

FIFTY-SIXTH DAY - APRIL 9, 2008

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 2008

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Louden, Stuthman, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

MOTION - Return LB1014A to Select File

Senator Ashford moved to return LB1014A to Select File for his specific amendment, AM2345, found on page 979.

The Ashford motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1014A. The Ashford specific amendment, AM2345, found on page 979, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB1001A to Select File

Senator White moved to return LB1001A to Select File for his specific amendment, AM2720, found on page 1371.

The White motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1001A. The White specific amendment, AM2720, found on page 1371, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 1147A. Advanced to Enrollment and Review for Engrossment.

MOTION - Request Return of LB736 From Governor

Senator Fulton renewed his motion, MO174, found on page 1373, to direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

The Fulton motion prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Request Return of LB736A From Governor

Senator Fulton renewed his motion, MO175, found on page 1374, to direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

The Fulton motion prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

COMMUNICATION

April 8, 2008

The Honorable David Heineman
Governor - State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of LB736 and LB736A to the Legislature for further consideration.

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

MESSAGE FROM THE GOVERNOR

April 9, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 736 and 736A were received in my office on April 8, 2008. Pursuant to the Legislature's formal request to return these bills for further action, I am returning both bills without having given any consideration to, or taken any action upon, either of them.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Reconsider Final Passage of LB736

Senator Fulton offered the following motion to LB736:
MO177

Reconsider the vote on final passage, pursuant to Rule 7, Section 7(d).

The Fulton motion to reconsider prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Return LB736 to Select File

Senator Fulton moved to return LB736 to Select File for his specific amendment, AM2722, found on page 1373.

The Fulton motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 736. The Fulton specific amendment, AM2722, found on page 1373, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Reconsider Final Passage of LB736A

Senator Fulton offered the following motion to LB736A:

MO178

Reconsider the vote on final passage, pursuant to Rule 7, Section 7(d).

The Fulton motion to reconsider prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

MOTION - Return LB736A to Select File

Senator Fulton moved to return LB736A to Select File for his specific amendment, AM2723, found on page 1374.

The Fulton motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 736A. The Fulton specific amendment, AM2723, found on page 1374, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1104. Title read. Considered.

Committee AM2397, found on page 1028, was considered.

Senator Fulton offered the following motion:

MO179

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

LEGISLATIVE BILL 746. Title read. Considered.

Committee AM1675, found on page 462, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SPEAKER FLOOD PRESIDING

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

LEGISLATIVE BILL 781. Title read. Considered.

SENATOR AGUILAR PRESIDING

Committee AM2097, found on page 830, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE RESOLUTION 238. Reported to the Legislature for further consideration.

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

Mary Ann Burke - Commission for the Deaf and Hard of Hearing
David Rutledge - Commission for the Deaf and Hard of Hearing
Dillard Delts - Commission for the Deaf and Hard of Hearing

Aye: 6 Senators Erdman, Gay, Hansen, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Howard.

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

James Jirak - Commission for the Blind and Visually Impaired

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

April 9, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 888 was received in our office on April 7, 2008.

I signed this bill and delivered it to the Secretary of State on April 9, 2008.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 844. Placed on Final Reading.

ST9094

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

1. In lieu of the Karpisek amendment, FA271, in the E & R amendments, ER8180:

a. Section 2 has been struck and section 3 has been renumbered as section 2;

b. On page 7, lines 24 and 25; and page 8, lines 1 and 2, "section 29-433, Reissue Revised Statutes of Nebraska, and" has been struck;

c. On page 7, line 26, "are" has been struck and "is" inserted; and

d. On page 8, the matter beginning with "to" in line 4 through the semicolon in line 5 has been struck; and in line 6 "sections" has been struck and "section" inserted.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 911. Title read. Considered.

Committee AM1971, found on page 702, was considered.

Senator Fischer renewed her amendment, AM2180, found on page 1250, to the committee amendment.

The Fischer amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Kopplin renewed his amendment, AM2634, found on page 1250, to the committee amendment.

Senator Kopplin withdrew his amendment.

PRESIDENT SHEEHY PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 389. Introduced by General Affairs Committee: McDonald, 41, Chairperson; Dubas, 34; Erdman, 47; Friend, 10; Janssen, 15; Karpisek, 32; Ashford, 20; Lathrop, 12; McGill, 26; Pedersen, 39; Pirsch, 4; Schimek, 27.

PURPOSE: To study and develop a plan for implementation of mandatory alcoholic liquor server training for employees of retail liquor licensees in Nebraska. The study shall include, but not be limited to: An analysis of the methods available for mandatory training; the standards that should be required for mandatory training; the costs associated with implementation of mandatory training; the duties and preparations the Nebraska Liquor Control Commission must complete to implement mandatory training; the retail licensees for whom training would be required; the time frame necessary to implement mandatory training; the certification and reporting requirements that will be required; and the statutory changes necessary to implement such training.

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

1. That the Judiciary and General Affairs Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB781. No objections. So ordered.

VISITORS

Visitors to the Chamber were Steve and Julia Ourecky from Omaha; Laura Fisher and Brandon Humphrey from Omaha; 16 fourth-grade students from Immanuel Lutheran, Columbus; members of Tree City USA from Imperial; 21 fourth-grade students and teacher from Northern Hill, Norfolk; 19 fourth-grade students, teacher, and sponsors from Grant School, Norfolk; 40 fourth-grade students from Fort Calhoun; and 20 fourth-grade students, teacher, and sponsors from St. Bernard's School, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Raikes, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Dierks, Langemeier, and Synowiecki who were excused until they arrive.

SENATOR AGUILAR PRESIDING**COMMITTEE REPORTS**

Enrollment and Review

LEGISLATIVE BILL 1001A. Placed on Final Reading Second.

LEGISLATIVE BILL 1014A. Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1172. Placed on Select File with amendment.
ER8240

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 8 of this act shall be known and
- 4 may be cited as the Food Supply Animal Veterinary Incentive Program
- 5 Act.
- 6 Sec. 2. For purposes of the Food Supply Animal Veterinary
- 7 Incentive Program Act:
- 8 (1) Department means the Department of Agriculture;
- 9 (2) Food supply animal includes cattle, hogs, sheep,
- 10 goats, and poultry;
- 11 (3) Food supply animal veterinarian means a veterinarian
- 12 who is engaged in general or food supply animal practice as his
- 13 or her primary focus of practice and who has a substantial portion
- 14 of his or her practice devoted to food supply animal veterinary
- 15 medicine;
- 16 (4) Program means the Food Supply Animal Veterinary
- 17 Incentive Program; and
- 18 (5) Rural mixed animal veterinary practice means practice
- 19 as a food supply animal veterinarian in a rural area and a
- 20 substantial portion of the practice involves food supply animal
- 21 veterinary practice.
- 22 Sec. 3. Each year the department shall select from a
- 23 pool of applicants up to four veterinarians to participate in the
- 1 program. The selected veterinarians are eligible to receive up

2 to eighty thousand dollars under the program as an incentive to
3 locate in rural Nebraska and practice food supply animal veterinary
4 medicine.

5 Sec. 4. (1) To be eligible for funds under the program,
6 an applicant shall:

7 (a) Be a graduate of an approved veterinary medical
8 school;

9 (b) Be licensed to practice veterinary medicine in this
10 state;

11 (c) Enter into a contract with the department to provide
12 full-time veterinary medicine services as a food supply animal
13 veterinarian in a food supply animal veterinary practice or in a
14 rural mixed animal veterinary practice for four years in one or
15 more communities approved by the department; and

16 (d) Be accredited by the United States Department of
17 Agriculture, Animal and Plant Inspection Service, Veterinary
18 Services to provide services relating to food supply animals by the
19 end of the first year of service.

20 (2) The department shall give preference for approving
21 communities for purposes of subdivision (1)(c) of this section
22 to communities located in areas designated by the department as
23 shortage areas for food supply animal veterinary medical services.
24 In designating such areas, the department may initially utilize
25 shortage areas as designated by the American Veterinary Medical
26 Association on the effective date of this act and may revise
27 designations as necessary and appropriate to achieve the purposes
1 of the program.

2 Sec. 5. (1) To the extent that funds are available,
3 program funds shall be distributed as follows:

4 (a) After completing the first year of service under the
5 contract, the veterinarian is eligible to receive up to fifteen
6 thousand dollars;

7 (b) After completing the second year of service under the
8 contract, the veterinarian is eligible to receive up to fifteen
9 thousand dollars;

10 (c) After completing the third year of service under the
11 contract, the veterinarian is eligible to receive up to twenty-five
12 thousand dollars; and

13 (d) After completing the fourth year of service under the
14 contract, the veterinarian is eligible to receive up to twenty-five
15 thousand dollars.

16 (2) If the veterinarian does not complete an entire year
17 of service or if sufficient funds are not available to provide the
18 full dollar amount of incentive in a year, the amount distributed
19 under this section for that year shall be prorated.

20 Sec. 6. (1) A veterinarian shall be released from the
21 program contract without penalty if:

22 (a) The veterinarian has completed the service
23 requirements of the contract;

24 (b) The veterinarian is unable to complete the service
 25 requirements of the contract because of a permanent physical
 26 disability;

27 (c) The veterinarian demonstrates extreme hardship or
 1 shows other good cause justifying the release; or

2 (d) The veterinarian dies.

3 (2)(a) A veterinarian shall be released from further
 4 performance of veterinary services under the program contract if
 5 he or she is unable to perform his or her contractual obligations
 6 to provide veterinary services due to the suspension or revocation
 7 of his or her federal accreditation or denial, refusal of renewal,
 8 limitation, suspension, revocation, or other disciplinary measure
 9 taken against his or her license to practice in Nebraska pursuant
 10 to section 71-1,163 until December 1, 2008, and section 38-3324 on
 11 and after December 1, 2008.

12 (b) If a veterinarian is released from his or her
 13 contract pursuant to subdivision (a) of this subsection, the
 14 department may recover a portion of or all of the payments made
 15 to such veterinarian under section 5 of this act. The department
 16 shall remit any such funds to the State Treasurer for credit to the
 17 Food Supply Animal Veterinary Incentive Fund. The department may
 18 use appropriate remedies available to enforce this subdivision.

19 (3) The State of Nebraska shall be released from
 20 any further obligation under the Food Supply Animal Veterinary
 21 Incentive Program Act or any contract entered into with a
 22 veterinarian under the act if the veterinarian is released from the
 23 program pursuant to this section.

24 Sec. 7. The Food Supply Animal Veterinary Incentive Fund
 25 is created. The fund may be used to carry out the purposes of
 26 the Food Supply Animal Veterinary Incentive Program Act. The State
 27 Treasurer shall credit to the fund any money appropriated to the
 1 fund by the Legislature and any money received as gifts or grants
 2 or other private or public funds received under the act. Any money
 3 in the fund available for investment shall be invested by the state
 4 investment officer pursuant to the Nebraska Capital Expansion Act
 5 and the Nebraska State Funds Investment Act.

6 Sec. 8. The department shall adopt and promulgate rules
 7 and regulations to carry out the Food Supply Animal Veterinary
 8 Incentive Program Act.

9 2. On page 1, strike beginning with the semicolon in line
 10 2 through "intent" in line 3.

LEGISLATIVE BILL 1172A. Placed on Select File.

LEGISLATIVE BILL 720. Placed on Select File with amendment.
 ER8239

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 49-1474.02, Revised Statutes

4 Cumulative Supplement, 2006, is amended to read:

5 49-1474.02 (1) Any person who makes an expenditure
6 reportable under the Nebraska Political Accountability and
7 Disclosure Act to disseminate by any means of telecommunication a
8 prerecorded message or a recorded message relating to a candidate
9 or ballot question shall include, immediately preceding in the
10 message, the name of the person, ~~including committees,~~ making the
11 expenditure. Such messages shall be disseminated only between the
12 hours of 8 a.m. and 9 p.m. at the location of the person receiving
13 the messages.

14 (2) Any person who makes an expenditure reportable under
15 the act to disseminate by any means of telecommunication a message
16 relating to a candidate or ballot question which is not a recorded
17 message or a prerecorded message shall, immediately upon the
18 request of the recipient of the message, disclose the name of
19 the person, ~~including committees,~~ making the expenditure. If the
20 message is disseminated through an employee or agent of the person
21 making the expenditure, the employee or agent shall, immediately
22 upon the request of the recipient of the message, disclose the name
23 of the person, ~~including committees,~~ making the expenditure.

1 (3) Any person who makes an expenditure reportable under
2 the act to disseminate by any electronic means, including the
3 Internet or email, a message relating to a candidate or ballot
4 question shall include in the message the name of the person,
5 ~~including committees,~~ making the expenditure.

6 Sec. 2. Section 86-242, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 86-242 (1) Telephone solicitation means a telephone call
9 or message using an automatic dialing-announcing device for the
10 purpose of encouraging the purchase or rental of, or investment in,
11 property, goods, or services, which call or message is transmitted
12 to any person.

13 (2) Telephone solicitation does not include a call or
14 message ~~(1)-(a)~~ made to any person with the person's prior express
15 invitation or permission, ~~(2)-(b)~~ made to any person with whom the
16 caller has an established business relationship, ~~(3)-(c)~~ made by a
17 tax-exempt nonprofit organization, ~~(4)-(d)~~ not made for commercial
18 purposes, ~~(5)-(e)~~ made for a commercial purpose but which does not
19 include the transmission of an unsolicited advertisement, or ~~(6)~~
20 ~~(f)~~ placed by a live operator and a prerecorded message is not
21 utilized.

22 Sec. 3. Section 86-247, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 86-247 All telephone solicitation messages ~~delivered~~
25 transmitted by an automatic dialing-announcing device shall:

26 (1) At the beginning of the message, state clearly the
27 identity of the person making the call; and

1 (2) During or after the message, state clearly the
2 telephone number, other than that of the device which made the

3 call, or address of such person.

4 Sec. 4. Section 86-250, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 86-250 (1) A person shall not connect or operate an
7 automatic dialing-announcing device for the purpose of making
8 telephone solicitations on any telephone line unless the person
9 has a current permit from the commission for the device. An
10 applicant for a permit shall make a written application to the
11 commission. The application shall be in a form prescribed by the
12 commission and shall require information about the type of device
13 proposed for connection and operation, the time of day telephone
14 solicitations will be made using the device, the anticipated
15 number of calls proposed to be placed during the specified calling
16 period, the average length of a completed call, or such alternative
17 or additional information as the commission may require. If the
18 applicant is an individual, the application shall include the
19 applicant's social security number. The applicant shall remit a fee
20 of five hundred dollars for each device with the application.

21 (2) Upon receiving an application for a permit, the
22 commission may grant, grant as modified, or deny the application.
23 The commission may modify or deny the permit if the commission
24 determines that (a) the applicant is unwilling or unable to
25 meet the requirements placed on such operations by law, rule, or
26 regulation or has failed to comply with the requirements in the
27 past, (b) the connection or operation of the device will result
1 in a significant decline in the quality of service or access to
2 service for other telephone users, (c) the applicant's equipment is
3 unable to meet the requirements of law, rule, or regulation, or (d)
4 the application does not contain adequate information.

5 (3) If a permit is granted, the permit shall remain in
6 force for two years from the date of issuance, and each application
7 for the renewal of a permit shall be treated as a new application.

8 (4) After receiving a permit but prior to connecting or
9 operating an automatic dialing-announcing device on any telephone
10 line, the permitholder shall notify the telephone company of the
11 telephone line on which the device is proposed to be connected
12 or operated. The telephone line shall be considered a business
13 telephone line. The telephone company shall release to the
14 commission the identity of any person connecting or operating
15 an automatic dialing-announcing device when requested to do so by
16 the commission pursuant to an investigation.

17 (5) A person contracting with a third party to connect
18 or operate an automatic dialing-announcing device for the purpose
19 of making telephone solicitations on any telephone line shall be
20 jointly and severally liable with the third party for connecting
21 and operating the automatic dialing-announcing device in violation
22 of the Automatic Dialing-Announcing Devices Act or the rules and
23 regulations adopted and promulgated under the act.

24 (6) A person contracting with a third party to connect

25 or operate an automatic dialing-announcing device for the purpose
26 of making telephone solicitations shall file with the commission
27 the message to be used to comply with the requirements of section
1 86-247. Such person shall file any subsequent change to the message
2 with the commission within five days after the change.

3 Sec. 5. Section 86-256, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 86-256 (1) Any person using an automatic
6 dialing-announcing device other than for telephone solicitations
7 shall register the device with the commission pursuant to the
8 application process, without a fee, and shall include with the
9 application a detailed explanation of the use planned and the
10 ~~script message~~ to be used.

11 (2) All telephone messages transmitted by an automatic
12 dialing-announcing device other than telephone solicitations shall:

13 (a) At the beginning of the message, state clearly the
14 identity of the person on whose behalf the message is being
15 transmitted;

16 (b) During or after the message, state clearly the
17 telephone number, other than that of the device which made the
18 call, or address of the person operating the device; and

19 (c) Transmit messages only between the hours of 8 a.m.
20 and 9 p.m. at the location of the person receiving the message.

21 (3) This section does not apply to (a) a message from
22 any elementary, secondary, or postsecondary educational institution
23 to any of its students, parents, or employees, (b) a message to a
24 person with whom the person placing the call or the person on whose
25 behalf the message is being transmitted has an established business
26 or personal relationship, or (c) a message from an employer
27 advising any of its employees of work schedules.

1 (4) A person contracting with a third party to connect
2 or operate an automatic dialing-announcing device for other
3 than telephone solicitations shall be jointly and severally
4 liable with the third party for connecting and operating the
5 automatic dialing-announcing device in violation of the Automatic
6 Dialing-Announcing Devices Act or the rules and regulations adopted
7 and promulgated under the act.

8 (5) A person contracting with a third party to connect
9 or operate an automatic dialing-announcing device for other
10 than telephone solicitations shall file with the commission the
11 message to be used within twenty-four hours after the message is
12 transmitted.

13 Sec. 6. This act becomes operative on January 1, 2009.

14 Sec. 7. Original sections 49-1474.02, 86-242, 86-247,
15 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006,
16 are repealed.

17 2. On page 1, line 2, strike "86-248, "; and in line 6
18 after the second semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 837. Placed on Select File.

LEGISLATIVE BILL 734. Placed on Select File with amendment.
ER8241

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 13-1622, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 13-1622 (1) Except as provided in subsection (4) of this
 6 section, the plan sponsor shall obtain excess insurance which will
 7 limit the plan sponsor's total claims liability for each plan year
 8 to not more than one hundred twenty-five percent of the expected
 9 claims liability as projected by an independent actuary or insurer.
 10 (2) If the expected claims liability of the self-funded
 11 portion of the employee benefit plan is exceeded, the plan sponsor
 12 shall fund such additional liability by (a) allocating necessary
 13 funds from the operating fund of the general fund, (b) setting up
 14 an additional reserve in the operating fund of the general fund, or
 15 (c) setting up the monthly accruals at a level to fund claims in
 16 excess of the expected claims liability.
 17 (3) An insurer shall pay claims for which it is obligated
 18 under excess insurance within three months of the time the claims
 19 are paid by the plan sponsor.
 20 (4) A city of the metropolitan or primary class or a
 21 city with a population of more than two hundred thousand may
 22 provide an employee benefit plan without excess insurance if the
 23 city or county obtains a determination from an independent actuary
 1 or insurer that excess insurance is not necessary to preserve the
 2 safety and soundness of the employee benefit plan.
 3 Sec. 2. Original section 13-1622, Reissue Revised
 4 Statutes of Nebraska, is repealed.

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 390. Introduced by Judiciary Committee:
Ashford, 20, Chairperson; Chambers, 11; Lathrop, 12; McDonald, 41;
McGill, 26; Pedersen, 39; Schimek, 27.

PURPOSE: The purpose of this resolution is to examine firearm-related violence in Nebraska. The examination shall include, but not be limited to, the following issues:

- (1) Firearm-related injuries and deaths;
- (2) Illegal firearm sales;
- (3) Illegal firearm trafficking;
- (4) The types of firearms used during the commission of violent crimes;

(5) Providing access to a person's mental health records, if any, in order for such person to obtain a certificate pursuant to sections 69-2401 to 69-2425;

(6) Firearm safety;

(7) Firearm training; and

(8) Obstacles related to the sharing of information by local, state, and federal agencies about violent offenses involving firearms.

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

1. That the Judiciary 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.

GENERAL FILE

LEGISLATIVE BILL 911. Committee AM1971, found on page 702 and considered in this day's Journal, as amended, was renewed.

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

The committee amendment, as amended, was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 911A. Title read. Considered.

Senator Hudkins moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

PRESIDENT SHEEHY PRESIDING

SELECT FILE

LEGISLATIVE BILL 1022. ER8224, found on page 1158, was adopted.

Senator Hansen offered the following amendment:

AM2662

(Amendments to E & R amendments, ER8224)

- 1 1. Strike sections 4, 7, 8, 10, and 24 and insert the
- 2 following new sections:
- 3 Sec. 6. (1) Distribution means the act of receiving
- 4 orders, possessing, warehousing, and record keeping related to the
- 5 sale and delivery of veterinary legend drugs.
- 6 (2) Distribution does not include (a) intracompany sales
- 7 of veterinary legend drugs, including any transaction or transfer
- 8 between any division, subsidiary, or parent company and an
- 9 affiliated or related company under common ownership or common
- 10 control or (b) the delivery of or the offer to deliver veterinary
- 11 legend drugs by a common carrier solely in the usual course of
- 12 business of transporting such drugs as a common carrier if the
- 13 common carrier does not store, warehouse, or take legal ownership
- 14 of such drugs.
- 15 Sec. 8. Veterinary drug distributor means any person or
- 16 entity, other than a pharmacy, that engages in the distribution of
- 17 veterinary legend drugs in the State of Nebraska.
- 18 Sec. 28. This act becomes operative on December 1, 2008.
- 19 2. On page 1, line 3, strike "30" and insert "27"; strike
- 20 beginning with "facilities" in line 7 through line 9 and insert
- 21 "veterinary drug distributors in the State of Nebraska and for the
- 22 development, establishment, and enforcement of basic standards for
- 1 such distributors."; and in line 11 strike "12" and insert "10".
- 2 3. On page 2, strike beginning with "meaning" in line 18
- 3 through the comma in line 22.
- 4 4. On page 3, strike beginning with "the" in line 9
- 5 through "of" in line 10; strike beginning with "For" in line 10
- 6 through line 13; and strike beginning with the first comma in line
- 7 26 through line 27 and insert "or entity".
- 8 5. On page 4, line 1, strike "location" and after
- 9 "distributor" insert "in this state"; and in line 8 strike "19" and
- 10 insert "17".
- 11 6. On page 5, line 7, strike "manager" and insert
- 12 "representative".
- 13 7. On page 6, line 16, strike "18" and insert "16"; in
- 14 line 18 strike "15" and insert "13"; and in line 21 strike "13 to
- 15 16" and insert "11 to 14".
- 16 8. On page 9, line 12, strike "16" and insert "14".
- 17 9. On page 10, strike beginning with "by" in line 8
- 18 through line 9 and insert "adopted and promulgated under the act.".
- 19 10. On page 11, line 2, strike "22" and insert "20";
- 20 in lines 7 and 20 after "the" insert "veterinary legend"; in

21 line 10 strike the third "the" and insert "those in the employ
 22 of the veterinary drug"; in lines 13, 16, 21, 22, and 23 before
 23 "order" insert "veterinary drug"; in line 19 strike "Drug" and
 24 insert "Veterinary legend drug"; and in line 26 after "The" insert
 25 "veterinary legend".

26 11. On page 14, lines 16 and 26, strike "26" and insert
 27 "23".

1 12. Renumber the remaining sections accordingly.

The Hansen amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 830. ER8221, found on page 1158, was adopted.

Senator Heidemann offered the following amendment:

AM2746

(Amendments to Standing Committee amendments, AM2357)

1 1. Insert the following new sections:
 2 Sec. 9. Section 71-7611, Revised Statutes Supplement,
 3 2007, as amended by section 2, Legislative Bill 480, One Hundredth
 4 Legislature, Second Session, 2008, and section 5, Legislative Bill
 5 961, One Hundredth Legislature, Second Session, 2008, is amended to
 6 read:
 7 71-7611 (1) The Nebraska Health Care Cash Fund is
 8 created. The State Treasurer shall transfer (a) fifty-six million
 9 four hundred thousand dollars no later than July 30, 2008, and
 10 (b) fifty-five million seven hundred thousand dollars annually
 11 thereafter no later than July 15 from the Nebraska Medicaid
 12 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
 13 Trust Fund to the Nebraska Health Care Cash Fund, except that
 14 such amount shall be reduced by the amount of the unobligated
 15 balance in the Nebraska Health Care Cash Fund at the time the
 16 transfer is made. On or before May 1, 2008, the State Treasurer
 17 shall transfer from the Nebraska Medicaid Intergovernmental Trust
 18 Fund and the Nebraska Tobacco Settlement Trust Fund an additional
 19 two hundred fifty thousand dollars to the Nebraska Health Care
 20 Cash Fund. The state investment officer upon consultation with
 21 the Nebraska Investment Council shall advise the State Treasurer
 22 on the amounts to be transferred from the Nebraska Medicaid
 1 Intergovernmental Trust Fund and from the Nebraska Tobacco
 2 Settlement Trust Fund under this section in order to sustain such
 3 transfers in perpetuity. The state investment officer shall report
 4 to the Legislature on or before October 1 of every even-numbered
 5 year on the sustainability of such transfers. Except as otherwise
 6 provided by law, no more than ~~fifty-five million seven hundred~~
 7 ~~thousand dollars~~ the amount specified in subdivision (1)(a) and
 8 (b) of this subsection may be appropriated or transferred from the

9 Nebraska Health Care Cash Fund in any fiscal year.

10 (2) Any money in the Nebraska Health Care Cash Fund
11 available for investment shall be invested by the state investment
12 officer pursuant to the Nebraska Capital Expansion Act and the
13 Nebraska State Funds Investment Act.

14 (3) One million dollars in the Nebraska Health Care Cash
15 Fund is designated each year for the Autism Treatment Program
16 Act for five fiscal years beginning in fiscal year 2007-08 and
17 shall be distributed in each fiscal year as follows: (a) First,
18 to the Department of Health and Human Services for costs related
19 to application and implementation of the waiver; (b) second, to
20 the department for other medical costs for children who would
21 not otherwise qualify for medicaid except for the waiver; and (c)
22 third, the balance to the Autism Treatment Program Cash Fund. The
23 State Treasurer shall transfer the balance of the funding to the
24 Autism Treatment Program Cash Fund based on the estimated costs
25 of administrative and other medical costs as determined by the
26 Legislature through the appropriation process. The transfers to
27 the Autism Treatment Program Cash Fund in any fiscal year shall
1 be contingent upon the receipt of private matching funds under
2 the Autism Treatment Program Act, with no less than one dollar of
3 private funds received for every two dollars transferred from the
4 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash
5 Fund.

6 (4) The University of Nebraska and postsecondary
7 educational institutions having colleges of medicine in Nebraska
8 and their affiliated research hospitals in Nebraska, as a condition
9 of receiving any funds appropriated or transferred from the
10 Nebraska Health Care Cash Fund, shall not discriminate against any
11 person on the basis of sexual orientation.

12 (5) The State Treasurer shall transfer two hundred
13 thousand dollars from the Nebraska Health Care Cash Fund to the
14 University of Nebraska Medical Center Cash Fund for the Nebraska
15 Regional Poison Center within fifteen days after each July 1.

16 Sec. 12. Original section 71-7611, Revised Statutes
17 Supplement, 2007, as amended by section 2, Legislative Bill 480,
18 One Hundredth Legislature, Second Session, 2008, and section 5,
19 Legislative Bill 961, One Hundredth Legislature, Second Session,
20 2008, is repealed.

21 2. On page 5, line 16, strike "This act becomes" and
22 insert "Sections 1 to 8 and 11 of this act become"; and after the
23 period insert "The other sections of this act become operative on
24 their effective date."

25 3. Renumber the remaining sections accordingly.

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

Senator Lathrop offered the following amendment:

AM2729

(Amendments to Standing Committee amendments, AM2357)

- 1 1. Strike section 9.
- 2 2. On page 1, line 14, after the period insert "The
3 preferred drug list and other activities mandated by the act
4 shall not be construed to replace, prohibit, or limit other lawful
5 activities of the department not specifically permitted or required
6 by the act.".
- 7 3. On page 2, line 13, strike "The" and insert "No later
8 than July 1, 2010, the"; and strike beginning with "Except" in line
9 19 through line 27 and insert "The committee shall consist of at
10 least (a) eight physicians, (b) four pharmacists, (c) a university
11 professor of pharmacy or a person with a doctoral degree in
12 pharmacology, and (d) two public members. No more than twenty-five
13 percent of the committee shall be state employees.
- 14 (3) The physician members of the committee, so far as
15 practicable, shall include physicians practicing in the areas
16 of (a) family medicine, (b) internal medicine, (c) pediatrics,
17 (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or
18 gynecology, (g) endocrinology, and (h) oncology.".
- 19 4. On page 3, strike lines 1 through 5; in line 6 strike
20 "(5)" and insert "(4)"; in line 10 strike "(6)" and insert "(5)";
21 in line 14 strike "(7)" and insert "(6)"; and in line 15 strike
22 "for" and insert "relating to".
- 1 5. On page 4, line 12, after "list" insert ", after
2 consideration of applicable rebates or discounts negotiated by the
3 department"; in line 19 strike "prescriber" and insert "provider";
4 in line 20 after "been" insert "therapeutically"; and in line 21
5 after "be" insert "therapeutically".
- 6 6. On page 5, line 3, after "if" insert "the provider
7 certifies that (a)"; in line 4 strike "already" through
8 "successful" and insert "achieving therapeutic success with a"; in
9 line 7 after "or" insert "(b)" and strike "had a prior failure" and
10 insert "experienced a prior therapeutic failure"; and strike lines
11 8 and 9 and insert an underscored period.
- 12 7. Renumber the remaining section accordingly.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 830A. Senator Heidemann offered the following amendment:

AM2740

- 1 1. On page 2, line 2, strike "General" and insert
2 "Nebraska Health Care Cash".

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 245. ER8231, found on page 1268, was adopted.

Senator Johnson renewed the Johnson-Pankonin amendment, AM2680, found on page 1325.

The Johnson-Pankonin amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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

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

Advanced to Enrollment and Review for Engrossment with 27 ayes, 6 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 245A. ER8232, found on page 1269, was adopted.

Senator Johnson offered the following amendment:

AM2741

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new sections:
- 3 Section 1. There is hereby appropriated (1) \$55,405 from
- 4 the General Fund and \$10,000 from the Department of Health and
- 5 Human Services Cash Fund for FY2008-09 and (2) \$94,686 from the
- 6 General Fund and \$20,000 from the Department of Health and Human
- 7 Services Cash Fund for FY2009-10 to the Department of Health
- 8 and Human Services, for Program 33, to aid in carrying out the
- 9 provisions of Legislative Bill 245, One Hundredth Legislature,
- 10 Second Session, 2008.
- 11 Total expenditures for permanent and temporary salaries
- 12 and per diems from funds appropriated in this section shall not
- 13 exceed \$37,551 for FY2008-09 or \$76,980 for FY2009-10.
- 14 Sec. 2. Since an emergency exists, this act takes effect
- 15 when passed and approved according to law.

The Johnson amendment was adopted with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1165. ER8233, found on page 1292, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 995. ER8223, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 745. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1153. ER8234, found on page 1315, was adopted.

Senator Raikes renewed his amendment, AM2701, found on page 1379.

The Raikes amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment:

AM2731

(Amendments to E & R amendments, ER8234)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 79-1248, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 79-1248 The powers and duties of the Educational Service
- 5 Unit Coordinating Council include, but are not limited to:
- 6 (1) Providing public access to lists of qualified
- 7 distance education courses;
- 8 (2) Collecting and providing school schedules for
- 9 participating educational entities;
- 10 (3) Facilitation of scheduling for qualified distance
- 11 education courses;
- 12 (4) Brokering of qualified distance education courses to
- 13 be purchased by educational entities;
- 14 (5) Assessment of distance education needs and evaluation
- 15 of distance education services;
- 16 (6) Compliance with technical standards as set forth
- 17 by the Nebraska Information Technology Commission and academic
- 18 standards as set forth by the State Department of Education related
- 19 to distance education;
- 20 (7) Establishment of a system, in cooperation with the
- 21 Chief Information Officer, for prioritizing courses if the demand
- 22 for Network Nebraska exceeds the capacity available for distance
- 1 education and for choosing receiving educational entities when the
- 2 demand for a course exceeds the capacity as determined by either
- 3 the technology available or the course provider;
- 4 (8) ~~Scheduling and prioritization for access to Network~~
- 5 ~~Nebraska by educational entities in cooperation with the Chief~~

6 ~~Information Officer and using Coordination of scheduling software~~
 7 ~~or scheduling services which provide a distance education~~
 8 ~~clearinghouse and device control and which meet any applicable~~
 9 ~~standards established by the commission;~~

10 (9) Administration of learning management systems that
 11 are in compliance with any applicable standards of the commission
 12 either through the staff of the council or by delegation to an
 13 appropriate educational entity with the funding for such systems
 14 provided by participating educational entities; and

15 (10) Coordination with educational service units and
 16 postsecondary educational institutions to provide assistance for
 17 instructional design for both two-way interactive video distance
 18 education courses and the offering of graduate credit courses in
 19 distance education.

20 Sec. 8. Section 86-5,100, Revised Statutes Supplement,
 21 2007, is amended to read:

22 86-5,100 The Chief Information Officer, in partnership
 23 with the University of Nebraska, shall develop and maintain a
 24 statewide, multipurpose, high capacity, scalable telecommunications
 25 network to be called Network Nebraska. The network shall consist of
 26 contractual arrangements with providers to meet the demand of state
 27 agencies, local governments, and educational entities as defined in
 1 section 79-1201.01. Such network shall provide access to a reliable
 2 and affordable infrastructure capable of carrying a spectrum of
 3 services and applications, including distance education, across
 4 the state. The Chief Information Officer shall provide access
 5 to each school district, each educational service unit, each
 6 community college, each state college, and the University of
 7 Nebraska at the earliest feasible date and no later than July
 8 1, 2012. Access may be provided through educational service units
 9 or other aggregation points. Each participating school district
 10 and educational service unit may be required to participate in
 11 a distance education clearinghouse coordinated by the Educational
 12 Service Unit Coordinating Council but shall not be required to
 13 participate in device control. The Chief Information Officer shall
 14 aggregate demand for those state agencies and educational entities
 15 choosing to participate and shall reduce costs for participants
 16 whenever feasible. The Chief Information Officer shall establish a
 17 cost structure based on actual costs plus administrative expenses
 18 and shall charge participants according to such cost structure.

19 2. On page 14, line 20, strike "and 79-1104.04" and
 20 insert ", 79-1104.04, 79-1248, and 86-5,100".

21 3. Renumber the remaining section accordingly.

Senator Raikes withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 806. Senator Wallman offered the following amendment:

AM2584

- 1 1. Strike sections 12 and 13.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

The Wallman amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 819. ER8226, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 953. ER8222, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 907. ER8225, found on page 1166, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 308. ER8227, found on page 1167, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 308A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 956. ER8235, found on page 1315, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1072. ER8228, found on page 1193, was adopted.

Senator Aguilar renewed his amendment, AM2688, found on page 1333.

The Aguilar amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 928. ER8230, found on page 1197, was adopted.

Senator Johnson renewed his amendment, AM2304, found on page 1030.

The Johnson amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Heidemann renewed his amendment, AM2519, found on page 1253.

The Heidemann amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Senator Erdman renewed his amendment, AM2598, found on page 1276.

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

The Erdman amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Johnson renewed his amendment, AM2642, found on page 1301.

Pending.

AMENDMENT - Print in Journal

Senator Synowiecki filed the following amendment to LB1147:
AM2719 is available in the Bill Room.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 746. Placed on Select File with amendment.
ER8242

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-505, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-505 Any member of the Nebraska National Guard who
- 6 enrolls in any state-supported university, college, or community
- 7 college or any independent, not-for-profit, regionally accredited
- 8 college or university in this state shall be entitled to a
- 9 credit of seventy-five percent of the resident tuition charges of
- 10 such school, except that any member who attends an independent,
- 11 not-for-profit, regionally accredited college or university in this
- 12 state shall receive a credit in an amount no higher than that
- 13 person would receive if he or she attended the University of
- 14 Nebraska-Lincoln. Such entitlement shall be for a period of ten
- 15 years from the date of the member's initial membership so long as
- 16 the member maintains satisfactory performance with the guard and
- 17 pursues his or her course of study in such institution in a manner

18 which satisfies the normal requirements of the institution. If a
19 member is unable to complete his or her course of study within the
20 ten-year period due to deployment on federal or state active-duty
21 status for not less than one hundred twenty days, the Adjutant
22 General may extend the entitlement period for such member for a
23 period equal to the period of such person's active-duty status, not
1 to exceed a maximum of five years. During the extended entitlement
2 period, the member shall maintain satisfactory performance with the
3 guard and pursue his or her course of study in such institution
4 which satisfies the usual requirements of such institution. Any
5 member entitled to a credit of seventy-five percent of resident
6 tuition charges and enrolled in the tuition credit program as of
7 October 1, 1992, shall on and after May 27, 1999, be entitled to
8 the credit at such rate until completion of the educational program
9 in which he or she is enrolled on October 1, 1992, so long as
10 the member maintains satisfactory performance with the guard and
11 pursues his or her course of study in such institution in a manner
12 which satisfies the normal requirements of the institution. The
13 number of individuals granted tuition credit shall not exceed the
14 number specified in section 85-505.01 during any fiscal year, and
15 the amount of tuition credits granted shall not exceed nine hundred
16 thousand dollars during any fiscal year. When determining to whom
17 such tuition credit shall be awarded, priority shall be given
18 to those individuals who have previously received tuition credits
19 while a National Guard member, and the Nebraska National Guard
20 shall apply those program qualifications and limitations consistent
21 with efficient and effective program management as determined by
22 the Adjutant General.

23 Sec. 2. Section 85-505.01, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 85-505.01 (1) The tuition assistance program prescribed
26 in sections 85-505 to 85-508 shall not be available to:

27 (a) More than one thousand two hundred members during any
1 fiscal year;

2 (b) Commissioned and warrant officers who have a
3 baccalaureate degree or are eligible for any other equivalent
4 federal benefits;

5 (c) Enlisted personnel entitled to any equivalent federal
6 educational benefits, except that this subdivision shall not apply
7 to personnel receiving assistance from the federal Educational
8 Assistance Program for Members of the Selected Reserve, as it
9 existed on September 1, 2001; and

10 (d) Enlisted personnel who have a baccalaureate degree.

11 (2) The tuition assistance program prescribed in sections
12 85-505 to 85-508 shall be available to members of the Nebraska
13 National Guard for a period of ten years, as provided in section
14 85-505, from the date of initial membership.

15 (3) Any member of the Nebraska National Guard receiving
16 tuition assistance under sections 85-505 to 85-508 may obtain only

17 one undergraduate degree under such tuition assistance program.
 18 Only credit-bearing courses which meet degree requirements shall be
 19 approved for tuition assistance. Members shall not receive tuition
 20 assistance for any noncredit courses.

21 (4) If a member of the Nebraska National Guard
 22 voluntarily withdraws from a course for which he or she is
 23 receiving tuition assistance, the member shall be liable for all
 24 costs relating to such withdrawal, including, but not limited to,
 25 all of the costs billed by the educational institution to the
 26 Nebraska National Guard. Reimbursement shall be in accordance with
 27 section 72-1601.

1 (5) Any member of the Nebraska National Guard who
 2 receives tuition assistance shall agree in writing to serve in
 3 the Nebraska National Guard for three years after the completion
 4 of the courses for which tuition assistance was given. Any member
 5 who receives tuition assistance may be asked to reimburse the State
 6 of Nebraska if any such member leaves the Nebraska National Guard
 7 during such three-year period. Reimbursement shall be in accordance
 8 with section 72-1601.

9 (6) The Military Department shall retain the
 10 responsibility and authority to establish any limitations
 11 and controls it deems necessary to ensure maximum fiscal efficiency
 12 and productivity of the tuition assistance program prescribed in
 13 sections 85-505 to 85-508.

14 Sec. 3. Original section 85-505, Reissue Revised Statutes
 15 of Nebraska, and section 85-505.01, Revised Statutes Cumulative
 16 Supplement, 2006, are repealed.

17 2. On page 1, line 2, after "Nebraska" insert ", and
 18 section 85-505.01, Revised Statutes Cumulative Supplement, 2006";
 19 in line 3 after the semicolon insert "to harmonize provisions";
 20 and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 781. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

General Affairs

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

Helen Abbott Feller - State Racing Commission

Aye: 7 Senators Dierks, Dubas, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Erdman.

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

Robert "Bob" Culver Jr. - Nebraska Arts Council

Aye: 7 Senators Dierks, Dubas, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Erdman.

(Signed) Vickie McDonald, Chairperson

SELECT FILE

LEGISLATIVE BILL 1116. ER8236, found on page 1326, was adopted.

Senator Erdman offered the following amendment:
AM2747

(Amendments to Standing Committee amendments, AM2629)

- 1 1. Strike section 6 and insert the following sections:
- 2 Sec. 6. (1) Upon completion of the conditions specified
- 3 in subsection (2) of this section, the Director of Administrative
- 4 Services shall, on or before December 31, 2009, transfer by
- 5 warranty deed the site and tract of land in Lancaster County known
- 6 as the Nebraska State Fairgrounds, to the Board of Regents of the
- 7 University of Nebraska. Such transfer shall occur notwithstanding
- 8 sections 72-811 to 72-818 or any other provision of law.
- 9 (2) The transfer described in subsection (1) of this
- 10 section shall be contingent upon:
- 11 (a) Funds for the purpose of carrying out subsection
- 12 (4) of section 2-101 having been provided by or on behalf of the
- 13 University of Nebraska in a total amount of no less than twenty-one
- 14 million five hundred thousand dollars in cash or legally binding
- 15 commitments. Such funds may be provided over time, but they shall
- 16 in cumulative increments equal at least seven million five hundred
- 17 thousand dollars by October 1, 2008, fourteen million five hundred
- 18 thousand dollars by February 1, 2009, and twenty-one million five
- 19 hundred thousand dollars by July 1, 2009;
- 20 (b) The University of Nebraska providing a master plan
- 21 and business plan to carry out the master plan for the Innovation
- 22 Campus to the Department of Administrative Services and to the
- 1 Clerk of the Legislature on or before December 1, 2009, and
- 2 a commitment to provide on or before December 1 of each year
- 3 thereafter an annual update of the master plan and business plan to
- 4 the Clerk of the Legislature; and
- 5 (c) Funds for the purpose of carrying out subsection
- 6 (4) of section 2-101 having been provided by or on behalf of the
- 7 city of Grand Island in a total amount of no less than eight
- 8 million five hundred thousand dollars in cash or legally binding
- 9 commitments. Such funds may be provided over time, but they shall

10 in cumulative increments equal at least three million dollars by
 11 October 1, 2008, six million dollars by February 1, 2009, and eight
 12 million five hundred thousand dollars by July 1, 2009.

13 (3) The University of Nebraska and the city of
 14 Grand Island shall provide certification to the Department of
 15 Administrative Services on October 1, 2008, February 1, 2009, and
 16 July 1, 2009, of all funds provided to carry out subsection (4) of
 17 section 2-101. All amounts as certified in subdivisions (2)(a) and
 18 (c) of this section shall be held and expended as determined by
 19 agreement between the Hall County Livestock Improvement Association
 20 and the Nebraska State Fair Board.

21 (4)(a) The Nebraska State Fair shall be relocated to
 22 the city of Grand Island pursuant to subsection (4) of section
 23 2-101 contingent upon completion of the conditions specified in
 24 subsection (2) of this section.

25 (b) The Nebraska State Fair Board shall be responsible
 26 for any remaining costs associated with site improvements for
 27 relocating the Nebraska State Fair, not to exceed seven million
 1 dollars.

2 (c) On or before December 31, 2009, the Nebraska
 3 State Fair Board shall provide written release or other written
 4 instrument acceptable to the State Building Administrator in
 5 consultation with the President of the University of Nebraska
 6 in connection with the transfer of the Nebraska State Fairgrounds
 7 to the Board of Regents.

8 Sec. 7. Section 2-258, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 2-258 The money raised by the operational tax levy
 11 authorized in section 2-257 shall be used for the purpose of paying
 12 premiums and for permanent improvements for such fair, for the
 13 purpose of purchasing the necessary fair supplies, advertising, and
 14 the paying of necessary labor in connection therewith, and for
 15 other necessary expenses for the operation of the fair. ~~In counties~~
 16 ~~having a population of more than sixty thousand inhabitants but~~
 17 ~~not more than three hundred fifty thousand inhabitants, and also~~
 18 ~~containing a city of the primary class, In the county in which the~~
 19 Nebraska State Fair is located, the money so raised may be used
 20 for permanent improvements on the state and county fairgrounds or
 21 Nebraska State Fairgrounds, or for leasing, contracting for, or in
 22 any manner acquiring use of fairground facilities for such fair,
 23 fairs.

24 Sec. 8. Section 81-1108.33, Revised Statutes Cumulative
 25 Supplement, 2006, is amended to read:

26 81-1108.33 (1) It is the intent of the Legislature
 27 that the state will not assume responsibility for the substandard
 1 construction, repair, or maintenance of, or for the excessive
 2 maintenance or repair costs for, real property, structures, or
 3 improvements which will be made available by gift, bequest,
 4 or devise to any state agency, board, or commission. Therefor,

5 prior to any construction, repair, or maintenance work on such
 6 real property, structure, or improvement, the state building
 7 division and the Task Force for Building Renewal shall review the
 8 plans, specifications, other construction or repair documents, and
 9 potential maintenance requirements as a requirement for acceptance
 10 by the state of such real property, structure, or improvement.

11 (2)(a) Any gift of, bequest of, or devise of (i) real
 12 property, (ii) a structure, or (iii) an improvement proposed to
 13 be made available to any state agency, board, or commission shall
 14 be reviewed by the state building division and the Task Force
 15 for Building Renewal pursuant to sections 81-176, 81-1108.15,
 16 and 81-1114. Such review shall include any potential matching of
 17 state funds, any plans, specifications, and other construction
 18 or repair documents reviewed pursuant to subsection (1) of
 19 this section, and any potential maintenance requirements as a
 20 condition of acceptance. Subsequent to such review, the state
 21 building division and the task force shall submit a report to
 22 the Governor, the Committee on Building Maintenance, and the
 23 Legislative Fiscal Analyst including a summary of the review of the
 24 plans, specifications, and other construction or repair documents
 25 and potential maintenance requirements and outlining the terms and
 26 conditions of the proposed gift, bequest, or devise along with its
 27 recommendation.

1 (b) Any proposed gift of, bequest of, or devise of
 2 (i) real property, (ii) a structure, or (iii) an improvement in
 3 excess of ten thousand dollars shall be approved by the Governor
 4 and the Legislature prior to acceptance. If the Legislature is
 5 not in session, the Executive Board of the Legislative Council,
 6 after recommendation by the Committee on Building Maintenance, may
 7 approve such gift, bequest, or devise along with the Governor.

8 (c) No construction or other work related to the proposed
 9 gift, bequest, or devise shall be initiated prior to receiving the
 10 approval required by this section.

11 (3) For purposes of this section, gift of, bequest of,
 12 or devise of (a) real property, (b) a structure, or (c) an
 13 improvement shall include, but not be limited to, a donation of,
 14 gift of, bequest of, devise of, or grant of (i) real property,
 15 (ii) a structure, or (iii) an improvement from an individual, an
 16 organization, a corporation, a foundation, or a similar entity
 17 or from a nonfederal governmental agency. For purposes of this
 18 section, gift, bequest, or devise shall not include a donation,
 19 gift, bequest, devise, or grant of tangible or intangible personal
 20 property.

21 (4) This section shall not apply to ~~(a)~~ the University
 22 of Nebraska or any Nebraska state college, since these agencies
 23 are subject to and participate in statewide facilities planning
 24 developed by the Coordinating Commission for Postsecondary
 25 Education pursuant to the Coordinating Commission for Postsecondary
 26 Education Act, ~~or (b) improvements or structures on Nebraska State~~

27 Fairgrounds property reviewed and approved pursuant to section
1 ~~2-104.01.~~

2 Sec. 10. Sections 3 and 12 of this act become operative
3 on January 1, 2009. Sections 8, 13, and 14 of this act becomes
4 operative on December 31, 2009. The other sections of this act
5 become operative on their effective date.

6 Sec. 12. Original section 2-103, Revised Statutes
7 Cumulative Supplement, 2006, is repealed.

8 Sec. 13. Original section 81-1108.33, Revised Statutes
9 Cumulative Supplement, 2006, is repealed.

10 Sec. 14. The following sections are outright repealed:
11 Sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative
12 Supplement, 2006.

13 2. On page 2, line 11, after "(4)" insert "(a)" and after
14 line 27 insert the following new subdivision:

15 "(b) The Nebraska State Fair Board, the Department of
16 Administrative Services, and the Board of Regents of the University
17 of Nebraska shall cooperate with each other and with other
18 appropriate entities to provide for and carry out the plan to
19 relocate the Nebraska State Fair and transfer the Nebraska State
20 Fairgrounds in Lancaster County to the Board of Regents, including
21 activities by the Board of Regents to obtain due diligence surveys,
22 reports, and site assessments at the Nebraska State Fairgrounds in
23 Lancaster County and by the Nebraska State Fair Board in connection
24 with providing marketable title to the same in a form acceptable to
25 the Board of Regents.".

26 3. On page 4, lines 6 and 7, strike the new matter; and
27 in line 7 strike "the", show as stricken and insert "The".

1 4. On page 4, lines 17 and 18 and 24; and on page 13,
2 line 19, strike "effective date of this act" and insert "operative
3 date of this section".

4 5. On page 13, line 22, after "Original" insert "section
5 2-258, Reissue Revised Statutes of Nebraska," and strike ",
6 2-101.01, and 2-103," and insert "and 2-101.01,".

7 6. Renumber the remaining sections accordingly.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1116A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 736. Placed on Final Reading Second.
ST9095

(Final Reading copy)

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

1. On page 1, line 1, "driving under the influence" has been struck and "motor vehicle operators' licenses" inserted; and in line 8 "relating to driving under the influence" has been inserted after "provisions".

LEGISLATIVE BILL 736A. Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT
Judiciary

LEGISLATIVE RESOLUTION 284. Reported to the Legislature for further consideration with the following amendment:

AM2750

- 1 1. Strike the resolved clauses and insert:
- 2 "1. That the Legislature expresses its profound regret
- 3 for the state's role in slavery, especially during its Territorial
- 4 period prior to statehood, and condemns racial discrimination in
- 5 any form toward African-Americans.
- 6 2. That the Legislature encourages all citizens to teach
- 7 their children about the history of slavery and its effects,
- 8 especially as concerns modern day slavery, to ensure that these
- 9 tragedies will neither be forgotten nor repeated.
- 10 3. That this resolution shall not be used in, or be the
- 11 basis of, any type of litigation and shall not be deemed a waiver
- 12 of the state's sovereign immunity."

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Kopplin filed the following amendment to LB734:
AM2751

(Amendments to E & R amendments, ER8241)

- 1 1. On page 1, line 20, strike "or primary" and insert "
- 2 primary, or first"; and in line 21 strike "two" and insert "one".

RESOLUTION

LEGISLATIVE RESOLUTION 391. Introduced by Heidemann, 1.

WHEREAS, Jacob Dean Knutson of Troop 334, Palmyra, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

WHEREAS, Jacob Dean Knutson will receive the rank of Eagle Scout, and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Dean Knutson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Dean Knutson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 928. The Johnson amendment, AM2642, found on page 1301 and considered in this day's Journal, was renewed.

Senator Johnson moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Dubas offered the following amendment:

AM2282

- 1 1. Insert the following new sections:
- 2 Section 1. Section 68-909, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 68-909 (1) All contracts, agreements, rules, and
5 regulations relating to the medical assistance program as entered
6 into or adopted and promulgated by the department prior to July 1,
7 2006, and all provisions of the medicaid state plan and waivers
8 adopted by the department prior to July 1, 2006, shall remain in
9 effect until revised, amended, repealed, or nullified pursuant to
10 law.

11 (2) Prior to the adoption and promulgation of proposed
12 rules and regulations under section 68-912 or relating to the
13 implementation of medicaid state plan amendments or waivers,
14 the department shall provide a report to the Governor, the
15 Legislature, and the Medicaid Reform Council at least sixty
16 days prior to the beginning of a regular legislative session
17 summarizing the purpose and content of such proposed rules and
18 regulations and the projected impact of such proposed rules
19 and regulations on recipients of medical assistance and medical
20 assistance expenditures.

21 (3) The Medicaid Reform Council, no later than thirty
22 days after the date of receipt of any report under subsection
23 (2) of this section, may conduct a public meeting to receive
1 public comment regarding such report. The council shall promptly
2 provide any comments and recommendations regarding such report in
3 writing to the department. Such comments and recommendations shall
4 be advisory only and shall not be binding on the department, but
5 the department shall promptly provide a written response to such
6 comments or recommendations to the council.

7 (4) The department shall monitor and shall periodically,
8 as necessary, but no less than biennially, report to the
9 Governor, the Legislature, and the Medicaid Reform Council on
10 the implementation of rules and regulations, medicaid state plan
11 amendments, and waivers adopted under the Medical Assistance Act
12 and the effect of such rules and regulations, amendments, or
13 waivers on eligible recipients of medical assistance and medical
14 assistance expenditures.

15 Sec. 2. Section 68-912, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 68-912 (1) The department may establish (a) premiums,
18 copayments, and deductibles for goods and services provided under
19 the medical assistance program, (b) limits on the amount, duration,
20 and scope of goods and services that recipients may receive
21 under the medical assistance program, and (c) requirements for
22 recipients of medical assistance as a necessary condition for the
23 continued receipt of such assistance, including, but not limited
24 to, active participation in care coordination and appropriate
25 disease management programs and activities.

26 (2) In establishing and limiting coverage for services
27 under the medical assistance program, the department shall consider
1 (a) the effect of such coverage and limitations on recipients

2 of medical assistance and medical assistance expenditures, (b)
3 the public policy in section 68-905, (c) the experience and
4 outcomes of other states, (d) the nature and scope of benchmark or
5 benchmark-equivalent health insurance coverage as recognized under
6 federal law, and (e) other relevant factors as determined by the
7 department.

8 (3) Coverage for mandatory and optional services and
9 limitations on covered services as established by the department
10 prior to July 1, 2006, shall remain in effect until revised,
11 amended, repealed, or nullified pursuant to law. Any proposed
12 reduction or expansion of services or limitation of covered
13 services by the department under this section shall be subject
14 to the reporting and review requirements of section 68-909.

15 (4) Except as otherwise provided in this subsection,
16 proposed rules and regulations under this section relating to the
17 establishment of premiums, copayments, or deductibles for eligible
18 recipients or limits on the amount, duration, or scope of covered
19 services for eligible recipients shall not become effective until
20 the conclusion of the earliest regular session of the Legislature
21 in which there has been a reasonable opportunity for legislative
22 consideration of such rules and regulations. This subsection does
23 not apply to rules and regulations that are (a) required by
24 federal or state law, (b) related to a waiver in which recipient
25 participation is voluntary, or (c) proposed due to a loss of
26 federal matching funds relating to a particular covered service
27 or eligibility category. Legislative consideration includes, but
1 is not limited to, the introduction of a legislative bill, a
2 legislative resolution, or an amendment to pending legislation
3 relating to such rules and regulations.

4 (5) The department shall implement a process under which
5 an eligible recipient may, upon request of the recipient or a
6 person on behalf of the recipient, obtain an exception from
7 the service limitation placed on an optional service up to the
8 limit established under the medical assistance program as the
9 limit existed on January 1, 2008. The process shall provide
10 that if the department does not notify an eligible recipient
11 regarding its decision on the recipient's request for an exception
12 within ten days after the department receives the request, the
13 department shall be deemed to have found the services requested to
14 be medically necessary.

15 Sec. 3. Original sections 68-909 and 68-912, Revised
16 Statutes Cumulative Supplement, 2006, are repealed.

17 2. Renumber the remaining section accordingly.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Dubas offered the following amendment to her amendment:

FA273

Amend AM2282

1. Strike section 2.
2. On page 1 strike the new matter in lines 15 and 16 and insert "no later than December 1 before the next regular session of the Legislature"
3. Change the original repealer accordingly.

The Dubas amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

The Dubas amendment, AM2282, as amended, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Dierks offered the following amendment:

AM2755

- 1 1. In AM2304, strike sections 1 and 5.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

The Dierks amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Flood offered the following amendment:

AM2759

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Insert the following new sections:
- 2 Sec. 12. Section 71-810, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 71-810 (1) The division shall encourage and facilitate
- 5 the statewide development and provision of an appropriate array of
- 6 community-based behavioral health services and continuum of care
- 7 for the purposes of (a) providing greater access to such services
- 8 and improved outcomes for consumers of such services and (b)
- 9 reducing the necessity and demand for regional center behavioral
- 10 health services.
- 11 (2) The division may reduce or discontinue regional
- 12 center behavioral health services only if (a) appropriate
- 13 community-based services or other regional center behavioral health
- 14 services are available for every person receiving the regional
- 15 center services that would be reduced or discontinued, (b) such
- 16 services possess sufficient capacity and capability to effectively
- 17 replace the service needs which otherwise would have been
- 18 provided at such regional center, and (c) no further commitments,
- 19 admissions, or readmissions for such services are required due
- 20 to the availability of community-based services or other regional
- 21 center services to replace such services.
- 22 (3) The division shall notify the Governor and the
- 1 Legislature of any intended reduction or discontinuation of

2 regional center services under this section. Such notice shall
3 include detailed documentation of the community-based services or
4 other regional center services that are being utilized to replace
5 such services. The Behavioral Health Oversight Commission of the
6 Legislature shall review such documentation and shall report to
7 the Governor and the Health and Human Services Committee of the
8 Legislature whether, in its opinion, the requirements of subsection
9 (2) of this section have been met with respect to such intended
10 reduction or discontinuation of regional center services and shall
11 enumerate the criteria used by the commission in making such
12 determination.

13 (4) As regional center services are reduced or
14 discontinued under this section, the division shall make
15 appropriate corresponding reductions in regional center personnel
16 and other expenditures related to the provision of such services.
17 All funding related to the provision of regional center services
18 that are reduced or discontinued under this section shall be
19 reallocated and expended by the division for purposes related
20 to the statewide development and provision of community-based
21 services.

22 (5) The division may establish state-operated
23 community-based services to replace regional center services
24 that are reduced or discontinued under this section. The division
25 shall provide regional center employees with appropriate training
26 and support to transition such employees into positions as may be
27 necessary for the provision of such state-operated services.

1 (6) When the occupancy of the licensed psychiatric
2 hospital beds of any regional center reaches twenty percent or
3 less of its licensed psychiatric hospital bed capacity on March 15,
4 2004, the division shall notify the Governor and the Legislature of
5 such fact. Upon such notification, the division, with the approval
6 of a majority of members of the Executive Board of the Legislative
7 Council, may provide for the transfer of all remaining patients
8 at such center to appropriate community-based services or other
9 regional center services pursuant to this section and cease the
10 operation of such regional center.

11 (7) The division, in consultation with each regional
12 behavioral health authority, shall establish and maintain a data
13 and information system for all persons receiving state-funded
14 behavioral health services under the Nebraska Behavioral Health
15 Services Act. Information maintained by the division shall include,
16 but not be limited to, (a) the number of persons receiving regional
17 center services, (b) the number of persons ordered by a mental
18 health board to receive inpatient or outpatient treatment and
19 receiving regional center services, (c) the number of persons
20 ordered by a mental health board to receive inpatient or outpatient
21 treatment and receiving community-based services, (d) the number of
22 persons voluntarily admitted to a regional center and receiving
23 regional center services, (e) the number of persons waiting

24 to receive regional center services, (f) the number of persons
 25 waiting to be transferred from a regional center to community-based
 26 services or other regional center services, (g) the number of
 27 persons discharged from a regional center who are receiving
 1 community-based services or other regional center services, and
 2 (h) the number of persons admitted to behavioral health crisis
 3 centers. Each regional behavioral health authority shall provide
 4 such information as requested by the division and necessary to
 5 carry out this subsection. The division shall submit reports of
 6 such information to the Governor and the Legislature on a quarterly
 7 basis beginning July 1, 2005, in a format which does not identify
 8 any person by name, address, county of residence, social security
 9 number, or other personally identifying characteristic.

10 (8) The provisions of this section are self-executing and
 11 require no further authorization or other enabling legislation.

12 Sec. 13. Section 71-818, Revised Statutes Cumulative
 13 Supplement, 2006, is amended to read:

14 71-818 ~~(1)-(1)(a)~~ The Behavioral Health Oversight
 15 Commission ~~of the Legislature~~ is created. ~~The~~

16 (b) Until June 30, 2008, the commission shall consist
 17 of not more than twenty-five members appointed by the chairperson
 18 of the Health and Human Services Committee of the Legislature
 19 and confirmed by a majority of members of the committee, and
 20 members. ~~Members~~ of the commission shall ~~(a)-(i)~~ include, but
 21 not be limited to, representatives of the Legislature, consumers,
 22 and consumer advocacy organizations, behavioral health providers,
 23 the communities of Norfolk and Hastings, state employees,
 24 regional behavioral health authorities, mental health boards, and
 25 law enforcement, ~~(b)-(ii)~~ possess a demonstrated interest and
 26 commitment and specialized knowledge, experience, or expertise
 27 relating to the provision of behavioral health services in the
 1 State of Nebraska, and ~~(c)-(iii)~~ be broadly representative of all
 2 the behavioral health regions.

3 (c) Beginning on July 1, 2008, the members of the
 4 commission shall possess a demonstrated interest and commitment and
 5 specialized knowledge, experience, or expertise relating to the
 6 provision of behavioral health services in the State of Nebraska,
 7 and the commission shall consist of twelve members appointed
 8 by the Governor as follows: (i) One consumer of behavioral
 9 health services, (ii) one consumer advocate of behavioral
 10 health services, (iii) three providers of community-based
 11 behavioral health services, including one representative from each
 12 congressional district, (iv) three regional behavioral health
 13 authority administrators, including one from each congressional
 14 district, (v) one representative of the Norfolk Regional Center,
 15 (vi) one representative of the Lincoln Regional Center, (vii)
 16 one representative of the city of Norfolk, and (viii) one
 17 representative of the city of Hastings.

18 (d) Members of the commission shall serve without

19 compensation but shall be reimbursed from the Nebraska Health Care
 20 Cash Fund for their actual and necessary expenses as provided in
 21 sections 81-1174 to 81-1177.

22 ~~(2) The (2)(a) Until June 30, 2008, the commission, under~~
 23 the direction of and in consultation with the Health and Human
 24 Services Committee of the Legislature, shall oversee and support
 25 implementation of the Nebraska Behavioral Health Services Act and
 26 shall administer such funds as appropriated by the Legislature from
 27 the Nebraska Health Care Cash Fund for such purpose, ~~and the -~~
 1 The commission may employ staff, enter into contracts, establish
 2 and utilize task forces and subcommittees, and perform such other
 3 activities as necessary and appropriate to carry out its duties
 4 under this section.

5 (b) Beginning on July 1, 2008, the commission shall
 6 be responsible to the division and shall oversee and support
 7 implementation of the Nebraska Behavioral Health Services Act. To
 8 carry out this duty, the commission shall (i) conduct regular
 9 meetings, (ii) provide advice and assistance to the division
 10 relating to the implementation of the act, (iii) promote the
 11 interests of consumers and their families, (iv) provide reports as
 12 requested by the division, and (v) engage in such other activities
 13 as directed or authorized by the division.

14 (3) To assist the commission in its role of oversight,
 15 the division shall provide the commission with a quarterly report
 16 regarding the implementation of the Nebraska Behavioral Health
 17 Services Act.

18 ~~(3)-(4) The commission and this section terminate on June~~
 19 ~~30, 2008. 2009.~~

20 2. Renumber the remaining sections and correct internal
 21 references accordingly.

22 3. Correct the operative date and repealer sections so
 23 that the sections added by this amendment become operative on their
 24 effective date with the emergency clause.

The Flood amendment was adopted with 34 ayes, 1 nay, 4 present and not
 voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 928A. Senator Johnson withdrew his amendment
 AM2620, found on page 1255.

Senator Johnson offered the following amendment:
 AM2757

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. There is hereby appropriated (1) \$56,101 from
 4 the Health and Human Services Cash Fund for FY2008-09 and (2)
 5 \$97,949 from the Health and Human Services Cash Fund for FY2009-10

6 to the Department of Health and Human Services, for Program 33, to
 7 aid in carrying out the provisions of Legislative Bill 928, One
 8 Hundredth Legislature, Second Session, 2008.

9 Sec. 2. There is hereby appropriated (1) \$25,000 from the
 10 General Fund for FY2008-09 and (2) \$9,000 from the General Fund for
 11 FY2009-10 to the University of Nebraska, for Program 781, to aid in
 12 carrying out the provisions of Legislative Bill 928, One Hundredth
 13 Legislature, Second Session, 2008.

14 Sec. 3. The General Fund appropriation for FY2009-10 to
 15 the Department of Health and Human Services, for Program 33, is
 16 hereby reduced by \$42,000.

17 Sec. 4. (1) The General Fund appropriation for FY2008-09
 18 to the Department of Health and Human Services, for Program 348,
 19 is hereby reduced by \$144,402. The federal fund appropriation for
 20 FY2008-09 to the Department of Health and Human Services, for
 21 Program 348, is hereby reduced by \$216,603.

22 (2) The General Fund appropriation for FY2009-10 to the
 23 Department of Health and Human Services, for Program 348, is hereby
 1 reduced by \$204,570. The federal fund appropriation for FY2009-10
 2 to the Department of Health and Human Services, for Program 348, is
 3 hereby reduced by \$306,854.

4 The reductions made pursuant to this section are to
 5 aid in carrying out the provisions of Legislative Bill 928, One
 6 Hundredth Legislature, Second Session, 2008.

The Johnson amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Flood offered the following amendment:

AM2760

1 1. Insert the following new section:

2 Sec. 3. There is hereby appropriated \$10,000 from the
 3 Nebraska Health Care Cash Fund for FY2008-09 to the Department of
 4 Health and Human Services, for Program 33, to aid in carrying out
 5 the provisions of Legislative Bill 928, One Hundredth Legislature,
 6 Second Session, 2008.

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

The Flood amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were Diane Beninato from Omaha; 61 fourth-grade students from Howard Elementary, Fremont; 21 fourth-grade students and teachers from Battle Creek; 30 fifth-grade students and teachers from Thayer Central School, Hebron; and Senator Louden's wife, SharonAnn, from Ellsworth, and his daughter-in-law, Kelly Sutton, from Ft. Collins, Colorado.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

ADJOURNMENT

At 7:08 p.m., on a motion by Senator Christensen, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 2008.

Patrick J. O'Donnell
Clerk of the Legislature