

THIRTY-THIRD DAY - FEBRUARY 28, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 2019

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

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 Bolz, Cavanaugh, Groene, M. Hansen, McCollister, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

ANNOUNCEMENT(S)

Priority designation(s) received:

Chambers - LB44

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR25 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR25.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 27. Read. Considered.

LR27 was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LR28 was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 29. Read. Considered.

LR29 was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 183. Senator Wayne withdrew his motion, MO11, found on page 492, to bracket until April 1, 2019.

Senator Crawford withdrew her amendment, FA5, found on page 494.

Senator Briese withdrew his amendment, FA17, found on page 631.

Senator Briese offered the following amendment to the committee amendment:

AM517

(Amendments to Standing Committee amendments, AM158)

- 1 1. On page 1, lines 14 and 25, strike "thirty" and insert "fifty".
- 2 2. On page 3, lines 10 and 15, strike "twenty-four to thirty" and
- 3 insert "forty-four to fifty".

SPEAKER SCHEER PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 27, 28, and 29.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 454. Placed on General File with amendment.

AM501

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

3 Section 1. Section 81-885.13, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:
5 81-885.13 ~~(1)(a)~~ ~~(4)~~ No broker's or salesperson's license shall be
6 issued to any person who has not attained the age of nineteen years.
7 ~~(b)~~ No broker's or salesperson's license shall be issued to any
8 person who is not a graduate of a public or private high school graduate
9 or the holder of a certificate of high school equivalency. This
10 subdivision does not apply to: (i) A person who is a graduate of a school
11 exempt from the State Department of Education requirements under section
12 79-1601 or an equivalent exempt school or home school program from
13 another jurisdiction; or (ii) a person who has completed a program of
14 education acceptable to the commission.
15 (2) Each applicant for a salesperson's license shall furnish
16 evidence that he or she has completed two courses in real estate
17 subjects, approved by the commission, composed of not less than sixty
18 class hours of study or, in lieu thereof, courses delivered in a distance
19 education format approved by the commission.
20 (3) Each applicant for a broker's license shall either (a) have
21 first served actively for two years as a licensed salesperson or broker
22 and shall furnish evidence of completion of sixty class hours in addition
23 to the hours required by subsection (2) of this section in a course of
24 study approved by the commission or, in lieu thereof, courses delivered
25 in a distance education format approved by the commission, or (b) furnish
26 a certificate that he or she has passed a course of at least eighteen
27 credit hours in subjects related to real estate at an accredited
1 university or college, or completed six courses in real estate subjects
2 composed of not less than one hundred eighty class hours in a course of
3 study approved by the commission or, in lieu thereof, courses delivered
4 in a distance education format approved by the commission.
5 (4) Each applicant for a broker's license must pass a written
6 examination covering generally the matters confronting real estate
7 brokers, and each applicant for a salesperson's license must pass a
8 written examination covering generally the matters confronting real
9 estate salespersons. Such examination may be taken before the commission
10 or any person designated by the commission. Failure to pass the
11 examination shall be grounds for denial of a license without further
12 hearing. Within thirty days after passing the examination the applicant
13 must complete all requirements necessary for the issuance of a license.
14 The commission may prepare and distribute to licensees under the Nebraska
15 Real Estate License Act informational material deemed of assistance in
16 the conduct of their business.
17 (5) An applicant for an original broker's or salesperson's license
18 shall be subject to fingerprinting and a check of his or her criminal
19 history record information maintained by the Federal Bureau of
20 Investigation through the Nebraska State Patrol. After filing application
21 for a license, each applicant shall furnish directly to the Nebraska
22 State Patrol, or to a fingerprint processing service that may be selected
23 by the commission for this purpose, a full set of fingerprints to enable
24 a criminal background investigation to be conducted. The applicant shall

25 request that the Nebraska State Patrol submit the fingerprints to the
 26 Federal Bureau of Investigation for a national criminal history record
 27 check. The applicant shall pay the actual cost, if any, of the
 28 fingerprinting and check of his or her criminal history record
 29 information. The applicant shall authorize release of the national
 30 criminal history record check to the commission.

31 (6) Courses of study, referred to in subsections (2) and (3) of this
 1 section, shall include courses offered by private proprietary real estate
 2 schools when such courses are prescribed by the commission and are taught
 3 by instructors approved by the commission. The commission shall monitor
 4 schools offering approved real estate courses and for good cause shall
 5 have authority to suspend or withdraw approval of such courses or
 6 instructors.

7 Sec. 2. Original section 81-885.13, Revised Statutes Cumulative
 8 Supplement, 2018, is repealed.

(Signed) Matt Williams, Chairperson

Health and Human Services

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 726. Placed on General File.

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

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

Cherlyn Hunt - Nebraska Rural Health Advisory Commission
 Kyle Klammer - Nebraska Rural Health Advisory Commission
 Michael Allen Sitorius - Nebraska Rural Health Advisory Commission

Aye: 7 Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 33. Introduced by Kolterman, 24; Stinner, 48; Williams, 36.

WHEREAS, Leadership Nebraska was founded in 2006 by the State Chamber to identify current and emerging leaders throughout Nebraska,

enhance their leadership skills, and deepen their knowledge of the challenges and opportunities facing our state; and

WHEREAS, Leadership Nebraska is nine months of intense engagement in discussion and debate, travel across the state, and cultural immersion designed to develop solutions to the most pressing issues facing our communities and state; and

WHEREAS, Senator Sara Howard exemplifies leadership qualities as Chair of the Health and Human Services Committee of the Legislature; on the boards of the Omaha Public Schools Foundation, the New Leaders Council Omaha, and CHI Health Metro Community; on the executive committees of the National Conference of State Legislatures and the Midwestern Legislative Conference for the Council of State Governments; as co-chair of the steering committee of the Bowhay Institute for Legislative Leadership Development for the Council of State Governments and of the 2019 Heat the Streets Run and Walk for Warmth; and on the advisory boards for the UNO-UNMC transition and the Child Health Research Institute; and

WHEREAS, Senator Sara Howard has been awarded many leadership honors, including the Women in Government Leadership Program from the Governing Institute, the Health Center Advocate of the Year, the 2018 Women in Politics Making a Difference Award from the Women's Legislative Network of the National Conference of State Legislatures, the IBEW Richard Nolan Memorial Service Award, the NeHII Health Information Technology Visionary Award, the Healthy Homes Star Award from the Healthy Kids Alliance, the Milo Mumgaard Emerging Leader Award from Nebraska Appleseed, the 40 Under 40 Award from Midlands Business Journal, and the Eleanor Roosevelt Rising Star Award from the Douglas County Democratic party; and

WHEREAS, Senator Sara Howard graduated from the Leadership Nebraska program, Class XI, on February 19, 2019.

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

1. That the Legislature recognizes and congratulates Senator Sara Howard for her leadership skills and abilities and continuing commitment to leadership.
2. That the Legislature encourages Nebraskans to be leaders in their communities.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Hilkemann, 4.

WHEREAS, in Nebraska there are individuals and families who are adversely affected by gambling addiction; and

WHEREAS, Nebraska allocates funds to provide education, counseling, and assistance to individuals and families affected by gambling addiction; and

WHEREAS, the key to recognizing gambling addiction is awareness; and

WHEREAS, educating citizens about gambling and the risks of gambling addiction is crucial to preventing problems that result from unrestrained gambling.

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

1. That the Legislature recognizes March 2019 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Problem Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

MOTION(S) - Print in Journal

Senator Hilkemann filed the following motion to LB715:
MO18
Withdraw bill.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 48. Placed on Select File.

LEGISLATIVE BILL 112. Placed on Select File with amendment.
ER42

- 1 1. On page 1, line 4, after "define" insert "and redefine".
- 2 2. On page 5, line 12, after the comma insert "and".

LEGISLATIVE BILL 112A. Placed on Select File.

LEGISLATIVE BILL 29. Placed on Select File.

LEGISLATIVE BILL 575. Placed on Select File.

LEGISLATIVE BILL 125. Placed on Select File with amendment.
ER41

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 29-119, Revised Statutes Cumulative Supplement,
- 4 2018, is amended to read:
- 5 29-119 For purposes of this section and sections 23-1201, 29-120,
- 6 and 29-2261, unless the context otherwise requires:
- 7 (1) A plea agreement means that as a result of a discussion between
- 8 the defense counsel and the prosecuting attorney:
- 9 (a) A charge is to be dismissed or reduced; or
- 10 (b) A defendant, if he or she pleads guilty to a charge, may receive
- 11 less than the maximum penalty permitted by law; and
- 12 (2)(a) Victim means a person who has had a personal confrontation
- 13 with an offender as a result of a homicide under sections 28-302 to
- 14 28-306, a first degree assault under section 28-308, a second degree

15 assault under section 28-309, a third degree assault under section 28-310
 16 when the victim is an intimate partner as defined in section 28-323, a
 17 first degree false imprisonment under section 28-314, a first degree
 18 sexual assault under section 28-319, a sexual assault of a child in the
 19 first degree under section 28-319.01, a second or third degree sexual
 20 assault under section 28-320, a sexual assault of a child in the second
 21 or third degree under section 28-320.01, domestic assault in the first,
 22 second, or third degree under section 28-323, or a robbery under section
 23 28-324. Victim also includes a person who has suffered serious bodily
 24 injury as defined in section 28-109 as a result of a motor vehicle
 25 accident when the driver was charged with a violation of section 60-6,196
 26 or 60-6,197 or with a violation of a city or village ordinance enacted in
 27 conformance with either section.

1 (b) In the case of a homicide, victim means the nearest surviving
 2 relative under the law as provided by section 30-2303 but does not
 3 include the alleged perpetrator of the homicide.

4 (c) In the case of a violation of section 28-813.01, 28-1463.03,
 5 28-1463.04, or 28-1463.05, victim means a person who was a child as
 6 defined in section 28-1463.02 and a participant or portrayed observer in
 7 the visual depiction of sexually explicit conduct which is the subject of
 8 the violation and who has been identified and can be reasonably notified.

9 (d) In the case of a sexual assault of a child, a possession offense
 10 of a visual depiction of sexually explicit conduct, or a distribution
 11 offense of a visual depiction of sexually explicit conduct, victim means
 12 the child victim and the parents, guardians, or duly appointed legal
 13 representative of the child victim but does not include the alleged
 14 perpetrator of the crime.

15 (e) Victim also includes a person who was the victim of a theft
 16 under section 28-511, 28-512, 28-513, or 28-517 when (i) the value of the
 17 thing involved is five thousand dollars or more and (ii) the victim and
 18 perpetrator were intimate partners as defined in section 28-323.

19 Sec. 2. Original section 29-119, Revised Statutes Cumulative
 20 Supplement, 2018, is repealed.

21 2. On page 1, line 2, strike "a term" and insert "victim".

LEGISLATIVE BILL 399. Placed on Select File with amendment.
 ER43

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

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 79-724 It is the responsibility of society to ensure that youth are
 6 given the opportunity to become competent, responsible, patriotic, and
 7 civil citizens to ensure An informed, loyal, just, and patriotic
 8 citizenry is necessary to a strong, stable, just, and prosperous America.
 9 Such a citizenry necessitates that every member thereof be knowledgeable
 10 of our fully acquainted with the nation's history, government, geography,
 11 and economic system. The youth in our state should be committed to the
 12 ideals and values of our country's democracy and the constitutional

13 republic established by the people. Schools should help prepare our youth
 14 to make informed and reasoned decisions for the public good. Civic
 15 competence is necessary to sustain and improve our democratic way of life
 16 and must be taught in all public, private, denominational, and parochial
 17 schools. A central role of schools is to impart civic knowledge and
 18 skills that help our youth to see the relevance of a civic dimension for
 19 their lives. Students should be made ~~and that he or she be in full accord~~
 20 with our form of government and fully aware of the liberties,
 21 opportunities, and advantages we possess of which we are possessed and
 22 the sacrifices and struggles of those through whose efforts these
 23 benefits were gained. Since young people are youth is the time most
 24 susceptible to the acceptance of principles and doctrines that will
 25 influence them ~~men and women~~ throughout their lives, it is one of the
 26 first duties of our educational system to conduct its activities, choose
 27 its textbooks, and arrange its curriculum in such a way that the youth of
 1 our state have the opportunity to become competent, responsible,
 2 patriotic, and civil American citizens love of liberty, justice,
 3 democracy, and America will be instilled in the hearts and minds of the
 4 youth of the state.

5 (1) The Every school board of each school district shall, at the
 6 beginning of each calendar ~~school~~ year, appoint from its members a
 7 committee of three, to be known as the committee on American civics
 8 Americanism. The committee on American civics ~~Americanism~~ shall:
 9 (a) Hold no fewer than two public meetings annually, at least one
 10 where public testimony is accepted;
 11 (b) Keep minutes of each meeting showing the time and place of the
 12 meeting, which members were present or absent, and the substance and
 13 details of all matters discussed;
 14 (c) Carefully examine and ensure that the social studies curriculum
 15 used in the district is aligned to the social studies standards adopted
 16 pursuant to section 79-760.01 and teaches foundational knowledge in
 17 civics, history, economics, financial literacy, and geography;
 18 (d) Review and approve the social studies curriculum to ensure that
 19 it stresses ~~(a) Carefully examine, inspect, and approve all textbooks~~
 20 used in the teaching of American history and civil government in the
 21 school. Such textbooks shall adequately stress the services of the men
 22 and women who achieved our national independence, established our
 23 constitutional government, and preserved our union and ~~is shall be~~ so
 24 written to include the incorporation of multicultural education as set
 25 forth in sections 79-719 to 79-723 so ~~contributions by ethnic groups~~ as
 26 to develop a pride and respect for our institutions and not be a mere
 27 recital of events and dates;
 28 (e) Ensure that any curriculum recommended or approved by the
 29 committee on American civics is made readily accessible to the public and
 30 contains a reference to this section;
 31 (f) Ensure that the district develops and utilizes formative,
 1 interim, and summative assessments to measure student mastery of the
 2 social studies standards adopted pursuant to section 79-760.01;
 3 (g) Ensure that the social studies curriculum in the district

4 incorporates one or more of the following for each student:
5 (i) Administration of a written test that is identical to the entire
6 civics portion of the naturalization test used by United States
7 Citizenship and Immigration Services prior to the completion of eighth
8 grade and again prior to the completion of twelfth grade with the
9 individual score from each test for each student made available to a
10 parent or guardian of such student; or
11 (ii) Attendance or participation between the commencement of eighth
12 grade and completion of twelfth grade in a meeting of a public body as
13 defined by section 84-1409 followed by the completion of a project or
14 paper in which each student demonstrates or discusses the personal
15 learning experience of such student related to such attendance or
16 participation; or
17 (iii) Completion of a project or paper and a class presentation
18 between the commencement of eighth grade and the completion of twelfth
19 grade on a person or persons or an event commemorated by a holiday listed
20 in subdivision (6) of this section or on a topic related to such person
21 or persons or event; and
22 ~~(b) Assure themselves as to the character of all teachers employed~~
23 ~~and their knowledge and acceptance of the American form of government;~~
24 ~~and~~
25 ~~(h) (e) Take all such other steps as will assure the carrying out of~~
26 ~~the provisions of this section and provide a report to the school board~~
27 ~~regarding the committee's findings and recommendations.~~
28 (2) All social studies ~~American history~~ courses approved for grade
29 levels as provided by this section shall include and adequately stress
30 contributions of all ethnic groups (a) to the development and growth of
31 America into a great nation, (b) to art, music, education, medicine,
1 literature, science, politics, and government, and (c) to the war
2 services in all wars of this nation.
3 (3) All grades of all public, private, denominational, and parochial
4 schools, below the sixth grade, shall devote at least one hour per week
5 to exercises or teaching periods for the following purpose:
6 (a) The discussion ~~recital~~ of stories having to do with American
7 history or the deeds and exploits of American heroes;
8 (b) The historical background, memorization, and singing of
9 patriotic songs such as ~~and the insistence that every pupil memorize the~~
10 Star-Spangled Banner and America the Beautiful; ~~and~~
11 (c) The development of respect ~~reverence~~ for the American flag as a
12 symbol of freedom and the sacrifices of those who secured that freedom;
13 and
14 (d) Instruction ~~instruction~~ as to proper conduct in the its
15 presentation of the American flag.
16 (4) In at least two of the three grades from the fifth grade to the
17 eighth grade in all public, private, denominational, and parochial
18 schools, time at least three periods per week shall be set aside for to
19 be devoted to the teaching of American history from the social studies
20 curriculum approved textbooks, which shall be taught in such a way that
21 all students are given the opportunity to (a) become competent,

22 responsible, patriotic, and civil citizens who possess a deep
 23 understanding of and respect for the United States Constitution and the
 24 Constitution of Nebraska and (b) prepare to preserve, protect, and defend
 25 freedom and democracy in our nation and our world as to make the course
 26 interesting and attractive and to develop a love of country.

27 (5) In at least two courses in grades of every high school, time at
 28 least three periods per week shall be devoted to the teaching of civics
 29 and American history as outlined in the social studies standards adopted
 30 pursuant to section 79-760.01, during which courses specific attention
 31 shall be given to the following matters:

1 (a) The Declaration of Independence, the United States Constitution,
 2 and the Constitution of Nebraska, and the structure and function of local
 3 government in this state;

4 (b) The benefits and advantages of our form of government, and the
 5 rights and responsibilities of citizenship in our government, and the
 6 dangers and fallacies of forms of government that restrict individual
 7 freedoms or possess antidemocratic ideals such as, but not limited to,
 8 Nazism and communism; dangers and fallacies of Nazism, Communism, and
 9 similar ideologies; and

10 (c) The duties of citizenship, including active participation in the
 11 improvement of a citizen's community, state, country, and world and the
 12 value and practice of civil discourse between opposing interests; and -

13 (d) The application of knowledge in civics, history, economics,
 14 financial literacy, and geography in order to address meaningful issues
 15 within our society.

16 (6) Appropriate patriotic exercises suitable to the occasion shall
 17 be held under the direction of the superintendent in every public,
 18 private, denominational, and parochial school on George Washington's
 19 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
 20 birthday, Native American Heritage Day, Constitution Day, Memorial Day,
 21 Veterans Day, and Thanksgiving Day, or on the day or week Lincoln's
 22 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
 23 Day, or on the day preceding or following such holiday, if the school is
 24 in session.

25 (7) Every school board, the State Board of Education, and the
 26 superintendent of each school district in the state shall be held
 27 directly responsible in the order named for carrying out this section,
 28 and neglect thereof by any employee or appointed official shall be
 29 considered a dereliction of duty and may be considered a cause for
 30 dismissal.

31 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
 1 amended to read:

2 79-727 The State Board of Education shall adopt and promulgate
 3 rules and regulations to carry out the provisions of sections 79-724
 4 through 79-726. The State Department of Education shall ensure that all
 5 requirements of such sections and such rules and regulations are carried
 6 out by each school district ~~Any person violating the provisions of~~
 7 ~~sections 79-724 to 79-726 is guilty of a Class III misdemeanor.~~

8 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised

9 Statutes of Nebraska, are repealed.

10 2. On page 1, line 2, after "name" insert "of".

LEGISLATIVE BILL 309. Placed on Select File.

LEGISLATIVE BILL 309A. Placed on Select File.

(Signed) Julie Slama, Chairperson

PRESIDENT FOLEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 183. The Briese amendment, AM517, found in this day's Journal, to the committee amendment, was renewed.

The Briese amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Committee AM158, found on page 424 and considered on pages 487, 490, and 492, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

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

Voting in the affirmative, 29:

Albrecht	Clements	Groene	Kolterman	Moser
Arch	Crawford	Halloran	La Grone	Murman
Bostelman	Dorn	Hansen, B.	Linehan	Slama
Brandt	Erdman	Hilgers	Lowe	Vargas
Brewer	Geist	Hilkemann	McCollister	Williams
Briese	Gragert	Hughes	McDonnell	

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Blood	Howard	Lathrop	Pansing Brooks	Wishart
Bolz	Hunt	Lindstrom	Quick	
Friesen	Kolowski	Morfeld	Wayne	

Excused and not voting, 6:

Cavanaugh	Hansen, M.	Stinner
DeBoer	Scheer	Walz

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

MOTION(S) - Return LB1 to Select File

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA18

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to the Water Funding Task Force; to repeal provisions relating to the task force that terminated on December 31, 2013; and to outright repeal sections 50-504, 50-505, 50-506, 50-507, and 50-508, Revised Statutes Cumulative Supplement, 2018.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

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

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to the McGruff House program; to repeal provisions that are obsolete relating to a program that ended in 2012; and to outright repeal section 43-3201, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

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

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to appropriations; to amend section 85-1418, Reissue Revised Statutes of Nebraska, and sections 13-518 and 85-1503, Revised Statutes Cumulative Supplement, 2018; to repeal provisions that are obsolete; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-517, 90-535, 90-536, 90-537, 90-538, 90-539, and 90-541, Reissue Revised Statutes of Nebraska, and sections 90-542, 90-543, 90-544, 90-545, 90-546, 90-547, 90-548, 90-549, 90-550, 90-551, 90-552, 90-553, 90-554, 90-555, 90-556, 90-557, 90-559,

and 90-560, Revised Statutes Cumulative Supplement, 2018.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

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

LEGISLATIVE BILL 12. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-162.01, Reissue Revised Statutes of Nebraska; to change provisions relating to firm ownership; and to repeal the original section.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 67.

A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

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

Voting in the affirmative, 45:

Albrecht	Clements	Halloran	Kolterman	Moser
Arch	Crawford	Hansen, B.	La Grone	Murman
Blood	DeBoer	Hansen, M.	Lathrop	Quick
Bolz	Dorn	Hilgers	Lindstrom	Scheer
Bostelman	Erdman	Hilkemann	Linehan	Slama
Brandt	Friesen	Howard	Lowe	Vargas
Briese	Geist	Hughes	McCollister	Wayne
Cavanaugh	Gragert	Hunt	McDonnell	Williams
Chambers	Groene	Kolowski	Morfeld	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Brewer Pansing Brooks

Excused and not voting, 2:

Stinner Walz

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 41 ayes, 4 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to real property; to amend sections 76-2207.27, 76-2207.30, 76-2222, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, 76-3203, 76-3203.01, 76-3204, and 76-3216, Reissue Revised Statutes of Nebraska; to change provisions of the Real Property Appraiser Act and alphabetize and redefine terms in the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

Albrecht	Clements	Hansen, B.	La Grone	Murman
Arch	Crawford	Hansen, M.	Lathrop	Pansing Brooks
Blood	DeBoer	Hilgers	Lindstrom	Quick
Bolz	Dorn	Hilkemann	Linehan	Scheer
Bostelman	Erdman	Howard	Lowe	Slama
Brandt	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Hunt	McDonnell	Williams
Cavanaugh	Gragert	Kolowski	Morfeld	Wishart
Chambers	Halloran	Kolterman	Moser	

Voting in the negative, 0.

Present and not voting, 3:

Brewer	Groene	Wayne
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Excused and not voting, 2:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB33 with 39 ayes, 7 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 33. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1243,

72-1277, 72-1278, and 84-1502, Reissue Revised Statutes of Nebraska, and sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes Cumulative Supplement, 2018; to change written plan of action deadlines for the Nebraska Investment Council and the Public Employees Retirement Board; to change findings and comprehensive review provisions relating to the achieving a better life experience program; to eliminate obsolete language regarding formula annuity retirement allowances under the School Employees Retirement Act; to provide a public records exception as prescribed under the Class V School Employees Retirement Act; to increase the board member per diem and change duties relating to competitive bidding of the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 33A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, One Hundred Sixth Legislature, First Session, 2019; and to declare an emergency.

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

emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB79 with 39 ayes, 5 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 79. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 60-107, 60-2705, 75-363, 75-364, 75-366, 75-392, and 75-393, Reissue Revised Statutes of Nebraska, and sections 60-119.01, 60-302.01, 60-336.01, 60-363, 60-386, 60-3,113.04, 60-3,193.01, 60-3,198, 60-3,202, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, and 60-2909.01, Revised Statutes Cumulative Supplement, 2018; to allow for electronic images of registration certificates; to change provisions relating to the distribution of certain registration fees; to adopt and update references to certain federal provisions relating to cabin trailers, low-speed vehicles, handicapped or disabled parking, motor vehicle and trailer registration, the International Registration Plan, operators' licenses and state identification cards, persons handling source documents, commercial motor vehicles, hazardous materials, occupant protection systems and three-point safety belt systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records,

motor carrier and hazardous material regulations and their enforcement, and the unified carrier registration plan and agreement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, B.	Lathrop	Quick
Arch	Crawford	Hansen, M.	Lindstrom	Scheer
Blood	DeBoer	Hilgers	Linehan	Slama
Bolz	Dorn	Hilkemann	Lowe	Vargas
Bostelman	Erdman	Howard	McCollister	Wayne
Brandt	Friesen	Hughes	McDonnell	Williams
Brewer	Geist	Hunt	Morfeld	Wishart
Briese	Gragert	Kolowski	Moser	
Cavanaugh	Groene	Kolterman	Murman	
Chambers	Halloran	La Grone	Pansing Brooks	

Voting in the negative, 0.

Excused and not voting, 2:

Stinner Walz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, 12, 49, 67, 77, 33, 33A, and 79.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB364:

AM475

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

2 sections:

3 Section 1. Section 48-120, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 48-120 (1)(a) The employer is liable for all reasonable medical,

6 surgical, and hospital services, including plastic surgery or

7 reconstructive surgery but not cosmetic surgery when the injury has

8 caused disfigurement, appliances, supplies, prosthetic devices, and

9 medicines as and when needed, which are required by the nature of the

10 injury and which will relieve pain or promote and hasten the employee's

11 restoration to health and employment, and includes damage to or
12 destruction of artificial members, dental appliances, teeth, hearing
13 instruments, and eyeglasses, but, in the case of dental appliances,
14 hearing instruments, or eyeglasses, only if such damage or destruction
15 resulted from an accident which also caused personal injury entitling the
16 employee to compensation therefor for disability or treatment, subject to
17 the approval of and regulation by the Nebraska Workers' Compensation
18 Court, not to exceed the regular charge made for such service in similar
19 cases.

20 (b) Except as provided in section 48-120.04, the compensation court
21 shall establish schedules of fees for such services and for any opinion
22 or report addressing the medical condition, causation, or disability. The
23 compensation court shall review such schedules at least biennially and
24 adopt appropriate changes when necessary. The compensation court may
25 contract with any person, firm, corporation, organization, or government
26 agency to secure adequate data to establish such fees. The compensation
27 court shall publish and furnish to the public the fee schedules
1 established pursuant to this subdivision and section 48-120.04. The
2 compensation court may establish and charge a fee to recover the cost of
3 published fee schedules.

4 (c) Reimbursement for inpatient hospital services provided by
5 hospitals located in or within fifteen miles of a Nebraska city of the
6 metropolitan class or primary class and by other hospitals with fifty-one
7 or more licensed beds shall be according to the Diagnostic Related Group
8 inpatient hospital fee schedule or the trauma services inpatient hospital
9 fee schedule established in section 48-120.04.

10 (d) A workers' compensation insurer, risk management pool, self-
11 insured employer, or managed care plan certified pursuant to section
12 48-120.02 may contract with a provider or provider network for medical,
13 surgical, or hospital services. Such contract may establish fees for
14 services different than the fee schedules established under subdivision
15 (1)(b) of this section or established under section 48-120.04. Such
16 contract shall be in writing and mutually agreed upon prior to the date
17 services are provided.

18 (e) The provider or supplier of such services shall not collect or
19 attempt to collect from any employer, insurer, government, or injured
20 employee or dependent or the estate of any injured or deceased employee
21 any amount in excess of (i) the fee established by the compensation court
22 under subdivision (1)(b) of this section for any such service or for any
23 opinion or report addressing the medical condition, causation, or
24 disability, (ii) the fee established under section 48-120.04, or (iii)
25 the fee contracted under subdivision (1)(d) of this section, including
26 any finance charge or late penalty.

27 (2)(a) The employee has the right to select a physician who has
28 maintained the employee's medical records prior to an injury and has a
29 documented history of treatment with the employee prior to an injury or a
30 physician who has maintained the medical records of an immediate family
31 member of the employee prior to an injury and has a documented history of
1 treatment with an immediate family member of the employee prior to an

2 injury. For purposes of this subsection, immediate family member means
3 the employee's spouse, children, parents, stepchildren, and stepparents.
4 The employer shall notify the employee following an injury of such right
5 of selection in a form and manner and within a timeframe established by
6 the compensation court. If the employer fails to notify the employee of
7 such right of selection or fails to notify the employee of such right of
8 selection in a form and manner and within a timeframe established by the
9 compensation court, then the employee has the right to select a
10 physician. If the employee fails to exercise such right of selection in a
11 form and manner and within a timeframe established by the compensation
12 court following notice by the employer pursuant to this subsection, then
13 the employer has the right to select the physician. If selection of the
14 initial physician is made by the employee or employer pursuant to this
15 subsection following notice by the employer pursuant to this subsection,
16 the employee or employer shall not change the initial selection of
17 physician made pursuant to this subsection unless such change is agreed
18 to by the employee and employer or is ordered by the compensation court
19 pursuant to subsection (6) of this section. If compensability is denied
20 by the workers' compensation insurer, risk management pool, or self-
21 insured employer, (i) the employee has the right to select a physician
22 and shall not be made to enter a managed care plan and (ii) the employer
23 is liable for medical, surgical, and hospital services subsequently found
24 to be compensable. If the employer has exercised the right to select a
25 physician pursuant to this subsection and if the compensation court
26 subsequently orders reasonable medical services previously refused to be
27 furnished to the employee by the physician selected by the employer, the
28 compensation court shall allow the employee to select another physician
29 to furnish further medical services. If the employee selects a physician
30 located in a community not the home or place of work of the employee and
31 a physician is available in the local community or in a closer community,
1 no travel expenses shall be required to be paid by the employer or his or
2 her workers' compensation insurer.

3 (b) In cases of injury requiring dismemberment or injuries involving
4 major surgical operation, the employee may designate to his or her
5 employer the physician or surgeon to perform the operation.

6 (c) If the injured employee unreasonably refuses or neglects to
7 avail himself or herself of medical or surgical treatment furnished by
8 the employer, except as herein and otherwise provided, the employer is
9 not liable for an aggravation of such injury due to such refusal and
10 neglect and the compensation court or judge thereof may suspend, reduce,
11 or limit the compensation otherwise payable under the Nebraska Workers'
12 Compensation Act.

13 (d) If, due to the nature of the injury or its occurrence away from
14 the employer's place of business, the employee or the employer is unable
15 to select a physician using the procedures provided by this subsection,
16 the selection requirements of this subsection shall not apply as long as
17 the inability to make a selection persists.

18 (e) The physician selected may arrange for any consultation,
19 referral, or extraordinary or other specialized medical services as the

20 nature of the injury requires.

21 (f) The employer is not responsible for medical services furnished
22 or ordered by any physician or other person selected by the employee in
23 disregard of this section. Except as otherwise provided by the Nebraska
24 Workers' Compensation Act, the employer is not liable for medical,
25 surgical, or hospital services or medicines if the employee refuses to
26 allow them to be furnished by the employer.

27 (3) No claim for such medical treatment is valid and enforceable
28 unless, within fourteen days following the first treatment, the physician
29 giving such treatment furnishes the employer a report of such injury and
30 treatment on a form prescribed by the compensation court. The
31 compensation court may excuse the failure to furnish such report within
1 fourteen days when it finds it to be in the interest of justice to do so.

2 (4) All physicians and other providers of medical services attending
3 injured employees shall comply with all the rules and regulations adopted
4 and promulgated by the compensation court and shall make such reports as
5 may be required by it at any time and at such times as required by it
6 upon the condition or treatment of any injured employee or upon any other
7 matters concerning cases in which they are employed. All medical and
8 hospital information relevant to the particular injury shall, on demand,
9 be made available to the employer, the employee, the workers'
10 compensation insurer, and the compensation court. The party requesting
11 such medical and hospital information shall pay the cost thereof. No such
12 relevant information developed in connection with treatment or
13 examination for which compensation is sought shall be considered a
14 privileged communication for purposes of a workers' compensation claim.
15 When a physician or other provider of medical services willfully fails to
16 make any report required of him or her under this section, the
17 compensation court may order the forfeiture of his or her right to all or
18 part of payment due for services rendered in connection with the
19 particular case.

20 (5) Whenever the compensation court deems it necessary, in order to
21 assist it in resolving any issue of medical fact or opinion, it shall
22 cause the employee to be examined by a physician or physicians selected
23 by the compensation court and obtain from such physician or physicians a
24 report upon the condition or matter which is the subject of inquiry. The
25 compensation court may charge the cost of such examination to the
26 workers' compensation insurer. The cost of such examination shall include
27 the payment to the employee of all necessary and reasonable expenses
28 incident to such examination, such as transportation and loss of wages.

29 (6) The compensation court shall have the authority to determine the
30 necessity, character, and sufficiency of any medical services furnished
31 or to be furnished and shall have authority to order a change of
1 physician, hospital, rehabilitation facility, or other medical services
2 when it deems such change is desirable or necessary. Any dispute
3 regarding medical, surgical, or hospital services furnished or to be
4 furnished under this section may be submitted by the parties, the
5 supplier of such service, or the compensation court on its own motion for
6 informal dispute resolution by a staff member of the compensation court

7 or an outside mediator pursuant to section 48-168. In addition, any party
8 or the compensation court on its own motion may submit such a dispute for
9 a medical finding by an independent medical examiner pursuant to section
10 48-134.01. Issues submitted for informal dispute resolution or for a
11 medical finding by an independent medical examiner may include, but are
12 not limited to, the reasonableness and necessity of any medical treatment
13 previously provided or to be provided to the injured employee. The
14 compensation court may adopt and promulgate rules and regulations
15 regarding informal dispute resolution or the submission of disputes to an
16 independent medical examiner that are considered necessary to effectuate
17 the purposes of this section.

18 (7) For the purpose of this section, physician has the same meaning
19 as in section 48-151.

20 (8) The compensation court shall order the employer to make payment
21 directly to the supplier of any services provided for in this section or
22 reimbursement to anyone who has made any payment to the supplier for
23 services provided in this section. No such supplier or payor may be made
24 or become a party to any action before the compensation court.

25 (9) Notwithstanding any other provision of this section, a workers'
26 compensation insurer, risk management pool, or self-insured employer may
27 contract for medical, surgical, hospital, and rehabilitation services to
28 be provided through a managed care plan certified pursuant to section
29 48-120.02. Once liability for medical, surgical, and hospital services
30 has been accepted or determined, the employer may require that employees
31 subject to the contract receive medical, surgical, and hospital services
1 in the manner prescribed in the contract, except that an employee may
2 receive services from a physician selected by the employee pursuant to
3 subsection (2) of this section if the physician so selected agrees to
4 refer the employee to the managed care plan for any other treatment that
5 the employee may require and if the physician so selected agrees to
6 comply with all the rules, terms, and conditions of the managed care
7 plan. If compensability is denied by the workers' compensation insurer,
8 risk management pool, or self-insured employer, the employee may leave
9 the managed care plan and the employer is liable for medical, surgical,
10 and hospital services previously provided. The workers' compensation
11 insurer, risk management pool, or self-insured employer shall give notice
12 to employees subject to the contract of eligible service providers and
13 such other information regarding the contract and manner of receiving
14 medical, surgical, and hospital services under the managed care plan as
15 the compensation court may prescribe.

16 Sec. 2. Original section 48-120, Revised Statutes Cumulative
17 Supplement, 2018, is repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB15.
Senator Morfeld name added to LB15.

VISITOR(S)

Visitors to the Chamber were students and teacher from UNL; students and teacher from Lincoln Northeast High School; students from Arbor View Elementary, Elkhorn; members of Moms Demand Action for Gun Sense in America and Everytown for Gun Safety; and a group from Elkhorn Rural Public Power District.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Friday, March 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

