

FIFTY-FIRST DAY - MARCH 28, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 2018

PRAYER

The prayer was offered by Pastor Gwen Hurst, Friedens United Church of Christ, Seward.

ROLL CALL

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

The roll was called and all members were present except Senators Groene, Hansen, Howard, McCollister, Morfeld, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 18-002

SUBJECT: Constitutionality of LB 117, the Investigational Drug Use Act, Under the Supremacy Clause of the U.S. Constitution

REQUESTED BY: Senator Mike Hilgers
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office to address your concerns whether LB 117, the Investigational Drug Use Act, "if enacted into law, would be preempted by the Food, Drug, and Cosmetic Act and the Supremacy Clause of the Constitution." For the reasons set forth below, we

think it is likely that one or more of the provisions of LB 117 could be preempted by federal law.

BACKGROUND

As described by the principal introducer of LB 117, Senator Hilkemann, this bill "allows eligible patients under the Act to be treated with any drug, biological product, or device that has successfully completed Phase 1 of a clinical trial but has not yet been approved for general use by the USFDA [United States Food and Drug Administration, or "FDA"] and remains in a clinical trial approved by the USFDA." Committee Records on LB 117, 105th Neb. Leg., 1st Sess. (Jan. 27, 2017) (Introducer's Statement of Intent). He also notes that such an act is more commonly called a "Right to Try" act.

Among its provisions, LB 117 sets out certain criteria for eligible patients, including having an advanced illness, having a recommendation from a treating physician, and giving written, informed consent. Terms such as "eligible patient," "advanced illness," "investigational drug" and "written, informed consent" are defined. LB 117, § 2. Under the bill, a manufacturer may, but is not required to, provide the investigational drug, biological product, or device for treatment. LB 117, § 5. Section 11 of the bill further provides that it does not create a private cause of action against the manufacturer of an investigational drug or device for harm to the patient if the manufacturer has complied in good faith with the provisions of LB 117. The patient's health insurance carrier is not obligated to pay for such treatments. The Division of Public Health [of the Nebraska Department of Health & Human Services] may not take any action against the license of a health care provider based solely on the provider's recommendation that the patient use an investigational drug, biological product, or device which has not yet been approved by the FDA, and the State of Nebraska will not block the patient's access to such medical treatment. LB 117, §§ 8-10.

According to one source, "right to try" acts have been enacted in 38 states since 2014. <http://righttotry.org/faq/>. (last accessed on 3/19/18). The provisions of these acts vary from state to state. However, all are based on the premise of allowing terminally ill patients to access investigational drugs and devices that have passed the first phase of clinical trials required for approval by the FDA.

Federal legislation concerning the access by patients with advanced or terminal illnesses to investigational drugs has also been proposed. The Senate passed S. 204, the "Right to Try Act of 2017" on August 3, 2017. A somewhat different "Right to Try Act of 2018", H.R. 5247, was passed by the House on March 21, 2018.

FEDERAL FOOD, DRUG AND COSMETIC ACT

Prescription drugs, biological products and medical devices are subject to the comprehensive regulation of the Food and Drug Administration ("FDA")

pursuant to the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. §§ 301 *et seq.* Relevant to this opinion are the statutory and regulatory provisions pertaining to new or investigational drugs. "No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) or (j) of this section is effective with respect to such drug." 21 U.S.C. § 355(a) (2017). In other words, a new drug product cannot be marketed until the FDA determines that the drug is safe and effective and approves an application. 21 U.S.C. § 355(b) (2017). Congress has created an exemption for new drugs "intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs." 21 U.S.C. § 355(i) (2017). This provision allows studies or clinical trials to be conducted under an investigational new drug application submitted by the drug's manufacturer or sponsor. That investigation process involves several phases, including the Phase 1 clinical trial referenced in LB 117. *See* 21 C.F.R. Part 312.

We note that biological products can also be drugs and are generally subject to the same statutory and regulatory requirements that apply to drugs. *See* 42 U.S.C. § 262(j) (providing that the FDCA generally applies to biological products). The FDA also regulates the sale of medical devices pursuant to the Medical Device Amendments of 1976, *codified at* 21 U.S.C. §§ 360c to 360k. There is a requirement of premarket approval for new medical devices as there is for new drugs.

The FDCA also provides for remedies for violation of its provisions, including injunctive relief, criminal prosecution and seizure or forfeiture. *See* 21 U.S.C. § 331 (prohibited acts), § 332 (injunction proceedings) and § 333 (civil and criminal penalties).

DISCUSSION

You have asked whether LB 117, if enacted, would be preempted by federal law. The Supremacy Clause of the U.S. Constitution provides that the laws enacted by the federal government shall be the "supreme law of the land." U.S. Const. art. VI, c. 2. "Federal preemption arises from the Supremacy Clause of the U.S. Constitution and is the concept that state laws that conflict with federal law are invalid." *In re Application of Lincoln Electric System*, 265 Neb. 70, 76, 655 N.W. 2d 363, 369 (2003), *cert. denied* 539 U.S. 943, 954. Federal regulations can also preempt state law. *Louisiana Public Service Comm'n v. F.C.C.*, 476 U.S. 355 (1986).

"There are three varieties of preemption: express, implied, and conflict preemption." *In re Application of Lincoln Electric System*, 265 Neb. at 76, 655 N.W.2d at 369. "Express preemption arises when congress has explicitly declared federal legislation to have a preemptive effect." *Id.* Absent express preemptive language, a federal statute or regulation may impliedly preempt state law when the language reveals an intent to completely occupy a legislative field. *Zannini v. Ameritrade Holding Corp.*,

266 Neb. 492, 667 N.W.2d 222 (2003). State law is also impliedly preempted if it actually conflicts with federal law. *Id.*

"Consideration under the Supremacy Clause starts with the basic assumption that Congress did not intend to displace state law." *Maryland v. Louisiana*, 451 U.S. 725, 746 (1981). "Pre-emption occurs when Congress, in enacting a federal statute, expresses a clear intent to pre-empt state law, when there is outright or actual conflict between federal and state law, where compliance with both federal and state law is in effect physically impossible, where there is implicit in federal law a barrier to state regulations, where Congress has legislated comprehensively, thus occupying an entire field of regulation" *Louisiana Public Service Comm'n*, 476 U.S. at 368-69. (internal citations omitted).

We note that LB 117 would apply to investigational drugs, biological products and devices that have successfully completed phase one of a clinical trial, but are not yet approved by the FDA. LB 117, § 2. We are aware of no appellate cases which directly address the issue of federal preemption as it may apply to state "right to try" laws. In a 2007 case, the Court of Appeals for the District of Columbia Circuit considered whether terminally ill patients had a fundamental right protected by the due process clause to have access to investigational drugs. *Abigail Alliance for Better Access to Developmental Drugs v. Eschenbach*, 495 F.3d 695 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1159 (2008). An organization of terminally ill patients and their supporters sought to enjoin the FDA from barring the sale of these experimental drugs not yet approved by the FDA for public use. The Court held that there was no fundamental right to access investigational drugs and also rejected the Alliance's arguments concerning three common law doctrines: the doctrine of necessity, the tort of intentional interference with rescue, and the right to self-defense. This case was decided prior to the enactment of state "right to try" laws and such laws were not at issue. Therefore, there was no discussion of federal preemption.

The *Abigail Alliance* court made note of the Supreme Court's decision in *United States v. Rutherford*, 442 U.S. 544 (1979) in which terminally ill patients sued to enjoin the federal government from interfering with the interstate shipment and sale of Laetrile, a drug which had not yet been approved by the FDA. The Court found "[t]hat the Act [FDCA] makes explicit provision for carefully regulated use of certain drugs not yet demonstrated safe and effective reinforces our conclusion that no exception for terminal patients may be judicially implied." *Id.* at 559. Again, this case predates the enactment of state "right to try" laws and does not directly address federal preemption of state law claims or defenses.

While there appear to be no appellate cases which address the preemption of state "right to try" laws, there are numerous cases in which courts have addressed federal preemption of other state law claims. Certain claims with regard to medical devices may be expressly preempted. Congress has expressed, as part of the Medical Device Amendments of 1976, an intent to

preempt certain state laws pertaining to medical devices. 21 U.S.C. § 360k(a) provides that no state "may establish or continue in effect with respect to a device intended for human use any requirement—(1) which is different from, or in addition to, any requirement applicable under this chapter to the device, and (2) which relates to the safety or effectiveness of the device or to any other matter included in a requirement applicable to the device under this chapter." An exception to this language exists where the Secretary, on application of the state, has by regulation exempted the state in limited and specific circumstances.

The degree of federal oversight of medical devices varies with the type of device at issue. Certain classes of devices must undergo a federal premarket approval process. Whether a state law claim is preempted by the Medical Devices Amendments would then depend on several factors, including the type of device at issue and the nature of the state law claim. The United States Supreme Court has employed a two-step analysis to determine whether state law claims with regard to medical devices are preempted. *Riegel v. Medtronic, Inc.*, 552 U.S. 312 (2008). In *Riegel*, the Court first considered whether the federal government had established requirements applicable to the balloon catheter manufactured by the defendant and then whether the plaintiff's common law claims were based on state requirements that were "different from, or in addition to" the federal ones and that related to safety and effectiveness. *Id.* at 321-322. The Court held that the state common-law claims of negligence, strict liability, and implied warranty were preempted as to this device. The Court also explained that certain medical devices were grandfathered and exempt from premarket approval and that certain new devices need not undergo premarket approval if the FDA finds they are substantially equivalent to another device exempt from premarket approval. The FDA's review of devices for substantial equivalence is known as the § 510(k) process. *Id.* at 317-319. Claims pertaining to these devices might not be preempted.

As explained above in our general discussion of the FDCA, federal law does allow studies or clinical trials to be conducted under an investigational new drug application. Similarly, the manufacturer of certain medical devices may apply for FDA authorization to use a device for clinical testing pursuant to an investigational device exemption or IDE. 21 U.S.C. § 360j(g). We note that a California court has held that this IDE approval of a medical device is similar to premarket approval such that some state law claims pertaining to these investigational devices are preempted by federal law. *Robinson v. Endovascular Technologies, Inc.*, 190 Cal. App. 4th 1490, 119 Cal. Rptr. 3d 158 (Ct. App. 6th Dist. Cal. 2010).

Particular state law claims may also be impliedly preempted by the Medical Device Amendments. For example, state law claims pertaining to a medical device, that was reviewed under the § 510(k) process and not expressly preempted, may still be impliedly preempted. In *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341 (2001), the Supreme Court held that plaintiffs' state law claims that a device manufacturer made fraudulent

representations in its application filed with the FDA were in conflict with and, therefore, impliedly preempted by the FDCA as amended by the Medical Device Amendments. The conflict arose from the fact that federal law empowered the FDA to punish and deter fraud with regard to such applications.

We have found no express language in the FDCA which preempts state laws pertaining to investigational drugs or biological products. With regard to provisions of LB 117 pertaining to investigational new treatments, a court would then consider whether Congress has "occupied the field" (implied or field preemption) and whether it would be impossible to comply with both state and federal law (conflict preemption).

There are a number of cases which address whether certain state law claims, such as state common law tort claims, are impliedly preempted by the FDCA. For example, in *Wyeth v. Levine*, 555 U.S. 555 (2009), the Supreme Court found that a patient's state law failure-to-warn claim against a brand manufacturer of antihistamine, for failing to adequately warn of dangers of administering the drug intravenously, was not preempted by federal law. While the manufacturer argued that it was impossible to comply with both federal labeling duties under the FDCA and state law duties, the Supreme Court disagreed and held that compliance with the state law duty to warn would not obstruct the purposes and objectives of federal drug labeling regulation.

Two years later, in *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011), the Supreme Court distinguished *Wyeth* and noted differences in the federal drug labeling requirements that applied to generic drug manufacturers as compared to brand name drug manufacturers. As the manufacturer in *PLIVA* could not have changed its label without prior FDA approval, compliance with both state and federal requirements was impossible. Due to this conflict, the Court held that federal law preempted state law failure-to-warn claims against generic manufacturers.

It thus appears that, in considering the preemptive effect of the FDCA with regard to a provision of a state "right to try" law such as LB 117, a court would carefully evaluate each claim or defense asserted under the state law and determine whether that claim or defense was preempted by one of the many provisions of the FDCA and the regulations which implement it. In our view, although LB 117, §§ 5 and 6 allow manufacturers of investigational new drugs and biological products to make those treatments available to eligible patients, a defense based on that state law provision may well be impliedly preempted by the provisions of the FDCA which prohibit any person from placing into interstate commerce any new drug which has not yet received FDA approval. 21 U.S.C. § 355(a). Although there is an absence of case law addressing the issue, it is likely that a court would find that Congress and the FDA, through existing federal statutes and regulations concerning early or expanded access to investigational drugs, have "occupied the field" such that LB 117, §§ 5 and 6 are preempted or that

those provisions of LB 117 are preempted through conflict preemption. With regard to investigational devices, state law claims may well be expressly preempted.

We point out that the FDA website has a statement regarding "right to try" legislation under the heading "FDA and Marijuana: Questions and Answers." "The FDA has not taken a position on any particular state 'Right to Try' bill. The FDA works with companies to provide patients access to experimental therapies through enrollment in clinical trial or through the expanded access provision described in the FDA's statute and regulations." <https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm>. (last accessed on 3/19/18).

In addition, several law review authors have expressed the opinion that at least some of the provisions of the various "right to try" laws are likely preempted by federal law. "Perhaps the most crucial limitation that Indiana and other state right-to-try legislation may face is the possibility of federal preemption. It appears likely that the FDA could supersede these attempts by state policymakers if they decided to challenge right- to-try legislation." Howard, *Accessing Indiana's Right-To-Try Law: Is It Enough To Expand Access For Terminally Ill Patients?*, 14 IND. HEALTH L. REV. 267 (2017). *See also*, Note, The Right to Try: An Overview of Efforts to Obtain Expedited Access to Unapproved Treatment for the Terminally Ill, 70 FOOD & DRUG L.J. 617 (2015); Note, Patients Battle The FDA, 55 DUQ. L. REV. 397 (2017); and Adriance, Fighting for the "Right to Try" Unapproved Drugs: Law As Persuasion, 124 YALE L.J. FORUM 148 (2014).

CONCLUSION

We have found no case law concerning the state "right to try" laws which have been recently adopted by a number of states. However, based on our review of other Supremacy Clause cases, we think a court may well find one or more provisions of LB 117 to be preempted by federal law. We think the provision of § 5, which allows manufacturers to make investigational drugs and devices available to eligible patients, is the most likely to be found preempted by the FDCA and the regulations which implement it.

Sincerely,
Douglas J. Peterson
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-592-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 358, 359, and 360 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 358, 359, and 360.

SELECT FILE

LEGISLATIVE BILL 1005. ER137, found on page 1076, was adopted.

Senator Kolterman offered his amendment, AM2560, found on page 1070.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER145, found on page 1179, was adopted.

Senator Harr withdrew his amendment, AM2546, found on page 1159.

Senator Friesen offered his amendment, AM2647, found on page 1208.

The Friesen amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Harr offered his amendment, AM2687, found on page 1264.

The Harr amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1008. ER146, found on page 1195, was offered.

Senator Wayne requested a record vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 29:

Albrecht	Clements	Hilkemann	McCollister	Schumacher
Baker	Crawford	Hughes	Morfeld	Smith
Bostelman	Ebke	Kolowski	Pansing Brooks	Stinner
Brasch	Friesen	Krist	Quick	Thibodeau
Briese	Halloran	Kuehn	Riepe	Williams
Chambers	Hilgers	Lindstrom	Scheer	

Voting in the negative, 4:

Brewer Larson Lowe Wayne

Present and not voting, 12:

Blood Harr Linehan Vargas
 Bolz Howard McDonnell Walz
 Erdman Kolterman Murante Watermeier

Excused and not voting, 4:

Geist Groene Hansen Wishart

ER146 was adopted with 29 ayes, 4 nays, 12 present and not voting, and 4 excused and not voting.

Senator Wayne withdrew his motion, MO285, found on page 1101, to object to the referencing pursuant to Rule 6, Section 2 and to refer the bill back to the referencing committee for rereferencing.

Senator Wayne withdrew his amendment, AM2557, found on page 1101.

Senator Brewer withdrew his amendment, AM2538, found on page 1159.

Senator Wayne offered the following amendment:
 AM2656

(Amendments to AM2564)

1 1. On page 1, strike beginning with "(1)" in line 3 through the
 2 period in line 12 and insert the following new subsections:
 3 "(1) Notwithstanding subsection (3) of section 84-712.05, public
 4 power industry entities who are Southwest Power Pool Market Participants
 5 may withhold resource offer information submitted to the Southwest Power
 6 Pool.
 7 (2) For purposes of this section:
 8 (a) Public power industry has the same meaning as in section 70-601;
 9 and
 10 (b) Resource offer has the same meaning as in the Market Protocols
 11 for SPP Integrated Marketplace, Revision 57.a, as revised on February 27,
 12 2018, and published by the Southwest Power Pool."

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

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Brewer Larson Watermeier Wayne

Voting in the negative, 37:

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

Present and not voting, 6:

Briese	Halloran	Lowe
Groene	Linehan	Pansing Brooks

Excused and not voting, 2:

Hansen	Harr
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The Wayne amendment lost with 4 ayes, 37 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Wayne requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

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

Voting in the negative, 4:

Brewer	Larson	Watermeier	Wayne
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Present and not voting, 5:

Crawford	Groene	Howard	Lowe	Vargas
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Excused and not voting, 2:

Hansen Harr

Advanced to Enrollment and Review for Engrossment with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1119. Senator Riepe offered his amendment, AM2535, found on page 1181.

The Riepe amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB793:
AM2528

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

3 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 68-1111 Sections 68-1111 to 68-1119 and sections 9 and 10 of this
6 act shall be known and may be cited as the Aging and Disability Resource
7 Center ~~Demonstration Project~~ Act.

8 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1113 The purpose of the Aging and Disability Resource Center
11 ~~Demonstration Project~~ Act is ~~to evaluate the feasibility of establishing~~
12 ~~aging and disability resource centers statewide~~ to provide information
13 about long-term care services and support available in the home and
14 community for older Nebraskans or persons with disabilities, family
15 caregivers, and persons who request information or assistance on behalf
16 of others and to assist eligible individuals to access the most
17 appropriate public and private resources to meet their long-term care
18 needs.

19 It is the intent of the Legislature that aging and disability
20 resource centers serve as an ongoing component of Nebraska's long-term
21 care continuum and that aging and disability resource center sites
22 coordinate and establish contractual provider partnerships as necessary
23 with organizations specializing in serving aging persons and persons with
24 disabilities to provide the services described in the act.

25 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 68-1114 For purposes of the Aging and Disability Resource Center
1 ~~Demonstration Project~~ Act:

2 (1) Aging and disability resource center means a community-based
3 entity established to provide information about long-term care services
4 and support and to facilitate access to options counseling to assist

5 eligible individuals and their representatives in identifying the most
6 appropriate services to meet their long-term care needs;
7 (2) Area agency on aging has the meaning found in section 81-2208;
8 (3) Center for independent living has the definition found in 29
9 U.S.C. 796a, as such section existed on January 1, ~~2018~~ 2015;
10 (4) Department means the State Unit on Aging of the Division of
11 Medicaid and Long-Term Care of the Department of Health and Human
12 Services or any successor agency designated by the state to fulfill the
13 responsibilities of section 305(a)(1) of the federal Older Americans Act
14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, ~~2018~~
15 ~~2015~~;
16 (5) Eligible individual means a person who has lost, never acquired,
17 or has one or more conditions that affect his or her ability to perform
18 basic activities of daily living that are necessary to live
19 independently;
20 (6) Options counseling means a service that assists an eligible
21 individual in need of long-term care and his or her representatives to
22 make informed choices about the services and settings which best meet his
23 or her long-term care needs and that uses uniform data and information
24 collection assessments and encourages the widest possible use of
25 community-based options to allow an eligible individual to live as
26 independently as possible in the setting of his or her choice;
27 (7) Representative means a person designated as a legal guardian,
28 designated by a power of attorney or a health care power of attorney, or
29 chosen by law, by a court, or by an eligible individual seeking services,
30 but use of the term representative shall not be construed to disqualify
31 an individual who retains all legal and personal autonomy;
1 (8) Uniform assessment means a single standardized tool used to
2 assess a defined population at a specific time; and
3 (9) University Center for Excellence in Developmental Disability
4 Education, Research and Service means the federally designated University
5 Center for Excellence in Developmental Disability Education, Research and
6 Service of the Munroe-Meyer Institute at the University of Nebraska
7 Medical Center.
8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:
10 68-1115 The department shall adopt criteria for evaluating plans to
11 operate an aging and disability resource center based on the requirements
12 in section 68-1116 within sixty days after the effective date of this
13 act. The department shall award funding grants for ~~three~~ aging and
14 disability resource centers. The department shall pursue federal matching
15 funds as applicable and allocate such funds to the aging and disability
16 resource centers ~~center demonstration projects. The department shall~~
17 adopt criteria for evaluating proposals to operate an aging and
18 disability resource center ~~center demonstration project based on the~~
19 requirements in section 68-1116 and release a request for proposals
20 within sixty days after August 30, 2015.
21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1116 (1) The aging and disability resource centers center
 24 demonstration projects shall be established to evaluate the feasibility
 25 of establishing aging and disability resource centers statewide as a
 26 means of promoting appropriate, effective, and efficient use of long-term
 27 care resources. The aging and disability resource center demonstration
 28 projects shall operate through June 30, 2018.

29 (2) Each aging and disability resource center demonstration project
 30 shall provide one or more of the following services:

31 (a) (4) Comprehensive information on the full range of available
 1 public and private long-term care programs, options, financing, service
 2 providers, and resources within a community, including information on the
 3 availability of integrated long-term care;

4 (b) Options counseling;

5 (c) (2) Assistance in accessing and applying for public benefits
 6 programs;

7 (3) Options counseling;

8 (d) (4) A convenient point of entry to the range of publicly
 9 supported long-term care programs for an eligible individual;

10 (e) (5) A process for identifying unmet service needs in communities
 11 and developing recommendations to respond to those unmet needs;

12 (f) (6) Facilitation of person-centered transition support to assure
 13 that an eligible individual is able to find the services and support that
 14 are most appropriate to his or her need;

15 (g) (7) Mobility management to promote the appropriate use of public
 16 transportation services by a person who does not own or is unable to
 17 operate an automobile; and

18 (h) (8) A home care provider registry that will provide a person who
 19 needs home care with the names of home care providers and information
 20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
 22 2016, is amended to read:

23 68-1117 (1) An ~~Within sixty days after the release date of a request~~
 24 ~~for proposals under section 68-1115, an area agency on aging shall~~
 25 establish a contractual provider partnership with one or more lead
 26 organizations that specialize in serving ~~after consultation with a~~
 27 collaboration of organizations that serve aging persons and persons with
 28 congenital and acquired disabilities to provide services as described in
 29 subsection (2) of section 68-116, including, but not limited to, centers
 30 for independent living and the University Center for Excellence in
 31 Developmental Disability Education, Research and Service, for the purpose
 1 of developing an aging and disability resource center plan. After
 2 consultation with a collaboration of and with other organizations,
 3 ~~including, but not limited to,~~ organizations providing advocacy,
 4 protection, and safety for aging persons and persons with congenital and
 5 acquired disabilities, the partnership may submit to the department a
 6 ~~proposal to establish~~ an aging and disability resource center plan
 7 ~~demonstration project~~. The plan proposal shall specify how organizations
 8 currently serving eligible individuals will be engaged in the process of
 9 delivery of services through the aging and disability resource center

10 ~~demonstration project. The proposal shall be developed in consultation~~
11 ~~with eligible individuals and their representatives. The plan proposal~~
12 shall indicate how resources will be utilized by the partnership and
13 collaborating organizations to fulfill the responsibilities of an aging
14 and disability resource center ~~demonstration project.~~

15 (2) Two or more area agencies on aging and their partner lead
16 organizations may develop a joint ~~proposal to establish an~~ aging and
17 disability resource center plan ~~demonstration project~~ to serve all or a
18 portion of their planning-and-service areas. A joint plan proposal shall
19 provide information on how the services described in section 68-1116 will
20 be provided in the counties to be served by the aging and disability
21 resource center ~~demonstration project described in the joint proposal.~~

22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 68-1118 The department shall provide ~~Within thirty days after~~
25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
26 ~~section 68-1117, the department shall review the proposal and determine~~
27 ~~whether the proposal is eligible for funding. The department shall select~~
28 ~~three proposals for funding. The department shall enter into a contract~~
29 ~~with an independent institution having experience in evaluating aging and~~
30 ~~disability programs for an evaluation of the aging and disability~~
31 ~~resource center demonstration projects. The contract shall require that a~~
1 ~~report evaluating the aging and disability resource centers~~ demonstration
2 projects be presented to the Clerk of the Legislature prior to December
3 1, of 2016, 2017, and 2018, and each December 1 thereafter.

4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 68-1119 The department shall reimburse each area agency on aging and
7 contracted provider partner lead organizations described in section
8 ~~68-1117~~ operating an aging and disability resource center ~~demonstration~~
9 ~~project~~ on a schedule agreed to by the department and the area agency on
10 aging and contracted provider partner lead organizations. Such
11 reimbursement shall be made from (1) state funds appropriated by the
12 Legislature, (2) federal funds allocated to the department for the
13 purpose of establishing and operating aging and disability resource
14 centers, and (3) other funds as available.

15 Sec. 9. It is the intent of the Legislature to appropriate
16 \$1,368,616 for fiscal year 2018-19 from the Nebraska Health Care Cash
17 Fund and \$1,277,229 for fiscal year 2019-20 from the Nebraska Health Care
18 Cash Fund, to the Department of Health and Human Services, to carry out
19 the changes made to the Aging and Disability Resource Center Act by this
20 legislative bill.

21 Sec. 10. The Aging and Disability Resource Center Act terminates
22 two years after the effective date of this act unless extended by the
23 Legislature.

24 Sec. 11. Section 83-1216, Revised Statutes Supplement, 2017, is
25 amended to read:

26 83-1216 (1) The department shall administer the medicaid home and
27 community-based services waivers upon application approval by the federal

28 Centers for Medicare and Medicaid Services. Beginning July 1, ~~2021~~ 2019,
29 persons determined to be eligible for specialized services who on or
30 after September 6, 1993, graduate from high school, reach the age of
31 twenty-one years, or are currently receiving services shall receive
1 services in accordance with the Developmental Disabilities Services Act.
2 The amount of funding for any person receiving services shall be
3 determined using an objective assessment process developed by the
4 department and approved by the federal Centers for Medicare and Medicaid
5 Services.

6 (2) The department shall provide directly or by contract service
7 coordination to Nebraska residents found to be eligible for specialized
8 services.

9 (3) It is the intent of the Legislature that the department take all
10 possible steps to maximize federal funding. All Nebraska residents
11 eligible for funding for specialized services through the department
12 shall apply for and accept any federal medicaid benefits for which they
13 may be eligible and benefits from other funding sources within the
14 department, the State Department of Education, specifically including the
15 Division of Rehabilitation Services, and other agencies to the maximum
16 extent possible.

17 (4) The priorities for funding the medicaid home and community-based
18 services waivers under this section are as follows:

19 (a) The first funding priority of the state shall be responding to
20 the needs of persons with developmental disabilities in immediate crisis
21 due to caregiver death, homelessness, or a threat to the life and safety
22 of the person;

23 (b) The second funding priority of the state in responding to the
24 needs of persons with developmental disabilities shall be for persons
25 that have resided in an institutional setting for a period of at least
26 twelve consecutive months and who are requesting community-based
27 services;

28 (c) The third funding priority of the state in responding to the
29 needs of persons with developmental disabilities shall be for serving
30 wards of the department or persons placed under the supervision of the
31 Office of Probation Administration by the Nebraska court system who are
1 transitioning upon age nineteen with no other alternatives as determined
2 by the department to support residential services necessary to pursue
3 economic self-sufficiency;

4 (d) The fourth funding priority of the state in responding to the
5 needs of persons with developmental disabilities shall be for serving
6 persons transitioning from the education system upon attaining twenty-one
7 years of age to maintain skills and receive the day services necessary to
8 pursue economic self-sufficiency; and

9 (e) The fifth funding priority of the state in responding to the
10 needs of persons with developmental disabilities shall be for serving all
11 other persons by date of application.

12 Sec. 12. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
13 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
14 Supplement, 2016, and section 83-1216, Revised Statutes Supplement, 2017,

15 are repealed.

16 Sec. 13. Since an emergency exists, this act takes effect when
17 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Larson filed the following motion to LB1008:
MO304
Recommit to the Natural Resources Committee.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB1008:
FA140
Strike the enacting clause.

Senator Ebke filed the following amendment to LB299:
AM2674

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 16 of this act shall be known and may be
4 cited as the Occupational Board Reform Act.
5 Sec. 2. For purposes of the Occupational Board Reform Act, the
6 definitions in sections 3 to 12 of this act apply.
7 Sec. 3. Government certification means a nontransferable
8 recognition granted to an individual by an occupational board through a
9 voluntary program in which the individual meets personal qualifications
10 established by the Legislature. Government certification allows the
11 certified individual to use a designated title. For purposes of the
12 Occupational Board Reform Act, in analyzing health professions which are
13 subject to the Nebraska Regulation of Health Professions Act, the
14 definition of certification in section 71-6206 applies.
15 Sec. 4. Lawful occupation means a course of conduct, a pursuit, or
16 a profession that includes the sale of goods or services that are not
17 themselves illegal to sell irrespective of whether the individual selling
18 them is subject to an occupational regulation.
19 Sec. 5. Least restrictive regulation means one of the following
20 types of regulation, listed from least restrictive to most restrictive,
21 consistent with the health, safety, and welfare of the public:
22 (1) Market competition;
23 (2) Third-party or consumer-created ratings and reviews;
24 (3) Private certification;
25 (4) Specific private civil cause of action to remedy consumer harm;
26 (5) Deceptive trade practices under the Uniform Deceptive Trade
27 Practices Act;
1 (6) Mandatory disclosure of attributes of the specific goods or
2 services;
3 (7) Regulation of the process of providing the specific goods or
4 services to consumers;

5 (8) Inspection;

6 (9) Bonding or insurance;

7 (10) Registration;

8 (11) Government certification; and

9 (12) Occupational license.

10 Sec. 6. Occupational board means a board, commission, department,

11 or other entity created by state law which regulates providers through

12 occupational regulations.

13 Sec. 7. Occupational license means a nontransferable authorization

14 in law (1) for an individual to perform exclusively a lawful occupation

15 for compensation based on meeting personal qualifications established by

16 the Legislature and (2) which is required in order to legally perform the

17 lawful occupation for compensation.

18 Sec. 8. (1) Occupational regulation means a statute, rule,

19 regulation, practice, policy, or other state law requiring an individual

20 to possess certain personal qualifications or to comply with registration

21 requirements to use an occupational title or work in a lawful occupation.

22 (2) Occupational regulation includes any government certification,

23 registration, and occupational license.

24 (3) Occupational regulation does not include (a) business licensure,

25 facility licensure, building permit requirements, or zoning and land-use

26 regulation except to the extent that the same state laws that require a

27 business license, a facility license, a building permit, or zoning and

28 land-use regulation also regulate an individual's personal qualifications

29 to perform a lawful occupation or (b) an occupational license

30 administered by the Supreme Court.

31 Sec. 9. Personal qualifications means criteria related to an

1 individual's personal background and characteristics, including

2 completion of an approved educational program, satisfactory performance

3 on an examination, work experience, other evidence of attainment of

4 requisite skills or knowledge, moral standing, criminal history, and

5 completion of continuing education.

6 Sec. 10. Private certification means a nontransferable recognition

7 granted to an individual by a private organization through a voluntary

8 program in which the individual meets personal qualifications established

9 by the private organization.

10 Sec. 11. Provider means an individual provider of goods or services

11 engaged in a lawful occupation.

12 Sec. 12. (1) Registration means a nontransferable registration

13 granted to an individual under which (a) the individual is required to

14 give notice to the government that may include the individual's name and

15 address, the individual's agent for service of process, the location of

16 the activity to be performed, and a description of the service the

17 individual provides, (b) upon receipt of the notice by the government,

18 the individual may use the term registered as a designated title to

19 engage in a lawful occupation, and (c) such notice is required to engage

20 in the lawful occupation for compensation and is required in order to use

21 the term registered as a designated title to engage in the lawful

22 occupation.

23 (2) Registration may require a bond or insurance.
24 (3) For purposes of the Occupational Board Reform Act, in analyzing
25 health professions which are subject to the Nebraska Regulation of Health
26 Professions Act, the definition of registration in section 71-6217
27 applies.
28 Sec. 13. For purposes of the Occupational Board Reform Act:
29 (1) Government certification and registration are not synonymous
30 with occupational license;
31 (2) Except as provided in section 3 of this act, when the terms
1 certification and certified are used outside of the Occupational Board
2 Reform Act to mean a requirement that an individual meet certain personal
3 qualifications to work legally, those terms in that context shall be
4 interpreted for purposes of the Occupational Board Reform Act as
5 requiring an individual to meet the requirements for an occupational
6 license; and
7 (3) Except as provided in section 12 of this act, when the terms
8 registration and registered are used outside of the Occupational Board
9 Reform Act to mean a requirement that an individual meet certain personal
10 qualifications to work legally, those terms in that context shall be
11 interpreted for purposes of the Occupational Board Reform Act as
12 requiring an individual to meet the requirements for an occupational
13 license.
14 Sec. 14. It is the policy of the State of Nebraska:
15 (1) To protect the fundamental right of an individual to pursue a
16 lawful occupation;
17 (2) To use the least restrictive regulation which is necessary to
18 protect consumers from undue risk of present, significant, and
19 substantiated harms that clearly threaten or endanger the health, safety,
20 or welfare of the public when competition alone is not sufficient and
21 which is consistent with the public interest;
22 (3) To enforce an occupational regulation against an individual only
23 to the extent that the individual sells goods or services that are
24 included explicitly in the statutes that govern the occupation;
25 (4) To construe and apply occupational regulations to increase
26 opportunities, promote competition, and encourage innovation;
27 (5) To use the least restrictive method of regulation as set out in
28 section 71-6222 for lawful occupations subject to the Nebraska Regulation
29 of Health Professions Act; and
30 (6) To provide ongoing legislative review of occupational
31 regulations.
1 Sec. 15. (1) The fundamental right of an individual to pursue an
2 occupation includes the right of an individual with a criminal history to
3 obtain an occupational license, government certification, or state
4 recognition of the individual's personal qualifications.
5 (2)(a) An individual who has a criminal conviction may submit to the
6 appropriate occupational board a preliminary application for an
7 occupational license, government certification, or state recognition of
8 the individual's personal qualifications for a determination as to
9 whether the individual's criminal conviction would disqualify the

10 individual from obtaining the occupational license, government
11 certification, or state recognition of the individual's personal
12 qualifications from that occupational board. The preliminary application
13 may be submitted at any time, including prior to obtaining required
14 education or paying any fee, other than the fee for the preliminary
15 application under subsection (7) of this section.
16 (b) The individual may include with the preliminary application
17 additional information about the individual's current circumstances,
18 including the time since the offense, completion of the criminal
19 sentence, other evidence of rehabilitation, testimonials, employment
20 history, and employment aspirations.
21 (3) Upon receipt of a preliminary application under subsection (2)
22 of this section and a fee if required under subsection (7) of this
23 section, the appropriate occupational board shall make a determination of
24 whether the individual's criminal conviction would disqualify the
25 individual from obtaining an occupational license, government
26 certification, or state recognition of the individual's personal
27 qualifications from that occupational board.
28 (4) The occupational board shall issue its determination in writing
29 within ninety days after receiving a preliminary application under
30 subsection (2) of this section. The determination shall include findings
31 of fact and conclusions of law. If the occupational board determines that
1 the individual's criminal conviction would disqualify the individual, the
2 occupational board may advise the individual of any action the individual
3 may take to remedy the disqualification. If the occupational board finds
4 that the individual has been convicted of a subsequent criminal
5 conviction, the occupational board may rescind a determination upon
6 finding that the subsequent criminal conviction would be disqualifying
7 under subsection (3) of this section.
8 (5) The individual may appeal the determination of the occupational
9 board. The appeal shall be in accordance with the Administrative
10 Procedure Act.
11 (6) An individual shall not file another preliminary application
12 under this section with the same occupational board within two years
13 after the final decision on the previous preliminary application, except
14 that if the individual has taken action to remedy the disqualification as
15 advised by the occupational board, the individual may file another
16 preliminary application under this section with the same occupational
17 board six months after the final decision on the previous preliminary
18 application.
19 (7) An occupational board may charge a fee not to exceed one hundred
20 dollars for each preliminary application filed pursuant to this section.
21 The fee is intended to offset the administrative costs incurred under
22 this section.
23 Sec. 16. (1) Beginning in 2019, each standing committee of the
24 Legislature shall annually review and analyze approximately twenty
25 percent of the occupational regulations within the jurisdiction of the
26 committee and prepare and submit an annual report electronically to the
27 Clerk of the Legislature by December 15 of each year as provided in this

28 section. Each committee shall complete this process for all occupational
29 regulations within its jurisdiction within five years and every five
30 years thereafter. Each report shall include the committee's
31 recommendations regarding whether the occupational regulations should be
1 terminated, continued, or modified.

2 (2) Each committee may require the submission of information by the
3 affected occupational board and other affected or interested parties.

4 (3) A committee's report shall include, but not be limited to, the
5 following:

6 (a) The title of the regulated occupation and the name of the
7 occupational board responsible for enforcement of the occupational
8 regulations;

9 (b) The statutory citation or other authorization for the creation
10 of the occupational regulations and occupational board;

11 (c) The number of members of the occupational board and how the
12 members are appointed;

13 (d) The qualifications for membership on the occupational board;

14 (e) The number of times the occupational board is required to meet
15 during the year and the number of times it actually met;

16 (f) Annual budget information for the occupational board for the
17 five most recently completed fiscal years;

18 (g) For the immediately preceding five calendar years, or for the
19 period of time less than five years for which the information is
20 practically available, the number of government certifications,
21 occupational licenses, and registrations the occupational board has
22 issued, revoked, denied, or assessed penalties against, listed
23 anonymously and separately per type of credential, and the reasons for
24 such revocations, denials, and other penalties;

25 (h) A review of the basic assumptions underlying the creation of the
26 occupational regulations;

27 (i) A statement from the occupational board on the effectiveness of
28 the occupational regulations; and

29 (j) A comparison of whether and how other states regulate the
30 occupation.

31 (4) Subject to subsection (5) of this section, each committee shall
1 also analyze, and include in its report, whether the occupational
2 regulations meet the policies stated in section 14 of this act
3 considering the following recommended courses of action for meeting such
4 policies:

5 (a) If the need is to protect consumers against fraud, the likely
6 recommendation will be to strengthen powers under the Uniform Deceptive
7 Trade Practices Act or require disclosures that will reduce misleading
8 attributes of the specific goods or services;

9 (b) If the need is to protect consumers against unclean facilities
10 or to promote general health and safety, the likely recommendation will
11 be to require periodic inspections of such facilities;

12 (c) If the need is to protect consumers against potential damages
13 from failure by providers to complete a contract fully or up to
14 standards, the likely recommendation will be to require that providers be

15 bonded;

16 (d) If the need is to protect a person who is not party to a
17 contract between the provider and consumer, the likely recommendation
18 will be to require that the provider have insurance;

19 (e) If the need is to protect consumers against potential damages by
20 transient providers, the likely recommendation will be to require that
21 providers register their businesses with the Secretary of State;

22 (f) If the need is to protect consumers against a shortfall or
23 imbalance of knowledge about the goods or services relative to the
24 providers' knowledge, the likely recommendation will be to enact
25 government certification; and

26 (g) If the need is to address a systematic information shortfall
27 such that a reasonable consumer is unable to distinguish between the
28 quality of providers, there is an absence of institutions that provide
29 adequate guidance to the consumer, and the consumer's inability to
30 distinguish between providers and the lack of adequate guidance allows
31 for undue risk of present, significant, and substantiated harms, the
1 likely recommendation will be to enact an occupational license.

2 (5) If a lawful occupation is subject to the Nebraska Regulation of
3 Health Professions Act, the analysis under subsection (4) of this section
4 shall be made using the least restrictive method of regulation as set out
5 in section 71-6222.

6 (6) In developing recommendations under this section, the committee
7 shall review any report issued to the Legislature pursuant to the
8 Nebraska Regulation of Health Professions Act, if applicable, and
9 consider any findings or recommendations of such report related to the
10 occupational regulations under review.

11 (7) If the committee finds that it is necessary to change
12 occupational regulations, the committee shall recommend the least
13 restrictive regulation consistent with the public interest and the
14 policies in this section and section 14 of this act.

15 Sec. 17. Section 84-901.02, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 84-901.02 The Legislature finds that:

18 (1) The regulatory authority given to agencies has a significant
19 impact on the people of the state;

20 (2) When agencies create substantive standards by which Nebraskans
21 are expected to abide, it is essential that those standards be adopted
22 through the rules and regulations process to enable the public to be
23 aware of the standards and have an opportunity to participate in the
24 approval or repeal process; ~~and~~

25 (3) Agencies should be encouraged to advise the public of current
26 opinions, interpretations, approaches, and likely courses of action by
27 means of guidance documents; and -

28 (4) Oversight of the regulatory authority over occupations and
29 professions given to agencies is required to ensure respect for the
30 fundamental right of an individual to pursue an occupation.

31 Sec. 18. Section 84-907.06, Revised Statutes Supplement, 2017, is
1 amended to read:

2 84-907.06 Whenever an agency proposes to adopt, amend, or repeal a
3 rule or regulation, the agency shall (1) at least thirty days before the
4 public hearing, when notice of a proposed rule or regulation is sent out,
5 or (2) at the same time the agency requests approval from the Governor
6 for an emergency rule or regulation under section 84-901.04, ~~the agency~~
7 ~~shall~~ send to the Executive Board of the Legislative Council for purposes
8 of section 84-907.07 if applicable, to the Executive Board of the
9 Legislative Council to be forwarded to the relevant standing committee of
10 the Legislature for purposes of the Occupational Board Reform Act if
11 applicable, and to the Secretary of State to be made available to the
12 public by means which include, but are not limited to, publication on the
13 Secretary of State's web site, if applicable, the following information:
14 A ~~(a)~~ a copy of the hearing notice required by section 84-907; ~~(b)~~ a
15 draft copy of the rule or regulation; ~~(c)~~ and ~~(e)~~ the information provided
16 to the Governor pursuant to section 84-907.09.

17 Sec. 19. Section 84-910, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 84-910 (1) On or before July 1 of each year, each agency shall
20 notify the Legislative Performance Audit Committee of the status of all
21 rules and regulations pending before the agency which have not been
22 adopted and promulgated. If an additional appropriation was made with
23 respect to legislation enacted to provide funding for or additional staff
24 to implement a program for which rules and regulations are required to be
25 adopted, the notification shall include what the funding has been used
26 for and what functions the staff have been performing while such rules
27 and regulations are pending. The format of the notification shall be
28 established by the committee ~~no later than June 1, 2011~~, and shall be
29 updated periodically thereafter.

30 (2) On or before July 1 of each year, each agency shall, for
31 purposes of the Occupational Board Reform Act, notify the Executive Board
1 of the Legislative Council of the status of all rules and regulations
2 pending before the agency which have not been adopted and promulgated.
3 The executive board shall forward any notification received pursuant to
4 this subsection to the standing committee of the Legislature with
5 jurisdiction over the rules and regulations.

6 Sec. 20. Section 84-920, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
9 Act shall be known and may be cited as the Administrative Procedure Act.

10 Sec. 21. This act becomes operative on July 1, 2019.

11 Sec. 22. Original section 84-910, Reissue Revised Statutes of
12 Nebraska, sections 84-901.02 and 84-920, Revised Statutes Cumulative
13 Supplement, 2016, and section 84-907.06, Revised Statutes Supplement,
14 2017, are repealed.

VISITORS

Visitors to the Chamber were 20 members of the Lincoln Electric System Professional Development Group; 25 high school students from Lincoln Northeast High School; 10 TeenPact Leadership Schools; Susan and Tom Schlueter from Seward; 31 fourth-grade students from Cornerstone Christian School, Bellevue; 16 fourth-grade students from St. John Lutheran School, Battle Creek; 60 employees of Black Hills Energy from across the state; and former Speakers, Galen Hadley and Dennis Baack.

RECESS

At 11:45 a.m., on a motion by Senator Linehan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Howard, Kolowski, Lowe, Vargas, Watermeier, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 847. Placed on Select File with amendment.

ER151

1 1. On page 1, line 3, after the second "of" insert "a".

LEGISLATIVE BILL 732. Placed on Select File with amendment.

ER152

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

2 insert the following new sections:

3 Section 1. Section 43-4203, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-4203 (1) The Nebraska Children's Commission shall work with
6 administrators from each of the service areas designated pursuant to
7 section 81-3116, the teams created pursuant to section 28-728, local
8 foster care review boards, child advocacy centers, the teams created
9 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
10 community stakeholders, and advocates for child welfare programs and
11 services to establish networks in each of such service areas. Such
12 networks shall permit collaboration to strengthen the continuum of
13 services available to child welfare agencies and to provide resources for
14 children and juveniles outside the child protection system. Each service
15 area shall develop its own unique strategies to be included in the

16 statewide strategic plan. The Department of Health and Human Services
17 shall assist in identifying the needs of each service area.

18 (2)(a) The commission shall create a committee to examine state
19 policy regarding the prescription of psychotropic drugs for children who
20 are wards of the state and the administration of such drugs to such
21 children. Such committee shall review the policy and procedures for
22 prescribing and administering such drugs and make recommendations to the
23 commission for changes in such policy and procedures.

24 (b) The commission shall create a committee to examine the Office of
25 Juvenile Services and the Juvenile Services Division of the Office of
26 Probation Administration. Such committee shall review the role and
27 effectiveness of out-of-home placements utilized in the juvenile justice
1 system, including the youth rehabilitation and treatment centers, and
2 make recommendations to the commission on the juvenile justice continuum
3 of care, including what populations should be served in out-of-home
4 placements and what treatment services should be provided at the centers
5 in order to appropriately serve those populations. Such committee shall
6 also review how mental and behavioral health services are provided to
7 juveniles in residential placements and the need for such services
8 throughout Nebraska and make recommendations to the commission relating
9 to those systems of care in the juvenile justice system. The committee
10 shall collaborate with the University of Nebraska at Omaha, Juvenile
11 Justice Institute, the University of Nebraska Medical Center, Center for
12 Health Policy, the behavioral health regions as established in section
13 71-807, and state and national juvenile justice experts to develop
14 recommendations. The recommendations shall include a plan to implement a
15 continuum of care in the juvenile justice system to meet the needs of
16 Nebraska families, including specific recommendations for the
17 rehabilitation and treatment model. The recommendations shall be
18 delivered to the commission and electronically to the Judiciary Committee
19 of the Legislature annually by ~~September~~ December 1.

20 (c) The commission may organize committees as it deems necessary.
21 Members of the committees may be members of the commission or may be
22 appointed, with the approval of the majority of the commission, from
23 individuals with knowledge of the committee's subject matter,
24 professional expertise to assist the committee in completing its assigned
25 responsibilities, and the ability to collaborate within the committee and
26 with the commission to carry out the powers and duties of the commission.
27 No member of any committee created pursuant to this section shall have
28 any private financial interest, profit, or benefit from any work of such
29 committee.

30 (d) The Title IV-E Demonstration Project Committee created pursuant
31 to section 43-4208 and the Foster Care Reimbursement Rate Committee
1 created pursuant to section 43-4212 are under the jurisdiction of the
2 commission.

3 (3) The commission shall work with the office of the State Court
4 Administrator, as appropriate, and entities which coordinate facilitated
5 conferencing as described in section 43-247.03. Facilitated conferencing
6 shall be included in statewide strategic plan discussions by the

7 commission. Facilitated conferencing shall continue to be utilized and
8 maximized, as determined by the court of jurisdiction, during the
9 development of the statewide strategic plan. Funding and contracting with
10 mediation centers approved by the Office of Dispute Resolution to provide
11 facilitated conferencing shall continue to be provided by the office of
12 the State Court Administrator at an amount of no less than the General
13 Fund transfer under subsection (1) of section 43-247.04.

14 (4) The commission shall gather information and communicate with
15 juvenile justice specialists of the Office of Probation Administration
16 and county officials with respect to any county-operated practice model
17 participating in the Crossover Youth Program of the Center for Juvenile
18 Justice Reform at Georgetown University.

19 (5) The commission shall coordinate and gather information about the
20 progress and outcomes of the Nebraska Juvenile Service Delivery Project
21 established pursuant to section 43-4101.

22 (6) The commission shall develop a system-of-care plan beginning
23 with prevention services through treatment services for the child welfare
24 system based on relevant data and evidence-based practices to meet the
25 specific needs of each area of the state. Such system-of-care plan shall
26 include services that are goal-driven and outcome-based and shall
27 evaluate the feasibility of utilizing performance-based contracting for
28 specific child welfare services, including the feasibility of additional
29 contractual requirements for service providers requiring services to all
30 children without an option to deny service.

31 (7) The commission shall analyze case management workforce issues
1 and make recommendations to the Health and Human Services Committee of
2 the Legislature regarding:

3 (a) Salary comparisons with other states and the current pay
4 structure based on job descriptions;

5 (b) Utilization of incentives for persons who work in the area of
6 child welfare;

7 (c) Evidence-based training requirements for persons who work in the
8 area of child welfare and their supervisors; and

9 (d) Collaboration with the University of Nebraska to increase and
10 sustain such workforce.

11 Sec. 2. Section 43-4207, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4207 The Nebraska Children's Commission shall provide a written
14 report to the Governor and an electronic report to the Health and Human
15 Services Committee of the Legislature of its activities during the
16 previous year on or before December 1, 2015. If the commission is
17 continued by the Legislature as provided in section 43-4202, the
18 commission shall provide such report on or before ~~September~~ December 1 of
19 each year the commission is continued.

20 Sec. 3. Section 43-4218, Revised Statutes Supplement, 2017, is
21 amended to read:

22 43-4218 (1)(a) The Normalcy Task Force is created. On July 1, 2017,
23 the Normalcy Task Force shall become the Nebraska Strengthening Families
24 Act Committee.

25 (b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task
26 Force shall monitor and make recommendations regarding the implementation
27 in Nebraska of the federal Preventing Sex Trafficking and Strengthening
28 Families Act, Public Law 113-183, as such act existed on January 1, 2016.
29 (ii) On and after July 1, 2017, the Nebraska Strengthening Families
30 Act Committee shall monitor and make recommendations regarding the
31 implementation in Nebraska of the federal Preventing Sex Trafficking and
1 Strengthening Families Act, Public Law 113-183, as such act existed on
2 January 1, 2017, and the Nebraska Strengthening Families Act.
3 (2) Until July 1, 2017, the members of the task force, and on and
4 after July 1, 2017, the members of the committee shall include, but not
5 be limited to, (a) representatives from the legislative, executive, and
6 judicial branches of government. The representatives from the legislative
7 and judicial branches shall be nonvoting, ex officio members, (b) no
8 fewer than three young adults currently or previously in foster care
9 which may be filled on a rotating basis by members of Project Everlast or
10 a similar youth support or advocacy group, (c) a representative from the
11 juvenile probation system, (d) the executive director of the Foster Care
12 Review Office, (e) one or more representatives from a child welfare
13 advocacy organization, (f) one or more representatives from a child
14 welfare service agency, (g) one or more representatives from an agency
15 providing independent living services, (h) one or more representatives of
16 a child-care institution as defined in section 43-4703, (i) one or more
17 current or former foster parents, (j) one or more parents who have
18 experience in the foster care system, (k) one or more professionals who
19 have relevant practical experience such as a caseworker, and (l) one or
20 more guardians ad litem who practice in juvenile court.
21 (3) On or before July 1, 2016, the Nebraska Children's Commission
22 shall appoint the members of the task force. On July 1, 2017, the members
23 of the task force shall become members of the committee, shall serve the
24 amount of time remaining on their initial terms of office, and are
25 eligible for reappointment by the Nebraska Children's Commission. Members
26 shall be appointed for terms of two years. The commission shall appoint a
27 chairperson or chairpersons of the committee and may fill vacancies on
28 the committee as such vacancies occur.
29 (4) The committee shall provide a written report with
30 recommendations regarding the initial and ongoing implementation of the
31 federal Preventing Sex Trafficking and Strengthening Families Act, as
1 such act existed on January 1, 2017, and the Nebraska Strengthening
2 Families Act and related efforts to improve normalcy for children in
3 foster care and related populations to the Nebraska Children's
4 Commission, the Health and Human Services Committee of the Legislature,
5 the Department of Health and Human Services, and the Governor by
6 ~~September 1~~ ~~December 15~~ of each year. The report to the Health and Human
7 Services Committee of the Legislature shall be submitted electronically.
8 Sec. 4. Section 43-4513, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
11 Commission shall appoint a Bridge to Independence Advisory Committee to

12 make recommendations to the department and the Nebraska Children's
 13 Commission regarding the bridge to independence program, extended
 14 guardianship assistance described in section 43-4511, and extended
 15 adoption assistance described in section 43-4512. The Bridge to
 16 Independence Advisory Committee shall meet on a biannual basis to advise
 17 the department and the Nebraska Children's Commission regarding ongoing
 18 implementation of the bridge to independence program, extended
 19 guardianship assistance described in section 43-4511, and extended
 20 adoption assistance described in section 43-4512 and shall provide a
 21 written report regarding ongoing implementation, including participation
 22 in the bridge to independence program, extended guardianship assistance
 23 described in section 43-4511, and extended adoption assistance described
 24 in section 43-4512 and early discharge rates and reasons obtained from
 25 the department, to the Nebraska Children's Commission, the Health and
 26 Human Services Committee of the Legislature, the department, and the
 27 Governor by September 1 ~~December 15th~~ of each year. By December 15, 2015,
 28 the committee shall develop specific recommendations for expanding to or
 29 improving outcomes for similar groups of at-risk young adults. The report
 30 to the Health and Human Services Committee of the Legislature shall be
 31 submitted electronically.

1 (2) The members of the Bridge to Independence Advisory Committee
 2 shall include, but not be limited to, (a) representatives from all three
 3 branches of government, and the representatives from the legislative and
 4 judicial branches of government shall be nonvoting, ex officio members,
 5 (b) no less than three young adults currently or previously in foster
 6 care, which may be filled on a rotating basis by members of Project
 7 Everlast or a similar youth support or advocacy group, (c) one or more
 8 representatives from a child welfare advocacy organization, (d) one or
 9 more representatives from a child welfare service agency, and (e) one or
 10 more representatives from an agency providing independent living
 11 services.

12 (3) Members of the committee shall be appointed for terms of two
 13 years. The Nebraska Children's Commission shall appoint the chairperson
 14 of the committee and may fill vacancies on the committee as they occur.
 15 Sec. 5. Original sections 43-4203, 43-4207, and 43-4513, Reissue
 16 Revised Statutes of Nebraska, and section 43-4218, Revised Statutes
 17 Supplement, 2017, are repealed.

18 2. On page 1, strike lines 2 and 3 and insert "amend sections
 19 43-4203, 43-4207, and 43-4513, Reissue Revised Statutes of Nebraska, and
 20 section 43-4218, Revised Statutes Supplement, 2017; to change reporting
 21 dates for the commission and committees appointed by the commission; and
 22 to repeal the original sections."

LEGISLATIVE BILL 840. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File with amendment.

ER154

1 1. On page 1, line 3, after "including" insert "required criteria,".

LEGISLATIVE BILL 885. Placed on Select File.

LEGISLATIVE BILL 1012. Placed on Select File with amendment.
ER155

1 1. On page 1, strike beginning with "section" in line 2 through
2 "44-4054" in line 3 and insert "sections 44-3903, 44-3910, 44-4047, and
3 44-4052"; and in line 7 before "and" insert "to provide an operative
4 date;"

LEGISLATIVE BILL 701. Placed on Select File with amendment.
ER156

1 1. On page 3, line 14, after "38-1,142" insert "and sections 3 and 4
2 of this act".

LEGISLATIVE BILL 742. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 738A. Placed on Select File.

LEGISLATIVE BILL 845. Placed on Select File with amendment.
ER157

1 1. On page 1, strike beginning with "custody" in line 1 through line
2 4 and insert "child custody; to amend section 42-364, Reissue Revised
3 Statutes of Nebraska; to state findings; to prohibit a preference in
4 custody determinations based on disability; to define a term; and to
5 repeal the original section."

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 1119. Senator Riepe offered the following amendment:

AM2418

1 1. Insert the following new sections:
2 Sec. 11. Sections 11 to 24 of this act shall be known and may be
3 cited as the Nebraska Right to Shop Act.
4 Sec. 12. For purposes of the Nebraska Right to Shop Act:
5 (1) Allowed amount means the contractually agreed upon amount paid
6 by an insurance carrier to a health care entity participating in the
7 insurance carrier's network or the amount the health plan is required to
8 pay under the health plan policy or certificate of insurance for out-of-
9 network covered benefits provided to the patient;
10 (2) Department means the Department of Insurance;
11 (3) Director means the Director of Insurance;
12 (4) Enrollee means an individual receiving health insurance coverage
13 from an insurance carrier;
14 (5) Health care entity means:
15 (a) A facility licensed under the Health Care Facility Licensure

16 Act;

17 (b) A health care professional licensed under the Uniform

18 Credentialing Act; and

19 (c) An organization or association of health care professionals

20 licensed under the Uniform Credentialing Act;

21 (6) Incentive payment means a payment described in section 17 of

22 this act that is made by an insurance carrier to an enrollee;

23 (7) Insurance carrier means any entity that provides health

24 insurance in this state. Insurance carrier includes (a) an insurance

25 company, (b) a fraternal benefit society, (c) a health maintenance

26 organization, and (d) any other entity providing a plan of health

27 insurance or health benefits subject to state insurance regulation;

1 (8) Shared savings incentive payment program means a program

2 established by an insurance carrier pursuant to section 17 of this act to

3 provide incentive payments to enrollees; and

4 (9) Shoppable health care service means a health care service for

5 which an insurance carrier offers incentive payments under a shared

6 savings incentive payment program established by the insurance carrier.

7 Shoppable health care service includes, at a minimum, health care

8 services in the following categories:

9 (a) Physical and occupational therapy services;

10 (b) Obstetrical and gynecological services;

11 (c) Radiology and imaging services;

12 (d) Laboratory services;

13 (e) Infusion therapy;

14 (f) Inpatient or outpatient surgical procedures; and

15 (g) Outpatient nonsurgical diagnostic tests or procedures.

16 Sec. 13. The Nebraska Right to Shop Act shall apply to any

17 insurance carrier that elects to be subject to the act. An insurance

18 carrier making such election shall file a notice of the election with the

19 department.

20 Sec. 14. (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. 15. 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. 16. (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. 17. (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. 18. 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. 19. 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. 20. 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. 21. 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. 22. (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. 23. (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 17 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. 24. The department may adopt and promulgate rules and
13 regulations as necessary to carry out the Nebraska Right to Shop Act.

14 Sec. 25. 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. 26. 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 23 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. 27. Original sections 44-361 and 84-1613, Reissue Revised
 30 Statutes of Nebraska, are repealed.
 31 2. On page 2, line 1, strike "This" and insert "Sections 1 to 10 of
 1 this".

The Riepe amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1132. ER139, found on page 1121, was adopted.

Senator Pansing Brooks offered her amendment, AM2707, found on page 1258.

The Pansing Brooks amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Thibodeau offered the following amendment:

AM2718

(Amendments to E and R amendments, ER139)

1 1. Insert the following new sections:

2 Sec. 5. Section 53-101, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 53-101 Sections 53-101 to 53-1,122 and section 7 of this act shall
5 be known and may be cited as the Nebraska Liquor Control Act.

6 Sec. 6. Section 53-103, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 53-103 For purposes of the Nebraska Liquor Control Act, the
9 definitions found in sections 53-103.01 to 53-103.46 and section 7 of
10 this act apply.

11 Sec. 7. (1) Bottle club means an operation, whether formally
12 organized as a club having a regular membership list, dues, officers, and
13 meetings or not, keeping and maintaining premises where persons who have
14 made their own purchases of alcoholic liquor congregate for the express
15 purpose of consuming alcoholic liquor upon the payment of a fee or other
16 consideration, including, but not limited to, other services such as the
17 sale of food, ice, mixes, or other fluids for alcoholic drinks, and the
18 maintenance of the space for consumption, entertainment performances, or
19 commercial sexual activity or sexually-explicit performances. For
20 purposes of this subsection, commercial sexual activity and sexually-
21 explicit performance have the same meaning as in section 28-830.

22 (2) A person operating a bottle club shall obtain the appropriate
23 Class A or Class I retail license based on the type of beverages allowed
24 to be consumed on the premises. Such operation may be conducted by a
25 club, an individual, a partnership, a limited liability company, or a
26 corporation. An accurate and current membership list shall be maintained
1 upon the premises which contains the names and residences of the members.
2 The person operating the bottle club shall make the membership list
3 available to the commission and any law enforcement officer for
4 investigatory enforcement purposes.

5 Sec. 8. Section 53-186.01, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 53-186.01 (1) It shall be unlawful for any person owning, operating,
8 managing, or conducting any bottle club, dance hall, restaurant, cafe, or
9 club or any place open to the general public to permit or allow any
10 person to consume alcoholic liquor upon the premises except as permitted
11 by a license issued for such premises pursuant to the Nebraska Liquor
12 Control Act.

13 (2) It shall be unlawful for any person to consume alcoholic liquor
14 in any dance hall, restaurant, cafe, or club or any place open to the
15 general public except as permitted by a license issued for such premises
16 pursuant to the act.

17 (3) This section shall not apply to a retail licensee while lawfully
18 engaged in the catering of alcoholic beverages or to limousines or buses
19 operated under section 60-6,211.08.

20 (4) Any person violating subsection (1) of this section shall, upon

21 conviction thereof, be subject to the penalties contained in section
22 53-1,100.

23 (5) Any person violating subsection (2) of this section shall be
24 guilty of a Class III misdemeanor.

25 Sec. 9. If any section in this act or any part of any section is
26 declared invalid or unconstitutional, the declaration shall not affect
27 the validity or constitutionality of the remaining portions.

28 2. Renumber the remaining section and correct the repealer
29 accordingly.

Senator Larson requested a ruling of the Chair on whether the Thibodeau amendment is germane to the bill.

The Chair ruled the Thibodeau amendment is not germane to the bill.

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

Senator Thibodeau withdrew her motion to overrule the Chair.

Senator Thibodeau withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 791. Placed on General File with amendment.

AM2708

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

3 Section 1. (1) The chief of police, sheriff, Superintendent of Law
4 Enforcement and Public Safety, or the head administrator of a law
5 enforcement agency or an agency employing a law enforcement officer shall
6 submit a personnel change in status form as approved by the Nebraska
7 Police Standards Advisory Council to the director of the Nebraska Law
8 Enforcement Training Center within seven calendar days after the date a
9 law enforcement officer is hired by the agency or leaves employment with
10 the agency.

11 (2) Each law enforcement agency or agency employing a law
12 enforcement officer shall maintain a record regarding the reason or
13 reasons for, and circumstances surrounding, a separation of service for
14 each law enforcement officer employed by that agency. Such record shall
15 be retained for ten years following a law enforcement officer's
16 separation from the agency.

17 (3) Each law enforcement agency or agency employing a law
18 enforcement officer shall maintain a record of any and all records of
19 misconduct, disciplinary actions, and complaints against the law
20 enforcement officer during the time the law enforcement officer was

21 employed with the agency. Such record shall include any and all records
22 of conduct which could constitute: (a) Incompetence; (b) neglect of duty;
23 (c) incapacity; (d) dishonesty; (e) a felony violation of state or
24 federal law; (f) a misdemeanor violation of state or federal law, if the
25 violation has a rational connection with the officer's fitness or
26 capacity to serve as a law enforcement officer; and (g) a violation of
27 the officer's oath of office, code of ethics, or statutory duties. Such
1 record shall be retained for the duration of the law enforcement
2 officer's employment with the agency and for ten years following his or
3 her separation from the agency.
4 (4) The chief of police, sheriff, Superintendent of Law Enforcement
5 and Public Safety, or the head administrator of a law enforcement agency
6 or an agency employing a law enforcement officer shall make a report to
7 the Nebraska Commission on Law Enforcement and Criminal Justice of any
8 law enforcement officer who is terminated from employment or allowed to
9 resign in lieu of termination for conduct that could constitute: (a)
10 Incompetence; (b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a
11 felony violation of state or federal law; (f) a misdemeanor violation of
12 state or federal law, if the violation has a rational connection with the
13 officer's fitness or capacity to serve as a law enforcement officer; and
14 (g) a violation of the officer's oath of office, code of ethics, or
15 statutory duties. The report shall include, but not be limited to, a
16 summary of the allegations pertaining to the officer and identification
17 of any witnesses relevant to the allegations, and shall be filed with the
18 commission within thirty calendar days of the termination or resignation
19 in lieu of termination.
20 (5) Failure to comply with this section shall constitute neglect of
21 duty.
22 (6) For purposes of this section:
23 (a) Felony has the same meaning as in section 81-1401;
24 (b) Incapacity has the same meaning as in section 81-1401;
25 (c) Law enforcement agency has the same meaning as in section
26 81-1401; and
27 (d) Law enforcement officer has the same meaning as in section
28 81-1401.
29 Sec. 2. (1) A person who is certified under section 81-1414 and who
30 seeks employment as a law enforcement officer in this state shall provide
31 a signed waiver to the prospective employer upon a conditional offer of
1 employment. The waiver must expressly allow the prospective employer to
2 contact the person's former employer or employers and obtain from each
3 copies of any records created under subsections (2) and (3) of section 1
4 of this act. The prospective employer is responsible for providing the
5 waiver to each former employer.
6 (2) The waiver required by this section shall be executed on a form
7 provided by the Nebraska Commission on Law Enforcement and Criminal
8 Justice to all agencies in this state that employ or administer oaths of
9 office to law enforcement officers certified by the commission.
10 (3) Upon receipt of the waiver, a former employer shall provide the
11 prospective employer, along with other information required or allowed to

12 be provided by law, copies of any records created under subsections (2)
13 and (3) of section 1 of this act. The names and any identifying
14 information in any records created under subsections (2) and (3) of this
15 section of any individual, witness, or law enforcement officer or
16 officers other than the person who signed the waiver shall be
17 confidential and not disclosed to the prospective employer.
18 (4) A prospective employer shall not hire as a law enforcement
19 officer a person to whom subsection (1) of this section applies unless
20 the prospective employer receives, from each of the person's former
21 employers, copies of any records created under subsections (2) and (3) of
22 section 1 of this act.
23 (5) A prospective employer shall not hire as a law enforcement
24 officer a person to whom subsection (1) of this section applies if such
25 person's former employer has provided notice to the Nebraska Commission
26 on Law Enforcement and Criminal Justice that the person's separation from
27 the former employer occurred under circumstances that may justify
28 revocation of the person's certification under section 81-1414 unless the
29 commission has reviewed the notification and issued a determination that
30 the person shall retain such certification.
31 (6) For purposes of this section:
1 (a) Former employer means the law enforcement agency or other agency
2 that currently employs or previously employed the person as a law
3 enforcement officer;
4 (b) Incapacity has the same meaning as in section 81-1401;
5 (c) Law enforcement agency has the same meaning as in section
6 81-1401;
7 (d) Law enforcement officer has the same meaning as in section
8 81-1401; and
9 (e) Prospective employer means the law enforcement agency or other
10 agency that is considering hiring the person as a law enforcement
11 officer.
12 Sec. 3. Section 81-1377, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 81-1377 (1) The Chief Negotiator or any other employer-
15 representative and the exclusive collective-bargaining agent for
16 employees under the Chief Negotiator's or employer-representative's
17 jurisdiction shall bargain and negotiate labor contracts in good faith
18 and reasonably in advance of the budget-making process.
19 (2) Retirement programs shall not be bargainable by or on behalf of
20 any state employee.
21 (3) Nothing in the disciplinary procedures or collective bargaining
22 agreement of the Nebraska State Patrol shall:
23 (a) Limit the discretion of the Superintendent of Law Enforcement
24 and Public Safety to disclose to the Legislature, the Nebraska Commission
25 on Law Enforcement and Criminal Justice, or a complainant the status or
26 outcome of an internal investigation or discipline;
27 (b) Limit the consideration by the patrol, for purposes of
28 progressive discipline, of disciplinary action in a prior case that
29 occurred within the ten years preceding the date such progressive

30 discipline is imposed;

31 (c) Limit the misconduct for which a new disciplinary proceeding may
1 be initiated to misconduct that occurred within the two years preceding
2 the date discipline is imposed;

3 (d) Require the release to a member who is under internal
4 investigation for an allegation that could result in a charge of a Class
5 I misdemeanor or felony or an allegation involving dishonesty, prior to
6 the initial internal investigation interview, of reports and materials
7 concerning the internal investigation of such member, except that the
8 member shall be entitled to know the nature of the complaint underlying
9 the investigation;

10 (e) Limit or restrict access by the individual or individuals
11 conducting the internal investigation to materials, including records of
12 current or past discipline or misconduct, regarding the member under
13 investigation; or

14 (f) Prevent, limit, or restrict access by the Nebraska Commission on
15 Law Enforcement and Criminal Justice to internal investigation reports or
16 materials.

17 ~~(4)~~ ~~(3)~~ The obligation to negotiate in good faith shall not compel
18 the Chief Negotiator or any other employer-representative or the
19 exclusive collective-bargaining agent to agree to a proposal or make a
20 concession.

21 ~~(5)~~ ~~(4)~~ All contracts involving state employees and negotiated
22 pursuant to the Industrial Relations Act or the State Employees
23 Collective Bargaining Act shall cover a two-year period coinciding with
24 the biennial state budget, except that the first contract entered into by
25 a bargaining unit may cover only the second fiscal year of the biennium.
26 Sec. 4. Section 81-1425, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-1425 The executive director of the commission shall:

29 (1) Supervise and be responsible for the administration of the
30 policies established by the commission;

31 (2) Establish a Jail Standards subdivision and a Community
1 Corrections Division within the commission and establish, consolidate, or
2 abolish any administrative subdivision within the commission and appoint
3 and remove for cause the heads thereof, and delegate appropriate powers
4 and duties to them;

5 (3) Establish and administer projects and programs for the operation
6 of the commission;

7 (4) Appoint and remove employees of the commission and delegate
8 appropriate powers and duties to them;

9 (5) Make rules and regulations for the management and the
10 administration of policies of the commission and the conduct of employees
11 under his or her jurisdiction;

12 (6) Collect, develop, maintain, and analyze statistical information,
13 records, and reports as the commission may determine relevant to its
14 functions, including, but not limited to, the statistical information set
15 forth in section 47-627;

16 (7) Transmit monthly to the commission a report of the operations of

17 the commission for the preceding calendar month;
18 (8) Execute and carry out the provisions of all contracts, leases,
19 and agreements authorized by the commission with agencies of federal,
20 state, or local government, corporations, or persons;
21 (9) Perform such additional duties as may be assigned to him or her
22 by the commission, by the chairperson of the commission, or by law;
23 (10) Appoint and remove for cause the director of the Nebraska Law
24 Enforcement Training Center;
25 (11) Appoint and remove for cause the director of the Office of
26 Violence Prevention; ~~and~~
27 (12) Subpoena witnesses and documents, files, internal investigation
28 materials, administrative files, records, memoranda, reports, personnel
29 records, disciplinary histories, or any materials the executive director
30 determines to be relevant, relating to law enforcement officer
31 certification revocation, from any law enforcement agency in the state;
1 and
2 (13) (12) Exercise all powers and perform all duties necessary and
3 proper in carrying out his or her responsibilities.
4 Sec. 5. (1) A state employee may make a report of sexual harassment
5 to the Department of Administrative Services. The department shall
6 investigate the report or ensure that an investigation is conducted by
7 the agency which employs the reporting employee.
8 (2) The department and the agency which employs the reporting
9 employee shall maintain the confidentiality of the reporting employee and
10 any other person making a report of sexual harassment or participating in
11 an investigation or internal agency proceeding under this section except:
12 (a) When disclosure is authorized in writing by such employee or
13 other person;
14 (b) The identity of such employee or other person may be disclosed
15 to the individual alleged to have committed the sexual harassment; and
16 (c) When necessary for conducting the investigation or imposing
17 discipline.
18 (3) The agency employing the reporting employee shall not retaliate
19 or discriminate against the reporting employee or any other person for:
20 (a) Initiating or participating in the making of a report of sexual
21 harassment; or
22 (b) Testifying, assisting, or participating in an investigation,
23 proceeding, or action concerning the sexual harassment.
24 Sec. 6. The changes made by this legislative bill shall not
25 abrogate any labor contracts that are in effect through June 30, 2019.
26 Sec. 7. Original sections 81-1377 and 81-1425, Reissue Revised
27 Statutes of Nebraska, are repealed.
28 Sec. 8. Since an emergency exists, this act takes effect when
29 passed and approved according to law.

(Signed) Joni Albrecht, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB1115:
AM2698

(Amendments to Standing Committee amendments, AM2664)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. On page 2, lines 4 and 5, strike "the supreme court districts.";
- 3 in line 9 after "state" insert "as determined by the United States Bureau
- 4 of the Census from the most recent federal decennial census. If the
- 5 noncitizen population is not determined by the most recent federal
- 6 decennial census, the noncitizen population" and after the last "the"
- 7 insert "same year as the"; and in line 10 after "census" insert "shall be
- 8 used".

Senator Albrecht filed the following amendment to LB791:
AM2729

(Amendments to Standing Committee amendments, AM2708)

- 1 1. On page 1, line 26, strike "and" and insert "or".
- 2 2. On page 2, line 13, strike "and" and insert "or".
- 3 3. On page 4, line 25, after the comma insert "the Nebraska Police
- 4 Standards Advisory Council, the Nebraska Equal Opportunity Commission.";
- 5 and strike line 31 and insert the following new subdivision:
- 6 "(c) Limit the time during which a disciplinary investigation may be
- 7 initiated or discipline may be imposed to less than two years after the
- 8 occurrence of the conduct which is the subject of the investigation or
- 9 discipline.".
- 10 4. On page 5, strike lines 1 and 2.

SELECT FILE

LEGISLATIVE BILL 1009. ER138, found on page 1127, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 990. ER144, found on page 1180, was adopted.

Senator Schumacher offered the following amendment:
FA141

On page 2 at line 27 insert the following language:

(a)A person shall not be considered to have been adjudicated of a felony or a misdemeanor crime of domestic violence unless:

- (i)The person was represented by counsel in the juvenile court case; and
- (ii)Prior to adjudication, the person was advised of the specific legal consequences that an adjudication for such an act will have on the person's right to possess a firearm.

Amend 43-3102 to insert the following:

(e)If the allegations in the petition include a felony or a misdemeanor crime of domestic violence

SENATOR WILLIAMS PRESIDING

Senator Chambers offered the following motion:

MO305

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

The Schumacher amendment lost with 8 ayes, 25 nays, 14 present and not voting, and 2 excused and not voting.

Senator Wayne withdrew his amendments, FA129, FA131, and FA133, found on pages 1116 and 1117.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 990A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 741. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 923. ER132, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. ER130, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 803. ER131, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 903. ER134, found on page 1028, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 745. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. ER140, found on page 1132, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 827. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 940. ER142, found on page 1133, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 940A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 906. ER141, found on page 1136, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 714. ER122, found on page 896, was adopted.

Senator Howard withdrew her amendments, AM2339 and AM2690, found on pages 911 and 1250.

Senator Howard offered the following amendment:
AM2715

(Amendments to Standing Committee amendments, AM1754)

1 1. Insert the following new sections:

2 Sec. 4. Upon the filing of a petition for emancipation, the court
3 shall fix a time for a hearing on the petition. The hearing shall be held
4 not less than forty-five days and not more than sixty days after the
5 filing of such petition unless any party for good cause shown requests a
6 continuance of the hearing or all parties agree to a continuance.

7 Sec. 5. (1) Upon filing a petition pursuant to section 4 of this
8 act, and at least thirty days prior to the hearing date, the petitioner
9 shall serve a notice of filing, together with a copy of the petition for
10 emancipation and a summons to appear at the hearing, upon:

11 (a) The parents or legal guardian of the minor or, if the parents or
12 legal guardian cannot be found, the nearest known relative of the minor
13 residing within the state, if any; and

14 (b) The legal custodian of the minor, if any.
15 (2) Service and summons shall be made in accordance with section
16 25-505.01.

17 (3) Upon a motion and showing by affidavit that service cannot be
18 made with reasonable diligence by any other method provided by statute,
19 the court may permit service to be made (a) by leaving the process at the
20 party's usual place of residence and mailing a copy by first-class mail
21 to the party's last-known address, (b) by publication, or (c) by any
22 manner reasonably calculated under the circumstances to provide the party
23 with actual notice of the proceedings and an opportunity to be heard.

24 Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-307 Except as provided by the Nebraska Probate Code and sections
1 1 to 12 of this act, the action of an infant shall be commenced,

2 maintained, and prosecuted by his or her guardian or next friend. Such
3 actions may be dismissed with or without prejudice by the guardian or
4 next friend only with approval of the court. When the action is commenced
5 by his or her next friend, the court has power to dismiss it, if it is
6 not for the benefit of the infant, or to substitute the guardian of the
7 infant, or any person, as the next friend. Any action taken pursuant to
8 this section shall be binding upon the infant.

9 Sec. 14. Original section 25-307, Reissue Revised Statutes of
10 Nebraska, is repealed.

11 2. On page 1, line 25, strike "and"; and in line 26 after "(8)"
12 insert "That the minor is filing the petition as a free and voluntary
13 act; and
14 (9)".

15 3. On page 4, strike lines 29 through 31 and insert the following
16 new subsection:

17 "(4) Unless otherwise provided in the judgment of emancipation, the
18 judgment of emancipation shall explicitly suspend any order regarding
19 custody, parenting time, or support of the minor and be reported by the
20 district court clerk to the jurisdiction that issued such order.".

21 4. On page 5, strike lines 1 through 5; and strike lines 25 through
22 31 and insert the following new subsections:

23 "(3) Upon the filing of a motion for rescission, the court shall fix
24 a time for a hearing on the motion. The hearing shall be held not less
25 than forty-five days and not more than sixty days after the filing of
26 such motion unless any party for good cause shown requests a continuance
27 of the hearing or all parties agree to a continuance.

28 (4)(a) Upon filing a motion pursuant to subsection 3 of this
29 section, and at least thirty days prior to the hearing date, the movant
30 shall serve a notice of filing, together with a copy of the motion for
31 rescission and a summons to appear at the hearing, upon:

1 (i) The emancipated person;

2 (ii) The parents or the person who was the legal guardian of the
3 emancipated person or, if the parents or legal guardian cannot be found,
4 the nearest known relative of the emancipated person residing within the
5 state, if any; and

6 (iii) The legal custodian of the emancipated person prior to
7 emancipation, if any.

8 (b) Service and summons shall be made in accordance with section
9 25-505.01.

10 (c) Upon a motion and showing by affidavit that service cannot be
11 made with reasonable diligence by any other method provided by statute,
12 the court may permit service to be made (i) by leaving the process at the
13 party's usual place of residence and mailing a copy by first-class mail
14 to the party's last-known address, (ii) by publication, or (iii) by any
15 manner reasonably calculated under the circumstances to provide the party
16 with actual notice of the proceedings and an opportunity to be heard.
17 (d)".

18 5. On page 6, after line 21, insert the following new subsection:

19 "(6) If a prior order regarding custody, parenting time, or support

20 of the minor was suspended by the judgment of emancipation, the order
21 rescinding the judgment of emancipation shall be reported by the district
22 court clerk to the jurisdiction that issued such order and shall serve to
23 reinstate such prior order of custody, parenting time, or support."; in
24 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and
25 insert "(8)".
26 6. On page 6, strike beginning with line 1 through "(b)" in line 13.
27 7. Renumber the remaining sections and correct internal references
28 accordingly.

The Howard amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 901. ER135, found on page 1028, was adopted.

Senator Bostelman offered his amendment, AM2614, found on page 1156.

The Bostelman amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 596. ER136, found on page 1054, was adopted.

Senator Chambers offered his amendment, AM2578, found on page 1070.

PRESIDENT FOLEY PRESIDING

The Chambers amendment was adopted with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

Senator Kuehn offered his amendment, AM2523, found on page 1108.

The Kuehn amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 729. Title read. Considered.

Committee AM2160, found on page 813, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Wayne withdrew his amendment, AM1623, found on page 416.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 944. Senator Scheer offered the following amendment:

AM2750

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Sec. 167. 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 2. On page 48, strike lines 5 through 18 and insert:
- 6 "Pursuant to the requirement of 42 U.S.C. 300a-6, as it existed on
- 7 January 1, 2018, that no funds disbursed under the Federal Title X
- 8 Program are to be used in programs where abortion is a method of family
- 9 planning, none of the funds disbursed under such program shall be paid or
- 10 granted to an organization that performs, assists with the performance
- 11 of, provides directive counseling in favor of, or refers for abortion.
- 12 Referral for an abortion is limited to the act of recommending a pregnant
- 13 woman to doctors, clinics, or other persons or entities for the purpose
- 14 of obtaining an abortion. Neutral, factual, nondirective information
- 15 about prenatal care and delivery, infant care, foster care, adoption, and
- 16 pregnancy termination or referral for an emergency situation in
- 17 accordance with subdivision (4) of section 28-326 shall not constitute a
- 18 referral for abortion. An otherwise qualified organization shall not be
- 19 disqualified from receipt of such funds because of its affiliation with
- 20 an organization that performs, assists with the performance of, provides
- 21 directive counseling in favor of, or refers for abortion, if the
- 22 affiliated organization is objectively independent of the qualified
- 23 organization. Objective independence includes, but is not limited to,
- 24 legal, physical, and financial separation between the affiliated
- 25 organization and the qualified organization."
- 26 3. Renumber the remaining sections and correct internal references
- 1 accordingly.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1089. Placed on Select File with amendment.
ER159

- 1 1. On page 1, line 4, after the first comma insert "77-3507,"; in
- 2 line 6 strike "section" and insert "sections 77-3508 and"; and strike
- 3 beginning with "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 994. Placed on Select File with amendment.
ER158

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. The Legislature finds and declares that:

4 (1) The availability, quality, and affordability of broadband
5 telecommunications service is important to the residents of Nebraska; and
6 (2) Because availability, quality, and affordability of broadband
7 telecommunications service is lacking in certain rural areas in Nebraska,
8 combined with greater investment in urban areas, the state may be facing
9 a digital divide.
10 It is the intent of the Legislature that broadband
11 telecommunications service in rural areas of the state should be
12 comparable in download and upload speed and price to urban areas in the
13 state where possible and that state resources should be utilized to
14 ensure that the rural residents of the state should not be penalized
15 simply because of their rural residence. It is further the intent of the
16 Legislature that the residents of this state should have access to
17 broadband telecommunications service at a minimum download speed of
18 twenty-five megabits per second and a minimum upload speed of three
19 megabits per second.
20 Sec. 2. (1) The Rural Broadband Task Force is hereby created. Task
21 force members shall include the chairperson of the Transportation and
22 Telecommunications Committee of the Legislature and a member of the
23 Legislature selected by the Executive Board of the Legislative Council
24 who shall both serve as nonvoting, ex officio members, a member of the
25 Public Service Commission who shall be selected by the chairperson of
26 such commission, the chairperson of the Nebraska Information Technology
27 Commission or his or her designee who shall act as chairperson of the
1 task force, the Director of Economic Development or his or her designee,
2 the Director of Agriculture or his or her designee, and the following
3 members to be appointed by the Governor: A representative of the
4 agribusiness community, a representative of the Nebraska business
5 community, a representative of the regulated wireline telecommunications
6 industry, a representative of the wireless telecommunications industry, a
7 representative of the public power industry, a representative of health
8 care providers, a representative of Nebraska postsecondary educational
9 institutions, and a representative of rural schools offering kindergarten
10 through grade twelve.
11 (2) The task force may appoint advisory groups to assist the task
12 force in providing technical expertise and advice on any issue. The
13 advisory groups may be composed of representatives of stakeholder groups
14 which may include, but not necessarily be limited to, representatives
15 from small and large wireline companies, wireless companies, public power
16 districts, electric cooperative corporations, cable television companies,
17 Internet service providers, low-income telecommunications and electric
18 utility customers, health care providers, and representatives of
19 educational sectors. No compensation or expense reimbursement shall be
20 provided to any member of any advisory group appointed by the task force.
21 (3) The Nebraska Information Technology Commission shall provide
22 staff assistance to the task force in consultation with staff from the
23 Public Service Commission and other interested parties. The task force
24 may hire consultants to assist in carrying out its duties. The task force
25 shall review issues relating to availability, adoption, and affordability
26 of broadband services in rural areas of Nebraska. In particular, the task
27 force shall:

28 (a) Determine how Nebraska rural areas compare to neighboring states
29 and the rest of the nation in average download and upload speeds and in
30 subscription rates to higher speed tiers, when available;
31 (b) Examine the role of the Nebraska Telecommunications Universal
1 Service Fund in bringing comparable and affordable broadband services to
2 rural residents and any effect of the fund in deterring or delaying
3 capital formation, broadband competition, and broadband deployment;
4 (c) Review the feasibility of alternative technologies and providers
5 in accelerating access to faster and more reliable broadband service for
6 rural residents;
7 (d) Examine alternatives for deployment of broadband services to
8 areas that remain unserved or underserved, such as reverse auction
9 programs described in section 4 of this act, public-private partnerships,
10 funding for competitive deployment, and other measures, and make
11 recommendations to the commission to encourage deployment in such areas;
12 (e) Recommend state policies to effectively utilize state universal
13 service fund dollars to leverage federal universal service fund support
14 and other federal funding;
15 (f) Make recommendations to the Governor and Legislature as to the
16 most effective and efficient ways that federal broadband rural
17 infrastructure funds received after the operative date of this section
18 should be expended if such funds become available; and
19 (g) Determine other issues that may be pertinent to the purpose of
20 the task force.
21 (4) Task force members shall serve on the task force without
22 compensation but shall be entitled to receive reimbursement for any
23 actual expenses incurred for such service as provided in sections 81-1174
24 to 81-1177.
25 (5) The task force shall meet at the call of the chairperson and
26 shall present its findings in a report to the Executive Board of the
27 Legislative Council no later than November 1, 2019, and by November 1
28 every odd-numbered year thereafter. The report shall be submitted
29 electronically.
30 (6) For purposes of this section, broadband services means high-
31 speed telecommunications capability at a minimum download speed of
1 twenty-five megabits per second and a minimum upload speed of three
2 megabits per second, and that enables users to originate and receive
3 high-quality voice, data, and video telecommunications using any
4 technology.
5 Sec. 3. The Rural Broadband Task Force Fund is created. The fund
6 shall be used to carry out the purposes of the Rural Broadband Task Force
7 as described in section 2 of this act. For administrative purposes, the
8 fund shall be located in the Nebraska Information Technology Commission.
9 The fund shall consist of money appropriated or transferred by the
10 Legislature and gifts, grants, or bequests from any source, including
11 federal, state, public, and private sources. Any money in the fund
12 available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.
15 Sec. 4. Based on consumer complaints or upon its own motion, the
16 Public Service Commission may open a docket to consider the

17 implementation and operation of a reverse auction program that awards
18 funding to broadband Internet service providers to support high-speed
19 Internet infrastructure deployment projects in unserved or underserved
20 exchanges within the State of Nebraska. The commission may, in its
21 discretion, withhold funding from the Nebraska Telecommunications
22 Universal Service Fund to any telecommunications company that has not
23 served, to the commission's satisfaction, those areas with service that
24 meets the criteria for successful investment of funding from the Nebraska
25 Telecommunications Universal Service Fund.

26 The commission shall adopt and promulgate rules and regulations that
27 establish standards governing the withholding of funding from the
28 Nebraska Telecommunications Universal Service Fund from any recipient,
29 including the provision of notice and the right to a hearing prior to the
30 issuance of an order withdrawing such funding. If the commission
31 withdraws funding from the Nebraska Telecommunications Universal Service
1 Fund from any telecommunications company, the commission may use the
2 funding that is withdrawn to implement and operate a reverse auction
3 program, except that any funding that is withdrawn shall be utilized in
4 the exchange area for which the funding was originally granted. The
5 commission shall have wide discretion in the design, implementation, and
6 operation of a reverse auction program but may use as a guide the program
7 designed by the Federal Communications Commission in its Connect America
8 Fund Phase II Auction process.

9 Sec. 5. (1) The Public Service Commission shall establish and
10 maintain a registry of locations within the State of Nebraska for
11 complaints made to the commission regarding the lack of appropriate
12 coverage for wireless telecommunications service.

13 (2) The commission may utilize the information maintained in the
14 registry only for making any determination related to the granting of
15 funds through any program administered by the commission to support the
16 construction of wireless telecommunications service facilities.

17 (3) For purposes of this section, lack of appropriate coverage means
18 a geographic area where a wireless device is not able to receive a signal
19 from the wireless service provider's network whereby an individual is
20 unable to use a wireless device.

21 (4) The commission shall adopt and promulgate any rules and
22 regulations required to carry out this section.

23 Sec. 6. Section 77-2704.51, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 77-2704.51 Sales and use taxes shall not be imposed on the gross
26 receipts from the sale, lease, or rental of and the storage, use, or
27 other consumption in this state of:

28 (1) Telecommunications sales of telecommunications service between
29 telecommunications companies, including division of revenue, settlements,
30 or carrier access charges; or -

31 (2) Dark fiber as defined in section 86-574 between
1 telecommunications companies.

2 Sec. 7. Section 86-579, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 86-579 The Nebraska Internet Enhancement Fund is created. The fund
5 shall be used to provide financial assistance to install and deliver

6 broadband or other advanced telecommunications infrastructure and service
7 throughout the state. It is the intent of the Legislature that two
8 hundred fifty thousand dollars shall be appropriated to the fund to be
9 used for startup costs and seed money for FY2001-02. The Public Service
10 Commission may receive gifts, contributions, property, and equipment from
11 public and private sources for purposes of the fund. The fund shall
12 consist of money appropriated by the Legislature, any money transferred
13 pursuant to section 86-127, and gifts, grants, or bequests from any
14 source, including money remitted to the fund pursuant to section 86-577
15 and any other federal, state, public, and private sources. Money in the
16 fund shall be distributed by the commission pursuant to section 86-580.
17 Transfers from the fund to the General Fund may be made at the direction
18 of the Legislature. Any money in the Nebraska Internet Enhancement Fund
19 available for investment shall be invested by the state investment
20 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
21 State Funds Investment Act.
22 The State Treasurer shall transfer one hundred thousand dollars from
23 the Nebraska Internet Enhancement Fund to the General Fund on or before
24 July 15, 2003.
25 The State Treasurer shall transfer fifty thousand dollars from the
26 Nebraska Internet Enhancement Fund to the Rural Broadband Task Force Fund
27 on or before July 15, 2018.
28 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 9 of this act become
29 operative on July 1, 2018. Sections 6 and 10 of this act become operative
30 on October 1, 2018. The other sections of this act become operative on
31 their effective date.
1 Sec. 9. Original section 86-579, Reissue Revised Statutes of
2 Nebraska, is repealed.
3 Sec. 10. Original section 77-2704.51, Reissue Revised Statutes of
4 Nebraska, is repealed.
5 Sec. 11. Since an emergency exists, this act takes effect when
6 passed and approved according to law.
7 2. On page 1, strike lines 2 through 10 and insert "sections
8 77-2704.51 and 86-579, Reissue Revised Statutes of Nebraska; to state
9 intent; to create the Rural Broadband Task Force; to provide powers and
10 duties; to create the Rural Broadband Task Force Fund; to provide powers
11 and duties for the Public Service Commission; to exempt dark fiber from
12 sales and use taxes as prescribed; to provide for a transfer from the
13 Nebraska Internet Enhancement Fund; to provide operative dates; to repeal
14 the original sections; and to declare an emergency."

LEGISLATIVE BILL 994A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 194. Placed on General File with amendment.
AM2587 is available in the Bill Room.

(Signed) Brett Lindstrom, Chairperson

AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to LB953:
AM2742

(Amendments to Standing Committee amendments, AM1779)

1 1. On page 2, line 10, after the second comma insert "a description
2 of the medical, surgical, or hospital expenses incurred for treatment of
3 the injury that will remain unpaid as part of the settlement which are
4 disputed and for which compensability has been denied by the employer.";
5 in line 11 after "be" insert "reasonably"; in line 23 after "If" insert
6 "the expenses for"; strike beginning with "resolution" in line 27 through
7 "payment" in line 28 and insert "nonpayment or nonreimbursement"; in line
8 28 strike "services" and insert "expenses, as"; and in line 29 strike
9 "for approval of a lump-sum settlement" and insert an underscored comma.
10 2. On page 3, line 1, strike "resolution of payment" and insert
11 "nonpayment or nonreimbursement"; in line 2 strike "services" and insert
12 "expenses"; in line 9 strike "for an order approving the settlement";
13 strike beginning with "for" in line 15 through "settlement" in line 16;
14 in line 23 after the period insert "An order approving an application
15 under this subsection shall, in any case in which the employee is
16 represented by counsel and in which the application contains a
17 description of the medical, surgical, or hospital expenses incurred for
18 treatment of the injury that will remain unpaid as part of the settlement
19 which are disputed and for which compensability has been denied by the
20 employer, provide that the employer is not liable for such expenses.";
21 and after line 30 insert the following new subdivision:
22 "(d) An exclusion from coverage in any health, accident, or other
23 insurance policy covering an employee which provides that coverage under
24 such insurance policy does not apply if such employee is entitled to
25 workers' compensation coverage is void as to such employee if his or her
26 employer is not liable for medical, surgical, or hospital expenses
1 incurred for treatment of an injury that will remain unpaid as part of
2 the settlement pursuant to an order entered under subdivision (2)(c) of
3 this section.".

VISITORS

Visitors to the Chamber were 53 fourth-grade students from Louisville; Erin Sheehan, Alexis Lipson, and Brette Petersen; and Father Tom Fangman of St. Patrick's in Elkhorn.

RECESS

At 6:01 p.m., on a motion by Senator Ebke, the Legislature recessed until 6:30 p.m.

AFTER RECESS

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

ROLL CALL

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

SELECT FILE

LEGISLATIVE BILL 944. The Scheer amendment, AM2750, found in this day's Journal, was renewed.

Senator Stinner offered the following motion:

MO307

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

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

Voting in the affirmative, 43:

Albrecht	Crawford	Hilkemann	Linehan	Stinner
Baker	Ebke	Howard	Lowe	Thibodeau
Blood	Erdman	Hughes	McCollister	Vargas
Bolz	Friesen	Kolowski	McDonnell	Walz
Bostelman	Geist	Kolterman	Murante	Watermeier
Brasch	Groene	Krist	Quick	Williams
Brewer	Halloran	Kuehn	Riepe	Wishart
Briese	Harr	Larson	Scheer	
Clements	Hilgers	Lindstrom	Smith	

Voting in the negative, 4:

Chambers Morfeld Pansing Brooks Schumacher

Present and not voting, 2:

Hansen Wayne

The Stinner motion to invoke cloture prevailed with 43 ayes, 4 nays, and 2 present and not voting.

The Scheer amendment was adopted with 40 ayes, 4 nays, and 5 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 44:

Albrecht	Crawford	Hilkemann	Linehan	Smith
Baker	Ebke	Howard	Lowe	Stinner
Blood	Erdman	Hughes	McCollister	Thibodeau
Bolz	Friesen	Kolowski	McDonnell	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Quick	Watermeier
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Harr	Larson	Scheer	Wishart
Clements	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 4:

Chambers Morfeld Pansing Brooks Wayne

Present and not voting, 1:

Hansen

Advanced to Enrollment and Review for Engrossment with 44 ayes, 4 nays, and 1 present and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB670:
AM2714

(Amendments to Standing Committee amendments, AM2093)

- 1 1. Strike sections 13 and 15 and insert the following new sections:
- 2 Sec. 6. Section 43-1238, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 43-1238 (a) Except as otherwise provided in section 43-1241, a court
- 5 of this state has jurisdiction to make an initial child custody
- 6 determination only if:
- 7 (1) this state is the home state of the child on the date of the
- 8 commencement of the proceeding or was the home state of the child within
- 9 six months before the commencement of the proceeding and the child is
- 10 absent from this state but a parent or person acting as a parent
- 11 continues to live in this state;
- 12 (2) a court of another state does not have jurisdiction under
- 13 subdivision (a)(1) of this section, or a court of the home state of the
- 14 child has declined to exercise jurisdiction on the ground that this state
- 15 is the more appropriate forum under section 43-1244 or 43-1245, and:
- 16 (A) the child and the child's parents, or the child and at least one
- 17 parent or a person acting as a parent, have a significant connection with
- 18 this state other than mere physical presence; and

19 (B) substantial evidence is available in this state concerning the
 20 child's care, protection, training, and personal relationships;
 21 (3) all courts having jurisdiction under subdivision (a)(1) or (a)
 22 (2) of this section have declined to exercise jurisdiction on the ground
 23 that a court of this state is the more appropriate forum to determine the
 24 custody of the child under section 43-1244 or 43-1245; or
 25 (4) no court of any other state would have jurisdiction under the
 26 criteria specified in subdivision (a)(1), (a)(2), or (a)(3) of this
 1 section.

2 (b) Subsection (a) of this section is the exclusive jurisdictional
 3 basis for making a child custody determination by a court of this state.
 4 In addition to having jurisdiction to make judicial determinations about
 5 the custody and care of the child, a court of this state with exclusive
 6 jurisdiction under subsection (a) of this section has jurisdiction and
 7 authority to make factual findings regarding (1) the abuse, abandonment,
 8 or neglect of the child, (2) the nonviability of reunification with at
 9 least one of the child's parents due to such abuse, abandonment, neglect,
 10 or a similar basis under state law, and (3) whether it would be in the
 11 best interests of such child to be removed from the United States to a
 12 foreign country, including the child's country of origin or last habitual
 13 residence. If there is sufficient evidence to support such factual
 14 findings, the court shall issue an order containing such findings when
 15 requested by one of the parties or upon the court's own motion.

16 (c) Physical presence of, or personal jurisdiction over, a party or
 17 a child is not necessary or sufficient to make a child custody
 18 determination.

19 Sec. 14. Sections 1, 2, 3, 4, 5, 11, 12, 13, and 16 of this act
 20 become operative three calendar months after the adjournment of this
 21 legislative session. The other sections of this act become operative on
 22 their effective date.

23 Sec. 16. Original sections 43-248, 43-250, 43-251.02, and 43-1238,
 24 Reissue Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and
 25 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and sections
 26 43-246.02 and 43-286, Revised Statutes Supplement, 2017, are repealed.
 27 2. Renumber the remaining sections.

Senator Bolz filed the following amendment to LB793:
 AM2753

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

3 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
 4 2016, is amended to read:
 5 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
 6 be known and may be cited as the Aging and Disability Resource Center
 7 Demonstration Project Act.

8 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
 9 2016, is amended to read:
 10 68-1113 The purpose of the Aging and Disability Resource Center
 11 Demonstration Project Act is to evaluate the feasibility of establishing
 12 aging and disability resource centers statewide to provide information
 13 about long-term care services and support available in the home and

14 community for older Nebraskans or persons with disabilities, family
 15 caregivers, and persons who request information or assistance on behalf
 16 of others and to assist eligible individuals to access the most
 17 appropriate public and private resources to meet their long-term care
 18 needs.

19 It is the intent of the Legislature that aging and disability
 20 resource centers serve as an ongoing component of Nebraska's long-term
 21 care continuum and that aging and disability resource center sites
 22 coordinate and establish contractual provider partnerships as necessary
 23 with organizations specializing in serving aging persons and persons with
 24 disabilities to provide the services described in the act.

25 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
 26 2016, is amended to read:

27 68-1114 For purposes of the Aging and Disability Resource Center
 1 ~~Demonstration Project~~ Act:

2 (1) Aging and disability resource center means a community-based
 3 entity established to provide information about long-term care services
 4 and support and to facilitate access to options counseling to assist
 5 eligible individuals and their representatives in identifying the most
 6 appropriate services to meet their long-term care needs;

7 (2) Area agency on aging has the meaning found in section 81-2208;

8 (3) Center for independent living has the definition found in 29

9 U.S.C. 796a, as such section existed on January 1, ~~2018~~ 2015;

10 (4) Department means the State Unit on Aging of the Division of
 11 Medicaid and Long-Term Care of the Department of Health and Human
 12 Services or any successor agency designated by the state to fulfill the
 13 responsibilities of section 305(a)(1) of the federal Older Americans Act
 14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, ~~2018~~
 15 2015;

16 (5) Eligible individual means a person who has lost, never acquired,
 17 or has one or more conditions that affect his or her ability to perform
 18 basic activities of daily living that are necessary to live
 19 independently;

20 (6) Options counseling means a service that assists an eligible
 21 individual in need of long-term care and his or her representatives to
 22 make informed choices about the services and settings which best meet his
 23 or her long-term care needs and that uses uniform data and information
 24 collection assessments and encourages the widest possible use of
 25 community-based options to allow an eligible individual to live as
 26 independently as possible in the setting of his or her choice;

27 (7) Representative means a person designated as a legal guardian,
 28 designated by a power of attorney or a health care power of attorney, or
 29 chosen by law, by a court, or by an eligible individual seeking services,
 30 but use of the term representative shall not be construed to disqualify
 31 an individual who retains all legal and personal autonomy;

1 (8) Uniform assessment means a single standardized tool used to
 2 assess a defined population at a specific time; and

3 (9) University Center for Excellence in Developmental Disability
 4 Education, Research and Service means the federally designated University
 5 Center for Excellence in Developmental Disability Education, Research and
 6 Service of the Munroe-Meyer Institute at the University of Nebraska

7 Medical Center.

8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1115 The department shall adopt criteria for evaluating plans to
11 operate an aging and disability resource center based on the requirements
12 in section 68-1116 within sixty days after the effective date of this
13 act. The department shall award funding grants for ~~three~~ aging and
14 disability resource centers. The department shall pursue federal matching
15 funds as applicable and allocate such funds to the aging and disability
16 resource centers center demonstration projects. ~~The department shall~~
17 ~~adopt criteria for evaluating proposals to operate an aging and~~
18 ~~disability resource center demonstration project based on the~~
19 ~~requirements in section 68-1116 and release a request for proposals~~
20 ~~within sixty days after August 30, 2015.~~

21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1116 (1) ~~The aging and disability resource centers center~~
24 ~~demonstration projects shall be established to evaluate the feasibility~~
25 ~~of establishing aging and disability resource centers statewide as a~~
26 ~~means of promoting appropriate, effective, and efficient use of long-term~~
27 ~~care resources.~~ ~~The aging and disability resource center demonstration~~
28 ~~projects shall operate through June 30, 2018.~~

29 (2) Each aging and disability resource center ~~demonstration project~~
30 shall provide one or more of the following services:

31 (a) ~~(4)~~ Comprehensive information on the full range of available
1 public and private long-term care programs, options, financing, service
2 providers, and resources within a community, including information on the
3 availability of integrated long-term care;

4 (b) Options counseling;

5 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
6 programs;

7 ~~(3) Options counseling;~~

8 (d) ~~(4)~~ A convenient point of entry to the range of publicly
9 supported long-term care programs for an eligible individual;

10 (e) ~~(5)~~ A process for identifying unmet service needs in communities
11 and developing recommendations to respond to those unmet needs;

12 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
13 that an eligible individual is able to find the services and support that
14 are most appropriate to his or her need;

15 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
16 transportation services by a person who does not own or is unable to
17 operate an automobile; and

18 (h) ~~(8)~~ A home care provider registry that will provide a person who
19 needs home care with the names of home care providers and information
20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1117 (1) An ~~Within sixty days after the release date of a request~~
24 ~~for proposals under section 68-1115, an area agency on aging shall~~
25 establish a contractual provider partnership with one or more lead
26 organizations that specialize in serving , after consultation with a

27 ~~collaboration of organizations that serve aging persons and persons with~~
 28 ~~congenital and acquired disabilities to provide services as described in~~
 29 ~~subsection (2) of section 68-116, including, but not limited to, centers~~
 30 ~~for independent living and the University Center for Excellence in~~
 31 ~~Developmental Disability Education, Research and Service, for the purpose~~
 1 ~~of developing an aging and disability resource center plan. After~~
 2 ~~consultation with a collaboration of and with other organizations,~~
 3 ~~including, but not limited to, organizations providing advocacy,~~
 4 ~~protection, and safety for aging persons and persons with congenital and~~
 5 ~~acquired disabilities, the partnership may submit to the department a~~
 6 ~~proposal to establish an aging and disability resource center plan~~
 7 ~~demonstration project. The plan proposal shall specify how organizations~~
 8 ~~currently serving eligible individuals will be engaged in the process of~~
 9 ~~delivery of services through the aging and disability resource center~~
 10 ~~demonstration project. The proposal shall be developed in consultation~~
 11 ~~with eligible individuals and their representatives. The plan proposal~~
 12 ~~shall indicate how resources will be utilized by the partnership and~~
 13 ~~collaborating organizations to fulfill the responsibilities of an aging~~
 14 ~~and disability resource center demonstration project.~~
 15 (2) ~~Two or more area agencies on aging and their partner lead~~
 16 ~~organizations may develop a joint proposal to establish an aging and~~
 17 ~~disability resource center plan demonstration project to serve all or a~~
 18 ~~portion of their planning-and-service areas. A joint plan proposal shall~~
 19 ~~provide information on how the services described in section 68-1116 will~~
 20 ~~be provided in the counties to be served by the aging and disability~~
 21 ~~resource center demonstration project described in the joint proposal.~~
 22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
 23 2016, is amended to read:
 24 68-1118 ~~The department shall provide~~ Within thirty days after
 25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
 26 ~~section 68-1117, the department shall review the proposal and determine~~
 27 ~~whether the proposal is eligible for funding. The department shall select~~
 28 ~~three proposals for funding. The department shall enter into a contract~~
 29 ~~with an independent institution having experience in evaluating aging and~~
 30 ~~disability programs for an evaluation of the aging and disability~~
 31 ~~resource center demonstration projects. The contract shall require that a~~
 1 ~~report evaluating the aging and disability resource centers demonstration~~
 2 ~~projects be presented to the Clerk of the Legislature prior to December~~
 3 ~~1, of 2016, 2017, and 2018, and each December 1 thereafter.~~
 4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
 5 2016, is amended to read:
 6 68-1119 ~~The department shall reimburse each area agency on aging and~~
 7 ~~contracted provider partner lead organizations described in section~~
 8 ~~68-1117 operating an aging and disability resource center demonstration~~
 9 ~~project on a schedule agreed to by the department and the area agency on~~
 10 ~~aging and contracted provider partner lead organizations. Such~~
 11 ~~reimbursement shall be made from (1) state funds appropriated by the~~
 12 ~~Legislature, (2) federal funds allocated to the department for the~~
 13 ~~purpose of establishing and operating aging and disability resource~~
 14 ~~centers, and (3) other funds as available.~~
 15 Sec. 9. The Aging and Disability Resource Center Act terminates two

16 years after the effective date of this act unless extended by the

17 Legislature.

18 Sec. 10. Section 83-1216, Revised Statutes Supplement, 2017, is
19 amended to read:

20 83-1216 (1) The department shall administer the medicaid home and
21 community-based services waivers upon application approval by the federal
22 Centers for Medicare and Medicaid Services. Beginning July 1, ~~2021~~ 2019,
23 persons determined to be eligible for specialized services who on or
24 after September 6, 1993, graduate from high school, reach the age of
25 twenty-one years, or are currently receiving services shall receive
26 services in accordance with the Developmental Disabilities Services Act.
27 The amount of funding for any person receiving services shall be
28 determined using an objective assessment process developed by the
29 department and approved by the federal Centers for Medicare and Medicaid
30 Services.

31 (2) The department shall provide directly or by contract service
1 coordination to Nebraska residents found to be eligible for specialized
2 services.

3 (3) It is the intent of the Legislature that the department take all
4 possible steps to maximize federal funding. All Nebraska residents
5 eligible for funding for specialized services through the department
6 shall apply for and accept any federal medicaid benefits for which they
7 may be eligible and benefits from other funding sources within the
8 department, the State Department of Education, specifically including the
9 Division of Rehabilitation Services, and other agencies to the maximum
10 extent possible.

11 (4) The priorities for funding the medicaid home and community-based
12 services waivers under this section are as follows:

13 (a) The first funding priority of the state shall be responding to
14 the needs of persons with developmental disabilities in immediate crisis
15 due to caregiver death, homelessness, or a threat to the life and safety
16 of the person;

17 (b) The second funding priority of the state in responding to the
18 needs of persons with developmental disabilities shall be for persons
19 that have resided in an institutional setting for a period of at least
20 twelve consecutive months and who are requesting community-based
21 services;

22 (c) The third funding priority of the state in responding to the
23 needs of persons with developmental disabilities shall be for serving
24 wards of the department or persons placed under the supervision of the
25 Office of Probation Administration by the Nebraska court system who are
26 transitioning upon age nineteen with no other alternatives as determined
27 by the department to support residential services necessary to pursue
28 economic self-sufficiency;

29 (d) The fourth funding priority of the state in responding to the
30 needs of persons with developmental disabilities shall be for serving
31 persons transitioning from the education system upon attaining twenty-one
1 years of age to maintain skills and receive the day services necessary to
2 pursue economic self-sufficiency; and

3 (e) The fifth funding priority of the state in responding to the
4 needs of persons with developmental disabilities shall be for serving all

5 other persons by date of application.

6 Sec. 11. There is hereby appropriated (1) \$636,415 from the
 7 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$478,207 from the
 8 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
 9 and Human Services, for Program 33, to aid in carrying out the provisions
 10 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
 11 2018.

12 Total expenditures for permanent and temporary salaries and per
 13 diems from funds appropriated in this section shall not exceed \$161,272
 14 for FY2018-19 or \$206,047 for FY2019-20.

15 Sec. 12. There is hereby appropriated (1) \$732,201 from the
 16 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$799,022 from the
 17 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
 18 and Human Services, for Program 514, to aid in carrying out the
 19 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
 20 Session, 2018.

21 No expenditures for permanent and temporary salaries and per diems
 22 for state employees shall be made from funds appropriated in this
 23 section.

24 Sec. 13. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
 25 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
 26 Supplement, 2016, and section 83-1216, Revised Statutes Supplement, 2017,
 27 are repealed.

28 Sec. 14. Since an emergency exists, this act takes effect when
 29 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB944:
 MO306
 Bracket until April 18, 2018.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB944:
 FA142
 Amend AM2750
 Page 1, line 2 strike beginning with "If" through the period in line 4, and
 renumber.

Senator Kolterman filed the following amendment to LB1034:
 AM2676

1 1. Insert the following new sections:
 2 Section 1. Section 38-2025, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 38-2025 The following classes of persons shall not be construed to
 5 be engaged in the unauthorized practice of medicine:
 6 (1) Persons rendering gratuitous services in cases of emergency;
 7 (2) Persons administering ordinary household remedies;
 8 (3) The members of any church practicing its religious tenets,
 9 except that they shall not prescribe or administer drugs or medicines,

10 perform surgical or physical operations, nor assume the title of or hold
11 themselves out to be physicians, and such members shall not be exempt
12 from the quarantine laws of this state;

13 (4) Students of medicine who are studying in an accredited school or
14 college of medicine and who gratuitously prescribe for and treat disease
15 under the supervision of a licensed physician;

16 (5) Physicians who serve in the armed forces of the United States or
17 the United States Public Health Service or who are employed by the United
18 States Department of Veterans Affairs or other federal agencies, if their
19 practice is limited to that service or employment;

20 (6) Physicians who are licensed in good standing to practice
21 medicine under the laws of another state when incidentally called into
22 this state or contacted via electronic or other medium for consultation
23 with a physician licensed in this state. For purposes of this
24 subdivision, consultation means evaluating the medical data of the
25 patient as provided by the treating physician and rendering a
26 recommendation to such treating physician as to the method of treatment
27 or analysis of the data. The interpretation of a radiological image by a
1 physician who specializes in radiology is not a consultation;

2 (7) Physicians who are licensed in good standing to practice
3 medicine in another state but who, from such other state, order
4 diagnostic or therapeutic services on an irregular or occasional basis,
5 to be provided to an individual in this state, if such physicians do not
6 maintain and are not furnished for regular use within this state any
7 office or other place for the rendering of professional services or the
8 receipt of calls;

9 (8) Physicians who are licensed in good standing to practice
10 medicine in another state and who, on an irregular and occasional basis,
11 are granted temporary hospital privileges to practice medicine and
12 surgery at a hospital or other medical facility licensed in this state;

13 (9) Persons providing or instructing as to use of braces, prosthetic
14 appliances, crutches, contact lenses, and other lenses and devices
15 prescribed by a physician licensed to practice medicine while working
16 under the direction of such physician;

17 (10) Dentists practicing their profession when licensed and
18 practicing in accordance with the Dentistry Practice Act;

19 (11) Optometrists practicing their profession when licensed and
20 practicing under and in accordance with the Optometry Practice Act;

21 (12) Osteopathic physicians practicing their profession if licensed
22 and practicing under and in accordance with sections 38-2029 to 38-2033;

23 (13) Chiropractors practicing their profession if licensed and
24 practicing under the Chiropractic Practice Act;

25 (14) Podiatrists practicing their profession when licensed and
26 practicing under and in accordance with the Podiatry Practice Act;

27 (15) Psychologists practicing their profession when licensed and
28 practicing under and in accordance with the Psychology Practice Act;

29 (16) Advanced practice registered nurses practicing in their
30 clinical specialty areas when licensed under the Advanced Practice
31 Registered Nurse Practice Act and practicing under and in accordance with

1 their respective practice acts;
2 (17) Surgical first assistants practicing in accordance with the
3 Surgical First Assistant Practice Act;
4 (18) Persons licensed or certified under the laws of this state to
5 practice a limited field of the healing art, not specifically named in
6 this section, when confining themselves strictly to the field for which
7 they are licensed or certified, not assuming the title of physician,
8 surgeon, or physician and surgeon, and not professing or holding
9 themselves out as qualified to prescribe drugs in any form or to perform
10 operative surgery;
11 (19) Persons obtaining blood specimens while working under an order
12 of or protocols and procedures approved by a physician, registered nurse,
13 or other independent health care practitioner licensed to practice by the
14 state if the scope of practice of that practitioner permits the
15 practitioner to obtain blood specimens; ~~and~~
16 (20) Physicians who are licensed in good standing to practice
17 medicine under the laws of another state or jurisdiction who accompany an
18 athletic team or organization into this state for an event from the state
19 or jurisdiction of licensure. This exemption is limited to treatment
20 provided to such athletic team or organization while present in Nebraska;
21 and
22 (21) (20) Other trained persons employed by a licensed health care
23 facility or health care service defined in the Health Care Facility
24 Licensure Act or clinical laboratory certified pursuant to the federal
25 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
26 or XIX of the federal Social Security Act to withdraw human blood for
27 scientific or medical purposes.
28 Any person who has held or applied for a license to practice
29 medicine and surgery in this state, and such license or application has
30 been denied or such license has been refused renewal or disciplined by
31 order of limitation, suspension, or revocation, shall be ineligible for
1 the exceptions described in subdivisions (5) through (8) of this section
2 until such license or application is granted or such license is renewed
3 or reinstated. Every act or practice falling within the practice of
4 medicine and surgery as defined in section 38-2024 and not specially
5 excepted in this section shall constitute the practice of medicine and
6 surgery and may be performed in this state only by those licensed by law
7 to practice medicine in Nebraska.
8 Sec. 2. Section 38-2026, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 38-2026 Except as otherwise provided in sections 38-2026.01 and
11 38-2027, each applicant for a license to practice medicine and surgery
12 shall:
13 (1)(a) Present proof that he or she is a graduate of an accredited
14 school or college of medicine, (b) if a foreign medical graduate, provide
15 a copy of a permanent certificate issued by the Educational Commission
16 ~~for~~ Foreign Medical Graduates that is currently effective and relates
17 to such applicant or provide such credentials as are necessary to certify
18 that such foreign medical graduate has successfully passed the Visa

19 Qualifying Examination or its successor or equivalent examination
20 required by the United States Department of Health and Human Services and
21 the United States Citizenship and Immigration Services, or (c) if a
22 graduate of a foreign medical school who has successfully completed a
23 program of American medical training designated as the Fifth Pathway and
24 who additionally has successfully passed the Educational Commission for
25 ~~on~~ Foreign Medical Graduates examination but has not yet received the
26 permanent certificate attesting to the same, provide such credentials as
27 certify the same to the Division of Public Health of the Department of
28 Health and Human Services;

29 (2) Present proof that he or she has served at least one year of
30 graduate medical education approved by the board or, if a foreign medical
31 graduate, present proof that he or she has served at least two ~~three~~
1 years of graduate medical education approved by the board;

2 (3) Pass a licensing examination approved by the board covering
3 appropriate medical subjects; and

4 (4) Present proof satisfactory to the department that he or she,
5 within the three years immediately preceding the application for
6 licensure, (a) has been in the active practice of the profession of
7 medicine and surgery in some other state, a territory, the District of
8 Columbia, or Canada for a period of one year, (b) has had at least one
9 year of graduate medical education as described in subdivision (2) of
10 this section, (c) has completed continuing education in medicine and
11 surgery approved by the board, (d) has completed a refresher course in
12 medicine and surgery approved by the board, or (e) has completed the
13 special purposes examination approved by the board.

14 Sec. 3. Section 71-474, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 71-474 A person may not advertise to the public, by way of any
17 medium, that a hospital is a comprehensive stroke center, a designated
18 thrombectomy-capable stroke center, a primary stroke center, or an acute
19 stroke-ready hospital unless the hospital is listed as such by the
20 Department of Health and Human Services under the Stroke System of Care
21 Act.

22 Sec. 5. Section 71-4204, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 71-4204 The department shall designate hospitals as comprehensive
25 stroke centers, thrombectomy-capable stroke centers, primary stroke
26 centers, or ~~and~~ acute stroke-ready hospitals based on certification from
27 the American Heart Association, the Joint Commission on Accreditation of
28 Healthcare Organizations, or another nationally recognized, guidelines-
29 based organization that provides certification for stroke care, as such
30 certification existed on the effective date of this act July 21, 2016.

31 The department shall compile and maintain a list of such hospitals and
1 post the list on the department's web site. Before June 1 of each year,
2 the department shall send the list to the physician medical director of
3 each emergency medical service licensed pursuant to the Emergency Medical
4 Services Practice Act.

5 Sec. 6. Section 71-4205, Revised Statutes Cumulative Supplement,

6 2016, is amended to read:

7 71-4205 A hospital that is designated as a comprehensive stroke
8 center, a thrombectomy-capable stroke center, or a primary stroke center
9 may enter into a coordinating stroke care agreement with an acute stroke-
10 ready hospital to provide appropriate access to care for acute stroke
11 patients. The agreement shall be in writing and shall include, at a
12 minimum:

13 (1) A transfer agreement for the transport and acceptance of any
14 stroke patient seen by the acute stroke-ready hospital for stroke
15 treatment therapies which the acute stroke-ready hospital is not capable
16 of providing; and

17 (2) Communication criteria and protocol with the acute stroke-ready
18 hospital.

19 Sec. 7. Section 71-4209, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 71-4209 (1) The department shall establish a stroke system of care
22 task force to address matters of triage, treatment, and transport of
23 possible acute stroke patients. The task force shall include
24 representation from the department, including a program created by the
25 department to address chronic disease prevention and control issues
26 including cardiovascular health, the Emergency Medical Services Program
27 created by the department, and the Office of Rural Health, the American
28 Stroke Association, the Nebraska State Stroke Association, hospitals
29 designated as comprehensive stroke centers under the Stroke System of
30 Care Act, hospitals designated as primary stroke centers under the act,
31 hospitals designated as thrombectomy-capable stroke centers under the
1 act, rural hospitals, physicians, and emergency medical services licensed
2 pursuant to the Emergency Medical Services Practice Act.

3 (2) The task force shall provide advice and recommendations to the
4 department regarding the implementation of the Stroke System of Care Act.
5 The task force shall focus on serving both rural and urban areas. The
6 task force shall provide advice regarding protocols for the assessment,
7 stabilization, and appropriate routing of stroke patients by emergency
8 medical services and for coordination and communication between
9 hospitals, comprehensive stroke centers, primary stroke centers, and
10 other support services necessary to assure all residents of Nebraska have
11 access to effective and efficient stroke care.

12 (3) The task force shall recommend eligible essential health care
13 services for acute stroke care provided through telehealth as defined in
14 section 71-8503.

15 2. Renumber the remaining sections and correct the repealer
16 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1040. Committee AM1995, found on page 767 and considered on page 1250, was renewed.

The committee amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 902. Title read. Considered.

Senator Chambers offered the following motion:

MO308

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Final Reading.

ST50

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

1. In the Appropriations Committee amendments, AM1699:
 - a. On page 2, line 8, "147" has been struck and "148" inserted; and
 - b. On page 45, lines 16 and 23, "Medically Underserved Cash Fund" has been struck and "Health Care Homes for the Medically Underserved Fund" inserted.
2. On page 1, line 18, "to provide severability;" has been inserted after the first semicolon.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:

AM2682

(Amendments to Standing Committee amendments, AM2542)

- 1 1. On page 8, line 28, strike "7.62" and insert "7.33"; in line 29
- 2 after the semicolon insert "and"; and in line 31 strike "and before
- 3 January 1, 2021".
- 4 2. On page 9, line 2, strike "7.43" and insert "6.84"; in line 3
- 5 strike the semicolon and insert an underscored period; and strike lines 4
- 6 through 17.

Senator Krist filed the following amendment to LB1090:

AM2754

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Section 1. Section 77-118, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:

4 77-118 Nebraska adjusted basis shall mean the adjusted basis of
5 property as determined under the Internal Revenue Code increased by the
6 total amount allowed under the code for depreciation or amortization or
7 pursuant to an election to expense depreciable property under section 179
8 of the code. For purposes of this section, all references to the Internal
9 Revenue Code shall mean the Internal Revenue Code of 1986, as it existed
10 prior to December 22, 2017.

11 2. On page 1, line 1, strike "section" and insert "sections 77-118
12 and"; and in line 3 after the semicolon insert "to redefine a term;".
13 3. On page 8, line 13, strike "section" and insert "sections 77-118
14 and".

15 4. Renumber the remaining sections accordingly.

VISITORS

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 9:02 p.m., on a motion by Senator Crawford, the Legislature adjourned
until 9:00 a.m., Thursday, March 29, 2018.

Patrick J. O'Donnell
Clerk of the Legislature