

FORTY-SECOND DAY - MARCH 8, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 2011

PRAYER

The prayer was offered by Reverend Zachary Anderson, Conestoga Parish of the United Methodist Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Campbell, Christensen, Karpisek, Lathrop, Lautenbaugh, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 750, line 38, after "survived by" insert "his wife, Michelle";
The Journal for the fortieth day was approved as corrected.

The Journal for the forty-first day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 409. Placed on General File with amendment.
AM577

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. (1) After making payment in full to all
- 4 mortgagees on a fire and casualty insurance policy on any real
- 5 property and any structure covered by such policy, the insurer
- 6 shall reserve ten thousand dollars or ten percent of the basic
- 7 coverage limit applicable to the damaged property or structure,
- 8 whichever is greater, to be held as a demolition cost reserve if
- 9 all of the following apply:

10 (a) The real property is located within the limits of
11 a city or village, including within any extraterritorial zoning
12 jurisdiction exercised by such city or village;
13 (b) The damage to the real property or any insured
14 structure renders such property or structure uninhabitable or unfit
15 for the purpose for which such property or structure was intended,
16 without repair; and

17 (c) Proof of loss has been submitted by the policyholder
18 to the insurer for a sum in excess of seventy-five percent of the
19 face value of the policy covering the property and any insured
20 structure.

21 (2) If an insurer receives proof of loss as provided in
22 subdivision (1)(c) of this section, it shall notify the clerk of
23 the city or village within which the property is located of the
1 existence of the demolition cost reserve. Such notice shall be made
2 by certified mail within fifteen working days after receipt of the
3 proof of loss.

4 (3) The city or village shall release all interest in
5 the demolition cost reserve within ninety days after receiving the
6 notice provided for in subsection (2) of this section unless the
7 city or village has instituted legal proceedings or issued an order
8 for the demolition of the real property or any insured structure
9 and has notified the insurer in writing of such proceedings or
10 order. Failure by the city or village to notify the insurer under
11 this subsection terminates the city's or village's claim to any
12 proceeds from the demolition cost reserve.

13 (4) A demolition cost reserve shall not be required if
14 any of the following is true:

15 (a) The insurer has received notice from both the insured
16 and the applicable city or village that the real property or
17 insured structure has been replaced and rebuilt, repairs have been
18 completed, or demolition of the real property and any insured
19 structure has been completed in compliance with all applicable
20 state and local laws; or

21 (b) The city or village has failed to provide
22 notification to the insurer as required by subsection (3) of this
23 section.

24 (5) If the city or village has instituted legal
25 proceedings, issued an order for demolition, undertaken emergency
26 action, or is required to demolish the real property and insured
27 structure at its expense, the city or village shall present to the
1 insurer a report of demolition costs incurred since the date of
2 damage or other occurrence related directly to the enforcement of a
3 city or village ordinance. Upon receipt of such report, the insurer
4 shall compensate the city or village up to the amount contained in
5 the demolition cost reserve. Any amount remaining in the demolition
6 cost reserve after such compensation shall be paid to the insured
7 if the insured is entitled to any remaining proceeds under the
8 policy.

- 9 (6) The insurer is not liable for any demolition costs:
- 10 (a) Not covered under the insurance policy;
- 11 (b) In excess of the limits of liability set forth in the
- 12 policy; or
- 13 (c) To the extent the demolition cost reserve amount is
- 14 needed to pay in full any interest of any mortgagee on such policy.
- 15 (7) Any insurer and its agent that complies with this
- 16 section shall be immune from any civil liability.

LEGISLATIVE BILL 535. Placed on General File with amendment.
AM454

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Portable Electronics Insurance Act.
- 5 Sec. 2. For purposes of the Portable Electronics
- 6 Insurance Act:
- 7 (1) Customer means a person who purchases portable
- 8 electronics;
- 9 (2) Covered customer means a customer who elects coverage
- 10 pursuant to a portable electronics insurance policy issued to a
- 11 vendor of portable electronics;
- 12 (3) Director means the Director of Insurance;
- 13 (4) Location means any physical location in this state or
- 14 any web site, call center, or other site or similar location to
- 15 which Nebraska customers may be directed;
- 16 (5) Portable electronics means a device that is
- 17 personal, self-contained, easily carried by an individual,
- 18 and battery-operated and includes devices used for electronic
- 19 communication, viewing, listening, recording, computing, or
- 20 global positioning. Portable electronics does not include
- 21 telecommunications switching equipment, transmission wires,
- 22 cellular site transceiver equipment, or other equipment or system
- 23 used by a telecommunications company to provide telecommunications
- 1 service to consumers;
- 2 (6)(a) Portable electronics insurance means insurance
- 3 that provides coverage for the repair or replacement of portable
- 4 electronics and may provide coverage for portable electronics that
- 5 are lost, stolen, damaged, inoperable due to mechanical failure or
- 6 malfunction, or suffer other similar causes of loss; and
- 7 (b) Portable electronics insurance does not include:
- 8 (i) A service contract under the Motor Vehicle Service
- 9 Contract Reimbursement Insurance Act;
- 10 (ii) A service contract or extended warranty providing
- 11 coverage as described in subdivision (2) of section 44-102.01;
- 12 (iii) A policy of insurance providing coverage for a
- 13 seller's or manufacturer's obligations under a warranty; or
- 14 (iv) A homeowner's, renter's, private passenger
- 15 automobile, commercial multiperil, or other similar policy;

16 (7) Portable electronics transaction means the sale or
17 lease of portable electronics by a vendor to a customer or the sale
18 of a service related to the use of portable electronics by a vendor
19 to a customer;

20 (8) Supervising entity means a business entity that is a
21 licensed insurance producer or insurer; and

22 (9) Vendor means a person in the business of engaging in
23 portable electronics transactions directly or indirectly.

24 Sec. 3. (1) A vendor shall hold a limited lines insurance
25 license issued under the Portable Electronics Insurance Act to sell
26 or offer coverage under a policy of portable electronics insurance.

27 (2) The director may issue a limited lines insurance
1 license under the act. Such license shall authorize an employee or
2 authorized representative of a vendor to sell or offer coverage
3 under a policy of portable electronics insurance to a customer at
4 each location at which the vendor engages in a portable electronics
5 transaction.

6 (3) The vendor shall submit an application for a limited
7 lines insurance license pursuant to section 4 of this act to the
8 director and a list of all locations in this state at which the
9 vendor intends to offer such insurance coverage shall accompany
10 the application. A vendor shall maintain such list and make it
11 available for the director upon request.

12 (4) Notwithstanding any other provision of law, a limited
13 lines insurance license issued under the act shall authorize the
14 vendor and its employees or authorized representatives to engage in
15 the activities permitted by the act.

16 Sec. 4. (1) An application for a limited lines insurance
17 license shall be made to and filed with the director on forms
18 prescribed and furnished by the director.

19 (2) An application for an initial or a renewal license
20 shall:

21 (a) Provide the name, residence address, and other
22 information required by the director for an employee or authorized
23 representative of the vendor that is designated by the vendor
24 as the person responsible for the vendor's compliance with the
25 Portable Electronics Insurance Act. If the vendor derives more than
26 fifty percent of its revenue from the sale of portable electronics
27 insurance, the information required by this subdivision shall be
1 provided for all persons of record having beneficial ownership of
2 ten percent or more of any class of securities of the vendor
3 registered under federal securities law; and

4 (b) Provide the location of the vendor's home office.

5 (3) Any application for licensure under the act for
6 an existing vendor shall be made within ninety days after the
7 application is made available by the director.

8 (4) An initial license issued pursuant to the act shall
9 be valid for one year and expires on April 30 of each year.

10 (5) Any vendor licensed under the act shall pay an
11 initial license fee to the director in an amount prescribed by
12 the director but not to exceed one hundred dollars and shall pay
13 a renewal fee in an amount prescribed by the director but not to
14 exceed one hundred dollars.

15 Sec. 5. (1) At each location at which portable
16 electronics insurance is offered to a customer, a brochure or other
17 written material shall be available to the customer which:

18 (a) Discloses the fact that portable electronics
19 insurance may provide a duplication of coverage already provided
20 by a customer's homeowner's insurance policy, renter's insurance
21 policy, or other similar insurance coverage;

22 (b) States that the enrollment by the customer in a
23 portable electronics coverage program is not required in order to
24 purchase or lease portable electronics or services;

25 (c) Summarizes the material terms of the portable
26 electronics insurance, including:

27 (i) The identity of the insurer;

1 (ii) The identity of the supervising entity;

2 (iii) The amount of any applicable deductible and how it
3 is to be paid;

4 (iv) The benefits of the coverage; and

5 (v) The key terms and conditions of the coverage,

6 including whether portable electronics may be repaired or replaced
7 with a similar reconditioned make or model or with nonoriginal
8 manufacturer parts or equipment;

9 (d) Summarizes the process for filing a claim, including
10 a description of how to return the portable electronics and the
11 maximum fee applicable if the customer fails to comply with any
12 equipment return requirements; and

13 (e) States that the customer may cancel enrollment for
14 portable electronics insurance coverage at any time and receive any
15 applicable unearned premium refund on a pro rata basis.

16 (2) Portable electronics insurance may be offered on
17 a month-to-month or other periodic basis as a group or master
18 commercial inland marine policy issued to a vendor for its covered
19 customers. A covered customer who elects to enroll for coverage
20 shall receive a certificate of insurance and an explanation of
21 coverage or instructions on how to obtain such materials upon
22 request.

23 (3) Eligibility and underwriting standards for customers
24 who elect to enroll in portable electronics insurance coverage
25 shall be established by the insurer for each portable electronics
26 insurance program.

27 Sec. 6. (1) An employee or authorized representative of
1 a vendor may sell or offer for sale portable electronics insurance
2 to customers and shall not be subject to licensure as an insurance
3 producer if:

4 (a) The vendor obtains a limited lines insurance license
5 pursuant to section 3 of this act that authorizes its employees
6 or authorized representatives to sell or offer for sale portable
7 electronics insurance under this section;

8 (b) The insurer issuing the portable electronics
9 insurance directly supervises or appoints a supervising entity to
10 supervise the administration of the insurance program, including
11 development of a training program for employees and authorized
12 representatives of a vendor. The training required by this
13 subdivision shall comply with the following:

14 (i) The training shall be delivered to employees and
15 authorized representatives of a vendor who are directly involved in
16 the activity of selling or offering for sale portable electronics
17 insurance;

18 (ii) The training may be provided in electronic form. If
19 the training is provided in electronic form, the supervising entity
20 shall implement a supplemental education program that is conducted
21 and overseen by licensed employees of the supervising entity; and

22 (iii) Each employee and authorized representative shall
23 receive basic instruction on the portable electronics insurance
24 offered to customers and the disclosures required by section 4 of
25 this act; and

26 (c) The vendor does not advertise, represent, or
27 otherwise hold itself or any of its employees or authorized
1 representatives out as authorized insurers or licensed insurance
2 producers.

3 (2) The charges for portable electronics insurance
4 coverage may be billed and collected by the vendor. Any charge
5 to the customer for coverage that is not included in the cost
6 associated with the purchase or lease of portable electronics
7 shall be separately itemized on the covered customer's bill. If
8 the portable electronics insurance coverage is included in the
9 purchase or lease of portable electronics or related services, the
10 vendor shall clearly and conspicuously disclose to the customer
11 that portable electronics insurance coverage is included with the
12 portable electronics or related services. No vendor shall require
13 the purchase of any kind of insurance specified in this section as
14 a condition of the purchase or lease of portable electronics or
15 services. If such insurance is purchased, the portable electronics
16 insurance coverage offered by the limited lines insurance licensee
17 to a customer is primary over any other insurance coverage
18 applicable to the portable electronics. A vendor who bills and
19 collects such charges shall not be required to maintain such funds
20 in a segregated account if the vendor is authorized by the insurer
21 to hold such funds in an alternative manner and remits such amounts
22 to the supervising entity within sixty days after receipt. All
23 funds received by a vendor from a covered customer for the sale
24 of portable electronics insurance shall be considered funds held
25 in trust by the vendor in a fiduciary capacity for the benefit

26 of the insurer. A vendor may receive compensation for billing and
 27 collection services.

1 Sec. 7. (1) If a vendor violates any provision of the
 2 Portable Electronics Insurance Act, the director may, after notice
 3 and a hearing:

4 (a) Revoke or suspend a limited lines insurance license
 5 issued under the Portable Electronics Insurance Act;

6 (b) Impose such other penalties, including suspension of
 7 the transaction of insurance at specific vendor locations where
 8 violations have occurred, as the director deems necessary or
 9 convenient to carry out the purposes of the act; and

10 (c) Impose an administrative fine of not more than one
 11 thousand dollars per violation or five thousand dollars in the
 12 aggregate.

13 Sec. 8. Notwithstanding any other provision of law:

14 (1) An insurer may terminate or otherwise change the
 15 terms and conditions of a policy of portable electronics insurance
 16 only upon providing the vendor and enrolled customers with at least
 17 sixty days' notice, except that:

18 (a) An insurer may terminate an enrolled customer's
 19 insurance policy upon fifteen days' notice for:

20 (i) Discovery of fraud or material misrepresentation in
 21 obtaining coverage or in the presentation of a claim under such
 22 policy; or

23 (ii) Nonpayment of premium; or

24 (b) An insurer may immediately terminate an enrolled
 25 customer's insurance policy:

26 (i) If the enrolled customer ceases to have active
 27 service with the vendor of portable electronics; or

1 (ii) If an enrolled customer exhausts the aggregate limit
 2 of liability, if any, under the portable electronics insurance
 3 policy and the insurer sends notice of termination to the customer
 4 within thirty days after exhaustion of the limit. If such notice
 5 is not sent within the thirty-day period, the customer shall
 6 continue to be enrolled in such insurance policy notwithstanding
 7 the aggregate limit of liability until the insurer sends notice of
 8 termination to the customer;

9 (2) If the insurer changes the terms and conditions,
 10 the insurer shall provide the vendor with a revised policy or
 11 endorsement and each enrolled customer with a revised certificate,
 12 endorsement, updated brochure, or other evidence indicating a
 13 change in the terms and conditions has occurred and a summary of
 14 the material changes;

15 (3) If a portable electronics insurance policy is
 16 terminated by a vendor, the vendor shall mail or deliver written
 17 notice to each enrolled customer at least thirty days prior to the
 18 termination advising the customer of such termination and of the
 19 effective date of termination; and

20 (4) If notice is required under this section, it shall

21 be:

22 (a) In writing and may be mailed or delivered to a vendor
 23 at the vendor's mailing address and to an enrolled customer at such
 24 customer's last-known mailing address on file with the insurer. The
 25 insurer or vendor, as applicable, shall maintain proof of mailing
 26 in a form authorized or accepted by the United States Postal
 27 Service or a commercial mail delivery service; or

1 (b) In electronic form. If notice is delivered in
 2 electronic form, the insurer or vendor, as applicable, shall
 3 maintain proof that the notice was sent.

4 Sec. 9. Any records pertaining to transactions under the
 5 Portable Electronics Insurance Act shall be kept available and open
 6 to inspection by the director or his or her representatives with
 7 notice and during business hours. Records shall be maintained for
 8 three years following the completion of transactions under the act.

9 Sec. 10. This act becomes operative on January 1, 2012.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Room 1507

Tuesday, March 15, 2011 1:30 p.m.

AM673 to LB315

(Signed) Rich Pahls, Chairperson

GENERAL FILE

LEGISLATIVE BILL 389. Committee AM516, found on page 665 and considered on page 757, was renewed.

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 100. Placed on General File with amendment.
 AM165

- 1 1. On page 3, line 19, after "any" insert "temporary";
- 2 and strike beginning with "Any" in line 22 through line 24.

LEGISLATIVE BILL 415. Placed on General File with amendment.
AM525

- 1 1. On page 2, after line 15, insert the following new
- 2 subsection:
- 3 "(3) Any article prohibited by law, regulation, or order
- 4 of the detaining authority shall be listed on a sign that is
- 5 clearly posted and visible to all persons entering the detention
- 6 facility.".

LEGISLATIVE BILL 479. Placed on General File with amendment.
AM335

- 1 1. On page 3, strike beginning with "In" in line 1
- 2 through line 8.

LEGISLATIVE BILL 618. Placed on General File with amendment.
AM391

- 1 1. On page 2, strike beginning with "to" in line 13
- 2 through "district" in line 14 and insert "by a school".

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENT

Senator Sullivan designates LB629 as her priority bill.

COMMITTEE REPORTS
General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

- Robert "Bob" Culver Jr. - Nebraska Arts Council
- Donna Hastings - Nebraska Arts Council
- Mark Laughlin - Nebraska Arts Council
- Lynn Roper - Nebraska Arts Council
- Nana Smith - Nebraska Arts Council

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edwin Bergstraesser - State Electrical Board

Cory Mueller - State Electrical Board

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kristopher Covi - State Racing Commission

Jeffrey Galyen - State Racing Commission

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 105. Introduced by Adams, 24.

WHEREAS, the Seward Bluejays won the 2011 Class B Girls' State Basketball Championship at the Bob Devaney Sports Center in Lincoln, Nebraska, on March 5, 2011; and

WHEREAS, the Seward Bluejays defeated the Elkhorn Antlers by a score of 70-54 in the championship game; and

WHEREAS, Coach Tom Tvrdy took the Seward Bluejays to their third straight Class B state championship; and

WHEREAS, the Seward Bluejays have won an outstanding 75 consecutive games; and

WHEREAS, the Seward Bluejays have finished their third basketball season in a row with a perfect record.

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

1. That the Legislature congratulates Coach Tom Tvrdy and the Seward Bluejays on winning the 2011 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Seward Bluejays and Coach Tom Tvrdy.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 389. Senator Cornett renewed her amendment, AM614, found on page 706.

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

Senator Langemeier withdrew his motion, MO16, found on page 706, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 546. Title read. Considered.

Committee AM348, found on page 594, was considered.

Senator McGill offered the following amendment to the committee amendment:

AM599

(Amendments to Standing Committee amendments, AM348)

- 1 1. On page 1, line 10, after the semicolon insert
- 2 "and"; and strike beginning with the semicolon in line 12 through
- 3 "stricken" in line 13.

The McGill amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 388. Placed on General File.

(Signed) Rich Pahls, Chairperson

Education

LEGISLATIVE BILL 204. Placed on General File with amendment.
AM659

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-7611, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

5 71-7611 (1) The Nebraska Health Care Cash Fund is
6 created. The State Treasurer shall transfer (a) fifty-six million
7 one hundred thousand dollars no later than July 15, 2009, and
8 (b) fifty-nine million one hundred thousand dollars beginning July
9 15, 2010, and annually thereafter no later than July 15 from the
10 Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
11 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash
12 Fund, except that such amount shall be reduced by the amount of
13 the unobligated balance in the Nebraska Health Care Cash Fund at
14 the time the transfer is made. The state investment officer upon
15 consultation with the Nebraska Investment Council shall advise the
16 State Treasurer on the amounts to be transferred from the Nebraska
17 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco
18 Settlement Trust Fund under this section in order to sustain such
19 transfers in perpetuity. The state investment officer shall report
20 to the Legislature on or before October 1 of every even-numbered
21 year on the sustainability of such transfers. Except as otherwise
22 provided by law, no more than the amount specified in this
23 subsection may be appropriated or transferred from the Nebraska
1 Health Care Cash Fund in any fiscal year.

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

6 (3) One million dollars in the Nebraska Health Care
7 Cash Fund shall be transferred each year to the Autism Treatment
8 Program Cash Fund for five fiscal years beginning on a date
9 determined by the Department of Health and Human Services but no
10 later than ninety days after a waiver under section 68-966 has
11 been approved and shall be distributed with matching private funds
12 from the Autism Treatment Program Cash Fund and matching funds
13 from Title XIX of the federal Social Security Act in each fiscal
14 year as follows: (a) First, to the Department of Health and Human
15 Services for costs related to application, implementation, and
16 administration of a waiver pursuant to section 68-966; (b) second,
17 to the department for other medical costs for children who would
18 not otherwise qualify for medicaid except for the waiver; and (c)
19 third, the balance to fund services pursuant to the waiver.

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

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

3 (6) Beginning on July 1, 2010, the State Treasurer shall
4 transfer three million dollars annually no later than July 15 of
5 each year from the Nebraska Health Care Cash Fund to the Tobacco
6 Prevention and Control Cash Fund.

7 (7) The State Treasurer shall transfer five hundred
8 thousand dollars annually no later than July 15 of each year from
9 the Nebraska Health Care Cash Fund to the Stem Cell Research Cash
10 Fund.

11 (8) No later than July 15, 2011, and no later than each
12 July 15 thereafter, the State Treasurer shall transfer fifty-one
13 thousand two hundred seventy-three dollars from the Nebraska Health
14 Care Cash Fund to the Health and Human Services Cash Fund to
15 assist the Department of Health and Human Services with the cost
16 of providing the blood lead testing for recipients of medicaid and
17 CHIP as provided in section 79-217.

18 Sec. 2. Section 79-217, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 79-217 (1) Except as provided in sections 79-221
21 and 79-222, the school board or board of education of each
22 school district and the governing authority of each private,
23 denominational, or parochial school in this state shall require
24 each student to be protected against measles, mumps, rubella,
25 poliomyelitis, diphtheria, pertussis, and tetanus by immunization
26 prior to enrollment. Any student who does not comply with this
27 section shall not be permitted to continue in school until he or
1 she so complies, except as provided by section 79-222. Each school
2 district shall make diligent efforts to inform families prior to
3 the date of school registration of the immunization requirements
4 of this section.

5 (2) Except as provided in sections 79-221 and 79-222, the
6 school board or board of education of each school district in this
7 state shall require each student entering kindergarten on and after
8 July 1, 2011, to have undergone blood lead testing after the age
9 of eighteen months and before the age of four years or, in the
10 case of a transfer student four years of age or older enrolling
11 in the district for the first time, within six months prior to
12 enrollment. Any student who does not comply with this section shall
13 not be permitted to continue in school until he or she so complies,
14 except as provided by section 79-222. Each school district shall
15 make diligent efforts to inform families prior to the date of
16 school registration of the blood lead testing requirements of this
17 section.

18 (3) Except as provided in sections 79-221 and 79-222,
19 on and after July 1, 2010, every student entering the seventh
20 grade shall have a booster immunization containing diphtheria and
21 tetanus toxoids and an acellular pertussis vaccine which meets the
22 standards approved by the United States Public Health Service for
23 such biological products, as such standards existed on January 1,
24 2009.

25 ~~(3)~~(4) Except as provided in the Childhood Vaccine Act,
 26 the cost of such immunizations shall be borne by the parent or
 27 guardian of each student who is immunized or by the Department
 1 of Health and Human Services for those students whose parent or
 2 guardian is financially unable to meet such cost.

3 The cost of such blood lead testing shall be borne by
 4 the parent or guardian of each student who is tested or, for those
 5 students who are participating in medicaid or CHIP, as such terms
 6 are defined in section 68-969, by the Department of Health and
 7 Human Services.

8 (5) For purposes of this section and sections 79-219 to
 9 79-222:

10 (a) Blood lead testing means taking a capillary sample of
 11 blood or venous sample of blood and sending it to a laboratory to
 12 determine the level of lead in the blood;

13 (b) Capillary sample of blood means a blood sample taken
 14 from the finger or heel;

15 (c) Laboratory means a clinical laboratory certified
 16 pursuant to the federal Clinical Laboratories Improvement Act of
 17 1967, as such act existed on January 1, 2011; and

18 (d) Venous sample of blood means a blood sample taken
 19 from a vein in the arm.

20 Sec. 3. Section 79-219, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 79-219 The Department of Health and Human Services shall
 23 adopt and promulgate rules and regulations relating to the required
 24 levels of protection, blood lead testing, provisional enrollment
 25 under the provisions of section 79-222, the evidence necessary
 26 to prove that the required examination, blood lead testing, or
 27 immunization has been received, and the reporting of each student's
 1 immunization and blood lead testing status. The department may
 2 modify, add to, or delete from the list of required immunizations
 3 set out in section 79-217. The department shall furnish local
 4 school authorities with copies of such rules and regulations and
 5 any other material which will assist in the carrying out of
 6 sections 79-214 and 79-217 to 79-223.

7 Sec. 4. Section 79-220, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 79-220 At the time the parent or guardian of any child
 10 is notified that such child must have a physical examination and
 11 a visual evaluation pursuant to section 79-214 or immunizations
 12 and blood lead testing pursuant to section 79-217, the parent or
 13 guardian shall also be notified in writing of (1) his or her right
 14 to submit a written statement refusing a physical examination, a
 15 visual evaluation, blood lead testing, or immunization for his or
 16 her child and (2) a telephone number or other contact information
 17 to assist the parent or guardian in receiving information regarding
 18 free or reduced-cost visual evaluations for low-income families who
 19 qualify.

20 Sec. 5. Section 79-221, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-221 (1) Immunization shall not be required for a
23 student's enrollment in any school in this state if he or she
24 submits to the admitting official either of the following:

25 ~~(1)~~(a) A statement signed by a physician, a physician
26 assistant, or an advanced practice registered nurse practicing
27 under and in accordance with his or her respective certification
1 act, stating that, in the health care provider's opinion, the
2 immunizations required would be injurious to the health and
3 well-being of the student or any member of the student's family or
4 household; or

5 ~~(2)~~(b) An affidavit signed by the student or, if he
6 or she is a minor, by a legally authorized representative of the
7 student, stating that the immunization conflicts with the tenets
8 and practice of a recognized religious denomination of which the
9 student is an adherent or member or that immunization conflicts
10 with the personal and sincerely followed religious beliefs of the
11 student.

12 (2) Blood lead testing shall not be required for a
13 student's enrollment in any school district in this state if he or
14 she submits to the admitting official any of the following:

15 (a) A statement signed by a physician, a physician
16 assistant, or an advanced practice registered nurse practicing
17 under and in accordance with his or her respective certification
18 act, stating that, in the health care provider's opinion, the
19 blood lead testing required would be injurious to the health and
20 well-being of the student or any member of the student's family or
21 household;

22 (b) An affidavit signed by the student or, if he or
23 she is a minor, by a legally authorized representative of the
24 student, stating that the blood lead testing conflicts with
25 the tenets and practice of a recognized religious denomination
26 of which the student is an adherent or member or that blood
27 lead testing conflicts with the personal and sincerely followed
1 religious beliefs of the student; or

2 (c) A statement signed by a physician, a physician
3 assistant, or an advanced practice registered nurse practicing
4 under and in accordance with his or her respective certification
5 act, stating that, in such physician's, physician assistant's,
6 or advanced practice registered nurse's opinion, the child is at
7 very low risk for elevated blood lead levels. For purposes of
8 this subdivision, very low risk means that the child (i) has not
9 lived in or spent significant time in any building built before
10 1960, (ii) has not eaten nonfood items, (iii) has not lived with
11 or frequently come in contact with an adult who works with lead
12 on the job or as part of a hobby, (iv) has not lived near a
13 battery manufacturing plant, battery recycling plant, lead smelter,
14 or other source of significant lead emissions, (v) was not born

15 in or has not spent more than three months in Mexico, Central
16 America, Eastern Europe, or Southeast Asia, (vi) has not ingested
17 food, candy, or remedies containing lead, (vii) has not played
18 with toys, jewelry, or other items recalled by the United States
19 Consumer Product Safety Commission due to lead contamination, or
20 (viii) has not had significant exposure to any other product
21 or substance determined to contain lead by the United States
22 Environmental Protection Agency, the United States Department of
23 Housing and Urban Development, or the Centers for Disease Control
24 and Prevention or the Food and Drug Administration of the United
25 States Department of Health and Human Services.

26 Sec. 6. Section 79-222, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 79-222 (1) A student may be provisionally enrolled in
2 a school in Nebraska if he or she meets either of the following
3 qualifications:

4 (a)(i) The student, if having not received the
5 immunizations required by section 79-217, has begun the
6 immunizations required under such section 79-217 and is receiving
7 the necessary immunizations as rapidly as is medically feasible;
8 and ~~or~~

9 (ii) The student, if having not undergone the blood lead
10 testing required by section 79-217, is scheduled to undergo blood
11 lead testing; or

12 (b) The student is the child or legal ward of an officer
13 or enlisted person on active duty in any branch of the military
14 services of the United States or of his or her spouse, enrolling
15 in a Nebraska school following residence in another state or in a
16 foreign country.

17 (2) As a condition for the provisional enrollment of a
18 student qualified for such enrollment under subdivision (1)(b) of
19 this section, a parent or adult legal guardian of the student shall
20 provide the school with a signed written statement certifying (a)
21 that the student has completed the course of immunizations required
22 by section 79-217 and (b) that the student will undergo blood
23 lead testing within fifteen days or the date and results of the
24 student's blood lead testing.

25 (3) The provisional enrollment of a student qualified for
26 such enrollment under subdivision (1)(b) of this section shall not
27 continue beyond sixty days from the date of such enrollment. At
1 such time the school shall be provided, with regard to the student,
2 written evidence of compliance with section 79-217. The student
3 shall not be permitted to continue in school until such evidence of
4 compliance is provided.

5 Sec. 7. If a child's blood-lead level is ten micrograms
6 or more of lead per deciliter of blood, the Department of Health
7 and Human Services shall notify such child's parent or guardian
8 of (a) the availability of special education services pursuant to
9 the Special Education Act for children with lead poisoning who

10 are classified as other health impaired as defined in section
 11 79-1118.01 and the criteria necessary for a child to be classified
 12 as other health impaired and (b) the contact information for and
 13 resources available through a program operated by the State of
 14 Nebraska that provides information to parents on child development
 15 and special education for children from birth or date of diagnosis
 16 to age twenty-one and helps parents access information on rights
 17 and resources to help them advocate for an appropriate education
 18 for their child.

19 Sec. 8. Original sections 71-7611, 79-219, 79-220,
 20 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and
 21 section 79-217, Revised Statutes Cumulative Supplement, 2010, are
 22 repealed.

23 Sec. 9. Since an emergency exists, this act takes effect
 24 when passed and approved according to law.

(Signed) Greg Adams, Chairperson

Judiciary

LEGISLATIVE BILL 512. Placed on General File with amendment.
 AM225

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

3 Section 1. Section 69-2402, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 69-2402 For purposes of sections 69-2401 to 69-2425:

6 (1) ~~Antique handgun or pistol shall mean~~ means any
 7 handgun or pistol, including those with a matchlock, flintlock,
 8 percussion cap, or similar type of ignition system, manufactured
 9 in or before 1898 and any replica of such a handgun or pistol
 10 if such replica (a) is not designed or redesigned for using
 11 rimfire or conventional centerfire fixed ammunition or (b) uses
 12 rimfire or conventional centerfire fixed ammunition which is no
 13 longer manufactured in the United States and which is not readily
 14 available in the ordinary channels of commercial trade;

15 (2) ~~Criminal history record check shall include~~ includes
 16 a check of the criminal history records of the Nebraska State
 17 Patrol and a check of the Federal Bureau of Investigation's
 18 National Instant Criminal Background Check System; ~~and~~

19 (3) Firearm-related disability means a person is not
 20 permitted to (a) purchase, possess, ship, transport, or receive a
 21 firearm under either state or federal law, (b) obtain a certificate
 22 to purchase, lease, rent, or receive transfer of a handgun under
 23 section 69-2404, or (c) obtain a permit to carry a concealed
 1 handgun under the Concealed Handgun Permit Act; and

2 (3)-(4) ~~Handgun shall mean~~ means any firearm with a
 3 barrel less than sixteen inches in length or any firearm designed
 4 to be held and fired by the use of a single hand.

5 Sec. 2. Section 69-2409.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:
7 69-2409.01 (1) For purposes of sections 69-2401 to
8 69-2425, the Nebraska State Patrol shall be furnished ~~upon the~~
9 ~~patrol's request~~ with only such information as may be necessary
10 for the sole purpose of determining whether an individual is
11 disqualified from purchasing or possessing a handgun pursuant to
12 state or federal law or is subject to the disability provisions
13 of 18 U.S.C. 922(d)(4) and (g)(4). Such information shall be
14 furnished by the Department of Health and Human Services. The
15 clerks of the various courts shall furnish to the Department of
16 Health and Human Services, ~~and Nebraska State Patrol, as soon~~
17 ~~as practicable but~~ within thirty days after ~~the an~~ order of
18 commitment or ~~finding and the~~ discharge is issued or after removal
19 of firearm-related disabilities pursuant to section 6 of this
20 act, all information necessary to set up and maintain the data
21 base required by this section. This information shall include (a)
22 information regarding those persons who are currently receiving
23 mental health treatment pursuant to a commitment order of a mental
24 health board or who have been discharged, and (b) information
25 regarding those persons who have been committed to treatment
26 pursuant to section 29-3702, and (c) information regarding those
27 persons who have had firearm-related disabilities removed pursuant
1 to section 6 of this act. The mental health board shall notify
2 the Department of Health and Human Services and the Nebraska State
3 Patrol when such disabilities have been removed. The Department of
4 Health and Human Services shall also maintain in the data base
5 a listing of persons committed to treatment pursuant to section
6 29-3702. Information regarding mental health board commitments and
7 commitments pursuant to section 29-3702 shall not be retained
8 in the data base maintained by the department on persons who
9 have been discharged from those commitments more than five years
10 previously. Any such ~~To ensure the accuracy of the data base, any~~
11 ~~information maintained or disclosed under this subsection shall~~
12 ~~remain privileged and confidential and shall not be redisclosed or~~
13 ~~utilized for any other purpose.~~ be updated, corrected, modified,
14 or removed, as appropriate, and as soon as practicable, from any
15 data base that the state or federal government maintains and makes
16 available to the National Instant Criminal Background Check System.
17 ~~The procedures for furnishing such the~~ information shall guarantee
18 that no information is released beyond what is necessary for
19 purposes of this section.

20 (2) In order to comply with sections 69-2401 and 69-2403
21 to 69-2408 and this section, the Nebraska State Patrol shall
22 provide to the chief of police or sheriff of an applicant's place
23 of residence or a licensee in the process of a criminal history
24 record check pursuant to section 69-2411 only the information
25 regarding whether or not the applicant is disqualified from
26 purchasing or possessing a handgun.

27 (3) Any person, agency, or mental health board
 1 participating in good faith in the reporting or disclosure of
 2 records and communications under this section is immune from any
 3 liability, civil, criminal, or otherwise, that might result by
 4 reason of the action.

5 (4) Any person who intentionally causes the Nebraska
 6 State Patrol to request information pursuant to this section
 7 without reasonable belief that the named individual has submitted
 8 a written application under section 69-2404 or has completed a
 9 consent form under section 69-2410 shall be guilty of a Class II
 10 misdemeanor in addition to other civil or criminal liability under
 11 state or federal law.

12 Sec. 3. Section 71-901, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 71-901 Sections 71-901 to 71-962 and sections 5 and 6 of
 15 this act shall be known and may be cited as the Nebraska Mental
 16 Health Commitment Act.

17 Sec. 4. Section 71-903, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 71-903 For purposes of the Nebraska Mental Health
 20 Commitment Act, unless the context otherwise requires, the
 21 definitions found in sections 71-904 to 71-914 and section 5 of
 22 this act shall apply.

23 Sec. 5. Firearm-related disability means a person is not
 24 permitted to (a) purchase, possess, ship, transport, or receive a
 25 firearm under either state or federal law, (b) obtain a certificate
 26 to purchase, lease, rent, or receive transfer of a handgun under
 27 section 69-2404, or (c) obtain a permit to carry a concealed
 1 handgun under the Concealed Handgun Permit Act.

2 Sec. 6. (1) Upon release from commitment or treatment,
 3 a person who, because of a mental health-related commitment or
 4 adjudication occurring under the laws of this state, is subject to
 5 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4) or is
 6 disqualified from obtaining a certificate to purchase, lease, rent,
 7 or receive transfer of a handgun under section 69-2404 or a permit
 8 to carry a concealed handgun under the Concealed Handgun Permit Act
 9 may petition the mental health board to remove such disabilities.

10 (2) Upon the filing of the petition, the subject may
 11 request and, if the request is made, shall be entitled to, a review
 12 hearing by the mental health board. The mental health board shall
 13 grant a petition filed under subsection (1) of this section if the
 14 mental health board determines that:

15 (a) The subject will not be likely to act in a manner
 16 dangerous to public safety; and

17 (b) The granting of the relief would not be contrary to
 18 the public interest.

19 In determining whether to remove the subject's
 20 firearm-related disabilities, the mental health board shall receive
 21 and consider evidence upon the following:

- 22 (i) The circumstances surrounding the subject's mental
 23 health commitment or adjudication;
 24 (ii) The subject's record, which shall include, at a
 25 minimum, the subject's mental health and criminal history records;
 26 (iii) The subject's reputation, developed, at a minimum,
 27 through character witness statements, testimony, or other character
 1 evidence; and
 2 (iv) Changes in the subject's condition, treatment,
 3 treatment history, or circumstances relevant to the relief sought.
 4 (3) If a decision is made by the mental health board to
 5 remove the subject's firearm-related disabilities, the clerks of
 6 the various courts shall immediately send as soon as practicable
 7 but within thirty days an order to the Nebraska State Patrol and
 8 the Department of Health and Human Services, in a form and in a
 9 manner prescribed by the Department of Health and Human Services
 10 and the Nebraska State Patrol, stating its findings, which shall
 11 include a statement that, in the opinion of the mental health
 12 board, (a) the subject is not likely to act in a manner that
 13 is dangerous to public safety and (b) removing the subject's
 14 firearm-related disabilities will not be contrary to the public
 15 interest.
 16 (4) The subject may appeal a denial of the requested
 17 relief to the district court, and review on appeal shall be de
 18 novo.
 19 (5) If a petition is granted under this section, the
 20 commitment or adjudication for which relief is granted shall be
 21 deemed not to have occurred for purposes of section 69-2404 and
 22 the Concealed Handgun Permit Act and, pursuant to section 105(b) of
 23 Public Law 110-180, for purposes of 18 U.S.C. 922(d)(4) and (g)(4).
 24 Sec. 7. This act becomes operative on January 1, 2012.
 25 Sec. 8. Original sections 69-2402, 69-2409.01, 71-901,
 26 and 71-903, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Wednesday, March 23, 2011 8:30 a.m.

Steve Seline - Nebraska Educational Telecommunications Commission
 Robert Engles - Board of Trustees of the Nebraska State Colleges
 Dennis Baack - Nebraska Educational Telecommunications Commission

(Signed) Greg Adams, Chairperson

ANNOUNCEMENTS

The Education Committee designates LB637 as its priority bill.

Senator Pahls designates LB544 as his priority bill.

The Appropriations Committee designates LB464 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 546. Senator Krist offered the following amendment:

AM692

- 1 1. On page 2, line 8, strike "except section R313.".
- 2 2. On page 3, lines 18 through 20, strike the new matter.
- 3 3. On page 4, lines 13 and 16, reinstate the stricken
- 4 matter; and in lines 15 through 18 strike the new matter.

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Committee AM228, found on page 544, was considered.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 87 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 86 and 87.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 56. Placed on General File.

LEGISLATIVE BILL 554. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB477 and LB112 as its priority bills.

The General Affairs Committee designates LB286 and LB407 as its priority bills.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB41:
AM652

- 1 1. On page 16, strike beginning with "The" in line 24
- 2 through line 25.
- 3 2. On page 17, strike line 1.

Senator Flood filed the following amendment to LB20:
AM657

(Amendments to Standing Committee amendments, AM64)

- 1 1. Insert the following new section:
- 2 Sec. 8. Section 28-456.01, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 28-456.01 (1) No person shall purchase, receive, or
- 5 otherwise acquire, other than wholesale acquisition by a retail
- 6 business in the normal course of its trade or business, any
- 7 drug product containing more than three and six-tenths grams
- 8 of pseudoephedrine base or three and six-tenths grams of
- 9 phenylpropanolamine base during a twenty-four-hour period unless
- 10 purchased pursuant to a medical order. Any person who violates this
- 11 section shall be guilty of an infraction as defined in section
- 12 ~~29-431~~, a Class IV misdemeanor for the first offense and a Class
- 13 III misdemeanor for each subsequent offense.
- 14 (2) No person shall purchase, receive, or otherwise
- 15 acquire, other than wholesale acquisition by a retail business
- 16 in the normal course of its trade or business, any drug product
- 17 containing more than nine grams of pseudoephedrine base or nine
- 18 grams of phenylpropanolamine base during a thirty-day period unless
- 19 purchased pursuant to a medical order. Any person who violates this
- 20 section shall be guilty of a Class IV misdemeanor for the first
- 21 offense and a Class III misdemeanor for each subsequent offense.
- 22 2. Renumber the remaining sections and correct the
- 1 repealer section accordingly.

RESOLUTIONS**LEGISLATIVE RESOLUTION 106.** Introduced by Bloomfield, 17.

WHEREAS, the Homer Lady Knights won the 2011 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Homer Lady Knights defeated the Crofton Warriors in the championship game by a score of 49-45, defeated the Hartington Cedar Catholic Trojans in the semifinals by a score of 41-39, and defeated the Lutheran High Northeast Lady Eagles in the first game of the tournament in overtime by a score of 45-43; and

WHEREAS, the Homer Lady Knights finished the year with a record of 26 wins and 2 losses; and

WHEREAS, Coach Merlyn Tremayne and his Lady Knights worked hard, kept up their spirit, and promoted the "Cinderella" story; and

WHEREAS, Coach Tremayne perpetuated the "Cinderella" story by telling his team that they had made it to the state tournament and would see if the "slipper fit"; and

WHEREAS, the 2011 Homer Lady Knights have achieved the very first Girls' State Basketball Championship in school history.

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

1. That the Legislature congratulates the Homer Lady Knights for their achievement in winning the 2011 Class C-2 Girls' State Basketball Championship.

2. That the Legislature congratulates Coach Merlyn Tremayne for his team's excellent season and his guidance.

3. That a copy of this resolution be sent to Coach Merlyn Tremayne.

Laid over.

LEGISLATIVE RESOLUTION 107. Introduced by Howard, 9; Adams, 24; Avery, 28.

WHEREAS, nationally more than one hundred sixty thousand students stay home from school each day for fear of being bullied; and

WHEREAS, bullying is the most common form of violence; and

WHEREAS, bullying causes deep psychological pain, and children who are bullied often experience low self-esteem, depression, physical problems, more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, bullying affects all children who experience and witness it; and

WHEREAS, a school-wide commitment to stop bullying can reduce bullying by more than fifty percent; and

WHEREAS, it takes a community to prevent the bullying of children; and

WHEREAS, National Bullying Prevention Month encourages communities nationwide to work together to increase awareness of the prevalence and impact of bullying on all children.

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

1. That October 2011 be designated as Nebraska School Bullying Prevention Month, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

LEGISLATIVE RESOLUTION 108. Introduced by Cornett, 45.

WHEREAS, on June 16, 2011, IBM will celebrate its 100-year anniversary, which is unmatched in the world of business and technology; and

WHEREAS, while countless corporations, political groups, technologies, economic upheavals, and scientific disciplines have risen and disappeared throughout the decades, IBM has persevered. Its insights are critical to Nebraska's rising leaders who are charting their paths in a more global and competitive world; and

WHEREAS, IBM has always created technological discoveries that have transformed our lives, including the first electronic calculator and programmable computers, the chip powering the leading gaming consoles, and the Watson computer that defeated past champions on the popular television game show, Jeopardy!; and

WHEREAS, IBM has continued to reinvent itself as a modern corporation through best practices in strong leadership, management training, and global growth; and

WHEREAS, IBM's long-term view of leadership development and talent management has helped affect positive changes within business and society. The company has pioneered many of the management practices of the twentieth-century business, including diversity and accessibility, cross-cultural adaptability, and training managers on a massive scale; and

WHEREAS, IBM has a long and rich history of serving Nebraska businesses and government; and

WHEREAS, today, IBM is continuing to shape the way the world works by working with federal and state agencies and local governments to streamline and connect operations, citizens services, and critical mentions using cloud computing and to detect waste, fraud, and abuse using analytics; and

WHEREAS, the company is also supporting growing cities around the world including Dubuque, Iowa, and Corpus Christi, Texas, to establish solutions to build "Smarter Cities." These efforts include reducing traffic congestion and resulting air pollution, digitizing health records to improve patient care, improving access to and quality of education, enhancing

surveillance systems to reduce crime rates, sourcing and managing power more intelligently, and improving the quality and supply of and access to water.

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

1. That the Legislature congratulates IBM for its 100 years of innovation and contributions to society.
2. That a copy of this resolution be sent to the corporate headquarters of IBM.

Laid over.

LEGISLATIVE RESOLUTION 109. Introduced by Howard, 9; Campbell, 25; Gloor, 35; Wallman, 30.

WHEREAS, eHealth Initiative, a national organization committed to quality, safety, and efficiency of health care through information technology, awarded Dr. Harris Frankel its eHealth Physician Advocate of the Year Award; and

WHEREAS, the award was given in recognition of Dr. Frankel's leadership and commitment to technological advancements leading to the implementation of the Nebraska Health Information Initiative; and

WHEREAS, Dr. Frankel has been a champion for Nebraska's cutting edge electronic medical records program; and

WHEREAS, Dr. Frankel was instrumental in the creation, pilot, and overall success of the Nebraska Health Information Initiative program; and

WHEREAS, Dr. Frankel received the award on January 19, 2011, during the Fourth Annual eHealth Conference and Awards Reception held in Washington, D.C.

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

1. That the Legislature congratulates Dr. Harris Frankel for being named the eHealth Physician Advocate of the Year.
2. That a copy of this resolution be sent to Dr. Harris Frankel.

Laid over.

LEGISLATIVE RESOLUTION 110. Introduced by Howard, 9; Campbell, 25; Gloor, 35.

WHEREAS, prescription drug abuse is a growing and pervasive problem throughout the country; and

WHEREAS, drug-related deaths are more frequent than traffic fatalities in sixteen states; and

WHEREAS, two thousand five hundred children and adolescents begin abusing prescription medications each day; and

WHEREAS, an estimated seven million Americans abused prescription medications in 2009; and

WHEREAS, prescription pain medication is the fastest growing addiction in the United States; and

WHEREAS, abuse of prescription drugs affects not only individuals, but also their families and communities.

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

1. That the month of October 2011 be designated as Prescription Drug Abuse Awareness Month in Nebraska.

2. That during October 2011 communities are encouraged to participate in activities designed to increase public awareness about the danger of abusing prescription medications.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Fulton asked unanimous consent to add his name as cointroducer to LR40CA. No objections. So ordered.

Senator Larson asked unanimous consent to add his name as cointroducer to LB229. No objections. So ordered.

VISITORS

Visitors to the Chamber were 16 eighth-grade students, teacher, and sponsors from Meridian Public School, Daykin; Elizabeth Barrett from Omaha; and Home Instead Senior Care owners from across the state.

The Doctor of the Day was Dr. Anthony Montegut from Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Avery, the Legislature adjourned until 9:00 a.m., Wednesday, March 9, 2011.

Patrick J. O'Donnell
Clerk of the Legislature