

FIFTY-SIXTH DAY - APRIL 7, 2014
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 7, 2014

PRAYER

The prayer was offered by Reverend Nancy Erickson, First Plymouth Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 464A. Placed on Final Reading.
ST83

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

1. In the Krist amendment, AM 2709:
 - a. On page 2, line 3, "section 50," has been inserted after "by"; and in line 4 "section 50," has been struck; and
 - b. On page 5, line 13, "section 50," has been inserted after "by"; and in line 14 "section 50," has been struck.
2. Original sections 3 and 4 have been renumbered as sections 2 and 3, respectively.
3. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend Laws 2013, LB216A, section 1, and Laws 2013, LB195, section 18, as amended by section 50, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to

the Department of Revenue for purposes of compulsive gamblers assistance; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 565. Placed on Final Reading.
LEGISLATIVE BILL 719. Placed on Final Reading.
LEGISLATIVE BILL 994. Placed on Final Reading.
LEGISLATIVE BILL 994A. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 976. Placed on Select File.

LEGISLATIVE BILL 383. Placed on Select File with amendment.
 ER236 is available in the Bill Room.

LEGISLATIVE BILL 383A. Placed on Select File.

LEGISLATIVE BILL 788. Placed on Select File with amendment.
 ER237

- 1 1. On page 6, line 7, strike "statutes" and insert
- 2 "statute"; and in line 16, after "Unit" insert "Security Interest".
- 3 2. On page 8, line 9, after "measure" insert an
- 4 underscored comma; in line 16 after "unit" insert an underscored
- 5 comma; and in lines 18 and 19 strike "other limited" and insert
- 6 "limited other".
- 7 3. On page 9, lines 1 and 2, strike "other limited" and
- 8 insert "limited other"; and in line 3 strike "statutes" and insert
- 9 "statute".

(Signed) John Murante, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 617. Introduced by Davis, 43; Adams, 24; Ashford, 20; Avery, 28; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Conrad, 46; Cook, 13; Crawford, 45; Dubas, 34; Garrett, 3; K. Haar, 21; Hadley, 37; Howard, 9; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; Nordquist, 7; Scheer, 19; Schumacher, 22; Seiler, 33; Sullivan, 41; Wallman, 30.

WHEREAS, Michael Barth, a senior at Gordon-Rushville High School, won first place in Poetry Interpretation at the 2014 Class C-1 State Speech Championship with a final cumulative score of 147 points; and

WHEREAS, Michael qualified for the state speech championship with a first-place finish at the Class C-1 district speech competition; and

WHEREAS, Michael's poetry performance combined lyrics from the song "Same Love" by Macklemore and the slam poem "Swingset" by Andrea Gibson; 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 Michael Barth on winning first place in Poetry Interpretation at the 2014 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to Michael Barth.

Laid over.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB976:
AM2792

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 17, strike lines 6 through 16.

Senator McCoy filed the following amendment to LB976:
AM2798

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 1, line 15, strike "protect the existing" and
- 2 insert "follow the".
- 3 2. On page 11, strike beginning with the second "and" in
- 4 line 19 through the period in line 20 and insert ", follow county
- 5 lines and the boundaries of municipalities when practicable, and
- 6 recognize communities of interest.".

Senator McCoy filed the following amendment to LB976:
AM2793

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 11, line 12, strike "demographic data."; in
- 2 line 24 after the semicolon insert "or"; and strike beginning with
- 3 the semicolon in line 25 through line 27 and insert an underscored
- 4 period.
- 5 2. On page 12, strike line 1.

Senator McCoy filed the following amendment to LB976:
AM2794

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 10, strike beginning with "Prior" in line 6
- 2 through "(3)" in line 13.
- 3 2. On page 11, line 6, strike "(4)" and insert "(3)".

Senator McCoy filed the following amendment to LB976:

AM2795

(Amendments to Karpisek amendments, AM2745)

1 1. Insert the following new sections:

2 Sec. 6. Cracking means a method of redistricting in which
 3 the electoral strength of a particular group is diluted by dividing
 4 the group in a redistricting plan in such a way as to fragment a
 5 minority group into several districts, none of which constitute a
 6 majority-minority district.

7 Sec. 11. Packing means a method of redistricting in which
 8 one group is consolidated as a super-majority in a small number
 9 of districts in such a way as to reduce the group's electoral
 10 influence in surrounding districts.

11 2. On page 1, line 3, strike "26" and insert "28"; strike
 12 lines 20 and 21 and insert "to ensure that no redistricting plan
 13 cracks or packs any majority or minority population based on race
 14 or language or violates any provision of the Constitution of the
 15 United States, the Constitution of Nebraska, the federal Voting
 16 Rights Act, 42 U.S.C. 1973 et seq., as amended, or any applicable
 17 state or federal court decision."

18 3. On page 2, line 4, strike "15" and insert "17".

19 4. On page 12, strike beginning with "draw" in line 2
 20 through line 4 and insert "prepare any redistricting plan that
 21 cracks or packs any majority or minority population based on race
 22 or language or violates any provision of the Constitution of the
 1 United States, the Constitution of Nebraska, the federal Voting
 2 Rights Act, 42 U.S.C. 1973 et seq., as amended, or any applicable
 3 state or federal court decision."

4 5. Renumber the remaining sections and correct internal
 5 references accordingly.

Senator Conrad filed the following amendment to LB485:

AM2800

(Amendments to AM2111)

1 1. Strike section 24.

MESSAGES FROM THE GOVERNOR

April 4, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 744e, 744A, and 768e were received in my office on March 31, 2014.

These bills were signed and delivered to the Secretary of State on April 4, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

April 4, 2014

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 690 and LB 690A without my signature and with my objections.

LB 690 would establish a task force to recommend a statewide strategic plan to address the needs of Nebraska's aging population. I support this long-term planning provision; however, the bill also requires the Department of Health and Human Services (DHHS) to apply for federal funding through the Balancing Incentive Payments Program.

We all share the goal of allowing Nebraskans to remain in their own homes to reduce the use of more costly institutional nursing care. DHHS has implemented a number of programs to achieve this goal including the Aged and Disabled Waiver Program, the Money Follows the Person Project, and the Program of All-Inclusive Care for the Elderly.

My concern with LB 690 is that it creates a new \$30 million annual expansion of Medicaid premised on a bait-and-switch by the federal government. After September of 2015, the 2% enhanced match provided through the federal Balancing Incentive Payments Program ends – shifting an annual \$6 million General Fund burden to Nebraska taxpayers. LB 690 would saddle Nebraska taxpayers with an annual \$30 million new program without sustainable federal funding.

Additionally, on March 26, 2014, the Legislative Fiscal Office and Department of Administrative Services (DAS) Budget Office received information that Nebraska's Medicaid match rate (FMAP) will decrease from 53.27% to 52.11%. The reduced match rate is estimated to require an additional \$47 million General Funds in the 2015-2017 biennial budget just to maintain our current Medicaid services. LB 690 will exacerbate future state budget pressures.

The goal of controlling the growth of nursing home care is laudable and we are moving in the right direction with current programs. It would, however,

be fiscally irresponsible and short-sighted to dive head-first into a new, expanded, and ongoing program that is paid for by what is essentially one-time funds.

For these reasons, I respectfully urge you to sustain my veto of LB 690 and LB 690A.

Sincerely,
(Signed) Dave Heineman
Governor

MOTIONS - Print in Journal

Senator Bolz filed the following motion to LB690:
MO178
Becomes law notwithstanding the objections of the Governor.

Senator Bolz filed the following motion to LB690A:
MO179
Becomes law notwithstanding the objections of the Governor.

GENERAL FILE

LEGISLATIVE BILL 485. Senator Christensen renewed his amendment, FA301, found on page 1293 and considered on page 1410, to the committee amendment.

Pending.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB390:
AM2762

(Amendments to E & R amendments, ER234)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 3-402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 3-402 As used in sections 3-401 to 3-409 and section 4 of
- 5 this act, unless the context otherwise requires:
- 6 (1) Structure ~~shall mean means~~ any manmade object which
- 7 is built, constructed, projected, or erected upon, from, and above
- 8 the surface of the earth, including, but not limited to, towers,
- 9 antennas, buildings, wires, cables, and chimneys;
- 10 (2) Obstruction ~~shall mean means~~ any structure which
- 11 obstructs the air space required for the flight of aircraft and in
- 12 the landing and taking off of aircraft at any airport or restricted
- 13 landing area; ~~and~~
- 14 (3) Meteorological evaluation tower means an anchored
- 15 structure, including all guy wires and accessory facilities, on

16 which one or more meteorological instruments are mounted for the
17 purpose of meteorological data collection; and

18 ~~(3)~~(4) Person ~~shall mean~~ means any public utility,
19 public district, or other governmental division or subdivision or
20 any person, corporation, partnership, or limited liability company.

21 Sec. 2. Section 3-404, Reissue Revised Statutes of
22 Nebraska, is amended to read:

1 3-404 The application for the permit, required by section
2 3-403, shall be made in writing on forms prescribed by the
3 Department of Aeronautics and shall contain or be accompanied by
4 details as to the location, construction, height, and dimensions
5 of the proposed structure, the nature of its intended use,
6 and such other information as the Director of Aeronautics may
7 require. Upon the filing of such application the director shall
8 make an investigation and an aeronautical study of such proposed
9 construction and its effect, if any, upon air navigation, and the
10 health, welfare, and safety of the public. If the director, upon
11 such investigation, shall determine that such proposed structure
12 will not constitute a hazard to air navigation and will not
13 interfere unduly with the public right of freedom of transit in
14 commerce through the air space affected thereby, he or she shall
15 issue to the applicant a permit, required by section 3-403,
16 authorizing the erection and construction of such structure,
17 subject to such conditions as to marking and lighting as the
18 department may prescribe by its rules and regulations, authorized
19 by section 3-407. If he or she does not so determine, he or
20 she shall deny the application. In making such investigation,
21 aeronautical study, and determination, the director shall consider
22 (1) the character of flying operations expected to be conducted
23 in the area concerned, (2) the nature of the terrain, (3) the
24 character of the neighborhood, (4) the uses to which the property
25 concerned is devoted or adaptable, (5) the proximity to existing
26 airports, airways, control areas, and control zones, (6) the
27 height of existing, adjacent structures, and (7) all the facts
1 and circumstances existing. He or she shall impose only such
2 restrictions or requirements as may be reasonably necessary to
3 effectuate the purpose of sections 3-401 to 3-409 and section 4 of
4 this act.

5 Sec. 3. Section 3-405, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 3-405 Any person aggrieved by any action of the
8 Department of Aeronautics in granting or denying a permit under the
9 terms of sections 3-401 to 3-409 and section 4 of this act may
10 appeal the action, and the appeal shall be in accordance with the
11 Administrative Procedure Act.

12 Sec. 4. (1) A meteorological evaluation tower, the height
13 of which is at least fifty feet above the surface of the ground at
14 the point of installation, shall be marked according to subsection
15 (2) of this section. This section applies to a meteorological

16 evaluation tower that is located outside the corporate limits of a
17 city or village.

18 (2) A meteorological evaluation tower described in
19 subsection (1) of this section shall: (a) Be painted in seven
20 equal-width and alternating bands of aviation orange and white
21 beginning with orange at the top of the tower and ending with
22 orange at the base; (b) have two or more spherical marker balls
23 at least twenty-one inches in diameter that are aviation orange
24 in color and attached to each outer guy wire connected to the
25 tower with the top ball no further than twenty feet from the top
26 wire connection and the remaining ball or balls at or below the
27 mid-point of the tower on the outer guy wires; and (c) have yellow
1 safety sleeves installed on each outer guy wire extending at least
2 fourteen feet above the anchor point of the guy wire.

3 (3) The owner of a meteorological evaluation tower
4 subject to this section shall, not less than ten business
5 days prior to erecting the tower, register with the Department
6 of Aeronautics the name and address of the owner, the height
7 and location of the tower, and any other information that the
8 department deems necessary for aviation safety. The owner of a
9 tower subject to this section shall also report the removal of the
10 tower to the department not more than thirty business days after
11 its removal. The department shall make the information received
12 pursuant to this subsection available to the public within five
13 business days.

14 (4) The owner of a tower described in subsection (1)
15 of this section that was erected prior to the effective date of
16 this act and which is either lighted, marked with balls at least
17 twenty-one inches in diameter, painted, or modified in some other
18 manner so it is recognizable in clear air during daylight hours
19 from a distance of not less than two thousand feet, shall mark
20 the tower as required by subsection (2) of this section within two
21 years after the effective date of this act or at such time as the
22 tower is taken down for maintenance or other purposes, whichever
23 comes first, except that the owner of a tower erected prior to the
24 effective date of this act which is not lighted, marked, painted,
25 or modified as described in this subsection shall mark such tower
26 as required by subsection (2) of this section within ninety days
27 after the effective date of this act. The registration requirements
1 of subsection (3) of this section shall be performed by the owner
2 of a tower erected prior to the effective date of this act within
3 fifteen business days after the effective date of this act.

4 (5) A material failure to comply with the marking and
5 registration requirements of this section shall be admissible as
6 evidence of negligence on the part of an owner of a meteorological
7 evaluation tower in an action in tort for property damage, bodily
8 injury, or death resulting from an aerial collision with such
9 unmarked or unregistered tower.

10 (6) The department may adopt and promulgate rules and

11 regulations for carrying out the purposes of this section.

12 Sec. 5. Section 3-406, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 3-406 The provisions of sections 3-403 to 3-405 shall
15 not apply to structures hereafter erected under the authority of
16 a license or permit issued by a federal agency or other state
17 agency now having specific statutory jurisdiction over the air
18 space, including authority to prohibit or regulate the height of
19 structures for the promotion of safety in aviation, nor to existing
20 structures. Nothing in sections 3-401 to 3-409 and section 4 of
21 this act shall be construed to limit or abridge any right, power,
22 or authority to zone property under the provisions of any other
23 law of this state or of the federal government except, that in the
24 event of any conflict between the regulations for height limits
25 of structures, lighting, and marking adopted under the provisions
26 of sections 3-401 to 3-409 and section 4 of this act, and any
27 other regulations applicable to the same area, the more stringent
1 limitation or requirement shall govern and prevail.

2 Sec. 6. Section 3-408, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 3-408 Any person, firm, or corporation (1) violating
5 any of the provisions of sections 3-401 to 3-409 and section 4
6 of this act, (2) submitting false information in the application
7 for a permit, (3) violating any rule or regulation adopted by
8 the Department of Aeronautics, ~~pursuant hereto, as authorized by~~
9 ~~section 3-407~~, (4) failing to do and perform any act required
10 hereby, or (5) violating the terms of any permit issued pursuant
11 to the provisions of sections 3-401 to 3-409 and section 4 of
12 this act, shall be guilty of a Class III misdemeanor. Each day any
13 violation continues or any structure erected in violation of the
14 provisions of sections 3-401 to 3-409 and section 4 of this act
15 shall continue in existence, shall constitute a separate offense.

16 Sec. 7. Section 3-409, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 3-409 In addition to the penalties provided for by
19 section 3-408, the erection and maintenance of any structure
20 in violation of the provisions of sections 3-401 to 3-409 and
21 section 4 of this act may be enjoined by any court of competent
22 jurisdiction in an action for that purpose commenced by the
23 Department of Aeronautics or any other interested person. The
24 erection of such structure and permitting the same to stand or
25 remain, in violation of the provisions of sections 3-401 to 3-409
26 and section 4 of this act, is hereby declared to be a nuisance and
27 the department, or its authorized agent, is authorized to go upon
1 the premises and abate such nuisance by removing such structure
2 after five days' notice to the interested parties, to be served by
3 mail addressed to them at their last-known place of business or
4 residence. The expense incident to the removal of such structure
5 shall be paid by the owners thereof and if the department removes

6 such structures as provided in this section the expense incurred by
 7 the department may be recovered from the sale of the structure or
 8 its salvage material.

9 Sec. 12. The following section is outright repealed:

10 Section 66-1901, Revised Statutes Cumulative Supplement, 2012.

11 Sec. 13. Since an emergency exists, this act takes effect

12 when passed and approved according to law.

13 2. Renumber the remaining sections and correct the

14 repealer accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 618. Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

2014 Resolution calling for an Interim Study

LR618	Interim study to examine issues under the jurisdiction of the Education Committee	Education
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(Signed) John Wightman, Chairperson
 Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Senator Bolz asked unanimous consent to add her name as cointroducer to LR427. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhower, from Sterling, and friend Deb Badeer, from Panama; Paige Kristensen, Dylan Steinkruger, and Austin Johnson from Minden; 50 ninth-grade students and teachers from Lincoln Northeast High School; 12 students and teachers from Nebraska Christian College, Papillion; 78 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 20 eighth-grade students and teacher from Logan Fontenelle School, Bellevue.

RECESS

At 11:58 a.m., on a motion by Senator Mello, 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 Avery, Chambers, Christensen, Janssen, Pirsch, and Schilz who were excused until they arrive.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE RESOLUTION 482. Reported to the Legislature for further consideration.

The Natural Resources 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.

Kevin Peterson - Nebraska Environmental Trust Board

Aye: 6 Brasch, Carlson, Dubas, Johnson, Schilz, Smith. Nay: 2. K. Haar, Kolowski. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Mark A. Ondracek - Nebraska Ethanol Board
Michael Thede - Nebraska Ethanol Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

MOTION - Reconsider Final Passage of LR41CA

Senator Lautenbaugh offered his motion, MO177, found on page 1410, to reconsider the vote on final passage of LR41CA.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 32:

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

Voting in the negative, 15:

Adams	Brasch	Christensen	Kintner	Pirsch
Avery	Carlson	Garrett	McCoy	Smith
Bloomfield	Chambers	Harms	Nelson	Watermeier

Present and not voting, 2:

Crawford Krist

The Lautenbaugh motion to reconsider prevailed with 32 ayes, 15 nays, and 2 present and not voting.

RESOLUTION ON FINAL READING

The following resolution was put upon final passage:

LEGISLATIVE RESOLUTION 41CA.

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, 30:

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

Voting in the negative, 17:

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

Present and not voting, 2:

Coash	Krist
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 485. The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

Pending.

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR41CA.

GENERAL FILE

LEGISLATIVE BILL 485. The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

SENATOR KRIST PRESIDING

SENATOR GLOOR PRESIDING

SENATOR COASH PRESIDING

Pending.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 7, 2014, at 2:25 p.m. was the following: LR41CA.

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

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB671:
MO180

Suspend the rules, Rule 7, Sec. 7, to permit reconsideration of MO175, to reconsider the vote that the bill becomes law notwithstanding the objections of the Governor.

Senator Chambers filed the following motion to LB671:
MO181

Reconsider the override vote on MO161, that the bill becomes law notwithstanding the objections of the Governor

COMMITTEE REPORTS

General Affairs

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

James S. Brummer - State Electrical Board

Aye: 5 Bloomfield, Coash, Crawford, Johnson, Karpisek. Nay: 0. Absent: 3 Krist, Lautenbaugh, Schilz. Present and not voting: 0.

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

Jeffrey Galyen - State Racing Commission

Dennis Lee - State Racing Commission

Aye: 6 Bloomfield, Coash, Crawford, Karpisek, Lautenbaugh, Schilz. Nay: 0. Absent: 2 Johnson, Krist. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below for the term July 1, 2014 - June 30, 2017. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Marla Bruder - Nebraska Commission on Problem Gambling

Edward F. Hoffman - Nebraska Commission on Problem Gambling
Janelle Holt - Nebraska Commission on Problem Gambling

Aye: 6 Bloomfield, Coash, Crawford, Johnson, Karpisek, Lautenbaugh.
Nay: 0. Absent: 2 Krist, Schilz. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

AMENDMENTS - Print in Journal

Senator Scheer filed the following amendments to LB916:

AM2817

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 1.

AM2818

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 2.

AM2819

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 3.

AM2820

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 4.

AM2821

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 5.

AM2822

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 6.

AM2823

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 7.

GENERAL FILE

LEGISLATIVE BILL 485. The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

Senator Conrad offered the following motion:

MO182

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Conrad moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Conrad requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 26:

Adams	Coash	Haar, K.	Krist	Schumacher
Ashford	Conrad	Hadley	Lathrop	Wallman
Avery	Cook	Harr, B.	Lautenbaugh	
Bolz	Crawford	Howard	McGill	
Campbell	Dubas	Karpisek	Mello	
Chambers	Gloor	Kolowski	Nordquist	

Voting in the negative, 22:

Bloomfield	Hansen	Larson	Scheer	Watermeier
Brasch	Harms	McCoy	Schilz	Wightman
Carlson	Janssen	Murante	Seiler	
Christensen	Johnson	Nelson	Smith	
Garrett	Kintner	Pirsch	Sullivan	

Present and not voting, 1:

Davis

The Conrad motion to invoke cloture failed with 26 ayes, 22 nays, and 1 present and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB1042:
AM2826

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.

- 15 (3) A person nineteen years of age or older having a
 16 valid hunting permit shall not supervise more than two persons
 17 while hunting deer, antelope, elk, or mountain sheep, or mountain
 18 ~~hens~~ at the same time.
 19 Sec. 2. Original section 37-452, Revised Statutes
 20 Cumulative Supplement, 2012, is repealed.
 21 Sec. 3. The following section is outright repealed:
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers offered the following amendments with similar content of AM2826 to LB1042:

LB1042A - AM2827
 LB961 - AM2828
 LB1092 - AM2829
 LB916 - AM2830
 LB276 - AM2831
 LB276A - AM2832
 LB559 - AM2833
 LB559A - AM2834

Senators Carlson and Lathrop filed the following amendment to LB1098:
 AM2783 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB976:
 AM2812 is available in the Bill Room.

Senator Ashford filed the following amendment to LB907A:
 AM2842

- 1 1. Strike sections 3 and 4 and insert the following new
 2 section:
 3 Sec. 3. There is hereby appropriated (1) \$5,000,000 from
 4 the General Fund for FY2014-15 and (2) \$5,000,000 from the General
 5 Fund for FY2015-16 to the Department of Correctional Services,
 6 for Program 214 - Vocational and Life Skills Program, to aid in
 7 carrying out the provisions of Legislative Bill 907, One Hundred
 8 Third Legislature, Second Session, 2014.
 9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$1,109,100 for FY2014-15 or \$1,129,100 for FY2015-16.
 12 There is included in the appropriation to this program
 13 for FY2014-15 \$3,500,000 General Funds for state aid, which
 14 shall only be used for such purpose. There is included in the
 15 appropriation to this program for FY2015-16 \$3,500,000 General
 16 Funds for state aid, which shall only be used for such purpose.
 17 2. Renumber the remaining sections accordingly.

Senator Janssen filed the following amendment to LB383A:

AM2777

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated \$55,138 from
- 3 the Department of Motor Vehicles Cash Fund for FY2015-16 to the
- 4 Department of Motor Vehicles, for Program 70, to aid in carrying
- 5 out the provisions of Legislative Bill 383, One Hundred Third
- 6 Legislature, Second Session, 2014.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$30,890 for FY2015-16.

Senator Campbell filed the following amendment to LB526:

AM2719

(Amendments to Standing Committee amendments, AM1619)

- 1 1. Strike sections 3, 4, 5, 6, 8, 9, 10, and 11.
- 2 2. On page 1, lines 20 through 23, strike the new matter
- 3 and reinstate the stricken matter.
- 4 3. On page 2, strike lines 1 through 3 and insert the
- 5 following new subsection:
- 6 "(3) Pharmaceutical agents, for therapeutic purposes,
- 7 includes an epinephrine autoinjector for treatment of anaphylaxis
- 8 and an oral steroid, oral glaucoma agent, or oral immunosuppressive
- 9 agent. Such pharmaceutical agents may only be prescribed for
- 10 a patient who is more than eighteen years of age for seven
- 11 consecutive days with referral to a physician licensed to practice
- 12 medicine and surgery in this state after the seven-day period. No
- 13 more than one oral immunosuppressive agent may be prescribed for a
- 14 patient at one time."
- 15 4. Renumber the remaining sections and correct the
- 16 internal references and repealer accordingly.

Senator Watermeier filed the following amendment to LB1098A:

AM2845

- 1 1. Strike the Watermeier amendment, AM2747.
- 2 2. On page 2, line 17, strike each occurrence of
- 3 "\$62,637" and insert "\$90,613"; in line 19 strike "\$20,899,940"
- 4 and insert "\$20,865,593"; and in line 21 strike "\$10,899,940" and
- 5 insert "\$10,872,993".
- 6 3. On page 3, after line 5 insert:
- 7 "It is the intent of the Legislature that the Nebraska
- 8 Natural Resources Commission, in conjunction with the Department of
- 9 Natural Resources, shall consider the need for a funding cap to
- 10 help insure both the prudent management of the Water Sustainability
- 11 Fund and the timely cash flow of projects approved for funding
- 12 under the Water Sustainability Fund. The Department of Natural
- 13 Resources shall include the preliminary findings of the Nebraska
- 14 Natural Resources Commission regarding this matter in its FY2015-17
- 15 biennial budget submission."

RESOLUTION

LEGISLATIVE RESOLUTION 619. Introduced by Mello, 5; K. Haar, 21.

WHEREAS, Earth Day is April 22, 2014; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day went global in 1990 when 200 million people in 141 countries participated in activities and events; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at local, state, national, and global levels; and

WHEREAS, the Earth Day Network works with over 22,000 partners in 192 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network estimates that this year 500 million people from 4,500 organizations in 180 countries will participate in Earth Day events during the month of April.

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

1. That the Legislature designates April 22, 2014, as Earth Day in the State of Nebraska.

2. That on this day Nebraskans are encouraged to volunteer and take the opportunity to join the millions of other Earth Day participants in reducing, reusing, and recycling, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

SENATOR KRIST PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 799. Committee AM1730, found on page 523 and considered on page 994, was renewed.

Senator Coash offered his amendment, AM2538, found on page 1333, to the committee amendment.

SENATOR HOWARD PRESIDING**SENATOR KRIST PRESIDING**

The Coash amendment was adopted with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB907:
AM2870

(Amendments to AM2776)

- 1 1. Strike section 11 and insert the following new
- 2 sections:
- 3 Sec. 11. (1) The Legislature finds that while serious
- 4 crime in the State of Nebraska has not increased in the past five
- 5 years, the prison population continues to increase as does the
- 6 amount spent on correctional issues. The Legislature further finds
- 7 that a need exists to closely examine the criminal justice system
- 8 of the State of Nebraska in order to increase public safety while
- 9 concurrently reducing correctional spending and reinvesting in
- 10 strategies that decrease crime and strengthen Nebraska communities.
- 11 (2) The State of Nebraska shall work cooperatively with
- 12 the Council of State Governments Justice Center to study and
- 13 identify innovative solutions and evidence-based practices to
- 14 develop a data-driven approach to reduce correctional spending
- 15 and reinvest savings in strategies that can decrease recidivism and
- 16 increase public safety. The Nebraska Justice Reinvestment Working
- 17 Group is created under the authority of the executive, legislative,
- 18 and judicial branches of Nebraska state government to work with the
- 19 Council of State Governments Justice Center in this process.
- 20 (3) The Governor, the Executive Board of the Legislative
- 21 Council, and the Chief Justice of the Supreme Court are authorized
- 22 to take any necessary actions to engage the Council of State
- 1 Governments Justice Center in this process and to ensure that the
- 2 report required by subsection (6) of this section is delivered.
- 3 Upon delivery of the report, the working group shall be dissolved
- 4 and discharged of any further duties.
- 5 (4) The working group shall be comprised of four members
- 6 selected by the Governor, four members selected by the Speaker
- 7 of the Legislature, four members selected by the Chief Justice of
- 8 the Supreme Court, and four representatives of local governments
- 9 selected jointly by the Governor, the Speaker of the Legislature,
- 10 and the Chief Justice. The Governor, Speaker of the Legislature,
- 11 and Chief Justice shall serve as co-chairpersons of the working
- 12 group.
- 13 (5) The study undertaken in accordance with this section
- 14 shall include a broad range of issues, including:
- 15 (a) Courts, specialty courts, and sentencing trends;
- 16 (b) Development of a process to determine the impact of
- 17 pending legislation on the criminal justice system;
- 18 (c) Analysis of the prison population and its growth;
- 19 (d) Reported crimes and arrests;
- 20 (e) Alternatives to incarceration;
- 21 (f) Effectiveness of all available offender programs,
- 22 including prison programs and community-based programs;

- 23 (g) Reentry programming and transition;
 24 (h) Prison programming;
 25 (i) Community services;
 26 (j) Probation and parole services;
 27 (k) Prison admissions and length of stay; and
 1 (l) Recidivism rates of offenders released from prison,
 2 jail, parole, probation, and other community-based programs.
 3 (6) The Council of State Governments Justice Center
 4 shall make a final report that includes a summary of the issues
 5 studied as required by subsection (5) of this section, potential
 6 legislative solutions for the problems associated with prison
 7 overcrowding, and an estimate of the cost savings for all policies
 8 recommended by the center. The Council of State Governments Justice
 9 Center shall electronically deliver the report to the Governor,
 10 the Clerk of the Legislature, and the Chief Justice of the Supreme
 11 Court.
 12 Sec. 22. The following sections are outright repealed:
 13 Sections 29-2208 and 29-2405, Reissue Revised Statutes of Nebraska.
 14 2. On page 5, lines 5 and 18, after "record" insert
 15 "information"; and in line 27 strike "but is not".
 16 3. On page 6, line 1, strike "limited to".
 17 4. On page 7, line 5, strike "Thirty" and insert "Up
 18 to thirty"; in line 6 strike "shall" and insert "may"; in line 9
 19 strike "Seventy" and insert "At least seventy"; strike lines 16 and
 20 17 and insert "parole. The department, in awarding grants, shall
 21 give priority to programs, services, or training that results in
 22 meaningful employment, and no money from the"; in line 19 after
 23 "department" insert ", in consultation with the Board of Parole,";
 24 and in line 25 after the second "the" insert "Clerk of the".
 25 5. On page 8, line 5; and page 10, line 3, before
 26 "Legislature" insert "Clerk of the".
 27 6. On page 13, line 7, strike beginning with the first
 1 "the" through "leaving"; in line 8 strike "court or the"; and
 2 strike beginning with the period in line 24 through "be" in line
 3 27.
 4 7. On page 14, line 14, strike "that is not" and insert
 5 "other than".
 6 8. Insert the following new amendment:
 7 3. On page 28, line 16, strike "Nebraska Commission on
 8 Law Enforcement and Criminal Justice" and insert "Department of
 9 Correctional Services".

GENERAL FILE

LEGISLATIVE BILL 799. Senator Nordquist offered his amendment, AM2691, found on page 1385, to the committee amendment.

The Nordquist amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Conrad asked unanimous consent to withdraw her amendment, AM2773, found on page 1411, and replace it with the following substitute amendment, AM2871, to the committee amendment. No objections. So ordered.

AM2871

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new sections:

2 Sec. 2. The Department of Health and Human Services

3 shall establish a program to provide amino acid-based elemental
4 formulas for the diagnosis and treatment of Immunoglobulin E
5 and non-Immunoglobulin E mediated allergies to multiple food
6 proteins, food-protein-induced enterocolitis syndrome, eosinophilic
7 disorders, and impaired absorption of nutrients caused by disorders
8 affecting the absorptive surface, functional length, and motility
9 of the gastrointestinal tract, when the ordering physician has
10 issued a written order stating that the amino acid-based elemental
11 formula is medically necessary for the treatment of a disease
12 or disorder. Up to fifty percent of the actual out-of-pocket
13 cost, not to exceed twelve thousand dollars, for amino acid-based
14 elemental formulas shall be available to an individual without
15 fees each twelve-month period. Nothing in this section is deemed
16 to be an entitlement. The maximum total General Fund expenditures
17 per year for amino acid-based elemental formulas shall not exceed
18 two hundred fifty thousand dollars each fiscal year in FY2014-15
19 and FY2015-16. The Department of Health and Human Services shall
20 provide an electronic report on the program to the Legislature
21 annually on or before December 15 of each year.

2 Sec. 3. There is hereby appropriated (1) \$250,000 from
1 the General Fund for FY2014-15 and (2) \$250,000 from the General
2 Fund for FY2015-16 to the Department of Health and Human Services,
3 for Program 514, to aid in carrying out the provisions of this
4 legislative bill.

5 No expenditures for permanent and temporary salaries and
6 per diems for state employees shall be made from funds appropriated
7 in this section.

8 Sec. 4. There is hereby appropriated (1) \$10,000 from
9 the General Fund for FY2014-15 and (2) \$10,000 from the General
10 Fund for FY2015-16 to the Department of Health and Human Services,
11 for Program 33, to aid in carrying out the provisions of this
12 legislative bill.

13 Total expenditures for permanent and temporary salaries
14 and per diems from funds appropriated in this section shall not
15 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.

16 Sec. 5. Sections 2, 3, and 4, of this act become
17 operative on July 1, 2014. Sections 5 and 7 of this act become
18 operative on their effective date. The other sections of this act
19 become operative three calendar months after adjournment of this
20 legislative session.

21 Sec. 7. Since an emergency exists, this act takes effect

- 22 when passed and approved according to law.
 23 2. Renumber the remaining section accordingly.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Conrad amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

AM2814

(Amendments to Standing Committee amendments, AM1730)

- 1 1. Strike sections 1 and 2 and amendments to such
 2 sections.

SENATOR WATERMEIER PRESIDING

Senator Krist offered the following motion:

MO183

Bracket until April 17, 2014.

Senator Krist withdrew his motion to bracket.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Adams	Cook	Harr, B.	Lathrop	Wallman
Avery	Davis	Howard	McGill	
Bolz	Dubas	Karpisek	Mello	
Conrad	Haar, K.	Kolowski	Sullivan	

Voting in the negative, 23:

Bloomfield	Coash	Harms	Lautenbaugh	Seiler
Brasch	Garrett	Johnson	McCoy	Smith
Campbell	Gloor	Kintner	Murante	Watermeier
Carlson	Hadley	Krist	Nelson	
Christensen	Hansen	Larson	Scheer	

Present and not voting, 4:

Chambers Crawford Nordquist Schumacher

Excused and not voting, 5:

Ashford Janssen Pirsch Schilz Wightman

The Chambers amendment lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

AM2824

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Lautenbaugh requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

SENATOR KRIST PRESIDING

The Chair ruled the Chambers amendment is not germane to the bill.

Senator B. Harr offered the following amendment to the committee amendment:

AM2875

1 1. Insert the following new section:
2 Section 1. Section 60-310, Revised Statutes Supplement,
3 2013, is amended to read:
4 60-310 Automobile liability policy means liability
5 insurance written by an insurance carrier duly authorized to do
6 business in this state protecting other persons from damages for
7 liability on account of accidents occurring subsequent to the
8 effective date of the insurance arising out of the ownership of
9 a motor vehicle (1) in the amount of twenty-five thousand dollars
10 because of bodily injury to or death of one person in any one
11 accident, (2) subject to the limit for one person, in the amount
12 of fifty thousand dollars because of bodily injury to or death of
13 two or more persons in any one accident, and (3) in the amount of
14 twenty-five thousand dollars because of injury to or destruction
15 of property of other persons in any one accident. An automobile
16 liability policy shall not exclude, limit, reduce, or otherwise
17 alter liability coverage under the policy solely because the
18 injured person making a claim is the named insured in the policy or
19 residing in the household with the named insured or the driver of
20 the insured vehicle is a permissive user of the vehicle.
21 2. Correct the repealer accordingly and provide that
22 this section become operative three calendar months after the
23 adjournment of this legislative session.

Senator Lautenbaugh requested a ruling of the Chair on whether the B. Harr amendment is germane to the bill.

The Chair ruled the B. Harr amendment is not germane to the bill.

Senator B. Harr challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator B. Harr requested a roll call vote on his motion to overrule the chair.

The B. Harr motion to overrule the Chair failed with 10 ayes, 31 nays, 4 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Senator Chambers offered the following motion:

MO184

Recommit to the Banking, Commerce and Insurance Committee.

Pending.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB752:
AM2841

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Lathrop filed the following amendment to LB811:
FA323
Strike Section 1.

Senator Lathrop filed the following amendment to LB811:
FA324
Strike Section 1.

Senator Chambers filed the following amendment to LB799:
FA325
Amend AM1730
Page 1, line 18, strike and show as stricken "substantially".

Senator Coash filed the following amendment to LB750:
FA326
Strike the enacting clause.

Senator Lautenbaugh filed the following amendment to LB799:
FA327
Strike Section 1.

Senator Nordquist filed the following amendment to LB700:

AM2878

- 1 1. Strike original section 12 and insert the following
- 2 new sections:
- 3 Sec. 12. Section 44-7,104, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 44-7,104 (1) Notwithstanding section 44-3,131, (a) any
- 6 individual or group sickness and accident insurance policy,
- 7 certificate, or subscriber contract delivered, issued for delivery,
- 8 or renewed in this state and any hospital, medical, or surgical
- 9 expense-incurred policy, except for policies that provide coverage
- 10 for a specified disease or other limited-benefit coverage, and (b)
- 11 any self-funded employee benefit plan to the extent not preempted
- 12 by federal law that provides coverage for cancer treatment shall
- 13 provide coverage for a prescribed, orally administered anticancer
- 14 medication that is used to kill or slow the growth of cancerous
- 15 cells on a basis no less favorable than intravenously administered
- 16 or injected anticancer medications that are covered as medical
- 17 benefits by the policy, certificate, contract, or plan.
- 18 (2) This section does not prohibit such policy,
- 19 certificate, contract, or plan from requiring prior authorization
- 20 for a prescribed, orally administered anticancer medication. If
- 21 such medication is authorized, the cost to the covered individual
- 22 shall not exceed the coinsurance or copayment that would be applied
- 23 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 Sec. 13. (1) For purposes of this section:
- 18 (a) Applied behavior analysis means the design,
- 19 implementation, and evaluation of environmental modifications,
- 20 using behavioral stimuli and consequences, to produce socially
- 21 significant improvement in human behavior, including the use of
- 22 direct observation, measurement, and functional analysis of the
- 23 relationship between environment and behavior;
- 24 (b) Autism spectrum disorder means any of the pervasive

25 developmental disorders or autism spectrum disorder as defined by
26 the Diagnostic and Statistical Manual of Mental Disorders, as the
27 most recent edition of such manual existed on the operative date of
1 this section;

2 (c) Behavioral health treatment means counseling and
3 treatment programs, including applied behavior analysis, that are:
4 (i) Necessary to develop, maintain, or restore, to the maximum
5 extent practicable, the functioning of an individual; and (ii)
6 provided or supervised, either in person or by telehealth, by a
7 behavior analyst certified by a national certifying organization or
8 a licensed psychologist if the services performed are within the
9 boundaries of the psychologist's competency;

10 (d) Diagnosis means a medically necessary assessment,
11 evaluation, or test to diagnose if an individual has an autism
12 spectrum disorder;

13 (e) Pharmacy care means a medication that is prescribed
14 by a licensed physician and any health-related service deemed
15 medically necessary to determine the need or effectiveness of the
16 medication;

17 (f) Psychiatric care means a direct or consultative
18 service provided by a psychiatrist licensed in the state in which
19 he or she practices;

20 (g) Psychological care means a direct or consultative
21 service provided by a psychologist licensed in the state in which
22 he or she practices;

23 (h) Therapeutic care means a service provided by a
24 licensed speech-language pathologist, occupational therapist, or
25 physical therapist; and

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

3 (i) Behavioral health treatment;

4 (ii) Pharmacy care;

5 (iii) Psychiatric care;

6 (iv) Psychological care; and

7 (v) Therapeutic care.

8 (2) Notwithstanding section 44-3,131, (a) any individual
9 or group sickness and accident insurance policy or subscriber
10 contract delivered, issued for delivery, or renewed in this state
11 and any hospital, medical, or surgical expense-incurred policy,
12 except for policies that provide coverage for a specified disease
13 or other limited-benefit coverage, and (b) any self-funded employee
14 benefit plan to the extent not preempted by federal law, including
15 any such plan provided for employees of the State of Nebraska,
16 shall provide coverage for the screening, diagnosis, and treatment
17 of an autism spectrum disorder in an individual under twenty-one
18 years of age. To the extent that the screening, diagnosis, and
19 treatment of autism spectrum disorder are not already covered by

20 such policy or contract, coverage under this section shall be
21 included in such policies or contracts that are delivered, issued
22 for delivery, amended, or renewed in this state or outside this
23 state if the policy or contract insures a resident of Nebraska on
24 or after January 1, 2015. No insurer shall terminate coverage or
25 refuse to deliver, issue for delivery, amend, or renew coverage of
26 the insured as a result of an autism spectrum disorder diagnosis or
27 treatment. Nothing in this subsection applies to non-grandfathered
1 plans in the individual and small group markets that are required
2 to include essential health benefits under the federal Patient
3 Protection and Affordable Care Act or to medicare supplement,
4 accident-only, specified disease, hospital indemnity, disability
5 income, long-term care, or other limited benefit hospital insurance
6 policies.

7 (3) Except as provided in subsection (4) of this section,
8 coverage for an autism spectrum disorder shall not be subject
9 to any limits on the number of visits an individual may make
10 for treatment of an autism spectrum disorder, nor shall such
11 coverage be subject to dollar limits, deductibles, copayments, or
12 coinsurance provisions that are less favorable to an insured than
13 the equivalent provisions that apply to a general physical illness
14 under the policy.

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

22 (5) Except in the case of inpatient service, if an
23 individual is receiving treatment for an autism spectrum disorder,
24 an insurer shall have the right to request a review of that
25 treatment not more than once every six months unless the insurer
26 and the individual's licensed physician or licensed psychologist
27 execute an agreement that a more frequent review is necessary.
1 Any such agreement regarding the right to review a treatment plan
2 more frequently shall apply only to a particular individual being
3 treated for an autism spectrum disorder and shall not apply to
4 all individuals being treated for autism spectrum disorder by a
5 licensed physician or licensed psychologist. The cost of obtaining
6 a review under this subsection shall be borne by the insurer.

7 (6) This section shall not be construed as limiting
8 any benefit that is otherwise available to an individual under
9 a hospital, surgical, or medical expense-incurred policy or
10 health maintenance organization contract. This section shall not
11 be construed as affecting any obligation to provide services
12 to an individual under an individualized family service plan,
13 individualized education program, or individualized service plan.

14 Sec. 14. The Department of Health and Human Services

15 shall establish a program to provide amino acid-based elemental
16 formulas for the diagnosis and treatment of Immunoglobulin E
17 and non-Immunoglobulin E mediated allergies to multiple food
18 proteins, food-protein-induced enterocolitis syndrome, eosinophilic
19 disorders, and impaired absorption of nutrients caused by disorders
20 affecting the absorptive surface, functional length, and motility
21 of the gastrointestinal tract, when the ordering physician has
22 issued a written order stating that the amino acid-based elemental
23 formula is medically necessary for the treatment of a disease
24 or disorder. Up to fifty percent of the actual out-of-pocket
25 cost, not to exceed twelve thousand dollars, for amino acid-based
26 elemental formulas shall be available to an individual without
27 fees each twelve-month period. Nothing in this section is deemed
1 to be an entitlement. The maximum total General Fund expenditures
2 per year for amino acid-based elemental formulas shall not exceed
3 two hundred fifty thousand dollars each fiscal year in FY2014-15
4 and FY2015-16. The Department of Health and Human Services shall
5 provide an electronic report on the program to the Legislature
6 annually on or before December 15 of each year.

7 Sec. 15. There is hereby appropriated (1) \$250,000 from
8 the General Fund for FY2014-15 and (2) \$250,000 from the General
9 Fund for FY2015-16 to the Department of Health and Human Services,
10 for Program 514, to aid in carrying out the provisions of this
11 legislative bill.

12 No expenditures for permanent and temporary salaries and
13 per diems for state employees shall be made from funds appropriated
14 in this section.

15 Sec. 16. There is hereby appropriated (1) \$10,000 from
16 the General Fund for FY2014-15 and (2) \$10,000 from the General
17 Fund for FY2015-16 to the Department of Health and Human Services,
18 for Program 33, to aid in carrying out the provisions of this
19 legislative bill.

20 Total expenditures for permanent and temporary salaries
21 and per diems from funds appropriated in this section shall not
22 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.

23 Sec. 17. Sections 1 to 11 of this act become operative
24 on January 1, 2015. Sections 14, 15, and 16 of this act become
25 operative on July 1, 2014. Sections 17 and 19 of this act become
26 operative on their effective date. The other sections of this act
27 become operative three calendar months after adjournment of this
1 legislative session.

2 Sec. 18. Original section 44-7,104, Revised Statutes
3 Cumulative Supplement, 2012, is repealed.

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

6 2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Brasch asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

Senator Schumacher asked unanimous consent to add his name as cointroducer to LR427. No objections. So ordered.

VISITORS

Visitors to the Chamber were 53 fourth-grade students and teachers from Hartman Elementary, Omaha; 20 twelfth-grade students and teachers from Wilcox; and 38 fourth- and fifth-grade students from Pleasanton.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

ADJOURNMENT

At 11:49 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

