

**SEVENTY-EIGHTH DAY - MAY 15, 2013**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION**

**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 15, 2013

**PRAYER**

The prayer was offered by Vicar LuRae Hallstrom, American Lutheran Church, Filley.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Janssen, Lautenbaugh, Murante, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**MOTION - Return LB407 to Select File**

Senator Chambers moved to return LB407 to Select File for the following specific amendment:

FA79

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB407 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 407.** With Emergency Clause.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1007.17, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1003, 79-1003.01, 79-1007.07, 79-1007.09, 79-1007.11, 79-1007.18, 79-1007.23, 79-1007.25, 79-1015.01, 79-1017.01, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to the base limitation, allowances, reports, calculation of formula need, adjustments, local system formula resources, and budget authority; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; 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, 47:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Johnson	Mello	Sullivan
Bolz	Davis	Karpisek	Murante	Wallman
Brasch	Dubas	Kintner	Nelson	Watermeier
Campbell	Gloor	Kolowski	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Janssen            Price

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

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB407.

### **SENATOR GLOOR PRESIDING**

### **SELECT FILE**

**LEGISLATIVE BILL 341.** ER54, found on page 990, was adopted.

Senator Wightman offered his amendment, AM1161, found on page 1163.

Senator Wightman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 2013, at 9:50 a.m. was the following:  
LB407e.

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

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 199.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this study resolution is to acquire additional information, including financial requirements, regarding the state's efforts to establish a statewide virtual/digital educational system. The study shall include, but not be limited to, an examination of the need, potential, and current plans for the following:

- (1) Organizing Nebraska assets and resources to establish a statewide virtual/digital education initiative;
- (2) Developing a plan and budget for state support of online high school courses including short and long-term objectives;
- (3) Establishing a single statewide virtual education resources web site;
- (4) Developing course content and organizing content and professional development, and enhancing statewide equity of access;
- (5) Establishing a clearinghouse of activities as well as information and links to existing resources;
- (6) Establishing a budget and cost allocation system for a statewide system;
- (7) Establishing a process to evaluate new courses and establishing a digital library with digital media content management, scheduling, and repository; and
- (8) Establishing appropriate roles and responsibilities.

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

1. That the Appropriations and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 200.** Introduced by Gloor, 35; Seiler, 33.

WHEREAS, Nebraska lost a dedicated public servant when Michael W. Wassinger passed away on May 2, 2013, in Hastings, Nebraska; and

WHEREAS, Mr. Wassinger was appointed for the first time in 2006 to the Nebraska State Board of Public Accountancy; and

WHEREAS, Mr. Wassinger served on various committees of the board including for three years as vice chairman and also as a longtime reviewer and member of the board's Quality Enhancement Program where he was instrumental in successfully requiring CPA firms to submit financial reports for review by other CPA reviewers to assist and educate firms within the accounting profession; and

WHEREAS, Mr. Wassinger was a member of the Convention Center Facility Financing Board for the Pinnacle Bank Arena and had been a successful partner at the McDermott and Miller, PC firm for over thirty years in Hastings; and

WHEREAS, Mr. Wassinger was a proud father and husband, a true professional, and a Nebraska public servant and community member who will be greatly missed.

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

1. That the Legislature sends its condolences to the friends and family of Michael W. Wassinger.

2. That a copy of this resolution be sent to Gladys Wassinger.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 563.** Senator Lautenbaugh withdrew his amendment, FA65, found on page 1137.

Senator Krist offered his amendment, AM1392, found on page 1356.

The Krist amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 561.** ER84, found on page 1166, was adopted.

Senator Ashford withdrew his amendment, AM1327, found on page 1332.

Senator Ashford offered his amendment, AM1394, found on page 1356.

Senator Ashford offered his amendment, AM1401, found on page 1356, to his amendment.

**SENATOR SULLIVAN PRESIDING****SENATOR GLOOR PRESIDING**

The Ashford amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Ashford amendment, AM1394, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 201.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families. Veterans returning from conflicts face mental and physical health challenges. Military families face unique challenges such as multiple placements, trailing spouses, long deployments, and reintegration challenges. Military installations require strong partnerships with state and local governments. State policies to address these challenges vary from state to state.

The issues addressed by this interim study shall include, but not be limited to, state policies to support military installations in the state, and veteran reintegration supports and policies that are friendly to military families and their unique concerns. The study should include both a comprehensive and comparative study of policies that address these issues.

**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.

**LEGISLATIVE RESOLUTION 202.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this resolution is to study the issue of election day registration. Eight states plus the District of Columbia presently offer election day registration, allowing any qualified resident to go to the polls or election official's office on election day to register that day and then vote. Another three states have enacted election day registration but have not yet implemented it. Over the last two bienniums, the Government, Military and

Veterans Affairs Committee has heard several bills on the topic of election day registration, but no bill has ever been advanced to the full Legislature. The issues to be examined by this interim study shall include, but not be limited to, the following:

(1) Whether it is more appropriate to have a citizen register and vote on election day at the polling site or at the county clerk or election commissioner's office;

(2) What type of identification is necessary for citizens who wish to register and vote on election day; and

(3) How other states are implementing and using election day registration.

Representatives of the Secretary of State's office and county officials, along with other interested parties, shall be invited to participate in this study.

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.

### **VISITORS**

Visitors to the Chamber were 37 fifth- and sixth-grade students and teachers from Lawrence-Nelson School, Lawrence; 75 fourth-grade students and teachers from Ashland Park-Robbins Elementary, Omaha; and 26 fourth-grade students from Heritage School, Bennington.

### **RECESS**

At 11:55 a.m., on a motion by Senator Seiler, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Christensen, Price, Sullivan, and Watermeier who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 203.** Introduced by K. Haar, 21; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the Constitution of the United States of America is our founding document; and

WHEREAS, the Constitution of the United States of America was signed on September 17, 1787; and

WHEREAS, a consolidated appropriations bill was signed and became Public Law 108-447 on December 8, 2004; and

WHEREAS, in that bill was the following amendment: SEC. 111(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of each year for the students served by the educational institution; and

WHEREAS, studies and activities pertaining to Constitution Day will help students gain a better understanding of the principles of the Constitution that created our republican form of government.

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

1. That the Legislature hereby declares September 17 as Constitution Day in the State of Nebraska.

2. That the Legislature recommends that in all public schools in the State of Nebraska, levels kindergarten through grade twelve, age appropriate instruction on the United States Constitution be conducted on this day.

3. That a copy of this resolution be sent to the State Department of Education.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 561.** Senator Coash offered the following amendment:

AM1351

(Amendments to E & R amendments, ER84)

1 1. Insert the following new section:

2 Section 1. (1) It is the intent of the Legislature that

3 the alternative response to reports of child abuse or neglect model

4 developed pursuant to subsection (2) of this section be implemented

5 in designated sites under the Child Protection Act no earlier than  
6 July 2014.

7 (2) The Department of Health and Human Services shall  
8 convene interested stakeholders and families to develop a model for  
9 alternative response to reports of child abuse or neglect under the  
10 Child Protection Act. The model shall include:

11 (a) Methodology for determining the location of sites for  
12 initial implementation of alternative response;

13 (b) An estimate of the percentage of reports of child  
14 abuse or neglect eligible for alternative response;

15 (c) Eligibility criteria for alternative response;

16 (d) The process to determine eligibility for alternative  
17 response;

18 (e) The assessment protocol and tools to be used for  
19 alternative response;

20 (f) The role of child abuse and neglect investigative  
21 teams and child abuse and neglect treatment teams in implementation  
22 sites;

1 (g) How, with whom, and what alternative response data  
2 will be shared;

3 (h) The criteria and process for transition of families  
4 from an alternative response to a traditional investigation;

5 (i) The criteria and process for families who refuse an  
6 alternative response;

7 (j) The plan to address the continuum of services needed  
8 for families receiving an alternative response;

9 (k) An overview of critical training elements for both  
10 staff who implement and stakeholders involved with alternative  
11 response implementation;

12 (l) A description of the evaluation component;

13 (m) The relationship of alternative response to Title  
14 IV-E waiver applications of the Department of Health and Human  
15 Services under the federal Social Security Act;

16 (n) A plan to communicate and update interested  
17 stakeholders and families with regard to the alternative response  
18 planning process;

19 (o) The identification of statutory and policy changes  
20 necessary to implement the alternative response model, including  
21 a procedure that provides that reports of child abuse and neglect  
22 which receive an alternative response shall not receive a formal  
23 determination and the subject of the report shall not be entered  
24 into the central register of child protection cases maintained  
25 pursuant to section 28-718;

26 (p) A budget for implementing and sustaining an  
27 alternative response model;

1 (q) The mechanisms of oversight and accountability in the  
2 alternative response model; and

3 (r) A determination of how alternative response service  
4 providers will be selected.



- 5 (3) The Department of Health and Human Services shall  
 6 provide the model developed under subsection (2) of this section  
 7 in a report to the Nebraska Children's Commission by November  
 8 1, 2013, for the commission's review. The Nebraska Children's  
 9 Commission shall electronically submit the report and review to the  
 10 Legislature by December 15, 2013.  
 11 2. Renumber the remaining sections and correct internal  
 12 references accordingly.

## SENATOR CARLSON PRESIDING

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

Senator Ashford offered the following amendment:  
 AM1438

(Amendments to AM1401)

- 1 1. On page 10, line 27, strike "or to any other" and
- 2 insert "and a".

The Ashford amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 204.** Introduced by Brasch, 16; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, William D. (Bill) Orr passed away at his home in Lincoln, Nebraska, on May 5, 2013, at the age of 78 with family members at his side; and

WHEREAS, Bill Orr was the husband of former Governor Kay A. Orr for 55 years, and became the First Gentleman of Nebraska when his wife was elected governor in 1986; and

WHEREAS, during his tenure as First Gentleman, Bill Orr authored the "First Gentleman's Cookbook" to raise proceeds to renovate the Governor's Mansion. The cookbook gained national attention for its self-effacing humor and high profile contributors, including Nancy Reagan, Barbara Bush, Warren Buffett, and Johnny Carson; and

WHEREAS, Bill Orr was an insurance executive for Woodmen Accident and Life where he worked for 37 years until his retirement in 1997, ultimately serving as a senior vice president and director of agency and marketing operations; and

WHEREAS, Bill Orr was born and raised in Iowa where his family owned a furniture and hardware business. He graduated with a business degree from the University of Iowa in 1957, and began his insurance career in Illinois before moving his family to Lincoln in 1963; and

WHEREAS, Bill Orr was an elder at Christ Lutheran Church in Lincoln, a member of Rotary Club 14, a TeamMates Program mentor, and a proud Eagle Scout; and

WHEREAS, Bill Orr is survived by his wife, Governor Kay Orr, his son and daughter-in-law, John and Brenda Orr, his daughter and son-in-law, Suzanne and Jim Gage, seven grandchildren, and many other relatives and friends.

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

1. That the Legislature extends its sympathy to Governor Kay Orr and her family, recognizes Bill Orr for his dedicated service to the state and his community, and remembers Bill Orr for his charm, wit, humor, and charitable legacy.

2. That a copy of this resolution be sent to Governor Kay Orr and her family.

Laid over.

**LEGISLATIVE RESOLUTION 205.** Introduced by Avery, 28.

**PURPOSE:** This resolution is to study the mission and financing options as authorized by current law of the Game and Parks Commission. This study shall include, but not be limited to, an examination of the following:

(1) Annual funding, including General Fund appropriations, grants, hunting and fishing permit fees, and park entrance permit fees;

(2) The scope and status of all deferred maintenance projects;

(3) The scope and status of all projects to comply with the Americans with Disabilities Act of 1990;

(4) The direct and indirect economic impact of annual state park attendance to the state; and

(5) A possible combination of future funding mechanisms such as adjusted park entrance fees, opt-in or opt-out fees, and voluntary contribution fees.

Based on these findings, the study committee shall make a recommendation with respect to the Game and Parks Commission and funding issues brought forth in LB 362, which was introduced in 2013.

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

1. That the Natural Resources 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 206.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this resolution is to study the school breakfast program. This study shall include, but not be limited to, an examination of the following issues:

(1) Current availability of the school breakfast program and participation rates;

(2) Barriers to participation, establishment, expansion, and maintenance of school breakfast programs;

(3) The impact of school breakfast on students;

(4) Models for increasing access to school breakfast;

(5) The potential for public-private partnerships in school breakfast programs; and

(6) Any other related topics the study committee deems necessary or appropriate.

**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.

**SELECT FILE**

**LEGISLATIVE BILL 66.** ER90, found on page 1195, was adopted.

Senator Chambers offered his motion, MO75, found on page 1356, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers offered the following amendment:

FA80

Amend AM784

Page 1, lines 7 and 10, strike "Law" and insert "Act"; page 8, line 5, strike "Law" and insert "Act".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA81

Amend AM784

Strike Section 1.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 634.** ER34, found on page 833, was adopted.

Senator Davis offered his amendment, AM1158, found on page 1271.

The Davis amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 634A.** Senator Davis offered his amendment, AM1174, found on page 1272.

The Davis amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **AMENDMENT - Print in Journal**

Senator Smith filed the following amendment to LB104:  
AM1408

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, strike lines 5 through 9 and insert the
- 2 following new subdivision:
- 3 "(j) The production of electricity by a certified
- 4 renewable export facility as defined in section 70-1001.01; or".

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 207.** Introduced by Nordquist, 7; Ashford, 20; B. Harr, 8; McGill, 26; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study the impact of the possession, sale, trade, and distribution of shark fins in the State of Nebraska. Data from federal and international agencies show a decline in shark populations worldwide. The practice of shark finning, where a shark is

caught, its fins cut off, and the carcass dumped back into the water, causes tens of millions of sharks to die each year. These sharks either starve to death, are slowly eaten by other fish, or suffocate because most sharks need to keep moving to force water through their gills for oxygen. Shark species are very susceptible to decline because they are slow to reach reproductive maturity and they bear small litters. Sharks occupy the top of the marine food chain, and their decline is an urgent problem that upsets the balance of species in ocean ecosystems and negatively affects other fisheries. Such decline constitutes a serious threat to the ocean ecosystem and biodiversity. The sale, trade, and distribution of shark fins in Nebraska helps drive the practice of shark finning which exacerbates the decline of the shark population and the risk of extinction. This study shall include, but not be limited to, an examination of consumer demand for shark fins in Nebraska and the potential impact of a ban on the possession, sale, trade, and distribution of shark fins in Nebraska.

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

1. That the Judiciary 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 on or before December 31, 2013.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 497.** ER53, found on page 990, was adopted.

Senator Sullivan offered her amendment, AM1315, found on page 1282.

The Sullivan amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 140.** ER89, found on page 1182, was adopted.

Senator McCoy withdrew his amendment, AM1243, found on page 1255.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366.** ER87, found on page 1183, was adopted.

Senator Cook offered her amendment, AM1397, found on page 1352.

The Cook amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366A.** ER85, found on page 1183, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 216A.** Title read. Considered.

### SENATOR KRIST PRESIDING

Senator McGill offered the following amendment:  
AM1412

- 1 1. Insert the following new section:
- 2 Sec. 5. There is hereby appropriated \$40,392 from the
- 3 General Fund for FY2014-15 to the Supreme Court, for Program 52,
- 4 to aid in carrying out the provisions of Legislative Bill 216, One
- 5 Hundred Third Legislature, First Session, 2013.
- 6 No expenditures for permanent and temporary salaries and
- 7 per diems for state employees shall be made from funds appropriated
- 8 in this section.
- 9 2. Renumber the remaining section accordingly.

The McGill amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 561A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 583A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

### COMMITTEE REPORTS

#### Health and Human Services

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

Joseph M. Acierno - Director, Department of Health and Human Services

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

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

Michael Brummer - Commission for the Deaf and Hard of Hearing  
Margaret Propp - Commission for the Deaf and Hard of Hearing

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

(Signed) Kathy Campbell, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 568.** Title read. Considered.

Committee AM812, found on page 841, was offered.

Senator Conrad offered the following motion:

MO77

Recommit to Banking, Commerce and Insurance Committee.

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

Senator McCoy moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator McCoy requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Avery	Crawford	Harr, B.	McCoy	Schilz
Bloomfield	Gloor	Johnson	Murante	Smith
Brasch	Hadley	Kintner	Nelson	Sullivan
Carlson	Hansen	Larson	Price	Wightman
Christensen	Harms	Lautenbaugh	Scheer	

Voting in the negative, 11:

Adams	Conrad	Haar, K.	Seiler
Chambers	Cook	Howard	Wallman
Coash	Dubas	Karpisek	

Present and not voting, 5:

Bolz                      Kolowski                      Krist                      Nordquist                      Schumacher

Absent and not voting, 1:

Pirsch

Excused and not voting, 8:

Ashford                      Davis                      Lathrop                      Mello  
Campbell                      Janssen                      McGill                      Watermeier

The McCoy motion to cease debate failed with 24 ayes, 11 nays, 5 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 208.** Introduced by Kolowski, 31; Hadley, 37; Hansen, 42.

**PURPOSE:** The purpose of this resolution is to study security in the public schools. The study shall include an examination and assessment of the following:

- (1) The risks for violence in Nebraska public schools;
- (2) The adequacy of current security measures in Nebraska public schools;
- (3) An estimate of the costs for school districts to undertake security measures to address reasonably foreseeable risks;
- (4) An estimate of the financial capacity of school districts to undertake needed security measures to address reasonably foreseeable risks of violence in the public schools, including consideration of the constraints on public school budgets under statutory limitations on school district budget authority, and the constraints on school district levy authority under statutory limitations; and
- (5) Any other issues related to security in the public schools that the study committee deems important.

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

1. That the Education and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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



Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 209.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study the contracts between the Department of Health and Human Services and provider agencies for foster care services. The study shall include, but not be limited to, an examination of the following:

- (1) The structure of the result-based accountability portion of the contracts;
- (2) Specific outcomes expected to be achieved by providers;
- (3) Tools used to measure outcomes;
- (4) How progress is measured during contract periods;
- (5) The protocol when expected outcomes are not achieved;
- (6) The level of communication between the department and provider agencies necessary to achieve success; and
- (7) The parity of contracts, accountability, and evaluation among provider agencies and foster parents contracting directly with the department.

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

1. That the Health and Human Services 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 210.** Introduced by Gloor, 35.

**WHEREAS,** the American Cancer Society, originally named the American Society for the Control of Cancer, was established in 1913 and has experienced 100 years of milestones in the fight against cancer; and

**WHEREAS,** the Women's Field Army started raising money and educating the public about cancer in 1937; and

**WHEREAS,** in 1944 the American Cancer Society prioritized funding for cancer research and has funded 46 Nobel Laureates and is the largest nongovernmental, not-for-profit funder of cancer research; and

**WHEREAS,** the American Cancer Society made a connection between lung cancer and smoking in 1950 which has led to education and laws that have greatly reduced smoking rates; and

**WHEREAS,** the American Cancer Society helped seek passage of the National Cancer Act of 1971 which established the National Cancer Institute and now funds billions of dollars annually for research; and

**WHEREAS,** the largest grassroots fundraising event in the world, Relay For Life, was launched by an American Cancer Society volunteer in 1985

and has currently raised over \$3 billion and raises \$400 million annually to fund research, education, advocacy, and service for cancer patients; and

WHEREAS, in 1997 the American Cancer Society opened the doors to the National Cancer Information Center which receives nearly one million calls per year seeking cancer information; and

WHEREAS, in 2003 American Cancer Society researchers linked obesity to most types of cancer and concluded the impact in 14% of cancers in men and 20% of cancers in women; and

WHEREAS, in 2006 for the first time in history, the actual number of cancer deaths in the United States declined thanks in large part to the American Cancer Society's groundbreaking work in cancer prevention, early detection, and treatment; and

WHEREAS, the American Cancer Society and its advocacy affiliate, the American Cancer Society Cancer Action Network, were successful in gaining support and passage of Food and Drug Administration regulation over tobacco products; and

WHEREAS, in 2012 the American Cancer Society reported cancer death rates declined by 20% which equates to 1.2 million lives saved; and

WHEREAS, on May 22, 2013, the American Cancer Society will celebrate the 100th anniversary of its founding.

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

1. That the Legislature extends special recognition to the American Cancer Society in celebration of their 100th anniversary.

2. That a copy of this resolution be sent to the High Plains Division of the American Cancer Society.

Laid over.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB34:  
AM1410

(Amendments to Standing Committee amendments, AM650)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 77-27,142, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-27,142 ~~(1)~~ Any incorporated municipality by ordinance
- 5 of its governing body is hereby authorized to impose a sales and
- 6 use tax of one-half percent, one percent, or one and one-half
- 7 percent, ~~one and three-quarters percent, or two percent~~ upon the
- 8 same transactions that are sourced under the provisions of sections
- 9 77-2703.01 to 77-2703.04 within such incorporated municipality on
- 10 which the State of Nebraska is authorized to impose a tax pursuant
- 11 to the Nebraska Revenue Act of 1967, as amended from time to time.
- 12 No sales and use tax shall be imposed pursuant to this section
- 13 until an election has been held and a majority of the qualified
- 14 electors have approved such tax pursuant to sections 77-27,142.01

15 and 77-27,142.02.

16 (2)(a) Any incorporated municipality that proposes to  
17 impose a municipal sales and use tax at a rate greater than one  
18 and one half percent or increase a municipal sales and use tax  
19 to a rate greater than one and one half percent shall submit the  
20 question of such tax or increase at a primary or general election  
21 held within the incorporated municipality. The question shall be  
22 submitted upon an affirmative vote by at least seventy percent  
1 of all of the members of the governing body of the incorporated  
2 municipality.

3 (b) Any rate greater than one and one half percent shall  
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds  
6 from the first one quarter percent of the rate greater than one and  
7 one half percent shall be used to reduce other taxes, the proceeds  
8 from the next one eighth percent of the rate greater than one and  
9 one half percent shall be used for public infrastructure projects,  
10 and the proceeds from the next one eighth percent of the rate  
11 greater than one and one half percent shall be used for purposes of  
12 the interlocal agreement or joint public agency agreement described  
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen  
15 percent of the proceeds from the rate in excess of one and one half  
16 percent may be used for non public infrastructure projects of  
17 an interlocal agreement or joint public agency agreement with  
18 another political subdivision within the municipality or the  
19 county in which the municipality is located, and the remaining  
20 proceeds shall be used for public infrastructure projects or  
21 voter approved infrastructure related to an economic development  
22 program as defined in section 18 2705; and

23 (iii) In any incorporated municipality other than a city  
24 of the metropolitan or primary class, the proceeds from the rate  
25 in excess of one and one half percent shall be used for public  
26 infrastructure projects or voter approved infrastructure related to  
27 an economic development program as defined in section 18 2705.

1 For purposes of this section, public infrastructure  
2 project means and includes, but is not limited to, any of the  
3 following projects, or any combination thereof: Public highways and  
4 bridges and municipal roads, streets, bridges, and sidewalks; solid  
5 waste management facilities; wastewater, storm water, and water  
6 treatment works and systems, water distribution facilities, and  
7 water resources projects, including, but not limited to, pumping  
8 stations, transmission lines, and mains and their appurtenances;  
9 hazardous waste disposal systems; resource recovery systems;  
10 airports; port facilities; buildings and capital equipment used  
11 in the operation of municipal government; convention and tourism  
12 facilities; redevelopment projects as defined in section 18 2103;  
13 mass transit and other transportation systems, including parking  
14 facilities; and equipment necessary for the provision of municipal

15 services.

16 (c) Any rate greater than one and one half percent shall  
17 terminate no more than ten years after its effective date or, if  
18 bonds are issued and the local option sales and use tax revenue is  
19 pledged for payment of such bonds, upon payment of such bonds and  
20 any refunding bonds, whichever date is later, except as provided in  
21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and  
23 one half percent is stated in the ballot question as being imposed  
24 for the purpose of the interlocal agreement or joint public agency  
25 agreement described in subdivision (2)(b)(ii) or subsection (3) of  
26 this section, and such portion is at least one eighth percent,  
27 there shall be no termination date for the rate representing such  
1 portion rounded to the next higher one quarter or one half percent.

2 (e) Sections 13-518 to 13-522 apply to the revenue from  
3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed  
5 at a rate greater than one and one half percent or increased to a  
6 rate greater than one and one half percent unless the municipality  
7 is a party to an interlocal agreement pursuant to the Interlocal  
8 Cooperation Act or a joint public agency agreement pursuant to the  
9 Joint Public Agency Act with a political subdivision within the  
10 municipality or the county in which the municipality is located  
11 creating a separate legal or administrative entity relating to a  
12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)  
14 of this section, such interlocal agreement or joint public  
15 agency agreement shall contain provisions, including benchmarks,  
16 relating to the long term development of unified governance  
17 of public infrastructure projects with respect to the parties.  
18 The Legislature may provide additional requirements for such  
19 agreements, including benchmarks, but such additional requirements  
20 shall not apply to any debt outstanding at the time the  
21 Legislature enacts such additional requirements. The separate legal  
22 or administrative entity created shall not be one that was in  
23 existence for one calendar year preceding the submission of the  
24 question of such tax or increase at a primary or general election  
25 held within the incorporated municipality.

26 (c) Any other public agency as defined in section 13-803  
27 may be a party to such interlocal cooperation agreement or joint  
1 public agency agreement.

2 (d) A municipality is not required to use all of the  
3 additional revenue generated by a sales and use tax imposed at a  
4 rate greater than one and one half percent or increased to a rate  
5 greater than one and one half percent under this subsection for the  
6 purposes of the interlocal cooperation agreement or joint public  
7 agency agreement set forth in this subsection.

8 (4) The provisions of subsections (2) and (3) of this  
9 section do not apply to the first one and one half percent of a

10 sales and use tax imposed by a municipality.

11 (5) Notwithstanding any provision of any municipal  
 12 charter, any incorporated municipality or interlocal agency or  
 13 joint public agency pursuant to an agreement as provided in  
 14 subsection (3) of this section may issue bonds in one or more  
 15 series for any municipal purpose and pay the principal of  
 16 and interest on any such bonds by pledging receipts from the  
 17 increase in the municipal sales and use taxes authorized by such  
 18 municipality. Any municipality which has or may issue bonds under  
 19 this section may dedicate a portion of its property tax levy  
 20 authority as provided in section 77-3442 to meet debt service  
 21 obligations under the bonds. For purposes of this subsection, bond  
 22 means any evidence of indebtedness, including, but not limited to,  
 23 bonds, notes including notes issued pending long term financing  
 24 arrangements, warrants, debentures, obligations under a loan  
 25 agreement or a lease purchase agreement, or any similar instrument  
 26 or obligation.

27 Sec. 2. Section 77-27,142.01, Revised Statutes Cumulative  
 Supplement, 2012, is amended to read:

1 77-27,142.01 (4) The governing body of any incorporated  
 2 municipality may submit the question of changing any terms  
 3 and conditions of a sales and use tax previously authorized  
 4 under section 77-27,142. Except as otherwise provided by section  
 5 ~~77-27,142, the~~ The question of modification shall be submitted to  
 6 the voters at any primary or general election or at a special  
 7 election if the governing body submits a certified copy of the  
 8 resolution proposing modification to the election commissioner or  
 9 county clerk within the time prior to the primary, general, or  
 10 special election prescribed in section 77-27,142.02.

11 (2) If the change imposes a sales and use tax at a  
 12 rate greater than one and one half percent or increases the sales  
 13 and use tax to a rate greater than one and one half percent, the  
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one quarter percent or  
 16 one half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or  
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole  
 20 or in part, from the revenue collected, along with any savings or  
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be  
 23 collected and, if bonds will be issued with some or all of the  
 24 revenue pledged for payment of such bonds, a statement that the  
 25 revenue will be collected until the payment in full of such bonds  
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for  
 1 the purposes of the interlocal agreement or joint public agency  
 2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)  
 3 of section 77-27,142; (ii) a statement of the overall purpose  
 4

5 of the agreement which is the long term development of unified  
 6 governance of public infrastructure projects, if applicable; and  
 7 (iii) the name of any other political subdivision which is a party  
 8 to the agreement.

9 This subsection does not apply to the first one and  
 10 one half percent of a sales and use tax imposed by a municipality.

11 Sec. 3. Section 77-27,142.02, Revised Statutes Cumulative  
 12 Supplement, 2012, is amended to read:

13 77-27,142.02 ~~Except as otherwise provided by subsection~~  
 14 ~~(2) of section 77-27,142, the~~ The power granted by section

15 77-27,142 shall not be exercised unless and until the question  
 16 has been submitted at a primary, general, or special election held  
 17 within the incorporated municipality and in which all qualified  
 18 electors shall be entitled to vote on such question. The officials  
 19 of the incorporated municipality shall order the submission of  
 20 the question by submitting a certified copy of the resolution  
 21 proposing the tax to the election commissioner or county clerk  
 22 by March 1 for a primary election, by September 1 for a general  
 23 election, or at least fifty days before a special election. ~~Except~~  
 24 ~~as otherwise provided by subsection (2) of section 77-27,142.01,~~  
 25 ~~the~~ The question may include any terms and conditions set forth

26 in the resolution proposing the tax, such as a termination date  
 27 or the specific project or program for which the revenue received

1 from such tax will be allocated, and shall include the following  
 2 language: Shall the governing body of the incorporated municipality  
 3 impose a sales and use tax upon the same transactions within such  
 4 municipality on which the State of Nebraska is authorized to impose  
 5 a tax? If a majority of the votes cast upon such question shall be  
 6 in favor of such tax, then the governing body of such incorporated  
 7 municipality shall be empowered as provided by section 77-27,142  
 8 and shall forthwith proceed to impose a tax pursuant to the Local  
 9 Option Revenue Act. If a majority of those voting on the question  
 10 shall be opposed to such tax, then the governing body of the  
 11 incorporated municipality shall not impose such a tax.

12 2. Renumber the remaining sections and correct the  
 13 repealer accordingly.

Senator Chambers filed the following amendment to LB308:  
 AM1413

(Amendments to Standing Committee amendments, AM583)

1 1. Insert the following new sections:

2 Sec. 4. Section 77-27,142, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:

4 77-27,142 ~~(4)~~ Any incorporated municipality by ordinance  
 5 of its governing body is hereby authorized to impose a sales and  
 6 use tax of one-half percent, one percent, or one and one-half  
 7 percent, ~~one and three quarters percent, or two percent~~ upon the  
 8 same transactions that are sourced under the provisions of sections  
 9 77-2703.01 to 77-2703.04 within such incorporated municipality on

10 which the State of Nebraska is authorized to impose a tax pursuant  
11 to the Nebraska Revenue Act of 1967, as amended from time to time.  
12 No sales and use tax shall be imposed pursuant to this section  
13 until an election has been held and a majority of the qualified  
14 electors have approved such tax pursuant to sections 77-27,142.01  
15 and 77-27,142.02.

16 ~~(2)(a) Any incorporated municipality that proposes to~~  
17 ~~impose a municipal sales and use tax at a rate greater than one~~  
18 ~~and one half percent or increase a municipal sales and use tax~~  
19 ~~to a rate greater than one and one half percent shall submit the~~  
20 ~~question of such tax or increase at a primary or general election~~  
21 ~~held within the incorporated municipality. The question shall be~~  
22 ~~submitted upon an affirmative vote by at least seventy percent~~  
1 of all of the members of the governing body of the incorporated  
2 municipality.

3 (b) Any rate greater than one and one half percent shall  
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds  
6 from the first one quarter percent of the rate greater than one and  
7 one half percent shall be used to reduce other taxes, the proceeds  
8 from the next one eighth percent of the rate greater than one and  
9 one half percent shall be used for public infrastructure projects,  
10 and the proceeds from the next one eighth percent of the rate  
11 greater than one and one half percent shall be used for purposes of  
12 the interlocal agreement or joint public agency agreement described  
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen  
15 percent of the proceeds from the rate in excess of one and one half  
16 percent may be used for non public infrastructure projects of  
17 an interlocal agreement or joint public agency agreement with  
18 another political subdivision within the municipality or the  
19 county in which the municipality is located, and the remaining  
20 proceeds shall be used for public infrastructure projects or  
21 voter approved infrastructure related to an economic development  
22 program as defined in section 18-2705; and

23 (iii) In any incorporated municipality other than a city  
24 of the metropolitan or primary class, the proceeds from the rate  
25 in excess of one and one half percent shall be used for public  
26 infrastructure projects or voter approved infrastructure related to  
27 an economic development program as defined in section 18-2705.

1 For purposes of this section, public infrastructure  
2 project means and includes, but is not limited to, any of the  
3 following projects, or any combination thereof: Public highways and  
4 bridges and municipal roads, streets, bridges, and sidewalks; solid  
5 waste management facilities; wastewater, storm water, and water  
6 treatment works and systems, water distribution facilities, and  
7 water resources projects, including, but not limited to, pumping  
8 stations, transmission lines, and mains and their appurtenances;  
9 hazardous waste disposal systems; resource recovery systems;

10 airports; port facilities; buildings and capital equipment used  
 11 in the operation of municipal government; convention and tourism  
 12 facilities; redevelopment projects as defined in section 18 2103;  
 13 mass transit and other transportation systems, including parking  
 14 facilities; and equipment necessary for the provision of municipal  
 15 services.

16 (e) Any rate greater than one and one half percent shall  
 17 terminate no more than ten years after its effective date or, if  
 18 bonds are issued and the local option sales and use tax revenue is  
 19 pledged for payment of such bonds, upon payment of such bonds and  
 20 any refunding bonds, whichever date is later, except as provided in  
 21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and  
 23 one half percent is stated in the ballot question as being imposed  
 24 for the purpose of the interlocal agreement or joint public agency  
 25 agreement described in subdivision (2)(b)(ii) or subsection (3) of  
 26 this section, and such portion is at least one eighth percent,  
 27 there shall be no termination date for the rate representing such  
 1 portion rounded to the next higher one quarter or one half percent.

2 (e) Sections 13 518 to 13 522 apply to the revenue from  
 3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed  
 5 at a rate greater than one and one half percent or increased to a  
 6 rate greater than one and one half percent unless the municipality  
 7 is a party to an interlocal agreement pursuant to the Interlocal  
 8 Cooperation Act or a joint public agency agreement pursuant to the  
 9 Joint Public Agency Act with a political subdivision within the  
 10 municipality or the county in which the municipality is located  
 11 creating a separate legal or administrative entity relating to a  
 12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)  
 14 of this section, such interlocal agreement or joint public  
 15 agency agreement shall contain provisions, including benchmarks,  
 16 relating to the long term development of unified governance  
 17 of public infrastructure projects with respect to the parties.  
 18 The Legislature may provide additional requirements for such  
 19 agreements, including benchmarks, but such additional requirements  
 20 shall not apply to any debt outstanding at the time the  
 21 Legislature enacts such additional requirements. The separate legal  
 22 or administrative entity created shall not be one that was in  
 23 existence for one calendar year preceding the submission of the  
 24 question of such tax or increase at a primary or general election  
 25 held within the incorporated municipality.

26 (e) Any other public agency as defined in section 13 803  
 27 may be a party to such interlocal cooperation agreement or joint  
 1 public agency agreement.

2 (d) A municipality is not required to use all of the  
 3 additional revenue generated by a sales and use tax imposed at a  
 4 rate greater than one and one half percent or increased to a rate



5 greater than one and one half percent under this subsection for the  
 6 purposes of the interlocal cooperation agreement or joint public  
 7 agency agreement set forth in this subsection.

8 (4) ~~The provisions of subsections (2) and (3) of this~~  
 9 ~~section do not apply to the first one and one half percent of a~~  
 10 ~~sales and use tax imposed by a municipality.~~

11 (5) Notwithstanding any provision of any municipal  
 12 charter, any incorporated municipality or interlocal agency or  
 13 joint public agency pursuant to an agreement as provided in  
 14 subsection (3) of this section may issue bonds in one or more  
 15 series for any municipal purpose and pay the principal of  
 16 and interest on any such bonds by pledging receipts from the  
 17 increase in the municipal sales and use taxes authorized by such  
 18 municipality. Any municipality which has or may issue bonds under  
 19 this section may dedicate a portion of its property tax levy  
 20 authority as provided in section 77-3442 to meet debt service  
 21 obligations under the bonds. For purposes of this subsection, bond  
 22 means any evidence of indebtedness, including, but not limited to,  
 23 bonds, notes including notes issued pending long term financing  
 24 arrangements, warrants, debentures, obligations under a loan  
 25 agreement or a lease purchase agreement, or any similar instrument  
 26 or obligation.

27 Sec. 5. Section 77-27,142.01, Revised Statutes Cumulative  
 Supplement, 2012, is amended to read:

27-27,142.01 ~~(4)~~ The governing body of any incorporated  
 3 municipality may submit the question of changing any terms  
 4 and conditions of a sales and use tax previously authorized  
 5 under section 77-27,142. ~~Except as otherwise provided by section~~  
 6 ~~77-27,142, the~~ The question of modification shall be submitted to  
 7 the voters at any primary or general election or at a special  
 8 election if the governing body submits a certified copy of the  
 9 resolution proposing modification to the election commissioner or  
 10 county clerk within the time prior to the primary, general, or  
 11 special election prescribed in section 77-27,142.02.

12 ~~(2) If the change imposes a sales and use tax at a~~  
 13 ~~rate greater than one and one half percent or increases the sales~~  
 14 ~~and use tax to a rate greater than one and one half percent, the~~  
 15 ~~question shall include, but not be limited to:~~

16 ~~(a) The percentage increase of one quarter percent or~~  
 17 ~~one half percent in the sales and use tax rate;~~

18 ~~(b) A list of reductions or elimination of other taxes or~~  
 19 ~~fees, if any;~~

20 ~~(c) A description of the projects to be funded, in whole~~  
 21 ~~or in part, from the revenue collected, along with any savings or~~  
 22 ~~efficiencies resulting from the projects;~~

23 ~~(d) The year or years within which the revenue will be~~  
 24 ~~collected and, if bonds will be issued with some or all of the~~  
 25 ~~revenue pledged for payment of such bonds, a statement that the~~  
 26 ~~revenue will be collected until the payment in full of such bonds~~

27 and any refunding bonds; and

1 (e)(i) The percentage of revenue collected to be used for  
 2 the purposes of the interlocal agreement or joint public agency  
 3 agreement as provided in subdivision (2)(b)(ii) or subsection (3)  
 4 of section 77-27,142; (ii) a statement of the overall purpose  
 5 of the agreement which is the long-term development of unified  
 6 governance of public infrastructure projects, if applicable; and  
 7 (iii) the name of any other political subdivision which is a party  
 8 to the agreement.

9 This subsection does not apply to the first one and  
 10 one-half percent of a sales and use tax imposed by a municipality.

11 Sec. 6. Section 77-27,142.02, Revised Statutes Cumulative  
 12 Supplement, 2012, is amended to read:

13 77-27,142.02 ~~Except as otherwise provided by subsection~~  
 14 ~~(2) of section 77-27,142, the~~ The power granted by section  
 15 77-27,142 shall not be exercised unless and until the question  
 16 has been submitted at a primary, general, or special election held  
 17 within the incorporated municipality and in which all qualified  
 18 electors shall be entitled to vote on such question. The officials  
 19 of the incorporated municipality shall order the submission of  
 20 the question by submitting a certified copy of the resolution  
 21 proposing the tax to the election commissioner or county clerk  
 22 by March 1 for a primary election, by September 1 for a general  
 23 election, or at least fifty days before a special election. ~~Except~~  
 24 ~~as otherwise provided by subsection (2) of section 77-27,142.01,~~  
 25 ~~the~~ The question may include any terms and conditions set forth  
 26 in the resolution proposing the tax, such as a termination date  
 27 or the specific project or program for which the revenue received  
 1 from such tax will be allocated, and shall include the following  
 2 language: Shall the governing body of the incorporated municipality  
 3 impose a sales and use tax upon the same transactions within such  
 4 municipality on which the State of Nebraska is authorized to impose  
 5 a tax? If a majority of the votes cast upon such question shall be  
 6 in favor of such tax, then the governing body of such incorporated  
 7 municipality shall be empowered as provided by section 77-27,142  
 8 and shall forthwith proceed to impose a tax pursuant to the Local  
 9 Option Revenue Act. If a majority of those voting on the question  
 10 shall be opposed to such tax, then the governing body of the  
 11 incorporated municipality shall not impose such a tax.

12 2. Renumber the remaining sections and correct the  
 13 repealer accordingly.

Senator McGill filed the following amendment to LB556:  
 AM1398

(Amendments to Standing Committee amendments, AM991)

1 1. On page 1, line 19, strike "and"; and in line 20 after  
 2 "(b)" insert "In cases in which there is a threat that the child  
 3 may harm himself or herself or others, before an initial telehealth  
 4 service the health care practitioner shall work with the child and

5 his or her parent or guardian to develop a safety plan. Such plan  
 6 shall document actions the child, the health care practitioner, and  
 7 the parent or guardian will take in the event of an emergency or  
 8 urgent situation occurring during or after the telehealth session.  
 9 Such plan may include having a staff member or employee familiar  
 10 with the child's treatment plan immediately available in person  
 11 to the child, if such measures are deemed necessary by the team  
 12 developing the safety plan; and  
 13 (c)".  
 14 2. On page 9, line 10, after "communications" insert ",  
 15 unless provided by an Internet service provider."

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 194.** Placed on Final Reading.

**LEGISLATIVE BILL 195.** Placed on Final Reading.

ST23

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

1. The Chambers amendment, AM1321, has been incorporated in the E & R amendments, ER99, on page 144, lines 5 through 8.

**LEGISLATIVE BILL 196.** Placed on Final Reading.

**LEGISLATIVE BILL 197.** Placed on Final Reading.

**LEGISLATIVE BILL 198.** Placed on Final Reading.

**LEGISLATIVE BILL 199.** Placed on Final Reading.

ST24

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

1. In the Coash amendment, AM1232, sections 33, 34, 35, 36, and 42 have been renumbered as sections 34, 35, 36, 37, and 43, respectively.

2. In the E & R amendments, ER101, on page 1, line 14, "81-2509, 81-2510, 81-2511, 81-2513," has been inserted after the last comma.

3. On page 1, line 7, "to change provisions relating to applications to the Commission on Indian Affairs for state assistance;" has been inserted after the first semicolon; and in line 8 "to outright repeal section 81-2512, Revised Statutes Cumulative Supplement, 2012;" has been inserted after the semicolon.

**LEGISLATIVE BILL 200.** Placed on Final Reading.

**LEGISLATIVE BILL 536.** Placed on Final Reading.

(Signed) John Murante, Chairperson

## AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB568:  
AM1407

(Amendments to the Standing Committee amendments, AM812)

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

3 Section 1. Sections 1 to 8 of this act shall be known and  
4 may be cited as the Health Insurance Exchange Navigator Licensure  
5 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 performs all of the  
15 duties identified in 42 U.S.C. 18031(i)(3), as such section existed  
16 on January 1, 2013.

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

20 (2) A navigator may:

21 (a) Conduct public education activities to raise  
22 awareness of the availability of qualified health plans offered in  
1 the exchange and public insurance programs;

2 (b) Distribute fair and impartial information concerning  
3 enrollment in (i) all qualified health plans offered in the  
4 exchange and the availability of the premium tax credits under  
5 section 36B of the Internal Revenue Code of 1986 and cost-sharing  
6 reductions under section 1402 of the federal Patient Protection and  
7 Affordable Care Act and (ii) public insurance programs;

8 (c) Facilitate enrollment in (i) qualified health plans,  
9 without suggesting that an individual select a particular plan, and  
10 (ii) public insurance programs;

11 (d) Provide referrals to appropriate state or federal  
12 agencies for any enrollee with a grievance, complaint, or question  
13 regarding their health plan, coverage, or a determination under  
14 such plan coverage; or

15 (e) Provide information in a manner that is culturally  
16 and linguistically appropriate to the needs of the population being  
17 served by the exchange, including individuals with limited English  
18 proficiency, and ensure accessibility and usability of navigator  
19 tools and functions for individuals with disabilities in accordance  
20 with the Americans with Disabilities Act and section 504 of the  
21 Rehabilitation Act.

22 (3) A navigator shall not:

- 23 (a) Engage in any activities that would require an  
24 insurance producer license;  
25 (b) Offer advice about which health plan is better or  
26 worse for a particular individual or employer;  
27 (c) Recommend or endorse a particular health plan or  
1 advise consumers about which health plan to choose;  
2 (d) Provide any information or services related to health  
3 plans or other products not offered in the exchange;  
4 (e) Accept any compensation or consideration that is  
5 dependent, in whole or in part, on whether a person enrolls in or  
6 purchases a qualified health plan; or  
7 (f) Fail to respond to any written inquiry from the  
8 director or request additional reasonable time to respond within  
9 fifteen working days.

10 Sec. 4. (1) An individual applying for an individual  
11 navigator license shall make application to the director on a  
12 form developed by the director and which contains the information  
13 prescribed by the director and which, unless preempted by federal  
14 law, is accompanied by the initial individual license fee in  
15 an amount not to exceed fifty dollars as established by the  
16 director. The individual shall declare in the application under  
17 penalty of refusal, suspension, or revocation of the license that  
18 the statements made in the application are true, correct, and  
19 complete to the best of the individual's knowledge and belief.  
20 Before approving the application, the director shall find that the  
21 individual:

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

8 (2) An entity applying for an entity navigator license  
9 shall make application on a form developed by the director and  
10 which contains the information prescribed by the director and  
11 which, unless preempted by federal law, is accompanied by the  
12 initial entity license fee in an amount not to exceed one hundred  
13 dollars as established by the director.

14 (3) The director may require any documents deemed  
15 necessary to verify the information contained in an application  
16 submitted in accordance with subsections (1) and (2) of this  
17 section.

18 (4) Licensed entity navigators shall, in a manner  
19 prescribed by the director, periodically provide the director with  
20 a list of all individual navigators that it employs, supervises,  
21 or is affiliated with.

22 Sec. 5. (1) An individual navigator's license shall  
23 expire on the last day of the month of the navigator's birthday in  
24 the first year after issuance in which his or her age is divisible  
25 by two and an entity navigator's license shall expire on April 30  
26 of each year after the year of issuance which is divisible by two.

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

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

23 Sec. 6. On contact with an individual who acknowledges  
24 having existing health insurance coverage obtained through  
25 a licensed insurance producer, a navigator shall inform the  
26 individual that he or she may, but is not required to, seek  
27 further assistance from that producer or another licensed producer  
1 for information, assistance, and any other services and that tax  
2 credits may not be available to offset the premium cost of plans  
3 that are marketed outside of the exchange.

4 Sec. 7. (1) The director, after notice and hearing, may  
5 place on probation, suspend, revoke, or refuse to issue, renew,  
6 or reinstate a navigator license, and, in addition, may levy a  
7 fine not to exceed one thousand dollars for each violation, or may  
8 do any combination of such actions, for violation of the Health  
9 Insurance Exchange Navigator Licensure Act.

10 (2) Except as otherwise provided by law, the director  
11 may examine and investigate the business affairs and records of  
12 any navigator to determine whether the navigator has engaged or is

13 engaging in any violation of the act.

14 (3) An entity navigator license may be suspended or  
 15 revoked, or renewal or reinstatement thereof may be refused, or a  
 16 fine may be levied, with or without a suspension, revocation, or  
 17 refusal to renew a license, if the director finds, after notice and  
 18 hearing, that an individual navigator's violation was known by the  
 19 employing or supervising entity and the violation was not reported  
 20 to the director and no corrective action was undertaken on a timely  
 21 basis.

22 Sec. 8. The director may adopt and promulgate rules and  
 23 regulations to carry out the Health Insurance Exchange Navigator  
 24 Licensure Act.

25 Sec. 9. If any section in this act or any part of any  
 26 section is declared invalid or unconstitutional, the declaration  
 27 shall not affect the validity or constitutionality of the remaining  
 1 portions.

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

Senator Conrad filed the following amendments to LB568:  
 AM1416

(Amendments to AM1407)

- 1 1. On page 2, strike line 27.
- 2 2. On page 3, strike line 1.
- 3 3. Renumber the remaining subdivisions accordingly.

AM1417

(Amendments to AM1407)

- 1 1. On page 3, strike lines 2 and 3 and renumber the
- 2 remaining subdivisions accordingly.

AM1418

(Amendments to AM1407)

- 1 1. On page 3, line 14; and page 5, line 2, after
- 2 "law" insert "and except for an individual working as a navigator
- 3 for a nonprofit organization, religious institution, or federally
- 4 qualified health clinic".
- 5 2. On page 4, line 5, after "director" insert ", except
- 6 an individual working as a navigator for a nonprofit organization,
- 7 religious institution, or federally qualified health clinic";
- 8 and in line 11 after "law" insert "and except for a nonprofit
- 9 organization, religious organization, or federally qualified health
- 10 clinic".

AM1419

(Amendments to AM1407)

- 1 1. On page 4, line 19, strike "periodically" and insert
- 2 "annually"; and strike beginning with the first comma in line 20
- 3 through "with" in line 21.

AM1420

(Amendments to AM1407)

- 1 1. On page 4, strike beginning with "An" in line 22
- 2 through line 26 and insert "A navigator's license shall expire on
- 3 December 31 of the year of issuance.".

AM1421

(Amendments to AM1407)

- 1 1. On page 5, lines 2 and 9, after "law" insert "and
- 2 except for an individual working as a navigator for a nonprofit
- 3 organization, religious institution, or federally qualified health
- 4 clinic"; and in line 12 after "law" insert "and except for
- 5 a nonprofit organization, religious organization, or federally
- 6 qualified health clinic".

AM1422

(Amendments to AM1407)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM1423

(Amendments to AM1407)

- 1 1. Strike section 7 and insert the following new section:
- 2 Sec. 7. The director shall contact appropriate federal
- 3 entities to report any violation of state or federal law by
- 4 navigators.

AM1424

(Amendments to AM1407)

- 1 1. Strike section 10.

AM1425

(Amendments to AM1407)

- 1 1. On page 1, line 12, after "Services" insert ", but
- 2 excluding any regional insurance exchange".

AM1426

(Amendments to AM1407)

- 1 1. On page 1, strike beginning with the comma in line 10
- 2 through "Services" in line 12.

AM1427

(Amendments to AM1407)

- 1 1. On page 1, line 17, strike "No" and insert "An" and
- 2 after "shall" insert "only"; and strike line 19 and insert "as is
- 3 permitted under federal law.".



AM1428

(Amendments to AM1407)

- 1 1. On page 2, strike lines 25 and 26 and renumber the
- 2 remaining subdivisions accordingly.

AM1429

(Amendments to AM1407)

- 1 1. On page 3, line 6, strike "or"; and in line 9 after
- 2 "days" insert "; or
- 3 (g) Have any other conflict of interest related to health
- 4 plans, products, or providers not within the exchange, including
- 5 that a navigator shall not (i) be a health insurance issuer, (ii)
- 6 be a subsidiary of a health insurance issuer, or (iii) be an
- 7 association that includes a member of, or that lobbies on behalf
- 8 of, the insurance industry in connection with the enrollment of any
- 9 individuals or employees in a qualified health plan or nonqualified
- 10 health plan".

AM1430

(Amendments to AM1407)

- 1 1. Insert the following new section:
- 2 Sec. 8. The Health Insurance Exchange Navigator Licensure
- 3 Act does not apply to any federally qualified health center in this
- 4 state.
- 5 2. On page 1, line 3, strike "8" and insert "9".
- 6 3. Renumber the remaining sections accordingly.

AM1431

(Amendments to AM1407)

- 1 1. On page 6, strike beginning with the first comma in
- 2 line 6 through the comma in line 7.

AM1432

(Amendments to AM1407)

- 1 1. On page 1, line 4, strike "may" and insert "shall".

AM1433

(Amendments to AM1407)

- 1 1. On page 6, after line 13 insert the following new
- 2 subsection:
- 3 "(3) If the director suspends, revokes, does not renew,
- 4 or denies an application for a navigator license, the director
- 5 shall notify the applicant or licensee and advise, in writing, the
- 6 applicant or licensee of the reason for the denial or nonrenewal
- 7 of the application or license. The applicant or licensee may
- 8 make written demand upon the director within thirty days for a
- 9 hearing before the director to determine the reasonableness of the
- 10 director's action. The hearing shall be held within thirty days and

11 shall be held pursuant to the Administrative Procedure Act."; and  
12 in line 14 strike "(3)" and insert "(4)".

### **VISITORS**

Visitors to the Chamber were 80 fourth-grade students and teachers from Ashland Park-Robbins Elementary, Omaha; 31 fourth-grade students and teachers from Miller Park School, Omaha; 63 fourth-grade students, teachers, and sponsors from Saddlebrook Elementary, Omaha; and Abby McGrane from Omaha.

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

### **ADJOURNMENT**

At 5:58 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, May 16, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature