

**THIRTY-SIXTH DAY - MARCH 3, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 3, 2010

**PRAYER**

The prayer was offered by Senator Pankonin.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Campbell, Cook, and Louden who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 735.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 258.** ER8164, found on page 551, was adopted.

Senator Karpisek renewed his amendment, AM2006, found on page 725.

Senator Harms requested a ruling of the Chair on whether the Karpisek amendment is germane to the bill.

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

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

Senator Karpisek withdrew his motion to overrule the Chair.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 768.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 799.** Senator Gloor offered the following amendment:  
AM2099

- 1 1. On page 2, lines 5 and 7, strike "2000", show
- 2 as stricken, and insert "2009"; in line 8 after "edition"
- 3 insert "except section R313" and after "Council" insert ". The
- 4 provisions of the International Residential Code shall apply to
- 5 the construction, alteration, movement, enlargement, replacement,
- 6 repair, equipment, use and occupancy, location, removal, and
- 7 demolition of townhouses not more than three stories above grade
- 8 plane in height with a separate mean of egress and their accessory
- 9 structures and detached one-family and two-family dwellings"; and
- 10 strike lines 16 through 18 and show as stricken.
- 11 2. On page 3, strike beginning with the first comma in
- 12 line 22 through "the" in line 24 and show as stricken; and in line
- 13 25 strike the new matter.
- 14 3. On page 4, line 1, strike the new matter and strike
- 15 "referred to", show as stricken, and insert "codes adopted by
- 16 reference"; and in lines 15 and 16 strike "the publication date
- 17 of the edition.", show as stricken, and insert "a new edition is
- 18 adopted under section 71-6403.".
- 19 4. On page 5, line 1, strike ", new edition," and show as
- 20 stricken.

Senator Gloor withdrew his amendment.

Pending.

### GENERAL FILE

**LEGISLATIVE BILL 1018.** Title read. Considered.

Committee AM1910, found on page 603, was considered.

### SENATOR CARLSON PRESIDING

The committee amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 943.** Title read. Considered.

Committee AM1922, found on page 611, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 297CA.** Read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1051.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 727.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT**

Transportation and Telecommunications

**LEGISLATIVE BILL 1065.** Placed on General File with amendment.  
AM2046

- 1 1. On page 6, line 14, strike "five" and insert
- 2 "fifteen".

(Signed) Deb Fischer, Chairperson

**AMENDMENTS - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB951:

FA66

Amend AM2061

Strike on Page 5, lines 3-11.

Senator Ashford filed the following amendment to LB817:

AM2096

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Section 1. Section 2-32,101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-32,101 (1) Any law enforcement officer, including, but
- 5 not limited to, any Game and Parks Commission conservation officer,
- 6 local police officer, member of the Nebraska State Patrol, or

7 sheriff or deputy sheriff, is authorized to enforce ~~the provisions~~  
 8 ~~of~~ sections 2-3292 to 2-32,100 and any rules and regulations  
 9 adopted and promulgated pursuant to such sections. A district  
 10 shall not employ law enforcement personnel and shall be prohibited  
 11 from expending any funds for such purpose, except as provided in  
 12 subsection (2) of this section. Each district shall provide a copy  
 13 of its rules and regulations to the appropriate law enforcement  
 14 officer. Any law enforcement officer may arrest and detain any  
 15 person committing a violation of the rules and regulations in a  
 16 recreation area or committing any misdemeanor or felony as provided  
 17 by the laws of this state.

18 (2) A natural resources district may expend funds to  
 19 enter into agreements pursuant to the Interlocal Cooperation Act  
 20 for the services of certified law enforcement personnel or to  
 21 contract for the services of private security services to patrol  
 22 and protect district-owned recreation areas and to assist law  
 1 enforcement officers in enforcing sections 2-3292 to 2-32,100 and  
 2 any rules and regulations adopted and promulgated pursuant to such  
 3 sections.

4 2. On page 1, line 8, reinstate the stricken matter.

5 3. Renumber the remaining sections and correct the  
 6 repealer section accordingly.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1109A.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1109, One Hundred First Legislature, Second Session, 2010; and to declare an emergency.

### MESSAGES FROM THE GOVERNOR

March 3, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 190, 190A, 226e, 512, 643, 650, 650A, 667, 690, 691, 698e, 705, 708, 721, 722, 723, 725, 731, 736e, 738e 743e, 746, 749, 751e, 762e, 787, 788, 791, 797, 798, 806, 814, 816e, 832, 848, 871, 873, 890e, 891e, 892e, 911e, and 914 were received in my office on February 25, 2010.

These bills were signed and delivered to the Secretary of State on March 3, 2010.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 3, 2010

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

Dear Mr. President and Members of the Legislature:

I am returning LB 867 without my signature and with my objections.

This legislation proposes to increase the shipping license fee under the Nebraska Liquor Control Act from \$200 to \$1,000, and directs that the funds received from this fee be remitted to the State Treasurer for credit to the General Fund.

During the 2009 Special Session, we faced complex challenges in addressing a budget shortfall. We still have significant financial challenges ahead of us. Substantially increasing this fee during these difficult economic times is unreasonable. Currently, the shipping license fee is one of the lowest in the nation; LB 867 would make it one of the highest. This 500% increase will create an undue burden on small business that ship alcohol into the State of Nebraska.

For these reasons, I respectfully urge you to sustain my veto of the legislation.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **VISITORS**

Visitors to the Chamber were Carly Runestad from Lincoln; Philip E. Darby from Lexington; students of Norfolk Youth Leadership Council from Norfolk; and seventh- and eighth-grade students from Sunrise Middle School, Kearney.

### **RECESS**

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

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Pahls who was excused; and Senators Langemeier and Pirsch who were excused until they arrive.

**SENATOR FISCHER PRESIDING****COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 770.** Placed on Final Reading.

**LEGISLATIVE BILL 865.** Placed on Final Reading.

**LEGISLATIVE BILL 910.** Placed on Final Reading.

ST9079

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

1. In the E & R amendments, ER8168, on page 3, line 25, "upon" has been struck.

**LEGISLATIVE BILL 910A.** Placed on Final Reading.

**LEGISLATIVE BILL 1006.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 952.** Committee AM1945, found on page 567 and considered on page 703, was renewed.

**SENATOR LANGEMEIER PRESIDING****SENATOR KARPISEK PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

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

Senator White offered the following amendment:

AM2091

- 1 1. On page 3, line 16, strike "public utility" and insert
- 2 "metropolitan utilities district".
- 3 2. On page 4, line 1, strike the period and insert an
- 4 underscored semicolon.

Senator Fischer offered the following amendment to the White amendment:

FA67

Amend AM2091

Strike on line 1, the words "line 16 through the word district" in line two, and inserting "lines 16 through line 20".

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 346.** Introduced by Janssen, 15.

WHEREAS, Tyler Going of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 160-pound division; and

WHEREAS, Tyler Going defeated Blake Augustyn of Ord High School 7-2 to win the state championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Tyler Going on winning the 2010 Class C State Wrestling Championship in the 160-pound division.

2. That a copy of this resolution be sent to Tyler Going.

Laid over.

**LEGISLATIVE RESOLUTION 347.** Introduced by Janssen, 15.

WHEREAS, Eli Vosler of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 215-pound division; and

WHEREAS, Eli Vosler defeated Isiah Williams of Madison High School 3-2 to win the state championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Eli Vosler on winning the 2010 Class C State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Eli Vosler.

Laid over.

**LEGISLATIVE RESOLUTION 348.** Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, over four thousand children are affected by child abuse in Nebraska each year; and

WHEREAS, the physical and mental health effects of child abuse can last a lifetime; and

WHEREAS, certain risk factors for child abuse have been identified and can be mitigated by risk reduction and proactive protection; and

WHEREAS, individuals who have the support of their communities are more able to provide safe environments for their children; and

WHEREAS, the best time to stop child abuse is before it starts; and

WHEREAS, National Child Abuse Prevention Month, which occurs each year in April, has been a time for raising awareness about the prevention of child abuse since 1983.

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

1. That the Legislature recognizes April 2010 as Child Abuse Prevention Month in Nebraska and encourages communities to participate in activities designed to increase public awareness about the importance of preventing child abuse.

2. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

**LEGISLATIVE RESOLUTION 349.** Introduced by Flood, 19.

WHEREAS, Canada and the United States share a rich and vibrant history of democratic governments, North American borders, military and security partnerships and alliances, significant cultural, academic, and tourism ties, and deeply integrated and empowered trade and financial relationships; and

WHEREAS, Canada and the State of Nebraska have a strong and durable relationship based upon history, language, trade, energy development, and diverse cultural and economic ties; and

WHEREAS, Canada is the largest trading partner of the United States, with a combined \$776 billion in goods and services traded between the two nations and more than seven million United States jobs supported by that trade; and



WHEREAS, Canada is the leading trading partner of the State of Nebraska, with a combined \$2.6 billion in merchandise trade with our nation's northern neighbor and nearly fifty thousand Nebraska jobs supported by that trade; and

WHEREAS, the people of the State of Nebraska and Canada continue to enjoy mutual hospitality, with a combined one hundred nine thousand tourist visits between the two and \$49 million spent during those visits.

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

1. That the Legislature acknowledges the long and rich history of friendship and trade between the State of Nebraska and the neighboring nation of Canada by proclaiming March 15, 2010, to be 2010 Canada Day at the Nebraska State Capitol.

2. That a copy of this resolution be sent to the Consul General of Canada, the Secretary of State of Nebraska, and the Prime Minister of Canada.

Laid over.

**LEGISLATIVE RESOLUTION 350.** Introduced by Coash, 27.

WHEREAS, Paul Engler, an alumnus of the University of Nebraska-Lincoln and a Nebraska native who currently lives in Texas, donated \$20 million to the University of Nebraska-Lincoln for its agribusiness curriculum; and

WHEREAS, the donation is the largest single gift in the history of the University of Nebraska Institute of Agriculture and Natural Resources; and

WHEREAS, the donation will support student scholarships, an endowed chair in agribusiness entrepreneurship, student courses, a lecture series, entrepreneurship training camps, internship placement assistance, student travel, and a venture capital fund to support student start-up businesses.

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

1. That the Legislature expresses its appreciation to Paul Engler for his generous donation to the University of Nebraska-Lincoln.

2. That a copy of this resolution be sent to Paul Engler.

Laid over.

**LEGISLATIVE RESOLUTION 351.** Introduced by Coash, 27.

WHEREAS, Mike Robb, a music teacher at Irving Middle School in Lincoln, Nebraska, was awarded the 2010 Thank You Teacher Award in the middle school category, bestowed by Lincoln Public Schools; and

WHEREAS, Mike Robb has taught music at Irving Middle School for nine years and directs all of the various school choirs; and

WHEREAS, the Legislature recognizes the accomplishments of Nebraska's educators and their work in providing a quality education to the youth of our state.

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

1. That the Legislature congratulates Mike Robb on winning the 2010 Thank You Teacher Award in the middle school category.
2. That a copy of this resolution be sent to Mike Robb.

Laid over.

## COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 747.** Placed on General File with amendment.  
AM1931

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 37-201, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 37-201 Sections 37-201 to 37-811 and section 3 of this
- 6 act shall be known and may be cited as the Game Law.
- 7 Sec. 2. Section 37-559, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 37-559 (1) Any farmer or rancher owning or operating a
- 10 farm or ranch may destroy or have destroyed any predator preying
- 11 on livestock or poultry or causing other agricultural depredation
- 12 on land owned or controlled by him or her without a permit issued
- 13 by the commission. For purposes of this subsection, predator means
- 14 a badger, bobcat, coyote, gray fox, long-tailed weasel, mink,
- 15 opossum, raccoon, red fox, or skunk.
- 16 (2) Any farmer or rancher owning or operating a farm or
- 17 ranch, or his or her agent, may kill a mountain lion immediately
- 18 without prior notice or permission from the commission if he
- 19 or she encounters a mountain lion and the mountain lion is in
- 20 the process of stalking, killing, or consuming livestock on the
- 21 farmer's or rancher's property. The farmer or rancher or his or her
- 22 agent shall be responsible for immediately notifying the commission
- 23 and arranging with the commission to transfer the mountain lion to
- 1 the commission.
- 2 (3) Any person shall be entitled to defend himself or
- 3 herself or another person without penalty if, in the presence of
- 4 such person, a mountain lion stalks, attacks, or shows unprovoked
- 5 aggression toward such person or another person.
- 6 (2)-(4) This section shall not be construed to allow
- 7 ~~such a~~ farmer or rancher or his or her agent to destroy or have
- 8 destroyed species which are protected by ~~the provisions of sections~~
- 9 ~~37-314 and 37-501 to 37-503,~~ the Nongame and Endangered Species

10 Conservation Act or rules and regulations adopted and promulgated  
 11 under the act, the federal Endangered Species Act of 1973, as  
 12 amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife  
 13 Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal  
 14 Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et  
 15 seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C.  
 16 703 et seq., or rules and regulations adopted and promulgated  
 17 pursuant to such provisions, federal regulations under such federal  
 18 acts.

19 Sec. 3. (1) The commission may issue a permit for  
 20 the killing of one or more mountain lions which are preying on  
 21 livestock or poultry. The permit shall be valid for up to thirty  
 22 days and shall require the commission to be notified immediately  
 23 by the permitholder after the killing of a mountain lion and shall  
 24 require the carcass to be transferred to the commission.

25 (2) To be eligible for a permit under this section, a  
 26 farmer or rancher owning or operating a farm or ranch shall contact  
 27 the commission to confirm that livestock or poultry on his or her  
 1 property or property under his or her control has been subject  
 2 to depredation by a mountain lion. The commission shall confirm  
 3 that the damage was caused by a mountain lion prior to issuing  
 4 the permit. The farmer or rancher shall be allowed up to thirty  
 5 days, as designated by the commission, to kill the mountain lion  
 6 on such property and shall notify the commission immediately after  
 7 the killing of a mountain lion and arrange with the commission to  
 8 transfer the mountain lion to the commission.

9 (3) The commission may adopt and promulgate rules and  
 10 regulations to carry out this section.

11 Sec. 4. Original section 37-559, Reissue Revised Statutes  
 12 of Nebraska, and section 37-201, Revised Statutes Supplement, 2009,  
 13 are repealed.

(Signed) Chris Langemeier, Chairperson

Business and Labor

**LEGISLATIVE BILL 829.** Placed on General File.

**LEGISLATIVE BILL 934.** Placed on General File.

**LEGISLATIVE BILL 780.** Placed on General File with amendment.  
 AM2064

- 1 1. On page 2, strike lines 19 through 22 and insert:
- 2 "(3) For purposes of this section, first responder means
- 3 a sheriff, a deputy sheriff, a police officer, an officer of
- 4 the Nebraska State Patrol, a volunteer or paid firefighter,
- 5 or a volunteer or paid individual licensed under a licensure
- 6 classification in subdivision (1) of section 38-1217 who provides
- 7 immediate medical care in order to prevent loss of life or
- 8 aggravation of physiological or psychological illness or injury."

**LEGISLATIVE BILL 872.** Placed on General File with amendment.  
AM1985

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

3 Section 1. Section 48-120.04, Revised Statutes  
4 Supplement, 2009, is amended to read:

5 48-120.04 (1) This section applies only to hospitals  
6 identified in subdivision (1)(c) of section 48-120.

7 (2) For inpatient discharges on or after January 1, 2008,  
8 the Diagnostic Related Group inpatient hospital fee schedule shall  
9 be as set forth in this section, except as otherwise provided in  
10 subdivision (1)(d) of section 48-120. Adjustments shall be made  
11 annually as provided in this section, with such adjustments to  
12 become effective each January 1.

13 (3) For purposes of this section:

14 (a) Current Medicare Factor is derived from the  
15 Diagnostic Related Group Prospective Payment System as established  
16 by the Centers for Medicare and Medicaid Services under the United  
17 States Department of Health and Human Services and means the  
18 summation of the following components:

19 (i) Hospital-specific Federal Standardized Amount,  
20 including all wage index adjustments and reclassifications;

21 (ii) Hospital-specific Capital Standard Federal Rate,  
22 including geographic, outlier, and exception adjustment factors;

23 (iii) Hospital-specific Indirect Medical Education Rate,  
1 reflecting a percentage add-on for indirect medical education costs  
2 and related capital; and

3 (iv) Hospital-specific Disproportionate Share Hospital  
4 Rate, reflecting a percentage add-on for disproportionate share of  
5 low income patient costs and related capital;

6 (b) Current Medicare Weight means the weight assigned  
7 to each Medicare Diagnostic Related Group as established by the  
8 Centers for Medicare and Medicaid Services under the United States  
9 Department of Health and Human Services;

10 (c) Diagnostic Related Group means the Diagnostic Related  
11 Group assigned to inpatient hospital services using the public  
12 domain classification and methodology system developed for the  
13 Centers for Medicare and Medicaid Services under the United States  
14 Department of Health and Human Services; and

15 (d) Workers' Compensation Factor means the Current  
16 Medicare Factor for each hospital multiplied by one hundred fifty  
17 percent.

18 (4) The Diagnostic Related Group inpatient hospital  
19 fee schedule shall include at least thirty-eight of the most  
20 frequently utilized Medicare Diagnostic Related Groups for workers'  
21 compensation with the goal that the fee schedule covers at least  
22 ninety percent of all workers' compensation inpatient hospital  
23 claims submitted by hospitals identified in subdivision (1)(c) of  
24 section 48-120. Rehabilitation Diagnostic Related Groups shall not

25 be included in the Diagnostic Related Group inpatient hospital  
26 fee schedule. Claims for inpatient trauma services shall not be  
27 reimbursed under the Diagnostic Related Group inpatient hospital  
1 fee schedule established under this section until January 1, ~~2011~~  
2 2012. Claims for inpatient trauma services prior to January 1,  
3 ~~2011~~, 2012, shall be reimbursed under the fees established by  
4 the compensation court pursuant to subdivision (1)(b) of section  
5 48-120 or as contracted pursuant to subdivision (1)(d) of such  
6 section. For purposes of this subsection, trauma means a major  
7 single-system or multisystem injury requiring immediate medical or  
8 surgical intervention or treatment to prevent death or permanent  
9 disability.

10 (5) The Diagnostic Related Group inpatient hospital fee  
11 schedule shall be established by the following methodology:

12 (a) The Diagnostic Related Group reimbursement amount  
13 required under the Nebraska Workers' Compensation Act shall be  
14 equal to the Current Medicare Weight multiplied by the Workers'  
15 Compensation Factor for each hospital;

16 (b) The Stop-Loss Threshold amount shall be the  
17 Diagnostic Related Group reimbursement amount calculated in  
18 subdivision (5)(a) of this section multiplied by two and one-half;

19 (c) For charges over the Stop-Loss Threshold amount of  
20 the schedule, the hospital shall be reimbursed the Diagnostic  
21 Related Group reimbursement amount calculated in subdivision (5)(a)  
22 of this section plus sixty percent of the charges over the  
23 Stop-Loss Threshold amount; and

24 (d) For charges less than the Stop-Loss Threshold amount  
25 of the schedule, the hospital shall be reimbursed the lower of  
26 the hospital's billed charges or the Diagnostic Related Group  
27 reimbursement amount calculated in subdivision (5)(a) of this  
1 section.

2 (6) For charges for all other stays or services that are  
3 not on the Diagnostic Related Group inpatient hospital fee schedule  
4 or are not contracted for under subdivision (1)(d) of section  
5 48-120, the hospital shall be reimbursed under the schedule of  
6 fees established by the compensation court pursuant to subdivision  
7 (1)(b) of section 48-120.

8 (7) Each hospital shall assign and include a Diagnostic  
9 Related Group on each workers' compensation claim submitted.  
10 The workers' compensation insurer, risk management pool, or  
11 self-insured employer may audit the Diagnostic Related Group  
12 assignment of the hospital.

13 (8) The chief executive officer of each hospital shall  
14 sign and file with the administrator of the compensation court by  
15 October 15 of each year, in the form and manner prescribed by the  
16 administrator, a sworn statement disclosing the Current Medicare  
17 Factor of the hospital in effect on October 1 of such year and each  
18 item and amount making up such factor.

19 (9) Each hospital, workers' compensation insurer, risk  
 20 management pool, and self-insured employer shall report to the  
 21 administrator of the compensation court by October 15 of each year,  
 22 in the form and manner prescribed by the administrator, the total  
 23 number of claims submitted for each Diagnostic Related Group and  
 24 the number of times billed charges exceeded the Stop-Loss Threshold  
 25 amount for each Diagnostic Related Group.

26 (10) The compensation court may add or subtract  
 27 Diagnostic Related Groups in striving to achieve the goal of  
 1 including those Diagnostic Related Groups that encompass at least  
 2 ninety percent of the inpatient hospital workers' compensation  
 3 claims submitted by hospitals identified in subdivision (1)(c) of  
 4 section 48-120. The administrator of the compensation court shall  
 5 annually make necessary adjustments to comply with the Current  
 6 Medicare Weights and shall annually adjust the Current Medicare  
 7 Factor for each hospital based on the annual statement submitted  
 8 pursuant to subsection (8) of this section.

9 Sec. 2. Original section 48-120.04, Revised Statutes  
 10 Supplement, 2009, is repealed.

**LEGISLATIVE BILL 884.** Placed on General File with amendment.  
 AM1615

1 1. Insert the following new section:

2 Section 1. Section 29-431, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 29-431 As used in sections 28-416, 29-422, 29-424,  
 5 29-425, ~~and 29-431 to 29-434, and 48-1231,~~ unless the context  
 6 otherwise requires, ~~infraction shall mean means~~ the violation of  
 7 any law, ordinance, order, rule, or regulation, not including  
 8 those related to traffic, which is not otherwise declared to  
 9 be a misdemeanor or a felony. ~~Infraction shall include includes~~  
 10 violations of section 60-6,267.

11 2. On page 2, line 13, after "a" insert "written"; in  
 12 line 17 strike "shall" and insert "may"; and in line 18 strike  
 13 beginning with the comma through "employee".

14 3. On page 4, strike lines 8 through 12 and insert "(2)  
 15 An employer who fails to furnish an itemized statement requested by  
 16 an employee under subsection (2) of section 48-1230 shall be guilty  
 17 of an infraction as defined in section 29-431 and shall be subject  
 18 to a fine pursuant to section 29-436."; and in line 24 strike  
 19 "section" and insert "sections 29-431 and".

20 4. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

## Judiciary

**LEGISLATIVE BILL 844.** Placed on General File.

(Signed) Brad Ashford, Chairperson

Natural Resources

**LEGISLATIVE BILL 785.** Placed on General File with amendment.  
AM2090

- 1 1. On page 3, line 1, after "to" insert "(a)" and  
2 after "water" insert an underscored comma; in line 2, strike the  
3 first "or" and insert "(b)"; and in line 4 strike the period  
4 and insert ", or (c) a transfer that involves one landowner on a  
5 single tract of land where there is no reduction or increase in  
6 certified irrigated acres and the transfer involves an improvement  
7 to irrigation efficiency.".

(Signed) Chris Langemeier, Chairperson

Education

**LEGISLATIVE BILL 1070.** Placed on General File with amendment.  
AM2084 is available in the Bill Room.

**LEGISLATIVE BILL 1071.** Placed on General File with amendment.  
AM2103 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

### ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee has rescheduled its executive session from Wednesday, March 3, 2010 at 4:00 p.m. to Thursday, March 4, 2010, upon adjournment, in Room 1015.

### AMENDMENT - Print in Journal

Senators Avery and McCoy filed the following amendment to LB742:  
AM2105

(Amendments to Standing Committee amendments, AM1967)

- 1 1. On page 1, lines 3 and 4, strike "a private insurance  
2 company or".  
3 2. On page 3, after line 4 insert the following new  
4 subsection:  
5 "(6) This section does not apply to claims made  
6 in connection with insured or self-insured health insurance  
7 contracts.".

**VISITORS**

Visitor to the Chamber was former Senator Jerry Schmitt from Ord.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

**ADJOURNMENT**

At 4:05 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature