

THIRTY-SEVENTH DAY - MARCH 5, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 2013

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Coash, Conrad, and Cook who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

ANNOUNCEMENT

Senator Johnson designates LB153 as his priority bill.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, March 12, 2013 1:30 p.m.

LB589
LB358

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 158. Placed on General File with amendment.
AM470 is available in the Bill Room.

LEGISLATIVE BILL 545. Placed on General File with amendment. AM422 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 79. Placed on General File with amendment. AM452 is available in the Bill Room.

LEGISLATIVE BILL 371. Placed on General File with amendment. AM307

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and
 4 may be cited as the Transparency in Government Procurement Act.
 5 Sec. 2. (1) The Legislature finds that:
 6 (a) Transparency in public procurement is an important
 7 tool to deter corruption and to maintain the public's trust in
 8 government contracting;
 9 (b) Taxpayers deserve to know how and where their tax
 10 dollars are being spent;
 11 (c) The economy and general welfare of this state and
 12 its people and the economy and general welfare of the United
 13 States are inseparably linked to the preservation and development
 14 of manufacturing industries in this state, as well as all the other
 15 states of this nation; and
 16 (d) Recognizing such link, it should be the policy of
 17 this state that, whenever possible, taxpayer dollars be reinvested
 18 with its individual and employer taxpayers in order to foster job
 19 retention and growth and to ensure a broad and healthy tax base for
 20 future investments vital to the state's infrastructure.
 21 (2) The Legislature declares that it shall be the policy
 22 of this state that the Department of Administrative Services shall
 23 quantify the portion of its procurement spending that is reinvested
 1 with taxpayers in this state and the nation.
 2 Sec. 3. (1) The Department of Administrative Services
 3 shall create an annual report that includes:
 4 (a) The total number and value of contracts awarded by
 5 the department;
 6 (b) The total number and value of contracts awarded by
 7 the department to contractors within this state;
 8 (c) The total number and value of contracts awarded by
 9 the department to foreign contractors; and
 10 (d) The total number of contracts awarded by the
 11 department for which a preference was given under section
 12 73-101.01.
 13 (2) The first such report created pursuant to subsection

14 (1) of this section shall be submitted to the Governor and the
 15 Legislature on or before September 1, 2014, and shall include the
 16 information specified in such subsection from FY2013-14. Subsequent
 17 reports shall be submitted on or before September 1 each year
 18 thereafter and shall include the required information from the
 19 fiscal year ending on such date. The reports submitted to the
 20 Legislature and the Governor shall be submitted electronically.
 21 Each annual report shall be made available to the public through
 22 publication on the department's web site on or before September 1
 23 of each year.

24 Sec. 4. Beginning on July 1, 2013, each contract awarded
 25 by the Department of Administrative Services shall require that
 26 the contractors provide to the department any and all information
 27 needed for compliance with section 3 of this act.

1 Sec. 5. The Transparency in Government Procurement
 2 Act applies only to contracts awarded by the Department of
 3 Administrative Services on and after July 1, 2013.

4 Sec. 6. Since an emergency exists, this act takes effect
 5 when passed and approved according to law.

LEGISLATIVE BILL 429. Placed on General File with amendment.
 AM390

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 84-602, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 84-602 It shall be the duty of the State Treasurer:
 6 (1) To receive and keep all money of the state not
 7 expressly required to be received and kept by some other person;
 8 (2) To disburse the public money upon warrants drawn upon
 9 the state treasury according to law and not otherwise;
 10 (3) To keep a just, true, and comprehensive account of
 11 all money received and disbursed;
 12 (4) To keep a just account with each fund, and each head
 13 of appropriation made by law, and the warrants drawn against them;
 14 (5) To render a full statement to the Department of
 15 Administrative Services of all money received by him or her from
 16 whatever source, and if on account of revenue, for what year;
 17 of all penalties and interest on delinquent taxes reported or
 18 accounted for to him or her, and of all disbursements of public
 19 funds; with a list, in numerical order, of all warrants redeemed,
 20 the name of the payee, amount, interest, and total amount allowed
 21 thereon, and with the amount of the balance of the several funds
 22 unexpended; which statement shall be made on the first day of
 23 December, March, June, and September, and more often if required;
 1 (6) To report electronically to the Legislature as soon
 2 as practicable, but within ten days after the commencement of
 3 each regular session, a detailed statement of the condition of the
 4 treasury and its operations for the preceding fiscal year;

5 (7) To give information electronically to the
6 Legislature, whenever required, upon any subject connected with the
7 treasury or touching any duty of his or her office;

8 (8) To account for, and pay over, all money received by
9 him or her as such treasurer, to his or her successor in office,
10 and deliver all books, vouchers, and effects of office to him or
11 her; and such successor shall receipt therefor. In accounting for
12 and paying over such money the treasurer shall not be held liable
13 on account of any loss occasioned by any investment, when such
14 investment shall have been made pursuant to the direction of the
15 state investment officer; and

16 (9) To develop and maintain a single, searchable web
17 site with information on state tax receipts, ~~and expenditures, and~~
18 contracts which is accessible by the public at no cost to access
19 as provided in section 84-602.02. The web site shall be hosted on
20 a server owned and operated by the State of Nebraska or approved
21 by the Chief Information Officer. The naming convention for the
22 web site shall identify the web site as a state government web
23 site. The web site shall not include the treasurer's name, the
24 treasurer's image, the treasurer's seal, or a welcome message.

25 Sec. 2. Section 84-602.02, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

1 84-602.02 (1)(a) Not later than January 1, 2010, the web
2 site established, developed, and maintained by the State Treasurer
3 pursuant to subdivision (9) of section 84-602 shall provide such
4 information as will document the sources of all tax receipts
5 and the expenditure of state funds by all agencies, boards,
6 commissions, and departments of the state.

7 (b) The State Treasurer shall, in appropriate detail,
8 cause to be published on the web site:

9 (i) The identity, principal location, and amount of funds
10 received or expended by the State of Nebraska and all of its
11 agencies, boards, commissions, and departments;

12 (ii) The funding or expending agency, board, commission,
13 or department;

14 (iii) The budget program source;

15 (iv) The amount, date, purpose, and recipient of all
16 disbursed funds; and

17 (v) Such other relevant information as will further
18 the intent of enhancing the transparency of state government
19 financial operations to its citizens and taxpayers. The web site
20 shall include data for fiscal year 2008-09 and each fiscal year
21 thereafter.

22 (2) Beginning July 1, 2010, the data shall be available
23 on the web site no later than thirty days after the end of the
24 preceding fiscal year.

25 (3)(a) Beginning July 1, 2014, the web site described
26 in this section shall include a link to the web site of the
Department of Administrative Services. The department's web site

27 shall contain:

1 (i) A data base that includes a copy of each active
2 contract that is a basis for an expenditure of state funds,
3 including any amendment to such contract and any document
4 incorporated by reference in such contract. For purposes of this
5 subdivision, amendment means an agreement to modify a contract
6 which has been reduced to writing and signed by each party to the
7 contract, an agreement to extend the duration of a contract, or an
8 agreement to renew a contract. The data base shall be accessible by
9 the public and searchable by vendor, by agency, board, commission,
10 or department, and by dollar amount. All agencies, boards,
11 commissions, and departments of the state shall provide to the
12 Department of Administrative Services, in electronic form, copies
13 of such contracts for inclusion in the data base beginning with
14 contracts that are active on and after January 1, 2014; and

15 (ii) A data base that includes copies of all expired
16 contracts which were previously included in the data base described
17 in subdivision (3)(a)(i) of this section. The data base required
18 under this subdivision shall be accessible by the public and
19 searchable by vendor, by agency, board, commission, or department,
20 and by dollar amount.

21 (b) The following shall be redacted from any contract
22 before such contract is included in a data base pursuant to
23 subdivision (3)(a) of this section:

24 (i) The social security number or federal tax
25 identification number of any individual or business;

26 (ii) Protected health information as such term is defined
27 under the federal Health Insurance Portability and Accountability
1 Act of 1996, as such act existed on January 1, 2013;

2 (iii) Any information which may be withheld from the
3 public under section 84-712.05; or

4 (iv) Any information that is confidential under state or
5 federal law, rule, or regulation.

6 (c) Contracts entered into by the Department of Health
7 and Human Services that are letters of agreement for the purpose
8 of providing specific services to a specifically named individual
9 or his or her family shall be exempt from the requirements of
10 subdivision (3)(a) of this section.

11 (d) The Department of Administrative Services shall adopt
12 policies and procedures regarding the creation and maintenance of
13 the data bases required under this section and the process by which
14 agencies, boards, commissions, and departments of the state provide
15 copies of the contracts required under this section.

16 (4) All agencies, boards, commissions, and departments
17 of the state shall provide to the State Treasurer, at such times
18 and in such form as designated by the State Treasurer, such
19 information as is necessary to accomplish the purposes of the
20 Taxpayer Transparency Act.

21 (5) Nothing in this ~~subsection~~ section requires the

22 disclosure of information which is considered confidential under
 23 state or federal law or is not a public record under section
 24 84-712.05.

25 ~~(3)(a)-(6)(a)~~ For purposes of this section, expenditure
 26 of state funds means all expenditures of appropriated or
 27 nonappropriated funds by an agency, board, commission, or
 1 department of the state from the state treasury in forms including,
 2 but not limited to:
 3 (i) Grants;
 4 (ii) Contracts;
 5 (iii) Subcontracts;
 6 (iv) State aid to political subdivisions; and
 7 (v) Tax refunds or credits that may be disclosed
 8 pursuant to the Nebraska Advantage Act, the Nebraska Advantage
 9 Microenterprise Tax Credit Act, the Nebraska Advantage Research and
 10 Development Act, or the Nebraska Advantage Rural Development Act.

11 (b) Expenditure of state funds does not include the
 12 transfer of funds between two agencies, boards, commissions, or
 13 departments of the state or payments of state or federal assistance
 14 to an individual.

15 Sec. 3. Original sections 84-602 and 84-602.02, Revised
 16 Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Bill Avery, Chairperson

Natural Resources

LEGISLATIVE BILL 272. Placed on General File with amendment.
 AM433

1 1. On page 3, strike lines 3 through 8, show the old
 2 matter as stricken, and insert:

3 "(2) The application for an emergency permit shall be
 4 accompanied by a fee as established in 46-1121 not to exceed
 5 five hundred dollars payable to the district. For each permit,
 6 ten dollars shall be paid by the district to the department.
 7 The application shall contain the same information as required
 8 in section 46-1120."; and strike beginning with "(1)" in line 16
 9 through page 4, line 14, show the old matter as stricken, and
 10 insert:

11 "(1) To aid in defraying the cost of administration
 12 of the Nebraska Chemigation Act, the district shall collect an
 13 initial application fee for a permit, a special permit fee,
 14 an annual renewal fee, and an emergency permit fee. The fees
 15 shall be established by the district and shall be sufficient to
 16 cover the ongoing administrative costs and the costs of annual
 17 inspection programs by the district and department. The fees
 18 collected pursuant to this section shall be established by the
 19 district in the amount necessary to pay reasonable costs of
 20 administering the permit program pursuant to the act. The fee for

21 a permit and special permit shall not exceed one hundred fifty
 22 dollars. The fee for a renewal permit shall not exceed one hundred
 23 dollars. The fees for an emergency permit under section 46-1119
 1 shall not exceed five hundred dollars. The district shall adopt and
 2 promulgate rules and regulations establishing a fee schedule to be
 3 paid to the district by person or persons applying for a permit to
 4 operate a chemigation system.

5 (2) The fee for initial application for a permit or
 6 special permit shall be payable to the district. For each permit,
 7 five dollars shall be paid by the district to the department.

8 (3) The annual fee for renewal of a permit or special
 9 permit shall be payable to the district. For each permit, two
 10 dollars of the annual fee shall be paid by the district to the
 11 department."

12 2. On page 4, line 25, strike "(3)" and insert "(4)".

LEGISLATIVE BILL 514. Placed on General File with amendment.
 AM412

1 1. On page 4, line 21, strike "or any" and insert ", is
 2 chartered to conduct banking by another state and authorized to do
 3 business in this state, or is a".

LEGISLATIVE BILL 549. Placed on General File with amendment.
 AM427

1 1. On page 3, line 14, after "million" insert "five
 2 hundred thousand".

3 2. On page 6, lines 13 and 14 and 19 and 20, strike the
 4 new matter and reinstate the stricken matter.

5 3. On page 7, line 7, strike the new matter and reinstate
 6 the stricken matter and after "million" insert "five hundred
 7 thousand".

LEGISLATIVE BILL 634. Placed on General File with amendment.
 AM298

1 1. Insert the following new sections:

2 Sec. 4. Pursuant to the Wildfire Control Act of 2013, the
 3 Nebraska Emergency Management Agency shall develop a Nebraska-based
 4 incident management team to respond throughout the state as a
 5 comprehensive resource to augment and help manage large wildfire
 6 operations.

7 Sec. 5. Since an emergency exists, this act takes effect
 8 when passed and approved according to law.

9 2. On page 2, line 1, strike "3" and insert "4"; and
 10 strike beginning with "(4)" in line 24 through line 25.

11 3. On page 3, strike beginning with "serve" in line 1
 12 through "(5)" in line 2 and insert "(4)"; and in line 5 strike
 13 "(6)" and insert "(5)".

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 232. Placed on General File with amendment.
AM200

- 1 1. On page 2, line 10, strike "XX" and insert "one
- 2 hundred fifty-two thousand eight hundred ninety-five dollars and
- 3 forty-eight cents"; and in line 11 strike "XX" and insert "one
- 4 hundred sixty thousand five hundred forty dollars and twenty-five
- 5 cents".

(Signed) Brad Ashford, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 229. Placed on General File.

LEGISLATIVE BILL 306. Placed on General File with amendment.
AM457

- 1 1. On page 7, lines 11 and 14 through 21, strike the new
- 2 matter and reinstate the stricken matter.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 31. Placed on Final Reading.

LEGISLATIVE BILL 38. Placed on Final Reading.

LEGISLATIVE BILL 70. Placed on Final Reading.

LEGISLATIVE BILL 88. Placed on Final Reading.

LEGISLATIVE BILL 283. Placed on Final Reading.

LEGISLATIVE BILL 628. Placed on Final Reading.

(Signed) John Murante, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Batt, Robert - Nebraska Liquor Control Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Seiler has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and

Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 61, 62, 63, 64, and 66 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61, 62, 63, 64, and 66.

VISITOR

The Doctor of the Day was Dr. Christi Keim from Lincoln.

ADJOURNMENT

At 9:13 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

