

**FORTY-FOURTH DAY - MARCH 19, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 19, 2008

**PRAYER**

The prayer was offered by Pastor Robert Chitwood, Brownville Christian Church, Brownville.

**ROLL CALL**

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

The roll was called and all members were present except Senators Langemeier, Lautenbaugh, McDonald, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 988.** The third committee amendment, AM2369, found on page 993, was renewed.

Senator Raikes renewed his amendment, AM2404, found on page 1011, to the third committee amendment.

The Raikes amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Kopplin renewed his amendment, AM2423, found on page 1012, to the third committee amendment.

Senator Kopplin moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Kopplin requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Christensen	Dubas	Hansen	Kopplin	Pankonin
Dierks	Gay	Karpisek	McDonald	Schimek

Voting in the negative, 22:

Aguilar	Cornett	Johnson	Nantkes	Synowiecki
Ashford	Engel	Kruse	Pedersen	Wallman
Avery	Flood	Lathrop	Pirsch	
Burling	Hudkins	Lautenbaugh	Preister	
Chambers	Janssen	McGill	Raikes	

Present and not voting, 16:

Adams	Friend	Howard	Rogert
Carlson	Fulton	Louden	Stuthman
Erdman	Harms	Nelson	White
Fischer	Heidemann	Pahls	Wightman

Excused and not voting, 1:

Langemeier

The Kopplin amendment lost with 10 ayes, 22 nays, 16 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kopplin withdrew his amendment, AM2425, found on page 1012.

The third committee amendment, as amended, was adopted with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

The fourth committee amendment, AM2371, found on page 993, was renewed.

### **SENATOR ERDMAN PRESIDING**

The fourth committee amendment was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

The fifth committee amendment, AM2402, found on page 993, was renewed.

Senator Gay withdrew his amendment, AM2383, found on page 986.

Senator Gay offered the following amendment to the fifth committee amendment:

AM2432

(Amendments to AM2402)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

The Gay amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The fifth committee amendment, as amended, was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

Senator Raikes withdrew his amendments, AM2335 and AM2358, found on pages 961 and 984.

Senator Erdman withdrew his motion, MO145, found on page 1011, to bracket.

Senator Kopplin offered the following amendment:

AM2433

- 1 1. Insert the following new sections:
- 2 Sec. 50. (1) The Legislature hereby finds and declares
- 3 that a high-quality system of public education is essential to the
- 4 prosperity and well-being of the state and necessary to maintaining
- 5 a high quality of life for all Nebraskans.
- 6 (2) The Legislature further finds and declares that the
- 7 ideal system for funding public schools:
- 8 (a) Is fair, understandable, predictable, and stable;
- 9 (b) Assures equity in educational opportunities across
- 10 the state;
- 11 (c) Provides sufficient support and resources for all
- 12 school districts to meet state accreditation standards; and
- 13 (d) As much as possible, reduces or limits the reliance
- 14 on property tax funding.
- 15 Sec. 51. (1) The School Funding Study Task Force is
- 16 created. The task force shall study the current school finance
- 17 formula to determine if it is meeting the goals set forth in
- 18 section 50 of this act. If the task force determines that such
- 19 goals are not being met, the task force shall propose changes,
- 20 improvements, or alternatives to the current method of funding the
- 21 public schools that meet the goals set forth in section 50 of this
- 22 act.
- 23 (2) The task force shall include the following members:
- 1 (a) The chairpersons of the Committee on Education,
- 2 Committee on Revenue, and Committee on Appropriations of the
- 3 Legislature;
- 4 (b) Five members of the Legislature, appointed by the
- 5 Executive Board of the Legislative Council;
- 6 (c) The Governor or his or her representative;

7 (d) Five representatives of kindergarten through  
 8 twelfth-grade education, including school board members, teachers,  
 9 administrators, parents, and students, appointed by the Governor;

10 (e) One member from each of the following organizations,  
 11 appointed by that organization:

12 (i) The Nebraska Association of School Boards;

13 (ii) The Nebraska State Education Association; and

14 (iii) The Nebraska Council of School Administrators;

15 (f) The Commissioner of Education or his or her  
 16 representative; and

17 (g) Three representatives of business and industry,  
 18 appointed by the Governor.

19 (3) The appointed members of the task force shall be  
 20 appointed within thirty days after the effective date of this  
 21 act, and the task force shall hold its organizational meeting on  
 22 or before July 1, 2008. Members of the task force shall receive  
 23 no compensation but shall be reimbursed for their reasonable and  
 24 necessary expenses as members of the task force as provided in  
 25 sections 81-1174 to 81-1177.

26 Sec. 52. The School Funding Study Task Force shall hold  
 27 public meetings in each of the congressional districts in Nebraska,  
 1 as such districts exist on the effective date of this act, and seek  
 2 public input through all appropriate means. A preliminary report  
 3 shall be made public and provided to the Legislature by January 1,  
 4 2009, and a final report shall be made public and provided to the  
 5 Legislature by October 1, 2009. The report shall include a plan  
 6 to accomplish the goals described in section 50 of this act, with  
 7 appropriate implementation strategies.

8 Sec. 53. The Legislature and the State Department of  
 9 Education shall provide staff, logistical, and technical support  
 10 for the task force.

11 2. Renumber the remaining sections accordingly.

Senator Kopplin withdrew and refiled his amendment, AM2433.

Advanced to Enrollment and Review Initial with 29 ayes, 13 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 988A.** Title read. Considered.

Senator Raikes offered the following amendment:  
 AM2407

- 1 1. On page 2, line 7, strike "1,022,930,676" and insert
- 2 "1,039,314,462"; in line 11 strike "1,287,657,601" and insert
- 3 "1,304,041,387"; in line 17 strike "\$1,022,930,676" and insert
- 4 "\$1,039,314,462"; and in line 26 strike "\$818,898,810" and insert
- 5 "\$835,282,596".

The Raikes amendment was adopted with 28 ayes, 0 nays, 19 present and

not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

## **SPEAKER FLOOD PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 271, 272, 273, and 274 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 271, 272, 273, and 274.

### **VISITORS**

Visitors to the Chamber were Jamie McAlister from Omaha; Senator Nelson's wife, Judy Nelson, and Norman and Grace Melton from Omaha; 51 fourth- through sixth-grade students from Harvard; Michelle McCormick, Kelly and Emily Buck, and Senator Carlson's wife, Margo Carlson, from Holdrege and Norma Stadler from Lincoln; and members of Leadership Beatrice from Beatrice.

### **CEREMONIES**

Upon recess the Speaker introduced a group from the Nebraska Association of Former State Legislators.

### **RECESS**

At 11:36 a.m., on a motion by Senator Kopplin, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Lautenbaugh, McGill, Raikes, and White who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Raikes filed the following amendment to LB988:  
AM2410

(Amendments to AM2367)

1 1. Strike section 8, and insert the following new  
2 section:

3 Sec. 8. Section 79-1003.01, Revised Statutes Supplement,  
4 2007, is amended to read:

5 ~~79-1003.01 (1) For purposes of this section and section~~  
6 ~~79-1007.03, school fiscal year 2008-09, the department shall~~  
7 ~~calculate a summer school allowance for each district equal to~~  
8 ~~two and one-half percent of the summer school student units for~~  
9 ~~such district multiplied by eighty-five percent of the statewide~~  
10 ~~average general fund operating expenditures per formula student.~~  
11 For purposes of this subsection, summer school student unit means  
12 one student enrolled in summer school in a school district, whether  
13 or not the student is in the membership of the school district,  
14 for (1) at least three hours but fewer than six hours per day  
15 and (2) at least twelve days but fewer than twenty-four days. Each  
16 school district shall receive a summer school student unit for each  
17 qualified time period for which a student is enrolled, up to six  
18 units per student per summer.

19 (2) For school fiscal year 2009-10 and each school fiscal  
20 year thereafter, the department shall calculate a summer school  
21 allowance for each district equal to two and one-half percent of  
22 the summer school student units for such district multiplied by  
1 eighty-five percent of the statewide average general fund operating  
2 expenditures per formula student. Summer school student units shall  
3 be calculated for each student enrolled in summer school in a  
4 school district who attends such summer school for at least twelve  
5 days, whether or not the student is in the membership of the school  
6 district. The initial number of units for each such student shall  
7 equal the sum of the ratios, each rounded down to the nearest whole  
8 number, of the number of days for which the student attended summer  
9 school classes in such district for at least three hours and less  
10 than six hours per day divided by twelve days and of two times the  
11 number of days for which the student attended summer school classes  
12 in such district for six or more hours per day divided by twelve  
13 days.

14 (3) Each school district shall receive an additional  
15 summer school student unit for each summer school student unit  
16 attributed to remedial math or reading programs. Each school  
17 district shall also receive an additional summer school student  
18 unit for each summer school student unit attributed to a free  
19 lunch and free milk student. This section does not prevent school  
20 districts from requiring and collecting fees for summer school,  
21 except that summer school student units shall not be calculated  
22 for summer school programs for which fees are collected school

23 districts which collect fees for summer school from students who  
 24 qualify for free or reduced-price lunches under United States  
 25 Department of Agriculture child nutrition programs.

26 2. On page 2, line 19, strike the new matter and  
 27 reinstate the stricken matter.

1 3. On page 30, strike beginning with "final" in line  
 2 7 through "79-1065" in line 8 and insert "certification of aid  
 3 pursuant to section 79-1022".

4 4. On page 67, line 1, strike the new matter and  
 5 reinstate the stricken matter.

6 5. Amend the repealer, correct internal references, and  
 7 renumber the remaining sections accordingly.

**SELECT FILE**

**LEGISLATIVE BILL 961.** ER8210, found on page 1000, was adopted.

Senator Erdman asked unanimous consent to withdraw his amendment, AM2364, found on page 1003, and replace it with his substitute amendment, AM2427. No objections. So ordered.  
 AM2427

(Amendments to E & R amendments, ER8210)

1 1. Insert the following sections:

2 Section 1. Section 2-958.01, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 2-958.01 The Noxious Weed and Invasive Plant Species  
 5 Assistance Fund is created. The fund may be used to carry out  
 6 the purposes of section 2-958.02. The State Treasurer shall credit  
 7 to the fund ~~any money~~ any funds transferred pursuant to section  
 8 54-857, funds appropriated to the fund by the Legislature, and ~~any~~  
 9 ~~money~~ funds received as gifts or grants or other private or public  
 10 funds obtained for the purposes set forth in section 2-958.02. Any  
 11 money in the fund available for investment shall be invested by the  
 12 state investment officer pursuant to the Nebraska Capital Expansion  
 13 Act and the Nebraska State Funds Investment Act.

14 Sec. 2. Section 54-857, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 54-857 All money received pursuant to the Commercial Feed  
 17 Act shall be remitted by the director to the State Treasurer for  
 18 credit to the Commercial Feed Administration Cash Fund which is  
 19 hereby created. Such fund shall be used by the department to aid  
 20 in defraying the expenses of administering the act. Any money in  
 21 the fund available for investment shall be invested by the state  
 22 investment officer pursuant to the Nebraska Capital Expansion Act  
 1 and the Nebraska State Funds Investment Act.

2 On or before October 1, 2008, the State Treasurer shall  
 3 transfer two hundred fifty thousand dollars from the Commercial  
 4 Feed Administrative Cash Fund to the Noxious Weed and Invasive  
 5 Plant Species Assistance Fund.

- 6 2. Correct the repealer section and renumber the  
7 remaining sections accordingly.

The Erdman amendment was adopted with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

Senator Erdman renewed his amendment, AM2400, found on page 1004.

### **SENATOR SCHIMEK PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

Senator Fischer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Erdman requested a record vote on his amendment.

Voting in the affirmative, 16:

Adams	Cornett	Gay	Pankonin
Ashford	Dierks	Langemeier	Pirsch
Chambers	Erdman	Lathrop	Rogert
Christensen	Friend	Lautenbaugh	White

Voting in the negative, 26:

Aguilar	Flood	Hudkins	McDonald	Wallman
Avery	Fulton	Johnson	Nantkes	Wightman
Carlson	Hansen	Karpisek	Nelson	
Dubas	Harms	Kopplin	Pahls	
Engel	Heidemann	Kruse	Schimek	
Fischer	Howard	Louden	Stuthman	

Present and not voting, 3:

Burling	McGill	Preister
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Excused and not voting, 4:

Janssen	Pedersen	Raikes	Synowiecki
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The Erdman amendment lost with 16 ayes, 26 nays, 3 present and not voting, and 4 excused and not voting.



The Chair declared the call raised.

Pending.

### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB280A:

MO147

Suspend Rule 5, Section 7 and Rule 7, Section 3(d) to permit consideration of AM2300.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 282.** Introduced by Preister, 5; White, 8.

WHEREAS, more than forty years ago, the well-known writer, scientist, and ecologist, Rachel Carson, alerted America and the world to the potential hazards of pesticides in her landmark book Silent Spring; and

WHEREAS, despite the warning, more than 6.6 billion pounds of pesticides are spread on the earth annually, and the quantity of pesticides used in the United States has continued to grow over the years and poses a potential threat to all life forms; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer, neurological disease, endocrine disorders, and birth defects have been associated with exposure to common pesticides; and

WHEREAS, Rachel Carson made a profound impact on how we treat the environment but more can still be done to further her legacy; and

WHEREAS, the Legislature invites citizens throughout Nebraska to observe May 27, 2008, the birthdate of Rachel Carson, by refraining from using pesticides on this day and asks the citizens of Nebraska for their cooperation in seeking alternative methods of pest management, including the practice of integrated pest management.

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

1. That the Legislature designates May 27, 2008, as Rachel Carson Day.

Laid over.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Culver, Robert "Bob", Jr. - Nebraska Arts Council - General Affairs  
Park, Janie - Nebraska Information Technology Commission -

Transportation and Telecommunications  
 Peterson, Trev - Nebraska Information Technology Commission -  
 Transportation and Telecommunications

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

**COMMITTEE REPORTS**  
 Health and Human Services

**LEGISLATIVE BILL 48.** Placed on General File with amendment.  
 AM2405

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 38-711, Revised Statutes Supplement,  
 4 2007, is amended to read:  
 5 38-711 (1) The determination and administration of total  
 6 anesthesia care shall be performed by the certified registered  
 7 nurse anesthetist or a nurse anesthetist temporarily licensed  
 8 pursuant to section 38-708 in consultation and collaboration with  
 9 and with the consent of the licensed practitioner.  
 10 (2) The following duties and functions shall be  
 11 considered as specific expanded role functions of the certified  
 12 registered nurse anesthetist:  
 13 (a) Preanesthesia evaluation including physiological  
 14 studies to determine proper anesthetic management and obtaining  
 15 informed consent;  
 16 (b) Selection and application of appropriate monitoring  
 17 devices;  
 18 (c) Selection and administration of anesthetic  
 19 techniques;  
 20 (d) Evaluation and direction of proper postanesthesia  
 21 management and dismissal from postanesthesia care; ~~and~~  
 22 (e) Evaluation and recording of postanesthesia course of  
 23 patients; ~~and~~  
 1 (f) Use of fluoroscopy in conjunction with a licensed  
 2 medical radiographer in connection with the performance of  
 3 authorized duties and functions upon (i) the successful completion  
 4 of appropriate education and training as approved jointly by the  
 5 department and the board and (ii) a determination regarding the  
 6 scope and supervision of such use consistent with subsection (3)  
 7 of this section.  
 8 (3) The determination of other duties that are normally  
 9 considered medically delegated duties to the certified registered  
 10 nurse anesthetist or to a nurse anesthetist temporarily licensed  
 11 pursuant to section 38-708 shall be the joint responsibility of  
 12 the governing board of the hospital, medical staff, and nurse  
 13 anesthetist personnel of any duly licensed hospital or, if in an  
 14 office or clinic, the joint responsibility of the duly licensed

15 practitioner and nurse anesthetist. All such duties, except in  
 16 cases of emergency, shall be in writing in the form prescribed by  
 17 hospital or office policy.

18 Sec. 2. Section 38-1915, Revised Statutes Supplement,  
 19 2007, is amended to read:

20 38-1915 (1) A person licensed by the department, with  
 21 the recommendation of the board, as a medical radiographer may  
 22 practice medical radiography on any part of the human anatomy  
 23 for interpretation by and under the direction of a licensed  
 24 practitioner, excluding interpretative fluoroscopic procedures, and  
 25 may use fluoroscopy in conjunction with a certified registered  
 26 nurse anesthetist as authorized in section 38-711.

27 (2) An applicant for a license as a medical radiographer  
 1 shall:

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

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

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

9 ~~(2)~~(3) Presentation of proof of registration in  
 10 radiography with the American Registry of Radiologic Technologists  
 11 is proof of meeting the requirements of subdivisions ~~(1)(a)~~(2)(a)  
 12 and (c) of this section.

13 Sec. 3. This act becomes operative on December 1, 2008.

14 Sec. 4. Original sections 38-711 and 38-1915, Revised  
 15 Statutes Supplement, 2007, are repealed.

**LEGISLATIVE BILL 830.** Placed on General File with amendment.  
 AM2357

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

3 Section 1. Section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 68-901 Sections 68-901 to 68-949 and sections 2 to 8 of  
 6 this act shall be known and may be cited as the Medical Assistance  
 7 Act.

8 Sec. 2. Sections 2 to 8 of this act shall be known and  
 9 may be cited as the Medicaid Prescription Drug Act.

10 Sec. 3. The purpose of the Medicaid Prescription  
 11 Drug Act is to provide appropriate pharmaceutical care to  
 12 medicaid recipients in a cost-effective manner by requiring the  
 13 establishment of a preferred drug list and other activities as  
 14 prescribed.

15 Sec. 4. For purposes of the Medicaid Prescription Drug  
 16 Act:

17 (1) Labeler means a person or entity that repackages  
 18 prescription drugs for retail sale and has a labeler code from the

19 federal Food and Drug Administration under 21 C.F.R. 207.20, as  
20 such regulation existed on January 1, 2008;

21 (2) Manufacturer means a manufacturer of prescription  
22 drugs as defined in 42 U.S.C. 1396r-8(k)(5), as such section  
23 existed on January 1, 2008, including a subsidiary or affiliate of  
1 such manufacturer;

2 (3) Multistate purchasing pool means an entity formed  
3 by an agreement between two or more states to negotiate for  
4 supplemental rebates on prescription drugs;

5 (4) Pharmacy benefit manager means a person or entity  
6 that negotiates prescription drug price and rebate arrangements  
7 with manufacturers or labelers;

8 (5) Preferred drug list means a list of prescription  
9 drugs that may be prescribed for medicaid recipients without prior  
10 authorization by the department; and

11 (6) Prescription drug has the definition found in section  
12 38-2840.

13 Sec. 5. (1) The department shall establish and maintain  
14 a preferred drug list for the medical assistance program. The  
15 department shall establish a pharmaceutical and therapeutics  
16 committee to advise the department on all matters relating to the  
17 establishment and maintenance of such list.

18 (2) The pharmaceutical and therapeutics committee shall  
19 include at least fifteen but no more than twenty members. Except  
20 for public members, all members shall be practicing health care  
21 professionals with experience in serving medicaid recipients. No  
22 more than twenty-five percent of the committee shall be state  
23 employees.

24 (3) At least fifty percent of the committee shall  
25 be physicians, including physicians practicing in the areas  
26 of (a) family medicine, (b) internal medicine, (c) pediatrics,  
27 (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or  
1 gynecology, (g) endocrinology, and (h) oncology.

2 (4) Other members of the committee shall include, but not  
3 be limited to, (a) a hospital pharmacist, (b) a retail pharmacist,  
4 (c) a university professor of pharmacy or a person with a doctoral  
5 degree in pharmacology, and (d) at least two public members.

6 (5) Members of the committee shall submit conflict of  
7 interest disclosure statements to the department and shall have an  
8 ongoing duty to disclose conflicts of interest not included in the  
9 original disclosure.

10 (6) The committee shall elect a chairperson and a vice  
11 chairperson from among its members. Members of the committee shall  
12 be reimbursed for their actual and necessary expenses as provided  
13 in sections 81-1174 to 81-1177.

14 (7) The department, in consultation with the committee,  
15 shall adopt and publish policies and procedures for the preferred  
16 drug list, including (a) guidelines for the presentation and  
17 review of drugs for inclusion on the preferred drug list, (b)

18 the manner and frequency of audits of the preferred drug list  
19 for appropriateness of patient care and cost effectiveness, (c)  
20 an appeals process for the resolution of disputes, and (d) such  
21 other policies and procedures as the department deems necessary and  
22 appropriate.

23 Sec. 6. (1) The department and the pharmaceutical and  
24 therapeutics committee shall consider all therapeutic classes of  
25 prescription drugs for inclusion on the preferred drug list, except  
26 that antidepressant, antipsychotic, and anticonvulsant prescription  
27 drugs shall not be subject to consideration for inclusion on the  
1 preferred drug list.

2 (2)(a) The department shall include a prescription  
3 drug on the preferred drug list if the prescription drug is  
4 therapeutically equivalent to or superior to a prescription drug on  
5 the list and the net cost of the new prescription drug is equal to  
6 or less than the net cost of the listed drug, after consideration  
7 of applicable rebates or discounts negotiated by the department.

8 (b) If the department finds that two or more prescription  
9 drugs under consideration for inclusion on the preferred drug list  
10 are therapeutically equivalent, the department shall include the  
11 more cost-effective prescription drug or drugs on the preferred  
12 drug list.

13 (3) The department shall maintain an updated preferred  
14 drug list in electronic format and shall make the list available to  
15 the public on the department's Internet web site.

16 Sec. 7. (1) A health care provider may prescribe a  
17 prescription drug not on the preferred drug list to a medicaid  
18 recipient if (a) the prescription drug is medically necessary,  
19 (b)(i) the prescriber certifies that the preferred drug has not  
20 been effective, or with reasonable certainty is not expected  
21 to be effective, in treating the recipient's condition or (ii)  
22 the preferred drug causes or is reasonably expected to cause  
23 adverse or harmful reactions in the recipient, and (c) the  
24 department authorizes coverage for the prescription drug prior  
25 to the dispensing of the drug. The department shall respond to a  
26 prior authorization request no later than twenty-four hours after  
27 receiving such request.

1 (2) A health care provider may prescribe a prescription  
2 drug not on the preferred drug list to a medicaid recipient  
3 without prior authorization by the department if the recipient is  
4 already on a successful course of antidepressant, antipsychotic, or  
5 anticonvulsant medication or medication for human immunodeficiency  
6 virus, multiple sclerosis, epilepsy, cancer, or immunosuppressant  
7 therapy or the recipient has had a prior failure with a medication  
8 in the class of drugs from which the provider is seeking to  
9 prescribe.

10 Sec. 8. The department shall: (1) Enter into a multistate  
11 purchasing pool; (2) negotiate directly with manufacturers or  
12 labelers; or (3) contract with a pharmacy benefit manager for

13 negotiated discounts or rebates for all prescription drugs under  
 14 the medical assistance program in order to achieve the lowest  
 15 available price for such drugs under such program.  
 16 Sec. 9. This act becomes operative on July 1, 2009.

**LEGISLATIVE BILL 928.** Placed on General File with amendment.  
 AM2435 is available in the Bill Room.

**LEGISLATIVE BILL 1104.** Placed on General File with amendment.  
 AM2397

1 1. Strike original section 3 and insert the following new  
 2 section:  
 3 Sec. 3. (1) A licensee or an applicant for a license to  
 4 practice medicine and surgery or osteopathic medicine and surgery  
 5 shall not:  
 6 (a) Add a markup, commission, or profit on a professional  
 7 service or other service rendered by another physician; or  
 8 (b) Directly or indirectly increase the actual amount  
 9 to be paid for a professional service or other service if the  
 10 applicant or licensee was a referring physician who ordered but did  
 11 not supervise or perform the service.  
 12 (2) A licensee or an applicant for a license to practice  
 13 medicine and surgery or osteopathic medicine and surgery who is a  
 14 referring physician who ordered but did not supervise or perform  
 15 a professional service may add a reasonable handling, conveyance,  
 16 acquisition, or processing charge if:  
 17 (a) The patient is made aware of the added charge;  
 18 (b) The added charge is commensurate with the handling,  
 19 conveyance, acquisition, or processing service rendered by the  
 20 licensee or applicant or his or her practice; and  
 21 (c) Such charge is appended with (i) the appropriate  
 22 American Medical Association current procedural terminology code  
 23 for handling, conveyance, acquisition, and processing of the  
 1 specimen or (ii) the appropriate American Medical Association  
 2 current procedural terminology code modifier indicating that a  
 3 professional service or laboratory service was performed by another  
 4 party.  
 5 (3) A licensee or an applicant for a license to practice  
 6 medicine and surgery or osteopathic medicine and surgery who  
 7 orders or provides any professional service, clinical or technical  
 8 laboratory service, or procedure shall disclose in a bill or  
 9 statement presented to the patient, insurer, or other third-party  
 10 payor:  
 11 (a) An itemized list of the actual amount paid or to  
 12 be paid for each professional service, clinical or technical  
 13 laboratory service, or procedure ordered or provided by the  
 14 applicant or licensee and any other charge incurred;  
 15 (b) The name and address of each provider, if different  
 16 from that of the applicant or licensee, of each professional

17 service, clinical or technical laboratory service, or procedure;  
 18 and

19 (c) Written notice that meets the requirements of  
 20 subdivision (2)(c) of this section regarding any charge added  
 21 pursuant to subsection (2) of this section.

22 (4) For purposes of this section:

23 (a)(i) Anatomic pathology service means histopathology  
 24 or surgical pathology, cytopathology, hematology, subcellular  
 25 pathology and molecular pathology, or blood-banking services  
 26 performed by a pathologist.

27 (ii) Anatomic pathology service does not include the  
 1 initial collection or packaging of the specimen for transport or  
 2 histologic processing or microscopic slide preparation;

3 (b) Anesthesiology service means the taking of a  
 4 medical history and the performance of a physical examination in  
 5 conjunction with the administration of anesthesia;

6 (c) Laboratory service means laboratory tests or  
 7 procedures, including blood tests not interpreted by a physician,  
 8 and histologic processing or microscopic slide preparation;

9 (d) Professional service includes, but is not limited  
 10 to, the taking of a medical history, the performance of a  
 11 physical examination, radiology services, anesthesiology services,  
 12 and anatomic pathology services; and

13 (e) Radiology service means a radiologic procedure and  
 14 interpretation of radiologic test results.

**LEGISLATIVE BILL 1120.** Placed on General File with amendment.  
 AM2328

1 1. On page 2, lines 12 to 17, reinstate the stricken  
 2 matter; in line 14 after the reinstated "where" insert "(a)"; and  
 3 in line 17 after the reinstated "body" insert "and (b) the tribe  
 4 has a self-determination agreement in place with the Bureau of  
 5 Indian Affairs of the United States Department of the Interior  
 6 and the Indian Health Service of the United States Department of  
 7 Health and Human Services so that payment for enrolled members of a  
 8 federally recognized Indian tribe who are served at such facility  
 9 will be made with one hundred percent federal reimbursement".

(Signed) Joel Johnson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 961.** Senator Erdman renewed his amendment,  
 AM2389, found on page 1006.

Senator Erdman moved for a call of the house. The motion prevailed with  
 30 ayes, 0 nays, and 19 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Adams	Christensen	Langemeier	Pankonin	Wallman
Ashford	Dubas	Lautenbaugh	Pirsch	White
Burling	Erdman	McGill	Rogert	
Chambers	Karpisek	Pahls	Stuthman	

Voting in the negative, 26:

Aguilar	Flood	Howard	Louden	Synowiecki
Avery	Fulton	Hudkins	McDonald	Wightman
Carlson	Gay	Johnson	Nantkes	
Dierks	Hansen	Kopplin	Nelson	
Engel	Harms	Kruse	Preister	
Fischer	Heidemann	Lathrop	Schimek	

Present and not voting, 1:

Cornett

Excused and not voting, 4:

Friend	Janssen	Pedersen	Raikes
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The Erdman amendment lost with 18 ayes, 26 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB928:  
AM2304

- 1 1. Insert the following new sections:
- 2 Section 1. Section 71-531, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-531 ~~(1)-(1)(a)~~ No person may be tested for the
- 5 presence of the human immunodeficiency virus infection unless he or
- 6 she has given written informed consent for the performance of such
- 7 test. ~~A parent of a minor child or a judicially appointed guardian~~
- 8 ~~may give such consent.~~
- 9 (b) If a person signs a general consent form for the
- 10 performance of medical tests or procedures, the signing of an
- 11 additional consent for the specific purpose of consenting to an
- 12 HIV-related test is not required during the time in which the
- 13 general consent form is in effect. Such general consent form shall



14 inform the person that a test for the presence of the human  
15 immunodeficiency virus infection may be performed and that the  
16 person may refuse the performance of such test.

17 (2) If a person is unable to provide consent, the  
18 person's legal representative may provide consent. If the person's  
19 legal representative cannot be located or is unavailable, a health  
20 care provider may authorize the test when the test results are  
21 necessary for diagnostic purposes to provide appropriate medical  
22 care.

23 ~~(2)~~(3) The written informed consent shall provide: for  
1 the performance of an HIV-related test under subdivision (1)(a) of  
2 this section shall include:

3 (a) An explanation of the test, including the test's  
4 purposes, potential uses, and limitations, and the meaning of both  
5 positive and negative results;

6 (b) An explanation of the nature of the human  
7 immunodeficiency virus and acquired immunodeficiency syndrome,  
8 including the relationship between the test results and the  
9 diseases which are part of the syndrome;

10 (c) An explanation of the procedures to be followed,  
11 including the fact that the test is entirely voluntary; and

12 (d) Information concerning behavioral patterns known to  
13 expose a person to the possibility of contracting the human  
14 immunodeficiency virus and the methods for minimizing the risk of  
15 exposure.

16 ~~(3)~~(4) A person seeking a human immunodeficiency virus  
17 test shall have the right to remain anonymous. A health care  
18 provider shall confidentially refer such person to a site which  
19 provides anonymous testing.

20 ~~(4)~~(5) This section shall not apply to:

21 (a) The performance by a health care provider or a health  
22 facility of a human immunodeficiency virus test when the health  
23 care provider or health facility procures, processes, distributes,  
24 or uses a human body part for a purpose specified under the Uniform  
25 Anatomical Gift Act and such test is necessary to assure medical  
26 acceptability of such gift for the purposes intended;

27 (b) The performance by a health care provider or a health  
1 facility of a human immunodeficiency virus test when such test is  
2 performed with the consent and written authorization of the person  
3 being tested and such test is for insurance underwriting purposes,  
4 written information about the human immunodeficiency virus is  
5 provided, including, but not limited to, the identification and  
6 reduction of risks, the person is informed of the result of such  
7 test, and when the result is positive, the person is referred for  
8 posttest counseling;

9 (c) The performance of a human immunodeficiency  
10 virus test by licensed medical personnel of the Department of  
11 Correctional Services when the subject of the test is committed  
12 to such department. Posttest counseling shall be required for

13 the subject if the test is positive. A person committed to  
14 the Department of Correctional Services shall be informed by  
15 the department (i) if he or she is being tested for the human  
16 immunodeficiency virus, (ii) that education shall be provided to  
17 him or her about the human immunodeficiency virus, including, but  
18 not limited to, the identification and reduction of risks, and  
19 (iii) of the test result and the meaning of such result;

20 (d) Human immunodeficiency virus home collection kits  
21 licensed by the federal Food and Drug Administration; or

22 (e) The performance of a human immunodeficiency virus  
23 test performed pursuant to section 29-2290 or sections 71-507 to  
24 71-513 or 71-514.01 to 71-514.05.

25 Sec. 2. Section 71-1910, Revised Statutes Supplement,  
26 2007, is amended to read:

27 71-1910 For purposes of the Child Care Licensing Act,  
1 unless the context otherwise requires:

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

4 (2)(a) Program means the provision of services in lieu  
5 of parental supervision for children under thirteen years of age  
6 for compensation, either directly or indirectly, on the average of  
7 less than twelve hours per day, but more than two hours per week,  
8 and includes any employer-sponsored child care, family child care  
9 home, child care center, school-age child care program, school-age  
10 services pursuant to section 79-1104, or preschool or nursery  
11 school.

12 (b) Program does not include casual care at irregular  
13 intervals, a recreation camp as defined in section 71-3101, a  
14 recreation facility, center, or program operated by a political  
15 or governmental subdivision pursuant to the authority provided  
16 in section 13-304, classes or services provided by a religious  
17 organization other than child care or a preschool or nursery  
18 school, a preschool program conducted in a school approved pursuant  
19 to section 79-318, services provided only to school-age children  
20 during the summer and other extended breaks in the school year, or  
21 foster care as defined in section 71-1901.

22 Sec. 3. Sections 2, 4, and 6 of this act become operative  
23 three calendar months after the adjournment of this legislative  
24 session. The other sections of this act become operative on their  
25 effective date.

26 Sec. 4. Original section 71-1910, Revised Statutes  
27 Supplement, 2007, is repealed.

1 Sec. 5. Original section 71-531, Reissue Revised Statutes  
2 of Nebraska, is repealed.

3 Sec. 7. Since an emergency exists, this act takes effect  
4 when passed and approved according to law.

5 2. Renumber the remaining section accordingly.

**MESSAGE FROM THE GOVERNOR**

March 19, 2008

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 619, 755e, 756e, 768, 851e, 855, 898, 914, 939, 962, and 1056 were received in my office on March 13, 2008.

I signed these bills and delivered them to the Secretary of State on March 19, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

**SELECT FILE**

**LEGISLATIVE BILL 961.** Senator Hudkins renewed her amendment, AM2394, found on page 1010.

Senator Chambers offered the following amendment to the Hudkins amendment:

FA235

Amend AM2394

P. 2, line 7 strike "(5)" and insert "(5) charging and trying juveniles as adults" and renumber.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**SENATOR SCHIMEK PRESIDING**

Senator Hudkins moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Hudkins requested a roll call vote on her amendment, as amended.

Voting in the affirmative, 19:

Adams	Dierks	Hudkins	Kruse	Schimek
Avery	Dubas	Johnson	McDonald	Stuthman
Chambers	Flood	Karpisek	Pankonin	Wallman
Cornett	Hansen	Kopplin	Preister	

Voting in the negative, 18:

Burling	Fulton	Howard	Nantkes	Synowiecki
Carlson	Gay	Lautenbaugh	Nelson	Wightman
Christensen	Harms	Louden	Pirsch	
Engel	Heidemann	McGill	Raikes	

Present and not voting, 5:

Erdman	Fischer	Langemeier	Lathrop	Rogert
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Excused and not voting, 7:

Aguilar	Friend	Pahls	White
Ashford	Janssen	Pedersen	

The Hudkins amendment, as amended, lost with 19 ayes, 18 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Heidemann offered the following amendment:  
AM2419

(Amendments to E & R amendments, ER8210)

- 1 Purpose: This amendment harmonizes section 2 with LB 480
- 2 which was passed and signed into law in February.
- 3 Amendment:
- 4 1. Strike section 2 and insert the following new section:
- 5 Sec. 2. Section 71-7611, Revised Statutes Supplement,
- 6 2007, as amended by section 2, Legislative Bill 480, One Hundredth
- 7 Legislature, Second Session, 2008, is amended to read:
- 8 71-7611 (1) The Nebraska Health Care Cash Fund is
- 9 created. The State Treasurer shall transfer fifty-five million
- 10 seven hundred thousand dollars annually no later than July 15
- 11 from the Nebraska Medicaid Intergovernmental Trust Fund and the
- 12 Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care
- 13 Cash Fund, except that such amount shall be reduced by the amount
- 14 of the unobligated balance in the Nebraska Health Care Cash Fund
- 15 at the time the transfer is made. On or before May 1, 2008,
- 16 the State Treasurer shall transfer from the Nebraska Medicaid

17 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
18 Trust Fund an additional two hundred fifty thousand dollars to the  
19 Nebraska Health Care Cash Fund. The state investment officer upon  
20 consultation with the Nebraska Investment Council shall advise the  
21 State Treasurer on the amounts to be transferred from the Nebraska  
22 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco  
1 Settlement Trust Fund under this section in order to sustain such  
2 transfers in perpetuity. The state investment officer shall report  
3 to the Legislature on or before October 1 of every even-numbered  
4 year on the sustainability of such transfers. Except as otherwise  
5 provided by law, no more than fifty-five million seven hundred  
6 thousand dollars may be appropriated or transferred from the  
7 Nebraska Health Care Cash Fund in any fiscal year.

8 (2) Any money in the Nebraska Health Care Cash Fund  
9 available for investment shall be invested by the state investment  
10 officer pursuant to the Nebraska Capital Expansion Act and the  
11 Nebraska State Funds Investment Act.

12 (3) One million dollars in the Nebraska Health Care Cash  
13 Fund is designated each year for the Autism Treatment Program  
14 Act for five fiscal years beginning in fiscal year 2007-08 and  
15 shall be distributed in each fiscal year as follows: (a) First,  
16 to the Department of Health and Human Services for costs related  
17 to application and implementation of the waiver; (b) second, to  
18 the department for other medical costs for children who would  
19 not otherwise qualify for medicaid except for the waiver; and (c)  
20 third, the balance to the Autism Treatment Program Cash Fund. The  
21 State Treasurer shall transfer the balance of the funding to the  
22 Autism Treatment Program Cash Fund based on the estimated costs  
23 of administrative and other medical costs as determined by the  
24 Legislature through the appropriation process. The transfers to  
25 the Autism Treatment Program Cash Fund in any fiscal year shall  
26 be contingent upon the receipt of private matching funds under  
27 the Autism Treatment Program Act, with no less than one dollar of  
1 private funds received for every two dollars transferred from the  
2 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
3 Fund.

4 (4) The University of Nebraska and postsecondary  
5 educational institutions having colleges of medicine in Nebraska  
6 and their affiliated research hospitals in Nebraska, as a condition  
7 of receiving any funds appropriated or transferred from the  
8 Nebraska Health Care Cash Fund, shall not discriminate against any  
9 person on the basis of sexual orientation.

10 (5) The State Treasurer shall transfer two hundred  
11 thousand dollars from the Nebraska Health Care Cash Fund to the  
12 University of Nebraska Medical Center Cash Fund for the Nebraska  
13 Regional Poison Center within fifteen days after each July 1.

14 2. On page 11, line 9, strike ", 71-7611,"; in line  
15 10 strike "and"; in line 11 after the comma insert "and section  
16 71-7611, Revised Statutes Supplement, 2007, as amended by section

17 2, Legislative Bill 480, One Hundredth Legislature, Second Session,  
 18 2008,"; in line 16 strike the third comma; in line 17 strike  
 19 "71-7611," and strike the second "and"; and in line 18 after  
 20 "281" insert ", and section 71-7611, Revised Statutes Supplement,  
 21 2007, as amended by section 2, Legislative Bill 480, One Hundredth  
 22 Legislature, Second Session, 2008".

The Heidemann amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Erdman offered the following motion:

MO148

Reconsider the vote on AM2394.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Erdman motion to reconsider prevailed with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

The Hudkins amendment, AM2394, found on page 1010 and considered in this day's Journal, as amended, was reconsidered.

The Hudkins amendment, as amended, was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment:

AM2448

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new sections:

2 Sec. 6. Notwithstanding any other provision of law, for  
 3 bonds issued on or after the operative date of this act, funds  
 4 received by the issuer pursuant to section 77-2602 shall not be  
 5 pledged for repayment of bonds.

6 Sec. 7. Section 6 of this act becomes operative on July  
 7 1, 2008. The other sections of this act become operative on their  
 8 effective date.

9 2. Renumber the remaining sections accordingly.

The Erdman amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960.** ER8209, found on page 1000, was adopted.

Advanced to Enrollment and Review for Engrossment.

### AMENDMENTS - Print in Journal

Senator Rogert filed the following amendment to LB959:

AM2361

(Amendments to Standing Committee amendments, AM2145)

1 Purpose: To appropriate \$750,000 General Funds for  
2 community-based aging programs for FY2008-09, increasing the  
3 appropriation by \$500,000.

4 Amendment:

5 1. On page 10, lines 23 and 24, strike "250,000" and  
6 insert "750,000"; and in line 26 strike "250,000" and insert  
7 "750,000".

Senator Heidemann filed the following amendment to LB959:

AM2437

(Amendments to Standing Committee amendments, AM2145)

1 Purpose: To provide for funding to follow clients as they  
2 move out of the Beatrice State Developmental Center.

3 Amendment:

4 1. On page 10, after line 5 insert:

5 "The chief executive officer of the Department of Health  
6 and Human Services shall certify to the budget administrator  
7 of the budget division of the Department of Administrative  
8 Services the FY2007-08 and FY2008-09 unexpended appropriation  
9 balances for the Beatrice State Developmental Center, Program  
10 421, resulting from reduced or discontinued Program 421 services.  
11 The budget administrator of the budget division of the Department  
12 of Administrative Services shall administratively transfer during  
13 FY2007-08 and FY2008-09 available unexpended appropriation balances  
14 as certified by the chief executive officer of the Department of  
15 Health and Human Services from the Beatrice State Developmental  
16 Center, Program 421, to Developmental Disability Aid, Program 424,  
17 and Medical Assistance, Program 348.

18 It is the intent of the Legislature that the Department  
19 of Health and Human Services shall report at least quarterly to  
20 the Governor and the Legislature on the funds transferred from  
21 Program 421 pursuant to this section in FY2007-08 and FY2008-09.  
22 The report shall include detailed documentation of the funds and  
1 clients moved to community-based developmental disability services  
2 or other services. The report shall also include criteria used to  
3 identify clients to be moved and plans to monitor the placement and  
4 care of clients transferred from the Beatrice State Developmental  
5 Center.".

Senator Erdman filed the following amendment to LB959:

AM2434

(Amendments to Standing Committee amendments, AM2145)

- 1 1. Insert the following new sections:  
 2 Sec. 21. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE  
 3 Program No. 27 - Departmental Administration
- |                        | <u>FY2007-08</u> | <u>FY2008-09</u> |
|------------------------|------------------|------------------|
| 4 <u>CASH FUND</u>     | <u>-0-</u>       | <u>7,500</u>     |
| 5 <u>PROGRAM TOTAL</u> | <u>-0-</u>       | <u>7,500</u>     |
| 6 <u>SALARY LIMIT</u>  | <u>-0-</u>       | <u>-0-</u>       |
- 7 There is included in the appropriation to this program  
 8 for FY2008-09 \$7,500 Cash Funds to be used for the purpose of  
 9 supplementing the Livestock Market News program.  
 10 Sec. 58. The General Fund appropriation for FY2007-08 to  
 11 the University of Nebraska, for Program 781, is hereby reduced by  
 12 \$30,000.  
 13 Sec. 59. On or before June 30, 2008, the State Treasurer  
 14 shall transfer \$30,000 from the General Fund to the Agricultural  
 15 Products Marketing Information Cash Fund.  
 16 2. On page 2, line 15, strike "87" and insert "90".  
 17 3. Renumber the remaining sections accordingly.  
 18

Senator Kruse filed the following amendment to LB959:  
 AM2450

- (Amendments to Standing Committee amendments, AM2145)
- 1 1. On page 11, after line 8 insert the following new  
 2 paragraph:  
 3 "It is the intent of the Legislature that the Department  
 4 of Roads shall submit a report to the chairperson of the  
 5 Appropriations Committee of the Legislature on or before December  
 6 1, 2008, regarding funds requested by each applicant for eligible  
 7 operating costs in FY2008-09 pursuant to subsection (2) of  
 8 section 13-1209 and the total amount of state grants projected  
 9 to be awarded in FY2008-09 pursuant to the public transportation  
 10 assistance program established under section 13-1209. The report  
 11 shall separate into two categories the requests and grants awarded  
 12 for handicapped vans, otherwise known as paratransit vehicles, and  
 13 requests and grants awarded for handicapped-accessible fixed route  
 14 bus systems.".

Senator Rogert filed the following amendment to LB959:  
 AM2441

- (Amendments to Standing Committee amendments, AM2145)
- 1 1. Insert the following new section:  
 2 Sec. 71. Laws 2007, LB 321, section 100, is amended to  
 3 read:  
 4 Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 5 SERVICES  
 6 Program No. 33 - Administration
- |                       | <u>FY2007-08</u>  | <u>FY2008-09</u>   |
|-----------------------|-------------------|--------------------|
| 7 <u>GENERAL FUND</u> | <u>98,827,440</u> | <u>101,028,262</u> |
| 8 <u>GENERAL FUND</u> | <u>98,827,440</u> | <u>99,828,262</u>  |



10	CASH FUND	19,138,938	20,214,196
11	FEDERAL FUND est.	180,476,885	185,338,172
12	<del>PROGRAM TOTAL</del>	<del>298,443,263</del>	<del>306,580,630</del>
13	<u>PROGRAM TOTAL</u>	<u>298,443,263</u>	<u>306,380,630</u>
14	SALARY LIMIT	122,965,506	125,987,447

15 The unexpended Cash Fund balance in Agency 26, Program  
 16 341, remaining on June 30, 2007, is hereby reappropriated.

17 The FY2007-08 and FY2008-09 appropriations contained in  
 18 this section shall be allocated for the purposes of program  
 19 monitoring, accounting, and reporting as follows:

20 (1) General Operations

21		FY2007-08	FY2008-09
22	<del>GENERAL FUND</del>	<del>30,866,609</del>	<del>32,021,063</del>
1	<u>GENERAL FUND</u>	<u>30,866,609</u>	<u>30,821,063</u>
2	CASH FUND	5,018,596	5,584,607
3	FEDERAL FUND est.	90,406,356	94,656,829
4	<del>PROGRAM TOTAL</del>	<del>126,291,561</del>	<del>132,262,499</del>
5	<u>PROGRAM TOTAL</u>	<u>126,291,561</u>	<u>131,062,499</u>
6	SALARY LIMIT	30,423,010	31,624,559

7 There is included in the appropriation and  
 8 reappropriation to this program \$4,000,000 Cash Funds and  
 9 \$27,750,000 Federal Funds estimate for FY2007-08 to continue  
 10 development and implementation of a Medicaid Management Information  
 11 System to replace the current system. There is included in the  
 12 appropriation to this program \$3,500,000 Cash Funds and \$14,750,000  
 13 Federal Funds estimate for FY2008-09 to continue development and  
 14 implementation of a Medicaid Management Information System to  
 15 replace the current system.

16 (2) Public Health Administration

17		FY2007-08	FY2008-09
18	GENERAL FUND	4,743,385	4,858,471
19	CASH FUND	11,333,031	11,832,677
20	FEDERAL FUND est.	12,646,005	12,902,001
21	PROGRAM TOTAL	28,722,421	29,593,149
22	SALARY LIMIT	14,614,758	14,880,824

23 There is included in the appropriation to this program  
 24 for FY2007-08 \$13,688 Cash Funds for regulatory support for  
 25 emergency medical technicians-intermediate and emergency medical  
 26 technicians-paramedic licensing from the Nebraska Health Care Cash  
 27 Fund. There is included in the appropriation to this program

1 for FY2008-09 \$13,688 Cash Funds for regulatory support for  
 2 emergency medical technicians-intermediate and emergency medical  
 3 technicians-paramedic licensing from the Nebraska Health Care Cash  
 4 Fund.

5 (3) Medicaid and Long-Term Care Administration

6		FY2007-08	FY2008-09
7	GENERAL FUND	8,407,974	8,739,036
8	CASH FUND	452,877	510,928
9	FEDERAL FUND est.	14,353,907	14,687,385

10	PROGRAM TOTAL	23,214,758	23,937,349
11	SALARY LIMIT	5,600,000	5,712,000

12 There is included in the appropriation to this program  
 13 \$404,643 Cash Funds for FY2007-08 and \$404,643 Cash Funds for  
 14 FY2008-09 from the Nebraska Health Care Cash Fund for respite  
 15 services in each of the service areas designated by the Department  
 16 of Health and Human Services and for administrative costs,  
 17 including personnel costs, associated with the Nebraska Lifespan  
 18 Respite Services Program.

19 There is included in the appropriation to this program  
 20 for FY2007-08 \$250,000 Cash Funds for implementation of a nurse  
 21 visitation program for medicaid-eligible pregnant teens from the  
 22 Nebraska Health Care Cash Fund.

23 (4)(a) Protection and Safety

	FY2007-08	FY2008-09
24 GENERAL FUND	18,617,458	18,821,339
25 CASH FUND	702,133	687,561
26 FEDERAL FUND est.	20,384,478	20,391,375
27 PROGRAM TOTAL	39,704,069	39,900,275
1 SALARY LIMIT	28,770,000	29,345,400

3 (b) Economic and Family Support

	FY2007-08	FY2008-09
4 GENERAL FUND	20,248,185	20,469,923
5 CASH FUND	763,634	747,785
6 FEDERAL FUND est.	22,169,980	22,177,481
7 PROGRAM TOTAL	43,181,799	43,395,189
8 SALARY LIMIT	31,290,000	31,915,800

9 (c) Developmental Disabilities Service Coordination

	FY2007-08	FY2008-09
10 GENERAL FUND	4,529,795	4,579,401
11 CASH FUND	170,835	167,290
12 FEDERAL FUND est.	4,959,727	4,961,405
13 PROGRAM TOTAL	9,660,357	9,708,096
14 SALARY LIMIT	7,000,000	7,140,000

15 (d) Children and Families Services Administration

	FY2007-08	FY2008-09
16 GENERAL FUND	9,725,721	9,832,227
17 CASH FUND	250,976	245,767
18 FEDERAL FUND est.	13,479,837	13,484,398
19 PROGRAM TOTAL	23,456,534	23,562,392
20 SALARY LIMIT	3,206,300	3,270,426

21 (5) Behavioral Health Administration

	FY2007-08	FY2008-09
22 GENERAL FUND	1,093,448	1,105,423
23 CASH FUND	436,265	427,210
24 FEDERAL FUND est.	1,569,217	1,569,748
25 PROGRAM TOTAL	3,098,930	3,102,381
26 SALARY LIMIT	1,212,920	1,235,920

5 There is included in the appropriation to this program  
 6 for FY2007-08 \$25,000 Cash Funds from the Nebraska Health Care  
 7 Cash Fund for compulsive gamblers assistance programs. There is  
 8 included in the appropriation to this program for FY2008-09 \$25,000  
 9 Cash Funds from the Nebraska Health Care Cash Fund for compulsive  
 10 gamblers assistance programs.

11 (6) Developmental Disabilities Administration

	FY2007-08	FY2008-09
12 GENERAL FUND	594,865	601,379
13 CASH FUND	10,591	10,371
14 FEDERAL FUND est.	507,378	507,550
15 PROGRAM TOTAL	1,112,834	1,119,300
16 SALARY LIMIT	842,518	862,518

17 The budget division of the Department of Administrative  
 18 Services shall create a separate budget program for each allocation  
 19 contained in this section to properly report, account for, and  
 20 monitor program appropriations and expenditures.

21 The allocations and salary limit provided in this section  
 22 may be administratively transferred from any one of the budget  
 23 programs established pursuant to this section to any of the  
 24 remaining budget programs contained in this section for FY2007-08  
 25 and FY2008-09 at the request of the chief executive officer of  
 26 the Department of Health and Human Services and after approval by  
 27 the budget administrator of the budget division of the Department  
 1 of Administrative Services. The chairpersons of the Health and  
 2 Human Services Committee and the Appropriations Committee of the  
 3 Legislature and the Legislative Fiscal Analyst shall be notified  
 4 of any administrative transfer of allocations or salary limit  
 5 processed pursuant to this section.

6 2. On page 2, line 15, strike "87" and insert "88".

7 3. On page 10, lines 1 and 4 strike the second "0-"  
 8 and insert "1,200,000"; in line 5 strike "1,265,000" and insert  
 9 "2,465,000"; and after line 5 insert:

10 "It is the intent of the Legislature that the funding  
 11 included in this section shall only be used for strategies,  
 12 including bonuses, to retain and recruit quality staff and  
 13 employees at the Beatrice State Developmental Center.".

14 4. On page 56, line 18, after "88," insert "100,".

15 5. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB959:

FA234

Amend AM2145

Strike Section 30 and Section 31.

**VISITORS**

Visitors to the Chamber were Carol Fictum from Wilber, Kim Buser from Crete, and Laura Mackeprang from Western; 52 fourth-grade students from Murray Conestoga, Murray; and Monica Ma from Xian, China and Lea Weiss from Lincoln.

The Doctors of the Day were Dr. Amy Jespersen and Dr. Lucille Woodard from Omaha.

**ADJOURNMENT**

At 6:18 p.m., on a motion by Senator Carlson, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature