

FIFTIETH DAY - MARCH 27, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 2013

PRAYER

The prayer was offered by Reverend Matthew Mortensen, Faith Lutheran Church, Humboldt.

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 Senators Hadley and Krist who were excused; and Senators Ashford, Conrad, Kolowski, Murante, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 634. Placed on Select File with amendment.
ER34

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 3 of this act shall be known and
- 4 may be cited as the Wildfire Control Act of 2013.
- 5 Sec. 2. The Legislature finds that the State of
- 6 Nebraska's forests, pasture land, and rangeland have been destroyed
- 7 by catastrophic wildfires, primarily due to higher temperatures,
- 8 intense and prolonged drought, increased forest fuel-loads, and the
- 9 extensive spread of Eastern Red Cedar trees into forests, pasture
- 10 land, and rangeland. Because of these conditions, wildfires occur
- 11 more frequently, spread and grow very rapidly upon ignition, and
- 12 consume large tracts of productive land. These severe, fast-moving
- 13 wildfires put the lives of citizens, emergency responders, and
- 14 visitors at great risk, are difficult to control, quickly overwhelm

15 local suppression capacity, and cost enormous amounts of funds to
 16 suppress and control.

17 Sec. 3. Pursuant to the Wildfire Control Act of 2013,
 18 the Nebraska Forest Service shall (1) contract to place two
 19 single-engine air tankers to be located near Chadron, Nebraska,
 20 and near Valentine, Nebraska, for use in fighting wildfires, (2)
 21 thin forests to reduce forest fuel-loads in order to substantially
 22 reduce wildfire risk, intensity, and rate of the spreading of
 23 wildfires, (3) provide expanded training programs for volunteer
 1 firefighters, private landowners, and communities in Nebraska
 2 in fire suppression tactics of wildfires in order to increase
 3 suppression effectiveness and safety, (4) expand the federal excess
 4 property programs sponsored by the United States Department of
 5 Agriculture and the United States Department of Defense and managed
 6 by the Nebraska Forest Service in Nebraska, and (5) oversee
 7 the rehabilitation of forest lands that have been destroyed by
 8 wildfires.

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

11 2. On page 1, strike beginning with "provide" in line 2
 12 through line 4 and insert "declare an emergency.".

LEGISLATIVE BILL 530A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 624. Indefinitely postponed.

LEGISLATIVE BILL 649. Indefinitely postponed.

LEGISLATIVE BILL 650. Indefinitely postponed.

(Signed) Annette Dubas, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB6:
 AM818

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 11. Section 38-2121, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 38-2121 The requirement to be licensed as a mental health
 5 practitioner pursuant to the Uniform Credentialing Act in order to
 6 engage in mental health practice shall not be construed to prevent:

7 (1) Qualified members of other professions who are
 8 licensed, certified, or registered by this state from practice
 9 of any mental health activity consistent with the scope of practice

10 of their respective professions;

11 (2) Alcohol and drug counselors who are licensed by the
12 Division of Public Health of the Department of Health and Human
13 Services and problem gambling counselors who are certified by the
14 Department of Health and Human Services prior to July 1, 2013, or
15 by the Nebraska Commission on Problem Gambling beginning on July
16 1, 2013, from practicing their profession. Such exclusion shall
17 include students training and working under the supervision of an
18 individual qualified under section 38-315;

19 (3) Any person employed by an agency, bureau, or division
20 of the federal government from discharging his or her official
21 duties, except that if such person engages in mental health
22 practice in this state outside the scope of such official duty
1 or represents himself or herself as a licensed mental health
2 practitioner, he or she shall be licensed;

3 (4) Teaching or the conduct of research related to mental
4 health services or consultation with organizations or institutions
5 if such teaching, research, or consultation does not involve the
6 delivery or supervision of mental health services to individuals
7 or groups of individuals who are themselves, rather than a third
8 party, the intended beneficiaries of such services;

9 (5) The delivery of mental health services by:

10 (a) Students, interns, or residents whose activities
11 constitute a part of the course of study for medicine, psychology,
12 nursing, school psychology, social work, clinical social work,
13 counseling, marriage and family therapy, or other health care or
14 mental health service professions; or

15 (b) Individuals seeking to fulfill postgraduate
16 requirements for licensure when those individuals are supervised by
17 a licensed professional consistent with the applicable regulations
18 of the appropriate professional board;

19 (6) Duly recognized members of the clergy from providing
20 mental health services in the course of their ministerial duties
21 and consistent with the codes of ethics of their profession if they
22 do not represent themselves to be mental health practitioners;

23 (7) The incidental exchange of advice or support by
24 persons who do not represent themselves as engaging in mental
25 health practice, including participation in self-help groups when
26 the leaders of such groups receive no compensation for their
27 participation and do not represent themselves as mental health
1 practitioners or their services as mental health practice;

2 (8) Any person providing emergency crisis intervention
3 or referral services or limited services supporting a service plan
4 developed by and delivered under the supervision of a licensed
5 mental health practitioner, licensed physician, or a psychologist
6 licensed to engage in the practice of psychology if such persons
7 are not represented as being licensed mental health practitioners
8 or their services are not represented as mental health practice; or

9 (9) Staff employed in a program designated by an agency

10 of state government to provide rehabilitation and support services
 11 to individuals with mental illness from completing a rehabilitation
 12 assessment or preparing, implementing, and evaluating an individual
 13 rehabilitation plan.

14 Sec. 12. Section 71-802, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health
 17 Services Act are to: (1) Reorganize statutes relating to the
 18 provision of publicly funded behavioral health services; (2)
 19 provide for the organization and administration of the public
 20 behavioral health system within the department; (3) rename mental
 21 health regions as behavioral health regions; (4) provide for
 22 the naming of regional behavioral health authorities and ongoing
 23 activities of regional governing boards; (5) reorganize and rename
 24 the State Mental Health Planning and Evaluation Council; ~~and the~~
 25 ~~State Alcoholism and Drug Abuse Advisory Committee; and the~~
 26 ~~Nebraska Advisory Commission on Compulsive Gambling;~~ (6) change
 27 and add provisions relating to development of community-based
 1 behavioral health services and funding for behavioral health
 2 services; and (7) authorize the closure of regional centers.

3 2. On page 1, line 2, after the first comma insert
 4 "38-2121, 71-802,".

5 3. On page 5, line 25, after "shall" insert
 6 "electronically".

7 4. On page 6, line 2, after the second comma insert
 8 "equipment, effects,"; in line 3 strike "July 1" and insert "June
 9 30"; in line 4 strike "such date" and insert "July 1, 2013"; in
 10 line 5 strike "by rule and regulation"; and in line 17 after "may"
 11 insert "adopt and promulgate rules and regulations and".

12 5. On page 7, line 3, after "of" insert "problem
 13 gambling"; and in line 18 after "division" insert "or commission".

14 6. On page 9, line 6, strike "upon thirty days' notice"
 15 and insert "according to its terms".

16 7. On page 22, line 1, strike "on July 14, 2006," and
 17 show as stricken.

18 8. On page 23, line 21, strike "13, and 14" and insert
 19 "12, 13, 15, and 16"; and in line 24 after "9-831," insert
 20 "38-2121, 71-802,".

21 9. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 153A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 528. Senator McCoy offered his amendment, AM809, found on page 831, to the committee amendment.

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?"

Senator Schumacher moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The motion to cease debate prevailed with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Christensen requested a record vote on the McCoy amendment.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 15:

Bloomfield	Christensen	Janssen	Larson	Nelson
Brasch	Hansen	Johnson	McCoy	Price
Carlson	Harms	Kintner	Murante	Smith

Voting in the negative, 27:

Adams	Conrad	Haar, K.	McGill	Wallman
Avery	Cook	Harr, B.	Nordquist	Watermeier
Bolz	Crawford	Howard	Scheer	Wightman
Campbell	Davis	Karpisek	Schumacher	
Chambers	Dubas	Kolowski	Seiler	
Coash	Gloor	Lathrop	Sullivan	

Present and not voting, 2:

Mello	Pirsch
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Excused and not voting, 5:

Ashford	Hadley	Krist	Lautenbaugh	Schilz
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The McCoy amendment lost with 15 ayes, 27 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 495. Placed on General File with amendment.
AM804

- 1 1. On page 17, strike beginning with "A" in line 20
- 2 through "made" in line 22, show the old matter as stricken, and
- 3 insert "The department, in collaboration with the board of trustees
- 4 if an endowment agreement is in effect, shall provide a report
- 5 evaluating the programs".
- 6 2. On page 18, line 2, strike "programs" and insert
- 7 "grants"; and in line 4 strike the new matter and reinstate the
- 8 stricken matter.

LEGISLATIVE BILL 546. Placed on General File with amendment.
AM833

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 Section 1. Section 85-404, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-404 Either of the boards referred to in section 85-403
- 6 is hereby specifically authorized and empowered, by resolution
- 7 or agreement, to pledge all or any part of the revenue and
- 8 fees derived from the operation of the dormitories, residence
- 9 halls, single-dwelling or multiple-dwelling units, buildings, and
- 10 facilities for parking and other facilities for housing, boarding,
- 11 athletic purposes, medical care, and physical development and
- 12 other activities of students, faculties, or employees of such
- 13 institutions referred to in section 85-403, or any of them, erected
- 14 or acquired, or previously erected or acquired by such board,
- 15 and contract as to the care, insurance, management, and operation
- 16 of such buildings and facilities and the charges to be made and
- 17 the rights of the holders of the revenue bonds. When the board
- 18 contracts that the operation of any building or facility or part
- 19 thereof shall be performed other than by the board itself, the
- 20 board shall at all times maintain supervision thereof and control
- 21 over the fees and charges imposed for the use thereof.
- 22 When such board proposes to pledge all or any part
- 23 of the revenue and fees from buildings and facilities other
- 1 than the building or facility to be constructed, the plans for
- 2 such building or facility to be constructed, including financing
- 3 plans, shall ~~first be reviewed by the Coordinating Commission for~~
- 4 ~~Postsecondary Education as provided in section 85-1415 and approved~~
- 5 or disapproved by the Legislature or, if the Legislature is not
- 6 in session, the Executive Board of the Legislative Council, ~~as~~
- 7 ~~provided in such section.~~
- 8 Sec. 2. Section 85-408, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 85-408 The boards are authorized and directed to

11 establish and maintain such schedule of rates, fees, or charges for
 12 the use of the facilities afforded by the buildings constructed
 13 or acquired under sections 85-401 to 85-411 and other facilities
 14 controlled by such board, the revenue of which in whole or in
 15 part is pledged to the holder of the bonds, which shall be in
 16 an amount at least sufficient on the amortization plan to pay
 17 the operating and maintenance charges thereof and the principal
 18 and interest representing the indebtedness against the income and
 19 revenue therefrom and may be sufficient in amount to provide
 20 for such bond reserve, replacement, and surplus funds as the
 21 boards in their discretion shall determine. The amounts in such
 22 funds shall be expended for such purposes in connection with the
 23 facilities as the boards shall determine, and any amount in any
 24 surplus or replacement fund and any amounts received through the
 25 sale, condemnation, or destruction of any facilities may be used
 26 to construct, repair, or replace any of the types of facilities
 27 described in section 85-403. Any amounts in such funds are
 1 specifically appropriated to the purposes of such funds and shall
 2 at all times be subject to the orders of the boards accordingly.

3 Before any single expenditure in excess of five hundred
 4 thousand dollars is made from any such surplus or replacement fund,
 5 the board concerned shall first submit such proposed expenditure
 6 ~~to the Coordinating Commission for Postsecondary Education for~~
 7 ~~review as provided in section 85-1415 and secure the approval or~~
 8 ~~disapproval of the Legislature or, if the Legislature is not in~~
 9 ~~session, of the Executive Board of the Legislative Council, as~~
 10 ~~provided in such section.~~

11 Sec. 3. All capital construction projects, including
 12 applicable financing plans, proposed by any nonprofit corporation
 13 created by the Board of Regents of the University of Nebraska
 14 or the Board of Trustees of the Nebraska State Colleges shall be
 15 submitted to the Legislature for review and approval or disapproval
 16 by the Legislature, or if the Legislature is not in session,
 17 the Executive Board of the Legislative Council, when (1) state
 18 general funds, (2) funds received by the University of Nebraska or
 19 any state college for the purposes of reimbursing overhead costs
 20 and expenses in connection with any federal or other grant or
 21 contract, (3) tuition, or (4) the state's operating investment pool
 22 investment income constitute all or any part of the funds used for
 23 the repayment of all or any part of the bonds of such nonprofit
 24 corporation.

25 2. Renumber the remaining sections accordingly.

(Signed) Kate Sullivan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 121. Introduced by Gloor, 35.

WHEREAS, Grand Island Senior High School students formed a chapter of Students Against Destructive Decisions (SADD) five years ago to advocate healthy decisions to other youth and to the public; and

WHEREAS, Grand Island Senior High School SADD has worked collaboratively with Tobacco Free Hall County to create public service announcements on Tobacco Free Hall County's web site and its Facebook, Twitter, and YouTube pages; and

WHEREAS, Grand Island Senior High School SADD has been active in the Great American Smokeout, Kick Butts Day, No Limits Nebraska, and World No Tobacco Day to bring attention to the hazardous effects of tobacco in all its forms; and

WHEREAS, Grand Island Senior High School SADD created and displayed human billboards at the 2012 Nebraska State Fair encouraging fairgoers to choose smoke-free lifestyles and advocated that "clean air is healthy air"; and

WHEREAS, Grand Island Senior High School SADD participated in Red Ribbon Week by painting Second Street in downtown Grand Island red, visiting with individuals about being drug-free, and encouraging those individuals and their families to sign a banner pledging that "the best me is drug free"; and

WHEREAS, Grand Island Senior High School SADD created a large cigarette display for 2013 Kick Butts Day which represented the number of people who die from tobacco-related illnesses.

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

1. That the Legislature commends the members of Students Against Destructive Decisions at Grand Island Senior High School for their efforts in educating young people and the public regarding the dangers of tobacco use, for encouraging smoke-free lifestyles, and for promoting healthy decisions concerning drug use.

2. That a copy of this resolution be sent to the members of Students Against Destructive Decisions at Grand Island Senior High School, to their guidance counselor Dave Woods, and to Sandy Yager at Tobacco Free Hall County.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 528. Committee AM605, found on page 774 and considered on pages 821 and 829, as amended, was renewed.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 153A. Placed on Select File.

(Signed) John Murante, Chairperson

VISITORS

Visitors to the Chamber were 15 members from Bellevue Chamber Leadership Group; and 42 fourth-grade students and teachers from Avery Elementary, Bellevue.

RECESS

At 11:50 a.m., on a motion by Senator Lautenbaugh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators Hadley and Krist who were excused; and Senators Conrad, Lautenbaugh, McGill, and Watermeier who were excused until they arrive.

COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 568. Placed on General File with amendment.
AM812

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 10 of this act shall be known
- 4 and may be cited as the Health Insurance Exchange Navigator
- 5 Licensure Act.
- 6 Sec. 2. For purposes of the Health Insurance Exchange
- 7 Navigator Licensure Act:
- 8 (1) Director means the Director of Insurance;
- 9 (2) Exchange means any health insurance exchange
- 10 established or operating in this state, including any exchange
- 11 established or operated by the United States Department of Health
- 12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that:

15 (a) Receives any funding, directly or indirectly, from an
16 exchange, the state, or the federal government to perform any of
17 the activities and duties identified in 42 U.S.C. 18031(i), as such
18 section existed on January 1, 2013;

19 (b) Facilitates enrollment of individuals or employers
20 in health plans or public insurance programs offered through an
21 exchange;

22 (c) Conducts public education or consumer assistance
23 activities for or on behalf of an exchange; or

1 (d) Is described or designated by an exchange, the state,
2 or the United States Department of Health and Human Services,
3 or could reasonably be described or designated as, a navigator,
4 an in-person assister, an enrollment assister, an application
5 assister, or an application counselor.

6 Sec. 3. (1) No individual or entity shall perform, offer
7 to perform, or advertise any service as a navigator in this state
8 unless licensed as a navigator by the director.

9 (2) A navigator may:

10 (a) Conduct public education activities to raise
11 awareness of the availability of qualified health plans offered
12 in the exchange and public insurance programs offered through the
13 exchange;

14 (b) Distribute fair and impartial general information
15 concerning enrollment in (i) all qualified health plans offered in
16 the exchange and the availability of the premium tax credits under
17 section 36B of the Internal Revenue Code of 1986 and cost-sharing
18 reductions under section 1402 of the federal Patient Protection
19 and Affordable Care Act and (ii) public insurance programs offered
20 through the exchange;

21 (c) Facilitate enrollment in (i) qualified health plans,
22 without suggesting that an individual select a particular plan, and
23 (ii) public insurance programs offered through the exchange;

24 (d) Provide referrals to appropriate state or federal
25 agencies for any enrollee with a grievance, complaint, or question
26 regarding their health plan, coverage, or a determination under
27 such plan coverage; or

1 (e) Provide information in a manner that is culturally
2 and linguistically appropriate to the needs of the population being
3 served by the exchange, including individuals with limited English
4 proficiency, and ensure accessibility and usability of navigator
5 tools and functions for individuals with disabilities in accordance
6 with the Americans with Disabilities Act and section 504 of the
7 Rehabilitation Act.

8 (3) A navigator shall not:

9 (a) Engage in any activities that would require an
10 insurance producer license;

11 (b) Offer advice about which health plan is better or

- 12 worse for a particular individual or employer;
13 (c) Recommend or endorse a particular health plan or
14 advise consumers about which health plan to choose;
15 (d) Provide any information or services related to health
16 plans or other products not offered in the exchange;
17 (e) Accept any compensation or consideration that is
18 dependent, in whole or in part, on whether a person enrolls in or
19 purchases a qualified health plan; or
20 (f) Fail to respond to any written inquiry from the
21 director or request additional reasonable time to respond within
22 fifteen working days.

23 Sec. 4. Except as otherwise permitted by law, only a
24 person licensed as an insurance producer or consultant in this
25 state can:

- 26 (1) Sell, solicit, or negotiate health insurance;
27 (2) Provide advice concerning the benefits, terms, and
1 features of a particular health plan or offer advice about which
2 health plan is better or worse for a particular individual or
3 employer; or
4 (3) Recommend a particular health plan or advise
5 consumers about which health plan to choose.
6 Sec. 5. (1) An individual applying for an individual
7 navigator license shall make application to the director on a
8 form developed by the director and which contains the information
9 prescribed by the director and which, unless preempted by federal
10 law, is accompanied by the initial individual license fee in
11 an amount not to exceed fifty dollars as established by the
12 director. The individual shall declare in the application under
13 penalty of refusal, suspension, or revocation of the license that
14 the statements made in the application are true, correct, and
15 complete to the best of the individual's knowledge and belief.
16 Before approving the application, the director shall find that the
17 individual:

- 18 (a) Is at least eighteen years of age;
19 (b) Has successfully passed the examination prescribed by
20 the director, except that the director shall exempt an individual
21 from the requirement for passage of an examination if the
22 individual has successfully passed an examination prescribed by an
23 exchange established or operating in this state. The director may
24 make arrangements, including contracting with an outside testing
25 service, for administering examinations and collecting fees imposed
26 pursuant to the Health Insurance Exchange Navigator Licensure
27 Act. Each individual applying for an examination shall remit a
1 nonrefundable fee as prescribed by the director; and
2 (c) Has identified any entity navigator with which he or
3 she is affiliated and supervised.
4 (2) An entity applying for an entity navigator license
5 shall make application on a form developed by the director and
6 which contains the information prescribed by the director and

7 which, unless preempted by federal law, is accompanied by the
8 initial entity license fee in an amount not to exceed one hundred
9 dollars as established by the director.

10 (3) The director may require any documents deemed
11 necessary to verify the information contained in an application
12 submitted in accordance with subsections (1) and (2) of this
13 section.

14 (4) Licensed entity navigators shall, in a manner
15 prescribed by the director, periodically provide the director with
16 a list of all individual navigators that it employs, supervises,
17 or is affiliated with.

18 Sec. 6. (1) An individual navigator's license shall
19 expire on the last day of the month of the navigator's birthday in
20 the first year after issuance in which his or her age is divisible
21 by two and an entity navigator's license shall expire on April 30
22 of each year after the year of issuance which is divisible by two.

23 (2) An individual navigator may file an application for
24 renewal of a license on a form developed by the director and,
25 unless preempted by federal law, shall pay the renewal fee in an
26 amount not to exceed fifty dollars as established by the director
27 and an entity navigator may file an application for renewal of a
1 license on a form developed by the director and, unless preempted
2 by federal law, shall pay the renewal fee in an amount not to
3 exceed one hundred dollars as established by the director. An
4 individual navigator who fails to file timely for license renewal,
5 unless preempted by federal law, shall pay the late fee in an
6 amount not to exceed seventy-five dollars as established by the
7 director and an entity navigator that fails to file timely for
8 license renewal, unless preempted by federal law, shall pay the
9 late fee in an amount not to exceed one hundred twenty-five dollars
10 as established by the director.

11 (3) Prior to the filing date for application for
12 renewal of a license, a licensed individual navigator shall comply
13 with ongoing training and continuing education requirements. Such
14 navigator shall file with the director, by a method prescribed
15 by the director, satisfactory certification of completion of the
16 continuing education requirements. Any failure to fulfill the
17 ongoing training and continuing education requirements shall result
18 in the expiration of the license.

19 Sec. 7. On contact with an individual who acknowledges
20 having existing health insurance coverage obtained through
21 a licensed insurance producer, a navigator shall inform the
22 individual that he or she may, but is not required to, seek further
23 assistance from that producer or another licensed producer for
24 information, assistance, and any other services.

25 Sec. 8. (1) The director may place on probation, suspend,
26 revoke, or refuse to issue, renew, or reinstate a navigator
27 license, or may levy a fine not to exceed one thousand dollars for
1 each violation, or any combination of actions, for violation of the

2 Health Insurance Exchange Navigator Licensure Act.
 3 (2) Except as otherwise provided by law, the director
 4 may examine and investigate the business affairs and records of
 5 any navigator to determine whether the navigator has engaged or is
 6 engaging in any violation of the act.

7 (3) An entity navigator license may be suspended or
 8 revoked, or renewal or reinstatement thereof may be refused, or
 9 a fine may be levied, with or without a suspension, revocation,
 10 or refusal to renew a license, if the director finds that an
 11 individual navigator's violation was known by the employing or
 12 supervising entity and the violation was not reported to the
 13 director and no corrective action was undertaken on a timely basis.

14 Sec. 9. The Health Insurance Exchange Navigator Licensure
 15 Act does not apply to any individual or entity licensed as an
 16 insurance producer in this state.

17 Sec. 10. The director may adopt and promulgate rules and
 18 regulations to carry out the Health Insurance Exchange Navigator
 19 Licensure Act.

20 Sec. 11. If any section in this act or any part of any
 21 section is declared invalid or unconstitutional, the declaration
 22 shall not affect the validity or constitutionality of the remaining
 23 portions.

24 Sec. 12. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 97. Title read. Considered.

Committee AM572, found on page 708, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA39

Amend AM572

Page 2, strike subdivision (c); renumber.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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

The Chair declared the call raised.

Senator Smith offered the following amendment to the committee amendment:

FA40

Amend AM572

Page 31, line 10, add "This Act terminates on January 1, 2019 unless extended by the Legislature."

Senator Smith withdrew his amendment.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Smith offered the following amendment:

FA41

Page 11, line 10, insert (6) "A land bank may hold assets not to exceed twenty-five million dollars." Renumber remaining sections.

Senator Smith withdrew his amendment.

Pending.

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 263. Placed on General File with amendment. AM835 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

Education

LEGISLATIVE BILL 585. Placed on General File with amendment. AM832 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB326:
AM456

(Amendments to Standing Committee amendments, AM434)

- 1 1. On page 10, after line 16, insert the following new
- 2 subsection:
- 3 "(9) A prescription is required for any controlled
- 4 substance dispensed from a long-term care automated pharmacy.";
- 5 and in line 17 strike "(9)" and insert "(10)".

Senator Larson filed the following amendment to LB57:
AM844

(Amendments to Standing Committee amendments, AM676)

- 1 1. On page 1, strike lines 17 through 23 and insert the
2 following new subsection:
3 "(8) The board shall require, in the contract between the
4 board and the grantee, that a grantee not sell, lease, transfer,
5 exchange, or encumber any portion or all of the real property
6 acquired by the grantee in whole or in part by trust funds without
7 the prior written approval of the board, which approval shall
8 not be unreasonably withheld. The grantee shall provide the board
9 in writing the details of any proposed sale, lease, transfer,
10 exchange, or encumbrance of the real property at least thirty days
11 in advance of the next scheduled board meeting and obtain written
12 approval of the board prior to executing any such transaction. If
13 the board does not provide written approval of the sale, lease,
14 transfer, exchange, or encumbrance, the grantee may repay the value
15 of the grant to the trust in order to be released from all further
16 obligations. If the board provides written approval of a sale,
17 transfer, or exchange, the real property shall be released from any
18 further restrictions regarding its sale, lease, transfer, exchange,
19 or encumbrance.
20 The board shall require, in the contract between the
21 board and the grantee, (a) that the grantee provide the board,
22 in advance of the distribution of trust funds, with written
1 confirmation on behalf of any financial institution that is to
2 provide the grantee with a portion of the funds for purchase of
3 real property to be acquired by the grantee in part by trust funds,
4 acknowledging that the grantee may not sell, lease, transfer,
5 exchange, or encumber any portion or all of the real property,
6 without the written approval of the board and (b) that the deed or
7 other instrument conveying title to real property acquired by the
8 grantee in whole or in part by trust funds shall contain express
9 provisions stating that the grantee may not sell, lease, transfer,
10 exchange, or encumber any portion or all of such real property
11 without the prior written approval of the board. Failure of such
12 deed or other instrument to contain the required statement shall
13 allow the grantee to sell, lease, transfer, exchange, or encumber
14 any portion or all of the real property without having to obtain
15 prior written approval of the board."
16 2. On page 2, strike line 1.

Senator Chambers filed the following amendment to LB97:
FA42

Amend AM572

Page 4, lines 10, 11 strike.

VISITORS

Visitors to the Chamber were Colleen and Michael Korzen from Chicago, IL; Terri and Lesli Lair from Lincoln; Katie Lesiak from Fullerton; and 35 fourth-grade students and teachers from Pershing Elementary, Lexington.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature