

EIGHTY-FIRST DAY - MAY 11, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 11, 2017

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Ebke who was excused; and Senators Craighead, Hansen, McCollister, Murante, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 632. Placed on Select File with amendment.
ER89

1 1. In the Standing Committee amendments, AM1303, on page 29, line
2 24, strike "nondramtic" and insert "nondramatic".
3 2. On page 1, strike lines 2 through 18 and insert "53-118, 53-168,
4 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes
5 of Nebraska, and sections 53-101, 53-103, 53-123.01, 53-123.14,
6 53-123.15, 53-124.11, 53-134.01, 53-164.01, 53-175, 53-186.01, 53-1,100,
7 and 53-1,104, Revised Statutes Cumulative Supplement, 2016; to define
8 bottle club; to require licensure of bottle clubs as prescribed; to
9 provide powers with respect to rules and regulations to the Nebraska
10 Liquor Control Commission; to require annual reports by third-party
11 shippers as prescribed; to change provisions relating to manufacturers'
12 licenses, craft brewery licenses, and special designated licenses as
13 prescribed and to provide for a waiver; to change requirements for the
14 sale of beer by certain licensees; to change provisions relating to
15 taxation of beer; to prohibit any wholesaler from selling alcoholic

16 liquor to any retailer with an overdue account as prescribed; to prohibit
17 consumption of alcoholic liquor at bottle clubs as prescribed; to change
18 penalty provisions of the Nebraska Liquor Control Act; to name the Music
19 Licensing Agency Act; to define and redefine terms; to eliminate obsolete
20 references; to provide duties; to require music licensing agencies to
21 register with the Department of Revenue; to change penalties; to
22 harmonize provisions; to provide operative dates; to provide for
23 severability; to repeal the original sections; and to declare an
24 emergency."

(Signed) Anna Wishart, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 10, 2017,
in accordance with Section 49-1481, Revised Statutes of Nebraska.
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Lautenbaugh, Scott
Nebraskans for Civic Reform

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>

SELECT FILE

LEGISLATIVE BILL 415A. Advanced to Enrollment and Review for
Engrossment.

MOTION(S) - Return LB512A to Select File

Senator Groene moved to return LB512A to Select File for his specific
amendment, AM1393, found on page 1497.

The Groene motion to return prevailed with 31 ayes, 0 nays, 12 present and
not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 512A. The Groene specific amendment, AM1393,
found on page 1497, was adopted with 35 ayes, 0 nays, 8 present and not
voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 335. With Emergency Clause.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to a rates of reimbursement market survey; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Howard	Lowe	Stinner
Baker	Erdman	Hughes	McCollister	Vargas
Blood	Friesen	Kolowski	McDonnell	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Williams
Brewer	Halloran	Kuehn	Riepe	Wishart
Briese	Harr	Larson	Scheer	
Chambers	Hilgers	Lindstrom	Schumacher	
Clements	Hilkemann	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Bolz Morfeld

Excused and not voting, 5:

Craighead Ebke Hansen Murante Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB335.

GENERAL FILE

LEGISLATIVE BILL 651. Title read. Considered.

Senator Chambers offered the following motion:

MO138

Bracket until May 25, 2017.

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Linehan requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 2:

Morfeld Schumacher

Voting in the negative, 29:

Albrecht	Craighead	Hilgers	Larson	Riepe
Bostelman	Erdman	Hilkemann	Lindstrom	Scheer
Brasch	Friesen	Hughes	Linehan	Vargas
Brewer	Geist	Kolowski	Lowe	Watermeier
Briese	Groene	Krist	McDonnell	Wayne
Clements	Halloran	Kuehn	Murante	

Present and not voting, 13:

Baker	Crawford	Howard	Quick	Wishart
Blood	Hansen	McCollister	Walz	
Chambers	Harr	Pansing Brooks	Williams	

Absent and not voting, 1:

Bolz

Excused and not voting, 4:

Ebke Kolterman Smith Stinner

The Chambers motion to bracket failed with 2 ayes, 29 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 2017, at 9:17 a.m. was the following:
LB335e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

ANNOUNCEMENT(S)

Senator Larson announced the General Affairs Committee will meet May 17, 2017, at 12:00 p.m. in Room 1524 instead of Room 1510.

Senator Albrecht announced the Business and Labor Committee will meet May 18, 2017, at 8:30 a.m. instead of 1:00 p.m. in Room 2102.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 415A. Placed on Final Reading.
LEGISLATIVE BILL 512A. Placed on Final Reading Second.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB644:
AM1390

(Amendments to E&R amendments, ER86)

1 1. Insert the following new sections:
2 Sec. 16. Section 68-901, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:
4 68-901 Sections 68-901 to 68-976 and section 17 of this act shall be
5 known and may be cited as the Medical Assistance Act.
6 Sec. 17. (1) The Medical Assistance Managed Care Organization
7 Oversight Committee is created. The committee shall be composed of the
8 following members: (a) The chairperson of the Appropriations Committee of
9 the Legislature or his or her designee; (b) the chairperson of the Health
10 and Human Services Committee of the Legislature or his or her designee;
11 (c) the vice-chairperson of the Appropriations Committee of the
12 Legislature or a designee specified by the chairperson of the
13 Appropriations Committee; (d) the vice-chairperson of the Health and
14 Human Services Committee of the Legislature or a designee specified by
15 the chairperson of the Health and Human Services Committee; and (e) three
16 members of the Legislature appointed by the Executive Board of the
17 Legislative Council. The Medical Assistance Managed Care Organization
18 Oversight Committee shall be subject to all rules prescribed by the
19 Legislature. The committee shall be reconstituted at the beginning of
20 each Legislature and shall meet as needed and hold at least two public

21 hearings each year.

22 (2) The Medical Assistance Managed Care Organization Oversight
23 Committee shall elect a chairperson and vice-chairperson from the
24 membership of the committee. The executive board may provide the
25 committee with a legal counsel, committee clerk, and other staff as
26 required by the committee from existing legislative staff. The executive
1 board may hire consultants as required by the committee. The committee
2 may hold hearings deemed necessary by the committee.

3 (3) The committee shall gather information and analysis related to
4 the delivery of services under the medical assistance program and the
5 Children's Health Insurance Program in Nebraska, including, but not
6 limited to, information from the Division of Medicaid and Long-Term Care
7 of the Department of Health and Human Services or other state agencies
8 and from Heritage Health, which is the managed care partner and health
9 care delivery system for Nebraska that combines the physical health,
10 behavioral health, and pharmacy programs into a single comprehensive and
11 coordinated system for services under the medical assistance program and
12 the Children's Health Insurance Program and which began providing the
13 integrated services on January 1, 2017.

14 (4) The committee shall provide a briefing and a report at a joint
15 meeting of the Appropriations Committee and the Health and Human Services
16 Committee annually on or before December 15. The briefing and report
17 shall include, but not be limited to, an examination of the following
18 information relating to managed care organization contracts and
19 operations:

20 (a) Quality of care for and health outcomes of individuals receiving
21 services under the medical assistance program pursuant to a managed care
22 organization contract as compared to the services provided prior to the
23 managed care organization contract;

24 (b) Integration and coordination of health care procedures for
25 individuals receiving services under the medical assistance program
26 pursuant to a managed care organization contract;

27 (c) Availability of information to the public about the services
28 under the medical assistance program pursuant to a managed care
29 organization contract, including, but not limited to, accessibility to
30 health services, expenditures for health services, extent of consumer
31 satisfaction with health services, and grievance procedures, including
1 quantitative case data on overall numbers of grievances and resolutions;

2 (d) Community outreach efforts and efforts to promote the public
3 understanding of the managed care organization;

4 (e) Comparison of the actual costs expended in providing services
5 under the medical assistance program pursuant to the managed care
6 organization contract, after the implementation of the contract, to the
7 actual costs expended for services under the medical assistance program
8 prior to implementation of the contract; and

9 (f) Comparison of numbers of individuals receiving services under
10 the medical assistance program pursuant to the managed care organization
11 contract, prior to implementation of the contract, to the numbers of
12 individuals receiving services under the medical assistance program

13 pursuant to the managed care organization contract after the
14 implementation of the contract.
15 (5) The committee shall terminate as of December 31, 2020, unless
16 extended by the Legislature.
17 Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
18 18, 19, 20, 21, 22, 25, and 26 of this act become operative three
19 calendar months after the adjournment of this legislative session. The
20 other sections of this act become operative on their effective date.
21 Sec. 24. Original section 68-901, Revised Statutes Cumulative
22 Supplement, 2016, is repealed.
23 Sec. 27. Since an emergency exists, this act takes effect when
24 passed and approved according to law.
25 2. Renumber the remaining sections accordingly.

Senator Larson filed the following amendment to LB296:

FA78

Amend AM276

Strike subsections 4 and 5.

Senator Larson filed the following amendment to LB296:

FA76

Strike sections 1 and 2.

Senator Larson filed the following amendment to LB296:

FA77

Strike sections 1 and 2.

Senator Schumacher filed the following amendment to LB72:

AM1360

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 13-402, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 13-402 (1) Any county, city, village, school district, agency of
6 the state government, drainage district, sanitary and improvement
7 district, or other political subdivision of the State of Nebraska is
8 hereby permitted, authorized, and given the power to file a petition in
9 the United States Bankruptcy Court under 11 U.S.C. chapter 9 and any acts
10 amendatory thereto and supplementary thereof and to incur and pay the
11 expenses incident to the consummation of a plan of adjustment of debts as
12 contemplated by such petition.
13 (2)(a) The authority and power to file a petition provided for in
14 subsection (1) of this section shall not apply to any city or village
15 that, at the time of its governing body authorizing the filing of such
16 petition, has its defined benefit retirement plan, if any, with a funded
17 ratio of the actuarial value of assets less than fifty-one and sixty-five
18 hundredths percent for any such petition to be filed during the period
19 between January 1, 2020, and January 1, 2023; fifty-four and forty-one
20 hundredths percent for any such petition to be filed during the period

21 between January 1, 2023, and January 1, 2026; fifty-eight and twenty-one
 22 hundredths percent for any such petition to be filed during the period
 23 between January 1, 2026, and January 1, 2029; sixty-three and forty-one
 24 hundredths percent for any such petition to be filed during the period
 25 between January 1, 2029, and January 1, 2032; seventy and seventy-one
 26 hundredths percent for any such petition to be filed during the period
 27 between January 1, 2032, and January 1, 2035; eighty and sixty-one
 1 hundredths percent for any such petition to be filed during the period
 2 between January 1, 2035, and January 1, 2038; and ninety percent
 3 thereafter.
 4 (b) Within ninety days prior to taking action authorizing the filing
 5 of such petition, the governing body of any city or village that has a
 6 defined benefit retirement plan shall conduct an actuarial valuation to
 7 determine the funded ratio of such defined benefit retirement plan. Such
 8 determination shall be prima facie evidence in establishing the authority
 9 of the city or village to exercise authority under this section.
 10 (c) A city or village that does not have a defined benefit
 11 retirement plan may by ordinance declare and affirm that its general
 12 obligation bonds, whether existing before, after, or at the time of such
 13 ordinance, shall, unless otherwise provided in the related authorizing
 14 measure, be equally and ratably secured by ad valorem taxes levied and to
 15 be levied from year to year by such city or village. Bonds so secured
 16 shall have a first lien on such ad valorem taxes so levied. The absence
 17 of such declaration or affirmation shall not reduce or degrade the
 18 priority or secured status of such bonds otherwise existing under law.
 19 (d) An actuary performing actuarial valuations pursuant to this
 20 subsection shall be a member of the American Academy of Actuaries and
 21 shall meet the academy's qualification standards to render a statement of
 22 actuarial opinion.
 23 Sec. 2. Original section 13-402, Reissue Revised Statutes of
 24 Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 651. Senator Chambers offered the following motion:
 M0139
 Reconsider the vote to bracket.

SPEAKER SCHEER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB651:
 AM1388

(Amendments to Linehan amendments, AM1226)

1 1. On page 1, line 3, after "and" insert "insert 'reliable and"

2 valid and strike"; in lines 4, 7, 15, and 18 strike "local" and insert
3 "reliable and valid local"; in line 5 strike the last "and"; in line 6
4 strike "local" and insert "reliable and valid local" and before the
5 period insert "; and strike beginning with 'who' in line 30 through
6 'plan' in line 31"; in line 9 after "the" insert "school and the"; in
7 line 20 before the period insert "and insert 'reliable and valid'"; and
8 in line 22 before the semicolon insert "and insert 'reliable and valid'".

VISITORS

Visitors to the Chamber were 16 fifth- and sixth-grade students from Thedford Elementary; Carol Withrow, Dorothy Snodgrass, and Ben Fleming from Papillion and Authur and Margaret Cheetham from Liverpool, England; 20 fourth-grade students and sponsors from Trinity Lutheran School, Fremont; 17 eighth-grade students, teacher, and sponsors from McCook St. Patrick; 21 fourth-grade students, teachers, and sponsors from Florence Elementary School - O.P.S.; 60 fourth-grade students from Bryan Elementary, Millard; 8 high school students and teachers from Elkhorn Public Schools; and 19 seventh-grade students and sponsors from St. Michael's School, Albion.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Monday, May 15, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

