

FIFTY-FIFTH DAY - APRIL 3, 2014
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 2014

PRAYER

The prayer was offered by Father Lloyd Gnirk, St. John the Evangelist Catholic Church, Valley.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 2, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bredenkamp, Troy
Nebraska Rural Electric Association
O'Hara Lindsay & Associates, Inc.
Mueller Robak, LLC

REPORTS

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

WITHDRAW - Amendments to LR41CA

Senator Chambers withdrew his amendments, FA234, FA235, FA236, FA237, and FA238, found on pages 759 and 760, to LR41CA.

Senator McCoy withdrew his amendment, AM2378, found on page 1068, to LR41CA.

MOTION - Return LR41CA to Select File

Senator Karpisek moved to return LR41CA to Select File for the following specific amendment:

FA316

Page 2, line 9 strike "500" and insert "250."

Senator Karpisek withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 41CA.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4)(a) Nothing in this section shall be construed to prohibit ~~(a)~~ the enactment of laws providing for the licensing and regulation of wagering on the results of live or replayed horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure. The state's proceeds from a tax placed on wagering by the parimutuel method shall be appropriated by the Legislature for the costs of regulating wagering by the parimutuel method and for the following purposes:

(i) Forty-nine percent of the money remaining after the payment of regulatory expenses shall be used for elementary and secondary education statewide;

(ii) Forty-nine percent of the money remaining after the payment of regulatory expenses shall be used to reduce property taxes statewide; and

(iii) Two percent of the money remaining after the payment of regulatory expenses shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) Nothing in this section shall be construed to prohibit ~~or (b)~~ the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for enactment of laws providing for licensing and regulation of wagering on live or replayed horseraces, wherever run, either within or outside of the state, by the parimutuel

method, when such wagering is conducted by licensees within a licensed racetrack enclosure, and to require appropriation of certain parimutuel taxes for regulation of parimutuel wagering, for education, for property tax relief, and for the Compulsive Gamblers Assistance Fund.

For

Against.

Senator Lautenbaugh requested a roll call vote, in reverse order.

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

Voting in the affirmative, 28:

Ashford	Dubas	Howard	McGill	Seiler
Bolz	Gloor	Janssen	Mello	Sullivan
Campbell	Haar, K.	Johnson	Murante	Wallman
Conrad	Hadley	Karpisek	Nordquist	Wightman
Cook	Hansen	Larson	Schilz	
Davis	Harr, B.	Lathrop	Schumacher	

Voting in the negative, 19:

Adams	Carlson	Crawford	Kolowski	Scheer
Avery	Chambers	Garrett	McCoy	Smith
Bloomfield	Christensen	Harms	Nelson	Watermeier
Brasch	Coash	Kintner	Pirsch	

Present and not voting, 2:

Krist	Lautenbaugh
-------	-------------

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the resolution failed to pass for the general election.

RESOLUTIONS

LEGISLATIVE RESOLUTION 615. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School speech team tied for second place in the 2014 Class D-1 State Speech Tournament; and

WHEREAS, the Bancroft-Rosalie Panthers earned their second place finish with a score of 78 points; 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 the Bancroft-Rosalie High School speech team on their second place finish in the 2014 Class D-1 State Speech Tournament.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School speech team and their coach, Ronda Ras.

Laid over.

LEGISLATIVE RESOLUTION 616. Introduced by Brasch, 16.

WHEREAS, the Guardian Angels Central Catholic High School speech team won the 2014 Class C-2 State Speech Championship; and

WHEREAS, the Guardian Angels Central Catholic Bluejays defeated Hartington High School by a score of 88-58 to win the school's first state speech championship; 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 the Guardian Angels Central Catholic High School speech team on winning the 2014 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School speech team and their coach, Lynda Doernemann.

Laid over.

COMMITTEE REPORTS

Judiciary

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

Rosalyn Cotton - Nebraska Board of Parole

Aye: 6 Ashford, Christensen, Davis, Lathrop, McGill, Seiler. Nay: 0.
Absent: 2 Chambers, Coash. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

Health and Human Services

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

Denise Pecha - Nebraska Child Abuse Prevention Fund Board

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

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

Martin Fattig - Nebraska Rural Health Advisory Commission

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

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

Richard Lee Robinson - State Board of Health
Joshua M. Vest - State Board of Health

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

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

Sandra Kruback - Foster Care Advisory Committee
Elizabeth Neeley - Foster Care Advisory Committee

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

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

Rebecca Jane Morris - Stem Cell Research Advisory Committee
Dennis Roop - Stem Cell Research Advisory Committee
Gerald Spangrude - Stem Cell Research Advisory Committee

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

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 877. Placed on General File with amendment.

AM2751

- 1 1. Strike original section 1 and insert the following new
2 section:
3 Section 1. Section 28-1205, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 28-1205 (1)(a) Any person who uses a firearm, a knife,
6 brass or iron knuckles, ~~or any other deadly weapon, a facsimile~~
7 firearm, or a nonfunctioning firearm to commit any felony which may
8 be prosecuted in a court of this state commits the offense of use
9 of a deadly weapon to commit a felony.
10 (b) Use of a deadly weapon, other than a firearm, to
11 commit a felony is a Class II felony.
12 (c) Use of a deadly weapon, which is a firearm, to commit
13 a felony is a Class IC felony.
14 (d) Use of a facsimile firearm or nonfunctioning firearm
15 to commit a felony is a Class III felony.
16 (2)(a) Any person who possesses a firearm, a knife, brass
17 or iron knuckles, or a destructive device during the commission of
18 any felony which may be prosecuted in a court of this state commits
19 the offense of possession of a deadly weapon during the commission
20 of a felony.
21 (b) Possession of a deadly weapon, other than a firearm,
22 during the commission of a felony is a Class III felony.
23 (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.

(Signed) Brad Ashford, Chairperson

MOTION - Reconsider Action on LB671

Senator Chambers offered his motion, MO175, found on page 1349, to reconsider the vote that LB671 becomes law notwithstanding the objections of the Governor.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 30:

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

Voting in the negative, 17:

Brasch	Hansen	Lautenbaugh	Pirsch	Watermeier
Carlson	Harms	McCoy	Schilz	
Davis	Kintner	Murante	Seiler	
Garrett	Larson	Nelson	Sullivan	

Present and not voting, 2:

Gloor	Karpisek
-------	----------

The Chambers motion to reconsider prevailed with 30 ayes, 17 nays, and 2 present and not voting.

MOTION - Override Veto on LB671

The Chambers motion, MO161, found on page 1272 and considered on page 1345, that LB671 becomes law notwithstanding the objections of the Governor, was reconsidered.

Senator Chambers requested a roll call vote 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, 28:

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

Voting in the negative, 21:

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

Not voting, 0.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 438. With Emergency Clause.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-757 and 79-760.06, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the accountability system for schools and school districts; to provide for designation of priority schools, appointment of intervention teams, and development of progress plans; to require reports; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Gloor

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

LEGISLATIVE BILL 438A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

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

LEGISLATIVE BILL 674.

A BILL FOR AN ACT relating to animal abuse; to amend section 28-1019, Revised Statutes Cumulative Supplement, 2012, and section 28-1009, Revised Statutes Supplement, 2013; to change provisions relating to conviction orders for abandonment or cruel neglect of an animal; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB717 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 717. With Emergency Clause.

A BILL FOR AN ACT relating to real property appraisal; to amend sections 76-2201, 76-2203, 76-2217.02, and 76-2227, Reissue Revised Statutes of Nebraska, and sections 76-2202, 76-2213.01, 76-2223, 76-2228.01,

76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.02, 76-2236, 76-2238, 76-2241, and 76-2249, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Real Property Appraiser Act; to define terms; to change provisions relating to professional qualifications; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers Haar, K.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB759 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1002, 16-1007, 16-1017, 16-1021, 16-1027, 16-1037, 19-3501, 23-1118, 23-2309.01, 23-3526, and 72-1263, Reissue Revised Statutes of Nebraska, sections 30-3209, 71-1631.02, and 84-1310.01, Revised Statutes Cumulative Supplement, 2012, and section 84-304, Revised Statutes Supplement, 2013; to require

annual reports relating to defined benefit retirement plans; to change provisions relating to police officers' and firefighters' retirement in cities of the first class, investments for certain defined contribution plans, the standard of care for corporate trustees regarding governmental retirement and pension funds, and duties of the state investment officer and the Auditor of Public Accounts; to change a limit on total deposits received under the Nebraska Capital Expansion Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Davis Lautenbaugh

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB800 with 33 ayes, 4 nays, and 12 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to enterprise zones; to amend sections 13-2103, 13-2105, 13-2109, and 13-2112, Reissue Revised Statutes of Nebraska, sections 58-708 and 81-12,156, Revised Statutes Cumulative Supplement, 2012, and sections 81-1201.21 and 81-12,149, Revised Statutes Supplement, 2013; to provide for designation of enterprise zones; to provide

preferences for certain business incentive and grant programs for projects located in enterprise zones; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB851 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 851. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 52-603, 52-604, 60-366, 60-367, 66-482, 77-2703.01, and 77-2793, Reissue Revised Statutes of Nebraska, sections 77-367, 77-1030, 77-1837.01, and 77-2709, Revised Statutes Cumulative Supplement, 2012, and sections 19-5217, 77-1807, 77-27,119, and 77-5735, Revised Statutes Supplement, 2013; to change provisions relating to land banks and tax sales for delinquent property taxes; to provide for the extinguishment of a lien or security interest on personal property as prescribed; to change provisions relating to such lien proceeds and distribution; to change provisions relating to nonresident owners under the Motor Vehicle Registration Act; to redefine ethanol facility; to require the Department of Revenue to contract for enforcement of tax laws; to provide for notice to the Department of Revenue under the Nebraska

Advantage Transformational Tourism and Redevelopment Act; to change provisions relating to tax sales certificates, sales and use tax sourcing, notice of deficiency determinations, claims for credit or refund, disclosure of tax information, and applicability; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB908 with 34 ayes, 3 nays, and 12 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 908.

A BILL FOR AN ACT relating to children; to amend sections 30-2608, 43-104.02, 43-284.02, and 71-824, Reissue Revised Statutes of Nebraska, section 43-1318, Revised Statutes Cumulative Supplement, 2012, and sections 43-245, 43-285, and 43-905, Revised Statutes Supplement, 2013; to clarify certain adoption filings for children born out of wedlock; to provide for guardianships for certain adjudicated children as prescribed; to define a term; to change provisions relating to wards and guardianships; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB863 with 30 ayes, 4 nays, and 15 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 863. With Emergency Clause.

A BILL FOR AN ACT relating to public protection, health, and safety; to amend sections 12-501, 12-502, 12-512.01, 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934, 17-944, 28-1418, 28-1419, 28-1425, 28-1427, 28-1429.02, 53-122, and 53-190, Reissue Revised Statutes of Nebraska, sections 53-179, 53-183, 59-1523, and 81-2104, Revised Statutes Cumulative Supplement, 2012, and section 28-101, Revised Statutes Supplement, 2013; to change provisions relating to cemeteries and the formation of, operation of, and transfer of management functions to cemetery associations or cemetery districts; to prohibit the use by minors and sale to minors of vapor products and alternative nicotine products; to prohibit the sale of certain tobacco, vapor, and nicotine products through a vending machine or self-service display as prescribed; to provide penalties; to change and eliminate certain election provisions under the Nebraska Liquor Control Act and provisions relating to alcohol sales; to adopt by reference provisions of the National Electrical Code; to harmonize provisions; to provide severability; to repeal the original sections; to outright

repeal sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB998 with 35 ayes, 4 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 998. With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013; to change provisions relating to disposition of human remains, offenses related to the person, sexual exploitation, labor trafficking, and sex trafficking, the Sex Offender Registration Act, and enforcement provisions regarding driving under the influence; to harmonize provisions; to repeal the original sections; and to

declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1048 with 39 ayes, 3 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1048.

A BILL FOR AN ACT relating to elections; to amend sections 32-613, 32-614, 32-701, 32-702, 32-703, 32-704, 32-719, and 32-720, Reissue Revised Statutes of Nebraska, and sections 32-206, 32-610, and 32-707, Revised Statutes Cumulative Supplement, 2012; to require delivery of the official election calendar as prescribed; to change and eliminate provisions relating to statewide primary elections and political party conventions; to require delegate selection plans for national political party conventions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-706, 32-708, 32-709, and 32-711, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1067 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1067. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5806 and 77-5905, Reissue Revised Statutes of Nebraska, sections 77-27,144, 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, and 77-6309, Revised Statutes Cumulative Supplement, 2012, and section 77-5725, Revised Statutes Supplement, 2013; to change provisions relating to sales and use tax refunds; to extend sunset dates for tax incentives under the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; to change provisions of the Angel Investment Tax Credit Act; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 438, 438A, 674, 717, 759, 800, 851, 863, 908, 998, 1048, and 1067.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 514, 515, 516, 524, and 550 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 514, 515, 516, 524, and 550.

SELECT FILE

LEGISLATIVE BILL 994. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 994A. ER229, found on page 1234, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 719. ER218, found on page 1236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 565. ER233, found on page 1346, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 464A. Senator Krist offered his amendment, AM2709, found on page 1346.

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

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1098. Placed on Select File with amendment.
ER235

- 1 1. In the Standing Committee amendments, AM2594:
- 2 a. On page 7, line 11, strike the comma; and
- 3 b. On page 10, line 13, strike the first comma.
- 4 2. On page 1, strike beginning with "the" in line 1
- 5 through line 5 and insert "natural resources; to amend sections
- 6 2-1501 and 2-1504, Reissue Revised Statutes of Nebraska; to
- 7 change the membership of and provide powers and duties for the
- 8 Nebraska Natural Resources Commission; to state findings and intent
- 9 regarding the Water Sustainability Fund; to provide criteria,
- 10 requirements, and priority for distribution of the fund; to repeal
- 11 the original sections; and to declare an emergency."

LEGISLATIVE BILL 1098A. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB1042:
AM2765

(Amendments to E & R amendments, ER231)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 79-933.07, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-933.07 The board shall adopt and promulgate rules and
- 5 regulations for the purchase of service credit or the repurchase
- 6 of relinquished creditable service, which shall include, but not be
- 7 limited to, the method for determining actuarial cost and interest
- 8 requirements for payments other than one lump-sum payment.
- 9 2. On page 19, line 5, after the second "the" insert

- 10 "relinquished creditable service repurchased or"; and in line 20
11 after "for" insert "purchase of".
12 3. On page 20, line 23, after "has" insert "completed".
13 4. On page 22, line 8, strike "credit or amounts.",
14 show as stricken, and insert "relinquished creditable service
15 or service credit"; in line 9 after "the" insert "relinquished
16 creditable service being repurchased or" and after "purchased"
17 insert an underscored comma; and in line 10 after "and" insert "the
18 repurchase of such relinquished creditable service or".
19 5. On page 37, line 16, after the second comma insert
20 "79-933.07,".
21 6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 485. Title read. Considered.

SENATOR KRIST PRESIDING

Committee AM2111, found on page 1299, was offered.

Senator Christensen offered his amendment, FA301, found on page 1293, to the committee amendment.

SPEAKER ADAMS PRESIDING

SENATOR WATERMEIER PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2014, at 11:53 a.m. were the following: LBs 438e, 438Ae, 674, 717e, 759, 800, 851e, 863e, 908, 998e, 1048, and 1067e.

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

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LR41CA:
MO177

Reconsider the vote on final passage of the resolution.

AMENDMENTS - Print in Journal

Senator Conrad filed the following amendment to LB485:
AM2775

(Amendments to Standing Committee amendments, AM2111)

1 1. Strike section 24.

Senator Conrad filed the following amendment to LB799:
AM2773

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new sections:

2 Sec. 2. (1) Notwithstanding section 44-3.131, (a) any
3 individual or group sickness and accident insurance policy,
4 certificate, or subscriber contract delivered, issued for delivery,
5 or renewed in this state and any hospital, medical, or surgical
6 expense-incurred policy, except for short-term major medical
7 policies of six months or less duration and policies that
8 provide coverage for a specified disease or other limited-benefit
9 coverage, and (b) any self-funded employee benefit plan to
10 the extent not preempted by federal law shall include coverage
11 for amino acid-based elemental formulas, regardless of delivery
12 method, for the diagnosis and treatment of Immunoglobulin E
13 and non-Immunoglobulin E mediated allergies to multiple food
14 proteins, food-protein-induced enterocolitis syndrome, eosinophilic
15 disorders, and impaired absorption of nutrients caused by disorders
16 affecting the absorptive surface, functional length, and motility
17 of the gastrointestinal tract, when the ordering physician has
18 issued a written order stating that the amino acid-based elemental
19 formula is medically necessary for the treatment of a disease or
20 disorder.

21 (2) This section does not prevent application of
22 deductible or copayment provisions contained in the policy,
1 certificate, contract, or employee benefit plan or require that
2 such coverage be extended to any other procedures.

3 Sec. 3. (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,
24 evaluation, or test to diagnose if an individual has an autism
25 spectrum disorder;

26 (e) Pharmacy care means a medication that is prescribed
27 by a licensed physician and any health-related service deemed
1 medically necessary to determine the need or effectiveness of the
2 medication;

3 (f) Psychiatric care means a direct or consultative
4 service provided by a psychiatrist licensed in the state in which
5 he or she practices;

6 (g) Psychological care means a direct or consultative
7 service provided by a psychologist licensed in the state in which
8 he or she practices;

9 (h) Therapeutic care means a service provided by a
10 licensed speech-language pathologist, occupational therapist, or
11 physical therapist; and

12 (i) Treatment means evidence-based care, including
13 related equipment, that is prescribed or ordered for an individual
14 diagnosed with an autism spectrum disorder by a licensed physician
15 or a licensed psychologist, including:

16 (i) Behavioral health treatment;

17 (ii) Pharmacy care;

18 (iii) Psychiatric care;

19 (iv) Psychological care; and

20 (v) Therapeutic care.

21 (2) Notwithstanding section 44-3,131, (a) any individual
22 or group sickness and accident insurance policy or subscriber
23 contract delivered, issued for delivery, or renewed in this state
24 and any hospital, medical, or surgical expense-incurred policy,
25 except for policies that provide coverage for a specified disease
26 or other limited-benefit coverage, and (b) any self-funded employee
27 benefit plan to the extent not preempted by federal law, including
1 any such plan provided for employees of the State of Nebraska,
2 shall provide coverage for the screening, diagnosis, and treatment
3 of an autism spectrum disorder in an individual under twenty-one
4 years of age. To the extent that the screening, diagnosis, and
5 treatment of autism spectrum disorder are not already covered by
6 such policy or contract, coverage under this section shall be
7 included in such policies or contracts that are delivered, issued
8 for delivery, amended, or renewed in this state or outside this
9 state if the policy or contract insures a resident of Nebraska on
10 or after January 1, 2015. No insurer shall terminate coverage or
11 refuse to deliver, issue for delivery, amend, or renew coverage of
12 the insured as a result of an autism spectrum disorder diagnosis or

13 treatment. Nothing in this subsection applies to non-grandfathered
 14 plans in the individual and small group markets that are required
 15 to include essential health benefits under the federal Patient
 16 Protection and Affordable Care Act or to medicare supplement,
 17 accident-only, specified disease, hospital indemnity, disability
 18 income, long-term care, or other limited benefit hospital insurance
 19 policies.

20 (3) Except as provided in subsection (4) of this section,
 21 coverage for an autism spectrum disorder shall not be subject
 22 to any limits on the number of visits an individual may make
 23 for treatment of an autism spectrum disorder, nor shall such
 24 coverage be subject to dollar limits, deductibles, copayments, or
 25 coinsurance provisions that are less favorable to an insured than
 26 the equivalent provisions that apply to a general physical illness
 27 under the policy.

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

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

20 (6) This section shall not be construed as limiting
 21 any benefit that is otherwise available to an individual under
 22 a hospital, surgical, or medical expense-incurred policy or
 23 health maintenance organization contract. This section shall not
 24 be construed as affecting any obligation to provide services
 25 to an individual under an individualized family service plan,
 26 individualized education program, or individualized service plan.

27 Sec. 4. Section 44-7,104, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 44-7,104 (1) Notwithstanding section 44-3,131, (a) any
 3 individual or group sickness and accident insurance policy,
 4 certificate, or subscriber contract delivered, issued for delivery,
 5 or renewed in this state and any hospital, medical, or surgical
 6 expense-incurred policy, except for policies that provide coverage
 7 for a specified disease or other limited-benefit coverage, and (b)

8 any self-funded employee benefit plan to the extent not preempted
 9 by federal law that provides coverage for cancer treatment shall
 10 provide coverage for a prescribed, orally administered anticancer
 11 medication that is used to kill or slow the growth of cancerous
 12 cells on a basis no less favorable than intravenously administered
 13 or injected anticancer medications that are covered as medical
 14 benefits by the policy, certificate, contract, or plan.

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

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

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

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

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

10 Sec. 5. Section 2 of this act becomes operative on
 11 January 1, 2015. The other sections of this act become operative on
 12 their effective date.

13 2. Renumber the remaining section and correct the
 14 repealer accordingly.

Senator Seiler filed the following amendment to LB390:
 AM2770

(Amendments to E & R amendments, ER234)

- 1 1. On page 1, line 21, strike "rifle" and show as
- 2 stricken.

Senator Ashford filed the following amendment to LB907:
 AM2776 is available in the Bill Room.

Senator Krist filed the following amendment to LB788:
 AM2429

- 1 1. On page 3, lines 21 and 22, strike "sanitary and
- 2 improvement district," and show as stricken; and in line 25
- 3 strike "instrumentality, or", show as stricken, and insert "or

4 instrumentality thereof."

5 2. On page 4, strike lines 1 through 3 and show as
6 stricken.

Senator Krist filed the following amendment to LB788:
AM2435

1 1. On page 3, line 24, strike "hospital authority," and
2 show as stricken; and in line 25 strike "instrumentality, or", show
3 as stricken, and insert "or instrumentality thereof".
4 2. On page 4, strike lines 1 through 3 and show as
5 stricken.

Senator Howard filed the following amendment to LB526:
AM2782

(Amendments to Standing Committee amendments, AM1619)

1 1. On page 3, line 3, strike "the".

UNANIMOUS CONSENT - Add Cointroducers

Senators Adams, Avery, Campbell, Conrad, Cook, and Garrett asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Bloomfield, Brasch, K. Haar, Harms, Howard, and Kolowski asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Crawford, Gloor, Hadley, and Pirsch asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators B. Harr, Kintner, Scheer, Seiler, and Smith asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Karpisek, McGill, Mello, Nordquist, and Wightman asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were 23 fourth- through eighth-grade students and teachers from Prairie Hill Learning Center, Roca; 44 fourth-grade students and teachers from Plattsmouth; 10 fourth-grade students and teacher from St. Patrick School, Lincoln; Senator Krist's brother, Jim, from Papillion; Senator Avery's son, William, from Lincoln; 73 fourth-grade students and teachers from Abbott Elementary, Omaha; 17 fourth-grade students and

teacher from Lyons-Decatur Northeast School, Lyons; 70 fourth-grade students, teachers, and sponsors from Hawthorne Elementary, Hastings; and 70 fourth-grade students and teachers from West Dodge Station School, Elkhorn.

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

ADJOURNMENT

At 2:36 p.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Monday, April 7, 2014.

Patrick J. O'Donnell
Clerk of the Legislature