

TWENTY-THIRD DAY - FEBRUARY 5, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Chambers, Gay, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

COMMITTEE REPORTS**Transportation and Telecommunications**

LEGISLATIVE BILL 239. Placed on General File.

(Signed) Deb Fischer, Chairperson

Agriculture

LEGISLATIVE BILL 12. Placed on General File - Com AM161.
AM161

1 1. Strike section 10.

2 2. On page 2, line 3, strike "sections 9 and 10" and
3 insert "section 9"; in lines 23 through 26, reinstate the stricken
4 matter; in line 23 strike "may", show as stricken, and insert
5 "shall"; and in line 26 before the period insert "as required
6 for an initial application pursuant to section 54-630 or if a
7 qualifying inspection of the applicant's facilities is otherwise
8 deemed appropriate before a license is issued for any other
9 applicant.".

10 3. On page 3, line 23, strike "annually" and insert
 11 "at least once in a twenty-four month period"; and in line 26,
 12 before "When" insert "The department shall employ appropriate and
 13 sufficient personnel to carry out the inspections required by this
 14 section and sections 54-627 and 54-630. Any additional inspector
 15 or other field personnel employed by the department to carry out
 16 inspections pursuant to the act that are funded through General
 17 Fund appropriations to the Bureau of Animal Industry shall be
 18 assigned to the Bureau of Animal Industry and shall be available
 19 for temporary reassignment as needed to other activities and
 20 functions of the Bureau of Animal Industry in the event of a
 21 livestock disease emergency or any other threat to livestock and
 22 public health.".

(Signed) Philip Erdman, Chairperson

Natural Resources

LEGISLATIVE BILL 390. Placed on General File.

LEGISLATIVE BILL 568. Placed on General File.

LEGISLATIVE BILL 299. Placed on General File - Com AM189.
 AM189

- 1 1. Insert the following section:
- 2 Sec. 13. Section 37-513, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-513 (1) It shall be unlawful to shoot at any wildlife
- 5 from any highway or roadway, which includes that area of land from
- 6 the center of the traveled surface to the right-of-way on either
- 7 side. Any person violating this ~~section~~ subsection shall be guilty
- 8 of a Class III misdemeanor and shall be fined at least fifty
- 9 dollars.
- 10 (2)(a) The commission shall adopt and promulgate rules
- 11 and regulations for trapping in the county road right-of-way.
- 12 Such rules and regulations may include, but are not limited to,
- 13 requirements, notification, identification, and trapping methods.
- 14 (b) For purposes of this subsection, county road
- 15 right-of-way means the area which has been designated a part of the
- 16 county road system and which has not been vacated pursuant to law.
- 17 2. On page 23, line 3, before "37-527" insert "37-513,".
- 18 3. Renumber the remaining sections accordingly.

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.

Ann Bleed - Department of Natural Resources

VOTE: Aye: Senators Carlson, Dubas, Fischer, Hudkins, Kopplin, Loudon.

Nay: None. Pass: Senator Christensen. Absent: Senator Wallman.

(Signed) LeRoy Louden, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
 Room 1113

LB 589	Tuesday, February 20, 2007	1:30 p.m.
LB 253	Tuesday, February 20, 2007	1:30 p.m.
LB 486	Monday, February 26, 2007	1:30 p.m.
LB 676	Monday, February 26, 2007	1:30 p.m.
	Monday, February 26, 2007	1:30 p.m.
	Jack Henry - Nebraska Motor Vehicle Industry Licensing Board	
	Toby Miller - Nebraska Motor Vehicle Industry Licensing Board	
	Kelly Smith - Nebraska Motor Vehicle Industry Licensing Board	
	Linda Aerni - Nebraska Information Technology Commission	
	Patrick Flanagan - Nebraska Information Technology Commission	
	Lance Hedquist - Nebraska Information Technology Commission	
	Daniel Hoelsing - Nebraska Information Technology Commission	
	Harold Huggenberger - Nebraska Information Technology Commission	
	Doug Kristensen - Nebraska Information Technology Commission	
LB 182	Tuesday, February 27, 2007	1:30 p.m.
LB 439	Tuesday, February 27, 2007	1:30 p.m.
LB 277	Tuesday, February 27, 2007	1:30 p.m.
LB 447	Tuesday, February 27, 2007	1:30 p.m.
LB 276	Tuesday, February 27, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

MESSAGES FROM THE GOVERNOR

January 31, 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 a member of the Nebraska Power Review Board:

Mark Graham, 6550 South 34th Street, Lincoln NE 68516

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

January 31, 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 a member of the Board of Public Roads Classifications and Standards:

Richard Pierce, 33560 Hwy 183, Miller NE 68858

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 305A. Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 23 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 23.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to provide powers and duties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 3:

Chambers Gay Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTIONS - Return LB 25 to Select File

Senator Dierks moved to return LB 25 to Select File for his specific amendment, FA9, found on page 426.

Senator Dierks withdrew his motion to return.

Senator Kopplin moved to return LB 25 to Select File for the following specific amendment:

FA10

To strike enacting language LB 25.

Senator Langemeier asked unanimous consent to bracket LB 25 until Thursday February 8, 2007. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503.02, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the conveyance of personal property; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-913 and 32-1026, Reissue Revised Statutes of Nebraska, and section 32-914, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the precinct list of registered voters and sign-in register; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2006; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 115.

A BILL FOR AN ACT relating to insurance; to amend section 44-514, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 167 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 167. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5003 and 77-5011, Reissue Revised Statutes of Nebraska, and sections 25-1901, 77-1504, 77-1507.01, 77-5016, 77-5017, 77-5020, 77-5023, 77-5026, and 77-5028, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to appeals, equalization, the Tax Equalization and Review Commission, and assessor certification; to harmonize provisions; to repeal the original sections; to outright repeal section 77-5014, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 1:

Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 186. ER8004, printed separately and referred to on page 393, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 150. Senator Adams offered the following amendment:

AM95

1. Strike section 4.

The Adams amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 64. Advanced to E & R for engrossment.

LEGISLATIVE BILL 63. Advanced to E & R for engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 11, 28, 44, 94, 115, and 167.

SELECT FILE

LEGISLATIVE BILL 74. ER8008, found on page 393, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. ER8011, found on page 407, was adopted.

Senator Erdman renewed his amendment, AM186, found on page 454.

The Erdman amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 110. ER8005, found on page 408, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 148. ER8007, found on page 408, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 206. ER8006, found on page 410, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 207. Senator Friend renewed his amendment, AM111, found on page 400.

The Friend amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 35. Senator Janssen renewed his amendment, AM104, found on page 400.

The Janssen amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 43. ER8010, found on page 410, was adopted.

Senator Heidemann renewed his amendment, AM134, found on page 422.

The Heidemann amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. Advanced to E & R for engrossment.

LEGISLATIVE BILL 185. Senator Johnson offered the following amendment:

(Amendment, AM220, is on file and available in the Clerk's Office, Room 2014.)

The Johnson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Erdman offered the following amendment:
AM221

- 1 1. Strike the original sections 10 and 12 and insert the
- 2 following new sections:
- 3 Sec. 5. Section 71-5185, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5185 (1) No patient data received or recorded by an
- 6 emergency medical service or an out-of-hospital emergency care
- 7 provider shall be divulged, made public, or released by an
- 8 emergency medical service or an out-of-hospital emergency care
- 9 provider, except that patient data may be released ~~to the receiving~~
- 10 ~~health care facility, to the department for public health purposes,~~
- 11 ~~upon the written authorization of the patient who is the subject~~
- 12 ~~of the record, for purposes of treatment, payment, and other health~~
- 13 ~~care operations as defined and permitted under the federal Health~~
- 14 ~~Insurance Portability and Accountability Act of 1996, as such act~~
- 15 ~~existed on January 1, 2007, or as otherwise permitted by law. Such~~

16 data shall be provided to the department for public health purposes
17 pursuant to rules and regulations of the department. For purposes
18 of this section, patient data means any data received or recorded
19 as part of the records maintenance requirements of the Emergency
20 Medical Services Act.

21 (2) Patient data received by the department shall be
22 confidential with release only (a) in aggregate data reports
23 created by the department on a periodic basis or at the request
1 of an individual, ~~or~~ (b) as case-specific data to approved
2 researchers for specific research projects, (c) as protected
3 health information to a public health authority, as such terms
4 are defined under the federal Health Insurance Portability and
5 Accountability Act of 1996, as such act existed on January
6 1, 2007, and (d) as protected health information, as defined
7 under the federal Health Insurance Portability and Accountability
8 Act of 1996, as such act existed on January 1, 2007, to an
9 emergency medical service, to an out-of-hospital emergency care
10 provider, or to a licensed health care facility for purposes
11 of treatment. A record may be shared with the emergency medical
12 service or out-of-hospital emergency care provider that reported
13 that specific record. Approved researchers shall maintain the
14 confidentiality of the data, and researchers shall be approved in
15 the same manner as described in section 81-666. Aggregate reports
16 shall be public documents. ~~Emergency medical service specific data~~
17 ~~and out of hospital emergency care provider specific data shall be~~
18 ~~released only upon the written authorization of the service or the~~
19 ~~provider who is the subject of the record.~~

20 (3) No civil or criminal liability of any kind or
21 character for damages or other relief or penalty shall arise or
22 be enforced against any person or organization by reason of having
23 provided patient data pursuant to this section.

24 Sec. 9. Section 71-8249, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-8249 (1) All data collected under section 71-8248
27 shall be held confidential pursuant to sections 81-663 to 81-675.
1 Confidential patient medical record data shall only be released as
2 (a) Class I, II, or IV medical records under sections 81-663 to
3 81-675, (b) aggregate data to the regional trauma system quality
4 assurance program and the regional trauma advisory boards, (c) as
5 protected health information to a public health authority, as such
6 terms are defined under the federal Health Insurance Portability
7 and Accountability Act of 1996, as such act existed on January 1,
8 2007, and (d) as protected health information, as defined under
9 the federal Health Insurance Portability and Accountability Act of
10 1996, as such act existed on January 1, 2007, to an emergency
11 medical service, to an out-of-hospital emergency care provider, to
12 a licensed health care facility, or to a center that will treat or
13 has treated a specific patient.

14 A record may be shared with the emergency medical

15 service, the out-of-hospital emergency provider, the licensed
 16 health care facility, or center that reported that specific record.

17 (2) Patient care quality assurance proceedings, records,
 18 and reports developed pursuant to this section and section
 19 71-8248 are confidential and are not subject to discovery by
 20 subpoena or admissible as evidence in any civil action, except
 21 pursuant to a court order which provides for the protection
 22 of sensitive information of interested parties, including the
 23 department, pursuant to section 25-12,123.

24 Sec. 10. Section 71-8252, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 71-8252 The regional trauma advisory boards:

27 (1) Shall advise the department on matters relating to
 1 the delivery of trauma care services within the trauma care region;

2 (2) Shall ~~provide~~ evaluate data and provide analysis
 3 required by the department to assess the effectiveness of the
 4 statewide trauma system; and

5 (3) May apply for, receive, and accept gifts and other
 6 payments, including property and services, from any governmental or
 7 other public or private entity or person and may make arrangements
 8 as to the use of these receipts, including any activities related
 9 to the design, maintenance, or enhancements of the statewide trauma
 10 system in the trauma care region. Regional trauma advisory boards
 11 shall report in the regional budget the amount, source, and purpose
 12 of all gifts and payments.

13 Sec. 13. Sections 1, 13, 14, and 16 of this act become
 14 operative on their effective date. The other sections of this act
 15 become operative three calendar months after adjournment of this
 16 legislative session.

17 Sec. 15. Original sections 71-629, 71-5185, 71-6726,
 18 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of
 19 Nebraska, and sections 68-919, 68-921, 71-6039, 81-647, and 81-671,
 20 Revised Statutes Cumulative Supplement, 2006, are repealed.

21 2. Renumber the remaining sections accordingly.

The Erdman amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 283. Senator Stuthman renewed his amendment, AM170, found on page 438.

The Stuthman amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 283A. Senator Stuthman offered the following

amendment:

AM226

- 1 1. On page 2, line 5, strike "178" and insert "177"; and
- 2 strike lines 8 through 10.

The Stuthman amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 108. Title read. Considered.

Committee AM172, found on page 430, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 117. Placed on Select File - ER8020.
ER8020

- 1 1. In the Standing Committee amendments, AM137:
- 2 a. On page 18, line 4, strike the first "of" and insert
- 3 "after"; and in line 19 after "length" insert an underscored comma;
- 4 b. On page 23, strike beginning with "participations" in
- 5 line 16 through "evidences" in line 17 and insert "a participation,
- 6 certificate, or other evidence";
- 7 c. On page 34, line 7, strike the comma and show as
- 8 stricken;
- 9 d. On page 69, line 25, after "prepayment" insert an
- 10 underscored comma;
- 11 e. On page 70, line 13, strike "that";
- 12 f. On page 71, line 9, strike "to"; and in line 16 after
- 13 the second comma insert "to execute";
- 14 g. On page 72, line 6, after the second comma insert "or"
- 15 and strike ", or" and insert "of"; and in line 26 strike the first
- 16 comma;
- 17 h. On page 73, line 24, before "unless" insert "of
- 18 this section"; and in line 26 strike "application of" and insert
- 19 "applicable";
- 20 i. On page 74, strike beginning with "the" in line 3
- 21 through line 4 and insert "this subsection."; and in line 26 after
- 22 "court" insert an underscored comma; and
- 23 j. On page 76, line 12, after "securities" insert an
- 1 underscored comma; and in line 16 after "by" insert an underscored

2 comma.
 3 2. On page 1, strike lines 3 through 16 and insert
 4 "44-4519, 44-5110, 44-5111, 44-5120, 44-5137, 44-5140, 44-5141,
 5 44-5152, 44-5501, 44-5502, 44-5504, 44-7504, and 48-446, Reissue
 6 Revised Statutes of Nebraska, and sections 44-5103, 44-5153,
 7 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, 44-8107,
 8 48-144.03, 48-146.01, and 77-908, Revised Statutes Cumulative
 9 Supplement, 2006; to change provisions relating to the Business
 10 Corporation Act, the Long-Term Care Insurance Act, the Surplus
 11 Lines Insurance Act, securities, workers' compensation insurance,
 12 fire insurance policies, standard provisions and forms, the
 13 Viatical Settlements Act, nonadmitted insurers, and the Insurers
 14 Investment Act; to provide training requirements for long-term care
 15 insurance providers; to provide for a tax on premiums of policies
 16 procured by industrial insureds and premiums received by captive
 17 insurers; to rename the Nebraska Senior Protection in Annuity
 18 Transactions Act; to adopt the Captive Insurers Act; to define
 19 and redefine terms; to provide powers and duties; to harmonize
 20 provisions; to provide a duty for the Revisor of Statutes; and to
 21 repeal the original sections."

LEGISLATIVE BILL 97. Placed on Select File.

LEGISLATIVE BILL 67. Placed on Select File.

LEGISLATIVE BILL 290. Placed on Select File.

LEGISLATIVE BILL 422. Placed on Select File - ER8018.
 ER8018

1 1. On page 1, line 3, strike "the chairperson" and insert
 2 "provisions relating to membership"; in line 4 strike "and"; and in
 3 line 5 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 204. Placed on Select File.

LEGISLATIVE BILL 472. Placed on Select File.

LEGISLATIVE BILL 347. Placed on Select File.

LEGISLATIVE BILL 307. Placed on Select File - ER8021.
 ER8021

1 1. On page 1, line 3, strike "restrict" and insert
 2 "change provisions relating to the".

LEGISLATIVE BILL 305A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 374. Placed on General File.

LEGISLATIVE BILL 103. Placed on General File - Com AM201.
AM201

- 1 1. On page 2, strike beginning with "to" in line 7
 2 through the comma in line 10, show the old matter as stricken,
 3 and insert "for purposes of treatment, payment, and other health
 4 care operations as defined and permitted under the federal Health
 5 Insurance Portability and Accountability Act of 1996, as such act
 6 existed on January 1, 2007."; in line 10 after the period insert
 7 "Such data shall be provided to the department for public health
 8 purposes pursuant to rules and regulations of the department."; and
 9 in line 20 and 22 after the comma insert "as such act existed on
 10 January 1, 2007.".
- 11 2. On page 3, lines 21 and 23, after the first comma
 12 insert "as such act existed on January 1, 2007.".

LEGISLATIVE BILL 203. Placed on General File - Com AM171.
AM171

- 1 1. Strike the original sections and insert the following
 2 new sections:
- 3 Section 1. Section 71-401, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:
 5 71-401 Sections 71-401 to 71-459 and section 3 of this
 6 act shall be known and may be cited as the Health Care Facility
 7 Licensure Act.
- 8 Sec. 2. Section 71-403, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 71-403 For purposes of the Health Care Facility Licensure
 11 Act, unless the context otherwise requires, the definitions found
 12 in sections 71-404 to 71-431 and section 3 of this act shall apply.
- 13 Sec. 3. Representative peer review organization means a
 14 utilization and quality control peer review organization as defined
 15 in section 1152 of the Social Security Act, 42 U.S.C. 1320c-1, as
 16 such section existed on the effective date of this act.
- 17 Sec. 4. Section 71-434, Revised Statutes Cumulative
 18 Supplement, 2006, is amended to read:
 19 71-434 (1) Licensure activities under the Health Care
 20 Facility Licensure Act shall be funded by license fees. An
 21 applicant for an initial or renewal license under section 71-433
 22 shall pay a license fee as provided in this section.
- 23 (2) License fees shall include a base fee of fifty
 1 dollars and an additional fee based on:
- 2 (a) Variable costs to the department of inspections,
 3 architectural plan reviews, and receiving and investigating
 4 complaints, including staff salaries, travel, and other similar
 5 direct and indirect costs;
- 6 (b) The number of beds available to persons residing at
 7 the health care facility;
- 8 (c) The program capacity of the health care facility or
 9 health care service; or

10 (d) Other relevant factors as determined by the
11 department.

12 Such additional fee shall be no more than two thousand
13 six hundred dollars for a hospital or a health clinic operating
14 as an ambulatory surgical center, no more than two thousand
15 dollars for an assisted-living facility, a health clinic providing
16 hemodialysis or labor and delivery services, an intermediate care
17 facility, an intermediate care facility for the mentally retarded,
18 a nursing facility, or a skilled nursing facility, no more than one
19 thousand dollars for home health agencies, hospice services, and
20 centers for the developmentally disabled, and no more than seven
21 hundred dollars for all other health care facilities and health
22 care services.

23 (3) If the licensure application is denied, the license
24 fee shall be returned to the applicant, except that the department
25 may retain up to twenty-five dollars as an administrative fee
26 and may retain the entire license fee if an inspection has been
27 completed prior to such denial.

1 (4) The department shall also collect the fee provided in
2 subsection (1) of this section for reinstatement of a license that
3 has lapsed or has been suspended or revoked. The department shall
4 collect a fee of ten dollars for a duplicate original license.

5 (5) The department shall collect a fee from any applicant
6 or licensee requesting an informal conference with a representative
7 peer review organization under section 71-452 to cover all costs
8 and expenses associated with such conference.

9 ~~(5)-(6)~~ The department shall adopt and promulgate rules
10 and regulations for the establishment of license fees under this
11 section.

12 ~~(6)-(7)~~ The department shall remit all license fees
13 collected under this section to the State Treasurer for credit
14 to the Department of Health and Human Services Regulation and
15 Licensure Cash Fund. License fees collected under this section
16 shall only be used for activities related to the licensure of
17 health care facilities and health care services.

18 Sec. 5. Section 71-452, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-452 Within fifteen days after service of a notice
21 under section 71-451, an applicant or a licensee shall notify the
22 director in writing that the applicant or licensee (1) desires
23 to contest the notice and request an informal conference with a
24 representative of the department in person or by other means at
25 the request of the applicant or licensee, (2) desires to contest
26 the notice and request an informal conference with a representative
27 peer review organization, (3) desires to contest the notice and
1 request a hearing, or ~~(3)-(4)~~ does not contest the notice. If the
2 director does not receive such notification within such fifteen-day
3 period, the action of the department shall be final.

4 Sec. 6. Section 71-453, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 71-453 (1) The director shall assign a representative of
 7 the department, other than the individual who did the inspection
 8 upon which the notice is based, or shall assign a representative
 9 peer review organization to hold an informal conference with
 10 the applicant or licensee within thirty days after receipt of
 11 a request made under subdivision (1) or (2) of section 71-452.
 12 Within twenty working days after the conclusion of the conference,
 13 the representative or representative peer review organization shall
 14 affirm, modify, or dismiss the notice. The representative or
 15 representative peer review organization shall state in writing
 16 the specific reasons for affirming, modifying, or dismissing the
 17 notice and shall immediately transmit copies of the statement to
 18 the director and the applicant or licensee. The applicant's or
 19 licensee's copy of such statement shall be sent by certified mail
 20 to the last address shown in the records of the department. If the
 21 applicant or licensee desires to contest the affirmed or modified
 22 notice, the applicant or licensee shall notify the director in
 23 writing within five working days after receiving such statement
 24 that the applicant or licensee requests a hearing.

25 (2) If an applicant or a licensee successfully
 26 demonstrates during an informal conference or a hearing that the
 27 deficiencies should not have been cited in the notice, (a) the
 1 deficiencies shall be removed from the notice and the deficiency
 2 statement and (b) any sanction imposed solely as a result of those
 3 cited deficiencies shall be rescinded.

4 Sec. 7. Original sections 71-403, 71-452, and 71-453,
 5 Reissue Revised Statutes of Nebraska, and sections 71-401 and
 6 71-434, Revised Statutes Cumulative Supplement, 2006, are repealed.

LEGISLATIVE BILL 385. Placed on General File - Com AM187.
 AM187

1 1. On page 27, line 15, strike "one-year", show as
 2 stricken, and insert "two-year" and strike "two-year", show as
 3 stricken, and insert "three-year"; in lines 16 and 25 strike
 4 "three-year", show as stricken, and insert "four-year"; in lines
 5 16 and 18 strike "four-year", show as stricken, and insert
 6 "five-year"; and in line 24 strike "two-year", show as stricken,
 7 and insert "three-year".

8 2. On page 28, lines 1, 2, and 6, strike "four-year",
 9 show as stricken, and insert "five-year"; and in line 14 strike
 10 "four", show as stricken, and insert "five".

(Signed) Joel Johnson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 286. Placed on General File - Com AM178.
 (Amendment is printed separately and available in the Bill Room, Room

1104.)

(Signed) Deb Fischer, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 204A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, First Session, 2007.

LEGISLATIVE BILL 441A. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 441, One Hundredth Legislature, First Session, 2007.

RESOLUTION

LEGISLATIVE RESOLUTION 27. Introduced by Aguilar, 35; Adams, 24; Avery, 28; Friend, 10; Karpisek, 32; Mines, 18; Pahls, 31; Rogert, 16.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of 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, Staff Sergeant Jeffrey J. Hansen, Sergeant Germaine L. Debro, and Sergeant Joshua A. Ford 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 Staff Sergeant Mark A. Sadd, Sergeant Michael D. Belleci, Specialist Justin T. Clausen, Specialist Benjamin A. Marksmeier, and Private First Class Darin D. Nelson; 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 First Lieutenant Matthew S. York, Sergeant First Class Johnny R. Eynetich, Sergeant First Class Douglas V. Manly, Staff Sergeant George B. Goodon, Staff Sergeant Joel J. Hesterman, Staff Sergeant Lauren J. McConnell, Sergeant Shawn M. Humphrey, Sergeant Robert S. Hutt, Sergeant Donne E. McKimmey, Sergeant David T. Murphy, Sergeant Sion T. Odom, Sergeant Lucas J. Smith, Specialist Jeremy S. Borrell, Specialist Benjamin A. Marksmeier, Specialist Jordan D. Rahe, Specialist Anthony D. Revas, Specialist Bradley C. Utterback, and Private First Class Timothy D. Verbeek; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Captain Jeffrey C. Searcey, First Lieutenant Matthew C. Misfeldt, First Lieutenant Jacques S. Smith III, Staff Sergeant George B. Gooden, Staff Sergeant Joel J. Hestermann, Staff Sergeant Lauren J. McConnell, Staff Sergeant Mark A. Sadd, Sergeant Joseph J. Dunlap, Sergeant Christopher J. Marcello, Sergeant Sion T. Odom, Specialist Adam L. Dack, Specialist David L. Munoz, Specialist Anthony D. Revas, and Private First Class Tyler T. Schik.

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

1. That the Legislature extends its thanks to these soldiers and honors them for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be given to each of these soldiers or their families.

Laid over.

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524

LB 557 Friday, March 9, 2007 (cancel) 1:30 p.m.

(Signed) Ray Janssen, Chairperson

MOTION - Print in Journal

Senator Ashford filed the following motion to LB 557:
Withdraw LB 557.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2007, at 11:12 a.m. were the following: LBs 11, 28, 44, 94, 115, and 167e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Graham, Mark - Nebraska Power Review Board - Natural Resources

Pierce, Richard - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

VISITORS

Visitors to the Chamber were 27 Career and Tech Ed and Family and Consumer Sciences teachers from across the state; Senator Christensen's daughter, RyeLee Christensen, from Imperial; 5 members of the Lincoln County Sheriff's office from North Platte; and members of the Nebraska Bankers Association Leadership Class from across the state.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator White, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

