

FORTY-NINTH DAY - MARCH 22, 2011
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 2011

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Pankonin and Pirsch who were excused; and Senators Cornett, Karpisek, Lautenbaugh, McCoy, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 200A. Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, One Hundred Second Legislature, First Session, 2011.

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB543:
AM884

- 1 1. In the Nordquist amendment, AM540, on page 1, strike
- 2 line 11 and insert "all asset limits for eligibility for federal
- 3 food assistance benefits, except that the total of liquid assets
- 4 which includes funds in personal checking and savings accounts,
- 5 money market accounts, and share accounts shall not exceed
- 6 twenty-five thousand dollars"; and in lines 12 and 13 strike

7 "to the extent authorized pursuant to" and insert ", as allowed
8 under".

ANNOUNCEMENT

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

GENERAL FILE

LEGISLATIVE BILL 698. Title read. Considered.

Committee AM650, found on page 820, was considered.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?"

Senator Christensen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Christensen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Adams	Christensen	Flood	Janssen	Schilz
Ashford	Cook	Gloor	Larson	Sullivan
Brasch	Cornett	Hadley	Lathrop	Utter
Campbell	Dubas	Harms	McCoy	Wallman
Carlson	Fischer	Heidemann	Mello	Wightman

Voting in the negative, 21:

Avery	Fulton	Karpisek	Nelson	Smith
Bloomfield	Haar, K.	Krist	Nordquist	
Coash	Hansen	Langemeier	Pahls	
Conrad	Harr, B.	Lautenbaugh	Price	
Council	Howard	McGill	Schumacher	

Present and not voting, 1:

Louden

Excused and not voting, 2:

Pankonin Pirsch

The motion to cease debate prevailed with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 32 ayes, 11 nays, 4 present

and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 600. Placed on General File with amendment.
AM844

- 1 1. On page 7, line 21, strike "XX" and insert "one and
- 2 one-half".
- 3 2. On page 9, strike lines 8 through 14 and insert the
- 4 following new subdivision:
- 5 "(a) To pay the department a reasonable administrative
- 6 fee for enforcing and collecting the quality assurance assessment
- 7 out of the Nursing Facility Quality Assurance Fund in addition to
- 8 any federal medical assistance matching funds. The State Treasurer
- 9 shall credit the state share of the administrative fee out of the
- 10 proceeds of the Nursing Facility Quality Assurance Fund to the
- 11 Health and Human Services Cash Fund.".
- 12 3. On page 10, line 11, strike "XX, 2011" and insert
- 13 "September 30, 2011, or after that date if allowable by the Centers
- 14 for Medicare and Medicaid Services of the United States Department
- 15 of Health and Human Services".

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 277. Placed on General File.

LEGISLATIVE BILL 292. Placed on General File.

LEGISLATIVE BILL 550. Placed on General File.

LEGISLATIVE BILL 449. Placed on General File with amendment.
AM867 is available in the Bill Room.

LEGISLATIVE RESOLUTION 19CA. Placed on General File with
amendment.

AM866

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF
- 4 NEBRASKA, FIRST SESSION, RESOLVE THAT:
- 5 Section 1. At the general election in November 2012 the
- 6 following proposed amendment to the Constitution of Nebraska shall
- 7 be submitted to the electors of the State of Nebraska for approval
- 8 or rejection:

9 To amend Article IV, section 5:
 10 IV-5 ~~All civil officers~~ A civil officer of this state
 11 shall be liable to impeachment for any misdemeanor in office or for
 12 any misdemeanor in pursuit of such office.
 13 Sec. 2. The proposed amendment shall be submitted to the
 14 electors in the manner prescribed by the Constitution of Nebraska,
 15 Article XVI, section 1, with the following ballot language:
 16 A constitutional amendment to provide that any
 17 misdemeanor while in pursuit of his or her office is grounds for
 18 impeachment of a civil officer.
 19 For
 20 Against.

LEGISLATIVE BILL 610. Indefinitely postponed.

LEGISLATIVE RESOLUTION 45CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 22. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

David Sankey - Superintendent, Nebraska State Patrol

Aye: 7 Senators Avery, Brasch, Janssen, Karpisek, Price, Schumacher, Sullivan. Nay: 0. Absent: 1 Senator Pahls. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 135. Introduced by Smith, 14; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, the State of Nebraska has a long-term and positive relationship with Japan; and

WHEREAS, Shizuoka, Japan, has been a sister city to Omaha for over forty years; and

WHEREAS, Ozu, Japan, has been a sister city to Hastings for nearly twenty years; and

WHEREAS, the Nebraska Center opened in Tokyo, Japan, in 2006 to promote business opportunities in Nebraska for Japanese businesses; and

WHEREAS, more than thirty Japanese-owned businesses are located in Nebraska; and

WHEREAS, Japan is one of Nebraska's largest trading partners, resulting in hundreds of millions of dollars in Nebraska exports annually to Japan; and

WHEREAS, on Friday, March 11, 2011, an 8.9 magnitude earthquake off the northeast coast of Japan caused a powerful tsunami that has decimated parts of Japan, has resulted in the destruction of entire towns, raging floods and fires, and has triggered a nuclear emergency; and

WHEREAS, the crisis in Japan has led to the death of over ten thousand people and the untold suffering of thousands more; and

WHEREAS, the people of Japan have responded to the crisis with exceptional courage and resolve.

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

1. That the Legislature sends its condolences to the nation of Japan.
2. That the Legislature asks the citizens of Nebraska to keep the citizens of Japan in their thoughts and prayers.
3. That the Legislature encourages the citizens of Nebraska to send support to Japan and thanks those individuals, charities, businesses, and organizations that have already provided assistance.
4. That a copy of this resolution be sent to the government of Japan.

Laid over.

LEGISLATIVE RESOLUTION 136. Introduced by Campbell, 25.

WHEREAS, Tyler Ryne Unruh has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tyler has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Tyler provided an energy audit,

energy efficiency upgrades, repairs, and lighting retrofits for Vine Congregational Church in Lincoln, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tyler, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tyler Ryne Unruh on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tyler Ryne Unruh.

Laid over.

AMENDMENTS - Print in Journal

Senator Flood filed the following amendment to LB84:

FA8

Amend AM385

On line 3, insert "state" before the word "expressway".

Senator Dubas filed the following amendment to LB297:

AM843

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 13-2705, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 13-2705 The department may conditionally approve grants
- 5 of assistance from the fund to eligible and competitive applicants
- 6 within the following limits:
- 7 (1) ~~A-Except as provided in subdivision (2) of this~~
- 8 ~~section, a grant request shall be at least twenty-ten thousand~~
- 9 ~~dollars but no more than:~~
- 10 (a) For a city of the primary class, one million five
- 11 hundred thousand dollars;
- 12 (b) For a municipality with a population of forty
- 13 thousand but less than one hundred thousand, seven hundred fifty
- 14 thousand dollars;
- 15 (c) For a municipality with a population of twenty
- 16 thousand but less than forty thousand, five hundred thousand
- 17 dollars;
- 18 (d) For a municipality with a population of ten thousand
- 19 but less than twenty thousand, four hundred thousand dollars; and
- 20 (e) For a municipality with a population of less than ten
- 21 thousand, two hundred fifty thousand dollars;
- 22 (2) Upon the balance of the fund reaching two million
- 23 five hundred thousand dollars, and until the balance of the fund

- 1 falls below one million dollars, a grant request shall be at least
 2 ten thousand dollars but no more than:
 3 (a) For a city of the primary class, two million two
 4 hundred fifty thousand dollars;
 5 (b) For a municipality with a population of forty
 6 thousand but less than one hundred thousand, one million one
 7 hundred twenty-five thousand dollars;
 8 (c) For a municipality with a population of twenty
 9 thousand but less than forty thousand, seven hundred fifty thousand
 10 dollars;
 11 (d) For a municipality with a population of ten thousand
 12 but less than twenty thousand, six hundred thousand dollars; and
 13 (e) For a municipality with a population of less than ten
 14 thousand, three hundred seventy-five thousand dollars;
 15 ~~(2)~~(3) Assistance from the fund shall not amount to
 16 more than fifty percent of the cost of construction, renovation, or
 17 expansion; and
 18 ~~(3)~~(4) A municipality shall not be awarded more than one
 19 grant in any five-year period.
 20 2. Renumber the remaining sections and correct the
 21 repealer accordingly.

VISITORS

Visitors to the Chamber were members of Youth and Adult Leadership Kearney from Kearney; nursing students and faculty from Creighton University, Omaha; and members of the Nebraska Council of Catholic Women from across the state.

RECESS

At 12:02 p.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Pankonin and Pirsch who were excused; and Senators Ashford, Cornett, Dubas, Harms, Heidemann, Lathrop, Lautenbaugh, and Louden who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 387. Placed on Select File with amendment. ER57 is available in the Bill Room.

LEGISLATIVE BILL 387A. Placed on Select File.

LEGISLATIVE BILL 541. Placed on Select File.

LEGISLATIVE BILL 465. Placed on Select File.

LEGISLATIVE BILL 385. Placed on Select File.

LEGISLATIVE BILL 468. Placed on Select File with amendment. ER56

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-909, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-909 (1) All contracts, agreements, rules, and
- 6 regulations relating to the medical assistance program as entered
- 7 into or adopted and promulgated by the department prior to July 1,
- 8 2006, and all provisions of the medicaid state plan and waivers
- 9 adopted by the department prior to July 1, 2006, shall remain in
- 10 effect until revised, amended, repealed, or nullified pursuant to
- 11 law.
- 12 (2) Prior to the adoption and promulgation of proposed
- 13 rules and regulations under section 68-912 or relating to the
- 14 implementation of medicaid state plan amendments or waivers, the
- 15 department shall provide a report to the Governor, the Legislature,
- 16 and the Medicaid Reform Council no later than December 1 before the
- 17 next regular session of the Legislature summarizing the purpose and
- 18 content of such proposed rules and regulations and the projected
- 19 impact of such proposed rules and regulations on recipients of
- 20 medical assistance and medical assistance expenditures. Any changes
- 21 in medicaid copayments in fiscal year 2011-12 are exempt from the
- 22 reporting requirement of this subsection and the requirements of
- 23 section 68-912.
- 1 (3) The Medicaid Reform Council, no later than thirty
- 2 days after the date of receipt of any report under subsection
- 3 (2) of this section, may conduct a public meeting to receive
- 4 public comment regarding such report. The council shall promptly
- 5 provide any comments and recommendations regarding such report in
- 6 writing to the department. Such comments and recommendations shall
- 7 be advisory only and shall not be binding on the department, but
- 8 the department shall promptly provide a written response to such
- 9 comments or recommendations to the council.
- 10 (4) The department shall monitor and shall periodically,
- 11 as necessary, but no less than biennially, report to the
- 12 Governor, the Legislature, and the Medicaid Reform Council on
- 13 the implementation of rules and regulations, medicaid state plan

14 amendments, and waivers adopted under the Medical Assistance Act
 15 and the effect of such rules and regulations, amendments, or
 16 waivers on eligible recipients of medical assistance and medical
 17 assistance expenditures.

18 Sec. 2. Original section 68-909, Reissue Revised Statutes
 19 of Nebraska, is repealed.

20 2. On page 1, line 2, after "68-909" insert a comma;
 21 and strike beginning with the second "to" in line 3 through the
 22 semicolon in line 4.

LEGISLATIVE BILL 329. Placed on Select File with amendment.

ER55

- 1 1. On page 1, line 3; and page 10, line 17, strike
- 2 "81-1618,".
- 3 2. On page 7, line 16, strike "in" and insert "on".

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 90. Title read. Considered.

Committee AM141, found on page 588, was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator B. Harr offered the following amendment:

AM877

- 1 1. On page 31, line 2, strike "documents", show as
- 2 stricken, and insert "a document".
- 3 2. On page 38, line 9, before "payment" insert "right
- 4 to".
- 5 3. On page 43, line 11; page 55, line 9; and page 56,
- 6 line 22, strike "paragraph" and insert "subdivision".
- 7 4. On page 49, line 18, strike the comma and show as
- 8 stricken.
- 9 5. On page 54, line 4, strike the first "the", show as
- 10 stricken, and insert "a".
- 11 6. On page 56, lines 11 and 14, strike "subparagraph" and
- 12 insert "subdivision".
- 13 7. On page 61, line 2, after "(f)" insert an underscored
- 14 comma.

The B. Harr amendment was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 excused and not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Committee AM549, found on page 743, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 698. Considered.

SENATOR LANGEMEIER PRESIDING

SENATOR SULLIVAN PRESIDING

Senator Langemeier offered the following amendment:
AM907

- 1 1. Strike original sections 1 and 3 and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1214, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1214 Commencing January 1, ~~1986, 2012,~~ motor fuel
- 6 dispensers shall be labeled on both faces with the product identity
- 7 using the most descriptive terms commercially practicable. In
- 8 addition, all ~~alcohol blended motor fuel dispensers that dispense~~
- 9 fuel that contains less than one percent of alcohol shall have a
- 10 label stating: ~~With or containing ethanol, methanol, or ethanol and~~
- 11 ~~methanol or with similar wording if the motor fuel being dispensed~~
- 12 ~~contains one percent or more by volume of alcohol. This fuel does~~
- 13 ~~not contain ethanol, methanol, or ethanol and methanol. Any person~~
- 14 who owns or controls such a motor fuel dispenser and does not
- 15 attach the notice required by this section shall be guilty of an
- 16 infraction.
- 17 Sec. 3. Sections 1 and 4 of this act become operative on
- 18 January 1, 2012. The other sections of this act become operative on
- 19 their effective date.
- 20 Sec. 4. Original section 66-1214, Reissue Revised
- 21 Statutes of Nebraska, is repealed.
- 22 Sec. 5. Original section 89-186, Reissue Revised Statutes
- 23 of Nebraska, is repealed.

Senator Langemeier withdrew and refiled his amendment, AM907.

Advanced to Enrollment and Review Initial with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB177:

AM848

(Amendments to Standing Committee amendments, AM713)

- 1 1. On page 7, line 14, after "care" insert ", or the
- 2 home where any siblings currently reside which could be considered
- 3 potential placement for the foster child".

Senator Campbell filed the following amendment to LB218:

AM758

- 1 1. On page 5, line 14, after the period insert "An agency
- 2 with over five thousand employees shall provide notice in writing
- 3 to the Health and Human Services Committee of the Legislature when
- 4 forty noncovered positions have been filled by the agency head
- 5 pursuant to this subsection.".

GENERAL FILE

LEGISLATIVE BILL 388. Title read. Considered.

Senator Wightman renewed his amendment, AM649, found on page 812.

Senator Wightman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Wightman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Adams	Cornett	Howard	Nelson	Wightman
Ashford	Council	Karpisek	Nordquist	
Christensen	Haar, K.	Louden	Schilz	
Coash	Hansen	McGill	Sullivan	
Cook	Harms	Mello	Wallman	

Voting in the negative, 20:

Avery	Carlson	Harr, B.	Larson	Pahls
Bloomfield	Dubas	Heidemann	Lathrop	Price
Brasch	Fischer	Krist	Lautenbaugh	Schumacher
Campbell	Flood	Langemeier	McCoy	Smith

Present and not voting, 3:

Conrad	Fulton	Hadley
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Excused and not voting, 5:

Gloor Janssen Pankonin Pirsch Utter

The Wightman amendment lost with 21 ayes, 20 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Conrad offered the following motion:

MO21

Reconsider the vote taken on AM649.

SENATOR LANGEMEIER PRESIDING

SENATOR PRICE PRESIDING

Senator Conrad moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

The Conrad motion to reconsider prevailed with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The Wightman amendment, AM649, found on page 812 and considered in this day's Journal, was reconsidered.

The Chair declared the call raised.

The Wightman amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 388A. Title read. Considered.

Senator Wightman offered the following amendment:

AM885

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$2,028,000
- 4 from the Site and Building Development Fund for FY2011-12 and
- 5 (2) \$3,028,000 from the Site and Building Development Fund for
- 6 FY2012-13 to the Department of Economic Development, for Program
- 7 603, to aid in carrying out the provisions of Legislative Bill 388,
- 8 One Hundred Second Legislature, First Session, 2011.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$20,000 for FY2011-12 or \$20,000 for FY2012-13.
- 12 There is included in the appropriation to this program
- 13 for FY2011-12 \$2,000,000 Cash Funds for state aid, which shall only

14 be used for such purpose. There is included in the appropriation
 15 to this program for FY2012-13 \$3,000,000 Cash Funds for state aid,
 16 which shall only be used for such purpose.

17 Sec. 2. The appropriation to the Department of Economic
 18 Development, for Program 601, is hereby reduced by \$2,000,000 Cash
 19 Funds for FY2011-12 and by \$2,000,000 Cash Funds for FY2012-13, to
 20 aid in carrying out the provisions of Legislative Bill 388, One
 21 Hundred Second Legislature, First Session, 2011.

22 It is the intent of the Legislature that the reductions
 23 contained in this section shall reduce the amount allocated for
 1 state aid by \$2,000,000 Cash Funds for FY2011-12 and by \$2,000,000
 2 Cash Funds for FY2012-13.

The Wightman amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB479:
 AM890

- 1 1. On page 2, strike beginning with "For" in line 15
- 2 through the period in line 18; and in line 19 after the comma
- 3 insert "his or her agent, or a mental health professional as
- 4 defined in section 71-906,".

Senator Flood filed the following amendment to LB297:
 AM882

- 1 1. On page 7, line 8, after "section" insert "and for
- 2 applied technology that is part of the construction, renovation, or
- 3 expansion of a library".
- 4 2. On page 8, line 12, after "sources" insert ", except
- 5 that there is no match requirement for any library project that
- 6 would (a) promote early childhood education, such as development
- 7 of motor skills, creative development, or literacy programs, (b)
- 8 create learning and development opportunities for developmentally
- 9 disabled children and adults, (c) encourage literacy for children,
- 10 (d) provide educational opportunities for at-risk children, (e)
- 11 provide or enhance public Internet access opportunities, or (f)
- 12 remodel a library or any portion thereof to achieve or maintain
- 13 compliance with the federal Americans with Disabilities Act of
- 14 1990"; and in line 15 after "funds" insert ", except that for a
- 15 library project described in this subdivision, the library project
- 16 shall be deemed to have the same level of local matching funds as
- 17 the project with the highest level of local matching funds".

Senator Lathrop filed the following amendment to LB260:
AM861

1 1. Strike sections 3 to 5 and all amendments thereto and
2 insert the following new sections:

3 Sec. 3. For purposes of the Concussion Awareness Act:

4 (1) Chief medical officer means the chief medical officer
5 as designated in section 81-3115; and

6 (2) Licensed health care professional means a physician
7 or licensed practitioner under the direct supervision of a
8 physician, a certified athletic trainer, a neuropsychologist, or
9 some other qualified individual who (a) is registered, licensed,
10 certified, or otherwise statutorily recognized by the State of
11 Nebraska to provide health care services and (b) is trained in
12 the evaluation and management of traumatic brain injuries among a
13 pediatric population.

14 Sec. 4. (1) Each approved or accredited public, private,
15 denominational, or parochial school shall:

16 (a) Make available training approved by the chief medical
17 officer on how to recognize the symptoms of a concussion or brain
18 injury and how to seek proper medical treatment for a concussion or
19 brain injury to all coaches of school athletic teams; and

20 (b) Require that concussion and brain injury information
21 be provided on an annual basis to students and the students'
22 parents or guardians prior to such students initiating practice or
23 competition. The information provided to students and the students'
1 parents or guardians shall include, but need not be limited to:

2 (i) The signs and symptoms of a concussion;

3 (ii) The risks posed by sustaining a concussion; and

4 (iii) The actions a student should take in response to
5 sustaining a concussion, including the notification of his or her
6 coaches.

7 (2)(a) A student who participates on a school athletic
8 team shall be removed from a practice or game when he or she
9 is reasonably suspected of having sustained a concussion or brain
10 injury in such practice or game after observation by a coach
11 or a licensed health care professional who is professionally
12 affiliated with or contracted by the school. Such student shall
13 not be permitted to participate in any school supervised team
14 athletic activities involving physical exertion, including, but
15 not limited to, practices or games, until the student (i) has
16 been evaluated by a licensed health care professional, (ii) has
17 received written and signed clearance to resume participation in
18 athletic activities from the licensed health care professional, and
19 (iii) has submitted the written and signed clearance to resume
20 participation in athletic activities to the school accompanied
21 by written permission to resume participation from the student's
22 parent or guardian.

23 (b) If a student is reasonably suspected after
24 observation of having sustained a concussion or brain injury and is

25 removed from an athletic activity under subdivision (2)(a) of this
26 section, the parent or guardian of the student shall be notified by
27 the school of the date and approximate time of the injury suffered
1 by the student, the signs and symptoms of a concussion or brain
2 injury that were observed, and any actions taken to treat the
3 student.

4 (c) Nothing in this subsection shall be construed to
5 require any school to provide for the presence of a licensed health
6 care professional at any practice or game.

7 (d) The signature of an individual who represents that
8 he or she is a licensed health care professional on a written
9 clearance to resume participation that is provided to a school
10 shall be deemed to be conclusive and reliable evidence that the
11 individual who signed the clearance is a licensed health care
12 professional. The school shall not be required to determine or
13 verify the individual's qualifications.

14 Sec. 5. (1) Any city, village, business, or nonprofit
15 organization that organizes an athletic activity in which the
16 athletes are nineteen years of age or younger and are required to
17 pay a fee to participate in the athletic activity or whose cost to
18 participate in the athletic activity is sponsored by a business or
19 nonprofit organization shall:

20 (a) Make available training approved by the chief medical
21 officer on how to recognize the symptoms of a concussion or brain
22 injury and how to seek proper medical treatment for a concussion or
23 brain injury to all coaches; and

24 (b) Provide information on concussions and brain injuries
25 to all coaches and athletes and to a parent or guardian of each
26 athlete that shall include, but need not be limited to:

27 (i) The signs and symptoms of a concussion;

1 (ii) The risks posed by sustaining a concussion; and

2 (iii) The actions an athlete should take in response to
3 sustaining a concussion, including the notification of his or her
4 coaches.

5 (2)(a) An athlete who participates in an athletic
6 activity under subsection (1) of this section shall be removed
7 from a practice or game when he or she is reasonably suspected
8 of having sustained a concussion or brain injury in such practice
9 or game after observation by a coach or a licensed health care
10 professional. Such athlete shall not be permitted to participate
11 in any supervised athletic activities involving physical exertion,
12 including, but not limited to, practices or games, until the
13 athlete (i) has been evaluated by a licensed health care
14 professional, (ii) has received written and signed clearance to
15 resume participation in athletic activities from the licensed
16 health care professional, and (iii) has submitted the written and
17 signed clearance to resume participation in athletic activities
18 to the city, village, business, or nonprofit organization that

19 organized the athletic activity accompanied by written permission
 20 to resume participation from the athlete's parent or guardian.

21 (b) If an athlete is reasonably suspected after
 22 observation of having sustained a concussion or brain injury and is
 23 removed from an athletic activity under subdivision (2)(a) of this
 24 section, the parent or guardian of the athlete shall be notified by
 25 the coach or a representative of the city, village, business, or
 26 nonprofit organization that organized the athletic activity of the
 27 date and approximate time of the injury suffered by the athlete,
 1 the signs and symptoms of a concussion or brain injury that were
 2 observed, and any actions taken to treat the athlete.

3 (c) Nothing in this subsection shall be construed to
 4 require any city, village, business, or nonprofit organization to
 5 provide for the presence of a licensed health care professional at
 6 any practice or game.

7 (d) The signature of an individual who represents that
 8 he or she is a licensed health care professional on a written
 9 clearance to resume participation that is provided to a city,
 10 village, business, or nonprofit organization shall be deemed to
 11 be conclusive and reliable evidence that the individual who signed
 12 the clearance is a licensed health care professional. The city,
 13 village, business, or nonprofit organization shall not be required
 14 to determine or verify the individual's qualifications.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 417. Placed on General File.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 90A. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, One Hundred Second Legislature, First Session, 2011.

GENERAL FILE

LEGISLATIVE BILL 606. Title read. Considered.

Senator Lautenbaugh offered the following amendment:

AM895

- 1 1. Insert the following new section:
- 2 Section 1. Section 32-1608, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-1608 During the election period, no candidate for a
- 5 covered elective office shall accept contributions from independent
- 6 committees, businesses, including corporations, unions, industry,
- 7 trade, or professional associations, and political parties which,
- 8 when aggregated, are in excess of fifty-one hundred percent of the
- 9 spending limitation for the office set pursuant to section 32-1604.
- 10 The commission shall calculate the limitation on contributions
- 11 under this section at the time it calculates the adjustments on the
- 12 campaign spending limitations under section 32-1604. The commission
- 13 shall publish the new contribution limits on its web site and shall
- 14 notify any candidate who files for an office which is subject to
- 15 the spending limitation of the contribution limits applicable at
- 16 the time of filing.
- 17 2. Renumber the remaining sections and correct internal
- 18 references and the repealer accordingly.

SENATOR LANGEMEIER PRESIDING

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add his name as cointroducer to LB298. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

VISITORS

Visitor to the Chamber was Emily Van Cleave from Lincoln.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 2011.

Patrick J. O'Donnell
 Clerk of the Legislature

