

FIFTY-THIRD DAY - APRIL 1, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 1, 2014

PRAYER

The prayer was offered by Pastor Shawn Linnell, Trinity Lutheran Church, Blair.

ROLL CALL

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

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Adams, Carlson, Christensen, Lathrop, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 559A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Lathrop's birthday.

MOTION - Override Line-Item Vetoes on LB905

Senator Mello offered the Appropriations Committee motion, MO168, found on page 1295, to override the Governor's line-item vetoes contained in the following sections of LB905:

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services,

Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA313

Strike Section 44 from the motion to override the Governor's line-item vetoes.

SPEAKER ADAMS PRESIDING

SENATOR COASH PRESIDING

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

The McCoy amendment lost with 10 ayes, 25 nays, 13 present and not voting, and 1 excused and not voting.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA314

Strike Section 45 from the motion to override the Governor's line-item vetoes.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

The McCoy amendment lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA315

Strike Section 12 from MO168 to override the Governor's line-item vetoes.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 276A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Third Legislature, Second Session, 2014.

UNANIMOUS CONSENT - Add Cointroducers

Senators Lautenbaugh and Schilz asked unanimous consent to add their names as cointroducers to LB1058. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Murante withdrew his name as cointroducer to LB797.

VISITORS

Visitors to the Chamber were group of pre-school students from Kelly's Kids, Lincoln; Logan and Audra Ostergard from Lincoln; 50 twelfth-grade students from Lincoln Northeast; 21 fourth-grade students and teachers from Seymour Elementary, Ralston; 9 twelfth-grade students and teacher from Sutherland; 33 fourth-grade students and teachers from Brownell-Talbot Elementary in Omaha, including, Senator Wightman's granddaughter, Meg; 21 fourth-grade students and teacher from Arapahoe; and 37 fourth-grade students and teachers from Wildwood Elementary, Ralston.

RECESS

At 11:56 a.m., on a motion by Senator Bloomfield, 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 Senator Lautenbaugh who was excused; and Senators Campbell, Carlson, Christensen, Davis, Gloor, Howard, Janssen, Karpisek, Pirsch, Schumacher, and Watermeier who were excused until they arrive.

MOTION - Withdraw LR463

Senator Chambers offered his motion, MO162, found on page 1273, to withdraw LR463.

The Chambers motion to withdraw the resolution prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

MOTION - Override Line-Item Vetoes on LB905

The Appropriations Committee motion, MO168, found on page 1295 and considered in this day's Journal, to override the Governors line-item vetoes on LB905, was renewed.

Senator McCoy withdrew his amendment, FA315, found in this day's Journal.

SENATOR COASH PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 37:

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

Voting in the negative, 11:

Bloomfield	Garrett	Kintner	Pirsch
Brasch	Hansen	McCoy	Smith
Christensen	Janssen	Murante	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB906

Senator Mello offered the Appropriations Committee motion, MO169, found on page 1296, that LB906 becomes law notwithstanding the objections of the Governor.

Senator Mello moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 39:

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

Voting in the negative, 9:

Bloomfield	Christensen	Janssen	McCoy	Smith
Brasch	Garrett	Kintner	Pirsch	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB130

Senator Mello offered the Appropriations Committee motion, MO170, found on page 1296, that LB130 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?'" "

Voting in the affirmative, 39:

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

Voting in the negative, 9:

Bloomfield	Christensen	Janssen	McCoy	Smith
Brasch	Garrett	Kintner	Pirsch	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

SPEAKER ADAMS PRESIDING**COMMUNICATION**

April 1, 2014

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB905 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached

certificate, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 905, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes as follows, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services, Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

April 1, 2014

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB906 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 906, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

April 1, 2014

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB130 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 130, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

(Signed) Greg Adams
President of the Legislature

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 390. Title read. Considered.

Committee AM507, found on page 945, First Session, 2013, was offered.

Senator Seiler offered the following amendment to the committee amendment:

AM2710

(Amendments to Standing Committee amendments, AM507)

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-1204.04, Revised Statutes
- 3 Cumulative Supplement, 2012, is amended to read:
- 4 28-1204.04 (1) Any person who possesses a firearm in
- 5 a school, on school grounds, in a school-owned vehicle, or at
- 6 a school-sponsored activity or athletic event is guilty of the
- 7 offense of unlawful possession of a firearm at a school. Unlawful
- 8 possession of a firearm at a school is a Class IV felony. This
- 9 subsection shall not apply to (a) the issuance of firearms to
- 10 or possession by members of the armed forces of the United
- 11 States, active or reserve, National Guard of this state, or
- 12 Reserve Officers Training Corps or peace officers or other duly
- 13 authorized law enforcement officers when on duty or training,
- 14 (b) the possession of firearms by peace officers or other duly
- 15 authorized law enforcement officers when contracted by a school
- 16 to provide school security or school event control services, (c)
- 17 firearms which may lawfully be possessed by the person receiving
- 18 instruction, for instruction under the immediate supervision of an
- 19 adult instructor, (d) firearms which may lawfully be possessed by
- 20 a member of a college or university rifle team, within the scope

21 of such person's duties as a member of the team, (e) firearms
22 which may lawfully be possessed by a person employed by a college
1 or university in this state as part of an agriculture or a
2 natural resources program of such college or university, within the
3 scope of such person's employment, (f) firearms contained within
4 a private vehicle operated by a nonstudent adult which are not
5 loaded and (i) are encased or (ii) are in a locked firearm rack
6 that is on a motor vehicle, (g) firearms which may lawfully be
7 possessed by a person for the purpose of using them, with the
8 approval of the school, in a historical reenactment, in a hunter
9 education program, or as part of an honor guard, or ~~(g)~~(h) a
10 handgun carried as a concealed handgun by a valid holder of a
11 permit issued under the Concealed Handgun Permit Act in a vehicle
12 or on his or her person while riding in or on a vehicle into or
13 onto any parking area, which is open to the public and used by
14 a school if, prior to exiting the vehicle, the handgun is locked
15 inside the glove box, trunk, or other compartment of the vehicle,
16 a storage box securely attached to the vehicle, or, if the vehicle
17 is a motorcycle, a hardened compartment securely attached to the
18 motorcycle while the vehicle is in or on such parking area, except
19 as prohibited by federal law. For purposes of this subsection,
20 encased means enclosed in a case that is expressly made for the
21 purpose of containing a firearm and that is completely zipped,
22 snapped, buckled, tied, or otherwise fastened with no part of the
23 firearm exposed.

24 (2) Any firearm possessed in violation of subsection
25 (1) of this section shall be confiscated without warrant by a
26 peace officer or may be confiscated without warrant by school
27 administrative or teaching personnel. Any firearm confiscated by
1 school administrative or teaching personnel shall be delivered to a
2 peace officer as soon as practicable.

3 (3) Any firearm confiscated by or given to a peace
4 officer pursuant to subsection (2) of this section shall be
5 declared a common nuisance and shall be held by the peace officer
6 prior to his or her delivery of the firearm to the property
7 division of the law enforcement agency which employs the peace
8 officer. The property division of such law enforcement agency shall
9 hold such firearm for as long as the firearm is needed as evidence.
10 After the firearm is no longer needed as evidence, it shall be
11 destroyed in such manner as the court may direct.

12 (4) Whenever a firearm is confiscated and held pursuant
13 to this section or section 28-1204.02, the peace officer who
14 received such firearm shall cause to be filed within ten days after
15 the confiscation a petition for destruction of such firearm. The
16 petition shall be filed in the district court of the county in
17 which the confiscation is made. The petition shall describe the
18 firearm held, state the name of the owner, if known, allege the
19 essential elements of the violation which caused the confiscation,
20 and conclude with a prayer for disposition and destruction in such

21 manner as the court may direct. At any time after the confiscation
22 of the firearm and prior to court disposition, the owner of the
23 firearm seized may petition the district court of the county in
24 which the confiscation was made for possession of the firearm. The
25 court shall release the firearm to such owner only if the claim
26 of ownership can reasonably be shown to be true and either (a)
27 the owner of the firearm can show that the firearm was taken from
1 his or her property or place of business unlawfully or without
2 the knowledge and consent of the owner and that such property or
3 place of business is different from that of the person from whom
4 the firearm was confiscated or (b) the owner of the firearm is
5 acquitted of the charge of unlawful possession of a handgun in
6 violation of section 28-1204, unlawful transfer of a firearm to
7 a juvenile, or unlawful possession of a firearm at a school. No
8 firearm having significant antique value or historical significance
9 as determined by the Nebraska State Historical Society shall be
10 destroyed. If a firearm has significant antique value or historical
11 significance, it shall be sold at auction and the proceeds shall be
12 remitted to the State Treasurer for distribution in accordance with
13 Article VII, section 5, of the Constitution of Nebraska.
14 2. Renumber the remaining sections and correct the
15 repealer accordingly.

The Seiler amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Davis offered his amendment, AM2663, found on page 1300.

The Davis amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM2045, found on page 734, was offered.

Senator K. Haar asked unanimous consent to withdraw his amendment, AM2461, found on page 933, and replace it with his substitute amendment, AM2562, found on page 1073, to the committee amendment. No objections. So ordered.

SENATOR GLOOR PRESIDING

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

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

The motion to cease debate prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Carlson	Crawford	Howard	Mello
Avery	Chambers	Davis	Kolowski	Nordquist
Bolz	Conrad	Dubas	Lathrop	Sullivan
Brasch	Cook	Harms	McGill	Wallman

Voting in the negative, 19:

Adams	Garrett	Johnson	Murante	Smith
Bloomfield	Hadley	Kintner	Nelson	Watermeier
Campbell	Hansen	Larson	Schilz	Wightman
Coash	Janssen	McCoy	Seiler	

Present and not voting, 7:

Christensen	Haar, K.	Krist	Schumacher
Gloor	Harr, B.	Scheer	

Excused and not voting, 3:

Karpisek Lautenbaugh Pirsch

The K. Haar amendment lost with 20 ayes, 19 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB373:

AM2362

(Amendments to Standing Committee amendments, AM1550)

- 1 1. Insert the following section:
- 2 Sec. 6. Section 45-1205, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 45-1205 Except as provided in section 45-1204, if a
 5 periodic or final payment to (1) a contractor is delayed by more
 6 than thirty days after receipt of a properly submitted periodic or
 7 final payment request by the owner or owner's representative or (2)
 8 a subcontractor is delayed by more than ten days after receipt of a
 9 periodic or final payment by the contractor or subcontractor, then
 10 the remitting party ~~owner, contractor, or subcontractor~~ shall pay
 11 the contractor or subcontractor interest due until such amount is
 12 paid, beginning on the day following the payment due date at the
 13 rate of one percent per month or a pro rata fraction thereof on
 14 the unpaid balance. Interest is due under this section only after
 15 the person charged the interest has been notified of the provisions
 16 of this section by the contractor or subcontractor. Acceptance of
 17 progress payments or a final payment shall release all claims for
 18 interest on such payments.

19 2. On page 2, line 3, after "person" insert ". Contractor
 20 does not include an individual or an entity performing work on
 21 a contract for the State of Nebraska or performing work on a
 22 federal-aid or state-aid project of a political subdivision in
 1 which the state makes payments to the contractor on behalf of the
 2 political subdivision"; and in line 24 after "suppliers" insert
 3 ". Subcontractor does not include an individual or an entity
 4 performing work as a subcontractor on a contract for the State of
 5 Nebraska or performing work on a federal-aid or state-aid project
 6 of a political subdivision in which the state makes payments to the
 7 contractor on behalf of the political subdivision".

8 3. On page 4, line 7, strike "a party", show as stricken,
 9 and insert "an owner, a contractor, or a subcontractor"; and strike
 10 beginning with "by" in line 11 through "subcontractor" in line 12.

11 4. Correct the repealer and renumber the remaining
 12 section accordingly.

Senator Lathrop filed the following amendment to LB752:
 AM2274

1 1. On page 6, lines 2 and 23, after "officer" insert ", a
 2 firefighter, out-of-hospital emergency care provider".

3 2. On page 6, line 6; and page 7, line 2, after "officer"
 4 insert ", an emergency responder, a state correctional employee, a
 5 Department of Health and Human Services employee".

6 3. On page 7, lines 8, 12, and 15; and page 8, line 6,
 7 after "or" insert "a".

8 4. On page 7, line 20, strike "or" and show as stricken.

9 5. On page 11, line 7, after "officer" insert ", an
 10 emergency responder, a state correctional employee, a Department of
 11 Health and Human Services employee, or a health care professional".

Senator Seiler filed the following amendment to LB810:
AM2729

(Amendments to E & R amendments, ER180)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 8-1401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-1401 (1) No person organized under the Business
- 5 Corporation Act, the Credit Union Act, the Nebraska Banking Act,
- 6 the Nebraska Industrial Development Corporation Act, the Nebraska
- 7 Nonprofit Corporation Act, the Nebraska Professional Corporation
- 8 Act, the Nebraska Trust Company Act, or Chapter 8, article 3, or
- 9 otherwise authorized to conduct business in Nebraska or organized
- 10 under the laws of the United States, shall be required to disclose
- 11 any records or information, financial or otherwise, that it deems
- 12 confidential concerning its affairs or the affairs of any person
- 13 with which it is doing business to any person, party, agency, or
- 14 organization, unless:
- 15 (a) The disclosure relates to a lawyers trust account
- 16 and is required to be made to the Counsel for Discipline of the
- 17 Nebraska Supreme Court pursuant to a rule adopted by the Nebraska
- 18 Supreme Court;
- 19 (b) The disclosure is governed by rules for discovery
- 20 promulgated pursuant to section 25-1273.01;
- 21 (c) The disclosure is made pursuant to section 3 of this
- 22 act;
- 1 ~~(d)~~ (d) The request for disclosure is made by a law
- 2 enforcement agency regarding a crime, a fraud, or any other
- 3 unlawful activity in which the person to whom the request for
- 4 disclosure is made is or may be a victim of such crime, fraud, or
- 5 unlawful activity;
- 6 ~~(e)~~ (e) The request for disclosure is made by a
- 7 governmental agency which is a duly constituted supervisory
- 8 regulatory agency of the person to whom the request for disclosure
- 9 is made and the disclosure relates to examinations, audits,
- 10 investigations, or inquiries of such persons;
- 11 ~~(f)~~ (f) The request for disclosure is made pursuant to
- 12 subpoena issued under the laws of this state by a governmental
- 13 agency exercising investigatory or adjudicative functions with
- 14 respect to a matter within the agency's jurisdiction;
- 15 ~~(g)~~ (g) The production of records is pursuant to a
- 16 written demand of the Tax Commissioner under section 77-375;
- 17 ~~(h)~~ (h) There is first presented to such person a
- 18 subpoena, summons, or warrant issued by a court of competent
- 19 jurisdiction;
- 20 ~~(i)~~ (i) A statute by its terms or rules and regulations
- 21 adopted and promulgated thereunder requires the disclosure, other
- 22 than by subpoena, summons, warrant, or court order;
- 23 ~~(j)~~ (j) There is presented to such person an order of a
- 24 court of competent jurisdiction setting forth the exact nature and

25 limits of such required disclosure and a showing that all persons
 26 to be affected by such order have had reasonable notice and an
 27 opportunity to be heard upon the merits of such order;

1 ~~(j)~~(k) The request for disclosure relates to information
 2 or records regarding the balance due, monthly payments due, payoff
 3 amounts, payment history, interest rates, due dates, or similar
 4 information for indebtedness owed by a deceased person when the
 5 request is made by a person having an ownership interest in real
 6 estate or personal property which secures such indebtedness owed to
 7 the person to whom the request for disclosure is made; or

8 ~~(k)~~(l) There is first presented to such person the
 9 written permission of the person about whom records or information
 10 is being sought authorizing the release of the requested records or
 11 information.

12 (2) Any person who makes a disclosure of records or
 13 information as required by this section shall not be held civilly
 14 or criminally liable for such disclosure in the absence of malice,
 15 bad faith, intent to deceive, or gross negligence.

16 Sec. 2. Section 8-1402, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 8-1402 (1) Any person, party, agency, or organization
 19 requesting disclosure of records or information pursuant to
 20 section 8-1401 shall pay the costs of providing such records or
 21 information, unless:

22 (a) The request for disclosure is made pursuant to
 23 subdivision (1)(a) of section 8-1401 and a Nebraska Supreme Court
 24 rule provides for the method of payment;

25 (b) The request is made pursuant to subdivision (1)(b) of
 26 section 8-1401 and the rules for discovery provide for the method
 27 of payment;

1 (c) The request for disclosure is made pursuant to
 2 subdivision ~~(1)(e)~~ or ~~(1)(d)~~ (1)(d) or (1)(e) of section 8-1401;

3 (d) Otherwise ordered by a court of competent
 4 jurisdiction; or

5 (e) The person making the disclosure waives any or all of
 6 the costs.

7 (2) The requesting person, party, agency, or organization
 8 shall pay five dollars per hour per person for the time actually
 9 spent on the service or, if such person can show that its actual
 10 expense in providing the records or information was greater than
 11 five dollars per hour per person, it shall be paid the actual cost
 12 of providing the records or information.

13 (3) No person authorized to receive payment pursuant to
 14 subsection (1) of this section has an obligation to provide any
 15 records or information pursuant to section 8-1401 until assurances
 16 are received that the costs due under this section will be paid,
 17 except for requests made pursuant to subdivisions ~~(1)(e), (1)(d),~~
 18 ~~(1)(e), and (1)(f)~~ (1)(e), (1)(g), (1)(h), and (1)(i) of section
 19 8-1401.

20 Sec. 3. (1) This section does not apply to:
21 (a) Real property owned by a decedent; or
22 (b) The contents of a safety deposit box rented by
23 a decedent from a state-chartered or federally chartered bank,
24 savings bank, building and loan association, savings and loan
25 association, or credit union.
26 (2) After the death of a decedent, a person (a) indebted
27 to the decedent or (b) having possession of (i) personal property,
1 (ii) an instrument evidencing a debt, (iii) an obligation, (iv)
2 a chose in action, (v) a life insurance policy, (vi) a bank
3 account, (vii) a certificate of deposit, or (viii) intangible
4 property, including annuities, fixed income investments, mutual
5 funds, cash, money market accounts, or stocks, belonging to the
6 decedent, shall furnish the value of the indebtedness or property
7 on the date of death and the names of the known or designated
8 beneficiaries of property described in this subsection to a person
9 who is (A) an heir at law of the decedent, (B) a devisee of the
10 decedent or a person nominated as a personal representative in a
11 will of the decedent, or (C) an agent or attorney authorized in
12 writing by any such person described in subdivision (A) or (B) of
13 this subdivision, with a copy of such authorization attached to
14 the affidavit, and who also presents an affidavit containing the
15 information required by subsection (3) of this section.
16 (3) An affidavit presented under subsection (2) of this
17 section shall state:
18 (a) The name, address, social security number if
19 available, and date of death of the decedent;
20 (b) The name and address of the affiant and that the
21 affiant is (A) an heir at law of the decedent, (B) a devisee of
22 the decedent or a person nominated as a personal representative in
23 a will of the decedent, or (C) an agent or attorney authorized in
24 writing by any such person described in subdivision (A) or (B) of
25 this subdivision;
26 (c) That the disclosure of the value on the date of
27 death is necessary to determine whether the decedent's estate can
1 be administered under the summary procedures set forth in section
2 30-24,125 to assist in the determination of the inheritance tax in
3 an estate that is not subject to probate or to assist a conservator
4 or guardian in the preparation of a final accounting subsequent to
5 the death of the decedent;
6 (d) That the affiant is answerable and accountable for
7 the information received to the decedent's personal representative,
8 if any, or to any other person having a superior right to the
9 property or indebtedness;
10 (e) That the affiant swears or affirms that all
11 statements in the affidavit are true and material and further
12 acknowledges that any false statement may subject the person to
13 penalties relating to perjury under section 28-915; and
14 (f) That no application or petition for the appointment

15 of a personal representative is pending or has been granted in any
16 jurisdiction.

17 (4) A person presented with an affidavit under subsection
18 (2) of this section shall provide the requested information within
19 five business days after being presented with the affidavit.

20 (5) A person who acts in good faith reliance on an
21 affidavit presented under subsection (2) of this section is immune
22 from liability for the disclosure of the requested information.

23 Sec. 4. Section 8-1403, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 8-1403 For purposes of sections 8-1401 and 8-1402 and
26 section 3 of this act:

27 (1) Governmental agency means any agency, department, or
1 commission of this state or any authorized officer, employee, or
2 agent of such agency, department, or commission;

3 (2) Law enforcement agency means an agency or department
4 of this state or of any political subdivision of this state that
5 obtains, serves, and enforces arrest warrants or that conducts or
6 engages in prosecutions for violations of the law; and

7 (3) Person means any individual, corporation,
8 partnership, limited liability company, association, joint
9 stock association, trust, unincorporated organization, and any
10 other legal entity.

11 Sec. 5. Section 30-2201, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,
14 and 30-4001 to 30-4045 and section 6 of this act shall be known and
15 may be cited as the Nebraska Probate Code.

16 Sec. 6. (1) For purposes of this section:

17 (a) Custodian means a bank, savings and loan association,
18 credit union, or other institution acting as a lessor of a safe
19 deposit box; and

20 (b) Representative of a custodian means an authorized
21 officer or employee of a custodian.

22 (2)(a) If a decedent at the time of his or her death
23 was a sole or last surviving joint lessee of a safe deposit box,
24 the custodian shall, prior to notice that a personal representative
25 or special administrator has been appointed for such decedent's
26 estate, allow access to the safe deposit box to determine whether
27 the safe deposit box contains an instrument that appears to be an
1 original will of the decedent, a deed to a burial plot, or burial
2 instructions. The following persons may have such access:

3 (i) A person who presents an affidavit described in
4 subsection (4) of this section that affiant reasonably believes
5 that he or she is either (A) an heir at law of the decedent,
6 (B) a devisee of the decedent or a person nominated as a personal
7 representative as shown in a photocopy of a will which is attached
8 to such affidavit, or (C) the agent or attorney specifically
9 authorized in writing by a person described in subdivision

10 (2)(a)(i)(A) or (B) of this section; or
11 (ii) A person who, under the terms of the safe deposit
12 box lease or a power of attorney at the time of the decedent's
13 death, was legally permitted to enter the safe deposit box, unless
14 otherwise provided by the lease or the power of attorney.
15 (b) If a person described in subdivision (2)(a) of this
16 section desires access to a safe deposit box but does not possess
17 a key to the box, the custodian may open the safe deposit box
18 by any means necessary at the person's request and expense or the
19 custodian may require the person to obtain a court order for the
20 custodian to open the safe deposit box at the requesting person's
21 expense. The custodian shall retain, in a secure location at such
22 person's expense, the contents of the box other than a purported
23 will, deed to a burial plot, and burial instructions. A custodian
24 shall deliver a purported will as described in subdivision (5)(b)
25 of this section. A person described in subdivision (2)(a)(i) of
26 this section may remove a deed to a burial plot and burial
27 instructions that are not part of a purported will pursuant to
1 subdivision (5)(d) of this section, and the custodian shall not
2 prevent the removal. Expenses incurred by a custodian or by the
3 person seeking the documents pursuant to this section shall be
4 considered an estate administration expense.
5 (3) A representative of the custodian shall be present
6 during the entry of a safe deposit box pursuant to this section.
7 (4) The affidavit referred to in subdivision (2)(a)(i) of
8 this section shall state:
9 (a) That the sole or last surviving lessor of a safe
10 deposit box has died and the date of his or her death, and a copy
11 of the death certificate shall be attached;
12 (b) If the person submitting the affidavit is an attorney
13 or agent of the affiant, that such appointment is for the purpose
14 of accompanying the opening of the safe deposit box. In lieu of
15 this statement, the appointment shall accompany the affidavit; and
16 (c) That the affiant:
17 (i)(A) Is an heir at law of the deceased lessor and a
18 description of such person's relationship to the deceased lessor;
19 (B) Is reasonably thought to be a devisee of the decedent
20 based on the provisions of a will, a photocopy of which is
21 submitted with the affidavit; or
22 (C) Is reasonably thought to be nominated as personal
23 representative pursuant to the terms of a will, a photocopy of
24 which is submitted with the affidavit;
25 (ii) Swears or affirms that all statements in the
26 affidavit are true and material and further acknowledges that
27 any false statement may subject the person to penalties relating to
1 perjury under section 28-915; and
2 (iii) Has no knowledge of an application or petition for
3 the appointment of a personal representative pending or granted in
4 any jurisdiction.

5 (5)(a) If an instrument purporting to be a will is found
6 in a safe deposit box as the result of an entry pursuant to
7 subsection (2) of this section, the representative of the custodian
8 shall remove the purported will.

9 (b) The custodian shall mail the purported will by
10 registered or certified mail or deliver the purported will in
11 person to the clerk of the county court of the county in which the
12 decedent was a resident. If the custodian is unable to determine
13 the county of residence of the decedent, the custodian shall mail
14 the purported will by registered or certified mail or deliver the
15 purported will in person to the office of the clerk of the county
16 court of the county in which the safe deposit box is located.

17 (c) At the request of the person or persons authorized
18 to have access to the safe deposit box under subsection (2) of
19 this section, the representative of the custodian shall copy each
20 purported will of the decedent, at the expense of the requesting
21 person, and shall deliver the copy of each purported will to the
22 person, or if directed by the person, to the person's agent or
23 attorney. In copying any purported will, the representative of the
24 custodian shall not remove any staples or other fastening devices
25 or disassemble the purported will in any way.

26 (d) If the safe deposit box contains a deed to a burial
27 plot or burial instructions that are not a part of a purported
1 will, the person or persons authorized to have access to the safe
2 deposit box under subsection (2) of this section may remove these
3 instruments or request that the representative of the custodian
4 copy the deed to the burial plot or burial instructions at the
5 expense of the requesting person.

6 (6) This section does not limit the right of a personal
7 representative or a special administrator for the decedent, or a
8 successor of the decedent pursuant to section 30-24,125, to have
9 access to the safe deposit box as otherwise provided by law.

10 (7) Unless limited by the safe deposit box lease, a
11 surviving co-lessee of the safe deposit box may continue to enter
12 the safe deposit box notwithstanding the death of the decedent.

13 (8) A custodian shall not be liable to a person for an
14 action taken pursuant to this section or for a failure to act in
15 accordance with the requirements of this section unless the action
16 or failure to act is shown to have resulted from the custodian's
17 bad faith, gross negligence, or intentional misconduct.

18 Sec. 8. The Revisor of Statutes shall assign section 6 of
19 this act within Chapter 30, article 24, part 1.

20 Sec. 9. Original sections 8-1401, 8-1402, and 8-1403,
21 Reissue Revised Statutes of Nebraska, and section 30-2201, Revised
22 Statutes Cumulative Supplement, 2012, are repealed.

23 2. Renumber the remaining sections accordingly.

Senator Nordquist filed the following amendment to LB276:

AM2726

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 43-2511, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-2511 There is hereby established a statewide billing
- 6 system for accessing federal medicaid funds for special education
- 7 and related services provided by school districts. The system
- 8 shall apply to all students verified with disabilities from date
- 9 of diagnosis to twenty-one years of age as allowed under the
- 10 federal Medicare Catastrophic Coverage Act of 1988. The system
- 11 shall be developed, implemented, and administered jointly by the
- 12 Department of Health and Human Services and the State Department
- 13 of Education. On or before October 1, 2015, the Department of
- 14 Health and Human Services and the State Department of Education
- 15 shall jointly revise the statewide billing system to streamline
- 16 and simplify the claims process, to update reimbursement rates,
- 17 and to incorporate services included in the state plan amendment
- 18 submitted pursuant to subsection (4) of section 68-911. After the
- 19 reimbursement rates have been updated pursuant to this section,
- 20 such rates shall be reviewed at least once every five years. School
- 21 districts, educational service units, or approved cooperatives
- 22 providing special education and related services shall be required
- 23 to participate in the statewide billing system. ~~It is the intent~~
- 1 of this section that Eleven and fifty-four hundredths percent
- 2 of federal medicaid funds received by school districts pursuant
- 3 to such billing system shall be considered reimbursement for the
- 4 costs to school districts associated with the implementation and
- 5 administration of such a system, and such costs shall be included
- 6 in shall be eligible for payment through the medicaid reimbursement
- 7 rates to be established for each therapy service. From the amount
- 8 provided pursuant to section 43-2515 to aid in carrying out the
- 9 Early Intervention Act, the Department of Health and Human Services
- 10 shall retain, for the purposes of implementing and administering
- 11 the statewide billing system and early intervention services
- 12 coordination services, an amount equal to the lesser of the
- 13 actual cost of implementing and administering the statewide billing
- 14 system and early intervention services coordination services or (1)
- 15 for fiscal year 2014-15, two hundred forty-two thousand dollars,
- 16 (2) for fiscal year 2015-16, three hundred thousand dollars, or (3)
- 17 for fiscal year 2016-17 and each fiscal year thereafter, the amount
- 18 retained for such purposes for the prior year increased by five
- 19 percent.
- 20 Sec. 2. Section 43-2513, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 43-2513 For purposes of the general fund budget of
- 23 expenditures as defined in section 79-1003, funds received to carry
- 24 out the services coordination functions ~~and the administration~~

25 ~~of the billing system or designated as reimbursement for costs~~
 26 ~~associated with the implementation and administration of the~~
 27 ~~billing system pursuant to section 43-2511 shall be considered~~
 1 special grant funds.

2 Sec. 3. Section 43-2515, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 43-2515 ~~On~~ For years 1993 through 2015, on or before
 5 October 1, 1993, and for each year thereafter, the Department of
 6 Health and Human Services and the State Department of Education
 7 shall jointly certify to the budget administrator of the budget
 8 division of the Department of Administrative Services the amount
 9 of federal medicaid funds paid to school districts pursuant to the
 10 Early Intervention Act for special education services for children
 11 five years of age and older for the immediately preceding fiscal
 12 year. The General Fund appropriation to the State Department of
 13 Education for state special education aid for the then-current
 14 fiscal year shall be decreased by an amount equal to the amount
 15 that would have been reimbursed with state general funds to
 16 the school districts through the special education reimbursement
 17 process for special education services for children five years
 18 of age and older that was paid to school districts or approved
 19 cooperatives with federal medicaid funds.

20 ~~It~~ For fiscal years through fiscal year 2015-16, it
 21 is the intent of the Legislature that an amount equal to the
 22 amount that would have been reimbursed with state general funds
 23 to the school districts, certified to the budget administrator,
 24 be appropriated from the General Fund to aid in carrying out the
 25 provisions of the Early Intervention Act and other related early
 26 intervention services.

27 For 2015 and each year thereafter, on or before
 1 December 1, the Department of Health and Human Services and
 2 the State Department of Education shall jointly certify to the
 3 budget administrator of the budget division of the Department of
 4 Administrative Services the aggregate amount to be included in the
 5 local system formula resources pursuant to subdivision (16) of
 6 section 79-1018.01 for all local systems for aid to be calculated
 7 pursuant to the Tax Equity and Educational Opportunities Support
 8 Act for the next school fiscal year.

9 For fiscal year 2016-17 and each fiscal year thereafter,
 10 it is the intent of the Legislature that, in addition to other
 11 state and federal funds used to carry out the Early Intervention
 12 Act, funds equal to the lesser of the amount certified to the
 13 budget administrator or the amount appropriated for such purposes
 14 pursuant to this section for the immediately preceding fiscal year
 15 increased by five percent be appropriated from the General Fund to
 16 aid in carrying out the provisions of the Early Intervention Act
 17 and other related early intervention services.

18 Sec. 4. Section 68-911, Revised Statutes Supplement,
 19 2013, is amended to read:

- 20 68-911 (1) Medical assistance shall include coverage for
21 health care and related services as required under Title XIX of the
22 federal Social Security Act, including, but not limited to:
- 23 (a) Inpatient and outpatient hospital services;
 - 24 (b) Laboratory and X-ray services;
 - 25 (c) Nursing facility services;
 - 26 (d) Home health services;
 - 27 (e) Nursing services;
 - 1 (f) Clinic services;
 - 2 (g) Physician services;
 - 3 (h) Medical and surgical services of a dentist;
 - 4 (i) Nurse practitioner services;
 - 5 (j) Nurse midwife services;
 - 6 (k) Pregnancy-related services;
 - 7 (l) Medical supplies;
 - 8 (m) Mental health and substance abuse services; and
 - 9 (n) Early and periodic screening and diagnosis and
- 10 treatment services for children which shall include both physical
11 and behavioral health screening, diagnosis, and treatment services.
- 12 (2) In addition to coverage otherwise required under this
13 section, medical assistance may include coverage for health care
14 and related services as permitted but not required under Title XIX
15 of the federal Social Security Act, including, but not limited to:
- 16 (a) Prescribed drugs;
 - 17 (b) Intermediate care facilities for persons with
 - 18 developmental disabilities;
 - 19 (c) Home and community-based services for aged persons
 - 20 and persons with disabilities;
 - 21 (d) Dental services;
 - 22 (e) Rehabilitation services;
 - 23 (f) Personal care services;
 - 24 (g) Durable medical equipment;
 - 25 (h) Medical transportation services;
 - 26 (i) Vision-related services;
 - 27 (j) Speech therapy services;
 - 1 (k) Physical therapy services;
 - 2 (l) Chiropractic services;
 - 3 (m) Occupational therapy services;
 - 4 (n) Optometric services;
 - 5 (o) Podiatric services;
 - 6 (p) Hospice services;
 - 7 (q) Mental health and substance abuse services;
 - 8 (r) Hearing screening services for newborn and infant
 - 9 children; and
 - 10 (s) Administrative expenses related to administrative
 - 11 activities, including outreach services, provided by school
 - 12 districts and educational service units to students who are
 - 13 eligible or potentially eligible for medical assistance.
- 14 (3) No later than July 1, 2009, the department

15 shall submit a state plan amendment or waiver to the federal
16 Centers for Medicare and Medicaid Services to provide coverage
17 under the medical assistance program for community-based secure
18 residential and subacute behavioral health services for all
19 eligible recipients, without regard to whether the recipient has
20 been ordered by a mental health board under the Nebraska Mental
21 Health Commitment Act to receive such services.

22 (4) On or before October 1, 2014, the department, after
23 consultation with the State Department of Education, shall submit
24 a state plan amendment to the federal Centers for Medicare and
25 Medicaid Services, as necessary, to provide that the following are
26 direct reimbursable services when provided by school districts as
27 part of an individualized education program or an individualized
1 family service plan: Early and periodic screening, diagnosis, and
2 treatment services for children; medical transportation services;
3 mental health services; nursing services; occupational therapy
4 services; personal care services; physical therapy services;
5 rehabilitation services; speech therapy and other services for
6 individuals with speech, hearing, or language disorders; and
7 vision-related services.

8 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 79-1018.01 Except as otherwise provided in this section,
11 local system formula resources include other actual receipts
12 available for the funding of general fund operating expenditures
13 as determined by the department for the second school fiscal year
14 immediately preceding the school fiscal year in which aid is to be
15 paid. Other actual receipts include:

- 16 (1) Public power district sales tax revenue;
- 17 (2) Fines and license fees;
- 18 (3) Tuition receipts from individuals, other districts,
19 or any other source except receipts derived from adult education,
20 receipts derived from summer school tuition, receipts derived
21 from early childhood education tuition, tuition receipts from
22 converted contracts beginning with the calculation of state aid to
23 be distributed in school fiscal year 2011-12, and receipts from
24 educational entities as defined in section 79-1201.01 for providing
25 distance education courses through the Educational Service Unit
26 Coordinating Council to such educational entities;
- 27 (4) Transportation receipts;
- 1 (5) Interest on investments;
- 2 (6) Other miscellaneous noncategorical local receipts,
3 not including receipts from private foundations, individuals,
4 associations, or charitable organizations;
- 5 (7) Special education receipts;
- 6 (8) Special education receipts and non-special education
7 receipts from the state for wards of the court and wards of the
8 state;
- 9 (9) All receipts from the temporary school fund. Receipts

10 from the temporary school fund shall only include (a) receipts
 11 pursuant to section 79-1035, to the extent that such receipts for
 12 the calculation of aid for school fiscal year 2018-19 and each
 13 school fiscal year thereafter are not returned to the temporary
 14 school fund pursuant to section 79-309.01, and (b) the receipt of
 15 funds pursuant to section 79-1036 for property leased for a public
 16 purpose as set forth in subdivision (1)(a) of section 77-202;

17 (10) Motor vehicle tax receipts received;

18 (11) Pro rata motor vehicle license fee receipts;

19 (12) Other miscellaneous state receipts excluding revenue
 20 from the textbook loan program authorized by section 79-734;

21 (13) Impact aid entitlements for the school fiscal year
 22 which have actually been received by the district to the extent
 23 allowed by federal law;

24 (14) All other noncategorical federal receipts;

25 (15) All receipts pursuant to the enrollment option
 26 program under sections 79-232 to 79-246;

27 (16) Receipts under the federal Medicare Catastrophic
 1 Coverage Act of 1988, as such act existed on ~~May 8, 2001, January~~
 2 ~~1, 2014~~, as authorized pursuant to sections 43-2510 and 43-2511
 3 ~~but only to the extent of the amount the local system would~~
 4 ~~have otherwise received pursuant to the Special Education Act for~~
 5 ~~services to school-age children, excluding amounts designated as~~
 6 ~~reimbursement for costs associated with the implementation and~~
 7 ~~administration of the billing system pursuant to section 43-2511;~~

8 (17) Receipts for accelerated or differentiated
 9 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

10 (18) Revenue received from the nameplate capacity tax
 11 distributed pursuant to section 77-6204.

12 Sec. 6. Section 79-1119, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 79-1119 ~~Excess~~ For aid distributed in school fiscal years
 15 prior to 2015-16, excess cost means the difference between the
 16 total cost of the special education program excluding residential
 17 care and the number of students in the special education program
 18 multiplied by the adjusted average per pupil cost of the preceding
 19 year for the school district of residence of each child. ~~For aid~~
 20 distributed in school fiscal year 2015-16 and each school fiscal
 21 year thereafter, excess cost means the difference between the total
 22 cost of the special education program excluding residential care
 23 minus federal medicaid funds received pursuant to section 43-2511
 24 for services to school-age children excluding amounts designated
 25 as reimbursement for costs associated with the implementation and
 26 administration of the billing system pursuant to section 43-2511
 27 and minus the product of the number of students in the special
 1 education program multiplied by the adjusted average per pupil cost
 2 of the preceding year for the school district of residence of each
 3 child.

4 Sec. 7. Section 79-1145, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 79-1145 For each fiscal year, the aggregate amount of
 7 General Funds appropriated for special education programs and
 8 support services pursuant to sections 79-1129, 79-1132, and 79-1144
 9 shall not exceed the aggregate amount of General Funds appropriated
 10 pursuant to such sections for the previous fiscal year, multiplied
 11 by one plus a rate of five percent. For purposes of this section,
 12 for fiscal year 2016-17 the aggregate amount of General Funds
 13 appropriated for special education programs and support services
 14 pursuant to sections 79-1129, 79-1132, and 79-1144 for the previous
 15 fiscal year shall be the net amount after any decrease required
 16 pursuant to section 43-2515.

17 Sec. 8. Original sections 43-2511, 43-2513, 43-2515,
 18 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section
 19 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and
 20 section 68-911, Revised Statutes Supplement, 2013, are repealed.

Senator Coash filed the following amendment to LB799:
 AM2538

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new section:

2 Sec. 2. (1) For purposes of this section:

3 (a) Applied behavior analysis means the design,
 4 implementation, and evaluation of environmental modifications,
 5 using behavioral stimuli and consequences, to produce socially
 6 significant improvement in human behavior, including the use of
 7 direct observation, measurement, and functional analysis of the
 8 relationship between environment and behavior;

9 (b) Autism spectrum disorder means any of the pervasive
 10 developmental disorders or autism spectrum disorder as defined by
 11 the Diagnostic and Statistical Manual of Mental Disorders, as the
 12 most recent edition of such manual existed on the effective date of
 13 this act;

14 (c) Behavioral health treatment means counseling and
 15 treatment programs, including applied behavior analysis, that are:
 16 (i) Necessary to develop, maintain, or restore, to the maximum
 17 extent practicable, the functioning of an individual; and (ii)
 18 provided or supervised, either in person or by telehealth, by a
 19 behavior analyst certified by a national certifying organization or
 20 a licensed psychologist if the services performed are within the
 21 boundaries of the psychologist's competency;

22 (d) Diagnosis means a medically necessary assessment,
 1 evaluation, or test to diagnose if an individual has an autism
 2 spectrum disorder;

3 (e) Pharmacy care means a medication that is prescribed
 4 by a licensed physician and any health-related service deemed
 5 medically necessary to determine the need or effectiveness of the
 6 medication;

7 (f) Psychiatric care means a direct or consultative

8 service provided by a psychiatrist licensed in the state in which
9 he or she practices;
10 (g) Psychological care means a direct or consultative
11 service provided by a psychologist licensed in the state in which
12 he or she practices;
13 (h) Therapeutic care means a service provided by a
14 licensed speech-language pathologist, occupational therapist, or
15 physical therapist; and
16 (i) Treatment means evidence-based care, including
17 related equipment, that is prescribed or ordered for an individual
18 diagnosed with an autism spectrum disorder by a licensed physician
19 or a licensed psychologist, including:
20 (i) Behavioral health treatment;
21 (ii) Pharmacy care;
22 (iii) Psychiatric care;
23 (iv) Psychological care; and
24 (v) Therapeutic care.
25 (2) Notwithstanding section 44-3,131, (a) any individual
26 or group sickness and accident insurance policy or subscriber
27 contract delivered, issued for delivery, or renewed in this state
1 and any hospital, medical, or surgical expense-incurred policy,
2 except for policies that provide coverage for a specified disease
3 or other limited-benefit coverage, and (b) any self-funded employee
4 benefit plan to the extent not preempted by federal law, including
5 any such plan provided for employees of the State of Nebraska,
6 shall provide coverage for the screening, diagnosis, and treatment
7 of an autism spectrum disorder in an individual under twenty-one
8 years of age. To the extent that the screening, diagnosis, and
9 treatment of autism spectrum disorder are not already covered by
10 such policy or contract, coverage under this section shall be
11 included in such policies or contracts that are delivered, issued
12 for delivery, amended, or renewed in this state or outside this
13 state if the policy or contract insures a resident of Nebraska on
14 or after January 1, 2015. No insurer shall terminate coverage or
15 refuse to deliver, issue for delivery, amend, or renew coverage of
16 the insured as a result of an autism spectrum disorder diagnosis or
17 treatment. Nothing in this subsection applies to non-grandfathered
18 plans in the individual and small group markets that are required
19 to include essential health benefits under the federal Patient
20 Protection and Affordable Care Act or to medicare supplement,
21 accident-only, specified disease, hospital indemnity, disability
22 income, long-term care, or other limited benefit hospital insurance
23 policies.
24 (3) Except as provided in subsection (4) of this section,
25 coverage for an autism spectrum disorder shall not be subject
26 to any limits on the number of visits an individual may make
27 for treatment of an autism spectrum disorder, nor shall such
1 coverage be subject to dollar limits, deductibles, copayments, or
2 coinsurance provisions that are less favorable to an insured than

3 the equivalent provisions that apply to a general physical illness
 4 under the policy.

5 (4) Coverage for behavioral health treatment, including
 6 applied behavior analysis, shall be subject to a maximum benefit
 7 of twenty-five hours per week until the insured reaches twenty-one
 8 years of age. Payments made by an insurer on behalf of a covered
 9 individual for treatment other than behavioral health treatment,
 10 including applied behavior analysis, shall not be applied to any
 11 maximum benefit established under this section.

12 (5) Except in the case of inpatient service, if an
 13 individual is receiving treatment for an autism spectrum disorder,
 14 an insurer shall have the right to request a review of that
 15 treatment not more than once every six months unless the insurer
 16 and the individual's licensed physician or licensed psychologist
 17 execute an agreement that a more frequent review is necessary.
 18 Any such agreement regarding the right to review a treatment plan
 19 more frequently shall apply only to a particular individual being
 20 treated for an autism spectrum disorder and shall not apply to
 21 all individuals being treated for autism spectrum disorder by a
 22 licensed physician or licensed psychologist. The cost of obtaining
 23 a review under this subsection shall be borne by the insurer.

24 (6) This section shall not be construed as limiting
 25 any benefit that is otherwise available to an individual under
 26 a hospital, surgical, or medical expense-incurred policy or
 27 health maintenance organization contract. This section shall not
 1 be construed as affecting any obligation to provide services
 2 to an individual under an individualized family service plan,
 3 individualized education program, or individualized service plan.
 4 2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 965. Senator K. Haar offered the following motion:
 MO171

Reconsider the vote taken on AM2562.

SENATOR KRIST PRESIDING

Senator K. Haar offered the following motion:
 MO172

Unanimous consent to bracket until April 17, 2014.

No objections. So ordered.

LEGISLATIVE BILL 752. Senator Chambers renewed his amendment,
 FA204, found on page 735 and considered on pages 754 and 760.

Senator Chambers moved for a call of the house. The motion prevailed with
 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Avery	Karpisek	Schumacher	Wallman
Coash	Nelson	Sullivan	

Voting in the negative, 15:

Bloomfield	Campbell	Garrett	Larson	McGill
Bolz	Conrad	Gloor	Lathrop	Murante
Brasch	Crawford	Kintner	McCoy	Seiler

Present and not voting, 21:

Carlson	Dubas	Howard	Mello	Wightman
Chambers	Haar, K.	Janssen	Nordquist	
Christensen	Hadley	Johnson	Schilz	
Cook	Hansen	Kolowski	Smith	
Davis	Harms	Krist	Watermeier	

Excused and not voting, 6:

Adams	Harr, B.	Pirsch
Ashford	Lautenbaugh	Scheer

The Chambers amendment lost with 7 ayes, 15 nays, 21 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO173

Reconsider the vote taken on FA204.

SENATOR GLOOR PRESIDING

SENATOR KRIST PRESIDING

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers motion to reconsider failed with 8 ayes, 25 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA205, found on page 735.

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

The Chambers amendment lost with 8 ayes, 25 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA206, found on page 735.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment lost with 8 ayes, 24 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 485A. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, One Hundred Third Legislature, Second Session, 2014.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 464. Placed on Final Reading Second.

ST77

(Final Reading copy)

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

1. On page 25, line 2; page 49, line 13; page 67, line 10; and page 78, line 13, "20" has been struck and "21" inserted.
2. On page 46, line 3, the period has been struck and "; or" inserted.
3. On page 60, line 15, "13, 20, and 22" has been struck and "14, 21, and 23" inserted.
4. On page 90, line 11, "15, 16" has been struck and "16, 17" inserted.

LEGISLATIVE BILL 800. Placed on Final Reading.

LEGISLATIVE BILL 908. Placed on Final Reading.

LEGISLATIVE BILL 998. Placed on Final Reading.

ST78

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

1. In the Seiler amendment, AM2656:
 - a. Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 have been renumbered as sections 7, 8, 9, 10, 11, 14, 15, 16, and 17, respectively;
 - b. On page 1, line 15; page 2, line 12; page 3, line 4; page 12, line 13; page 13, line 16; page 14, line 18; page 18, line 1; page 19, line 19; page 21, line 24; and page 22, line 12, "3" has been struck and "8" inserted;
 - c. On page 8, lines 2 and 19; and page 9, line 13, the semicolon has been struck and an underscored period inserted;
 - d. On page 12, the matter beginning with "subsection" in line 22 through line 23 has been struck, shown as stricken, and "section 8 of this act." inserted; and
 - e. On page 14, line 18; and page 18, line 1, the underscored comma has been struck.
2. In the McGill amendment, AM2459:
 - a. Sections 1 and 2 have been renumbered as sections 4 and 5, respectively; and
 - b. On page 1, line 20, the period has been struck and an underscored semicolon inserted.
3. In the Standing Committee amendments, AM2079, section 3 has been struck and the following new section inserted:

Sec. 19. Original sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013, are repealed.
4. On page 1, the matter beginning with the first "the" in line 1 through line 6 and all amendments thereto have been struck and "public health and safety; to amend sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013; to change provisions relating to disposition of human remains, offenses related to the person, sexual exploitation, labor trafficking, and sex trafficking, the Sex Offender Registration Act, and enforcement provisions regarding driving under the influence; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1067. Placed on Final Reading.

ST79

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

1. In the Hadley amendment, AM2540:

a. Sections 4, 5, 6, 7, 8, 9, 10, and 11 have been renumbered as sections 5, 6, 7, 8, 9, 10, 11, and 12, respectively; and

b. On page 11, line 24, "4, 5, 6, 7, 8, 9, and 11" has been struck and "5, 6, 7, 8, 9, 10, and 12" inserted.

2. On page 1, lines 3 through 8 and all amendments thereto have been struck and "Nebraska, sections 77-27,144, 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, and 77-6309, Revised Statutes Cumulative Supplement, 2012, and section 77-5725, Revised Statutes Supplement, 2013; to change provisions relating to sales and use tax refunds; to extend sunset dates for tax incentives under the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; to change provisions of the Angel Investment Tax Credit Act; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1115. Placed on Final Reading.

LEGISLATIVE BILL 1115A. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB976:
AM2745 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 752. Senator Chambers offered his amendment, FA207, found on page 735.

SENATOR KRIST PRESIDING

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

The Chambers amendment lost with 11 ayes, 24 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitor to the Chamber was Tim Rinne.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 8:32 p.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 2014.

Patrick J. O'Donnell
Clerk of the Legislature