

EIGHTIETH DAY - MAY 17, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 17, 2011

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 151. Placed on Final Reading.

ST40

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

1. In the E & R amendments, ER125, on page 19, line 26, "48-162," has been struck.

LEGISLATIVE BILL 589. Placed on Final Reading.

ST39

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

1. In the Smith amendment, AM1408:

a. On page 7, line 11, "above" has been struck and "in this subsection" inserted; and

b. On page 12, line 14, the period has been struck, shown as stricken, and "; or" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 6 and all amendments thereto have been struck and "sections 13-901, 13-910, 39-1359, and 81-8,219, Reissue Revised Statutes of Nebraska; to allow for

temporary use of the state highway system for special events held by a county, city, or village as prescribed; to provide liability and duties for the county, city, or village; to provide for applicability of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 617. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 667. Placed on Select File with amendment.

ER135

- 1 1. In the Standing Committee amendments, AM162:
- 2 a. On page 9, strike beginning with the second "and" in
- 3 line 5 through "60-4,115" in line 6 and show as stricken;
- 4 b. On page 26, line 16, after "form" insert "the"; and
- 5 in line 18 after "permit" insert an underscored comma;
- 6 c. On page 27, line 24, after "revocation" insert
- 7 "hearing"; and in line 26 strike "notification" and insert
- 8 "notice";
- 9 d. On page 31, line 20, strike "Upon" and insert "upon";
- 10 e. On page 36, line 22, strike "(c)" and insert "(2)";
- 11 f. On page 40, line 7, after "arrested" insert "and";
- 12 g. On page 46, line 19, strike "section.", show as
- 13 stricken, and insert "sections.";
- 14 h. On page 56, lines 1 and 17, after "60-6,198" insert an
- 15 underscored comma;
- 16 i. On page 59, line 19; page 61, line 1; and page 62,
- 17 line 4, strike the new matter and reinstate the stricken matter;
- 18 j. On page 73, line 23, strike the second comma; and
- 19 k. On page 77, line 17, strike "60-498.02" and insert
- 20 "60-498.04".
- 21 2. On page 1, strike beginning with "alcohol" in line
- 22 1 through line 17 and insert "crimes and offenses; to amend
- 23 1 sections 28-306, 28-394, 29-215, 29-1917, 37-1238.01, 37-1254.01,
- 1 37-1254.02, 37-1254.03, 37-1254.05, 37-1254.07, 37-1254.08,
- 2 37-1295, 53-180, 53-180.05, 60-498.01, 60-498.02, 60-498.03,
- 3 60-498.04, 60-4,115, 60-4,118.06, 60-4,129, 60-4,164, 60-601,
- 4 60-6,197, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,197.09,
- 5 60-6,198, and 60-6,211.05, Reissue Revised Statutes of Nebraska,
- 6 and sections 28-101, 29-2259.01, and 37-1201, Revised Statutes
- 7 Cumulative Supplement, 2010; to prohibit transportation of certain
- 8 minors by a person under the influence of alcohol or drugs; to
- 9 change provisions relating to motor vehicle homicide, operating
- 10

11 a motorboat, personal watercraft, or motor vehicle under the
 12 influence, the Probation Cash Fund, regulation of vessels,
 13 procuring alcohol for a minor or a mentally incompetent person,
 14 administrative license revocation, ignition interlock permits and
 15 devices, and employment driving permits; to change fees; to create
 16 a fund; to provide for a public education campaign; to provide,
 17 change, and eliminate penalties; to harmonize provisions; to
 18 provide an operative date; and to repeal the original sections."
 19 3. On page 2, strike lines 1 through 10.

LEGISLATIVE BILL 667A. Placed on Select File.

LEGISLATIVE BILL 675. Placed on Select File with amendment.
 ER133

1 1. On page 1, strike lines 2 through 12 and insert
 2 "60-498.02, 60-4,129, 60-601, 60-697, 60-698, 60-6,197.02,
 3 60-6,197.03, 60-6,198, and 83-1,135, Reissue Revised Statutes
 4 of Nebraska; to change penalties for Class W misdemeanors; to
 5 change provisions relating to the duty to stop in the event of
 6 an accident, employment driving permits, and driving under the
 7 influence of alcohol or drugs; to change and provide penalties;
 8 to provide requirements for parole eligibility; to harmonize
 9 provisions; and to repeal the original sections."

LEGISLATIVE BILL 521. Placed on Select File with amendment.
 ER132

1 1. On page 1, strike beginning with "sections" in line 1
 2 through line 8 and insert "section 28-335, Reissue Revised Statutes
 3 of Nebraska; to require the physical presence of the physician
 4 who performs, induces, or attempts to perform an abortion as
 5 prescribed; to provide a penalty; to provide severability; and to
 6 repeal the original section."

LEGISLATIVE BILL 642. Placed on Select File with amendment.
 ER134

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. (1) The Department of Revenue may contract
 4 to procure products and services to develop, deploy, or
 5 administer systems or programs which identify nonfilers of
 6 returns, underreporters, or nonpayers of taxes administered by the
 7 department or improper or fraudulent payments made through programs
 8 administered by the department. Fees for services, reimbursements,
 9 costs incurred by the department, or other remuneration may be
 10 funded from the amount of tax, penalty, interest, or other recovery
 11 actually collected and shall be paid only after the amount is
 12 collected. The Legislature intends to appropriate an amount from
 13 the tax, penalty, interest, and other recovery actually collected,
 14 not to exceed the amount collected, which is sufficient to pay

15 for services, reimbursements, costs incurred by the department, or
16 other remuneration pursuant to this section. Vendors entering into
17 a contract with the department pursuant to this section are subject
18 to the requirements and penalties of the confidentiality laws of
19 this state regarding tax information.

20 (2) Ten percent of all proceeds received during each
21 calendar year due to the contracts entered into pursuant to this
22 section shall be deposited in the Department of Revenue Enforcement
23 Fund for purposes of identifying nonfilers, underreporters, and
1 nonpayers.

2 (3) The Tax Commissioner shall report annually to the
3 Revenue Committee of the Legislature and Appropriations Committee
4 of the Legislature on the amount of dollars generated during the
5 previous fiscal year pursuant to this section.

6 Sec. 2. Section 77-5601, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 77-5601 (1) From August 1, 2004, through October 31,
9 2004, there shall be conducted a tax amnesty program with regard
10 to taxes due and owing that have not been reported to the
11 Department of Revenue. Any person applying for tax amnesty shall
12 pay all unreported taxes that were due on or before April 1,
13 2004. Any person that applies for tax amnesty and is accepted
14 by the Tax Commissioner shall have any penalties and interest
15 waived on unreported and delinquent taxes notwithstanding any other
16 provisions of law to the contrary.

17 (2) To be eligible for the tax amnesty provided by this
18 section, the person shall apply for amnesty within the amnesty
19 period, file a return for each taxable period for which the amnesty
20 is requested by December 31, 2004, if no return has been filed, and
21 pay in full all taxes for which amnesty is sought with the return
22 or within thirty days after the application if a return was filed
23 prior to the amnesty period. Tax amnesty shall not be available for
24 any person that is under civil or criminal audit, investigation, or
25 prosecution for unreported or delinquent taxes by this state or the
26 United States Government on or before April 16, 2004.

27 (3) The department shall not seek civil or criminal
1 prosecution against any person for any taxable period for which
2 amnesty has been granted. The Tax Commissioner shall develop forms
3 for applying for the tax amnesty program, develop procedures for
4 qualification for tax amnesty, and conduct a public awareness
5 campaign publicizing the program.

6 (4) If a person elects to participate in the amnesty
7 program, the election shall constitute an express and irrevocable
8 relinquishment of all administrative and judicial rights to
9 challenge the imposition of the tax or its amount. Nothing in this
10 section shall prohibit the department from adjusting a return as a
11 result of any state or federal audit.

12 (5)(a) Except for any local option sales tax collected
13 and returned to the appropriate municipality and any motor vehicle

14 fuel, diesel fuel, and compressed fuel taxes, which shall be
15 deposited in the Highway Trust Fund or Highway Allocation Fund
16 as provided by law, no less than eighty percent of all revenue
17 received pursuant to the tax amnesty program shall be deposited
18 in the General Fund; ten percent, not to exceed five hundred
19 thousand dollars, shall be deposited in the Department of Revenue
20 Enforcement Fund; and ten percent, not to exceed five hundred
21 thousand dollars, shall be deposited in the Department of Revenue
22 Enforcement Technology Fund. Any amount that would otherwise be
23 deposited in the Department of Revenue Enforcement Fund or the
24 Department of Revenue Enforcement Technology Fund that is in excess
25 of the five-hundred-thousand-dollar limitation shall be deposited
26 in the General Fund.

27 (b) For fiscal year 2005-06, all proceeds in the
1 Department of Revenue Enforcement Fund shall be appropriated to
2 the department for purposes of employing investigators, agents, and
3 auditors and otherwise increasing personnel for enforcement of the
4 Nebraska Revenue Act of 1967. For fiscal year 2005-06, all proceeds
5 in the Department of Revenue Enforcement Technology Fund shall be
6 appropriated to the department for the purposes of acquiring lists,
7 software, programming, computer equipment, and other technological
8 methods for enforcing the act.

9 (c) For fiscal years after fiscal year 2005-06, twenty
10 percent of all proceeds received during the previous calendar year
11 due to the efforts of auditors and investigators hired pursuant to
12 subdivision (5)(b) of this section, not to exceed seven hundred
13 fifty thousand dollars, shall be deposited in the Department of
14 Revenue Enforcement Fund for purposes of employing investigators
15 and auditors or continuing such employment for purposes of
16 increasing enforcement of the act.

17 (d) Ten percent of all proceeds received during each
18 calendar year due to the contracts entered into pursuant to section
19 1 of this act shall be deposited in the Department of Revenue
20 Enforcement Fund for purposes of identifying nonfilers of returns,
21 underreporters, and nonpayers of taxes.

22 (6)(a) The department shall prepare a report by April
23 1, 2005, and by February 1 of each year thereafter detailing the
24 results of the tax amnesty program and the subsequent enforcement
25 efforts. For the report due April 1, 2005, the report shall include
26 (i) the amount of revenue obtained as a result of the tax amnesty
27 program broken down by tax program, (ii) the amount obtained
1 from in-state taxpayers and from out-of-state taxpayers, and (iii)
2 the amount obtained from individual taxpayers and from business
3 enterprises.

4 (b) For reports due in subsequent years, the report
5 shall include (i) the number of personnel hired for purposes
6 of subdivision (5)(b) of this section and their duties, (ii) a
7 description of lists, software, programming, computer equipment,
8 and other technological methods acquired pursuant to such

9 subdivision and the purposes of each, and (iii) the amount
10 of new revenue obtained as a result of the new personnel and
11 acquisitions during the prior calendar year, broken down into the
12 same categories as described in subdivision (6)(a) of this section.

13 (7) The Department of Revenue Enforcement Fund and the
14 Department of Revenue Enforcement Technology Fund are created.
15 Transfers may be made from the Department of Revenue Enforcement
16 Fund to the General Fund at the direction of the Legislature. The
17 Department of Revenue Enforcement Fund may receive transfers from
18 the Local Civic, Cultural, and Convention Center Financing Fund at
19 the direction of the Legislature for the purpose of administering
20 the Sports Arena Facility Financing Assistance Act. Any money
21 in the Department of Revenue Enforcement Fund and the Department
22 of Revenue Enforcement Technology Fund available for investment
23 shall be invested by the state investment officer pursuant to
24 the Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act. The Department of Revenue Enforcement Technology
26 Fund shall terminate on July 1, 2006. Any unobligated money in the
27 fund at that time shall be deposited in the General Fund.

1 (8) For purposes of this section, taxes mean any taxes
2 collected by the department, including, but not limited to state
3 and local sales and use taxes, individual and corporate income
4 taxes, financial institutions deposit taxes, motor vehicle fuel,
5 diesel fuel, and compressed fuel taxes, cigarette taxes, transfer
6 taxes, and charitable gaming taxes.

7 Sec. 3. Original section 77-5601, Revised Statutes
8 Cumulative Supplement, 2010, is repealed.

9 Sec. 4. Since an emergency exists, this act takes effect
10 when passed and approved according to law.

LEGISLATIVE BILL 699. Placed on Select File.

(Signed) Tyson Larson, Chairperson

MESSAGE FROM THE GOVERNOR

May 16, 2011

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 176, 404, 575, and 575A were received in my office on May 10, 2011.

These bills were signed and delivered to the Secretary of State on May 16, 2011.

Sincerely,
 (Signed) Dave Heineman
 Governor

MOTION - Override Veto on LB421

Senator Pankonin renewed his motion, MO46, found on page 1569, that LB421 becomes law notwithstanding the objections of the Governor

Senator Pankonin moved for a call of the house. The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

Senator Pankonin requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 42:

Adams	Cornett	Hansen	Lautenbaugh	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Sullivan
Campbell	Fischer	Heidemann	McGill	Utter
Carlson	Flood	Karpisek	Nelson	Wallman
Christensen	Fulton	Krist	Nordquist	Wightman
Coash	Gloor	Langemeier	Pahls	
Conrad	Haar, K.	Larson	Pankonin	
Cook	Hadley	Lathrop	Price	

Voting in the negative, 5:

Bloomfield	Brasch	Howard	Janssen	Pirsch
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Present and not voting, 2:

Mello	Smith
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

SPEAKER FLOOD PRESIDING

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, May 31, 2011 1:00 p.m.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board
Sammy Reagan - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 629. Placed on General File with amendment.
AM1465

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

3 Section 1. Sections 1 to 6 of this act shall be known and
4 may be cited as the Oil Pipeline Reclamation Act.

5 Sec. 2. For purposes of the Oil Pipeline Reclamation Act:

6 (1) Oil means petroleum of any kind or in any form,
7 including crude oil or any fraction of crude oil;

8 (2) Pipeline carrier means a person that engages in
9 owning, operating, or managing a pipeline or part of a pipeline for
10 the transportation of oil but does not include an entity under the
11 jurisdiction of the Nebraska Oil and Gas Conservation Commission
12 for in-field flow-lines and gathering lines;

13 (3) Reclamation means restoration of the areas through
14 which a pipeline is constructed as close as reasonably practicable
15 to the condition, contour, and vegetation that existed prior to
16 construction; and

17 (4) Reclamation costs include, but are not limited to,
18 the costs of restoration of real and personal property, the costs
19 of restoration of natural resources, the costs of rehabilitation of
20 habitat or wildlife, and the costs of revegetation.

21 Sec. 3. The purpose of the Oil Pipeline Reclamation Act
22 is to ensure that a pipeline carrier which owns, constructs,
23 operates, or manages a pipeline through this state for the
1 transportation of oil is financially responsible for reclamation
2 costs relating to the construction, operation, and management of
3 the pipeline in this state as prescribed in the act.

4 Sec. 4. (1) A pipeline carrier owning, operating, or
5 managing a pipeline or part of a pipeline for the transportation
6 of oil in this state shall be responsible for all reclamation
7 costs necessary as a result of constructing the pipeline as well as
8 reclamation costs resulting from operating the pipeline, except to
9 the extent another party is determined to be responsible.

10 (2) The pipeline carrier shall commence reclamation of
11 the area through which a pipeline is constructed as soon as
12 reasonably practicable after backfill.

13 (3) A pipeline carrier's obligation for reclamation and
14 maintenance of the pipeline right-of-way shall continue until the
15 pipeline is permanently decommissioned or removed.

16 Sec. 5. Nothing in the Oil Pipeline Reclamation Act
17 prohibits a state agency, county board, city council, or village
18 board from pursuing reclamation costs for the maintenance and
19 repair of roads, bridges, or other infrastructure related to the
20 construction, maintenance, or operation of a pipeline by a pipeline
21 carrier who is subject to the act.

22 Sec. 6. The Oil Pipeline Reclamation Act provides the
23 minimum standards to be met by a pipeline carrier. The act is not
24 meant to affect the obligations of a pipeline carrier provided for
25 in a negotiated agreement with a landowner and is not to affect
26 the duties of a pipeline carrier under applicable federal law or
27 permits.

1 Sec. 7. If any section in this act or any part of any
2 section is declared invalid or unconstitutional, the declaration
3 shall not affect the validity or constitutionality of the remaining
4 portions.

5 Sec. 8. Since an emergency exists, this act takes effect
6 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

Redistricting

LEGISLATIVE BILL 700. Placed on General File.

LEGISLATIVE BILL 701. Placed on General File.

LEGISLATIVE BILL 702. Placed on General File.

(Signed) Chris Langemeier, Chairperson

EXECUTIVE BOARD REPORT

May 17, 2011

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Patrick:

The Executive Board met today and, pursuant to §81-8,241, adopted a motion to recommend Marshall Lux for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska. A vote of

two-thirds of the members of the Legislature is required for approval of this appointment.

Sincerely,
 (Signed) John Wightman, Chairperson
 Executive Board

C: Marshall Lux, Ombudsman

AMENDMENT - Print in Journal

Senators Cornett and Pankonin filed the following amendment to LB642:
 AM1468

(Amendments to E & R amendments, ER134)

- 1 1. On page 1, line 23, strike "and".
- 2 2. On page 2, line 1, before the period insert ", and
- 3 improper or fraudulent payments".
- 4 3. On page 4, line 21, strike "and" and before the period
- 5 insert ", and improper or fraudulent payments".

RESOLUTIONS

LEGISLATIVE RESOLUTION 258. Introduced by Price, 3.

PURPOSE: The purpose of this resolution is to examine the availability and implementation of the necessary technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions as proposed in LB 574, which was introduced in 2011. The study shall include, but not be limited to, a review of the following issues:

(1) A determination of what data is necessary to request and approve a prior authorization request;

(2) A determination of what technical standards are available, whether in draft or final form, and currently in use by commercial payers, medicaid, or other payers or not in use;

(3) A determination of what further technology steps are necessary to standardize prior authorization requests and approvals;

(4) An assessment of the required resources related to implementing technical standards, including consideration of:

(a) Economization of time and resources benefiting physicians and their staff, pharmacists, and payers due to electronic adjudication of prior authorization requests; and

(b) The impact on patient care, including quality improvements, obtained by adjudicating prior authorization requests in real time as part of the physician-patient consultation; and

(5) A determination of the likely level of compliance of electronic medical record and electronic prescribing vendors doing business in the state if electronic prior authorization technology standards are required.

The Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall convene an advisory group comprised of a representative from each of the following stakeholder groups: The Department of Health and Human Services; patient advocates; the biopharmaceutical industry; the insurance industry; physician groups; pharmacies; and HIT vendors.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 259. Introduced by Dubas, 34.

WHEREAS, Tyler Bankson of Hampton, Nebraska, won the 2011 FFA State Star in Production at the 83rd Annual Nebraska FFA Convention held in Lincoln, Nebraska; and

WHEREAS, the State Star is one of the top FFA honors in the State of Nebraska; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Tyler Bankson for winning the 2011 FFA State Star in Production.

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

Laid over.

LEGISLATIVE RESOLUTION 260. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study Nebraska's statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking. These mining processes will be on the rise in Nebraska, and a comprehensive examination of Nebraska's laws, rules, and regulations should be undertaken to assure that adequate protections are in place, to assure that Nebraska's laws are in accordance with current practice, and to address other relevant concerns. The committee should seek and consider input from interested persons and organizations.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 261. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay." "On Bill Pay" is a process in which a consumer contracts with an energy service company (ESCO) to audit, finance, and manage energy efficiency. The ESCO retains all the risks, and the contract is paid by energy savings by the end user through his or her utility bill. The utility is the pass-through organization, is paid a fee for the service, and is not responsible for unpaid bills on the energy efficiency project. The committee should look at examples of this practice working in Nebraska and other states and examine ways to make it available to all Nebraskans. In order to carry out the purpose of the resolution, the committee should seek and consider the input of interested persons and organizations, including energy efficiency businesses, public power providers, and others.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 262. Introduced by Loudon, 49; Heidemann, 1; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2.

PURPOSE: To examine the effects of imposing an earning cap on the calculation of a final pensionable salary for school employees.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector in the State of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax credits, tax exemptions, workforce development programs, international trade, and economic development programs in Nebraska and their effect on the manufacturing sector;

(2) A review of tax credits, tax exemptions, workforce development programs, international trade, and economic development programs used in other states to create jobs in the manufacturing sector; and

(3) An examination of possible statutory changes to existing municipal and state programs that could assist with job creation in the manufacturing sector.

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

1. That the Revenue and Urban Affairs Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine ways to encourage recycling and the use of recycled materials in manufacturing by Nebraska businesses. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax incentives and grant programs in Nebraska which encourage recycling;

(2) An examination of economic development opportunities in the recycling and manufacturing industries;

(3) A review of the economic benefits of increased recycling to political subdivisions, including the reduction of landfill costs; and

(4) An examination of possible changes to existing tax incentives and grant programs which would further encourage recycling and the use of recycled materials in manufacturing.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 265. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the feasibility of implementing a Career Readiness Certificate program for the State of Nebraska. This study shall include:

(1) An examination of existing credentialed career readiness, job-training, and workforce development programs;

(2) An assessment of the costs to develop, implement, and administer a Career Readiness Certificate program;

(3) A review of potential state and local funding sources for the administration of the program; and

(4) A review of credentialed career readiness, job-training, and workforce development programs used in other states to implement a Career Readiness Certificate program.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 266. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the feasibility of creating regional skills alliances, in which employers, state and local government agencies, educational institutions, and labor unions pool resources to train workers for emerging region-wide job opportunities. This study shall include:

(1) An examination of existing state and local job-training and workforce development programs;

(2) A review of regional skills alliances that have been developed in other states;

(3) An assessment of potential costs to the state to develop, implement, and administer a statewide regional skill alliance program; and

(4) A review of potential state and local funding sources for the administration of the program.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 267. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues related to regulatory flexibility policies. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of federal and state regulatory flexibility laws and the effects that regulatory flexibility policies have had in other states;

(2) A review of the Small Business Regulatory Flexibility Act which was proposed by the introduction of LB 288 in 2011;

(3) An examination of the costs of compliance with rules and regulations by small businesses compared to other businesses; and

(4) An examination of the possibility of creating a Regulatory Improvement Commission to review rules and regulations which may have become outdated or burdensome.

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

1. That the Government, Military and Veterans Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 268. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the potential for privatization of the State of Nebraska's property management system. This study shall include, but not be limited to:

(1) An examination of the current property management system of the Department of Administrative Services;

(2) A review of property management systems in other states, including those systems which have been partially or fully privatized;

(3) An examination of practices currently in place, if any, within the Department of Administrative Services to identify poorly performing or underutilized real property and leases that are above market value;

(4) A review of potential cost savings that could be achieved by improving efficiency and reducing operating costs in the state's property management system;

(5) A review of the potential to raise revenue through the disposition of excess state-owned real property; and

(6) An examination of the potential to partner with the private sector to improve management of state-owned real property.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 269. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the use of strategic plans and performance benchmarks by state agencies. This study shall include, but not be limited to:

(1) A review of the current use of strategic plans and performance benchmarks by state agencies;

(2) An examination of performance measurements used in other states;

(3) A review of the potential to include strategic plans and performance benchmarks as part of the biennial budget process; and

(4) A review of existing technological infrastructure to track performance data within state agencies.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 270. Introduced by Nordquist, 7.

PURPOSE: The purpose of this study is to examine the current state of health insurance coverage in the State of Nebraska. With the implementation of federal health care reform, the Legislature must have a clear understanding of the current state of health insurance coverage so as to implement the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, in a way that meets the health insurance needs of Nebraskans.

The committee shall conduct a study that includes, but is not limited to, the following:

(1) A comprehensive analysis of existing data sources on health insurance coverage in Nebraska; and

(2) Collaboration with various public and private entities capable of conducting additional research or surveys of Nebraska consumers, employers, and insurers to supplement existing data sources.

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

1. That the Health and Human Services and Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 271. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to analyze the Nebraska Advantage Act. The committee shall analyze the following:

(1) What other states are doing to make their state more attractive for business expansions, to attract new small businesses, and to grow small businesses;

(2) How other states are effectively using sales tax refunds, job credits, and other investment credits to encourage growth;

(3) How other states are using private and public partnerships;

(4) How Nebraska businesses are using the money from the act currently; and

(5) What Nebraska can do to be more effective in the area of economic development.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 272. Introduced by Fulton, 29.

PURPOSE: Each year the Legislature passes new or enhanced criminal penalties for certain acts by criminals. With each of these new or enhanced criminal acts, there comes a new or different procedure that Nebraska's counties must perform. With many of these new or different procedures, there are additional costs.

The purpose of this resolution is:

(1) To study the fiscal impact that the criminal law has on counties, especially new criminal offenses and procedures;

(2) To study whether the criminal law is effectively addressing the problems it is trying to solve; and

(3) To study the feasibility of creating a cost-benefit analysis that could be performed prior to the enactment of new criminal statutes or enhanced criminal procedures.

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

1. That the Judiciary Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 273. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to examine the criteria for developing integrated management plans required under section 46-715 of the Nebraska Ground Water Management and Protection Act and to explore any mechanisms or procedures that may facilitate the process.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274. Introduced by Flood, 19.

PURPOSE: The purpose of this resolution is to study the statutory protections for guide dogs. This study would examine protections under current Nebraska law, including animal cruelty and dog bite statutes, justifications for additional statutory protections, and an analysis of other states' statutes regarding guide dogs.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275. Introduced by Flood, 19.

PURPOSE: The purpose of this resolution is to study Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody. The study should look at developing transportation services other than law enforcement, especially in rural areas, as smaller counties may not have the resources to meet current needs. The study would also look at costs of alternative forms of transportation and responsibility for such costs.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 276. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the methods and level of effort of the Division of Weights and Measures of the Department of Agriculture to monitor and enforce fuel dispenser labeling requirements relating to ethanol-blended fuel products.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 277. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to review the Department of Agriculture's inspection program under the Commercial Dog and Cat Operator Inspection Act. In particular, the study shall examine budgetary resources available to the department to carry out the inspection program resulting from the enactment of LB 910 (2010) in combination with state budgetary actions occurring during the 2011 legislative session. It is a further goal of this resolution to examine the feasibility of establishing an exemplary breeder certification program.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 278. Introduced by Carlson, 38.

PURPOSE: It is the purpose of this resolution to examine the implications of the emerging livestock disease traceability framework governing movements of animals in interstate commerce as described in the Animal Disease Traceability Comprehensive Report and Implementation Plan recently published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture. Specifically, the study shall examine the responsibilities assigned to states under the framework and seek to determine any revisions in authorities of the Department of Agriculture and the Nebraska Brand Committee, resource needs, and other actions necessary to enable the state to meet performance standards of the system and to facilitate the movement of Nebraska livestock in interstate commerce.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 279. Introduced by Howard, 9; Bloomfield, 17; Brasch, 16; Coash, 27; Karpisek, 32; Krist, 10; Larson, 40; McGill, 26; Schumacher, 22.

PURPOSE: The purpose of this interim study is to examine issues related to the compensation and benefits of the commissioners of the Nebraska Liquor Control Commission. The committee shall conduct a study that includes, but is not limited to:

- (1) An examination of commissioner salaries and per diems;
- (2) An evaluation of hours worked by commissioners and commission record-keeping regarding commissioner work schedules;
- (3) An assessment of the legality of commissioner health benefits;
- (4) An examination of commission expenditures for commissioner lodging and meals; and
- (5) An evaluation of the appropriateness of the compensation package in relation to other state boards and commissions.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 280. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study whether the insurance laws of Nebraska should be amended to protect homeowners from home improvement or home repair contractor fraud as it relates to insurance claims. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons and organizations, including home improvement contractors and insurers.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281. Introduced by Cook, 13.

PURPOSE: The purpose of this interim study is to conduct research and provide recommendations on how Nebraska is currently providing home and community-based health care services to Nebraska seniors. In conducting the study, the committee shall consult with the Department of Health and Human Services, other parties who may provide information on service delivery and costs associated with providing these services, and others who may have an interest in these services. Issues considered by the committee may include, but shall not be limited to:

(1) A review of home and community-based services provided by nonprofit organizations in Nebraska and the costs associated with providing these services;

(2) The evaluation of possible cost savings of providing home and community-based services to Nebraska seniors;

(3) The analysis and evaluation of current home and community-based services provided to Nebraska seniors;

(4) The analysis and evaluation of current home and community-based services currently being provided by other states and communities; and

(5) The analysis of the economic impact placed upon current nonprofit providers and available funding options to ensure a financially sustainable and affordable home and community-based provider system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 282. Introduced by Campbell, 25; Heidemann, 1; Krist, 10.

PURPOSE: The purpose of this resolution is to provide for the review, assessment, and recommendations relating to the implementation of the

Nebraska Health Care Funding Act. The issues addressed by the study shall include, but not be limited to:

(1) The current distribution of funding under the Nebraska Health Care Funding Act, including the statutory requirements and the appropriations set by the Legislature;

(2) The outcome and priority of funding in fulfilling the purpose of the Nebraska Health Care Funding Act stated in section 71-7606, which is to provide for the use of dedicated revenue for health-care-related expenditures, including compliance with the requirement that any funds appropriated or distributed under the act shall not be considered ongoing entitlements or obligations on the part of the State of Nebraska and shall not be used to replace existing funding for existing programs;

(3) Statutory language identifying the tobacco settlement fund and intergovernmental transfer fund as trust funds notwithstanding that neither is a trust fund. Trust funds are assets held in trust, the use of which is governed by the conditions of the trust. Neither the tobacco settlement fund nor the intergovernmental transfer fund is governed by the conditions of a trust, and the use of both funds is strictly the prerogative of the Legislature; and

(4) Whether sustainability should be the policy governing allocations from the Nebraska Health Care Cash Fund. The latest report by the Nebraska Investment Council filed on September 22, 2010, indicates, based on current appropriations, that outflows will exceed inflows in every year in the next decade. Some projections estimate the fund will be depleted by 2037 or 2038. Hewitt, Ennis, Knupp, a consultant contracted by the Nebraska Investment Council, reported in March 2011 that if the current level of annual commitments is not reduced, "spending levels of high and very high will likely result in declining portfolio, under the current aggressive asset allocation. If spending can be kept low, portfolio will likely grow."

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

1. That the Appropriations Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 199 and 201 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 199 and 201.

SELECT FILE

LEGISLATIVE BILL 490. ER129, found on page 1494, was adopted.

Advanced to Enrollment and Review for Engrossment.

SENATOR SULLIVAN PRESIDING

LEGISLATIVE BILL 142. ER130, found on page 1546, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 675. ER133, found in this day's Journal, was adopted.

Senator Pirsch renewed his amendment, AM1459, found on page 1601.

The Pirsch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 699. Senator Flood offered the following amendment:

AM1482

- 1 1. On page 3, strike line 24 and insert "SC11-19002-1,
- 2 SC11-19002-2, SC11-19002-3, SC11-19002-4, SC11-19002-5, and
- 3 SC11-19002-6, filed".

The Flood amendment was adopted with 37 ayes, 4 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMUNICATION

May 17, 2011

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB421 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB421, notwithstanding the objections of the

Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 421, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 17th day of May 2011.

(Signed) Mike Flood
President of the Legislature

COMMUNICATION

May 17, 2011

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB283, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB669:
AM1471

(Amendments to E & R amendments, ER131)

- 1 1. On page 2, strike beginning with "or" in line 11
- 2 through "basis" in line 12; in line 14 strike the second "and" and
- 3 insert an underscored comma and after "Administrator," insert "and
- 4 clerk of the district court,"; and in line 17 after the period
- 5 insert "Any agreement entered into under this subsection must be
- 6 signed and stipulated to by the State Court Administrator, the
- 7 county board and the clerk of the district court after obtaining

8 input from the clerk of the county court, a district court judge, a
 9 county court judge, and the county attorney. Any agreement entered
 10 into under this subsection may include, but is not limited to,
 11 financial considerations and scheduling."

12 2. On page 3, line 25, after "When" insert "the clerk of
 13 the county court or the".

14 3. On page 4, line 4, after the period insert "Any
 15 agreement entered into under this section must be signed and
 16 stipulated to by the State Court Administrator, the county board
 17 and the clerk of the district court after obtaining input from
 18 the clerk of the county court, a district court judge, a county
 19 court judge, and the county attorney. Any agreement entered into
 20 under this section may include, but is not limited to, financial
 21 considerations and scheduling."

22 4. On page 5, line 5, strike "the extent and" and
 1 insert "for the extent of authority which may be assigned and the
 2 procedure for"; in line 7 strike "judge" and insert an underscored
 3 semicolon; and strike beginning with "conduct" in line 8 through
 4 "position" in line 9 and insert "training of judicial hearing
 5 officers".

6 5. On page 17, line 17, strike the new matter.

Senator Fulton filed the following amendment to LB669:
 AM1452

(Amendments to E & R amendments, ER131)

1 1. On page 18, line 7, strike "The" and insert "Sixty
 2 days or more after perfection of service of process, the"; in line
 3 13 strike "The" and insert "Both"; and strike beginning with "at"
 4 in line 14 through "has" in line 15 and insert "both parties have
 5 certified that they have".

COMMITTEE REPORT

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.

Timothy M. Schulz - Nebraska Accountability and Disclosure Commission

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 283.** Introduced by Conrad, 46.

PURPOSE: The purpose of this study is to examine Nebraska's judicial system, specifically issues affecting judicial effectiveness and independence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to examine issues surrounding judicial independence including, but not limited to, Nebraska's current method of judicial retention.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 284. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to examine current law with respect to the changing of surnames as a result of marriage. Pursuant to Nebraska law, a woman, in a cost-effective manner, can change her surname upon marriage. Others who wish to initiate a name change as a result of marriage must get a court order to do so.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to examine the issue of all name changes as a result of marriage and any resulting impacts or costs borne by the parties and other governmental entities, including, but not limited to, the Department of Health and Human Services.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 285. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study the nursing shortage in Nebraska. A nursing shortage impacts many settings, including hospitals, long-term health care facilities, health clinics, schools, homes, and community and public health centers. The study should explore ways in which the State of Nebraska can be proactive in helping to alleviate the shortage and ensure that every citizen has reasonable access to qualified nursing care.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 286. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to examine the Legislature's use of resources from designated cash funds for purposes of funding legislation independent of the budget process.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to examine the importance of maintaining the integrity of statutory intent as established by the Legislature with respect to cash funds.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287. Introduced by Fischer, 43.

PURPOSE: The purpose of this interim study is to analyze the in transit system in Nebraska for motor vehicle dealer sales and private transactions. With multiple state and local agencies involved in the process, an outdated system leaves a disconnection in the correct information flowing to the necessary destinations. As a result, it is difficult for the state to keep track of sales tax collections and proper motor vehicle registrations. In addition, current state law leaves no credible in transit process for a private motor vehicle sale.

The committee will conduct a working group with the Department of Motor Vehicles, county officials, and representatives of motor vehicle dealers to incorporate an in transit system into the existing Vehicle, Titling, and Registration (VTR) system. The working group will consider the impact on motor vehicle dealers, private sales, county treasurers, and the public.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288. Introduced by Ashford, 20; Campbell, 25; Christensen, 44; Coash, 27; Council, 11; Howard, 9.

PURPOSE: The purpose of this resolution is to research issues related to standing for foster parents in removal proceedings. The study shall include, but not be limited to:

(1) A review of the issues presented in the following Nebraska cases: In re Interest of Destiny S., 263 Neb. 255, 639 N.W.2d 400 (2002), and In re Interest of Jorius G. and Cheralee G., 249 Neb. 892, 546 N.W.2d 796 (1996);

(2) Consultation with foster parents, juvenile court judges, appropriate state agencies, and practitioners to research current practice under the provisions of subsections (2) and (3) of section 43-285 and section 43-1314; and

(3) Research and develop findings on the appropriate conditions under which foster parents should have standing and for what purpose.

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

1. That the Health and Human Services Committee and the Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 289. Introduced by Ashford, 20; Coash, 27; Council, 11; B. Harr, 8; Larson, 40; McGill, 26.

PURPOSE: To study the new approaches to address the undocumented immigrant population that have been initiated at both the state and local level around the country since the Judiciary Committee of the Legislature completed its report on LR 362 in December of 2008. The committee should research action by state and local governments across the county in response to immigration issues, including the economic impact of such action and any resulting litigation. The committee should research the progress toward federal immigration reform, if any. The committee should research recent action by nongovernmental organizations to promote reasonable, humane,

and commonsense public policy and public discourse on immigration issues in the United States.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 290. Introduced by Howard, 9; Cook, 13; Nordquist, 7; Pirsch, 4.

PURPOSE: The purpose of this interim study is to examine the procedures of the Department of Health and Human Services related to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption. The study will include, but not be limited to:

(1) An investigation of data related to the number of state wards who may require evaluation and the likelihood that they will receive evaluation;

(2) An evaluation of costs that may be associated with the evaluation of state wards for fetal alcohol spectrum disorders; and

(3) An examination of the consequences of such an evaluation or lack of an evaluation for adoptees and adoptive families.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to evaluate methods of reporting and preventing hospital-acquired infections (HAIs). The committee shall conduct a study that includes, but is not limited to:

(1) Examination and evaluation of state and private efforts to reduce the number of HAIs; and

(2) Examination and evaluation of current Nebraska laws and regulations related to the reporting of HAIs as compared to other states.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 292. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to examine cellular phone related safety issues in construction and school zones. The committee shall conduct a study that includes, but is not limited to:

- (1) The dangers of cellular phone usage in school and construction zones;
- (2) The efficacy of current Nebraska statutes to address such safety concerns in school and construction zones; and
- (3) Legislative actions taken by other states to address such safety concerns in school and construction zones.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293. Introduced by Campbell, 25; Gloor, 35; Mello, 5; Nordquist, 7.

PURPOSE: To continue the work of the select committee appointed pursuant to Legislative Resolution 467 (LR 467) in 2010 to conduct research regarding the federal Patient Protection and Affordable Care Act, Public Law 111-148. The chairperson and vice-chairperson of the Health and Human Services Committee of the Legislature, in consultation with the chairperson of the Banking, Commerce and Insurance Committee and the chairperson of the Appropriations Committee, shall convene the original LR 467 select committee to initiate this interim study. The select committee shall:

- (1) Be comprised of members of the original LR 467 select committee. Should vacancies occur, new members shall be appointed by the Executive Board of the Legislative Council;

(2) Consult and encourage collaboration, coordination, and systemwide communication with a broad array of public and private entities involved in Nebraska health care issues, including employers, small businesses, consumers, insurers, health care providers, institutions of higher education, community health centers, national and regional policy research organizations, state agencies, federal agencies, and other interested parties;

(3) Assist with the communication and collaboration of health care reform implementation between standing committees of the Legislature as the committees develop health care reform policies and proposed legislation within their subject matter jurisdiction;

(4) Consider issues, including, but not limited to:

(a) Nebraska's strategic implementation of the federal Patient Protection and Affordable Care Act with special attention to medicaid expansion, eligibility determination and enrollment processes, benefit design, the insurance exchange, health insurance reform, and workforce development;

(b) Review of policy improvements and efficiencies to Nebraska health care delivery systems and payment reforms to ensure Nebraskans have quality and access, including capacity and affordability, through Nebraska's health care systems;

(c) Utilization of technology for safe storage and transmission of health information, medical administration efficiencies, health care delivery, and aggregate data across systems to monitor population health, identify priorities for improvement, and track progress toward improvement goals;

(d) Leveraging federal grants, pilot programs, and other nonstate funding sources to assist with health care reform; and

(e) Aligning purchasing power of the state within medicaid, the federal Children's Health Insurance Program, public employees and retirees, and the insurance exchange to form public-private partnerships to coordinate and integrate efforts with providers, employer-sponsored insurance companies, and other stakeholders to provide health care redesign in Nebraska to improve efficiencies and delivery, ensure financial sustainability, and maximize public health and wellness.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 294. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the formation and mission of outdoor outfitters and guides in the State of Nebraska. The study shall include, but not be limited to, a review of the following issues:

(1) Location of, services provided by, and duration of hunting or fishing trips and the facilities and accommodations provided by outdoor outfitters and guides in Nebraska;

(2) Licensure and regulation of Nebraska outdoor outfitters and guides;

(3) Formulation of application for registration and application fees;

(4) Formulation of application renewal and revocation processes;

(5) Accountability and oversight by the Game and Parks Commission, conservation officers, and other commission staff;

(6) Necessity of liability insurance coverage per individual or group and availability of emergency services;

(7) Role outdoor outfitters and guides play in promoting economic development in Nebraska; and

(8) Role of state and federal wildlife protection laws with respect to organized outdoor outfitter and guide services.

Based on these findings, the Natural Resources Committee of the Legislature shall make a recommendation with respect to Nebraska outdoor outfitters and guides to the Legislature.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to compile and synthesize available research and academic literature and solicit objective expert viewpoints regarding food safety, food security, animal welfare, resource stewardship, farm economy welfare, and other societal benefits and tradeoffs associated with various restrictions and regulations of livestock husbandry practices that have been promoted by animal welfare advocacy groups.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 296. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level in areas such as governance, resource allocations, and promotional effort in relation to commodity production and value.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297. Introduced by Carlson, 38; Larson, 40.

PURPOSE: The purpose of this resolution is to review the report of the Department of Agriculture pursuant to LB 305 (2011) identifying those authorities and resources necessary to carry out a cooperative program of state meat and poultry inspection. It shall be a goal of the study to supplement the department's report with information regarding potential utilization of state meat and poultry inspection and to identify associated economic benefits.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 298. Introduced by McGill, 26.

PURPOSE: To study the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states. Specifically, the interim study should examine the Nebraska Juvenile Service Delivery Project initiated by the Administrative Office of the Courts and Probation and the Department of Health and Human Services

in 2009. Topics addressed by this interim study may include, but are not limited to:

(1) Locating and analyzing successful models of collaborative management of multi-agency services provided to children and families in other states;

(2) Measuring and evaluating the success of the Nebraska Juvenile Service Delivery Project, including conducting a cost-benefit analysis of the project, identifying any cost savings to the State of Nebraska, and identifying the outcomes of the pilot program from 2009 to the present;

(3) Exploring the feasibility of statewide implementation of such a collaborative management service model between the Administrative Office of the Courts and Probation and the Department of Health and Human Services, including identifying any challenges or necessary modifications for extending a collaborative model into more counties and determining any benefits such a model would provide to the State of Nebraska and the children and families that utilize such services; and

(4) Consulting with governmental and nongovernmental organizations in developing recommendations for strategic planning in regard to future collaboration between state agencies.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 299. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding gaming revenue that leaves Nebraska. This study should include, but not be limited to:

(1) A review of the number of Nebraskans who travel to neighboring states to gamble;

(2) A review of the economic impact a casino has on the local economy; and

(3) A review of the tax revenue generated by casinos to the state and to local municipalities.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 300. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding horseracing. Specifically, the study should focus on the feasibility of conducting live horseracing in Grand Island during the Nebraska State Fair and the distribution of horseracing revenue. This study should include, but not be limited to:

(1) A consideration of horseracing revenue and whether there should be a revenue distribution scheme similar to the keno distribution scheme; and

(2) A consideration of policy and feasibility issues regarding whether there should be live horseracing conducted in Grand Island during the Nebraska State Fair.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 301. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding alcohol impact zones. This study should include, but not be limited to:

(1) A consideration of what constitutes an alcohol impact zone;

(2) A review of alcohol impact zones or similar zones and their effectiveness in other states;

(3) A review of the primary and secondary issues occurring in alcohol impact zones; and

(4) A consideration of the impact of alcohol consumption on economically distressed areas.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 302. Introduced by Karpisek, 32.

PURPOSE: To study issues under the jurisdiction of the General Affairs Committee of the Legislature which may arise during the interim.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 303. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding whether Nebraska State Patrol inspectors of violations under the Nebraska Liquor Control Act should be under the Nebraska Liquor Control Commission's jurisdiction. This study should include, but not be limited to:

(1) A review of the history of inspectors enforcing the Nebraska Liquor Control Act;

(2) A review of the role and effectiveness of inspectors in enforcing the Nebraska Liquor Control Act; and

(3) A consideration of whether inspectors should remain under the jurisdiction of the Nebraska State Patrol or instead be under the jurisdiction of the Nebraska Liquor Control Commission.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 304. Introduced by Christensen, 44; Carlson, 38.

PURPOSE: The purpose of this interim study is to examine section 46-703, specifically subdivision (4), regarding the intent of the Legislature when

stating "The Legislature intends and expects that each natural resources district within which water use is causing external impacts will accept responsibility for ground water management in accordance with the Nebraska Ground Water Management and Protection Act in the same manner and to the same extent as if the impacts were contained within that district." Currently, some irrigated acres in certain natural resources districts are "commingled acres," or those that have access to ground water and surface water for the same acres. Some of the surface water supplied to these commingled acres comes from neighboring natural resources districts. According to the intent of the Legislature in section 46-703, which natural resources district should be charged with the consumptive use for consumptive ground water pumping on commingled acres when the surface water supply is unavailable from a neighboring natural resources district? This study shall include, but not be limited to:

(1) A determination of the original intent of the Legislature when applying subdivision (4) of section 46-703;

(2) Whether this legislative intent is being practiced currently;

(3) A determination of how the legislative intent would apply in the situation described above regarding consumptive ground water use on commingled acres with no supply of surface water from the neighboring district; and

(4) Whether the committee should look into legislation to clarify the intent for clear implementation.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 305. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the public benefits and supportive services available to older foster youth transitioning or "aging" out of the foster care system. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the public benefits and supportive services currently available for youth aging out of the foster care system, including postsecondary education and training and health care access;

(2) A review of the needs and barriers that exist for foster youth in accessing supportive services from the perspective of current and former foster youth themselves and those who work with and care for them;

(3) An examination of the availability and accessibility of medicaid services for youth aging out of the foster care system; and

(4) An examination of potential funding sources or other avenues to increase access to postsecondary education and training, health care coverage, and other supportive services for youth aging out of the foster care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306. Introduced by Conrad, 46; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations (CBOs) and serving and reaching clients via the new system. This study shall include, but shall not be limited to:

(1) An assessment of the number, geographical area, and demographics served by current partnering CBOs statewide and the current hours and locations of Department of Health and Human Services offices as compared to 2009;

(2) An assessment of the support CBOs receive from the Department of Health and Human Services, including trainings, information, equipment, or funding, and the sufficiency of such support for the role of CBOs in ACCESS Nebraska;

(3) An assessment of the amount of resources, including, but not limited to, staff time and technology costs, expended by CBOs in executing ACCESS Nebraska-related work; and

(4) An assessment of the experiences that clients of CBOs have had with ACCESS Nebraska, including client successes and struggles.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, hold a hearing, or report its recommendations to the Legislative Council or Legislature on or before November 1, 2011.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307. Introduced by Schilz, 47.

PURPOSE: To study the process of decreasing the number of county commissioners.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 102 (2011) regarding vehicle loads.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 309. Introduced by Schilz, 47.

PURPOSE: To study ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 310. Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 692 (2011) regarding the reimbursement of expenses by the Department of Administrative Services.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 311. Introduced by Schilz, 47.

PURPOSE: To study the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market. The State of Nebraska could repay a philanthropic investment, with interest, resulting in a cost savings for the state and a profit for the philanthropic entity. The study should include an exploration into what areas of state government such investments could be made and a calculation of the appropriate formula to provide such cost savings and profit.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 312. Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 392 (2011), including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 313. Introduced by Schilz, 47.

PURPOSE: To study the intent of LR 9CA (2011) regarding agricultural and horticultural land valuation.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; McCoy, 39; Schilz, 47; Fischer, 43; Harms, 48; Mello, 5.

PURPOSE: To study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska. The water management activities in Nebraska are of critical importance and must be addressed to achieve and maintain economic viability, social and environmental health, safety, welfare, and sustainability of our water resources. The study shall include, but not be limited to:

(1) An examination of current Nebraska statutes relating to water use in Nebraska;

(2) An examination of the overall funding needs for water management activities in Nebraska, including an analysis of the resources needed to provide sufficient research and technical data, modeling, and studies to decision makers;

(3) An examination of LB 962 (2004), which put into statute proactive components of integrated management of surface water and ground water and the necessary funding to continue implementation and enforcement of the bill's policies; and

(4) An identification of all potential sources of funding to establish a dedicated source for water management activities in Nebraska.

This study shall be conducted by a select committee consisting of the chairperson of the Agriculture Committee of the Legislature, the chairperson of the Revenue Committee of the Legislature, the chairperson of the Appropriations Committee of the Legislature, the members of the Natural Resources Committee of the Legislature, and other members as the chairperson of the Natural Resources Committee deems appropriate.

The chairperson of the select committee shall be the chairperson of the Natural Resources Committee of the Legislature or a member of the Natural Resources Committee selected by the chairperson of the Natural Resources Committee.

In conducting the study, the select committee shall consult with the Department of Natural Resources, the Nebraska Environmental Trust, the Game and Parks Commission, representatives from natural resources districts, public power, municipalities, agricultural groups for every identifiable commodity, parks and recreation interests, environmental, hunting and fishing, and conservationist interests, irrigators representing Nebraska's river basins with an equal balance between surface water and ground water users, and any other group the select committee deems appropriate.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature on or before December 1, 2011.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 315. Introduced by Christensen, 44.

PURPOSE: The purpose of this interim study is to examine simulcast horseracing in Nebraska, which was introduced in 1987. It will compare the vitality, profits, distribution of earnings, and participation in horseracing prior to the introduction of simulcast horseracing in Nebraska and the effects of simulcast horseracing on the horseracing industry since its introduction. The study shall address at least the following questions:

(1) Has the introduction of simulcast horseracing benefited the Nebraska horseracing industry in general?

(2) What was the original reason for the introduction of simulcast horseracing in 1987? Was it to preserve live horseracing?

(3) How many live races were run before simulcast horseracing was introduced and how many are run now?

(4) How many Nebraska-bred horses were racing in Nebraska before simulcast horseracing and how many Nebraska-bred horses are racing now?

(5) What was the gross wagering on horseracing in Nebraska before simulcast horseracing was introduced and what is it now?

(6) Where do the profits from simulcast horseracing go and what is the breakdown of funds to each category?

(7) What benefits have live Nebraska horseracing and Nebraska-bred horses gained from simulcast horseracing?

(8) If the horseracing industry wants to cut most of the racetrack enclosures down to one day per year of live racing, how does this strengthen live horseracing in Nebraska and Nebraska breeders?

(9) What entities benefit the most monetarily from simulcast horseracing: state government, instate breeders and trainers, racetrack enclosures, or others?

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 316. Introduced by Krist, 10; Hadley, 37.

PURPOSE: The purpose of this resolution is to examine the timing issues related to the construction, permitting, and coordination processes of state and federal agencies regarding roads and transportation projects.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317. Introduced by Heidemann, 1.

PURPOSE: The formulas for distribution of funding to the federally qualified health centers (FQHC) were written a decade ago. The recent census figures show a change in demographics not anticipated when the formulas were written, and client numbers have increased significantly during this past decade. Also, the number of FQHCs has expanded since the formulas were developed, and there is the possibility of more being added in the future. For these reasons, the formula for distribution of the funding to the FQHCs needs to be reviewed and revised to ensure that the funding is distributed in the most fair and equitable manner.

This interim study will examine the funding formulas and recommend changes to the 2012 Legislature. Input and guidance will be sought from the FQHCs and the communities they serve.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2011.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Committee AM1449, found on page 1558, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 670. Title read. Considered.

Committee AM1447, found on page 1563, 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 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 318. Introduced by Fulton, 29.

PURPOSE: The purpose of this resolution is to study, compare, and analyze the true costs incurred when state government and political subdivisions provide services readily available in the private sector. This study should compare the complete costs when the public sector provides the services to the complete costs when the private sector provides the same services, including both direct and indirect costs. The study should include an analysis of the effects to the economy when services are provided by a government entity. The study should also include a comparison of intangibles associated with providing the services by both public and private sectors to evaluate true cost effectiveness. The study may include recommendations to address effective privatization of government services and to address concerns regarding unfair government competition with the private sector.

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

1. That the Speaker of the Legislature is empowered to convene an ad hoc committee consisting of standing committee chairpersons and the chairperson of the Executive Board of the Legislative Council, or a designee that is a member of the standing committee or the executive board, to discuss, plan, and oversee a process for standing committees and the executive board to conduct an interim study to carry out the purposes of this resolution.

2. That the standing committees and executive board shall meet and review the programs within the agencies under their subject-matter jurisdiction, as determined by the executive board, to:

a. Identify services provided by the public sector that are available in the private sector;

b. Study, compare, and analyze the true costs incurred when state agencies provide services readily available in the private sector, including both direct and indirect costs. The study should also include an analysis of the effects to the economy when services are provided by a government entity; and

c. Make recommendations to address effective privatization of government services and to address concerns regarding unfair government competition with the private sector.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Christensen, 44.

PURPOSE: The purpose of this interim study is to examine the tax exemptions that pertain to the horseracing industry in Nebraska. The study shall include, but not be limited to:

(1) An examination of whether the income tax deduction given to the horseracing industry pursuant to sections 2-1208 and 2-1208.01 should be changed or eliminated;

(2) A determination of whether the sales tax exemption granted to racetrack enclosures in 1991 should be changed; and

(3) An examination of the purpose for the 1935 excise tax exemption for racetrack enclosures.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Adams, 24.

PURPOSE: To study the funding of public elementary and secondary education in Nebraska.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by Pirsch, 4; Howard, 9.

PURPOSE: To examine the experiences of child victims and child witnesses with respect to their interaction with the criminal justice system and to examine whether legislation could improve such interaction.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Bloomfield, 17; Brasch, 16; Carlson, 38; B. Harr, 8; Karpisek, 32; Larson, 40; Lathrop, 12; Price, 3; Wallman, 30.

PURPOSE: The purpose of this resolution is to examine issues relating to the operation of the Nebraska Tractor Testing Laboratory. This study shall include, but not be limited to:

(1) A tour of the Nebraska Tractor Testing Laboratory by the Agriculture Committee of the Legislature;

(2) A review of the history and purpose of the Nebraska Tractor Testing Laboratory and its effect on agriculture today;

(3) An examination of the definition of agricultural tractor;

(4) An examination of the permitting process found in sections 2-2701 to 2-2711; and

(5) A detailed study of issues that may place Nebraska equipment dealers at an economic disadvantage compared to their competitors in neighboring states.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Mello, 5.

PURPOSE: To study combined sewer overflow projects affecting municipalities.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine ways for the State of Nebraska to help facilitate an increase in the export of Nebraska's agricultural products.

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

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

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Conrad filed the following amendment to LB541:
AM1483

(Amendments to Final Reading copy)

- 1 1. On page 3, strike beginning with "and" in line 16
- 2 through "73-203" in line 17; in line 22 after the comma insert
- 3 "including a limit on contingent fees of no more than twelve and
- 4 one-half percent of amounts recovered."; after line 24 insert the
- 5 following new subsection:
- 6 "(5) All amounts recovered and savings generated as a
- 7 result of this section shall be returned to the medical assistance
- 8 program."; and in line 25 strike "(5)" and insert "(6)".
- 9 2. On page 4, line 4, strike "(6)" and insert "(7)".

VISITORS

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from Lincoln Christian School, Lincoln; Judge John Finney from Lincoln; members of Dawson County Leadership Development; 37 fourth-grade students, teachers, and sponsors from Hitchcock Elementary, Omaha; 40 fourth-grade students, teachers, and sponsors from Golden Hills Elementary, Bellevue; a group from Adult English Classes for Omaha Public Schools, Omaha; and 27 seventh- and eighth-grade students and teachers from Marris Magnet Middle School, Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, May 18, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

