

TWENTY-FIFTH DAY - FEBRUARY 12, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 2014

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Smith who were excused; and Senators Ashford, Hadley, B. Harr, Janssen, McCoy, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 799. Placed on General File with amendment.
AM1730

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 44-322, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-322 (1)(a)(i) Every insurance company holding a
- 6 certificate of authority to transact the business of insurance in
- 7 this state shall file with the director or, if required by the
- 8 director, with the National Association of Insurance Commissioners,
- 9 on or before March 1 of each year, an annual financial statement
- 10 for the year ending December 31 immediately preceding on forms
- 11 prescribed by the director which conform substantially to the forms
- 12 adopted by the National Association of Insurance Commissioners,
- 13 except that fees, premium tax payments, and other payments
- 14 associated with such filings shall be paid to the director.
- 15 (ii) The financial statement shall be prepared in

16 accordance with annual statement instructions and accounting
17 practices and procedures manuals as prescribed by the director
18 which conform substantially to the annual statement instructions
19 and the Accounting Practices and Procedures Manuals adopted by the
20 National Association of Insurance Commissioners.

21 (iii) The salaries and compensation of the officers
22 and any other information required by the director shall be
23 filed with the director. All information regarding salaries and
1 compensation filed pursuant to this subdivision shall be maintained
2 as confidential by the director and shall not be subject to
3 disclosure by the director to persons outside of the Department
4 of Insurance except as agreed to by the insurance company or as
5 ordered by a court of competent jurisdiction.

6 (iv) Every insurance company subject to this section
7 shall make such other periodic financial filings as the director
8 may reasonably require.

9 (b)(i) Within seven days after the failure of an
10 insurance company to comply with the requirements of subdivision
11 (1)(a) of this section, the director shall notify the insurance
12 company of such failure.

13 (ii) Subject to subdivision (1)(b)(iii) of this section,
14 if an insurance company fails to comply with the requirements of
15 subdivision (1)(a) of this section and any rules and regulations
16 adopted and promulgated under such subdivision and any orders
17 issued under such subdivision, (A) such insurance company shall
18 forfeit one hundred dollars for each day thereafter such failure
19 continues and the insurance company continues to transact any
20 business of insurance and (B) in addition to the forfeiture
21 required under subdivision (1)(b)(ii)(A) of this section, the
22 director may suspend or refuse to renew the certificate of
23 authority of the insurance company until it has complied with the
24 requirements of subdivision (1)(a) of this section and any rules
25 and regulations adopted and promulgated under such subdivision and
26 any orders issued under such subdivision. ~~All such forfeitures~~
27 ~~collected by the director shall be remitted to the State Treasurer~~
1 for credit to the permanent school fund. The director shall remit
2 any forfeitures collected under this section to the State Treasurer
3 for distribution in accordance with Article VII, section 7, of the
4 Constitution of Nebraska.

5 (iii) For good and sufficient cause shown, the director
6 may grant a reasonable extension of time not to exceed thirty
7 days within which the financial statement may be filed as
8 required under subdivision (1)(a) of this section without the
9 forfeiture required under subdivision (1)(b)(ii)(A) of this section
10 and without any suspension or refusal to renew authorized under
11 subdivision (1)(b)(ii)(B) of this section.

12 (2) Every insurance company holding a certificate of
13 authority to transact the business of insurance in this state shall
14 participate in the National Association of Insurance Commissioners

15 Insurance Regulatory Information System, including the payment of
16 all fees and charges of such system, except as exempted by the
17 director. Each participating insurance company shall file with
18 the National Association of Insurance Commissioners on or before
19 March 1 of each year a copy of its annual financial statement
20 along with any additional filings required by the director for the
21 immediately preceding year. The financial statement so filed shall
22 be in the same format and scope as that required by subsection
23 (1) of this section and shall include a signed jurat page
24 and actuarial certification except as exempted by the director.
25 Each participating insurance company shall file with the National
26 Association of Insurance Commissioners any amendments and addendums
27 to the financial statement and annual and quarterly financial
1 statement information in computer readable format as required by
2 the Insurance Regulatory Information System.
3 Sec. 2. Original section 44-322, Reissue Revised Statutes
4 of Nebraska, is repealed.

LEGISLATIVE BILL 810. Placed on General File with amendment.
AM1865

1 1. On page 2, after line 12, insert the following new
2 subsection:
3 "(3) Subsection (1) of this section shall not apply
4 to any ordinance or resolution adopted pursuant to the Community
5 Development Law."

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT

The Appropriations Committee designates LB974 as its priority bill.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 12, 2014, summarizing the recommended appropriations for the following biennium.

GENERAL FILE

LEGISLATIVE BILL 838. Title read. Considered.

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

LEGISLATIVE BILL 438. Senator Sullivan renewed her amendment, AM1580, found on page 113 and considered on page 512, to the committee amendment.

SENATOR COASH PRESIDING

SENATOR KRIST PRESIDING

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 660. Placed on General File with amendment.
AM1882

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-1212, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 68-1212 (1) Except as provided in subsection (2) of
- 6 this section, by April 1, 2012, for all cases in which a
- 7 court has awarded a juvenile to the care of the Department of
- 8 Health and Human Services according to subsection (1) of section
- 9 43-285 and for any noncourt and voluntary cases, the case manager
- 10 shall be an employee of the department. Such case manager shall
- 11 be responsible for and shall directly oversee: Case planning;
- 12 service authorization; investigation of compliance; monitoring
- 13 and evaluation of the care and services provided to children
- 14 and families; and decisionmaking regarding the determination of
- 15 visitation and the care, placement, medical services, psychiatric
- 16 services, training, and expenditures on behalf of each juvenile
- 17 under subsection (1) of section 43-285. Such case manager shall be
- 18 responsible for decisionmaking and direct preparation regarding the
- 19 proposed plan for the care, placement, services, and permanency of
- 20 the juvenile filed with the court required under subsection (2)
- 21 of section 43-285. The health and safety of the juvenile shall be
- 22 the paramount concern in the proposed plan in accordance with such
- 23 subsection.
- 1 (2) The department may contract with a lead agency
- 2 for a case management lead agency model pilot project in the
- 3 department's eastern service area as designated pursuant to section
- 4 81-3116. The department shall include in the pilot project the
- 5 appropriate conditions, performance outcomes, and oversight for the
- 6 lead agency, including, but not be limited to:
- 7 (a) The reporting and survey requirements of lead
- 8 agencies described in sections 43-4406 and 43-4407;
- 9 (b) Departmental monitoring and functional capacities of
- 10 lead agencies described in section 43-4408;
- 11 (c) The key areas of evaluation specified in subsection
- 12 (3) of section 43-4409;
- 13 (d) Compliance and coordination with the development of

14 the statewide strategic plan for child welfare program and service
 15 reform pursuant to Laws 2012, LB821; and
 16 (e) Assurance of financial accountability and reporting
 17 by the lead agency.

18 (3) ~~Prior to April 1, 2013, the Health and Human Services~~
 19 ~~Committee of the Legislature shall review the pilot project and~~
 20 ~~provide to the department and the Legislature recommendations,~~
 21 ~~and any legislation necessary to adopt the recommendations,~~
 22 ~~regarding the adaptation or continuation of the pilot project. In~~
 23 ~~making the recommendations, the committee shall utilize: (a) The~~
 24 ~~evaluation completed pursuant to Legislative Bill 1160, One Hundred~~
 25 ~~Second Legislature, Second Session, 2012; (b) the recommendations~~
 26 ~~of the statewide strategic plan pursuant to Legislative Bill~~
 27 ~~821, One Hundred Second Legislature, Second Session, 2012; (c)~~
 1 ~~the department's assessment of the pilot project; and (d) any~~
 2 ~~additional reports, surveys, information, and data provided to and~~
 3 ~~requested by the committee. If the pilot project continues past~~
 4 ~~April 1, 2013, the Before June 30, 2014, the department may extend~~
 5 ~~the contract for the pilot project described in subsection (2)~~
 6 ~~of this section to December 31, 2015. The lead agency shall also~~
 7 ~~comply with the requirements of section 43-4204.~~

8 Sec. 2. If the pilot project described in section 68-1212
 9 is extended by the Department of Health and Human Services,
 10 an evaluation of the pilot project shall be completed by the
 11 Legislature prior to December 31, 2014. The Legislature shall
 12 utilize all necessary resources, including the hiring of a
 13 consultant if deemed necessary. The department and any child
 14 welfare entity which has contracted with the department shall
 15 provide all data and information to the Legislature to assist in
 16 the evaluation.

17 Sec. 3. Original section 68-1212, Revised Statutes
 18 Cumulative Supplement, 2012, is repealed.

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

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 816. Placed on General File.

LEGISLATIVE BILL 983. Placed on General File with amendment.
 AM1820 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

General Affairs

LEGISLATIVE BILL 1104. Indefinitely postponed.

The General Affairs 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.

Stanley Elsasser - State Electrical Board
George Morrissey - State Electrical Board

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Candy Henning - Nebraska Arts Council
Mark Laughlin - Nebraska Arts Council
Melissa Marvin - Nebraska Arts Council

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Edward F. Hoffman - Nebraska Commission on Problem Gambling

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 19, 2014 11:00 a.m.

Esther Casmer - Board of Parole

Wednesday, February 19, 2014 1:30 p.m.

LB1089
LB988
LB1044
LB839
LB962

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, February 19, 2014 1:30 p.m.

LB723
LB922
LB938
LB956

Thursday, February 20, 2014 1:30 p.m.

LB812
LB960
LB1053

(Signed) Galen Hadley, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR440	Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 872A. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, One Hundred Third Legislature, Second Session, 2014.

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB983 as its priority bill.

Senator B. Harr designates LB752 as his priority bill.

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB438:

FA199

Amend AM1580

On page 1 line 7 strike "Accountability" and insert "Postponement"

Senator Nordquist filed the following amendment to LB191:

AM1918

(Amendments to Standing Committee amendments, AM707)

1. On page 1, line 20, strike "2020" and insert "2017".

UNANIMOUS CONSENT - Add Cointroducer

Senator Gloor asked unanimous consent to add his name as cointroducer to LB748. No objections. So ordered.

VISITORS

Visitors to the Chamber were members from Leadership Hastings.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 2014.

Patrick J. O'Donnell
Clerk of the Legislature