

FIFTY-THIRD DAY - APRIL 3, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 2008

PRAYER

The prayer was offered by Senator Dubas.

ROLL CALL

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

The roll was called and all members were present except Senators Cornett, Engel, Heidemann, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 916. Placed on Final Reading.
ST9084

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

1. In the E & R Amendments, ER8215, on page 56, line 11, "77-2704.09," has been inserted after the third comma.

LEGISLATIVE BILL 965. Placed on Final Reading.

LEGISLATIVE BILL 1058. Placed on Final Reading.

LEGISLATIVE BILL 1068. Placed on Final Reading.

ST9083

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

1. In the E & R amendments, ER8213:

a. On page 8, line 9, "such" has been struck, shown as stricken, and "a" inserted and "made under this section" has been inserted after "request"; and

b. On page 11, line 9, ", and section 13-1210, Revised Statutes Cumulative Supplement, 2006" has been inserted after "Nebraska".

2. On page 1, line 1, "highways and roads" has been struck and "transportation" inserted; and in line 3 ", and section 13-1210, Revised Statutes Cumulative Supplement, 2006" has been inserted after "Nebraska" and "to require reports regarding the public transportation assistance program;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1165. Placed on Select File with amendment.
ER8233

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. Section 82-331, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 82-331 (1) There is hereby established in the state

6 treasury a trust fund to be known as the Nebraska Cultural

7 Preservation Endowment Fund. The fund shall consist of funds

8 appropriated or transferred by the Legislature, and only the

9 earnings of the fund may be used as provided in this section.

10 (2) On August 1, 1998, the State Treasurer shall transfer
11 five million dollars from the General Fund to the Nebraska Cultural
12 Preservation Endowment Fund.

13 (3) It is the intent of the Legislature that the State
14 Treasurer shall transfer two million dollars from the General Fund
15 to the Nebraska Cultural Preservation Endowment Fund on August 1 of
16 each of the following years: 2009 and 2010.

17 (4) On the effective date of this act, prior to the
18 transfer of funds from any state account into the Nebraska Cultural
19 Preservation Endowment Fund, the Nebraska Arts Council shall
20 provide documentation to the budget division of the Department
21 of Administrative Services that qualified endowments have generated
22 a dollar-for-dollar match of new money as defined in section
23 82-332 that is equal to the amount of state funds authorized
1 by the Legislature to be transferred to the Nebraska Cultural
2 Preservation Endowment Fund. The budget division of the Department
3 of Administrative Services shall notify the State Treasurer to
4 execute a transfer in an amount as specified by the Legislature
5 only to the extent that the Nebraska Arts Council has provided
6 documentation of a dollar-for-dollar match.

7 ~~(3)-(5)~~ The Legislature shall not appropriate or transfer
8 money from the Nebraska Cultural Preservation Endowment Fund for
9 any purpose other than the purposes stated in sections 82-330 to
10 82-333, except that the Legislature may appropriate or transfer
11 money from the fund upon a finding that the purposes of such

12 sections are not being accomplished by the fund.

13 ~~(4)-(6)~~ Any money in the Nebraska Cultural Preservation
14 Endowment Fund available for investment shall be invested by the
15 state investment officer pursuant to the Nebraska Capital Expansion
16 Act and the Nebraska State Funds Investment Act.

17 ~~(5)-(7)~~ All investment earnings from the Nebraska
18 Cultural Preservation Endowment Fund shall be credited to the
19 Nebraska Arts and Humanities Cash Fund.

20 Sec. 2. Section 84-612, Revised Statutes Supplement,
21 2007, is amended to read:

22 84-612 (1) There is hereby created within the state
23 treasury a fund known as the Cash Reserve Fund which shall be under
24 the direction of the State Treasurer. The fund shall only be used
25 pursuant to this section.

26 (2) The State Treasurer shall transfer funds from the
27 Cash Reserve Fund to the General Fund upon certification by the
1 Director of Administrative Services that the current cash balance
2 in the General Fund is inadequate to meet current obligations. Such
3 certification shall include the dollar amount to be transferred.
4 Any transfers made pursuant to this subsection shall be reversed
5 upon notification by the Director of Administrative Services that
6 sufficient funds are available.

7 (3) The State Treasurer, at the direction of the
8 budget administrator of the budget division of the Department
9 of Administrative Services, shall transfer such amounts not to
10 exceed seven million seven hundred fifty-three thousand two hundred
11 sixty-three dollars in total from the Cash Reserve Fund to the
12 Nebraska Capital Construction Fund between July 1, 2003, and June
13 30, 2007.

14 (4) The State Treasurer, at the direction of the budget
15 administrator, shall transfer an amount equal to the total amount
16 transferred pursuant to subsection (3) of this section from the
17 General Fund to the Cash Reserve Fund on or before June 30, 2008.

18 (5) In addition to receiving transfers from other funds,
19 the Cash Reserve Fund shall receive federal funds received by the
20 State of Nebraska for undesignated general government purposes,
21 federal revenue sharing, or general fiscal relief of the state.

22 (6) On June 15, 2007, the State Treasurer shall transfer
23 fifteen million six hundred seventy-four thousand one hundred seven
24 dollars from the Cash Reserve Fund to the General Fund.

25 (7) On June 16, 2008, the State Treasurer shall transfer
26 seventeen million nine hundred thirty-one thousand thirty dollars
27 from the Cash Reserve Fund to the General Fund.

1 (8) On June 15, 2009, the State Treasurer shall transfer
2 four million nine hundred ninety thousand five hundred five dollars
3 from the Cash Reserve Fund to the General Fund.

4 (9) On or before June 16, 2008, the State Treasurer, at
5 the direction of the budget administrator, shall transfer fifty
6 million dollars from the Cash Reserve Fund to the General Fund.

7 (10) On or before June 16, 2009, the State Treasurer,
8 at the direction of the budget administrator, shall transfer fifty
9 million dollars from the Cash Reserve Fund to the General Fund.

10 (11) From the effective date of an endowment agreement
11 as defined in subdivision (3)(c) of section 79-1101 until June
12 30, 2007, forty million dollars of the Cash Reserve Fund shall be
13 deemed to constitute the Early Childhood Education Endowment Fund.
14 Such funds shall remain part of the Cash Reserve Fund for all
15 purposes, except that the interest earned on such forty million
16 dollars shall accrue as provided in section 84-613.

17 (12) The State Treasurer, at the direction of the budget
18 administrator, shall transfer such amounts, as certified by the
19 Director of Administrative Services, for employee health insurance
20 claims and expenses, not to exceed twelve million dollars in total
21 from the Cash Reserve Fund to the State Employees Insurance Fund
22 between May 1, 2007, and June 30, 2011.

23 (13) On July 9, 2007, the State Treasurer shall transfer
24 twelve million dollars from the Cash Reserve Fund to the Nebraska
25 Capital Construction Fund.

26 (14) On July 9, 2007, the State Treasurer shall transfer
27 five million dollars from the Cash Reserve Fund to the Job Training
1 Cash Fund. The State Treasurer shall transfer from the Job Training
2 Cash Fund to the Cash Reserve Fund such amounts as directed in
3 section 81-1201.21.

4 (15) On July 7, 2008, the State Treasurer shall transfer
5 five million dollars from the Cash Reserve Fund to the Job Training
6 Cash Fund. The State Treasurer shall transfer from the Job Training
7 Cash Fund to the Cash Reserve Fund such amounts as directed in
8 section 81-1201.21.

9 (16) On or before August 1, 2007, the State Treasurer,
10 at the direction of the budget administrator, shall transfer
11 seventy-five million dollars from the Cash Reserve Fund to the
12 Nebraska Capital Construction Fund.

13 (17) On or before June 30, 2009, the State Treasurer
14 shall transfer nine million five hundred ninety thousand dollars
15 from the Cash Reserve Fund to the Nebraska Capital Construction
16 Fund.

17 (18) The State Treasurer, at the direction of the budget
18 administrator, shall transfer an amount equal to the total amount
19 transferred pursuant to subsection (12) of this section from
20 the appropriate health insurance accounts of the State Employees
21 Insurance Fund in such amounts as certified by the Director of
22 Administrative Services to the Cash Reserve Fund on or before June
23 30, 2011.

24 (19) On July 9, 2007, the State Treasurer shall
25 transfer one million dollars from the Cash Reserve Fund to the
26 Microenterprise Development Cash Fund.

27 (20) On July 9, 2007, the State Treasurer shall transfer
1 two hundred fifty thousand dollars from the Cash Reserve Fund to

2 the Building Entrepreneurial Communities Cash Fund.

3 (21) On July 7, 2008, the State Treasurer shall

4 transfer one million dollars from the Cash Reserve Fund to the

5 Microenterprise Development Cash Fund.

6 (22) On July 7, 2008, the State Treasurer shall transfer

7 two hundred fifty thousand dollars from the Cash Reserve Fund to

8 the Building Entrepreneurial Communities Cash Fund.

9 (23) Within five days after the budget division of the

10 Department of Administrative Services notifies the State Treasurer

11 that matching fund requirements under section 82-331 have been met,

12 the State Treasurer shall transfer one million dollars from the

13 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment

14 Fund.

15 Sec. 3. Original section 82-331, Reissue Revised Statutes

16 of Nebraska, and section 84-612, Revised Statutes Supplement, 2007,

17 are repealed.

18 2. On page 1, strike beginning with "appropriations"

19 in line 1 through line 3 and insert "the Nebraska Cultural

20 Preservation Endowment Fund; to amend section 82-331, Reissue

21 Revised Statutes of Nebraska, and section 84-612, Revised Statutes

22 Supplement, 2007; to state intent related to and provide for

23 transfers of funds from the Cash Reserve Fund; and to repeal the

24 original sections."

(Signed) Amanda McGill, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 2, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Egr, James M.

Firefighters Association, Nebraska State Volunteer

Wesely, Don

Institute of Scrap Recycling Industries, Inc., Northwest Chapter

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Attestation Report of the Nebraska Department of Banking and Finance,
July 1, 2006 through June 30, 2007

Coordinating Commission for Postsecondary Education, Nebraska

2008 Nebraska Higher Education Progress Report

Investment Finance Authority, Nebraska (NIFA)

2008 Series AB Single Family Housing Revenue Bonds Notice

Supreme Court, Nebraska

Office of Dispute Resolution Annual Report

GENERAL FILE**LEGISLATIVE BILL 830A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1147A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1116. Title read. Considered.

Committee AM2629, found on page 1210, was considered.

Senator Kopplin renewed his amendment, AM2645, found on page 1288, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 736. Placed on Final Reading.

LEGISLATIVE BILL 736A. Placed on Final Reading.

LEGISLATIVE BILL 1001. Placed on Final Reading.

ST9089

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

1. In the White amendment, AM2632, on page 1, line 12, "subfund" has been struck and "subaccount" inserted.

2. In the E & R amendments, ER8188:

a. On page 5, line 2, "(5)" has been struck, shown as stricken, and "(6)" inserted; and

b. On page 14, line 4, "sections" has been struck.

LEGISLATIVE BILL 1001A. Placed on Final Reading.

ST9086

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

1. On page 1, lines 3 and 4, "; and to declare an emergency" has been struck.

LEGISLATIVE BILL 1154. Placed on Final Reading.

ST9085

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

1. In the E & R Amendments, ER8220, on page 1, line 13, "79-1210," has been inserted after the second comma; in line 15 the second "and" has been struck; in line 16 "79-1028," has been struck; and in line 19 ", and section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008" has been inserted after "2007".

2. In the Standing Committee amendments, AM2449:

a. On page 65, line 22, "79-1210," has been inserted after the second comma; in line 25 "and" has been struck; and in line 26 "79-1028," has been struck; and

b. On page 66, line 1, "and section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008," has been inserted after the second comma.

LEGISLATIVE BILL 1154A. Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 376. Introduced by Preister, 5.

WHEREAS, the official United States military dates for the Vietnam War are August 5, 1964, to January 27, 1973; and

WHEREAS, over 3,403,000 people served in the United States military in Southeast Asia; and

WHEREAS, over 2,594,000 people served in the United States military in South Vietnam; and

WHEREAS, over 58,209 people from the United States died as a result of the war in Southeast Asia and Vietnam from November 1, 1955, the commencement of the Military Assistance Advisory Group, to May 15, 1975, when the last United States military member left Southeast Asia; and

WHEREAS, over 396 Nebraskans died as a result of the Vietnam War; and

WHEREAS, over 94 Omaha residents died as a result of the Vietnam War, including the following:

Name, Service, Date of Death or Date Declared Dead

Adolf, Larry Eugene, USMC, May 9, 1968

Anderson, Warren Charles, ARMY, August, 15, 1970

Backhaus, Steven Eugene, USMC, December 21, 1969

Bailey, Allen Charles, USMC, March 4, 1966

Bailey, Byrle Bennett, USMC, May 25, 1969

Barney, Terence Edward, USMC, March 17, 1969

Bazar, Paul Thomas, USMC, April 21, 1969
Becker, Michael Paul, USMC, June 7, 1968
Bigley, Richard Ray, USMC, November 22, 1965
Biscamp, Marvin Lynn, ARMY, April 12, 1972
Bosiljevac, Michael Joseph, USAF, Unknown date, 1978
Bragg, Paul Joseph, USMC, July 15, 1969
Buckles, Donald Ray, ARMY, January 28, 1968
Bull, Kenneth R., ARMY, April 17, 1969
Caldwell, Larry Gail, ARMY, May 9, 1968
Cole, Muril Steven, USMC, October 1, 1969
Crayne, Kenneth Eugene, ARMY, December 1, 1970
Cunningham, Richard Ira, ARMY, April 27, 1969
Davis, John Clinton, ARMY, April 28, 1969
Doolittle, Jon Hiliare, ARMY, May 6, 1970
Farrell, Timothy Charles, ARMY, February 11, 1970
Flournoy, James Kaiser, USMC, March 31, 1968
Foley, James Williams, ARMY, January 26, 1968
Fous, James William, ARMY, May 14, 1968
Garcia, Jerry Frank, USMC, April 17, 1968
Gerry, Ronald Lee, ARMY, January 5, 1966
Goc, Paul Stephen Jr., ARMY, June 14, 1969
Griffin, Gerald Charles, NAVY, October 6, 1962
Gronborg, Martin Wayne Jr., ARMY, September 4, 1971
Haakenson, Robert W. Jr., NAVY, October 24, 1972
Hansen, Robert Greg, ARMY, August 7, 1970
Hiley, Thomas Charles, ARMY, January 31, 1968
Hunter, Henry David, ARMY, July 8, 1969
Iler, Kenneth Marvin, USMC, May 29, 1968
Jackson, Eddie Lee Jr., ARMY, November 4, 1968
Johnson, Gary Lee, ARMY, June 18, 1971
Johnson, Lane Carston, ARMY, November 11, 1968
Kavulak, John Henry, USMC, September 21, 1967
Keith, Miguel, USMC, May 8, 1970
Keller, Kenneth Lavern, ARMY, February 11, 1970
Kelley, Harvey Paul, ARMY, November 20, 1969
Kier, Larry Gene, ARMY, September 12, 1978
Klabunde, Arthur John Jr., USMC, January 25, 1968
Klabunde, John Paul, USMC, September 6, 1967
Kocanda, Jerry Joseph III, ARMY, May 21, 1969
Konwinski, Ronald Eugene, USMC, February 6, 1968
Kotrc, James Carl, ARMY, July 29, 1969
Kudlacek, Edwin Allen, ARMY, September 28, 1971
Laird, James Alan, ARMY, October 31, 1970
Lambooy, John Patrick, ARMY, September 19, 1969
Lamere, Anthony John, ARMY, July 1, 1971
Leighton, Earl Laroy, NAVY, January 17, 1969
Luedke, William, ARMY, October 28, 1968
Marchand, Wayne Ellsworth, ARMY, April 8, 1962
Marsh, Alan Richard, ARMY, June 2, 1967

Maxwell, Samuel Chapman, USAF, June 21, 1978
 McAllister, Cameron Trent, ARMY, September 7, 1969
 Mickna, John Ronald, ARMY, February 23, 1967
 Moore, Daniel Eugene Jr., NAVY, February 22, 1967
 Morrison, James Anton, ARMY, September 12, 1967
 Mueller, Steven Wayne, USMC, December 22, 1967
 Murphy, John Patrick, ARMY, July 22, 1968
 Nachtigall, David Joseph, ARMY, February 23, 1970
 Oonk, Lester Eugene, USAF, August 13, 1970
 Perrin, Richard Thomas, ARMY, June 27, 1966
 Pinegar, William Dennis, ARMY, October 6, 1965
 Poese, Nigel Frederick, ARMY, March 20, 1969
 Radil, Ronald Ludwig, ARMY, October 14, 1967
 Ross, Milton Alan, ARMY, February 9, 1969
 Salyards, Patrick John, USMC, December 9, 1966
 Sanders, Mack Royal, ARMY, May 12, 1966
 Sandstedt, Daniel Joseph, ARMY, June 19, 1967
 Schmidt, Gary Russell, ARMY, September 25, 1967
 Shelton, Craig Stephen, USMC, January 25, 1967
 Shrader, Harold William, ARMY, August 9, 1965
 Shuey, Glenn Colin, USMC, December 20, 1969
 Skavaril, Thomas Joseph, ARMY, January 5, 1968
 Smith, Michael Francis, ARMY, April 28, 1968
 Smith, Paul Richard, ARMY, July 6, 1963
 Smith, Thomas Leroy, ARMY, September 11, 1969
 Sobolik, Karl David, USAF, November 26, 1966
 Solomon, Wilfred L. Sr., ARMY, February 8, 1968
 Spencer, Frank III, ARMY, January 23, 1970
 Stolinski, James Francis, ARMY, March 26, 1968
 Straus, Allen Arthur, ARMY, May 6, 1968
 Utts, William Warner, ARMY, March 19, 1969
 Waite, Donald Steven, ARMY, February 9, 1968
 Wigton, Philip Gregory, USMC, May 9, 1968
 Wilkinson, Harland Lyle, ARMY, September 26, 1969
 Wilson, Michael Joseph, USMC, May 12, 1967
 Wojtkiewicz, Ronald Joseph, ARMY, April 10, 1968
 Wolf, Jack Morse, ARMY, March 28, 1968
 Zabrowski, Louis, ARMY, December 27, 1969
 Ziehe, Gerald Dean, USAF, October 21, 1968; and
 WHEREAS, at least 1,763 United States military service members serving
 in Southeast Asia remain unaccounted for, including the following 19 from
 Nebraska:

Name, Service, Hometown, Date of Incident

Biber, Gerald Mack, ARMY, Benkelman, April 22, 1961
 Booze, Delmar George, USMC, Papillion, January 24, 1966
 Brennan, Herbert Owen, USAF, O'Neill, November 26, 1967
 Brenning, Richard David, NAVY, Lincoln, July 26, 1969
 Confer, Michael Steele, NAVY, McCook, October 10, 1966
 Cordova, Robert James, NAVY, Boys Town, January 27, 1968

Grella, Donald Carroll, ARMY, Laurel, December 28, 1965
 Kahler, Harold, USAF, Lincoln, June 14, 1969
 Klingner, Michael Lee, USAF, McCook, April 6, 1970
 Magers, Paul Gerald, ARMY, Sidney, June 1, 1971
 Ogden, Howard Jr., USMC, Omaha, October 18, 1967
 Robinson, Larry Warren, USMC, Randolph, January 5, 1970
 Scheurich, Thomas Edwin, NAVY, Norfolk, March 1, 1968
 Smiley, Stanley Kutz, NAVY, Sidney, July 20, 1969
 Sprick, Doyle, USMC, Fort Calhoun, January 24, 1966
 Stafford, Ronald Dean, USAF, Oxford, November 21, 1972
 Stark, Willie E., ARMY, Omaha, December 2, 1966
 Thomas, Daniel W., USAF, Danbury, July 6, 1971
 Zich, Larry Alfred, ARMY, Lincoln, April 3, 1972; and

WHEREAS, at least 150,332 of the United States military service members were wounded during their service in Southeast Asia; and

WHEREAS, countless numbers returned home with physical and psychological injuries, including post-traumatic stress disorder (PTSD), that were not treated; and

WHEREAS, countless numbers remain homeless and in despair.

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

1. That the Legislature urges the President of the United States and the United States Congress to continue efforts to account for all of the missing people from the Vietnam War, return any remains to their families, and continue to improve efforts to aid homeless, drug-dependent, and wounded veterans, including those afflicted with post-traumatic stress disorder.

2. That the Legislature acknowledges that, in the past, a less than grateful attitude was shown towards Vietnam Veterans and now belatedly recognizes their service, sacrifice, and suffering.

3. That the Legislature hereby commemorates the thirty-fifth anniversary of the end of the Vietnam War and the twenty-fifth anniversary of the healing Vietnam Veterans Memorial in Washington, D.C., by extending to all those who served in Southeast Asia and in Vietnam a long overdue, "Welcome Home, Vietnam Veteran, Welcome Home!"

4. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the United States Congressional delegation representing the State of Nebraska.

Laid over.

APPROPRIATIONS COMMITTEE REPORT ON LB959

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB959.

By majority vote, the Appropriations Committee recommends LB959

become law notwithstanding the Governor's line-item vetoes.

(Signed) Lavon Heidemann, Chair
Appropriations Committee

MOTION - Print in Journal

Senator Heidemann, on behalf of the Appropriations Committee, filed the following motion to LB959:

MO169

Becomes law notwithstanding the line-item objections of the Governor.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1055:

AM2623

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. (1)(a) If a person is convicted of a Class IV
- 3 felony under section 28-1005 or 28-1009, the sentencing court shall
- 4 order such person not to own, possess, or reside with any animal
- 5 for at least five years after the date of conviction, but such time
- 6 restriction shall not exceed fifteen years. Any person violating
- 7 such court order shall be guilty of a Class I misdemeanor.
- 8 (b) If a person is convicted of a Class I misdemeanor
- 9 under subdivision (2)(a) of section 28-1009 or a Class III
- 10 misdemeanor under section 28-1010, the sentencing court may order
- 11 such person not to own, possess, or reside with any animal after
- 12 the date of conviction, but such time restriction, if any, shall
- 13 not exceed five years. Any person violating such court order shall
- 14 be guilty of a Class IV misdemeanor.
- 15 (c) Any animal involved in a violation of a court order
- 16 under subdivision (a) or (b) of this subsection shall be subject to
- 17 seizure by law enforcement.
- 18 (2) This section shall not apply to any person convicted
- 19 under section 28-1005 or 28-1009 if a licensed physician confirms
- 20 in writing that ownership or possession of or residence with an
- 21 animal is essential to the health of such person.
- 22 2. On page 6, line 25, after "animals" insert "and
- 1 commercial livestock operations".

Senator Johnson filed the following amendment to LB928:

AM2642

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Strike section 8 and insert the following new
- 2 sections:
- 3 Sec. 3. 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
 1 patients; ~~and~~

2 (f) Use of fluoroscopy in conjunction with a licensed
 3 medical radiographer in connection with the performance of
 4 authorized duties and functions upon (i) the successful completion
 5 of appropriate education and training as approved jointly by
 6 the department and the board and promulgated by the department
 7 in rules and regulations pursuant to section 71-3508 and (ii)
 8 a determination regarding the scope and supervision of such use
 9 consistent with subsection (3) of this section.

10 (3) The determination of other duties that are normally
 11 considered medically delegated duties to the certified registered
 12 nurse anesthetist or to a nurse anesthetist temporarily licensed
 13 pursuant to section 38-708 shall be the joint responsibility of
 14 the governing board of the hospital, medical staff, and nurse
 15 anesthetist personnel of any duly licensed hospital or, if in an
 16 office or clinic, the joint responsibility of the duly licensed
 17 practitioner and nurse anesthetist. All such duties, except in
 18 cases of emergency, shall be in writing in the form prescribed by
 19 hospital or office policy.

20 Sec. 9. Section 38-1915, Revised Statutes Supplement,
 21 2007, is amended to read:

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

3 (2) An applicant for a license as a medical radiographer
 4 shall:

5 (a) Complete an educational program in radiography

6 approved by the board pursuant to subsection (1) of section
7 38-1918;

8 (b) Complete an application in accordance with the
9 Uniform Credentialing Act; and

10 (c) Successfully complete an examination approved by the
11 board.

12 ~~(2)-(3)~~ Presentation of proof of registration in
13 radiography with the American Registry of Radiologic Technologists
14 is proof of meeting the requirements of subdivisions ~~(4)-(a)-(2)(a)~~
15 and (c) of this section.

16 Sec. 13. Section 43-4001, Revised Statutes Supplement,
17 2007, is amended to read:

18 43-4001 (1) The Children's Behavioral Health Task Force
19 is created. The task force shall consist of the following members:

20 (a) The chairperson of the Health and Human Services
21 Committee of the Legislature or another member of the committee as
22 his or her designee;

23 (b) The chairperson of the Appropriations Committee of
24 the Legislature or another member of the committee as his or her
25 designee;

26 ~~(c) The chairperson of the Behavioral Health Oversight~~
27 ~~Commission of the Legislature;~~

1 ~~(d)-(c)~~ Two providers of community-based behavioral
2 health services to children, appointed by the chairperson of
3 the Health and Human Services Committee of the Legislature;

4 ~~(e)-(d)~~ One regional administrator appointed under
5 section 71-808, appointed by the chairperson of the Health and
6 Human Services Committee of the Legislature;

7 ~~(f)-(e)~~ Two representatives of organizations advocating
8 on behalf of consumers of children's behavioral health services
9 and their families, appointed by the chairperson of the Health and
10 Human Services Committee of the Legislature;

11 ~~(g)-(f)~~ One juvenile court judge, appointed by the Chief
12 Justice of the Supreme Court;

13 ~~(h)-(g)~~ Two representatives of the Department of Health
14 and Human Services, appointed by the Governor; and

15 ~~(i)-(h)~~ The Administrator of the Office of Juvenile
16 Services.

17 ~~(2) All members shall be appointed within thirty days~~
18 ~~after May 25, 2007.~~

19 ~~(3)-(2)~~ Members of the task force shall serve without
20 compensation but shall be reimbursed from the Nebraska Health Care
21 Cash Fund for their actual and necessary expenses as provided in
22 sections 81-1174 to 81-1177.

23 ~~(4)-(3)~~ The chairperson of the ~~Behavioral Health~~
24 ~~Oversight Commission~~ Health and Human Services Committee of the
25 Legislature or his or her designee shall serve as chairperson of
26 the task force. Administrative and staff support for the task force
27 shall be provided by the Health and Human Services Committee of the

1 Legislature and the Appropriations Committee of the Legislature.

2 Sec. 14. Section 68-909, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 68-909 (1) All contracts, agreements, rules, and
5 regulations relating to the medical assistance program as entered
6 into or adopted and promulgated by the department prior to July 1,
7 2006, and all provisions of the medicaid state plan and waivers
8 adopted by the department prior to July 1, 2006, shall remain in
9 effect until revised, amended, repealed, or nullified pursuant to
10 law.

11 (2) Prior to the adoption and promulgation of proposed
12 rules and regulations under section 68-912 or relating to the
13 implementation of medicaid state plan amendments or waivers, the
14 department shall provide a report to the Governor, the Legislature,
15 and the Medicaid Reform Council no later than December 15 before
16 the next regular legislative session summarizing the purpose and
17 content of such proposed rules and regulations and the projected
18 impact of such proposed rules and regulations on recipients of
19 medical assistance and medical assistance expenditures.

20 (3) The Medicaid Reform Council, no later than thirty
21 days after the date of receipt of any report under subsection
22 (2) of this section, may conduct a public meeting to receive
23 public comment regarding such report. The council shall promptly
24 provide any comments and recommendations regarding such report in
25 writing to the department. Such comments and recommendations shall
26 be advisory only and shall not be binding on the department, but
27 the department shall promptly provide a written response to such
1 comments or recommendations to the council.

2 (4) The department shall monitor and shall periodically,
3 as necessary, but no less than biennially, report to the
4 Governor, the Legislature, and the Medicaid Reform Council on
5 the implementation of rules and regulations, medicaid state plan
6 amendments, and waivers adopted under the Medical Assistance Act
7 and the effect of such rules and regulations, amendments, or
8 waivers on eligible recipients of medical assistance and medical
9 assistance expenditures.

10 Sec. 15. Section 68-949, Revised Statutes Supplement,
11 2007, is amended to read:

12 68-949 (1) It is the intent of the Legislature that the
13 department implement reforms to the medical assistance program
14 such as those contained in the Medicaid Reform Plan, including (a)
15 an incremental expansion of home and community-based services for
16 aged persons and persons with disabilities consistent with such
17 plan, (b) an increase in care coordination or disease management
18 initiatives to better manage medical assistance expenditures
19 on behalf of high-cost recipients with multiple or chronic
20 medical conditions, and (c) other reforms as deemed necessary and
21 appropriate by the department, in consultation with the committee
22 and the Medicaid Reform Council.

23 (2)(a) The department shall develop recommendations
24 ~~relating to the provision of health care and related services~~
25 ~~for medicaid eligible children under the state children's health~~
26 ~~insurance program as allowed under Title XIX and Title XXI of the~~
27 ~~federal Social Security Act. Such study and recommendations shall~~
1 ~~include, but not be limited to, the organization and administration~~
2 ~~of such program, the establishment of premiums, copayments, and~~
3 ~~deductibles under such program, and the establishment of limits on~~
4 ~~the amount, scope, and duration of services offered to recipients~~
5 ~~under such program.~~ based on a comprehensive analysis of various
6 options available to the state under applicable federal law for
7 the provision of medical assistance to persons with disabilities
8 who are employed, including persons with a medically improved
9 disability, to enhance and replace current eligibility provisions
10 contained in subdivision (8) of section 68-915.

11 (b) The department shall provide a draft report of such
12 recommendations to the committee and the Medicaid Reform Council
13 no later than October 1, ~~2007-2008~~. The council shall conduct a
14 public meeting no later than October 15, ~~2007-2008~~, to discuss
15 and receive public comment regarding such report. The council shall
16 provide any comments and recommendations regarding such report in
17 writing to the department and the committee no later than November
18 1, ~~2007-2008~~. The department shall provide a final report of such
19 recommendations to the Governor, the committee, and the council no
20 later than December 1, ~~2007-2008~~.

21 (3)(a) The department shall develop recommendations
22 for further modification or replacement of the defined benefit
23 structure of the medical assistance program. Such recommendations
24 shall be consistent with the public policy in section 68-905 and
25 shall consider the needs and resources of low-income Nebraska
26 residents who are eligible or may become eligible for medical
27 assistance, the experience and outcomes of other states that have
1 developed and implemented such changes, and other relevant factors
2 as determined by the department.

3 (b) The department shall provide a draft report of such
4 recommendations to the committee and the Medicaid Reform Council
5 no later than October 1, 2008. The council shall conduct a public
6 meeting no later than October 15, 2008, to discuss and receive
7 public comment regarding such report. The council shall provide any
8 comments and recommendations regarding such report in writing to
9 the department and the committee no later than November 1, 2008.
10 The department shall provide a final report of such recommendations
11 to the Governor, the committee, and the council no later than
12 December 1, 2008.

13 Sec. 27. Section 71-5830.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-5830.01 Notwithstanding any other provisions of the
16 Nebraska Health Care Certificate of Need Act, a certificate of need
17 is not required for:

- 18 (1) A change in classification between an intermediate
 19 care facility, a nursing facility, or a skilled nursing facility;
- 20 (2) A project of a county in which is located a city of
 21 the metropolitan class for which a bond issue has been approved by
 22 the electorate of such county on or after January 1, 1994; and
- 23 (3) A project of a federally recognized Indian tribe
 24 to be located on tribal lands within the exterior boundaries of
 25 the State of Nebraska where (a) a determination has been made by
 26 the tribe's governing body that the cultural needs of the tribe's
 27 members cannot be adequately met by existing facilities if such
 1 project has been approved by the tribe's governing body and (b)
 2 the tribe has a self-determination agreement in place with the
 3 Indian Health Service of the United States Department of Health and
 4 Human Services so that payment for enrolled members of a federally
 5 recognized Indian tribe who are served at such facility will be
 6 made with one hundred percent federal reimbursement.
- 7 2. Correct the operative date and repealer sections so
 8 that:
- 9 a. Sections 3 and 9 added by this amendment become
 10 operative on December 1, 2008;
- 11 b. Section 13 added by this amendment becomes operative
 12 on July 1, 2008;
- 13 c. Sections 14 and 15 added by this amendment become
 14 operative three calendar months after the adjournment of this
 15 legislative session; and
- 16 d. Section 27 added by this amendment becomes operative
 17 on its effective date with the emergency clause.
- 18 3. Renumber the remaining sections and correct internal
 19 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 1116. The Kopplin amendment, AM2645, found on page 1288 and considered in this day's Journal, to the committee amendment, was renewed.

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

The Kopplin amendment lost with 8 ayes, 25 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kopplin renewed his amendment, AM2647, found on page 1289, to the committee amendment.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kopplin amendment lost with 2 ayes, 23 nays, 23 present and not voting, and 1 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 377. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

PURPOSE: To examine issues relating to the Department of Natural Resources. The study shall include a review of the structure and responsibilities of the department. The study shall also consider the authorities and qualifications of the Director of Natural Resources and other staff and explore the processes by which decisions that affect the state's water and other natural resources are made. The study shall identify funding and resource needs consistent with the responsibilities and mission of the department.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 151. Placed on Final Reading.

LEGISLATIVE BILL 724. Placed on Final Reading.

LEGISLATIVE BILL 726. Placed on Final Reading.

ST9091

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

1. On page 4, line 6, an underscored comma has been inserted after "act".

LEGISLATIVE BILL 726A.	Placed on Final Reading.
LEGISLATIVE BILL 728.	Placed on Final Reading.
LEGISLATIVE BILL 754.	Placed on Final Reading.
LEGISLATIVE BILL 775.	Placed on Final Reading.
LEGISLATIVE BILL 805.	Placed on Final Reading.
LEGISLATIVE BILL 850.	Placed on Final Reading.
LEGISLATIVE BILL 865.	Placed on Final Reading.
LEGISLATIVE BILL 893.	Placed on Final Reading.
LEGISLATIVE BILL 947.	Placed on Final Reading.
LEGISLATIVE BILL 1004.	Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1116. Senator Kopplin renewed his amendment, AM2646, found on page 1289, to the committee amendment.

Senator Kopplin withdrew his amendment.

Senator Kopplin offered the following amendment to the committee amendment:

AM2678

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 13, strike lines 19 through 21 and insert
- 2 "(23) It is the intent of the Legislature that the State
- 3 Treasurer shall transfer one million dollars from the Cash Reserve
- 4 Fund to the Nebraska State Fair Relocation Cash Fund on August 1,
- 5 2008, and two million dollars from the Cash Reserve Fund to the
- 6 Nebraska State Fair Relocation Cash Fund on August 1 of each of the
- 7 following years: 2009 and 2010.".

Senator Fulton moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Kopplin amendment lost with 4 ayes, 18 nays, 24 present and not voting, and 3 excused and not voting.

Senator Kopplin offered the following amendment to the committee amendment:

AM2677

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 2, line 15, strike "2010" and insert "2013".
- 2 2. On page 7, line 26, strike "or before December 31,
- 3 2009" and insert "December 31, 2012".
- 4 3. On page 8, strike beginning with the period in line 18
- 5 through "Regents" in line 24.

Senator Langemeier 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 Kopplin moved for a call of the house. The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Senator Kopplin requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Dierks	Heidemann	Kopplin	Pedersen	Wallman
Fischer	Howard	Nelson	Pirsch	White
Hansen	Karpisek	Pankonin	Stuthman	

Voting in the negative, 31:

Adams	Dubas	Hudkins	McDonald	Schimek
Aguilar	Engel	Janssen	McGill	Synowiecki
Avery	Erdman	Johnson	Nantkes	Wightman
Burling	Flood	Langemeier	Pahls	
Carlson	Friend	Lathrop	Preister	
Christensen	Fulton	Lautenbaugh	Raikes	
Cornett	Gay	Louden	Rogert	

Present and not voting, 1:

Kruse

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Ashford Harms

The Kopplin amendment lost with 14 ayes, 31 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Committee AM2629, found on page 1210 and considered in this day's Journal, was renewed.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The committee amendment was adopted with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 3 nays, and 2 excused and not voting.

LEGISLATIVE BILL 1116A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 378. Introduced by Erdman, 47.

WHEREAS, Ray and Wanda (Geri) Satchell were married on September 10, 1948, in Bridgeport, Nebraska; and

WHEREAS, Ray and Geri Satchell will celebrate their sixtieth wedding anniversary on September 10, 2008; six children were born to this union. They have been blessed with thirteen grandchildren and seventeen great-grandchildren; and

WHEREAS, Ray was born and raised on the family homestead in Morrill County near Dalton, Nebraska. Ray and Geri have resided on the homestead since their marriage in 1948. Together they survived the Blizzard of '48 and other challenges through the years with hard work and determination. They have been and are still active volunteers in the community.

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

1. That Ray and Wanda (Geri) Satchell be congratulated on their sixtieth wedding anniversary.

2. That a copy of this resolution be sent to Ray and Wanda (Geri) Satchell.

Laid over.

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB1016:
AM2583

(Amendments to Standing Committee amendments, AM2322)

- 1 1. On page 6, line 9, strike "subject to the penalties
- 2 for perjury" and insert "guilty of a Class III misdemeanor".

Senator Heidemann filed the following amendment to LB609A:
AM2681

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. The following section is outright repealed:
- 4 Legislative Bill 959, One Hundredth Legislature, Second Session,
- 5 2008, section 15.
- 6 Sec. 2. Since an emergency exists, this act takes effect
- 7 when passed and approved according to law.
- 8 2. On page 1, strike beginning with "appropriate" in line
- 9 1 through line 3 and insert "outright repeal Legislative Bill 959,
- 10 One Hundredth Legislature, Second Session, 2008, section 15; and to
- 11 declare an emergency."

VISITORS

Visitors to the Chamber were Shane Messersmith, John Haag, Jerda Garey, and Kayla Messinger from McCook; 11 FFA students and teacher from Hyannis; 12 FFA students from Grand Island; 50 fourth-grade students and teachers from Ackerman Elementary, Omaha; 40 fifth-grade students from Prairie Land Elementary, Omaha; 42 third-grade students from Hawthorne Elementary, Lincoln; and 50 fourth-grade students and teachers from Ackerman Elementary, Omaha.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 2:30 p.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Monday, April 7, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

