FORTIETH DAY - MARCH 12, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 2020

PRAYER

The prayer was offered by Dr. Barry Kennard, Lakeside Community Church of the Nazarene, Hastings.

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 Blood, Brewer, DeBoer, Erdman, Gragert, and Groene who were excused; and Senators Cavanaugh, B. Hansen, M. Hansen, Morfeld, Pansing Brooks, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 2020, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Radcliffe, Walter H. of Radcliffe Gilbertson & Brady
CIOX Health, LLC c/o MultiState Associates, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 334, 335, and 336 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 334, 335, and 336.

GENERAL FILE

LEGISLATIVE BILL 911A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 965A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1185A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1008. Title read. Considered.

Committee AM2737, found on page 887, was offered.

Senator Stinner offered the following amendment to the committee amendment:

AM2911 (Amendments to Standing Committee amendments, AM2737)

1 1. On page 7, line 26, strike "equally".
2 2. On page 14, line 16, strike "15,001,413" and insert "15,051,574".

SENATOR HUGHES PRESIDING

Pending.
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 911A. Placed on Select File.
LEGISLATIVE BILL 965A. Placed on Select File.
LEGISLATIVE BILL 1185A. Placed on Select File.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Monday, March 23, 2020 1:00 p.m.
Sandra Torres - Nebraska Rural Health Advisory Commission
Martin L. Fattig - Nebraska Rural Health Advisory Commission
April J. Dexter - Nebraska Rural Health Advisory Commission

Tuesday, March 24, 2020 1:00 p.m.
Lynette Kramer - Nebraska Rural Health Advisory Commission
Jessye A. Goertz - Nebraska Rural Health Advisory Commission
Carolyn Petersen - Board of Emergency Medical Services

Wednesday, March 25, 2020 1:00 p.m.
Stephanie Beasley - Division of Children and Family Services

(Signed) Sara Howard, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 783. Placed on General File with amendment.

AM2775
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 38-2025, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:
5 38-2025 The following classes of persons shall not be construed to
6 be engaged in the unauthorized practice of medicine:
7 (1) Persons rendering gratuitous services in cases of emergency;
8 (2) Persons administering ordinary household remedies;
9 (3) The members of any church practicing its religious tenets,
10 except that they shall not prescribe or administer drugs or medicines,
11 perform surgical or physical operations, nor assume the title of or hold
12 themselves out to be physicians, and such members shall not be exempt
13 from the quarantine laws of this state;
14 (4) Students of medicine who are studying in an accredited school or
15 college of medicine and who gratuitously prescribe for and treat disease
16 under the supervision of a licensed physician;
17 (5) Physicians who serve in the armed forces of the United States or
18 the United States Public Health Service or who are employed by the United
19 States Department of Veterans Affairs or other federal agencies, if their
20 practice is limited to that service or employment;
21 (6) Physicians who are licensed in good standing to practice
22 medicine under the laws of another state when incidentally called into
23 this state or contacted via electronic or other medium for consultation
24 with a physician licensed in this state. For purposes of this
25 subdivision, consultation means evaluating the medical data of the
26 patient as provided by the treating physician and rendering a
27 recommendation to such treating physician as to the method of treatment
28 or analysis of the data. The interpretation of a radiological image by a
29 physician who specializes in radiology is not a consultation;
30 (7) Physicians who are licensed in good standing to practice
31 medicine in another state but who, from such other state, order
32 diagnostic or therapeutic services on an irregular or occasional basis,
33 to be provided to an individual in this state, if such physicians do not
34 maintain and are not furnished for regular use within this state any
35 office or other place for the rendering of professional services or the
36 receipt of calls;
37 (8) Physicians who are licensed in good standing to practice
38 medicine in another state and who, on an irregular and occasional basis,
39 are granted temporary hospital privileges to practice medicine and
40 surgery at a hospital or other medical facility licensed in this state;
41 (9) Persons providing or instructing as to use of braces, prosthetic
42 appliances, crutches, contact lenses, and other lenses and devices
43 prescribed by a physician licensed to practice medicine while working
44 under the direction of such physician;
45 (10) Dentists practicing their profession when licensed and
46 practicing in accordance with the Dentistry Practice Act;
47 (11) Optometrists practicing their profession when licensed and
48 practicing under and in accordance with the Optometry Practice Act;
49 (12) Osteopathic physicians practicing their profession if licensed
50 and practicing under and in accordance with sections 38-2029 to 38-2033;
51 (13) Chiropractors practicing their profession if licensed and
52 practicing under the Chiropractic Practice Act;
53 (14) Podiatrists practicing their profession when licensed to
54 practice in this state and practicing under and in accordance with the
55 Podiatry Practice Act;
56 (15) Psychologists practicing their profession when licensed to
57 practice in this state and practicing under and in accordance with the
58 Psychology Interjurisdictional Compact or the Psychology Practice Act;
59 (16) Advanced practice registered nurses practicing in their
60 clinical specialty areas when licensed under the Advanced Practice
61 Registered Nurse Practice Act and practicing under and in accordance with
62 their respective practice acts;
63 (17) Surgical first assistants practicing in accordance with the
64 Surgical First Assistant Practice Act;
65 (18) Persons licensed or certified under the laws of this state to
66 practice a limited field of the healing art, not specifically named in
67 this section, when confining themselves strictly to the field for which
68 they are licensed or certified, not assuming the title of physician,
69 surgeon, or physician and surgeon, and not professing or holding
70 themselves out as qualified to prescribe drugs in any form or to perform
71 operative surgery;
72 (19) Persons obtaining blood specimens while working under an order
73 of or protocols and procedures approved by a physician, registered nurse,
74 or other independent health care practitioner licensed to practice by the
75 state if the scope of practice of that practitioner permits the
76 practitioner to obtain blood specimens;
77 (20) Physicians who are licensed in good standing to practice
78 medicine under the laws of another state or jurisdiction who accompany an
21 athletic team or organization into this state for an event from the state
22 or jurisdiction of licensure. This exemption is limited to treatment
23 provided to such athletic team or organization while present in Nebraska;
24 and
25 (21) Persons who are not licensed, certified, or registered under
26 the Uniform Credentialing Act, to whom are assigned tasks by a physician
27 or osteopathic physician licensed under the Medicine and Surgery Practice
28 Act, if such assignment of tasks is in a manner consistent with accepted
29 medical standards and appropriate to the skill and training, on the job
30 or otherwise, of the persons to whom the tasks are assigned. For purposes
31 of this subdivision, assignment of tasks means the routine care,
32 activities, and procedures that (a) are part of the routine functions of
33 such persons who are not so licensed, certified, or registered, (b) do
34 reoccur frequently in the care of a patient or group of patients, (c) do
35 not require such persons who are not so licensed, certified, or
36 registered to exercise independent clinical judgment, (d) do not require
37 the performance of any complex task, (e) have results which are
38 predictable and have minimal potential risk, and (f) utilize a standard
39 and unchanged procedure; and
40 (22) Other trained persons employed by a licensed health care
41 facility or health care service defined in the Health Care Facility
42 Licensure Act or clinical laboratory certified pursuant to the federal
43 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
44 or XIX of the federal Social Security Act to withdraw human blood for
45 scientific or medical purposes.
46 Any person who has held or applied for a license to practice
47 medicine and surgery in this state, and such license or application has
48 been denied or such license has been refused renewal or disciplined by
49 order of limitation, suspension, or revocation, shall be ineligible for
50 the exceptions described in subdivisions (5) through (8) of this section
51 until such license or application is granted or such license is renewed
52 or reinstated. Every act or practice falling within the practice of
53 medicine and surgery as defined in section 38-2024 and not specially
54 excepted in this section shall constitute the practice of medicine and
55 surgery and may be performed in this state only by those licensed by law
56 to practice medicine in Nebraska.
57 Sec. 2. Section 71-405, Reissue Revised Statutes of Nebraska, is
58 amended to read:
59 71-405 (1) Ambulatory surgical center means a facility (a) where
60 surgical services are provided to persons not requiring hospitalization
61 who are admitted to and discharged from such facility within twenty-three
62 hours and fifty-nine minutes from the time of admission the same working
63 day, and are not permitted to stay overnight at such facility, (b) which
64 meets all applicable requirements for licensure as a health clinic under
65 the Health Care Facility Licensure Act, and (c) which has qualified for a
66 written agreement with the Health Care Financing Administration of the
67 United States Department of Health and Human Services or its successor to
68 participate in Medicare as an ambulatory surgical center as defined in 42
69 C.F.R. 416 et seq., or which receives other third-party reimbursement for
70 such services.
71 (2) Ambulatory surgical center does not include an office or clinic
72 used solely by a practitioner or group of practitioners in the practice
73 of medicine, dentistry, or podiatry.
19 health care services through individuals credentialed under the Uniform
20 Credentialing Act.
21 Sec. 4. Original section 71-405, Reissue Revised Statutes of
22 Nebraska, section 38-2025, Revised Statutes Cumulative Supplement, 2018,
23 and section 71-7910.01, Revised Statutes Supplement, 2019, are repealed.

LEGISLATIVE BILL 956. Placed on General File with amendment.
AM2827
11. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
4 amended to read:
5 68-901 Sections 68-901 to 68-994 and section 2 of this act shall be
6 known and may be cited as the Medical Assistance Act.
7 Sec. 2. (1) For purposes of this section:
8 (a)(i) Material change means a change to a provider contract, the
9 occurrence and timing of which is not otherwise clearly identified in the
10 provider contract, that decreases the provider’s payment or compensation
11 in a way that may reasonably be expected to significantly increase the
12 provider’s administrative expense, including altering an existing prior
13 authorization, precertification, or notification.
14 (ii) Material change does not include a change implemented as a
15 result of a requirement of state law, rules and regulations adopted and
16 promulgated or policies established by the Department of Health and Human
17 Services, or policies or regulations of the federal Centers for Medicare
18 and Medicaid Services of the United States Department of Health and Human
19 Services; and
20 (b) Provider means a provider that has entered into a provider
21 contract with a managed care organization to provide health care services
22 under the medical assistance program.
23 (2) Each managed care organization shall establish procedures for
24 changing an existing provider contract with a provider that include the
25 requirements of this section.
26 (3) If a managed care organization makes any material change to a
1 provider contract, the managed care organization shall provide the
2 provider with at least sixty days’ notice of the material change. The
3 notice of a material change required under this section shall include:
4 (a) The effective date of the material change;
5 (b) A description of the material change;
6 (c) The name, business address, telephone number, and electronic
7 mail address of a representative of the managed care organization to
8 discuss the material change, if requested by the provider;
9 (d) Notice of the opportunity for a meeting using real-time
10 communication to discuss the proposed changes if requested by the
11 provider, including any mode of telecommunications in which all users can
12 exchange information instantly such as the use of traditional telephone,
13 mobile telephone, teleconferencing, and videoconferencing. If requested
14 by the provider, the opportunity to communicate to discuss the proposed
15 changes may occur via electronic mail instead of real-time communication;
16 and
17 (e) Notice that upon three material changes in a twelve-month
18 period, the provider may request a copy of the provider contract with
19 material changes consolidated into a single document. The provision of
20 the copy of the provider contract with the material changes incorporated
21 by the managed care organization (i) shall be for informational purposes
22 only; (ii) shall have no effect on the terms and conditions of the
23 provider contract, and (iii) shall not be construed as the creation of a
24 new contract.
25 (4) Any notice required to be delivered pursuant to this section
26 shall be sent to the provider's point of contact as set forth in the
27 provider contract and shall be clearly and conspicuously marked "contract
28 change". If no point of contact is set forth in the provider contract,
29 the insurer shall send the requisite notice to the provider's place of
30 business addressed to the provider.
31 Sec. 3. Section 68-914, Reissue Revised Statutes of Nebraska, is
32 amended to read:
33 68-914 (1) An applicant for medical assistance shall file an
34 application with the department in a manner and form prescribed by the
35 department. The department shall process each application to determine
36 whether the applicant is eligible for medical assistance. The department
37 shall provide a determination of eligibility for medical assistance in a
38 timely manner in compliance with 42 C.F.R. 435.911, including, but not
39 limited to, a timely determination of eligibility for coverage of an
40 emergency medical condition, such as labor and delivery.
41 (2) The department shall notify an applicant for or recipient of
42 medical assistance of any decision of the department to deny or
43 discontinue eligibility or to deny or modify medical assistance. Except
44 in the case of an emergency, the notice shall be mailed on the same day
45 as or the day after the decision is made. In addition to mailing the
46 notice, the department may also deliver the notice by any form of
47 electronic communication if the department has the agreement of the
48 recipient to receive such notice by means of such form of electronic
49 communication. Decisions of the department, including the failure of the
50 department to act with reasonable promptness, may be appealed, and the
51 appeal shall be in accordance with the Administrative Procedure Act.
52 (3) Notice of a decision to discontinue eligibility or to modify
53 medical assistance shall include an explanation of the proposed action,
54 the reason for the proposed action, the information used to make the
55 decision including specific regulations or laws requiring such action,
56 contact information for personnel of the department to address questions
57 regarding the action, information on the right to appeal, and an
58 explanation of the availability of continued benefits pending such
59 appeal.
60 Sec. 4. Section 68-973, Reissue Revised Statutes of Nebraska, is
61 amended to read:
62 68-973 (1) The Legislature finds that the medical assistance
63 program would benefit from increased efforts to 
64 prevent improper
65 payments to service providers, including, but not limited to, enforcement
66 of eligibility criteria for recipients of benefits, enforcement of
67 enrollment criteria for providers of benefits, determination of third-
68 party liability for benefits, review of claims for benefits prior to
69 payment, and identification of the extent and cause of improper payment,
70 (b) To identify and recoup improper payments, including, but not limited
71 to, identification and investigation of questionable payments for
72 benefits, administrative recoupment of payments for benefits, and
73 referral of cases of fraud to the state medicaid fraud control unit for
74 prosecution, and (c) To collect postpayment reimbursement, including,
75 but not limited to, maximizing prescribed drug rebates and maximizing
76 recoveries from estates for paid benefits.
77 (2) The Legislature further finds that (a) the medical assistance
78 program was established under Title XIX of the federal Social Security
79 Act and is a joint federal-state funded health insurance program that is
80 the primary source of medical assistance for low-income, disabled, and
81 elderly Nebraskans and (b) the federal government establishes minimum
82 requirements for the medical assistance program and the state designs,
83 implements, administers, and oversees the medical assistance program.
84 (3) It is the intent of the Legislature to establish and maintain
85 integrity procedures and guidelines for the medical assistance program
86 that meet minimum federal requirements and that coordinate with federal
program integrity efforts in order to provide a system that encourages efficient and effective provision of services by Nebraska providers for the medical assistance program.

Sec. 5, Section 68-974, Revised Statutes Supplement, 2019, is amended to read:

68-974 (1) One The department may contract with one or more program integrity recovery audit contractors to be used to promote the integrity recovery audit of the medical assistance program, and to assist with investigations and audits, or to investigate the occurrence of fraud, waste, or abuse case investigations and recovery audits. The contract or contracts may include services for (a) cost-avoidance through identification of third-party liability, (b) cost recovery of third-party liability through postpayment reimbursement, (c) casualty recovery of payments by identifying and recovering costs for claims that were the result of an accident or neglect and payable by a casualty insurer, and (d) reviews of claims submitted by providers of services or other individuals furnishing items and services for which payment has been made to determine whether providers have been underpaid or overpaid, and to take actions to recover any overpayments identified or make payment for any underpayment identified.

(2) Notwithstanding any other provision of law, all program integrity recovery audit contractors retained by the department when conducting a program integrity recovery audit, investigation, or review shall:

17 (a) Review claims within four years from the date of the payment;
18 (b) Send a determination letter concluding an audit within one hundred eighty days after receipt of all requested material from a provider;
20 (c) In any requests to a provider, furnish information sufficient for the provider to identify the patient, procedure, or location;
22 (d) Develop and implement with the department a procedure in which an improper payment identified by an audit may be resubmitted as a claims adjustment, including (i) the resubmission of claims denied as a result of an interpretation of scope of services not previously held by the department, (ii) the resubmission of documentation when the document provided is incomplete, illegible, or unclear, and (iii) the resubmission of documentation when clerical errors resulted in a denial of claims for services actually provided. If a service was provided and sufficiently documented but denied because it was determined by the department or the contractor that a different service should have been provided, the department or the contractor shall disallow the difference between the payment for the service that was provided and the payment for the service that should have been provided;
20 (e) Utilize a licensed health care professional from the specialty area of practice being audited to establish relevant audit methodology consistent with (i) established practice guidelines, standards of care, and state-issued Medicaid provider handbooks and (ii) established clinical practice guidelines and acceptable standards of care established by professional or specialty organizations responsible for setting such standards of care;
22 (f) Provide a written notification and explanation of an adverse determination that includes the reason for the adverse determination, the medical criteria on which the adverse determination was based, an explanation of the provider's appeal rights, and, if applicable, the appropriate procedure to submit a claims adjustment in accordance with subdivision (2)(d) of this section; and
20 (g) Schedule any onsite audits with advance notice of not less than ten business days and make a good faith effort to establish a mutually
agreed upon time and date for the onsite audit.

(3) A program integrity contractor retained by the department or the federal Centers for Medicare and Medicaid Services shall work with the department at the start of a recovery audit to review this section and contract, regulations, and guidelines regarding program integrity audits. The program integrity contractor shall comply with this section regarding audit procedures. A copy of the statutes, policies, and procedures shall be specifically maintained in the audit records to support the audit findings.

(4) The department shall exclude from the scope of review of recovery audit contractors any claim processed or paid through a capitated medicaid managed care program. The department shall exclude the following from the scope of review of program integrity recovery audit contractors: (a) Claims processed or paid through a capitated medicaid managed care program; and (b) any claims that are currently being audited or that have already been audited by a program integrity recovery audit contractor, by the department, or currently being audited by another entity. Claims processed or paid through a capitated managed care program shall be coordinated between the department, the contractor, and the managed care organization. All such audits shall be coordinated as to scope, method, and timing. The contractor and the department shall avoid duplication or simultaneous audits. No payment shall be recovered in a medical necessity review in which the provider has obtained prior authorization for the service and the service was performed as authorized.

(5) Extrapolated overpayments are not allowed under the Medical Assistance Act without evidence of a sustained pattern of error, an excessively high error rate, or the agreement of the provider.

(6) The department may contract with one or more persons to support a health insurance premium assistance payment program.

(7) The department may enter into any other contracts deemed to increase the efforts to promote the integrity of the medical assistance program.

(8) Contracts entered into under the authority of this section may be on a contingent fee basis. Contracts entered into on a contingent fee basis shall provide that contingent fee payments are based upon amounts recovered, not amounts identified. Whether the contract is a contingent fee contract or otherwise, the contractor shall not recover overpayments by the department until all appeals have been completed unless there is a credible allegation of fraudulent activity by the provider, the contractor has referred the claims to the department for investigation, and an investigation has commenced. In that event, the contractor may recover overpayment prior to the conclusion of the appeals process. In any contract between the department and a program integrity recovery audit contractor, the payment or fee provided for identification of overpayments shall be the same provided for identification of underpayments. Contracts shall be in compliance with federal law and regulations when pertinent, including a limit on contingent fees of no more than twelve and one-half percent of amounts recovered, and initial contracts shall be entered into as soon as practicable under such federal law and regulations.

(9) All amounts recovered and savings generated as a result of this section shall be returned to the medical assistance program. Records requests made by a program integrity recovery audit contractor in any one-hundred-eighty-day period shall be limited to not more than five percent of the number of claims filed by the provider for the specific service being reviewed, not to exceed two hundred records for the specific service being reviewed. The contractor shall allow a provider no less than forty-five days to respond to and comply with a
20 records record request. If the contractor can demonstrate a significant
21 provider error rate relative to an audit of records, the contractor may
22 make a request to the department to initiate an additional records
23 request regarding the subject under review for the purpose of further
24 review and validation. The contractor shall not make the request until
25 the time period for the appeals process has expired.
26 (11) (2) On an annual basis, the department shall require the
27 recovery audit contractor to compile and publish on the department's
28 Internet site metrics related to the performance of each recovery
29 audit contractor. Such metrics shall include: (a) The number and type of
30 issues reviewed; (b) the number of medical records requested; (c) the
31 number of overpayments and the aggregate dollar amounts associated with
1 the overpayments identified by the contractor; (d) the number of
2 underpayments and the aggregate dollar amounts associated with the
3 identified underpayments; (e) the duration of audits from initiation to
4 time of completion; (f) the number of adverse determinations and the
5 overturn rating of those determinations in the appeal process; (g) the
6 number of appeals filed by providers and the disposition status of such
7 appeals; (h) the contractor's compensation structure and dollar amount of
8 compensation; and (i) a copy of the department's contract with the
9 recovery audit contractor.
10 (12) (14) The program integrity recovery audit contractor, in
11 conjunction with the department, shall perform educational and training
12 programs annually for providers that encompass a summary of audit
13 results, a description of common issues, problems, and mistakes
14 identified through audits and reviews, and opportunities for improvement.
15 (13) (14) Providers shall be allowed to submit records requested as
16 a result of an audit in electronic format, including compact disc,
17 digital versatile disc, or other electronic format deemed appropriate by
18 the department or via facsimile transmission, at the request of the
19 provider.
20 (14)(a) (12)(a) A provider shall have the right to appeal a
21 determination made by the program integrity recovery audit contractor.
22 (b) The contractor shall establish an informal consultation process
23 to be utilized prior to the issuance of a final determination. Within
24 thirty days after receipt of notification of a preliminary finding from
25 the contractor, the provider may request an informal consultation with
26 the contractor to discuss and attempt to resolve the findings or portion
27 of such findings in the preliminary findings letter. The request shall be
28 made to the contractor. The consultation shall occur within thirty days
29 after the provider's request for informal consultation, unless otherwise
30 agreed to by both parties.
31 (c) Within thirty days after notification of an adverse
1 determination, a provider may request an administrative appeal of the
2 adverse determination as set forth in the Administrative Procedure Act.
3 (15) (14) The department shall by December 1 of each year report to
4 the Legislature the status of the contracts, including the parties, the
5 programs and issues addressed, the estimated cost recovery, and the
6 savings accrued as a result of the contracts. Such report shall be filed
7 electronically.
8 (16) (14) For purposes of this section:
9 (a) Adverse determination means any decision rendered by a program
10 integrity contractor or the recovery audit contractor that results in a
11 payment to a provider for a claim for service being reduced or rescinded;
12 (b) Extrapolated overpayment means an overpayment amount obtained by
13 calculating claims denials and reductions from a medical records review
14 based on a statistical sampling of a claims universe;
15 (c) Person means bodies politic and corporate, societies,
16 communities, the public generally, individuals, partnerships, limited
17 liability companies, joint-stock companies, and associations; and
18 (d) Program integrity audit means an audit conducted by the federal
19 Centers for Medicare and Medicaid Services, the department, or the
20 federal Centers for Medicare and Medicaid Services with the coordination
21 and cooperation of the department;
22 (g) Program integrity contractor means private entities with which
23 the department or the federal Centers for Medicare and Medicaid Services
24 contracts to carry out integrity responsibilities under the medical
25 assistance program, including, but not limited to, recovery audits,
26 integrity audits, and unified program integrity audits, in order to
27 identify underpayments and overpayments and recoup overpayments; and
28 (h) (d) Recovery audit contractor means private entities with which
29 the department contracts to audit claims for medical assistance, identify
30 underpayments and overpayments, and recoup overpayments.
31 Sec. 6. Original sections 68-914 and 68-973, Reissue Revised
32 Statutes of Nebraska, and sections 68-901 and 68-974, Revised Statutes
33 Supplement, 2019, are repealed.

LEGISLATIVE BILL 1053. Placed on General File with amendment.
AM2806 is available in the Bill Room.

LEGISLATIVE BILL 1158. Placed on General File with amendment.
AM2851
1 1. Strike original sections 1 and 3 and insert the following new
2 sections:
3 Section 1. Section 68-901, Revised Statutes Supplement, 2019, is
4 amended to read:
5 68-901 Sections 68-901 to 68-994 and sections 2 to 4 of this act
6 shall be known and may be cited as the Medical Assistance Act.
7 Sec. 2. Section 71-831, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 71-831 All contracts and agreements relating to the medical
10 assistance program governing at-risk managed care service delivery for
11 behavioral health services entered into by the department and existing on
12 or after July 1, 2020, shall:
13 (1) Provide a definition and cap on administrative spending such
14 that (a) administrative expenditures do not include profit greater than
15 the contracted amount, (b) any administrative spending is necessary to
16 improve the health status of the population to be served, and (c)
17 administrative expenditures do not include contractor incentives.
18 Administrative spending shall not under any circumstances exceed twelve
19 percent. Such spending shall be tracked by the contractor and reported to
20 the department quarterly to the department and electronically to the
21 Clerk of the Legislature;
22 (2) Provide a definition of annual contractor profits and losses and
23 restrict such profits and losses under the contract so that profit shall
24 not exceed a percentage specified by the department but not more than
25 three percent per year as a percentage of the aggregate of all income and
26 revenue earned by the contractor and related parties, including parent
27 and subsidiary companies and risk-bearing partners, under the contract;
28 (3) Provide for return of (a) any remittance if the
29 contractor does not meet the minimum medical loss ratio, (b) performance
30 contingencies imposed by the department, and (c) any unearned incentive
31 funds, and (d) any other funds in excess of the contractor limitations
32 identified in state or federal statute or contract to the State Treasurer
33 for credit to the Medicaid Managed Care Excess Profit Fund to fund
34 additional health services for children, families, and adults according
35 to a plan developed with input from stakeholders and approved by the
36 department. Such plan shall address the health needs of adults and
37 children, including filling service gaps and providing system
11 improvements;
12 (4) Provide for a minimum medical loss ratio of eighty-five percent
13 of the aggregate of all income and revenue earned by the contractor and
14 related parties under the contract;
15 (5) Provide that contractor incentives, in addition to potential
16 profit, be up to two percent of the aggregate of all income and revenue
17 earned by the contractor and related parties under the contract; and
18 (6) Be reviewed and awarded competitively and in full compliance
19 with the procurement requirements of the State of Nebraska.
20 Sec. 3. The Medicaid Managed Care Excess Profit Fund is created.
21 The fund shall contain money returned to the State Treasurer pursuant to
22 subdivision (3) of section 2 of this act. The fund shall first be used to
23 offset any losses under subdivision (2) of section 2 of this act and then
24 to provide for services addressing the health needs of adults and
25 children under the Medical Assistance Act, including filing service
26 gaps, providing system improvements, and sustaining access to care as
27 determined by the Legislature. The fund shall only be used for the
28 purposes described in this section. Any money in the fund available for
29 investment shall be invested by the state investment officer pursuant to
30 the Nebraska Capital Expansion Act and the Nebraska State Funds
31 Investment Act;
1 Sec. 4. (1) Beginning October 1, 2021, the Department of Health and
2 Human Services shall inform each adult applicant for medical assistance
3 about job-skills programs within the Department of Health and Human
4 Services, the Department of Labor, or other skill-based programs that
5 could assist the applicant for medical assistance in obtaining job skills
6 or training, employment, higher-paying jobs, or related skills. The
7 Department of Health and Human Services shall connect interested
8 applicants to such job-skills programs. The job-skills programs may be
9 utilized on a voluntary basis by applicants for medical assistance or
10 recipients of medical assistance. The job-skills programs do not affect
11 the receipt of services provided under the Medical Assistance Act.
12 (2) Beginning February 1, 2022, and within thirty days of the
13 expiration of each subsequent calendar quarter within the years 2022 and
14 2023, the Department of Health and Human Services shall report
15 electronically to the Clerk of the Legislature on the total number of
16 applicants for medical assistance who were referred to job-skills
17 programs under this section and any job-skills services received as a
18 result of this section by applicants for medical assistance.
19 (3) Beginning January 1, 2022, through December 31, 2023, the
20 Department of Labor shall report quarterly to the Department of Health
21 and Human Services the number of applicants for medical assistance who
22 were referred to job-skills programs under this section, the number of
23 applicants for medical assistance who received help obtaining job skills
24 or training, employment, higher-paying jobs, or related skills under this
25 section, and the types of job-skills services received as a result of
26 this section.
27 (4) The Department of Health and Human Services and the Department
28 of Labor shall administer this section.
29 Sec. 5. Section 71-801, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 71-801 Sections 71-801 to 71-830 shall be known and may be
32 cited as the Nebraska Behavioral Health Services Act.
33 Sec. 6. Original sections 71-801 and 71-831, Reissue Revised
34 Statutes of Nebraska, and section 68-901, Revised Statutes Supplement,
35 2019, are repealed.
36 Sec. 7. Since an emergency exists, this act takes effect when
37 passed and approved according to law.

(Signed) Sara Howard, Chairperson
GENERAL FILE

LEGISLATIVE BILL 1008. The Stinner amendment, AM2911, found in this day's Journal, to the committee amendment, was renewed.

The Stinner amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Linehan offered the following amendment to the committee amendment:

AM2916  (Amendments to Standing Committee amendments, AM2737)

1  1. Insert the following new section:
2  Sec. 46. It is the intent of the Legislature to appropriate
3  $130,000,000 in FY2020-21 for property tax relief and state aid to
4  schools.
5  2. Renumber the remaining sections accordingly.

Senator Chambers offered the following motion:

MO169  Recommit to Appropriations Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Linehan withdrew her amendment.

Senator Scheer offered the following amendment to the committee amendment:

FA110  Amend AM2737
Strike sections 45, 66, 59, 60, 64 and 56.

Senator Wayne offered the following motion:

MO170  Recommit to the Appropriations Committee.

Senator Wayne withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO171  Bracket until April 22, 2020.

SPEAKER SCHEER PRESIDING

SENATOR HILGERS PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.
Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 36:

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Present and not voting, 4:

| Cavanaugh | Chambers | Kolowski | Wayne |

Excused and not voting, 9:

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The Chambers motion to bracket failed with 0 ayes, 36 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 344.** Introduced by Kolterman, 24.

WHEREAS, over 1.2 million people living in the United States are infected with Human Immunodeficiency Virus (HIV), and one in eight is unaware of the infection; and

WHEREAS, there are nearly 2,100 people living with HIV in Nebraska, and 88 people were newly diagnosed in 2017; and

WHEREAS, the Centers for Disease Control (CDC) recommends that everyone between the ages of 13 and 64 get tested for HIV at least once as part of routine health care, and for those with specific risk factors, the CDC recommends getting tested at least once a year; and

WHEREAS, significant advances in antiretroviral therapy for HIV have made it possible to reduce transmission rates, avoid over 862,000 premature deaths, gain over 27 million life-years, and gain $615 billion in economic value over the cost of HIV treatment in the United States alone; and
WHEREAS, the movement of $U = U$, or Undetectable = Untransmittable, is a scientific breakthrough that confirms HIV treatment also offers the benefit of preventing HIV transmission, and provides education to help reduce stigma and discrimination; and

WHEREAS, forty percent of people living with HIV receive care through the Medicaid program; and

WHEREAS, Nebraska could begin to better engage those people living with HIV who are not virally suppressed and report to the U.S. Department of Health and Human Services the viral loads of people receiving medical assistance; and

WHEREAS, the U.S. Department of Health and Human Services has made ending the HIV epidemic a national priority and has focused substantial new resources through its plan called Ending the HIV Epidemic: A Plan for America.

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

1. That the Legislature recognizes that collaboration by the U.S. Department of Health and Human Services and Nebraska Department of Health and Human Services with stakeholders, including patients, physicians, and public health experts, will raise awareness and reduce stigma and discrimination for those living with HIV and that such collaboration will help prevent and reduce new HIV cases.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by McDonnell, 5.

PURPOSE: The purpose of this interim study is to examine efforts to protect Nebraska's archeological and paleontological resources and promote cooperation between governmental agencies, tribal governments, and other stakeholders regarding the discovery and the removal or borrowing of archaeological or paleontological resources from all lands in the state.

Nebraska led the original efforts to protect these spaces and resources from destruction and pilfering in 1937 with establishment of the Nebraska Standard Specifications for Highway Construction and again in 1959 by authorizing the Department of Roads, now the Department of Transportation, to enter into agreements with state agencies to remove and preserve archaeological, paleontological, and historical remains.

With more than 10,600 archeology sites with 21 sites on the National Register of Historical Places, Nebraska is home to one of the best records of geological and geoscience history in the United States, second only to the American Museum of Natural History, and Nebraska has a potential abundance of available sources to study.

Nebraska can again lead the nation in protecting this natural record of history, as well as the remains of earlier human impacts in what is now Nebraska, by assuring that discoverers of archeological or paleontological resources discovered on tribal, public, or private property being used for public or state uses shall coordinate with the interested stakeholders, such as
adjacent landowners, tribal governments and councils, or other individuals and agencies.

The issues to be addressed by this interim study shall include, but not be limited to:

1. Best practices utilized when archaeological or paleontological resources are discovered;
2. How other states regulate archaeological or paleontological discoveries;
3. Methods to prevent any government agency or any private entity or individual from entering onto lands and removing archaeological or paleontological resources without permission or without cooperating with interested stakeholders; and
4. Improvements that can be made in statute to promote cooperation between all stakeholders in the handling of archaeological or paleontological resources.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB790:

AM2922

(Amendments to E&R amendments, ER178)

1. Insert the following new section:

2. Sec. 5. Section 81-829.42, Revised Statutes Supplement, 2019, is amended to read:

3. 81-829.42 (1) The Legislature recognizes that, while appropriations are adequate to meet the normal needs, the necessity exists for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the state and its political subdivisions by disasters, emergencies, or civil defense emergencies. To meet such situations, it is the intention of the Legislature to confer emergency powers on the Governor, acting through the Adjutant General and the Nebraska Emergency Management Agency, and to vest him or her with adequate power and authority within the limitation of available funds appropriated to the Governor's Emergency Program to meet any disaster, emergency, or civil defense emergency.

4. (2) There is hereby established the Governor's Emergency Program. Funds appropriated to the program shall be expended, upon direction of the Governor, for any state of emergency. The state of emergency proclamation shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Adjutant General shall administer the funds appropriated to the program.
22 (3) It is the intent of the Legislature that the first recourse shall be to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds are unreasonably great, he or she may make funds available from the Governor's Emergency Program. Expenditures may be made upon the direction of the Governor for any or all emergency management functions or to meet the intent of the state emergency operations plans as outlined in section 1 of 81-829.41. Expenditures may also be made to state and federal agencies to meet the matching requirement of any applicable assistance programs. Assistance shall be provided from the funds appropriated to the Governor's Emergency Program to political subdivisions of this state which have suffered from a disaster, emergency, or civil defense emergency to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the subdivision affected. Applications for aid under this section shall be made to the Nebraska Management Agencies on such forms as shall be prescribed and furnished by the agency. The forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The Adjutant General shall review each application for aid under this section and recommend its approval or disapproval, in whole or in part, to the Governor. If the Governor approves, he or she shall determine and certify to the Adjutant General the amount of aid to be furnished. The Adjutant General shall thereupon issue his or her warrant to the Director of Administrative Services who shall issue his or her warrants therefor to the applicant.

22 (5) When a state of emergency has been proclaimed by the Governor, the Adjutant General, upon order of the Governor, shall have authority to expend funds for purposes, including, but not limited to:

23 (a) The purposes of the Emergency Management Act, including emergency management functions and the responsibilities of the Governor as outlined in the act;

24 (b) Employing for the duration of the state of emergency additional personnel and contracting or otherwise procuring all necessary appliances, supplies, and equipment;

25 (c) Performing services for and furnishing materials and supplies to state government agencies and local governments with respect to performance of any duties enjoined by law upon such agencies and local governments which they are unable to perform because of extreme climatic phenomena and receiving reimbursement in whole or in part from such agencies and local governments able to pay therefor under such terms and conditions as may be agreed upon by the Adjutant General and any such agency or local government;

26 (d) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme climatic phenomena and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the Adjutant General and such individual;

27 (e) Opening up, repairing, and restoring roads and highways;

28 (f) Repairing and restoring bridges;

29 (g) Furnishing transportation for supplies to alleviate suffering and distress;

30 (h) Restoring means of communication;

31 (i) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

32 (j) Quelling riots and civil disturbances;

33 (k) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency management duties as provided in the Nebraska emergency operations plans;

34 (l) Procurement and storage of special emergency supplies or the like for use in an emergency, the Governor shall declare that they be purchased or used.
25 equipment, determined by the Adjutant General to be required to provide
26 rapid response by state government to assist local governments in
27 impending or actual disasters, emergencies, or civil defense emergencies;
28 (m) Clearing or removing debris and wreckage which may threaten
29 public health or safety from publicly owned or privately owned land or
30 water; and
31 (p) Paid sick and family leave for any private or public employee
1 who is unable to work due to being diagnosed with an infectious disease,
2 due to being quarantined or secluded for suspected infectious disease, or
3 due to caring for a family member diagnosed with an infectious disease or
4 quarantined or secluded for suspected infectious disease. For purposes of
5 this subdivision, family member means (i) a biological, adopted, or
6 foster child, a stepchild, or a legal ward of an employee or the
7 employee's spouse or a person to whom the employee or the employee's
8 spouse stood in loco parentis when such person was a minor child,
9 regardless of the age or dependency status of such child, stepchild,
10 legal ward, or person, (ii) a biological, adoptive, or foster parent, a
11 stepparent, or a legal guardian of an employee or the employee's spouse
12 or a person who stood in loco parentis to the employee or the employee's
13 spouse when the employee or the employee's spouse was a minor child;
14 (iii) an employee's spouse, or (iv) a grandparent, grandchild, or sibling
15 of the employee or the employee's spouse, whether such relationship is a
16 biological, adoptive, foster, or step relationship; and
17 (q) Such other measures as are customarily necessary to furnish
18 adequate relief in cases of disaster, emergency, or civil defense
19 emergency.
20 (6) If response to a disaster or emergency is immediately required,
21 the Adjutant General may make expenditures of up to twenty-five thousand
22 dollars per event without a state of emergency proclamation issued by the
23 Governor. Such expenditures shall be used for the purposes as provided in
24 subsection (5) of this section.
25 (7) The Governor may receive such voluntary contributions as may be
26 made from any nonfederal source to aid in carrying out the purposes of
27 this section and shall credit the same to the Governor's Emergency Cash
28 Fund.
29 (8) All obligations and expenses incurred by the Governor in the
30 exercise of the powers and duties vested in the Governor by this section
31 shall be paid by the State Treasurer out of available funds appropriated
1 to the Governor's Emergency Program, and the Director of Administrative
2 Services shall draw his or her warrants upon the State Treasurer for the
3 payment of such sum, or so much thereof as may be required, upon receipt
4 by him or her of proper vouchers duly approved by the Adjutant General.
5 (9) This section shall be liberally construed in order to accomplish
6 the purposes of the Emergency Management Act and to permit the Governor
7 to adequately cope with any disaster, emergency, or civil defense
8 emergency which may arise, and the powers vested in the Governor by this
9 section shall be construed as being in addition to all other powers
10 presently vested in him or her and not in derogation of any existing
11 powers.
12 (10) Such funds as may be made available by the government of the
13 United States for the purpose of alleviating distress from disasters,
14 emergencies, and civil defense emergencies may be accepted by the State
15 Treasurer and shall be credited to a separate and distinct fund unless
16 otherwise specifically provided in the act of Congress making such funds
17 available or as otherwise allowed and provided by state law.
18 (11) It is the intent of the Legislature that the four million
19 dollars saved due to the elimination of funding for the Angel Investment
20 Tax Credit Act be used to increase the appropriation to the Military
21 Department for the Governor's Emergency Program by four million dollars
22 for fiscal year 2020-21.
23 2. Renumber the remaining sections and correct the repealer
24 accordingly.

Senator La Grone filed the following amendment to LB1008:
AM2929
(Amendments to Standing Committee amendments, AM2737)
1 1. On page 2, lines 18 and 19, strike “57,000” and insert “57,001”.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 1002. Placed on General File with amendment.
AM2774 is available in the Bill Room.

(Signed)  Sara Howard, Chairperson

SENATOR WILLIAMS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1008. Senator Chambers offered the following
motion:
MO172
Reconsider the vote on the bracket motion.

Senator Chambers asked unanimous consent to withdraw his motion to
reconsider.

Senator Kolowski objected.

The Chambers motion to reconsider failed with 1 aye, 30 nays, 10 present
and not voting, and 8 excused and not voting.

Senator Chambers offered the following motion:
MO173
Recommit to Appropriations Committee.

Senator Scheer offered the following motion:
MO174
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 22
ays, 2 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 40:
The Scheer motion to invoke cloture prevailed with 40 ayes, 3 nays, and 6 excused and not voting.

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

Voting in the affirmative, 2:

Chambers Wayne

Voting in the negative, 41:

Albrecht Dorn Hughes McCollister Stinner
Arch Friesen Hunt McDonnell Vargas
Bolz Geist Kolowski Morfeld Walz
Bostelman Halloran Koltermann Moser Williams
Brandt Hansen, B. La Grone Murman Wishart
Briese Hansen, M. Lathrop Pansing Brooks
Clements Hilgers Linehan Scheer
Crawford Hilkemann Lindstrom Slama

Excused and not voting, 6:

Blood DeBoer Gragert
Brewer Erdman Groene

The Chambers motion to recommit to committee failed with 2 ayes, 41 nays, and 6 excused and not voting.
Senator Scheer requested a roll call vote, in reverse order, on his amendment, FA110, to the committee amendment.

Voting in the affirmative, 2:

Chambers Wayne

Voting in the negative, 38:

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Present and not voting, 3:

Cavanaugh, Hansen, M., Linehan

Excused and not voting, 6:

Blood DeBoer Gragert
Brewer Erdman Groene

The Scheer amendment lost with 2 ayes, 38 nays, 3 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 41:

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Voting in the negative, 2:

Chambers Wayne
Excused and not voting, 6:

Blood DeBoer Gragert
Brewer Erdman Groene

The committee amendment, as amended, was adopted with 41 ayes, 2 nays, and 6 excused and not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Chambers Wayne

Excused and not voting, 6:

Blood DeBoer Gragert
Brewer Erdman Groene

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

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 866.** Placed on General File with amendment. **AM2913** is available in the Bill Room.

(Signed) Justin Wayne, Chairperson
Senator Wayne filed the following amendments to LB1008:

AM2900 (Amendments to Standing Committee amendments, AM2737)
1 1. On page 35, strike beginning with "an" in line 3 through
2 "failure" in line 5 and insert "a public power and irrigation district to
3 repair irrigation diversion structures that were destroyed by bridge and
4 levee damage that occurred during the 2019 flood event"; and in line 6
5 strike "an irrigation district" and insert "a grantee".

AM2901 (Amendments to Standing Committee amendments, AM2737)
1 1. On page 35, strike beginning with "an" in line 3 through
2 "failure" in line 5 and insert "a community with a population between
3 three thousand and four thousand residents to carry out repairs on
4 drinking water facilities that were damaged as a result of a levee breach
5 that occurred during the 2019 flood event"; and in line 6 strike "an
6 irrigation district" and insert "a grantee".

AM2902 (Amendments to Standing Committee amendments, AM2737)
1 1. On page 35, strike beginning with "an" in line 3 through
2 "failure" in line 5 and insert "a community with a population of less
3 than one thousand residents to carry out repairs on drinking water
4 facilities that were damaged as a result of a levee breach that occurred
5 during the 2019 flood event"; and in line 6 strike "an irrigation
6 district" and insert "a grantee".

AM2903 (Amendments to Standing Committee amendments, AM2737)
1 1. Strike sections 59 and 64.
2 2. On page 35, line 26, strike "7,593,430" and insert "11,593,430";
3 and in line 29 strike "20,948,302" and insert "24,948,302".
4 3. On page 36, line 6, strike "$7,593,430" and insert "$11,593,430".
5 4. On page 39, strike lines 26 through 28; and in line 30 strike
6 "$16,435,633" and insert "$16,435,633".
7 5. On page 40, line 1, strike "$16,435,633" and insert
8 "$16,435,633".
9 6. Strike beginning with line 23 on page 43 through line 18 on page
10 45.
11 7. Renumber the remaining sections accordingly.

AM2904 (Amendments to Standing Committee amendments, AM2737)
1 1. On page 13, line 20, strike "Rural Workforce Housing Investment"
2 and insert "Affordable Housing Trust".
3 2. On page 48, after line 7, insert:
4 "There is included in the amount shown for FY2020-21 $10,000,000
5 Cash Funds to provide funding from the Affordable Housing Trust Fund to
6 carry out grants for projects related to the development of affordable
7 workforce housing in a municipality in a county with a population of at
8 least one hundred thousand inhabitants as determined by the most recent
9 federal decennial census.".

AM2905 (Amendments to Standing Committee amendments, AM2737)
1 1. Strike section 26 and insert the following new section:
2 Sec. 26. AGENCY NO. 29 — DEPARTMENT OF NATURAL RESOURCES
### GENERAL FILE

**LEGISLATIVE BILL 1009.** Title read. Considered.

Committee **AM2738**, found on page 887, was offered.

Senator Wayne offered the following amendment to the committee amendment:

**FA113**

Amend AM2738

1. On page 5, strike beginning with the first "to" in line 26 through "failure" in line 28 and insert "to provide a grant to a community with a population between three thousand and four thousand residents to carry out repairs on drinking water facilities."

**SPEAKER SCHEER PRESIDING**

Senator Wayne moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Cavanaugh  Chambers  Hansen, M.  Pansing Brooks  Wayne

Voting in the negative, 24:

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<td>5 GENERAL FUND</td>
<td>-0-</td>
<td>500,000</td>
</tr>
<tr>
<td>6 CASH FUND</td>
<td>175,000</td>
<td>425,000</td>
</tr>
<tr>
<td>7 PROGRAM TOTAL</td>
<td>175,000</td>
<td>925,000</td>
</tr>
<tr>
<td>8 There is included in the appropriation to this program for FY2019-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 $-0- General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2020-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 $500,000 General Funds for state aid, which shall only be used for such purpose.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 FY2020-21</td>
<td>$500,000</td>
<td></td>
</tr>
<tr>
<td>12 There is included in the appropriation to this program for FY2020-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 $500,000 General Funds to provide a grant to a city with a population between three thousand and four thousand residents that experienced extensive flooding and damage to drinking water treatment facilities as a result of levee damage that occurred as a result of the 2019 flood event.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 On page 39, line 30, strike &quot;616,435,633&quot; and insert &quot;615,935,633&quot;.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 On page 40, line 1, strike &quot;616,435,633&quot; and insert &quot;615,935,633&quot;.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 On page 41, strike lines 5 through 8.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Senator M. Hansen filed the following amendment to LB1016:

**FA112**

On page 2, line 25, strike "31" and insert "30.".
FORTIETH DAY - MARCH 12, 2020

Arch    Clements    Hilkemann    Lindstrom    Quick
Bolz    Crawford    Howard    McCollister    Scheer
Bostelman    Dorn    Hunt    McDonnell    Stinner
Brandt    Friesen    Kolowski    Moser    Williams
Briese    Geist    Kolterman    Murman

Present and not voting, 11:

Halloran    Lathrop    Morfeld    Walz
Hansen, B.    Linehan    Slama    Wishart
La Grone    Lowe    Vargas

Excused and not voting, 9:

Albrecht    Brewer    Erdman    Groene    Hughes
Blood    DeBoer    Gragert    Hilgers

The Wayne amendment lost with 5 ayes, 24 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Wayne offered the following amendment to the committee amendment:

AM2919   (Amendments to Standing Committee amendments, AM2738)
1 1. On page 5, strike beginning with the first "to" in line 26
2 through "failure" in line 28 and insert "to provide a grant to a public
3 power and irrigation district to repair irrigation diversion structures
4 that were destroyed by bridge and levee damage that occurred during the
5 2019 flood event".

SENATOR WILLIAMS PRESIDING

Senator Chambers offered the following motion:

MO175    Bracket until April 22, 2020.

Senator Scheer offered the following motion:

MO176    Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 38:
Voting in the negative, 2:  
Chambers  Wayne  
Present and not voting, 1:  
Cavanaugh  
Excused and not voting, 8:  
Albrecht  Brewer  Erdman  Groene  
Blood  DeBoer  Gragert  Hughes  
The Scheer motion to invoke cloture prevailed with 38 ayes, 2 nays, 1 present and not voting, and 8 excused and not voting.  
The Chambers motion to bracket failed with 2 ayes, 39 nays, and 8 excused and not voting.  
Senator Wayne requested a roll call vote on his amendment, AM2919, to the committee amendment.  
Voting in the affirmative, 3:  
Chambers  Pansing Brooks  Wayne  
Voting in the negative, 22:  
Arch  Clements  Halloran  Lindstrom  Stinner  
Bolz  Crawford  Hilgers  McCollister  Williams  
Bostelman  Dorn  Hilkemann  McDonnell  
Brandt  Friesen  Kolowski  Murman  
Briese  Geist  Kolterman  Scheer  
Present and not voting, 16:  
Arch  Friesen  Hunt  McCollister  Slama  
Bolz  Geist  Kolowski  McDonnell  Stinner  
Bostelman  Halloran  Kolterman  Morfeld  Vargas  
Brandt  Hansen, B.  La Grone  Moser  Walz  
Briese  Hansen, M.  Lathrop  Murman  Williams  
Clements  Hilgers  Lindstrom  Pansing Brooks  Wishart  
Crawford  Hilkemann  Linehan  Quick  
Dorn  Howard  Lowe  Scheer
Cavanaugh    Hunt    Lowe    Slama
Hansen, B.    La Grone    Morfeld    Vargas
Hansen, M.    Lathrop    Moser    Walz
Howard    Linehan    Quick    Wishart

Excused and not voting, 8:
Albrecht   Brewer   Erdman   Groene
Blood     DeBoer   Gragert   Hughes

The Wayne amendment lost with 3 ayes, 22 nays, 16 present and not voting, and 8 excused and not voting.

Senator Wayne requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 38:
Arch    Friesen    Hunt    McCollister    Slama
Bolz    Geist    Kolowski    McDonnell    Stinner
Bostelman    Halloran    Koltermann    Morfeld    Vargas
Brandt    Hansen, B.    La Grone    Moser    Walz
Briese    Hansen, M.    Lathrop    Murman    Williams
Clements    Hilgers    Lindstrom    Pansing    Brooks    Wishart
Crawford    Hilkemann    Linehan    Quick
Dorn    Howard    Lowe    Scheer

Voting in the negative, 2:
Chambers    Wayne

Present and not voting, 1:
Cavanaugh

Excused and not voting, 8:
Albrecht   Brewer   Erdman   Groene
Blood     DeBoer   Gragert   Hughes

The committee amendment was adopted with 38 ayes, 2 nays, 1 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8 excused and not voting.

The Chair declared the call raised.
Senator Quick filed the following amendment to LB840:

AM2925

(Amendments to E & R amendments, ER180)

1. Strike sections 4 and 5 and insert the following new sections:
2. Sec. 4. Electronic smoking device means an electronic nicotine delivery system as defined in section 28-1418.01. The term includes any such device regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor. The term also includes any substance that is used in an electronic smoking device. The term does not include a diffuser, humidifier, prescription inhaler, or similar device.
3. Sec. 5. (1) Electronic smoking device retail outlet means a store that:
   a. Is licensed as provided under sections 28-1421 and 28-1422;
   b. Sells electronic smoking devices and products directly related to electronic smoking devices;
   c. Does not sell alcohol or gasoline;
   d. Derives no more than twenty percent of its revenue from the sale of food and food ingredients as defined in section 77-2704.24; and
   e. Prohibits persons under twenty-one years of age from entering the store in accordance with subsection (2) of this section.
4. (2) Prior to January 1, 2022, an electronic smoking device retail outlet shall not allow a person under twenty-one years of age to enter the store but may allow an employee who is under twenty-one years of age to work in the store.
5. (3) On and after January 1, 2022, an electronic smoking device retail outlet shall not allow a person under twenty-one years of age to enter the store and shall not allow an employee who is under twenty-one years of age to work in the store.

Senator Stinner filed the following amendment to LB1008:

AM2936

(Amendments to Standing Committee amendments, AM2737)

1. On page 7, lines 20 and 21 strike "-0-" and insert "10,000,000";
2. and after line 24 insert:
   "There is included in the appropriation to this program for General Funds for public health emergency response to the Coronavirus Disease 2019 (COVID-19). The funding shall be distributed based on activities or areas of the state where there is a need to prevent or contain or otherwise respond to needs related to the disease. Funding may be distributed to public health departments that develop partnerships with federally qualified health centers. Funding provided shall only be used for activities relating to the emergency response to the disease. Any funding not needed for the emergency response shall lapse to the General Fund on June 30, 2021. On December 1, 2020, the department shall provide a report to the Legislature's Health and Human Services and Appropriations Committees regarding use of such funds."
3. On page 9, lines 17 and 18 strike "55,240,974" and insert "65,240,974"; and after line 26 insert:
   "There is included in the appropriation to this program for FY2019-20 $10,000,000 General Funds for state aid for the state's response and recovery to the Coronavirus Disease 2019 (COVID-19)."
Senator Quick filed the following amendment to LB424:

AM2847

(Amendments to AM2122)
1 1. On page 2, after line 3 insert the following new subdivision:
2 *(3) Immediate family has the same meaning as in section 49-1425;*
3 in line 4 strike "(2)" and insert "(4)"; in line 6 strike "(4)" and
4 insert "(5)"; and in line 10 strike "(5)" and insert "(6)".
5 2. On page 7, line 8, strike "14,..
6 3. On page 10, line 22, after "Act" insert ", except that a land
7 bank shall not issue any bonds on or after the effective date of this
8 act.
9 4. On page 11, line 14, after "money" insert ", except that a land
10 bank shall not invest its money in any instrument, obligation, security,
11 or property that is owned by a member of the board or an employee of the
12 land bank, by a board member's or an employee's immediate family, or by a
13 business or entity in which a board member or an employee has an
14 ownership interest".
15 5. On page 12, line 8, after "to" insert "(a)" and after "taxes"
16 insert "or (b) receive property tax revenue from a political subdivision
17 pursuant to an agreement entered into under the Joint Public Agency Act".
18 6. On page 16, line 11, strike "A", show as stricken, and insert
19 "Subject to subsection (7) of this section, a"
20 7. On page 17, after line 19 insert the following new subsection:
21 *(7) A land bank shall not issue any bonds on or after the effective
22 date of this act.
23 8. On page 18, strike beginning with "by" in line 8 through line 10,
24 show as stricken, and insert "in accordance with this section. For a land
25 bank created pursuant to subsection (1) of section 4 of this act, the
26 resolution of dissolution must be approved by two-thirds of the members
27 of the governing body of the municipality that created the land bank. For
28 a land bank created pursuant to subsection (2) or (3) of section 4 of
29 this act, the resolution of dissolution must be approved by a majority of
30 the members of the governing body of each municipality that created the
31 land bank. A governing body; and in line 27 after the period insert "No
32 member of the board or employee of a land bank shall have any interest,
33 direct or indirect, in any investment of the land bank. The restrictions
34 in this subsection shall also apply to a board member's or employee's
35 immediate family and to any business or entity in which the board member
36 or employee has an ownership interest."

Senator Hilgers filed the following amendment to LB1186:

AM2887

1 1. On page 2, line 14, after "seven" insert "calendar"; in line 16
2 after "Act" insert ", except that no additional compensation shall be
3 paid to an employee for any day for which such employee has already been
4 paid for injury leave pursuant to this section"; and in line 22 after
5 "leave" insert ", and such school district may withhold injury leave
6 until such confirmation is provided".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB43.
Senator M. Hansen name added to LB283.
Senator Chambers name added to LB918.
Senator Blood name added to LB918.
Senator Chambers name added to LB962.
Senator Chambers name added to LB1060.
Senator M. Hansen name added to LB1089.
Senator Cavanaugh name added to LB1218.
Senator M. Hansen name added to LB1218.

VISITOR(S)

Visitors to the Chamber were members of Leadership Nebraska City Class 15; ASSE exchange students from Georgia, Poland, and Spain; and students from Walnut Creek Elementary, Papillion.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 5:37 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2020, or at the call of the Speaker.

Patrick J. O'Donnell
Clerk of the Legislature