

**TWENTY-FIRST DAY - FEBRUARY 7, 2019**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 7, 2019

**PRAYER**

The prayer was offered by Chaplain Franklin Krause, Bryan West Medical Center, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Friesen, Stinner, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 306.** Committee AM71, found on page 377 and considered on page 437, was renewed.

The committee amendment was adopted with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 122.** Title read. Considered.

Committee AM8, found on page 388, was offered.

Senator Crawford offered her amendment, AM164, found on page 432, to the committee amendment.

The Crawford amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE RESOLUTION 1CA.** Read. Considered.

Senator Wayne moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Wayne requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Briese	Friesen	Stinner	Vargas	Wishart
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Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 186A.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, One Hundred Sixth Legislature, First Session, 2019.

**LEGISLATIVE BILL 192A.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, One Hundred Sixth Legislature, First Session, 2019.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 63.** Placed on Select File with amendment.

ER14

1 1. On page 1, strike beginning with "to" in line 5 through "and" in  
2 line 6; and in line 6 after "sections" insert "; and to declare an  
3 emergency".

**LEGISLATIVE BILL 32.** Placed on Select File.

**LEGISLATIVE BILL 65.** Placed on Select File.

**LEGISLATIVE BILL 102.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Warner Chamber

Friday, February 22, 2019 1:30 p.m.

LB539 (cancel)

(Signed) Steve Lathrop, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Hilgers, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Rural Broadband Task Force

Senator Bruce Bostelman

(Signed) Mike Hilgers, Chairperson  
Legislative Council, Executive Board

**COMMITTEE REPORT(S)**

## Natural Resources

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

Loren Taylor - Nebraska Natural Resources Commission

Aye: 7 Albrecht, Bostelman, Geist, Gragert, Hughes, Moser, Quick. Nay: 0. Absent: 1 Halloran. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**MOTION(S) - Print in Journal**

Senator Hunt filed the following motion to LB168:

MO8

Withdraw bill.

**GENERAL FILE**

**LEGISLATIVE BILL 71.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**SPEAKER SCHEER PRESIDING**

**LEGISLATIVE BILL 146.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 154.** Title read. Considered.

**PRESIDENT FOLEY PRESIDING**

Senator Pansing Brooks offered her amendment, AM36, found on page 432.

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 264.** Title read. Considered.

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

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 25.** Placed on General File.

**LEGISLATIVE BILL 119.** Placed on General File with amendment.  
AM211

1 1. Strike original section 5 and insert the following new sections:

2 Sec. 5. Section 71-7910, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-7910 (1) Peer review committee means a utilization review  
5 committee, quality assessment committee, performance improvement  
6 committee, tissue committee, credentialing committee, or other committee  
7 established by a professional health care service entity or by the  
8 governing board of a facility which is a health care provider that does  
9 either of the following:

10 (a) ~~(1)~~ Conducts professional credentialing or quality review  
11 activities involving the competence of, professional conduct of, or  
12 quality of care provided by a health care provider, including both an  
13 individual who provides health care and an entity that provides health  
14 care; or

15 (b) ~~(2)~~ Conducts any other attendant hearing process initiated as a  
16 result of a peer review committee's recommendations or actions.

17 (2) To conduct peer review pursuant to the Health Care Quality  
18 Improvement Act, a professional health care service entity shall adopt  
19 and adhere to written policies and procedures governing the peer review  
20 committee of the professional health care service entity.

21 Sec. 8. Section 71-7913, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-7913 (1) An incident report or risk management report and the  
24 contents of an incident report or risk management report are not subject  
25 to discovery in, and are not admissible in evidence in the trial of, a  
26 civil action for damages for injury, death, or loss to a patient of a  
27 health care provider. A person who prepares or has knowledge of the  
1 contents of an incident report or risk management report shall not  
2 testify and shall not be required to testify in any civil action as to  
3 the contents of the report.

4 (2) A health care provider or individual claiming the privileges  
5 under this section has the burden of proving that the communications and  
6 documents are protected.

7 2. On page 4, line 2, strike "organization" and insert "entity";  
8 after line 15 insert:

9 "(3) A health care provider or individual claiming the privileges  
10 under this section has the burden of proving that the communications and

11 documents are protected."; and in line 17 strike "and 71-7912" and insert  
12 "71-7912, and 71-7913".  
13 3. Renumber the remaining section accordingly.

(Signed) Sara Howard, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Wednesday, February 20, 2019 1:00 p.m.

Division of Medicaid and Long Term Care Briefing

Wednesday, February 20, 2019 1:30 p.m.

LB716  
LB726

Thursday, February 21, 2019 1:30 p.m.

LB260  
LB423  
LB439

Friday, February 22, 2019 1:30 p.m.

LB554  
LB498

Wednesday, February 27, 2019 1:30 p.m.

LB220  
LB248

Thursday, February 28, 2019 1:00 p.m.

Division of Developmental Disabilities Briefing

Thursday, February 28, 2019 1:30 p.m.

LB323  
LB570  
LB540

Friday, March 1, 2019 1:30 p.m.

LB468  
LB571  
LB597

(Signed) Sara Howard, Chairperson

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on the advancement of LRICA to Enrollment and Review Initial.

(Signed) Tony Vargas

**GENERAL FILE**

**LEGISLATIVE BILL 7.** Title read. Considered.

Committee AM139, found on page 389, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Blood withdrew her amendment, AM10, found on page 257.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 55.** Title read. Considered.

Committee AM47, found on page 389, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Pansing Brooks offered her amendment, AM191, found on page 439.

The Pansing Brooks amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 22.** Title read. Considered.

Committee AM18, found on page 389, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 60.** Title read. Considered.

Committee AM17, found on page 389, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 74.** Title read. Considered.

Committee AM91, found on page 390, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

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

**LEGISLATIVE BILL 302.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

### **COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 333.** Placed on General File.

(Signed) Steve Halloran, Chairperson

### **AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB192:

AM213

1 1. On page 15, line 20, strike "2020" and insert "2021".

Senator Wayne filed the following amendment to LB490:

AM190 is available in the Bill Room.

### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator B. Hansen name added to LB112.

Senator Howard name added to LB312.

Senator Brewer name added to LB445.

Senator Bostelman name added to LB516.

Senator Bostelman name added to LB517.

Senator Quick name added to LB563.

Senator Albrecht name added to LB605.



Senator Pansing Brooks name added to LR1CA.  
Senator Blood name added to LR1CA.  
Senator M. Hansen name added to LR1CA.  
Senator Crawford name added to LR1CA.  
Senator Williams name added to LR1CA.  
Senator Howard name added to LR1CA.

### **VISITOR(S)**

Visitors to the Chamber were presidents and board members of Western Community College, Mid-Plains Community College, Central Community College, Northeast Community College, and Southeast Community College; delegates from Ukraine hosted by Friendship Force of Lincoln; and a group from Black Hills Energy from across the state.

The Doctor of the Day was Dr. Blake Cover from Omaha.

### **ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Friday, February 8, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

