

**SEVENTY-FIFTH DAY - MAY 4, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 4, 2007

**PRAYER**

The prayer was offered by Senator Friend.

**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 Burling and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 69, 132, 147, 152, 221, 227, 252, 364, 481, 504, 561, and 664.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 440.** Indefinitely postponed.

**LEGISLATIVE BILL 473.** Indefinitely postponed.

**LEGISLATIVE BILL 547.** Indefinitely postponed.

**LEGISLATIVE BILL 558.** Indefinitely postponed.

**LEGISLATIVE BILL 642.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**MESSAGES FROM THE GOVERNOR**

May 2, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of Finance and Support for the Health and Human Services System effective May 14, 2007:

Vivianne M. Chaumont, 438 W. Courtney Lane, Tempe AZ 85284

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 2, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Robert Hill, 12972 Redman Circle, Omaha NE 68164  
Thomas Hix, 1717 South 155th Avenue, Omaha NE 68144  
William Yates, 10029 State Street, Omaha NE 68122

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**SPEAKER'S MAJOR PROPOSAL**

May 4, 2007

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

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Flood's request that LB 641 be designated as a 2007 Speaker's Major Proposal.

Sincerely,  
(Signed) Senator Pat Engel  
Chairman, Executive Board

C: Speaker Flood

**RESOLUTIONS****LEGISLATIVE RESOLUTION 103.** Introduced by Christensen, 44.

WHEREAS, Michaela Daniels of Trenton, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, for her project, Michaela Daniels acquired funding and set up playground equipment for the elementary school students at Hitchcock County Unified School District in Trenton; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting; and

WHEREAS, Michaela Daniels will be honored at a Court of Awards on May 6, 2007.

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

1. That the Legislature congratulates Michaela Daniels for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Michaela Daniels.

Laid over.

**LEGISLATIVE RESOLUTION 104.** Introduced by Schimek, 27; Aguilar, 35.

PURPOSE: The purpose of this study is to examine potential ways for the State of Nebraska to respectfully honor its citizens who have courageously served their country and given the ultimate sacrifice during combat.

The issues addressed by this interim study shall include, but are not limited to:

(1) The examination of the current practices or systems that the State of Nebraska currently employs in managing records of those who served our country in the United States Armed Forces;

(2) The devising, if necessary, of an electronic system that would enable the State of Nebraska to collect and maintain a list of the names and service dates of all of the state's men and women who have courageously served their country and of those who have died during times of war; and

(3) The feasibility of the creation and implementation of a monument or memorial to be located within the State Capitol or its environs, dedicated to the memory of all the Nebraskans who died in combat.

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

1. That the Government, Military and Veterans Affairs 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.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 3, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Belschner, Shanna  
Children and Family Coalition of Nebraska  
(Withdrawn 04/30/2007)

Case, David  
Astellas Pharma  
(Withdrawn 04/26/2007)

Johnson, DeMaris  
Johnson, DeMaris/The Johnson Group

Kelley & Lehan, P.C.  
Horsemen Benevolent & Protective Association  
(Withdrawn 04/30/2007)

**REPORTS**

The following reports were received by the Legislature:

**Agriculture, Department of**

Evaluation of Milk Laboratories, 2005 Revision

**Health and Human Services System**

Child Welfare Services 2006 Annual Report

**Propane Education and Research Safety Council**

Audit Reports, February 29, 2000 - December 31, 2005

**Retirement Systems, Public Employees**

County Equal Retirement Benefit Fund, Actuarial Valuation Results as of  
January 1, 2007 for Fiscal Year ending June 30, 2008

State Equal Retirement Benefit Fund, Actuarial Valuation Results as of  
January 1, 2007 for Fiscal Year ending June 30, 2008

**SELECT FILE**

**LEGISLATIVE BILL 305A.** Senator Chambers offered the following motion:

Commit to the Transportation and Telecommunications Committee.

**SPEAKER FLOOD PRESIDING**

The Chair ruled the Chambers motion is out of order, because Rule 5, Section 7(f) requires "A" bills to be placed on General File upon introduction, and to accompany the original bill through all stages of the legislative process.

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

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

The Chambers motion to overrule the Chair prevailed with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

The Chambers motion, found in this day's Journal, to commit to the Transportation Committee, was renewed.

Senator Chambers withdrew his motion to commit to committee.

Senator Chambers offered the following motion:

Indefinitely postpone.

**SENATOR LANGEMEIER PRESIDING****SPEAKER FLOOD PRESIDING**

Senator Fischer offered the following motion:

To invoke cloture on LB 305A, pursuant to Rule 7, Section 10.

Senator Fischer moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Fischer requested a roll call vote on her motion to invoke cloture.

Voting in the affirmative, 44:

Adams	Engel	Heidemann	Lathrop	Pedersen
Aguilar	Erdman	Howard	Louden	Pirsch
Ashford	Fischer	Hudkins	McDonald	Raikes
Avery	Flood	Janssen	McGill	Rogert
Carlson	Friend	Johnson	Mines	Synowiecki
Christensen	Fulton	Karpisek	Nantkes	Wallman
Cornett	Gay	Kopplin	Nelson	White
Dierks	Hansen	Kruse	Pahls	Wightman
Dubas	Harms	Langemeier	Pankonin	

Voting in the negative, 2:

Chambers      Schimek

Present and not voting, 1:

Preister

Excused and not voting, 2:

Burling      Stuthman

The Fischer motion to invoke cloture prevailed with 44 ayes, 2 nays, 1 present and not voting, and 2 excused and not voting.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 44:

Adams	Engel	Heidemann	Lathrop	Pirsch
Aguilar	Erdman	Howard	Louden	Raikes
Ashford	Fischer	Hudkins	McGill	Rogert
Avery	Flood	Janssen	Mines	Schimek
Carlson	Friend	Johnson	Nantkes	Synowiecki
Christensen	Fulton	Karpisek	Nelson	Wallman
Cornett	Gay	Kopplin	Pahls	White
Dierks	Hansen	Kruse	Pankonin	Wightman
Dubas	Harms	Langemeier	Pedersen	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

McDonald      Preister

Excused and not voting, 2:

Burling          Stuthman

Advanced to E & R for engrossment with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 236A.** Placed on Select File.

**LEGISLATIVE BILL 588A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Chaumont, Vivianne M. - Finance and Support for Health and Human Services System - Health and Human Services

Hill, Robert - Boiler Safety Code Advisory Board - Business and Labor

Hix, Thomas - Boiler Safety Code Advisory Board - Business and Labor

Yates, William - Boiler Safety Code Advisory Board - Business and Labor

(Signed) Pat Engel, Chairperson

Legislative Council, Executive Board

**COMMITTEE REPORT**  
**Government, Military and Veterans Affairs**

The Government, Military and Veterans 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.

Paul Hosford - Accountability and Disclosure Commission

VOTE: Aye: Senators Adams, Aguilar, Avery, Friend, Karpisek, Mines, Rogert. Nay: None. Absent: Senator Pahls.

(Signed) Ray Aguilar, Chairperson

**AMENDMENTS - Print in Journal**

Senator Pedersen filed the following amendment to LB 321:  
 AM1203

(Amendments to Standing Committee amendments, AM728)

- 1 1. On page 129, line 23, strike "1,197,591" and
- 2 insert "1,311,441"; and in line 26 strike "1,630,027" and insert
- 3 "1,743,877".
- 4 2. On page 130, line 4, strike "\$-0-" and insert
- 5 "\$113,850".

Senator Langemeier filed the following amendment to LB 570:  
 FA103

Strike the enacting clause.

Senator Heidemann filed the following amendment to LB 320:  
 AM1193

(Amendments to Standing Committee amendments, AM727)

- 1 Purpose: To amend cash flow of appropriations for the
- 2 Capitol exterior restoration project to match the cash flow
- 3 originally requested by the Nebraska Capitol Commission and
- 4 recommended by the Governor. The amendment would represent no
- 5 net change in total 2007-09 biennium appropriations for the
- 6 project. The amendment would increase the appropriation from the
- 7 Nebraska Capital Construction Fund for FY2007-08 by \$2,000,000
- 8 and correspondingly reduce the appropriation for FY2008-09 by
- 9 \$2,000,000.
- 10 1. On page 35, in lines 13 and 14, strike "6,676,033
- 11 10,261,013" and insert "8,676,033 8,261,013".

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 105.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

**PURPOSE:** The purpose of this study is to examine uranium mining in the State of Nebraska with respect to water consumption in, expansion in, and contracts with the State of Nebraska.

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

1. That the Natural Resources 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 106.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

**PURPOSE:** The purpose of this study is to examine the effects of vegetation on river-flow in river basins in Nebraska, including, but not limited to, the Republican River Basin, the Platte River Basin, and the Niobrara River Basin.

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

1. That the Natural Resources 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 107.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

**PURPOSE:** The purpose of this study is to examine the effects of the elimination of state park entry permit fees on the state park system in Nebraska as well as a review of alternative methods of funding for the state park system.

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

1. That the Natural Resources 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 108.** Introduced by Louden, 49.

**PURPOSE:** The purpose of this study is to examine issues relating to the laws of Nebraska governing the generation of electric power using renewable energy. Some of the issues to be examined are;

(1) A review of various forms of renewable generation, including the costs of such generation and the potential for development of such generation in Nebraska;

(2) A review of the operation and cost of Nebraska's existing renewable and zero-emission generation resources and costs for new generation facilities;

(3) A review of how the current power generation portfolio mix is utilized to meet electric loads and how additional renewable energy would impact operations;

(4) A review of the adequacy of Nebraska's transmission system as it relates to the development of renewable and zero-emission generation and identification of what transmission investments may be necessary to support additional development;

(5) A comparison and evaluation of existing state and federal incentives to encourage greater development of renewable energy resources, including, but not limited to, tax incentives, grants, net billing, or net generation methodologies offered by other states to encourage renewable energy investment and to determine the applicability of such incentives in a public power state; and

(6) A review of the statutes, including those governing the Nebraska Power Review Board, to determine what, if any, statutory changes are necessary to further the recommendations for the development of a comprehensive renewable energy policy for the State of Nebraska.

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

1. That the Natural Resources 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 109.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study issues regarding the Comprehensive Health Insurance Pool (CHIP) and consider whether amendments should be recommended to the CHIP Act, Neb. Rev. Stat. sections 44-4201 to 44-4235. The study should include an examination of: The funding of the net loss of CHIP; the determination of annual premium rates; the extent of CHIP policy coverage; provider reimbursement methodology; eligibility for pool coverage; and cost containment strategies. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 110.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study whether amendments should be recommended to the Small Employer Health Insurance Availability Act, Neb. Rev. Stat. sections 44-5223 to 44-5267. The study should include a review of issues raised during consideration of LB 378 (Pahls), which is currently pending in the Banking, Commerce and Insurance Committee. LB 378 proposes to amend the Small Employer Health Insurance Availability Act to provide that a small employer carrier would not be required to offer a health benefit plan that is specifically tailored for a bona fide association to any small employer who is not a member of the association. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of the Department of Insurance and interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 111.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study issues regarding the provisions of the Burial Pre-Need Sale Act, Neb. Rev. Stat. sections 12-1101 to 12-1121, to determine whether the interests of pre-need purchasers are adequately safeguarded by the act. In order to carry out the purpose of this resolution, the committee should seek and consider as it deems necessary and beneficial the input of interested persons and should request the assistance of the Department of Insurance in the compilation and analysis of pertinent data and information from relevant sources.

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

1. That the Banking, Commerce and Insurance 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 112.** Introduced by Pedersen, 39.

**PURPOSE:** The purpose of this interim study is to examine the Department of Correctional Services in order to determine what, if any, additional legislation or state financial assistance may be necessary to address issues of staffing and the treatment by the department of inmate substance abuse and mental health needs.

The Judiciary Committee of the Legislature shall commence a study using staffing to be composed of representatives named by the Director of the Department of Correctional Services, staff from the Office of the Legislative Fiscal Analyst and Public Counsel, and other legislative staff.

The study shall identify issues relating to the Department of Correctional Services' staffing, especially in connection with staffing remote facilities, and shall determine what needs to be done to improve the recruitment and retention of department employees.

The study shall also examine the structure of the Department of Correctional Services' programs that address mental health and substance abuse issues among inmates and shall identify steps that can be taken legislatively to support those programs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 456.** Title read. Considered.

**SENATOR ERDMAN PRESIDING**

Committee AM84, found on page 643, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 142.** Title read. Considered.

Committee AM579, found on page 865, was considered.

Pending.

**AMENDMENTS - Print in Journal**

Senator Langemeier filed the following amendment to LB 570:  
FA101

Amend AM690 Strike lines 4, 5, 6 and show as stricken.

Senator Langemeier filed the following amendment to LB 570:  
FA102

Page 2, line 16 after 60-3,102 insert "in addition to this fee an additional fee of \$20.00 per set will be charged."

Senators McDonald, Aguilar, Hansen, Johnson, Kopplin, and Rogert filed the following amendment to LB 321:

AM1166

(Amendments to Standing Committee amendments, AM728)

- 1 Purpose: To provide funding for the Area Health Education
- 2 Centers (\$250,000 for FY2007-08 and \$500,000 for FY2008-09).
- 3 1. On page 98, lines 15 and 16, strike "472,762,341"
- 4 and insert "473,012,341" and strike "492,081,037" and insert
- 5 "492,581,037".

Senator Schimek filed the following amendment to LB 321:  
AM1155

(Amendments to Standing Committee amendments, AM728)

- 1 1. On page 131, line 1, strike "6,490,285 6,490,324"
- 2 and insert "1,490,285 1,490,324"; in line 3 strike "9,694,436
- 3 9,757,347" and insert "4,694,436 4,757,347"; and in lines 8 and 11
- 4 strike "\$6,357,944" and insert "\$1,357,944".

Senator Synowiecki filed the following amendment to LB 542:  
AM1202

(Amendments to Standing Committee amendments, AM1082)

- 1 1. Strike sections 1 to 9 and insert the following new  
2 sections:
- 3 Section 1. (1) The Children's Behavioral Health Task  
4 Force is created. The task force shall consist of the following  
5 members:
- 6 (a) The chairperson of the Health and Human Services  
7 Committee of the Legislature or his or her designee;  
8 (b) The chairperson of the Appropriations Committee of  
9 the Legislature or his or her designee;  
10 (c) The chairperson of the Behavioral Health Oversight  
11 Commission of the Legislature;  
12 (d) Two providers of community-based behavioral health  
13 services to children, appointed by the chairperson of the Health  
14 and Human Services Committee of the Legislature;  
15 (e) One regional administrator appointed under section  
16 71-808, appointed by the chairperson of the Health and Human  
17 Services Committee of the Legislature;  
18 (f) Two representatives of organizations advocating on  
19 behalf of consumers of children's behavioral health services and  
20 their families appointed by the chairperson of the Health and Human  
21 Services Committee of the Legislature;  
22 (g) One juvenile court judge appointed by the Chief  
1 Justice of the Supreme Court;  
2 (h) Two representatives of the Department of Health and  
3 Human Services appointed by the Governor; and  
4 (i) The Administrator of the Office of Juvenile Services.  
5 (2) All members shall be appointed within thirty days  
6 after the effective date of this act.  
7 (3) Members of the task force shall serve without  
8 compensation but shall be reimbursed from the Nebraska Health  
9 Care Cash Fund for their actual and necessary expenses as provided  
10 in sections 81-1174 to 81-1177.  
11 (4) The head of the Behavioral Health Oversight  
12 Commission of the Legislature shall serve as chairperson of the  
13 task force. Administrative and staff support for the task force  
14 shall be provided by the Health and Human Services Committee of the  
15 Legislature and the Appropriations Committee of the Legislature.
- 16 Sec. 2. The Children's Behavioral Health Task Force,  
17 under the direction of and in consultation with the Health and  
18 Human Services Committee of the Legislature and the Department of  
19 Health and Human Services, shall prepare a children's behavioral  
20 health plan and shall submit such plan to the Governor and the  
21 committee on or before December 4, 2007.  
22 (1) The plan shall include, but not be limited to:  
23 (a) Plans for the development of a statewide integrated  
24 system of care to provide appropriate educational, mental health,

25 substance abuse, and support services to children and their  
26 families. The integrated system of care should serve both  
27 adjudicated and nonadjudicated juveniles with mental health or  
1 substance abuse issues;

2 (b) Plans for the development of community-based  
3 inpatient and subacute substance abuse and mental health behavioral  
4 health services and the allocation of funding for such services to  
5 the community pursuant to subdivision (4) of section 43-406;

6 (c) Strategies for effectively serving juveniles assessed  
7 in need of substance abuse or mental health care upon release  
8 from the Youth Rehabilitation and Treatment Center-Kearney or Youth  
9 Rehabilitation and Treatment Center-Geneva;

10 (d) Plans for the development of needed capacity for  
11 the provision of community-based substance abuse and mental health  
12 behavioral health services for children;

13 (e) Strategies and mechanisms for the integration of  
14 federal, state, local, and other funding sources for the provision  
15 of community-based substance abuse and mental health behavioral  
16 health services for children;

17 (f) Measurable benchmarks and timelines for the  
18 development of a more comprehensive and integrated system of  
19 substance abuse and mental health behavioral health care for  
20 children;

21 (g) Identification of necessary and appropriate statutory  
22 changes for consideration by the Legislature; and

23 (h) Development of a plan for a data and information  
24 system for all children receiving substance abuse and mental health  
25 behavioral health services shared among all parties involved in the  
26 provision of services for children.

27 (2) The division shall consider the plan submitted  
1 under this section and shall provide a written implementation  
2 and appropriations plan within thirty days after receipt of the  
3 plan by the Governor, the task force, and the committee.

4 Sec. 3. The Children's Behavioral Health Task Force will  
5 oversee implementation of the children's behavioral health plan  
6 until June 30, 2010, at which time the task force shall submit  
7 to the Governor and the Legislature a recommendation regarding the  
8 necessity of continuing the task force.

9 Sec. 4. Section 43-407, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 43-407 The Office of Juvenile Services shall design and  
12 make available programs and treatment services ~~through the youth~~  
13 ~~rehabilitation and treatment centers~~ for juvenile offenders. The  
14 programs and treatment services shall be based upon the individual  
15 or family evaluation process and treatment plan. The treatment  
16 plan shall be developed within fourteen days after admission.  
17 If a juvenile placed at the Youth Rehabilitation and Treatment  
18 Center-Kearney or Youth Rehabilitation and Treatment Center-Geneva  
19 is assessed as needing inpatient or subacute substance abuse

20 or mental health residential treatment, the juvenile shall be  
 21 transferred to a program or facility where such treatment needs  
 22 may be met. The assessment process shall include involvement  
 23 of both private and public sector behavioral health providers.  
 24 The selection of the treatment venue for each juvenile shall  
 25 include individualized case planning and incorporate the goals  
 26 of the juvenile justice system pursuant to section 43-402.  
 27 Juveniles committed to the Youth Rehabilitation and Treatment  
 1 Center-Kearney or Youth Rehabilitation and Treatment Center-Geneva  
 2 who are transferred to alternative settings for treatment remain  
 3 committed to the Department of Health and Human Services and the  
 4 Office of Juvenile Services until paroled or discharged from such  
 5 custody. Programs and treatment services shall address:  
 6 (1) Behavioral impairments, severe emotional  
 7 disturbances, sex offender behaviors, and other mental health or  
 8 psychiatric disorders;  
 9 (2) Drug and alcohol addiction;  
 10 (3) Health and medical needs;  
 11 (4) Education, special education, and related services;  
 12 (5) Individual, group, and family counseling services as  
 13 appropriate with any treatment plan related to subdivisions (1)  
 14 through (4) of this section. Services shall also be made available  
 15 for juveniles who have been physically or sexually abused;  
 16 (6) A case management and coordination process, designed  
 17 to assure appropriate reintegration of the juvenile to his or  
 18 her family, school, and community. This process shall follow  
 19 individualized planning which shall begin at intake and evaluation.  
 20 Structured programming shall be scheduled for all juveniles.  
 21 This programming shall include a strong academic program as  
 22 well as classes in health education, living skills, vocational  
 23 training, behavior management and modification, money management,  
 24 family and parent responsibilities, substance abuse awareness,  
 25 physical education, job skills training, and job placement  
 26 assistance. Participation shall be required of all juveniles if  
 27 such programming is determined to be age and developmentally  
 1 appropriate. The goal of such structured programming shall be to  
 2 provide the academic and life skills necessary for a juvenile to  
 3 successfully return to his or her home and community upon release;  
 4 and  
 5 (7) The design and delivery of treatment programs ~~within~~  
 6 through the youth rehabilitation and treatment centers as well as  
 7 any licensing or certification requirements, and the office shall  
 8 follow the requirements as stated within Title XIX and Title IV-E  
 9 of the federal Social Security Act, as ~~amended~~, such act existed  
 10 on the effective date of this act, the Special Education Act, or  
 11 other funding guidelines as appropriate. It is the intent of the  
 12 Legislature that these funding sources shall be utilized to support  
 13 service needs of eligible juveniles, ~~in residence at the youth~~  
 14 ~~rehabilitation and treatment centers.~~

- 15 Sec. 5. Original section 43-407, Reissue Revised Statutes  
16 of Nebraska, is repealed.  
17 Sec. 6. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.

Senator Heidemann filed the following amendment to LB 321:  
AM1194

(Amendments to Standing Committee amendments, AM728)

- 1 1. Purpose: Reappropriate part of a balance for contract  
2 work that has taken longer than planned.  
3 Amendment:  
4 1. On page 7, after line 3, insert the following:  
5 "The unexpended General Fund appropriation balance  
6 existing on June 30, 2007, not to exceed \$375,000, less the  
7 expenditure of any funds appropriated pursuant to Laws 2005,  
8 LB 538A, section 1, as certified in writing by the probation  
9 administrator to the budget division of the Department of  
10 Administrative Services, is hereby reappropriated to complete the  
11 Risk Assessment Instruments and Validation Studies previously  
12 authorized by the Legislature, which reappropriation shall only be  
13 used for such purpose."  
14 2. Purpose: Reduce General Funds for Tax Equity and  
15 Educational Opportunities Support Act aid by \$616,056 for FY2007-08  
16 to reflect actual insurance premium tax receipts available for  
17 distribution as state aid.  
18 Amendment:  
19 1. On page 24, line 4, strike "954,556,855" and insert  
20 "953,940,799"; in line 7 strike "1,211,763,573" and insert  
21 "1,211,147,517"; in line 9 strike "\$954,556,855" and insert  
22 "\$953,940,799"; and in line 17 strike "\$754,171,604" and insert  
1 "\$753,555,548".  
2 3. Purpose: To correct a wrong number. The impact is a  
3 change of \$107,000 in General Funds.  
4 Amendment:  
5 1. On page 47, strike line 23 and insert "GENERAL FUND  
6 98,827,440 101,028,262"; and strike line 26 and insert "PROGRAM  
7 TOTAL 298,443,263 306,580,630".  
8 2. On page 48, strike line 8 and insert "GENERAL FUND  
9 30,866,609 32,021,063"; and strike line 11 and insert "PROGRAM  
10 TOTAL 126,291,561 132,262,499".  
11 4. Purpose: To identify a program for a reappropriation  
12 and to correct an earmark.  
13 Amendment:  
14 1. On page 48, line 1, after "balance" insert "in  
15 Agency 26, Program 348,"; in line 13 after "appropriation" insert  
16 "and reappropriation"; in line 14 strike "\$1,000,000" and insert  
17 "\$4,000,000" and strike "\$750,000" and insert "\$27,750,000"; in  
18 line 17 strike "\$2,000,000" and insert "\$3,500,000"; and in line 18  
19 strike "\$1,250,000" and insert "\$14,750,000".

20 5. Purpose: To move earmark language to the appropriate  
21 section.

22 Amendment:

23 1. On page 49, strike lines 10 through 25.

24 2. On page 54, after line 27 insert the following:

25 "There is included in the appropriation to this program  
26 for FY2007-08 \$220,000 Cash Funds to operate a satellite office of  
27 minority health in the second and third congressional districts to  
1 coordinate and administer state policy relating to minority health  
2 from the Nebraska Health Care Cash Fund. There is included in the  
3 appropriation to this program for FY2008-09 \$220,000 Cash Funds to  
4 operate a satellite office of minority health in the second and  
5 third congressional districts to coordinate and administer state  
6 policy relating to minority health from the Nebraska Health Care  
7 Cash Fund.

8 There is included in the appropriation to this program  
9 for FY2007-08 \$100,000 Cash Funds for staff and operating expenses  
10 for public health from the Nebraska Health Care Cash Fund. There  
11 is included in the appropriation to this program for FY2008-09  
12 \$100,000 Cash Funds for staff and operating expenses for public  
13 health from the Nebraska Health Care Cash Fund."

14 6. Purpose: To move earmark language to the appropriate  
15 section and add an earmark that was left out.

16 Amendment:

17 1. On page 50, after line 5 insert the following:

18 "There is included in the appropriation to this program  
19 \$404,643 Cash Funds for FY2007-08 and \$404,643 Cash Funds for  
20 FY2008-09 from the Nebraska Health Care Cash Fund for respite  
21 services in each of the service areas designated by the Department  
22 of Health and Human Services and for administrative costs,  
23 including personnel costs, associated with the Nebraska Lifespan  
24 Respite Services Program.

25 There is included in the appropriation to this program  
26 for FY2007-08 \$250,000 Cash Funds for implementation of a nurse  
27 visitation program for medicaid-eligible pregnant teens from the  
1 Nebraska Health Care Cash Fund."; and strike lines 20 through 26.

2 7. Purpose: To correct numbers in an allocation.

3 Amendment:

4 1. On page 51, line 3, strike "170,853" and insert  
5 "170,835"; and in line 5 strike "10,145,073" and insert  
6 "9,708,096".

7 8. Purpose: To move earmark language to the appropriate  
8 section.

9 Amendment:

10 1. On page 51, after line 20, insert the following:

11 "There is included in the appropriation to this program  
12 for FY2007-08 \$25,000 Cash Funds from the Nebraska Health Care  
13 Cash Fund for compulsive gamblers assistance programs. There is  
14 included in the appropriation to this program for FY2008-09 \$25,000

15 Cash Funds from the Nebraska Health Care Cash Fund for compulsive  
16 gamblers assistance programs."

17 2. On page 52, strike lines 1 through 6.

18 9. Purpose: To correct an incorrect number in an earmark.

19 Amendment:

20 1. On page 53, line 20, strike "\$1,044,084" and insert  
21 "\$1,044,016".

22 10. Purpose: To correct a division title.

23 Amendment:

24 1. On page 62, line 10, strike "PUBLIC HEALTH" and insert  
25 "MEDICAID AND LONG-TERM CARE".

26 11. Purpose: To correct a name of an agency.

27 Amendment:

1 1. On page 68, line 4, strike "Finance and Support".

2 12. Purpose: Correct a calculation error for health  
3 insurance.

4 Amendment:

5 1. On page 74, lines 24 and 25, strike "800,720 821,926"  
6 and insert "805,067 832,917".

7 13. Purpose: To provide for cash fund authority,  
8 Commission on the Status of Women.

9 Amendment:

10 1. On page 89, after line 24 insert the following:

	"FY2007-08	FY2008-09
11 CASH FUND	5,000	5,000".

12 14. Purpose: Increase the Salary Limit of the Commission  
13 for the Blind and Visually Impaired to hire additional counselors.

14 Amendment:

15 1. On page 141, strike line 17 and insert "SALARY LIMIT  
16 2,058,533 2,108,439".

17 15. Purpose: Change appropriation for the Nebraska Public  
18 Employees Retirement System PIONEER Replacement Project, to adjust  
19 for the actual bid received.

20 Amendment:

21 1. On page 144, lines 25 and 26, strike "8,869,009  
22 7,754,899" and insert "11,702,404 8,791,194".

23 2. On page 145, line 2, strike "\$2,000,000" and insert  
24 "\$4,833,395" and strike "\$1,000,000" and insert "\$2,036,295".

25 16. Purpose: To transfer an appropriation made by  
26 Legislative Bill 283A, One Hundredth Legislature, 2007, from the  
27 Department of Health and Human Services Regulation and Licensure  
1 to the Department of Health and Human Services to harmonize with  
2 to the Department of Health and Human Services to harmonize with  
3 Legislative Bill 296, One Hundredth Legislature, 2007.

4 Amendment:

5 1. Insert the following new section:

6 Sec. 285. The appropriation made by Legislative Bill  
7 283A, One Hundredth Legislature, 2007, to the Department of Health  
8 and Human Services Regulation and Licensure is transferred to the

- 9 Department of Health and Human Services.
- 10 2. Renumber the remaining sections accordingly.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Fischer and Langemeier asked unanimous consent to add their names as cointroducers to LB 367. No objections. So ordered.

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB 564. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 60 eighth-grade students from C. L. Jones Middle School, Minden; 6 eighth-grade students and teachers from Bassett; 28 first- and fourth-grade students, teachers, and sponsors from St. Wenceslaus, Dodge; 150 fourth-grade students, teachers, and sponsors from Norris Elementary, Firth; 24 fourth-grade students from Tri-County, DeWitt; 19 fourth-grade students from Winside; Luis Fernando Pardo from Venezuela, Andrew Randak from New York, Ben Harris from Lincoln, and Maja Harris from Sweden; 60 fourth-grade students, teachers, and sponsors from Merle Beattie Elementary, Lincoln; John Oswald from Madison; and Douglas, Gail, and Todd Gastorf from Denton, Texas.

The Doctor of the Day was Dr. Tamara Johnson from North Platte.

### **ADJOURNMENT**

At 11:57 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, May 7, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature