

THIRTY-THIRD DAY - FEBRUARY 24, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 2012

PRAYER

The prayer was offered by Father Rick Swenson, Grace Episcopal Church, Tecumseh.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Larson who were excused; and Senators Cornett, Karpisek, Lautenbaugh, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 358CA. Placed on Select File.

LEGISLATIVE BILL 830. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 998. Placed on General File with amendment. AM2041 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

COMMUNICATION

February 24, 2012

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

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB415 for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

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

PJO:jk

RESOLUTIONS

LEGISLATIVE RESOLUTION 409. Introduced by Sullivan, 41.

WHEREAS, Jed Fenske, a senior at Sargent/Burwell, won the 2012 Class C State Wrestling Championship in the 152-pound division; and

WHEREAS, Jed Fenske defeated Bryce Wiedeman 25-10 to win the state title; and

WHEREAS, Jed Fenske's constant hard work and dedication to his sport resulted in the compilation of an excellent season record of 41-0; and

WHEREAS, Jed Fenske is the top-rated Class C wrestler in the State of Nebraska; and

WHEREAS, Jed Fenske's excellence helped lead his school to a Class C third-place finish with 98.5 points; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jed Fenske on winning the 2012 Class C State Wrestling Championship in the 152-pound division and for his exemplary season record.

2. That a copy of this resolution be sent to Jed Fenske and his coach, Luke Gideon.

Laid over.

LEGISLATIVE RESOLUTION 410. Introduced by Sullivan, 41.

WHEREAS, Clayton Lange, a junior at Ord Public School, won the 2012 Class C State Wrestling Championship in the 285-pound division; and

WHEREAS, Clayton Lange defeated Brandon Barta 3-2 to win the state title; and

WHEREAS, Clayton Lange's constant hard work and dedication to his sport resulted in the compilation of a season record of 28-2; and

WHEREAS, Clayton Lange has developed athletic ability and skill in several sports; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Clayton Lange on winning the 2012 Class C State Wrestling Championship in the 285-pound division.

2. That a copy of this resolution be sent to Clayton Lange and his coach, Derry Trampe.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Sullivan, 41.

WHEREAS, Brett Ryan of Cedar Valley won the 2012 Class D State Wrestling Championship in the 170-pound division; and

WHEREAS, Brett Ryan defeated Stuart Hircock 3-1 to win the state title; and

WHEREAS, Brett Ryan's constant hard work and dedication to his sport resulted in the compilation of a season record of 45-2; and

WHEREAS, Brett's is a historic victory for Cedar Valley as it's the school's first Nebraska School Activities Association championship; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brett Ryan on winning the 2012 Class D State Wrestling Championship in the 170-pound division and for his exemplary spirit.

2. That a copy of this resolution be sent to Brett Ryan and his coach, Mike Herman.

Laid over.

LEGISLATIVE RESOLUTION 412. Introduced by Langemeier, 23; K. Haar, 21.

WHEREAS, Aaron Studebaker of Raymond Central won the 2012 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, Aaron defeated Josh Mooney of Centennial 11-3 to win the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Aaron Studebaker on winning the 2012 Class C State Wrestling Championship in the 170-pound division.

2. That a copy of this resolution be sent to Aaron Studebaker.

Laid over.

REPORT

The following report was received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska

Nebraska Crime Victim's Reparations Program, Twenty-fourth Report,
July 1, 2010-June 30, 2011

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 23, 2012, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bromm, Curt/Bromm & Associates, LLC

Cenpatico

Husch Blackwell, LLP

H&R Block

Kelley & Jerram, P.C., L.L.O.

Friends of Nebraska Racing Inc.

Kelley, Michael

Kelley and Jerram, P.C.

Kelley Governmental Relations, LLC

Kelley, Sean

Kelley and Jerram, P.C.

Kelley Governmental Relations, LLC

Radcliffe, Walter H. of Radcliffe & Associates

Friends of Nebraska Racing Inc.

Root, David

Medco Health Solutions, Inc. & Affiliates (Withdrawn 02/21/2012)

Yost, Kurt T.

Friends of Nebraska Racing Inc.

SELECT FILE

LEGISLATIVE BILL 1043. Senator Langemeier renewed his amendment, AM2104, found on page 609.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. Senator Adams renewed his amendment, AM2154, found on page 615.

The Adams amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 801. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 841. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 790. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 862. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 862A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. ER177, found on page 527, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 739. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 985. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 526. ER179, found on page 544, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. ER178, found on page 547, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 780. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 733. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 860. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 878. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 759. ER180, found on page 548, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 786. ER181, found on page 548, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 811. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1031. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 887. ER182, found on page 557, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 943. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 723. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 794. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 831. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 871. ER183, found on page 579, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 686. ER184, found on page 579, was adopted.

Senator Schilz offered the following amendment:

AM2157

(Amendments to E & R amendments, ER184)

- 1 1. On page 3, line 22, after "degree" insert "in animal
- 2 science".

The Schilz amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 849. Senator Langemeier renewed his amendment, AM2091, found on page 619.

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

ER185, found on page 581, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1018. ER187, found on page 612, was adopted.

Senator McCoy renewed his amendment, AM2161, found on page 619.

The McCoy amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1064. ER186, found on page 613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 773. Senator Smith renewed his amendment, AM2047, found on page 586.

The Smith amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 904. Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB1158:
AM1909

- 1 1. Strike section 1 and insert the following section:
- 2 Section 1. All contracts and agreements relating to
- 3 the medical assistance program governing at-risk managed care
- 4 service delivery for behavioral health services entered into by the
- 5 department on or after July 1, 2012, shall:
- 6 (1) Provide a definition and cap on administrative
- 7 spending that may not exceed seven percent unless the
- 8 implementing department includes detailed requirements for
- 9 tracking administrative spending to ensure (a) that administrative
- 10 expenditures do not include additional profit and (b) that any
- 11 administrative spending in excess of seven percent is necessary to
- 12 improve the health status of the population to be served;
- 13 (2) Provide a definition of annual contractor profits and
- 14 restrict such profits to a maximum of two and one-half percent
- 15 per year of the aggregate of all income and revenue earned by the
- 16 contractor and related parties under the contract;
- 17 (3) Provide for reinvestment of any profits in excess of
- 18 the contracted amount and any fees imposed by the department
- 19 to fund community-based services for children, families, and
- 20 adults according to a plan developed with stakeholder and regional
- 21 behavioral health authority input and approved by the department.
- 22 Such plan shall address the behavioral health needs of adults
- 23 and children, including filling service gaps and providing system
- 1 improvements;
- 2 (4) Provide for a minimum medical loss ratio of
- 3 eighty-five percent of the aggregate of all income and revenue
- 4 earned by the contractor and related parties under the contract;
- 5 (5) Provide that contractor incentives be at least one
- 6 percent of the aggregate of all income and revenue earned by the
- 7 contractor and related parties under the contract; and
- 8 (6) Provide that a minimum of one-quarter percent of the
- 9 aggregate of all income and revenue earned by the contractor and
- 10 related parties under the contract be contingent on performance
- 11 metrics.

Senator Adams filed the following amendment to LB1104:
AM2168

(Amendments to Standing Committee amendments, AM2077)

- 1 1. On page 30, line 15, strike "disability" and insert
- 2 "permanent disability or mental incapacity".

Senator Flood filed the following amendment to LB751:
AM2078 is available in the Bill Room.

MOTION - Return LB1118 to Select File

Senator Cornett moved to return LB1118 to Select File for her specific amendment, AM2092, found on page 615.

The Cornett motion to return prevailed with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

SENATOR LANGEMEIER PRESIDING

SELECT FILE

LEGISLATIVE BILL 1118. The Cornett specific amendment, AM2092, found on page 615, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendments to LB541

Senator Campbell withdrew the Conrad amendment, AM1483, found on page 1651, First Session, 2011, to LB541.

Senator Campbell withdrew her amendment, AM1914, found on page 473, to LB541.

MOTION - Return LB541 to Select File

Senator Campbell moved to return LB541 to Select File for the following specific amendment:

AM2179

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-901, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 68-901 Sections 68-901 to 68-971 and sections 2 and 3 of
- 6 this act shall be known and may be cited as the Medical Assistance
- 7 Act.
- 8 Sec. 2. The Legislature finds that the medical assistance

9 program would benefit from increased efforts to (1) prevent
10 improper payments to service providers, including, but not
11 limited to, enforcement of eligibility criteria for recipients
12 of benefits, enforcement of enrollment criteria for providers of
13 benefits, determination of third-party liability for benefits,
14 review of claims for benefits prior to payment, and identification
15 of the extent and cause of improper payment, (2) identify
16 and recoup improper payments, including, but not limited to,
17 identification and investigation of questionable payments for
18 benefits, administrative recoupment of payments for benefits, and
19 referral of cases of fraud to the state medicaid fraud control
20 unit for prosecution, and (3) collect postpayment reimbursement,
21 including, but not limited to, maximizing prescribed drug rebates
22 and maximizing recoveries from estates for paid benefits.

1 Sec. 3. (1) The department shall contract with one or
2 more recovery audit contractors to promote the integrity of the
3 medical assistance program and to assist with cost-containment
4 efforts and recovery audits. The contract or contracts shall
5 include services for (a) cost-avoidance through identification of
6 third-party liability, (b) cost recovery of third-party liability
7 through postpayment reimbursement, (c) casualty recovery of
8 payments by identifying and recovering costs for claims that
9 were the result of an accident or neglect and payable by a
10 casualty insurer, and (d) reviews of claims submitted by providers
11 of services or other individuals furnishing items and services
12 for which payment has been made to determine whether providers
13 have been underpaid or overpaid and take actions to recover any
14 overpayments identified.

15 (2) The department shall contract with one or more
16 persons to support a health insurance premium assistance payment
17 program.

18 (3) The department may enter into any other contracts
19 deemed to increase the efforts to promote the integrity of the
20 medical assistance program.

21 (4) Contracts entered into under the authority of this
22 section may be on a contingent fee basis. Contracts entered into on
23 a contingent fee basis shall provide that contingent fee payments
24 are based upon amounts recovered, not amounts identified, and that
25 contingent fee payments are not to be paid on amounts subsequently
26 repaid due to determinations made in appeal proceedings. Contracts
27 shall be in compliance with federal law and regulations when
1 pertinent, including a limit on contingent fees of no more than
2 twelve and one-half percent of amounts recovered, and initial
3 contracts shall be entered into as soon as practicable under such
4 federal law and regulations.

5 (5) All amounts recovered and savings generated as a
6 result of this section shall be returned to the medical assistance
7 program.

8 (6) The department shall by December 1, 2012, report to
 9 the Legislature the status of the contracts, including the parties,
 10 the programs and issues addressed, the estimated cost recovery, and
 11 the savings accrued as a result of the contracts.

12 (7) For purposes of this section:

13 (a) Person means bodies politic and corporate,
 14 societies, communities, the public generally, individuals,
 15 partnerships, limited liability companies, joint-stock companies,
 16 and associations; and

17 (b) Recovery audit contractor means private entities
 18 with which the department contracts to audit claims for medical
 19 assistance, identify underpayments and overpayments, and recoup
 20 overpayments.

21 Sec. 4. Original section 68-901, Revised Statutes
 22 Supplement, 2011, is repealed.

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

25 2. On page 1, line 2, strike "Cumulative Supplement,
 26 2010" and insert "Supplement, 2011".

The Campbell motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

SELECT FILE

LEGISLATIVE BILL 541. The Campbell specific amendment, AM2179, found in this day's Journal, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LR40CA to Select File

Senator Langemeier moved to return LR40CA to Select File for his specific amendment, AM1871, found on page 438.

The Langemeier motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 40CA. The Langemeier specific amendment, AM1871, found on page 438, was adopted with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

Senator Council requested a machine vote on the advancement of the resolution.

Advanced to Enrollment and Review for Reengrossment with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 413. Introduced by Brasch, 16.

WHEREAS, Tristan Bettenhausen of West Point-Beemer won the 2012 Class C State Wrestling Championship in the 126-pound division; and

WHEREAS, Tristan defeated Ricky Avila of Madison 33-9 to win the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Tristan Bettenhausen on winning the 2012 Class C State Wrestling Championship in the 126-pound division.
2. That a copy of this resolution be sent to Tristan Bettenhausen.

Laid over.

LEGISLATIVE RESOLUTION 414. Introduced by Brasch, 16.

WHEREAS, Will Schany of Blair won the 2012 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Will defeated Conor Hovey of Bennington 11-3 to win his second straight state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Will Schany on winning the 2012 Class B State Wrestling Championship in the 170-pound division.
2. That a copy of this resolution be sent to Will Schany.

Laid over.

LEGISLATIVE RESOLUTION 415. Introduced by Brasch, 16.

WHEREAS, Brandon Lincoln of Blair won the 2012 Class B State Wrestling Championship in the 120-pound division; and

WHEREAS, Brandon defeated Quentin Dawes of Gretna 16-1 to win the state championship; and

WHEREAS, Brandon finished the season with an undefeated record of 41-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brandon Lincoln on winning the 2012 Class B State Wrestling Championship in the 120-pound division.
2. That a copy of this resolution be sent to Brandon Lincoln.

Laid over.

LEGISLATIVE RESOLUTION 416. Introduced by Langemeier, 23.

WHEREAS, Dennis Stille of Ashland-Greenwood won the 2012 Class B State Wrestling Championship in the 195-pound division; and

WHEREAS, Dennis won his division by pinning Tanner Evans of Gretna; and

WHEREAS, The Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Dennis Stille on winning the 2012 Class B State Wrestling Championship in the 195-pound division.
2. That a copy of this resolution be sent to Dennis Stille.

Laid over.

LEGISLATIVE RESOLUTION 417. Introduced by Langemeier, 23.

WHEREAS, Jarrod Bazata of Howells won the 2012 Class D State Wrestling Championship in the 220-pound division; and

WHEREAS, Jarrod defeated Rulon Taylor of Medicine Valley 9-2 to win the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jarrod Bazata on winning the 2012 Class D State Wrestling Championship in the 220-pound division.
2. That a copy of this resolution be sent to Jarrod Bazata.

Laid over.

LEGISLATIVE RESOLUTION 418. Introduced by Langemeier, 23.

WHEREAS, Austin Svoboda of David City Aquinas won the 2012 Class C State Wrestling Championship in the 182-pound division; and

WHEREAS, Austin defeated Ken Burkhardt, Jr., of Milford 15-2 to win the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Austin Svoboda on winning the 2012 Class C State Wrestling Championship in the 182-pound division.
2. The a copy of this resolution be sent to Austin Svoboda.

Laid over.

LEGISLATIVE RESOLUTION 419. Introduced by Langemeier, 23.

WHEREAS, Eric Coufal of Howells won the 2012 Class D State Wrestling Championship in the 132-pound division; and

WHEREAS, Eric defeated Isaac Elge of Nebraska Christian 4-2 to win the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Eric Coufal on winning the 2012 Class D State Wrestling Championship in the 132-pound division.
2. That a copy of this resolution to sent to Eric Coufal.

Laid over.

LEGISLATIVE RESOLUTION 420. Introduced by Seiler, 33.

WHEREAS, Max Meier, Troop 207, Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Max Meier on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Max Meier.

Laid over.

LEGISLATIVE RESOLUTION 421. Introduced by Seiler, 33.

WHEREAS, Matthew Spartz, Troop 207, Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Matthew Spartz on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Spartz.

Laid over.

LEGISLATIVE RESOLUTION 422. Introduced by Hadley, 37.

WHEREAS, the Kearney Area Habitat for Humanity is celebrating its twentieth anniversary in 2012; and

WHEREAS, the Kearney Area Habitat for Humanity affiliate is unique because it is made up entirely of volunteers who have helped build sixty-one homes in Kearney since the organization was founded; and

WHEREAS, the Kearney Area Habitat for Humanity builds three to four houses per year and each year there is a banquet to thank the organization's donors and volunteers; and

WHEREAS, each year U.S. Bank contributes at least five hundred dollars, Wells Fargo had contributed more than one hundred sixty thousand dollars through 2009, and Thrivent Financial has contributed more than ninety thousand dollars to the organization; and

WHEREAS, in 2004, the Kearney Area Habitat for Humanity was awarded Affiliate of the Year by Habitat International for their eight-state Midwest region.

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

1. That the Legislature congratulates the Kearney Area Habitat for Humanity on its twentieth anniversary and commends the organization for the work it does to benefit the citizens of Kearney.

2. That a copy of this resolution be sent to the Kearney Area Habitat for Humanity.

Laid over.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 950. Placed on General File with amendment. AM2158

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

Revenue

LEGISLATIVE BILL 731. Placed on General File with amendment. AM2151 is available in the Bill Room.

LEGISLATIVE BILL 745. Placed on General File with amendment. AM2073

- 1 1. On page 2, line 19, strike "or change" and insert
- 2 "imposed for a specific project which provides for deposit of the
- 3 tax proceeds in the municipality's general fund or extend"; and in
- 4 line 21 before "termination" insert "extend the".
- 5 2. On page 3, lines 2 and 6, strike the second "change"
- 6 and insert "extension"; in line 10 strike "change" and insert
- 7 "extension"; in line 13 after "(3)" insert "After the effective
- 8 date of this act, a municipality shall not be required to submit
- 9 the following questions to the registered voters:
- 10 (a) Whether to change the rate of an occupation tax
- 11 imposed for a specific project which does not provide for deposit
- 12 of the tax proceeds in the municipality's general fund; or

- 13 (b) Whether to terminate an occupation tax earlier
 14 than the determinable termination date in the original question
 15 submitted to the registered voters.
 16 This subsection applies to occupation taxes imposed prior
 17 to, on, or after the effective date of this act.
 18 (4)" and in line 21 strike "(4)" and insert "(5)".

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 4 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 820. Placed on General File with amendment.
 AM2165

- 1 1. Insert the following new sections:
 2 Sec. 3. On or before September 30, 2013, the Department
 3 of Health and Human Services shall apply to the United States
 4 Secretary of Health and Human Services for approval of a
 5 demonstration project pursuant to 42 U.S.C. 1320a-9 and to obtain
 6 a waiver as provided in 42 U.S.C. 1320a-9(b) of any requirement
 7 of Title IV-E of the federal Social Security Act, as amended,
 8 which would otherwise prevent the Nebraska Department of Health
 9 and Human Services from carrying out such demonstration project or
 10 from effectively achieving the purposes of such project, except as
 11 provided in such section.
 12 Sec. 4. The Legislature finds that:
 13 (1) Surveys of foster parents demonstrate that the safety
 14 net provided by foster families is fragile and damaged;
 15 (2) Increased focus on recruiting and retaining high
 16 quality, trained, and experienced foster parents should be a
 17 priority under reform of the system of child welfare services in
 18 Nebraska;
 19 (3) A 2007 study entitled Foster Care Minimum Adequate
 20 Rates for Children completed by Children's Rights, the National
 21 Foster Parent Association, and the University of Maryland School of
 22 Social Work analyzed foster care maintenance payments under Title
 23 IV-E of the federal Social Security Act, as amended, which are
 1 defined as the cost of providing food, clothing, shelter, daily
 2 supervision, school supplies, personal incidentals, insurance, and
 3 travel for visitation with the biological family;
 4 (4) The study set a basic foster care payment rate,
 5 calculated by (a) analyzing consumer expenditure data reflecting

6 the costs of caring for a child, (b) identifying and accounting
7 for additional costs specific to children in foster care, and (c)
8 applying a geographic cost-of-living adjustment in order to develop
9 rates for each of the fifty states and the District of Columbia.
10 The rate includes adequate funds to meet a foster child's basic
11 physical needs and the cost of activities such as athletic and
12 artistic programs which are important for children who have been
13 traumatized or isolated by abuse, neglect, and placement in foster
14 care;

15 (5) The study found that Nebraska's foster care payment
16 rates were the lowest in the country, with an average payment of
17 two hundred twenty-six dollars per month for a child two years of
18 age. The next lowest foster care payment rate was Missouri, paying
19 two hundred seventy-one dollars per month; and

20 (6) Foster care placements with relatives are more stable
21 and more likely to result in legal guardianship with a relative
22 of the child. Children in relative placements are less likely
23 to reenter the system after reunification with their parents and
24 report that they feel more loved and less stigmatized when living
25 with family.

26 Sec. 5. (1) The Department of Health and Human Services
27 shall convene a Foster Care Reimbursement Rate Committee to develop
1 a statewide standard reimbursement rate structure for children
2 in foster care in Nebraska. Such structure shall include a
3 standardized level of care assessment system and shall link
4 performance with payments to achieve permanency outcomes for
5 children and families.

6 (2) The committee shall include: (a) The chief
7 executive officer of the department or his or her designee; (b)
8 representatives from the Division of Children and Family Services
9 of the department for each service area designated pursuant to
10 section 81-3116, including at least one division employee with a
11 thorough understanding of the current foster care payment system
12 and at least one division employee with a thorough understanding of
13 the NFOCUS electronic data collection system; (c) representatives
14 from an agency that contracts directly with foster parents,
15 from each of such service areas; (d) a representative from a
16 child welfare advocacy organization; (e) a representative of a
17 public interest organization with child welfare interests; (f) a
18 representative from a foster and adoptive parent association; (g)
19 a representative of a lead agency; (h) a representative of a child
20 advocacy center; (i) a foster parent who contracts directly with
21 the department; and (j) a foster parent who contracts with an
22 agency. The committee shall meet and organize as soon as possible
23 after the operative date of this section.

24 (3) The committee shall use the study described in
25 subdivision (3) of section 4 of this act as a beginning standard
26 for setting reimbursement rates. The committee shall adjust the
27 standard to reflect the reasonable cost of achieving measurable

1 outcomes for all children in foster care in Nebraska. The committee
2 shall: (a) Analyze consumer expenditure data reflecting the costs
3 of caring for a child in Nebraska; (b) identify and account for
4 additional costs specific to children in foster care; and (c)
5 apply a geographic cost-of-living adjustment for Nebraska. The
6 reimbursement rate structure shall comply with funding requirements
7 related to Title IV-E of the federal Social Security Act, as
8 amended, and federal Temporary Assistance for Needy Families
9 funding to maximize the utilization of federal funds to support
10 foster care.

11 (4) The committee shall develop a statewide level of care
12 assessment system containing standardized criteria to determine
13 a foster child's placement needs and to appropriately identify
14 the foster care reimbursement rate. The committee shall review
15 other states' assessment models and reimbursement rate structures
16 in completing the statewide level of care assessment system and
17 the foster care reimbursement rate structure. The statewide level
18 of care assessment system shall be research-based, supported by
19 evidence-based practices, and reflect the commitment to systems
20 of care and a trauma-informed, child-centered, family-involved,
21 coordinated process. The committee shall develop the statewide
22 level of care assessment system and the foster care reimbursement
23 rate structure in a manner that provides incentives to tie
24 performance in achieving the goals of safety, maintaining family
25 connection, permanency, stability, and well-being to reimbursements
26 received.

27 (5) The committee shall provide written reports to the
1 Health and Human Services Committee of the Legislature on July
2 1, 2012, September 1, 2012, and November 1, 2012, and a final
3 report to the committee and the Governor, with recommendations for
4 the statewide level of care assessment system and the foster care
5 reimbursement rate structure, on December 15, 2012.

6 (6) If the Nebraska Children's Commission is created
7 by the One Hundred Second Legislature, Second Session, 2012, the
8 Foster Care Reimbursement Rate Committee shall immediately come
9 under the commission's jurisdiction. The commission may change the
10 appointments of the members and make any changes it deems necessary
11 to comply with sections 3 to 6 of this act.

12 Sec. 6. In recognition of Nebraska foster parents'
13 essential contribution to the safety and well being of Nebraska's
14 foster children and the need for additional compensation for the
15 services provided by Nebraska foster parents while the Foster Care
16 Reimbursement Rate Committee completes its duties under section
17 5 of this act, beginning July 1, 2012, through June 30, 2013,
18 all foster parents providing foster care in Nebraska, including
19 traditional, agency-based, licensed, approved, relative placement,
20 and child-specific foster care, shall receive an additional stipend
21 of three dollars and ten cents per day per child. The stipend shall
22 be in addition to the current foster care reimbursement rates for

23 relatives and foster parents contracting with the department and
24 in addition to the relative and tiered rate paid to a contractor
25 for agency-based foster parents. The additional stipend shall be
26 paid monthly through the agency that is contracting with the foster
27 parent, or in the case of a foster parent contracting with the
1 department, directly from the department. The contracting agency
2 shall receive an administrative fee of twenty-five cents per child
3 per day for processing the payments for the benefit of the foster
4 parents and the state, which administrative fee shall be paid
5 monthly by the state.

6 Sec. 7. Section 71-1902, Revised Statutes Supplement,
7 2011, is amended to read:

8 71-1902 Except as otherwise provided in this section,
9 no person shall furnish or offer to furnish foster care for
10 ~~two~~ one or more children ~~from different families not related~~
11 to such person by blood, marriage, or adoption without having
12 in full force and effect a written license issued by the
13 department upon such terms and conditions as may be prescribed
14 by general rules and regulations adopted and promulgated by the
15 department. The department may issue a time-limited, nonrenewable
16 provisional license to an applicant who is unable to comply
17 with all licensure requirements and standards, is making a good
18 faith effort to comply, and is capable of compliance within the
19 time period stated in the license. The department may issue a
20 time-limited, nonrenewable probationary license to a licensee who
21 agrees to establish compliance with rules and regulations that,
22 when violated, do not present an unreasonable risk to the health,
23 safety, or well-being of the foster children in the care of the
24 applicant. No license shall be issued pursuant to this section
25 unless the applicant has completed the required hours of training
26 in foster care as prescribed by the department.

27 All nonprovisional and nonprobationary licenses issued
1 under sections 71-1901 to 71-1906.01 shall expire two years from
2 the date of issuance and shall be subject to renewal under the
3 same terms and conditions as the original license, except that if
4 a licensee submits a completed renewal application thirty days or
5 more before the license's expiration date, the license shall remain
6 in effect until the department either renews the license or denies
7 the renewal application. No license issued pursuant to this section
8 shall be renewed unless the licensee has completed the required
9 hours of training in foster care in the preceding twelve months as
10 prescribed by the department. For the issuance or renewal of each
11 nonprovisional and nonprobationary license, the department shall
12 charge a fee of fifty dollars for a group home, fifty dollars for a
13 child-caring agency, and fifty dollars for a child-placing agency.
14 For the issuance of each provisional license and each probationary
15 license, the department shall charge a fee of twenty-five dollars
16 for a group home, twenty-five dollars for a child-caring agency,
17 and twenty-five dollars for a child-placing agency. A license may

18 be revoked for cause, after notice and hearing, in accordance with
19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home means any home which provides
22 twenty-four-hour care to children who are not related to the foster
23 parent by blood, marriage, or adoption;

24 (2) Group home means a home which is operated under the
25 auspices of an organization which is responsible for providing
26 social services, administration, direction, and control for the
27 home and which is designed to provide twenty-four-hour care for
1 children and youth in a residential setting;

2 (3) Child-caring agency means an organization which is
3 organized as a corporation or a limited liability company for the
4 purpose of providing care for children in buildings maintained by
5 the organization for that purpose; and

6 (4) Child-placing agency means an organization which is
7 authorized by its articles of incorporation and by its license to
8 place children in foster family homes.

9 Sec. 8. Sections 7 and 9 of this act become operative on
10 July 1, 2012. The other sections of this act become operative on
11 their effective date.

12 Sec. 9. Original section 71-1902, Revised Statutes
13 Supplement, 2011, is repealed.

14 2. On page 2, strike beginning with "On" in line 1
15 through line 10 and insert "(a) The Title IV-E Demonstration
16 Project Committee is created. The members of the committee shall
17 be appointed by the Director of Children and Family Services
18 or his or her designee and shall include representatives of the
19 Department of Health and Human Services and representatives of
20 at least five child welfare stakeholder entities, including two
21 separate child welfare advocacy organizations, a direct provider
22 of child welfare services, a lead agency, and an agency that
23 subcontracts with a lead agency as a collaborative member. Members
24 of the committee shall have experience or knowledge in the area
25 of child welfare that involves Title IV-E eligibility criteria
26 and activities. In addition, there shall be at least one ex
27 officio member of the committee, appointed by the State Court
1 Administrator. The ex officio member or members shall not be
2 involved in decisionmaking, implementation plans, or reporting but
3 may attend committee meetings, provide information to the committee
4 about the processes and programs of the Nebraska court system
5 involving children and juveniles, and inform the State Court
6 Administrator of the committee's activities. The committee shall
7 be convened by the director within thirty days after the effective
8 date of this section.

9 (b) The committee shall review, report, and provide
10 recommendations regarding the application of the Department of
11 Health and Human Services for a demonstration project pursuant to
12 42 U.S.C. 1320a-9 to obtain a waiver as provided in 42 U.S.C.

13 1320a-9(b) of any requirement of Title IV-E of the federal Social
 14 Security Act, as such section and act existed on January 1, 2012.
 15 The committee may engage a consultant with expertise in Title IV-E
 16 demonstration project applications and requirements.

17 (c) The committee shall (i) review Nebraska's current
 18 status of Title IV-E participation and penetration rates, (ii)
 19 review strategies and solution for raising Nebraska's participation
 20 rate and reimbursement for Title IV-E in child placement, case
 21 management, replacement, training, adoption, court findings, and
 22 proceedings; and (iii) recommend specific actions for addressing
 23 barriers to participation and reimbursement.

24 (d) The committee shall provide an implementation plan
 25 and a timeline for making application for a Title IV-E waiver.
 26 The implementation plan shall support and align with the goals of
 27 the strategic plan of Nebraska child welfare, including, but not
 1 limited to, maximizing federal funding to be able to utilize state
 2 and federal funding for a broad array of services for children,
 3 including prevention, intervention, and community-based, in-home,
 4 and out-of-home services to attain positive outcomes for the safety
 5 and well-being of and to expedite permanency for children. The
 6 committee shall report on its activities to the Health and Human
 7 Services Committee of the Legislature on or before July 1, 2012,
 8 September 1, 2012, and November 1, 2012, and shall provide a final
 9 written report to the department, the Health and Human Services
 10 Committee of the Legislature, and the Governor by December 15,
 11 2012.

12 (e) If the Nebraska Children's Commission is created by
 13 the One Hundred Second Legislature, Second Session, 2012, the Title
 14 IV-E Demonstration Project Committee shall thereupon come under the
 15 commission's jurisdiction. The commission may appoint additional
 16 members of the committee and make any changes it deems necessary
 17 to comply with this subsection."; in line 11 strike "demonstration
 18 project shall be" and insert "committee's implementation plan
 19 shall address the demonstration project"; and in line 23 strike
 20 "Developing" and insert "Consider the options of developing".

21 3. On page 3, line 4, strike "proposal" and insert
 22 "implementation plan".

23 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 821. Placed on General File with amendment.
 AM2138 is available in the Bill Room.

LEGISLATIVE BILL 961. Placed on General File with amendment.
 AM2159

1 1. On page 3, line 19, after the semicolon insert "and".

2 2. On page 4, strike beginning with the semicolon in line
 3 2 through line 17 and insert an underscored period.

4 3. On page 5, line 13, before "The" insert "(1)".

5 4. On page 6, line 4, strike "ten percent each year" and

6 insert "twenty-five percent each year beginning with a twenty-five
 7 percent reduction on or before September 1, 2012, and a twenty-five
 8 percent reduction on or before each September 1 thereafter";
 9 in line 6 after the period insert "Beginning September 15,
 10 2012, the department shall include in its annual report required
 11 pursuant to section 68-1207.01 a report on the attainment of the
 12 increase according to caseload standards established by the Child
 13 Welfare League of America or its successor. The department's annual
 14 report shall also include changes in the standards of the Child
 15 Welfare League of America."; after line 6 insert the following new
 16 subsections:

17 "(2) Caseload size shall be determined in the following
 18 manner: (a) If children are placed in the home, the family shall
 19 count as one case regardless of how many children are placed in the
 20 home; (b) if a child is placed out of his or her home, the child
 21 shall count as one case; (c) if, within one family, one or more
 22 children are placed in the home and one or more children are placed
 23 out of the home, the children placed in the home shall count as
 1 one case and each child placed out of the home shall count as one
 2 case; and (d) any child receiving services from the department or a
 3 private entity under contract with the department shall be counted
 4 as provided in subdivisions (a) through (c) of this subsection
 5 whether or not such child is a ward of the state. For purposes of
 6 this subsection, a child is considered to be placed in the home if
 7 the child is placed with his or her biological or adoptive parent
 8 or a legal guardian and a child is considered to be placed out of
 9 the home if the child is placed in foster care, group home care, or
 10 any other setting which is not the child's planned permanent home.
 11 (3>"; and in line 12 before "To" insert "(4)".

12 5. On page 8, line 3, strike "2013" and insert "2014".

LEGISLATIVE BILL 1160. Placed on General File with amendment.
 AM2003

1 1. Insert the following new sections:
 2 Sec. 10. On December 15 of 2012, 2013, and 2014, the
 3 Health and Human Services Committee of the Legislature shall
 4 provide a written report to the Legislature, Governor, and Chief
 5 Justice of the Nebraska Supreme Court with respect to the progress
 6 made by the Department of Health and Human Services implementing
 7 the recommendations of the committee contained in the final report
 8 of the study conducted by the committee pursuant to Legislative
 9 Resolution 37, One Hundred Second Legislature, First Session, 2011.
 10 In order to facilitate such report, the department shall provide to
 11 the committee by September 15 of 2012, 2013, and 2014 the reports
 12 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,
 13 71-827, 71-1904, and 71-3407 and subdivision (6) of section 43-405.
 14 Sec. 11. Section 43-296, Reissue Revised Statutes of
 15 Nebraska, is amended to read:
 16 43-296 All associations receiving juveniles under the

17 Nebraska Juvenile Code shall be subject to the same visitation,
 18 inspection, and supervision by the Department of Health and Human
 19 Services as are public charitable institutions of this state, and
 20 it shall be the duty of the department to pass annually upon the
 21 fitness of every such association as may receive or desire to
 22 receive juveniles under the provisions of such code. Every such
 23 association shall annually, ~~at such time as the department shall~~
 1 ~~direct,~~ on or before September 15, make a report to the department
 2 showing its condition, management, and competency to adequately
 3 care for such juveniles as are or may be committed to it and such
 4 other facts as the department may require. Upon receiving such
 5 report, the department shall provide a copy to the Health and Human
 6 Services Committee of the Legislature on or before September 15 of
 7 2012, 2013, and 2014. Upon the department being satisfied that such
 8 association is competent and has adequate facilities to care for
 9 such juveniles, it shall issue to such association a certificate
 10 to that effect, which certificate shall continue in force for one
 11 year unless sooner revoked by the department. No juvenile shall
 12 be committed to any such association which has not received such
 13 a certificate within the fifteen months immediately preceding the
 14 commitment. The court may at any time require from any association
 15 receiving or desiring to receive juveniles under the provisions
 16 of the Nebraska Juvenile Code such reports, information, and
 17 statements as the judge shall deem proper and necessary for his or
 18 her action, and the court shall in no case be required to commit
 19 a juvenile to any association whose standing, conduct, or care of
 20 juveniles or ability to care for the same is not satisfactory to
 21 the court.

22 Sec. 12. Section 43-405, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 43-405 The administrative duties of the Office of
 25 Juvenile Services are to:

- 27 (1) Manage, establish policies for, and administer the
 1 office, including all facilities and programs operated by the
 2 office or provided through the office by contract with a provider;
- 3 (2) Supervise employees of the office, including
 4 employees of the facilities and programs operated by the office;
- 5 (3) Have separate budgeting procedures and develop and
 6 report budget information separately from the Department of Health
 7 and Human Services;
- 8 (4) Adopt and promulgate rules and regulations for
 9 the levels of treatment and for management, control, screening,
 10 evaluation, treatment, rehabilitation, parole, transfer, and
 11 discharge of juveniles placed with or committed to the Office of
 12 Juvenile Services;
- 13 (5) Ensure that statistical information concerning
 14 juveniles placed with or committed to facilities or programs of
 15 the office is collected, developed, and maintained for purposes of
 research and the development of treatment programs;

16 (6) Monitor commitments, placements, and evaluations
17 at facilities and programs operated by the office or through
18 contracts with providers and report its findings annually to the
19 Legislature. For 2012, 2013, and 2014, the department shall also
20 provide the report to the Health and Human Services Committee
21 of the Legislature on or before September 15. The report shall
22 include an assessment of the administrative costs of operating
23 the facilities, the cost of programming, and the savings realized
24 through reductions in commitments, placements, and evaluations;

25 (7) Coordinate the programs and services of the juvenile
26 justice system with other governmental agencies and political
27 subdivisions;

1 (8) Coordinate educational, vocational, and social
2 counseling;

3 (9) Coordinate community-based services for juveniles and
4 their families;

5 (10) Supervise and coordinate juvenile parole and
6 aftercare services; and

7 (11) Exercise all powers and perform all duties necessary
8 to carry out its responsibilities under the Health and Human
9 Services, Office of Juvenile Services Act.

10 Sec. 13. Section 43-534, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-534 Every department, agency, institution, committee,
13 and commission of state government which is concerned or
14 responsible for children and families shall submit, as part of
15 the annual budget request of such department, agency, institution,
16 committee, or commission, a comprehensive statement of the efforts
17 such department, agency, institution, committee, or commission has
18 taken to carry out the policy and principles set forth in sections
19 43-532 and 43-533. For 2012, 2013, and 2014, the Department of
20 Health and Human Services shall provide a copy of its statement
21 submitted under this section to the Health and Human Services
22 Committee of the Legislature on or before September 15. The
23 statement shall include, but not be limited to, a listing of
24 programs provided for children and families and the priority of
25 such programs, a summary of the expenses incurred in the provision
26 and administration of services for children and families, the
27 number of clients served by each program, and data being collected
1 to demonstrate the short-term and long-term effectiveness of each
2 program.

3 Sec. 14. Section 68-1207.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 68-1207.01 The Department of Health and Human Services
6 shall annually provide a report to the Legislature and Governor
7 outlining the caseloads of child protective services, the factors
8 considered in their establishment, and the fiscal resources
9 necessary for their maintenance. For 2012, 2013, and 2014, the
10 department shall also provide the report to the Health and Human

11 Services Committee of the Legislature on or before September 15.

12 Such report shall include:

13 (1) A comparison of caseloads established by the
14 department with the workload standards recommended by national
15 child welfare organizations along with the amount of fiscal
16 resources necessary to maintain such caseloads in Nebraska;

17 (2)(a) The number of child welfare services caseworkers
18 and case managers employed by the State of Nebraska and child
19 welfare services workers, providing services directly to children
20 and families, who are under contract with the State of Nebraska
21 or employed by a private entity under contract with the State of
22 Nebraska and (b) statistics on the average length of employment in
23 such positions, statewide and by health and human services area;

24 (3)(a) The average caseload of child welfare services
25 caseworkers and case managers employed by the State of Nebraska
26 and child welfare services workers, providing services directly to
27 children and families, who are under contract with the State of
1 Nebraska or employed by a private entity under contract with the
2 State of Nebraska and (b) the outcomes of such cases, including
3 the number of children reunited with their families, children
4 adopted, children in guardianships, placement of children with
5 relatives, and other permanent resolutions established, statewide
6 and by health and human services area; and

7 (4) The average cost of training child welfare services
8 caseworkers and case managers employed by the State of Nebraska
9 and child welfare services workers, providing services directly to
10 children and families, who are under contract with the State of
11 Nebraska or employed by a private entity under contract with the
12 State of Nebraska, statewide and by health and human services area.

13 Sec. 15. Section 71-825, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-825 The department shall provide an annual report,
16 no later than December 1, to the Governor and the Legislature
17 on the operation of the Children and Family Support Hotline
18 established under section 71-822, the Family Navigator Program
19 established under section 71-823, and the provision of voluntary
20 post-adoption and post-guardianship case management services under
21 section 71-824, except that for 2012, 2013, and 2014, the
22 department shall also provide the report to the Health and Human
23 Services Committee of the Legislature on or before September 15.

24 Sec. 16. Section 71-1904, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1904 (1) The department shall adopt and promulgate
27 rules and regulations pursuant to sections 71-1901 to 71-1906.01
1 for (a) the proper care and protection of children by licensees
2 under such sections, (b) the issuance, suspension, and revocation
3 of licenses to provide foster care, (c) the issuance, suspension,
4 and revocation of probationary licenses to provide foster care, (d)
5 the issuance, suspension, and revocation of provisional licenses to

6 provide foster care, (e) the provision of training in foster care,
7 which training shall be directly related to the skills necessary
8 to care for children in need of out-of-home care, including,
9 but not limited to, abused, neglected, dependent, and delinquent
10 children, and (f) the proper administration of sections 71-1901 to
11 71-1906.01.

12 (2) The training required by subdivision (1)(e) of this
13 section may be waived in whole or in part by the department for
14 persons operating foster homes providing care only to relatives
15 of the foster care provider. Such waivers shall be granted
16 on a case-by-case basis upon assessment by the department of
17 the appropriateness of the relative foster care placement. The
18 department shall report annually to the Health and Human Services
19 Committee of the Legislature the number of waivers granted under
20 this subsection and the total number of children placed in relative
21 foster homes. For 2012, 2013, and 2014, the department shall
22 provide the report to the Health and Human Services Committee of
23 the Legislature on or before September 15.

24 Sec. 17. Section 71-3407, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-3407 (1) The purposes of the team shall be to (a)
27 develop an understanding of the causes and incidence of child
1 deaths in this state, (b) develop recommendations for changes
2 within relevant agencies and organizations which may serve to
3 prevent child deaths, and (c) advise the Governor, the Legislature,
4 and the public on changes to law, policy, and practice which will
5 prevent child deaths.

6 (2) The team shall:

7 (a) Undertake annual statistical studies of the causes
8 and incidence of child deaths in this state. The studies shall
9 include, but not be limited to, an analysis of the records of
10 community, public, and private agency involvement with the children
11 and their families prior to and subsequent to the deaths;

12 (b) Develop a protocol for retrospective investigation of
13 child deaths by the team;

14 (c) Develop a protocol for collection of data regarding
15 child deaths by the team;

16 (d) Consider training needs, including cross-agency
17 training, and service gaps;

18 (e) Include in its annual report recommended changes
19 to any law, rule, regulation, or policy needed to decrease the
20 incidence of preventable child deaths;

21 (f) Educate the public regarding the incidence and causes
22 of child deaths, the public role in preventing child deaths, and
23 specific steps the public can undertake to prevent child deaths.

24 The team may enlist the support of civic, philanthropic, and public
25 service organizations in the performance of its educational duties;

26 (g) Provide the Governor, the Legislature, and the public
27 with annual written reports which shall include the team's findings

1 and recommendations for each of its duties. For 2012, 2013, and
 2 2014, the team shall also provide the report to the Health and
 3 Human Services Committee of the Legislature on or before September
 4 15; and

5 (h) When appropriate, make referrals to those agencies as
 6 required in section 28-711 or as otherwise required by state law.

7 Sec. 18. Sections 10, 11, 12, 13, 14, 15, 16, 17,
 8 and 19 of this act become operative three calendar months after
 9 adjournment of this legislative session. The other sections of this
 10 act become operative on their effective date.

11 Sec. 19. Original sections 43-296, 43-405, 43-534,
 12 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes
 13 of Nebraska, are repealed.

14 2. On page 5, line 13, after "necessary" insert
 15 "including the Foster Care Review Board data coordinator".

16 3. On page 6, line 4, after the period insert "In
 17 conjunction with the report, the department shall prepare the
 18 advance planning document required to qualify for federal funding
 19 for the statewide automated child welfare information system
 20 pursuant to 45 C.F.R. 1355.50 through 1355.57, implementing section
 21 474(a)(3)(C) and (D) of Title IV-E of the federal Social Security
 22 Act, 42 U.S.C. 674(a)(3)(C) and (D), as such regulations, act,
 23 and section existed on January 1, 2012. The advance planning
 24 document shall describe the proposed plan for managing the design,
 25 development, and operations of a statewide automated child welfare
 26 information system that meets such federal requirements and state's
 27 needs in an efficient, comprehensive, and cost effective manner.".

1 4. On page 8, strike lines 16 through 20 and insert:
 2 "(m) Non-court-involved children, including the number of
 3 children served, the services requested, the services provided, the
 4 cost of the services, and the funding source;".

5 5. On page 9, line 17, strike "and"; and in line 22 after
 6 "overdue" insert "; and

7 (7) For any individual involved in the child welfare
 8 system receiving a service or a placement through the department
 9 or its agent for which referral is necessary, the date when such
 10 referral was made by the department or its agent and the date
 11 and the method by which the individual receiving the services was
 12 notified of such referral. To the extent the department becomes
 13 aware of the date when the individual receiving the referral began
 14 receiving such services, the department or its agent shall document
 15 such date".

16 6. On page 14, line 2, strike "and"; and in line
 17 4 after the semicolon insert "and (F) percentage of children
 18 denied reauthorization requests or subsequent review of initial
 19 authorization".

20 7. Renumber the remaining section and correct internal
 21 references accordingly.

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 993A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 993, One Hundred Second Legislature, Second Session, 2012.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB239:
AM1684

(Amendments to Standing Committee amendments, AM727)

- 1 1. On page 1, line 17, strike "or"; after line 17 insert
- 2 the following new subdivision:
- 3 "(2) A tribal identification card issued by a federally
- 4 recognized Indian tribe which is current and valid at the time it
- 5 is presented; or"; and in line 18 strike "(2)" and insert "(3)".

VISITORS

Visitors to the Chamber were 46 fourth-grade students, teachers, and sponsors from York.

The Doctor of the Day was Dr. Jeffrey Gartrell from Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Monday, February 27, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

