

FIFTY-SEVENTH DAY - APRIL 8, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 8, 2014

PRAYER

The prayer was offered by Pastor Jonathan Ripke, Immanuel Lutheran Church, Hooper.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Garrett, Harms, Karpisek, Lautenbaugh, Schilz, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB1115:
AM2874

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 6. 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 9 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. 7. 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 9 of
4 this act.

5 Sec. 8. 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 9 of this act may
10 appeal the action, and the appeal shall be in accordance with the
11 Administrative Procedure Act.

12 Sec. 9. (1) A meteorological evaluation tower, the height
13 of which is at least fifty feet above the surface of the ground
14 at 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 midpoint 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 which 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 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. 10. 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 9 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
24 the 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 9 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. 11. 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 9
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 9 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 9 of this act
15 shall continue in existence, shall constitute a separate offense.

16 Sec. 12. 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 9 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 9 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
7 by the department may be recovered from the sale of the structure
8 or its salvage material.

9 Sec. 13. Original sections 3-402, 3-404, 3-405, 3-406,
10 3-408, and 3-409, Reissue Revised Statutes of Nebraska, are
11 repealed.

12 Sec. 14. The following section is outright repealed:
13 Section 66-1901, Revised Statutes Cumulative Supplement, 2012.

14 2. On page 1, strike beginning with "appropriations" in
15 line 1 through line 4 and insert "infrastructure; to amend sections
16 3-402, 3-404, 3-405, 3-406, 3-408, and 3-409, Reissue Revised
17 Statutes of Nebraska; to state intent to appropriate additional
18 funds to the Nebraska Power Review Board for a study; to state
19 public policy; to define a term; to provide for regulation of
20 meteorological evaluation towers; to provide duties; to eliminate
21 provisions regulating wind measurement equipment; to harmonize
22 provisions; to repeal the original sections; to outright repeal
23 section 66-1901, Revised Statutes Cumulative Supplement, 2012; and
24 to declare an emergency."

25 3. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 907. ER228, found on page 1274, was adopted.

Senator Ashford offered his amendment, AM2776, found on page 1414.

Senator Ashford offered his amendment, AM2870, found on page 1436, to his amendment.

SENATOR COASH PRESIDING

SENATOR GLOOR PRESIDING

The Ashford amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Senator McCoy offered the following amendment to the Ashford amendment:

AM2886

(Amendments to AM2870)

1 1. On page 3, line 11, before the period insert "by
2 September 1, 2015".

The McCoy amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

The Ashford amendment, AM2776, as amended, was adopted with 38 ayes,

0 nays, and 11 present and not voting.

Senator Kintner offered the following amendment:

AM2882

(Amendments to E & R amendments, ER228)

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 28-101, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 28-101 Sections 28-101 to 28-1356 and section 11 of this
- 5 act shall be known and may be cited as the Nebraska Criminal Code.
- 6 Sec. 11. (1) This section shall be known and may be cited
- 7 as the State Firearms Rights Act.
- 8 (2)(a) No ordinance, resolution, or other official act of
- 9 a city or county shall restrict the carrying, possession, transfer,
- 10 purchase, sale, or ownership of or otherwise regulate any firearm,
- 11 ammunition, or component of any firearm or ammunition to a greater
- 12 extent than state law.
- 13 (b) Any agent, employee, or person acting under the
- 14 authority of any governmental entity that violates this subsection
- 15 is guilty of a Class IV felony and shall be barred from holding any
- 16 office of trust in this state or as a representative of this state
- 17 to the government of the United States.
- 18 (3)(a) Any firearm, firearm accessory, or ammunition that
- 19 exists in, is owned by, or is possessed by any individual or entity
- 20 in this state is not subject to any federal enactment or federal
- 21 enforcement action. The rights of an individual or entity relative
- 22 to firearms, firearms accessories, or ammunition are not subject to
- 1 any federal enactment or federal enforcement action in this state.
- 2 (b) No person shall knowingly enforce or attempt to
- 3 enforce any federal enactment or to further or assist any federal
- 4 enforcement action.
- 5 (c) Any person violating subdivision (3)(b) of this
- 6 section is guilty of a Class I misdemeanor for a first offense and
- 7 a Class IV felony for a second or subsequent offense.
- 8 2. Renumber the remaining sections and correct internal
- 9 references and the repealer accordingly.

Senator Hansen requested a ruling of the Chair on whether the Kintner amendment is germane to the bill.

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

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

Senator Kintner moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 22 not voting.

Senator Kintner requested a roll call vote on his motion to overrule the

Chair.

Voting in the affirmative, 1:

Kintner

Voting in the negative, 30:

| | | | | |
|----------|----------|----------|----------|------------|
| Adams | Chambers | Gloor | Karpisek | Nordquist |
| Ashford | Coash | Haar, K. | Kolowski | Seiler |
| Avery | Conrad | Hadley | Krist | Sullivan |
| Brasch | Cook | Hansen | Lathrop | Wallman |
| Campbell | Crawford | Harms | McGill | Watermeier |
| Carlson | Dubas | Johnson | Mello | Wightman |

Present and not voting, 17:

| | | | | |
|-------------|---------|-------------|------------|-------|
| Bloomfield | Garrett | Lautenbaugh | Pirsch | Smith |
| Bolz | Howard | McCoy | Scheer | |
| Christensen | Janssen | Murante | Schilz | |
| Davis | Larson | Nelson | Schumacher | |

Excused and not voting, 1:

Harr, B.

The Kintner motion to overrule the Chair failed with 1 aye, 30 nays, 17 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 907A. ER230, found on page 1282, was adopted.

Senator Ashford withdrew his amendment, AM2842, found on page 1433.

Senator Ashford offered the following amendment:

AM2879

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. There is hereby appropriated (1) \$5,000,000 from
- 3 the General Fund for FY2014-15 and (2) \$5,000,000 from the General
- 4 Fund for FY2015-16 to the Department of Correctional Services,
- 5 for Program 214 - Vocational and Life Skills Program, to aid in
- 6 carrying out the provisions of Legislative Bill 907, One Hundred
- 7 Third Legislature, Second Session, 2014.
- 8 Total expenditures for permanent and temporary salaries

9 and per diems from funds appropriated in this section shall not
 10 exceed \$1,109,100 for FY2014-15 or \$1,129,100 for FY2015-16.
 11 There is included in the appropriation to this program
 12 for FY2014-15 \$3,500,000 General Funds for state aid, which
 13 shall only be used for such purpose. There is included in the
 14 appropriation to this program for FY2015-16 \$3,500,000 General
 15 Funds for state aid, which shall only be used for such purpose.

The Ashford 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

Transportation and Telecommunications

The Transportation and Telecommunications 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.

John F. Krager III - Board of Public Roads Classifications and Standards

Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

The Transportation and Telecommunications 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.

Terry Haack - Nebraska Information Technology Commission

Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB665:
 AM2868

- 1 1. Strike section 44.
- 2 2. On page 3, line 4, strike "37, and 44" and insert "and
- 3 37".
- 4 3. On page 28, line 10, strike "in accordance with the
- 5 act" and insert "by the licensee or under the licensee's control".
- 6 4. On page 29, strike lines 2 through 6.
- 7 5. On page 30, line 4, strike "individual".

- 8 6. On page 47, line 21, strike "and integrated" and
 9 insert "or adopted".
- 10 7. On page 51, after line 11 insert the following new
 11 subdivision:
 12 "(ii) A record of four years or more of progressive
 13 post-accredited-degree experience on engineering projects of a
 14 grade and character which indicates to the board that the applicant
 15 may be competent to practice engineering."; in line 12 strike
 16 "(ii)" and insert "(iii)"; in line 14 strike "(iii)" and insert
 17 "(iv)"; and in line 16 strike "(iv)" and insert "(v)".
- 18 8. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 999. ER225, found on page 1274, was adopted.

Senator Chambers offered the following amendment:
 AM2854

- 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 Chambers withdrew his amendment.

Senator Coash offered the following motion:

MO185

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of the following amendment:

AM2887

1 1. Insert the following new sections:

2 Sec. 2. Section 44-7,104, Revised Statutes Cumulative

3 Supplement, 2012, is amended to read:

4 44-7,104 (1) Notwithstanding section 44-3,131, (a) any
5 individual or group sickness and accident insurance policy,
6 certificate, or subscriber contract delivered, issued for delivery,
7 or renewed in this state and any hospital, medical, or surgical
8 expense-incurred policy, except for policies that provide coverage
9 for a specified disease or other limited-benefit coverage, and (b)
10 any self-funded employee benefit plan to the extent not preempted
11 by federal law that provides coverage for cancer treatment shall
12 provide coverage for a prescribed, orally administered anticancer
13 medication that is used to kill or slow the growth of cancerous
14 cells on a basis no less favorable than intravenously administered
15 or injected anticancer medications that are covered as medical
16 benefits by the policy, certificate, contract, or plan.

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

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

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

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

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

16 Sec. 3. (1) For purposes of this section:

17 (a) Applied behavior analysis means the design,
18 implementation, and evaluation of environmental modifications,
19 using behavioral stimuli and consequences, to produce socially
20 significant improvement in human behavior, including the use of
21 direct observation, measurement, and functional analysis of the

22 relationship between environment and behavior;
23 (b) Autism spectrum disorder means any of the pervasive
24 developmental disorders or autism spectrum disorder as defined by
25 the Diagnostic and Statistical Manual of Mental Disorders, as the
26 most recent edition of such manual existed on the operative date of
27 this section;
1 (c) Behavioral health treatment means counseling and
2 treatment programs, including applied behavior analysis, that are:
3 (i) Necessary to develop, maintain, or restore, to the maximum
4 extent practicable, the functioning of an individual; and (ii)
5 provided or supervised, either in person or by telehealth, by a
6 behavior analyst certified by a national certifying organization or
7 a licensed psychologist if the services performed are within the
8 boundaries of the psychologist's competency;
9 (d) Diagnosis means a medically necessary assessment,
10 evaluation, or test to diagnose if an individual has an autism
11 spectrum disorder;
12 (e) Pharmacy care means a medication that is prescribed
13 by a licensed physician and any health-related service deemed
14 medically necessary to determine the need or effectiveness of the
15 medication;
16 (f) Psychiatric care means a direct or consultative
17 service provided by a psychiatrist licensed in the state in which
18 he or she practices;
19 (g) Psychological care means a direct or consultative
20 service provided by a psychologist licensed in the state in which
21 he or she practices;
22 (h) Therapeutic care means a service provided by a
23 licensed speech-language pathologist, occupational therapist, or
24 physical therapist; and
25 (i) Treatment means evidence-based care, including
26 related equipment, that is prescribed or ordered for an individual
27 diagnosed with an autism spectrum disorder by a licensed physician
1 or a licensed psychologist, including:
2 (i) Behavioral health treatment;
3 (ii) Pharmacy care;
4 (iii) Psychiatric care;
5 (iv) Psychological care; and
6 (v) Therapeutic care.
7 (2) Notwithstanding section 44-3,131, (a) any individual
8 or group sickness and accident insurance policy or subscriber
9 contract delivered, issued for delivery, or renewed in this state
10 and any hospital, medical, or surgical expense-incurred policy,
11 except for policies that provide coverage for a specified disease
12 or other limited-benefit coverage, and (b) any self-funded employee
13 benefit plan to the extent not preempted by federal law, including
14 any such plan provided for employees of the State of Nebraska,
15 shall provide coverage for the screening, diagnosis, and treatment
16 of an autism spectrum disorder in an individual under twenty-one

17 years of age. To the extent that the screening, diagnosis, and
18 treatment of autism spectrum disorder are not already covered by
19 such policy or contract, coverage under this section shall be
20 included in such policies or contracts that are delivered, issued
21 for delivery, amended, or renewed in this state or outside this
22 state if the policy or contract insures a resident of Nebraska on
23 or after January 1, 2015. No insurer shall terminate coverage or
24 refuse to deliver, issue for delivery, amend, or renew coverage of
25 the insured as a result of an autism spectrum disorder diagnosis or
26 treatment. Nothing in this subsection applies to non-grandfathered
27 plans in the individual and small group markets that are required
1 to include essential health benefits under the federal Patient
2 Protection and Affordable Care Act or to medicare supplement,
3 accident-only, specified disease, hospital indemnity, disability
4 income, long-term care, or other limited benefit hospital insurance
5 policies.

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

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

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

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

12 individualized education program, or individualized service plan.
13 Sec. 4. The Department of Health and Human Services
14 shall establish a program to provide amino acid-based elemental
15 formulas for the diagnosis and treatment of Immunoglobulin E
16 and non-Immunoglobulin E mediated allergies to multiple food
17 proteins, food-protein-induced enterocolitis syndrome, eosinophilic
18 disorders, and impaired absorption of nutrients caused by disorders
19 affecting the absorptive surface, functional length, and motility
20 of the gastrointestinal tract, when the ordering physician has
21 issued a written order stating that the amino acid-based elemental
22 formula is medically necessary for the treatment of a disease or
23 disorder. Up to fifty percent of the actual out-of-pocket cost, not
24 to exceed twelve thousand dollars, for amino acid-based elemental
25 formulas shall be available to an individual without fees each
26 twelve-month period. The department shall distribute funds on a
27 first-come, first-served basis. 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. 5. Section 4 of this act becomes operative on July
8 1, 2014. Sections 5 and 7 of this act become operative on their
9 effective date. The other sections of this act become operative
10 three calendar months after adjournment of this legislative
11 session.
12 Sec. 6. Original section 44-7,104, Revised Statutes
13 Cumulative Supplement, 2012, is repealed.
14 Sec. 7. Since an emergency exists, this act takes effect
15 when passed and approved according to law.
16 2. Renumber the remaining section accordingly.

Pending.

VISITORS

Visitors to the Chamber were 16 eleventh- and twelfth-grade students and teachers from Papillion/La Vista; 21 third- and fourth-grade students and teacher from St. James School, Crete; and 39 fourth-grade students and teachers from St. Michael School, Hastings.

RECESS

At 11:59 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Adams, Garrett, Janssen, Larson, and Lautenbaugh who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 999. Senator Coash renewed his motion, MO185, found in this day's Journal, to suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM2887.

Senator Coash withdrew his motion to suspend the rules.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 999A. Senator Chambers offered the following amendment:

AM2855

- 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 Chambers withdrew his amendment.

Senator Conrad offered the following amendment:

AM2890

- 1 1. Insert the following new sections:
- 2 Sec. 3. There is hereby appropriated (1) \$250,000
- 3 from the General Fund for FY2014-15 and (2) \$250,000 from the
- 4 General Fund for FY2015-16 to the Department of Health and Human
- 5 Services, for Program 514, to aid in carrying out the provisions
- 6 of Legislative Bill 999, One Hundred Third Legislature, Second
- 7 Session, 2014.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 Sec. 4. There is hereby appropriated (1) \$10,000 from the
- 12 General Fund for FY2014-15 and (2) \$10,000 from the General Fund
- 13 for FY2015-16 to the Department of Health and Human Services, for
- 14 Program 33, to aid in carrying out the provisions of Legislative
- 15 Bill 999, One Hundred Third Legislature, Second Session, 2014.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.
- 19 Sec. 6. Since an emergency exists, this act takes effect
- 20 when passed and approved according to law.
- 21 2. Renumber the remaining section accordingly.

Senator Conrad withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098. ER235, found on page 1409, was adopted.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA280, found on page 1180, and replace it with the Carlson-Lathrop substitute amendment, AM2783, found on page 1433. No objections. So ordered.

SENATOR GLOOR PRESIDING

Senator Chambers offered the following motion:

MO186

Bracket until April 17, 2014.

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

The Chambers motion to bracket failed with 1 aye, 41 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Carlson-Lathrop amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Lathrop withdrew his amendments, FA281, FA282, FA283, and FA284, found on page 1180.

Senator Lathrop withdrew his amendment, AM2753, found on page 1359.

Senator Lathrop withdrew his amendments, FA273, FA274, FA275, FA276, FA277, FA278, and FA279, found on page 1064 and considered on page 1359.

Senator Carlson withdrew his amendment, AM2600, found on page 1165 and considered on page 1359.

Senator Davis offered his amendment, AM2693, found on page 1360 and considered on page 1361.

The Davis amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Carlson withdrew his amendment, AM2684, found on page 1361.

Senator Christensen offered his amendment, AM2580, found on page 1361 and considered on page 1363.

The Christensen amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Mello withdrew his amendment, AM2758, found on page 1363.

Senator Christensen offered his amendment, AM2657, found on page 1371.

The Christensen amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

ACCESSNebraska Special Investigative Committee of the Legislature (LR400, 2014)
Senator Dubas (Chairperson)
Senator Howard (Vice Chairperson)

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 620. Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; Hadley, 37; B. Harr, 8; Howard, 9; Johnson, 23; Kolowski, 31; Lathrop, 12; McGill, 26; Mello, 5; Smith, 14.

WHEREAS, Doug McDermott, a senior on the Creighton University men's basketball team, has finished his college basketball career as one of the NCAA top five all-time scoring leaders with 3,150 career points; and

WHEREAS, Doug led the nation in points per game during the 2013-14 season, and set an NCAA record with 135 career games scoring in double figures; and

WHEREAS, Doug is one of only three men in NCAA basketball history with 3,000 points and 1,000 career rebounds, and one of only two men in NCAA history to score 3,000 points and play in three NCAA tournaments; and

WHEREAS, Doug owns the top three single-season scoring marks in Creighton Bluejay history and owns Creighton single-season and career marks for points, field goals, and three-point percentage; and

WHEREAS, Doug was the winner of 13 national player of the year honors for the 2013-14 season, including the Naismith Trophy, the USBWA Oscar Robertson Trophy, the John R. Wooden Award, the Lute Olson Award, the Dick Vitale Award, and the Senior CLASS Award, which honors performance not only on the court, but also in the classroom and in the community; and

WHEREAS, in 2014 Doug was also named a First Team All-American and National Player of the Year by the Associated Press, named an All-American and National Player of the Year by the Basketball Times, named to the Big East Conference All-Tournament Team and Big East Player of the Year, named a First Team All-American and National Player of the Year by the National Association of Basketball Coaches, and received national player of the year recognition by CBSsports.com, NBCSports.com, USA Today, and Sporting News; and

WHEREAS, Doug helped the Creighton Bluejays finish their season with a 27-8 record and reach the third round of the NCAA tournament for a third consecutive season; and

WHEREAS, Doug's athletic performance and achievements over the course of his college basketball career have been greatly admired and appreciated by many Nebraskans.

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

1. That the Legislature congratulates Doug McDermott for an outstanding 2013-14 basketball season and an exceptional college basketball career, and extends its best wishes for his continued professional success.

2. That a copy of this resolution be sent to Doug McDermott.

Laid over.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB254:
AM2901

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. 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
- shall not exceed the coinsurance or copayment that would be applied
- 22 to any other cancer treatment involving intravenously administered
- 23 or injected anticancer medications.
- 24 (3) A policy, certificate, contract, or plan provider
- 25 shall not reclassify any anticancer medication or increase a
- 26 coinsurance, copayment, deductible, or other out-of-pocket expense
- 27 imposed on any anticancer medication to achieve compliance with
- 28 this section. Any change that otherwise increases an out-of-pocket
- 29 expense applied to any anticancer medication shall also be applied
- 30 to the majority of comparable medical or pharmaceutical benefits
- 31 under the policy, certificate, contract, or plan.
- 32 (4) This section does not prohibit a policy, certificate,
- 33 contract, or plan provider from increasing cost-sharing for all
- 34 benefits, including cancer treatments.
- 35 (5) This section shall apply to any policy, certificate,
- 36 contract, or plan that is delivered, issued for delivery, or
- 37 renewed in this state on or after October 1, 2012.
- 38 ~~(6) This section terminates on December 31, 2015.~~
- 39 Sec. 2. (1) For purposes of this section:
- 40 (a) Applied behavior analysis means the design,
- 41 implementation, and evaluation of environmental modifications,
- 42 using behavioral stimuli and consequences, to produce socially
- 43 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. 3. 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 or
24 disorder. Up to fifty percent of the actual out-of-pocket cost, not
25 to exceed twelve thousand dollars, for amino acid-based elemental
26 formulas shall be available to an individual without fees each
27 twelve-month period. The department shall distribute funds on a
1 first-come, first-served basis. Nothing in this section is deemed
2 to be an entitlement. The maximum total General Fund expenditures
3 per year for amino acid-based elemental formulas shall not exceed
4 two hundred fifty thousand dollars each fiscal year in FY2014-15
5 and FY2015-16. The Department of Health and Human Services shall
6 provide an electronic report on the program to the Legislature
7 annually on or before December 15 of each year.

8 Sec. 4. There is hereby appropriated (1) \$362,500 from
9 the General Fund for FY2014-15 and (2) \$725,000 from the General
10 Fund for FY2015-16 to the Board of Regents of the University of
11 Nebraska, for Program 781, to aid in carrying out the provisions of
12 this legislative bill.

13 Sec. 5. There is hereby appropriated (1) \$250,000 from
14 the General Fund for FY2014-15 and (2) \$250,000 from the General
15 Fund for FY2015-16 to the Department of Health and Human Services,
16 for Program 514, to aid in carrying out the provisions of this
17 legislative bill.

18 No expenditures for permanent and temporary salaries and
19 per diems for state employees shall be made from funds appropriated
20 in this section.

21 Sec. 6. There is hereby appropriated (1) \$10,000 from
22 the General Fund for FY2014-15 and (2) \$10,000 from the General
23 Fund for FY2015-16 to the Department of Health and Human Services,
24 for Program 33, to aid in carrying out the provisions of this
25 legislative bill.

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

2 Sec. 7. Section 3 of this act becomes operative on
3 July 1, 2014. Sections 4, 5, 6, 7, and 9 of this act become
4 operative on their effective date. The other sections of this act
5 become operative three calendar months after adjournment of this
6 legislative session.

- 7 Sec. 8. Original section 44-7,104, Revised Statutes
 8 Cumulative Supplement, 2012, is repealed.
 9 Sec. 9. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 907. Placed on Final Reading.

ST89

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

1. In the E & R amendments, ER228:
 - a. On page 29, lines 22 and 23, "the position of Reentry Program Coordinator," has been struck and "a reentry program for inmates and parolees," inserted; and
 - b. On page 30, line 1, "to eliminate certain sentencing provisions;" has been inserted after the semicolon; and in lines 2 and 3 "section 83-1,122" has been struck and "sections 29-2208 and 29-2405" inserted.

LEGISLATIVE BILL 907A. Placed on Final Reading.

LEGISLATIVE BILL 999. Placed on Final Reading.

LEGISLATIVE BILL 999A. Placed on Final Reading.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 1098. Senator Chambers offered the following amendment:

AM2857

- 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 Chambers withdrew his amendment.

Senator Wallman offered the following amendment:
 AM2876 is available in the Bill Room.

Senator Wallman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098A. Senator Watermeier offered his amendment, AM2845, found on page 1434.

The Watermeier amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
 AM2858

- 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 Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

WITHDRAW - Amendment to LB191

Senator B. Harr withdrew his amendment, AM2767, found on page 1373, to LB191.

MOTION - Return LB191A to Select File

Senator Nordquist moved to return LB191A to Select File for his specific amendment, AM2682, found on page 1271.

The Nordquist motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 191A. The Nordquist specific amendment, AM2682, found on page 1271, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB1076 to Select File

Senator Campbell moved to return LB1076 to Select File for her specific amendment, AM2680, found on page 1284.

The Campbell motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1076. The Campbell specific amendment, AM2680, found on page 1284, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB1115A to Select File

Senator Davis moved to return LB1115A to Select File for his specific amendment, AM2675, found on page 1293.

The Davis motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1115A. The Davis specific amendment, AM2675, found on page 1293, was adopted with 37 ayes, 0 nays, 8 present and not

voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 1042. ER231, found on page 1346, was adopted.

Senator Nordquist offered his amendment, AM2765, found on page 1409.

The Nordquist amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Chambers offered his amendment, AM2826, found on page 1432.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1042A. Senator Chambers offered his amendment, AM2827, found on page 1433.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 961. ER232, found on page 1346, was adopted.

Senator Lathrop offered his amendment, AM2685, found on page 1369.

The Lathrop amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Chambers offered his amendment, AM2828, found on page 1433.

Senator Chambers withdrew his amendment.

Senator Mello offered the following amendment:
AM2895 is available in the Bill Room.

The Mello amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1092. ER224, found on page 1274, was adopted.

Senator McCoy withdrew his amendment, AM2647, found on page 1178.

Senator Dubas offered her amendment, AM2678, found on page 1283.

The Dubas amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, AM2829, found on page 1433.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

AM2856

- 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 Chambers withdrew his amendment.

Senator Hansen requested a machine vote on the advancement of the bill.

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

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

Voting in the affirmative, 27:

| | | | | |
|----------|----------|-------------|------------|----------|
| Ashford | Dubas | Johnson | McGill | Seiler |
| Avery | Haar, K. | Karpisek | Mello | Sullivan |
| Bolz | Harms | Kolowski | Nelson | Wallman |
| Campbell | Harr, B. | Krist | Pirsch | |
| Crawford | Howard | Lathrop | Scheer | |
| Davis | Janssen | Lautenbaugh | Schumacher | |

Voting in the negative, 15:

| | | | | |
|------------|-------------|---------|---------|------------|
| Adams | Chambers | Garrett | Hansen | Smith |
| Bloomfield | Christensen | Gloor | Kintner | Watermeier |
| Brasch | Coash | Hadley | Schilz | Wightman |

Present and not voting, 4:

| | | | |
|---------|--------|-------|---------|
| Carlson | Larson | McCoy | Murante |
|---------|--------|-------|---------|

Excused and not voting, 3:

| | | |
|--------|------|-----------|
| Conrad | Cook | Nordquist |
|--------|------|-----------|

Advanced to Enrollment and Review for Engrossment with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 976. Senator McCoy offered his amendment, AM2792, found on page 1419.

SENATOR COASH PRESIDING

Senator Lautenbaugh offered the following motion:

MO187

Bracket until April 17, 2014.

SENATOR KRIST PRESIDING

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

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Lautenbaugh requested a roll call vote on his motion to bracket.

Voting in the affirmative, 23:

| | | | | |
|-------------|---------|---------|---------|------------|
| Adams | Coash | Hansen | McCoy | Schumacher |
| Bloomfield | Davis | Janssen | Murante | Smith |
| Brasch | Garrett | Johnson | Nelson | Watermeier |
| Carlson | Gloor | Kintner | Pirsch | |
| Christensen | Hadley | Larson | Schilz | |

Voting in the negative, 23:

| | | | | |
|----------|----------|----------|-----------|----------|
| Ashford | Conrad | Harms | Lathrop | Sullivan |
| Avery | Cook | Harr, B. | McGill | Wallman |
| Bolz | Crawford | Howard | Mello | Wightman |
| Campbell | Dubas | Karpisek | Nordquist | |
| Chambers | Haar, K. | Kolowski | Seiler | |

Present and not voting, 3:

Krist Lautenbaugh Scheer

The Lautenbaugh motion to bracket failed with 23 ayes, 23 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following motion:

MO188

Reconsider the vote taken on MO187 to bracket.

SENATOR COASH PRESIDING

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

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

Voting in the affirmative, 23:

| | | | | |
|-------------|---------|-------------|------------|------------|
| Adams | Coash | Janssen | Murante | Smith |
| Bloomfield | Garrett | Kintner | Nelson | Watermeier |
| Brasch | Gloor | Larson | Pirsch | Wightman |
| Carlson | Hadley | Lautenbaugh | Schilz | |
| Christensen | Hansen | McCoy | Schumacher | |

Voting in the negative, 26:

| | | | | |
|----------|----------|----------|-----------|----------|
| Ashford | Cook | Harr, B. | Lathrop | Sullivan |
| Avery | Crawford | Howard | McGill | Wallman |
| Bolz | Davis | Johnson | Mello | |
| Campbell | Dubas | Karpisek | Nordquist | |
| Chambers | Haar, K. | Kolowski | Scheer | |
| Conrad | Harms | Krist | Seiler | |

Not voting, 0.

The Lautenbaugh motion to reconsider failed with 23 ayes, 26 nays, and 0 not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following motion:

MO189

Recommit to the Executive Board.

SENATOR SULLIVAN PRESIDING

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

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

The motion to cease debate prevailed with 26 ayes, 8 nays, and 15 present and not voting.

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

Voting in the affirmative, 21:

| | | | | |
|-------------|---------|---------|---------|------------|
| Adams | Coash | Janssen | Murante | Watermeier |
| Bloomfield | Garrett | Johnson | Nelson | |
| Brasch | Gloor | Kintner | Pirsch | |
| Carlson | Hadley | Larson | Schilz | |
| Christensen | Hansen | McCoy | Smith | |

Voting in the negative, 26:

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

Present and not voting, 2:

Lautenbaugh Scheer

The Lautenbaugh motion to recommit to committee failed with 21 ayes, 26 nays, and 2 present and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendments to LR482:
AM2900

- 1 1. Strike the original provisions and insert the
2 following new provisions:
3 WHEREAS, a reliable and affordable energy supply is vital
4 to Nebraska's economic growth, jobs, and the overall benefit of
5 its citizens, and Nebraska supports a diversified "all-the-above"
6 energy strategy because it is in the best interest of the state and
7 the nation; and
8 WHEREAS, Nebraska has abundant supplies of wind that
9 provide economic and energy security benefits, and wind provides
10 affordable and reliable electricity to the citizens of Nebraska.
11 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE
12 HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:
13 1. That the Legislature urges the United States
14 Environmental Protection Agency (EPA) to develop methods to promote
15 renewable energy because renewable energy will provide clean
16 energy, rural economic development, and jobs in the State of
17 Nebraska.
18 2. That a copy of this resolution be sent to United
19 States EPA Administrator Gina McCarthy and to each member of
20 Nebraska's congressional delegation.

FA328
Strike the first Whereas.

FA329
Strike the second Whereas.

FA330
Strike the third Whereas.

FA331
Strike the fourth Whereas.

FA332
Strike the fifth Whereas.

FA333
Strike the sixth Whereas.

SELECT FILE

LEGISLATIVE BILL 976. Senator Lautenbaugh offered the following
motion:

MO190

Reconsider the vote to recommit to the Executive Board.

SENATOR GLOOR PRESIDING

Senator Karpisek offered the following motion:

MO191

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Karpisek moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

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

Voting in the affirmative, 27:

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

Voting in the negative, 22:

| | | | | |
|-------------|---------|-------------|---------|------------|
| Bloomfield | Garrett | Johnson | Murante | Smith |
| Brasch | Gloor | Kintner | Nelson | Watermeier |
| Carlson | Hadley | Larson | Pirsch | |
| Christensen | Hansen | Lautenbaugh | Scheer | |
| Coash | Janssen | McCoy | Schilz | |

Not voting, 0.

The Karpisek motion to invoke cloture failed with 27 ayes, 22 nays, and 0 not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 191A. Placed on Final Reading Second.

LEGISLATIVE BILL 961. Placed on Final Reading.

ST87

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

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "workers" in line 1 through line 5 and all amendments thereto have been struck and "law; to amend sections

44-2825, 45-1201, 45-1202, 45-1203, 45-1204, 45-1205, 48-126.01, 48-139, and 48-601, Reissue Revised Statutes of Nebraska; to provide for a compact regarding prevention and control of forest fires; to require workers' compensation coverage for volunteer firefighters as prescribed; to change the maximum amount recoverable under the Nebraska Hospital-Medical Liability Act; to change provisions of the Nebraska Construction Prompt Pay Act; to change workers' compensation provisions for certain public safety personnel and release provisions for lump-sum settlements; to adopt the short-time compensation program under the Employment Security Law; to appropriate funds; to provide operative dates; and to repeal the original sections." inserted.

LEGISLATIVE BILL 1042. Placed on Final Reading.

ST85

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

1. In the Nordquist amendment, AM2765, on page 1, line 15, an underscored period has been inserted after "credit".
2. In the E & R amendments, ER231, on page 37, line 24, "79-933.07," has been inserted after the second comma.

LEGISLATIVE BILL 1042A. Placed on Final Reading.

LEGISLATIVE BILL 1076. Placed on Final Reading Second.

LEGISLATIVE BILL 1092. Placed on Final Reading.

ST90

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

1. The Dubas amendment, AM2678, has been incorporated into the Standing Committee amendment, AM2067.
2. In the E & R amendments, ER224, on page 1, line 11, "to create a fund;" has been inserted after the semicolon.

LEGISLATIVE BILL 1098. Placed on Final Reading.

ST92

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

1. In the Christensen amendment, AM2657:
 - a. Sections 7, 8, and 9 have been renumbered as sections 17, 18, and 19, respectively; and
 - b. On page 3, line 20, "7 and 9" has been struck and "17 and 19" inserted.
2. In the Christensen amendment, AM2580:
 - a. Sections 7 and 9 have been renumbered as sections 11 and 16, respectively;
 - b. Section 8 has been struck; and
 - c. On page 4, line 4, "effective date of this act" has been struck and "operative date of this section" inserted.
3. In the Davis amendment, AM2693, section 7 has been renumbered as section 12.

4. In the Carlson amendment, AM2783:
- a. On page 1, line 1, "and all amendments thereto" has been inserted after "6";
 - b. On page 3, line 10, the second "or" has been struck and "of" inserted; in line 13 the comma has been struck; and in line 24 "demonstrates" has been struck and "demonstrate" inserted;
 - c. On page 8, line 18, "of this act" has been inserted after "10";
 - d. On page 9, line 13, "an" has been inserted after "of"; and in line 18 the commas have been struck and "or" has been inserted after "grant";
 - e. On page 11, line 2, the first "county" has been struck; and in line 4 "county" has been struck and an underscored comma has been inserted after "lien";
 - f. On page 12, line 3, an underscored comma has been inserted after "goals"; and in line 17 "section 13" has been struck and "sections 15 and 16" inserted;
 - g. On page 14, line 23, "13" has been struck and "15" inserted;
 - h. On page 22, lines 10 and 23, the comma has been struck; in lines 13 and 14 and 27 "effective date of this act" has been struck and "operative date of this section" inserted; and in line 26 "subsection" has been struck and "subdivision" inserted; and
 - i. On page 25, line 3, "subdivision (a) of this subsection" has been struck and "subdivision (4)(a) of this section" inserted.
5. In the Standing Committee amendment, AM2594:
- a. On page 5, lines 17 and 21, "effective date of this act" has been struck and "operative date of this section" inserted; and
 - b. On page 11, line 20, "and 2-1504" has been struck and ", 2-1504, 2-3226.05, 46-241, 46-701, and 46-715" inserted.
6. On page 1, the matter beginning with "the" in line 1 through line 5 and all amendments thereto has been struck and "natural resources; to amend sections 2-1501, 2-1504, 2-3226.05, 46-241, 46-701, and 46-715, Reissue Revised Statutes of Nebraska, and section 77-1371, Revised Statutes Cumulative Supplement, 2012; to change the membership of and provide powers and duties for the Nebraska Natural Resources Commission; to state findings and intent regarding the Water Sustainability Fund; to provide criteria, requirements, and priority for distribution of the fund; to provide for grants and loans; to change provisions relating to occupation taxes imposed by national resources districts and water storage; to provide for development of basin-wide plans and require a public hearing on ground water augmentation projects under the Nebraska Ground Water Management and Protection Act; to change provisions relating to assessment of irrigated cropland; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1098A. Placed on Final Reading.

LEGISLATIVE BILL 1115A. Placed on Final Reading Second.

ST84

(Final Reading copy)

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

1. The Davis amendment, AM2675, has been incorporated into the Final Reading copy of LB1115A.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB526:

AM2851

- 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 Chambers offered the following amendments with similar content of AM2851 to LB526:

- LB390 - AM2848
- LB383 - AM2846
- LB383A - AM2847
- LB788 - AM2853
- LB373 - AM2859
- LB810 - AM2861
- LB700 - AM2860
- LB811 - AM2862
- LB923 - AM2863
- LB923A - AM2864

Senator Nordquist filed the following amendment to LB276A:
AM2759

1 1. Strike sections 1 and 2 and insert the following:
2 Section 1. There is hereby appropriated (1) \$42,746 from
3 the General Fund and \$42,746 from federal funds for FY2014-15 and
4 (2) \$42,746 from the General Fund and \$42,746 from federal funds
5 for FY2015-16 to the Department of Health and Human Services, for
6 Program 33, to aid in carrying out the provisions of Legislative
7 Bill 276, One Hundred Third Legislature, Second Session, 2014.
8 Total expenditures for permanent and temporary salaries
9 and per diems from funds appropriated in this section shall not
10 exceed \$43,316 for FY2014-15 or \$43,316 for FY2015-16.
11 Sec. 2. There is hereby appropriated (1) \$2,700,000 from
12 federal funds for FY2014-15 and (2) \$13,500,000 from federal funds
13 for FY2015-16 to the Department of Health and Human Services, for
14 Program 348, to aid in carrying out the provisions of Legislative
15 Bill 276, One Hundred Third Legislature, Second Session, 2014.
16 No expenditures for permanent and temporary salaries and
17 per diems for state employees shall be made from funds appropriated
18 in this section.

Senator Schumacher filed the following amendment to LB788:
AM2867 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB976:
AM2836 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to
LB961. No objections. So ordered.

VISITORS

Visitors to the Chamber were Julia, Madilynn, Emilea, and Warren
Converse from Bellevue; 58 fourth-grade students, teachers, and sponsors
from Pine Creek Elementary, Bennington; members of the Boy's and Girl's
Club from Lincoln; Senator Mello's wife and daughter, Catherine and
Angelina, from Omaha; 42 fourth-grade students and teachers from
Jefferson Elementary, Norfolk; and Senator Ashford's wife, Ann, Kavayah
Long and LaDonna Gaines from Omaha.

The Doctor of the Day was Dr. Nollendorfs from Lincoln.

ADJOURNMENT

At 9:52 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 2014.

Patrick J. O'Donnell
Clerk of the Legislature