

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 644

Introduced by Government, Military and Veterans Affairs Committee:
Murante, 49, Chairperson; Blood, 3; Brewer, 43; Briese, 41;
Craighead, 6; Hilgers, 21; Lowe, 37; Wayne, 13.

Read first time January 18, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to government; to amend sections 2-945.02,
2 2-954, 2-1814, 2-1816, 2-3815, 24-719, 24-803, 24-806, 24-809,
3 24-809.04, 24-810, 24-810.01, 24-811.02, 24-812, 32-204, 38-108,
4 38-158, 38-167, 38-1202, 38-1203, 38-1216, 38-1217, 38-1218,
5 38-1219, 38-1224, 38-1228, 38-1229, 38-1232, 38-1237, 38-2701,
6 38-2703, 43-1318, 44-5224, 44-5230, 44-5255, 44-5258, 44-5266,
7 49-1499.02, 60-4,105, 60-4,118, 60-4,118.03, 68-949, 71-457,
8 71-8237, 71-8241, and 84-1411, Reissue Revised Statutes of Nebraska,
9 and sections 2-301, 2-958.02, 60-4,114, 60-4,146, 68-908, 68-909,
10 and 68-1108, Revised Statutes Cumulative Supplement, 2016; to
11 provide, change, and eliminate powers and duties relating to the
12 Department of Agriculture, the Commission on Judicial
13 Qualifications, judicial nominating commissions, the State Board of
14 Health, the Department of Health and Human Services, the Department
15 of Insurance, the Department of Motor Vehicles, and the State Trauma
16 Advisory Board; to provide for a transfer of funds; to eliminate the
17 community gardens task force, the state noxious weed advisory
18 committee, the Nebraska Potato Development Committee, the advisory
19 committee for value-added agricultural promotion and development,
20 the Carbon Sequestration Advisory Committee, the Judicial Resources
21 Commission, the Board of Emergency Medical Services, the
22 Perfusionist Committee, the Out-of-Home Data Pilot Project Advisory

1 Group, the Nebraska Small Employer Health Reinsurance Program, the
2 Nebraska Exchange Stakeholder Commission, the Nebraska Exchange
3 Transparency Act, the Intergenerational Poverty Task Force, the
4 Health Advisory Board, the Medicaid Reform Council, the Medical Home
5 Advisory Council, the Aging Nebraskans Task Force, the Nursing Home
6 Advisory Council, the Critical Incident Stress Management Act, the
7 Stem Cell Research Act, the Health Care Transparency Act, a
8 committee and provisions regarding an assessment matrix, and a
9 technical advisory committee to the State Records Board; to
10 eliminate programs, councils, committees, and cash funds; to
11 eliminate obsolete provisions; to harmonize provisions; to repeal
12 the original sections; and to outright repeal sections 2-965.01,
13 2-1803, 2-5301, 2-5302, 2-5303, 2-5305, 2-5306, 24-802, 24-805,
14 24-1201, 24-1202, 24-1203, 24-1204, 24-1205, 24-1206, 38-1206,
15 38-1215, 38-2712, 43-1322, 44-5231, 44-5246, 44-5248, 44-5251,
16 44-5261, 44-5263, 60-4,118.02, 60-4,118.04, 68-948, 68-957, 68-958,
17 68-960, 68-961, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047,
18 71-6048, 71-6049, 71-6050, 71-6051, 71-6052, 71-7101, 71-7102,
19 71-7103, 71-7104, 71-7105, 71-7106, 71-7107, 71-7108, 71-7109,
20 71-7110, 71-7111, 71-7112, 71-7113, 71-8801, 71-8802, 71-8803,
21 71-8806, and 84-1205.01, Reissue Revised Statutes of Nebraska, and
22 sections 2-305, 44-8701, 44-8702, 44-8703, 44-8704, 44-8705,
23 44-8706, 50-429, 50-430, 50-431, 50-432, 50-433, 68-959, 68-1107,
24 68-1109, 68-1110, 71-8804, 71-8805, 71-9201, 71-9202, 71-9203,
25 71-9204, and 81-2,294, Revised Statutes Cumulative Supplement, 2016.
26 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-301, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 2-301 Sections 2-301 to 2-304 ~~2-305~~ shall be known and may be cited
4 as the Community Gardens Act.

5 Sec. 2. Section 2-945.02, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-945.02 The Legislature finds and declares that:

8 (1) The failure to control noxious weeds on lands in this state is a
9 serious problem which is detrimental to the production of crops and
10 livestock and to the welfare of residents of this state and which may
11 devalue land and reduce tax revenue;

12 (2) It is the purpose of the Noxious Weed Control Act to establish a
13 workable framework, delineate responsibilities, encourage education of
14 the public concerning noxious weeds, and provide the necessary authority
15 to effectively control noxious weeds;

16 (3) It is the duty of each person who owns or controls land to
17 effectively control noxious weeds on such land. County boards or control
18 authorities are responsible for administration of noxious weed control
19 laws at the county level; and

20 (4) The Department of Agriculture should have responsibility for (a)
21 establishing basic standards such as designating which plants are to be
22 considered noxious weeds and which control measures are to be used in
23 particular situations and (b) monitoring implementation of the act by the
24 control authorities. ~~; and~~

25 ~~(5) A state noxious weed advisory committee shall be convened by the~~
26 ~~director with broad representation to advise the director.~~

27 Sec. 3. Section 2-954, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 2-954 (1)(a) The duty of enforcing and carrying out the Noxious Weed
30 Control Act shall be vested in the director and the control authorities
31 as designated in the act. The director shall determine what weeds are

1 noxious for purposes of the act. A list of such noxious weeds shall be
2 included in the rules and regulations adopted and promulgated by the
3 director. The director shall prepare, publish, and revise as necessary a
4 list of noxious weeds. The list shall be distributed to the public by the
5 director, the Cooperative Extension Service, the control authorities, and
6 any other body the director deems appropriate. The director shall, from
7 time to time, adopt and promulgate rules and regulations on methods for
8 control of noxious weeds and adopt and promulgate such rules and
9 regulations as are necessary to carry out the act. Whenever special weed
10 control problems exist in a county involving weeds not included in the
11 rules and regulations, the control authority may petition the director to
12 bring such weeds under the county control program. The petition shall
13 contain the approval of the county board. Prior to petitioning the
14 director, the control authority, in cooperation with the county board,
15 shall hold a public hearing and take testimony upon the petition. Such
16 hearing and the notice thereof shall be in the manner prescribed by the
17 Administrative Procedure Act. A copy of the transcript of the public
18 hearing shall accompany the petition filed with the director. The
19 director may approve or disapprove the request. If approval is granted,
20 the control authority may proceed under the forced control provisions of
21 sections 2-953 to 2-955 and 2-958.

22 (b) The director shall (i) investigate the subject of noxious weeds,
23 (ii) require information and reports from any control authority as to the
24 presence of noxious weeds and other information relative to noxious weeds
25 and the control thereof in localities where such control authority has
26 jurisdiction, (iii) cooperate with control authorities in carrying out
27 other laws administered by him or her, (iv) cooperate with agencies of
28 federal and state governments and other persons in carrying out his or
29 her duties under the Noxious Weed Control Act, (v) with the consent of
30 the Governor, conduct investigations outside this state to protect the
31 interest of the agricultural industry of this state from noxious weeds

1 not generally distributed therein, (vi) with the consent of the federal
2 agency involved, control noxious weeds on federal lands within this
3 state, with reimbursement, when deemed by the director to be necessary to
4 an effective weed control program, (vii) advise and confer as to the
5 extent of noxious weed infestations and the methods determined best
6 suited to the control thereof, (viii) call and attend meetings and
7 conferences dealing with the subject of noxious weeds, (ix) disseminate
8 information and conduct educational campaigns with respect to control of
9 noxious weeds, (x) procure materials and equipment and employ personnel
10 necessary to carry out the director's duties and responsibilities, and
11 (xi) perform such other acts as may be necessary or appropriate to the
12 administration of the act.

13 (c) The director may (i) temporarily designate a weed as a noxious
14 weed for up to eighteen months if the director, ~~in consultation with the~~
15 ~~advisory committee created under section 2-965.01,~~ has adopted criteria
16 for making temporary designations and (ii) apply for and accept any gift,
17 grant, contract, or other funds or grants-in-aid from the federal
18 government or other public and private sources for noxious weed control
19 purposes and account for such funds as prescribed by the Auditor of
20 Public Accounts.

21 (d) When the director determines that a control authority has
22 substantively failed to carry out its duties and responsibilities as a
23 control authority or has substantively failed to implement a county weed
24 control program, he or she shall instruct the control authority regarding
25 the measures necessary to fulfill such duties and responsibilities. The
26 director shall establish a reasonable date by which the control authority
27 shall fulfill such duties and responsibilities. If the control authority
28 fails or refuses to comply with instructions by such date, the Attorney
29 General shall file an action as provided by law against the control
30 authority for such failure or refusal.

31 (2)(a) Each control authority shall carry out the duties and

1 responsibilities vested in it under the act with respect to land under
2 its jurisdiction in accordance with rules and regulations adopted and
3 promulgated by the director. Such duties shall include the establishment
4 of a coordinated program for control of noxious weeds within the county.

5 (b) A control authority may cooperate with any person in carrying
6 out its duties and responsibilities under the act.

7 (3)(a) Each county board shall employ one or more weed control
8 superintendents. Each such superintendent shall, as a condition precedent
9 to employment, be certified in writing by the federal Environmental
10 Protection Agency as a commercial applicator under the Federal
11 Insecticide, Fungicide, and Rodenticide Act. Each superintendent shall be
12 bonded for such sum as the county board shall prescribe. The same person
13 may be a weed control superintendent for more than one county. Such
14 employment may be for such tenure and at such rates of compensation and
15 reimbursement for travel expenses as the county board may prescribe. Such
16 superintendent shall be reimbursed for mileage at a rate equal to or
17 greater than the rate provided in section 81-1176.

18 (b) Under the direction of the control authority, it shall be the
19 duty of every weed control superintendent to examine all land under the
20 jurisdiction of the control authority for the purpose of determining
21 whether the Noxious Weed Control Act and the rules and regulations
22 adopted and promulgated by the director have been complied with. The weed
23 control superintendent shall: (i) Compile such data on infested areas and
24 controlled areas and such other reports as the director or the control
25 authority may require; (ii) consult and advise upon matters pertaining to
26 the best and most practical methods of noxious weed control and render
27 assistance and direction for the most effective control; (iii)
28 investigate or aid in the investigation and prosecution of any violation
29 of the act; and (iv) perform such other duties as required by the control
30 authority in the performance of its duties. Weed control superintendents
31 shall cooperate and assist one another to the extent practicable and

1 shall supervise the carrying out of the coordinated control program
2 within the county.

3 (c) In cases involving counties in which municipalities have
4 ordinances for weed control, the control authority may enter into
5 agreements with municipal authorities for the enforcement of local weed
6 ordinances and may follow collection procedures established by such
7 ordinances. All money received shall be deposited in the noxious weed
8 control fund or, if no noxious weed control fund exists, in the county
9 general fund.

10 Sec. 4. Section 2-958.02, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 2-958.02 (1) From funds available in the Noxious Weed and Invasive
13 Plant Species Assistance Fund, the director may administer a grant
14 program to assist local control authorities and other weed management
15 entities in the cost of implementing and maintaining noxious weed control
16 programs and in addressing special weed control problems as provided in
17 this section.

18 (2) The director shall receive applications by local control
19 authorities and weed management entities for assistance under this
20 subsection and, ~~in consultation with the advisory committee created under~~
21 ~~section 2-965.01,~~ award grants for any of the following eligible
22 purposes:

23 (a) To conduct applied research to solve locally significant weed
24 management problems;

25 (b) To demonstrate innovative control methods or land management
26 practices which have the potential to reduce landowner costs to control
27 noxious weeds or improve the effectiveness of noxious weed control;

28 (c) To encourage the formation of weed management entities;

29 (d) To respond to introductions or infestations of invasive plants
30 that threaten or potentially threaten the productivity of cropland and
31 rangeland over a wide area;

1 (e) To respond to introductions and infestations of invasive plant
2 species that threaten or potentially threaten the productivity and
3 biodiversity of wildlife and fishery habitats on public and private
4 lands;

5 (f) To respond to special weed control problems involving weeds not
6 included in the list of noxious weeds promulgated by rule and regulation
7 of the director if the director has approved a petition to bring such
8 weeds under the county control program;

9 (g) To conduct monitoring or surveillance activities to detect, map,
10 or determine the distribution of invasive plant species and to determine
11 susceptible locations for the introduction or spread of invasive plant
12 species; and

13 (h) To conduct educational activities.

14 (3) The director shall select and prioritize applications for
15 assistance under subsection (2) of this section based on the following
16 considerations:

17 (a) The seriousness of the noxious weed or invasive plant problem or
18 potential problem addressed by the project;

19 (b) The ability of the project to provide timely intervention to
20 save current and future costs of control and eradication;

21 (c) The likelihood that the project will prevent or resolve the
22 problem or increase knowledge about resolving similar problems in the
23 future;

24 (d) The extent to which the project will leverage federal funds and
25 other nonstate funds;

26 (e) The extent to which the applicant has made progress in
27 addressing noxious weed or invasive plant problems;

28 (f) The extent to which the project will provide a comprehensive
29 approach to the control or eradication of noxious weeds or invasive plant
30 species as identified and listed by the Nebraska Invasive Species
31 Council;

1 (g) The extent to which the project will reduce the total population
2 or area of infestation of a noxious weed or invasive plant species as
3 identified and listed by the Nebraska Invasive Species Council;

4 (h) The extent to which the project uses the principles of
5 integrated vegetation management and sound science; and

6 (i) Such other factors that the director determines to be relevant.

7 (4) The director shall receive applications for grants under this
8 subsection and shall award grants to recipients and programs eligible
9 under this subsection. Priority shall be given to grant applicants whose
10 proposed programs are consistent with vegetation management goals and
11 priorities and plans and policies of the Riparian Vegetation Management
12 Task Force established under section 2-970. Beginning in fiscal year
13 2016-17, it is the intent of the Legislature to appropriate one million
14 dollars annually for the management of vegetation within the banks of a
15 natural stream or within one hundred feet of the banks of a channel of
16 any natural stream. Such funds shall only be used to pay for activities
17 and equipment as part of vegetation management programs that have as
18 their primary objective improving conveyance of streamflow in natural
19 streams. Grants from funds appropriated as provided in this subsection
20 shall be disbursed only to weed management entities, local weed control
21 authorities, and natural resources districts whose territory includes
22 river basins, with priority given to river basins that are the subject of
23 an interstate compact or decree. The Game and Parks Commission shall
24 assist grant recipients in implementing grant projects under this
25 subsection, and interlocal agreements under the Interlocal Cooperation
26 Act or the Joint Public Agency Act shall be utilized whenever possible in
27 carrying out the grant projects.

28 (5) Nothing in this section shall be construed to relieve control
29 authorities of their duties and responsibilities under the Noxious Weed
30 Control Act or the duty of a person to control the spread of noxious
31 weeds on lands owned and controlled by him or her.

1 (6) The Department of Agriculture may adopt and promulgate necessary
2 rules and regulations to carry out this section.

3 (7) The director may annually apply for conservation funding from
4 the Natural Resources Conservation Service of the United States
5 Department of Agriculture.

6 Sec. 5. Section 2-1814, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 2-1814 For purposes of the Nebraska Potato Inspection Act ~~As used~~
9 ~~in sections 2-1813 to 2-1825~~, unless the context otherwise requires:

10 (1) Department means ~~shall mean~~ the Department of Agriculture;

11 (2) Director means ~~shall mean~~ the Director of Agriculture;

12 ~~(3) Nebraska Potato Development Committee shall mean the advisory~~
13 ~~committee established by section 2-1803;~~

14 ~~(3)~~ (4) Commercial potato growing area means ~~shall mean~~ a geographic
15 area in which potatoes are produced and offered for sale in commercial
16 quantities;

17 ~~(4)~~ (5) Commercial shipment means ~~shall mean~~ any potatoes shipped in
18 commerce or processed and destined for human consumption, and
19 noncertified seed potatoes shipped out of the state;

20 ~~(5)~~ (6) Commercial potato acreage means ~~shall mean~~ a potato field of
21 three acres or more; and

22 ~~(6)~~ (7) Preceding crop year means ~~shall mean~~ the last calendar year
23 for which official acreage statistics have been compiled by the state-
24 federal division of agricultural statistics.

25 Sec. 6. Section 2-1816, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 2-1816 Any person, for the purpose of obtaining information relative
28 to the cost of potato inspection and grading services for a designated
29 area, may request in writing that an estimate be prepared by the director
30 of the costs of such a service. The director may ~~consult with the~~
31 ~~Nebraska Potato Development Committee~~ to establish an estimated

1 inspection fee based upon the inspector's salary, mileage and other
2 travel expenses, cost of inspection certificates, and other necessary
3 expenses to cover the inspection service and the administration thereof.

4 To establish compulsory inspection of commercial shipments of
5 potatoes in a designated area, a petition, signed by potato growers
6 representing fifty-one percent or more of the commercial potato acreage
7 of the last preceding crop year, with an estimate of inspection costs
8 attached, may be presented to the director requesting that all commercial
9 shipments of potatoes originating in the designated area be officially
10 inspected and graded by the department at the point of origin or at
11 locations approved by the director. The director shall fix a time and
12 place for hearing on the petition and shall publish notice thereof in a
13 newspaper having general circulation in the area designated in the
14 petition for three consecutive weeks. At the time and place established
15 by such notice, the director or his or her designee ~~designate~~ shall hold
16 a public hearing upon the petition at which time evidence will be taken
17 in support of or in opposition to the petition. If the evidence reveals
18 that potato growers representing fifty-one percent or more of the
19 commercial potato acreage of the last preceding crop year are in favor of
20 the compulsory program set forth in the petition request, the director
21 shall enter an order establishing compulsory inspection of commercial
22 shipments of potatoes in the area designated in the petition. A petition
23 to terminate compulsory inspection, signed by potato growers representing
24 fifty-one percent or more of the commercial potato acreage of the last
25 preceding crop year, may be filed with the director at any time and such
26 petition shall be set for public hearing in the manner provided in this
27 section ~~aforsaid~~. If the director finds from the evidence submitted at
28 such hearing to terminate inspection services that the petition to
29 terminate represents fifty-one percent or more of the commercial potato
30 acreage of the last preceding crop year, he or she shall enter an order
31 declaring that compulsory potato inspection is terminated. In order to

1 determine the commercial potato acreage of the last preceding crop year,
2 the director shall use the tabulated crop acreage reports of the county
3 assessors, compiled by the state-federal division of agricultural
4 statistics.

5 Sec. 7. Section 2-3815, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-3815 (1) The Department of Agriculture shall establish an
8 agriculture promotion and development program. The department shall
9 employ a program director and one specialist in research techniques and
10 market development. Both individuals shall report directly to the
11 Director of Agriculture.

12 (2) The program shall concentrate on the identification and
13 development of opportunities to enhance profitability in agriculture and
14 to stimulate agriculture-related economic development. Program activities
15 may include, but not be limited to, (a) (1) promotion and market
16 development, (b) (2) value-added processing of alternative and
17 traditional commodities, (c) (3) agricultural diversification, including
18 poultry development and aquaculture, (d) (4) agricultural cooperatives,
19 and (e) (5) alternative crops.

20 ~~In order to carry out the purposes of this section, the program~~
21 ~~director may, if he or she deems necessary, convene an advisory committee~~
22 ~~to assist the program director in developing and implementing program~~
23 ~~activities. Representatives from the Nebraska Food Processing Center, the~~
24 ~~Cooperative Extension Service of the University of Nebraska, the~~
25 ~~commodity boards, the Department of Economic Development, the United~~
26 ~~States Department of Agriculture grant programs, and the private sector~~
27 ~~may serve on such committee at the request of the program director. If an~~
28 ~~advisory committee is convened, committee members shall not receive any~~
29 ~~reimbursement for expenses.~~

30 (3) The Department of Agriculture shall serve as the facilitator,
31 coordinator, and catalyst for developments through and with the Nebraska

1 Food Processing Center, the Cooperative Extension Service of the
2 University of Nebraska, the commodity boards, the Department of Economic
3 Development, other state agencies, the United States Department of
4 Agriculture grant programs, and the private sector. It is the intent of
5 the Legislature that the department foster close working relationships
6 between production agriculture and existing programs for the purposes of
7 agricultural development and promotion. The department may enter into
8 such contracts as may be necessary to carry out the purposes of this
9 section.

10 (4) For purposes of this section, unless the context otherwise
11 requires, private sector includes ~~shall include~~, but is not ~~be~~ limited
12 to, representatives of food industry associations, lenders, or venture
13 capital groups.

14 Sec. 8. Section 24-719, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 24-719 (1) Meetings of the Commission on Judicial Qualifications
17 shall be held at least annually at Lincoln, Nebraska, or at such other
18 place or places within the State of Nebraska and at such time as the
19 commission may determine. A majority of the members of the commission
20 shall constitute a quorum, and no quorum shall exist unless all members
21 appointed by the Governor are present. No action of the commission shall
22 be valid unless concurred in by a majority of its members and a majority
23 of the members appointed by the Governor. The date of the annual meeting
24 of the commission shall be fixed by resolution of the commission and
25 special meetings of the commission may be called at any time by the
26 chairperson or vice-chairperson of the commission or by the Supreme Court
27 or at the written request of any two members of the commission.

28 (2) To the extent permitted by the Constitution of Nebraska, the
29 commission shall prepare and make available to the public an annual
30 report outlining the activities of the commission in the previous year.
31 The report shall include, but not be limited to:

- 1 (a) The total number of meetings held by the commission;
- 2 (b) The total number of complaints filed with the commission;
- 3 (c) The total number of complaints dismissed by the commission;
- 4 (d) The total number of public reprimands issued by the commission;
- 5 (e) The total number of formal complaints filed by the commission;
- 6 and
- 7 (f) The costs incurred by the commission which shall include:
 - 8 (i) Expenses paid to commission members pursuant to section 24-718;
 - 9 (ii) Expenses paid to special masters appointed by the commission;
 - 10 and
 - 11 (iii) Expenses paid to special investigators hired by the
 - 12 commission.

13 Sec. 9. Section 24-803, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 24-803 (1) Except as provided in subsection (3) of this section, as
16 the term of a member of a judicial nominating commission initially
17 appointed or selected expires, the term of office of each successor
18 member shall be for a period of four years. The Governor shall appoint
19 all successor members of each nominating commission who are judges of the
20 Supreme Court and citizen members or alternate citizen members. All
21 citizen members shall be affiliated with the political party with which
22 the Governor is affiliated. The Governor shall appoint two alternate
23 citizen members, ~~not of the same political party,~~ to each nominating
24 commission. The term of office of an alternate citizen member of a
25 commission shall be for a period of four years, ~~except that the initial~~
26 ~~appointments shall terminate on December 31, 1999.~~ The lawyers residing
27 in the judicial district or area of the state served by a judicial
28 nominating commission shall select all successor and alternate lawyer
29 members of such commission in the manner prescribed in section 24-806.
30 The term of office of an alternate lawyer member of a commission shall be
31 for a period of four years. ~~No member of any nominating commission,~~

1 ~~including the Supreme Court member of any such commission, shall serve~~
2 ~~more than a total of eight consecutive years as a member of the~~
3 ~~commission, and if such member has served for more than six years as a~~
4 ~~member of the commission, he or she shall not be eligible for reelection~~
5 ~~or reappointment.~~ Alternate lawyer and citizen members shall be selected
6 to fill vacancies in their order of election or appointment.

7 ~~(2) For purposes of this section and Article V, section 21, of the~~
8 ~~Constitution of Nebraska, a member of a judicial nominating commission~~
9 ~~shall be deemed to have served on such commission if he or she was a~~
10 ~~member of the commission at the time of the publication of the notice~~
11 ~~required by subsection (1) of section 24-810.~~

12 ~~(2) (3)~~ On and after January 1, 1997, members of the judicial
13 nominating commissions for the office of judge of the district court
14 shall also serve as members of the judicial nominating commissions for
15 the office of judge of the county court for counties located within the
16 district court judicial districts served, except that members of the
17 judicial nominating commissions for district judge and county judge in
18 districts 1, 3, 4, and 10 shall be appointed or selected separately to
19 serve on such commissions.

20 Sec. 10. Section 24-806, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 24-806 (1) ~~Lawyer members and alternate lawyer members of any~~
23 ~~judicial nominating commission shall be members of the bar of the State~~
24 ~~of Nebraska and shall reside in the judicial district or area of the~~
25 ~~state served by the commission except as provided in subsection (2) of~~
26 ~~this section. Not more than two lawyer members of each commission shall~~
27 ~~be registered members of the same political party or category, and not~~
28 ~~more than two alternate lawyer members shall be registered members of the~~
29 ~~same political party or category.~~ Nominations for lawyer members of each
30 commission shall be solicited in writing by the Clerk of the Supreme
31 Court from all the lawyers of the district or area served on or before

1 September 1 of each even-numbered year. Nominations of lawyer members
2 shall be made in writing and filed in the office of the Clerk of the
3 Supreme Court on or before October 1 of each even-numbered year. Each
4 nomination of a lawyer member shall be accompanied by a written consent
5 of the nominee to serve as a member of the commission if elected. The
6 nominations shall be solicited and distributed on the ballot by the Clerk
7 of the Supreme Court from the legally recognized political parties and in
8 such a manner as will permit the final selection to be made within the
9 required political party.

10 (2) If solicited nominations are insufficient to provide candidates
11 from the permissible political parties for each vacancy, the Governor
12 ~~Executive Council of the Nebraska State Bar Association~~, within ten days
13 after the last day for filing nominations, shall nominate additional
14 candidates for the position so that there shall be a qualified candidate
15 for each position. Such candidates need not reside in the judicial
16 district or area served by such judicial nominating commission.

17 (3) The Clerk of the Supreme Court shall mail a ballot with the name
18 of each nominee to all members of the bar of Nebraska residing in the
19 judicial district or area designating a date at least ten days and not
20 more than fourteen days after the date of such mailing by the Clerk of
21 the Supreme Court when the ballots will be opened and counted. The
22 ballots shall be counted by a board consisting of the Clerk of the
23 Supreme Court, the Secretary of State, and the Attorney General or by
24 alternates designated by any of them to serve in his or her place. The
25 Clerk of the Supreme Court shall insure that the election is so conducted
26 as to maintain the secrecy of the ballot and the validity of the results.
27 The candidate of the required political party receiving the highest
28 number of votes shall be considered as having been elected to the
29 commission. The candidate of the required political party receiving the
30 next highest number of votes shall be considered as having been elected
31 an alternate lawyer member of the commission and shall serve as a lawyer

1 member of the commission in the event of a lawyer member vacancy of the
2 same political party or category on the commission created either by
3 resignation or disqualification. In the case of a resignation, an
4 alternate lawyer member shall continue to serve as a member of the
5 commission until the term of office of his or her predecessor expires.

6 (4) In any election when more than one lawyer member of a judicial
7 nominating commission is to be elected, the nominees shall be submitted
8 without designation of the term. Each voter shall be instructed to vote
9 for as many nominees as there are vacancies to be filled. The candidate
10 receiving the highest number of votes shall be considered as having been
11 elected for the longest term. The candidate receiving the next highest
12 number of votes shall be deemed to have been elected for next to the
13 longest term, and if an alternate lawyer member or members are to be
14 elected, the candidate or candidates receiving the third and fourth
15 highest number of votes shall be deemed elected as the alternate lawyer
16 member or members. In case of ties the determination shall be made by lot
17 by the counting board.

18 Sec. 11. Section 24-809, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 24-809 The judge of the Supreme Court on each judicial nominating
21 commission shall be the chairperson of the commission and shall preside
22 at all of its meetings. He or she shall not be entitled to vote. In
23 selecting or rejecting judicial nominees, the members of the commission
24 shall vote by oral roll call vote. When it is determined that a judicial
25 vacancy exists in a particular district, the chairperson of the
26 commission shall determine whether there will be eight qualified members
27 of the appropriate judicial nominating commission, including alternate
28 members. If it is determined that there will not be eight members present
29 and capable of voting at the time the commission meets to vote, the
30 chairperson of the commission shall inform the Governor of the number of
31 ~~citizen~~ members which need to be appointed and ~~shall inform the Executive~~

1 ~~Director of the Nebraska State Bar Association~~ of the number of lawyer
2 members which need to be elected. The Governor shall promptly make such
3 number of citizen appointments as are necessary. The Governor ~~Executive~~
4 ~~Council of the Nebraska State Bar Association~~ shall nominate at least one
5 lawyer candidate for each vacancy on the nominating commission which
6 needs to be filled. If the Governor ~~Executive Council~~ is unable, with
7 reasonable effort, to obtain a sufficient number of candidates for each
8 vacancy, the Governor ~~it~~ may nominate candidates who do not reside in the
9 judicial district or area served by such nominating commission. The
10 nominations shall be sent to the Clerk of the Supreme Court, and the
11 lawyer vacancies shall be filled by election as provided in section
12 24-806. There shall be eight qualified commission members present and
13 capable of voting at the time the vote is taken. In the event that a
14 nominating commission public hearing is postponed due to the lack of a
15 full complement of commission members entitled to vote, the time limits
16 specified in subsection (4) of section 24-810 shall be extended for an
17 additional thirty days for each such postponement. The chairperson of the
18 commission shall cause appropriate notice of the time and place of the
19 newly scheduled judicial nominating commission public hearing to be
20 published as provided in subsection (1) of section 24-810. The
21 postponement of a commission hearing shall not extend the initial
22 application filing deadline of twenty-one days prior to the initial
23 public hearing. Each candidate shall receive five votes from the voting
24 members of the nominating commission to have his or her name submitted to
25 the Governor.

26 Sec. 12. Section 24-809.04, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 24-809.04 For purposes of sections 24-809.05 and 24-810, the date of
29 a final determination of a district, county, or separate juvenile court
30 judicial vacancy shall be:

31 (1) The date a judicial vacancy is determined by the Supreme Court

1 ~~Judicial Resources Commission pursuant to section 24-1204 or 24-1206; or~~
2 (2) If a determination is made by the Supreme Court ~~commission~~ that
3 a move of a judgeship from one district to another or between county and
4 district court, a new judgeship, or a change in number of judicial
5 districts or boundaries is appropriate ~~pursuant to section 24-1204 or~~
6 ~~24-1205~~, the date the Governor approves legislation or the Legislature
7 overrides a veto of legislation creating or moving a judicial vacancy.

8 Sec. 13. Section 24-810, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 24-810 (1) When a final determination of a district, county, or
11 separate juvenile court judicial vacancy has been made pursuant to
12 section 24-809.04 or in the event of a judicial vacancy in any other
13 court, the Clerk of the Supreme Court shall contact the chairperson of
14 the judicial nominating commission relating to such vacancy and shall
15 ascertain from him or her a time and place for the first meeting of such
16 judicial nominating commission, at which time a public hearing will be
17 held. The first public hearing shall be held within sixty days after
18 final determination of the vacancy occurs. The chairperson shall notify
19 each commission member in writing of the time and place of the meeting
20 and shall also cause appropriate notice to be published by various news
21 media of the time and place of the public hearing of the judicial
22 nominating commission and of the interest of the commission in receiving
23 information relating to qualified candidates for the judicial vacancy.
24 Any lawyer meeting the statutory requirements to serve as a judge who is
25 interested in being nominated and appointed to such judgeship shall
26 signify his or her interest by filing the appropriate application with
27 the proper entity at least twenty-one days prior to the public hearing.
28 At least ten days prior to the public hearing, the chairperson shall
29 release to the public the names of all lawyers who have applied for such
30 judgeship. Any member of the public shall be entitled to attend the
31 public hearing to express, either orally or in writing, his or her views

1 concerning candidates for the judicial vacancy.

2 (2) After the public hearing, the judicial nominating commission
3 shall hold such additional public ~~private or confidential~~ meetings as it
4 determines to be necessary. Additional information may be submitted in
5 writing to the commission at any time prior to its selection of qualified
6 candidates to fill the vacancy. The commission shall make such
7 independent investigation and inquiry as it considers necessary or
8 expedient to determine the qualifications of candidates for the judicial
9 vacancy and shall take such action as it deems necessary or expedient to
10 encourage qualified candidates to accept judicial office or nomination
11 for judicial office.

12 (3) The judicial nominating commission may, before or after the
13 hearing provided for in subsection (1) of this section, institute a
14 search for additional candidates. If additional candidates are obtained,
15 the commission shall hold further public hearings in the same manner as
16 provided in such subsection.

17 (4) The names of candidates shall be submitted to the Governor
18 within ninety days after the date a final determination has been made of
19 a district, county, or separate juvenile court judicial vacancy or, in
20 the event of a judicial vacancy in any other court, after a judicial
21 vacancy occurred if one public hearing is held and within one hundred
22 twenty days if more than one public hearing is held.

23 (5) All meetings of a judicial nominating commission shall be open
24 to the public. All communications that concern the qualifications of an
25 individual who has applied to fill a judicial vacancy and that take place
26 during the vacancy, with or by members of the judicial nominating
27 commission for the vacancy, shall be public records as defined by section
28 84-712.

29 Sec. 14. Section 24-810.01, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 24-810.01 (1) For purposes of sections 24-801 to 24-812.01, members

1 and prospective members of judicial nominating commissions who are
2 registered as independent voters shall be considered to be members of the
3 same political party.

4 (2) Each member of a judicial nominating commission shall have been
5 affiliated with the political party he or she is representing on the
6 commission for at least ten years or continuously since he or she
7 initially registered to vote.

8 (3) (2) Removal from the State of Nebraska or a change in party
9 registration shall automatically terminate the tenure of any member of a
10 judicial nominating commission.

11 Sec. 15. Section 24-811.02, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 24-811.02 (1) Within thirty days after the list of nominees for a
14 judicial vacancy is presented to the Governor by a judicial nominating
15 commission, the chairperson of the commission shall prepare and send to
16 the State Court Administrator a report containing the following:

17 (a) (1) Names of all candidates for the judicial vacancy;

18 (b) (2) Copies of all applications submitted by candidates; ~~and~~

19 (c) (3) The names of the candidates nominated for the judicial
20 vacancy; and -

21 (d) All communications subject to subsection (5) of section 24-810.

22 (2) Such report shall be available to the public and shall be
23 preserved by the State Court Administrator for ten years.

24 Sec. 16. Section 24-812, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 24-812 All communications between members of judicial nominating
27 commissions and between any member of the commission and any prospective
28 candidate for judicial office and all other communications with members
29 of the commission, ~~except those at the public hearing, shall be~~
30 ~~confidential. Additionally, all such communications including those at~~
31 the public hearing, shall be privileged from use in any legal action,

1 except one charging misconduct in office of a member of a judicial
2 nominating commission or one involving contempt of court, or misconduct
3 of an attorney, based on such communication.

4 Sec. 17. Section 32-204, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-204 The Election Administration Fund is hereby created. The fund
7 shall consist of federal funds, state funds, gifts, and grants
8 appropriated for the administration of elections. The Secretary of State
9 shall use the fund for voting systems, provisional voting, computerized
10 statewide voter registration lists, voter registration, training or
11 informational materials related to elections, and any other costs related
12 to elections. Any money in the fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act. The State
15 Treasurer shall transfer any funds in the Carbon Sequestration Assessment
16 Cash Fund on the effective date of this act to the Election
17 Administration Fund.

18 Sec. 18. Section 38-108, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-108 Board means one of the boards appointed by the State Board of
21 Health pursuant to section 38-158 or appointed by the Governor pursuant
22 to ~~the Emergency Medical Services Practice Act~~ or the Water Well
23 Standards and Contractors' Practice Act. For professions for which there
24 is no board established by statute, the duties normally carried out by a
25 board are the responsibility of the department.

26 Sec. 19. Section 38-158, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-158 (1) The State Board of Health shall appoint members to the
29 boards designated in section 38-167 except ~~the Board of Emergency Medical~~
30 ~~Services~~ and the Water Well Standards and Contractors' Licensing Board.

31 (2) Any vacancy in the membership of a board caused by death,

1 resignation, removal, or otherwise shall be filled for the unexpired term
2 in the same manner as original appointments are made.

3 Sec. 20. Section 38-167, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-167 (1) Boards shall be designated as follows:

- 6 (a) Board of Advanced Practice Registered Nurses;
- 7 (b) Board of Alcohol and Drug Counseling;
- 8 (c) Board of Athletic Training;
- 9 (d) Board of Audiology and Speech-Language Pathology;
- 10 (e) Board of Chiropractic;
- 11 (f) Board of Cosmetology, Electrology, Esthetics, Nail Technology,
12 and Body Art;
- 13 (g) Board of Dentistry;
- 14 ~~(h) Board of Emergency Medical Services;~~
- 15 (h) ~~(i)~~ Board of Registered Environmental Health Specialists;
- 16 (i) ~~(j)~~ Board of Funeral Directing and Embalming;
- 17 (j) ~~(k)~~ Board of Hearing Instrument Specialists;
- 18 (k) ~~(l)~~ Board of Massage Therapy;
- 19 (l) ~~(m)~~ Board of Medical Nutrition Therapy;
- 20 (m) ~~(n)~~ Board of Medical Radiography;
- 21 (n) ~~(o)~~ Board of Medicine and Surgery;
- 22 (o) ~~(p)~~ Board of Mental Health Practice;
- 23 (p) ~~(q)~~ Board of Nursing;
- 24 (q) ~~(r)~~ Board of Nursing Home Administration;
- 25 (r) ~~(s)~~ Board of Occupational Therapy Practice;
- 26 (s) ~~(t)~~ Board of Optometry;
- 27 (t) ~~(u)~~ Board of Pharmacy;
- 28 (u) ~~(v)~~ Board of Physical Therapy;
- 29 (v) ~~(w)~~ Board of Podiatry;
- 30 (w) ~~(x)~~ Board of Psychology;
- 31 (x) ~~(y)~~ Board of Respiratory Care Practice;

1 (y) (z) Board of Veterinary Medicine and Surgery; and
2 (z) (aa) Water Well Standards and Contractors' Licensing Board.

3 (2) Any change made by the Legislature of the names of boards listed
4 in this section shall not change the membership of such boards or affect
5 the validity of any action taken by or the status of any action pending
6 before any of such boards. Any such board newly named by the Legislature
7 shall be the direct and only successor to the board as previously named.

8 Sec. 21. Section 38-1202, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-1202 It is the intent of the Legislature in enacting the
11 Emergency Medical Services Practice Act to (1) effectuate the delivery of
12 quality out-of-hospital emergency medical care in the state, (2)
13 eliminate duplication of statutory requirements, (3) ~~merge the former~~
14 ~~boards responsible for regulating ambulance services and emergency~~
15 ~~medical care,~~ (4) replace the former law regulating providers of and
16 services delivering emergency medical care, (4) (5) provide for the
17 appropriate licensure of persons providing out-of-hospital medical care
18 and licensure of organizations providing emergency medical services, (5)
19 (6) provide for the establishment of educational requirements and
20 permitted practices for persons providing out-of-hospital emergency
21 medical care, (6) (7) provide a system for regulation of out-of-hospital
22 emergency medical care which encourages out-of-hospital emergency care
23 providers and emergency medical services to provide the highest degree of
24 care which they are capable of providing, and (7) (8) provide a flexible
25 system for the regulation of out-of-hospital emergency care providers and
26 emergency medical services that protects public health and safety.

27 The act shall be liberally construed to effect the purposes of,
28 carry out the intent of, and discharge the responsibilities prescribed in
29 the act.

30 Sec. 22. Section 38-1203, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1203 The Legislature finds:

2 (1) That out-of-hospital emergency medical care is a primary and
3 essential health care service and that the presence of an adequately
4 equipped ambulance and trained out-of-hospital emergency care providers
5 may be the difference between life and death or permanent disability to
6 those persons in Nebraska making use of such services in an emergency;

7 (2) That effective delivery of out-of-hospital emergency medical
8 care may be assisted by a program of training and licensure of out-of-
9 hospital emergency care providers and licensure of emergency medical
10 services in accordance with rules and regulations ~~adopted by the board~~;

11 (3) That the Emergency Medical Services Practice Act is essential to
12 aid in advancing the quality of care being provided by out-of-hospital
13 emergency care providers and by emergency medical services and the
14 provision of effective, practical, and economical delivery of out-of-
15 hospital emergency medical care in the State of Nebraska;

16 (4) That the services to be delivered by out-of-hospital emergency
17 care providers are complex and demanding and that training and other
18 requirements appropriate for delivery of the services must be constantly
19 reviewed and updated; and

20 (5) That the enactment of a regulatory system that can respond to
21 changing needs of patients and out-of-hospital emergency care providers
22 and emergency medical services is in the best interests of the citizens
23 of Nebraska.

24 Sec. 23. Section 38-1216, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1216 In addition to any other responsibilities prescribed by the
27 Emergency Medical Services Practice Act, the department ~~board~~ shall:

28 (1) Promote the dissemination of public information and education
29 programs to inform the public about out-of-hospital emergency medical
30 care and other out-of-hospital medical information, including appropriate
31 methods of medical self-help, first aid, and the availability of out-of-

1 hospital emergency medical services training programs in the state;

2 (2) Provide for the collection of information for evaluation of the
3 availability and quality of out-of-hospital emergency medical care,
4 evaluate the availability and quality of out-of-hospital emergency
5 medical care, and serve as a focal point for discussion of the provision
6 of out-of-hospital emergency medical care;

7 (3) Review and comment on all state agency proposals and
8 applications that seek funding for out-of-hospital emergency medical
9 care;

10 (4) Establish model procedures for patient management in out-of-
11 hospital medical emergencies that do not limit the authority of law
12 enforcement and fire protection personnel to manage the scene during an
13 out-of-hospital medical emergency;

14 (5) Not less than once each five years, undertake a review and
15 evaluation of the act and its implementation together with a review of
16 the out-of-hospital emergency medical care needs of the citizens of the
17 State of Nebraska and submit electronically a report to the Legislature
18 with any recommendations which it may have; and

19 (6) Identify communication needs of emergency medical services and
20 make recommendations for development of a communications plan for a
21 communications network for out-of-hospital emergency care providers and
22 emergency medical services.

23 Sec. 24. Section 38-1217, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-1217 The department board shall adopt and promulgate rules and
26 regulations necessary to:

27 (1)(a) For licenses issued prior to September 1, 2010, create the
28 following licensure classifications of out-of-hospital emergency care
29 providers: (i) First responder; (ii) emergency medical technician; (iii)
30 emergency medical technician-intermediate; and (iv) emergency medical
31 technician-paramedic; and (b) for licenses issued on or after September

1 1, 2010, create the following licensure classifications of out-of-
2 hospital emergency care providers: (i) Emergency medical responder; (ii)
3 emergency medical technician; (iii) advanced emergency medical
4 technician; and (iv) paramedic. The rules and regulations creating the
5 classifications shall include the practices and procedures authorized for
6 each classification, training and testing requirements, renewal and
7 reinstatement requirements, and other criteria and qualifications for
8 each classification determined to be necessary for protection of public
9 health and safety. A person holding a license issued prior to September
10 1, 2010, shall be authorized to practice in accordance with the laws,
11 rules, and regulations governing the license for the term of the license;

12 (2) Provide for temporary licensure of an out-of-hospital emergency
13 care provider who has completed the educational requirements for a
14 licensure classification enumerated in subdivision (1)(b) of this section
15 but has not completed the testing requirements for licensure under such
16 subdivision. Temporary licensure shall be valid for one year or until a
17 license is issued under such subdivision and shall not be subject to
18 renewal. The rules and regulations shall include qualifications and
19 training necessary for issuance of a temporary license, the practices and
20 procedures authorized for a temporary licensee, and supervision required
21 for a temporary licensee;

22 (3) Set standards for the licensure of basic life support services
23 and advanced life support services. The rules and regulations providing
24 for licensure shall include standards and requirements for: Vehicles,
25 equipment, maintenance, sanitation, inspections, personnel, training,
26 medical direction, records maintenance, practices and procedures to be
27 provided by employees or members of each classification of service, and
28 other criteria for licensure established by the board;

29 (4) Authorize emergency medical services to provide differing
30 practices and procedures depending upon the qualifications of out-of-
31 hospital emergency care providers available at the time of service

1 delivery. No emergency medical service shall be licensed to provide
2 practices or procedures without the use of personnel licensed to provide
3 the practices or procedures;

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

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

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

13 (8) Provide for the use of physician medical directors, qualified
14 physician surrogates, model protocols, standing orders, operating
15 procedures, and guidelines which may be necessary or appropriate to carry
16 out the purposes of the Emergency Medical Services Practice Act. The
17 model protocols, standing orders, operating procedures, and guidelines
18 may be modified by the physician medical director for use by any out-of-
19 hospital emergency care provider or emergency medical service before or
20 after adoption;

21 (9) Establish criteria for approval of organizations issuing
22 cardiopulmonary resuscitation certification which shall include criteria
23 for instructors, establishment of certification periods and minimum
24 curricula, and other aspects of training and certification;

25 (10) Establish renewal and reinstatement requirements for out-of-
26 hospital emergency care providers and emergency medical services and
27 establish continuing competency requirements. Continuing education is
28 sufficient to meet continuing competency requirements. The requirements
29 may also include, but not be limited to, one or more of the continuing
30 competency activities listed in section 38-145 which a licensed person
31 may select as an alternative to continuing education. The reinstatement

1 requirements for out-of-hospital emergency care providers shall allow
2 reinstatement at the same or any lower level of licensure for which the
3 out-of-hospital emergency care provider is determined to be qualified;

4 (11) Establish criteria for deployment and use of automated external
5 defibrillators as necessary for the protection of the public health and
6 safety;

7 (12) Create licensure, renewal, and reinstatement requirements for
8 emergency medical service instructors. The rules and regulations shall
9 include the practices and procedures for licensure, renewal, and
10 reinstatement;

11 (13) Establish criteria for emergency medical technicians-
12 intermediate, advanced emergency medical technicians, emergency medical
13 technicians-paramedic, or paramedics performing activities within their
14 scope of practice at a hospital or health clinic under subsection (3) of
15 section 38-1224. Such criteria shall include, but not be limited to: (a)
16 Requirements for the orientation of registered nurses, physician
17 assistants, and physicians involved in the supervision of such personnel;
18 (b) supervisory and training requirements for the physician medical
19 director or other person in charge of the medical staff at such hospital
20 or health clinic; and (c) a requirement that such activities shall only
21 be performed at the discretion of, and with the approval of, the
22 governing authority of such hospital or health clinic. For purposes of
23 this subdivision, health clinic has the definition found in section
24 71-416 and hospital has the definition found in section 71-419;

25 (14) Establish model protocols for compliance with the Stroke System
26 of Care Act by an emergency medical service and an out-of-hospital
27 emergency care provider; and

28 (15) Establish criteria and requirements for emergency medical
29 technicians-intermediate to renew licenses issued prior to September 1,
30 2010, and continue to practice after such classification has otherwise
31 terminated under subdivision (1) of this section. The rules and

1 regulations shall include the qualifications necessary to renew emergency
2 medical technicians-intermediate licenses after September 1, 2010, the
3 practices and procedures authorized for persons holding and renewing such
4 licenses, and the renewal and reinstatement requirements for holders of
5 such licenses.

6 Sec. 25. Section 38-1218, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1218 (1) The Legislature adopts all parts of the United States
9 Department of Transportation curricula, including appendices, and skills
10 as the training requirements and permitted practices and procedures for
11 the licensure classifications listed in subdivision (1)(a) of section
12 38-1217 until modified by the Division of Public Health of the Department
13 of Health and Human Services ~~board~~ by rule and regulation. The
14 Legislature adopts the United States Department of Transportation
15 National Emergency Medical Services Education Standards and the National
16 Emergency Medical Services Scope of Practice for the licensure
17 classifications listed in subdivision (1)(b) of section 38-1217 until
18 modified by the division ~~board~~ by rule and regulation. The division ~~board~~
19 may approve curricula for the licensure classifications listed in
20 subdivision (1) of section 38-1217.

21 (2) The division ~~department~~ ~~and the board~~ shall consider the
22 following factors, in addition to other factors required or permitted by
23 the Emergency Medical Services Practice Act, when adopting and
24 promulgating rules and regulations for a licensure classification:

25 (a) Whether the initial training required for licensure in the
26 classification is sufficient to enable the out-of-hospital emergency care
27 provider to perform the practices and procedures authorized for the
28 classification in a manner which is beneficial to the patient and
29 protects public health and safety;

30 (b) Whether the practices and procedures to be authorized are
31 necessary to the efficient and effective delivery of out-of-hospital

1 emergency medical care;

2 (c) Whether morbidity can be reduced or recovery enhanced by the use
3 of the practices and procedures to be authorized for the classification;
4 and

5 (d) Whether continuing competency requirements are sufficient to
6 maintain the skills authorized for the classification.

7 Sec. 26. Section 38-1219, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-1219 The department, ~~with the recommendation of the board,~~ shall
10 adopt and promulgate rules and regulations necessary to:

11 (1) Administer the Emergency Medical Services Practice Act;

12 (2) Provide for curricula which will allow out-of-hospital emergency
13 care providers and users of automated external defibrillators as defined
14 in section 71-51,102 to be trained for the delivery of practices and
15 procedures in units of limited subject matter which will encourage
16 continued development of abilities and use of such abilities through
17 additional authorized practices and procedures;

18 (3) Establish procedures and requirements for applications for
19 licensure, renewal, and reinstatement in any of the licensure
20 classifications created pursuant to the Emergency Medical Services
21 Practice Act, including provisions for issuing an emergency medical
22 responder license to a licensee renewing his or her first responder
23 license after September 1, 2010, and for issuing a paramedic license to a
24 licensee renewing his or her emergency medical technician-paramedic
25 license after September 1, 2010; and

26 (4) Provide for the inspection, review, and termination of approval
27 of training agencies. All training for licensure shall be provided
28 through an approved training agency.

29 Sec. 27. Section 38-1224, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-1224 (1) An out-of-hospital emergency care provider other than a

1 first responder or an emergency medical responder as classified under
2 section 38-1217 may not assume the duties incident to the title or
3 practice the skills of an out-of-hospital emergency care provider unless
4 he or she is employed by or serving as a volunteer member of an emergency
5 medical service licensed by the department.

6 (2) An out-of-hospital emergency care provider may only practice the
7 skills he or she is authorized to employ and which are covered by the
8 license issued to such provider pursuant to the Emergency Medical
9 Services Practice Act.

10 (3) An emergency medical technician-intermediate, an emergency
11 medical technician-paramedic, an advanced emergency medical technician,
12 or a paramedic may volunteer or be employed at a hospital as defined in
13 section 71-419 or a health clinic as defined in section 71-416 to perform
14 activities within his or her scope of practice within such hospital or
15 health clinic under the supervision of a registered nurse, a physician
16 assistant, or a physician. Such activities shall be performed in a manner
17 established in rules and regulations adopted and promulgated by the
18 department, ~~with the recommendation of the board.~~

19 Sec. 28. Section 38-1228, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-1228 The department, ~~with the approval of the board,~~ may,
22 whenever it deems appropriate, waive any rule, regulation, or standard
23 relating to the licensure of emergency medical services or out-of-
24 hospital emergency care providers when the lack of a licensed emergency
25 medical service in a municipality or other area will create an undue
26 hardship in the municipality or other area in meeting the emergency
27 medical service needs of the people thereof.

28 Sec. 29. Section 38-1229, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-1229 The department, ~~with the recommendation of the board,~~ may
31 issue a license to any individual who has a current certificate from the

1 National Registry of Emergency Medical Technicians. The level of such
2 licensure shall be determined by the department board.

3 Sec. 30. Section 38-1232, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-1232 (1) No out-of-hospital emergency care provider, physician
6 assistant, registered nurse, or licensed practical nurse who provides
7 public emergency care shall be liable in any civil action to respond in
8 damages as a result of his or her acts of commission or omission arising
9 out of and in the course of his or her rendering in good faith any such
10 care. Nothing in this subsection shall be deemed to grant any such
11 immunity for liability arising out of the operation of any motor vehicle,
12 aircraft, or boat or while such person was impaired by alcoholic liquor
13 or any controlled substance enumerated in section 28-405 in connection
14 with such care, nor shall immunity apply to any person causing damage or
15 injury by his or her willful, wanton, or grossly negligent act of
16 commission or omission.

17 (2) No qualified physician or qualified physician surrogate who
18 gives orders, either orally or by communication equipment, to any out-of-
19 hospital emergency care provider at the scene of an emergency, no out-of-
20 hospital emergency care provider following such orders within the limits
21 of his or her licensure, and no out-of-hospital emergency care provider
22 trainee in an approved training program following such orders, shall be
23 liable civilly or criminally by reason of having issued or followed such
24 orders but shall be subject to the rules of law applicable to negligence.

25 (3) No physician medical director shall incur any liability by
26 reason of his or her use of any unmodified protocol, standing order,
27 operating procedure, or guideline provided by the department board
28 pursuant to subdivision (8) of section 38-1217.

29 Sec. 31. Section 38-1237, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-1237 It shall be unlawful for any person who has not been

1 licensed pursuant to the Emergency Medical Services Practice Act to hold
2 himself or herself out as an out-of-hospital emergency care provider, to
3 use any other term to indicate or imply that he or she is an out-of-
4 hospital emergency care provider, or to act as such a provider without a
5 license therefor. It shall be unlawful for any person to operate a
6 training agency for the initial training or renewal or reinstatement of
7 licensure of out-of-hospital emergency care providers unless the training
8 agency is approved pursuant to rules and regulations of the department
9 ~~board~~. It shall be unlawful for any person to operate an emergency
10 medical service unless such service is licensed.

11 Sec. 32. Section 38-2701, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-2701 Sections 38-2701 to 38-2711 ~~38-2712~~ shall be known and may
14 be cited as the Perfusion Practice Act.

15 Sec. 33. Section 38-2703, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2703 For purposes of the Perfusion Practice Act:

18 (1) Board means the Board of Medicine and Surgery;

19 ~~(2) Committee means the Perfusionist Committee created under section~~
20 ~~38-2712;~~

21 (2) ~~(3)~~ Extracorporeal circulation means the diversion of a
22 patient's blood through a heart-lung machine or a similar device that
23 assumes the functions of the patient's heart, lungs, kidney, liver, or
24 other organs;

25 (3) ~~(4)~~ Perfusion means the functions necessary for the support,
26 treatment, measurement, or supplementation of the cardiovascular,
27 circulatory, and respiratory systems or other organs, or a combination of
28 such activities, and to ensure the safe management of physiologic
29 functions by monitoring and analyzing the parameters of the systems under
30 an order and under the supervision of a licensed physician, including:

31 (a) The use of extracorporeal circulation, long-term cardiopulmonary

1 support techniques including extracorporeal carbon dioxide removal and
2 extracorporeal membrane oxygenation, and associated therapeutic and
3 diagnostic technologies;

4 (b) Counterpulsation, ventricular assistance, autotransfusion, blood
5 conservation techniques, myocardial and organ preservation,
6 extracorporeal life support, and isolated limb perfusion;

7 (c) The use of techniques involving blood management, advanced life
8 support, and other related functions; and

9 (d) In the performance of the acts described in subdivisions (a)
10 through (c) of this subdivision:

11 (i) The administration of:

12 (A) Pharmacological and therapeutic agents; and

13 (B) Blood products or anesthetic agents through the extracorporeal
14 circuit or through an intravenous line as ordered by a physician;

15 (ii) The performance and use of:

16 (A) Anticoagulation monitoring and analysis;

17 (B) Physiologic monitoring and analysis;

18 (C) Blood gas and chemistry monitoring and analysis;

19 (D) Hematologic monitoring and analysis;

20 (E) Hypothermia and hyperthermia;

21 (F) Hemoconcentration and hemodilution; and

22 (G) Hemodialysis; and

23 (iii) The observation of signs and symptoms related to perfusion
24 services, the determination of whether the signs and symptoms exhibit
25 abnormal characteristics, and the implementation of appropriate
26 reporting, clinical perfusion protocols, or changes in, or the initiation
27 of, emergency procedures; and

28 (4) ~~(5)~~ Perfusionist means a person who is licensed to practice
29 perfusion pursuant to the Perfusion Practice Act.

30 Sec. 34. Section 43-1318, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-1318 Sections 43-1301 to 43-1321 ~~43-1322~~ shall be known and may
2 be cited as the Foster Care Review Act.

3 Sec. 35. Section 44-5224, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 44-5224 The purposes of the Small Employer Health Insurance
6 Availability Act are to promote the availability of health insurance
7 coverage to small employers regardless of their health status or claims
8 experience, to prevent abusive rating practices, to require disclosure of
9 rating practices to purchasers, to establish rules regarding renewability
10 of coverage, to establish limitations on the use of preexisting condition
11 exclusions, to provide for development of basic and standard health
12 benefit plans to be offered to all small employers, ~~to provide for~~
13 ~~establishment of a reinsurance program,~~ and to improve the overall
14 fairness and efficiency of the small group health insurance market. The
15 act is not intended to provide a comprehensive solution to the problem of
16 affordability of health care or health insurance.

17 Sec. 36. Section 44-5230, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 44-5230 Basic health benefit plan shall mean a lower cost health
20 benefit plan regulated by the Department of Insurance ~~board~~.

21 Sec. 37. Section 44-5255, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 44-5255 Standard health benefit plan shall mean a health benefit
24 plan regulated by the Department of Insurance ~~board~~.

25 Sec. 38. Section 44-5258, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 44-5258 (1) Premium rates for health benefit plans subject to the
28 Small Employer Health Insurance Availability Act shall be subject to the
29 following provisions:

30 (a) The index rate for a rating period for any class of business
31 shall not exceed the index rate for any other class of business by more

1 than twenty percent;

2 (b) For a class of business, the premium rates charged during a
3 rating period to small employers with similar case characteristics for
4 the same or similar coverage or the rates that could be charged to such
5 employers under the rating system for that class of business shall not
6 vary from the index rate by more than twenty-five percent of the index
7 rate;

8 (c) The percentage increase in the premium rate charged to a small
9 employer for a new rating period may not exceed the sum of the following:

10 (i) The percentage change in the new business premium rate measured
11 from the first day of the prior rating period to the first day of the new
12 rating period. In the case of a health benefit plan into which the small
13 employer carrier is no longer enrolling new small employers, the small
14 employer carrier shall use the percentage change in the base premium rate
15 if such change does not exceed, on a percentage basis, the change in the
16 new business premium rate for the most similar health benefit plan into
17 which the small employer carrier is actively enrolling new small
18 employers;

19 (ii) Any adjustment, not to exceed fifteen percent annually and
20 adjusted pro rata for rating periods of less than one year, due to the
21 claim experience, health status, or duration of coverage of the employees
22 or dependents of the small employer as determined from the small employer
23 carrier's rate manual for the class of business; and

24 (iii) Any adjustment due to change in coverage or change in the case
25 characteristics of the small employer as determined from the small
26 employer carrier's rate manual for the class of business;

27 (d) Adjustments in rates for claim experience, health status, and
28 duration of coverage shall not be charged to individual employees or
29 dependents. Any such adjustment shall be applied uniformly to the rates
30 charged for all employees and dependents of the small employer;

31 (e) Premium rates for health benefit plans shall comply with the

1 requirements of this section ~~notwithstanding any assessments paid or~~
2 ~~payable by small employer carriers pursuant to section 44-5261;~~

3 (f) A small employer carrier may utilize industry as a case
4 characteristic in establishing premium rates, provided that the highest
5 rate factor associated with any industry classification shall not exceed
6 the lowest rate factor associated with any industry classification by
7 more than fifteen percent;

8 (g) In the case of health benefit plans delivered or issued for
9 delivery prior to January 1, 1995, a premium rate for a rating period may
10 exceed the ranges set forth in subdivisions (a) and (b) of this
11 subsection for a period of three years following January 1, 1995. In such
12 case, the percentage increase in the premium rate charged to a small
13 employer for a new rating period shall not exceed the sum of the
14 following:

15 (i) The percentage change in the new business premium rate measured
16 from the first day of the prior rating period to the first day of the new
17 rating period. In the case of a health benefit plan into which the small
18 employer carrier is no longer enrolling new small employers, the small
19 employer carrier shall use the percentage change in the base premium rate
20 if such change does not exceed, on a percentage basis, the change in the
21 new business premium rate for the most similar health benefit plan into
22 which the small employer carrier is actively enrolling new small
23 employers; and

24 (ii) Any adjustment due to change in coverage or change in the case
25 characteristics of the small employer as determined from the carrier's
26 rate manual for the class of business;

27 (h)(i) Small employer carriers shall apply rating factors, including
28 case characteristics, consistently with respect to all small employers in
29 a class of business. Rating factors shall produce premiums for identical
30 groups which differ only by the amounts attributable to plan design and
31 do not reflect differences due to the nature of the groups assumed to

1 select particular health benefit plans.

2 (ii) A small employer carrier shall treat all health benefit plans
3 issued or renewed in the same calendar month as having the same rating
4 period;

5 (i) For the purposes of this subsection, a health benefit plan that
6 contains a restricted network provision shall not be considered similar
7 coverage to a health benefit plan that does not contain such a provision
8 if the restriction of benefits to network providers results in
9 substantial differences in claim costs;

10 (j) The small employer carrier shall not use case characteristics,
11 other than age, gender, industry, geographic area, family composition,
12 and group size without the prior approval of the director;

13 (k) The director may establish regulations to implement the
14 provisions of this section and to assure that rating practices used by
15 small employer carriers are consistent with the purposes of the act,
16 including regulations that:

17 (i) Assure that differences in rates charged for health benefit
18 plans by small employer carriers are reasonable and reflect objective
19 differences in plan design, not including differences due to the nature
20 of the groups assumed to select particular health benefit plans; and

21 (ii) Prescribe the manner in which case characteristics may be used
22 by small employer carriers.

23 (2) A small employer carrier shall not transfer a small employer
24 involuntarily into or out of a class of business. A small employer
25 carrier shall not offer to transfer a small employer into or out of a
26 class of business unless such offer is made to transfer all small
27 employers in the class of business without regard to case
28 characteristics, claim experience, health status, or duration of coverage
29 since issue.

30 (3) The director may suspend for a specified period the application
31 of subdivision (1)(a) of this section as to the premium rates applicable

1 to one or more small employers included within a class of business of a
2 small employer carrier for one or more rating periods upon a filing by
3 the small employer carrier and a finding by the director either that the
4 suspension is reasonable in light of the financial condition of the small
5 employer carrier or that the suspension would enhance the efficiency and
6 fairness of the marketplace for small employer health insurance.

7 (4) In connection with the offering for sale of any health benefit
8 plan to a small employer, a small employer carrier shall make a
9 reasonable disclosure, as part of its solicitation and sales materials,
10 of all of the following:

11 (a) The extent to which premium rates for a specified small employer
12 are established or adjusted based upon the actual or expected variation
13 in claims costs or actual or expected variation in health status of the
14 employees of the small employer and their dependents;

15 (b) The provisions of the health benefit plan concerning the small
16 employer carrier's right to change premium rates and the factors, other
17 than claim experience, that affect changes in premium rates;

18 (c) The provisions relating to the renewability of policies and
19 contracts; and

20 (d) The provisions relating to any preexisting condition provision.

21 (5)(a) Each small employer carrier shall maintain at its principal
22 place of business a complete and detailed description of its rating
23 practices and renewal underwriting practices, including information and
24 documentation that demonstrate that its rating methods and practices are
25 based upon commonly accepted actuarial assumptions and are in accordance
26 with sound actuarial principles.

27 (b) Each small employer carrier shall file with the director
28 annually on or before March 15, an actuarial certification certifying
29 that the carrier is in compliance with the act and that the rating
30 methods of the small employer carrier are actuarially sound. Such
31 certification shall be in a form and manner, and shall contain such

1 information, as specified by the director. A copy of the certification
2 shall be retained by the small employer carrier at its principal place of
3 business.

4 (c) A small employer carrier shall make the information and
5 documentation described in subdivision (a) of this subsection available
6 to the director upon request. Except in cases of violations of the act,
7 the information shall be considered proprietary and trade secret
8 information and shall not be subject to disclosure by the director to
9 persons outside of the Department of Insurance except as agreed to by the
10 small employer carrier or as ordered by a court of competent
11 jurisdiction.

12 Sec. 39. Section 44-5266, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 44-5266 (1) Each small employer carrier shall actively market health
15 benefit plan coverage, including the basic health benefit plans and
16 standard health benefit plans, to eligible small employers in the state.
17 If a small employer carrier denies coverage to a small employer on the
18 basis of the health status or claims experience of the small employer or
19 its employees or dependents, the small employer carrier shall offer the
20 small employer the opportunity to purchase a basic health benefit plan
21 and a standard health benefit plan.

22 (2)(a) Except as provided in subdivision (b) of this subsection, no
23 small employer carrier, agent, or broker shall, directly or indirectly,
24 engage in the following activities:

25 (i) Encouraging or directing small employers to refrain from filing
26 an application for coverage with the small employer carrier because of
27 the health status, claims experience, industry, occupation, or geographic
28 location of the small employer; or

29 (ii) Encouraging or directing small employers to seek coverage from
30 another carrier because of the health status, claims experience,
31 industry, occupation, or geographic location of the small employer.

1 (b) The provisions of subdivision (a) of this subsection shall not
2 apply with respect to information provided by a small employer carrier,
3 an agent, or a broker to a small employer regarding the established
4 geographic service area or a restricted network provision of a small
5 employer carrier.

6 (3)(a) Except as provided in subdivision (b) of this subsection, no
7 small employer carrier shall, directly or indirectly, enter into any
8 contract, agreement, or arrangement with an agent or broker that provides
9 for or results in the compensation paid to an agent or broker for the
10 sale of a health benefit plan to be varied because of the health status,
11 claims experience, industry, occupation, or geographic location of the
12 small employer.

13 (b) The provisions of subdivision (a) of this subsection shall not
14 apply with respect to a compensation arrangement that provides
15 compensation to an agent or broker on the basis of percentage of premium
16 except that the percentage shall not vary because of the health status,
17 claims experience, industry, occupation, or geographic area of the small
18 employer.

19 (4) A small employer carrier shall provide reasonable compensation,
20 ~~as provided under the plan of operation of the program,~~ to an agent or
21 broker, if any, for the sale of a basic health benefit plan or a standard
22 health benefit plan.

23 (5) No small employer carrier, agent, or broker may induce or
24 otherwise encourage a small employer to separate or otherwise exclude an
25 employee from health coverage or benefits provided in connection with the
26 employee's employment.

27 (6) Denial by a small employer carrier of an application for
28 coverage from a small employer shall be in writing and shall state the
29 reason or reasons for the denial.

30 (7) The director may establish rules and regulations setting forth
31 additional standards to provide for the fair marketing and broad

1 availability of health benefit plans to small employers in this state.

2 (8)(a) A violation of this section by a small employer carrier, an
3 agent, or a broker shall be an unfair trade practice in the business of
4 insurance under the Unfair Insurance Trade Practices Act.

5 (b) If a small employer carrier enters into a contract, agreement,
6 or other arrangement with a third-party administrator to provide
7 administrative, marketing, or other services related to the offering of
8 health benefit plans to small employers in this state, the third-party
9 administrator shall be subject to this section as if it were a small
10 employer carrier.

11 Sec. 40. Section 49-1499.02, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 49-1499.02 (1) An official or employee of the executive branch of
14 state government who would be required to take any action or make any
15 decision in the discharge of his or her official duties that may cause
16 financial benefit or detriment to him or her, a member of his or her
17 immediate family, or a business with which he or she is associated, which
18 is distinguishable from the effects of such action on the public
19 generally or a broad segment of the public, shall take the following
20 actions as soon as he or she is aware of such potential conflict or
21 should reasonably be aware of such potential conflict, whichever is
22 sooner:

23 (a) Prepare a written statement describing the matter requiring
24 action or decision and the nature of the potential conflict; and

25 (b) Deliver a copy of the statement to the commission and to his or
26 her immediate superior, if any, who shall assign the matter to another.
27 If the immediate superior does not assign the matter to another or if
28 there is no immediate superior, the official or employee shall take such
29 action as the commission shall advise or prescribe to remove himself or
30 herself from influence over the action or decision on the matter.

31 (2) This section does not prevent such a person from (a) making or

1 participating in the making of a governmental decision to the extent that
2 the individual's participation is legally required for the action or
3 decision to be made or (b) making or participating in the making of a
4 governmental decision if the potential conflict of interest is based upon
5 a business association and the business association exists only as the
6 result of his or her position on a commodity board. A person acting
7 pursuant to subdivision (a) of this subsection shall report the
8 occurrence to the commission.

9 (3) For purposes of this section, commodity board means only the
10 following:

- 11 (a) Corn Development, Utilization, and Marketing Board;
- 12 (b) Nebraska Dairy Industry Development Board;
- 13 (c) Grain Sorghum Development, Utilization, and Marketing Board;
- 14 (d) Nebraska Wheat Development, Utilization, and Marketing Board;
- 15 (e) Dry Bean Commission; and
- 16 ~~(f) Nebraska Potato Development Committee; and~~
- 17 (f) ~~(g)~~ Nebraska Poultry and Egg Development, Utilization, and
18 Marketing Committee.

19 Sec. 41. Section 60-4,105, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-4,105 (1) Unless otherwise provided by statute, any person
22 aggrieved by a final decision or order of the director or the Department
23 of Motor Vehicles to cancel, suspend, revoke, or refuse to issue or renew
24 any operator's license, any decision of the director ~~made after~~
25 ~~consideration of advice from the Health Advisory Board~~, or suspension of
26 an operator's license under the License Suspension Act may appeal to
27 either the district court of the county in which the person originally
28 applied for the license or the district court of the county in which such
29 person resides or, in the case of a nonresident, to the district court of
30 Lancaster County within thirty days after the date of the final decision
31 or order.

1 (2) Summons shall be served on the department within thirty days
2 after the filing of the petition in the manner provided for service of a
3 summons in section 25-510.02. Within thirty days after service of the
4 petition and summons, the department shall prepare and transmit to the
5 petitioner a certified copy of the official record of the proceedings
6 before the department. The department shall require payment of a five-
7 dollar fee prior to the transmittal of the official record. The
8 petitioner shall file the transcript with the court within fourteen days
9 after receiving the transcript from the department.

10 (3) The district court shall hear the appeal as in equity without a
11 jury and determine anew all questions raised before the director. Either
12 party may appeal from the decision of the district court to the Court of
13 Appeals.

14 (4) The appeal procedures described in the Administrative Procedure
15 Act shall not apply to this section.

16 Sec. 42. Section 60-4,114, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-4,114 (1) The county treasurer may employ such additional
19 clerical help as may be necessary to assist him or her in the performance
20 of the ministerial duties required of him or her under the Motor Vehicle
21 Operator's License Act and, for such additional expense, shall be
22 reimbursed as set out in section 60-4,115.

23 (2) The director may, in his or her discretion, appoint department
24 personnel to examine all applicants who apply for an initial license or
25 whose licenses have been revoked or canceled to ascertain such person's
26 ability to operate a motor vehicle properly and safely.

27 (3) Except as otherwise provided in section 60-4,122, the
28 application process, in addition to the other requisites of the act,
29 shall include the following:

30 (a) An inquiry into the medical condition and visual ability of the
31 applicant to operate a motor vehicle;

1 (b) An inquiry into the applicant's ability to drive and maneuver a
2 motor vehicle, except that no driving skills test shall be conducted
3 using an autocycle; and

4 (c) An inquiry touching upon the applicant's knowledge of the motor
5 vehicle laws of this state, which shall include sufficient questions to
6 indicate familiarity with the provisions thereof.

7 (4) If an applicant is denied or refused a certificate for license
8 or a license is canceled, such applicant or licensee shall have the right
9 to an immediate appeal to the director from the decision. It shall be the
10 duty of the director to review the appeal and issue a final order, to be
11 made not later than ten days after the receipt of the appeal by the
12 director. ~~The director , except that if the director requests the advice~~
13 ~~of the Health Advisory Board on the matter, the director shall have up to~~
14 ~~forty five days after the day a medical or vision problem is referred to~~
15 ~~him or her to consult with members of the board to obtain the medical~~
16 ~~opinion necessary to make a decision and shall issue a final order not~~
17 later than ten days following receipt of the medical opinion if the
18 applicant or licensee submits reports from a physician of his or her
19 choice for the director's consideration as provided in section
20 60-4,118.03. The applicant or licensee who files an appeal pursuant to
21 this section shall notify the director in writing if he or she intends to
22 submit records or reports for consideration. Such notice must be received
23 by the director not later than ten days after an appeal is filed pursuant
24 to this section to stay the director's decision until after the
25 consideration of such records or reports as provided in section
26 60-4,118.03. After consideration of evidence in the records of the
27 applicant or licensee, including any records submitted by the applicant
28 or licensee ~~the advice of the board~~, the director shall make a
29 determination of the applicant's physical or mental ability of the
30 applicant or licensee to operate a motor vehicle and shall issue a final
31 order. The order shall be in writing, shall be accompanied by findings of

1 fact and conclusions of law, and shall be sent by regular United States
2 mail to the ~~applicant's~~ last-known address of the applicant or licensee.
3 The order may be appealed as provided in section 60-4,105.

4 Sec. 43. Section 60-4,118, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-4,118 (1) No operator's license shall be granted to any applicant
7 until such applicant satisfies the examiner that he or she possesses
8 sufficient powers of eyesight to enable him or her to obtain a Class 0
9 license and to operate a motor vehicle on the highways of this state with
10 a reasonable degree of safety. The Department of Motor Vehicles, ~~with the~~
11 ~~advice of the Health Advisory Board,~~ shall adopt and promulgate rules and
12 regulations:

13 (a) Requiring a minimum acuity level of vision. Such level may be
14 obtained through the use of standard eyeglasses, contact lenses, or
15 bioptic or telescopic lenses which are specially constructed vision
16 correction devices which include a lens system attached to or used in
17 conjunction with a carrier lens; and

18 (b) Requiring a minimum field of vision. Such field of vision may be
19 obtained through standard eyeglasses, contact lenses, or the carrier lens
20 of the bioptic or telescopic lenses.

21 (2) If a vision aid is used by the applicant to meet the vision
22 requirements of this section, the operator's license of the applicant
23 shall be restricted to the use of such vision aid when operating the
24 motor vehicle. If the applicant fails to meet the vision requirements,
25 the examiner shall require the applicant to present an optometrist's or
26 ophthalmologist's statement certifying the vision reading obtained when
27 testing the applicant within ninety days of the applicant's license
28 examination. If the vision reading meets the vision requirements
29 prescribed by the department, the vision requirements of this section
30 shall have been met. If the vision reading demonstrates that the
31 applicant is required to use bioptic or telescopic lenses to operate a

1 motor vehicle, the statement from the optometrist or ophthalmologist
2 shall also indicate when the applicant needs to be reexamined for
3 purposes of meeting the vision requirements for an operator's license as
4 prescribed by the department. If such time period is two years or more
5 after the date of the application, the license shall be valid for two
6 years. If such time period is less than two years, the license shall be
7 valid for such time period.

8 (3) If the applicant for an operator's license discloses that he or
9 she has any other physical impairment which may affect the safety of
10 operation by such applicant of a motor vehicle, the examiner shall
11 require the applicant to show cause why such license should be granted
12 and, through such personal examination and demonstration as may be
13 prescribed by the director ~~with the advice of the Health Advisory Board,~~
14 to show the necessary ability to safely operate a motor vehicle on the
15 highways. ~~The director may also require the person to appear before the~~
16 ~~board or a designee of the board.~~ If the examiner, ~~board,~~ or designee is
17 then satisfied that such applicant has the ability to safely operate a
18 motor vehicle, an operator's license may be issued to the applicant
19 subject, at the discretion of the director, to a limitation to operate
20 only such motor vehicles at such time, for such purpose, and within such
21 area as the license shall designate.

22 (4)(a) The director may, when requested by a law enforcement
23 officer, when the director has reason to believe that a person may be
24 physically or mentally incompetent to operate a motor vehicle, or when a
25 person's driving record appears to the department to justify an
26 examination, ~~request the advice of the Health Advisory Board and may give~~
27 notice to the person to appear before an examiner, ~~the board,~~ or a
28 designee of the director for examination concerning the person's ability
29 to operate a motor vehicle safely. Any such request by a law enforcement
30 officer shall be accompanied by written justification for such request
31 and shall be approved by a supervisory law enforcement officer, police

1 chief, or county sheriff.

2 (b) A refusal to appear before an examiner, ~~the board,~~ or a designee
3 of the director for an examination after notice to do so shall be
4 unlawful and shall result in the immediate cancellation of the person's
5 operator's license by the director.

6 (c) If the person cannot qualify at the examination by an examiner,
7 his or her operator's license shall be immediately surrendered to the
8 examiner and forwarded to the director who shall cancel the person's
9 operator's license.

10 ~~(d) If in the opinion of the board the person cannot qualify at the~~
11 ~~examination by the board, the board shall advise the director.~~ If the
12 director determines ~~after consideration of the advice of the board~~ that
13 the person lacks the physical or mental ability to operate a motor
14 vehicle, the director shall notify the person in writing of the decision.
15 Upon receipt of the notice, the person shall immediately surrender his or
16 her operator's license to the director who shall cancel the person's
17 operator's license.

18 (e) Refusal to surrender an operator's license on demand shall be
19 unlawful, and any person failing to surrender his or her operator's
20 license as required by this subsection shall be guilty of a Class III
21 misdemeanor.

22 Sec. 44. Section 60-4,118.03, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 60-4,118.03 Whenever the director reviews the denial or cancellation
25 of an operator's license because of mental, medical, or vision problems
26 that may affect the person's ability to safely operate a motor vehicle
27 ~~requests the advice of the Health Advisory Board concerning the physical~~
28 ~~or mental ability of an applicant for or holder of an operator's license~~
29 ~~to operate a motor vehicle as provided in sections 60-4,114 and 60-4,118,~~
30 the director may consider ~~board may formulate its advice from~~ records and
31 reports from a qualified physician ~~or may cause an examination and report~~

1 ~~to be made by one or more members of the board or any qualified person~~
2 ~~designated by the board.~~ The applicant or licensee may cause a written
3 report to be forwarded to the director ~~board~~ by a physician of his or her
4 choice pursuant to an immediate appeal to the director under section
5 60-4,114. The director shall grant reasonable time for the applicant or
6 licensee to submit such records. The director shall give due
7 consideration to any such report.

8 Reports received by the director ~~or made by the board or any of its~~
9 ~~members~~ for the purpose of assisting the director in determining whether
10 a person is qualified to be licensed shall be for the confidential use of
11 ~~the board,~~ the director, and any designees of the director and may not be
12 divulged to any person other than the applicant or licensee or used in
13 evidence in any legal proceeding, except that a report may be admitted in
14 an appeal of an order of the director based on the report. Any person
15 aggrieved by a decision of the director made pursuant to this section
16 ~~after consideration of advice given by the board~~ may appeal the decision
17 as provided in section 60-4,105.

18 No ~~member of the board and no~~ person examining any applicant or
19 licensee shall be liable in tort or otherwise for any opinion,
20 recommendation, or report presented to ~~the board or~~ the director if such
21 action was taken in good faith and without malice.

22 Sec. 45. Section 60-4,146, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-4,146 (1) In addition to certifying himself or herself under this
25 section, an applicant shall also certify himself or herself under section
26 60-4,144.01.

27 (2) Upon making application pursuant to section 60-4,144 or
28 60-4,148.01, any applicant who operates or expects to operate a
29 commercial motor vehicle in interstate or foreign commerce and who is not
30 subject to 49 C.F.R. part 391 shall certify that he or she is not subject
31 to 49 C.F.R. part 391. Any applicant making certification pursuant to

1 this subsection shall meet the physical and vision requirements
2 established in section 60-4,118 and shall be subject to the provisions of
3 such section ~~relating to the Health Advisory Board.~~

4 (3) Upon making application pursuant to section 60-4,144 or
5 60-4,148.01, any applicant who operates or expects to operate a
6 commercial motor vehicle solely in intrastate commerce and who is subject
7 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall certify
8 that the applicant meets the qualification requirements of 49 C.F.R. part
9 391.

10 (4) Upon making application for a CLP-commercial learner's permit or
11 commercial driver's license, any applicant who operates or expects to
12 operate a commercial motor vehicle solely in intrastate commerce and who
13 is not subject to 49 C.F.R. part 391 adopted pursuant to section 75-363
14 shall certify that he or she is not subject to 49 C.F.R. part 391. Any
15 applicant making certification pursuant to this subsection shall meet the
16 physical and vision requirements established in section 60-4,118 and
17 shall be subject to the provisions of such section ~~relating to the Health~~
18 ~~Advisory Board.~~

19 (5) An applicant who certifies that he or she is not subject to 49
20 C.F.R. part 391 under subsection (2) or (4) of this section shall answer
21 the following questions on the application:

22 (a) Have you within the last three months (e.g. due to diabetes,
23 epilepsy, mental illness, head injury, stroke, heart condition,
24 neurological disease, etc.):

- 25 (i) lost voluntary control or consciousness ... yes ... no
- 26 (ii) experienced vertigo or multiple episodes of dizziness or
- 27 fainting ... yes ... no
- 28 (iii) experienced disorientation ... yes ... no
- 29 (iv) experienced seizures ... yes ... no
- 30 (v) experienced impairment of memory, memory loss ... yes ... no

31 Please explain:

1 (b) Do you experience any condition which affects your ability to
2 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
3 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
4 no

5 Please explain:

6 (c) Since the issuance of your last driver's license/permit has your
7 health or medical condition changed or worsened? ... yes ... no

8 Please explain, including how the above affects your ability to
9 drive:

10 Sec. 46. Section 68-908, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 68-908 (1) The department shall administer the medical assistance
13 program.

14 (2) The department may (a) enter into contracts and interagency
15 agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee
16 schedules, (d) apply for and implement waivers and managed care plans for
17 services for eligible recipients, including services under the Nebraska
18 Behavioral Health Services Act, and (e) perform such other activities as
19 necessary and appropriate to carry out its duties under the Medical
20 Assistance Act. A covered item or service as described in section 68-911
21 that is furnished through a school-based health center, furnished by a
22 provider, and furnished under a managed care plan pursuant to a waiver
23 does not require prior consultation or referral by a patient's primary
24 care physician to be covered. Any federally qualified health center
25 providing services as a sponsoring facility of a school-based health
26 center shall be reimbursed for such services provided at a school-based
27 health center at the federally qualified health center reimbursement
28 rate.

29 (3) The department shall maintain the confidentiality of information
30 regarding applicants for or recipients of medical assistance and such
31 information shall only be used for purposes related to administration of

1 the medical assistance program and the provision of such assistance or as
2 otherwise permitted by federal law.

3 (4)(a) The department shall prepare an annual summary and analysis
4 of the medical assistance program for legislative and public review,
5 including, but not limited to, a description of eligible recipients,
6 covered services, provider reimbursement, program trends and projections,
7 program budget and expenditures, the status of implementation of the
8 Medicaid Reform Plan, and recommendations for program changes.

9 (b) The department shall provide a draft report of such summary and
10 analysis ~~to the Medicaid Reform Council~~ no later than September 15 of
11 each year. The ~~department council~~ shall conduct a public meeting no later
12 than October 1 of each year to discuss and receive public comment
13 regarding such report. The ~~department council~~ shall ~~include~~ provide any
14 comments and recommendations regarding such report in writing in a final
15 report ~~to the department no later than November 1 of each year.~~ The
16 department shall submit the a final report of such summary and analysis
17 to the Governor, and the Legislature, ~~and the council~~ no later than
18 December 1 of each year. The report submitted to the Legislature shall be
19 submitted electronically. ~~Such final report shall include a response to~~
20 ~~each written recommendation provided by the council.~~

21 Sec. 47. Section 68-909, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-909 (1) All contracts, agreements, rules, and regulations
24 relating to the medical assistance program as entered into or adopted and
25 promulgated by the department prior to July 1, 2006, and all provisions
26 of the medicaid state plan and waivers adopted by the department prior to
27 July 1, 2006, shall remain in effect until revised, amended, repealed, or
28 nullified pursuant to law.

29 (2) Prior to the adoption and promulgation of proposed rules and
30 regulations under section 68-912 or relating to the implementation of
31 medicaid state plan amendments or waivers, the department shall provide a

1 report to the Governor, and the Legislature, ~~and the Medicaid Reform~~
2 ~~Council~~ no later than December 1 before the next regular session of the
3 Legislature summarizing the purpose and content of such proposed rules
4 and regulations and the projected impact of such proposed rules and
5 regulations on recipients of medical assistance and medical assistance
6 expenditures. The report submitted to the Legislature shall be submitted
7 electronically. Any changes in medicaid copayments in fiscal year 2011-12
8 are exempt from the reporting requirement of this subsection and the
9 requirements of section 68-912.

10 ~~(3) The Medicaid Reform Council, no later than thirty days after the~~
11 ~~date of receipt of any report under subsection (2) of this section, may~~
12 ~~conduct a public meeting to receive public comment regarding such report.~~
13 ~~The council shall promptly provide any comments and recommendations~~
14 ~~regarding such report in writing to the department. Such comments and~~
15 ~~recommendations shall be advisory only and shall not be binding on the~~
16 ~~department, but the department shall promptly provide a written response~~
17 ~~to such comments or recommendations to the council.~~

18 (3) ~~(4)~~ The department shall monitor and shall periodically, as
19 necessary, but no less than biennially, report to the Governor, and the
20 Legislature, ~~and the Medicaid Reform Council~~ on the implementation of
21 rules and regulations, medicaid state plan amendments, and waivers
22 adopted under the Medical Assistance Act and the effect of such rules and
23 regulations, amendments, or waivers on eligible recipients of medical
24 assistance and medical assistance expenditures. The report submitted to
25 the Legislature shall be submitted electronically.

26 Sec. 48. Section 68-949, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 68-949 (1) It is the intent of the Legislature that the department
29 implement reforms to the medical assistance program such as those
30 contained in the Medicaid Reform Plan, including (a) an incremental
31 expansion of home and community-based services for aged persons and

1 persons with disabilities consistent with such plan, (b) an increase in
2 care coordination or disease management initiatives to better manage
3 medical assistance expenditures on behalf of high-cost recipients with
4 multiple or chronic medical conditions, and (c) other reforms as deemed
5 necessary and appropriate by the department, in consultation with the
6 committee and the Medicaid Reform Council.

7 (2) (2)(a) The department shall develop recommendations based on a
8 comprehensive analysis of various options available to the state under
9 applicable federal law for the provision of medical assistance to persons
10 with disabilities who are employed, including persons with a medically
11 improved disability, to enhance and replace current eligibility
12 provisions contained in subdivision (8) of section 68-915.

13 (b) ~~The department shall provide a draft report of such~~
14 ~~recommendations to the committee and the Medicaid Reform Council no later~~
15 ~~than October 1, 2008. The council shall conduct a public meeting no later~~
16 ~~than October 15, 2008, to discuss and receive public comment regarding~~
17 ~~such report. The council shall provide any comments and recommendations~~
18 ~~regarding such report in writing to the department and the committee no~~
19 ~~later than November 1, 2008. The department shall provide a final report~~
20 ~~of such recommendations to the Governor, the committee, and the council~~
21 ~~no later than December 1, 2008.~~

22 (3) (3)(a) The department shall develop recommendations for further
23 modification or replacement of the defined benefit structure of the
24 medical assistance program. Such recommendations shall be consistent with
25 the public policy in section 68-905 and shall consider the needs and
26 resources of low-income Nebraska residents who are eligible or may become
27 eligible for medical assistance, the experience and outcomes of other
28 states that have developed and implemented such changes, and other
29 relevant factors as determined by the department.

30 (b) ~~The department shall provide a draft report of such~~
31 ~~recommendations to the committee and the Medicaid Reform Council no later~~

1 ~~than October 1, 2008. The council shall conduct a public meeting no later~~
2 ~~than October 15, 2008, to discuss and receive public comment regarding~~
3 ~~such report. The council shall provide any comments and recommendations~~
4 ~~regarding such report in writing to the department and the committee no~~
5 ~~later than November 1, 2008. The department shall provide a final report~~
6 ~~of such recommendations to the Governor, the committee, and the council~~
7 ~~no later than December 1, 2008.~~

8 Sec. 49. Section 68-1108, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1108 (1) ~~On or before December 15, 2014, the Aging Nebraskans~~
11 ~~Task Force shall present electronically to the Legislature a report of~~
12 ~~recommendations for the statewide strategic plan described in section~~
13 ~~68-1107. The Department of Health and Human Services shall also annually~~
14 ~~report electronically to the Legislature the percentage growth of~~
15 ~~medicaid spending for people over sixty-five years of age for no fewer~~
16 ~~than five years following acceptance of the application to the State~~
17 ~~Balancing Incentive Payments Program pursuant to section 81-3138.~~

18 (2) ~~The task force shall develop a state plan as provided in section~~
19 ~~68-1110 and electronically deliver the state plan to the Governor and the~~
20 ~~Legislature on or before December 15, 2016. The task force shall make a~~
21 ~~presentation of the state plan to the Health and Human Services Committee~~
22 ~~of the Legislature on or before December 15, 2016.~~

23 Sec. 50. Section 71-457, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-457 (1) To protect the health, safety, and welfare of the public
26 and to insure to the greatest extent possible the efficient, adequate,
27 and safe practice of health care in any health care facility or health
28 care service licensed under the Health Care Facility Licensure Act, the
29 department shall adopt, promulgate, and enforce rules, regulations, and
30 standards with respect to the different types of health care facilities
31 and health care services, except nursing facilities and skilled nursing

1 facilities, designed to further the accomplishment of the purposes of the
2 act. Such rules, regulations, and standards shall be modified, amended,
3 or rescinded from time to time in the public interest by the department.

4 (2) The department, ~~with the advice of the Nursing Home Advisory~~
5 ~~Council~~, shall adopt, promulgate, and enforce rules, regulations, and
6 standards with respect to nursing facilities and skilled nursing
7 facilities. Such rules, regulations, and standards shall be in compliance
8 with the Nebraska Nursing Home Act. Such rules, regulations, and
9 standards shall be modified, amended, or rescinded from time to time in
10 the public interest by the department ~~with the advice of the Nursing Home~~
11 ~~Advisory Council~~.

12 Sec. 51. Section 71-8237, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-8237 The State Trauma Advisory Board shall:

15 (1) Advise the department regarding trauma care needs throughout the
16 state;

17 ~~(2) Advise the Board of Emergency Medical Services regarding trauma~~
18 ~~care to be provided throughout the state by out-of-hospital and emergency~~
19 ~~medical services;~~

20 (2) ~~(3)~~ Review the regional trauma plans and recommend changes to
21 the department before the department adopts the plans;

22 (3) ~~(4)~~ Review proposed departmental rules and regulations for
23 trauma care;

24 (4) ~~(5)~~ Recommend modifications in rules regarding trauma care; and

25 (5) ~~(6)~~ Draft and revise a five-year statewide prevention plan that
26 each trauma care region shall implement.

27 Sec. 52. Section 71-8241, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-8241 The department shall coordinate the statewide trauma system
30 to assure integration and smooth operation among the trauma care regions
31 and coordinate with ~~facilitate coordination of~~ the State Trauma Advisory

1 ~~Board and the Board of Emergency Medical Services~~ to monitor the system.

2 Sec. 53. Section 84-1411, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 84-1411 (1) Each public body shall give reasonable advance
5 publicized notice of the time and place of each meeting by a method
6 designated by each public body and recorded in its minutes. Such notice
7 shall be transmitted to all members of the public body and to the public.
8 Such notice shall contain an agenda of subjects known at the time of the
9 publicized notice or a statement that the agenda, which shall be kept
10 continually current, shall be readily available for public inspection at
11 the principal office of the public body during normal business hours.
12 Agenda items shall be sufficiently descriptive to give the public
13 reasonable notice of the matters to be considered at the meeting. Except
14 for items of an emergency nature, the agenda shall not be altered later
15 than (a) twenty-four hours before the scheduled commencement of the
16 meeting or (b) forty-eight hours before the scheduled commencement of a
17 meeting of a city council or village board scheduled outside the
18 corporate limits of the municipality. The public body shall have the
19 right to modify the agenda to include items of an emergency nature only
20 at such public meeting.

21 (2) A meeting of a state agency, state board, state commission,
22 state council, or state committee, of an advisory committee of any such
23 state entity, of an organization created under the Interlocal Cooperation
24 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
25 Act, of the governing body of a public power district having a chartered
26 territory of more than one county in this state, of the governing body of
27 a public power and irrigation district having a chartered territory of
28 more than one county in this state, of a board of an educational service
29 unit, of the Educational Service Unit Coordinating Council, of the
30 governing body of a risk management pool or its advisory committees
31 organized in accordance with the Intergovernmental Risk Management Act,

1 or of a community college board of governors may be held by means of
2 videoconferencing ~~or, in the case of the Judicial Resources Commission in~~
3 ~~those cases specified in section 24-1204, by telephone conference, if:~~

4 (a) Reasonable advance publicized notice is given;

5 (b) Reasonable arrangements are made to accommodate the public's
6 right to attend, hear, and speak at the meeting, including seating,
7 recordation by audio or visual recording devices, and a reasonable
8 opportunity for input such as public comment or questions to at least the
9 same extent as would be provided if videoconferencing or telephone
10 conferencing was not used;

11 (c) At least one copy of all documents being considered is available
12 to the public at each site of the videoconference or telephone
13 conference;

14 (d) At least one member of the state entity, advisory committee,
15 board, council, or governing body is present at each site of the
16 videoconference or telephone conference; and

17 (e) No more than one-half of the state entity's, advisory
18 committee's, board's, council's, or governing body's meetings in a
19 calendar year are held by videoconference or telephone conference.

20 Videoconferencing, telephone conferencing, or conferencing by other
21 electronic communication shall not be used to circumvent any of the
22 public government purposes established in the Open Meetings Act.

23 (3) A meeting of a board of an educational service unit, of the
24 Educational Service Unit Coordinating Council, of the governing body of
25 an entity formed under the Interlocal Cooperation Act, the Joint Public
26 Agency Act, or the Municipal Cooperative Financing Act, of the governing
27 body of a risk management pool or its advisory committees organized in
28 accordance with the Intergovernmental Risk Management Act, of a community
29 college board of governors, of the governing body of a public power
30 district, or of the governing body of a public power and irrigation
31 district may be held by telephone conference call if:

1 (a) The territory represented by the educational service unit,
2 member educational service units, community college board of governors,
3 public power district, public power and irrigation district, or member
4 public agencies of the entity or pool covers more than one county;

5 (b) Reasonable advance publicized notice is given which identifies
6 each telephone conference location at which an educational service unit
7 board member, a council member, a member of a community college board of
8 governors, a member of the governing body of a public power district, a
9 member of the governing body of a public power and irrigation district,
10 or a member of the entity's or pool's governing body will be present;

11 (c) All telephone conference meeting sites identified in the notice
12 are located within public buildings used by members of the educational
13 service unit board, council, community college board of governors,
14 governing body of the public power district, governing body of the public
15 power and irrigation district, or entity or pool or at a place which will
16 accommodate the anticipated audience;

17 (d) Reasonable arrangements are made to accommodate the public's
18 right to attend, hear, and speak at the meeting, including seating,
19 recordation by audio recording devices, and a reasonable opportunity for
20 input such as public comment or questions to at least the same extent as
21 would be provided if a telephone conference call was not used;

22 (e) At least one copy of all documents being considered is available
23 to the public at each site of the telephone conference call;

24 (f) At least one member of the educational service unit board,
25 council, community college board of governors, governing body of the
26 public power district, governing body of the public power and irrigation
27 district, or governing body of the entity or pool is present at each site
28 of the telephone conference call identified in the public notice;

29 (g) The telephone conference call lasts no more than two hours; and

30 (h) No more than one-half of the board's, council's, governing
31 body's, entity's, or pool's meetings in a calendar year are held by

1 telephone conference call, except that a governing body of a risk
2 management pool that meets at least quarterly and the advisory committees
3 of the governing body may each hold more than one-half of its meetings by
4 telephone conference call if the governing body's quarterly meetings are
5 not held by telephone conference call or videoconferencing.

6 Nothing in this subsection shall prevent the participation of
7 consultants, members of the press, and other nonmembers of the governing
8 body at sites not identified in the public notice. Telephone conference
9 calls, emails, faxes, or other electronic communication shall not be used
10 to circumvent any of the public government purposes established in the
11 Open Meetings Act.

12 (4) The secretary or other designee of each public body shall
13 maintain a list of the news media requesting notification of meetings and
14 shall make reasonable efforts to provide advance notification to them of
15 the time and place of each meeting and the subjects to be discussed at
16 that meeting.

17 (5) When it is necessary to hold an emergency meeting without
18 reasonable advance public notice, the nature of the emergency shall be
19 stated in the minutes and any formal action taken in such meeting shall
20 pertain only to the emergency. Such emergency meetings may be held by
21 means of electronic or telecommunication equipment. The provisions of
22 subsection (4) of this section shall be complied with in conducting
23 emergency meetings. Complete minutes of such emergency meetings
24 specifying the nature of the emergency and any formal action taken at the
25 meeting shall be made available to the public by no later than the end of
26 the next regular business day.

27 (6) A public body may allow a member of the public or any other
28 witness other than a member of the public body to appear before the
29 public body by means of video or telecommunications equipment.

30 Sec. 54. Original sections 2-945.02, 2-954, 2-1814, 2-1816, 2-3815,
31 24-719, 24-803, 24-806, 24-809, 24-809.04, 24-810, 24-810.01, 24-811.02,

1 24-812, 32-204, 38-108, 38-158, 38-167, 38-1202, 38-1203, 38-1216,
2 38-1217, 38-1218, 38-1219, 38-1224, 38-1228, 38-1229, 38-1232, 38-1237,
3 38-2701, 38-2703, 43-1318, 44-5224, 44-5230, 44-5255, 44-5258, 44-5266,
4 49-1499.02, 60-4,105, 60-4,118, 60-4,118.03, 68-949, 71-457, 71-8237,
5 71-8241, and 84-1411, Reissue Revised Statutes of Nebraska, and sections
6 2-301, 2-958.02, 60-4,114, 60-4,146, 68-908, 68-909, and 68-1108, Revised
7 Statutes Cumulative Supplement, 2016, are repealed.

8 Sec. 55. The following sections are outright repealed: Sections
9 2-965.01, 2-1803, 2-5301, 2-5302, 2-5303, 2-5305, 2-5306, 24-802, 24-805,
10 24-1201, 24-1202, 24-1203, 24-1204, 24-1205, 24-1206, 38-1206, 38-1215,
11 38-2712, 43-1322, 44-5231, 44-5246, 44-5248, 44-5251, 44-5261, 44-5263,
12 60-4,118.02, 60-4,118.04, 68-948, 68-957, 68-958, 68-960, 68-961,
13 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049, 71-6050,
14 71-6051, 71-6052, 71-7101, 71-7102, 71-7103, 71-7104, 71-7105, 71-7106,
15 71-7107, 71-7108, 71-7109, 71-7110, 71-7111, 71-7112, 71-7113, 71-8801,
16 71-8802, 71-8803, 71-8806, and 84-1205.01, Reissue Revised Statutes of
17 Nebraska, and sections 2-305, 44-8701, 44-8702, 44-8703, 44-8704,
18 44-8705, 44-8706, 50-429, 50-430, 50-431, 50-432, 50-433, 68-959,
19 68-1107, 68-1109, 68-1110, 71-8804, 71-8805, 71-9201, 71-9202, 71-9203,
20 71-9204, and 81-2,294, Revised Statutes Cumulative Supplement, 2016.