

EIGHTY-THIRD DAY - MAY 23, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 23, 2013

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Adams, Ashford, Conrad, Hadley, Karpisek, Price, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 368. Placed on Select File with amendment.
ER111

- 1 1. On page 1, line 1, after the second semicolon insert
- 2 "to define terms;"; and in line 3 after "provide" insert "powers
- 3 and".

LEGISLATIVE BILL 368A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 561A. Placed on Final Reading.

ST29

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

1. In the Ashford amendment, AM1507, on page 7, line 19, the period has been struck, shown as stricken, and an underscored comma inserted.

2. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend sections 93, 100, and 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013; to provide for transfers of funds; to change appropriations; to repeal the original sections; and to declare an emergency." inserted.

(Signed) John Murante, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 22, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Pollock, Andy
DirecTV
DISH Network LLC
Wright, Sheryl L.
League of Women Voters of Nebraska

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION - Return LB429A to Select File

Senator Crawford moved to return LB429A to Select File for her specific amendment, AM1479, found on page 1510.

The Crawford motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 429A. The Crawford specific amendment, AM1479, found on page 1510, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 308. ER107, found on page 1547, was adopted.

Senator Carlson withdrew his amendment, AM1460, found on page 1482.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 573. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 331. ER110, found on page 1557, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 368. ER111, found in this day's Journal, was adopted.

Senator Hansen offered his amendment, AM1464, found on page 1559.

Senator Hansen moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Hansen requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bloomfield	Hansen	Lautenbaugh	Pirsch	Watermeier
Brasch	Janssen	McCoy	Price	
Christensen	Kintner	Murante	Schilz	
Coash	Larson	Nelson	Schumacher	

Voting in the negative, 26:

Adams	Conrad	Haar, K.	Krist	Wallman
Ashford	Cook	Harms	Lathrop	Wightman
Bolz	Crawford	Harr, B.	McGill	
Campbell	Davis	Howard	Nordquist	
Carlson	Dubas	Johnson	Scheer	
Chambers	Gloor	Karpisek	Sullivan	

Present and not voting, 2:

Mello	Smith
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Excused and not voting, 4:

Avery	Hadley	Kolowski	Seiler
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The Hansen amendment lost with 17 ayes, 26 nays, 2 present and not voting,

and 4 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:

AM1518

(Amendments to Standing Committee amendments, AM816)

- 1 1. On page 5, line 1, after the period insert "No more
- 2 than ten percent of the funds appropriated to carry out sections 1
- 3 to 6 of this act shall be used for administrative costs.".

SPEAKER ADAMS PRESIDING

SENATOR CARLSON PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 351. Introduced by Davis, 43.

WHEREAS, Lane Chasek, son of Rodney and Amy Chasek and a senior at Chadron High School, was named a National Merit Finalist; and

WHEREAS, during his high school career, Lane was a state speech contest qualifier, participated in play production, mock trial activities, and pep band, and was a member of the National Honor Society, Math Club, FBLA, and the All-State Band; and

WHEREAS, Lane's honors and achievements include being a University of Nebraska-Lincoln Chancellor's Scholar and earning an Omaha World-Herald All-Academic Team Award, a First National Bank of Chadron Scholarship, a Chadron High School Pep Band Parents' Scholarship, and the Marine Corps Scholastic Excellence and Semper Fidelis Awards; and

WHEREAS, Lane was one of three students selected from a graduating class of only 57 to be recognized by the National Merit Scholarship Corporation, and Lane will enroll in the fall of 2013 as a freshman at the University of Nebraska-Lincoln.

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

1. That the Legislature congratulates Lane Chasek for the exemplary achievement of being selected as a 2013 National Merit Finalist.

2. That a copy of this resolution be sent to Lane Chasek and his parents and to the staff and administration of Chadron High School.

Laid over.

LEGISLATIVE RESOLUTION 352. Introduced by Davis, 43.

WHEREAS, Shoilee Rahman, daughter of Shafiq and Rafia Rahman and a freshman at Chadron High School, was named the statewide 9th Grade winner of the 2013 Law Day Essay Contest; and

WHEREAS, the essay contest is cosponsored by the Nebraska Supreme Court and the Nebraska State Bar Foundation and asks participants to select their favorite patriotic symbol, song, holiday, or activity and describe how it contributes to the development of better citizens; and

WHEREAS, Shoilee chose Martin Luther King, Jr. Day for her essay subject because Dr. King's leadership and activism during the civil rights era continue to guide people who deal with issues relating to equality; and

WHEREAS, sponsoring teacher Craig Nobiling encouraged Shoilee to enter the contest and Dawes County District Judge Russ Harford presented the winning award to Shoilee.

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

1. That the Legislature congratulates Shoilee Rahman for winning the statewide 9th Grade 2013 Law Day Essay Contest.

2. That a copy of this resolution be sent to Shoilee Rahman and her parents and to Craig Nobiling at Chadron High School.

Laid over.

LEGISLATIVE RESOLUTION 353. Introduced by Schumacher, 22.

WHEREAS, Lindsay, Nebraska, located in Platte County, is celebrating its 125th anniversary; and

WHEREAS, during the late 1860s and early 1870s an Irish settlement was started around the present town of Lindsay and was joined by German settlers in the late 1870s; and

WHEREAS, the founding homesteaders named the town after a community named Lindsay in Ontario, Canada, since many of them hailed from there; and

WHEREAS, the Franciscans organized the Holy Family Catholic Parish in the 1890s to mission to the Irish and German families, and to resolve language differences it was decided that the sermon at the early Sunday Mass would be delivered in German and the later Mass in English; and

WHEREAS, the Holy Family Catholic Church continues to serve over 300 families and supports a parochial K-12 school facility; and

WHEREAS, the village of Lindsay, originally laid out in November 1886, was incorporated as a village on March 7, 1888. Three grain elevators were established at the site within the next few years, and the Scribner and Oakdale branch of the Fremont, Elkhorn and Missouri Valley Railroad went through the town; and

WHEREAS, Lindsay is a thriving community and is home to Lindsay Manufacturing Company, a worldwide supplier of automatic irrigation

equipment that employs hundreds of people from Lindsay and the surrounding area; and

WHEREAS, Lindsay will culminate its quasiquicentennial celebration from July 5 to July 7, 2013.

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

1. That the Legislature recognizes Lindsay's community spirit and congratulates the community on its 125th anniversary.

2. That a copy of this resolution be sent to the Lindsay Village Board.

Laid over.

COMMITTEE REPORTS

Business and Labor

The Business and Labor 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.

Sarah Pillen - Commission of Industrial Relations

Aye: 6 Ashford, Hansen, B. Harr, Lathrop, McGill, Wallman. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

The Business and Labor 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.

Charles Cole - Boiler Safety Code Advisory Board
Kurt Eberspacher - Boiler Safety Code Advisory Board
Martin Kasl - Boiler Safety Code Advisory Board
Kenneth Stewart - Boiler Safety Code Advisory Board

Aye: 6 Ashford, Hansen, B. Harr, Lathrop, McGill, Wallman. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

SELECT FILE

LEGISLATIVE BILL 368. Senator Nordquist offered the following amendment to the McCoy amendment:

FA99

Amend AM1518

Add the following new sentence: "Administrative cost shall not be defined to include cost for service delivery."

Senator Bolz moved the previous question. The question is, "Shall the

debate now close?"

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

The motion to cease debate prevailed with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Nordquist amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The McCoy amendment, AM1518, found in this day's Journal, as amended, was renewed.

SENATOR KRIST PRESIDING

The McCoy amendment, as amended, was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 368A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. ER106, found on page 1541, was adopted.

Senator B. Harr offered the following amendment:
AM1487

(Amendments to E & R amendments, ER106)

- 1 1. On page 8, lines 19 through 21, reinstate the stricken
- 2 matter and renumber the remaining subdivisions accordingly.

Senator B. Harr withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 326. ER109, found on page 1541, was adopted.

Senator Howard offered the following amendment:
AM1513

(Amendments to E & R amendments, ER109)

- 1 1. On page 9, line 19, strike "and" and insert "or".

The Howard amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 479. ER25, found on page 651, was adopted.

Senator Lathrop offered the following amendment:

AM1322

1 1. Strike the original section and insert the following
 2 new sections:
 3 Section 1. (1) No health plan and no self-funded
 4 employee benefit plan to the extent not preempted by federal
 5 law shall assert any contractual rights to the proceeds of
 6 any resources purchased by or on behalf of the policyholder,
 7 subscriber, certificate holder, or enrollee, including medical
 8 payments coverage under a motor vehicle insurance policy, uninsured
 9 or underinsured motorist coverage, accident or disability income
 10 coverage, specific disease or illness coverage, or hospital
 11 indemnity or other fixed indemnity coverage.

12 (2) This section shall not (a) affect the coordination
 13 of benefits between health plans or self-funded employee benefit
 14 plans, (b) prevent the coordination of benefits between a
 15 health plan or self-funded employee benefit plan and medical
 16 payments coverage under a motor vehicle insurance policy if such
 17 coordination of benefits applies medical payments coverage to
 18 deductible, copayment, and coinsurance amounts after discounts
 19 provided through the health plan or self-funded employee benefit
 20 plan, or (c) prevent the application of the medical payments
 21 coverage under a motor vehicle insurance policy to items not
 22 covered by a health plan or self-funded employee benefit plan.

23 (3) For purposes of this section, health plan means
 1 an individual or group sickness and accident insurance policy or
 2 subscriber contract delivered, issued for delivery, or renewed
 3 in this state except for (a) policies that provide coverage for
 4 specified disease or other limited benefit coverage or hospital
 5 indemnity or other fixed indemnity coverage or (b) self-funded
 6 employee benefit plans to the extent preempted by federal law.

7 Sec. 2. Section 44-710.04, Revised Statutes Cumulative
 8 Supplement, 2012, is amended to read:

9 44-710.04 Except as provided in sections 44-710.05 and
 10 44-787, no policy of sickness and accident insurance delivered or
 11 issued for delivery to any person in this state shall contain
 12 provisions respecting the matters set forth below unless such
 13 provisions are in the words in which the provisions appear in
 14 this section, except that the insurer may, at its option, use in
 15 lieu of any such provision a corresponding provision of different
 16 wording approved by the Director of Insurance which is not less
 17 favorable in any respect to the insured or the beneficiary.
 18 Any such provision contained in the policy shall be preceded
 19 individually by the appropriate caption appearing in this section
 20 or, at the option of the insurer, by such appropriate individual
 21 or group captions or subcaptions as the Director of Insurance may

22 approve.

23 (1) A provision as follows: CHANGE OF OCCUPATION: If the
24 insured be injured or contract sickness after having changed his or
25 her occupation to one classified by the insurer as more hazardous
26 than that stated in this policy or while doing for compensation
27 anything pertaining to an occupation so classified, the insurer
1 will pay only such portion of the indemnities provided in this
2 policy as the premium paid would have purchased at the rates and
3 within the limits fixed by the insurer for such more hazardous
4 occupation. If the insured changes his or her occupation to one
5 classified by the insurer as less hazardous than that stated in
6 this policy, the insurer, upon receipt of proof of such change
7 of occupation, will reduce the premium rate accordingly and will
8 return the excess pro rata unearned premium from the date of change
9 of occupation or from the policy anniversary date immediately
10 preceding receipt of such proof, whichever is the more recent. In
11 applying this provision, the classification of occupational risk
12 and the premium rates shall be such as have been last filed by the
13 insurer prior to the occurrence of the loss for which the insurer
14 is liable or prior to date of proof of change in occupation with
15 the state official having supervision of insurance in the state
16 where the insured resided at the time this policy was issued;
17 but if such filing was not required, then the classification of
18 occupational risk and the premium rates shall be those last made
19 effective by the insurer in such state prior to the occurrence of
20 the loss or prior to the date of proof of change of occupation.

21 (2) A provision as follows: MISSTATEMENT OF AGE: If the
22 age of the insured has been misstated, all amounts payable under
23 this policy shall be such as the premium paid would have purchased
24 at the correct age.

25 (3) ~~A-Except as provided in subdivision (6) of this~~
26 ~~section,~~ a provision as follows: OTHER INSURANCE IN THIS INSURER:
27 If an accident or sickness or accident and sickness policy or
1 policies previously issued by the insurer to the insured be
2 in force concurrently herewith, making the aggregate indemnity
3 for (insert type of coverage or coverages) in
4 excess of \$..... (insert maximum limit of indemnity or
5 indemnities), the excess insurance shall be void and all premiums
6 paid for such excess shall be returned to the insured or to his
7 or her estate; or in lieu thereof: Insurance effective at any one
8 time on the insured under a like policy or policies in this insurer
9 is limited to the one such policy elected by the insured, his or
10 her beneficiary, or his or her estate, as the case may be, and the
11 insurer will return all premiums paid for all other such policies.

12 (4) ~~A-Except as provided in subdivision (6) of this~~
13 ~~section,~~ a provision as follows: INSURANCE WITH OTHER INSURERS: If
14 there be other valid coverage, not with this insurer, providing
15 benefits for the same loss on a provision-of-service basis or on an
16 expense-incurred basis and of which this insurer has not been given

17 written notice prior to the occurrence or commencement of loss, the
18 only liability under any expense-incurred coverage of this policy
19 shall be for such proportion of the loss as the amount which would
20 otherwise have been payable hereunder plus the total of the like
21 amounts under all such other valid coverages for the same loss
22 of which this insurer had notice bears to the total like amounts
23 under all valid coverages for such loss and for the return of such
24 portion of the premiums paid as shall exceed the pro rata portion
25 for the amount so determined. For the purpose of applying this
26 provision when other coverage is on a provision-of-service basis,
27 the like amount of such other coverage shall be taken as the amount
1 which the services rendered would have cost in the absence of such
2 coverage. If the foregoing policy provision is included in a policy
3 which also contains the next following policy provision there shall
4 be added to the caption of the foregoing provision the phrase
5 EXPENSE-INCURRED BENEFITS. The insurer may, at its option, include
6 in this provision a definition of other valid coverage, approved
7 as to form by the Director of Insurance, which definition shall
8 be limited in subject matter to coverage provided by organizations
9 subject to regulation by insurance law or by insurance authorities
10 of this or any other state of the United States or any province
11 of Canada and by hospital or medical service organizations and
12 to any other coverage the inclusion of which may be approved by
13 the Director of Insurance. In the absence of such definition such
14 term shall not include group insurance, automobile medical payments
15 insurance, or coverage provided by hospital or medical service
16 organizations or by union welfare plans or employer or employee
17 benefit organizations. For the purpose of applying the foregoing
18 policy provision with respect to any insured, any amount of benefit
19 provided for such insured pursuant to any compulsory benefit
20 statute, including any workers' compensation or employers liability
21 statute, whether provided by a governmental agency or otherwise
22 shall in all cases be deemed to be other valid coverage of which
23 the insurer has had notice. In applying the foregoing policy
24 provision no third-party liability coverage shall be included as
25 other valid coverage.

26 (5) A-Except as provided in subdivision (6) of this
27 section, a provision as follows: INSURANCE WITH OTHER INSURERS: If
1 there be other valid coverage, not with this insurer, providing
2 benefits for the same loss on other than an expense-incurred basis
3 and of which this insurer has not been given written notice prior
4 to the occurrence or commencement of loss, the only liability for
5 such benefits under this policy shall be for such proportion of
6 the indemnities otherwise provided hereunder for such loss as the
7 like indemnities of which the insurer had notice (including the
8 indemnities under this policy) bear to the total amount of all
9 like indemnities for such loss, and for the return of such portion
10 of the premium paid as shall exceed the pro rata portion for
11 the indemnities thus determined. If the foregoing policy provision

12 is included in a policy which also contains the next preceding
13 policy provision, there shall be added to the caption of the
14 foregoing provision the phrase OTHER BENEFITS. The insurer
15 may, at its option, include in this provision a definition of
16 other valid coverage, approved as to form by the Director of
17 Insurance, which definition shall be limited in subject matter
18 to coverage provided by organizations subject to regulation by
19 insurance law or by insurance authorities of this or any other
20 state of the United States or any province of Canada and to any
21 other coverage the inclusion of which may be approved by the
22 Director of Insurance. In the absence of such definition such term
23 shall not include group insurance or benefits provided by union
24 welfare plans or by employer or employee benefit organizations. For
25 the purpose of applying the foregoing policy provision with respect
26 to any insured, any amount of benefit provided for such insured
27 pursuant to any compulsory benefit statute, including any workers'
1 compensation or employers liability statute, whether provided by a
2 governmental agency or otherwise shall in all cases be deemed to
3 be other valid coverage of which the insurer has had notice. In
4 applying the foregoing policy provision no third-party liability
5 coverage shall be included as other valid coverage.

6 (6) In lieu of the provisions set forth in subdivisions
7 (3) through (5) of this section but subject to section 1 of this
8 act, the insurer may at its option include a provision entitled
9 COORDINATION OF BENEFITS which provides for nonduplication and
10 coordination between two or more coverages based on rules and
11 regulations adopted and promulgated by the director.

12 ~~(6)-(7)~~ A provision as follows: RELATION OF EARNINGS TO
13 INSURANCE: If the total monthly amount of loss-of-time benefits
14 promised for the same loss under all valid loss-of-time coverage
15 upon the insured, whether payable on a weekly or monthly basis,
16 shall exceed the monthly earnings of the insured at the time
17 disability commenced or his or her average monthly earnings for
18 the period of two years immediately preceding a disability for
19 which claim is made, whichever is the greater, the insurer will
20 be liable only for such proportionate amount of such benefits
21 under this policy as the amount of such monthly earnings or such
22 average monthly earnings of the insured bears to the total amount
23 of monthly benefits for the same loss under all such coverage
24 upon the insured at the time such disability commences and for the
25 return of such part of the premiums paid during such two years as
26 shall exceed the pro rata amount of the premiums for the benefits
27 actually paid hereunder; but this shall not operate to reduce the
1 total monthly amount of benefits payable under all such coverage
2 upon the insured below the sum of two hundred dollars or the sum
3 of the monthly benefits specified in such coverages, whichever is
4 the lesser, nor shall it operate to reduce benefits other than
5 those payable for loss of time. The foregoing policy provision may
6 be inserted only in a policy which the insured has the right to

7 continue in force subject to its terms by the timely payment of
8 premiums (a) until at least age fifty or (b) in the case of a
9 policy issued after age forty-four for at least five years from
10 its date of issue. The insurer may, at its option, include in this
11 provision a definition of valid loss-of-time coverage, approved
12 as to form by the Director of Insurance, which definition shall
13 be limited in subject matter to coverage provided by governmental
14 agencies or by organizations subject to regulation by insurance
15 law or by insurance authorities of this or any other state of
16 the United States or any province of Canada or to any other
17 coverage the inclusion of which may be approved by the Director of
18 Insurance or any combination of such coverages. In the absence of
19 such definition such term shall not include any coverage provided
20 for such insured pursuant to any compulsory benefit statute,
21 including any workers' compensation or employers liability statute,
22 or benefits provided by union welfare plans or by employer or
23 employee benefit organizations.

24 ~~(7)-(8)~~ A provision as follows: UNPAID PREMIUM: Upon the
25 payment of a claim under this policy, any premium then due and
26 unpaid or covered by any note or written order may be deducted
27 therefrom.

1 ~~(8)-(9)~~ A provision as follows: CANCELLATION: The insurer
2 may cancel this policy at any time by written notice delivered to
3 the insured which shall be effective only if mailed by certified
4 or registered mail to the named insured at his or her last-known
5 address, as shown by the records of the insurer, at least thirty
6 days prior to the effective date of cancellation, except that
7 cancellation due to failure to pay the premium or in cases of fraud
8 or misrepresentation shall not require that such notice be given at
9 least thirty days prior to cancellation. Subject to any provisions
10 in the policy or a grace period, cancellation for failure to pay a
11 premium shall be effective as of midnight of the last day for which
12 the premium has been paid. In cases of fraud or misrepresentation,
13 coverage shall be canceled upon the date of the notice or any later
14 date designated by the insurer. After the policy has been continued
15 beyond its original term the insured may cancel this policy at
16 any time by written notice delivered or mailed to the insurer,
17 effective upon receipt or on such later date as may be specified
18 in such notice. In the event of cancellation, the insurer will
19 return promptly the unearned portion of any premium paid. If the
20 insured cancels, the earned premium shall be computed by the use
21 of the short-rate table last filed with the state official having
22 supervision of insurance in the state where the insured resided
23 when the policy was issued. If the insurer cancels, the earned
24 premium shall be computed pro rata. Cancellation shall be without
25 prejudice to any claim originating prior to the effective date of
26 cancellation.

27 ~~(9)-(10)~~ A provision as follows: ILLEGAL OCCUPATION: The
1 insurer shall not be liable for any loss to which a contributing

2 cause was the insured's commission of or attempt to commit a felony
 3 or to which a contributing cause was the insured's being engaged in
 4 an illegal occupation.
 5 ~~(10)~~(11) A provision as follows: INTOXICANTS AND
 6 NARCOTICS: The insurer shall not be liable for any loss sustained
 7 or contracted in consequence of the insured's being intoxicated
 8 or under the influence of any narcotic unless administered on the
 9 advice of a physician.
 10 Sec. 3. Original section 44-710.04, Revised Statutes
 11 Cumulative Supplement, 2012, is repealed.

The Lathrop amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB66 to Select File

Senator Chambers moved to return LB66 to Select File for the following specific amendment:

FA92

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 LB66 with 30 ayes, 3 nays, 1 present and not voting, and 15 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2103, and 18-2147, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for redevelopment of formerly used defense sites as prescribed; to provide for applicability of certain ad valorem taxation provisions as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Christensen	Harr, B.	Lathrop	Price
Avery	Coash	Howard	McCoy	Schilz
Bloomfield	Conrad	Janssen	McGill	Schumacher
Bolz	Cook	Johnson	Mello	Smith
Brasch	Crawford	Karpisek	Murante	Sullivan
Campbell	Davis	Kintner	Nelson	Wallman
Carlson	Dubas	Krist	Nordquist	Watermeier
Chambers	Haar, K.	Larson	Pirsch	Wightman

Voting in the negative, 0.

Excused and not voting, 9:

Ashford	Hadley	Harms	Lautenbaugh	Seiler
Gloor	Hansen	Kolowski	Scheer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB140 to Select File

Senator Chambers moved to return LB140 to Select File for the following specific amendment:

FA93

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 LB140 with 34 ayes, 4 nays, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska; to provide airport hazard area dimensions; to change provisions relating to airport hazard area zoning regulations, the board of adjustment, and judicial review; to define and redefine terms; to change a penalty; to eliminate provisions relating to appeal of zoning regulations, the board of adjustment, and judicial review;

to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 39:

Adams	Christensen	Harr, B.	Lathrop	Price
Avery	Coash	Howard	McCoy	Schilz
Bloomfield	Conrad	Janssen	McGill	Smith
Bolz	Cook	Johnson	Mello	Sullivan
Brasch	Crawford	Karpisek	Murante	Wallman
Campbell	Davis	Kintner	Nelson	Watermeier
Carlson	Dubas	Krist	Nordquist	Wightman
Chambers	Haar, K.	Larson	Pirsch	

Voting in the negative, 1:

Schumacher

Excused and not voting, 9:

Ashford	Hadley	Harms	Lautenbaugh	Seiler
Gloor	Hansen	Kolowski	Scheer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB341 to Select File

Senator Chambers moved to return LB341 to Select File for the following specific amendment:

FA94

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 LB341 with 36 ayes, 4 nays, 2 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 341.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1807, 77-1808, 77-1812, 77-1813, 77-1818, 77-1822, 77-1823, 77-1830, 77-1836, 77-1849, and 77-1936, Reissue Revised Statutes of Nebraska, and sections 77-1824, 77-1824.01, 77-1825, 77-1831, 77-1832, 77-1833, 77-1837, and 77-1902, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to tax sales for delinquent property taxes; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1820, 77-1926, and 77-1937, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB410 to Select File

Senator Chambers moved to return LB410 to Select File for the following specific amendment:

FA95

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 LB410 with 33 ayes, 4 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 410. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 43-2507.02, 79-241, 79-1104.02, 79-1118.01, 79-1336, 85-1603, 85-1644, and 85-1656, Reissue Revised Statutes of Nebraska, and sections 79-214, 79-234, 79-237, 79-527, 79-527.01, 79-611, 79-1007.20, 79-1028.01, 79-1204, 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to rules and regulations under the Early Intervention Act, kindergarten admission, the enrollment option program, access to school files, reporting on attendance, transportation, the Tax Equity and Educational Opportunities Support Act, early childhood education, the Special Education Act, educational service units, distance education reimbursement, learning community reporting, disclosure of certain records, and private postsecondary career schools; to redefine terms; to harmonize provisions; to eliminate provisions relating to certain student organizations and obsolete references to a fund; to repeal the original sections; to outright repeal sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

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

MOTION - Return LB497 to Select File

Senator Chambers moved to return LB497 to Select File for the following specific amendment:

FA96

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 LB497 with 36 ayes, 3 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 497. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 9-836.01, Reissue Revised Statutes of Nebraska, and sections 79-8,137, 79-8,137.04, and 85-1920, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to distribution of state lottery proceeds; to create the Nebraska Education Improvement Fund; to provide for a study; to change contract provisions relating to programs under the Excellence in Teaching Act; to terminate the Education Innovation Fund and the Nebraska Opportunity Grant Fund; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

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

MOTION - Return LB563 to Select File

Senator Chambers moved to return LB563 to Select File for the following specific amendment:

FA97

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 563. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend section 73-510, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to contracts for services; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

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

MOTION - Return LB623 to Select File

Senator Chambers moved to return LB623 to Select File for the following specific amendment:

FA98

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to change provisions relating to bridge construction and road improvements; and to repeal the original section.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 66, 140, 341, 410, 497, 563, and 623.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 603. Placed on General File with amendment. AM1448 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Introduced by Johnson, 23.

WHEREAS, Marissa DeWispelare, a senior at David City Aquinas High School, won gold medals in the Class C Girls 1600 Meter Run and 3200 Meter Run at the 2013 Girls State Track and Field Meet; and

WHEREAS, Marissa is now a four-time state champion in the Girls 3200 Meter Run and defeated all other runners in the 2013 competition by 22 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Marissa DeWispelare on her victories at the 2013 Class C Girls State Track and Field Meet and on her outstanding high school track and field career.
2. That a copy of this resolution be sent to Marissa DeWispelare.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Johnson, 23.

WHEREAS, Nathan Bazata, a senior at Howells-Dodge High School, won the gold medal in the Class C shot put final as well as all-class gold at the 2013 Boys State Track and Field Meet; and

WHEREAS, Nathan also won gold in the state wrestling championships for the 2012-13 season and is a football recruit for the University of Iowa Hawkeyes; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Nathan Bazata on his outstanding performance at the 2013 Class C Boys State Track and Field Meet and wishes him success in his collegiate athletic career.
2. That a copy of this resolution be sent to Nathan Bazata.

Laid over.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB23:
FA100
Strike the enacting clause.

Senator Chambers filed the following amendment to LB23A:
FA101
Strike the enacting clause.

Senator Chambers filed the following amendment to LB211:
FA102
Strike the enacting clause.

Senator Chambers filed the following amendment to LB211A:
FA103
Strike the enacting clause.

Senator Chambers filed the following amendment to LB269:
FA104
Strike the enacting clause.

Senator Chambers filed the following amendment to LB269A:
FA105
Strike the enacting clause.

Senator Chambers filed the following amendment to LB296:
FA106
Strike the enacting clause.

Senator Chambers filed the following amendment to LB363:
FA107
Strike the enacting clause.

Senator Chambers filed the following amendment to LB363A:
FA108
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429:
FA109
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429A:
FA110
Strike the enacting clause.

Senator Chambers filed the following amendment to LB517:
FA111
Strike the enacting clause.

Senator Chambers filed the following amendment to LB517A:
FA112
Strike the enacting clause.

Senator Chambers filed the following amendment to LB530:
FA113
Strike the enacting clause.

Senator Chambers filed the following amendment to LB530A:
FA114
Strike the enacting clause.

Senator Chambers filed the following amendment to LB93:
FA115
Strike the enacting clause.

Senator Chambers filed the following amendment to LB93A:
FA116
Strike the enacting clause.

Senator Chambers filed the following amendment to LB483:
FA117
Strike the enacting clause.

Senator Chambers filed the following amendment to LB483A:
FA118
Strike the enacting clause.

Senator Chambers filed the following amendment to LB366:
FA119
Strike the enacting clause.

Senator Chambers filed the following amendment to LB366A:
FA120
Strike the enacting clause.

Senator Chambers filed the following amendment to LB561:
FA121
Strike the enacting clause.

Senator Chambers filed the following amendment to LB634:
FA122
Strike the enacting clause.

Senator Chambers filed the following amendment to LB634A:
FA123
Strike the enacting clause.

Senator Chambers filed the following amendment to LB97:
FA124
Strike the enacting clause.

Senator Chambers filed the following amendment to LB104:
FA125
Strike the enacting clause.

Senator Chambers filed the following amendment to LB216:
FA126
Strike the enacting clause.

Senator Chambers filed the following amendment to LB216A:
FA127
Strike the enacting clause.

Senator Chambers filed the following amendment to LB225:
FA128
Strike the enacting clause.

Senator Chambers filed the following amendment to LB306:
FA129
Strike the enacting clause.

Senator Chambers filed the following amendment to LB306A:
FA130
Strike the enacting clause.

Senator Chambers filed the following amendment to LB507:
FA131
Strike the enacting clause.

Senator Chambers filed the following amendment to LB507A:
FA132
Strike the enacting clause.

Senator Chambers filed the following amendment to LB556:
FA133
Strike the enacting clause.

Senator Chambers filed the following amendment to LB556A:
FA134
Strike the enacting clause.

Senator Chambers filed the following amendment to LB579:
FA135
Strike the enacting clause.

Senator Chambers filed the following amendment to LB579A:
FA136
Strike the enacting clause.

Senator Chambers filed the following amendment to LB583:
FA137
Strike the enacting clause.

Senator Chambers filed the following amendment to LB583A:
FA138
Strike the enacting clause.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Committee AM856, found on page 1125, was offered.

Senator Coash offered his amendment, AM1356, found on page 1558, to the committee amendment.

Senator Coash withdrew his amendment.

The committee amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

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

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 298. Placed on Final Reading.

LEGISLATIVE BILL 308. Placed on Final Reading.

LEGISLATIVE BILL 326. Placed on Final Reading.

LEGISLATIVE BILL 331. Placed on Final Reading.

LEGISLATIVE BILL 368. Placed on Final Reading.

LEGISLATIVE BILL 368A. Placed on Final Reading.

LEGISLATIVE BILL 429A. Placed on Final Reading Second.

LEGISLATIVE BILL 479. Placed on Final Reading.

ST31

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

1. On page 1, the matter beginning with "prohibit" in line 1 through line 3 and all amendments thereto have been struck and "amend section 44-710.04, Revised Statutes Cumulative Supplement, 2012; to prohibit policy and contract terms relating to contractual rights to proceeds of various insurance as prescribed; to change provisions relating to sickness and accident insurance policies; and to repeal the original section." inserted.

LEGISLATIVE BILL 573. Placed on Final Reading.

(Signed) John Murante, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 2013, at 2:20 p.m. were the following: LBs 66, 140, 341, 410e, 497, 563e, and 623.

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

UNANIMOUS CONSENT - Add Cointroducer

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Gloor's son, Brock, from New York City; Senator Crawford's husband and sons, David, Nate, and Phil, from Bellevue; and 150 fourth-grade students from Gomez Heritage School, Omaha.

The Doctor of the Day was Dr. Kathy Garner from Omaha.

ADJOURNMENT

At 3:02 p.m., on a motion by Speaker Adams, the Legislature adjourned until 10:00 a.m., Tuesday, May 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

