

THIRTY-SECOND DAY - FEBRUARY 27, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 2008

PRAYER

The prayer was offered by Pastor Craig Gavin, St. Matthew's Episcopal Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Kopplin who was excused; and Senators Erdman, Fulton, Heidemann, Janssen, Lautenbaugh, McDonald, Nantkes, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 734. Placed on General File with amendment.
AM1794

- 1 1. On page 2, lines 18 and 20, strike the new matter
- 2 and reinstate the stricken matter; in line 18 after the reinstated
- 3 "metropolitan" insert "or primary" and after the reinstated "class"
- 4 insert "or a county with a population of more than two hundred
- 5 thousand"; and in line 20 after the reinstated "city" insert "or
- 6 county".

(Signed) Rich Pahls, Chairperson

Education

The Education 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.

Phillip Dudley Jr. - Nebraska Educational Telecommunications Commission

Aye: 8 Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, Raikes. Nay: 0. Absent: 0.

(Signed) Ron Raikes, Chairperson

MOTION - Approve Appointments

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission
 Steven Virgil
 Gary Gandara

Senator Aguilar requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission
 Steven Virgil

Voting in the affirmative, 29:

Adams	Christensen	Gay	Langemeier	Pirsch
Aguilar	Dierks	Hansen	Louden	Rogert
Ashford	Engel	Howard	McGill	Wallman
Avery	Fischer	Hudkins	Nelson	White
Burling	Flood	Johnson	Pankonin	Wightman
Carlson	Friend	Karpisek	Pedersen	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Harms	Pahls	Stuthman
Cornett	Kruse	Preister	Synowiecki
Dubas	Lathrop	Schimek	

Excused and not voting, 9:

Erdman	Heidemann	Kopplin	McDonald	Raikes
Fulton	Janssen	Lautenbaugh	Nantkes	

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The second division is as follows:

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission
Gary Gandara

Voting in the affirmative, 31:

Adams	Dubas	Hudkins	Pahls	Stuthman
Aguilar	Engel	Johnson	Pankonin	Wallman
Ashford	Flood	Karpisek	Pedersen	Wightman
Burling	Friend	Langemeier	Pirsch	
Carlson	Gay	Louden	Raikes	
Christensen	Hansen	McGill	Rogert	
Dierks	Howard	Nelson	Schimek	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Cornett	Harms	Lathrop	Synowiecki
Chambers	Fischer	Kruse	Preister	White

Excused and not voting, 8:

Erdman	Heidemann	Kopplin	McDonald
Fulton	Janssen	Lautenbaugh	Nantkes

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1096. Title read. Considered.

Committee AM1911, found on page 612, was considered.

Senator Langemeier renewed his amendment, FA179, found on page 692, to the committee amendment.

Senator Langemeier withdrew his amendment.

Senator Langemeier withdrew his amendments, FA180 and FA181, found on page 692.

Senator Friend renewed his amendment, AM2048, found on page 709, to the committee amendment.

The Friend amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Friend offered the following amendment to the committee amendment:

AM2081

(Amendments to Standing Committee amendments, AM1911)

- 1 1. On page 1, line 20, strike "thirty-five thousand" and
- 2 insert "thirty-seven thousand five hundred".
- 3 2. On page 2, line 6, after "such" insert "other"; and
- 4 in line 7 after "chief" insert "employed pursuant to section 2 of
- 5 this act".

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

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 251. Introduced by Aguilar, 35; Adams, 24; Avery, 28; Friend, 10; Karpisek, 32; Lautenbaugh, 18; Pahls, 31; Rogert, 16.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle in the United States; Operation Enduring Freedom in Afghanistan; and Operation Iraqi Freedom in Iraq; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand five hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, First Lieutenant Edward D. Iwan, Sergeant Jacob S. Schmuecker, Sergeant Wayne R. Cornell, Sergeant Kenneth E. Locker Jr.,

Specialist William L. Bailey III, and Specialist Randy J. Matheny made the ultimate sacrifice by giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Sergeant Anthony J. Jensen, Sergeant Jared M. Riggert, Sergeant Heather N. Springer, Sergeant Josiah P. Warren, Specialist Mathew P. Severin, and Specialist Bryan M. Stroyek; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Staff Sergeant Courtney L. Miller, Sergeant Dennis K. Cabanting, Sergeant Timothy L. Dolberg, Sergeant Jeremy M. Fulton, Sergeant Adam L. Homan, Sergeant Travis D. Richards (two awards), Sergeant Jacob S. Schmuecker (posthumous), Sergeant Josiah P. Warren, Specialist Jeromy P. Dillman, Specialist Luis A. Estrada, Specialist William J. Hottovy, Specialist Daniel L. McCoy, Specialist Houston M. Meeks, Specialist Brennan A. Rutt, Specialist Bradley C. Utterback, Specialist Arthur C. Werner, Specialist Timothy J. Wheelock, Specialist Shane T. Zezulka, Specialist William L. Bailey III (posthumous), Specialist Randy J. Matheny (posthumous), Private First Class Jason M. Newman, and Private First Class James J. O'Malley IV; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Sergeant Wayne R. Cornell, Sergeant Christopher M. Brammer, Sergeant Joshua D. Tobaben, and Specialist Micah J. Alfieri.

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

1. That the Legislature expresses its gratitude and wishes to honor these men and women for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the soldiers mentioned in this resolution.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1094A. Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 844. Committee AM1784, found on page 644, and considered on page 705, was renewed.

Senator Chambers renewed his amendment, FA182, found on page 705, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 1164. Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

Revenue

LEGISLATIVE BILL 895. Placed on General File with amendment. AM2082 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

Business and Labor

LEGISLATIVE BILL 495. Placed on General File with amendment. AM1993

- 1 1. On page 2, lines 1 and 7, after "Any" insert
- 2 "railroad".

LEGISLATIVE BILL 1020. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 308. Placed on General File with amendment. AM2016 is available in the Bill Room.

LEGISLATIVE BILL 738. Placed on General File with amendment. AM1815

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-653, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 81-653 ~~It is the intent of sections 81-653 to 81-661 (1)~~
6 Sections 81-653 to 81-660 and section 8 of this act shall be known
7 and may be cited as the Brain Injury Registry Act.

8 (2) The intent of the Brain Injury Registry Act is
9 to require the establishment and maintenance of a brain injury
10 registry-Brain Injury Registry in and for the State of Nebraska.
11 The purpose of the brain injury registry-Brain Injury Registry is
12 to provide a central data bank of accurate, precise, and current
13 information which will to assist in the statistical identification
14 and of persons with brain or head injury, planning for the
15 treatment and rehabilitation of such persons, and with brain or
16 head injury and in the prevention of such injury.

17 Sec. 2. Section 81-654, Revised Statutes Supplement,
18 2007, is amended to read:

19 81-654 For purposes of ~~sections 81-653 to 81-661:~~ the
20 Brain Injury Registry Act:

21 ~~(1) Brain injury registry shall mean the system of~~
22 ~~reporting established by sections 81-653 to 81-661 in which cases~~
23 ~~of brain or head injury in this state are reported and recorded~~
1 ~~in order to achieve the goals of statistical identification and~~
2 ~~planning for treatment and rehabilitation of persons with brain or~~
3 ~~head injury and prevention of such injury;~~

4 ~~(2)-(1) Brain or head injury shall mean means clinically~~
5 ~~evident neurotrauma resulting directly or indirectly from closed~~
6 ~~or penetrating brain or head trauma, infection, febrile condition,~~
7 ~~anoxia, vascular lesions, toxin, or spinal cord injury, not~~
8 ~~primarily related to congenital or degenerative conditions,~~
9 ~~chemical dependency, or aging processes, which impairs mental,~~
10 ~~cognitive, behavioral, or physical functioning; and~~

11 ~~(3)-(2) Department shall mean means the Department of~~
12 ~~Health and Human Services.~~

13 Sec. 3. Section 81-655, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-655 The department shall establish and maintain a
16 ~~central registry-Brain Injury Registry. The registry shall consist~~
17 ~~of information concerning persons with brain or head injury~~
18 ~~that occurs within the state. The registry shall include such~~
19 ~~information as , which information the department deems necessary~~
20 ~~and appropriate for the statistical identification and of persons~~
21 ~~with brain or head injury, planning for the treatment and~~
22 ~~rehabilitation of such persons, with brain or head injury and~~
23 ~~the prevention of such injury. Any information released from the~~
24 ~~registry shall be disclosed as Class I, Class II, and Class IV data~~
25 ~~as provided in sections 81-663 to 81-675.~~

26 Sec. 4. Section 81-656, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 81-656 In order to implement the intent and purposes
2 of ~~section 81-653,~~ the Brain Injury Registry Act, the department

3 shall:

4 (1) Adopt and promulgate necessary rules and regulations;
 5 ~~including to carry out the act, including, but not limited~~
 6 ~~to,~~ a uniform system of classification of brain or head injury
 7 which is consistent with medically and clinically accepted
 8 standards and definitions for use in reporting by treating medical
 9 personnel and hospitals. ~~The~~ In adopting and promulgating such
 10 rules and regulations, the department shall be guided by the
 11 standards and definitions of the International Classification of
 12 Disease, Clinical Modification Coding System of the World Health
 13 Organization; ~~and~~

14 (2) Execute any contracts that the department deems
 15 necessary to carry out the act; and

16 ~~(2)-(3)~~ Comply with all necessary requirements in order
 17 to obtain funds or grants.

18 Sec. 5. Section 81-657, Revised Statutes Supplement,
 19 2007, is amended to read:

20 81-657 (1) If a person with brain or head injury is
 21 ~~not admitted to a hospital within the state but is treated in~~
 22 this state in the office of a physician or psychologist licensed
 23 ~~under the Uniform Credentialing Act, to practice in this state~~
 24 ~~but is not admitted to a hospital within this state,~~ the treating
 25 physician or psychologist shall provide a report the brain or head
 26 of such injury to the department within thirty days after such
 27 treatment and identification of the person sustaining such injury.
 1 ~~Each treating physician or psychologist shall be required to report~~
 2 ~~each brain or head injury only one time.~~

3 (2) ~~Each hospital and each rehabilitation center located~~
 4 ~~within a hospital in the State of Nebraska shall annually report to~~
 5 ~~the department a brain or head injury which results in admission or~~
 6 ~~treatment.~~

7 (2) If a person with a brain or head injury is
 8 admitted to or treated at a hospital or at a rehabilitation
 9 center located within a hospital in this state, such hospital or
 10 rehabilitation center shall provide a report of such injury to the
 11 department within thirty days after such admission or treatment and
 12 identification of the person sustaining such injury.

13 (3) ~~The report~~ A report provided under this section shall
 14 contain the following information about the person ~~sustaining the~~
 15 who has sustained a brain or head injury:

16 (a) Name;

17 (b) Social security number;

18 (c) Date of birth;

19 (d) Gender;

20 (e) Residence;

21 (f) Date of the injury;

22 (g) Final diagnosis or classification of the injury

23 according to the International Classification of Disease, Clinical
 24 Modification Coding System, as adopted by the department;

25 (h) Cause of the injury and, if practicable, whether the
26 injury resulted from an accident involving the use of alcohol;

27 (i) Place or site of occurrence of the injury;

1 (j) Identification of the reporting source;

2 (k) Dispensation upon discharge;

3 (l) Payor source; and

4 (m) Any additional information the department can

5 ~~demonstrate is reasonable in order to implement the purposes stated~~
6 ~~in section 81-653, deems necessary and appropriate to carry out the~~
7 purposes of the Brain Injury Registry Act.

8 Sec. 6. Section 81-659, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 81-659 No patient-identifying data as defined in section
11 81-664 shall be ~~divulged, disclosed,~~ made public, or released by
12 the department to any public or private person or entity. All other
13 data obtained from medical records of persons sustaining brain or
14 head injury is for the confidential use as Class I, Class II, or
15 Class IV data of the department and the private or public persons
16 or entities that the department determines may view such records as
17 provided in sections 81-663 to 81-675.

18 Sec. 7. Section 81-660, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 81-660 No physician, psychologist, hospital, or
21 administrator, officer, or employee of a hospital or medical
22 professional who is in compliance with sections 81-657 and 81-663
23 to 81-675 shall be civilly or criminally liable for ~~divulging~~
24 disclosing the information required ~~pursuant to~~ under section
25 81-657.

26 Sec. 8. Within thirty days after receiving a report of
27 a brain or head injury, the department shall provide relevant and
1 timely information to the person with such injury to assist such
2 person in accessing necessary and appropriate services relating
3 to such injury. The department may develop such information or
4 utilize information developed by other sources and approved by the
5 department. The department may provide such information directly or
6 contract with an appropriate entity to facilitate the provision of
7 such information. Costs associated with providing such information
8 shall be paid from cash funds, gifts, and grants. No funds from the
9 General Fund shall be used to pay such costs. Funds received by the
10 department for the payment of such costs shall be remitted to the
11 State Treasurer for credit to the Health and Human Services Cash
12 Fund. The department shall not be required to provide information
13 under this section if sufficient funding is unavailable.

14 Sec. 9. Section 81-664, Revised Statutes Supplement,
15 2007, is amended to read:

16 81-664 For purposes of sections 81-663 to 81-675:

17 (1) Aggregate data means data contained in the medical
18 record and health information registries maintained by the
19 department which is compiled in a statistical format and which does

20 not include patient-identifying data;

21 (2) Approved researcher means an individual or entity
22 which is approved by the department pursuant to section 81-666 to
23 obtain access to data contained in the medical record and health
24 information registries maintained by the department to assist in
25 the scientific or medical research for the prevention, cure, or
26 control of a disease or injury process;

27 (3) Case-specific data means data contained in the
1 medical record and health information registries concerning a
2 specific individual other than patient-identifying data;

3 (4) Department means the Department of Health and Human
4 Services;

5 (5) Medical record and health information registry means
6 the system of reporting certain medical conditions occurring
7 in this state, as prescribed by law, which are reported and
8 recorded in order to achieve the goals of prevention, cure, and
9 control through research and education, and includes the birth
10 defects registry established in section 71-646, the cancer registry
11 established in sections 81-642 to 81-650, the ~~brain injury registry~~
12 ~~established in sections 81-653 to 81-661~~, Brain Injury Registry
13 established pursuant to the Brain Injury Registry Act, and the
14 Parkinson's Disease Registry established in the Parkinson's Disease
15 Registry Act;

16 (6) Patient-identifying data means the patient's name,
17 address, record number, symbol, or other identifying particular
18 assigned to or related to an individual patient; and

19 (7) Research means study specific to the diseases or
20 injuries for which access to data is requested and which is
21 dedicated to the prevention, cure, or control of the diseases or
22 injuries.

23 Sec. 10. Original sections 81-653, 81-655, and 81-659,
24 Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660,
25 Revised Statutes Cumulative Supplement, 2006, and sections 81-654,
26 81-657, and 81-664, Revised Statutes Supplement, 2007, are
27 repealed.

1 Sec. 11. The following section is outright repealed:

2 Section 81-661, Revised Statutes Supplement, 2007.

LEGISLATIVE BILL 796. Placed on General File with amendment.
AM1925

1 1. Strike original sections 2, 3, 10, and 11 and insert
2 the following new sections:

3 Section 1. Section 38-1901, Revised Statutes Supplement,
4 2007, is amended to read:

5 38-1901 Sections 38-1901 to 38-1920 and sections 4, 6,
6 and 7 of this act shall be known and may be cited as the Medical
7 Radiography Practice Act.

8 Sec. 2. Section 38-1902, Revised Statutes Supplement,
9 2007, is amended to read:

10 38-1902 For purposes of the Medical Radiography Practice
11 Act and elsewhere in the Uniform Credentialing Act, unless the
12 context otherwise requires, the definitions found in sections
13 38-1903 to 38-1913 and section 4 of this act apply.

14 Sec. 4. Limited computed tomography radiographer means
15 a person licensed pursuant to section 6 of this act to practice
16 medical radiography restricted to computed tomography.

17 Sec. 5. Section 38-1915, Revised Statutes Supplement,
18 2007, is amended to read:

19 38-1915 (1) A person licensed by the department, with
20 the recommendation of the board, as a medical radiographer
21 may practice medical radiography on any part of the human
22 anatomy for interpretation by and under the direction of a
23 licensed practitioner, including computed tomography but excluding
1 interpretative fluoroscopic procedures. An applicant for a license
2 as a medical radiographer shall:

3 (a) Complete an educational program in radiography
4 approved by the board pursuant to subsection (1) of section
5 38-1918;

6 (b) Complete an application in accordance with the
7 Uniform Credentialing Act; and

8 (c) Successfully complete an examination approved by the
9 board.

10 (2) Presentation of proof of registration in radiography
11 with the American Registry of Radiologic Technologists is proof of
12 meeting the requirements of subdivisions (1)(a) and (c) of this
13 section.

14 Sec. 6. (1) A person licensed by the department,
15 with the recommendation of the board, as a limited computed
16 tomography radiographer may practice medical radiography restricted
17 to computed tomography. An applicant for a license as a limited
18 computed tomography radiographer shall:

19 (a) Complete an application in accordance with the
20 Uniform Credentialing Act;

21 (b) Be certified by (i) the Nuclear Medicine Technology
22 Certification Board or (ii) the American Registry of Radiologic
23 Technologists in nuclear medicine technology; and

24 (c) Be certified by the American Registry of Radiologic
25 Technologists in computed tomography.

26 (2) A nuclear medicine technologist who meets the
27 requirements for training and experience for nuclear medical
1 technology under the Radiation Control Act may perform computed
2 tomography without being licensed under the Medical Radiography
3 Practice Act if such practice is limited to X-rays produced
4 by a combination nuclear medicine-computed tomography system
5 and administered as an integral part of a nuclear medicine
6 procedure that uses a computed tomography protocol for
7 purposes of attenuation correction and anatomical localization
8 only and if the nuclear medicine technologist has received

9 documented device-specific training on the combination nuclear
 10 medicine-computed tomography system as prescribed by rules and
 11 regulations adopted and promulgated by the department.

12 Sec. 7. The requirements of section 6 of this act do
 13 not apply to a student while enrolled and participating in an
 14 educational program in nuclear medicine technology who, as part
 15 of the educational program, applies X-rays to humans using a
 16 computed tomography system while under the supervision of the
 17 licensed practitioners, medical radiographers, or limited computed
 18 tomography radiographers associated with the educational program. A
 19 person registered by the Nuclear Medicine Technology Certification
 20 Board or the American Registry of Radiologic Technologists may
 21 apply for a license as a temporary limited computed tomography
 22 radiographer. Temporary limited computed tomography radiographer
 23 licenses shall expire twenty-four months after issuance and
 24 shall not be renewed. Persons licensed as temporary limited
 25 computed tomography radiographers shall be permitted to perform
 26 medical radiography restricted to computed tomography while
 27 under the direct supervision and in the physical presence of
 1 licensed practitioners, medical radiographers, or limited computed
 2 tomography radiographers.

3 Sec. 14. Section 71-3519, Revised Statutes Supplement,
 4 2007, is amended to read:

5 71-3519 Sections 71-3501 to 71-3520 and section 10 of
 6 this act shall be known and may be cited as the Radiation Control
 7 Act.

8 Sec. 15. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13,
 9 and 16 of this act become operative on December 1, 2008. The other
 10 sections of this act become operative on their effective date.

11 Sec. 16. Original sections 38-1901, 38-1902, 38-1907,
 12 38-1915, 71-3503, 71-3505, 71-3507, 71-3508.03, and 71-3517,
 13 Revised Statutes Supplement, 2007, are repealed.

14 Sec. 17. Original section 71-3519, Revised Statutes
 15 Supplement, 2007, is repealed.

16 2. On page 12, line 2, after "concern" insert an
 17 underscored comma.

18 3. On page 16, line 23, strike the first comma and show
 19 as stricken.

20 4. On page 21, line 1, after the stricken matter insert
 21 "four hundred"; and in lines 2 through 6 reinstate the stricken
 22 matter and strike the new matter.

23 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 972. Placed on General File with amendment.
 AM1977

1 1. On page 2, strike the new matter in lines 8
 2 through 11 and insert "and must provide satisfactory evidence
 3 of being credentialed in such other jurisdiction at a level with
 4 requirements that are at least as stringent as or more stringent

5 than the requirements for the comparable credential being applied
6 for in this state".

LEGISLATIVE BILL 1074. Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

General Affairs

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 1103. Placed on General File.

LEGISLATIVE BILL 996. Placed on General File with amendment.
AM1945

1 1. On page 18, lines 17 and 18; and page 31, lines 10 and
2 11, reinstate the stricken matter and strike the new matter.
3 2. On page 18, line 22; and page 31, line 15, after
4 "9" insert ", except that a manufacturer which has two or more
5 facilities, divisions, or subsidiaries or which is comprised of
6 two or more separate and distinct legal entities with the same
7 ownership may apply for and obtain a manufacturer's license for
8 each such facility, division, subsidiary, or entity with approval
9 from the department".

(Signed) Vickie McDonald, Chairperson

GENERAL FILE

LEGISLATIVE BILL 844. Senator Chambers renewed his amendment, FA183, found on page 710, to the committee amendment.

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

The Chambers amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his amendment, FA184, found on page 710, to the committee amendment.

Pending.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1157. Placed on General File with amendment.
AM2093

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

3 Section 1. Section 79-758, Revised Statutes Supplement,
4 2007, is amended to read:

5 79-758 For purposes of the Quality Education
6 Accountability Act:

7 (1) Assessment means the process of measuring student
8 achievement and progress on ~~state and locally adopted~~ state-adopted
9 standards;

10 (2) Assessment instrument means a test aligned with state
11 ~~and local~~ standards that is designed to measure student progress
12 and achievement; and

13 ~~(3) Assessment portfolio means the compilation of~~
14 ~~assessment practices and procedures, assessment instruments, and~~
15 ~~national assessment instruments used by a school district in~~
16 ~~meeting assessment and reporting requirements; and~~

17 ~~(4)~~ ~~(3)~~ National assessment instrument means a nationally
18 norm-referenced test developed and scored by a national testing
19 service.

20 Sec. 2. Section 79-760.01, Revised Statutes Supplement,
21 2007, is amended to read:

22 79-760.01 The State Board of Education shall adopt
23 measurable ~~model~~-academic content standards for at least ~~three~~
1 the grade levels required for statewide assessment pursuant to
2 section 79-760.03. The standards shall cover the subject areas of
3 reading, writing, mathematics, science, and social studies. The
4 standards adopted shall be sufficiently clear and measurable to be
5 used for testing student performance with respect to mastery of
6 the content described in the state standards. The State Board of
7 Education shall develop a plan to review and update standards for
8 each subject area every five years. The state board shall review
9 and update the standards in reading by July 1, 2009, the standards
10 in mathematics by July 1, 2010, and the standards in all other
11 subject areas by July 1, 2013. The state board plan shall include a
12 review of commonly accepted standards adopted by school districts.

13 Sec. 3. Section 79-760.02, Revised Statutes Supplement,
14 2007, is amended to read:

15 79-760.02 In accordance with timelines that are adopted
16 by the State Board of Education, but in no event later than one
17 year following the adoption or modification of state standards,
18 each school district shall adopt measurable quality academic
19 content standards in the subject areas of reading, writing,
20 mathematics, science, and social studies. The standards may be
21 the same as, or may be equal to or exceed in rigor, the measurable

22 ~~model~~-academic content standards adopted by the state board and
23 shall cover at least the same grade levels. School districts
24 may work collaboratively with educational service units, with
25 learning communities, or through interlocal agreements to develop
26 such standards. Educational service units and learning communities
27 shall develop a composite set of standards shared by member school
1 districts. ~~The State Department of Education shall adopt and
2 promulgate appropriate rules and regulations to insure the rigor of
3 the measurable quality academic content standards.~~

4 Sec. 4. Section 79-760.03, Revised Statutes Supplement,
5 2007, is amended to read:

6 79-760.03 (1) For school year 2009-10 and each school
7 year thereafter, the State Board of Education shall implement
8 a statewide system for the assessment of student learning and
9 for reporting the performance of school districts and learning
10 communities pursuant to this section. The assessment and reporting
11 system shall measure student knowledge of subject matter materials
12 covered by measurable academic content standards selected by the
13 state board.

14 (2) The state board shall adopt a plan for an assessment
15 and reporting system and implement and maintain the assessment
16 and reporting system according to such plan. The plan shall
17 be submitted annually to the Governor, the chairperson of the
18 Education Committee of the Legislature, and the Clerk of the
19 Legislature. The state board shall select ~~three~~-grade levels for
20 assessment and reporting required pursuant to subsections (4)
21 through (7) of this section. The purposes of the system are to:

22 (a) Determine how well public schools are performing in
23 terms of achievement of public school students related to the state
24 academic content standards;

25 (b) Report the performance of public schools based upon
26 the results of state assessment instruments and national assessment
27 instruments;

1 (c) Provide information for the public and policymakers
2 on the performance of public schools; and

3 (d) Provide for the comparison among Nebraska public
4 schools and the comparison of Nebraska public schools to public
5 schools elsewhere.

6 (3) The Governor shall appoint a technical advisory
7 committee to review the statewide assessment plan and state
8 assessment instruments developed under the Quality Education
9 Accountability Act. The technical advisory committee shall consist
10 of three to five nationally recognized experts in educational
11 assessment and measurement. The members shall serve terms of
12 three years, except that two of the members shall be appointed
13 for initial terms of two years. Any vacancy shall be filled by
14 the Governor for the remainder of the term. One of the members
15 shall be designated as chairperson by the Governor. Members
16 shall be reimbursed for their actual and necessary expenses as

17 provided in sections 81-1174 to 81-1177. The committee shall advise
18 the Governor, the Legislature, the state board, and the State
19 Department of Education on the development of statewide assessment
20 instruments and the statewide assessment plan. The appointments to
21 the committee shall be confirmed by the Legislature.

22 ~~(3)-(4)~~ The state board shall prescribe a statewide
23 assessment of writing that relies on writing samples in each of
24 three grades selected by the state board. Each year at least one
25 of the three selected grades shall participate in the statewide
26 writing assessment with each selected grade level participating at
27 least once every three years.

1 ~~(4)-(5)~~ For school year 2009-10 and for each school
2 year thereafter, the state board shall prescribe a statewide
3 assessment of reading, ~~that is based on model assessments developed~~
4 ~~pursuant to section 79-760. The reading assessment instruments~~
5 ~~shall be developed in collaboration with educational service units~~
6 ~~and be approved by a majority of the educational service unit~~
7 ~~administrators. The statewide assessment of reading shall include~~
8 ~~assessment instruments for each of the grade levels three through~~
9 ~~eight and for one grade in high school and standards selected~~
10 ~~adopted by the state board pursuant to section 79-760.01.~~

11 ~~(5)-(6)~~ For school year 2010-11 and for each school year
12 thereafter, the state board shall prescribe a statewide assessment
13 of mathematics, ~~that is based on model assessments developed~~
14 ~~pursuant to section 79-760. The mathematics assessment instruments~~
15 ~~shall be developed in collaboration with educational service~~
16 ~~units and be approved by a majority of the educational service~~
17 ~~unit administrators. The statewide assessment of mathematics shall~~
18 ~~include assessment instruments for each of the grade levels three~~
19 ~~through eight and for one grade in high school and standards~~
20 ~~selected adopted by the state board pursuant to section 79-760.01.~~

21 ~~(6)~~ ~~School districts shall develop assessment portfolios.~~
22 ~~Such assessment portfolios may be developed through school~~
23 ~~district collaboration with educational service units and learning~~
24 ~~communities or through interlocal agreements. Educational service~~
25 ~~units shall conduct a peer review of local district assessments~~
26 ~~annually. Educational service units shall submit documentation~~
27 ~~of the district portfolios for review by the State Department~~
1 ~~of Education not more than once every three years. Assessment~~
2 ~~portfolios shall include all assessment instruments required by the~~
3 ~~state board and by the Quality Education Accountability Act.~~

4 ~~(7)~~ ~~The department shall identify criteria for rating~~
5 ~~assessment instruments and assessment portfolios. The department~~
6 ~~shall establish statewide minimum proficiency levels for local~~
7 ~~assessments and shall include proficiency levels in the rating of~~
8 ~~assessment instruments and assessment portfolios. The department~~
9 ~~shall contract with independent, recognized assessment experts~~
10 ~~to review and rate locally developed assessment instruments and~~
11 ~~portfolios according to such criteria and proficiency levels.~~

12 (7) For school year 2011-12 and each school year
13 thereafter, the state board shall prescribe a statewide assessment
14 of science. The statewide assessment of science shall include
15 assessment instruments for each of the grade levels selected by
16 the state board and standards adopted by the state board pursuant
17 to section 79-760.01. The grade levels shall include at least one
18 grade in elementary school, one grade in middle school or junior
19 high school, and one grade in high school.

20 (8) The department shall conduct studies to verify the
21 technical quality of assessment instruments and demonstrate the
22 comparability of assessment instrument results required by the
23 ~~Quality Education Accountability Act. act.~~ The department shall
24 annually report such findings to the Governor, the Legislature, and
25 ~~the State Board of Education. state board.~~

26 (9) ~~The State Board of Education. state board shall~~
27 ~~recommend national assessment instruments for the purpose of~~
1 ~~national comparison. Each school district shall include national~~
2 ~~assessment instruments in its assessment portfolio. report~~
3 ~~individual student data for scores and sub-scores according to~~
4 ~~procedures established by the state board and the department~~
5 ~~pursuant to section 79-760.05.~~

6 (10) The aggregate results of assessment instruments
7 and national assessment instruments shall be reported by the
8 district on a building basis to the public in that district, to
9 the learning community coordinating council if such district is
10 a member of a learning community, and to the department. Each
11 learning community shall also report the aggregate results of
12 any assessment instruments and national assessment instruments to
13 the public in that learning community and to the department. The
14 department shall report the aggregate results of any assessment
15 instruments and national assessment instruments on a learning
16 community, district, and building basis as part of the statewide
17 assessment and reporting system.

18 (11)(a) The assessment and reporting plan shall:

19 (i) Provide for the confidentiality of the results of
20 individual students; and

21 (ii) Include all public schools and all public school
22 students.

23 (b) The state board shall adopt criteria for the
24 inclusion of students with disabilities, students entering the
25 school for the first time, and students with limited English
26 proficiency.

27 (12) The state board may select additional grade levels
1 and additional subject areas for statewide assessment to comply
2 with federal requirements.

3 (13) The state board shall not require school districts
4 to administer assessments or assessment instruments other than as
5 prescribed by the act.

6 Sec. 5. Section 79-760.05, Revised Statutes Supplement,

7 2007, is amended to read:

8 79-760.05 (1) The State Board of Education shall
 9 implement a statewide system for tracking individual student
 10 achievement, using the student identifier system of the State
 11 Department of Education, that can be aggregated to track student
 12 progress by demographic characteristics, including, but not
 13 limited to, race, poverty, high mobility, attendance, and limited
 14 English proficiency, on available measures of student achievement
 15 which include, but need not be limited to, national assessment
 16 instruments, and state assessment instruments, ~~local assessment~~
 17 ~~instruments, and other similar measures.~~ Such a system shall be
 18 designed so as to aggregate student data by available educational
 19 input characteristics, which may include class size, teacher
 20 education, teacher experience, special education, early childhood
 21 programs, federal programs, and other targeted education programs.
 22 School districts shall provide the department with individual
 23 student achievement data ~~as requested from assessment instruments~~
 24 required pursuant to section 79-760.03 in order to implement the
 25 statewide system.

26 (2) The department and the coordinator appointed pursuant
 27 to section 79-11,150 shall annually analyze and report on student
 1 achievement for the state, each school district, and each learning
 2 community aggregated by the demographic characteristics described
 3 in subsection (1) of this section. The department shall report
 4 the findings to the Governor, the Legislature, school districts,
 5 educational service units, and each learning community. Such
 6 analysis shall include aggregated data that would indicate
 7 differences in achievement due to available educational input
 8 characteristics described in subsection (1) of this section.
 9 Such analysis shall include indicators of progress toward state
 10 achievement goals for students in poverty, limited English
 11 proficient students, and highly mobile students according to the
 12 plan developed by the coordinator pursuant to section 79-11,150.

13 Sec. 6. Original sections 79-758, 79-760.01, 79-760.02,
 14 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007, are
 15 repealed.

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 786. Placed on General File with amendment.
 AM2084

- 1 1. On page 3, strike lines 9 through 13; in line 14
- 2 strike "(3)" and insert "(2)"; in line 17 strike "(4)" and insert
- 3 "(3)"; and in line 21 strike "(5)" and insert "(4)".

LEGISLATIVE BILL 1051. Placed on General File with amendment.
 AM2089

- 1 1. On page 3, line 15, strike "fifteen" and insert
2 "twelve".

LEGISLATIVE BILL 1068. Placed on General File with amendment.
AM1983

- 1 1. Strike original section 6 and insert the following new
2 sections:
3 Sec. 6. Section 39-2110, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 39-2110 Following adoption and publication of the
6 specific criteria required by section 39-2109, the Department of
7 Roads, after consultation with the appropriate local authorities
8 in each instance, shall assign a functional classification to
9 each segment of highway, road, and street in this state. Before
10 assigning any such classification, the department shall make
11 reasonable effort to resolve any differences of opinion between
12 the department and any county or municipality. Whenever a new road
13 or street is to be opened or an existing road or street is to be
14 extended, the department shall, upon a request from the operating
15 jurisdiction, assign a functional classification to such segment
16 in accordance with the specific criteria established under section
17 39-2109.
18 Sec. 7. Section 39-2112, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 39-2112 Any county or municipality may, based on changing
21 traffic patterns or volume or a change in jurisdiction, request
22 the Department of Roads to reclassify any segment of highway,
23 road, or street. Any county that wants to use the minimum
1 maintenance, remote residential, or scenic recreation functional
2 classification, or wants to return a road to its previous
3 functional classification, may request the department to reclassify
4 an applicable segment of highway or road. If a county board wants
5 a road or a segment of road to be classified as remote residential
6 it shall hold a public hearing on the matter prior to requesting
7 the department to reclassify such road or segment of road. The
8 department shall review such request and either grant or deny the
9 reclassification in whole or in part. Any county or municipality
10 dissatisfied with the action taken by the department under this
11 section, may appeal to the Board of Public Roads Classifications
12 and Standards in the manner provided in section 39-2111.
13 2. On page 2, strike beginning with "by" in line 9
14 through the period in line 10, show as stricken, and insert an
15 underscored period.
16 3. On page 8, line 10, strike "six" and insert
17 "eighteen".
18 4. On page 9, strike beginning with "The" in line 23
19 through line 25 and show as stricken.
20 5. On page 11, strike beginning with "The" in line 5
21 through line 6.

- 22 6. On page 12, line 4, after the second comma insert
23 "39-2110,".
24 7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1069. Indefinitely postponed.

LEGISLATIVE BILL 1091. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1143. Placed on General File.

LEGISLATIVE BILL 329. Indefinitely postponed.

LEGISLATIVE BILL 937. Indefinitely postponed.

LEGISLATIVE BILL 938. Indefinitely postponed.

(Signed) John Synowiecki, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Patrick Meuret - Nebraska Railway Council

Aye: 7 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Loudon, Pedersen, Stuthman. Nay: 0. Absent: 1 Senator Schimek.

The Transportation and Telecommunications 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.

Roy Neneman - Motor Vehicle Industry Licensing Board

Aye: 7 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Loudon, Pedersen, Stuthman. Nay: 0. Absent: 1 Senator Schimek.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB844:
AM2086

(Amendments to Standing Committee amendments, AM1784)

- 1 1. On page 6, line 13, strike "29-433" and show as
- 2 stricken, strike the underscored semicolon and insert "5 of this
- 3 act", and reinstate the stricken "if the"; and in lines 14 and 15
- 4 reinstate the stricken matter.
- 5 2. On page 8, lines 10 through 12, strike the new matter.
- 6 3. On page 9, line 5, strike "29-433" and insert "5 of
- 7 this act if the judge determines that attending such course is in
- 8 the best interest of the individual defendant".

UNANIMOUS CONSENT - Add Cointroducer

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB606. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 eleventh- and twelfth-grade students and teacher from Elkhorn; Dr. Jay and Jared Matzke from Gothenburg and Tyler Bakker from Littleton, Colorado; Curtis Bryant from Omaha; and 36 fourth-grade students, teachers, and sponsors from Elmwood-Murdock Public School, Elmwood.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Engel, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

