

FORTY-SEVENTH DAY - MARCH 21, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 2013

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Hadley who was excused; and Senators Lautenbaugh and Price who were excused until they arrive.

SENATOR KRIST PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 595. Placed on General File with amendment.
AM695

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 23, after "911" insert "and to
- 5 contract with an independent third party to assist with the study".
- 6 3. On page 3, strike beginning with "commission" in line
- 7 2 through "not" in line 3 and insert "study shall include, but not
- 8 be"; and strike beginning with "Upon" in line 24 through "a" in
- 9 line 25 and insert "The independent third party shall submit an
- 10 initial report to the commission not later than January 31, 2014.
- 11 The independent third party shall complete the study and submit a
- 12 final report to the commission not later than April 1, 2014. The
- 13 commission shall submit the final".

- 14 4. On page 4, after line 1, insert the following new
 15 subsections:
- 16 "(3) The initial report of the independent third party
 17 shall include:
- 18 (a) An assessment of the statewide 911 network existing
 19 on the effective date of this act, including, but not limited
 20 to, the statutory and regulatory framework, the management and
 21 sources of funding available to support 911 services, the broadband
 22 and telephone infrastructure, and the equipment and software used
 23 by the state, public safety answering points, and geographic
 1 information systems;
- 2 (b) Examination of any efforts, projects, or initiatives
 3 in progress or planned related to implementation of next-generation
 4 911 in Nebraska and other states;
- 5 (c) Identification of the federal, state, and local
 6 authorities, agencies, and governing bodies whose participation
 7 and cooperation will be necessary for the implementation of
 8 next-generation 911 in Nebraska; and
- 9 (d) Any other issues deemed necessary by the commission.
- 10 (4) The final report of the independent third party shall
 11 include:
- 12 (a) The initial report of the independent third party as
 13 outlined in subsection (3) of this section;
- 14 (b) Recommendations providing a variety of options for
 15 the planning, development, phased-in implementation, and management
 16 of next-generation 911 and the deployment, interconnection, and
 17 management of emergency services Internet protocol networks,
 18 including, but not limited to, necessary technological upgrades,
 19 the timeline and cost of such phases of implementation, and
 20 organizational structures with authority to oversee the recommended
 21 options;
- 22 (c) Identification of any changes to the master street
 23 address guide required for next-generation 911 and how geocoding
 24 would integrate in the routing of next-generation 911;
- 25 (d) Identification of any equipment changes that would
 26 be needed by public service answering points, including
 27 customer-premise equipment, recording capabilities, and
 1 computer-aided dispatching;
- 2 (e) An estimated cost of the necessary components for
 3 planning, implementation, and management of next-generation 911 and
 4 recommended sources of funding; and
- 5 (f) Any other necessary issues related to the planning,
 6 implementation, and management of next-generation 911."
- 7 5. On page 6, strike beginning with the second "to" in
 8 line 4 through "staff" in line 5 and insert "related to contracting
 9 with an independent third party".

(Signed) Annette Dubas, Chairperson

Judiciary

LEGISLATIVE BILL 298. Placed on General File with amendment.
AM510

- 1 1. On page 20, line 17, strike "Naphthylpyrovalerone,"
- 2 show as stricken, and insert "Naphthylpyrovalerone."

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

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

Donna Hammack - Nebraska Information Technology Commission
Brad Moline - Nebraska Information Technology Commission

Aye: 7 Brasch, Dubas, Hadley, McCoy, Price, Smith, Watermeier. Nay: 0.
Absent: 1 Janssen. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

AMENDMENT - Print in Journal

Senator Dubas filed the following amendment to LB530:
AM739

(Amendments to E & R amendments, ER30)

- 1 1. On page 1, after line 9 insert the following new
- 2 subsection:
- 3 "(2) The Legislature further finds that Nebraska's foster
- 4 care system has begun to stabilize. In recognition of the essential
- 5 contributions of foster parents and foster care providers to
- 6 foster children in Nebraska, it is the intent of the Legislature
- 7 to continue existing contractual arrangements for payment to
- 8 ensure the continued stabilization of the foster care system
- 9 in Nebraska."; in line 10 strike "(2)" and insert "(3)"; in
- 10 line 18 strike "department" and insert "Department of Health
- 11 and Human Services"; and in line 21 strike "quality" and insert
- 12 "high-quality".
- 13 2. On page 3, strike beginning with the first "to"
- 14 in line 10 through "families" in line 16; in line 16 strike
- 15 "committee" and insert "Foster Care Reimbursement Rate Committee";
- 16 in line 17 strike "for the same purpose"; and in line 18 strike
- 17 "members of the".
- 18 3. On page 4, line 17, after "shall" insert "gather
- 19 and"; strike beginning with the first "and" in line 19 through

20 "commission" in line 20; in line 26 after the period insert "If the
 21 Nebraska Children's Commission has terminated, such appointments
 22 shall be made and vacancies filled by the Governor with the
 1 approval of a majority of the Legislature."; and in line 27 after
 2 "Committee" insert "appointed pursuant to section 3 of this act".
 3 4. On page 5, line 9, strike "current" and insert
 4 "then-current".
 5 5. On page 6, line 17, strike "written" and insert
 6 "electronic".
 7 6. On page 7, strike beginning with "Legislative" in line
 8 24 through the last comma in line 25, show as stricken, and insert
 9 "section 68-1212".

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 203. Title read. Considered.

Committee AM334, found on page 514, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM615, found on page 685, was offered.

SENATOR COASH PRESIDING

The committee amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator McGill's birthday.

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 433. Placed on General File.

LEGISLATIVE BILL 224. Placed on General File with amendment.
AM711

- 1 1. On page 2, line 12, after "bidder" insert "if all
2 other factors are equal".
3 2. On page 3, line 1, after "individual" insert "(i)";
4 and in line 9 after "Defense" insert "and (ii) who owns and
5 controls a business (A) not less than fifty-one percent of which
6 is owned by one or more individuals described in subdivision (i)
7 of this subdivision or, in the case of a publicly owned business,
8 not less than fifty-one percent of the stock of which is owned
9 by one or more individuals described in subdivision (i) of this
10 subdivision and (B) the management and daily business operations
11 of which are controlled by one or more individuals described in
12 subdivision (i) of this subdivision".

(Signed) Bill Avery, Chairperson

Revenue

LEGISLATIVE BILL 574. Placed on General File with amendment.
AM446

- 1 1. Strike original sections 1, 2, 6, and 52.
2 2. Renumber the remaining sections and correct the
3 repealer accordingly.

(Signed) Galen Hadley, Chairperson

COMMITTEE REPORTS
Health and Human Services

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

Brian Buhlke - Nebraska Rural Health Advisory Commission

Mary Kent - Nebraska Rural Health Advisory Commission

Rebecca Schroeder - Nebraska Rural Health Advisory Commission

Avery Sides - Nebraska Rural Health Advisory Commission
 Michael Sitorius - Nebraska Rural Health Advisory Commission
 Roger Wells - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
 Nay: 0. Absent: 0. Present and not voting: 0.

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

Ann Fiala - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING
 Natural Resources

Room 1525

Thursday, April 4, 2013 12:45 p.m.

Henry Rick Brandt - Nebraska Environmental Trust Board
 Gerry Lauritzen - Nebraska Environmental Trust Board
 Sherry Vinton - Nebraska Environmental Trust Board

(Signed) Tom Carlson, Chairperson

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Children's Behavioral Health Oversight Committee

Members from Appropriations Committee:

Nordquist Bolz

Members from Health and Human Services Committee:

Campbell Crawford

Members from Judiciary Committee:

Coash McGill

Members from other than the above committees:

Avery Dubas Pirsch

(Signed) John Wightman, Chairperson
 Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 634. Title read. Considered.

Committee AM298, found on page 619, was offered.

Senator Carlson offered his amendment, AM738, found on page 800, to the committee amendment.

Pending.

SELECT FILE

LEGISLATIVE BILL 94. ER23, found on page 555, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 340. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 499. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 262. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 133. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 316. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 6. ER24, found on page 651, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 170. ER26, found on page 656, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 105. ER28, found on page 718, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 393. Placed on General File with amendment.
AM640

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 60-6,279, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,279 A-(1) A person shall not operate a motorcycle or
6 moped on any highway in this state unless such person is wearing
7 eye protection.

8 (2) Except as otherwise provided in subsection (3) of
9 this section, a person shall not operate or be a passenger on a
10 motorcycle or moped on any highway in this state unless such person
11 is wearing a protective helmet of the type and design manufactured
12 for use by operators of such vehicles and unless such helmet is
13 secured properly on his or her head with a chin strap while the
14 vehicle is in motion. All such protective helmets shall be designed
15 to reduce injuries to the user resulting from head impacts and
16 shall be designed to protect the user by remaining on the user's
17 head, deflecting blows, resisting penetration, and spreading the
18 force of impact. Each such helmet shall consist of lining, padding,
19 and chin strap and shall meet or exceed the standards established
20 in the United States Department of Transportation's Federal Motor
21 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
22 helmets.

23 (3) A person who is at least twenty-one years of age is
1 exempt from subsection (2) of this section.

2 (4) For purposes of this section, eye protection means
3 glasses that cover the orbital region of a person's face, a
4 protective face shield attached to a protective helmet, goggles,
5 or a windshield on the motorcycle or moped that protects the
6 operator's and passenger's horizontal line of vision in all
7 operating positions.

8 Sec. 2. Section 60-6,307, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,307 (1) Any person who operates a motorcycle shall
11 ride only upon a permanent and regular seat attached to the
12 motorcycle. A person operating a motorcycle shall not carry any
13 other person nor shall any other person ride on a motorcycle unless
14 such motorcycle is designed to carry more than one person, in which
15 event a passenger may ride upon the permanent and regular seat, if
16 designed for two persons, or upon another seat firmly attached to
17 the motorcycle to the rear or side of the operator. No person shall
18 operate a motorcycle on a highway in this state with a passenger
19 who is less than forty-eight inches tall unless the passenger is
20 sixteen years of age or older.

21 (2) A person shall ride upon a motorcycle only while

22 sitting astride the seat, facing forward.

23 (3) No person shall operate a motorcycle while carrying
 24 any package, bundle, or other article which prevents him or her
 25 from keeping both hands on the handlebars.

26 (4) No operator shall carry any person, nor shall any
 27 person ride, in a position that interferes with the operation or
 1 control of the motorcycle or the view of the operator.

2 (5) Any motorcycle which carries a passenger, other than
 3 in a sidecar or enclosed cab, shall be equipped with footrests for
 4 such passenger.

5 (6) No person shall operate any motorcycle with
 6 handlebars more than fifteen inches above the mounting point of the
 7 handlebars.

8 Sec. 3. Original sections 60-6,279 and 60-6,307, Reissue
 9 Revised Statutes of Nebraska, are repealed.

(Signed) Annette Dubas, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 117. Introduced by Gloor, 35.

WHEREAS, the Grand Island Senior High School wrestling team won the 2013 Class A State Wrestling Championship, the Islanders' fifth straight team championship; and

WHEREAS, the Grand Island Senior High School wrestling team scored 180 points to win the state championship; and

WHEREAS, the Grand Island Senior High School wrestling team had eight individual medalists, including three individual state champions; 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 Grand Island Senior High School wrestling team on winning the 2013 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and Coach Mike Schadwinkel.

Laid over.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB528:
 AM764

(Amendments to Standing Committee amendments, AM605)

- 1 1. On page 1, line 14, after the period insert "The
- 2 physician, physician assistant, nurse practitioner, or certified
- 3 nurse midwife shall at the same time provide written information

4 about chlamydia and gonorrhea to the patient for the patient to
 5 provide to the partner or partners.".

Senator McCoy filed the following amendment to LB528:
 AM765

(Amendments to Standing Committee amendments, AM605)

1 1. On page 1, line 6, strike "or gonorrhea".

Senator Kintner filed the following amendment to LB528:
 AM767

(Amendments to Standing Committee amendments, AM605)

1 1. Insert the following new section:
 2 Sec. 4. Section 71-504, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 71-504 The chief medical officer as designated in section
 5 81-3115, or local director of health, if a physician, or his or
 6 her agent, or any physician, upon consultation by any person as
 7 a patient, shall, with the consent of such person who is hereby
 8 granted the right of giving such consent, make or cause to be
 9 made a diagnostic examination for sexually transmitted diseases
 10 and prescribe for and treat such person for sexually transmitted
 11 diseases including prophylactic treatment for exposure to sexually
 12 transmitted diseases whenever such person is suspected of having
 13 a sexually transmitted disease or contact with anyone having a
 14 sexually transmitted disease. ~~All~~ Except as provided in section 1
 15 of this act, all such examinations and treatment may be performed
 16 without the consent of or notification to the parent, parents,
 17 guardian, or any other person having custody of such person. In
 18 any such case, the chief medical officer, or local director of
 19 health, if a physician, or his or her agent, or the physician
 20 shall incur no civil or criminal liability by reason of having made
 21 such diagnostic examination or rendered such treatment, but such
 22 immunity shall not apply to any negligent acts or omissions. The
 1 chief medical officer or local director of health, if a physician,
 2 or his or her agent, or the physician shall incur no civil or
 3 criminal liability by reason of any adverse reaction to medication
 4 administered if reasonable care is taken to elicit from any such
 5 person who is under twenty years of age any history of sensitivity
 6 or previous adverse reaction to medication. Parents shall be liable
 7 for expenses of such treatment to minors under their custody.
 8 In the event such person is affected with a sexually transmitted
 9 disease, the chief medical officer or local director of health
 10 may cause an interview of the person by a sexually transmitted
 11 disease investigator to secure the names of sexual contacts so that
 12 appropriate investigation can be made in an effort to locate and
 13 eliminate sources of infection.
 14 2. On page 2, line 2, after the period insert "The
 15 physician, physician assistant, nurse practitioner, or certified
 16 nurse midwife shall ask the age of the patient and any sexual

17 partners of the patient. If either the patient or the sexual
18 partner is under eighteen years of age, the physician, physician
19 assistant, nurse practitioner, or certified nurse midwife shall
20 notify the parent or guardian of such patient or partner that a
21 prescription antibiotic has been provided to the patient or partner
22 pursuant to this section.".
23 3. Renumber the remaining section and amend the repealer
24 accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Bolz asked unanimous consent to add her name as cointroducer to LB507. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from Lincoln Christian School; Sherman and Cynthia Berg, from Blair; 115 fourth-grade students and teachers from Crete Public School; Senator K. Haar's cousin, Kathy Carpenter, from Baltimore, MD and Joel Beckwith, from Baltimore, MD.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 10:00 a.m., Monday, March 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

