

SIXTY-NINTH DAY - APRIL 24, 2007

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION**

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 24, 2007

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Cornett, Heidemann, Lathrop, Nantkes, Synowiecki, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 701 and 701A.

ST9023

Enrollment and Review Change to LB 701

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

1. In the Flood amendment, AM1073:
 - a. On page 3, line 4, "23" has been struck and "25" inserted;
 - b. On page 4, line 18, "projects" has been struck and "shall" inserted; and
 - c. On page 7, line 1, "22" has been struck and "23" inserted.
2. In the E & R amendments, ER8070, on page 59, line 5, "46-702," has been inserted after "46-644,".

(Signed) Amanda McGill, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 85. Introduced by Pahls, 31.

PURPOSE: To direct the Health and Human Services Committee of the Legislature to study the availability of autism treatment programs in the state. The committee may determine if all families with children with autism in the state have access to effective local treatment. The committee may review what kinds of effective treatments are available. The committee may determine if the availability of effective treatment programs would be enhanced through the development or expansion of state or local programs and how such programs might be financially supported or administered.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 86. Introduced by Pahls, 31.

PURPOSE: To study the method used in Nebraska to verify proof of automobile liability insurance and to examine ways to increase compliance with the automobile liability insurance laws. The committee may also review the automobile liability insurance laws of other states.

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

1. That the Transportation and Telecommunications 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 367A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 603. Title read. Considered.

Committee AM754, printed separately and referred to on page 951, was considered.

Senator Raikes renewed his amendment, AM940, found on page 1137, to the committee amendment.

PRESIDENT SHEEHY PRESIDING

The Raikes amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Harms renewed his amendment, AM1075, found on page 1234, to the committee amendment.

The Harms amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

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

Advanced to E & R for review with 38 ayes, 0 nays, and 11 present and not voting.

LEGISLATIVE BILL 603A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, and 18 present and not voting.

MOTION - Print in Journal

Senator Johnson filed the following motion to LB 396A:
Indefinitely postpone LB 396A.

COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 218, 343, 343A, and LR 6CA.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 542. Placed on General File - Com AM1082.
AM1082

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

3 Section 1. It is the intent of the Legislature that
4 children receiving inpatient and subacute regional center services
5 at the Hastings Regional Center will begin receiving appropriate
6 community-based services pursuant to subdivision (4) of section
7 43-406 and section 71-810.

8 Sec. 2. It is the intent of the Legislature that,
9 beginning in FY2008-09, reductions in appropriations under
10 Program 365 shall be considered as a mechanism to assist in the
11 transitioning of children's behavioral health treatment services.

12 Sec. 3. The Enhanced Services and Capacity Expansion
13 Fund for Juveniles is created. The fund shall be administered by
14 the Department of Health and Human Services. The fund shall be
15 used by the department to enhance capacity for community-based
16 services and establish an integrated system of care for children
17 and their families. State funding related to the provision of
18 children's behavioral health care that is reduced or discontinued
19 under Program 365 shall be allocated to the fund. The fund shall
20 be expended for purposes related to the statewide development
21 and provision of community-based services. Any money in the fund
22 available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the
1 Nebraska State Funds Investment Act.

2 Sec. 4. (1) The Children's Behavioral Health Task Force
3 is created. The task force shall consist of the following members:

4 (a) The chairperson of the Health and Human Services
5 Committee of the Legislature or his or her designee;

6 (b) The chairperson of the Appropriations Committee of
7 the Legislature or his or her designee;

8 (c) The chairperson of the Behavioral Health Oversight
9 Commission of the Legislature;

10 (d) Two providers of community-based behavioral health
11 services to children, appointed by the chairperson of the Health
12 and Human Services Committee of the Legislature;

13 (e) One regional administrator appointed under section
14 71-808, appointed by the chairperson of the Health and Human
15 Services Committee of the Legislature;

16 (f) Two representatives of organizations advocating on
17 behalf of consumers of children's behavioral health services and
18 their families appointed by the chairperson of the Health and Human
19 Services Committee of the Legislature;

20 (g) One juvenile court judge appointed by the Chief
21 Justice of the Supreme Court;

22 (h) One representative of the Division of Behavioral
23 Health Services of the Department of Health and Human Services
24 appointed by the Governor; and

25 (i) The Administrator of the Office of Juvenile Services.

26 (2) All members shall be appointed within thirty days
27 after the effective date of this act.

1 (3) Members of the task force shall serve without
2 compensation but shall be reimbursed from the Nebraska Health
3 Care Cash Fund for their actual and necessary expenses as provided
4 in sections 81-1174 to 81-1177.

5 (4) The head of the Behavioral Health Oversight
6 Commission of the Legislature shall serve as chairperson of the
7 task force. Administrative and staff support for the task force
8 shall be provided by the Health and Human Services Committee of the
9 Legislature and the Appropriations Committee of the Legislature.

10 Sec. 5. The Children's Behavioral Health Task Force,
11 under the direction of and in consultation with the Health and
12 Human Services Committee of the Legislature and the Division of
13 Behavioral Health Services of the Department of Health and Human
14 Services, shall prepare a children's behavioral health plan and
15 shall submit such plan to the Governor, the division, and the
16 committee on or before December 4, 2007.

17 (1) The plan shall include, but not be limited to:

18 (a) Plans for the transition of children receiving
19 inpatient and subacute behavioral health services at the Hastings
20 Regional Center to appropriate community-based services pursuant
21 to subdivision (4) of section 43-406 and section 71-810 and the
22 allocation of funding for such services to the community pursuant
23 to such subdivision and section;

24 (b) Strategies for the reallocation of regional center
25 funding to the provision of the community-based behavioral health
26 services for children;

27 (c) Plans for the development of needed capacity for
1 the provision of community-based behavioral health services for
2 children;

3 (d) Strategies and mechanisms for the integration of
4 federal, state, local, and other funding sources for the provision
5 of community-based behavioral health services for children pursuant
6 to section 71-812;

7 (e) Measurable benchmarks and timelines for the
8 development of a more comprehensive and integrated system of
9 behavioral health care for children;

10 (f) Identification of necessary and appropriate statutory
11 changes for consideration by the Legislature; and

12 (g) Development of a plan for a data and information
13 system for all children receiving behavioral health services.

14 (2) The division shall consider the plan submitted under
15 this section and shall provide a written response within thirty
16 days after receipt of the plan, including, but not limited to,

17 any recommendations related to or suggested changes to the plan.
 18 On or before January 9, 2008, the division shall submit a revised
 19 children's behavioral health plan to the Governor, the task force,
 20 and the committee. The revised plan shall be consistent with
 21 the Nebraska Behavioral Health Services Act and shall give due
 22 consideration to the plan as submitted by the task force. The
 23 division shall consult with the task force during implementation of
 24 the plan.

25 Sec. 6. Section 43-407, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 43-407 The Office of Juvenile Services shall design and
 1 make available programs and treatment services ~~through the for~~
 2 ~~juvenile offenders committed to youth rehabilitation and treatment~~
 3 ~~centers for juvenile offenders. the Youth Rehabilitation and~~
 4 ~~Treatment Center-Kearney or Youth Rehabilitation and Treatment~~
 5 ~~Center-Geneva. Programs and treatment services shall be available~~
 6 ~~at the Youth Rehabilitation and Treatment Center-Kearney or Youth~~
 7 ~~Rehabilitation and Treatment Center-Geneva or through contracts~~
 8 ~~with community-based nonprofit service providers. The programs and~~
 9 treatment services shall be based upon the individual or family
 10 evaluation process and treatment plan. The treatment plan shall
 11 be developed within fourteen days after admission. If the Youth
 12 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation
 13 and Treatment Center-Geneva is unable to provide the appropriate
 14 type or intensity of treatment services required by a juvenile in
 15 accordance with his or her treatment plan, the juvenile may be
 16 transferred to a program or facility where such treatment needs
 17 may be met. Community-based nonprofit service providers shall be
 18 utilized whenever possible and appropriate. Juveniles committed
 19 to the Youth Rehabilitation and Treatment Center-Kearney or Youth
 20 Rehabilitation and Treatment Center-Geneva who are transferred
 21 to alternative settings for treatment remain committed until
 22 paroled or discharged from the custody of the office. Programs
 23 and treatment services shall address:

- 24 (1) Behavioral impairments, severe emotional
 25 disturbances, sex offender behaviors, and other mental health or
 26 psychiatric disorders;
 27 (2) Drug and alcohol addiction;
 1 (3) Health and medical needs;
 2 (4) Education, special education, and related services;
 3 (5) Individual, group, and family counseling services as
 4 appropriate with any treatment plan related to subdivisions (1)
 5 through (4) of this section. Services shall also be made available
 6 for juveniles who have been physically or sexually abused;
 7 (6) A case management and coordination process, designed
 8 to assure appropriate reintegration of the juvenile to his or
 9 her family, school, and community. This process shall follow
 10 individualized planning which shall begin at intake and evaluation.
 11 Structured programming shall be scheduled for all juveniles.

12 This programming shall include a strong academic program as
 13 well as classes in health education, living skills, vocational
 14 training, behavior management and modification, money management,
 15 family and parent responsibilities, substance abuse awareness,
 16 physical education, job skills training, and job placement
 17 assistance. Participation shall be required of all juveniles if
 18 such programming is determined to be age and developmentally
 19 appropriate. The goal of such structured programming shall be to
 20 provide the academic and life skills necessary for a juvenile to
 21 successfully return to his or her home and community upon release;
 22 and

23 (7) The design and delivery of treatment programs ~~within~~
 24 through the youth rehabilitation and treatment centers as well
 25 as any licensing or certification requirements, and the office
 26 shall follow the requirements as stated within Title XIX and Title
 27 IV-E of the federal Social Security Act, as ~~amended~~, such act
 1 existed on the effective date of this act, the Special Education
 2 Act, or other funding guidelines as appropriate. It is the intent
 3 of the Legislature that these funding sources shall be utilized
 4 to support service needs of eligible juveniles ~~in residence at~~
 5 ~~the youth rehabilitation and treatment centers~~, committed to
 6 the Youth Rehabilitation and Treatment Center-Kearney and Youth
 7 Rehabilitation and Treatment Center-Geneva.

8 Sec. 7. Sections 4 and 5 of this act terminate on June
 9 30, 2008.

10 Sec. 8. Original section 43-407, Reissue Revised Statutes
 11 of Nebraska, is repealed.

12 Sec. 9. Since an emergency exists, this act takes effect
 13 when passed and approved according to law.

(Signed) Lavon Heidemann, Chairperson

Judiciary

LEGISLATIVE BILL 478. Placed on General File - Com AM855.
 (Amendment is printed separately and available in the Bill Room, Room
 1104.)

(Signed) Brad Ashford, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 236A. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 236, One Hundredth Legislature, First Session, 2007.

RESOLUTION

LEGISLATIVE RESOLUTION 87. Introduced by Christensen, 44.

WHEREAS, Judge Cloyd Clark, county judge for Nebraska's Eleventh Judicial District in southwest Nebraska, will retire on June 1, 2007; and

WHEREAS, Judge Clark has served as a county judge in McCook since 1972; and

WHEREAS, Judge Clark is a member of the Nebraska Bar Association, is a past president of the County Judges Association, and is a former president of the McCook Rotary Club; and

WHEREAS, Judge Clark served as McCook City Attorney and had private practices in both Elwood and McCook before becoming a county judge.

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

1. That the Legislature congratulates Judge Cloyd Clark on his outstanding service to the citizens of southwest Nebraska.

2. That a copy of this resolution be sent to Judge Clark.

Laid over.

AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB 396:
AM760

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 373. Title read. Considered.

Committee AM447, found on page 691, was considered.

Pending.

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 23. Indefinitely postponed.

LEGISLATIVE BILL 325. Indefinitely postponed.

LEGISLATIVE BILL 331. Indefinitely postponed.

LEGISLATIVE BILL 366. Indefinitely postponed.

LEGISLATIVE BILL 430. Indefinitely postponed.

LEGISLATIVE BILL 436. Indefinitely postponed.

LEGISLATIVE BILL 444. Indefinitely postponed.

LEGISLATIVE BILL 453. Indefinitely postponed.
LEGISLATIVE BILL 510. Indefinitely postponed.
LEGISLATIVE BILL 511. Indefinitely postponed.
LEGISLATIVE BILL 608. Indefinitely postponed.
LEGISLATIVE BILL 648. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

VISITORS

Visitors to the Chamber were Jerry and Mary Mahoney from Omaha; Senator Heidemann's parents and aunt, Leland and Lola Heidemann and Arlene Thomas, from Tecumseh; and 124 eighth-grade students and teachers from Russell Middle School, Millard.

RECESS

At 11:58 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Dierks, Dubas, Flood, and Loudon who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 373. Committee AM447, found on page 691 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

FA89

Add new section: "Apology means, whether separately or in any combination: I'm sorry for doing what I ought not to have done. I'm sorry for not doing what I ought to have done. I'm sorry for not saying I'm sorry if I ought to have said I'm sorry. I'm sorry for saying I'm sorry if I need not say I'm sorry. I'm just plain sorry.

The Chambers amendment lost with 1 aye, 20 nays, 26 present and not voting, and 2 excused and not voting.

SENATOR ERDMAN PRESIDING

SENATOR LANGEMEIER PRESIDING

Advanced to E & R for review with 29 ayes, 5 nays, 12 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 682. Placed on General File - Com AM1102.
AM1102

- 1 1. On page 2, lines 13 through 15, strike the new matter
- 2 and insert "For purposes of this section, incarceration for a
- 3 period of six months or more in a county or city jail or a federal
- 4 or state correctional facility shall be considered an involuntary
- 5 reduction of income unless the incarceration is a result of a
- 6 conviction for criminal nonsupport pursuant to section 28-706 or a
- 7 conviction for a violation of any federal law or law of another
- 8 state substantially similar to section 28-706".

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator White filed the following amendment to LB 157:
AM1118

- 1 1. In the Stuthman amendment, AM844, on page 1, strike
- 2 lines 18 through 20; and in line 21 strike "(4)" and insert "(3)".

Senators Loudon, Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Nantkes, and Wallman filed the following amendment to LB 530:
AM1110

- 1 1. On page 3, line 3, after the period insert "For
- 2 the purpose of distributing grant funds to a county pursuant to
- 3 this subdivision, the proportion shall be based on the county
- 4 population, less the population of city applicants within that
- 5 county".

MOTION - Print in Journal

Senator Flood filed the following motion:

To suspend Rule 8, Section 5, to permit Final Reading of LB 701 and LB 701A.

GENERAL FILE

LEGISLATIVE RESOLUTION 1CA. Read. Considered.

SENATOR ERDMAN PRESIDING

Senator Preister moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Preister requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 22:

Aguilar	Engel	Kruse	Preister	White
Chambers	Erdman	Louden	Rogert	Wightman
Christensen	Hudkins	McDonald	Schimek	
Cornett	Karpisek	McGill	Synowiecki	
Dierks	Kopplin	Nelson	Wallman	

Voting in the negative, 20:

Adams	Flood	Harms	Lathrop	Pankonin
Burling	Friend	Heidemann	Mines	Pirsch
Carlson	Fulton	Howard	Nantkes	Raikes
Fischer	Hansen	Johnson	Pahls	Stuthman

Present and not voting, 2:

Avery	Dubas
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Excused and not voting, 5:

Ashford	Gay	Janssen	Langemeier	Pedersen
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Failed to advance to E & R for review with 22 ayes, 20 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 471. Placed on Select File - ER8078.
ER8078

- 1 1. On page 1, line 8, strike "and"; and in line 9 after
- 2 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 289. Placed on Select File - ER8077.
ER8077

- 1 1. On page 1, line 2, after "change" insert "and
- 2 eliminate".

LEGISLATIVE BILL 144. Placed on Select File.
LEGISLATIVE BILL 188. Placed on Select File.
LEGISLATIVE BILL 208. Placed on Select File.
LEGISLATIVE BILL 274. Placed on Select File.
LEGISLATIVE BILL 367A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 609A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 609, One Hundredth Legislature, First Session, 2007.

AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB 247:
 AM1086

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 71-193.15, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-193.15 ~~A(1) Except as otherwise provided in this~~
- 5 section, a licensed dental hygienist shall perform the traditional
- 6 dental hygiene functions set forth listed in section 71-193.17
- 7 only when authorized to do so by a licensed dentist who shall be
- 8 responsible for the total oral health care of the patient.
- 9 ~~(2) The Department of Health and Human Services~~
- 10 ~~Regulation and Licensure in the conduct of public health-related~~
- 11 ~~services department may authorize a licensed dental hygienist to~~
- 12 ~~conduct preliminary perform the following functions in the conduct~~
- 13 ~~of public health-related services in a public health setting or~~
- 14 ~~in a health care or related facility: Preliminary charting and~~
- 15 ~~screening examinations; provide oral health education, including~~
- 16 ~~workshops and inservice training sessions on dental health; and~~
- 17 ~~for patients including the teaching of appropriate plaque control~~
- 18 ~~techniques, and perform or provide all of the duties that any~~
- 19 ~~dental assistant is authorized to perform.~~
- 20 (3)(a) The department may authorize a licensed dental
- 21 hygienist with three thousand hours of clinical experience in
- 22 at least four of the preceding five calendar years to perform
- 23 the following functions in the conduct of public health-related
- 1 services in a public health setting or in a health care or related
- 2 facility: Oral prophylaxis to healthy children who do not require
- 3 antibiotic premedication; pulp vitality testing; and preventive

4 measures, including the application of fluorides, sealants, and
 5 other recognized topical agents for the prevention of oral disease.

6 (b) Authorization shall be granted by the department
 7 under this subsection upon (i) filing an application with the
 8 department, (ii) providing evidence of current licensure and
 9 professional liability insurance coverage, and (iii) providing
 10 evidence of clinical experience as required under subdivision (a)
 11 of this subsection. Authorization may be limited by the department
 12 as necessary to protect the public health and safety upon good
 13 cause shown and may be renewed in connection with renewal of the
 14 dental hygienist's license.

15 (c) A licensed dental hygienist performing dental hygiene
 16 functions as authorized under this subsection shall (i) report
 17 authorized functions performed by him or her to the department
 18 and (ii) advise the patient or recipient of services or his or
 19 her authorized representative that such services are preventive in
 20 nature and do not constitute a comprehensive dental diagnosis and
 21 care.

22 Sec. 5. Section 71-193.16, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 71-193.16 For purposes of sections 71-183 to 71-193.20: ~~7~~

25 ~~(1) general~~

26 (1) General supervision means the directing of the
 27 authorized activities of a dental hygienist or dental assistant
 1 by a licensed dentist and shall not be construed to require the
 2 physical presence of the supervisor when directing such activities;
 3 ~~and (2) indirect~~

4 (2) Health care or related facility means a hospital,
 5 a nursing facility, an assisted-living facility, a correctional
 6 facility, a tribal clinic, or a school-based preventive health
 7 program;

8 (3) Indirect supervision means supervision when the
 9 licensed dentist authorizes the procedure to be performed by a
 10 dental hygienist or dental assistant and the licensed dentist is
 11 physically present on the premises when such procedure is being
 12 performed by the dental hygienist pursuant to section 71-193.18 or
 13 by the dental assistant; and ~~7~~

14 (4) Public health setting means a federal, state, or
 15 local public health department or clinic, community health center,
 16 rural health clinic, or other similar program or agency that serves
 17 primarily public health care program recipients.

18 Sec. 6. Section 71-193.17, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 71-193.17 When ~~properly~~ authorized by and under the
 21 general supervision of a licensed dentist, a licensed dental
 22 hygienist, ~~under the general supervision of a licensed dentist,~~
 23 may perform the following intra and extra oral procedures and
 24 functions:

25 (1) Oral prophylaxis, periodontal scaling, and root

- 26 planing which includes supragingival and subgingival debridement;
 27 Sealing of teeth, including subgingival regions and root planing
 1 with hand and ultrasonic instruments;
 2 (2) Polish all exposed tooth surfaces, including
 3 with motor driven and hand instruments in the oral prophylaxis
 4 procedure, including polishing amalgam restorations;
 5 (3) Conduct and assess preliminary charting, probing,
 6 and screening examinations, and indexing of dental and periodontal
 7 disease, with referral, when appropriate, for a dental diagnosis by
 8 a licensed dentist;
 9 (4) Brush biopsies;
 10 (5) Pulp vitality testing;
 11 ~~(4) Periodontal probing and charting;~~
 12 ~~(5)-(6) Gingival curettage;~~
 13 ~~(6) Place and remove periodontal dressings;~~
 14 ~~(7) Remove-Removal of sutures;~~
 15 ~~(8) Provide preventive-Preventive measures, such as~~
 16 including the application of fluorides, sealants, and other
 17 recognized topical agents for the prevention of oral disease;
 18 (9) ~~Provide impressions-Impressions~~ for study casts;
 19 (10) ~~Apply-Application of~~ topical desensitizing and
 20 subgingival agents;
 21 (11) ~~Provide radiographic-Radiographic~~ exposures;
 22 (12) ~~Provide oral-Oral~~ health education, including
 23 conducting workshops and inservice training sessions on dental
 24 health; for patients including the teaching of appropriate plaque
 25 control techniques; and
 26 (13) Application or administration of antimicrobial
 27 rinses, fluorides, and other anticariogenic agents; and
 1 ~~(13) Perform or provide all-(14) All~~ of the duties that
 2 any dental assistant is authorized to perform.
 3 Sec. 11. Original sections 71-193.15, 71-193.16, and
 4 71-193.17, Reissue Revised Statutes of Nebraska, are repealed.
 5 2. Renumber the remaining sections and correct the
 6 repealer accordingly.

Senator Johnson filed the following amendment to LB 463:
 AM1108

- 1 1. On page 16, lines 16 and 17; page 937, lines 5 and
 2 6; page 956, lines 1 and 2; page 993, lines 1 and 2; and page
 3 1013, lines 5 and 6, strike "until revised, amended, repealed, or
 4 nullified pursuant to law".
 5 2. On page 16, lines 23 and 24; page 937, lines 10 and
 6 11; page 956, lines 7 and 8; page 993, lines 7 and 8; and page
 7 1013, lines 12 and 13, strike "their effectiveness is otherwise
 8 terminated pursuant to law" and insert "otherwise terminated by
 9 law".

Senator Johnson filed the following amendment to LB 588:
AM1109

(Amendments to Standing Committee amendments, AM862)

- 1 1. On page 11, after line 20, insert the following new
- 2 subsection:
- 3 "(10) The Diagnostic Related Group inpatient hospital
- 4 fee schedule shall not apply to care services provided to trauma
- 5 patients at a hospital affiliated with an accredited school or
- 6 college of medicine in Nebraska that is the primary teaching
- 7 and training hospital for the school's graduate medical education
- 8 program, as defined under section 71-1,107.01 having in excess of
- 9 one hundred full-time physician residents or fellows."

VISITORS

Visitors to the Chamber were 15 eleventh- and twelfth-grade students, teachers, and sponsors from across District 47; and 13 fourth-grade students and teachers from Wausa.

The Doctor of the Day was Dr. Christine Keim from Lincoln.

ADJOURNMENT

At 5:06 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 25, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

