

THIRTY-EIGHTH DAY - MARCH 5, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 2012

PRAYER

The prayer was offered by Father Mike McDermott, Resurrection Catholic Church, Grand Island.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator McGill who was excused; and Senators Conrad, Cook, Cornett, Harms, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 821. Placed on Select File with amendment.
ER196 is available in the Bill Room.

LEGISLATIVE BILL 1160. Placed on Select File with amendment.
ER193 is available in the Bill Room.

LEGISLATIVE BILL 949. Placed on Select File with amendment.
ER191

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1)(a) On or before July 30, 2012, the
- 4 Division of Children and Family Services of the Department of
- 5 Health and Human Services shall report in writing its expenditures
- 6 between January 1, 2012, and June 30, 2012, to the Appropriations
- 7 Committee of the Legislature and the Health and Human Services
- 8 Committee of the Legislature. Such report shall identify any

9 changes or movement of funds in excess of two hundred fifty
 10 thousand dollars relating to child welfare between subprograms
 11 within Budget Program 347.

12 (b) Beginning with the third calendar quarter of 2012,
 13 the division shall report in writing its expenditures for each
 14 quarter within thirty days after the end of the quarter to the
 15 Appropriations Committee of the Legislature and the Health and
 16 Human Services Committee of the Legislature. Such report shall
 17 identify any changes or movement of funds in excess of two
 18 hundred fifty thousand dollars relating to child welfare between
 19 subprograms within Budget Program 347.

20 (2)(a) For the biennium ending June 30, 2015, and the
 21 biennium ending June 30, 2017, the Division of Children and Family
 22 Services of the Department of Health and Human Services shall,
 23 as part of the appropriations request process pursuant to section
 1 81-132, include a strategic plan that identifies the main purpose
 2 or purposes of each program, verifiable and auditable key goals
 3 that the division believes are fair measures of its progress in
 4 meeting each program's main purpose or purposes, and benchmarks for
 5 improving performance on the key goals for the state as a whole
 6 and for each Department of Health and Human Services service area.
 7 The division shall also report whether the benchmarks are being met
 8 and, if not, the expected timeframes for meeting them. Such key
 9 goals and benchmarks shall be developed by the Division of Children
 10 and Family Services with the assistance of the budget division of
 11 the Department of Administrative Services pursuant to subdivision
 12 (2) of section 81-1113.

13 (b) Not later than September 15, 2013, and not later than
 14 September 15, 2015, the Division of Children and Family Services
 15 of the Department of Health and Human Services shall report to
 16 the Health and Human Services Committee of the Legislature and the
 17 Appropriations Committee of the Legislature on the progress towards
 18 its key goals that occurred in the previous twelve months.

19 (3) It is the intent of the Legislature that
 20 appropriations of funds for child welfare aid be designated as a
 21 separate budget program beginning with the biennial budget for the
 22 biennium ending June 30, 2015.

23 Sec. 2. Section 81-132, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 81-132 All departments, offices, and institutions of
 26 the state government requesting appropriations shall file in the
 27 office of the Director of Administrative Services the budget
 1 forms furnished them by the director under the provisions of
 2 sections 81-1113 and 81-1113.01. The budget forms required by
 3 this section shall be filed on or before September 15 of each
 4 even-numbered year, except that in 2002, the budget administrator
 5 of the budget division of the Department of Administrative Services
 6 may extend the filing deadline for budget forms to a date no
 7 later than October 15, 2002. The forms shall show their total

8 estimated requirements for the next biennium for each unit
9 of their organization and activity classified as to object of
10 expenditure. With such forms, each department, office, institution,
11 and expending agency shall file a report showing all money received
12 by such department, office, institution, or expending agency
13 together with the estimated receipts for the coming biennium.
14 Such estimates shall be accompanied by a statement in writing
15 giving facts and explanations of reasons for each item of increased
16 appropriation requested. The report submitted by the Department of
17 Health and Human Services shall include, but not be limited to, the
18 key goals, benchmarks, and progress reports required pursuant to
19 section 1 of this act.

20 Sec. 3. Section 81-1113, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1113 The budget division shall prepare the executive
23 budget in accordance with the wishes and policies of the Governor.
24 The budget division shall have the following duties, powers, and
25 responsibilities:

26 (1) Shall prescribe the forms and procedures to be
27 employed by all departments and agencies of the state in compiling
1 and submitting their individual budget requests and shall set
2 up a budget calendar which shall provide for (a) the date, not
3 later than July 15 of each even-numbered year, for distribution
4 of instructions, (b) the date by which time requests for
5 appropriations by each agency shall be submitted, and (c) the
6 period during which such public hearings as the Governor may elect
7 shall be held for each department and agency. The budget request
8 shall be submitted each even-numbered year no later than the date
9 provided in section 81-132, shall include the intended receipts
10 and expenditures by programs, subprograms, and activities and such
11 additional information as the administrator may deem appropriate
12 for each fiscal year, shall be made upon a biennial basis, and
13 shall include actual receipts and actual expenditures for each
14 fiscal year of the most recently completed biennium and the first
15 year of the current biennium and estimates for the second year of
16 the current biennium and each year of the next ensuing biennium;

17 (2) Shall work with each governmental department and
18 agency in developing performance standards for each program,
19 subprogram, and activity to measure and evaluate present as well
20 as projected levels of expenditures. The budget division shall
21 also work with the Division of Children and Family Services of
22 the Department of Health and Human Services to develop key goals,
23 benchmarks, and methods of quantification of progress required
24 pursuant to section 1 of this act;

25 (3) Shall, following passage of legislative
26 appropriations, be responsible for the administration of the
27 approved budget through budgetary allotments;

1 (4) Shall be responsible for a monthly budgetary report
2 for each department and agency showing comparisons between actual

- 3 expenditures and allotments, which report shall be subject to
 4 review by the director and budget administrator; and
 5 (5) Shall be responsible for the authorization of
 6 employee positions. Such authorizations shall be based on the
 7 following:
- 8 (a) A requirement that a sufficient budget program
 9 appropriation and salary limitation exist to fully fund all
 10 authorized positions;
- 11 (b) A requirement that permanent full-time positions
 12 which have been vacant for ninety days or more be reviewed
 13 and reauthorized prior to being filled. If requested by the
 14 budget division, the personnel division of the Department of
 15 Administrative Services shall review such vacant position to
 16 determine the proper classification for the position;
- 17 (c) A requirement that authorized positions accurately
 18 reflect legislative intent contained in legislative appropriation
 19 and intent bills; and
- 20 (d) Other relevant criteria as determined by the budget
 21 administrator.
- 22 Sec. 4. Original sections 81-132 and 81-1113, Reissue
 23 Revised Statutes of Nebraska, are repealed.
- 24 Sec. 5. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.
- 26 2. On page 1, line 5, strike "and"; and in line 6 after
 27 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 820. Placed on Select File with amendment.
 ER192 is available in the Bill Room.

LEGISLATIVE BILL 961. Placed on Select File with amendment.
 ER194

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds and declares that:
- 4 (1) The State of Nebraska has the legal responsibility
 5 for children in its custody and accordingly should maintain the
 6 decisionmaking authority inherent in direct case management of
 7 child welfare services;
- 8 (2) Training and longevity of child welfare services case
 9 managers and caseworkers directly impact the safety, permanency,
 10 and well-being of children receiving child welfare services.
 11 Meaningful reform of the system can occur only when competent,
 12 skilled case managers and caseworkers educated in evidence-based
 13 child welfare best practices are making determinations for the
 14 care of, and services to, children and families and providing
 15 first-hand, direct information for decisionmaking and high-quality
 16 evidence to the courts relating to the best interests of the
 17 children. Maintaining quality, well-trained, and experienced case
 18 managers is essential and will be a core component in child

19 welfare reform strategic planning and implementation. Additional
20 resources and funds for training, support, and compensation may be
21 required. Notwithstanding the outsourcing of case management, the
22 Department of Health and Human Services retains legal custody of
23 wards of the state and remains responsible for their care. Inherent
1 in privatized case management is the loss of trained, skilled
2 individuals employed by the state providing the stable workforce
3 essential to fulfilling the state's responsibilities for children
4 who are wards of the state, resulting in the risk of loss of a
5 trained, experienced, and stable workforce;

6 (3) Privatization of case management of child welfare
7 services can and has resulted in dependence on one or more private
8 entities for the provision of an essential specialized service
9 that is extremely difficult to replace. As a result, the risk of
10 a private entity abandoning the contract, either voluntarily or
11 involuntarily, creates a very high risk to the entire system of
12 child welfare services;

13 (4) Privatization of case management of child welfare
14 services, including responsibilities for both service coordination
15 and service delivery by private entities, may create conflicts of
16 interest because the resulting financial incentives can undermine
17 decisionmaking regarding the appropriate services that would be in
18 the best interest of the children. Additionally, such privatization
19 of child welfare case management can result in loss of services
20 across the spectrum of child welfare by reducing market competition
21 and driving many providers out of the market;

22 (5) Case management of child welfare services issues
23 relating to caseloads, placement, turnover, communication, and
24 stability affect outcomes and permanency for children and families;
25 and

26 (6) Private lead agency contracts require complex
27 monitoring capabilities to insure compliance and oversight of
1 performance, including private case managers, to insure improved
2 child welfare outcomes. Accordingly, increased resources are
3 expended on administration and oversight of such lead agency
4 contracts rather than on improvement of the child welfare system,
5 direct service provision to children and families, and investment
6 in prevention programs.

7 Sec. 2. By September 1, 2012, for all cases in which
8 a court has awarded a juvenile to the care of the Department
9 of Health and Human Services according to subsection (1) of
10 section 43-285 and for any noncourt and voluntary cases, the
11 case manager shall be an employee of the department. The child
12 welfare case manager shall be responsible for and shall directly
13 oversee: Case planning; service authorization; investigation of
14 compliance; monitoring and evaluation of the care and services
15 provided to children and families; and decisionmaking regarding
16 the determination of visitation and the care, placement, medical
17 services, psychiatric services, training, and expenditures on

18 behalf of each juvenile under subsection (1) of section 43-285. The
19 child welfare case manager shall be responsible for determination,
20 decisionmaking and direct preparation of the proposed plan for the
21 care, placement, services, and permanency of the juvenile filed
22 with the court required under subsection (2) of section 43-285. The
23 health and safety of the juvenile shall be the paramount concern in
24 the proposed plan in accordance with such subsection.

25 Sec. 3. Section 68-1207, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 68-1207 (1) The Department of Health and Human Services
1 shall supervise all public child welfare services as described
2 by law. The department shall establish and maintain caseloads
3 to carry out child welfare services which provide for adequate,
4 timely, and indepth investigations and services to children and
5 families. In establishing the standards for such caseloads, the
6 department shall ~~(1)-(a)~~ include the workload factors that
7 may differ due to geographic responsibilities, office location,
8 and the travel required to provide a timely response in the
9 investigation of abuse and neglect, the protection of children, and
10 the provision of services to children and families in a uniform
11 and consistent statewide manner and ~~(2)-(b)~~ consider workload
12 standards recommended by national child welfare organizations and
13 factors related to the attainment of such standards. The department
14 shall consult with the appropriate employee representative in
15 establishing such standards. The average caseload of each case
16 manager providing child welfare services shall be reduced by
17 twenty-five percent each year beginning with a twenty-five percent
18 reduction on or before September 1, 2012, and a twenty-five percent
19 reduction on or before each September 1 thereafter until each
20 case manager's caseload and each caseworker's caseload is within
21 the standards established by the Child Welfare League of America
22 or its successor. Beginning September 15, 2012, the department
23 shall include in its annual report required pursuant to section
24 68-1207.01 a report on the attainment of the increase according
25 to caseload standards established by the Child Welfare League of
26 America or its successor. The department's annual report shall also
27 include changes in the standards of the Child Welfare League of
1 America.

2 (2) Caseload size shall be determined in the following
3 manner: (a) If children are placed in the home, the family shall
4 count as one case regardless of how many children are placed in the
5 home; (b) if a child is placed out of his or her home, the child
6 shall count as one case; (c) if, within one family, one or more
7 children are placed in the home and one or more children are placed
8 out of the home, the children placed in the home shall count as
9 one case and each child placed out of the home shall count as one
10 case; and (d) any child receiving services from the department or a
11 private entity under contract with the department shall be counted
12 as provided in subdivisions (a) through (c) of this subsection

13 whether or not such child is a ward of the state. For purposes of
14 this subsection, a child is considered to be placed in the home if
15 the child is placed with his or her biological or adoptive parent
16 or a legal guardian and a child is considered to be placed out of
17 the home if the child is placed in foster care, group home care, or
18 any other setting which is not the child's planned permanent home.

19 (3) To insure appropriate oversight of noncourt and
20 voluntary cases when any services are provided as a result of a
21 child safety assessment, the department shall develop a case plan
22 that specifies the services to be provided and the actions to be
23 taken by the department and the family in each such case.

24 (4) To carry out the provisions of this section, the
25 Legislature shall provide funds for additional staff.

26 Sec. 4. Section 81-3116, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-3116 The responsibilities of the divisions created in
2 section 81-3113 include, but are not limited to, the following:

3 (1) The Division of Behavioral Health shall administer
4 (a) the state hospitals for the mentally ill designated in section
5 83-305 and (b) publicly funded community-based behavioral health
6 services;

7 (2) The Division of Children and Family Services shall
8 administer (a) protection and safety programs and services,
9 including child welfare programs and services and the Office of
10 Juvenile Services, (b) economic and family support programs and
11 services, and (c) service areas as may be designated by the
12 chief executive officer or by the Director of Children and Family
13 Services under authority of the chief executive officer, except
14 that on and after September 1, 2012, the western, central, and
15 northern service areas shall align with the district court judicial
16 districts described in section 24-301.02 in a manner that no
17 district court judicial district is included in more than one
18 service area;

19 (3) The Division of Developmental Disabilities shall
20 administer (a) the Beatrice State Developmental Center and
21 (b) publicly funded community-based developmental disabilities
22 services;

23 (4) The Division of Medicaid and Long-Term Care shall
24 administer (a) the medical assistance program also known as
25 medicaid, (b) aging services, and (c) other related programs
26 and services;

27 (5) The Division of Public Health shall administer
1 (a) preventive and community health programs and services, (b)
2 the regulation and licensure of health-related professions and
3 occupations, and (c) the regulation and licensure of health care
4 facilities and health care services; and

5 (6) The Division of Veterans' Homes shall administer (a)
6 the Eastern Nebraska Veterans' Home, (b) the Grand Island Veterans'
7 Home, (c) the Norfolk Veterans' Home, and (d) the Western Nebraska

8 Veterans' Home.

9 Sec. 5. (1) On and after the effective date of this act,
 10 the Department of Health and Human Services shall not reinstate a
 11 lead agency in the central, western, or northern service areas of
 12 Nebraska as such service areas are designated pursuant to section
 13 81-3116.

14 (2) The department shall not extend past July 1, 2014,
 15 the contracts with lead agencies in existence on the effective
 16 date of this act in the eastern or southeastern service areas of
 17 Nebraska as such service areas are designated pursuant to section
 18 81-3116.

19 Sec. 6. Original sections 68-1207 and 81-3116, Reissue
 20 Revised Statutes of Nebraska, are repealed.

21 Sec. 7. Since an emergency exists, this act takes effect
 22 when passed and approved according to law.

23 2. On page 1, line 6, strike "contracts and" and insert
 24 "caseloads, contracts, and contract".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 927. Placed on General File with amendment.
 AM2191

1 1. Strike section 2 and insert the following section:

2 Sec. 2. (1) Except as otherwise provided in this
 3 section, individual identification shall not be required for cattle
 4 identified by a registered brand, accompanied by a state-issued
 5 brand inspection certificate, and imported into Nebraska directly
 6 from a mandatory brand inspection area of any state or portion of
 7 a state.

8 (2) The Department of Agriculture may require cattle
 9 described in subsection (1) of this section to be identified by
 10 individual identification to enter the state if the Director of
 11 Agriculture determines that:

12 (a) The brand registration or the brand inspection
 13 procedures and documentation of the state of origin are
 14 insufficient to enable the tracing of animals to their herd of
 15 origin;

16 (b) Identification by brand alone is in conflict with a
 17 standard of federal law or regulation regarding identification of
 18 cattle moved in interstate commerce; or

19 (c) The cattle originate from a location that is not a
 20 tuberculous accredited-free state or zone pursuant to 9 C.F.R. 77.7
 21 or is not designated a brucellosis Class Free or Class A state or
 22 area pursuant to 9 C.F.R. 78.41, as such regulations existed on
 23 January 1, 2012.

1 (3) This section does not limit the authority of the
 2 State Veterinarian to issue import orders imposing additional
 3 requirements for animals imported into Nebraska from any state,
 4 country, zone, or other area, including requirements relating to
 5 identification.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARING
 Government, Military and Veterans Affairs

Room 1507

Tuesday, March 13, 2012 9:30 a.m.

Approve gift of materials, labor and in-kind work from the Norfolk Veterans Home Heroes Park Foundation to the Norfolk Veterans Home Heroes Park Project

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Carlson filed the following amendment to LR358CA:
 AM2264

1 1. On page 1, strike lines 11 through 13 and show as
 2 stricken; and in line 14 strike "(3)", show as stricken, and insert
 3 "(2)".

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 691:

Board of Emergency Medical Services
 Joel Cerny
 Thomas Deegan
 Carl Rennerfeldt
 James Smith

Voting in the affirmative, 32:

Adams	Council	Harr, B.	Lathrop	Smith
Ashford	Fischer	Heidemann	McCoy	Sullivan
Avery	Flood	Howard	Pahls	Wallman
Bloomfield	Fulton	Janssen	Pirsch	Wightman
Brasch	Gloor	Karpisek	Price	
Campbell	Haar, K.	Krist	Schumacher	
Carlson	Hadley	Lambert	Seiler	

Voting in the negative, 0.

Present and not voting, 10:

Christensen	Dubas	Langemeier	Louden	Nelson
Coash	Hansen	Larson	Mello	Nordquist

Excused and not voting, 7:

Conrad	Cornett	Lautenbaugh	Schilz
Cook	Harms	McGill	

The appointments were confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 692:

Commission for the Blind and Visually Impaired

Michael Hansen

James Jirak

Julie Johnson

Voting in the affirmative, 36:

Adams	Fischer	Howard	Louden	Smith
Avery	Flood	Janssen	McCoy	Sullivan
Bloomfield	Fulton	Karpisek	Nelson	Wallman
Brasch	Gloor	Krist	Pahls	Wightman
Campbell	Haar, K.	Lambert	Pirsch	
Carlson	Hadley	Langemeier	Price	
Cook	Hansen	Larson	Schumacher	
Council	Heidemann	Lathrop	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Coash	Harr, B.	Nordquist
Christensen	Dubas	Mello	Schilz

Excused and not voting, 5:

Conrad	Cornett	Harms	Lautenbaugh	McGill
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 692:

Commission for the Deaf and Hard of Hearing
Jan Moore

Voting in the affirmative, 37:

Adams	Council	Heidemann	Lathrop	Schumacher
Ashford	Flood	Howard	Louden	Seiler
Avery	Fulton	Janssen	McCoy	Smith
Bloomfield	Gloor	Karpisek	Mello	Sullivan
Brasch	Haar, K.	Krist	Nelson	Wallman
Campbell	Hadley	Lambert	Pahls	
Carlson	Hansen	Langemeier	Pirsch	
Cook	Harms	Larson	Price	

Voting in the negative, 0.

Present and not voting, 8:

Christensen	Dubas	Harr, B.	Schilz
Coash	Fischer	Nordquist	Wightman

Excused and not voting, 4:

Conrad	Cornett	Lautenbaugh	McGill
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The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 702:

Nebraska State Fair Board
William Marshall III

Voting in the affirmative, 34:

Adams	Flood	Howard	Louden	Schilz
Bloomfield	Fulton	Janssen	McCoy	Schumacher
Brasch	Gloor	Karpisek	Mello	Seiler
Campbell	Haar, K.	Krist	Nordquist	Smith
Carlson	Hadley	Langemeier	Pahls	Sullivan
Cook	Hansen	Larson	Pirsch	Wallman
Council	Heidemann	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Coash	Harms	Nelson
Avery	Dubas	Harr, B.	Wightman
Christensen	Fischer	Lambert	

Excused and not voting, 4:

Conrad	Cornett	Lautenbaugh	McGill
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 443. Introduced by Campbell, 25.

WHEREAS, Charles J. Egr of Wahoo passed away Sunday, February 26, 2012; and

WHEREAS, born on July 4, 1925, to second-generation Nebraskans whose parents emigrated to the United States from Bohemia, Charles was intensely proud of his Czech heritage and spoke the language fluently. He grew up on the family farm near Prague and attended School District 84 in Plasi before being drafted into the United States Army in 1944. He served in Company E, 96th Infantry Division, of the 10th Army as a marksman and was gravely wounded in the Ryukyu Campaign on Okinawa in April 1945. After spending seven months in the hospital with both legs paralyzed, Charles was able to walk with the use of canes. His military honors included the Purple Heart, Bronze Campaign Star, Combat Infantry Badge, Good Conduct Ribbon, Victory Ribbon, and Asiatic Pacific Theater Ribbon; and

WHEREAS, after the war, Charles married June A. Voboril of Prague, and they raised their family in Saunders County, living in Prague where he operated a drug store and later worked at the United States Post Office before becoming assistant county clerk. Charles and June later built a home near Wahoo where they supported the newly-established Bishop Neumann High School; and

WHEREAS, Charles was elected Saunders County Clerk in 1968 and served a total of thirty-four years in office, running unopposed in all but his first election campaign. Charles was actively involved with the Nebraska

Association of County Officials throughout his service to Saunders County, and the association named him County Official of the Year in 1985; and

WHEREAS, Charles served on a state commission to recommend changes in Nebraska election laws and also served as campaign treasurer for former State Senator and Speaker of the Legislature Curt Bromm of Wahoo; and

WHEREAS, as a veteran, husband, father, friend, and elected official, Charles Egr's lifelong participation in his community and state exemplifies the finest Nebraska ideals of citizen government and public service. He leaves behind a legacy of helping others which touched many lives, and his passing is a profound loss.

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

1. That the Legislature expresses and extends its sympathy and condolences to the family, friends, and former colleagues of Charles J. Egr.

2. That a copy of this resolution be sent to June Egr.

Laid over.

LEGISLATIVE RESOLUTION 444. Introduced by Harms, 48.

WHEREAS, the Bluffs Middle School Brass Ensemble of Scottsbluff performed in the rotunda of the State Capitol on February 28, 2012; and

WHEREAS, the Bluffs Middle School Brass Ensemble is directed by Michael Koch; 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 Bluffs Middle School Brass Ensemble on their performance in the rotunda of the State Capitol.

2. That a copy of this resolution be sent to the Bluffs Middle School Brass Ensemble and their director, Michael Koch.

Laid over.

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB209:

AM2235

(Amendments to Standing Committee amendments, AM1949)

1. On page 1, line 11, after "year" insert "or one
2. million dollars, whichever is less"; and strike beginning with line
3. 15 through the underscored period in line 16.

GENERAL FILE

LEGISLATIVE BILL 1067. Committee AM1961, found on page 540 and considered on page 734, was renewed.

Senator Karpisek renewed his amendment, AM2260, found on page 744, to the committee amendment.

Senator Karpisek withdrew his amendment.

Senator Christensen offered the following amendment to the committee amendment:

AM2270

(Amendments to Standing Committee amendments, AM1961)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-607, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 9-607 (1) Lottery shall mean a gambling scheme in which:
 - 6 (a) The players pay or agree to pay something of value
 - 7 for an opportunity to win;
 - 8 (b) Winning opportunities are represented by tickets;
 - 9 (c) Winners are solely determined by one of the following
 - 10 two methods:
 - 11 (i) By a random drawing of tickets differentiated by
 - 12 sequential enumeration from a receptacle by hand whereby each
 - 13 ticket has an equal chance of being chosen in the drawing; or
 - 14 (ii) By use of a game known as keno in which a player
 - 15 selects up to twenty numbers from a total of eighty numbers on a
 - 16 paper ticket and a computer, other electronic selection device, or
 - 17 electrically operated blower machine which is not player-activated
 - 18 randomly selects up to twenty numbers from the same pool of
 - 19 eighty numbers and the winning players are determined by the
 - 20 correct matching of the numbers on the paper ticket selected by
 - 21 the players with the numbers randomly selected by the computer,
 - 22 other electronic selection device, or electrically operated blower
 - 1 machine, except that (A) no keno game shall permit or require
 - 2 player activation of lottery equipment and (B) the random selection
 - 3 of numbers by the computer, other electronic selection device, or
 - 4 electrically operated blower machine shall not occur within five
 - 5 minutes of the completion of the previous selection of random
 - 6 numbers unless another time limit applies pursuant to subsection
 - 7 (5) of this section; and
 - 8 (d) The holders of the winning paper tickets are to
 - 9 receive cash or prizes redeemable for cash. Selection of a winner
 - 10 or winners shall be predicated solely on chance.
 - 11 (2) Lottery shall not include:
 - 12 (a) Any gambling scheme which uses any mechanical gaming
 - 13 device, computer gaming device, electronic gaming device, or video

14 gaming device which has the capability of awarding something of
15 value, free games redeemable for something of value, or tickets or
16 stubs redeemable for something of value;

17 (b) Any activity authorized or regulated under the
18 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
19 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
20 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
21 article 12; or

22 (c) Any activity prohibited under Chapter 28, article 11.

23 (3) Notwithstanding the requirement in subdivision
24 (1)(c)(ii) of this section that a player select up to twenty
25 numbers, a player may select more than twenty numbers on a paper
26 ticket when a top or bottom, left or right, edge, or way ticket
27 is played. For a top or bottom ticket, the player shall select
1 all numbers from one through forty or all numbers from forty-one
2 through eighty. For a left or right ticket, the player shall select
3 all numbers ending in one through five or all numbers ending in
4 six through zero. For an edge ticket, the player shall select all
5 of the numbers comprising the outside edge of the ticket. For a way
6 ticket, the player shall select a combination of groups of numbers
7 in multiple ways on a single ticket.

8 (4) A county, city, or village conducting a keno lottery
9 shall designate the method of winning number selection to be used
10 in the lottery and submit such designation in writing to the
11 department prior to conducting a keno lottery. Only those methods
12 of winning number selection described in subdivision (1)(c)(ii)
13 of this section shall be permitted, and the method of winning
14 number selection initially utilized may only be changed once during
15 that business day as set forth in the designation. As to each
16 selection method or device so designated, a county, city, or
17 village may determine to use a time limit of less than five
18 minutes but not less than three minutes per random-number selection
19 under subdivision (1)(c)(ii)(B) of this section if approved by
20 the registered voters of the county, city, or village as provided
21 in subsection (5) of this section. A county, city, or village
22 shall not change the method or methods of winning number selection
23 filed with the department or allow it to be changed once such
24 initial designation has been made unless (a) otherwise authorized
25 in writing by the department based upon a written request from the
26 county, city, or village or (b) an emergency arises in which case a
27 ball draw method of number selection would be switched to a number
1 selection by a random number generator. An emergency situation
2 shall be reported by the county, city, or village to the department
3 within twenty-four hours of its occurrence.

4 (5) The governing body of a county, city, or village
5 conducting a keno lottery under this section may submit the issue
6 of changing the time per random-number selection under subdivision
7 (1)(c)(ii)(B) of this section from five minutes to four minutes or
8 three minutes. The governing body may submit the question of four

- 9 minutes or the question of three minutes to the registered voters
 10 of the county, city, or village at a special, primary, or general
 11 election pursuant to section 32-559 once per calendar year.
 12 Sec. 2. Original section 9-607, Revised Statutes
 13 Supplement, 2011, is repealed.

Senator Christensen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Christensen requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Christensen	Hansen	McCoy
Bloomfield	Dubas	Harms	Nelson
Brasch	Flood	Heidemann	Pirsch
Carlson	Fulton	Janssen	Price

Voting in the negative, 16:

Adams	Council	Larson	Nordquist
Campbell	Harr, B.	Lathrop	Seiler
Coash	Karpisek	Lautenbaugh	Smith
Cook	Lambert	Louden	Wallman

Present and not voting, 14:

Ashford	Gloor	Howard	Pahls	Sullivan
Cornett	Haar, K.	Krist	Schilz	Wightman
Fischer	Hadley	Mello	Schumacher	

Excused and not voting, 3:

Conrad	Langemeier	McGill
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The Christensen amendment lost with 16 ayes, 16 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Karpisek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Karpisek moved for a call of the house. The motion prevailed with

37 ayes, 0 nays, and 12 not voting.

Senator Karpisek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Adams	Cook	Hadley	Lathrop	Schilz
Campbell	Cornett	Karpisek	Louden	Seiler
Coash	Council	Lambert	Mello	Sullivan
Conrad	Haar, K.	Larson	Nordquist	Wallman

Voting in the negative, 17:

Brasch	Fischer	Harms	McCoy	Wightman
Carlson	Flood	Howard	Nelson	
Christensen	Fulton	Janssen	Pahls	
Dubas	Hansen	Langemeier	Smith	

Present and not voting, 9:

Ashford	Bloomfield	Krist	Pirsch	Schumacher
Avery	Gloor	Lautenbaugh	Price	

Excused and not voting, 3:

Harr, B.	Heidemann	McGill
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Failed to advance to Enrollment and Review Initial with 20 ayes, 17 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 983. Title read. Considered.

SPEAKER FLOOD PRESIDING

Committee AM2096, found on page 607, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 445. Introduced by Bloomfield, 17.

WHEREAS, the Wayne High School girls' bowling team won the 2012 Class C Nebraska High School Bowling Federation State Tournament, with team members earning individual gold medals; and

WHEREAS, the team won their first state title by defeating Burwell/Ord in a five-game Baker-format series; and

WHEREAS, team members are seniors Sara Aschoff (1st year) and Burgandy Roberts (4th year) and juniors Megan Aschoff (1st year), Miranda Denklau (3rd year), and Rachel Waddington (3rd year); and

WHEREAS, volunteer Coach Mike Varley and Assistant Coach Emily Dillon have given tirelessly to the success of the team; and

WHEREAS, Dusty Baker, owner and operator of Melodee Lanes in Wayne, generously allowed the team to use the facility; and

WHEREAS, the team practices at least two evenings per week and participates in meets on weekends and some weeknights and the team members must maintain attendance requirements and grade eligibility; and

WHEREAS, the team is self-supporting and works diligently with multiple fundraisers and enjoys community support, including that of parents, classmates, and teachers; and

WHEREAS, team members also participate in other various extracurricular activities; 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 Wayne High School girls' bowling team for winning the 2012 Class C Nebraska High School Bowling Federation State Tournament.

2. That the Legislature congratulates volunteer Coach Mike Varley and Assistant Coach Emily Dillon for their excellent season and guidance of the team.

3. That the Legislature commends Dusty Baker, owner and operator of Melodee Lanes, for his generosity.

4. That copies of this resolution be sent to the Wayne High School girls' bowling team and their coaches, Mike Varley and Emily Dillon, and to Dusty Baker, of Melodee Lanes.

Laid over.

LEGISLATIVE RESOLUTION 446. Introduced by Bloomfield, 17.

WHEREAS, the Pender High School wrestling team took second place at the 2012 Class D State Wrestling Championship for the second year in a row; and

WHEREAS, Pender was second in the rankings going into the state tournament behind Amherst for the second year in a row after winning the D-2 district championship with 208.5 points; and

WHEREAS, Amherst, the state champion, scored 187.5 points to Pender's 164 points, and the schools' combined points are only 127.5 points less than the remaining eight of the top ten Class D teams combined; and

WHEREAS, the Pender wrestlers defeated the Amherst wrestlers in all three weight classes in which they competed; and

WHEREAS, Pender finished the season with a 368/170 winning ratio; and

WHEREAS, Coach Dennis Oliver coached the Pender wrestlers to a record-tying five individual state championships in a single season; and

WHEREAS, sophomore Mark Dunn defeated Tyler Bailey of Sutton 6-5 to win the 106-pound division title; and

WHEREAS, sophomore Benny Oliver defeated Lukas Cox of Alma 6-0 to win the 113-pound division title; and

WHEREAS, sophomore Jacob Sebade defeated Toby Nordmeyer of East Butler 8-0 to win the 120-pound division title; and

WHEREAS, junior Garrett Bowder defeated Mason Klingelhofer of Amherst 11-0 to win the 126-pound division title; and

WHEREAS, senior Cory Sebade defeated Jake Wells of Anselmo-Merna 11-5 to win the 152-pound division title and finished with an undefeated season record of 40-0; and

WHEREAS, junior Ben Burmester took second place in the 182-pound division; and

WHEREAS, senior Blake Reppert took sixth place in the 145-pound division, finishing out his high school wrestling career with 102 wins; and

WHEREAS, junior Klint Conroy qualified in the 160-pound division; and

WHEREAS, junior Conner Albus qualified in the 285-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 Pender High School wrestling team on taking second place in the 2012 Class D State Wrestling Championship and Coach Dennis Oliver for his excellent season and guidance of his team in his thirteenth year as their coach.

2. That a copy of this resolution be sent to the Pender High School wrestling team and their coach, Dennis Oliver.

Laid over.

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB949:
AM2269

(Amendments to E & R amendments, ER191)

- 1 1. On page 2, line 6, after "area" insert "designated
- 2 pursuant to section 81-3116"; in line 18 strike "its key goals" and

- 3 insert "the key goals identified pursuant to this subsection"; and
- 4 strike beginning with "with" in line 21 through "2015" in line 22
- 5 and insert "July 1, 2012".

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teachers from Lincoln Christian School; and 75 fourth-grade students and teachers from Centennial Elementary, Columbus.

RECESS

At 11:48 a.m., on a motion by Senator Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Conrad, Janssen, Langemeier, Larson, McGill, and Schilz who were excused; and Senators Ashford, Campbell, and Cornett who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 447. Introduced by Howard, 9.

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

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

WHEREAS, children who engage in bullying behavior often go on to engage in more destructive, antisocial behaviors as teens and adults; and

WHEREAS, schoolwide commitment to stop bullying can reduce bullying by more than fifty percent; and

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

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

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

1. That October 2012 be designated as Nebraska Bullying Prevention Month with the intention that the issue of bullying and its prevention be discussed in the State of Nebraska during that time.

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

Laid over.

LEGISLATIVE RESOLUTION 448. Introduced by Howard, 9.

WHEREAS, Film Streams is a nonprofit organization dedicated to the promotion of film as an art form; and

WHEREAS, Film Streams is devoted to the enhancement of cultural and intellectual life in the Omaha metropolitan area; and

WHEREAS, Film Streams works to promote diversity by educating Nebraska's youth about films in the cultural context; and

WHEREAS, Film Streams supports local filmmakers through the Local Filmmakers Showcase; and

WHEREAS, Film Streams is a vital contributor to the vibrant local arts scene in Omaha.

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

1. That the Legislature recognizes Film Streams for its contribution to the arts in Nebraska.

2. That a copy of this resolution be sent to Film Streams.

Laid over.

LEGISLATIVE RESOLUTION 449. Introduced by Howard, 9.

WHEREAS, each year National Professional Social Work Month is observed in March; and

WHEREAS, National Professional Social Work Month is a time to celebrate the profession of social work and raise awareness of the benefits and challenges of social work; and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social workers make a critical impact on adolescent and youth development, aging and family caregiving, child protection and family services, health care navigation, mental and behavioral health treatment, military and veterans' assistance, nonprofit management and community development, and poverty reduction; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of the citizens of Nebraska.

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

1. That the Legislature recognizes March 2012 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers - Nebraska Chapter.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 842. Title read. Considered.

Committee AM2036, found on page 594, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 450. Introduced by Adams, 24.

WHEREAS, the Seward Bluejays won the 2012 Class B Girls' State Basketball Championship; and

WHEREAS, the Bluejays defeated the Beatrice Lady Orange 46-35 in the championship game; and

WHEREAS, Coach Tom Tvrdy led the Bluejays to their fourth straight state championship; and

WHEREAS, the Bluejays finished the season with 101 consecutive wins and four consecutive undefeated seasons; 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 Coach Tom Tvrdy and the Seward Bluejays on winning the 2012 Class B Girls' State Basketball Championship.

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

Laid over.

LEGISLATIVE RESOLUTION 451. Introduced by Pirsch, 4.

WHEREAS, Mohit Jain of Millard North High School has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Mohit has achieved an extraordinary honor in being named a Distinguished Finalist in 2012; and

WHEREAS, Mohit was named a Distinguished Finalist for giving generous amounts of time and energy to OmahaCares.org.

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Jain who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Mohit Jain on being named a 2012 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes his leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Mohit Jain.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 863. Title read. Considered.

Senator Coash renewed his amendment, AM2129, found on page 613.

The Coash amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SPEAKER FLOOD PRESIDING

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 916. Placed on Select File with amendment.
ER199

- 1 1. In the Standing Committee amendments, AM1739:
- 2 a. On page 10, line 20, after "any" insert "of";
- 3 b. On page 19, line 21, before "The" insert "(4)";
- 4 c. On page 23, line 18; and page 119, line 16, after the
- 5 period insert an underscored comma;
- 6 d. On page 49, line 14; page 101, line 20; and page 135,

- 7 line 4, strike the first "the"; and
 8 e. On page 89, line 17, strike "on or after July 1,
 9 2000," and show as stricken.
- 10 2. On page 1, strike beginning with "23-2323.02" in
 11 line 1 through line 16 and insert "16-1019, 16-1038, 23-2322,
 12 23-2323.02, 24-707, 24-710.02, 24-710.05, 48-1401, 79-906,
 13 79-933.01, 79-948, 79-956, 79-980, 79-998, 79-9,104, 79-9,106,
 14 81-2014, 81-2031.03, 81-2032, 84-1309, 84-1312, 84-1324, and
 15 84-1505, Reissue Revised Statutes of Nebraska, sections 23-2309.01,
 16 23-2310.05, 23-2317, 23-2321, 84-1310.01, 84-1311.03, 84-1319,
 17 and 84-1323, Revised Statutes Cumulative Supplement, 2010, and
 18 sections 14-2111, 23-2301, 23-2308, 23-2308.01, 23-2319.01, 24-701,
 19 79-902, 81-2026, 81-2041, 84-1301, 84-1309.02, 84-1321.01, and
 20 84-1503, Revised Statutes Supplement, 2011; to provide for the
 21 use of retirement benefits to pay civil damages for utilities
 22 district employees and appointees, police officers, firefighters,
 23 county employees, judges, participants in deferred compensation
 1 plans, school employees, officers of the Nebraska State Patrol,
 2 and state employees as prescribed; to exempt per diems from the
 3 definition of compensation; to require an employer to provide
 4 certain termination of employment information to the Public
 5 Employees Retirement Board; to require repayment of retirement
 6 benefits as prescribed; to authorize creation of subfunds; to
 7 provide for a cash balance benefit election for certain county
 8 and state employees; to change provisions relating to county and
 9 state employer funds; to eliminate certain reporting requirements
 10 for school retirement systems as prescribed; to clarify provisions
 11 relating to tax-qualification requirements; to change provisions
 12 relating to rollover distributions and death benefits; to exclude
 13 any person under the age of eighteen years from the definition
 14 of school employee; to redefine termination of employment; to
 15 provide duties for the Public Employees Retirement Board relating
 16 to the determination of de minimus amounts and tax-qualification
 17 requirements; to harmonize provisions; to provide severability;
 18 to repeal the original sections; to outright repeal section
 19 23-2319.02, Revised Statutes Cumulative Supplement, 2010; and to
 20 declare an emergency."
- 21 3. On page 2, strike lines 1 through 6.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB950:
 AM2267

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 61-218, Revised Statutes Supplement,
 4 2011, is amended to read:

5 61-218 (1) The Water Resources Cash Fund is created. The
6 fund shall be administered by the Department of Natural Resources.
7 Any money in the fund available for investment shall be invested
8 by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 (2) The State Treasurer shall credit to the fund such
11 money as is (a) transferred to the fund by the Legislature, (b)
12 paid to the state as fees, deposits, payments, and repayments
13 relating to the fund, both principal and interest, (c) donated as
14 gifts, bequests, or other contributions to such fund from public or
15 private entities, (d) made available by any department or agency of
16 the United States if so directed by such department or agency, and
17 (e) allocated pursuant to section 81-15,175.

18 (3) The fund shall be expended by the department (a)
19 to aid management actions taken to reduce consumptive uses of
20 water or to enhance streamflows or ground water recharge in river
21 basins, subbasins, or reaches which are deemed by the department
22 overappropriated pursuant to section 46-713 or fully appropriated
23 pursuant to section 46-714 or are bound by an interstate compact or
1 decree or a formal state contract or agreement, (b) for purposes
2 of projects or proposals described in the grant application as
3 set forth in subdivision (2)(h) of section 81-15,175, and (c) to
4 the extent funds are not expended pursuant to subdivisions (a)
5 and (b) of this subsection, the department may conduct a statewide
6 assessment of short-term and long-term water management activities
7 and funding needs to meet statutory requirements in sections 46-713
8 to 46-718 and 46-739 and any requirements of an interstate compact
9 or decree or formal state contract or agreement. The fund shall not
10 be used to pay for administrative expenses or any salaries for the
11 department or any political subdivision.

12 (4) It is the intent of the Legislature that three
13 million three hundred thousand dollars be transferred each fiscal
14 year from the General Fund to the Water Resources Cash Fund for
15 FY2011-12 through FY2018-19, except that for FY2012-13 it is the
16 intent of the Legislature that ten million five hundred thousand
17 dollars be transferred from the General Fund to the Water Resources
18 Cash Fund.

19 (5)(a) Expenditures from the Water Resources Cash
20 Fund may be made to natural resources districts eligible under
21 subsection (3) of this section for activities to either achieve a
22 sustainable balance of consumptive water uses or assure compliance
23 with an interstate compact or decree or a formal state contract
24 or agreement and shall require a match of local funding in an
25 amount equal to or greater than forty percent of the total cost
26 of carrying out the eligible activity. The department shall, no
27 later than August 1 of each year, beginning in 2007, determine the
1 amount of funding that will be made available to natural resources
2 districts from the Water Resources Cash Fund and notify natural
3 resources districts of this determination. The department shall

4 adopt and promulgate rules and regulations governing application
5 for and use of the Water Resources Cash Fund by natural resources
6 districts. Such rules and regulations shall, at a minimum, include
7 the following components:

8 (i) Require an explanation of how the planned activity
9 will achieve a sustainable balance of consumptive water uses or
10 will assure compliance with an interstate compact or decree or a
11 formal state contract or agreement as required by section 46-715
12 and the controls, rules, and regulations designed to carry out the
13 activity; and

14 (ii) A schedule of implementation of the activity or its
15 components, including the local match as set forth in subdivision
16 (5)(a) of this section.

17 (b) Any natural resources district that fails to
18 implement and enforce its controls, rules, and regulations as
19 required by section 46-715 shall not be eligible for funding
20 from the Water Resources Cash Fund until it is determined by the
21 department that compliance with the provisions required by section
22 46-715 has been established.

23 (6) The Department of Natural Resources shall submit an
24 annual report to the Legislature no later than October 1 of each
25 year, beginning in the year 2007, that shall detail the use of the
26 Water Resources Cash Fund in the previous year. The report shall
27 provide:

1 (a) Details regarding the use and cost of activities
2 carried out by the department; and

3 (b) Details regarding the use and cost of activities
4 carried out by each natural resources district that received funds
5 from the Water Resources Cash Fund.

6 (7)(a) Prior to the application deadline for fiscal year
7 2011-12, the Department of Natural Resources shall apply for a
8 grant of nine million nine hundred thousand dollars from the
9 Nebraska Environmental Trust Fund, to be paid out in three annual
10 installments of three million three hundred thousand dollars. The
11 purposes listed in the grant application shall be consistent with
12 the uses of the Water Resources Cash Fund provided in this section
13 and shall be used to aid management actions taken to reduce
14 consumptive uses of water, to enhance streamflows, to recharge
15 ground water, or to support wildlife habitat in any river basin
16 determined to be fully appropriated pursuant to section 46-714 or
17 designated as overappropriated pursuant to section 46-713.

18 (b) If the application is granted, funds received from
19 such grant shall be remitted to the State Treasurer for credit to
20 the Water Resources Cash Fund for the purpose of supporting the
21 projects set forth in the grant application. The department shall
22 include in its grant application documentation that the Legislature
23 has authorized a transfer of three million three hundred thousand
24 dollars from the General Fund into the Water Resources Cash Fund
25 for each of fiscal years 2011-12 and 2012-13 and has stated its

26 intent to transfer three million three hundred thousand dollars to
27 the Water Resources Cash Fund for fiscal year 2013-14.

1 (c) It is the intent of the Legislature that the
2 department apply for an additional three-year grant that would
3 begin in fiscal year 2014-15 if the criteria established in
4 subsection (4) of section 81-15,175 are achieved.

5 (8) The department shall establish a subaccount within
6 the Water Resources Cash Fund for the accounting of all money
7 received as a grant from the Nebraska Environmental Trust Fund as
8 the result of an application made pursuant to subsection (7) of
9 this section. At the end of each calendar month, the department
10 shall calculate the amount of interest earnings accruing to the
11 subaccount and shall notify the State Treasurer who shall then
12 transfer a like amount from the Water Resources Cash Fund to the
13 Nebraska Environmental Trust Fund.

14 Sec. 2. The State Treasurer shall transfer \$7,200,000
15 from the General Fund to the Water Resources Cash Fund on
16 or before June 30, 2013, on such date as directed by the
17 budget administrator of the budget division of the Department
18 of Administrative Services.

19 Sec. 3. Original section 61-218, Revised Statutes
20 Supplement, 2011, is repealed.

RESOLUTION

LEGISLATIVE RESOLUTION 452. Introduced by Nordquist, 7.

PURPOSE: The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the retirement system established pursuant to the County Employees Retirement Act, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System as provided in the Judges Retirement Act. The study may also examine the retirement system established pursuant to the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1130. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SENATOR ADAMS PRESIDING

LEGISLATIVE RESOLUTION 373CA. Read. Considered.

Committee AM1948, found on page 540, was considered.

Senator Wightman moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

SPEAKER FLOOD PRESIDING

Senator Lautenbaugh requested a roll call vote on the advancement of the resolution.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 4 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 820A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 820, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 821A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 821, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 1160A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1160, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 833. Placed on General File.

LEGISLATIVE BILL 740. Placed on General File with amendment. AM2212

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,290, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,290 (1)(a) No vehicle shall exceed a length of
- 6 forty feet, extreme overall dimensions, inclusive of front and rear
- 7 bumpers including load, except that:
- 8 (i) A bus or a motor home, as defined in section 71-4603,
- 9 may exceed the forty-foot limitation but shall not exceed a length
- 10 of forty-five feet;
- 11 (ii) A truck-tractor may exceed the forty-foot
- 12 limitation;
- 13 (iii) A semitrailer operating in a truck-tractor single
- 14 semitrailer combination, which semitrailer was actually and
- 15 lawfully operating in the State of Nebraska on December 1, 1982,
- 16 may exceed the forty-foot limitation; ~~and~~
- 17 (iv) A semitrailer operating in a truck-tractor single
- 18 semitrailer combination, which semitrailer was not actually and
- 19 lawfully operating in the State of Nebraska on December 1, 1982,
- 20 may exceed the forty-foot limitation but shall not exceed a length
- 21 of fifty-three feet including load; ~~and-~~
- 22 (v) A semitrailer operating in a truck-tractor single
- 23 semitrailer combination, while transporting baled livestock forage,
- 1 may exceed the forty-foot limitation but shall not exceed a length
- 2 of fifty-nine feet six inches including load.
- 3 (b) No combination of vehicles shall exceed a length of
- 4 sixty-five feet, extreme overall dimensions, inclusive of front and
- 5 rear bumpers and including load, except:
- 6 (i) One truck and one trailer, loaded or unloaded,
- 7 used in transporting implements of husbandry to be engaged in
- 8 harvesting, while being transported into or through the state
- 9 during daylight hours if the total length does not exceed
- 10 seventy-five feet including load;

- 11 (ii) A truck-tractor single semitrailer combination;
12 (iii) A truck-tractor semitrailer trailer combination,
13 but the semitrailer trailer portion of such combination shall not
14 exceed sixty-five feet inclusive of connective devices; and
15 (iv) A driveway saddlemount vehicle transporter
16 combination and driveway saddlemount with fullmount vehicle
17 transporter combination, but the total overall length shall not
18 exceed ninety-seven feet.
- 19 (c) A truck shall be construed to be one vehicle for the
20 purpose of determining length.
- 21 (d) A trailer shall be construed to be one vehicle for
22 the purpose of determining length.
- 23 (2) Subsection (1) of this section shall not apply to:
- 24 (a) Extra-long vehicles which have been issued a permit
25 pursuant to section 60-6,292;
- 26 (b) Vehicles which have been issued a permit pursuant to
27 section 60-6,299;
- 1 (c) The temporary moving of farm machinery during
2 daylight hours in the normal course of farm operations;
- 3 (d) The movement of unbaled livestock forage vehicles,
4 loaded or unloaded;
- 5 (e) The movement of public utility or other construction
6 and maintenance material and equipment at any time;
- 7 (f) Farm equipment dealers hauling, driving, delivering,
8 or picking up farm equipment or implements of husbandry within the
9 county in which the dealer maintains his or her place of business,
10 or in any adjoining county or counties, and return;
- 11 (g) The overhang of any motor vehicle being hauled upon
12 any lawful combination of vehicles, but such overhang shall not
13 exceed the distance from the rear axle of the hauled motor vehicle
14 to the closest bumper thereof;
- 15 (h) The overhang of a combine to be engaged in
16 harvesting, while being transported into or through the state
17 driven during daylight hours by a truck-tractor semitrailer
18 combination, but the length of the semitrailer, including overhang,
19 shall not exceed sixty-three feet and the maximum semitrailer
20 length shall not exceed fifty-three feet;
- 21 (i) Any self-propelled specialized mobile equipment with
22 a fixed load when the requirements of subdivision (2)(i) of section
23 60-6,288 are met; or
- 24 (j) One truck-tractor two trailer combination or one
25 truck-tractor semitrailer trailer combination used in transporting
26 equipment utilized by custom harvesters under contract to
27 agricultural producers to harvest wheat, soybeans, or milo
1 during the months of April through November but the length of
2 the property-carrying units, excluding load, shall not exceed
3 eighty-one feet six inches.
- 4 (3) The length limitations of this section shall be
5 exclusive of safety and energy conservation devices such as

- 6 rearview mirrors, turnsignal lights, marker lights, steps and
 7 handholds for entry and egress, flexible fender extensions,
 8 mudflaps and splash and spray suppressant devices, load-induced
 9 tire bulge, refrigeration units or air compressors, and other
 10 devices necessary for safe and efficient operation of commercial
 11 motor vehicles, except that no device excluded from the limitations
 12 of this section shall have by its design or use the capability to
 13 carry cargo.
 14 Sec. 2. Original section 60-6,290, Reissue Revised
 15 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 930. Placed on General File with amendment.
 AM2272 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Wallman filed the following amendment to LB1090:
 AM2273

- 1 1. On page 2, line 20, strike "school districts" and
- 2 insert "schools".

Senator Krist filed the following amendment to LB998:
 AM2279 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB824:
 AM2302

(Amendments to Standing Committee amendments, AM2080)

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 7, line 14, after the first comma insert "line
- 5 20, after 'distillation' insert ', except that in the case of a
- 6 malt beverage with an alcohol content of more than six percent
- 7 by volume, not more than one and one-half percent of the volume
- 8 of the malt beverage may consist of alcohol derived from flavors,
- 9 flavorings, or other nonbeverage ingredients containing alcohol
- 10 obtained by distillation'; and in".

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to
 LB983. No objections. So ordered.

VISITORS

Visitor to the Chamber was Spencer Woltemath from Peru.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 4:26 p.m., on a motion by Senator Ashford, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature