

THIRTY-FIFTH DAY - MARCH 1, 2016
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 2016

PRAYER

The prayer was offered by Senator Riepe.

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 Baker, Campbell, Mello, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 676. Placed on Final Reading.
LEGISLATIVE BILL 700. Placed on Final Reading.
LEGISLATIVE BILL 703. Placed on Final Reading.
LEGISLATIVE BILL 729. Placed on Final Reading.
LEGISLATIVE BILL 778. Placed on Final Reading.
LEGISLATIVE BILL 798. Placed on Final Reading.
LEGISLATIVE BILL 864. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR403.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 403. Introduced by Hansen, 26; Murante, 49.

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

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

1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:

(a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;

(b) The availability of repair parts for such hardware;

(c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;

(d) The cost to acquire hardware and software or use other methods of voting;

(e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;

(f) The cost to purchase and implement such necessary infrastructure and technology; and

(g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:

(a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;

(b) The state contracting for all necessary equipment to be distributed to counties for a fee to cover part or all of the cost;

(c) Ninety-three counties purchasing the necessary equipment separately with county funds;

(d) The merits of purchasing all necessary equipment in one fiscal year; and

(e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:

(a) The Secretary of State;

(b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;

(c) At least three election commissioners or county clerks from other counties;

(d) A representative of the Nebraska Association of County Officials;

(e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;

(f) At least one representative of organizations advocating for individuals with disabilities;

(g) At least one representative of organizations advocating for the voting rights of citizens; and

(h) Representatives from election technology and equipment manufacturers.

6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 694. Placed on General File.

(Signed) John Murante, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 443, 444, 445, 446, 447, and 448 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 443, 444, 445, 446, 447, and 448.

ANNOUNCEMENT(S)

The Chair announced the birthdays of Senator Sullivan and Senator Bolz.

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:

Public Employees Retirement Board
J. Russell Derr

Voting in the affirmative, 38:

Bloomfield	Fox	Howard	Lindstrom	Schumacher
Bolz	Garrett	Hughes	McCollister	Smith
Brasch	Gloor	Johnson	McCoy	Stinner
Chambers	Groene	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Murante	Watermeier
Craighead	Hansen	Kolterman	Riepe	Williams
Crawford	Harr, B.	Krist	Scheer	
Ebke	Hilkemann	Kuehn	Schnoor	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Friesen	Larson	Seiler
Davis	Hadley	Schilz	

Excused and not voting, 4:

Baker	Campbell	Mello	Pansing Brooks
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:

Nebraska Investment Council
Keith Olson

Voting in the affirmative, 40:

Bloomfield	Ebke	Howard	Lindstrom	Schilz
Bolz	Friesen	Hughes	McCollister	Schnoor
Brasch	Garrett	Johnson	McCoy	Schumacher
Chambers	Gloor	Kintner	Morfeld	Smith
Cook	Haar, K.	Kolowski	Murante	Stinner
Craighead	Hansen	Kolterman	Pansing Brooks	Sullivan
Crawford	Harr, B.	Krist	Riepe	Watermeier
Davis	Hilkemann	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 6:

Coash	Groene	Larson
Fox	Hadley	Seiler

Excused and not voting, 3:

Baker	Campbell	Mello
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 725:

Board of Educational Lands and Funds
Charles Ward

Voting in the affirmative, 38:

Bloomfield	Friesen	Hilkemann	Kuehn	Schnoor
Bolz	Garrett	Howard	Lindstrom	Schumacher
Brasch	Gloor	Hughes	McCollister	Stinner
Chambers	Groene	Johnson	McCoy	Sullivan
Cook	Haar, K.	Kintner	Mello	Watermeier
Craighead	Hadley	Kolowski	Riepe	Williams
Crawford	Hansen	Kolterman	Scheer	
Ebke	Harr, B.	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Fox	Morfeld	Pansing Brooks Smith
Davis	Larson	Murante	Seiler

Excused and not voting, 2:

Baker Campbell

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

Coordinating Commission for Postsecondary Education
Colleen Adam

Voting in the affirmative, 36:

Baker	Ebke	Harr, B.	McCoy	Smith
Bloomfield	Fox	Hilkemann	Mello	Sullivan
Bolz	Friesen	Howard	Murante	Watermeier
Brasch	Garrett	Hughes	Pansing Brooks	Williams
Cook	Gloor	Krist	Riepe	
Craighead	Haar, K.	Kuehn	Schnoor	
Crawford	Hadley	Lindstrom	Schumacher	
Davis	Hansen	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Chambers	Johnson	Kolterman	Scheer
Coash	Kintner	Larson	Schilz
Groene	Kolowski	Morfeld	Stinner

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

Coordinating Commission for Postsecondary Education
Ronald Hunter

Voting in the affirmative, 36:

Baker	Davis	Hadley	Kuehn	Stinner
Bloomfield	Ebke	Hansen	McCollister	Sullivan
Bolz	Fox	Hilkemann	McCoy	Watermeier
Brasch	Friesen	Howard	Pansing Brooks	Williams
Chambers	Garrett	Hughes	Schilz	
Cook	Gloor	Kintner	Schnoor	
Craighead	Groene	Kolowski	Schumacher	
Crawford	Haar, K.	Kolterman	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Coash	Krist	Mello	Riepe
Harr, B.	Larson	Morfeld	Scheer
Johnson	Lindstrom	Murante	Smith

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB954 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 954. With Emergency Clause.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-2,108.05, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; 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, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

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 1016.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1203, Revised Statutes Supplement, 2015; to redefine a term; to provide an operative date; 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, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBS 954 and 1016.

GENERAL FILE

LEGISLATIVE BILL 371. Senator Hansen offered the following motion:

MO194

Reconsider the vote taken on AM1268.

Senator Hansen asked unanimous consent to withdraw his motion, MO194, to reconsider. No objections. So ordered.

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

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

Voting in the affirmative, 21:

Baker	Cook	Hadley	Krist	Sullivan
Bolz	Crawford	Hansen	Mello	
Campbell	Davis	Harr, B.	Morfeld	
Chambers	Gloor	Howard	Pansing Brooks	
Coash	Haar, K.	Kolowski	Schumacher	

Voting in the negative, 21:

Bloomfield	Friesen	Kintner	McCoy	Williams
Brasch	Garrett	Kolterman	Riepe	
Craighead	Hilkemann	Kuehn	Scheer	
Ebke	Hughes	Lindstrom	Schilz	
Fox	Johnson	McCollister	Seiler	

Present and not voting, 6:

Groene	Schnoor	Stinner
Murante	Smith	Watermeier

Excused and not voting, 1:

Larson

Failed to advance to Enrollment and Review Initial with 21 ayes, 21 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 403, 413, and 418.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR455	Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S) Transportation and Telecommunications

LEGISLATIVE BILL 1077. Placed on General File.

(Signed) Jim Smith, Chairperson
Natural Resources

LEGISLATIVE BILL 1019. Placed on General File.

LEGISLATIVE BILL 1082. Placed on General File with amendment.
AM2292

1 1. Strike original section 5.

2 2. On page 2, line 3, after "57-923" insert "and section 4 of this act".

4 3. On page 3, line 6; page 4, line 17; page 5, lines 8 and 9; page 5 6, line 10; page 7, lines 3, 7, and 25; page 9, line 15; page 10, line 1; 6 page 11, lines 1, 20, 26, and 30; page 12, lines 2, 5, 10 and 11, 13, and 7 27; page 13, lines 8, 15, and 25; page 14, line 28; page 15, lines 3, 12, 8 18, and 29; page 16, lines 1 and 7; page 18, lines 3, 9, 15, 19, 25, 26, 9 and 28; and page 19, lines 1, 6, 15, and 29, strike "sections 4 and 5" 10 and insert "section 4".

11 4. On page 6, line 13, after "II" insert "commercial"; in line 14 12 strike "certification and"; in line 18 strike "require" and insert 13 "conduct"; and in line 19 after "on" insert "Class II commercial" 14 "underground injection well".

15 5. On page 8, line 17, after "a" insert "Class II"; in lines 19 and
16 20 after "village" insert "and natural resources district"; in line 22
17 after "II" insert "commercial"; and strike from "or" in line 23 through
18 "well" in line 24.
19 6. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

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

Roger Figard - Board of Public Roads Classifications and Standards
John F. Krager III - Board of Public Roads Classifications and Standards
David Wacker - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 2016, at 9:33 a.m. were the following: LBs 954e and 1016.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 458. Introduced by Johnson, 23; Kolterman, 24; Stinner, 48; Williams, 36.

WHEREAS, the National Historic Preservation Act (P.L. 89-665) was signed into law by President Lyndon B. Johnson on October 15, 1966, thereby establishing the framework for inventorying and preserving America's historic buildings, districts, landscapes, and archeological sites; and

WHEREAS, the Nebraska Legislature accepted the provisions of the National Historic Preservation Act the following year and selected the Nebraska State Historical Society to fulfill the state's responsibilities under the Act; and

WHEREAS, this partnership has allowed Nebraska's preservation program to identify and address the needs specific to our state, including a state income tax credit, a property tax valuation incentive for owners of historic properties that are rehabilitated, and investment in "main street" communities and urban centers; and

WHEREAS, this state and federal partnership has since expanded to include local governments and tribal initiatives in historic preservation; and

WHEREAS, the Nebraska State Historical Society today maintains a statewide comprehensive survey and inventory representing all of Nebraska's 93 counties and over 92,000 places significant in Nebraska prehistory and history; and

WHEREAS, the National Register of Historic Places, also created by the National Historic Preservation Act, contains more than 1,000 historic properties and districts in Nebraska; and

WHEREAS, the Nebraska State Historical Society has developed an effective and efficient means to avoid or mitigate the impacts of federal projects on Nebraska's historic places; and

WHEREAS, federal historic tax credits have resulted in the rehabilitation of hundreds of historic buildings for a diversity of housing and commercial uses in downtowns and older neighborhoods in Nebraska communities large and small; and

WHEREAS, community development, diversity, heritage tourism, and local pride of place are critical components of the state program; and

WHEREAS, the State of Nebraska joins with thousands of public, private, and nonprofit sector partners in commemorating the 50th anniversary of the National Historic Preservation Act throughout 2016 under the banner of "Preservation50" to celebrate the first five decades of the nation's preservation program and to ensure a strong future for historic preservation efforts.

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

1. That the Legislature hereby acknowledges the national, state, local, and tribal partnerships established by the National Historic Preservation Act during the year of the 50th anniversary of its passage.

2. That a copy of this resolution be sent to the United States Secretary of the Interior, the Director of the National Park Service, the Preservation50 Advisory Committee, the Advisory Council on Historic Preservation, and the Nebraska State Historical Society, as an expression of the Legislature's appreciation for the significance of the Act and its many benefits for the people of the State of Nebraska.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 746A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 735. Placed on Final Reading.

LEGISLATIVE BILL 758. Placed on Final Reading.

LEGISLATIVE BILL 811. Placed on Final Reading.

LEGISLATIVE BILL 840. Placed on Final Reading.

LEGISLATIVE BILL 921. Placed on Final Reading.

LEGISLATIVE BILL 929. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 919. Title read. Considered.

Committee AM2171, found on page 643, was offered.

SENATOR KRIST PRESIDING

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 919A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 83. Title read. Considered.

Committee AM2191, found on page 677, was offered.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 908. Placed on General File.**LEGISLATIVE BILL 549.** Placed on General File with amendment.

AM2239

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 Health Care Transformation Act.

5 Sec. 2. It is the intent of the Legislature that the Legislature,
6 the Governor with support of state agencies, and a wide array of public
7 and private health care stakeholders collaborate to transform Nebraska's
8 health care system, utilizing the Building Blocks of Health Care which
9 set forth a fifteen-year vision for health care for Nebraskans with the
10 goal of strengthening Nebraska's health care system to (1) improve the
11 experience of care for health care consumers and patients, including, but
12 not limited to, quality and satisfaction, (2) improve the health of
13 Nebraskans, and (3) reduce the per capita cost of health care in
14 Nebraska.

15 Sec. 3. The Legislature finds that (1) health care services delivery
16 processes, such as patient-centered medical homes and similar
17 initiatives, are transforming the delivery of primary medical care
18 services to a team-based, patient-centered method of delivering health
19 care services, (2) this team-based, patient-centered method of delivering
20 health care services is used in primary health care settings and certain
21 specialty care clinics and needs to be coordinated with other medical,
22 dental, and behavioral health care providers, public health entities, and
23 other community-based support services, (3) the triple aim of the use of
24 patient-centered medical homes is to improve patient experience and
25 individual health outcomes while improving population health and
26 containing health care costs through appropriate use of services, and (4)
27 this unprecedented systemwide transformation of health care services
1 delivery processes necessitates the cooperation and collaboration of
2 federal and state governmental entities along with health care providers,
3 insurers, and self-insured businesses as purchasers of health care
4 services and health insurance, among others.

5 Sec. 4. For purposes of the Health Care Transformation Act:

6 (1) Advisory commission means the Health Care Transformation
7 Advisory Commission created pursuant to section 6 of this act;

8 (2) Building Blocks of Health Care include:

9 (a) Ensuring that all Nebraskans have access to health care
10 coverage, including parity for mental health care coverage, by optimizing
11 public and private funding;

12 (b) Supporting effective models of health care delivery, financing,
13 and payments, including patient-centered medical homes, accountable care
14 organizations, or other models of health care delivery that improve
15 patient care and health and reduce per-patient cost, including, but not

16 limited to, developing innovative health insurance opportunities,
17 transparent health care pricing, payment models that link reimbursement
18 to patient outcomes, integrated care systems, and coordinated team-based
19 care;
20 (c)(i) Ensuring public transparency of health care quality and
21 patient safety relating to all providers and facilities, (ii) ensuring
22 that consumers have a choice of health care provider based on cost,
23 quality, access, and value, and (iii) transitioning the assessment of
24 quality of care from claims-based measures to outcomes-based measures;
25 (d) Establishing and supporting a robust, de-identified statewide
26 data base for the collection and analysis of health data and health care
27 delivery data, including all payers, all patient outcomes, and an entity
28 to oversee such data collection;
29 (e) Utilizing health-based interventions to address factors that
30 influence health outcomes of populations, emphasize public health and
31 disease prevention, and reduce the burden of chronic disease;
1 (f) Promoting personal responsibility for wellness that improves
2 personal and public health literacy of Nebraskans, includes culturally
3 competent patient education, and provides incentives for personal health
4 improvement;
5 (g) Addressing health care workforce shortages by developing
6 strategies to attract health care workers to medically underserved areas,
7 evaluating new categories of health care team members, and developing
8 statewide telehealth and Internet-capable care; and
9 (h) Coordinating statewide health planning to establish a center of
10 health care data, create a profile of health care in the state, establish
11 statewide goals for health care quality, monitor the effectiveness of
12 population health outcomes, recommend changes to state health care laws,
13 rules, and regulations, and reduce health care disparities;
14 (3) Insurer means any insurance company as defined in section 44-103
15 or health maintenance organization as defined in section 44-32,105
16 authorized to transact health insurance business in the state; and
17 (4) Patient-centered medical home means a health care services
18 delivery model in which a patient establishes an ongoing relationship
19 with a primary care provider-directed team to provide comprehensive,
20 accessible, and continuous evidence-based primary and preventive health
21 care and to coordinate the patient's health care needs across the health
22 care system in order to improve quality, safety, access, and health
23 outcomes in a cost-effective manner.
24 Sec. 5. (1) The Program of Health Care Transformation is hereby
25 created within the Department of Health and Human Services. The program
26 shall be administered by the Division of Public Health of the department.
27 (2) The division, in consultation with the advisory commission,
28 shall:
29 (a) Assist residents of Nebraska in obtaining high quality health
30 care and assist health care providers in transforming their services to
31 provide high quality, patient-centered care in an atmosphere of continual
1 safety and quality improvement, including, but not limited to, providing
2 or facilitating learning opportunities for health care providers, public

3 health entities, behavioral health service providers, and community
4 health care workers on:
5 (i) Patient-centered care;
6 (ii) Care coordination;
7 (iii) Chronic care initiatives;
8 (iv) Patient-centered medical homes; and
9 (v) Other similar initiatives;
10 (b) Identify statewide and regional opportunities to meet changing
11 health care needs due to changing demographics, changing technology, and
12 changing business models in the provision of health care services;
13 (c) Establish liaison with other state agencies to ensure that the
14 programs of the division and the Office of Rural Health are appropriately
15 coordinated with the Program of Health Care Transformation;
16 (d) Assist in the collaboration of various data-sharing systems or
17 programs to enable the analysis of public health data and to evaluate the
18 effectiveness of programs and demonstration projects;
19 (e) Develop and approve standards and measures for patient-centered
20 medical homes in Nebraska, taking into account the work begun by the
21 members of the Legislature and stakeholders in the Participation
22 Agreement to recognize and reform payment structures to support Patient-
23 Centered Medical Home, signed on December 18, 2013, and as revised;
24 (f) Provide a forum for discussion and collaboration among
25 stakeholders, health care providers, insurers, consumers, public health
26 systems, self-insured businesses, and others to take advantage of changes
27 in the health care landscape and federal health care programs in order to
28 improve the provision of health care for the residents of Nebraska and to
29 advance safety and quality improvement initiatives and the transformation
30 and integration of health care services. Since the transformation of
31 health care services and reform of the insurance mechanisms involved in
1 payment of services are intricately linked, this forum may be provided in
2 cooperation with discussion forums of the Department of Insurance for
3 insurers and self-insured businesses; and
4 (g) Provide support staff to the advisory commission.
5 (3) The department may seek outside funds and grants and may
6 collaborate with other resources for education and transformation
7 activities.
8 (4) The division shall submit an annual report to the Governor and
9 electronically to the Legislature regarding the activities of the
10 advisory commission.
11 Sec. 6. (1) The Health Care Transformation Advisory Commission is
12 created. The advisory commission shall consist of the following members:
13 (a) The chairperson of the Health and Human Services Committee of
14 the Legislature or his or her designee as a nonvoting member;
15 (b) The Director of Public Health of the Division of Public Health
16 of the Department of Health and Human Services or his or her designee;
17 (c) The Director of Medicaid and Long-Term Care of the Division of
18 Medicaid and Long-Term Care of the Department of Health and Human
19 Services or his or her designee;
20 (d) One representative of the Office of Rural Health of the

- 21 Department of Health and Human Services, designated by the Governor;
22 (e) One representative from the benefits section of the personnel
23 division of the Department of Administrative Services, designated by the
24 Governor;
25 (f) One representative from the Department of Insurance, designated
26 by the Governor;
27 (g) One representative of each accredited medical school located in
28 the state;
29 (h) One representative of a local public health department as
30 defined in section 71-1626;
31 (i) One physician providing primary care in a patient-centered
1 medical home practicing in an urban area of the state;
2 (j) One physician providing primary care in a patient-centered
3 medical home practicing in a rural area of the state;
4 (k) One pediatrician providing primary care in a patient-centered
5 medical home practicing in the state;
6 (l) One representative of a profession licensed under the Uniform
7 Credentialing Act, other than a physician, providing care in a patient-
8 centered medical home in the state;
9 (m) One representative from a self-insured business with more than
10 two hundred fifty employees;
11 (n) One representative from a self-insured business with two hundred
12 fifty or fewer employees;
13 (o) One representative of each insurer that insures more than five
14 percent of the residents of Nebraska;
15 (p) One member of the public who is a consumer of health care
16 services in the state; and
17 (q) Three members with knowledge of or interest in health care
18 workforce, health education, and health care consumer advocacy, as
19 determined by the Governor.
20 (2) The members designated in subdivisions (1)(g) through (q) of
21 this section shall be appointed by the Governor with the advice and
22 consent of the Legislature, shall serve staggered terms of three years,
23 may be reappointed, and shall be reimbursed from the Health Care
24 Transformation Cash Fund for their actual and necessary expenses as
25 provided in sections 81-1174 to 81-1177.
26 (3) For administrative purposes, the advisory committee shall be
27 located within the Division of Public Health of the Department of Health
28 and Human Services. The division shall provide staffing and technical
29 assistance for the advisory committee.
30 Sec. 7. The advisory commission shall:
31 (1) Develop the recommendations for implementing the Building Blocks
1 of Health Care;
2 (2) Review health information technology and data coordination in
3 Nebraska to: (a) Ensure continuous quality improvement in clinical
4 settings; (b) ensure that scientific evidence and clinical expertise
5 guide coverage decisions about new and emerging technologies; (c) enhance
6 health information technology systems statewide; (d) develop consumer-
7 facing, cost-transparent opportunities; (e) examine opportunities to

8 develop an all-payer claims database and health care analytic hub; (f)
9 review progress in the use of electronic health records and invest in the
10 expansion of a statewide, interoperable electronic health record system
11 for all providers; and (g) examine and analyze trends in the commercial
12 health care coverage market, including changes in premiums and benefit
13 levels, market concentration, spending, and retention;
14 (3) Advise the Department of Health and Human Services, the
15 Legislature, and the Governor regarding aspects of transformation of the
16 health care system;
17 (4) Advise the department regarding policies and programs in the
18 development and implementation of a statewide transformation in primary
19 health care services and the integration of related health care services
20 in Nebraska, including behavioral health services and dental health
21 services, in the education and training of health care providers in
22 Nebraska with regard to team-based, patient-centered primary care, in the
23 regulation of health care providers and health care facilities in
24 Nebraska to assure they are consistent with new delivery transformation,
25 and in any other matters relating to health care transformation;
26 (5) Serve as an advocate for transformation in health care issues
27 and related payment mechanisms;
28 (6) Advise the Program of Health Care Transformation on the
29 development of a set of common health outcome measures, standards for
30 evaluation of patient-centered medical homes in Nebraska, and common
31 payment structures taking into consideration the work begun by members of
1 the Legislature and stakeholders in the Participation Agreement to
2 recognize and reform payment structures to support Patient-Centered
3 Medical Home, signed on December 18, 2013, and as revised;
4 (7) Advise the Program of Health Care Transformation on identifying
5 statewide and regional opportunities to meet changing health care needs
6 due to changing demographics, changing technology, and changing business
7 models in the provision of health care services;
8 (8) Advise the Program of Health Care Transformation on developing
9 collaborations with stakeholders, health care providers, insurers,
10 consumers, public health systems, self-insured businesses, and others to
11 take advantage of changes in the health care landscape and federal health
12 care programs in order to improve the provision of health care services
13 for the residents of Nebraska and to assist in the transformation of
14 primary health care services and integration of related services;
15 (9) Maintain liaison with all agencies, groups, and organizations
16 concerned with transforming health care in order to facilitate
17 integration of efforts and commonality of goals;
18 (10) Advise the department regarding the intent, goals, and
19 implementation of the Health Care Transformation Act; and
20 (11) Report annually by December 15 to the Governor and
21 electronically to the Legislature on its progress and recommendations for
22 implementing the strategies and framework utilizing the Building Blocks
23 of Health Care.
24 Sec. 8. The advisory commission shall hire a coordinator and may
25 hire consultants, evaluators, and other personnel it deems necessary to

26 assist the advisory commission in carrying out its powers and duties
 27 under the Health Care Transformation Act. The advisory commission may
 28 organize committees as it deems necessary. Members of the committees may
 29 be members of the advisory commission or may be appointed, with the
 30 approval of the majority of the advisory commission, from individuals
 31 with knowledge of the committee's subject matter, professional expertise
 1 to assist the committee in completing its assigned responsibilities, and
 2 the ability to collaborate within the committee and with the advisory
 3 commission to carry out the powers and duties of the advisory commission.
 4 Sec. 9. The Health Care Transformation Cash Fund is created. The
 5 fund shall include money appropriated by the Legislature and any grant
 6 funds and donations. The fund shall be used for the implementation and
 7 administration of the Health Care Transformation Act. Any money in the
 8 fund available for investment shall be invested by the state investment
 9 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 10 State Funds Investment Act.
 11 It is the intent of the Legislature to appropriate one hundred fifty
 12 thousand dollars from the General Fund for each of the initial two fiscal
 13 years to the Department of Health and Human Services to enable the
 14 Division of Public Health of the department to carry out the duties and
 15 purposes of the Health Care Transformation Act which may include
 16 expenditures for personnel.

LEGISLATIVE BILL 1081. Placed on General File with amendment.
 AM2180

1 1. On page 5, line 7, after the second comma, insert "for the low-
 2 income home energy assistance program administered by the State of
 3 Nebraska pursuant to the federal Energy Policy Act of 2005, 42 U.S.C.
 4 8621 to 8630,"; and in line 27 after "years" insert "and such exclusion
 5 shall only be made if the exclusion is permissible under federal law for
 6 each program referenced in this section. No such exclusion shall be made
 7 for such income on or after December 31, 2022".

(Signed) Kathy Campbell, Chairperson

Judiciary

LEGISLATIVE BILL 673. Placed on General File with amendment.
 AM2244

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 43-272.01, Revised Statutes Supplement, 2015, is
 4 amended to read:
 5 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
 6 and (3) of section 43-272 shall be appointed when a child is removed from
 7 his or her surroundings pursuant to subdivision (2) or (3) of section
 8 43-248, subsection (2) of section 43-250, or section 43-251. If a county
 9 has a guardian ad litem division created under section 2 of this act, the
 10 court shall appoint the guardian ad litem division unless a conflict of

11 interest exists. If removal has not occurred, a guardian ad litem shall
12 be appointed at the commencement of all cases brought under subdivision
13 (3)(a) or (7) of section 43-247 and section 28-707.

14 (2) In the course of discharging duties as guardian ad litem, the
15 person so appointed shall consider, but not be limited to, the criteria
16 provided in this subsection. The guardian ad litem:

17 (a) Is appointed to stand in lieu of a parent for a protected
18 juvenile who is the subject of a juvenile court petition, shall be
19 present at all hearings before the court in such matter unless expressly
20 excused by the court, and may enter into such stipulations and agreements
21 concerning adjudication and disposition deemed by him or her to be in the
22 juvenile's best interests;

23 (b) Is not appointed to defend the parents or other custodian of the
24 protected juvenile but shall defend the legal and social interests of
25 such juvenile. Social interests shall be defined generally as the usual
26 and reasonable expectations of society for the appropriate parental
27 custody and protection and quality of life for juveniles without regard
1 to the socioeconomic status of the parents or other custodians of the
2 juvenile;

3 (c) May at any time after the filing of the petition move the court
4 of jurisdiction to provide medical or psychological treatment or
5 evaluation as set out in section 43-258. The guardian ad litem shall have
6 access to all reports resulting from any examination ordered under
7 section 43-258, and such reports shall be used for evaluating the status
8 of the protected juvenile;

9 (d) Shall make every reasonable effort to become familiar with the
10 needs of the protected juvenile which (i) shall include consultation with
11 the juvenile in his or her respective placement within two weeks after
12 the appointment and once every six months thereafter, unless the court
13 approves other methods of consultation as provided in subsection (6) of
14 this section, and inquiry of the most current caseworker, foster parent,
15 or other custodian and (ii) may include inquiry of others directly
16 involved with the juvenile or who may have information or knowledge about
17 the circumstances which brought the juvenile court action or related
18 cases and the development of the juvenile, including biological parents,
19 physicians, psychologists, teachers, and clergy members;

20 (e) May present evidence and witnesses and cross-examine witnesses
21 at all evidentiary hearings. In any proceeding under this section
22 relating to a child of school age, certified copies of school records
23 relating to attendance and academic progress of such child are admissible
24 in evidence;

25 (f) Shall be responsible for making written reports and
26 recommendations to the court at every dispositional, review, or
27 permanency planning hearing regarding the temporary and permanent
28 placement of the protected juvenile, the type and number of contacts with
29 the juvenile, the type and number of contacts with other individuals
30 described in subdivision (d) of this subsection, and any further relevant
31 information on a form prepared by the Supreme Court. As an alternative to
1 the written reports and recommendations, the court may provide the

2 guardian ad litem with a checklist that shall be completed and presented
3 to the court at every dispositional or review hearing. A copy of the
4 written reports and recommendations to the court or a copy of the
5 checklist presented to the court shall also be submitted to the Foster
6 Care Review Office for any juvenile in foster care placement as defined
7 in section 43-1301;

8 (g) Shall consider such other information as is warranted by the
9 nature and circumstances of a particular case; and

10 (h) May file a petition in the juvenile court on behalf of the
11 juvenile, including a supplemental petition as provided in section
12 43-291.

13 (3) Nothing in this section shall operate to limit the discretion of
14 the juvenile court in protecting the best interests of a juvenile who is
15 the subject of a juvenile court petition.

16 (4) For purposes of subdivision (2)(d) of this section, the court
17 may order the expense of such consultation, if any, to be paid by the
18 county in which the juvenile court action is brought or the court may,
19 after notice and hearing, assess the cost of such consultation, if any,
20 in whole or in part to the parents of the juvenile. The ability of the
21 parents to pay and the amount of the payment shall be determined by the
22 court by appropriate examination.

23 (5) The guardian ad litem may be compensated on a per-case
24 appointment system or pursuant to a system of multi-case contracts or may
25 be employed by a guardian ad litem division created pursuant to section 2
26 of this act. If a county creates a guardian ad litem division, guardian
27 ad litem appointments shall be made first from the guardian ad litem
28 division and if a conflict exists, the court may appoint a guardian ad
29 litem from outside of the division. Regardless of the method of
30 compensation, billing hours and expenses for court-appointed guardian ad
31 litem services shall be submitted to the court for approval and shall be
1 recorded on a written, itemized billing statement signed by the attorney
2 responsible for the case. Billing hours and expenses for guardian ad
3 litem services rendered under a contract for such services shall be
4 submitted to the entity with whom the guardian ad litem contracts in the
5 form and manner prescribed by such entity for approval. Case time for
6 guardian ad litem services shall be scrupulously accounted for by the
7 attorney responsible for the case. Additionally, in the case of a multi-
8 lawyer firm or organization retained for guardian ad litem services, the
9 name of the attorney or attorneys assigned to each guardian ad litem case
10 shall be recorded.

11 (6) The guardian ad litem shall meet in person with the juvenile for
12 purposes of the consultation required by subdivision (2)(d) of this
13 section unless prohibited or made impracticable by exceptional
14 circumstances, including, but not limited to, situations in which an
15 unreasonable geographical distance is involved between the location of
16 the guardian ad litem and the juvenile. When such exceptional
17 circumstances exist, the guardian ad litem shall attempt such
18 consultation by other reasonable means, including, but not limited to, by
19 telephone or suitable electronic means, if the juvenile is of sufficient

20 age and capacity to participate in such means of communication and there
 21 are no other barriers preventing such means of communication. If
 22 consultation by telephone or suitable electronic means is not feasible,
 23 the guardian ad litem shall seek direction from the court as to any other
 24 acceptable method by which to accomplish consultation required by
 25 subdivision (2)(d) of this section.

26 Sec. 2. (1) A county board may create a county guardian ad litem
 27 division to carry out section 43-272.01.

28 (2) The county board shall appoint a division director for the
 29 guardian ad litem division. The division director shall be an attorney
 30 admitted to practice law in Nebraska with at least five years of Nebraska
 31 juvenile court experience prior to appointment. The division director may
 1 appoint assistant guardians ad litem and other employees as are
 2 reasonably necessary to permit him or her to effectively and competently
 3 fulfill the responsibilities of the division, subject to the approval and
 4 consent of the county board. All assistant guardians ad litem shall be
 5 attorneys admitted to practice law in Nebraska and shall comply with all
 6 requirements of the Supreme Court relating to guardians ad litem.

7 (3) All assistant guardians ad litem employed by the division shall
 8 devote their full time to the work of the division and shall not engage
 9 in the private practice of law so long as each assistant guardian ad
 10 litem receives the same annual salary as each deputy county attorney of
 11 comparable ability and experience receives in such counties.

12 (4) The director and any assistant guardian ad litem employed by the
 13 division shall not solicit or accept any fee for representing a child in
 14 a case in which the director or the assistant guardian ad litem is
 15 already acting as the child's court-appointed guardian ad litem.

16 Sec. 3. Section 43-273, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 43-273 Counsel and guardians ad litem appointed as provided in
 19 section 43-272 shall apply to the court before which the proceedings were
 20 had for fees for services performed. The county board shall set a
 21 reasonable hourly rate for services performed. Upon application and
 22 hearing, the court shall review the itemized billing statement submitted
 23 by the attorney pursuant to subsection (5) of section 43-272.01 and
 24 determine reasonable number of billing hours and amount of expenses. ~~The~~
 25 court upon hearing the application shall fix reasonable fees. The county
 26 board of the county wherein the proceedings were had shall allow the
 27 account, bill, or claim presented by any attorney or guardian ad litem
 28 for services performed under section 43-272 in the amount determined by
 29 the court. No such account, bill, or claim shall be allowed by the county
 30 board until the amount thereof shall have been determined by the court.

31 Sec. 4. Original section 43-273, Reissue Revised Statutes of
 1 Nebraska, and section 43-272.01, Revised Statutes Supplement, 2015, are
 2 repealed.

LEGISLATIVE BILL 843. Placed on General File with amendment.
 AM2335

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

2 sections:

3 Section 1. Section 28-801, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 28-801 (1) Except as provided in subsection (5) of this section, any
6 person who performs, offers, or agrees to perform any act of sexual
7 contact or sexual penetration, as those terms are defined in section
8 28-318, with any person not his or her spouse, in exchange for money or
9 other thing of value, commits prostitution.

10 (2) Any person convicted of violating subsection (1) of this section
11 shall be punished as follows:

12 (a) If such person has had no prior convictions or has had one prior
13 conviction, such person shall be guilty of a Class II misdemeanor. If the
14 court places such person on probation, such order of probation shall
15 include, as one of its conditions, that such person shall satisfactorily
16 attend and complete an appropriate mental health and substance abuse
17 assessment conducted by a licensed mental health professional or
18 substance abuse professional authorized to complete such assessment; and

19 (b) If such person has had two or more prior convictions, such
20 person shall be guilty of a Class I misdemeanor. If the court places such
21 person on probation, such order of probation shall include, as one of its
22 conditions, that such person shall satisfactorily attend and complete an
23 appropriate mental health and substance abuse assessment conducted by a
24 licensed mental health professional or substance abuse professional
25 authorized to complete such assessment.

26 (3) It is an affirmative defense to prosecution under this section
27 that such person was a trafficking victim as defined in section 28-830.

1 (4) For purposes of this section, prior conviction means any
2 conviction on or after July 14, 2006, for violation of subsection (1) of
3 this section or any conviction on or after July 14, 2006, for violation
4 of a city or village ordinance relating to prostitution.

5 (5) If the law enforcement officer determines, after a reasonable
6 detention for investigative purposes, that a person suspected of or
7 charged with a violation of subsection (1) of this section is (a) a
8 person engaging in those acts as a direct result of being a trafficking
9 victim as defined in section 28-830, such person shall be immune from
10 prosecution for a prostitution offense or (b) a person under eighteen
11 years of age, such person shall be immune from prosecution for a
12 prostitution offense under this section and shall be subject to temporary
13 custody under section 43-248 and further disposition under the Nebraska
14 Juvenile Code. A law enforcement officer who takes a person under
15 eighteen years of age into custody under this section shall immediately
16 report an allegation of a violation of section 28-831 to the Department
17 of Health and Human Services which shall commence an investigation within
18 twenty-four hours under the Child Protection and Family Safety Act.

19 Sec. 2. Section 81-2010.03, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~81-2010.03~~ (1) The full out-of-pocket cost or expense that may be
22 charged to a sexual assault victim in connection with a forensic medical
23 examination shall be paid from the Sexual Assault Payment Program Cash

24 Fund. A report of a forensic medical examination shall not be remitted to
25 the patient or his or her insurance for payment for by the Nebraska State
26 Patrol if the patrol is the primary investigating law enforcement agency
27 investigating the reported sexual assault.

28 (2) Except as provided under section 81-2010, all forensic DNA tests
29 shall be performed by a laboratory which is accredited by the American
30 Society of Crime Laboratory Directors/ ~~LAB~~ Laboratory Accreditation
31 Board ~~or the National Forensic Science Technology Center~~ or by any other
1 national accrediting body or public agency which has requirements that
2 are substantially equivalent to or more comprehensive than those of the
3 society ~~or center~~.

4 (3) The full out-of-pocket cost or expense to be paid from the
5 Sexual Assault Payment Program Cash Fund for a forensic medical
6 examination described in subsection (1) of this section shall include:

7 (a) An examiner's fee for:

8 (i) Examination of physical trauma;

9 (ii) Determination of penetration or force;

10 (iii) Patient interview; and

11 (iv) Collection and evaluation of evidence;

12 (b) An examination facility fee for the:

13 (i) Emergency room, clinic room, office room, or child advocacy
14 center; and

15 (ii) Pelvic tray and other medically required supplies; and

16 (c) The laboratory fees for collection and processing of specimens
17 for criminal evidence, the determination of the presence of any sexually
18 transmitted disease, and pregnancy testing.

19 (4) There is established within the Department of Justice, under the
20 direction of the Attorney General, the position of administrator for the
21 Sexual Assault Payment Program. The purpose of the program and the
22 responsibilities of the administrator shall be to coordinate the
23 distribution of forensic medical examination kits to health care
24 providers at no cost to the providers, oversee forensic medical
25 examination training throughout the state, and coordinate payments from
26 the Sexual Assault Payment Program Cash Fund.

27 (5) The Sexual Assault Payment Program Cash Fund is created. The
28 fund shall be administered by the commission. The fund shall consist of
29 any money appropriated to it by the Legislature and any money received by
30 the commission for the program, including federal and other public and
31 private funds. The fund shall be used for the payment of the full out-of-
1 pocket costs or expenses for forensic medical examinations pursuant to
2 subsection (3) of this section, for the purpose set forth in subsection
3 (4) of this section, and for the purchase of forensic medical examination
4 kits. The fund shall be used to pay only those charges determined by the
5 commission to be reasonable and fair. The fund shall be used to pay up to
6 two hundred dollars for the examiner's fee and up to three hundred
7 dollars for the examination facility fee. The examiner and facility shall
8 provide additional documentation as determined by the commission for
9 payment of charges in excess of such amounts. The fund may also be used
10 to facilitate programs that reduce or prevent the crimes of domestic

11 violence, dating violence, sexual assault, stalking, child abuse, child
12 sexual assault, human trafficking, labor trafficking, or sex trafficking
13 or that enhance the safety of victims of such crimes. Any money in the
14 fund available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 Sec. 3. Section 81-1415, Revised Statutes Supplement, 2015, is
18 amended to read:

19 81-1415 As used in sections 81-1415 to 81-1426.01 and section 2 of
20 this act, unless the context otherwise requires: Commission means the
21 Nebraska Commission on Law Enforcement and Criminal Justice.

22 Sec. 4. Section 81-1416, Revised Statutes Supplement, 2015, is
23 amended to read:

24 81-1416 There is hereby created the Nebraska Commission on Law
25 Enforcement and Criminal Justice. The commission shall educate the
26 community at large to the problems encountered by law enforcement
27 authorities, promote respect for law and encourage community involvement
28 in the administration of criminal justice. The commission shall be an
29 agency of the state, and the exercise by the commission of the powers
30 conferred by the provisions of sections 81-1415 to 81-1426.01 and section
31 2 of this act shall be deemed to be an essential governmental function of
1 the state.

2 Sec. 5. Section 81-1423, Revised Statutes Supplement, 2015, is
3 amended to read:

4 81-1423 The commission shall have authority to:

5 (1) Adopt and promulgate rules and regulations for its organization
6 and internal management and rules and regulations governing the exercise
7 of its powers and the fulfillment of its purposes under sections 81-1415
8 to 81-1426.01 and section 2 of this act;

9 (2) Delegate to one or more of its members such powers and duties as
10 it may deem proper;

11 (3) Coordinate and jointly pursue its activities with the Governor's
12 Policy Research Office;

13 (4) Appoint and abolish such advisory committees as may be necessary
14 for the performance of its functions and delegate appropriate powers and
15 duties to them;

16 (5) Plan improvements in the administration of criminal justice and
17 promote their implementation;

18 (6) Make or encourage studies of any aspect of the administration of
19 criminal justice;

20 (7) Conduct research and stimulate research by public and private
21 agencies which shall be designed to improve the administration of
22 criminal justice;

23 (8) Coordinate activities relating to the administration of criminal
24 justice among agencies of state and local government;

25 (9) Cooperate with the federal and other state authorities
26 concerning the administration of criminal justice;

27 (10) Accept and administer loans, grants, and donations from the
28 United States, its agencies, the State of Nebraska, its agencies, and

29 other sources, public and private, for carrying out any of its functions,
30 except that no communications equipment shall be acquired and no approval
31 for acquisition of communications equipment shall be granted without
1 receiving the written approval of the Director of Communications of the
2 office of Chief Information Officer;

3 (11) Enter into contracts, leases, and agreements necessary,
4 convenient, or desirable for carrying out its purposes and the powers
5 granted under sections 81-1415 to 81-1426.01 and section 2 of this act
6 with agencies of state or local government, corporations, or persons;

7 (12) Acquire, hold, and dispose of personal property in the exercise
8 of its powers;

9 (13) Conduct random annual audits of criminal justice agencies to
10 verify the accuracy and completeness of criminal history record
11 information maintained by such agencies and to determine compliance with
12 laws and regulations dealing with the dissemination, security, and
13 privacy of criminal history information;

14 (14) Do all things necessary to carry out its purposes and for the
15 exercise of the powers granted in sections 81-1415 to 81-1426.01 and
16 section 2 of this act, except that no activities or transfers or
17 expenditures of funds available to the commission shall be inconsistent
18 with legislative policy as reflected in substantive legislation,
19 legislative intent legislation, or appropriations legislation;

20 (15) Exercise budgetary and administrative control over the Crime
21 Victim's Reparations Committee and the Jail Standards Board; and

22 (16) Do all things necessary to carry out sections 81-1843 to
23 81-1851.

24 Sec. 6. Sections 2, 3, 4, 5, 8, and 9 of this act become operative
25 on July 1, 2017. The other sections of this act become operative on their
26 effective date.

27 Sec. 7. Original section 28-801, Revised Statutes Cumulative
28 Supplement, 2014, is repealed.

29 Sec. 8. Original section 81-2010.03, Reissue Revised Statutes of
30 Nebraska, and sections 81-1415, 81-1416, and 81-1423, Revised Statutes
31 Supplement, 2015, are repealed.

1 Sec. 9. The following sections are outright repealed: Sections
2 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM2328

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

3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is
4 amended to read:

5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be
6 known and may be cited as the Office of Inspector General of the Nebraska
7 Correctional System Act.

8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is
9 amended to read:

10 47-903 For purposes of the Office of Inspector General of the

11 Nebraska Correctional System Act, the following definitions apply:
12 (1) Administrator means a person charged with administration of a
13 program, an office, or a division of the department or administration of
14 a private agency;
15 (2) Department means the Department of Correctional Services;
16 (3) Director means the Director of Correctional Services;
17 (4) Inspector General means the Inspector General of the Nebraska
18 Correctional System appointed under section 47-904;
19 (5) Malfeasance means a wrongful act that the actor has no legal
20 right to do or any wrongful conduct that affects, interrupts, or
21 interferes with performance of an official duty;
22 (6) Management means supervision of subordinate employees;
23 (7) Misfeasance means the improper performance of some act that a
24 person may lawfully do;
25 (8) Obstruction means hindering an investigation, preventing an
26 investigation from progressing, stopping or delaying the progress of an
27 investigation, or making the progress of an investigation difficult or
1 slow;
2 (9) Office means the office of Inspector General of the Nebraska
3 Correctional System and includes the Inspector General and other
4 employees of the office;
5 (10) Private agency means an entity that contracts with the
6 department or contracts to provide services to another entity that
7 contracts with the department; ~~and~~
8 (11) Record means any recording in written, audio, electronic
9 transmission, or computer storage form, including, but not limited to, a
10 draft, memorandum, note, report, computer printout, notation, or message,
11 and includes, but is not limited to, medical records, mental health
12 records, case files, clinical records, financial records, and
13 administrative records; ~~and~~ -
14 (12) Office of Parole Administration means the office created
15 pursuant to section 83-1,100.
16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is
17 amended to read:
18 47-908 All employees of the department, all employees of the Office
19 of Parole Administration, and all owners, operators, managers,
20 supervisors, and employees of private agencies shall cooperate with the
21 office. Cooperation includes, but is not limited to, the following:
22 (1) Provision of full access to and production of records and
23 information. Providing access to and producing records and information
24 for the office is not a violation of confidentiality provisions under any
25 statute, rule, or regulation if done in good faith for purposes of an
26 investigation under the Office of Inspector General of the Nebraska
27 Correctional System Act;
28 (2) Fair and honest disclosure of records and information reasonably
29 requested by the office in the course of an investigation under the act;
30 (3) Encouraging employees to fully comply with reasonable requests
31 of the office in the course of an investigation under the act;
1 (4) Prohibition of retaliation by owners, operators, or managers

2 against employees for providing records or information or filing or
3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to
5 filing a complaint with or providing records or information to the
6 office;

7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee's medical or mental health records shall be subject to the
16 parolee's consent.

17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 68-1017.02 (1)(a) The Department of Health and Human Services shall
20 apply for and utilize to the maximum extent possible, within limits
21 established by the Legislature, any and all appropriate options available
22 to the state under the federal Supplemental Nutrition Assistance Program
23 and regulations adopted under such program to maximize the number of
24 Nebraska residents being served under such program within such limits.
25 The department shall seek to maximize federal funding for such program
26 and minimize the utilization of General Funds for such program and shall
27 employ the personnel necessary to determine the options available to the
28 state and issue the report to the Legislature required by subdivision (b)
29 of this subsection.

30 (b) The department shall submit electronically an annual report to
31 the Health and Human Services Committee of the Legislature by December 1
1 on efforts by the department to carry out the provisions of this
2 subsection. Such report shall provide the committee with all necessary
3 and appropriate information to enable the committee to conduct a
4 meaningful evaluation of such efforts. Such information shall include,
5 but not be limited to, a clear description of various options available
6 to the state under the federal Supplemental Nutrition Assistance Program,
7 the department's evaluation of and any action taken by the department
8 with respect to such options, the number of persons being served under
9 such program, and any and all costs and expenditures associated with such
10 program.

11 (c) The Health and Human Services Committee of the Legislature,
12 after receipt and evaluation of the report required in subdivision (b) of
13 this subsection, shall issue recommendations to the department on any
14 further action necessary by the department to meet the requirements of
15 this section.

16 (2)(a) The department shall develop a state outreach plan to promote
17 access by eligible persons to benefits of the Supplemental Nutrition
18 Assistance Program. The plan shall meet the criteria established by the
19 Food and Nutrition Service of the United States Department of Agriculture

20 for approval of state outreach plans. The Department of Health and Human
21 Services may apply for and accept gifts, grants, and donations to develop
22 and implement the state outreach plan.

23 (b) For purposes of developing and implementing the state outreach
24 plan, the department shall partner with one or more counties or nonprofit
25 organizations. If the department enters into a contract with a nonprofit
26 organization relating to the state outreach plan, the contract may
27 specify that the nonprofit organization is responsible for seeking
28 sufficient gifts, grants, or donations necessary for the development and
29 implementation of the state outreach plan and may additionally specify
30 that any costs to the department associated with the award and management
31 of the contract or the implementation or administration of the state
1 outreach plan shall be paid out of private or federal funds received for
2 development and implementation of the state outreach plan.

3 (c) The department shall submit the state outreach plan to the Food
4 and Nutrition Service of the United States Department of Agriculture for
5 approval on or before August 1, 2011, and shall request any federal
6 matching funds that may be available upon approval of the state outreach
7 plan. It is the intent of the Legislature that the State of Nebraska and
8 the Department of Health and Human Services use any additional public or
9 private funds to offset costs associated with increased caseload
10 resulting from the implementation of the state outreach plan.

11 (d) The department shall be exempt from implementing or
12 administering a state outreach plan under this subsection, but not from
13 developing such a plan, if it does not receive private or federal funds
14 sufficient to cover the department's costs associated with the
15 implementation and administration of the plan, including any costs
16 associated with increased caseload resulting from the implementation of
17 the plan.

18 (3)(a)(i) On or before October 1, 2011, the department shall create
19 a TANF-funded program or policy that, in compliance with federal law,
20 establishes categorical eligibility for federal food assistance benefits
21 pursuant to the Supplemental Nutrition Assistance Program to maximize the
22 number of Nebraska residents being served under such program in a manner
23 that does not increase the current gross income eligibility limit.

24 (ii) Such TANF-funded program or policy shall eliminate all asset
25 limits for eligibility for federal food assistance benefits, except that
26 the total of liquid assets which includes cash on hand and funds in
27 personal checking and savings accounts, money market accounts, and share
28 accounts shall not exceed twenty-five thousand dollars pursuant to the
29 Supplemental Nutrition Assistance Program, as allowed under federal law
30 and under 7 C.F.R. 273.2(j)(2).

31 (iii) This subsection becomes effective only if the department
1 receives funds pursuant to federal participation that may be used to
2 implement this subsection.

3 (b) For purposes of this subsection:

4 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
5 U.S.C. 2011 et seq., and regulations adopted under the act; and

6 (ii) TANF means the federal Temporary Assistance for Needy Families

7 program established in 42 U.S.C. 601 et seq.

8 ~~(4) The (4)(a) Within the limits specified in this subsection, the~~
9 State of Nebraska opts out of the provision of the federal Personal
10 Responsibility and Work Opportunity Reconciliation Act of 1996, as such
11 act existed on January 1, 2009, that eliminates eligibility for the
12 Supplemental Nutrition Assistance Program for any person convicted of a
13 felony involving the possession, use, or distribution of a controlled
14 substance.

15 ~~(b) A person shall be ineligible for Supplemental Nutrition~~
16 ~~Assistance Program benefits under this subsection if he or she (i) has~~
17 ~~had three or more felony convictions for the possession or use of a~~
18 ~~controlled substance or (ii) has been convicted of a felony involving the~~
19 ~~sale or distribution of a controlled substance or the intent to sell or~~
20 ~~distribute a controlled substance. A person with one or two felony~~
21 ~~convictions for the possession or use of a controlled substance shall~~
22 ~~only be eligible to receive Supplemental Nutrition Assistance Program~~
23 ~~benefits under this subsection if he or she is participating in or has~~
24 ~~completed a state licensed or nationally accredited substance abuse~~
25 ~~treatment program since the date of conviction. The determination of such~~
26 ~~participation or completion shall be made by the treatment provider~~
27 ~~administering the program.~~

28 Sec. 6. Section 81-161.03, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-161.03 The materiel division may, by written order, permit
31 purchases, contracts, or leases to be made by any using agency directly
1 with the vendor or supplier whenever it appears to the satisfaction of
2 the materiel division that, because of the unique nature of the personal
3 property, the price in connection therewith, the quantity to be
4 purchased, the location of the using agency, the time of the use of the
5 personal property, or any other circumstance, the interests of the state
6 will be served better by purchasing or contracting direct than through
7 the materiel division.

8 Such permission shall be revocable and shall be operative for a
9 period not exceeding twelve months from the date of issue. Using agencies
10 receiving such permission shall report their acts and expenditures under
11 such orders to the materiel division in writing and furnish such agent
12 with proper evidence that competition has been secured at such time and
13 covering such period as may be required by the materiel division.

14 The materiel division shall adopt and promulgate rules and
15 regulations establishing criteria which must be met by any agency seeking
16 direct market purchase authorization. Purchases for miscellaneous needs
17 may be made directly by any agency without prior approval from the
18 materiel division for purchases of less than ten thousand dollars if the
19 agency has completed a certification program as prescribed by the
20 materiel division.

21 The Department of Correctional Services may purchase raw materials,
22 supplies, component parts, and equipment perishables directly for
23 industries established pursuant to section 83-183, whether such purchases
24 are made to fill specific orders or for general inventories. Any such

25 purchase shall not exceed ~~fifty twenty five~~ thousand dollars. The
26 department shall comply with the bidding process of the materiel division
27 and shall be subject to audit by the materiel division for such
28 purchases.

29 Sec. 7. Section 81-1185, Revised Statutes Supplement, 2015, is
30 amended to read:

31 81-1185 For purposes of the State Government Recycling Management
1 Act, state government recyclable material means any product or material
2 that has reached the end of its useful life, is obsolete, or is no longer
3 needed by state government and for which there are readily available
4 markets to take the material. State government recyclable material
5 includes paper, paperboard, aluminum and other metals, yard waste, glass,
6 tires, oil, and plastics. State government recyclable material does not
7 include cans or other containers recycled under section 83-915.01, or
8 material used in the production of goods or the provision of services by
9 the correctional industries program of the Department of Correctional
10 Services.

11 Sec. 8. Section 83-150, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-150 All funds received by the Department of Correctional Services
14 under sections 83-144 to 83-152 and from the recycling of material used
15 in the production of goods or the provision of services by the
16 department's correctional industries program shall be remitted to the
17 State Treasurer for credit to the Correctional Industries Revolving Fund,
18 which fund is hereby created. The fund shall be administered by the
19 Director of Correctional Services. The fund (1) shall be used to pay all
20 proper expenses incident to the administration of sections 83-144 to
21 83-152 and (2) may be used to carry out section 83-186.01, except that
22 transfers from the fund to the General Fund may be made at the direction
23 of the Legislature. Any money in the Correctional Industries Revolving
24 Fund available for investment shall be invested by the state investment
25 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
26 State Funds Investment Act.

27 Sec. 9. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 83-1,101 ~~The Director of Correctional Services with the consent of~~
30 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~
31 ~~Administrator, who shall be a person with appropriate experience and~~
1 ~~training, including, but not limited to, familiarity with the~~
2 ~~implementation of evidence-based processes for utilizing risk and needs~~
3 ~~assessments to measure criminal risk factors and specific individual~~
4 ~~needs in the field of corrections, or with training in relevant~~
5 ~~disciplines at a recognized university.~~

6 Sec. 10. Section 83-4,114, Revised Statutes Supplement, 2015, is
7 amended to read:

8 83-4,114 (1) There shall be no corporal punishment or disciplinary
9 restrictions on diet.

10 (2) Disciplinary restrictions on clothing, bedding, mail,

11 visitations, use of toilets, washbowls, or scheduled showers shall be

12 imposed only for abuse of such privilege or facility and only as
13 authorized by written directives, guidance documents, and operational
14 manuals.

15 (3) No person shall be placed in solitary confinement.

16 (4) The director shall issue an annual report on or before September
17 15 to the Governor and the Clerk of the Legislature. The report to the
18 Clerk of the Legislature shall be issued electronically. For all inmates
19 who were held in restrictive housing during the prior year, the report
20 shall contain the race, gender, age, and length of time each inmate has
21 continuously been held in restrictive housing. The report shall also
22 contain:

23 (a) The number of inmates held in restrictive housing;

24 (b) The reason or reasons each inmate was held in restrictive
25 housing;

26 (c) The number of inmates held in restrictive housing who have been
27 diagnosed with a mental illness or behavioral disorder as defined in
28 section 71-907 and the type of mental illness or behavioral disorder by
29 inmate;

30 (d) The number of inmates who were released from restrictive housing
31 directly to parole or into the general public and the reason for such
1 release;

2 (e) The number of inmates who were placed in restrictive housing for
3 his or her own safety and the underlying circumstances for each
4 placement;

5 (f) To the extent reasonably ascertainable, comparable statistics
6 for the nation and each of the states that border Nebraska pertaining to
7 subdivisions (4)(a) through (e) of this section; and

8 (g) The mean and median length of time for all inmates held in
9 restrictive housing.

10 (5)(a) There is hereby established within the department a long-term
11 restrictive housing work group. The work group shall consist of:

12 (i) The director and all deputy directors. The director shall serve
13 as the chairperson of the work group;

14 ~~(ii) The director of health services within the department;~~

15 ~~(ii)~~ ~~iii~~ The behavioral health administrator within the department;

16 ~~(iii)~~ ~~iv~~ Two employees of the department who currently work with
17 inmates held in restrictive housing;

18 ~~(iv)~~ ~~v~~ Additional department staff as designated by the director;

19 and

20 ~~(v)~~ ~~vi~~ Four members as follows appointed by the Governor:

21 (A) Two representatives from a nonprofit prisoners' rights advocacy
22 group, including at least one former inmate; and

23 (B) Two mental health professionals independent from the department
24 with particular knowledge of prisons and conditions of confinement.

25 (b) The work group shall advise the department on policies and
26 procedures related to the proper treatment and care of offenders in long-
27 term restrictive housing.

28 (c) The director shall convene the work group's first meeting no
29 later than September 15, 2015, and the work group shall meet at least

30 semiannually thereafter. The chairperson shall schedule and convene the
31 work group's meetings.

1 (d) The director shall provide the work group with quarterly updates
2 on the department's policies related to the work group's subject matter.
3 Sec. 11. Original sections 81-161.03, 83-150, and 83-1,101, Reissue
4 Revised Statutes of Nebraska, section 68-1017.02, Revised Statutes
5 Cumulative Supplement, 2014, and sections 47-901, 47-903, 47-908,
6 81-1185, and 83-4,114, Revised Statutes Supplement, 2015, are repealed.
7 Sec. 12. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

LEGISLATIVE BILL 890. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 718. Placed on Final Reading.
LEGISLATIVE BILL 734. Placed on Final Reading.
LEGISLATIVE BILL 753. Placed on Final Reading.
LEGISLATIVE BILL 776. Placed on Final Reading.
LEGISLATIVE BILL 786. Placed on Final Reading.
LEGISLATIVE BILL 807. Placed on Final Reading.
LEGISLATIVE BILL 859. Placed on Final Reading.
LEGISLATIVE BILL 898. Placed on Final Reading.
LEGISLATIVE BILL 1035. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 2102

Tuesday, March 8, 2016 12:00 p.m.

LR455

(Signed) Bob Krist, 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.

Margaret Propp - Commission for the Deaf and Hard of Hearing
Peter Seiler - Commission for the Deaf and Hard of Hearing

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

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.

Kristin Huber - Foster Care Advisory Committee

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

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB83:

FA90

Amend AM2191

Page 1, line 11 strike 2 and replace it with 13.

VISITOR(S)

Visitors to the Chamber were 53 fourth-grade students from Cottonwood Elementary, Omaha; 29 twelfth-grade students and teachers from Hartington-Newcastle; and 200 social work students and faculty from Chadron State College, Creighton University, Nebraska Wesleyan University of Lincoln and Omaha, Union College, University of Nebraska at Kearney, and UNO Grace Abbott School of Social Work.

The Doctor of the Day was Dr. Daniel Rosenquist from Columbus.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 2016.

Patrick J. O'Donnell
Clerk of the Legislature