

FORTY-FIFTH DAY - MARCH 18, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 2010

PRAYER

The prayer was offered by Pastor Frederick Joseph McCullough, St. John A.M.E. Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Carlson, Cornett, Gloor, Janssen, Loudon, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 17, 2010, 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

Kubie, Kent

International Business Machines Corporation (IBM)

O'Hara, Lindsay and Associates, Inc.

Nebraska Global Investment Company, LLC

Overcash, James A.

General Contractors, Associated (NE Building Chapter)

REPORTS

The following reports were received by the Legislature:

Coordinating Commission for Postsecondary Education

2010 Nebraska Higher Education Progress Report

Military Department

Nebraska Emergency Management/Homeland Security Program 2009
State Preparedness Report

SELECT FILE

LEGISLATIVE BILL 937A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 935. ER8202, found on page 947, was adopted.

Senator Heidemann renewed his amendment, AM2246, found on page 953.

The Heidemann amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced March 21 is Senator McGill's birthday.

SELECT FILE

LEGISLATIVE BILL 935. Considered.

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 317. ER8205, found on page 947, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1106. ER8206, found on page 947, was adopted.

Senator Nordquist offered the following amendment:

AM2261

(Amendments to E & R amendments, ER8206)

- 1 1. On page 4, line 7, after the underscored period
- 2 insert "Any federally qualified health center providing services
- 3 as a sponsoring facility of a school-based health center shall

- 4 be reimbursed for such services provided at a school-based health
 5 center at the federally qualified health center reimbursement
 6 rate."
- 7 2. On page 5, line 8, strike "school or school district
 8 hosting"; strike lines 9 and 10 and insert "school district shall
 9 establish a School Health Center Advisory Council for each school
 10 in the district hosting a school-based health center."; in line 19
 11 strike the last "the" and insert "a"; and in line 21 strike "or
 12 school district"; and in line 27 strike "The" through "Council" and
 13 insert "School Health Center Advisory Councils".
- 14 3. On page 6, line 1, strike "school or".

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

Senator Stuthman offered the following amendment:
 AM2247

(Amendments to E & R amendments, ER8206)

- 1 1. Insert the following new section:
 2 Sec. 6. Section 68-911, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 68-911 (1) Medical assistance shall include coverage for
 5 health care and related services as required under Title XIX of the
 6 federal Social Security Act, including, but not limited to:
 7 (a) Inpatient and outpatient hospital services;
 8 (b) Laboratory and X-ray services;
 9 (c) Nursing facility services;
 10 (d) Home health services;
 11 (e) Nursing services;
 12 (f) Clinic services;
 13 (g) Physician services;
 14 (h) Medical and surgical services of a dentist;
 15 (i) Nurse practitioner services;
 16 (j) Nurse midwife services;
 17 (k) Pregnancy-related services;
 18 (l) Medical supplies; and
 19 (m) Early and periodic screening and diagnosis and
 20 treatment services for children.
- 21 (2) In addition to coverage otherwise required under this
 22 section, medical assistance may include coverage for health care
 1 and related services as permitted but not required under Title XIX
 2 of the federal Social Security Act, including, but not limited to:
 3 (a) Prescribed drugs;
 4 (b) Intermediate care facilities for the mentally
 5 retarded;
 6 (c) Home and community-based services for aged persons
 7 and persons with disabilities;
 8 (d) Dental services;
 9 (e) Rehabilitation services;

10 (f) Personal care services;
 11 (g) Durable medical equipment;
 12 (h) Medical transportation services;
 13 (i) Vision-related services;
 14 (j) Speech therapy services;
 15 (k) Physical therapy services;
 16 (l) Chiropractic services;
 17 (m) Occupational therapy services;
 18 (n) Optometric services;
 19 (o) Podiatric services;
 20 (p) Hospice services;
 21 (q) Mental health and substance abuse services;
 22 (r) Hearing screening services for newborn and infant
 23 children; and

24 (s) Administrative expenses related to administrative
 25 activities, including outreach services, provided by school
 26 districts and educational service units to students who are
 27 eligible or potentially eligible for medical assistance.

1 (3) No later than July 1, 2009, the department
 2 shall submit a state plan amendment or waiver to the federal
 3 Centers for Medicare and Medicaid Services to provide coverage
 4 under the medical assistance program for community-based secure
 5 residential and subacute behavioral health services for all
 6 eligible recipients, without regard to whether the recipient has
 7 been ordered by a mental health board under the Nebraska Mental
 8 Health Commitment Act to receive such services.

9 (4) No later than July 1, 2010, the department shall
 10 submit a state plan amendment to the federal Centers for Medicare
 11 and Medicaid Services to provide for payment for services of
 12 federally qualified health centers, and shall actually pay
 13 federally qualified health centers, in an amount, calculated on
 14 a per-visit basis, that is equal to one hundred percent of the
 15 average of the costs of the federally qualified health center of
 16 furnishing such services which are reasonable and related to the
 17 cost of furnishing such services, except that, if such amount
 18 is less than the prospective payment system rate determined in
 19 compliance with section 1902(bb) of the federal Society Security
 20 Act, 42 U.S.C. 1396a(bb), as such act and section existed on
 21 January 1, 2010, the department shall make payment to the federally
 22 qualified health center at such prospective payment system rate.

23 2. On page 1, after line 14, insert the following new
 24 subdivision:

25 "(3) Federally qualified health center has the definition
 26 found in section 1905(1)(2)(B) of the federal Social Security
 27 Act, 42 U.S.C. 1396d(1)(2)(B), as such act and section existed on
 1 January 1, 2010;"; in line 15 strike "(3)", show as stricken, and
 2 insert "(4)"; and in line 18 strike "(4)", show as stricken, and
 3 insert "(5)".

4 3. On page 2, line 1, strike "(5)", show as stricken,

5 and insert "(6)"; in line 3 strike "(6)" and insert "(7)"; in line
6 19 strike "(7)" and insert "(8)"; and in line 26 strike "(8)" and
7 insert "(9)".

8 4. On page 3, strike beginning with "as" in line 3
9 through "2010" in line 5; and in line 15 strike "(9)" and insert
10 "(10)".

11 5. Renumber the remaining sections and amend the repealer
12 accordingly.

Senator Stuthman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1106A. Senator Nordquist renewed his amendment, AM2243, found on page 958.

The Nordquist amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090. ER8207, found on page 951, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 702. Senator Gloor renewed his motion, MO89, found on page 945, to ask unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

LEGISLATIVE BILL 961. Committee AM2118, found on page 808 and considered on page 941, was renewed.

SENATOR LANGEMEIER PRESIDING

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

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Committee AM2079, found on page 790, was considered.

Senator Lathrop renewed his amendment, AM2227, found on page 941, to the committee amendment.

SENATOR CARLSON PRESIDING

The Lathrop amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 410. Introduced by Hansen, 42; Campbell, 25; Coash, 27; Fulton, 29; Gay, 14; Howard, 9; Krist, 10; Nelson, 6; Stuthman, 22; Wightman, 36.

WHEREAS, November 2010 is National Family Caregivers Month; and

WHEREAS, each day 58 people in Nebraska turn 60 years old; and

WHEREAS, an estimated 240,847 people in Nebraska, 13.5 percent of the population, are 65 years of age and older, and this number is expected to increase in the next 20 years to 375,811, or 20.6 percent of the population in 2030; and

WHEREAS, an estimated 41,008 people in Nebraska, 2.3 percent of the population, are 85 years of age and older, and this number is expected to increase in the next 20 years to 56,186, or 3.1 percent of the population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska currently have Alzheimer's disease, and this number is expected to increase to between 58,000 and 60,000 by 2050, with 70 percent of the people with Alzheimer's disease and other dementias living at home; and

WHEREAS, currently over 12.9 percent of all seniors need some level of assistance with their daily activities; and

WHEREAS, there are an estimated 358,165 adults in Nebraska providing non-family-paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by 52 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less burden that is placed on public payment systems in state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports continuing review of state policies and current state programs that address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2010 as Nebraska Family Caregivers Month and encourages citizens to participate in activities of National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Council, 11.

WHEREAS, the crime of arson takes hundreds of lives and causes billions of dollars in property damage every year; and

WHEREAS, the fire investigation community generally accepts that the only appropriate means for identifying arson is to use the scientific method; and

WHEREAS, National Fire Protection Association (NFPA) 921, Guide for Fire and Explosion Investigations, provides fire investigators with guidance on how to properly apply the scientific method to fire investigations; and

WHEREAS, since the turn of the century, NFPA 921 has been generally accepted as the standard of care for fire investigations; and

WHEREAS, many of the previously accepted methods for identifying incendiary fires have been proven to be unreliable and have resulted in fires being improperly classified as incendiary when they were, in fact, accidental; and

WHEREAS, it is not clear if or when NFPA 921 has been adopted by law enforcement and other relevant investigative agencies in Nebraska as the proper method of investigating fires; and

WHEREAS, there are currently approximately twenty-six individuals in Nebraska's prisons serving time for arson; and

WHEREAS, some of those convicted of arson in Nebraska may have never abandoned their claim of innocence and may, in fact, be innocent.

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

1. That the State of Nebraska has an obligation to review arson convictions obtained using evidence that is now known to be unreliable.

2. That the Legislature urges government attorneys, private attorneys, and fire investigators to review questionable arson convictions, supports judicial

review of any cases in which the attorneys submit that a conviction is questionable due to faulty science having been used, and urges the judicial branch, law enforcement agencies, and other relevant government entities in Nebraska to employ NFPA 921 when conducting fire investigations.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR411 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR **Committee**
LR411 Judiciary

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 800. Placed on Select File with amendment. ER8201 is available in the Bill Room.

LEGISLATIVE BILL 849. Placed on Select File with amendment. ER8209

- 1 1. In the Standing Committee amendments, AM2120:
- 2 a. Strike sections 19, 20, and 22 and insert the
- 3 following new sections:
- 4 Sec. 19. Section 71-401, Reissue Revised Statutes of
- 5 Nebraska, is amended to read:
- 6 71-401 Sections 71-401 to 71-464 and section 21 of this
- 7 act shall be known and may be cited as the Health Care Facility
- 8 Licensure Act.
- 9 Sec. 20. Section 71-403, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 71-403 For purposes of the Health Care Facility Licensure
- 12 Act, unless the context otherwise requires, the definitions found
- 13 in sections 71-404 to 71-431 and section 21 of this act shall
- 14 apply.
- 15 Sec. 22. Section 71-415, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 71-415 Health care service means an adult day service,
- 18 a home health agency, a hospice or hospice service, ~~or~~ a respite
- 19 care service, or beginning January 1, 2011, a children's day health

20 service. Health care service does not include an in-home personal
21 services agency as defined in section 71-6501.

22 b. On page 39, line 3, strike "a", show as stricken, and
23 insert "the"; and

1 c. On page 40, line 12, after the fourth comma insert
2 "71-401, 71-403, 71-415,"; and strike beginning with "sections" in
3 line 14 through the second comma in line 15.

4 2. On page 1, strike lines 2 through 14 and insert
5 "sections 38-1901, 38-1902, 38-1908, 38-1918, 38-2605, 38-2617,
6 38-2841, 68-906, 68-1017, 68-1017.01, 68-1070, 70-1603, 70-1605,
7 71-401, 71-403, 71-415, 71-516.04, 71-1559, 71-1796, 71-4604.01,
8 71-7447, 71-8403, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223,
9 and 83-1224, Reissue Revised Statutes of Nebraska, and sections
10 38-2826, 38-2850, 38-2867, 38-2869, and 83-1217, Revised Statutes
11 Supplement, 2009; to change provisions relating to the Medical
12 Radiography Practice Act, and the practices of optometry and
13 pharmacy; to adopt federal law for purposes of the Medical
14 Assistance Act and the Supplemental Nutrition Assistance Program;
15 to remove and change references to Supplemental Nutrition
16 Assistance Program coupons and benefits; to change provisions
17 relating to notice of discontinuation of utility service; to
18 require licensure of children's day health services; to provide
19 requirements for staff training for purposes of the Alzheimer's
20 Special Care Disclosure Act; to change provisions relating to
21 fees and funds of the Public Service Commission; to change
22 provisions relating to requests for access to medical records; to
23 change notification requirements for child support claims against
24 income tax refunds; to change provisions relating to developmental
25 disability services; to change provisions relating to hearing
26 officers of the Division of Developmental Disabilities; to create
27 and eliminate funds; to repeal a termination date relating to
1 the Nebraska Center for Nursing Act; to harmonize provisions;
2 to provide operative dates; to repeal the original sections; to
3 outright repeal section 71-17,100, Reissue Revised Statutes of
4 Nebraska; and to declare an emergency.".

5 3. On page 2, strike lines 1 and 2.

LEGISLATIVE BILL 510. Placed on Select File with amendment.
ER8203

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

3 Section 1. (1) In addition to all other costs assessed
4 according to law, an assessment of one dollar shall be assessed for
5 each conviction of a person for any misdemeanor or felony in county
6 court or district court and each affirmation on appeal. No such
7 assessment shall be collected in any juvenile court proceeding. No
8 county shall be liable for the assessment imposed pursuant to this
9 section. The assessments shall be remitted to the State Treasurer

10 on forms prescribed by the State Treasurer within ten days after
11 the end of the month.

12 (2) The Nebraska Crime Victim Fund is created. The fund
13 shall contain the amounts remitted pursuant to subsection (1) of
14 this section and section 83-184. The fund shall be administered by
15 the Nebraska Commission on Law Enforcement and Criminal Justice.
16 As soon as funds become available, the commission shall direct
17 the State Treasurer to transfer money from the Nebraska Crime
18 Victim Fund to the Department of Correctional Services Facility
19 Cash Fund and the Supreme Court Automation Cash Fund to pay for the
20 initial costs in implementing this legislative bill, in amounts to
21 be determined by the Department of Correctional Services and the
22 Supreme Court and certified to the commission. When such costs are
23 fully reimbursed, the Nebraska Crime Victim Fund shall terminate
1 and the State Treasurer shall distribute seventy-five percent of
2 the funds remitted pursuant to subsection (1) of this section and
3 section 83-184 to the Victim's Compensation Fund to be awarded as
4 compensation for losses and expenses allowable under the Nebraska
5 Crime Victim's Reparations Act and shall distribute twenty-five
6 percent of such funds to the Reentry Cash Fund.

7 Sec. 2. Section 29-2207, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-2207 In every case of conviction of any person for
10 any felony or misdemeanor, it shall be the duty of the court
11 or magistrate to render judgment for the costs of prosecution
12 against the person convicted and remit the assessment as provided
13 in section 1 of this act.

14 Sec. 3. In every case of appeal of a conviction of any
15 person for any felony or misdemeanor to the district court, Court
16 of Appeals, or Supreme Court that is affirmed, the court shall
17 remit the assessment as provided in section 1 of this act.

18 Sec. 4. Section 81-1835, Revised Statutes Supplement,
19 2009, is amended to read:

20 81-1835 The Victim's Compensation Fund is created. The
21 fund shall be used to pay awards or judgments under the Nebraska
22 Crime Victim's Reparations Act other than distributions from the
23 Community Trust. The fund shall include deposits pursuant to
24 sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1
25 of this act and donations or contributions from public or private
26 sources and shall be in such amount as the Legislature shall
27 determine to be reasonably sufficient to meet anticipated claims.

1 When the amount of money in the fund is not sufficient to pay any
2 awards or judgments under the act, the Director of Administrative
3 Services shall immediately advise the Legislature and request an
4 emergency appropriation to satisfy such awards and judgments. Any
5 money in the fund available for investment shall be invested by the
6 state investment officer pursuant to the Nebraska Capital Expansion
7 Act and the Nebraska State Funds Investment Act.

8 Sec. 5. Section 83-184, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 83-184 (1) When the conduct, behavior, mental attitude,
11 and conditions indicate that a person committed to the department
12 and the general society of the state will be benefited, and there
13 is reason to believe that the best interests of the people of the
14 state and the person committed to the department will be served
15 thereby, in that order, and upon the recommendation of the ~~Board of~~
16 ~~Parole board~~ in the case of each committed offender, the ~~Director~~
17 ~~of Correctional Services~~ director may authorize such person, under
18 prescribed conditions, to:

19 (a) Visit a specifically designated place or places and
20 return to the same or another facility. An extension of limits
21 may be granted to permit a visit to a dying relative, attendance
22 at the funeral of a relative, the obtaining of medical services,
23 the contacting of prospective employers, or for any other reason
24 consistent with the public interest; or

25 (b) Work at paid employment or participate in a training
26 program in the community on a voluntary basis whenever:

27 (i) Such paid employment will not result in the
1 displacement of employed workers, or be applied in skills, crafts,
2 or trades in which there is a surplus of available gainful labor in
3 the locality, or impair existing contracts for services; and

4 (ii) The rates of pay and other conditions of employment
5 will not be less than those paid or provided for work of similar
6 nature in the locality in which the work is to be performed.

7 (2) The wages earned by a person authorized to work
8 at paid employment in the community under the provisions of this
9 section shall be credited by the chief executive officer of the
10 facility to such person's wage fund. The director shall authorize
11 the chief executive officer to withhold up to five percent of such
12 person's net wages. The funds withheld pursuant to this subsection
13 shall be remitted to the State Treasurer for credit as provided in
14 subsection (2) of section 1 of this act.

15 (3) A person authorized to work at paid employment
16 in the community under the provisions of this section may be
17 required to pay, and the ~~Director of Correctional Services~~ director
18 is authorized to collect, such costs incident to the person's
19 confinement as the ~~Director of Correctional Services~~ director deems
20 appropriate and reasonable. Collections shall be deposited in the
21 state treasury as miscellaneous receipts.

22 (4) The willful failure of a person to remain within
23 the extended limits of his or her confinement or to return within
24 the time prescribed to a facility designated by the ~~Director of~~
25 ~~Correctional Services~~ director may be deemed an escape from custody
26 punishable as provided in section 28-912.

27 (5) No person employed in the community under the
1 provisions of this section or otherwise released shall, while
2 working in such employment in the community or going to or from
3 such employment or during the time of such release, be deemed to be

4 an agent, employee, or servant of the state.

5 Sec. 6. The Reentry Cash Fund is created. The fund shall
 6 be administered by the Department of Correctional Services. The
 7 State Treasurer shall credit funds remitted pursuant to section
 8 83-184 and section 1 of this act and donations or contributions
 9 from public or private sources to the Reentry Cash Fund. The
 10 fund shall be used by the department for tuition, fees, and other
 11 costs associated with reentry and reintegration programs offered to
 12 offenders that are placed in the incarceration work camp. Any money
 13 in the fund available for investment shall be invested by the state
 14 investment officer pursuant to the Nebraska Capital Expansion Act
 15 and the Nebraska State Funds Investment Act.

16 Sec. 7. The Revisor of Statutes shall assign section 3 of
 17 this act to Chapter 29, article 23, and section 6 of this act to
 18 Chapter 83.

19 Sec. 8. Original sections 29-2207 and 83-184, Reissue
 20 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes
 21 Supplement, 2009, are repealed.

22 2. On page 1, strike beginning with "crime" in line 1
 23 through line 10 and insert "criminal procedure; to amend sections
 24 29-2207 and 83-184, Reissue Revised Statutes of Nebraska, and
 25 section 81-1835, Revised Statutes Supplement, 2009; to require
 26 assessments on convictions and affirmations upon appeal; to provide
 27 funding for compensation of victims of crime and for rehabilitation
 1 of certain offenders as prescribed; to create funds; to harmonize
 2 provisions; to provide a duty for the Revisor of Statutes; and to
 3 repeal the original sections."

LEGISLATIVE BILL 1070. Placed on Select File with amendment.
 ER8204

1 1. In the Standing Committee amendments, AM2084, on page
 2 30, line 12, strike the period and insert an underscored semicolon.

3 2. On page 1, strike beginning with "learning" in line 1
 4 through line 6 and insert "education; to amend sections 77-3442,
 5 79-527, 79-1007.05, 79-1242, 79-2111, and 79-2112, Reissue Revised
 6 Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1241.03,
 7 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to
 8 change provisions relating to expense reimbursement for members of
 9 learning community coordinating councils, learning community tax
 10 levies, school reporting, educational service unit funding, focus
 11 schools, focus programs, magnet schools, and elementary learning
 12 centers; to provide for use of certain funds received by learning
 13 communities as prescribed; to harmonize provisions; to provide a
 14 duty for the Revisor of Statutes; to repeal the original sections;
 15 and to declare an emergency."

LEGISLATIVE BILL 1010. Placed on Select File with amendment.
ER8210

- 1 1. In the Standing Committee amendments, AM2029:
2 a. Strike section 2 and insert the following new section:
3 Sec. 2. For purposes of sections 1 to 7 of this act:
4 (1) District means a natural resources district;
5 (2) Private real property does not include any public
6 land such as real property under the general management of the
7 Board of Educational Lands and Funds;
8 (3) Supermajority means sixty-seven percent or more; and
9 (4) Trail means a thoroughfare or track across real
10 property used for recreational purposes.
11 b. On page 3, line 9, after "private" insert "real".

LEGISLATIVE BILL 880A. Placed on Select File.

LEGISLATIVE BILL 510A. Placed on Select File.

LEGISLATIVE BILL 945. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB1057:
AM2262

(Amendments to E & R amendments, ER8192)

- 1 1. Strike sections 2, 3, and 4 and all amendments thereto
2 and insert the following new sections:
3 Sec. 2. The Republican River Basin Water Sustainability
4 Task Force Cash Fund is created. The fund shall be administered by
5 the Department of Natural Resources and expended at the direction
6 of the Republican River Basin Water Sustainability Task Force.
7 The fund shall consist of funds appropriated by the Legislature,
8 money received as gifts, grants, and donations, and transfers
9 authorized under section 46-2,137. Any money in the fund available
10 for investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.
13 Sec. 3. Section 46-2,137, Reissue Revised Statutes of
14 Nebraska, is amended to read:
15 46-2,137 The Water Policy Task Force Cash Fund is
16 created. The fund shall be administered by the Department of
17 Natural Resources and expended at the direction of the Water Policy
18 Task Force. The fund shall consist of funds appropriated by the
19 Legislature, money received as gifts, grants, and donations, and
20 transfers authorized under sections 2-1579 and 66-1519. Any money
21 in the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act
1 and the Nebraska State Funds Investment Act.

2 On the effective date of this act, the State Treasure
 3 shall: (1) Transfer fifty thousand dollars from the Water
 4 Policy Task Force Cash Fund to the Republican River Basin Water
 5 Sustainability Task Force Cash Fund; and (2) transfer the remaining
 6 unexpended balance in the Water Policy Task Force Cash Fund to the
 7 Water Resources Trust Fund.

8 Sec. 4. Section 46-753, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 46-753 (1) The Water Resources Trust Fund is created.

11 The State Treasurer shall credit to the fund such money as is
 12 specifically appropriated thereto by the Legislature, transfers
 13 authorized under section 46-2,137, and such funds, fees, donations,
 14 gifts, or bequests received by the Department of Natural Resources
 15 from any federal, state, public, or private source for expenditure
 16 for the purposes described in the Nebraska Ground Water Management
 17 and Protection Act. Money in the fund shall not be subject to any
 18 fiscal-year limitation or lapse provision of unexpended balance at
 19 the end of any fiscal year or biennium. Any money in the fund
 20 available for investment shall be invested by the state investment
 21 officer pursuant to the Nebraska Capital Expansion Act and the
 22 Nebraska State Funds Investment Act.

23 (2) The fund shall be administered by the department.

24 The department shall adopt and promulgate rules and regulations
 25 regarding the allocation and expenditure of money from the fund.

26 (3) Money in the fund may be expended by the department
 27 for costs incurred by the department, by natural resources
 1 districts, or by other political subdivisions in (a) determining
 2 whether river basins, subbasins, or reaches are fully appropriated
 3 in accordance with section 46-713, (b) developing or implementing
 4 integrated management plans for such fully appropriated river
 5 basins, subbasins, or reaches or for river basins, subbasins, or
 6 reaches designated as overappropriated in accordance with section
 7 46-713, (c) developing or implementing integrated management plans
 8 in river basins, subbasins, or reaches which have not yet become
 9 either fully appropriated or overappropriated, or (d) attaining
 10 state compliance with an interstate water compact or decree or
 11 other formal state contract or agreement.

12 (4) Except for funds paid to a political subdivision
 13 for forgoing or reducing its own water use or for implementing
 14 projects or programs intended to aid the state in complying with an
 15 interstate water compact or decree or other formal state contract
 16 or agreement, a political subdivision that receives funds from the
 17 fund shall provide, or cause to be provided, matching funds in
 18 an amount at least equal to twenty percent of the amount received
 19 from the fund by that natural resources district or political
 20 subdivision. The department shall monitor programs and activities
 21 funded by the fund to ensure that the required match is being
 22 provided.

23 Sec. 5. Original sections 46-2,137 and 46-753, Reissue

- 24 Revised Statutes of Nebraska, are repealed.
25 2. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING
General Affairs

Room 1510

Monday, March 29, 2010 1:15 p.m.

Dennis Lee - State Racing Commission

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1109. Title read. Considered.

Committee AM1755, found on page 706, was considered.

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 370, 371, and 373 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 370, 371, and 373.

GENERAL FILE

LEGISLATIVE BILL 1109. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1109A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 789. Placed on General File.

LEGISLATIVE BILL 1097. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 594. Placed on General File with amendment.

AM1699 is available in the Bill Room.

LEGISLATIVE BILL 1103. Placed on General File with amendment.

AM2063 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were Steve and Diana Lind and family from Kearney; 28 fourth-grade students and teachers from Trinity Christian School, Omaha; Julie Trouba from Austin, Texas; and 40 fourth-grade students, teachers, and sponsors from Sandoz Elementary, Lexington.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 12:30 p.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Tuesday, March 23, 2010.

Patrick J. O'Donnell
Clerk of the Legislature