

THIRTY-FOURTH DAY - FEBRUARY 27, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 2012

PRAYER

The prayer was offered by Pastor Jim Miller, Christ United Methodist Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Pirsch who were excused; and Senators Christensen, Coash, Cornett, and Fischer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 423. Introduced by Hadley, 37.

WHEREAS, four students from Kearney Catholic placed at the 2012 Class C State Wrestling Championship; and

WHEREAS, Adam Keating took first place in the 120-pound division; and

WHEREAS, Thomas Connelly took fifth place in the 160-pound division; and

WHEREAS, Zac Keating took sixth place in the 126-pound division; and

WHEREAS, Damon Rodriguez took sixth place in the 106-pound division; 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 the Kearney Catholic wrestling team on their success at the 2012 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Kearney Catholic wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 424. Introduced by Hadley, 37.

WHEREAS, five students from Kearney High School placed at the 2012 Class A State Wrestling Championship; and

WHEREAS, Hunter Bamford took second place in the 113-pound division; and

WHEREAS, Seth Nehls took second place in the 120-pound division; and

WHEREAS, Isaac Stansbury took fourth place in the 106-pound division; and

WHEREAS, Kalen Mazankowski took sixth place in the 145-pound division; and

WHEREAS, Jacob Oertle took sixth place in the 138-pound division; 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 the Kearney wrestling team on their success at the 2012 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Kearney wrestling team.

Laid over.

MOTION - Approve Appointments

Senator Hadley moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 611:

Board of Public Roads Classifications and Standards

Roger Figard

LeRoy Gerrard

Darold Tagge

David Wacker

Timothy Weander

Edward Wootton

Voting in the affirmative, 40:

Ashford	Flood	Heidemann	Lautenbaugh	Price
Avery	Fulton	Howard	Louden	Schilz
Bloomfield	Gloor	Karpisek	McCoy	Schumacher
Brasch	Haar, K.	Krist	McGill	Seiler
Campbell	Hadley	Lambert	Mello	Smith
Carlson	Hansen	Langemeier	Nelson	Sullivan
Cook	Harms	Larson	Nordquist	Wallman
Dubas	Harr, B.	Lathrop	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Adams	Council	Janssen
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Excused and not voting, 6:

Christensen	Conrad	Fischer
Coash	Cornett	Pirsch

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 985A. Title read. Considered.

Senator Krist offered the following amendment:

AM2189

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$226,750 from
- 4 the General Fund for FY2012-13 to the Board of Regents of the
- 5 University of Nebraska for the University of Nebraska Medical
- 6 Center's College of Public Health, for Program 781, to aid in
- 7 carrying out the provisions of Legislative Bill 985, One Hundred
- 8 Second Legislature, Second Session, 2012.
- 9 Sec. 2. There is hereby appropriated (1) \$7,151,179 from
- 10 the General Fund for FY2012-13 and (2) \$7,151,179 from the General
- 11 Fund for FY2013-14 to the Nebraska Supreme Court, for Program 435,
- 12 to aid in carrying out the provisions of Legislative Bill 985, One
- 13 Hundred Second Legislature, Second Session, 2012.
- 14 Total expenditures for permanent and temporary salaries
- 15 and per diems from funds appropriated in this section shall not
- 16 exceed \$584,535 for FY2012-13 or \$584,535 for FY2013-14.
- 17 Sec. 3. Laws 2011, LB374, section 99, is amended to read:
- 18 Sec. 99. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
- 19 SERVICES
- 20 Program No. 250 - Juvenile Services Operations

21		FY2011-12	FY2012-13
22	GENERAL FUND	29,847,188	30,055,974
23	<u>GENERAL FUND</u>	<u>29,847,188</u>	<u>28,785,875</u>
1	CASH FUND	1,083,083	1,085,380
2	FEDERAL FUND est.	712,823	712,823
3	PROGRAM TOTAL	31,643,094	31,854,177
4	<u>PROGRAM TOTAL</u>	<u>31,643,094</u>	<u>30,584,078</u>
5	<u>SALARY LIMIT</u>	<u>10,619,814</u>	<u>10,803,292</u>

6 The unexpended General Fund appropriation balance
7 existing on June 30, 2011, is hereby reappropriated.

8 The Department of Administrative Services shall monitor
9 the appropriations and expenditures for this program according to
10 the following program classifications:

- 11 No. 315 - Office of Juvenile Services
- 12 No. 345 - Juvenile Community-Based Services
- 13 No. 364 - Juvenile Parole Administration
- 14 No. 371 - Youth Rehabilitation and Treatment
- 15 Center-Geneva
- 16 No. 374 - Youth Rehabilitation and Treatment
- 17 Center-Kearney

18 There is included in the appropriation to this program
19 for FY2011-12 \$1,000,000 Cash Funds for mental health services to
20 juvenile offenders under section 43-407 from the Nebraska Health
21 Care Cash Fund. There is included in the appropriation to this
22 program for FY2012-13 \$1,000,000 Cash Funds for mental health
23 services to juvenile offenders under section 43-407 from the
24 Nebraska Health Care Cash Fund.

25 Sec. 4. Laws 2011, LB374, section 101, is amended to
26 read:

27 Sec. 101. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
1 SERVICES

2 Program No. 347 - Public Assistance

3		FY2011-12	FY2012-13
4	GENERAL FUND	239,522,936	243,518,332
5	<u>GENERAL FUND</u>	<u>239,522,936</u>	<u>237,637,252</u>
6	CASH FUND	6,044,444	6,044,444
7	FEDERAL FUND est.	141,003,570	132,464,624
8	PROGRAM TOTAL	386,570,950	382,027,400
9	<u>PROGRAM TOTAL</u>	<u>386,570,950</u>	<u>376,146,320</u>

10 There is included in the appropriation to this program
11 for FY2011-12 \$239,522,936 General Funds, \$6,044,444 Cash Funds,
12 and \$141,003,570 Federal Funds estimate for state aid, which
13 shall only be used for such purpose. There is included in
14 the appropriation to this program for FY2012-13 ~~\$243,518,332~~
15 \$237,637,252 General Funds, \$6,044,444 Cash Funds, and \$132,464,624
16 Federal Funds estimate for state aid, which shall only be used for
17 such purpose.

18 There is included in the appropriation to this program
19 for FY2011-12 \$810,000 Cash Funds from the Nebraska Health Care

20 Cash Fund for state aid to aid in carrying out the Nebraska
 21 Lifespan Respite Services Program and to provide payment to
 22 caregivers to purchase services under the respite subsidy program.
 23 There is included in the appropriation to this program for
 24 FY2012-13 \$810,000 Cash Funds from the Nebraska Health Care Cash
 25 Fund for state aid to aid in carrying out the Nebraska Lifespan
 26 Respite Services Program and to provide payment to caregivers to
 27 purchase services under the respite subsidy program.
 1 There is included in the appropriation to this program
 2 for FY2011-12 \$2,734,444 Cash Funds from the Nebraska Health
 3 Care Cash Fund for state aid for the continuation of the
 4 behavioral health provider rate increase. There is included in
 5 the appropriation to this program for FY2012-13 \$2,734,444 Cash
 6 Funds from the Nebraska Health Care Cash Fund for state aid for the
 7 continuation of the behavioral health provider rate increase.
 8 Sec. 5. Original Laws 2011, LB374, sections 99 and 101,
 9 are repealed.
 10 Sec. 6. Since an emergency exists, this act takes effect
 11 when passed and approved according to law.

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

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 993. Title read. Considered.

Senator Council renewed her amendment, AM2110, found on page 609.

Senator Council withdrew her amendment.

Senator Council withdrew her amendment, AM2113, found on page 609.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 425. Introduced by B. Harr, 8; Krist, 10.

WHEREAS, the Omaha Creighton Preparatory School decathlon team won the 2012 Nebraska Academic Decathlon; and

WHEREAS, the win was Creighton Preparatory School's third consecutive decathlon championship; and

WHEREAS, coaches Jeannie Brayman, Kevin Mortensen, Dave Stuva, and Mike Higgins did a tremendous job of mentoring and fostering the team; and

WHEREAS, Greg Smith, Charlie Ziegenbein, Michael Tritz, Nathan Davis, Mitchell Kilborn, Nathan DeMaria, Johnnie Shaw, John Szalewski, Connor Kerschinske, Blake Stokes, Nick Mullen, Bob Leddy, Nolan Terry, Cameron Troshynski, Jackson Koehler, John Porter, John Wilson, Martin Gilgenast, Brigg Killips, Patrick Fisher, Andrew McIntosh, Mark Schembari, and Alex Rogers displayed hard work and dedication as they prepared for the competition; 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 the Omaha Creighton Preparatory School decathlon team on winning the 2012 Nebraska Academic Decathlon.

2. That a copy of this resolution be sent to the Creighton Preparatory School decathlon team and their head coach, Jeannie Brayman.

Laid over.

LEGISLATIVE RESOLUTION 426. Introduced by Larson, 40.

WHEREAS, the Hartington boys' bowling team won the state championship for Class C at the 2012 Nebraska High School Bowling Federation State Tournament; and

WHEREAS, the Hartington bowling team is a collaboration of students from Hartington Public High School and Hartington Cedar Catholic High School; and

WHEREAS, the Hartington bowling team competed in four games, giving them a team total of a 2602 series; and

WHEREAS, this year marks the team's third year participating in the state bowling tournament; 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 the Hartington boys' bowling team on winning the state championship for Class C at the 2012 Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the bowling team and their coaches, Jim Anderson and Gene Haberer.

Laid over.

AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB949:
AM1995

- 1 1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect
3 when passed and approved according to law.
4 2. On page 2, strike beginning with "(1)" in line 1
5 through line 9 and insert "(1)(a) On or before July 30, 2012,
6 the Division of Children and Family Services of the Department of
7 Health and Human Services shall report in writing its expenditures
8 between January 1, 2012, and June 30, 2012, to the Appropriations
9 Committee of the Legislature and the Health and Human Services
10 Committee of the Legislature. Such report shall identify any
11 changes or movement of funds in excess of two hundred fifty
12 thousand dollars relating to child welfare between subprograms
13 within Budget Program 347.
14 (b) Beginning with the third calendar quarter of 2012,
15 the division shall report in writing its expenditures for each
16 quarter within thirty days after the end of the quarter to the
17 Appropriations Committee of the Legislature and the Health and
18 Human Services Committee of the Legislature. Such report shall
19 identify any changes or movement of funds in excess of two
20 hundred fifty thousand dollars relating to child welfare between
21 subprograms within Budget Program 347."; in line 10 strike "For"
22 through the first comma and insert "For the biennium ending June
23 30, 2015, and the biennium ending June 30, 2017."; and in line
1 25 strike "In" through the first comma and insert "Not later than
2 September 15, 2013, and not later than September 15, 2015.".
3 3. On page 3, line 6, strike "FY2013-14" through "budget"
4 and insert "biennial budget for the biennium ending June 30, 2015".
5 4. On page 4, line 2, after "the" insert "key".

Senator Cornett filed the following amendment to LB1071:
AM2148 is available in the Bill Room.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 42. Placed on Final Reading.

LEGISLATIVE BILL 446. Placed on Final Reading.

ST62

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

1. On page 1, line 3, "and 79-1241.03" has been struck and ", 79-1241.03, and 79-1242" inserted; and in line 6 "and use" has been inserted after "distribution".

LEGISLATIVE BILL 526. Placed on Final Reading.
LEGISLATIVE BILL 733. Placed on Final Reading.
LEGISLATIVE BILL 739. Placed on Final Reading.
LEGISLATIVE BILL 760. Placed on Final Reading.
LEGISLATIVE BILL 780. Placed on Final Reading.
LEGISLATIVE BILL 790. Placed on Final Reading.

LEGISLATIVE BILL 801. Placed on Final Reading.
 ST66

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

1. On page 109, line 16, "and" has been inserted after the semicolon.

LEGISLATIVE BILL 841. Placed on Final Reading.
LEGISLATIVE BILL 860. Placed on Final Reading.
LEGISLATIVE BILL 862. Placed on Final Reading.
LEGISLATIVE BILL 862A. Placed on Final Reading.
LEGISLATIVE BILL 985. Placed on Final Reading.
LEGISLATIVE BILL 1043. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

VISITORS

Visitors to the Chamber were members of The Nebraska Library Commission and Friends of the Omaha Public Library; Krystal Hicok; Shirley Sider; Nathan Wilson; and Majorie Gloe.

RECESS

At 11:57 a.m., on a motion by Senator Hadley, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Conrad and Pirsch who were excused; and Senators Ashford, Fischer, Heidemann, and Nelson who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Revenue

Room 1524

Monday, March 5, 2012 12:00 p.m.

AM2148 to LB1071

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 239. Title read. Considered.

Committee AM727, found on page 865, First Session, 2011, was considered.

Senator Council renewed her amendment, AM1667, found on page 106, to the committee amendment.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 759. Placed on Final Reading.

LEGISLATIVE BILL 786. Placed on Final Reading.

LEGISLATIVE BILL 811. Placed on Final Reading.

LEGISLATIVE BILL 878. Placed on Final Reading.

LEGISLATIVE BILL 1031. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 427. Introduced by Karpisek, 32.

WHEREAS, Trevor Hartley, a senior at Thayer Central High School, won the 2012 Class D State Wrestling Championship in the 182-pound division; and

WHEREAS, Trevor finished the season with a 39-2 record; 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 Trevor Hartley on winning the 2012 Class D State Wrestling Championship in the 182-pound division.
2. That a copy of this resolution be sent to Trevor Hartley.

Laid over.

LEGISLATIVE RESOLUTION 428. Introduced by Karpisek, 32.

WHEREAS, Luke DeLong, a senior at Fillmore Central High School, won the 2012 Class C State Wrestling Championship in the 160-pound division; and

WHEREAS, Luke finished his senior wrestling season undefeated; 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 Luke DeLong on winning the 2012 Class C State Wrestling Championship in the 160-pound division.
2. That a copy of this resolution be sent to Luke DeLong.

Laid over.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB209:
AM2193 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 880. Placed on General File.

LEGISLATIVE BILL 999. Placed on General File.

LEGISLATIVE BILL 1006. Placed on General File.

LEGISLATIVE BILL 1023. Placed on General File.

LEGISLATIVE BILL 1116. Placed on General File.

LEGISLATIVE BILL 1141. Placed on General File.

LEGISLATIVE BILL 819. Placed on General File with amendment.
AM1999

- 1 1. Strike original sections 2 to 4 and insert the
2 following new sections:
- 3 Sec. 2. Section 69-1302, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 69-1302 The following property held or owing by a banking
6 or financial organization or by a business association is presumed
7 abandoned:
- 8 (a) Any demand, savings, or matured time deposit that
9 is not automatically renewable made in this state with a banking
10 organization, together with any interest or dividends thereon,
11 excluding any charges that may lawfully be withheld, unless the
12 owner has, within five years:
- 13 (1) Increased or decreased the amount of the deposit, or
14 presented the passbook or other similar evidence of the deposit for
15 the crediting of interest or dividends; or
- 16 (2) Corresponded in writing with the banking organization
17 concerning the deposit; or
- 18 (3) Otherwise indicated an interest in the deposit as
19 evidenced by a memorandum or other record on file with the banking
20 organization; or
- 21 (4) Owned other property to which subdivision (a)(1),
22 (2), or (3) applies and if the banking organization corresponds
23 in writing with the owner with regard to the property that would
1 otherwise be presumed abandoned under subdivision (a) of this
2 section at the address to which correspondence regarding the other
3 property regularly is sent; or
- 4 (5) Had another relationship with the banking
5 organization concerning which the owner has:
- 6 (i) Corresponded in writing with the banking
7 organization; or
- 8 (ii) Otherwise indicated an interest as evidenced by a
9 memorandum or other record on file with the banking organization
10 and if the banking organization corresponds in writing with the
11 owner with regard to the property that would otherwise be abandoned
12 under subdivision (a) of this section at the address to which
13 correspondence regarding the other relationship regularly is sent.
- 14 (b) Any funds paid in this state toward the purchase of
15 shares or other interest in a financial organization or any deposit
16 that is not automatically renewable, including a certificate of
17 indebtedness that is not automatically renewable, made therewith in
18 this state, and any interest or dividends thereon, excluding any
19 charges that may lawfully be withheld, unless the owner has within
20 five years:
- 21 (1) Increased or decreased the amount of the funds or
22 deposit, or presented an appropriate record for the crediting of
23 interest or dividends; or

24 (2) Corresponded in writing with the financial
25 organization concerning the funds or deposit; or
26 (3) Otherwise indicated an interest in the funds or
27 deposit as evidenced by a memorandum or other record on file with
1 the financial organization; or

2 (4) Owned other property to which subdivision (b)(1),
3 (2), or (3) applies and if the financial organization corresponds
4 in writing with the owner with regard to the property that would
5 otherwise be presumed abandoned under subdivision (b) of this
6 section at the address to which correspondence regarding the other
7 property regularly is sent; or

8 (5) Had another relationship with the financial
9 organization concerning which the owner has:

10 (i) Corresponded in writing with the financial
11 organization; or

12 (ii) Otherwise indicated an interest as evidenced by a
13 memorandum or other record on file with the financial organization
14 and if the financial organization corresponds in writing with the
15 owner with regard to the property that would otherwise be abandoned
16 under this subdivision (b) of this section at the address to which
17 correspondence regarding the other relationship regularly is sent.

18 (c) A holder may not, with respect to property described
19 in subdivision (a) or (b) of this section, impose any charges
20 solely due to dormancy or cease payment of interest solely due
21 to dormancy unless there is a written contract between the holder
22 and the owner of the property pursuant to which the holder may
23 impose reasonable charges or cease payment of interest or modify
24 the imposition of such charges and the conditions under which
25 such payment may be ceased. A holder of such property who imposes
26 charges solely due to dormancy may not increase such charges
27 with respect to such property during the period of dormancy.

1 The contract required by this subdivision may be in the form of
2 a signature card, deposit agreement, or similar agreement which
3 contains or incorporates by reference (1) the holder's schedule of
4 charges and the conditions, if any, under which the payment of
5 interest may be ceased or (2) the holder's rules and regulations
6 setting forth the holder's schedule of charges and the conditions,
7 if any, under which the payment of interest may be ceased.

8 (d)(1) Any time deposit that is automatically renewable,
9 including a certificate of indebtedness that is automatically
10 renewable, made in this state with a banking or financial
11 organization, together with any interest thereon, seven years
12 after the expiration of the initial time period or any renewal time
13 period unless the owner has, during such initial time period or
14 renewal time period:

15 (i) Increased or decreased the amount of the deposit, or
16 presented an appropriate record or other similar evidence of the
17 deposit for the crediting of interest;

- 18 (ii) Corresponded in writing with the banking or
19 financial organization concerning the deposit;
- 20 (iii) Otherwise indicated an interest in the deposit as
21 evidenced by a memorandum or other record on file with the banking
22 or financial organization;
- 23 (iv) Owned other property to which subdivision (d)(1)(i),
24 (ii), or (iii) of this section applies and if the banking or
25 financial organization corresponds in writing with the owner with
26 regard to the property that would otherwise be presumed abandoned
27 under subdivision (d) of this section at the address to which
1 correspondence regarding the other property regularly is sent; or
- 2 (v) Had another relationship with the banking or
3 financial organization concerning which the owner has:
- 4 (A) Corresponded in writing with the banking or financial
5 organization; or
- 6 (B) Otherwise indicated an interest as evidenced by
7 a memorandum or other record on file with the banking or
8 financial organization and if the banking or financial organization
9 corresponds in writing with the owner with regard to the property
10 that would otherwise be abandoned under subdivision (d) of this
11 section at the address to which correspondence regarding the other
12 relationship regularly is sent.
- 13 (2) If, at the time provided for delivery in section
14 69-1310, a penalty or forfeiture in the payment of interest would
15 result from the delivery of a time deposit subject to subdivision
16 (d) of this section, the time for delivery shall be extended until
17 the time when no penalty or forfeiture would result.
- 18 (e) Any sum payable on checks certified in this state
19 or on written instruments issued in this state on which a
20 banking or financial organization or business association is
21 directly liable, including, by way of illustration but not of
22 limitation, certificates of deposit that are not automatically
23 renewable, drafts, money orders, and traveler's checks, that, with
24 the exception of money orders and traveler's checks, has been
25 outstanding for more than five years from the date it was payable,
26 or from the date of its issuance if payable on demand, or, in
27 the case of (i) money orders, that has been outstanding for more
1 than seven years from the date of issuance and (ii) traveler's
2 checks, that has been outstanding for more than fifteen years from
3 the date of issuance, unless the owner has within five years, or
4 within seven years in the case of money orders and within fifteen
5 years in the case of traveler's checks, corresponded in writing
6 with the banking or financial organization or business association
7 concerning it, or otherwise indicated an interest as evidenced by
8 a memorandum or other record on file with the banking or financial
9 organization or business association.
- 10 (f) Any funds or other personal property, tangible
11 or intangible, removed from a safe deposit box or any other
12 safekeeping repository or agency or collateral deposit box in

13 this state on which the lease or rental period has expired due
 14 to nonpayment of rental charges or other reason, or any surplus
 15 amounts arising from the sale thereof pursuant to law, that have
 16 been unclaimed by the owner for more than five years from the date
 17 on which the lease or rental period expired.

18 (g) For the purposes of this section failure of the
 19 United States mails to return a letter, duly deposited therein,
 20 first-class postage prepaid, to the last-known address of an owner
 21 of tangible or intangible property shall be deemed correspondence
 22 in writing and shall be sufficient to overcome the presumption
 23 of abandonment created herein. A memorandum or writing on file
 24 with such banking or financial organization shall be sufficient to
 25 evidence such failure.

26 Sec. 3. Any military medal that is removed from a safe
 27 deposit box or any other safekeeping repository or agency or
 1 collateral deposit box on which the lease or rental period has
 2 expired due to nonpayment of rental charges or other reasons shall
 3 not be sold or otherwise disposed of, but shall be retained by the
 4 holder for the lessee of the box until reported and delivered to
 5 the State Treasurer in accordance with this section. Such report
 6 shall be made in compliance with section 69-1310. The holder shall,
 7 at the time of filing the report and with the report, deliver the
 8 military medal to the State Treasurer for safekeeping by the State
 9 Treasurer in accordance with section 4 of this act.

10 Sec. 4. The State Treasurer, upon receiving military
 11 medals, shall hold and maintain the military medals for ten years
 12 or until the original owner or the owners' respective heirs or
 13 beneficiaries can be identified and the military medals returned.
 14 After ten years, the State Treasurer may designate a veteran's
 15 organization, an awarding agency, or a government entity as the
 16 custodian of the military medals. Once the military medals are
 17 turned over to a veteran's organization, an awarding agency,
 18 or a government entity, the State Treasurer will no longer be
 19 responsible for the safe keeping of the military medals.

LEGISLATIVE BILL 858. Placed on General File with amendment.
 AM2117

1 1. On page 5, line 24, after "services" insert ",
 2 using performance-based contracting methods to the maximum extent
 3 practicable,".

4 2. On page 10, line 6; page 11, line 13; and page 13,
 5 line 12, strike "twenty-five" and insert "fifteen".

6 3. On page 13, strike beginning with "The" in line 17
 7 through the period in line 18; and in line 19 strike "guidelines"
 8 and insert "proof-of-need analysis" and strike "at least".

9 4. On page 15, line 7, after "certify" insert "receipt
 10 of"; strike line 8 through "section" in line 9; in line 9 strike
 11 "determination" and insert "receipt of the proof-of-need analysis";
 12 and in line 10 strike "receipt of" and insert "receiving" and after

13 the period insert "Certification of the proof-of-need analysis
 14 means that all information required by this section has been
 15 provided to the division by the state agency.".

LEGISLATIVE BILL 869. Placed on General File with amendment.
 AM2122

- 1 1. On page 2, line 25, strike "nonprofit" and show as
- 2 stricken.
- 3 2. On page 3, strike beginning with "which" in line 1
- 4 through the period in line 2, show as stricken, and insert an
- 5 underscored period.

(Signed) Bill Avery, Chairperson

Executive Board

LEGISLATIVE BILL 1007. Indefinitely postponed.

LEGISLATIVE BILL 1133. Indefinitely postponed.

(Signed) John Wightman, Chairperson

Health and Human Services

LEGISLATIVE BILL 1122. Placed on General File.

LEGISLATIVE BILL 825. Placed on General File with amendment.
 AM2163

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. For purposes of sections 1 to 6 of this act:
- 4 (1) Client means an applicant for one or more economic
- 5 assistance programs or his or her legal representative;
- 6 (2) Community-based organization means:
- 7 (a) An area agency on aging established pursuant to the
- 8 Nebraska Community Aging Services Act;
- 9 (b) A Nebraska-based community action agency designated
- 10 under the federal Economic Opportunity Act of 1964, 42 U.S.C. 2701
- 11 et seq., as such sections existed on January 1, 2012;
- 12 (c) A Nebraska-based center for independent living
- 13 established under the federal Rehabilitation Act of 1973, 29 U.S.C.
- 14 701 et seq., as such section existed on January 1, 2012;
- 15 (d) A Nebraska-based rural health clinic established
- 16 under the federal Rural Health Clinics Act of 1983, 42 U.S.C. 201
- 17 et seq., as such section existed on January 1, 2012;
- 18 (e) A Nebraska-based federally qualified health center
- 19 and rural health clinic as such terms are defined in the federal
- 20 Social Security Act, 42 U.S.C. 1395x(aa), as such section existed
- 21 on January 1, 2012; and

22 (f) Any other organization that demonstrates to the
23 department that it can comply with the requirements of subsection
1 (2) of section 5 of this act;

2 (3) Economic assistance programs includes aid to
3 dependent children; aid to the aged, blind, and disabled;
4 Supplemental Nutrition Assistance Program; medicaid; child care;
5 emergency assistance; energy assistance; social services block
6 grants; and other similar programs administered by the department;
7 and

8 (4) Existing local office means all office locations for
9 economic assistance programs of the Department of Health and Human
10 Services that existed on January 1, 2012.

11 Sec. 2. (1) The Department of Health and Human Services
12 shall staff multiple, integrated access points for economic
13 assistance programs administered by the department in order to
14 assure that Nebraskans who rely on such programs will be able to
15 utilize them effectively.

16 (2) The department shall staff existing local offices
17 that provide access to economic assistance programs throughout the
18 state with caseworkers to provide in-person services to department
19 clients. The department shall provide sufficient numbers and hours
20 of staff to perform the activities described in this section and
21 section 3 of this act.

22 (3) The department shall determine appropriate numbers
23 and hours of staff for each existing local office based on a review
24 of the need in each service area. In determining the appropriate
25 numbers and hours of staff, the department shall, at a minimum,
26 consider: (a) The need for staff to travel to community-based
27 organizations as provided in section 5 of this act; (b) the volume
1 of economic assistance cases in the counties served by the existing
2 local office; (c) the number of community-based organizations in
3 the counties served by the existing local office; (d) the volume
4 of call-center calls originating in the counties served by the
5 existing local office; and (e) the requirements of sections 1 to 5
6 of this act.

7 (4) Caseworkers at existing local offices shall perform
8 the following activities by appointment and on a drop-in basis:

9 (a) Help clients complete assistance and renewal
10 applications;

11 (b) Screen clients for program eligibility;

12 (c) Interview clients for assistance eligibility and
13 assistance renewal eligibility;

14 (d) Determine program eligibility of the client; and

15 (e) Answer client questions in-person.

16 (5) Department call centers for economic assistance
17 programs shall take appointments for face-to-face help for clients
18 regarding or relating to such assistance upon request of the
19 client.

20 (6) Each existing local office shall be equipped with a
21 reasonable number of computers, telephones, and scanning equipment
22 for client use.

23 Sec. 3. (1) The Department of Health and Human Services
24 shall provide high-quality services for clients who apply for or
25 receive benefits under public benefit programs administered by the
26 department.

27 (2) The department shall utilize department caseworkers
1 who are located in call centers, dedicated caseworkers, and
2 specialized department employees or units who will provide
3 in-person assistance to specific clients.

4 (3) Upon the request of the client, dedicated caseworkers
5 shall, at a minimum, be utilized for persons with chronic physical
6 or mental disorders and the elderly that require the provision of
7 medical and personal care services on a recurring or continuing
8 basis.

9 (4) Specialized department employees or units shall, at a
10 minimum, be utilized for complex cases, including medicaid waiver
11 cases, medicaid spousal impoverishment cases, disability cases, and
12 other similar cases upon request of the client.

13 (5) The dedicated caseworkers and specialized department
14 employees or units shall be placed in the existing local offices
15 established or reestablished under section 2 of this act and shall
16 be accessible to department caseworkers in call centers.

17 Sec. 4. (1) Community support specialists within the
18 Department of Health and Human Services shall:

19 (a) Act as a liaison between the department and
20 community-based organizations;

21 (b) Facilitate client assistance by community-based
22 organizations;

23 (c) Train community-based organizations in how to help
24 clients access economic assistance programs through the department
25 web site; and

26 (d) Respond to client problems with the application
27 process known as Access Nebraska or its successor.

1 (2) The department shall determine the appropriate
2 numbers and hours of community support specialists but shall, at
3 a minimum, employ eight community support specialists to perform
4 the requirements of subsection (1) of this section. The community
5 support specialists shall receive annual training in:

6 (a) Principles and practices of public administration;

7 (b) Procedure and policy development; and

8 (c) Federal and state laws, rules, regulations, and
9 procedures pertaining to health and human services programs.

10 Sec. 5. (1) The Department of Health and Human Services
11 shall enter into contracts with community-based organizations
12 which allow the department to keep caseworkers present at the
13 community-based organization at the times specified in the

14 contract. A contract under this section shall specify sufficient
15 times to allow caseworkers to:

16 (a) Screen and conduct interviews for assistance
17 eligibility and assistance renewal;

18 (b) Assist clients with assistance applications and
19 renewals;

20 (c) Receive assistance applications and renewals;

21 (d) Answer questions in person;

22 (e) Train and provide technical assistance to staff of
23 community-based organizations; and

24 (f) Conduct face-to-face interviews with clients by
25 appointment and on a drop-in basis.

26 (2) In addition to the requirements specified in
27 subsection (1) of this section, each such contract shall allow the
1 community-based organization to:

2 (a) Provide quality, accurate information relating to
3 economic assistance programs that are targeted at populations known
4 to have low participation rates in or difficulty accessing such
5 assistance programs;

6 (b) Provide quality outreach to clients in the target
7 populations who utilize economic assistance programs;

8 (c) Assist clients in scheduling appointments with
9 caseworkers at a community-based organization facility or local
10 office that provides access to economic assistance programs,
11 whichever the client prefers;

12 (d) Assist with organization of information required for
13 economic assistance application or renewal; and

14 (e) Negotiate fair compensation for services provided to
15 applicants for economic assistance benefits as described in this
16 section.

17 (3) The department shall maintain a sufficient number
18 of contracts to provide access to assistance for all Nebraska
19 citizens in establishing and maintaining eligibility for economic
20 assistance programs. In determining the number of contracts with
21 community-based organizations, the department shall, at a minimum,
22 consider:

23 (a) The geographic distance applicants would be required
24 to travel to meet with a caseworker in person and how to minimize
25 that distance;

26 (b) The volume of economic assistance cases in the
27 service area and how to adequately serve those cases;

1 (c) The number of clients in an area who have difficulty
2 in verbal and written communication due to hearing or vision
3 impairment, language barriers, or literacy challenges and how to
4 accommodate their needs;

5 (d) The community-based organization's ability to serve
6 the need; and

7 (e) The number of existing local offices in the service
8 area.

9 Sec. 6. The Department of Health and Human Services
10 shall fulfill the requirements of sections 1 to 5 of this act
11 by September 1, 2012. The department shall train community-based
12 organizations by September 1, 2012. The department shall report
13 back to the Health and Human Services Committee of the Legislature
14 by September 15, 2012, regarding the implementation of sections
15 1 to 5 of this act, including, but not limited to, the reasons
16 for the department's determinations of the appropriate number of
17 staff and hours pursuant to section 2 of this act and the number
18 of community-based organization contracts pursuant to section 5 of
19 this act.

LEGISLATIVE BILL 1077. Placed on General File with amendment.
AM1960

- 1 1. On page 2, line 18, after the period insert "Nothing
- 2 in this section shall be construed to require any facility listed
- 3 in this section to cover the cost of a vaccination provided
- 4 pursuant to this section.".

LEGISLATIVE BILL 1083. Placed on General File with amendment.
AM1991

- 1 1. On page 2, line 13, before "nurse" insert "licensed".

(Signed) Kathy Campbell, Chairperson

COMMUNICATIONS

February 15, 2012

Governor Dave Heineman
Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman:

Please accept this letter of support and approval for the generous gift from the Norfolk Veterans Home Heroes Park Foundation Inc. This gift will enable the development of Heroes Park. Heroes Park is the development of the property adjacent to the rear of the Norfolk Veterans Home. This development is the grading and seeding of what will be a park like environment easily accessible to members of the veteran's home and their visiting families. Not only will the project be a place of rest, relaxation and leisure for the members - essentially a back yard for the place they call home - but a place for the communities of Northeast Nebraska to come together to express their support and appreciation for our veterans.

This project will enhance the quality of life of the members of our home. There will be no significant maintenance issues that cannot be addressed

with current facility staff and resources. Lastly, I would like to commend the members of the Foundation as well as all the people who have cared so much to work together to make an excellent facility even better.

Sincerely,
(Signed) John Hilgert
Director
Division of Veterans' Homes

February 27, 2012

Senator John Wightman
Chairperson, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Wightman,

Enclosed is correspondence from the Department of Administrative Services. The correspondence relates to a request for approval of planned improvements to include material and in-kind services to be donated per §81-1108.33, R.R.S. of Neb 1943 for the following:

Phase 1 of Norfolk Veterans Home Heroes Park Project

I am forwarding this correspondence to you for Executive Board action.

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

PJO:jk

enclosure

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered in this day's Journal, to the committee amendment, was renewed.

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

Senator Hadley moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Hadley requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 24:

Adams	Coash	Hadley	Larson	Price
Bloomfield	Fischer	Hansen	Lautenbaugh	Schilz
Brasch	Flood	Heidemann	McCoy	Smith
Carlson	Fulton	Janssen	Nelson	Sullivan
Christensen	Gloor	Krist	Pahls	

Voting in the negative, 22:

Ashford	Council	Howard	McGill	Wallman
Avery	Dubas	Karpisek	Mello	Wightman
Campbell	Haar, K.	Lambert	Nordquist	
Cook	Harms	Lathrop	Schumacher	
Cornett	Harr, B.	Louden	Seiler	

Excused and not voting, 3:

Conrad	Langemeier	Pirsch
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The motion to cease debate failed with 24 ayes, 22 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were former Senator Cap Dierks from Ewing, his son, Jon, from Lincoln; and Senator Smith's son, Garrett, from Papillion.

The Doctor of the Day was Dr. Hannah Heckart from Omaha.

ADJOURNMENT

At 3:59 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

