

THIRTIETH DAY - FEBRUARY 22, 2016
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 2016

PRAYER

The prayer was offered by Chaplain Muhammed Sackor, Imam of the Islamic Foundation of Lincoln, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Schilz who was excused; and Senators Howard, Larson, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB537:
AM2236

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. There is hereby created the Military Installation
4 Infrastructure Program to be administered by the Department of Natural
5 Resources. The program shall be used to provide grants to a political
6 subdivision where a military installation is located within or contiguous
7 to its boundaries. The grants shall be provided to political subdivisions
8 to assist in the development and improvement of infrastructure related to
9 the management of soil and water resources. It is the intent of the
10 Legislature that \$13,700,000 General Funds be appropriated to this
11 program for FY2016-17.

ATTORNEY GENERAL'S OPINIONOpinion 16-004

SUBJECT: Whether L.B. 60 (2015) changes current law as it pertains to possession of firearms at a school.

REQUESTED BY: Senator Bill Kintner, Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
John L. Jelkin, Assistant Attorney General

You have requested an opinion of the Attorney General regarding L.B. 60. This legislation, introduced by you in the 2015 legislative session, seeks "to clarify and delineate when and where personal firearms of employees may be possessed and stored in their personal vehicles when at work."

Our analysis follows each of the specific questions which have been posed.

1. "Is the current Policy on Possession of Concealed Weapons and Firearms, found on page 220 and 221 of the University of Nebraska Board of Regents Policies as expressed in RP-6, 4.8 (enclosed) and summarized by their representative in the enclosed letter to the Legislative Judiciary Committee on January 21, 2015, and expressed by University Police on their website (enclosed) in compliance with all exemptions in Neb. Rev. Stat. Sec. 28-1204.04 and Sec. 69-2441(3)?"

It has been the longstanding policy of the Attorney General to decline opinion requests from state senators seeking an interpretation of existing statutes. *See* Op. Att'y Gen. No. 157 (December 20, 1985). Accordingly, we respectfully decline to provide an opinion with respect to your first question concerning state law as it relates to the policies of the University of Nebraska.

2. "Does L.B. 60 (2015), through exemption of Neb. Rev. Stat. Sec. 28-1204.04 (Cum. Supp. 2014) in subsection (6), maintain the current law as it pertains to possession of firearms at a school?"

Stated alternatively, you have asked whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school. Simply stated, the answer appears to be "Yes."

L.B. 60 (2015) seeks to prevent any business entity, owner, manager, or legal possessor of real property, or public or private employer from establishing, maintaining or enforcing a policy or rule that prohibits a person's transportation or storage of a firearm or ammunition if the firearm or ammunition is: (1) kept from ordinary observation, locked within the trunk or glove box, in the interior of a privately owned car or a container

securely affixed to such vehicle; and (2) the privately owned vehicle is operated or parked in a location which is open to the public.

Subsection (6) of L.B. 60 (2015) provides that this section does not apply if:

- (a) The person operating the motor vehicle is:
 - (i) Prohibited from possessing, receiving, or transporting firearms under Neb. Rev. Stat. § 28-1206, or 18 U.S.C. 922. [Possession of a deadly weapon by a convicted felon, or by court order, or other prohibited person];
 - (ii) In violation of Neb. Rev. Stat. § 28-1202. [Carrying a concealed weapon];
 - (iii) In violation of Neb. Rev. Stat. § 28-1203. [Transportation or possession of machine guns, short rifles or short shotguns];
 - (iv) In violation of Neb. Rev. Stat. § 28-1204. [Unlawful possession of a handgun];
 - (v) In violation of Neb. Rev. Stat. § 28-1204.04. [Unlawful possession of a firearm at a school, with exceptions];**
 - (vi) In violation of Neb. Rev. Stat. § 28-1207. [Possession of a defaced firearm];
 - (vii) In violation of Neb. Rev. Stat. § 28-1212.03. [Possession, receipt or disposal of a stolen firearm]; or,
 - (viii) In violation of Neb. Rev. Stat. § 37-522. [Loaded shotgun on highway];

L.B. 60 Subsection (6) (2015) (emphasis added).

The Second Amendment to the United States Constitution provides:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Additionally, the Nebraska Constitution guarantees the right to bear arms. Neb. Const. Art. 1, § 1. However, the federal courts have recognized that the right to keep and bear arms is not absolute. *See District of Columbia v. Heller*, 554 U.S. 570 (2008), *United States v. Cody*, 460 F.2d 34 (8th Cir. 1972). Rather, the right to bear arms is subject to reasonable regulation. *State v. Comeau*, 233 Neb. 907, 448 N.W.2d 595 (1989); *State v. LaChapelle*, 234 Neb. 458, 451 N.W.2d 458 (1990).

Neb. Rev. Stat. § 28-1204.04 (2014) is the statute that prohibits possession of a firearm in a school, on school grounds, in a school owned vehicle, or at a school-sponsored activity or athletic event. The statute also contains a number of exceptions, including possession of a concealed handgun by a valid permit holder under the Concealed Handgun Permit Act. In this regard, Neb. Rev. Stat. § 28-1204.04(i)(h) allows the permit holder to carry the firearm in a vehicle or on his or her person while riding in or on a

vehicle into or onto any parking area open to the public and used by the school, if prior to exiting the vehicle, the handgun is locked inside the glove box, trunk or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

We could find no cases or other statutes which alter, amend, modify, or otherwise change the provisions of Neb. Rev. Stat. § 28-1204.04 (2014). Because the provisions of Neb. Rev. Stat. § 28-1204.04 (2014) are specifically named and declared as exempt from L.B. 60 (2015), it appears that current law, as it pertains to the possession of firearms at a school, is unchanged by L.B. 60 (2015).

CONCLUSION

The answer to the question as to whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school appears to be in the affirmative. The express exemption of Neb. Rev. Stat. § 28-1204.04 from L.B. 60 (2015) operates to leave unchanged the current state of the law with respect to firearms at a school.

Sincerely yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) John L. Jelkin
Assistant Attorney General

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

25-103-29

MOTION(S) - Confirmation Report(s)

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Nebraska Oil and Gas Conservation Commission
John Arley Rundel

Voting in the affirmative, 28:

Baker	Cook	Garrett	Kintner	Schnoor
Bloomfield	Craighead	Gloor	Krist	Schumacher
Bolz	Davis	Hadley	Kuehn	Seiler
Brasch	Ebke	Hilkemann	Lindstrom	Stinner
Campbell	Fox	Hughes	McCoy	
Chambers	Friesen	Johnson	Murante	

Voting in the negative, 0.

Present and not voting, 17:

Coash	Hansen	McCollister	Riepe	Williams
Crawford	Harr, B.	Mello	Scheer	
Groene	Kolowski	Morfeld	Smith	
Haar, K.	Kolterman	Pansing Brooks	Watermeier	

Excused and not voting, 4:

Howard	Larson	Schilz	Sullivan
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The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Environmental Quality Council
Hilary K. Maricle

Voting in the affirmative, 31:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Hughes	Morfeld	Stinner
Bolz	Fox	Johnson	Murante	Williams
Brasch	Friesen	Krist	Pansing Brooks	
Campbell	Garrett	Kuehn	Riepe	
Cook	Gloor	Lindstrom	Schnoor	
Craighead	Hansen	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 14:

Chambers	Groene	Harr, B.	Kolterman	Smith
Coash	Haar, K.	Kintner	Mello	Watermeier
Crawford	Hadley	Kolowski	Scheer	

Excused and not voting, 4:

Howard	Larson	Schilz	Sullivan
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The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT(S)

Speaker Hadley designates LBs 235, 465, 549, 580, 686, 716, 721, 742, 756, 768, 803, 804, 829, 835, 837, 851, 901, 930, 962, 994, 1000, 1033, 1083, 1098, and 1106 as Speaker priority bills.

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Committee AM1903, found on page 516, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 35. Read. Considered.

Senator Chambers offered the following motion:

MO188

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 25:

Baker	Chambers	Hadley	Krist	Schumacher
Bloomfield	Cook	Hansen	McCollister	Seiler
Bolz	Crawford	Harr, B.	Mello	Stinner
Brasch	Davis	Howard	Morfeld	Sullivan
Campbell	Haar, K.	Kolowski	Pansing Brooks	Williams

Voting in the negative, 18:

Coash	Friesen	Hughes	Larson	Schnoor
Craighead	Garrett	Kintner	Lindstrom	Watermeier
Ebke	Groene	Kolterman	McCoy	
Fox	Hilkemann	Kuehn	Riepe	

Present and not voting, 4:

Gloor	Johnson	Murante	Scheer
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Excused and not voting, 2:

Schilz	Smith
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The Chambers motion to recommit to committee prevailed with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Business and Labor

LEGISLATIVE BILL 83. Placed on General File with amendment.
AM2191

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

2 sections:

3 Section 1. Section 48-1220, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 48-1220 As used in sections 48-1219 to 48-1227.01, unless the

6 context otherwise requires:

7 (1) Employee shall mean any individual employed by an employer,

8 including individuals employed by the state or any of its political

9 subdivisions including public bodies;

10 (2) Employer shall mean any person engaged in an industry who has

11 ~~two~~ ~~five~~ or more employees for each working day in each of twenty or

12 more calendar weeks in the current or preceding calendar year, any agent

13 of such person, and any party whose business is financed in whole or in

14 part under the Nebraska Investment Finance Authority Act, and includes

15 the State of Nebraska, its governmental agencies, and political

16 subdivisions, regardless of the number of employees, but such term shall

17 not include the United States, a corporation wholly owned by the

18 government of the United States, or an Indian tribe;

19 (3) Wage rate shall mean all compensation for employment including

20 payment in kind and amounts paid by employers for employee benefits as

21 defined by the commission in regulations issued under sections 48-1219 to

22 48-1227;

23 (4) Employ shall include to suffer or permit to work;

24 (5) Commission shall mean the Equal Opportunity Commission; and

25 (6) Person shall include one or more individuals, partnerships,

26 limited liability companies, corporations, legal representatives,

27 trustees, trustees in bankruptcy, or voluntary associations.

1 Sec. 2. Original section 48-1220, Reissue Revised Statutes of
2 Nebraska, is repealed.

LEGISLATIVE BILL 821. Placed on General File with amendment.
AM2210

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

3 Section 1. Sections 1 to 11 of this act shall be known and may be
4 cited as the Workplace Privacy Act.

5 Sec. 2. For purposes of the Workplace Privacy Act:

6 (1) Adverse action means the discharge of an employee, a threat
7 against an employee, or any other form of discrimination against an
8 employee that negatively affects the employee's employment, including
9 actions that affect the employee's compensation, work location, rights,
10 immunities, promotions, privileges, or other terms and conditions of
11 employment;

12 (2) Applicant means a prospective employee applying for employment;

13 (3) Electronic communication device means a cellular telephone,
14 personal digital assistant, electronic device with mobile data access,
15 laptop computer, pager, broadband personal communication device, two-way
16 messaging device, electronic game, or portable computing device;

17 (4) Employee means an individual employed by an employer;

18 (5) Employer means a public or nonpublic entity or an individual
19 engaged in a business, an industry, a profession, a trade, or other
20 enterprise in the state, including any agent, representative, or designee
21 acting directly or indirectly in the interest of such an employer; and

22 (6)(a) Personal Internet account means an individual's online
23 account that requires login information in order to access or control the
24 account.

25 (b) Personal Internet account does not include:

26 (i) An online account that an employer or educational institution
27 supplies or pays for, except when the employer or educational institution
1 pays only for additional features or enhancements to the online account;

2 or

3 (ii) An online account that is used exclusively for a business
4 purpose of the employer.

5 Sec. 3. No employer shall:

6 (1) Require or request that an employee or applicant provide or
7 disclose any user name or password or any other related account
8 information in order to gain access to the employee's or applicant's
9 personal Internet account by way of an electronic communication device;

10 (2) Require or request that an employee or applicant log into a
11 personal Internet account by way of an electronic communication device in
12 the presence of the employer in a manner that enables the employer to
13 observe the contents of the employee's or applicant's personal Internet
14 account or provides the employer access to the employee's or applicant's
15 personal Internet account;

16 (3) Require an employee or applicant to add anyone, including the

17 employer, to the list of contacts associated with the employee's or
18 applicant's personal Internet account or require or otherwise coerce an
19 employee or applicant to change the settings on the employee's or
20 applicant's personal Internet account which affects the ability of others
21 to view the content of such account; or
22 (4) Take adverse action against, fail to hire, or otherwise penalize
23 an employee or applicant for failure to provide or disclose any of the
24 information or to take any of the actions specified in subdivisions (1)
25 through (3) of this section.
26 Sec. 4. An employer shall not require an employee or applicant to
27 waive or limit any protection granted under the Workplace Privacy Act as
28 a condition of continued employment or of applying for or receiving an
29 offer of employment. Any agreement to waive any right or protection under
30 the act is against the public policy of this state and is void and
31 unenforceable.
1 Sec. 5. An employer shall not retaliate or discriminate against an
2 employee or applicant because the employee or applicant:
3 (1) Files a complaint under the Workplace Privacy Act; or
4 (2) Testifies, assists, or participates in an investigation,
5 proceeding, or action concerning a violation of the act.
6 Sec. 6. An employee shall not download or transfer an employer's
7 private proprietary information or private financial data to a personal
8 Internet account without authorization from the employer. This section
9 shall not apply if the proprietary information or the financial data is
10 otherwise disclosed by the employer to the public pursuant to other
11 provisions of law or practice.
12 Sec. 7. Nothing in the Workplace Privacy Act limits an employer's
13 right to:
14 (1) Promulgate and maintain lawful workplace policies governing the
15 use of the employer's electronic equipment, including policies regarding
16 Internet use and personal Internet account use;
17 (2) Request or require an employee or applicant to disclose access
18 information to the employer to gain access to or operate:
19 (a) An electronic communication device supplied by or paid for in
20 whole or in part by the employer; or
21 (b) An account or service provided by the employer, obtained by
22 virtue of the employee's employment relationship with the employer, or
23 used for the employer's business purposes;
24 (3) Restrict or prohibit an employee's access to certain web sites
25 while using an electronic communication device supplied by or paid for in
26 whole or in part by the employer or while using an employer's network or
27 resources, to the extent permissible under applicable laws;
28 (4) Monitor, review, access, or block electronic data stored on an
29 electronic communication device supplied by or paid for in whole or in
30 part by the employer or stored on an employer's network, to the extent
31 permissible under applicable laws;
1 (5) Access information about an employee or applicant that is in the
2 public domain or is otherwise obtained in compliance with the Workplace
3 Privacy Act;

4 (6) Conduct an investigation or require an employee to cooperate in
5 an investigation under any of the following circumstances:
6 (a) If the employer has specific information about potentially
7 wrongful activity taking place on the employee's personal Internet
8 account, for the purpose of ensuring compliance with applicable laws,
9 regulatory requirements, or prohibitions against work-related employee
10 misconduct; or
11 (b) If the employer has specific information about an unauthorized
12 download or transfer of the employer's private proprietary information,
13 private financial data, or other confidential information to an
14 employee's personal Internet account;
15 (7) Take adverse action against an employee for downloading or
16 transferring an employer's private proprietary information or private
17 financial data to a personal Internet account without the employer's
18 authorization;
19 (8) Comply with requirements to screen employees or applicants
20 before hiring or to monitor or retain employee communications that are
21 established by state or federal law or by a self-regulatory organization
22 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,
23 2016; or
24 (9) Comply with a law enforcement investigation conducted by a law
25 enforcement agency.
26 Sec. 8. Nothing in the Workplace Privacy Act limits a law
27 enforcement agency's right to screen employees or applicants in
28 connection with a law enforcement employment application or a law
29 enforcement officer conduct investigation.
30 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an
31 employer to search or monitor the activity of a personal Internet
1 account.
2 (2) An employer is not liable under the act for failure to request
3 or require that an employee or applicant grant access to, allow
4 observation of, or disclose information that allows access to or
5 observation of the employee's or applicant's personal Internet account.
6 Sec. 10. If an employer inadvertently learns the user name,
7 password, or other means of access to an employee's or applicant's
8 personal Internet account through the use of otherwise lawful technology
9 that monitors the employer's computer network or employer-provided
10 electronic communication devices for service quality or security
11 purposes, the employer is not liable for obtaining the information, but
12 the employer shall not use the information to access the employee's or
13 applicant's personal Internet account or share the information with
14 anyone. The employer shall delete such information as soon as
15 practicable.
16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved
17 employee or applicant may, in addition to any other available remedy,
18 institute a civil action within one year after the date of the alleged
19 violation or the discovery of the alleged violation, whichever is later.
20 The employee or applicant shall file an action directly in the district
21 court of the county where such alleged violation occurred. The district

22 court shall docket and try such case as any other civil action, and any
 23 successful complainant shall be entitled to appropriate relief, including
 24 temporary or permanent injunctive relief, general and special damages,
 25 reasonable attorney's fees, and costs.
 26 Sec. 12. If any section in this act or any part of any section is
 27 declared invalid or unconstitutional, the declaration shall not affect
 28 the validity or constitutionality of the remaining portions.

(Signed) Burke Harr, Chairperson

Health and Human Services

LEGISLATIVE BILL 899. Placed on General File.

LEGISLATIVE BILL 722. Placed on General File with amendment.

AM2126

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
 4 cited as the Stroke System of Care Act.

5 Sec. 2. The Legislature finds that:

6 (1) Stroke is the fifth leading cause of death and the leading cause
 7 of disability according to the Centers for Disease Control and Prevention
 8 of the United States Public Health Service of the United States
 9 Department of Health and Human Services;

10 (2) Forecasting by the American Heart Association predicts stroke
 11 prevalence to increase by twenty-four and nine-tenths percent between
 12 2010 and 2030;

13 (3) The cost of stroke continues to increase as total hospital
 14 charges for stroke in Nebraska increased by more than fifty-four million
 15 dollars between 2001 and 2010, from fifty-four million dollars to one
 16 hundred eight million dollars, with the average charge per stroke
 17 hospitalization at thirty-one thousand dollars in 2010 according to the
 18 2011 Nebraska Heart Disease and Stroke Prevention Program and Data
 19 Summary by the Nebraska Department of Health and Human Services;

20 (4) The rapid identification, diagnosis, and treatment of stroke can
 21 save the lives of stroke patients and in some cases reverse neurological
 22 damage such as paralysis and speech and language impairments;

23 (5) An effective system is needed in Nebraska communities in order
 24 to treat stroke patients in a timely manner and to improve the overall
 25 outcomes of stroke patients; and

26 (6) Creation and enhancement of stroke systems of care provide
 27 patients the highest quality care while ensuring seamless transitions
 1 along the care continuum.

2 Sec. 3. For purposes of the Stroke System of Care Act:

3 (1) Department means the Department of Health and Human Services;
 4 and

5 (2) Hospital means a hospital as defined in section 71-419 and
 6 licensed under the Health Care Facility Licensure Act.

7 Sec. 4. The department shall designate hospitals as comprehensive
8 stroke centers, primary stroke centers, and acute stroke-ready hospitals
9 based on certification from the American Heart Association, the Joint
10 Commission on Accreditation of Healthcare Organizations, or another
11 nationally recognized, guidelines-based organization that provides
12 certification for stroke care, as such certification existed on the
13 effective date of this act. The department shall compile and maintain a
14 list of such hospitals and post the list on the department's web site.
15 Before June 1 of each year, the department shall send the list to the
16 physician medical director of each emergency medical service licensed
17 pursuant to the Emergency Medical Services Practice Act.

18 Sec. 5. A hospital that is designated as a comprehensive stroke
19 center or a primary stroke center may enter into a coordinating stroke
20 care agreement with an acute stroke-ready hospital to provide appropriate
21 access to care for acute stroke patients. The agreement shall be in
22 writing and shall include, at a minimum:

23 (1) A transfer agreement for the transport and acceptance of any
24 stroke patient seen by the acute stroke-ready hospital for stroke
25 treatment therapies which the acute stroke-ready hospital is not capable
26 of providing; and

27 (2) Communication criteria and protocol with the acute stroke-ready
28 hospital.

29 Sec. 6. A hospital that does not have certification described under
30 section 4 of this act shall have a predetermined plan for the triage and
31 transfer of acute stroke patients and shall file the plan annually with
1 the department.

2 Sec. 7. The department shall adopt and distribute a nationally
3 recognized, standardized stroke triage assessment tool. The department
4 shall post the stroke triage assessment tool on the department's web site
5 and provide a copy of the assessment tool to each emergency medical
6 service licensed pursuant to the Emergency Medical Services Practice Act.

7 Sec. 8. (1) An emergency medical service licensed pursuant to the
8 Emergency Medical Services Practice Act shall use a stroke triage
9 assessment tool that is substantially similar to the stroke triage
10 assessment tool adopted by the department under section 7 of this act.

11 (2) A licensed emergency medical service shall establish prehospital
12 care protocols related to the assessment, treatment, and transport of a
13 stroke patient by the emergency medical service.

14 Sec. 9. (1) The department shall establish a stroke system of care
15 task force to address matters of triage, treatment, and transport of
16 possible acute stroke patients. The task force shall include
17 representation from the department, including a program created by the
18 department to address chronic disease prevention and control issues
19 including cardiovascular health, the Emergency Medical Services Program
20 created by the department, and the Office of Rural Health, the American
21 Stroke Association, the Nebraska State Stroke Association, hospitals
22 designated as comprehensive stroke centers under the Stroke System of
23 Care Act, hospitals designated as primary stroke centers under the act,
24 rural hospitals, physicians, and emergency medical services licensed

25 pursuant to the Emergency Medical Services Practice Act.
26 (2) The task force shall provide advice and recommendations to the
27 department regarding the implementation of the Stroke System of Care Act.
28 The task force shall focus on serving both rural and urban areas. The
29 task force shall provide advice regarding protocols for the assessment,
30 stabilization, and appropriate routing of stroke patients by emergency
31 medical services and for coordination and communication between
1 hospitals, comprehensive stroke centers, primary stroke centers, and
2 other support services necessary to assure all residents of Nebraska have
3 access to effective and efficient stroke care.
4 (3) The task force shall recommend eligible essential health care
5 services for acute stroke care provided through telehealth as defined in
6 section 71-8503.

7 Sec. 10. Section 38-1217, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 38-1217 The board shall adopt rules and regulations necessary to:

10 (1)(a) For licenses issued prior to September 1, 2010, create the
11 following licensure classifications of out-of-hospital emergency care
12 providers: (i) First responder; (ii) emergency medical technician; (iii)
13 emergency medical technician-intermediate; and (iv) emergency medical
14 technician-paramedic; and (b) for licenses issued on or after September
15 1, 2010, create the following licensure classifications of out-of-
16 hospital emergency care providers: (i) Emergency medical responder; (ii)
17 emergency medical technician; (iii) advanced emergency medical
18 technician; and (iv) paramedic. The rules and regulations creating the
19 classifications shall include the practices and procedures authorized for
20 each classification, training and testing requirements, renewal and
21 reinstatement requirements, and other criteria and qualifications for
22 each classification determined to be necessary for protection of public
23 health and safety. A person holding a license issued prior to September
24 1, 2010, shall be authorized to practice in accordance with the laws,
25 rules, and regulations governing the license for the term of the license;
26 (2) Provide for temporary licensure of an out-of-hospital emergency
27 care provider who has completed the educational requirements for a
28 licensure classification enumerated in subdivision (1)(b) of this section
29 but has not completed the testing requirements for licensure under such
30 subdivision. Temporary licensure shall be valid for one year or until a
31 license is issued under such subdivision and shall not be subject to
1 renewal. The rules and regulations shall include qualifications and
2 training necessary for issuance of a temporary license, the practices and
3 procedures authorized for a temporary licensee, and supervision required
4 for a temporary licensee;

5 (3) Set standards for the licensure of basic life support services
6 and advanced life support services. The rules and regulations providing
7 for licensure shall include standards and requirements for: Vehicles,
8 equipment, maintenance, sanitation, inspections, personnel, training,
9 medical direction, records maintenance, practices and procedures to be
10 provided by employees or members of each classification of service, and
11 other criteria for licensure established by the board;

12 (4) Authorize emergency medical services to provide differing
13 practices and procedures depending upon the qualifications of out-of-
14 hospital emergency care providers available at the time of service
15 delivery. No emergency medical service shall be licensed to provide
16 practices or procedures without the use of personnel licensed to provide
17 the practices or procedures;

18 (5) Authorize out-of-hospital emergency care providers to perform
19 any practice or procedure which they are authorized to perform with an
20 emergency medical service other than the service with which they are
21 affiliated when requested by the other service and when the patient for
22 whom they are to render services is in danger of loss of life;

23 (6) Provide for the approval of training agencies and establish
24 minimum standards for services provided by training agencies;

25 (7) Provide for the minimum qualifications of a physician medical
26 director in addition to the licensure required by section 38-1212;

27 (8) Provide for the use of physician medical directors, qualified
28 physician surrogates, model protocols, standing orders, operating
29 procedures, and guidelines which may be necessary or appropriate to carry
30 out the purposes of the Emergency Medical Services Practice Act. The
31 model protocols, standing orders, operating procedures, and guidelines
1 may be modified by the physician medical director for use by any out-of-
2 hospital emergency care provider or emergency medical service before or
3 after adoption;

4 (9) Establish criteria for approval of organizations issuing
5 cardiopulmonary resuscitation certification which shall include criteria
6 for instructors, establishment of certification periods and minimum
7 curricula, and other aspects of training and certification;

8 (10) Establish renewal and reinstatement requirements for out-of-
9 hospital emergency care providers and emergency medical services and
10 establish continuing competency requirements. Continuing education is
11 sufficient to meet continuing competency requirements. The requirements
12 may also include, but not be limited to, one or more of the continuing
13 competency activities listed in section 38-145 which a licensed person
14 may select as an alternative to continuing education. The reinstatement
15 requirements for out-of-hospital emergency care providers shall allow
16 reinstatement at the same or any lower level of licensure for which the
17 out-of-hospital emergency care provider is determined to be qualified;

18 (11) Establish criteria for deployment and use of automated external
19 defibrillators as necessary for the protection of the public health and
20 safety;

21 (12) Create licensure, renewal, and reinstatement requirements for
22 emergency medical service instructors. The rules and regulations shall
23 include the practices and procedures for licensure, renewal, and
24 reinstatement;

25 (13) Establish criteria for emergency medical technicians-
26 intermediate, advanced emergency medical technicians, emergency medical
27 technicians-paramedic, or paramedics performing activities within their
28 scope of practice at a hospital or health clinic under subsection (3) of
29 section 38-1224. Such criteria shall include, but not be limited to: (a)

30 Requirements for the orientation of registered nurses, physician
31 assistants, and physicians involved in the supervision of such personnel;
1 (b) supervisory and training requirements for the physician medical
2 director or other person in charge of the medical staff at such hospital
3 or health clinic; and (c) a requirement that such activities shall only
4 be performed at the discretion of, and with the approval of, the
5 governing authority of such hospital or health clinic. For purposes of
6 this subdivision, health clinic has the definition found in section
7 71-416 and hospital has the definition found in section 71-419;~~and~~
8 (14) Establish model protocols for compliance with the Stroke System
9 of Care Act by an emergency medical service and an out-of-hospital
10 emergency care provider; and
11 ~~(15-14)~~ Establish criteria and requirements for emergency medical
12 technicians-intermediate to renew licenses issued prior to September 1,
13 2010, and continue to practice after such classification has otherwise
14 terminated under subdivision (1) of this section. The rules and
15 regulations shall include the qualifications necessary to renew emergency
16 medical technicians-intermediate licenses after September 1, 2010, the
17 practices and procedures authorized for persons holding and renewing such
18 licenses, and the renewal and reinstatement requirements for holders of
19 such licenses.

20 Sec. 11. Section 38-1221, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:
22 38-1221 (1) To be eligible for a license under the Emergency Medical
23 Services Practice Act, an individual shall have attained the age of
24 eighteen years and met the requirements established in accordance with
25 subdivision (1), (2), or ~~(15-14)~~ of section 38-1217.
26 (2) All licenses issued under the act other than temporary licenses
27 shall expire the second year after issuance.
28 (3) An individual holding a certificate under the Emergency Medical
29 Services Act on December 1, 2008, shall be deemed to be holding a license
30 under the Uniform Credentialing Act and the Emergency Medical Services
31 Practice Act on such date. The certificate holder may continue to
1 practice under such certificate as a license in accordance with the
2 Uniform Credentialing Act until the certificate would have expired under
3 its terms.

4 Sec. 12. Section 71-401, Revised Statutes Supplement, 2015, is
5 amended to read:
6 71-401 Sections 71-401 to 71-470 and section 13 of this act shall be
7 known and may be cited as the Health Care Facility Licensure Act.

8 Sec. 13. A person may not advertise to the public, by way of any
9 medium, that a hospital is a comprehensive stroke center, primary stroke
10 center, or acute stroke-ready hospital unless the hospital is listed as
11 such by the Department of Health and Human Services under the Stroke
12 System of Care Act.

13 Sec. 14. Original sections 38-1217 and 38-1221, Revised Statutes
14 Cumulative Supplement, 2014, and section 71-401, Revised Statutes
15 Supplement, 2015, are repealed.

LEGISLATIVE BILL 866. Placed on General File with amendment.

AM2181

1 1. On page 2, line 8, after "attaining", insert "on or after the
2 effective date of this act."; strike beginning with "independent" in line
3 14 through "she" in line 20 and insert "case management for service
4 provision to achieve the goals in a case plan developed with the eligible
5 participant as part of a program to transition to a successful adulthood.
6 Case management for this program shall cease when the youth"; and in line
7 27 strike "and" and insert "or".

LEGISLATIVE BILL 895. Placed on General File with amendment.

AM2159

1 1. On page 3, line 12, strike "November 15, 2016" and insert "June
2 1, 2017".

LEGISLATIVE BILL 1039. Placed on General File with amendment.

AM2172

1 1. On page 3, line 4, strike "physical disability or" and insert
2 "disability, including an".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications

Room 1113

Monday, February 29, 2016 1:30 p.m.

LB938 (rehearing)

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, March 2, 2016 1:00 p.m.

Michael A. Sitorius - Nebraska Rural Health Advisory Commission

Mary J. Kent - Nebraska Rural Health Advisory Commission

LR415

LB842

LB905

Thursday, March 3, 2016 1:00 p.m.

Roger Wells - Nebraska Rural Health Advisory Commission

John A. E. Craig - Nebraska Rural Health Advisory Commission

Rebecca Schroeder - Nebraska Rural Health Advisory Commission
LB674
LB697

(Signed) Kathy Campbell, Chairperson

Appropriations

Room 1524

Monday, February 29, 2016 1:30 p.m.

AM2236 to LB537 - Appropriate funds relating to natural resources

(Signed) Heath Mello, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 443. Introduced by Kolowski, 31.

WHEREAS, Golden Kelly, a seventh grader at George Russell Middle School in Millard, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Golden earned this honor by raising nearly \$14,000 for the American Cancer Society over the past nine years as co-captain of a team that participates annually in the Society's Relay for Life fundraiser. Golden has worked hard to support cancer patients since she was four years old, when she began fundraising with her sister, Grace; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Golden who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Golden Kelly for receiving a 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Golden Kelly.

Laid over.

LEGISLATIVE RESOLUTION 444. Introduced by Kolowski, 31.

WHEREAS, Grace Kelly, a senior at Millard West High School, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Grace earned this honor by serving as president of her school's chapter of the Health Occupation Students of America, and helping to organize numerous blood drives to support the American Red Cross. Grace has also participated in the American Cancer Society's Relay for Life fundraiser since she was nine years old, and has helped raise over \$15,000 to help fund cancer research with her sister, Golden; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Grace who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Grace Kelly for being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Grace Kelly.

Laid over.

VISITOR(S)

Visitors to the Chamber were Sophia Olson from Lincoln; and Senator Krist's daughter, Courtney, and grandson, Lucas, from Omaha.

The Doctor of the Day was Dr. Joshua Sypal from Seward.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2016.

Patrick J. O'Donnell
Clerk of the Legislature