

TWENTY-SIXTH DAY - FEBRUARY 17, 2004**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 2004

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

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

The roll was called and all members were present except Senators Burling and Hudkins who were excused; and Senators Beutler, Brashear, Byars, Combs, Landis, Maxwell, Mines, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

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

The following bills were correctly engrossed: LBs 37, 37A, 139, 139A, and 270.

ER9097

Enrollment and Review Change to LB 37A

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

1. In the Price amendment, AM2383, on page 1, line 2, "Administration" has been struck and "Administrative" inserted; and in line 3 "12" has been struck and "11" inserted.

ER9098

Enrollment and Review Change to LB 139

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

1. In the E & R amendments, AM7165, on page 8, line 25, "29-4103 to 29-4106 and" has been struck and "29-4102 to" inserted; and in line 26 ", and section 29-2262, Revised Statutes Supplement, 2003; to restate intent" has been inserted after "2002".

ER9099

Enrollment and Review Change to LB 270

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

1. In the Brashear amendment, AM2441, on page 1, line 2, "11 and 12" has been struck and "12 and 13" inserted; and in line 8 "18" has been struck and "24" inserted.

2. In the Beutler amendment, AM2215:

a. Section 8 has been renumbered as section 7; and

b. On page 1, line 4, "a" has been inserted after "or"; in line 7 the first "act" has been struck and "Nebraska Crime Victim's Reparations Act" inserted; and in line 11 "8" has been struck and "7" inserted.

3. In the E & R amendments, AM7166, on page 3, line 9, "8, 11 to 13, and 16" has been struck and "9, 12 to 14, and 17" inserted.

4. In the Brashear amendment, AM2019:

a. On page 1, line 6; page 5, lines 9 and 18; page 6, line 9; page 12, line 18; and page 17, line 26, "8, 11 to 13, and 16" has been struck and "9, 12 to 14, and 17" inserted; and

b. On page 9, line 14, "education" has been struck and "educational" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 920. Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications
Room 1113

(Signed) Tom Baker, Chairperson

MOTION - Approve Appointment

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment found on page 609:

Beginning Farmer Board
Dale Pohlmann

Voting in the affirmative, 33:

Aguilar	Cunningham	Jones	Pederson, D.	Synowiecki
Baker	Engel	Kremer	Preister	Thompson
Bourne	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Louden	Redfield	Vrtiska
Brown	Janssen	McDonald	Smith	Wehrbein
Connealy	Jensen	Mossey	Stuhr	
Cudaback	Johnson	Pedersen, Dw.	Stuthman	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Hartnett	Raikes
Friend	Price	Schimek

Excused and not voting, 10:

Beutler	Burling	Combs	Landis	Mines
Brashear	Byars	Hudkins	Maxwell	Schrock

The appointment was confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 906A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 963. Considered.

Senator Chambers offered the following amendment:

FA1463
Amend AM2348
Strike section 3.

Senator Chambers withdrew his amendment.

Senator Beutler offered the following amendment:

FA1464

1. In the Standing Committee amendments, AM2348, on page 4, line 23, after "thirty" insert "consecutive".
2. On page 2, line 20; and page 6, line 2, after "thirty" insert "consecutive".

Pending.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 853. Placed on General File.

LEGISLATIVE BILL 1157. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Education

LEGISLATIVE BILL 1161. Placed on General File as amended.

Standing Committee amendment to LB 1161:

AM2519

- 1 1. Strike original sections 3 and 4.
- 2 2. On page 2, line 22, after the period insert "On or
- 3 before such deadline, the applicant school district shall send
- 4 copies of the application to the high school districts of the local
- 5 systems receiving valuation in the transfer.".
- 6 3. On page 3, strike beginning with "The" in line 6
- 7 through "on" in line 7 and insert "On"; in line 8 strike the first
- 8 "of" and insert ", the department shall certify to the applicant
- 9 school district"; in lines 9 and 12 strike "If" and insert "Except
- 10 as otherwise provided in this subsection, if"; in line 16 after the
- 11 underscored period insert "If a portion of the total reduction
- 12 calculated pursuant to subsection (5) of this section for local
- 13 systems receiving valuation in the transfer of property that is the
- 14 subject of the application is delayed until future years, the
- 15 additional state aid to be paid in the school fiscal year described
- 16 in subsection (3) of this section shall be reduced by the amount of
- 17 the total reduction that is delayed until future years. The amount
- 18 of the reduction shall be paid as additional aid in the next school
- 19 fiscal year."; in line 17 after "(5)" insert "The state aid
- 20 payments shall be reduced for the high school district of each
- 21 receiving local system."; and strike beginning with "The" in line
- 22 23 through the period in line 24.
- 23 4. On page 4, line 9, strike "notify" and insert
- 24 "certify to"; in line 10 strike the second "of"; and strike
- 1 beginning with "June" in line 26 through "merger" in line 27, show
- 2 as stricken, and insert "July 1 immediately following the effective

- 3 date of the change of city or village boundaries which caused the
 4 merger pursuant to section 79-407, 79-408, or 79-473".
 5 5. On page 11, line 19, after "amounts" insert " ¹
 6 including adjustments pursuant to section 1 of this act."
 7 6. On page 12, strike beginning with the first comma in
 8 line 22 through the first comma in line 23.
 9 7. Renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

ANNOUNCEMENT

Senator Kruse designates LB 871 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 963. The Beutler pending amendment, FA1464, found in this day's Journal, was renewed.

SPEAKER BROMM PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment:
 FA1465
 Amend AM2348
 Strike section 4.

Senator Chambers withdrew his amendment.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 232 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 232.

GENERAL FILE

LEGISLATIVE BILL 963. Senator Beutler offered the following amendment:
 FA1466

On page 3, line 27 add the following language: "Any creditor suffering a loss of interest income pursuant to this provision may file a claim against the state and recover the amount lost if the debt is verified"

SENATOR CUDABACK PRESIDING

Pending.

STANDING COMMITTEE REPORTS **Natural Resources**

The Natural Resources 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.

Environmental Quality Council
Janet Bernard
James Whitaker

VOTE: Aye: Senators Friend, Jones, Kremer, Louden, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Hudkins.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 1219. Placed on General File as amended.
Standing Committee amendment to LB 1219:
AM2643

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 77-2727, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 77-2727. (1) A partnership as such shall not be subject
6 to the income tax imposed by the Nebraska Revenue Act of 1967.
7 Persons or their authorized representatives carrying on business as
8 partners shall be liable for the income tax imposed by the Nebraska
9 Revenue Act of 1967 only in their separate or individual
10 capacities.
11 (2) The partners of such partnership who are residents of
12 this state or corporations shall include in their incomes their
13 proportionate share of such partnership's income.
14 (3) If any partner of such partnership is a nonresident
15 individual during any part of the partnership's reporting year, he
16 or she shall file a Nebraska income tax return which shall include
17 in Nebraska adjusted gross income that portion of the partnership's
18 Nebraska income, as determined under the provisions of sections
19 77-2728 and 77-2729, allocable to his or her interest in the
20 partnership and shall execute and forward to the partnership, on or

21 before the original due date of the Nebraska partnership return, an
22 agreement which states that he or she will file a Nebraska income
23 tax return and pay income tax on all income derived from or
24 attributable to sources in this state, and such agreement shall be
1 attached to the partnership's Nebraska return for such reporting
2 year.

3 (4)(a) ~~It~~ Except as provided in subdivision (c) of this
4 subsection, in the absence of the nonresident individual partner's
5 executed agreement being attached to the Nebraska partnership
6 return, the partnership shall remit a portion of such partner's
7 income which was derived from or attributable to Nebraska sources
8 with its Nebraska return for the reporting year. The amount of
9 remittance, in such instance, shall be the highest individual
10 income tax rate determined under section 77-2715.02 multiplied by
11 the nonresident individual partner's share of the partnership
12 income which was derived from or attributable to sources within
13 this state.

14 (b) Any amount remitted on behalf of any partner shall be
15 allowed as a credit against the Nebraska income tax liability of
16 the partner.

17 (c) Subdivision (a) of this subsection shall not apply to
18 a publicly traded partnership as defined by section 7704(b) of the
19 Internal Revenue Code of 1986, as amended, that is treated as a
20 partnership for the purposes of the code and that has agreed to
21 file an annual information return with the Department of Revenue
22 reporting the name, address, taxpayer identification number, and
23 other information requested by the department of each unit holder
24 with an income in the state in excess of five hundred dollars.

25 (5) The Tax Commissioner may allow a nonresident
26 individual partner to not file a Nebraska income tax return if the
27 nonresident individual partner's only source of Nebraska income was
1 his or her share of the partnership's income which was derived from
2 or attributable to sources within this state, the nonresident did
3 not file an agreement to file a Nebraska income tax return, and the
4 partnership has remitted the amount required by subsection (4) of
5 this section on behalf of such nonresident individual partner. The
6 amount remitted shall be retained in satisfaction of the Nebraska
7 income tax liability of the nonresident individual partner.

8 Sec. 2. This act becomes operative for all taxable years
9 beginning or deemed to begin on or after January 1, 2004, under the
10 Internal Revenue Code of 1986, as amended.

11 Sec. 3. Original section 77-2727, Reissue Revised
12 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 1066. Indefinitely postponed.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 833. Placed on General File.

(Signed) Ed Schrock, Chairperson

Health and Human Services

LEGISLATIVE BILL 931. Placed on General File.

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM2597

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-401. Sections 71-401 to ~~71-463~~ 71-459 shall be known
- 6 and may be cited as the Health Care Facility Licensure Act.
- 7 Sec. 2. Section 71-448, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 71-448. The department may take disciplinary action
- 10 against a license issued under the Health Care Facility Licensure
- 11 Act on any of the following grounds:
- 12 (1) Violation of any of the provisions of the
- 13 Assisted-Living Facility Act, the Health Care Facility Licensure
- 14 Act, the Nebraska Nursing Home Act, or the rules and regulations
- 15 adopted and promulgated under such acts;
- 16 (2) Committing or permitting, aiding, or abetting the
- 17 commission of any unlawful act;
- 18 (3) Conduct or practices detrimental to the health or
- 19 safety of a person residing in, served by, or employed at the
- 20 health care facility or health care service;
- 21 (4) A report from an accreditation body or public agency
- 22 sanctioning, modifying, terminating, or withdrawing the
- 23 accreditation or certification of the health care facility or
- 24 health care service;
- 1 (5) Failure to allow an agent or employee of the
- 2 Department of Health and Human Services, the Department of Health
- 3 and Human Services Finance and Support, or the Department of Health
- 4 and Human Services Regulation and Licensure access to the health
- 5 care facility or health care service for the purposes of
- 6 inspection, investigation, or other information collection
- 7 activities necessary to carry out the duties of such departments;
- 8 (6) Discrimination or retaliation against a person
- 9 residing in, served by, or employed at the health care facility or
- 10 health care service who has submitted a complaint or information to
- 11 the Department of Health and Human Services, the Department of

12 Health and Human Services Finance and Support, or the Department of
13 Health and Human Services Regulation and Licensure;

14 (7) Discrimination or retaliation against a person
15 residing in, served by, or employed at the health care facility or
16 health care service who has presented a grievance or information to
17 the office of the state long-term care ombudsman;

18 (8) Failure to allow a state long-term care ombudsman or
19 an ombudsman advocate access to the health care facility or health
20 care service for the purposes of investigation necessary to carry
21 out the duties of the office of the state long-term care ombudsman
22 as specified in the rules and regulations adopted and promulgated
23 by the Department of Health and Human Services;

24 (9) Violation of the Emergency Box Drug Act;

25 (10) Failure to file a report required by section
26 71-168.02;

27 (11) Violation of the Medication Aide Act; or

1 (12) Failure to file a report of suspected abuse or
2 neglect as required by sections 28-372 and 28-711.

3 Sec. 3. Sections 3 to 10 of this act shall be known and
4 may be cited as the Assisted-Living Facility Act.

5 Sec. 4. The purposes of the Assisted-Living Facility Act
6 are to supplement provisions of the Health Care Facility Licensure
7 Act relating to the licensure and regulation of assisted-living
8 facilities and to provide for the health and safety of residents of
9 such facilities.

10 Sec. 5. Section 71-460, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~71-460.~~ For purposes of this section and section 71-461
13 the Assisted-Living Facility Act:

14 (1) Activities of daily living means transfer,
15 ambulation, exercise, toileting, eating, ~~self-administered~~
16 self-administration of medication, and similar activities;

17 (2) Administrator means the operating officer of an
18 assisted-living facility and includes a person with a title such as
19 administrator, chief executive officer, manager, superintendent,
20 director, or other similar designation;

21 (3) Assisted-living facility has the same meaning as in
22 section 71-406;

23 ~~(4)~~ (4) Authorized representative means (a) a person
24 holding a durable power of attorney for health care, (b) a
25 guardian, or (c) a person appointed by a court to manage the
26 personal affairs of a resident of an assisted-living facility other
27 than the facility;

1 (5) Chemical restraint means a psychopharmacologic drug
2 that is used for discipline or convenience and is not required to
3 treat medical symptoms;

4 ~~(6)~~ (6) Complex nursing interventions means interventions
5 which require nursing judgment to safely alter standard procedures
6 in accordance with the needs of the resident, which require nursing

7 judgment to determine how to proceed from one step to the next, or
 8 which require a multidimensional application of the nursing
 9 process. Complex nursing interventions does not include a nursing
 10 assessment;

11 ~~(5)~~ Designee means a person holding a durable power of
 12 attorney for health care, a guardian, or a person appointed by a
 13 court to manage the personal affairs of a resident of a facility
 14 other than the facility;

15 ~~(6)~~ (7) Department means the Department of Health and
 16 Human Services Regulation and Licensure;

17 (8) Health maintenance activities means noncomplex
 18 interventions which can safely be performed according to exact
 19 directions, which do not require alteration of the standard
 20 procedure, and for which the results and resident responses are
 21 predictable;

22 ~~(7)~~ (9) Personal care means bathing, hair care, nail
 23 care, shaving, dressing, oral care, and similar activities;

24 ~~(8)~~ (10) Physical restraint means any manual method or
 25 physical or mechanical device, material, or equipment attached or
 26 adjacent to the resident's body that he or she cannot remove easily
 27 and that restricts freedom of movement or normal access to his or
 1 her own body; and

2 ~~(9)~~ (11) Stable or predictable means that a resident's
 3 clinical and behavioral status and nursing care needs are
 4 determined to be (a) nonfluctuating and consistent or (b)
 5 fluctuating in an expected manner with planned interventions,
 6 including an expected deteriorating condition.

7 Sec. 6. Section 71-461, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 ~~71-461. (4) Assisted living promotes resident~~
 10 ~~self-direction and participation in decisions which emphasize~~
 11 ~~independence, individuality, privacy, dignity, and residential~~
 12 ~~surroundings.~~

13 ~~(2) An assisted living facility shall complete criminal~~
 14 ~~background checks on each member of the direct care staff of the~~
 15 ~~facility.~~

16 ~~(3) To be eligible for admission to an assisted-living~~
 17 ~~facility, a person shall be in need of or wish to have available~~
 18 ~~room, board, assistance with or provision of personal care,~~
 19 ~~activities of daily living, or health maintenance activities or~~
 20 ~~supervision due to age, infirmity illness, or physical disability.~~
 21 ~~The administrator of the facility shall have the discretion~~

22 ~~regarding admission or retention of residents subject to the~~
 23 ~~Assisted-Living Facility Act and rules and regulations adopted and~~
 24 ~~promulgated under the act. provisions of this section. No~~
 25 ~~assisted living facility shall admit or retain an individual who~~
 26 ~~requires complex nursing interventions or whose condition is not~~
 27 ~~stable or predictable unless:~~

1 (a) ~~The resident, if the resident has sufficient mental~~

- 2 ability to understand the situation and make a rational decision as
3 to his or her needs or care and is not a minor, the resident's
4 designee, and the resident's physician or the registered nurse
5 agree that admission or retention of the resident is appropriate;
6 (b) The resident or his or her designee is responsible
7 for arranging for the resident's care through appropriate private
8 duty personnel, a licensed home health agency, or a licensed
9 hospice; and
10 (c) The resident's care does not compromise the facility
11 operations or create a danger to others in the facility.
- 12 (4) An assisted-living facility shall assure that each
13 resident does not require complex nursing interventions and that
14 each resident is stable or predictable or is suitable for admission
15 under subsection (3) of this section. All health maintenance
16 activities shall be performed in accordance with the Nurse Practice
17 Act and the rules and regulations adopted and promulgated under the
18 act.
- 19 (5) Chemical and physical restraints are prohibited in an
20 assisted-living facility.
- 21 (6) For purposes of the Life Safety Code under section
22 81-502, an assisted-living facility shall be classified as (a)
23 residential board and care if the facility meets the residential
24 board and care classification requirements of the Life Safety Code
25 or (b) limited care if the facility meets the limited care
26 classification requirements of the Life Safety Code.
- 27 Sec. 7. (1) An assisted-living facility shall not admit
1 or retain a resident who requires complex nursing interventions or
2 whose condition is not stable or predictable unless:
3 (a) The resident, if he or she is not a minor and is
4 competent to make a rational decision as to his or her needs or
5 care, or his or her authorized representative, and his or her
6 physician or a registered nurse agree that admission or retention
7 of the resident is appropriate;
8 (b) The resident or his or her authorized representative
9 agrees to arrange for the care of the resident through appropriate
10 private duty personnel, a licensed home health agency, or a
11 licensed hospice; and
12 (c) The resident's care does not compromise the facility
13 operations or create a danger to others in the facility.
- 14 (2) Health maintenance activities at an assisted-living
15 facility shall be performed in accordance with the Nurse Practice
16 Act and the rules and regulations adopted and promulgated under the
17 act.
- 18 Sec. 8. (1) On and after the operative date of this act,
19 every person seeking admission to an assisted-living facility or
20 the authorized representative of such person shall, upon admission
21 and annually thereafter, provide the facility with a list of drugs,
22 devices, biologicals, and supplements being taken or being used by
23 the person, including dosage, instructions for use, and reported

24 use.

25 (2) Every person residing in an assisted-living facility
26 on the operative date of this act or the authorized representative
27 of such person shall, within sixty days after the operative date of
1 this act, and annually thereafter, provide the facility with a list
2 of drugs, devices, biologicals, and supplements being taken or
3 being used by such person, including dosage, instructions for use,
4 and reported use.

5 (3) An assisted-living facility shall not be subject to
6 disciplinary action by the department for the failure of any person
7 seeking admission to or residing at such facility or the authorized
8 representative of such person to comply with subsections (1) and
9 (2) of this section.

10 (4) Each assisted-living facility shall provide for a
11 registered nurse to review medication administration policies and
12 procedures and to be responsible for the training of medication
13 aides at such facility.

14 Sec. 9. For purposes of the Life Safety Code under
15 section 81-502, an assisted-living facility shall be classified as
16 (1) residential board and care if the facility meets the
17 residential board and care classification requirements of the Life
18 Safety Code or (2) limited care if the facility meets the limited
19 care classification requirements of the Life Safety Code.

20 Sec. 10. The department shall adopt and promulgate rules
21 and regulations necessary to carry out the Assisted-Living Facility
22 Act, including, but not limited to, rules and regulations which:

23 (1) Prohibit the use of chemical or physical restraints
24 at an assisted-living facility;

25 (2) Require that a criminal background check be conducted
26 on all persons employed as direct care staff at an assisted-living
27 facility;

1 (3) Establish initial and ongoing training requirements
2 for administrators and approved curriculum for such training. Such
3 requirements shall consist of thirty hours of initial training,
4 including, but not limited to, training in resident care and
5 services, social services, financial management, administration,
6 gerontology, and rules, regulations, and standards relating to the
7 operation of an assisted-living facility. The department may waive
8 initial training requirements established under this subdivision
9 for persons employed as administrators of assisted-living
10 facilities on the operative date of this act upon application to
11 the department and documentation of equivalent training or
12 experience satisfactory to the department. Training requirements
13 established under this subdivision shall not apply to an
14 administrator who is also a nursing home administrator or a
15 hospital administrator; and

16 (4) Provide for acceptance of accreditation by a
17 recognized independent accreditation body or public agency, which
18 has standards that are at least as stringent as those of the State

19 of Nebraska, as evidence that the assisted-living facility complies
20 with rules and regulations adopted and promulgated under the
21 Assisted-Living Facility Act.

22 Sec. 11. This act becomes operative on January 1, 2005.

23 Sec. 12. Original sections 71-401, 71-448, 71-460, and

24 71-461, Reissue Revised Statutes of Nebraska, are repealed.

25 Sec. 13. The following section is outright repealed:

26 Section 71-463, Reissue Revised Statutes of Nebraska.".

LEGISLATIVE BILL 1084. Placed on General File as amended.
(Standing Committee amendment, AM2590, is printed separately and
available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1158. Placed on General File as amended.

Standing Committee amendment to LB 1158:

AM2627

1 1. Strike the original sections and insert the following

2 new section:

3 "Section 1. On and after January 1, 2006, any medical

4 professional in Nebraska administering a vaccine containing mercury

5 shall provide written notice in advance of the presence of mercury

6 in such vaccine to the recipient of the vaccine or, if the

7 recipient is a minor child, to the parent or guardian of the minor

8 child.".

LEGISLATIVE BILL 1159. Placed on General File as amended.

Standing Committee amendment to LB 1159:

AM2588

1 1. Strike original section 2 and insert the following

2 new sections:

3 "Section 1. Section 71-185.03, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 71-185.03. (1) The department upon recommendation of the

6 Board of Dentistry shall issue a faculty license to any person who

7 meets the requirements of subsection (4) or (5) of this section. A

8 faculty licensee may practice dentistry only as a faculty member at

9 a dental education institution in the State of Nebraska accredited

10 by the Commission on Dental Accreditation of the American Dental

11 Association, the Commission on Dental Accreditation of Canada, or

12 similar organization as determined by the board and may teach

13 dentistry, conduct research, and participate in an institutionally

14 administered faculty practice only at such dental education

15 institution. A faculty licensee eligible for licensure under

16 subsection (5) of this section shall limit his or her practice to

17 the clinical discipline in which he or she has received

18 postgraduate education at an accredited dental education

19 institution.

20 (2) Any person who desires a faculty license shall make a

21 written application to the department. The application shall

22 include information regarding the applicant's professional
 23 qualifications, experience, and licensure. The application shall
 24 be accompanied by a copy of the applicant's dental degree, any
 1 other degrees or certificates for postgraduate education of the
 2 applicant, the required fee, and certification from the dean of an
 3 accredited dental education institution in the State of Nebraska
 4 that the applicant has a contract to be employed as a full-time
 5 faculty member at such institution.

6 (3) A faculty license shall expire at the same time and
 7 be subject to the same renewal requirements as a regular dental
 8 license, except that such license shall remain valid and may only
 9 be renewed if:

10 (a) The faculty licensee remains employed as a full-time
 11 faculty member of an accredited dental education institution in the
 12 State of Nebraska; and

13 (b) The faculty licensee demonstrates continuing clinical
 14 competency if required by the board.

15 (4) An individual who graduated from an accredited dental
 16 education institution shall be eligible for a faculty license if he
 17 or she:

18 (a) Has a license to practice dentistry in some other
 19 state in the United States or a Canadian province;

20 (b) Has a contract to be employed as a full-time faculty
 21 member at an accredited dental education institution in the State
 22 of Nebraska;

23 (c) Passes a jurisprudence examination administered by
 24 the Board of Dentistry; and

25 (d) Agrees to demonstrate continuing clinical competency
 26 as a condition of renewal if required by the board.

27 (5) An individual who graduated from a nonaccredited
 1 dental education institution shall be eligible for a faculty
 2 license if he or she:

3 (a) Has completed at least two years of postgraduate
 4 education at an accredited dental education institution and
 5 received a certificate or degree from such institution;

6 (b) Has a contract to be employed as a full-time faculty
 7 member at an accredited dental education institution in the State
 8 of Nebraska;

9 (c) Passes a jurisprudence examination administered by
 10 the Board of Dentistry;

11 (d) Agrees to demonstrate continuing clinical competency
 12 as a condition of renewal if required by the board; and

13 (e) Has passed Part I and Part II of the National Board
 14 Dental Examinations or its equivalent as determined by the Board of
 15 Dentistry.

16 Sec. 3. Original sections 71-185.03 and 71-190, Reissue
 17 Revised Statutes of Nebraska, are repealed."

18 2. On page 2, strike line 9 and insert "the"; and in
 19 line 17 strike "licensed" and insert "regulated".

LEGISLATIVE BILL 1226. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 906A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 227, 323, 449, 449A, 559, and 559A.

ER9102

Enrollment and Review Change to LB 227

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

1. On page 1, the matter beginning with "sections" in line 1 through line 5 has been struck and "section 60-6,265, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Supplement, 2002; to redefine a term; to change provisions relating to use and enforcement of use of occupant protection systems; and to repeal the original sections." inserted.

ER9105

Enrollment and Review Change to LB 323

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

1. On page 1, the matter beginning with "counties" in line 1 through line 4 has been struck and "political subdivisions; to amend section 23-272, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 2003; to change provisions relating to regular meetings of certain county boards and payment of filing fees for certain candidates; to provide operative dates; and to repeal the original sections." inserted.

ER9104

Enrollment and Review Change to LB 449

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

1. In the Schrock amendment, AM2604:

- a. On page 2, line 20, "this" has been struck and "the" inserted;
- b. On page 3, line 21, "and" has been inserted after the semicolon; and in line 24 an underscored comma has been inserted after "guidance";
- c. On page 6, line 23, "their" has been struck;
- d. On page 8, line 16, "department" has been struck and "Department of Environmental Quality" inserted; and in line 18 "of Environmental Quality" has been struck; and
- e. On page 9, line 23, "and" has been struck.

2. On page 1, the matter beginning with "Environmental" in line 1 through line 5 and all amendments thereto have been struck and "environment; to amend sections 81-15,181 to 81-15,186, Reissue Revised Statutes of Nebraska, sections 81-1505 and 81-1532, Revised Statutes Supplement, 2002, and section 81-15,248, Revised Statutes Supplement, 2003; to define and redefine terms; to change provisions relating to environmental rules and regulations and air pollution fees; to create a fund; to change provisions of the Remedial Action Plan Monitoring Act; to change provisions relating to system construction and registration under the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to harmonize provisions; and to repeal the original sections." inserted.

ER9103

Enrollment and Review Change to LB 449A

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

1. On page 1, line 3, "First Session, 2003" has been struck and "Second Session, 2004" inserted.

ER9101

Enrollment and Review Change to LB 559

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

1. On page 1, the matter beginning with "Motor" in line 1 through the semicolon in line 15 and all amendments thereto have been struck and "Department of Motor Vehicles; to amend sections 60-482, 60-4,118.04, 60-4,123.01, 60-4,130.05, 60-4,155, and 60-4,173 to 60-4,175, Reissue Revised Statutes of Nebraska, sections 60-486, 60-493, 60-494, 60-495, 60-4,115, 60-4,118, 60-4,127, 60-4,146.01, 60-4,158, and 60-2907, Revised Statutes Supplement, 2002, and sections 60-462, 60-479, 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2003; to change provisions relating to rules and regulations; to prohibit certain acts and change provisions relating to issuance and cancellation of operators' licenses and state identification cards; to provide fees;" inserted; and in line 16 "to provide for a Donor Registry of Nebraska; to authorize the Department of Motor Vehicles to transfer certain motor vehicle operator's license and state identification card

information; to change provisions relating to donor notations on licenses and cards; to create an advisory board;" has been inserted after the second semicolon.

(Signed) Ray Mossey, Chairperson

ANNOUNCEMENTS

Senator Thompson designates LB 943 as her priority bill.

The Natural Resources Committee designates LB 32 and LR 4CA as its priority bill and priority resolution.

VISITORS

Visitors to the Chamber were Mike Motis from Geneva; 32 tenth-grade students and director from Youth Leadership Tomorrow, Hall County; 20 students from Wayne State College; 90 4-H members and sponsors from across the state; Karna Dam from Hooper; and Sarah Meyer from Aurora, Cassie Rudolph from Syracuse, and Kelly Norrie from Geneva.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 2004.

Patrick J. O'Donnell
Clerk of the Legislature

