

SIXTY-NINTH DAY - APRIL 30, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 30, 2013

PRAYER

The prayer was offered by Senator Wallman.

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 K. Haar who was excused; and Senators Ashford, Christensen, Conrad, B. Harr, Larson, Lautenbaugh, McCoy, McGill, Price, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 44. Placed on Final Reading.

LEGISLATIVE BILL 68. Placed on Final Reading.
ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schilz amendment, AM575:

a. On page 4, line 14, an underscored comma has been inserted after "fees";

b. Amendment 2 has been incorporated into ER52 as follows: On page 7 the matter beginning with "The" in line 24 through the period in line 26 has been struck and "The license fees are set forth in section 11 of this act." inserted; and

c. Amendment 3 has been incorporated into ER52 as follows: On page 10, lines 10 and 11, "of actual costs assessed to the applicant" has been struck;

and the matter beginning with "Such" in line 11 through line 12 has been struck.

LEGISLATIVE BILL 242. Placed on Final Reading.

ST15

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mello amendment, AM789, on page 2, line 24, "subdivision" has been struck and "subsection" inserted.

2. On page 1, the matter beginning with "84-901.01" in line 2 through line 5 has been struck and "84-908, Reissue Revised Statutes of Nebraska, and sections 81-8,245 and 84-901.01, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Public Counsel; to provide for a public hearing regarding certain rules and regulations; to prohibit application of administrative rules as prescribed; and to repeal the original sections." inserted.

3. On page 3, line 8, "84-908, Reissue Revised Statutes of Nebraska, and sections 81-8,245 and" has been inserted after "section"; and in line 9 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 269. Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM1108, on page 1, line 7, "3" has been struck and "2" inserted.

2. In the E and R amendments, ER51, on page 9, line 5, the comma has been struck.

LEGISLATIVE BILL 423. Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R Amendments, ER40:

a. On page 4, line 7; and page 7, line 20, "6" has been struck and "9" inserted; and

b. On page 11, lines 21 and 25, "2-3812, 38-3330, 54-742," has been inserted after "sections"; in line 25 "animals" has been struck and "agriculture" inserted; and in line 27 "to provide for use of the Nebraska Agricultural Products Marketing Cash Fund for purposes of bovine trichomoniasis prevention; to provide for waiver of privilege and liability limitations for veterinarians for purposes of bovine trichomoniasis prevention; to prohibit sales of cattle, require notifications, and provide for assessment of costs for purposes of bovine trichomoniasis prevention;" has been inserted after the semicolon.

(Signed) John Murante, Chairperson

COMMUNICATION

Received a copy of House Concurrent Resolution No. 22 from the state of Idaho relating to federal land transfer to the state of Idaho.

GENERAL FILE

LEGISLATIVE BILL 483A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 269A. Senator Campbell offered her amendment, AM1163, found on page 1153.

The Campbell amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 299. Senator Kolowski offered his amendment, AM987, found on page 959.

Senator Murante offered his amendment, AM1135, found on page 1145, to the Kolowski amendment.

The Murante amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The Kolowski amendment, as amended, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 23. ER61, found on page 1062, was adopted.

Senator Hadley withdrew his amendments, AM1095 and AM1129, found on pages 1113 and 1145.

Senator Hadley offered his amendment, AM1181, found on page 1159.

The Hadley amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 3. ER63, found on page 1062, was adopted.

Senator Lathrop offered his amendment, AM1067, found on page 1069.

Senator Lathrop offered his amendment, AM1128, found on page 1145, to his amendment.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Lathrop amendment, AM1067, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 99. ER64, found on page 1062, was adopted.

Senator Mello offered his amendment, AM1075, found on page 1107.

The Mello amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Pirsch offered the following amendment:
AM1179

- 1 1. Insert the following new sections:
- 2 Section 1. Section 81-1822, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-1822 No compensation shall be awarded from the
- 5 Victim's Compensation Fund:
- 6 (1) If the victim aided or abetted the offender in the
- 7 commission of the unlawful act;
- 8 (2) If the offender will receive economic benefit or
- 9 unjust enrichment from the compensation;
- 10 (3) If the victim violated a criminal law of the state,
- 11 which violation caused or contributed to his or her injuries or
- 12 death; ~~or~~
- 13 (4) If the victim is injured as a result of the operation
- 14 of a motor vehicle, boat, or airplane (a) unless the vehicle was
- 15 used in a deliberate attempt to injure or kill the victim, (b)
- 16 unless the operator is charged with a violation of section 60-6,196
- 17 or 60-6,197 or a city or village ordinance enacted in conformance
- 18 with either of such sections, or (c) unless any chemical test of
- 19 the operator's breath or blood indicates an alcohol concentration
- 20 equal to or in excess of the limits prescribed in section 60-6,196.
- 21 ~~;~~
- 22 (5) ~~If the victim incurs an economic loss which does~~
- 23 ~~not exceed ten percent of his or her net financial resources. For~~
- 1 ~~purposes of this subdivision, a victim's net financial resources~~

2 shall not include the present value of future earnings and shall
 3 be determined by the committee by deducting from the victim's total
 4 financial resources:

5 (a) One year's earnings;

6 (b) The victim's equity in his or her home, not exceeding
 7 thirty thousand dollars;

8 (c) One motor vehicle; and

9 (d) Any other property which would be exempt from
 10 execution under section 25-1552 or 40-101.

11 Nothing in this section shall limit payments to a victim
 12 by an offender which are made as full or partial restitution of the
 13 victim's actual pecuniary loss.

14 Sec. 2. Section 81-1833, Revised Statutes Cumulative
 15 Supplement, 2012, is amended to read:

16 81-1833 (1) The committee shall prepare and submit to
 17 the commission a biennial report of its activities under the
 18 Nebraska Crime Victim's Reparations Act, ~~including the name of~~
 19 ~~each applicant, a brief description of the facts in each case, and~~
 20 ~~the amount of compensation awarded, except that if the applicant~~
 21 ~~was the victim of a sexual assault the victim's name shall not~~
 22 ~~be included in the report, but shall be available to the Governor~~
 23 ~~or a member of the Legislature upon request to the committee.~~
 24 Such report shall be submitted to the Governor and Clerk of the
 25 Legislature. The report submitted to the Clerk of the Legislature
 26 shall be submitted electronically, as part of the commission's
 27 report submitted pursuant to section 81-1423.

1 (2) The committee shall act as the oversight committee
 2 for the Community Trust and shall annually report its activities
 3 and findings as the oversight committee to the commission, the
 4 Governor, and the Clerk of the Legislature. The report submitted to
 5 the Clerk of the Legislature shall be submitted electronically. If
 6 any questionable or improper actions or inactions on the part of
 7 the Community Trust are observed, the committee shall immediately
 8 notify the Attorney General who shall investigate the matter.

9 Sec. 3. Original sections 81-1822 and 81-1833, Revised
 10 Statutes Cumulative Supplement, 2012, are repealed.

11 Sec. 4. The following section is outright repealed:

12 Section 81-1834, Revised Statutes Cumulative Supplement, 2012.

13 2. Renumber the remaining sections and correct internal
 14 references and the repealer accordingly.

The Pirsch amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 507. Title read. Considered.

SENATOR GLOOR PRESIDING

SENATOR COASH PRESIDING

Committee AM701, found on page 873, was offered.

Senator Conrad offered her amendment, AM1173, found on page 1153, to the committee amendment.

SENATOR KRIST PRESIDING

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 93A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 93, One Hundred Third Legislature, First Session, 2013.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Arlington; 8 fourth-grade student and teachers from Humphrey; 29 twelfth-grade students from Centura; 13 fourth-grade students, teacher, and sponsors from Trinity Lutheran School, Grand Island; and 96 fourth-grade students, teachers, and sponsors from Springridge Elementary, Omaha.

RECESS

At 12:02 p.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators K. Haar, Murante, and Watermeier who were excused; and Senators Adams, Ashford,

Karpisek, Lautenbaugh, McCoy, McGill, and Price who were excused until they arrive.

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 556. Placed on General File with amendment.
AM991

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. (1) The Department of Health and Human
4 Services shall adopt and promulgate rules and regulations providing
5 for telehealth services for children's behavioral health. Such
6 rules and regulations relate specifically to children's behavioral
7 health and are in addition to the Nebraska Telehealth Act.
8 For purposes of sections 1 to 4 of this act, child means
9 a person under nineteen years of age.
10 (2) The rules and regulations required pursuant to
11 subsection (1) of this section shall include, but not be limited
12 to:
13 (a) An appropriately trained staff member or employee
14 familiar with the child's treatment plan or familiar with the child
15 shall be immediately available in person to the child receiving
16 a telehealth behavioral health service in order to attend to any
17 urgent situation or emergency that may occur during provision of
18 such service. This requirement may be waived by the child's parent
19 or legal guardian; and
20 (b) Services provided by means of telecommunications
21 technology, other than telehealth behavioral health services
22 received by a child, are not covered if the child has access to
23 a comparable service within thirty miles of his or her place of
1 residence.
2 Sec. 2. It is the intent of the Legislature that
3 behavioral health screenings be offered by physicians at the
4 time of childhood physicals. The physician shall explain that such
5 screening is optional. The results of behavioral health screenings
6 and any related documents shall not be included in the child's
7 school record and shall not be provided to the child's school or
8 to any other person or entity without the express consent of the
9 child's parent or legal guardian.
10 Sec. 3. The Behavioral Health Education Center created
11 pursuant to section 71-830 shall provide education and training
12 for educators on children's behavioral health in the areas of the
13 state served by the Behavioral Health Screening and Referral Pilot
14 Program created pursuant to section 4 of this act.
15 Sec. 4. (1) The University of Nebraska Medical Center
16 shall create the Behavioral Health Screening and Referral Pilot
17 Program. The pilot program shall utilize a strategy of screening
18 and behavioral health intervention. It is the intent of the

19 Legislature that the pilot program demonstrate a method of
20 addressing the unmet emotional or behavioral health needs of
21 children that can be replicated statewide. Under the pilot program,
22 behavioral health screening will be offered: (a) In primary care
23 providers' offices during examinations under the early and periodic
24 screening, diagnosis, and treatment services program pursuant to 42
25 U.S.C. 1396d(r), as such section existed on January 1, 2013; or
26 (b) upon request from parents or legal guardians who have concerns
27 about a child's behavioral health.

1 (2) Three clinics shall be selected to serve as sites
2 for the pilot program, including at least one rural and one
3 urban clinic. Selected clinics shall have child psychologists
4 integrated in the pediatric practice of the clinics. Parents or
5 legal guardians of children participating in the pilot program
6 shall be offered routine mental and behavioral health screening for
7 their child during required physical examinations or at the request
8 of a parent or legal guardian. Behavioral health screening shall be
9 administered by clinic staff and interpreted by the psychiatrist,
10 psychiatric nurse practitioner, psychologist, or licensed mental
11 health practitioner and the child's primary care physician.

12 (3) Children identified through such screenings as being
13 at risk may be referred for further evaluation and diagnosis as
14 indicated. If intervention is required, the primary care medical
15 team, including the psychologist and the primary care physician,
16 shall develop a treatment plan collaboratively with the parent
17 or legal guardian and any other individuals identified by the
18 parent or legal guardian. If appropriate, the child shall receive
19 behavioral therapy, medication, or combination therapy within the
20 primary care practice setting.

21 (4) Consultation via telephone or telehealth with
22 faculty and staff of the departments of Child and Adolescent
23 Psychiatry, Psychiatric Nursing, and Developmental Pediatrics, and
24 the Munroe-Meyer Institute Psychology Department, of the University
25 of Nebraska Medical Center shall be available to the primary
26 care practice and the children as needed to manage the care of
27 children with mental or behavioral health issues that require more
1 specialized care than can be provided by the primary care practice.

2 (5) Data on the pilot program shall be collected and
3 evaluated by the Interdisciplinary Center for Program Evaluation at
4 the Munroe-Meyer Institute of the University of Nebraska Medical
5 Center. Evaluation of the pilot program shall include, but not be
6 limited to:

7 (a) The number of referrals for behavioral health
8 screening under the pilot program;

9 (b) Whether each referral is initiated by a parent, a
10 school, or a physician;

11 (c) The number of children and adolescents recommended
12 for further psychological assessment after screening for a possible
13 behavioral health disorder;

14 (d) The number and type of further psychological
15 assessments of children and adolescents recommended and conducted;

16 (e) The number and type of behavioral health disorders
17 in children and adolescents diagnosed as a result of a further
18 psychological assessment following a behavioral health screening
19 under the pilot program;

20 (f) The number and types of referrals of children and
21 adolescents for behavioral health treatment from primary care
22 medical practitioners;

23 (g) The number of children and adolescents successfully
24 treated for a behavioral health disorder based upon patient
25 reports, parent ratings, and academic records;

26 (h) The number and type of referrals of children and
27 adolescents to psychiatric backup services at the University of
1 Nebraska Medical Center;

2 (i) The number of children and adolescents diagnosed
3 with a behavioral health disorder who are successfully managed or
4 treated through psychiatric backup services from the University of
5 Nebraska Medical Center;

6 (j) The number and types of medications, consultations,
7 or prescriptions ordered by psychiatric nurse practitioners for
8 children and adolescents;

9 (k) The number of referrals of children and adolescents
10 for severe behavioral health disorders and consultations to
11 child psychiatrists, developmental pediatricians, or psychologists
12 specializing in treatment of adolescents;

13 (l) The number of children and adolescents referred
14 to psychiatric hospitals or emergency departments of acute-care
15 hospitals for treatment for dangerous or suicidal behavior;

16 (m) The number of children and adolescents prescribed
17 psychotropic medications and the types of such psychotropic
18 medications; and

19 (n) Data collection on program costs and financial impact
20 as related to capacity for replication in other primary care
21 practices. Primary program costs include physician and psychologist
22 time for conducting screenings, family interviews, further testing,
23 and specialist consulting costs relating to consulting services by
24 psychiatric nurses, developmental pediatricians, and psychologists.
25 Treatment or medications paid by private insurance, the medical
26 assistance program, or the State Children's Health Insurance
27 Program shall not be included in program costs pursuant to this
1 subdivision.

2 (6) This section terminates two years after the effective
3 date of this act.

4 Sec. 5. Section 68-911, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 68-911 (1) Medical assistance shall include coverage for
7 health care and related services as required under Title XIX of the
8 federal Social Security Act, including, but not limited to:

- 9 (a) Inpatient and outpatient hospital services;
 10 (b) Laboratory and X-ray services;
 11 (c) Nursing facility services;
 12 (d) Home health services;
 13 (e) Nursing services;
 14 (f) Clinic services;
 15 (g) Physician services;
 16 (h) Medical and surgical services of a dentist;
 17 (i) Nurse practitioner services;
 18 (j) Nurse midwife services;
 19 (k) Pregnancy-related services;
 20 (l) Medical supplies; ~~and~~
 21 (m) Mental health and substance abuse services; and
 22 ~~(m)-(n) Early and periodic screening and diagnosis and~~
 23 treatment services for children which shall include both physical
 24 and behavioral health screening, diagnosis, and treatment services.
 25 (2) In addition to coverage otherwise required under this
 26 section, medical assistance may include coverage for health care
 27 and related services as permitted but not required under Title XIX
 1 of the federal Social Security Act, including, but not limited to:
 2 (a) Prescribed drugs;
 3 (b) Intermediate care facilities for the mentally
 4 retarded;
 5 (c) Home and community-based services for aged persons
 6 and persons with disabilities;
 7 (d) Dental services;
 8 (e) Rehabilitation services;
 9 (f) Personal care services;
 10 (g) Durable medical equipment;
 11 (h) Medical transportation services;
 12 (i) Vision-related services;
 13 (j) Speech therapy services;
 14 (k) Physical therapy services;
 15 (l) Chiropractic services;
 16 (m) Occupational therapy services;
 17 (n) Optometric services;
 18 (o) Podiatric services;
 19 (p) Hospice services;
 20 (q) Mental health and substance abuse services;
 21 (r) Hearing screening services for newborn and infant
 22 children; and
 23 (s) Administrative expenses related to administrative
 24 activities, including outreach services, provided by school
 25 districts and educational service units to students who are
 26 eligible or potentially eligible for medical assistance.
 27 (3) No later than July 1, 2009, the department
 1 shall submit a state plan amendment or waiver to the federal
 2 Centers for Medicare and Medicaid Services to provide coverage
 3 under the medical assistance program for community-based secure

4 residential and subacute behavioral health services for all
5 eligible recipients, without regard to whether the recipient has
6 been ordered by a mental health board under the Nebraska Mental
7 Health Commitment Act to receive such services.

8 Sec. 6. Section 71-8506, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 ~~71-8506 (1) On or after July 1, 2000, in person~~In-person
11 contact between a health care practitioner and a patient shall
12 not be required under the medical assistance program established
13 pursuant to the Medical Assistance Act and Title XXI of the federal
14 Social Security Act, as amended, for health care services delivered
15 through telehealth that are otherwise eligible for reimbursement
16 under such program and federal act. Such services shall be subject
17 to reimbursement policies developed pursuant to such program and
18 federal act. This section also applies to managed care plans which
19 contract with the department pursuant to the Medical Assistance Act
20 only to the extent that:

21 (a) Health care services delivered through telehealth
22 are covered by and reimbursed under the medicaid fee-for-service
23 program; and

24 (b) Managed care contracts with managed care plans are
25 amended to add coverage of health care services delivered through
26 telehealth and any appropriate capitation rate adjustments are
27 incorporated.

1 (2) The reimbursement rate for a telehealth consultation
2 shall, as a minimum, be set at the same rate as the medical
3 assistance program rate for a comparable in-person consultation.

4 (3) The department shall establish rates for transmission
5 cost reimbursement for telehealth consultations, considering, to
6 the extent applicable, reductions in travel costs by health care
7 practitioners and patients to deliver or to access health care
8 services and such other factors as the department deems relevant.
9 Such rates shall include reimbursement for all two-way, real-time,
10 interactive communications between the patient and the physician
11 or health care practitioner at the distant site which comply with
12 the federal Health Insurance Portability and Accountability Act
13 of 1996 and rules and regulations adopted thereunder and with
14 regulations relating to encryption adopted by the federal Centers
15 for Medicare and Medicaid Services and which satisfy federal
16 requirements relating to efficiency, economy, and quality of care.

17 Sec. 7. Original sections 68-911 and 71-8506, Reissue
18 Revised Statutes of Nebraska, are repealed.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 507. The Conrad amendment, AM1173, found on page 1153 and considered in this day's Journal, to the committee amendment, was renewed.

The Conrad amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Committee AM701, found on page 873 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 507A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 104. Placed on Select File with amendment.
ER86

- 1 1. On page 1, strike lines 2 through 7 and insert
- 2 "77-5715, Revised Statutes Cumulative Supplement, 2012; to provide
- 3 tax incentives for renewable energy projects as prescribed; to
- 4 define and redefine terms; to repeal the original section; and to
- 5 declare an emergency."

LEGISLATIVE BILL 140. Placed on Select File with amendment.
ER89

- 1 1. In the Standing Committee amendments, AM210:
- 2 a. On page 3, line 16, strike "electrical" and insert
- 3 "electric";
- 4 b. On page 18, line 25, after "subdivision" insert an
- 5 underscored comma; and
- 6 c. On page 21, line 8, strike "section 5" and insert
- 7 "sections 5 and 15".
- 8 2. On page 1, line 11, after the first semicolon insert
- 9 "to harmonize provisions;"

LEGISLATIVE BILL 366. Placed on Select File with amendment.
ER87

- 1 1. In the Standing Committee amendments, AM785, on page
- 2 1, lines 14 and 18, strike "shall mean" and insert "means"; in
- 3 line 22 strike "\$750,000" and insert "seven hundred fifty thousand
- 4 dollars" and strike "FY2013-14" and insert "fiscal years 2013-14
- 5 and 2014-15."; and in line 23 strike "and FY2014-15.".
- 6 2. On page 1, strike beginning with "Remedial" in line 2
- 7 through the first "to" in line 4 and insert "Diploma of High School
- 8 Equivalency Assistance Act; to eliminate obsolete provisions and
- 9 provide an additional use of".

LEGISLATIVE BILL 366A. Placed on Select File with amendment.
ER85

- 1 1. On page 2, line 18, strike "(1)".

LEGISLATIVE BILL 384. Placed on Select File with amendment.
ER88

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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 purpose of the Nebraska Exchange Transparency
- 6 Act is to provide state-based recommendations and transparency
- 7 regarding the implementation and operation of an affordable
- 8 insurance exchange, as required by the federal Patient Protection
- 9 and Affordable Care Act, 42 U.S.C. 18001 et seq., by creating the
- 10 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 eleven 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 is a
10 nonvoting, ex officio member of the commission; and

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 is a nonvoting, ex officio member of the
14 commission.

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

17 (3) The appointed members of the commission shall serve
18 for terms of four years, except that of the members first
19 appointed, the Governor shall designate;

20 (a) One of the members representing the interests of
21 health care providers in the state to serve a term of three years
22 and the other to serve a term of two years;

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

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

27 (d) All other members to serve for terms of four years.

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

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

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

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

26 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
27 shall organize by selecting a chairperson and a vice-chairperson
1 who shall hold office at the pleasure of the commission. The
2 vice-chairperson shall act as chairperson in the absence of the
3 chairperson or in the event of a vacancy in that position.

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

6 (3) A majority of the members of the commission shall
7 constitute a quorum.

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

11 Sec. 5. The Nebraska Exchange Stakeholder Commission
12 shall:

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

16 (a) Improving access to high-quality, affordable health
17 coverage options and improving policies and processes on the
18 exchange to ensure a positive and seamless consumer experience;

19 (b) Promoting competitiveness of the exchange, minimizing
20 administrative burden for issuers, and ensuring consumer
21 protections;

22 (c) Incorporating existing state policies, capabilities,
23 and infrastructure that can also assist in exchange implementation
24 and operations;

25 (d) Ensuring the effectiveness of the navigator grant
26 program;

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

3 (f) Ensuring the small business health options program
4 or SHOP Exchange meets the needs and provides value to small
5 businesses;

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

9 (3) Assist the exchange in meeting the stakeholder
10 consultation requirements established in 45 C.F.R. 155.130, as
11 such regulations existed on January 1, 2013;

12 (4) Identify challenges and problems in the
13 implementation and operation of the exchange and prepare
14 recommendations to alleviate the problems identified; and

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

22 Sec. 6. The Nebraska Exchange Transparency Act terminates
23 on July 1, 2017.

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

LEGISLATIVE BILL 384A. Placed on Select File.

LEGISLATIVE BILL 23A. Placed on Select File.

LEGISLATIVE BILL 553A. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB242:
AM1203

(Amendments to Final Reading copy)

- 1 1. On page 3, line 23, strike "the act" and insert "such
- 2 subsection".
- 3 2. On page 4, line 2, after the period insert "The report
- 4 to the executive board shall be submitted electronically.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 165. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding tax settlements. This study shall include, but not be limited to, an examination of the following issues:

(1) Current statutes and Department of Revenue rules and regulations governing tax settlements;

(2) Policies and procedures within the Department of Revenue in determining whether to settle tax cases; and

(3) Implementation of Laws 2011, LB 642, which allows the Department of Revenue to contract with private vendors to help enforce existing tax laws.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding the creation of revolving funds to finance energy conservation measures in Nebraska K-12 school districts. This study shall include, but not be limited to, an examination of the following issues:

- (1) The potential financial, environmental, and educational benefits of such revolving funds;
- (2) Any similar revolving funds currently being utilized in higher education and elsewhere;
- (3) The potential impact of such revolving funds on state aid funding through the Tax Equity and Educational Opportunities Support Act; and
- (4) Existing funding sources for energy conservation measures that could be leveraged in conjunction with such revolving funds.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding personal identifying information collected by state and local governments and private businesses. This study shall include, but not be limited to, an examination of the following issues:

- (1) Data disposal laws in other states, including whether such laws apply to government agencies, private businesses, or both;
- (2) Data disposal requirements in existing federal law; and
- (3) Standards used in other state and federal data disposal laws regarding what type of data must be disposed of and the manner of such disposal.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 354. Title read. Considered.

SENATOR SMITH PRESIDING

Committee AM506, found on page 741, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA68

Amend AM506

Page 3, line 1, strike beginning with "It" through "the" in line 5 and insert "The".

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Bloomfield Conrad Cook

Voting in the negative, 23:

Adams	Gloor	Karpisek	Pirsch	Smith
Brasch	Hadley	Kintner	Price	Wallman
Carlson	Hansen	Larson	Scheer	Wightman
Christensen	Janssen	McCoy	Schilz	
Davis	Johnson	Nelson	Seiler	

Present and not voting, 12:

Avery	Crawford	Harr, B.	Nordquist
Campbell	Dubas	Lathrop	Schumacher
Chambers	Harms	Mello	Sullivan

Excused and not voting, 11:

Ashford	Haar, K.	Krist	Murante
Bolz	Howard	Lautenbaugh	Watermeier
Coash	Kolowski	McGill	

The Chambers amendment lost with 3 ayes, 23 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO58

Reconsider the vote taken on FA68.

Pending.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB545:
AM1209

(Amendments to Standing Committee amendments, AM422)

- 1 1. On page 5, line 17, after "court" insert ", except
- 2 that the appellate court shall conduct a review of the matter de
- 3 novo on the record.".

Senator Sullivan filed the following amendment to LB410:
AM1205

- 1 1. On page 6, line 4, strike "unless (a) the", show
- 2 as stricken, and insert ", except that the option does not count
- 3 toward such limitation if such option meets, or met at the time
- 4 of the option, one of the following criteria: (a) The"; in line
- 5 7 after "(d)" insert "the student will have completed either the
- 6 grades offered in the school building originally attended in the
- 7 option school district or the grades immediately preceding the
- 8 lowest grade offered in the school building for which a new option
- 9 is sought, (e)"; and in line 8 strike "(e)" and insert "(f)".
- 10 2. On page 7, line 21, strike "or" and insert an
- 11 underscored comma; and in line 22 after "1" insert ", or whose
- 12 qualification for the option for school year 2013-14 is changed
- 13 pursuant to the changes made to subsection (1) of section 79-234 by
- 14 this legislative bill".

Senator Hadley filed the following amendment to LB23A:
AM1212

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated (1) \$1,069,919
- 4 from Cash Funds and \$1,307,679 from federal funds for FY2013-14 and
- 5 (2) \$1,069,919 from Cash Funds and \$1,069,919 from federal funds
- 6 for FY2014-15 to the Department of Health and Human Services, for
- 7 Program 348, to aid in carrying out the provisions of Legislative
- 8 Bill 23, One Hundred Third Legislature, First Session, 2013.
- 9 No expenditures for permanent and temporary salaries and
- 10 per diems for state employees shall be made from funds appropriated
- 11 in this section.

Senator Carlson filed the following amendment to LB354:
FA69

Amend AM506

Page 8 at end of line 11 strike (.) and insert (; and).

Line 12 insert:

- (i) Actively promote efficiency in irrigation practices and encourage plans to accomplish water sustainability.

RESOLUTION

LEGISLATIVE RESOLUTION 168. Introduced by Davis, 43.

WHEREAS, Bruce Parish, Athletic Director of Hyannis Public Schools, was recognized as the District VI Athletic Director of the Year by the Nebraska State Interscholastic Athletic Administrators Association; and

WHEREAS, Director Parish previously served as both vice president and president of the Nebraska State Interscholastic Athletic Administrators Association, and currently serves as the awards and Hall of Fame representative on the association board; and

WHEREAS, Director Parish was previously recognized by the Nebraska State Education Association with its Community Service Award and was named Teacher of the Year at Chadron High School; and

WHEREAS, Director Parish was a youth sports director at the United States Air Force Academy, served in both Bayard and Chadron, Nebraska, for nineteen years before becoming principal at Hyannis Public Schools in 2011, and is a certified Nebraska School Activities Association softball and American Legion baseball umpire.

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

1. That the Legislature congratulates Bruce Parish on being named District VI Athletic Director of the Year, and recognizes his years of service in education and his support of athletic activities for Nebraska's youth.

2. That a copy of this resolution be sent to Bruce Parish and to Hyannis Public Schools.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

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

VISITORS

Visitors to the Chamber were Larry Bradley from Omaha; 13 fourth-grade students and sponsors from St. Mary's School, O'Neill; and 20 fourth-grade students and sponsors from Battle Creek.

The Doctor of the Day was Dr. Jonathan Bassett from Papillion.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2013.

Patrick J. O'Donnell
Clerk of the Legislature