommunications Commission - Education

(Signed) Bob Krist, Chairperson
 Executive Board

ANNOUNCEMENT(S)

Senator Watermeier designates LB744 as his priority bill.

Senator Hansen designates LB947 as his priority bill.

Senator Gloor designates LB1013 as his priority bill.

Senator Larson designates LB821 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB935 as its priority bill.

Senator Davis designates LB886 as his priority bill.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bolz 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.

GENERAL FILE

LEGISLATIVE BILL 970. The Chambers motion, MO180, found on page 557 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to indefinitely postpone.

Voting in the affirmative, 14:

Baker	Fox	Kolterman	Pansing Brooks Smith
Brasch	Hilkemann	Krist	Riepe Williams
Campbell	Kolowski	McCollister	Schnoor

Voting in the negative, 11:

Coash	Hughes	Morfeld	Schilz
Ebke	Kintner	Murante	Stinner
Hadley	Larson	Scheer	

Present and not voting, 20:

Bloomfield	Craighead	Garrett	Hansen	Lindstrom
Bolz	Crawford	Gloor	Harr, B.	Mello
Chambers	Davis	Groene	Howard	Schumacher
Cook	Friesen	Haar, K.	Johnson	Watermeier

Excused and not voting, 4:

Kuehn	McCoy	Seiler	Sullivan
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The Chambers motion to indefinitely postpone failed with 14 ayes, 11 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO186

Reconsider the vote to indefinitely postpone.

SENATOR KRIST PRESIDING

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

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

Voting in the affirmative, 18:

Baker	Campbell	Hansen	McCollister	Smith
Bloomfield	Chambers	Kolowski	Pansing Brooks	Williams
Bolz	Cook	Kolterman	Riepe	
Brasch	Craighead	Krist	Schnoor	

Voting in the negative, 10:

Coash	Hughes	Kuehn	Murante	Schilz
Ebke	Kintner	Larson	Scheer	Stinner

Present and not voting, 16:

Crawford	Groene	Hilkemann	Mello
Davis	Haar, K.	Howard	Morfeld
Friesen	Hadley	Johnson	Schumacher
Garrett	Harr, B.	Lindstrom	Watermeier

Excused and not voting, 5:

Fox	Gloor	McCoy	Seiler	Sullivan
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The Chambers motion to reconsider failed with 18 ayes, 10 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

Committee AM2020, found on page 522, was offered.

Senator Chambers offered the following motion:

MO187

Bracket until April 20, 2016.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 19. Placed on Final Reading.

LEGISLATIVE BILL 53. Placed on Final Reading.

LEGISLATIVE BILL 295. Placed on Final Reading.

LEGISLATIVE BILL 311. Placed on Final Reading.

ST59

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

1. In the E and R amendments, ER161, on page 48, line 16, "; to provide procedures for defective payments under the act" has been inserted after "Act".

2. On page 1, the matter beginning with "learner's" in line 5 through "licenses" in line 6 has been struck and "learners' permits, commercial drivers' licenses, and commercial motor vehicles" inserted.

LEGISLATIVE BILL 328. Placed on Final Reading.**LEGISLATIVE BILL 378.** Placed on Final Reading.**LEGISLATIVE BILL 400.** Placed on Final Reading.**LEGISLATIVE BILL 400A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 442.** Introduced by McCollister, 20; Haar, K., 21; Hughes, 44; Williams, 36.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time - from rebuilding towns devastated by natural disasters to improving the Internet infrastructure that supports so much of our economy. Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, to meet the challenges of the future, we will look more than ever to engineers and their knowledge and skill to bridge the gap between science, theory, and practical application; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday who was, himself, a military engineer and surveyor.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers, and recognizes February 21-27, 2016, as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies of Nebraska.

Laid over.

ANNOUNCEMENT(S)

The Natural Resources Committee designates LB1038 and LB824 as its priority bills.

Senator Kintner designates LB1037 as his priority bill.

Senator Murante designates LB906 as his priority bill.

Senator Howard designates LB1081 as her priority bill.

Senator Stinner designates LB1082 as his priority bill.

Senator Garrett designates LB643 as his priority bill.

The Revenue Committee designates LB774 and LB958 as its priority bills.

The Transportation and Telecommunications Committee designates LB977 and LB938 as its priority bills.

Senator Hilkemann designates LB10 as his priority bill.

Senator Friesen designates LB897 as his priority bill.

Senator Hughes designates LB710 as his priority bill.

Senator Mello designates LB889 as his priority bill.

Senator McCollister designates LB745 as his priority bill.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 881. Placed on General File.

LEGISLATIVE BILL 914. Placed on General File.

LEGISLATIVE BILL 1101. Placed on General File.

(Signed) Ken Schilz, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 492. Placed on General File.

LEGISLATIVE BILL 742. Placed on General File.

LEGISLATIVE BILL 1080. Placed on General File.

LEGISLATIVE BILL 754. Placed on General File with amendment.

AM2103

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

3 Section 1. (1) The Commission on Military and Veteran Affairs is
4 created. The commission shall consist of the following voting members:
5 (a) The Director of Economic Development;
6 (b) The Adjutant General or his or her designee;
7 (c) The Director of Veterans' Affairs; and
8 (d) Three residents of the State of Nebraska, one from each
9 congressional district. At least one of the three residents shall have
10 current or prior military experience and at least one shall have a
11 background in business.
12 (2) The commission shall have the following nonvoting, ex officio
13 members:
14 (a) The chair of the State Committee of Employer Support of the
15 Guard and Reserve;
16 (b) The commander of the 55th Wing of the Air Combat Command or his
17 or her designee;
18 (c) The commander of the United States Strategic Command or his or
19 her designee; and
20 (d) The commander of the 557th Weather Wing of the United States Air
21 Force or his or her designee.
22 (3) The members of the commission described in subdivision (1)(d) of
23 this section shall be appointed by the Governor. The Governor shall
24 designate the initial terms of the members described in subdivision (1)
25 (d) of this section so that one member serves for a term of two years,
26 one member serves for a term of three years, and one member serves for a
27 term of four years. Succeeding appointments shall be for terms of four
1 years and shall be made in the same manner as the original appointments.
2 The terms of the members shall begin on October 1 of the year in which
3 they are appointed unless appointed to fill a vacancy. Appointments to
4 fill a vacancy, occurring other than by the expiration of a term of
5 office, shall be made for the unexpired term of the member whose office
6 is vacated.
7 Sec. 2. The Commission on Military and Veteran Affairs shall have
8 the authority to receive and administer funds from state, federal, and
9 other sources. Additionally, the commission shall:
10 (1) Address matters of military significance to Nebraska;
11 (2) Maintain a cooperative and constructive relationship between
12 state agencies and the military and veteran entities in Nebraska as
13 necessary to ensure coordination and implementation of unified and
14 comprehensive statewide strategies involved with, or affected by, the
15 military;
16 (3) Focus on and, when designated, serve as lead agency on:
17 (a) Defense economic adjustment and transition information and
18 activities;
19 (b) Exploring operating costs, missions, and strategic value of
20 federal military installations located in the state;
21 (c) Employment issues for communities that depend on defense bases
22 and defense-related businesses; and
23 (d) Assistance provided to communities that have experienced a
24 defense-related closure or realignment;

25 (4) Advise the Governor, the Legislature, and other appropriate
26 governmental officials on all matters in which the military services and
27 the state have mutual interests, needs, and concerns;
28 (5) Promote and optimize state and United States Department of
29 Defense initiatives that will improve the military value of the Nebraska
30 National Guard, active and reserve military force structure and
31 installations, and the quality of life for military personnel residing in
1 Nebraska;
2 (6) Partner with local communities to conduct ongoing analyses of
3 current and proposed changes to the mission, military force structure,
4 and alignment of the United States Department of Defense;
5 (7) Recommend state, federal, and local economic development
6 projects to promote, foster, and support economic progress through a
7 military presence in Nebraska;
8 (8) Assist the private sector in developing derivative investments,
9 employment, and educational opportunities associated with high technology
10 programs and activities at Nebraska's military installations;
11 (9) Partner with local communities to develop methods to improve
12 private and public employment opportunities for former members of the
13 military and their families residing in this state; and
14 (10) Identify and support ways to provide sound infrastructure,
15 adequate housing, education, and transition support into Nebraska's
16 workforce for military members and their families, retired military
17 personnel, and veterans.
18 Sec. 3. The Commission on Military and Veteran Affairs shall elect
19 a chairperson, vice-chairperson, and secretary from among its members.
20 The commission shall meet two times each year at such times and
21 places as shall be determined by the chairperson and shall keep a record
22 of its proceedings. The chairperson may call special meetings at any time
23 he or she deems necessary. The secretary shall mail written notice of the
24 time and place of all meetings in advance to each voting and nonvoting,
25 ex officio member of the commission. The secretary shall also provide
26 notice of all meetings as provided under section 84-1411.
27 Sec. 4. (1) Members of the Commission on Military and Veteran
28 Affairs shall receive no compensation for their services as members of
29 the commission other than their salary, but shall be reimbursed for
30 actual and necessary expenses.
31 (2) Reimbursement for expenses shall be as provided in sections
1 81-1174 to 81-1177.
2 Sec. 5. (1) The Department of Veterans' Affairs shall hire a
3 military affairs liaison for the Commission on Military and Veteran
4 Affairs and fix his or her salary. The department shall provide
5 administrative support to the commission as needed. The liaison shall
6 have military experience and serve at the pleasure of the commission. The
7 liaison shall not be subject to Chapter 81, article 13.
8 (2) The liaison shall be responsible for the administrative
9 operations of the commission and shall perform such other duties as may
10 be delegated or assigned by the commission.
11 (3) The commission may obtain the services of experts and

12 consultants as necessary to carry out its duties.
 13 Sec. 6. The Commission on Military and Veteran Affairs shall
 14 prepare an annual report summarizing the military assets of Nebraska,
 15 including installations and missions, and the economic impact of the
 16 military assets in Nebraska. The report shall also include
 17 recommendations for preserving and sustaining military assets and
 18 missions existing in Nebraska and recommendations for actions which the
 19 state can take to encourage expanding such assets and missions. The
 20 commission shall submit the report electronically to the Legislature, the
 21 Governor, and the commanding officer of every military base in Nebraska
 22 on or before November 15 of each year.

LEGISLATIVE BILL 764. Placed on General File with amendment.
 AM2186 is available in the Bill Room.

LEGISLATIVE BILL 867. Placed on General File with amendment.
 AM1976

1 1. Insert the following new section:
 2 Sec. 18. This act becomes operative on January 1, 2017.
 3 2. On page 6, line 16, after the semicolon insert "or"; strike lines
 4 17 through 21 and insert the following new subdivision:
 5 "(b) The unforeseen loss of federal funding for an agency program.";
 6 and after line 31 insert the following new subsection:
 7 "(4) Any agency which adopts, amends, or repeals a rule or
 8 regulation under this section shall file such rule or regulation with the
 9 Secretary of State. The agency shall also publish such rule or regulation
 10 on the agency's web site."
 11 3. On page 11, line 29, after the period insert "Such change shall
 12 not alter the rights or obligations of the public."
 13 4. On page 16, line 1, after "department" insert "or a contract
 14 facility as defined in section 83-1,119".
 15 5. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

Judiciary

LEGISLATIVE BILL 1007. Placed on General File with amendment.
 AM2116

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is
 4 amended to read:
 5 28-101 Sections 28-101 to ~~28-468, 28-470~~ to 28-1357, 28-1418.01, and
 6 28-1429.03 and sections 5 and 6 of this act shall be known and may be
 7 cited as the Nebraska Criminal Code.
 8 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,
 9 2014, is amended to read:
 10 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act

11 shall be known and may be cited as the Adult Protective Services Act.
 12 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement,
 13 2014, is amended to read:

14 28-350 For purposes of the Adult Protective Services Act, unless the
 15 context otherwise requires, the definitions found in sections 28-351 to
 16 28-371 and sections 5 and 6 of this act shall be used.

17 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement,
 18 2014, is amended to read:

19 28-358 Exploitation means the wrongful or unauthorized taking,
 20 withholding, appropriation, conversion, control, or use of money, funds,
 21 securities, assets, or any other ~~of~~ property of a vulnerable adult or
 22 senior adult by any person by means of undue influence, breach of a
 23 fiduciary relationship, deception, ~~or~~ extortion, intimidation, force or
 24 threat of force, isolation, or ~~by~~ any unlawful means or by the breach of
 25 a fiduciary duty by the guardian, conservator, agent under a power of
 26 attorney, trustee, or any other fiduciary of a vulnerable adult or senior
 27 adult.

1 Sec. 5. Isolation means intentional acts (1) committed for the
 2 purpose of preventing, and which do prevent, a vulnerable adult or senior
 3 adult from having contact with family, friends, or concerned persons; (2)
 4 committed to prevent a vulnerable adult or senior adult from receiving
 5 his or her mail or telephone calls; (3) of physical or chemical restraint
 6 of a vulnerable adult or senior adult committed for the purpose of
 7 preventing contact with visitors, family, friends, or other concerned
 8 persons; or (4) which restrict, place, or confine a vulnerable adult or
 9 senior adult in a restricted area for the purposes of social deprivation
 10 or preventing contact with family, friends, visitors, or other concerned
 11 persons, but not including medical isolation prescribed by a licensed
 12 physician caring for the vulnerable adult or senior adult. Isolation does
 13 not include (1) medical isolation prescribed by a licensed physician
 14 caring for the vulnerable adult or senior adult; (2) action taken in
 15 compliance with a harassment protection order issued pursuant to section
 16 28-311.09, a valid foreign harassment protection order recognized under
 17 section 28-311.10, an order issued pursuant to section 42-924, an ex
 18 parte order issued pursuant to section 42-925, an order excluding a
 19 person from certain premises issued pursuant to section 42-357, a valid
 20 foreign protection order recognized pursuant to section 42-931; or (3)
 21 action authorized by an administrator of a nursing home pursuant to
 22 section 71-6021.

23 Sec. 6. Senior adult means any person sixty-five years of age or
 24 older.

25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is
 26 amended to read:

27 28-371 Vulnerable adult means shall mean any person eighteen years
 28 of age or older who has a substantial mental or functional impairment or
 29 for whom a guardian or conservator has been appointed under the Nebraska
 30 Probate Code.

31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement,
 1 2014, is amended to read:

2 28-374 (1) The department shall investigate each case of alleged
3 abuse, neglect, or exploitation of a vulnerable adult and shall provide
4 such adult protective services as are necessary and appropriate under the
5 circumstances.

6 (2) In each case of alleged abuse, neglect, or exploitation, the
7 department may make a request for further assistance from the appropriate
8 law enforcement agency or initiate such action as may be appropriate
9 under the circumstances.

10 (3) The department shall make a written report or case summary to
11 the appropriate law enforcement agency and to the registry of all
12 reported cases of abuse, neglect, or exploitation and action taken.

13 (4) The department shall deliver a written report or case summary to
14 the appropriate county attorney if the investigation indicates a
15 reasonable cause to believe that a violation of section 28-386 has
16 occurred.

17 Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 28-386 (1) A person commits knowing and intentional abuse, neglect,
20 or exploitation of a vulnerable adult or senior adult if he or she
21 through a knowing and intentional act causes or permits a vulnerable
22 adult or senior adult to be:

- 23 (a) Physically injured;
- 24 (b) Unreasonably confined;
- 25 (c) Sexually abused;
- 26 (d) Exploited;
- 27 (e) Cruelly punished;
- 28 (f) Neglected; or
- 29 (g) Sexually exploited.

30 (2) Knowing and intentional abuse, neglect, or exploitation of a
31 vulnerable adult or senior adult is a Class IIIA felony.

1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be
4 prosecuted for any felony unless the indictment is found by a grand jury
5 within three years next after the offense has been done or committed or
6 unless a complaint for the same is filed before the magistrate within
7 three years next after the offense has been done or committed and a
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be
10 prosecuted, tried, or punished for any misdemeanor or other indictable
11 offense below the grade of felony or for any fine or forfeiture under any
12 penal statute unless the suit, information, or indictment for such
13 offense is instituted or found within one year and six months from the
14 time of committing the offense or incurring the fine or forfeiture or
15 within one year for any offense the punishment of which is restricted by
16 a fine not exceeding one hundred dollars and to imprisonment not
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be
19 prosecuted for kidnapping under section 28-313, false imprisonment under

20 section 28-314 or 28-315, child abuse under section 28-707, pandering
21 under section 28-802, debauching a minor under section 28-805, or an
22 offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is
23 under sixteen years of age at the time of the offense (a) unless the
24 indictment for such offense is found by a grand jury within seven years
25 next after the offense has been committed or within seven years next
26 after the victim's sixteenth birthday, whichever is later, or (b) unless
27 a complaint for such offense is filed before the magistrate within seven
28 years next after the offense has been committed or within seven years
29 next after the victim's sixteenth birthday, whichever is later, and a
30 warrant for the arrest of the defendant has been issued.

31 (4) No person shall be prosecuted for a violation of the Securities
1 Act of Nebraska under section 8-1117 unless the indictment for such
2 offense is found by a grand jury within five years next after the offense
3 has been done or committed or unless a complaint for such offense is
4 filed before the magistrate within five years next after the offense has
5 been done or committed and a warrant for the arrest of the defendant has
6 been issued.

7 (5) No person shall be prosecuted for criminal impersonation under
8 section 28-638, identity theft under section 28-639, or identity fraud
9 under section 28-640 unless the indictment for such offense is found by a
10 grand jury within five years next after the offense has been done or
11 committed or unless a complaint for such offense is filed before the
12 magistrate within five years next after the offense has been done or
13 committed and a warrant for the arrest of the defendant has been issued.

14 (6) No person shall be prosecuted for a violation of section 68-1017
15 if the aggregate value of all funds and other benefits obtained or
16 attempted to be obtained is five hundred dollars or more unless the
17 indictment for such offense is found by a grand jury within five years
18 next after the offense has been done or committed or unless a complaint
19 for such offense is filed before the magistrate within five years next
20 after the offense has been done or committed and a warrant for the arrest
21 of the defendant has been issued.

22 (7) No person shall be prosecuted for knowing and intentional abuse,
23 neglect, or exploitation of a vulnerable adult or senior adult under
24 section 28-386 unless the indictment for such offense is found by a grand
25 jury within six years next after the offense has been done or committed
26 or unless a complaint for such offense is filed before the magistrate
27 within six years next after the offense has been done or committed and a
28 warrant for the arrest of the defendant has been issued.

29 (8 7) There shall not be any time limitations for prosecution or
30 punishment for treason, murder, arson, forgery, sexual assault in the
31 first or second degree under section 28-319 or 28-320, sexual assault of
1 a child in the second or third degree under section 28-320.01, incest
2 under section 28-703, or sexual assault of a child in the first degree
3 under section 28-319.01; nor shall there be any time limitations for
4 prosecution or punishment for sexual assault in the third degree under
5 section 28-320 when the victim is under sixteen years of age at the time
6 of the offense.

7 ~~(9 8)~~ The time limitations prescribed in this section shall include
 8 all inchoate offenses pursuant to the Nebraska Criminal Code and
 9 compounding a felony pursuant to section 28-301.
 10 ~~(10 9)~~ The time limitations prescribed in this section shall not
 11 extend to any person fleeing from justice.
 12 ~~(11 40)~~ When any suit, information, or indictment for any crime or
 13 misdemeanor is limited by any statute to be brought or exhibited within
 14 any other time than is limited by this section, then the suit,
 15 information, or indictment shall be brought or exhibited within the time
 16 limited by such statute.
 17 ~~(12 44)~~ If any suit, information, or indictment is quashed or the
 18 proceedings set aside or reversed on writ of error, the time during the
 19 pendency of such suit, information, or indictment so quashed, set aside,
 20 or reversed shall not be reckoned within this statute so as to bar any
 21 new suit, information, or indictment for the same offense.
 22 ~~(13 42)~~ The changes made to this section by Laws 2004, LB 943, shall
 23 apply to offenses committed prior to April 16, 2004, for which the
 24 statute of limitations has not expired as of such date and to offenses
 25 committed on or after such date.
 26 ~~(14 43)~~ The changes made to this section by Laws 2005, LB 713, shall
 27 apply to offenses committed prior to September 4, 2005, for which the
 28 statute of limitations has not expired as of such date and to offenses
 29 committed on or after such date.
 30 ~~(15 44)~~ The changes made to this section by Laws 2009, LB 97, and
 31 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,
 1 2009, for which the statute of limitations has not expired as of such
 2 date and to offenses committed on or after such date.
 3 ~~(16 45)~~ The changes made to this section by Laws 2010, LB809, shall
 4 apply to offenses committed prior to July 15, 2010, for which the statute
 5 of limitations has not expired as of such date and to offenses committed
 6 on or after such date.
 7 (17) The changes made to this section by this legislative bill shall
 8 apply to offenses committed prior to the effective date of this act for
 9 which the statute of limitations has not expired as of such date and to
 10 offenses committed on or after such date.
 11 Sec. 11. Original section 28-371, Reissue Revised Statutes of
 12 Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, and 29-110,
 13 Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised
 14 Statutes Supplement, 2015, are repealed.

(Signed) Les Seiler, Chairperson

Health and Human Services

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

Chad Bell - Commission for the Blind and Visually Impaired

Sheri Dawson - Director, Division of Behavioral Health - Department of Health and Human Services
Michael D. Hansen - Commission for the Blind and Visually Impaired

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, February 25, 2016 1:00 p.m.

Annual DHHS Division of Public Health Committee Briefing

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Ebke - LB744 and LB975
McCollister - LB1054

VISITOR(S)

Visitors to the Chamber were Laura Olson from Greenville, SC; 20 senior dental hygiene students and teachers from UNMC College of Dentistry; Maxine McElligott from Omaha; 15 elementary students from home schools in Lincoln; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Riepe, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2016.

Patrick J. O'Donnell
Clerk of the Legislature