

FIFTY-FOURTH DAY - APRIL 2, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 2, 2014

PRAYER

The prayer was offered by Pastor Coral Parmenter, Wisner United Methodist Church of Christ, Wisner.

ROLL CALL

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

The roll was called and all members were present except Senators Coash, Conrad, Davis, Lautenbaugh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 558. Placed on Final Reading.
LEGISLATIVE BILL 693. Placed on Final Reading.
LEGISLATIVE BILL 701. Placed on Final Reading.
LEGISLATIVE BILL 735. Placed on Final Reading.
LEGISLATIVE BILL 737. Placed on Final Reading.
LEGISLATIVE BILL 750. Placed on Final Reading.
LEGISLATIVE BILL 765. Placed on Final Reading.
LEGISLATIVE BILL 780. Placed on Final Reading.
LEGISLATIVE BILL 792. Placed on Final Reading.
LEGISLATIVE BILL 798. Placed on Final Reading.
LEGISLATIVE BILL 816. Placed on Final Reading.
LEGISLATIVE BILL 828. Placed on Final Reading.

LEGISLATIVE BILL 876. Placed on Final Reading.
ST81

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

1. In the E & R amendments, ER199, on page 1, line 3, "a property insurance policy" has been struck and "certain insurance policies" inserted.

LEGISLATIVE BILL 930. Placed on Final Reading.

LEGISLATIVE BILL 937. Placed on Final Reading.

LEGISLATIVE BILL 964. Placed on Final Reading.

ST80

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

1. On page 1, the matter beginning with "section" in line 1 through line 5 has been struck and "sections 40-102 and 40-105, Revised Statutes Cumulative Supplement, 2012; to provide a homestead exemption for claimants under sixty-five years of age and not married; to change and eliminate provisions relating to homestead exemptions; to repeal the original sections; and to outright repeal section 40-115, Reissue Revised Statutes of Nebraska." inserted.

2. On page 2, line 11, "section 40-102" has been struck and "sections 40-102 and 40-105" inserted; and in line 12 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 989. Placed on Final Reading.

LEGISLATIVE BILL 997. Placed on Final Reading.

LEGISLATIVE BILL 1008. Placed on Final Reading.

LEGISLATIVE BILL 1039. Placed on Final Reading.

LEGISLATIVE BILL 1044. Placed on Final Reading.

LEGISLATIVE BILL 1050. Placed on Final Reading.

LEGISLATIVE BILL 1072. Placed on Final Reading.

LEGISLATIVE BILL 1089. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 505. Placed on General File with amendment.

AM2094

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Applied behavior analysis means the design,
- 5 implementation, and evaluation of environmental modifications,
- 6 using behavioral stimuli and consequences, to produce socially
- 7 significant improvement in human behavior, including the use of
- 8 direct observation, measurement, and functional analysis of the
- 9 relationship between environment and behavior;
- 10 (b) Autism spectrum disorder means any of the pervasive
- 11 developmental disorders or autism spectrum disorder as defined by
- 12 the Diagnostic and Statistical Manual of Mental Disorders, as the

13 most recent edition of such manual existed on the effective date of
14 this act;

15 (c) Behavioral health treatment means counseling and
16 treatment programs, including applied behavior analysis, that are:

17 (i) Necessary to develop, maintain, or restore, to the maximum
18 extent practicable, the functioning of an individual; and (ii)
19 provided or supervised, either in person or by telehealth, by a
20 behavior analyst certified by a national certifying organization or
21 a licensed psychologist if the services performed are within the
22 boundaries of the psychologist's competency;

23 (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.

LEGISLATIVE RESOLUTION 440. Reported to the Legislature for further consideration.

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 276A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Override Veto on LB671

Senator Chambers offered his motion, MO161, found on page 1272, that LB671 becomes law notwithstanding the objections of the Governor.

SPEAKER ADAMS PRESIDING

SENATOR GLOOR PRESIDING

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

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

Voting in the affirmative, 24:

Adams	Christensen	Haar, K.	Krist	Schumacher
Ashford	Conrad	Hadley	Lathrop	Smith
Avery	Cook	Harr, B.	McGill	Wallman
Bloomfield	Crawford	Howard	Mello	Wightman
Campbell	Dubas	Kolowski	Nordquist	

Voting in the negative, 21:

Brasch	Hansen	Kintner	Pirsch	Watermeier
Carlson	Harms	Larson	Scheer	
Davis	Janssen	McCoy	Schilz	
Garrett	Johnson	Murante	Seiler	
Gloor	Karpisek	Nelson	Sullivan	

Present and not voting, 2:

Bolz Chambers

Excused and not voting, 2:

Coash Lautenbaugh

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1042. Placed on Select File with amendment. ER231 is available in the Bill Room.

LEGISLATIVE BILL 1042A. Placed on Select File.

LEGISLATIVE BILL 961. Placed on Select File with amendment. ER232 is available in the Bill Room.

LEGISLATIVE BILL 565. Placed on Select File with amendment. ER233

- 1 1. On page 1, strike beginning with "32-938" in line 1
- 2 through line 6 and insert "32-942, Revised Statutes Supplement,
- 3 2013; to change provisions relating to registering to vote and
- 4 requesting a ballot for early voting at the same time; and to
- 5 repeal the original section."

LEGISLATIVE BILL 559A. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB464A:
AM2709

- 1 1. Strike original section 2 and insert the following new
- 2 sections:
- 3 Sec. 4. There is hereby appropriated (1) \$25,000 from
- 4 the Nebraska Health Care Cash Fund for FY2013-14 and (2) \$25,000
- 5 from the Nebraska Health Care Cash Fund for FY2014-15 to the
- 6 Department of Revenue, for Program 164, Nebraska Commission on
- 7 Problem Gambling.
- 8 There is included in the appropriation to this program

9 for FY2013-14 \$25,000 Cash Funds from the Nebraska Health Care
 10 Cash Fund for administration of compulsive gamblers assistance
 11 programs. There is included in the appropriation to this program
 12 for FY2014-15 \$25,000 Cash Funds from the Nebraska Health Care Cash
 13 Fund for administration of compulsive gamblers assistance programs.

14 Sec. 5. There is hereby appropriated (1) \$225,000 from
 15 the Nebraska Health Care Cash Fund for FY2013-14 and (2) \$225,000
 16 from the Nebraska Health Care Cash Fund for FY2014-15 to the
 17 Department of Revenue, for Program 164, Nebraska Commission on
 18 Problem Gambling.

19 There is included in the appropriation to this program
 20 for FY2013-14 \$225,000 Cash Funds from the Nebraska Health Care
 21 Cash Fund for compulsive gamblers assistance aid programs. There
 22 is included in the appropriation to this program for FY2014-15
 23 \$225,000 Cash Funds from the Nebraska Health Care Cash Fund for
 1 compulsive gamblers assistance aid programs.

2 Sec. 6. Laws 2013, LB195, section 18, as amended
 3 by Legislative Bill 905, One Hundred Third Legislature, Second
 4 Session, 2014, section 50, is amended to read:

5 Sec. 18. AGENCY NO. 5 - SUPREME COURT
 6 Program No. 52 - Operations

	FY2013-14	FY2014-15
8 GENERAL FUND	28,346,445	28,986,003
9 <u>GENERAL FUND</u>	<u>28,346,445</u>	<u>29,436,003</u>
10 CASH FUND est.	2,462,030	2,475,998
11 FEDERAL FUND est.	771,132	773,202
12 <u>PROGRAM TOTAL</u>	<u>31,579,607</u>	<u>32,235,203</u>
13 <u>FEDERAL FUND est.</u>	<u>771,132</u>	<u>538,202</u>
14 <u>PROGRAM TOTAL</u>	<u>31,579,607</u>	<u>32,450,203</u>
15 SALARY LIMIT	20,236,624	21,336,472

16 The Department of Administrative Services shall monitor
 17 the appropriations and expenditures for this program according to
 18 the following program classifications:

- 19 No. 34 - Court Administration
- 20 No. 40 - State Law Library
- 21 No. 396 - County Court System
- 22 No. 399 - District Court Reporters
- 23 No. 405 - Court of Appeals

24 The unexpended General Fund appropriation balance
 25 existing on June 30, 2013, is hereby reappropriated.

26 The budget division of the Department of Administrative
 27 Services shall administratively transfer General Fund
 1 appropriations between Programs 52, 67, 420, and 435, within Agency
 2 5, upon written certification by the State Court Administrator that
 3 the Supreme Court has determined that such transfer is necessary
 4 for the efficient functioning of statewide court operations and the
 5 proper administration of justice. The Salary Limit for Agency 5,
 6 Programs 52, 67, 420, and 435, may be administratively increased
 7 for any transfers made to Programs 52, 67, 420, and 435, pursuant

8 to this section.

9 There is included in the appropriation to this program
 10 for FY2013-14 \$270,000 Cash Funds for dispute resolution state aid,
 11 which shall only be used for such purpose. There is included in
 12 the appropriation to this program for FY2014-15 \$270,000 Cash Funds
 13 for dispute resolution state aid, which shall only be used for such
 14 purpose.

15 There is included in the appropriation to this program
 16 for FY2013-14 \$550,000 Cash Funds for parenting plan mediation for
 17 indigent and lower-income persons involved in Parenting Act cases,
 18 as state aid, which shall only be used for such purpose. There
 19 is included in the appropriation to this program for FY2014-15
 20 \$550,000 Cash Funds for parenting plan mediation for indigent and
 21 lower-income persons involved in Parenting Act cases, as state aid,
 22 which shall only be used for such purpose.

23 There is included in the appropriation to this program
 24 for FY2013-14 \$125,000 General Funds and for FY2014-15 \$258,273
 25 General Funds for a one percent salary increase for county court
 26 employees in Program 396, which shall only be used for such
 27 purpose. Total expenditures for permanent and temporary salaries
 1 and per diems from funds appropriated for this salary increase
 2 shall not exceed \$109,000 for FY2013-14 or \$224,293 for FY2014-15.
 3 The appropriation made pursuant to this provision is in addition
 4 to any appropriated salary increase for county court employees
 5 effective on July 1, 2013, and July 1, 2014.

6 There is included in the appropriation to this program
 7 for FY2013-14 \$200,000 General Funds for court appointed special
 8 advocate state aid, which shall only be used for such purpose.

9 There is included in the appropriation to this program for
 10 FY2014-15 \$200,000 General Funds for court appointed special
 11 advocate state aid, which shall only be used for such purpose.

12 Cash Fund expenditures for this program shall not be
 13 limited to the amounts shown.

14 Sec. 7. Laws 2013, LB216A, section 1, is amended to read:

15 Section 1. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 16 SERVICES

17 Program No. 354 - Child Welfare Aid

	FY2013-14	FY2014-15
18 GENERAL FUND	160,481,535	160,389,712
19 <u>GENERAL FUND</u>	<u>160,481,535</u>	<u>159,939,712</u>
20 CASH FUND	2,734,444	2,734,444
21 FEDERAL FUND est.	30,763,503	30,391,976
22 <u>PROGRAM TOTAL</u>	<u>193,979,482</u>	<u>193,516,132</u>
23 <u>PROGRAM TOTAL</u>	<u>193,979,482</u>	<u>193,066,132</u>

24 There is included in the appropriation to this program
 25 for FY2013-14 \$160,481,535 General Funds, \$2,734,444 Cash Funds,
 26 and \$30,763,503 Federal Funds estimate for state aid, which
 27 shall only be used for such purpose. There is included in
 28 the appropriation to this program for FY2014-15 ~~\$160,389,712~~
 1

2 \$159,939,712 General Funds, \$2,734,444 Cash Funds, and \$30,391,976
3 Federal Funds estimate for state aid, which shall only be used for
4 such purpose.

5 There is included in the appropriation to this program
6 for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health
7 Care Cash Fund for state aid for the continuation of the
8 behavioral health provider rate increase. There is included in
9 the appropriation to this program for FY2014-15 \$2,734,444 Cash
10 Funds from the Nebraska Health Care Cash Fund for state aid for the
11 continuation of the behavioral health provider rate increase.

12 Sec. 8. Original Laws 2013, LB216A, section 1, and Laws
13 2013, LB195, section 18, as amended by Legislative Bill 905, One
14 Hundred Third Legislature, Second Session, 2014, section 50, are
15 repealed.

16 Sec. 9. Since an emergency exists, this act takes effect
17 when passed and approved according to law.

18 2. On page 2, strike line 8 and insert "exceed \$316,150
19 for FY2014-15 or \$1,695,650 for FY2015-16.".

20 3. On page 3, line 6, strike "\$1,384,150" and insert
21 "\$252,534"; and in line 7 strike "\$1,702,683" and insert
22 "\$505,067".

GENERAL FILE

LEGISLATIVE BILL 1098. Title read. Considered.

Committee AM2594, found on page 1063, was offered.

Senator Chambers offered the following motion:

MO174

Bracket until April 17, 2014.

Pending.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB671:

MO175

Reconsider the vote that the bill becomes law notwithstanding the objections of the Governor.

VISITORS

Visitors to the Chamber were Robert Zahradnik from Pew Charitable Trust, Washington, D.C.; Dillon Walsh from Ralston; 14 twelfth-grade students and teachers from Lyons-Decatur Northeast, Lyons; 30 fourth- and fifth-grade students, teachers, and sponsors from Falls City Sacred Heart, Falls City; Louisville/Weeping Water Junior Legion State Championship baseball team; 105 fourth-grade students, teachers, and sponsors from Thomas

Elementary, Gretna; and members of the Nebraska Federation of Women's Clubs.

RECESS

At 12:03 p.m., on a motion by Senator Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Campbell, Coash, Lautenbaugh, and Watermeier who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 2, 2014

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 96, 251, 359, 359A, 402, 560, 560A, 660e, 660Ae, 699e, 725e, 725Ae, 751, 751A, 814, 814A, 836, 853, 853A, 901, 901A, 920, 920A, 946, 967e, 967Ae, 974e, 974A, 986e, 986Ae, 987, 987A, 1001, 1012e, 1103e, 1114, and 1114A were received in my office on March 27, 2014.

Engrossed Legislative Bills 867e, 867Ae, 1087, and 1087A were received in my office on March 31, 2014.

These bills were signed and delivered to the Secretary of State on April 2, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

REFERENCE COMMITTEE REPORT

2014 Resolutions calling for an Interim Study

LR433	Interim study to examine issues relating to production, possession, and use of hemp oil for the purposes of treating epileptic seizures	Judiciary
LR491	Interim study to examine the need to clarify and expand application of LB985 (2014), which provided standing to natural resources districts and requirements for water appropriations	Natural Resources
LR497	Interim study to examine whether Nebraska should amend its insurance statutes to authorize property and casualty to provide electronic delivery of insurance notices and documents and Internet posting of certain insurance policies	Banking, Commerce and Insurance
LR498	Interim study to further examine the updating of Nebraska's business entity statutes	Banking, Commerce and Insurance
LR499	Interim study to examine whether Nebraska's Real Property Appraiser Act should be updated	Banking, Commerce and Insurance
LR501	Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated	Banking, Commerce and Insurance
LR506	Interim study to examine whether changes in the electronic payments market have rendered section 8-157.01 unworkable and inapplicable to financial institutions	Banking, Commerce and Insurance
LR508	Interim study to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska	Education
LR510	Interim study to examine issues surrounding offshore tax shelters	Revenue
LR517	Interim study to examine ways to improve the quality and availability of interpreter services for Nebraskans who are deaf or hard of hearing	Health and Human Services
LR518	Interim study to examine the need to craft a policy to ensure that women who choose to give birth at home are adequately supported by trained health care professionals	Health and Human Services

LR519	Interim study to evaluate current course offering for high school students in Nebraska	Education
LR520	Interim study to examine the problems that law enforcement is encountering since the State of Colorado legalized the sale and recreational use of marijuana	Judiciary
LR521	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR522	Interim study to examine the U.S Dept. of Transportation's Maritime Administration's designation of the Missouri River from South Sioux City, Nebraska, south to Kansas City, Missouri, as the M-29 Marine Highway Connector	Transportation and Telecommunications
LR523	Interim study to examine alternative transportation options and recommend potential changes to Nebraska's statutes	Transportation and Telecommunications
LR525	Interim study to examine the skills gap in Nebraska's workforce and to identify options for workforce education	Education
LR526	Interim study to examine options to provide incentives for professional growth and development of teachers as the means to increased student achievement and success in Nebraska public schools	Education
LR527	Interim study to examine the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded	Government, Military and Veterans Affairs
LR528	Interim study to examine issues surrounding financing the maintenance and replacement of county bridges	Transportation and Telecommunications
LR529	Interim study to examine the adequacy of provider rates to meet the needs of Nebraskans with disabilities and the providers of services	Appropriations
LR530	Interim study to examine existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska	Health and Human Services

LR531	Interim study to examine Department of Agriculture regulation of nonprofit nursery stock distributors under the Plant Protection and Plant Pest Act	Agriculture
LR532	Interim study to examine utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska	Education
LR533	Interim study to assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the new federal Patient Protection and Affordable Care Act	Health and Human Services
LR534	Interim study to examine issues surrounding patent assertion entities, commonly referred to as "patent trolls"	Judiciary
LR535	Interim study to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services	Appropriations
LR536	Interim study to examine the process of creating legislative task forces, committees, and commissions	Executive Board
LR537	Interim study to examine implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska	Transportation and Telecommunications
LR538	Interim study to examine issues surrounding the implementation of an electronic notary system in Nebraska	Government, Military and Veterans Affairs
LR539	Interim study to examine whether the maximum payment rate in the Aid to Dependent Children program, is adequate to meet the goals of the Temporary Assistance for Needy Families program, including keeping children in their own home	Health and Human Services
LR540	Interim study to examine the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems	Health and Human Services

LR541	Interim study to examine the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008	Health and Human Services
LR542	Interim study to examine issues regarding the current guardian ad litem system	Judiciary
LR543	Interim study to examine issues under the jurisdiction of the Judiciary Committee	Judiciary
LR544	Interim study to examine the fiscal impacts of unfunded mandates	Appropriations
LR545	Interim study to examine state-wide efforts that can be taken to improve Nebraska's access to local food supply and distribution networks	Agriculture
LR546	Interim study to review existing state and local programs and policies on expanded learning opportunities	Education
LR547	Interim study to examine issues surrounding labor shortage areas in the state and opportunities available to Nebraska's future workforce	Business and Labor
LR548	Interim study to assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families	Judiciary
LR549	Interim study to examine issues relating to Game and Parks Commission funding	Appropriations
LR551	Interim study to examine enforcement under the Employee Classification Act and the effect misclassification has on facets of business and labor in Nebraska	Business and Labor
LR552	Interim study to examine Nebraska's juvenile courts, especially juvenile courts within Douglas County	Judiciary
LR553	Interim study to examine the issue of drivers' licenses for young Nebraskans who have been granted Deferred Action for Childhood Arrivals by the Department of Homeland Security	Judiciary
LR554	Interim study to gather information and study the possible existence and extent of labor trafficking in the State of Nebraska	Business and Labor

LR555	Interim study to examine how cities and villages provide services to residents located in the extraterritorial jurisdiction or sanitary improvement districts of such cities and villages	Urban Affairs
LR556	Interim study to examine local use of property taxes to study the fiscal relationship between state and local governments and the impact on our schools and justice system	Revenue
LR557	Interim study to examine the need to appropriate funds to Memorial Park in Omaha, Nebraska, for improvements to the park and to examine ways to honor our veterans	Government, Military and Veterans Affairs
LR558	Interim study to examine ways the state and municipalities can encourage the development of community gardens, including providing spaces for gardening on public lands	Agriculture
LR559	Interim study to examine issues surrounding the Medicaid Reform Council	Health and Human Services
LR560	Interim study to provide a forum for receiving the dairy industry report authorized pursuant to LB941, which was enacted during the 2014 legislative session	Agriculture
LR561	Interim study to examine the role and value of private veterinarians in assisting law enforcement in carrying out duties under the Livestock Animal Welfare Act	Agriculture
LR562	Interim study to examine the adequacy of revenue supporting the licensure and enforcement of the Commercial Dog and Cat Operator Inspection Act	Agriculture
LR563	Interim study to examine vertical coordination in the pork industry	Agriculture
LR564	Interim study to examine regulatory and statutory provisions governing packer procurement of swine through marketing or production contracting under the federal Packers and Stockyards Act	Agriculture

LR565	Interim study to examine whether adding antidepressant, antipsychotic, and anticonvulsant drugs to the medicaid preferred drug list would be of benefit to Nebraska medicaid or Nebraska medicaid clients	Health and Human Services
LR566	Interim study to examine methods used by other states to determine the taxable value of agricultural land	Revenue
LR567	Interim study to examine potential funding sources for the Great Plains Black History Museum, Science and Technology Center in Omaha, Nebraska	Appropriations
LR568	Interim study to examine options for the creation of a Nebraska educational trust fund for the purpose of stabilizing the availability of state aid to education when there is a significant decline in state sales and income tax revenue	Education
LR569	Interim study to examine the professional development of forensic science in Nebraska	Judiciary
LR570	Interim study to examine the compliance and enforcement issues relative to Nebraska's tax incentive programs	Revenue
LR571	Interim study to examine Nebraska's individual and corporate income tax systems	Revenue
LR572	Interim study to examine Nebraska's sales and use tax base	Revenue
LR573	Interim study to examine Nebraska's state aid programs to cities, counties, and other political subdivisions	Revenue
LR574	Interim study to explore the need for fully integrated residential services for people who are deaf or hard of hearing	Health and Human Services
LR575	Interim study to examine issues surrounding in-home personal services	Health and Human Services
LR576	Interim study to examine the current status of the sharing of electronic health records and health information exchanges in Nebraska	Health and Human Services
LR577	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs

LR578	Interim study to examine the various Nebraska agricultural products used in the production of craft beer and distilled spirits	General Affairs
LR579	Interim study to examine the need-based financial aid program, the Nebraska Opportunity Grant Act, to determine whether the program is sufficient to meet the needs of students	Education
LR580	Interim study to examine the reform effort of Nebraska's behavioral health system	Health and Human Services
LR581	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR582	Interim study to review the work of the Task Force on Unfunded Mandates created in 1996 and to study the impacts of unfunded and underfunded mandates on counties and county governments	Government, Military and Veterans Affairs
LR583	Interim study to assess the behavioral health and mental health needs of Nebraska's K-12 students and available resources to meet those needs	Health and Human Services
LR584	Interim study to examine issues relating to changing recreational liability provisions	Judiciary
LR585	Interim study to examine the Nebraska statutes relating to cities of the first class	Urban Affairs
LR586	Interim study to gather information and make recommendations to craft policy to support and continue electronic health records exchanges and health information initiatives	Health and Human Services
LR587	Interim study to gather information and make recommendations to craft policy to support the creation of a sustainable community health workforce in Nebraska	Health and Human Services
LR588	Interim study to examine the establishment of an early childhood data governance entity	Education
LR589	Interim study to evaluate the local and statewide health impacts of burning coal	Natural Resources
LR590	Interim study to examine the organizational structure of public power	Natural Resources
LR591	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce	Judiciary

LR592	Interim study to examine various methods of behavioral health workforce development	Health and Human Services
LR593	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR594	Interim study to examine Nebraska constitutional provisions which enable or limit the Legislature's power to provide for property tax policies and relief programs	Revenue
LR595	Interim study to examine the impact of Nebraska changing to a home rule state in matters of local concern	Urban Affairs
LR596	Interim study to evaluate the potential uses of Physician Orders for Life-Sustaining Treatment and out-of-hospital Do Not Resuscitate protocols	Health and Human Services
LR597	Interim study to examine methods by which to find balance between water resources and water uses in areas under interstate compacts, cooperative agreements, or decrees	Natural Resources
LR598	Interim study to examine issues surrounding the potential impact of federal legislation that would require remote retailers with no physical presence in Nebraska to collect and remit sales and use tax	Revenue
LR599	Interim study to examine issues surrounding the use of tax increment financing under the Community Development Law in Nebraska	Urban Affairs
LR600	Interim study to examine issues surrounding the use of a foundation formula per student in the calculation of need for a school district and use of an income factor in the calculation of resources for state aid purposes	Education
LR601	Interim study to examine the impact of implementing, and the impact of failing to implement, medicaid expansion in Nebraska	Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 390. Placed on Select File with amendment.
ER234 is available in the Bill Room.

LEGISLATIVE BILL 276A. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1098. Senator Chambers renewed his motion, MO174, found in this day's Journal, to bracket until April 17, 2014.

Senator Chambers withdrew his motion to bracket.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA272, found on page 1064, and replace it with his substitute amendment, AM2753, to the committee amendment. No objections. So ordered. AM2753 is available in the Bill Room.

SENATOR GLOOR PRESIDING

Senator Lathrop withdrew and refiled his amendment, AM2753, found in this day's Journal.

Senator Lathrop withdrew and refiled his amendment, FA273, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA274, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA275, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA276, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA277, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA278, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA279, found on page 1064.

Senator Carlson withdrew and refiled his amendment, AM2600, found on page 1165.

Senator Davis offered the following amendment to the committee amendment:

AM2693

(Amendments to Standing Committee amendments, AM2594)

1 1. Insert the following new section:

2 Sec. 7. Section 46-241, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 46-241 (1) Every person intending to construct and

5 operate a storage reservoir for irrigation or any other beneficial

6 purpose or intending to construct and operate a facility for

7 intentional underground water storage and recovery shall, except as

8 provided in subsections (2) and (3) of this section and section

9 46-243, make an application to the department upon the prescribed

10 form and provide such plans, drawings, and specifications as are

11 necessary to comply with the Safety of Dams and Reservoirs Act.

12 Such application shall be filed and proceedings had thereunder

13 in the same manner and under the same rules and regulations as

14 other applications. Upon the approval of such application under

15 this section and any approval required by the act, the applicant

16 shall have the right to construct and impound in such reservoir, or

17 store in and recover from such underground water storage facility,

18 all water not otherwise appropriated and any appropriated water

19 not needed for immediate use, to construct and operate necessary

20 ditches for the purpose of conducting water to such storage

21 reservoir or facility, and to condemn land for such reservoir,

22 ditches, or other facility. The procedure to condemn property shall

1 be exercised in the manner set forth in sections 76-704 to 76-724.

2 (2) Any person intending to construct an on-channel

3 reservoir with a water storage impounding capacity of less than

4 fifteen acre-feet measured below the crest of the lowest open

5 outlet or overflow shall be exempt from subsection (1) of this

6 section as long as there will be (a) no diversion or withdrawal of

7 water from the reservoir for any purpose other than for watering

8 range livestock and (b) no release from the reservoir to provide

9 water for a downstream diversion or withdrawal for any purpose

10 other than for watering range livestock. This subsection does not

11 exempt any person from the requirements of the Safety of Dams and

12 Reservoirs Act or section 54-2425.

13 (3) Any person intending to construct a reservoir,

14 holding pond, or lagoon for the sole purpose of holding, managing,

15 or disposing of animal or human waste shall be exempt from

16 subsection (1) of this section. This subsection does not exempt any

17 person from any requirements of the Safety of Dams and Reservoirs

18 Act or section 46-233 or 54-2425.

19 (4) Every person intending to modify or rehabilitate an

20 existing storage reservoir so that its impounding capacity is to be

21 increased shall comply with subsection (1) of this section.

22 (5) The owner of a storage reservoir or facility shall

23 be liable for all damages arising from leakage or overflow of the

24 water therefrom or from the breaking of the embankment of such
 25 reservoir. The owner or possessor of a reservoir or intentional
 26 underground water storage facility does not have the right to
 27 store water in such reservoir or facility during the time that
 1 such water is required downstream in ditches for direct irrigation
 2 or for any reservoir or facility holding a senior right. Every
 3 person who owns, controls, or operates a reservoir or intentional
 4 underground water storage facility, except political subdivisions
 5 of this state, shall be required to pass through the outlets of
 6 such reservoir or facility, whether presently existing or hereafter
 7 constructed, a portion of the measured inflows to furnish water
 8 for livestock in such amounts and at such times as directed by the
 9 department to meet the requirements for such purposes as determined
 10 by the department, except that a reservoir or facility owner shall
 11 not be required to release water for this purpose which has been
 12 legally stored. Any dam shall be constructed in accordance with
 13 the Safety of Dams and Reservoirs Act, and the outlet works shall
 14 be installed so that water may be released in compliance with
 15 this section. The requirement for outlet works may be waived by
 16 the department upon a showing of good cause. Whenever any person
 17 diverts water from a public stream and returns it into the same
 18 stream, he or she may take out the same amount of water, less a
 19 reasonable deduction for losses in transit, to be determined by
 20 the department, if no prior appropriator for beneficial use is
 21 prejudiced by such diversion.

22 (6) An application for storage and recovery of
 23 water intentionally stored underground may be made only by
 24 an appropriator of record who shows, by documentary evidence,
 25 sufficient interest in the underground water storage facility to
 26 entitle the applicant to the water requested.

27 2. Renumber the remaining sections and correct the
 1 repealer accordingly.

Senator Davis withdrew and refiled his amendment, AM2693.

Senator Carlson offered the following amendment to the committee
 amendment:

AM2684 is available in the Bill Room.

Senator Carlson withdrew and refiled his amendment, AM2684.

Senator Christensen offered the following amendment to the committee
 amendment:

AM2580

(Amendments to Standing Committee amendments, AM2594)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 2-3226.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3226.05 (1) A district with an integrated management

5 plan as described in subsection (1) of section 2-3226.01 may levy
6 an occupation tax upon the activity of irrigation of agricultural
7 lands within such district on an annual basis, not to exceed ten
8 dollars per irrigated acre, the proceeds of which may be used
9 for (a) repaying principal and interest on any bonds or refunding
10 bonds issued pursuant to section 2-3226.01 for one or more projects
11 under section 2-3226.04, (b) the repayment of financial assistance
12 received by the district pursuant to section 2-3226.07, or (c)
13 payment of all or any part of the costs and expenses of one or more
14 qualified projects described in section 2-3226.04. If such district
15 has more than one river basin as described in section 2-1504 within
16 its jurisdiction, such district shall confine such occupation tax
17 authorized in this section to the geographic area affected by
18 an integrated management plan adopted in accordance with section
19 46-715.

20 (2)(a) Acres classified by the county assessor as
21 irrigated shall be subject to such district's occupation tax unless
22 on or before ~~March-June~~ June 1 in each calendar year the record owner
1 certifies to the district the nonirrigation status of such acres
2 for the same calendar year.

3 (b) A district may exempt from the occupation tax acres
4 that are enrolled in local, state, or federal temporary irrigation
5 retirement programs that prohibit the application of irrigation
6 water in the year for which the tax is levied.

7 (c) Except as provided in subdivisions (2)(a) and (b) of
8 this section, a district is prohibited from providing an exemption
9 from, or allowing a request for a local refund of, an occupation
10 tax on irrigated acres regardless of the irrigation source while
11 the record owner maintains irrigated status on such acres in the
12 year for which the tax is levied.

13 ~~(d) Notwithstanding subdivisions (2)(b) and (c) of this~~
14 ~~section, the record owner may present evidence of the nonirrigation~~
15 ~~status of the acres subject to the tax within twelve months after~~
16 ~~the date the tax was levied and the district may refund amounts~~
17 ~~collected upon such acres if an occupation tax was not levied by~~
18 ~~the district the previous year and the district had not adopted~~
19 ~~an integrated management plan as described in subsection (1) of~~
20 ~~section 2-3226.01 by March 1 in the current year. Subdivision~~
21 ~~(2)(d) of this section terminates on October 1, 2012.~~

22 (3) Any such occupation tax shall remain in effect so
23 long as the natural resources district has bonds outstanding which
24 have been issued stating such occupation tax as an available source
25 for payment and for the purpose of paying all or any part of the
26 costs and expenses of one or more projects authorized pursuant to
27 section 2-3226.04.

1 (4) Such occupation taxes shall be certified to,
2 collected by, and accounted for by the county treasurer at the
3 same time and in the same manner as general real estate taxes,
4 and such occupation taxes shall be and remain a perpetual lien

5 against such real estate until paid. Such occupation taxes shall
 6 become delinquent at the same time and in the same manner as
 7 general real property taxes. The county treasurer shall publish and
 8 post a list of delinquent occupation taxes with the list of real
 9 property subject to sale for delinquent property taxes provided
 10 for in section 77-1804. In addition, the list shall be provided to
 11 natural resources districts which levied the delinquent occupation
 12 taxes. The list shall include the record owner's name, the parcel
 13 identification number, and the amount of delinquent occupation tax.
 14 For services rendered in the collection of the occupation tax, the
 15 county treasurer shall receive the fee provided for collection of
 16 general natural resources district money under section 33-114.

17 (5) Such lien shall be inferior only to general taxes
 18 levied by political subdivisions of the state. When such occupation
 19 taxes have become delinquent and the real property on which the
 20 irrigation took place has not been offered at any tax sale, the
 21 district may proceed in district court in the county in which the
 22 real estate is situated to foreclose in its own name the lien
 23 in the same manner and with like effect as a foreclosure of a
 24 real estate mortgage, except that sections 77-1903 to 77-1917 shall
 25 govern when applicable.

26 Sec. 8. Section 46-701, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 46-701 Sections 46-701 to 46-754 and section 9 of this
 2 act shall be known and may be cited as the Nebraska Ground Water
 3 Management and Protection Act.

4 Sec. 9. On and after the effective date of this act,
 5 a board shall not vote to enter into a ground water augmentation
 6 project without conducting a public hearing on the project, with
 7 notice of the hearing given as provided in section 46-743.

8 2. Renumber the remaining sections and amend the repealer
 9 accordingly.

Senator Christensen withdrew and refiled his amendment, AM2580.

Senator Mello offered the following amendment to the committee
 amendment:

AM2758

(Amendments to AM2684)

1 1. On page 2, line 14, after "term" insert "and give
 2 priority funding status to projects which are the result of federal
 3 mandates".

Senator Mello withdrew and refiled his amendment, AM2758.

Committee AM2594, found on page 1063 and considered in this day's
 Journal, was renewed.

The committee amendment was adopted with 31 ayes, 1 nay, 13 present and

not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1098A. Title read. Considered.

Senator Watermeier offered the following amendment:

AM2747

1 1. On page 3, after line 5 insert:
 2 "With the exception of funding provided to municipalities
 3 to replace and redevelop sewer infrastructure facilities, the state
 4 aid appropriation to the Water Sustainability Fund shall first
 5 be utilized for projects which have been allocated funds but
 6 for which only a portion of the allocation has been actually
 7 obligated. The total amount of funds allocated for projects
 8 less the amounts obligated for such projects shall not exceed
 9 \$90,000,000. The definitions of the terms allocated and obligated
 10 shall be based upon the terminology utilized by the Department of
 11 Natural Resources in the Nebraska Resources Development Fund Status
 12 Report."

The Watermeier amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 976. Senator Karpisek offered his amendment, AM2745, found on page 1339.

SENATOR KRIST PRESIDING

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

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

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

Voting in the affirmative, 25:

Adams	Conrad	Gloor	Kolowski	Nordquist
Ashford	Cook	Haar, K.	Krist	Schumacher
Avery	Crawford	Harms	Lathrop	Seiler
Campbell	Davis	Howard	McGill	Sullivan
Chambers	Dubas	Karpisek	Mello	Wallman

Voting in the negative, 19:

Bloomfield	Garrett	Johnson	Murante	Smith
Brasch	Hadley	Kintner	Nelson	Watermeier
Carlson	Hansen	Larson	Pirsch	Wightman
Christensen	Janssen	McCoy	Scheer	

Present and not voting, 2:

Harr, B. Schilz

Excused and not voting, 3:

Bolz Coash Lautenbaugh

The motion to cease debate prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

Senator Karpisek requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Adams	Cook	Harms	Lathrop	Sullivan
Ashford	Crawford	Harr, B.	McGill	Wallman
Avery	Dubas	Howard	Mello	
Campbell	Gloor	Karpisek	Nordquist	
Chambers	Haar, K.	Kolowski	Schumacher	
Conrad	Hansen	Krist	Seiler	

Voting in the negative, 8:

Brasch	Johnson	McCoy	Scheer
Janssen	Kintner	Pirsch	Watermeier

Present and not voting, 12:

Bloomfield	Davis	Larson	Schilz
Carlson	Garrett	Murante	Smith
Christensen	Hadley	Nelson	Wightman

Excused and not voting, 3:

Bolz Coash Lautenbaugh

The Karpisek amendment was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SENATOR GLOOR PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB390:
AM2750

(Amendments to E & R amendments, ER234)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 28-1205, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 28-1205 (1)(a) Any person who uses a firearm, a knife,
- 5 brass or iron knuckles, ~~or~~ any other deadly weapon, a facsimile
- 6 firearm, or a nonfunctioning firearm to commit any felony which may
- 7 be prosecuted in a court of this state commits the offense of use
- 8 of a deadly weapon to commit a felony.
- 9 (b) Use of a deadly weapon, other than a firearm, to
- 10 commit a felony is a Class II felony.
- 11 (c) Use of a deadly weapon, which is a firearm, to commit
- 12 a felony is a Class IC felony.
- 13 (d) Use of a facsimile firearm or nonfunctioning firearm
- 14 to commit a felony is a Class III felony.
- 15 (2)(a) Any person who possesses a firearm, a knife, brass
- 16 or iron knuckles, or a destructive device during the commission of
- 17 any felony which may be prosecuted in a court of this state commits
- 18 the offense of possession of a deadly weapon during the commission
- 19 of a felony.
- 20 (b) Possession of a deadly weapon, other than a firearm,
- 21 during the commission of a felony is a Class III felony.
- 22 (c) Possession of a deadly weapon, which is a firearm,
- 1 during the commission of a felony is a Class II felony.
- 2 (3) The crimes defined in this section shall be treated
- 3 as separate and distinct offenses from the felony being committed,
- 4 and sentences imposed under this section shall be consecutive to
- 5 any other sentence imposed.
- 6 (4) Possession of a deadly weapon may be proved through
- 7 evidence demonstrating either actual or constructive possession of
- 8 a firearm, a knife, brass or iron knuckles, or a destructive device
- 9 during, immediately prior to, or immediately after the commission
- 10 of a felony.
- 11 (5) For purposes of this section:
- 12 (a) Destructive device has the same meaning as in section
- 13 28-1213; ~~and~~
- 14 (b) A facsimile firearm means an instrument which was
- 15 reasonably perceived by the victim to be a real firearm; and
- 16 ~~(b)~~ (c) Use of a deadly weapon includes the discharge,
- 17 employment, or visible display of any part of a firearm, a knife,
- 18 brass or iron knuckles, a facsimile firearm, a nonfunctioning

19 firearm, any other deadly weapon, or a destructive device during,
 20 immediately prior to, or immediately after the commission of a
 21 felony or communication to another indicating the presence of a
 22 firearm, a knife, brass or iron knuckles, a facsimile firearm, a
 23 nonfunctioning firearm, any other deadly weapon, or a destructive
 24 device during, immediately prior to, or immediately after the
 25 commission of a felony, regardless of whether such firearm, knife,
 26 brass or iron knuckles, facsimile firearm, nonfunctioning firearm,
 27 deadly weapon, or destructive device was discharged, actively
 1 employed, or displayed.
 2 2. Renumber the remaining sections and correct the
 3 repealer accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 608. Introduced by Schilz, 47; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Hansen, 42; Harms, 48; B. Harr, 8; Janssen, 15; Johnson, 23; Larson, 40; Murante, 49; Wallman, 30; Watermeier, 1.

WHEREAS, Nebraska native Robin Coulter Lapaseotes was born on July 31, 1957, in Bridgeport, Nebraska, to Calvin and Virginia Coulter; and

WHEREAS, Robin graduated from Bridgeport Public Schools in 1975 and also graduated from the University of Nebraska-Lincoln (UNL) and Chadron State College; and

WHEREAS, Robin married Peter Lapaseotes of Bridgeport on June 24, 1984, and they had three children, Constantine, Nicole, and Cassandra, and two grandchildren, Waylon Dean and Claycen Dean; and

WHEREAS, Robin was an active supporter of the Nebraska farm and ranch economy and owned and operated Coulter Ranch in Redington and Coulter Feedlot, was the chair of the tax committee for the Nebraska Cattlemen, was a member of the executive committee of the Morrill County Cattlemen, was a board member for the Engler Agribusiness Entrepreneurship Program at UNL, and was an avid mentor for young people seeking opportunities in agriculture; and

WHEREAS, Robin was a member of the Assumption Orthodox Church in Bayard and sang in the choir, was a past member of the Bridgeport Public School Board, was a member of the High Plains Weed Management Association, and established and directed her own girls camping group; and

WHEREAS, Robin passed away on February 4, 2014.

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

1. That the Legislature extends its condolences to the family of Robin Coulter Lapaseotes and recognizes Robin for her commitment to her family, to the State of Nebraska, and to the agriculture industry.

2. That a copy of this resolution be sent to the family of Robin Coulter Lapaseotes.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 976. Senator Murante offered the following motion:
MO176

Recommit to Executive Board.

SENATOR KRIST PRESIDING

SENATOR GLOOR PRESIDING

Senator Murante withdrew his motion to recommit to committee.

Senator Karpisek moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Karpisek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Conrad	Haar, K.	Kolowski	Nordquist
Ashford	Cook	Harms	Krist	Schumacher
Avery	Crawford	Harr, B.	Lathrop	Seiler
Campbell	Davis	Howard	McGill	Sullivan
Chambers	Dubas	Karpisek	Mello	Wallman

Voting in the negative, 12:

Brasch	Johnson	Murante	Scheer
Hansen	Kintner	Nelson	Schilz
Janssen	McCoy	Pirsch	Watermeier

Present and not voting, 10:

Bloomfield	Christensen	Garrett	Hadley	Smith
Carlson	Coash	Gloor	Larson	Wightman

Excused and not voting, 2:

Bolz	Lautenbaugh
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Advanced to Enrollment and Review Initial with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB961:
AM2685

(Amendments to E & R amendments, ER232)

1 1. Insert the following new section:

2 Sec. 3. Section 44-2825, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-2825 (1) The total amount recoverable under the
5 Nebraska Hospital-Medical Liability Act from any and all health
6 care providers and the Excess Liability Fund for any occurrence
7 resulting in any injury or death of a patient may not exceed
8 (a) five hundred thousand dollars for any occurrence on or before
9 December 31, 1984, (b) one million dollars for any occurrence after
10 December 31, 1984, and on or before December 31, 1992, (c) one
11 million two hundred fifty thousand dollars for any occurrence after
12 December 31, 1992, and on or before December 31, 2003, ~~and~~(d)
13 one million seven hundred fifty thousand dollars for any occurrence
14 after December 31, 2003, and on or before December 31, 2014,
15 and (e) two million two hundred fifty thousand dollars for any
16 occurrence after December 31, 2014.

17 (2) A health care provider qualified under the act shall
18 not be liable to any patient or his or her representative who
19 is covered by the act for an amount in excess of five hundred
20 thousand dollars for all claims or causes of action arising from
21 any occurrence during the period that the act is effective with
22 reference to such patient.

1 (3) Subject to the overall limits from all sources as
2 provided in subsection (1) of this section, any amount due from a
3 judgment or settlement which is in excess of the total liability
4 of all liable health care providers shall be paid from the Excess
5 Liability Fund pursuant to sections 44-2831 to 44-2833.

6 2. Renumber the remaining sections and correct the
7 repealer accordingly.

Senator Christensen filed the following amendment to LB700:
AM2720

1 1. Insert the following new sections:

2 Sec. 12. Section 44-3524, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-3524 (1) The director may issue an order ~~and notice~~
5 ~~of hearing~~ instructing a motor vehicle service contract provider
6 to cease and desist from selling or offering for sale motor
7 vehicle service contracts if the director determines that the
8 provider has failed to comply with the Motor Vehicle Service
9 Contract Reimbursement Insurance Act. At the same time the order
10 is issued, the director shall serve notice to the motor vehicle
11 service provider of the reasons for such order and that the
12 motor vehicle service provider may request a hearing in writing

13 within ten business days after receipt of the order. If a hearing
 14 is requested, the director shall schedule a hearing within ten
 15 business days after receipt of the request. The hearing shall be
 16 conducted in accordance with the Administrative Procedure Act. If
 17 a hearing is not requested and none is ordered by the director,
 18 the order shall remain in effect until modified or vacated by the
 19 director.

20 (2) Upon the failure of a motor vehicle service contract
 21 provider to obey a cease and desist order issued by the director,
 22 the director may give notice in writing of the failure to the
 23 Attorney General who may commence an action against the provider to
 1 enjoin the provider from selling or offering for sale motor vehicle
 2 service contracts until the provider complies with the act. The
 3 district court may issue the injunction.

4 Sec. 14. Original section 44-3524, Reissue Revised
 5 Statutes of Nebraska, is repealed.

6 2. Renumber the remaining section accordingly.

7 3. Correct the operative date section so that the
 8 sections added by this amendment becomes operative three calendar
 9 months after adjournment of this legislative session.

Senator Christensen filed the following amendment to LB700:
 AM2721

1 1. Insert the following new section:
 2 Sec. 12. (1) A health care sharing ministry shall not be
 3 considered to be engaging in the business of insurance for purposes
 4 of the insurance laws of this state.

5 (2) For purposes of this section, health care sharing
 6 ministry means a faith-based, nonprofit organization that is
 7 tax-exempt under the Internal Revenue Code which:

8 (a) Limits its participants to those who are of a similar
 9 faith;

10 (b) Acts as a facilitator among participants who have
 11 financial or medical needs and matches those participants with
 12 other participants with the present ability to assist those with
 13 financial or medical needs in accordance with criteria established
 14 by the health care sharing ministry;

15 (c) Provides for the financial or medical needs of a
 16 participant through contributions from one participant to another;

17 (d) Provides amounts that participants may contribute
 18 with no assumption of risk or promise to pay among the participants
 19 and no assumption of risk or promise to pay by the health care
 20 sharing ministry to the participants;

21 (e) Provides a written monthly statement to all
 22 participants that lists the total dollar amount of qualified needs
 23 submitted to the health care sharing ministry, as well as the
 1 amount actually published or assigned to participants for their
 2 contribution;

3 (f) Provides a written disclaimer on or accompanying all

4 applications and guideline materials distributed by or on behalf of
 5 the organization that reads, in substance:

6 IMPORTANT NOTICE. This organization is not an insurance
 7 company, and its product should never be considered insurance.
 8 If you join this organization instead of purchasing health
 9 insurance, you will be considered uninsured. By the terms of
 10 this agreement, whether anyone chooses to assist you with your
 11 medical bills as a participant of this organization will be totally
 12 voluntary, and neither the organization nor any participant can
 13 be compelled by law to contribute toward your medical bills.
 14 Regardless of whether you receive payment for medical expenses
 15 or whether this organization continues to operate, you are always
 16 personally responsible for the payment of your own medical bills.
 17 This organization is not regulated by the Nebraska Department
 18 of Insurance. You should review this organization's guidelines
 19 carefully to be sure you understand any limitations that may affect
 20 your personal medical and financial needs;

21 (g) Has participants which retain participation even
 22 after they develop a medical condition; and

23 (h) Conducts an annual audit which is performed by
 24 an independent certified public accounting firm in accordance
 25 with generally accepted accounting principles and which is made
 26 available to the public upon request.

27 2. Renumber the remaining section accordingly.

1 3. Correct the operative date section so that the section
 2 added by this amendment becomes operative three calendar months
 3 after the adjournment of this legislative session.

Senator Christensen filed the following amendment to LB1098:
 AM2657

(Amendments to Standing Committee amendments, AM2594)

1 1. Insert the following new sections:

2 Sec. 7. Section 77-1371, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:

4 77-1371 Comparable sales are recent sales of properties
 5 that are similar to the property being assessed in significant
 6 physical, functional, and location characteristics and in their
 7 contribution to value. When using comparable sales in determining
 8 actual value of an individual property under the sales comparison
 9 approach provided in section 77-112, the following guidelines shall
 10 be considered in determining what constitutes a comparable sale:

11 (1) Whether the sale was financed by the seller and
 12 included any special financing considerations or the value of
 13 improvements;

14 (2) Whether zoning affected the sale price of the
 15 property;

16 (3) For sales of agricultural land or horticultural land
 17 as defined in section 77-1359, whether a premium was paid to
 18 acquire property. A premium may be paid when proximity or tax

19 consequences cause the buyer to pay more than actual value for
20 agricultural land or horticultural land;

21 (4) Whether sales or transfers made in connection with
22 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
1 or in consideration of other legal actions should be excluded from
2 comparable sales analysis as not reflecting current market value;

3 (5) Whether sales between family members within the third
4 degree of consanguinity include considerations that fail to reflect
5 current market value;

6 (6) Whether sales to or from federal or state agencies or
7 local political subdivisions reflect current market value;

8 (7) Whether sales of undivided interests in real property
9 or parcels less than forty acres or sales conveying only a portion
10 of the unit assessed reflect current market value;

11 (8) Whether sales or transfers of property in exchange
12 for other real estate, stocks, bonds, or other personal property
13 reflect current market value;

14 (9) Whether deeds recorded for transfers of convenience,
15 transfers of title to cemetery lots, mineral rights, and rights of
16 easement reflect current market value;

17 (10) Whether sales or transfers of property involving
18 railroads or other public utility corporations reflect current
19 market value;

20 (11) Whether sales of property substantially improved
21 subsequent to assessment and prior to sale should be adjusted to
22 reflect current market value or eliminated from such analysis;

23 (12) For agricultural land or horticultural land as
24 defined in section 77-1359 which is or has been receiving the
25 special valuation pursuant to sections 77-1343 to 77-1347.01,
26 whether the sale price reflects a value which the land has for
27 purposes or uses other than as agricultural land or horticultural
1 land and therefor does not reflect current market value of other
2 agricultural land or horticultural land; ~~and~~

3 (13) Whether sales or transfers of property are in
4 a similar market area and have similar characteristics to the
5 property being assessed; ~~and~~

6 (14) For agricultural land and horticultural land as
7 defined in section 77-1359 which is within a class or subclass
8 of irrigated cropland pursuant to section 77-1363, whether the
9 difference in well capacity or in water availability due to
10 federal, state, or local regulatory actions or limited source
11 affected the sale price of the property. If data on current well
12 capacity or current water availability is not available from a
13 federal, state, or local government entity, this subdivision shall
14 not be used to determine what constitutes a comparable sale.

15 The Property Tax Administrator may issue guidelines for
16 assessing officials for use in determining what constitutes a
17 comparable sale. Guidelines shall take into account the factors
18 listed in this section and other relevant factors as prescribed by

- 19 the Property Tax Administrator.
 20 Sec. 8. Sections 7 and 9 of this act become operative
 21 three calendar months after the adjournment of this legislative
 22 session. The other sections of this act become operative on their
 23 effective date.
 24 Sec. 9. Original section 77-1371, Revised Statutes
 25 Cumulative Supplement, 2012, is repealed.
 26 2. Renumber the remaining sections accordingly.

Senator B. Harr filed the following amendment to LB191:
 AM2767

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
 2 Sec. 23. If any section in this act or any part of any
 3 section is declared invalid or unconstitutional, the declaration
 4 shall not affect the validity or constitutionality of the remaining
 5 portions.
 6 2. On page 1, line 10, after the semicolon insert "to
 7 provide severability;".
 8 3. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 609. Introduced by Christensen, 44.

WHEREAS, Landon Jutten, a student at Wauneta-Palisade High School, was recognized as a "Student Spotlight" by Nebraskans for the Arts; and

WHEREAS, Landon earned this recognition through his participation and success in one-act plays, high school musicals, and the Class D All-State Band; 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, SECOND SESSION:

1. That the Legislature congratulates Landon Jutten on his "Student Spotlight" recognition by Nebraskans for the Arts and recognizes his stage and musical achievements.

2. That a copy of this resolution be sent to Landon Jutten.

Laid over.

LEGISLATIVE RESOLUTION 610. Introduced by Christensen, 44.

WHEREAS, Christian Hughes of Benkelman, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and

outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Christian has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Christian, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Christian Hughes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Christian Hughes.

Laid over.

LEGISLATIVE RESOLUTION 611. Introduced by Christensen, 44.

WHEREAS, Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek of Troop 132 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Danial, Alex, William, and Jonathon have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Danial, Alex, William, and Jonathon, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek of Troop 132.

Laid over.

LEGISLATIVE RESOLUTION 612. Introduced by Christensen, 44.

WHEREAS, Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York of Troop 236 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Jordan, Chandler, Derek, Garret, Calvin, Bryce, and Griffin have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jordan, Chandler, Derek, Garret, Calvin, Bryce, and Griffin, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York of Troop 236.

Laid over.

LEGISLATIVE RESOLUTION 613. Introduced by Christensen, 44.

WHEREAS, Luke Davis of Alma, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and

outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Davis on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Luke Davis.

Laid over.

LEGISLATIVE RESOLUTION 614. Introduced by Adams, 24.

WHEREAS, the Nebraska Hall of Fame Commission was established in 1961 to officially recognize and honor prominent Nebraskans, including people who were born in Nebraska, who gained prominence while living in Nebraska, or who lived in Nebraska and whose residence in Nebraska was an important influence on their lives and contributed to their greatness; and

WHEREAS, on May 30, 2014, the Nebraska Hall of Fame Commission will assemble in the Warner Chamber of the State Capitol together with guests and dignitaries to induct Alvin Saunders Johnson into the Nebraska Hall of Fame; and

WHEREAS, Johnson, a Nebraska native, gained national and international recognition as an economist, educator, humanitarian, social activist, writer, and editor; and

WHEREAS, Johnson was born in 1874 on a farm near Homer, Nebraska, and grew up embracing the values and work ethic of farm life. At age 18 he enrolled at the University of Nebraska where he received both his bachelor and master's degrees in the classics, and pursued graduate work in economics at Columbia University where he received his Ph.D. in 1902; and

WHEREAS, Johnson co-founded and for 22 years led the New School for Social Research, which is today recognized as the model for adult education in America. Within the New School, Johnson founded the University in Exile as a haven for refugee European intellectuals fleeing Nazi persecution; and

WHEREAS, Johnson served as editor of the initial "Encyclopedia of the Social Sciences," was a leader in framing our nation's first nondiscrimination legislation, was an editor of "The New Republic," and

was also a prolific writer, authoring two novels, three collections of short stories, and an autobiography in addition to his influential academic writing; and

WHEREAS, Johnson credited the values instilled in him to living and studying in Nebraska, to his father and mother being strong believers in racial and social equality, and to his mother having a deep appreciation of classical literature. These traits were passed on to Johnson from early childhood and became the foundation for his intellectual fabric, his work ethic, and his extraordinary influence on American culture and intellectual life; and

WHEREAS, each of Johnson's career highlights could be independently judged as exemplary. Collectively, they reflect the life of a remarkable individual of whom Nebraskans can be justifiably proud.

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

1. That the Legislature posthumously honors and recognizes Alvin Saunders Johnson for his induction into the Nebraska Hall of Fame.
2. That a copy of this resolution be sent to the Nebraska Hall of Fame Commission.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 383. Title read. Considered.

Committee AM1169, found on page 1750, First Session, 2013, was offered.

Senator Janssen withdrew his amendment, AM2635, found on page 1164.

Senator Janssen offered his amendment, AM2661, found on page 1300, to the committee amendment.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Janssen amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Dubas offered the following amendment to the committee amendment:

AM2757

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 Sec. 11. Section 80-414, Revised Statutes Supplement,
- 4 2013, is amended to read:

- 5 80-414 (1) The Department of Veterans' Affairs shall
 6 create and maintain a registry of residents of Nebraska who meet
 7 the requirements of subdivision (1)(a) or (b) of section 10 of
 8 this act or subsection (1) of section 60-4,189. The Department of
 9 Veterans' Affairs may adopt and promulgate rules and regulations
 10 governing the establishment and maintenance of the registry. The
 11 registry may be used to assist the department in carrying out
 12 the duties of the department and shall provide for the collection
 13 of sufficient information to identify an individual who qualifies
 14 for Military Honor Plates or a notation of "veteran" on his or
 15 her operator's license or state identification card issued by the
 16 Department of Motor Vehicles. The registry may include information
 17 such as identifying information on an individual, an individual's
 18 records on active duty in the armed forces of the United States,
 19 or an individual's status of active duty, retired, discharged, or
 20 other.
- 21 (2) Any resident of Nebraska who meets the requirements
 22 of subdivision (1)(a) or (b) of section 10 of this act or
 1 subsection (1) of section 60-4,189 shall register with the
 2 Department of Veterans' Affairs using the registry created by
 3 this section before being eligible for Military Honor Plates or a
 4 notation of "veteran" on his or her operator's license or state
 5 identification card issued by the Department of Motor Vehicles. No
 6 person shall be deemed eligible until his or her status has been
 7 verified on the registry.
- 8 (3) The Department of Motor Vehicles may adopt and
 9 promulgate rules and regulations governing use of the registry
 10 of the Department of Veterans' Affairs for determination of
 11 eligibility for the issuance of Military Honor Plates or
 12 the notation of "veteran" on operators' licenses and state
 13 identification cards.
- 14 2. On page 13, lines 2 and 3; and page 14, lines 9 and
 15 10, strike "11 of this act" and insert "80-414".
- 16 3. Correct the repealer accordingly.

The Dubas amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 383A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SENATOR COASH PRESIDING**LEGISLATIVE BILL 788.** Title read. Considered.

Senator Schumacher offered the following amendment:
AM2739

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 13-402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-402 Any county, city other than a city of the
- 5 metropolitan or primary class, village, school district, agency of
- 6 the state government, drainage district, sanitary and improvement
- 7 district, or other political subdivision of the State of Nebraska
- 8 is hereby permitted, authorized, and given the power to file a
- 9 petition in the United States Bankruptcy Court under 11 U.S.C.
- 10 chapter 9 and any acts amendatory thereto and supplementary thereof
- 11 and to incur and pay the expenses incident to the consummation of a
- 12 plan of adjustment of debts as contemplated by such petition.
- 13 2. Renumber the remaining sections and correct the
- 14 repealer accordingly.

Senator Schumacher withdrew his amendment.

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

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

Senator Schumacher requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Bloomfield	Coash	Harms	McCoy	Seiler
Brasch	Garrett	Johnson	Nelson	Smith
Carlson	Gloor	Karpisek	Pirsch	Sullivan
Chambers	Hadley	Kintner	Scheer	Watermeier
Christensen	Hansen	Larson	Schumacher	Wightman

Voting in the negative, 16:

Adams	Conrad	Haar, K.	Lathrop
Ashford	Cook	Harr, B.	McGill
Avery	Crawford	Howard	Mello
Campbell	Dubas	Kolowski	Nordquist

Present and not voting, 2:

Davis Murante

Excused and not voting, 6:

Bolz Krist Schilz
Janssen Lautenbaugh Wallman

Advanced to Enrollment and Review Initial with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Nordquist filed the following amendment to LB276:

AM2742

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 or transferred
14 for such purposes pursuant to this section for the immediately
15 preceding fiscal year increased by five percent be appropriated
16 from the General Fund to aid in carrying out the provisions of
17 the Early Intervention Act and other related early intervention
18 services.

19 Sec. 4. Section 68-911, Revised Statutes Supplement,
20 2013, is amended to read:

21 68-911 (1) Medical assistance shall include coverage for
22 health care and related services as required under Title XIX of the
23 federal Social Security Act, including, but not limited to:

- 24 (a) Inpatient and outpatient hospital services;
- 25 (b) Laboratory and X-ray services;
- 26 (c) Nursing facility services;
- 27 (d) Home health services;
- 1 (e) Nursing services;
- 2 (f) Clinic services;
- 3 (g) Physician services;
- 4 (h) Medical and surgical services of a dentist;
- 5 (i) Nurse practitioner services;
- 6 (j) Nurse midwife services;
- 7 (k) Pregnancy-related services;
- 8 (l) Medical supplies;
- 9 (m) Mental health and substance abuse services; and
- 10 (n) Early and periodic screening and diagnosis and
11 treatment services for children which shall include both physical
12 and behavioral health screening, diagnosis, and treatment services.

13 (2) In addition to coverage otherwise required under this
14 section, medical assistance may include coverage for health care
15 and related services as permitted but not required under Title XIX
16 of the federal Social Security Act, including, but not limited to:

- 17 (a) Prescribed drugs;
- 18 (b) Intermediate care facilities for persons with
19 developmental disabilities;
- 20 (c) Home and community-based services for aged persons
21 and persons with disabilities;
- 22 (d) Dental services;
- 23 (e) Rehabilitation services;
- 24 (f) Personal care services;
- 25 (g) Durable medical equipment;
- 26 (h) Medical transportation services;

- 27 (i) Vision-related services;
 1 (j) Speech therapy services;
 2 (k) Physical therapy services;
 3 (l) Chiropractic services;
 4 (m) Occupational therapy services;
 5 (n) Optometric services;
 6 (o) Podiatric services;
 7 (p) Hospice services;
 8 (q) Mental health and substance abuse services;
 9 (r) Hearing screening services for newborn and infant
 10 children; and
 11 (s) Administrative expenses related to administrative
 12 activities, including outreach services, provided by school
 13 districts and educational service units to students who are
 14 eligible or potentially eligible for medical assistance.

15 (3) No later than July 1, 2009, the department
 16 shall submit a state plan amendment or waiver to the federal
 17 Centers for Medicare and Medicaid Services to provide coverage
 18 under the medical assistance program for community-based secure
 19 residential and subacute behavioral health services for all
 20 eligible recipients, without regard to whether the recipient has
 21 been ordered by a mental health board under the Nebraska Mental
 22 Health Commitment Act to receive such services.

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

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

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

- 17 (1) Public power district sales tax revenue;
 18 (2) Fines and license fees;
 19 (3) Tuition receipts from individuals, other districts,
 20 or any other source except receipts derived from adult education,
 21 receipts derived from summer school tuition, receipts derived

22 from early childhood education tuition, tuition receipts from
 23 converted contracts beginning with the calculation of state aid to
 24 be distributed in school fiscal year 2011-12, and receipts from
 25 educational entities as defined in section 79-1201.01 for providing
 26 distance education courses through the Educational Service Unit
 27 Coordinating Council to such educational entities;

1 (4) Transportation receipts;

2 (5) Interest on investments;

3 (6) Other miscellaneous noncategorical local receipts,

4 not including receipts from private foundations, individuals,
 5 associations, or charitable organizations;

6 (7) Special education receipts;

7 (8) Special education receipts and non-special education
 8 receipts from the state for wards of the court and wards of the
 9 state;

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

18 (10) Motor vehicle tax receipts received;

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

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

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

25 (14) All other noncategorical federal receipts;

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

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

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

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

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

15 79-1119 ~~Excess~~ For aid distributed in school fiscal years
 16 prior to 2015-16, excess cost means the difference between the

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

5 Sec. 7. Section 79-1145, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 79-1145 (1) For each fiscal year prior to fiscal
 8 year 2014-15, the aggregate amount of General Funds appropriated
 9 for special education programs and support services pursuant to
 10 sections 79-1129, 79-1132, and 79-1144 shall not exceed the
 11 aggregate amount of General Funds appropriated pursuant to such
 12 sections for the previous fiscal year, ~~multiplied by one plus a~~
 13 ~~rate of increased by~~ five percent.

14 (2) For fiscal year 2014-15 and each fiscal year
 15 thereafter, the aggregate amount of General Funds appropriated
 16 for special education programs and support services pursuant to
 17 sections 79-1129, 79-1132, and 79-1144 shall not exceed the
 18 aggregate amount of General Funds appropriated pursuant to such
 19 sections for the previous fiscal year, increased by ten percent.
 20 For purposes of this section, for fiscal year 2016-17 the aggregate
 21 amount of General Funds appropriated for special education programs
 22 and support services pursuant to sections 79-1129, 79-1132, and
 23 79-1144 for the previous fiscal year shall be the net amount after
 24 any decrease required pursuant to section 43-2515.

25 Sec. 8. Original sections 43-2511, 43-2513, 43-2515,
 26 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section
 27 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and
 1 section 68-911, Revised Statutes Supplement, 2013, are repealed.

Senator Nordquist filed the following amendment to LB799:
 AM2691

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new section:

2 Sec. 2. Section 44-7,104, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:

4 44-7,104 (1) Notwithstanding section 44-3,131, (a) any
 5 individual or group sickness and accident insurance policy,
 6 certificate, or subscriber contract delivered, issued for delivery,

7 or renewed in this state and any hospital, medical, or surgical
 8 expense-incurred policy, except for policies that provide coverage
 9 for a specified disease or other limited-benefit coverage, and (b)
 10 any self-funded employee benefit plan to the extent not preempted
 11 by federal law that provides coverage for cancer treatment shall
 12 provide coverage for a prescribed, orally administered anticancer
 13 medication that is used to kill or slow the growth of cancerous
 14 cells on a basis no less favorable than intravenously administered
 15 or injected anticancer medications that are covered as medical
 16 benefits by the policy, certificate, contract, or plan.

17 (2) This section does not prohibit such policy,
 18 certificate, contract, or plan from requiring prior authorization
 19 for a prescribed, orally administered anticancer medication. If
 20 such medication is authorized, the cost to the covered individual
 21 shall not exceed the coinsurance or copayment that would be applied
 22 to any other cancer treatment involving intravenously administered
 1 or injected anticancer medications.

2 (3) A policy, certificate, contract, or plan provider
 3 shall not reclassify any anticancer medication or increase a
 4 coinsurance, copayment, deductible, or other out-of-pocket expense
 5 imposed on any anticancer medication to achieve compliance with
 6 this section. Any change that otherwise increases an out-of-pocket
 7 expense applied to any anticancer medication shall also be applied
 8 to the majority of comparable medical or pharmaceutical benefits
 9 under the policy, certificate, contract, or plan.

10 (4) This section does not prohibit a policy, certificate,
 11 contract, or plan provider from increasing cost-sharing for all
 12 benefits, including cancer treatments.

13 (5) This section shall apply to any policy, certificate,
 14 contract, or plan that is delivered, issued for delivery, or
 15 renewed in this state on or after October 1, 2012.

16 ~~(6) This section terminates on December 31, 2015.~~

17 2. On page 4, line 4, strike "is" and insert "and section
 18 44-7,104, Revised Statutes Cumulative Supplement, 2012, are".

19 3. Renumber the remaining section accordingly.

Senator Scheer filed the following amendment to LB916:

AM2601

(Amendments to Standing Committee amendments, AM1916)

- 1 1. On page 6, strike line 27.
- 2 2. On page 7, strike lines 1 through 8; in line 10 strike
- 3 the comma and insert "or"; and in line 11 strike ", or nurse
- 4 practitioner".

VISITORS

Visitors to the Chamber were Emilee Shostron and Abbie Fahleson from Lincoln; and 41 fourth-grade students, teachers, and sponsors from Centura Public School, Cairo.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 9:13 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

