

FORTIETH DAY - MARCH 12, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 12, 2008

PRAYER

The prayer was offered by Pastor Dale Marples, Jubilee Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senator Adams who was excused; and Senators Cornett, Dierks, Dubas, Friend, Heidemann, Hudkins, and Nantkes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

GENERAL FILE

LEGISLATIVE BILL 878. Senator Engel offered the following motion:
MO142

Unanimous consent to bracket until April 1, 2008.

Senator Chambers objected.

Senator Engel offered the following motion:

MO143

Bracket until April 1, 2008.

The Engel motion to bracket prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1001. Title read. Considered.

Committee AM2001, found on page 681, was considered.

Senator White renewed his amendment, AM2244, found on page 867, to the

committee amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 275. Introduced by Flood, 19; Engel, 17.

PURPOSE: The purpose of this resolution is to study the process of creating legislative task forces, committees, and commissions. In recent years, there has been a proliferation of legislative task forces, committees, and commissions placed in statute. Several issues have been raised regarding composition, function, and constitutionality of some of these entities as an extension of the legislative branch of government.

This study shall examine the advantages and disadvantages of creating task forces, committees, and commissions by legislation rather than by legislative resolution. The entities to be studied shall include task forces, committees, and commissions that have legislative members serving on them and task forces, committees, and commissions which serve a legislative role or function. The study shall examine, but not be limited to, the following:

1. The role of legislative task forces, committees, and commissions;
2. Unconstitutional delegation of legislative authority;
3. The relationship between task forces, committees, and commissions to standing committee subject matter jurisdiction; and
4. Separation of powers concerns in terms of duties, membership, staffing, and funding.

This study shall also examine drafting requirements needed to make a legislative task force, committee, or commission operate effectively, including, but not limited to, the following:

1. Funding, including identification of necessary costs, the approval process for spending funds, and determination as to whether a specific appropriation is required, even if only for travel expenses;
2. The appointment process, including whether non-legislators should be included, identification of appropriate appointing authority, effective dates, reporting requirements, and study of gender and regional balance;
3. Leadership and staffing, including the identification of the appropriate chairperson and how the chairperson will be selected, who will call the first meeting, and how staffing decisions will be determined; and
4. Final report requirements and the duration of a task force, committee, or commission.

This study shall also address how the Legislature would implement the findings of this study, including drafting recommended rule changes if determined necessary.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board 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.

AMENDMENT - Print in Journal

Senator Friend filed the following amendment to LB1072:
AM2275

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 66-1852, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 66-1852 (1) Except as otherwise expressly authorized in
- 5 the State Natural Gas Regulation Act, no person, public or private,
- 6 shall extend duplicative or redundant natural gas mains or other
- 7 natural gas services into any area which has existing natural gas
- 8 utility infrastructure or where a contract has been entered into
- 9 for the placement of natural gas utility infrastructure.
- 10 (2) The prohibition in subsection (1) of this section
- 11 shall not apply in any area in which two or more jurisdictional
- 12 utilities share authority to provide natural gas within the same
- 13 territory under franchises issued by the same city.
- 14 (3) The prohibition in subsection (1) of this section
- 15 shall not apply to the extension by a jurisdictional utility of
- 16 a transmission line connecting to distribution facilities owned or
- 17 operated by a jurisdictional utility, a city, or a metropolitan
- 18 utilities district.
- 19 (4)(a) The prohibition in subsection (1) of this section
- 20 shall not apply to the extension by a metropolitan utilities
- 21 district of a transmission line connecting to distribution
- 22 facilities owned or operated by such metropolitan utilities
- 23 district.
- 1 (b) The extension by a metropolitan utilities district
- 2 of a transmission line connecting to distribution facilities owned
- 3 or operated by such metropolitan utilities district shall not
- 4 constitute an enlargement or expansion of its natural gas service
- 5 area and shall not be considered part of its natural gas service
- 6 area.
- 7 (c) The extension of a transmission line by a
- 8 jurisdictional utility as provided in subsection (3) of this
- 9 section shall not constitute an enlargement or expansion of the
- 10 jurisdictional utility's natural gas service area and shall not be
- 11 considered part of its natural gas service area if the transmission
- 12 line makes its connection to distribution facilities in a county in
- 13 which the natural gas service area or a portion of the natural gas
- 14 service area of a metropolitan utilities district is located.
- 15 (5) The prohibition in subsection (1) of this section
- 16 shall not apply to the extension by a city that owns or operates a

17 natural gas utility of a transmission line that connects to its own
 18 distribution facilities.

19 (6) For purposes of this section, a transmission line
 20 means a pipeline, other than a gathering pipeline, distribution
 21 pipeline, or service line, that transports natural gas.

22 (7) Nothing in this section shall be construed to
 23 authorize a jurisdictional utility to extend a transmission line to
 24 a high-volume ratepayer with an existing source and adequate
 25 supply of natural gas that is located outside the area in
 26 which that jurisdictional utility has existing natural gas utility
 27 infrastructure.

1 2. Correct the repealer and renumber the remaining
 2 sections accordingly.

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Thursday, March 27, 2008 12:00 p.m.

McGinn, Bernard J. - Commission of Industrial Relations

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1001. The White amendment, AM2244, found on page 867 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

The White amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The committee amendment, AM2001, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1001A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 249. Placed on General File with amendment. AM2209 is available in the Bill Room.

LEGISLATIVE BILL 959. Placed on General File with amendment. AM2145 is available in the Bill Room.

LEGISLATIVE BILL 960. Placed on General File with amendment. AM2138

1 1. Purpose: To change the appropriation for FY2008-09 to
 2 reflect full funding of the increased health insurance premium cost
 3 of the Director of Policy Research in making the Energy Office a
 4 separate agency, Agency 71, Nebraska Energy Office.

5 Amendment:

6 1. On page 7, line 19, strike "2,112" and insert "2,195";
 7 and in line 20 strike "2,112" and insert "2,195".

8 2. Purpose: To transfer an appropriation from Agency 7 -
 9 Governor, Program 106 - Energy Office Administration, and Program
 10 107 - School Weatherization, to Agency 71 - Nebraska Energy Office,
 11 Program 106 - Energy Office Administration, and Program 107 -
 12 School Weatherization.

13 Amendment:

14 1. On page 8, line 6, strike "9,378" and insert "-0-"; in
 15 line 7 strike "12,620" and insert "-0-"; in line 8 strike "21,998"
 16 and insert "-0-"; in line 9 strike "14,516" and insert "-0-"; in
 17 line 13 strike "749" and insert "-0-"; in line 14 strike "749" and
 18 insert "-0-"; and in line 15 strike "489" and insert "-0-".

19 3. Purpose: To provide for an appropriation transferred
 20 to Agency 71 - Nebraska Energy Office, Program 106 - Energy Office
 21 Administration, and Program 107 - School Weatherization, from
 22 Agency 7 - Governor, Program 106 - Energy Office Administration,
 23 and Program 107 - School Weatherization.

1 Amendment:

2 1. Insert the following new sections:

3 Sec. 140. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE
 4 Program No. 106 - Energy Office Administration

	<u>FY2007-08</u>	<u>FY2008-09</u>
5 <u>CASH FUND</u>	<u>-0-</u>	<u>9,378</u>
6 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>12,620</u>
7 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>21,998</u>
8 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>14,516</u>

10 Sec. 141. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE
 11 Program No. 107 - School Weatherization

	<u>FY2007-08</u>	<u>FY2008-09</u>
12 <u>CASH FUND</u>	<u>-0-</u>	<u>749</u>
13 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>749</u>
14 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>489</u>

16 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 961. Placed on General File with amendment. AM2139 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 249A. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, section 49; to change appropriations to aid in carrying out the provisions of Legislative Bill 249, One Hundredth Legislature, Second Session, 2008; to repeal the original section; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 853. Placed on Select File with amendment. ER8184

- 1 1. On page 1, strike beginning with "44-349" in line 1
- 2 through line 13 and insert "44-1101, 44-1103, 44-1105, 44-1106,
- 3 44-1107, 44-1108, 44-1109, 44-1110, 44-1111, 44-1112, 44-1113,
- 4 44-1114, and 44-1115, Reissue Revised Statutes of Nebraska, and
- 5 sections 44-1102 and 44-1104, Revised Statutes Supplement, 2007; to
- 6 change provisions relating to the Viatical Settlements Act; and to
- 7 repeal the original sections."
- 8 2. On page 2, strike lines 1 through 8.
- 9 3. On page 6, lines 19 and 20, strike "13 and 16" and
- 10 insert "9 and 12".
- 11 4. On page 11, line 15; and page 16, line 1, strike "act"
- 12 and insert "Viatical Settlements Act".
- 13 5. On page 13, line 3, strike "purposes" and insert
- 14 "purpose".
- 15 6. On page 14, line 15, strike the semicolon and
- 16 reinstate the period.
- 17 7. On page 39, line 7, strike "(d)", show as stricken,
- 18 and insert "(e)".
- 19 8. On page 44, lines 14 and 15, strike "this act" and
- 20 insert "the Viatical Settlements Act".
- 21 9. On page 50, line 3, strike "Commissioners" and insert
- 22 "Commissioners'".

LEGISLATIVE BILL 1157A. Placed on Select File.

LEGISLATIVE BILL 1092. Placed on Select File with amendment.

ER8185

- 1 1. On page 1, strike beginning with "motor" in line
- 2 1 through line 6 and insert "school buses; to amend sections
- 3 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require
- 4 certain school buses to be equipped with lap-shoulder belts; to
- 5 require the use of certain belts and instruction on such use; to
- 6 state intent regarding liability;".

LEGISLATIVE BILL 777. Placed on Select File with amendment.

ER8186

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 7 and insert "section 77-1359, Revised Statutes
- 3 Cumulative Supplement, 2006; to redefine agricultural land and
- 4 horticultural land; to provide an operative date; and to repeal the
- 5 original section.".

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1094. Title read. Considered.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Committee AM2036, found on page 688, lost with 0 ayes, 28 nays, 19 present and not voting, and 2 excused and not voting.

Senator Carlson withdrew his amendment, AM1808, found on page 571.

Senator Carlson renewed his amendment, AM2234, found on page 843.

Senator Christensen renewed his amendment, FA198, found on page 892, to the Carlson amendment.

The Christensen amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

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

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

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 255, 256, 257, 258, 259, and 260 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 255, 256, 257, 258, 259, and 260.

GENERAL FILE

LEGISLATIVE BILL 1094A. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 1172. Placed on General File with amendment. AM2305

- 1 1. Strike original section 9.
- 2 2. On page 2, line 21, after "applicants" insert "up to".
- 3 3. On page 3, line 6, strike "Contract" and insert "Enter
- 4 into a contract with the department"; in line 7 after "services"
- 5 insert "as a food supply animal veterinarian in a food supply
- 6 animal veterinary practice or"; strike lines 13 through 18 and
- 7 insert
- 8 "(2) The department shall give preference for approving
- 9 communities for purposes of subdivision (1)(c) of this section
- 10 to communities located in areas designated by the department as
- 11 shortage areas for food supply animal veterinary medical services.
- 12 In designating such areas, the department may initially utilize
- 13 shortage areas as designated by the American Veterinary Medical
- 14 Association on the effective date of this act and may revise
- 15 designations as necessary and appropriate to achieve the purposes
- 16 of the program."; and in line 19 strike "Program" and insert "To
- 17 the extent that funds are available, program".
- 18 4. On page 4, line 9, before the comma insert "or if
- 19 sufficient funds are not available to provide the full dollar
- 20 amount of incentive in a year"; and strike lines 21 through 23 and
- 21 insert
- 22 "(2)(a) A veterinarian shall be released from further
- 23 performance of veterinary services under the program contract if
- 1 he or she is unable to perform his or her contractual obligations
- 2 to provide veterinary services due to the suspension or revocation

3 of his or her federal accreditation or denial, refusal of renewal,
 4 limitation, suspension, revocation, or other disciplinary measure
 5 taken against his or her license to practice in Nebraska pursuant
 6 to section 71-1,163 until December 1, 2008, and section 38-3324 on
 7 and after December 1, 2008.

8 (b) If a veterinarian is released from his or her
 9 contract pursuant to subdivision (a) of this subsection, the
 10 department may recover a portion of or all of the payments made
 11 to such veterinarian under section 5 of this act. The department
 12 shall remit any such funds to the State Treasurer for credit to the
 13 Food Supply Animal Veterinary Incentive Fund. The department may
 14 use appropriate remedies available to enforce this subdivision.".

15 5. On page 5, line 5, after the period insert "The fund
 16 may be used to carry out the purposes of the Food Supply Animal
 17 Veterinary Incentive Program Act. The State Treasurer shall credit
 18 to the fund any money appropriated to the fund by the Legislature
 19 and any money received as gifts or grants or other private or
 20 public funds received under the act.".

(Signed) Philip Erdman, Chairperson

AMENDMENT - Print in Journal

Senator Pankonin filed the following amendment to LB902:
 AM2179

- 1 1. Insert the following new sections:
- 2 Sec. 3. Sections 2 and 4 of this act become operative on
- 3 January 1, 2009. The other sections of this act become operative on
- 4 their effective date.
- 5 Sec. 4. Original section 28-410, Revised Statutes
- 6 Cumulative Supplement, 2006, is repealed.
- 7 2. On page 31, strike beginning with "section" in line 9
- 8 through "and" in line 10; and in line 11 strike "are" and insert
- 9 "is".
- 10 3. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 28 eighth-grade students, teacher, and sponsors from Southwest Middle School, Bartley; 21 twelfth-grade students and teacher from Bertrand; members of Junior Pork Producers from across the state; 66 fifth-grade students and teachers from Bell Field Elementary, Fremont; members of Nebraska Propane Gas Association from Lincoln; and Zak Hookstra from Norfolk.

RECESS

At 11:56 a.m., on a motion by Senator Lautenbaugh, 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 Senator Adams who was excused; and Senators Ashford, Dierks, Heidemann, Lathrop, Lautenbaugh, Loudon, Raikes, and White who were excused until they arrive.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1022. Placed on General File with amendment. AM2085

- 1 1. Strike sections 16 and 18 and insert the following new
 2 sections:
 3 Sec. 16. To enable the establishment of veterinary drug
 4 distribution in this state, the department may issue a provisional
 5 license on or before July 1, 2009, to any applicant who meets the
 6 following conditions:
 7 (1) The applicant has not been found to have committed
 8 any of the acts or offenses described in section 18 of this act;
 9 (2) The applicant has established written policies and
 10 procedures as required by section 15 of this act; and
 11 (3) The applicant has paid a fee of five hundred dollars.
 12 Sec. 18. (1) A veterinary drug distributor license may
 13 be denied, refused renewal, suspended, limited, or revoked by the
 14 Director of Public Health if he or she finds that the applicant
 15 or licensee; the designated representative; the owner if a sole
 16 proprietorship; or any person having an interest in the applicant
 17 or licensee of more than ten percent has been found to have
 18 committed any of the following acts or offenses:
 19 (a) Violation of the Veterinary Drug Distribution
 20 Licensing Act or the rules and regulations adopted and promulgated
 21 under the act;
 22 (b) Conviction of a misdemeanor or felony under state
 23 law, federal law, or the law of another jurisdiction which, if
 1 committed within this state, would have constituted a misdemeanor
 2 or felony under state law and which has a rational connection with
 3 the person's capacity to distribute veterinary legend drugs;
 4 (c) Unprofessional conduct under the Uniform
 5 Credentialing Act;
 6 (d) Active addiction as defined in section 38-106;
 7 (e) Permitting, aiding, or abetting veterinary drug
 8 distribution or the performance of activities requiring a license
 9 under the Veterinary Drug Distribution Licensing Act by a person

10 not licensed under the Veterinary Drug Distribution Licensing Act;

11 (f) Having had his or her credential denied, refused
 12 renewal, limited, suspended, or revoked or having had such
 13 credential disciplined in any other manner by another jurisdiction
 14 relating to the performance of veterinary drug distribution;

15 (g) Performing veterinary drug distribution without a
 16 valid license or in contravention of any limitation placed upon the
 17 license; or

18 (h) Fraud, forgery, or misrepresentation of material
 19 facts in procuring or attempting to procure a license under the
 20 Veterinary Drug Distribution Licensing Act.

21 (2) The department shall issue or renew a license to any
 22 applicant that satisfies the requirements for licensure or license
 23 renewal under the Veterinary Drug Distribution Licensing Act.

24 2. On page 2, line 9, strike "13" and insert "12".

25 3. On page 4, line 19, after "Act" insert ", except
 26 that a veterinarian licensed under the Veterinary Medicine and
 27 Surgery Practice Act acting within the scope of practice of his
 1 or her profession shall not be required to be licensed under the
 2 Veterinary Drug Distribution Licensing Act.".

3 4. On page 6, line 9, strike "Distributor" and insert
 4 "Distribution".

5 5. On page 8, line 10, after the first comma insert "or".

6 6. On page 10, line 1, strike "Each" and insert "Except
 7 as otherwise provided in section 16 of this act, each".

8 7. On page 15, line 9, strike beginning with "and"
 9 through "notice".

LEGISLATIVE BILL 1173. Placed on General File with amendment.
 AM2194

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

3 Section 1. Section 38-101, Revised Statutes Supplement,
 4 2007, is amended to read:

5 38-101 Sections 38-101 to 38-1,139 and section 2 of this
 6 act and the following practice acts shall be known and may be cited
 7 as the Uniform Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice
 12 Act;

13 (5) The Certified Nurse Midwifery Practice Act;

14 (6) The Certified Registered Nurse Anesthetist Practice
 15 Act;

16 (7) The Chiropractic Practice Act;

17 (8) The Clinical Nurse Specialist Practice Act;

18 (9) The Cosmetology, Electrology, Esthetics, Nail
 19 Technology, and Body Art Practice Act;

- 20 (10) The Dentistry Practice Act;
 21 (11) The Emergency Medical Services Practice Act;
 22 (12) The Environmental Health Specialists Practice Act;
 23 (13) The Funeral Directing and Embalming Practice Act;
 1 (14) The Hearing Aid Instrument Dispensers and Fitters
 2 Practice Act;
 3 (15) The Licensed Practical Nurse-Certified Practice Act;
 4 (16) The Massage Therapy Practice Act;
 5 (17) The Medical Nutrition Therapy Practice Act;
 6 (18) The Medical Radiography Practice Act;
 7 (19) The Medicine and Surgery Practice Act;
 8 (20) The Mental Health Practice Act;
 9 (21) The Nurse Practice Act;
 10 (22) The Nurse Practitioner Practice Act;
 11 (23) The Nursing Home Administrator Practice Act;
 12 (24) The Occupational Therapy Practice Act;
 13 (25) The Optometry Practice Act;
 14 (26) The Perfusion Practice Act;
 15 (27) The Pharmacy Practice Act;
 16 (28) The Physical Therapy Practice Act;
 17 (29) The Podiatry Practice Act;
 18 (30) The Psychology Practice Act;
 19 (31) The Respiratory Care Practice Act;
 20 (32) The Veterinary Medicine and Surgery Practice Act;
 21 and
 22 (33) The Water Well Standards and Contractors' Practice
 23 Act.

24 If there is any conflict between any provision of
 25 sections 38-101 to 38-1,139 and any provision of a practice
 26 act, the provision of the practice act shall prevail.

27 The Revisor of Statutes shall assign the Uniform
 1 Credentialing Act, including the practice acts enumerated in
 2 subdivisions (1) through (32) of this section, to consecutive
 3 articles within Chapter 38.

4 Sec. 2. Any person who holds a valid credential in
 5 the State of Nebraska in a health care profession or occupation
 6 regulated under the Uniform Credentialing Act may consult with a
 7 licensed veterinarian employed by an accredited zoological park or
 8 garden or perform collaborative animal health care tasks on an
 9 animal under the care of such veterinarian if all such tasks are
 10 performed under the immediate supervision of such veterinarian.
 11 Engaging in such conduct is hereby authorized and shall not be
 12 considered a part of the credentialed person's scope of practice or
 13 a violation of the credentialed person's scope of practice.

14 Sec. 3. Section 38-3321, Revised Statutes Supplement,
 15 2007, is amended to read:

16 38-3321 No person may practice veterinary medicine and
 17 surgery in the state who is not a licensed veterinarian. The
 18 Veterinary Medicine and Surgery Practice Act shall not be construed

19 to prohibit:

20 (1) An employee of the federal, state, or local

21 government from performing his or her official duties;

22 (2) A person who is a student in a veterinary school from

23 performing duties or actions assigned by his or her instructors

24 or from working under the direct supervision of a licensed

25 veterinarian;

26 (3) A person who is a student in an approved veterinary

27 technician program from performing duties or actions assigned by

1 his or her instructors or from working under the direct supervision

2 of a licensed veterinarian or a licensed veterinary technician;

3 (4) Any merchant or manufacturer from selling feed or

4 feeds whether medicated or nonmedicated;

5 (5) A veterinarian regularly licensed in another state

6 from consulting with a licensed veterinarian in this state;

7 (6) Any merchant or manufacturer from selling from his or

8 her established place of business medicines, appliances, or other

9 products used in the prevention or treatment of animal diseases

10 or any merchant or manufacturer's representative from conducting

11 educational meetings to explain the use of his or her products or

12 from investigating and advising on problems developing from the use

13 of his or her products;

14 (7) An owner of livestock or a bona fide farm or ranch

15 employee from performing any act of vaccination, surgery, pregnancy

16 testing, or the administration of drugs in the treatment of

17 domestic animals under his or her custody or ownership nor the

18 exchange of services between persons or bona fide employees who are

19 principally farm or ranch operators or employees in the performance

20 of these acts;

21 (8) A member of the faculty of a veterinary school

22 or veterinary science department from performing his or her

23 regular functions, or a person lecturing or giving instructions

24 or demonstrations at a veterinary school or veterinary science

25 department or in connection with a continuing competency activity;

26 (9) Any person from selling or applying any pesticide,

27 insecticide, or herbicide;

1 (10) Any person from engaging in bona fide scientific

2 research which reasonably requires experimentation involving

3 animals;

4 (11) Any person from treating or in any manner caring for

5 domestic chickens, turkeys, or waterfowl, which are specifically

6 exempted from the Veterinary Medicine and Surgery Practice Act; ~~or~~

7 (12) Any person from performing dehorning or castrating

8 livestock, not to include equidae. For purposes of the Veterinary

9 Medicine and Surgery Practice Act, castration shall be limited to

10 the removal or destruction of male testes; ~~or-~~

11 (13) Any person who holds a valid credential in the State

12 of Nebraska in a health care profession or occupation regulated

13 under the Uniform Credentialing Act from consulting with a licensed

14 veterinarian employed by an accredited zoological park or garden
 15 or performing collaborative animal health care tasks on an animal
 16 under the care of such veterinarian if all such tasks are performed
 17 under the immediate supervision of such veterinarian.

18 Sec. 4. This act becomes operative on December 1, 2008.

19 Sec. 5. Original sections 38-101 and 38-3321, Revised
 20 Statutes Supplement, 2007, are repealed.

(Signed) Joel Johnson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 606. Placed on Final Reading.

LEGISLATIVE BILL 606A. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

ST9072

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

1. In the Cornett amendment, AM2009, on page 1, line 2, "the second" has been inserted after "strike".

2. In the Standing Committee amendments, AM1865, on page 1, line 20, "are" has been struck and "is" inserted.

3. On page 1, line 2, "and" has been struck; and in line 3 "; and to provide an operative date" has been inserted after "penalty".

LEGISLATIVE BILL 797. Placed on Final Reading.

ST9070

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

1. In the Johnson amendment, AM2143, section 2 has been renumbered as section 5.

2. In the Johnson-Stuthman amendment, AM2133:

a. Section 34 has been struck; and

b. Sections 12 and 36 have been renumbered as sections 13 and 34, respectively.

3. Original sections 16 and 17 and all amendments thereto have been struck and the following new sections inserted:

Sec. 31. Sections 12, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, and 35 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 32. Original sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, 71-4604, 71-4623, and 71-4631, Reissue Revised Statutes of Nebraska, sections 60-107, 60-1401.02, 71-409, 71-4604.01, and 71-4608, Revised Statutes Cumulative Supplement, 2006, and section 68-906, Revised Statutes Supplement, 2007, are repealed.

4. On page 1, line 2, "71-1901" has been struck and "60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-1901, 71-4603, 71-4604, 71-4623, 71-4631" inserted; in line 3 "60-107, 60-1401.02, 71-409, 71-4604.01, 71-4608," has been inserted after "sections"; in line 5 "68-1017," has been struck; in line 7 "to redefine terms;" has been inserted after the semicolon; and in line 8 "to change provisions relating to the Nebraska Uniform Standards for Modular Housing Units Act, the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, and the Uniform Standard Code for Mobile Home Parks; to provide for civil penalties and administrative fines;" has been inserted after the semicolon.

5. On page 2, line 5, "71-4628," has been inserted after the first comma.

LEGISLATIVE BILL 822. Placed on Final Reading.

LEGISLATIVE BILL 912. Placed on Final Reading.

LEGISLATIVE BILL 1014. Placed on Final Reading.

ST9073

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

1. In the Ashford amendment, FA197, on page 1, line 1, "on page 1" has been inserted after "4"; and in line 2 the period has been struck and an underscored comma inserted.

2. In the Synowiecki amendment, AM2212, section 24 has been renumbered as section 18.

3. In the McGill amendment, AM2231:

a. Sections 24 and 32 have been renumbered as sections 17 and 36, respectively; and

b. On page 2, line 23, "24" has been struck and "17" inserted.

4. In the Ashford amendment, AM2107:

a. Sections 24 to 33 have been renumbered as sections 19 to 28, respectively;

b. On page 1, line 2, "24 to 32" has been struck and "19 to 27" inserted; and in lines 21 and 22 "are" has been struck;

c. On page 3, line 21 "commission" has been struck and "Commission on Public Advocacy" inserted; and in line 25 an underscored comma has been inserted after the first "commission"; and

d. On page 4, line 3, "commission" has been struck and "Commission on Public Advocacy" inserted; and in line 13 "31" has been struck and "26" inserted.

5. In the Ashford amendment, AM2175, sections 38 and 74 have been renumbered as sections 43 and 77 respectively.

6. The Ashford amendment, AM2196, has been incorporated into the Standing Committee amendments, AM2006; and in AM2196, on page 1, line 7, an underscored comma has been inserted after "cases".

7. In the E & R amendments, ER8172:

a. On page 2, lines 14 through 19 have been struck;

b. On page 3, line 1, "24-809.04," has been struck; in line 2 "24-1205," has been struck and "42-925," has been inserted after "42-357,."; in line 5 "24-1204, 24-1206," has been struck; in line 6 "29-2246, 29-3927," has been

inserted after "25-2740,"; in line 8 "24-301.02, 24-503," has been struck; in line 9 "43-2,119" has been struck and "43-512.15" inserted; in lines 12 and 13 "judgeships, judicial vacancies," has been struck; in lines 14 and 15 "the Judicial Resources Commission" has been struck and "protection orders" inserted; and in line 24 "state intent" has been struck and "require notice of federal law in domestic violence cases; to adopt the Legal Education for Public Service Loan Repayment Act" inserted.

8. In the Standing Committee amendments, AM2006:

a. Section 68 and all amendments thereto have been struck and the following new section inserted:

Sec. 74. Sections 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 48, 49, 50, 51, 52, 53, 76, and 80 of this act become operative on January 1, 2009. Sections 3, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 44, 45, 54, 67, 68, 69, 70, 79, and 82 of this act become operative three calendar months after the adjournment of this legislative session. Sections 43 and 77 of this act become operative on July 1, 2008. The other sections of this act become operative on their effective date.;

b. On page 49, line 4, "35" has been struck and "41" inserted; and in line 19 "or 43-261" has been struck;

c. On page 50, lines 12 and 13, "32 and 35" has been struck and "38 and 41" inserted;

d. On page 99, line 3, "22" has been struck and "15" inserted; in line 4 "35" and all amendments thereto have been struck and "33" inserted; in lines 5 and 7 "41" has been struck and "47" inserted; in line 7 "65" has been struck and "71" inserted; in line 8 "66" has been struck and "72" inserted; in line 21 "24-809.04," has been struck; in line 22 "24-1205," has been struck; in line 23 "and" has been inserted after the last comma; in line 24 "24-1204, 24-1206," has been struck; and the matter beginning with "and" in line 25 through line 26 has been struck; and

e. On page 100, line 6, "42-925," has been inserted after the last comma; and in line 8 "29-2246, 29-3927," has been inserted after the third comma.

LEGISLATIVE BILL 1096. Placed on Final Reading.
ST9071

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

1. On page 1, line 6, "to adopt the Volunteer Emergency Responders Job Protection Act;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 765. Title read. Considered.

Committee AM1755, found on page 515, was considered.

SENATOR ERDMAN PRESIDING

SENATOR LANGEMEIER PRESIDING**SENATOR FISCHER PRESIDING****SENATOR LANGEMEIER PRESIDING**

The committee amendment was adopted with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 3 nays, 14 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276. Introduced by Pirsch, 4.

PURPOSE: To examine the standards and oversight of death investigations in Nebraska.

The duty of a coroner is to determine cause of death, decide whether a death involved foul play, and determine whether the circumstances of a death require an autopsy.

Since 1917, Nebraska has utilized its county attorneys to serve as coroners. Nebraska remains the only state in the nation using county attorneys as coroners.

Nebraska's county attorneys are not required by law to obtain training in the performance of coroner responsibilities.

The issues addressed by this interim study shall include, but are not limited to:

- (1) Present-day autopsy rates in Nebraska;
- (2) Existing levels of coroner training;
- (3) Apparent quality of death investigations;
- (4) Existing state standards and oversight;
- (5) County rates of solved and unsolved death cases;
- (6) Current variance and effectiveness of death investigations in Nebraska's ninety-three counties;
- (7) Death investigation practices utilized in other states;
- (8) Identifying qualified physicians willing to assist with death investigations;
- (9) Proposed policies to improve Nebraska's medical examiner system; and
- (10) Other related matters.

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

1. That the Judiciary 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.

LEGISLATIVE RESOLUTION 277. Introduced by Fulton, 29.

WHEREAS, Lincoln Southeast High School student Justin Tolston won the Poetry Out Loud: National Recitation Contest state championship on March 8, 2008; and

WHEREAS, students representing eighteen high schools spanning the breadth of Nebraska exhibited great academic rigor in competing in Poetry Out Loud; and

WHEREAS, Mr. Tolston exhibited tremendous competence in the arts through his recitation of "Writ on the Steps of Puerto Rican Harlem" by Gregory Corso, "A Black Man Talks of Reaping" by Arna Bontemps, and "Annabel Lee" by Edgar Allen Poe; and

WHEREAS, by virtue of his outstanding performance, Mr. Tolston will compete in the Poetry Out Loud national championship to be held April 28 and April 29, 2008, in Washington, D.C.; and

WHEREAS, the State of Nebraska recognizes the efforts of the Nebraska Arts Council and encourages the advancement of the Poetry Out Loud: National Recitation Contest.

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

1. That the Legislature congratulates Justin Tolston on his achievement and bestows its encouragement to him in his future endeavors.

2. That a copy of this resolution be delivered to Justin Tolston and Lincoln Southeast High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 889. Title read. Considered.

Committee AM2043, found on page 707, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 958. Title read. Considered.

Committee AM1964, found on page 649, lost with 0 ayes, 31 nays, 16 present and not voting, and 2 excused and not voting.

Senator Ashford renewed his amendment, AM2235, found on page 863.

Senator Erdman offered the following amendment to the Ashford

amendment:

FA205

Amend AM2235

Strike the new language on page 2 lines 1-8 and insert:

issue a written report to the Legislature with its findings. The commission shall issue the written report to the Legislature no later than January 1, 2009, and an updated written report every two years thereafter.

The Erdman amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The Ashford amendment, as amended, was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

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

Senator Ashford requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Chambers	Friend	Langemeier	Preister
Ashford	Christensen	Fulton	Lathrop	Raikes
Avery	Engel	Howard	McGill	Schimek
Burling	Erdman	Johnson	Nantkes	Synowiecki
Carlson	Flood	Kruse	Nelson	Wightman

Voting in the negative, 13:

Dierks	Hansen	Kopplin	Pahls	Wallman
Dubas	Hudkins	Lautenbaugh	Pirsch	
Fischer	Karpisek	Louden	Stuthman	

Present and not voting, 3:

Harms	Rogert	White
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Absent and not voting, 2:

Cornett	Pedersen
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Excused and not voting, 6:

Adams	Heidemann	McDonald
Gay	Janssen	Pankonin

Advanced to Enrollment and Review Initial with 25 ayes, 13 nays, 3 present and not voting, 2 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB280A:
AM2300

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Any sustained disciplinary action which
4 involves a specific act, event, occurrence, agency policy, rule,
5 or state law pertaining to physical or sexual abuse by: A town
6 marshal; a chief of police or a local police officer; a sheriff or
7 a deputy sheriff; a deputy state sheriff; a special deputy sheriff;
8 the Superintendent of Law Enforcement and Public Safety; an officer
9 of the Nebraska State Patrol; a carrier enforcement officer; a game
10 and Parks Commission conservation officer; or any other person with
11 similar authority to make arrests under authority granted by this
12 state or by any of its political subdivisions, shall be considered
13 a public record.

14 Sec. 2. Section 79-8,109, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-8,109 (1) Any teacher, administrator, or full-time
17 employee of any public school district shall, upon his or her
18 request, have access to his or her personnel file maintained by the
19 district and shall have the right to attach a written response to
20 any item in such file. Such teacher, administrator, or employee may
21 in writing authorize any other person to have access to such file,
22 which authorization shall be honored by the district. Such access
23 and right to attach a written response shall not be granted with
1 respect to any letters of recommendation solicited by the employer
2 which appear in the personnel file.

3 (2) ~~Except as set forth in this subsection, no~~
4 other person except school officials while engaged in their
5 professional duties shall be granted access to ~~such a teacher's,~~
6 administrator's, or full-time employee's personnel file, and the
7 contents thereof shall not be divulged in any manner to any
8 unauthorized person. This subsection shall not apply to specific
9 documents in the personnel file which record disciplinary action
10 taken by the employing district's administration involving a
11 teacher, administrator, or full-time employee which involves any
12 specific event, occurrence, or act which was deemed to be in
13 violation of or contrary to school district policy, rule, or state
14 law.

15 Sec. 3. Original section 79-8,109, Reissue Revised
16 Statutes of Nebraska, is repealed.

Senator Kopplin filed the following amendment to LB880:
AM2288

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Strike amendments 1 and 2 and insert the following new
2 amendments:
- 3 "1. Insert the following new sections:
- 4 Sec. 5. Section 2-3234, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:
- 6 2-3234 ~~Each~~ Except as provided in section 2 of this
7 act, each district shall have the power and authority to exercise
8 the power of eminent domain when necessary to carry out its
9 authorized purposes within the limits of the district or outside
10 its boundaries. Exercise of eminent domain shall be governed by the
11 provisions of sections 76-704 to 76-724, except that whenever any
12 district seeks to acquire the right to interfere with the use of
13 any water being used for power purposes in accordance with sections
14 46-204, 70-668, 70-669, and 70-672 and is unable to agree with
15 the user of such water upon the compensation to be paid for such
16 interference, the procedure to condemn property shall be followed
17 in the manner set forth in sections 76-704 to 76-724 and no other
18 property shall be included in such condemnation. No district shall
19 contract for delivery of water to persons within the corporate
20 limits of any village, city, or metropolitan utilities district,
21 nor in competition therewith outside such corporate limits, except
22 by consent of and written agreement with the governing body of such
1 political subdivision. A village, city, or metropolitan utilities
2 district may negotiate and, if necessary, exercise the power of
3 eminent domain for the acquisition of water supply facilities of
4 the district which are within its boundaries.
- 5 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:
- 7 2-3290.01 (1) A district shall permit public use of
8 those portions of a water project located on lands owned by
9 the district and on land over which the district has a lease
10 or an easement permitting use thereof for public recreational
11 purposes. All recreational users of such portions of a water
12 project shall abide by the applicable rules and regulations adopted
13 and promulgated by the board.
- 14 (2) The district shall provide public access for
15 recreational use at designated access points at any water
16 project. Recreational users, whether public or private, shall
17 abide by all applicable rules and regulations for use of the
18 water project adopted and promulgated by the district or the
19 political subdivision in which the water project is located. Public
20 recreational users may only access the water project through such
21 designated access points. Nothing in this subsection shall require
22 public access when the portion of the project cost paid by the
23 natural resources district with public funds does not exceed twenty
24 percent of the total cost of the project.
- 25 (3) For purposes of this section water project means
26 a project with cooperators or others, as authorized in section
27 2-3235, that results in construction of a reservoir or other body

1 of water having a permanent pool suitable for recreational purposes
 2 greater than one hundred fifty surface acres, the construction
 3 of which commenced after July 14, 2006. Water project shall
 4 not mean soil conservation projects, wetlands projects, projects
 5 described in section 2 of this act, or other district projects with
 6 cooperators or others that do not have a recreational purpose.

7 (4) For projects funded under section 2 of this act that
 8 result in a reservoir or other body of water having a permanent
 9 pool suitable for recreational purposes greater than twenty surface
 10 acres, the district shall provide public access for recreational
 11 use at designated access points and shall include access to the
 12 land area a minimum of one hundred feet above the permanent pool.
 13 Recreational users, whether public or private, shall abide by all
 14 applicable rules, regulations, ordinances, or resolutions for use
 15 of the project adopted by the district or the political subdivision
 16 in which the project is located. Public recreational users may only
 17 access the project through such designated access points.

18 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised
 19 Statutes Cumulative Supplement, 2006, are repealed.

20 2. On page 2, line 10, before "The" insert "(1)"; and in
 21 line 15 after the period insert: "For purposes of this section,
 22 flood control and water quality projects and practices include,
 23 but are not limited to, low-impact development best management
 24 measures, flood plain buyout, dams, reservoir basins, and levees.
 25 No such project shall include a reservoir or water quality basin
 26 having a permanent pool greater than four hundred surface acres.
 27 Any project having a permanent pool greater than twenty surface
 1 acres shall provide for public access.

2 (2)(a) Bond proceeds shall not be expended for projects
 3 and practices unless the political subdivision encompassing the
 4 project area has adopted into its comprehensive plan, zoning
 5 ordinances, or stormwater management policy a requirement that
 6 low-impact development measures and techniques are to be employed
 7 to control at a minimum the first one-half inch of rainwater runoff
 8 from any new development; and

9 (b) Bond proceeds shall not be expended for projects
 10 and practices that are prohibited under a political subdivision's
 11 comprehensive plan, zoning ordinances, or stormwater management
 12 policy.

13 (3) A district shall not acquire real property for a
 14 project described in subsection (1) of this section by eminent
 15 domain proceedings pursuant to sections 76-704 to 76-724 if the
 16 real property is to be conveyed to a private entity or private
 17 enterprise after such acquisition."

18 3. Renumber the remaining section accordingly."

BILL ON FIRST READING

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

LEGISLATIVE BILL 1048A. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1048, One Hundredth Legislature, Second Session, 2008.

VISITORS

Visitors to the Chamber were 51 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; Carrie Mae Jones, Dale Carter, Gil Penney, Ralph Monte, and Casey Petersen from Omaha; Terri Kuehneman; and 16 fourth-grade students, teacher, and sponsors from Omaha Christian Academy, Omaha.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 5:04 p.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

