

TWENTY-NINTH DAY - FEBRUARY 20, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 2018

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Briese, Friesen, Groene, Kuehn, Linehan, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 78. Placed on Final Reading.
LEGISLATIVE BILL 310. Placed on Final Reading.
LEGISLATIVE BILL 345. Placed on Final Reading.
LEGISLATIVE BILL 472. Placed on Final Reading.
LEGISLATIVE BILL 480. Placed on Final Reading.
LEGISLATIVE BILL 486. Placed on Final Reading.
LEGISLATIVE BILL 618. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 604. Placed on General File with amendment.
AM1934

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

3 Section 1. Sections 1 to 14 of this act shall be known and may be
4 cited as the Nebraska Right to Shop Act.
5 Sec. 2. For purposes of the Nebraska Right to Shop Act:
6 (1) Allowed amount means the contractually agreed upon amount paid
7 by an insurance carrier to a health care entity participating in the
8 insurance carrier's network or the amount the health plan is required to
9 pay under the health plan policy or certificate of insurance for out-of-
10 network covered benefits provided to the patient;
11 (2) Department means the Department of Insurance;
12 (3) Director means the Director of Insurance;
13 (4) Enrollee means an individual receiving health insurance coverage
14 from an insurance carrier;
15 (5) Health care entity means:
16 (a) A facility licensed under the Health Care Facility Licensure
17 Act;
18 (b) A health care professional licensed under the Uniform
19 Credentialing Act; and
20 (c) An organization or association of health care professionals
21 licensed under the Uniform Credentialing Act;
22 (6) Incentive payment means a payment described in section 7 of this
23 act that is made by an insurance carrier to an enrollee;
24 (7) Insurance carrier means any entity that provides health
25 insurance in this state. Insurance carrier includes (a) an insurance
26 company, (b) a fraternal benefit society, (c) a health maintenance
27 organization, and (d) any other entity providing a plan of health
1 insurance or health benefits subject to state insurance regulation;
2 (8) Shared savings incentive payment program means a program
3 established by an insurance carrier pursuant to section 7 of this act to
4 provide incentive payments to enrollees; and
5 (9) Shoppable health care service means a health care service for
6 which an insurance carrier offers incentive payments under a shared
7 savings incentive payment program established by the insurance carrier.
8 Shoppable health care service includes, at a minimum, health care
9 services in the following categories:
10 (a) Physical and occupational therapy services;
11 (b) Obstetrical and gynecological services;
12 (c) Radiology and imaging services;
13 (d) Laboratory services;
14 (e) Infusion therapy;
15 (f) Inpatient or outpatient surgical procedures; and
16 (g) Outpatient nonsurgical diagnostic tests or procedures.
17 Sec. 3. The Nebraska Right to Shop Act shall apply to any insurance
18 carrier that elects to be subject to the act. An insurance carrier making
19 such election shall file a notice of the election with the department.
20 Sec. 4. (1) Prior to a nonemergency admission, procedure, or
21 service and upon request by a patient or prospective patient, a health
22 care entity within the patient's or prospective patient's insurer network
23 shall, within three working days, disclose the allowed amount of the
24 nonemergency admission, procedure, or service, including the amount for

25 any facility fees required, to the patient or prospective patient.
26 (2) Prior to a nonemergency admission, procedure, or service and
27 upon request by a patient or prospective patient, a health care entity
28 outside the patient's or prospective patient's insurer network shall,
29 within three working days, disclose the amount that will be charged for
30 the nonemergency admission, procedure, or service, including the amount
31 for any facility fees required, to the patient or prospective patient.

1 (3) If a health care entity is unable to quote a specific amount
2 under subsection (1) or (2) of this section in advance due to the health
3 care entity's inability to predict the specific treatment or diagnostic
4 code, the health care entity shall disclose what is known for the
5 estimated amount for a proposed nonemergency admission, procedure, or
6 service, including the amount for any facility fees required. A health
7 care entity shall disclose the incomplete nature of the estimate and
8 shall inform the patient or prospective patient of his or her ability to
9 obtain an updated estimate once additional information is determined.

10 (4) If a patient or prospective patient is covered by insurance, a
11 health care entity that participates in an insurance carrier's network
12 shall, upon request of a patient or prospective patient, provide, based
13 on the information available to the health care entity at the time of the
14 request, sufficient information regarding the proposed nonemergency
15 admission, procedure, or service for the patient or prospective patient
16 to receive a cost estimate from his or her insurance carrier to identify
17 out-of-pocket costs, which could be through an insurance carrier's toll-
18 free telephone number or web site. A health care entity may assist a
19 patient or prospective patient in using an insurance carrier's toll-free
20 telephone number or web site.

21 Sec. 5. An insurance carrier shall establish an interactive
22 mechanism on its publicly accessible web site that enables an enrollee to
23 request and obtain from the insurance carrier information on the payments
24 made by the insurance carrier to network providers for health care
25 services. The interactive mechanism must allow an enrollee seeking
26 information about the cost of a particular health care service to compare
27 costs among network providers.

28 Sec. 6. (1) Within two working days of an enrollee's request, an
29 insurance carrier shall provide a good faith estimate of the amount the
30 enrollee will be responsible to pay out-of-pocket for a proposed
31 nonemergency procedure or service that is a medically necessary covered
1 benefit from an insurance carrier's network provider, including any
2 copayment, deductible, coinsurance, or other out-of-pocket amount for any
3 covered benefit, based on the information available to the insurance
4 carrier at the time the request is made.

5 (2) Nothing in this section shall prohibit an insurance carrier from
6 imposing cost-sharing requirements disclosed in the enrollee's
7 certificate of coverage for unforeseen health care services that arise
8 out of the nonemergency procedure or service or for a procedure or
9 service provided to an enrollee that was not included in the original
10 estimate.

11 (3) An insurance carrier shall notify the enrollee that the amounts

12 provided under subsection (1) of this section are estimated costs and
13 that the actual amount the enrollee will be responsible to pay may vary
14 due to unforeseen services that arise out of the proposed nonemergency
15 procedure or service.

16 Sec. 7. (1) An insurance carrier shall develop and implement a
17 shared savings incentive payment program that provides incentive payments
18 for enrollees in a health plan who elect to receive shoppable health care
19 services that are covered by the plan from providers that charge less
20 than the average price paid by that insurance carrier for that shoppable
21 health care service.

22 (2) Incentive payments may be calculated as a percentage of the
23 difference in price, as a flat dollar amount, or by some other reasonable
24 methodology approved by the director. The insurance carrier must provide
25 the incentive payment as a cash payment to the enrollee.

26 (3) The shared savings incentive payment program must provide
27 enrollees with at least fifty percent of the insurance carrier's saved
28 costs for each shoppable health care service or category of shoppable
29 health care service resulting from shopping by enrollees. An insurance
30 carrier is not required to provide an incentive payment or credit to an
31 enrollee when the insurance carrier's saved cost is fifty dollars or
1 less.

2 (4) An insurance carrier shall base the average price on the average
3 amount paid to an in-network provider for the procedure or service under
4 the enrollee's health plan within a reasonable timeframe not to exceed
5 one year. An insurance carrier may determine an alternate methodology for
6 calculating the average price if approved by the director.

7 Sec. 8. An insurance carrier shall make the shared savings
8 incentive payment program available as a component of all health plans
9 offered by the insurance carrier in this state. Annually at enrollment or
10 renewal, an insurance carrier shall provide notice about the availability
11 of the program to any enrollee who is enrolled in a health plan eligible
12 for the program.

13 Sec. 9. Prior to offering the shared savings incentive payment
14 program to any enrollee, an insurance carrier shall file a description of
15 the program with the department in the manner determined by the director.
16 The department may review the filing made by the insurance carrier to
17 determine if the insurance carrier's program complies with the
18 requirements of the Nebraska Right to Shop Act. Filings and any
19 supporting documentation submitted pursuant to this section are
20 confidential until the filing has been reviewed by the department.

21 Sec. 10. If an enrollee elects to receive a shoppable health care
22 service from an out-of-network provider that results in an incentive
23 payment, the insurance carrier shall apply the amount paid for the
24 shoppable health care service toward the enrollee's member cost sharing
25 as specified in the enrollee's health plan as if the health care services
26 were provided by an in-network provider.

27 Sec. 11. An incentive payment made by an insurance carrier in
28 accordance with the Nebraska Right to Shop Act is not an administrative
29 expense of the insurance carrier for rate development or rate filing

30 purposes.

31 Sec. 12. (1) On or before March 31 each year, each insurance
1 carrier shall file with the department the following information for the
2 most recent calendar year:

3 (a) The total number of incentive payments made pursuant to the
4 insurance carrier's shared savings incentive payment program;

5 (b) The use of shoppable health care services by category of service
6 for which incentive payments are made;

7 (c) The total amount of incentive payments made to enrollees;

8 (d) The average amount of incentive payments made by category of
9 shoppable health care service;

10 (e) The total savings achieved below the average prices by category
11 of shoppable health care service; and

12 (f) The total number and percentage of an insurance carrier's
13 enrollees that participated in the shared savings incentive payment
14 program.

15 (2) On or before July 1, 2019, and on or before July 1 of each year
16 thereafter, the department shall electronically submit an aggregate
17 report for all insurance carriers filing the information required by
18 subsection (1) of this section to the Legislature.

19 Sec. 13. (1) The personnel division of the Department of
20 Administrative Services, in its discretion, may develop and implement a
21 program for state employees receiving health insurance coverage under
22 sections 84-1601 to 84-1615 that is similar to the shared savings
23 incentive payment program described in section 7 of this act. If the
24 division develops and implements such a program, the division may use the
25 State Employees Insurance Fund to make incentive payments to state
26 employees pursuant to such program.

27 (2) If a program for state employees is developed and implemented
28 pursuant to this section, then on or before July 1 of each year after
29 implementation of such program, the personnel division of the Department
30 of Administrative Services shall electronically report to the Legislature
31 the following information for the most recent calendar year:

1 (a) The total number of incentive payments made pursuant to the
2 program;

3 (b) The use of shoppable health care services by category of service
4 for which incentive payments are made;

5 (c) The total amount of incentive payments made to state employees;

6 (d) The average amount of incentive payments made by category of
7 shoppable health care service;

8 (e) The total savings achieved below the average prices by category
9 of shoppable health care service; and

10 (f) The total number and percentage of state employees that
11 participated in the program.

12 Sec. 14. The department may adopt and promulgate rules and
13 regulations as necessary to carry out the Nebraska Right to Shop Act.

14 Sec. 15. Section 44-361, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 44-361 No insurance company, by itself or any other party, and no

17 insurance agent or broker, personally or by any other party, shall offer,
18 promise, allow, give, set off, or pay, directly or indirectly, any rebate
19 of, or part of, the premium payable on the policy, or of any policy, or
20 agent's commission thereon, or earnings, profits, dividends, or other
21 benefits founded, arising, accruing or to accrue thereon or therefrom, or
22 any paid employment or contract for service, or for advice of any kind,
23 or any other valuable consideration or inducement to, or for insurance,
24 on any risk authorized to be taken under section 44-201 now or hereafter
25 to be written, which is not specified in the policy contract of
26 insurance; nor shall any such company, agent, or broker, personally or
27 otherwise, offer, promise, give, sell or purchase any stock, bonds,
28 securities or property, or any dividends or profits accruing or to accrue
29 thereon, or other things of value whatsoever, as inducement to insurance
30 or in connection therewith, which is not specified in the policy. No
31 insured person or party shall receive or accept, directly or indirectly,
1 any rebate of premium, or part thereof, or agent's or broker's commission
2 thereon, payable on the policy, or on any policy of insurance, or any
3 favor or advantage or share in the dividends or other benefits to accrue
4 on, or any valuable consideration or inducement not specified in the
5 policy contract of insurance. Extending of interest-free credit on life
6 and liability insurance premiums or interest-free credit on crop hail
7 insurance premiums shall not be a rebate of the premium. Payments made
8 pursuant to the Nebraska Right to Shop Act shall not be considered a
9 rebate of the premium for purposes of this section.

10 Sec. 16. Section 84-1613, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 84-1613 The State Employees Insurance Fund is established. The fund
13 shall be administered by the personnel division of the Department of
14 Administrative Services. All funds appropriated to pay the state's share
15 of the cost of the coverages provided by sections 84-1601 to 84-1615 and
16 all payroll deductions made under sections 84-1601 to 84-1615 shall be
17 credited to the fund. The division shall make premium payments to the
18 carrier, carriers, or combinations of carriers selected under section
19 84-1603 from this fund. The division may also use the fund to make
20 incentive payments to state employees pursuant to section 13 of this act.
21 Any funds in the State Employees Insurance Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 On or before October 1, 2001, the State Treasurer shall transfer one
26 million five hundred thousand dollars from the excess state share of life
27 insurance history money of the State Employees Insurance Fund to the
28 Workers' Compensation Claims Revolving Fund.

29 Sec. 17. Original sections 44-361 and 84-1613, Reissue Revised
30 Statutes of Nebraska, are repealed.

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

Senator Smith designates LB947 as his priority bill.

The Revenue Committee designates LB1090 and LB1089 as its priority bills.

Senator Linehan designates LB295 as her priority bill.

Senator Clements designates LB773 as his priority bill.

Senator Hilkemann designates LB42 as his priority bill.

Senator Scheer designates LB845 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 299. Title read. Considered.

Committee AM1665, found on page 473, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1123. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1090:
AM1704

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

Senator Smith filed the following amendment to LB1090:
AM1703

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

Senator Smith filed the following amendment to LB1090:
AM1705

(Amendments to Final Reading copy)

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

ANNOUNCEMENT(S)

The General Affairs Committee designates LB921 and LB1120 as its priority bills.

The Natural Resources Committee designates LB1008 as its priority bill.

Senator Watermeier designates LB44 as his priority bill.

Senator Larson designates LR1CA as his priority resolution.

The Education Committee designates LB778 as its priority bill.

Senator Hilgers designates LB1119 as his priority bill.

Senator Albrecht designates LB1040 as her priority bill.

The Business and Labor Committee designates LB953 and LB791 as its priority bills.

GENERAL FILE

LEGISLATIVE BILL 299. Senator Crawford offered the following amendment to the committee amendment:

AM1993

(Amendments to Standing Committee amendments, AM1665)

- 1 1. Strike sections 10, 13, 14, and 16 to 18 and insert the following
- 2 new section:
- 3 Sec. 10. Provider means a provider of goods or services engaged in a
- 4 lawful occupation regulated by an occupational board, except that
- 5 provider does not include any regulated health professions as defined in
- 6 section 71-6218 or any health professional groups not previously
- 7 regulated as defined in section 71-6211 except as otherwise specifically
- 8 provided in section 13 of this act.
- 9 2. On page 10, line 16, after the period insert "This section
- 10 applies to regulated health professions as defined in section 71-6218.".
- 11 3. Renumber the remaining sections and correct internal references
- 12 accordingly.

SENATOR HUGHES PRESIDING

Senator Crawford withdrew her amendment.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 901. Placed on General File with amendment.

AM1726

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 3-402, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 3-402 As used in sections 3-401 to 3-409, unless the context

6 otherwise requires:

7 ~~(1) Structure means any manmade object which is built, constructed,~~
 8 ~~projected, or erected upon, from, and above the surface of the earth,~~
 9 ~~including, but not limited to, towers, antennas, buildings, wires,~~
 10 ~~cables, and chimneys;~~

11 ~~(1) (2)~~ Meteorological evaluation tower means an anchored structure,
 12 including all guy wires and accessory facilities, on which one or more
 13 meteorological instruments are mounted for the purpose of meteorological
 14 data collection;

15 ~~(2) (3)~~ Obstruction means any structure which obstructs the air
 16 space required for the flight of aircraft and in the landing and taking
 17 off of aircraft at any airport or restricted landing area; ~~and~~

18 ~~(3) (4)~~ Person means any public utility, public district, or other
 19 governmental division or subdivision or any person, corporation,
 20 partnership, or limited liability company; -

21 ~~(4) Structure means any manmade object which is built, constructed,~~
 22 ~~projected, or erected upon, from, and above the surface of the earth,~~
 23 ~~including, but not limited to, towers, antennas, buildings, wires,~~
 24 ~~cables, and chimneys; and~~

25 ~~(5) Terrain flight training area means an area established by the~~
 26 ~~Nebraska National Guard within which military and related flight training~~
 27 ~~is conducted using rotary-wing aircraft and which existed as of the~~
 1 ~~effective date of this act.~~

2 Sec. 2. Section 3-404, Revised Statutes Supplement, 2017, is amended
 3 to read:

4 3-404 ~~(1)~~ The application for the permit; required by section
 5 3-403; shall be made in writing on forms prescribed by the Division of
 6 Aeronautics of the Department of Transportation and shall contain or be
 7 accompanied by details as to the location, construction, height, and
 8 dimensions of the proposed structure, the nature of its intended use, and
 9 such other information as the Director of Aeronautics may require. If the
 10 proposed structure is proposed to be built inside the boundaries of or
 11 within one thousand meters of the boundaries of any terrain flight
 12 training area, the application for a permit shall be accompanied by a
 13 written mitigation agreement between the applicant, the United States
 14 Department of Defense Siting Clearinghouse, and the Nebraska National
 15 Guard.

16 ~~(2)~~ Upon the filing of ~~an such~~ application, the director shall make
 17 an investigation and an aeronautical study of such proposed construction
 18 and its effect, if any, upon air navigation, and the health, welfare, and
 19 safety of the public. In making such investigation and aeronautical study
 20 and making his or her determination under this section, the director
 21 shall consider (a) the character of flying operations expected to be
 22 conducted in the area concerned, (b) the nature of the terrain, (c) the
 23 character of the neighborhood, (d) the uses to which the property
 24 concerned is devoted or adaptable, (e) the proximity to existing
 25 airports, airways, control areas, and control zones, (f) the height of

26 existing adjacent structures, and (g) all the facts and circumstances
 27 existing at the time of application.
 28 (3) If the director, upon such investigation, determines shall
 29 ~~determine~~ that such proposed structure will not constitute a hazard to
 30 air navigation and will not interfere unduly with the public right of
 31 freedom of transit in commerce through the air space affected thereby,
 1 the director shall issue to the applicant a permit, required by section
 2 3-403, authorizing the erection and construction of such structure,
 3 subject to such conditions as to marking and lighting as the division may
 4 prescribe by its rules and regulations, authorized by section 3-407. The
 5 director shall impose only such restrictions or requirements as may be
 6 reasonably necessary to effectuate sections 3-401 to 3-409. If the
 7 director does not so determine, the director shall deny the application.
 8 ~~In making such investigation, aeronautical study, and determination, the~~
 9 ~~director shall consider (1) the character of flying operations expected~~
 10 ~~to be conducted in the area concerned, (2) the nature of the terrain, (3)~~
 11 ~~the character of the neighborhood, (4) the uses to which the property~~
 12 ~~concerned is devoted or adaptable, (5) the proximity to existing~~
 13 ~~airports, airways, control areas, and control zones, (6) the height of~~
 14 ~~existing adjacent structures, and (7) all the facts and circumstances~~
 15 ~~existing. The director shall impose only such restrictions or~~
 16 ~~requirements as may be reasonably necessary to effectuate the purposes of~~
 17 ~~sections 3-401 to 3-409.~~
 18 (4) On or before August 1, 2018, the Nebraska National Guard shall
 19 provide the Division of Aeronautics of the Department of Transportation a
 20 description of the boundaries of the terrain flight training areas by
 21 metes and bounds or an official map that shows the boundaries of the
 22 terrain flight training areas. The description or map shall be used by
 23 the division in its management of the airspace of the State of Nebraska
 24 pursuant to sections 3-401 to 3-409.
 25 Sec. 3. Original section 3-402, Revised Statutes Cumulative
 26 Supplement, 2016, and section 3-404, Revised Statutes Supplement, 2017,
 27 are repealed.

LEGISLATIVE BILL 980. Placed on General File with amendment.
 AM1764

1 1. On page 3, line 22, strike "hay bales" and insert "livestock
 2 forage in bale form".

(Signed) Curt Friesen, Chairperson

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

Room 1507

Tuesday, February 27, 2018 1:30 p.m.

Roger A. Dixon - Nebraska Tourism Commission (rehearing)

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Tuesday, February 27, 2018 1:30 p.m.

Department of Health and Human Services Compliance Hearing as required
by Neb. Rev. Stat. Sec. 84-901.01

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendments to LB295:

AM1977

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 1, line 4; page 2, line 1; page 3, lines 9 and 27; page 24, line 28; page 6, line 6; page 7, line 8; page 8, lines 8 and 14; page 3 10, line 10; page 11, lines 5 and 13; page 14, line 6; page 16, line 31; 4 page 17, line 23; page 18, lines 14 and 31; and page 21, line 25, strike 5 "Opportunity" and insert "Private School".

AM1978

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections and correct internal references 3 accordingly.

AM1979

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal references 3 accordingly.

AM1980

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct internal references 3 accordingly.

AM1981

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct internal references 3 accordingly.

AM1982

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 7.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1983

(Amendments to Final Reading copy)

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1984

(Amendments to Final Reading copy)

- 1 1. Strike section 9.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1985

(Amendments to Final Reading copy)

- 1 1. Strike section 10.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

ANNOUNCEMENT(S)

Senator Hughes designates LB1009 as his priority bill.

The Agriculture Committee designates LB477 and LB808 as its priority bills.

The Urban Affairs Committee designates LB873 as its priority bill.

Senator Wayne designates LB990 as his priority bill.

The State-Tribal Relations Committee designates LB807 as its priority bill.

Senator Brasch designates LB1069 as her priority bill.

The Appropriations Committee designates LB861 as its priority bill.

The Transportation and Telecommunications Committee designates LB994 and LB909 as its priority bills.

Senator Bolz designates LB998 as her priority bill.

Senator Blood designates LB685 as her priority bill.

The Health and Human Services Committee designates LB793 and LB731 as its priority bills.

Senator Riepe designates LB1034 as his priority bill.

MESSAGE(S) FROM THE GOVERNOR

February 16, 2018

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Division of Medicaid and Long Term Care in the Department of Health and Human Services:

Matthew A. Van Patton, DHA, 301 Centennial Mall South, Lincoln, NE 68509

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

Enclosure

GENERAL FILE

LEGISLATIVE BILL 299. Senator Crawford offered the following amendment to the committee amendment:

AM2013

(Amendments to Standing Committee amendments, AM1665)

- 1 1. Strike section 10 and insert the following new section:
- 2 Sec. 10. Provider means a provider of goods or services engaged in a
- 3 lawful occupation regulated by an occupational board, except that
- 4 provider does not include any regulated health professions as defined in
- 5 section 71-6218 or any health professional groups not previously
- 6 regulated as defined in section 71-6211 except as otherwise specifically
- 7 provided in section 15 of this act.
- 8 2. On page 10, line 16, after the period insert "This section
- 9 applies to regulated health professions as defined in section 71-6218.".

SPEAKER SCHEER PRESIDING

Senator Crawford moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Crawford requested a roll call vote on her amendment.

Voting in the affirmative, 24:

Albrecht	Chambers	Howard	McDonnell	Smith
Baker	Crawford	Kolowski	Pansing Brooks	Thibodeau
Blood	Geist	Krist	Quick	Walz
Bolz	Hansen	Kuehn	Riepe	Watermeier
Brasch	Hilgers	McCollister	Scheer	

Voting in the negative, 10:

Brewer	Ebke	Larson	Morfeld	Schumacher
Briese	Hilkemann	Lowe	Murante	Wayne

Present and not voting, 15:

Bostelman	Friesen	Harr	Lindstrom	Vargas
Clements	Groene	Hughes	Linehan	Williams
Erdman	Halloran	Kolterman	Stinner	Wishart

The Crawford amendment lost with 24 ayes, 10 nays, and 15 present and not voting.

Pending.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 685. Placed on General File.

(Signed) Merv Riepe, Chairperson
Judiciary

LEGISLATIVE RESOLUTION 269CA. Placed on General File.

LEGISLATIVE BILL 678. Placed on General File with amendment.
AM1928

- 1 1. Strike section 2.
- 2 2. On page 2, line 4; and page 3, line 21, after "section" insert
- 3 "or after the granting of a petition under subsection (5) or (6) of this
- 4 section".
- 5 3. On page 4, lines 9 and 14, strike "expunge" and insert "seal"; in
- 6 line 11 after "attorney" insert "and, if applicable, the city attorney";
- 7 and in line 12 strike "respondent" and insert "respondents".

8 4. Renumber the remaining sections and amend the repealer
 9 accordingly.

LEGISLATIVE BILL 773. Placed on General File with amendment.
 AM1932

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 28-1310 (1) A person commits the offense of intimidation by
 5 telephone call or electronic communication if, with intent to ~~terrify,~~
 6 intimidate, threaten, or harass an individual, ~~annoy, or offend,~~ the
 7 person causes significant distress to the individual by telephoning or
 8 transmitting an electronic communication directly to such individual,
 9 whether or not conversation or an electronic response ensues, and the
 10 person:
 11 ~~(a) Telephones another anonymously, whether or not conversation~~
 12 ~~ensues, and disturbs the peace, quiet, and right of privacy of any person~~
 13 ~~at the place where the calls are received; or~~
 14 ~~(a) Uses (b) Telephones another and uses indecent, lewd, lascivious,~~
 15 ~~or obscene language or suggests any obscene indecent, lewd, or lascivious~~
 16 ~~act; or~~
 17 ~~(b) Threatens (c) Telephones another and threatens to inflict~~
 18 ~~physical or mental injury to such individual or any other person or~~
 19 ~~physical injury to the property of such individual or any other person;~~
 20 or
 21 ~~(d) Intentionally fails to disengage the connection; or~~
 22 ~~(c) Attempts (e) Telephones another and attempts to extort money or~~
 23 ~~other thing of value from such individual or any other person.~~
 24 (2) ~~The use of indecent, lewd, or obscene language or the making of~~
 25 ~~a threat or lewd suggestion shall be prima facie evidence of intent to~~
 26 ~~terrify, intimidate, threaten, harass, annoy, or offend.~~
 27 (2) ~~(3)~~ The offense shall be deemed to have been committed either in
 1 the state at the place where the call or electronic communication was
 2 initiated ~~made~~ or where it was received.
 3 ~~(3) (4)~~ Intimidation by telephone call or electronic communication
 4 is a Class III misdemeanor.
 5 (4) For purposes of this section, electronic communication means any
 6 writing, sound, visual image, or data of any nature that is received or
 7 transmitted by an electronic communication device as defined in section
 8 28-833.

LEGISLATIVE BILL 818. Placed on General File with amendment.
 AM1938

1 1. Insert the following new section:
 2 Sec. 3. This act becomes operative on July 1, 2020.
 3 2. Renumber the remaining section accordingly.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Layne Gissler - Nebraska Board of Parole

Aye: 6 Baker, Ebke, Hansen, Krist, Morfeld, Pansing Brooks. Nay: 0.
Absent: 1 Halloran. Present and not voting: 1 Chambers.

(Signed) Laura Ebke, Chairperson

ANNOUNCEMENT(S)

Senator Crawford designates LB589 as her priority bill.

Senator Groene designates LB640 as his priority bill.

The Judiciary Committee designates LB841 and LB670 as its priority bills.

Senator Hansen designates LB986 as his priority bill.

Senator Schumacher designates LR269CA as his priority resolution.

Senator McDonnell designates LB913 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB1015 and LB1065 as its priority bills.

Senator Murante designates LB1115 as his priority bill.

Senator Walz designates LB1113 as her priority bill.

Senator Friesen designates LB1103 as his priority bill.

Senator Bostelman designates LB902 as his priority bill.

Senator Pansing Brooks designates LB158 as her priority bill.

Senator Harr designates LB1108 as his priority bill.

Senator Wishart designates LB989 as her priority bill.

Senator Quick designates LB1132 as his priority bill.

Senator Vargas designates LB194 as his priority bill.

VISITORS

Visitors to the Chamber were members of the Nebraska Wheat Board from across the state; Rony Lopez Luna and Diane Houdek from Dorchester; and 20 members from the League of Women Voters of Nebraska.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

