

FORTY-FIRST DAY - MARCH 13, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 2013

PRAYER

The prayer was offered by Pastor Lance Burch, Shadow Lake Community Church, Papillion.

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 Ashford, Conrad, Cook, Gloor, B. Harr, Janssen, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 641, line 15, after "preference" insert ":".

The Journal for the thirty-eighth day was approved as corrected.

The Journal for the fortieth day was approved.

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB263 and LB553 as its priority bills.

Senator Hadley designates LB23 as his priority bill.

Senator Wightman designates LB487 as his priority bill.

Senator Campbell designates LB577 as her priority bill.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB612:
AM598

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 77-3,116, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-3,116 (1) The Department of Revenue and the Department
- 5 of Labor shall cooperate and participate in the collection of data
- 6 for the study described in section 77-3,115. Other state agencies,
- 7 including the University of Nebraska, shall assist in the study or
- 8 the update as requested by the Department of Revenue and as any
- 9 necessary funds are available. Any agency may contract with the
- 10 Department of Revenue to provide such assistance. The Department
- 11 of Revenue may also contract with an independent entity for the
- 12 entity to conduct or assist in conducting such study or update.
- 13 The department, other state agency, or independent entity preparing
- 14 the material or study shall utilize and consider, along with other
- 15 information, the results of any available study relating to the
- 16 items listed in section 77-3,115 and conducted or contracted for by
- 17 the Legislature in the year prior to April 16, 1992.
- 18 (2) A preliminary report of the initial study's models
- 19 and initial findings shall be reported by the Department of Revenue
- 20 to the chairpersons of the Appropriations Committee and Revenue
- 21 Committee of the Legislature, the Clerk of the Legislature, and the
- 22 Governor by December 1, 1992. The initial study shall be completed
- 23 and the department shall report its findings to the same entities
- 1 by December 1, 1993. The study shall be updated and the update
- 2 shall be reported to the same entities on ~~December~~ November 1,
- 3 2013, and every two years thereafter. The study submitted to the
- 4 Appropriations Committee and Revenue Committee of the Legislature
- 5 and the Clerk of the Legislature pursuant to this subsection shall
- 6 be submitted electronically.
- 7 (3) Any models developed for the initial study or update
- 8 shall be electronically shared with the Legislative Fiscal Analyst.
- 9 The Department of Revenue shall include in its budget request
- 10 for every other biennium following the 1991-93 biennium sufficient
- 11 appropriation authority to conduct or contract for the required
- 12 update.
- 13 2. On page 12, line 3, after the last comma insert
- 14 "77-3,116,".
- 15 3. Renumber the remaining sections accordingly.

MOTION - Withdraw LB648

Senator Pirsch offered his motion, MO20, found on page 630, to withdraw LB648.

The Pirsch motion to withdraw the bill prevailed with 28 ayes, 0 nays,

13 present and not voting, and 8 excused and not voting.

MOTION - Withdraw LB644

Senator Davis offered his motion, MO24, found on page 655, to withdraw LB644.

The Davis motion to withdraw the bill prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR83 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR83.

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Senator Lautenbaugh renewed his amendment, FA26, found on page 661, to his amendment, AM581.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Campbell	Gloor	Howard	Lautenbaugh	Schilz
Coash	Haar, K.	Karpisek	McCoy	Schumacher
Conrad	Hadley	Kintner	McGill	Seiler
Crawford	Hansen	Krist	Mello	Sullivan
Davis	Harms	Larson	Murante	Wallman
Dubas	Harr, B.	Lathrop	Nordquist	Wightman

Voting in the negative, 12:

Adams	Brasch	Christensen	Nelson
Avery	Carlson	Johnson	Scheer
Bloomfield	Chambers	Kolowski	Watermeier

Present and not voting, 4:

Ashford	Bolz	Pirsch	Smith
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Excused and not voting, 3:

Cook Janssen Price

The Lautenbaugh amendment was adopted with 30 ayes, 12 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 154. Placed on General File.

LEGISLATIVE BILL 623. Placed on General File with amendment.
AM518

1 1. On page 2, lines 8 and 11, strike "fifty".

(Signed) Annette Dubas, Chairperson

Natural Resources

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 513. Placed on General File.

LEGISLATIVE BILL 388. Placed on General File with amendment.
AM454

1 1. Strike the original sections and insert the following
2 new section:
3 Section 1. (1) If an electric transmission line has been
4 approved for construction in a regional transmission organization
5 transmission plan, the incumbent electric transmission owner of
6 the existing electric transmission facilities to which the electric
7 transmission line will connect shall give notice to the Nebraska
8 Power Review Board, in writing, within ninety days after such
9 approval, if it intends to construct, own, and maintain the
10 electric transmission line. If no notice is provided, the incumbent
11 electric transmission owner shall surrender its first right to
12 construct, own, and maintain the electric transmission line and
13 any other incumbent electric transmission owner may file an
14 application for the electric transmission line under section
15 70-1012. Within twenty-four months after such notice, the incumbent
16 electric transmission owner shall file an application with the
17 board pursuant to section 70-1012.
18 (2) For purposes of this section: (a) Electric
19 transmission line means any line and related facilities connecting
20 to existing electric transmission facilities for transmitting
21 electric energy at a voltage of one hundred kilovolts or greater,

22 other than a line solely for connecting an electric generation
 23 facility to facilities owned by an electric supplier; (b) incumbent
 1 electric transmission owner means an entity that: (i) Is an
 2 electric supplier; (ii) is a member of a regional transmission
 3 organization; and (iii) owns and operates electric transmission
 4 lines at a voltage of one hundred kilovolts or greater; and (c)
 5 regional transmission organization has the meaning provided in
 6 section 70-1001.01.

(Signed) Tom Carlson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 384. Placed on General File with amendment.
 AM597

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Sections 1 to 6 of this act shall be known and
 4 may be cited as the Nebraska Exchange Transparency Act.
 5 Sec. 2. The purposes of the Nebraska Exchange
 6 Transparency Act are to provide state-based recommendations and
 7 transparency regarding the implementation and operation of an
 8 affordable insurance exchange, as required by the federal Patient
 9 Protection and Affordable Care Act, 42 U.S.C. 18001, et. seq., by
 10 creating the Nebraska Exchange Stakeholder Commission.
 11 Sec. 3. (1) The Nebraska Exchange Stakeholder Commission
 12 is created. For administrative and budgetary purposes only, the
 13 commission shall be housed within the Department of Insurance. The
 14 commission shall be composed of twelve members as follows:
 15 (a) Nine members shall be appointed by the Governor in
 16 the following manner:
 17 (i) Four members to represent the interests of consumers
 18 who will access health insurance in the exchange with at least one
 19 of such members to represent the interests of rural consumers who
 20 will access health insurance in the exchange;
 21 (ii) One member to represent the interests of small
 22 businesses who are qualified to purchase health insurance in the
 23 exchange;
 1 (iii) Two members to represent the interests of health
 2 care providers in the state;
 3 (iv) One member to represent the interests of health
 4 insurance carriers who are eligible to offer health plans in the
 5 exchange; and
 6 (v) One member to represent the interests of health
 7 insurance agents. This member shall not be a captive agent of any
 8 health insurance carrier.
 9 (b) The Director of Insurance or his or her designee will
 10 be a nonvoting, ex officio member of the commission;
 11 (c) The director of the Division of Medicaid and

12 Long-Term Care of the Department of Health and Human services
13 or his or her designee will be a nonvoting, ex officio member of
14 the commission; and

15 (d) The director of the Division of Children and Family
16 Services of the Department of Health and Human Services or his
17 or her designee will be a nonvoting, ex officio member of the
18 commission.

19 (2) The terms of appointed members of the commission
20 shall commence on July 1, 2013.

21 (3) The appointed members of the commission shall serve
22 for terms of four years, except that of the members first appointed
23 the Governor shall designate:

24 (a) One of the members representing the interests of
25 health care providers in the state to serve a term of three years
26 and the other to serve terms of two years;

27 (b) The member representing the interests of health
1 insurance carriers to serve a term of two years;

2 (c) The member representing the interests of health
3 insurance agents to serve a term of three years; and

4 (d) All other members will serve for terms of four years.

5 (4) A member may be reappointed at the expiration of his
6 or her term. All succeeding appointments to the commission shall be
7 made in the same manner as the original appointments are made and
8 succeeding appointees shall have the same qualifications as their
9 predecessors.

10 (5) An individual appointed to fill a vacancy occurring
11 other than by the expiration of a term of office shall be appointed
12 for the unexpired term of the member such individual succeeds
13 and shall be eligible for appointment to subsequent full terms
14 thereafter.

15 (6) All appointments whether initial or subsequent shall
16 be subject to the approval of a majority of the members of
17 the Legislature, if the Legislature is in session, and, if the
18 Legislature is not in session, any appointment shall be temporary
19 until the next session of the Legislature, at which time a majority
20 of the members of the Legislature may approve or disapprove such
21 appointment.

22 (7) A member shall have his or her membership terminated
23 if he or she ceases to meet the qualification for his or her
24 appointment. A member may be removed from the commission for good
25 cause upon written notice and upon an opportunity to be heard
26 before the Governor. After the hearing, the Governor shall file in
27 the office of the Secretary of State a complete statement of the
1 charges and the findings and disposition together with a complete
2 record of the proceedings.

3 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
4 shall organize by selecting a chairperson and a vice-chairperson
5 who shall hold office at the pleasure of the commission. The
6 vice-chairperson shall act as chairperson in the absence of the

7 chairperson or in the event of a vacancy in that position.

8 (2) The commission shall hold at least four meetings
9 annually, at times and places fixed by the chairperson.

10 (3) A majority of the members of the commission shall
11 constitute a quorum.

12 (4) Members of the commission shall be reimbursed for
13 their actual and necessary expenses as provided in sections 81-1174
14 to 81-1177.

15 Sec. 5. The Nebraska Exchange Stakeholder Commission
16 shall:

17 (1) Work with state and federal agencies and policymakers
18 to provide recommendations regarding implementation and operation
19 of the exchange, including, but not limited to:

20 (a) Improving access to high-quality, affordable health
21 coverage options and to improve policies and processes on the
22 exchange to ensure a positive and seamless consumer experience;

23 (b) Promoting competitiveness of the exchange, minimize
24 administrative burden for issuers, and ensure consumer protections;

25 (c) Incorporating existing state policies, capabilities,
26 and infrastructure that can also assist in exchange implementation
27 and operations;

1 (d) Ensuring the effectiveness of the navigator grant
2 program;

3 (e) Promoting a seamless integration with the medicaid
4 program and continuity of care for those transitioning between
5 publicly funded coverage and private coverage; and

6 (f) Ensuring the small business health options program
7 or SHOP Exchange meets the needs and provides value to small
8 businesses.

9 (2) Create technical and advisory groups as needed to
10 discuss issues related to the exchange and make recommendations to
11 the commission, state or federal agencies, and the Legislature;

12 (3) Assist the exchange in meeting the stakeholder
13 consultation requirements established in 45 C.F.R. 155.130, as
14 it existed on January 1, 2013;

15 (4) Identify challenges and problems in the
16 implementation and operation of the exchange and prepare
17 recommendations to alleviate the problems identified; and

18 (5) Provide a report on or before December 1, 2013, and
19 each December 1 thereafter, to the Governor and the Legislature
20 concerning the implementation and operation of the exchange,
21 challenges and problems identified in the implementation and
22 operation of the exchange, and recommendations to address such
23 problems and challenges. The report to the Legislature shall be
24 submitted electronically.

25 Sec. 6. The Nebraska Exchange Transparency Act terminates
26 on July 1, 2017.

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

LEGISLATIVE BILL 442. Placed on General File with amendment.
AM570

- 1 1. On page 2, line 20; and page 9, line 18, reinstate the
- 2 stricken matter.

(Signed) Mike Gloor, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 232A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 232, One Hundred Third Legislature, First Session, 2013; to provide an operative date; and to declare an emergency.

COMMITTEE REPORT

Natural Resources

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

Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Thursday, March 14, 2013, at 10:00 a.m., in Room 2022.

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Senator Chambers withdrew his amendment, FA25, found on page 673.

Senator Chambers offered the following amendment to the Lautenbaugh amendment, AM581:

FA27

Amend AM581

Strike and show as stricken subsections (2) and (3).

Senator Lautenbaugh offered the following motion:

MO25

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Adams	Davis	Harr, B.	Lautenbaugh	Schumacher
Ashford	Dubas	Johnson	McGill	Seiler
Bolz	Gloor	Karpisek	Mello	Sullivan
Campbell	Haar, K.	Kolowski	Murante	Wallman
Conrad	Hadley	Krist	Nordquist	Wightman
Cook	Hansen	Larson	Scheer	
Crawford	Harms	Lathrop	Schilz	

Voting in the negative, 13:

Avery	Carlson	Coash	McCoy	Watermeier
Bloomfield	Chambers	Janssen	Nelson	
Brasch	Christensen	Kintner	Smith	

Present and not voting, 2:

Howard	Pirsch
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Excused and not voting, 1:

Price

The Lautenbaugh motion to invoke cloture prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

The Chambers amendment, FA27, lost with 3 ayes, 38 nays, 7 present and not voting, and 1 excused and not voting.

The Lautenbaugh amendment, AM581, as amended, was adopted with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 29:

Bolz	Dubas	Harr, B.	Lautenbaugh	Schumacher
Campbell	Gloor	Howard	McGill	Seiler
Conrad	Haar, K.	Karpisek	Mello	Sullivan
Cook	Hadley	Krist	Murante	Wallman
Crawford	Hansen	Larson	Nordquist	Wightman
Davis	Harms	Lathrop	Schilz	

Voting in the negative, 19:

Adams	Brasch	Coash	Kolowski	Scheer
Ashford	Carlson	Janssen	McCoy	Smith
Avery	Chambers	Johnson	Nelson	Watermeier
Bloomfield	Christensen	Kintner	Pirsch	

Excused and not voting, 1:

Price

Advanced to Enrollment and Review Initial with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 590. Title read. Considered.

Senator Lautenbaugh offered his motion, MO22, found on page 652, to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 105. Title read. Considered.

Senator Lathrop offered the following amendment:

AM536

- 1 1. On page 3, line 2, after the period insert "If the
- 2 licensee is the State of Nebraska or a political subdivision, the
- 3 licensee may utilize a risk retention group or a risk management
- 4 pool for purposes of providing such liability insurance coverage or
- 5 may self-insure all or part of such coverage.".

The Lathrop amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment:

AM537

- 1 1. Insert the following new section:
- 2 Sec. 3. This act becomes operative on July 1, 2014.
- 3 2. On page 2, lines 22 and 24, strike "effective" and

4 insert "operative".

5 3. Renumber the remaining section accordingly.

The Lathrop amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File with amendment.

AM615

1 1. Strike original section 9.

2 2. Renumber the remaining sections and correct the

3 repealer accordingly.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB530:

AM621

1 1. On page 3, line 3, strike "2013" and insert "2014";
 2 strike beginning with "Prior" in line 20 through "Legislature"
 3 in line 22 and all amendments thereto and insert "The Nebraska
 4 Children's Commission shall review and provide a progress report
 5 on the pilot project by October 1, 2013, to the department and
 6 electronically to the Health and Human Services Committee of the
 7 Legislature; shall provide to the department and electronically to
 8 the committee by December 1, 2013, a report including"; and in line
 9 25 after "assessment" insert "; and shall provide to the department
 10 and electronically to the committee by February 1, 2014, a final
 11 report and final recommendations of the commission".

12 2. On page 4, strike lines 1 and 2.

13 3. On page 13, line 21, strike "2013", show as stricken,
 14 and insert "2014".

Senator B. Harr filed the following amendment to LB208:

AM153

1 1. On page 3, line 1, strike the new matter and reinstate
 2 the stricken matter; in line 8, strike the new matter; and in lines
 3 14 through 25 strike the new matter and reinstate the stricken
 4 matter.

5 2. On page 4, strike lines 1 and 2.

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Introduced by Bloomfield, 17; Brasch, 16; Johnson, 23; Kolowski, 31; Scheer, 19; Schumacher, 22.

WHEREAS, the South Sioux City Cardinals won the 2013 Class B Boys' State Basketball Championship; and

WHEREAS, the Cardinals defeated Scottsbluff High School by a score of 55-53 in the championship game to win the state title; and

WHEREAS, the win gave the Cardinals their third state championship in the last four years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the South Sioux City Cardinals on winning the 2013 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the South Sioux City Cardinals and their coach, Terry Comstock.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Mello, 5; Ashford, 20; Howard, 9; Nordquist, 7.

WHEREAS, the Neighborhood Center has been invaluable to the growth and development of neighborhood associations in Omaha; and

WHEREAS, the Neighborhood Center has provided necessary resources such as printing and mailing services, leadership and communications training, advocacy, and web site support to neighborhood associations; and

WHEREAS, the Neighborhood Center has coordinated numerous neighborhood programs, including Neighborhood Scan, which notifies and assists residents with code violations; Graffiti Scan, which creates a map of graffiti locations so graffiti can be removed; Pothole Patrol, which uses GPS technology to map potholes; and many more; and

WHEREAS, through the guidance and support of the Neighborhood Center, neighborhood associations in Omaha have flourished; and

WHEREAS, after eleven years of serving the city of Omaha, the Neighborhood Center has decided to discontinue operations in Omaha and focus its resources in Council Bluffs.

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

1. That the Legislature thanks the Neighborhood Center for its work promoting neighborhood associations in Omaha.

2. That a copy of this resolution be sent to the Neighborhood Center.

Laid over.

ANNOUNCEMENTS

Senator Lathrop designates LB104 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB568 and LB205 as its priority bills.

The Business and Labor Committee designates LB476 and LB310 as its priority bills.

Senator Gloor designates LB439 as his priority bill.

Senator Schilz designates LB551 as his priority bill.

The Education Committee designates LB407 and LB410 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducers

Senators Dubas and Hadley asked unanimous consent to add their names as cointroducers to LB104. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB23. No objections. So ordered.

VISITORS

Visitors to the Chamber were Brian Schlote from Plainview; Lowell Johnson and Cale Giese from Wayne; 18 twelfth-grade students and teacher from Southwest High School, Bartley; 49 fourth-grade students from Eagle; 12 social work students from Nebraska Wesleyan University; and 60 members of Leadership Kearney.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

