

THIRTY-NINTH DAY - MARCH 6, 2012
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen, Coash, Conrad, Cornett, Loudon, McGill, Smith, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 429 and 430 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 429 and 430.

GENERAL FILE

LEGISLATIVE BILL 751A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 820A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 821A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1160A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 782. Title read. Considered.

Committee AM1901, found on page 497, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 810. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1039. Title read. Considered.

Committee AM1796, found on page 487, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Brasch withdrew her amendment, AM1710, found on page 349.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 995. Title read. Considered.

Committee AM1810, found on page 595, was considered.

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1090. Title read. Considered.

Committee AM1823, found on page 572, was adopted with 26 ayes, 0 nays,

18 present and not voting, and 5 excused and not voting.

PRESIDENT SHEEHY PRESIDING

Senator Wallman renewed his amendment, AM2273, found on page 777.

The Wallman amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Wallman moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Wallman requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Avery	Dubas	Janssen	Lautenbaugh	Pahls
Coash	Gloor	Karpisek	McGill	Pirsch
Conrad	Haar, K.	Krist	Mello	Seiler
Cook	Harr, B.	Langemeier	Nelson	Sullivan
Council	Howard	Lathrop	Nordquist	Wallman

Voting in the negative, 0.

Present and not voting, 16:

Bloomfield	Fischer	Lambert	Schilz
Brasch	Fulton	Larson	Schumacher
Carlson	Hansen	Louden	Smith
Christensen	Harms	McCoy	Wightman

Absent and not voting, 1:

Campbell

Excused and not voting, 7:

Adams	Cornett	Hadley	Price
Ashford	Flood	Heidemann	

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1090A. Title read. Considered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 453. Introduced by B. Harr, 8; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2012 Boys' State Swimming Championship; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its sixth consecutive state championship; and

WHEREAS, Coach Tom Beck and the team's assistant coaches, Harlan Groff, Dr. Larry Raynor, and Cathy Hausman, did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: Carter Brouillette, Jon Doyle, Leo Garofalo, David Hansen, Jake Hedrick, Ben Kellen, Collin Piti, Ryan Tate, Sean Tate, Jimmy Ahlgren, Mike Bauwens, Nick Bohlim, David Carlson, Carter Deras, Justin Kozol, Sean Lawson, Matt Magee, Karl Schaenzer, Adam Sobetski, Paul Witt, Chris Chavez, Szymmy Day, Jordy Greene, Andrew Hansen, Jack Moritz, Alex Penrice, Jude Sakowski, Gus Slavik, Chad Wiley, Louis Landen, Erik Lindholm, Connor Magee, Matt Medara, Will Raynor, and Paul Stratman; 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 Prep swimming team on winning the 2012 Boys' State Swimming Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their coach, Tom Beck.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 851. Placed on General File.

LEGISLATIVE BILL 1106. Placed on General File with amendment. AM2239

1 1. Strike the original sections and insert the following

2 new sections:

3 Section 1. Section 77-1374, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 77-1374 Improvements on leased public lands shall be

6 assessed, together with the value of the lease, to the owner of the

7 improvements as real property. On or before March 1, following any
8 construction thereof or any change in the improvements made on or
9 before January 1, the owner of the improvements shall file with the
10 county assessor an assessment application on a form prescribed by
11 the Tax Commissioner. An assessment application shall also be filed
12 with the county assessor at the time a change of ownership occurs,
13 and such assessment application shall be signed by the owner of
14 the improvements. The taxes imposed on the improvements shall be
15 collected in the same manner as in all other cases of collection of
16 taxes on real property.

17 Sec. 2. Original section 77-1374, Reissue Revised
18 Statutes of Nebraska, is repealed.

(Signed) Abbie Cornett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1026. Placed on General File.

(Signed) Rich Pahls, Chairperson

VISITORS

Visitors to the Chamber were 18 twelfth-grade students and teacher from Hartington; 53 fourth-grade students and teachers from Milliken Park Elementary, Fremont; and 56 fourth-grade students and teachers from Norman Rockwell Elementary, Omaha.

RECESS

At 11:53 a.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Bloomfield, Conrad, Flood, Langemeier, Loudon, and Smith who were excused until they arrive.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1140. Placed on General File.

LEGISLATIVE BILL 936. Placed on General File with amendment.
AM2303

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

LEGISLATIVE BILL 953. Placed on General File with amendment.
AM2242

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) State fleet card programs shall be created
- 4 and shall be administered separately by the University of Nebraska
- 5 and by the Department of Roads. The Department of Roads shall
- 6 administer a fleet card program on behalf of state government
- 7 other than the University of Nebraska under a contract through
- 8 the State Treasurer. The State Treasurer shall determine the type
- 9 of fleet card or cards utilized in the state fleet card program.

- 10 The State Treasurer shall contract with one or more financial
- 11 institutions, card-issuing banks, credit card companies, charge
- 12 card companies, debit card companies, or third-party merchant
- 13 banks capable of operating a fleet card program on behalf of
- 14 the state, including the University of Nebraska, and political
- 15 subdivisions that participate in the state contract for such
- 16 services. Rules and regulations may be adopted and promulgated
- 17 as needed by the Department of Roads and the University of
- 18 Nebraska for the operation of the state fleet card programs. The
- 19 rules and regulations shall provide authorization instructions for
- 20 all transactions. Expenses associated with the state fleet card
- 21 programs shall be considered as an administrative or operational
- 22 expense.

- 23 (2) For purposes of this section, fleet card means a
- 1 payment card used for gasoline, diesel, and other fuels. Fleet
- 2 cards may also be used to pay for vehicle and equipment maintenance
- 3 and expenses at the discretion of the program administrator. The
- 4 Department of Roads and University of Nebraska shall each designate
- 5 a program administrator.

- 6 (3) Any state official, state agency, or political
- 7 subdivision may utilize the state fleet card for the purchase
- 8 of goods and services described in subsection (2) of this section
- 9 for and on behalf of the State of Nebraska. No disbursements or
- 10 cash back on fleet card transactions shall be allowed.

- 11 (4) Vendors accepting a state fleet card shall obtain
- 12 authorization for all transactions in accordance with instructions
- 13 from the program administrator. Transaction authorization shall
- 14 be from the financial institution, card-issuing bank, credit card
- 15 company, charge card company, debit card company, or third-party
- 16 merchant bank contracted to provide such service to the State of
- 17 Nebraska. Each transaction shall be authorized in accordance with

18 the instructions provided by the program administrator for each
19 state official, state agency, or political subdivision.

20 (5) Detailed transaction information for the purposes
21 of tracking expenditures shall include fleet card identification,
22 merchant name and address, transaction number, date, time, product,
23 quantity, cost, and equipment meter reading if applicable. A
24 state fleet card program may require an itemized receipt for
25 purposes of tracking expenditures of a state fleet card purchase
26 from a commercial vendor as acceptable detailed transaction
27 information. If detailed transaction information is not provided,
1 the program administrator shall have the authority to temporarily
2 or permanently suspend state fleet card purchases in accordance
3 with rules and regulations.

4 (6) Upon termination or suspension of employment of an
5 individual using a state fleet card, such individual's state fleet
6 card account shall be immediately closed and he or she shall return
7 the state fleet card to the agency from which it was obtained.

8 (7) No officer or employee of the state shall use a state
9 fleet card for any unauthorized use as determined by the rules and
10 regulations.

11 Sec. 2. The State Fleet Card Distributive Fund is
12 created. All rebates received by the state from the fleet card
13 program entered into by the State of Nebraska pursuant to section
14 1 of this act, except for rebates received from the fleet card
15 program of the University of Nebraska, shall be credited to the
16 fund. The fund may consist of fleet card rebates received on behalf
17 of state agencies, boards, commissions, and political subdivisions
18 and shall be administered by the State Treasurer. Fleet card
19 rebates shall be distributed by the State Treasurer, consistent
20 with volume spent and contract terms, to: (1) The University of
21 Nebraska; (2) any political subdivision participating in the state
22 fleet card program; and (3) the State Treasurer for distribution
23 to the remainder of state government. The State Treasurer or
24 his or her designee is authorized to distribute through the fund
25 or through a vendor contractual agreement the remaining program
26 rebates. Rebates received by the vendor after the effective date
27 of this act shall be disbursed to participating entities under the
1 contract consistent with volume spent and contract terms.

2 Sec. 3. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1090A. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 962. Title read. Considered.

Committee AM2018, found on page 548, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1079. Title read. Considered.

Committee AM2055, found on page 566, was considered.

PRESIDENT SHEEHY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Thursday, March 15, 2012 1:00 p.m.

Steven Manning - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 454. Introduced by Fulton, 29; Ashford, 20; Council, 11; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Nordquist, 7.

WHEREAS, the 2011 Creighton University soccer team reached the NCAA Men's College Cup for the fourth time in school history following a twenty-one win season; and

WHEREAS, Creighton's 2011 appearance in the NCAA Men's College Cup is the nineteenth postseason appearance during the last two decades; and

WHEREAS, Head Coach Elmar Bolowich was rightly named the NSCAA Midwest Region Coach of the Year and MLSsoccer.com's NCAA Coach of the Year in his first season at Creighton; and

WHEREAS, four players, defender Andrew Duran, forward Ethan Finlay, goalkeeper Brian Holt, and midfielder Greg Jordan, were named NSCAA All-Americans; and

WHEREAS, Andrew Duran and Ethan Finlay were drafted in the first round and Greg Jordan and Tyler Polak were drafted in the second round of the 2012 Major League Soccer SuperDraft; and

WHEREAS, the 2011 Bluejays were undefeated on their home field at Morrison Stadium, which College Soccer News has called the most exciting

college soccer stadium in the nation and where Creighton ranked in the top ten in the NCAA in average attendance for the ninth straight season; and

WHEREAS, the 2011 Creighton University men's soccer team's achievements are a source of great pride to Creighton University students, faculty and alumni, Omahans, and the people of the State of Nebraska.

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

1. That the Legislature congratulates the Creighton University men's soccer team for their achievements in the 2011 season and extends its best wishes for continued success.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Elmar Bolowich.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 897. Placed on General File.

LEGISLATIVE BILL 822. Placed on General File with amendment. AM2313

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 77-1315, Revised Statutes Supplement,
 4 2011, is amended to read:
 5 77-1315 (1) The county assessor shall, after March 19
 6 and on or before June 1, implement adjustments to the real
 7 property assessment roll for actions of the Tax Equalization
 8 and Review Commission, except beginning January 1, 2014, in any
 9 county with a population of at least one hundred fifty thousand
 10 inhabitants according to the most recent federal decennial census,
 11 the adjustments shall be implemented after March 25 and on or
 12 before June 1.

13 (2) On or before June 1, in addition to the notice
 14 of preliminary valuation sent pursuant to section 77-1301, the
 15 county assessor shall notify the owner of record as of May 20 of
 16 every item of real property which has been assessed at a value
 17 different than in the previous year. Such notice shall be given
 18 by first-class mail addressed to such owner's last-known address.
 19 It shall identify the item of real property and state the old
 20 and new valuation, the date of convening of the county board of
 21 equalization, and the dates for filing a protest, ~~and the average~~
 22 ~~level of value of all classes and subclasses of real property~~
 23 ~~in the county as determined by the Tax Equalization and Review~~
 1 ~~Commission.~~

2 (3) Immediately upon completion of the assessment roll,
 3 the county assessor shall cause to be published in a newspaper

4 of general circulation in the county a certification that the
 5 assessment roll is complete and notices of valuation changes
 6 have been mailed and provide the final date for filing valuation
 7 protests with the county board of equalization.
 8 (4) The county assessor shall annually, on or before June
 9 6, post in his or her office and, as designated by the county
 10 board, mail to a newspaper of general circulation and to licensed
 11 broadcast media in the county the assessment ratios as found
 12 in his or her county as determined by the Tax Equalization and
 13 Review Commission and any other statistical measures, including,
 14 but not limited to, the assessment-to-sales ratio, the coefficient
 15 of dispersion, and the price-related differential.
 16 Sec. 2. Original section 77-1315, Revised Statutes
 17 Supplement, 2011, is repealed.

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1079. Committee AM2055, found on page 566 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Mello renewed his amendment, AM2249, found on page 742.

The Mello amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

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

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 455. Introduced by Carlson, 38.

WHEREAS, the Sandy Creek Lady Cougars won the 2012 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Lady Cougars defeated the Minden Lady Whippets 51-45 to win their tenth state championship under coach Russ Ninemire, giving the Lady Cougars the second-most state titles in Nebraska high school girls' basketball; and

WHEREAS, the Lady Cougars finished with a record of 22-3; and

WHEREAS, the Lady Cougars displayed remarkable ability and teamwork throughout their outstanding season; 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 Sandy Creek Lady Cougars on winning the 2012 Class C-1 Girls' State Basketball Championship.

2. That the Legislature congratulates Head Coach Russ Ninemire and his assistant coaches, Jeremy Borer and Crystal Hassenstab, for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Sandy Creek Lady Cougars and Head Coach Russ Ninemire.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 806. Title read. Considered.

Committee AM1852, found on page 439, was considered.

Senator McCoy renewed his amendment, AM2229, found on page 741, to the committee amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 456. Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2012 Class D-2 Girls' State Basketball Championship by defeating Howells High School by a score of 50-47; and

WHEREAS, the Wynot High School girls' basketball team ended the season with a record of 26-3; 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 Wynot High School girls' basketball team on winning the 2012 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and their coach, Steve Wieseler.

Laid over.

LEGISLATIVE RESOLUTION 457. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2012 Class C-2 Girls' State Basketball Championship by defeating Lutheran High Northeast by a score of 41-28; and

WHEREAS, the Crofton High School girls' basketball team ended the season with a record of 23-4; 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 Crofton High School girls' basketball team on winning the 2012 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and their coach, Aaron Losing.

Laid over.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB239:
AM2297 is available in the Bill Room.

Senator McCoy filed the following amendment to LB1104:
AM2286

(Amendments to Standing Committee amendments, AM2077)

- 1 1. Strike section 2.
- 2 2. On page 31, strike beginning with "sections" in line
- 3 15 through "85-1517" in line 16 and insert "section 77-3442".
- 4 3. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB961:
AM2311

(Amendments to E & R amendments, 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 case managers
- 9 directly impact the safety, permanency, and well-being of children
- 10 receiving child welfare services;
- 11 (3) Meaningful reform of the child welfare system
- 12 can occur only when competent, skilled case managers educated
- 13 in evidence-based child welfare best practices are making

14 determinations for the care of, and services to, children
15 and families and providing first-hand, direct information for
16 decisionmaking and high-quality evidence to the courts relating to
17 the best interests of the children;

18 (4) Maintaining quality, well-trained, and experienced
19 case managers is essential and will be a core component in
20 child welfare reform, including statewide strategic planning
21 and implementation. Additional resources and funds for training,
22 support, and compensation may be required;

1 (5) Notwithstanding the outsourcing of case management,
2 the Department of Health and Human Services retains legal custody
3 of wards of the state and remains responsible for their care.
4 Inherent in privatized case management is the loss of trained,
5 skilled individuals employed by the state providing the stable
6 workforce essential to fulfilling the state's responsibilities for
7 children who are wards of the state, resulting in the risk of loss
8 of a trained, experienced, and stable workforce;

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

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

26 (8) Privatization of case management and of child welfare
27 services has resulted in issues relating to caseloads, placement,
1 turnover, communication, and stability within the child welfare
2 system that adversely affect outcomes and permanency for children
3 and families; and

4 (9) Private lead agency contracts require complex
5 monitoring capabilities to insure compliance and oversight of
6 performance, including private case managers, to insure improved
7 child welfare outcomes.

8 Sec. 2. (1) Except as provided in subsection (2) of
9 this section, by April 1, 2012, for all cases in which a
10 court has awarded a juvenile to the care of the Department of
11 Health and Human Services according to subsection (1) of section
12 43-285 and for any noncourt and voluntary cases, the case manager
13 shall be an employee of the department. Such case manager shall

14 be responsible for and shall directly oversee: Case planning;
15 service authorization; investigation of compliance; monitoring
16 and evaluation of the care and services provided to children
17 and families; and decisionmaking regarding the determination of
18 visitation and the care, placement, medical services, psychiatric
19 services, training, and expenditures on behalf of each juvenile
20 under subsection (1) of section 43-285. Such case manager shall be
21 responsible for decisionmaking and direct preparation regarding the
22 proposed plan for the care, placement, services, and permanency of
23 the juvenile filed with the court required under subsection (2)
24 of section 43-285. The health and safety of the juvenile shall be
25 the paramount concern in the proposed plan in accordance with such
26 subsection.

27 (2) The department may contract with a lead agency
1 for a case management lead agency model pilot project in the
2 department's eastern service area as designated pursuant to section
3 81-3116. The department shall include in the pilot project the
4 appropriate conditions, performance outcomes, and oversight for the
5 lead agency, including, but not be limited to:

6 (a) The reporting and survey requirements of lead
7 agencies described in sections 6 and 7, Legislative Bill 1160, One
8 Hundred Second Legislature, Second Session, 2012;

9 (b) Departmental monitoring and functional capacities of
10 lead agencies described in section 8, Legislative Bill 1160, One
11 Hundred Second Legislature, Second Session, 2012;

12 (c) The key areas of evaluation specified in subsection
13 (3) of section 9, Legislative Bill 1160, One Hundred Second
14 Legislature, Second Session, 2012;

15 (d) Compliance and coordination with the development
16 of the statewide strategic plan for child welfare program and
17 service reform pursuant to Legislative Bill 821, One Hundred Second
18 Legislature, Second Session, 2012; and

19 (e) Assurance of financial accountability and reporting
20 by the lead agency.

21 (3) Prior to April 1, 2013, the Health and Human Services
22 Committee of the Legislature shall review the pilot project and
23 provide to the department and the Legislature recommendations,
24 and any legislation necessary to adopt the recommendations,
25 regarding the adaptation or continuation of the pilot project. In
26 making the recommendations, the committee shall utilize: (a) The
27 evaluation completed pursuant to Legislative Bill 1160, One Hundred
1 Second Legislature, Second Session, 2012; (b) the recommendations
2 of the statewide strategic plan pursuant to Legislative Bill
3 821, One Hundred Second Legislature, Second Session, 2012; (c)
4 the department's assessment of the pilot project; and (d) any
5 additional reports, surveys, information, and data provided to and
6 requested by the committee. If the pilot project continues past
7 April 1, 2013, the lead agency shall comply with the requirements
8 of section 4, Legislative Bill 821, One Hundred Second Legislature,

9 Second Session, 2012.

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

12 68-1207 (1) The Department of Health and Human Services
13 shall supervise all public child welfare services as described by
14 law. The department and the pilot project described in section 2 of
15 this act shall establish and maintain caseloads to carry out child
16 welfare services which provide for adequate, timely, and in-depth
17 investigations and services to children and families. Caseloads
18 shall range between twelve and seventeen cases as determined
19 pursuant to subsection (2) of this section. In establishing the
20 standards for such specific caseloads within such range, the
21 department and the pilot project shall ~~(4)~~(a) include the workload
22 factors that may differ due to geographic responsibilities, office
23 location, and the travel required to provide a timely response in
24 the investigation of abuse and neglect, the protection of children,
25 and the provision of services to children and families in a
26 uniform and consistent statewide manner and ~~(2)~~ consider workload
27 standards recommended by national child welfare organizations and
1 factors related to the attainment of such standards. The department
2 shall consult with the appropriate employee representative in
3 establishing such standards. (b) utilize the workload criteria of
4 the standards established as of January 1, 2012, by the Child
5 Welfare League of America. The average caseload shall be reduced
6 by the department in all service areas as designated pursuant
7 to section 81-3116 and by the pilot project to comply with
8 the caseload range described in this subsection by September 1,
9 2012. Beginning September 15, 2012, the department shall include
10 in its annual report required pursuant to section 68-1207.01
11 a report on the attainment of the decrease according to such
12 caseload standards. The department's annual report shall also
13 include changes in the standards of the Child Welfare League of
14 America or its successor.

15 (2) Caseload size shall be determined in the following
16 manner: (a) If children are placed in the home, the family shall
17 count as one case regardless of how many children are placed in
18 the home; (b) if a child is placed out of the home, the child
19 shall count as one case; (c) if, within one family, one or more
20 children are placed in the home and one or more children are placed
21 out of the home, the children placed in the home shall count as
22 one case and each child placed out of the home shall count as one
23 case; and (d) any child receiving services from the department or a
24 private entity under contract with the department shall be counted
25 as provided in subdivisions (a) through (c) of this subsection
26 whether or not such child is a ward of the state. For purposes of
27 this subsection, a child is considered to be placed in the home if
1 the child is placed with his or her biological or adoptive parent
2 or a legal guardian and a child is considered to be placed out of

3 the home if the child is placed in foster care, group home care, or
4 any other setting which is not the child's planned permanent home.

5 (3) To insure appropriate oversight of noncourt and
6 voluntary cases when any child welfare services are provided,
7 either by the department or by a lead agency participating in
8 the pilot project, as a result of a child safety assessment, the
9 department or lead agency shall develop a case plan that specifies
10 the services to be provided and the actions to be taken by the
11 department or lead agency and the family in each such case.

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

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

16 81-3116 The responsibilities of the divisions created in
17 section 81-3113 include, but are not limited to, the following:

18 (1) The Division of Behavioral Health shall administer
19 (a) the state hospitals for the mentally ill designated in section
20 83-305 and (b) publicly funded community-based behavioral health
21 services;

22 (2) The Division of Children and Family Services shall
23 administer (a) protection and safety programs and services,
24 including child welfare programs and services and the Office of
25 Juvenile Services, (b) economic and family support programs and
26 services, and (c) service areas as may be designated by the
27 chief executive officer or by the Director of Children and Family
1 Services under authority of the chief executive officer, except
2 that on and after September 1, 2012, the western, central, and
3 northern service areas shall be aligned to be coterminous with the
4 district court judicial districts described in section 24-301.02;

5 (3) The Division of Developmental Disabilities shall
6 administer (a) the Beatrice State Developmental Center and
7 (b) publicly funded community-based developmental disabilities
8 services;

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

13 (5) The Division of Public Health shall administer
14 (a) preventive and community health programs and services, (b)
15 the regulation and licensure of health-related professions and
16 occupations, and (c) the regulation and licensure of health care
17 facilities and health care services; and

18 (6) The Division of Veterans' Homes shall administer (a)
19 the Eastern Nebraska Veterans' Home, (b) the Grand Island Veterans'
20 Home, (c) the Norfolk Veterans' Home, and (d) the Western Nebraska
21 Veterans' Home.

22 Sec. 5. On and after the effective date of this act,
23 the Department of Health and Human Services shall not reinstate a
24 lead agency in the southeast, central, western, or northern service

25 areas of Nebraska as such service areas are designated pursuant to
 26 section 81-3116.

27 Sec. 6. Original sections 68-1207 and 81-3116, Reissue

1 Revised Statutes of Nebraska, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect

3 when passed and approved according to law.

Senator Campbell filed the following amendment to LB1160:
 AM2280 is available in the Bill Room.

Senator Campbell filed the following amendment to LB820:
 AM2284 is available in the Bill Room.

Senator Campbell filed the following amendment to LB821:
 AM2304 is available in the Bill Room.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1079A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 1038. Placed on General File with amendment.
 AM2256

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

3 Section 1. (1) The Division of Public Health of the
 4 Department of Health and Human Services shall establish a lead
 5 poisoning prevention program that has the following components:

6 (a) A coordinated plan to prevent childhood lead
 7 poisoning and to minimize exposure of the general public to
 8 lead-based paint hazards. Such plan shall:

9 (i) Provide a standard, stated in terms of micrograms
 10 of lead per deciliter of whole blood, to be used in identifying
 11 elevated blood-lead levels;

12 (ii) Require that a child be tested for an elevated
 13 blood-lead level in accordance with the medicaid state plan as
 14 defined in section 68-907 if the child is a participant in the
 15 medical assistance program established pursuant to the Medical
 16 Assistance Act; and

17 (iii) Recommend that a child be tested for elevated
 18 blood-lead levels if the child resides in a zip code with a

19 high prevalence of children with elevated blood-lead levels as
 20 demonstrated by previous testing data or if the child meets one
 21 of the criteria included in a lead poisoning prevention screening
 22 questionnaire developed by the department; and

23 (b) An educational and community outreach plan regarding
 1 lead poisoning prevention that shall, at a minimum, include the
 2 development of appropriate educational materials targeted to health
 3 care providers, child care providers, public school personnel,
 4 owners and tenants of residential dwellings, and parents of young
 5 children. Such educational materials shall be made available to the
 6 general public via the department's web site.

7 (2) The results of all blood-lead level tests conducted
 8 in Nebraska shall be reported to the department. When the
 9 department receives notice of a child with an elevated blood-lead
 10 level as stated in the plan required pursuant to subdivision (1)(a)
 11 of this section, it shall initiate contact with the local public
 12 health department or the physician, or both, of such child and
 13 offer technical assistance, if necessary.

14 (3) The department shall report to the Legislature by
 15 January 1, 2013, and each January 1 thereafter, the number of
 16 children from birth through age six who were screened for elevated
 17 blood-lead levels during the preceding fiscal year and who were
 18 confirmed to have elevated blood-lead levels as stated in the plan
 19 required pursuant to subdivision (1)(a) of this section. The report
 20 shall compare such results with those of previous fiscal years and
 21 shall identify any revisions to the plan required by subdivision
 22 (1)(a) of this section.

23 (4) This section does not require the department to pay
 24 the cost of elevated-blood-lead-level testing in accordance with
 25 this section except in cases described in subdivision (1)(a)(ii) of
 26 this section.

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. The McCoy amendment, AM2229, found on page 741 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1005. Placed on General File.

LEGISLATIVE BILL 959. Placed on General File with amendment.
AM2010

- 1 1. Strike the original sections and insert the following
2 section:
- 3 Section 1. (1)(a) A current or former employer may
4 disclose the following information about a current or former
5 employee's employment history to a prospective employer of the
6 current or former employee upon receipt of written consent from the
7 current or former employee:
- 8 (i) Date and duration of employment;
 - 9 (ii) Pay rate and wage history on the date of receipt of
10 written consent;
 - 11 (iii) Job description and duties;
 - 12 (iv) The most recent written performance evaluation
13 prepared prior to the date of the request;
 - 14 (v) Attendance information;
 - 15 (vi) Results of drug or alcohol tests administered within
16 one year prior to the request;
 - 17 (vii) Threats of violence, harassing acts, or threatening
18 behavior related to the workplace or directed at another employee;
 - 19 (viii) Whether the employee was voluntarily or
20 involuntarily separated from employment and the reasons for the
21 separation; and
 - 22 (ix) Whether the employee is eligible for rehire.
- 23 (b) The current or former employer disclosing such
1 information shall be presumed to be acting in good faith and
2 shall be immune from civil liability for the disclosure or any
3 consequences of such disclosure unless the presumption of good
4 faith is rebutted upon a showing by a preponderance of the evidence
5 that the information disclosed by the current or former employer
6 was false, and the current or former employer had knowledge of its
7 falsity or acted with malice or reckless disregard for the truth.
- 8 (2)(a) The consent required in subsection (1) of this
9 section shall be on a separate form from the application form
10 or, if included in the application form, shall be in bold letters
11 and in larger typeface than the largest typeface in the text of
12 the application form. The consent form shall state, at a minimum,
13 language similar to the following:
- 14 I, (applicant), hereby give consent to any and all
15 prior employers of mine to provide information with regard to my
16 employment with prior employers to (prospective employer).
 - 17 (b) The consent must be signed and dated by the
18 applicant.
 - 19 (c) The consent will be valid only for the length of
20 time that the application is considered active by the prospective
21 employer but in no event longer than six months.
 - 22 (3) This section shall also apply to any current or
23 former employee, agent, or other representative of the current

24 or former employer who is authorized to provide and who provides
 25 information in accordance with this section.

26 (4)(a) This section does not require any prospective
 27 employer to request employment history on a prospective employee
 1 and does not require any current or former employer to disclose
 2 employment history to any prospective employer.

3 (b) Except as specifically amended in this section, the
 4 common law of this state remains unchanged as it relates to
 5 providing employment information on current and former employees.

6 (c) This section applies only to causes of action
 7 accruing on and after the effective date of this act.

8 (5) The immunity conferred by this section shall not
 9 apply when an employer discriminates or retaliates against an
 10 employee because the employee has exercised or is believed to have
 11 exercised any federal or state statutory right or undertaken any
 12 action encouraged by the public policy of this state.

LEGISLATIVE BILL 997. Placed on General File with amendment.
 AM1885

1 1. Insert the following new section:

2 Sec. 4. Section 60-6,298, Revised Statutes Supplement,
 3 2011, is amended to read:

4 60-6,298 (1)(a) The Department of Roads or the Nebraska
 5 State Patrol, with respect to highways under its jurisdiction
 6 including the National System of Interstate and Defense Highways,
 7 and local authorities, with respect to highways under their
 8 jurisdiction, may in their discretion upon application and good
 9 cause being shown therefor issue a special, continuing, or
 10 continuous permit in writing authorizing the applicant or his
 11 or her designee:

12 (i) To operate or move a vehicle, a combination of
 13 vehicles, or objects of a size or weight of vehicle or load
 14 exceeding the maximum specified by law when such permit is
 15 necessary:

16 (A) To further the national defense or the general
 17 welfare;

18 (B) To permit movement of cost-saving equipment to be
 19 used in highway or other public construction or in agricultural
 20 land treatment; or

21 (C) Because of an emergency, an unusual circumstance, or
 22 a very special situation;

23 (ii) To operate vehicles, for a distance up to one
 1 hundred twenty miles, loaded up to fifteen percent greater than the
 2 maximum weight specified by law, up to ten percent greater than the
 3 maximum length specified by law, except that for a truck-tractor
 4 semitrailer trailer combination utilized to transport sugar beets
 5 which may be up to twenty-five percent greater than the maximum
 6 length specified by law, or both, when carrying grain or other
 7 seasonally harvested products from the field where such grain or

8 products are harvested to storage, market, or stockpile in the
9 field or from stockpile to market or factory when failure to
10 move such grain or products in abundant quantities would cause an
11 economic loss to the person or persons whose grain or products are
12 being transported or when failure to move such grain or products
13 in as large quantities as possible would not be in the best
14 interests of the national defense or general welfare. The distance
15 limitation may be waived for vehicles when carrying dry beans from
16 the field where harvested to storage or market when dry beans
17 are not normally stored, purchased, or used within the permittee's
18 local area and must be transported more than one hundred twenty
19 miles to an available marketing or storage destination. No permit
20 shall authorize a weight greater than twenty thousand pounds on any
21 single axle;

22 (iii) To transport an implement of husbandry which does
23 not exceed twelve and one-half feet in width during daylight hours,
24 except that the permit shall not allow transport on holidays;

25 (iv) To operate one or more recreational vehicles, as
26 defined in section 71-4603, exceeding the maximum width specified
27 by law if movement of the recreational vehicles is prior to retail
1 sale and the recreational vehicles comply with subdivision (2)(k)
2 of section 60-6,288; or

3 (v) To operate an emergency vehicle for purposes of sale,
4 demonstration, exhibit, or delivery, if the applicant or his or her
5 designee is a manufacturer or sales agent of the emergency vehicle.
6 No permit shall be issued for an emergency vehicle which weighs
7 over sixty thousand pounds on the tandem axle.

8 (b) No permit shall be issued under subdivision (a)(i)
9 of this subsection for a vehicle carrying a load unless such
10 vehicle is loaded with an object which exceeds the size or weight
11 limitations, which cannot be dismantled or reduced in size or
12 weight without great difficulty, and which of necessity must be
13 moved over the highways to reach its intended destination. No
14 permit shall be required for the temporary movement on highways
15 other than dustless-surfaced state highways and for necessary
16 access to points on such highways during daylight hours of
17 cost-saving equipment to be used in highway or other public
18 construction or in agricultural land treatment when such temporary
19 movement is necessary and for a reasonable distance.

20 (2) The application for any such permit shall
21 specifically describe the vehicle, the load to be operated or
22 moved, whenever possible the particular highways for which permit
23 to operate is requested, and whether such permit is requested for a
24 single trip or for continuous or continuing operation. The permit
25 shall include a signed affirmation under oath that for any load
26 sixteen feet high or higher that the applicant has contacted any
27 and all electrical utilities that have high voltage conductors and
1 infrastructure that crosses over the roadway affected by the move
2 and made arrangements with such electrical utilities for the safe

3 movement of the load under any high voltage conductors owned by
4 such electrical utilities.

5 (3) The department or local authority is authorized to
6 issue or withhold such permit at its discretion or, if such permit
7 is issued, to limit the number of days during which the permit
8 is valid, to limit the number of trips, to establish seasonal or
9 other time limitations within which the vehicles described may be
10 operated on the highways indicated, or to issue a continuous or
11 continuing permit for use on all highways, including the National
12 System of Interstate and Defense Highways. The permits are subject
13 to reasonable conditions as to periodic renewal of such permit
14 and as to operation or movement of such vehicles. The department
15 or local authority may otherwise limit or prescribe conditions
16 of operation of such vehicle or vehicles, when necessary to
17 assure against undue damage to the road foundations, surfaces, or
18 structures or undue danger to the public safety. The department or
19 local authority may require such undertaking or other security as
20 may be deemed necessary to compensate for any injury to any roadway
21 or road structure.

22 (4) Every such permit shall be carried in the vehicle
23 to which it refers and shall be open to inspection by any peace
24 officer, carrier enforcement officer, or authorized agent of any
25 authority granting such permit. Each such permit shall state the
26 maximum weight permissible on a single axle or combination of axles
27 and the total gross weight allowed. No person shall violate any
1 of the terms or conditions of such special permit. In case of any
2 violation, the permit shall be deemed automatically revoked and the
3 penalty of the original limitations shall be applied unless:

4 (a) The violation consists solely of exceeding the size
5 or weight specified by the permit, in which case only the penalty
6 of the original size or weight limitation exceeded shall be
7 applied; or

8 (b) The total gross load is within the maximum authorized
9 by the permit, no axle is more than ten percent in excess of the
10 maximum load for such axle or group of axles authorized by the
11 permit, and such load can be shifted to meet the weight limitations
12 of wheel and axle loads authorized by such permit. Such shift may
13 be made without penalty if it is made at the state or commercial
14 scale designated in the permit. The vehicle may travel from its
15 point of origin to such designated scale without penalty, and a
16 scale ticket from such scale, showing the vehicle to be properly
17 loaded and within the gross and axle weights authorized by the
18 permit, shall be reasonable evidence of compliance with the terms
19 of the permit.

20 (5) The department or local authority issuing a permit
21 as provided in this section may adopt and promulgate rules and
22 regulations with respect to the issuance of permits provided for in
23 this section.

24 (6) The department shall make available applications
25 for permits authorized pursuant to subdivisions (1)(a)(ii) and
26 (1)(a)(iii) of this section in the office of each county treasurer.
27 The department may make available applications for all other
1 permits authorized by this section to the office of the county
2 treasurer and may make available applications for all permits
3 authorized by this section to any other location chosen by the
4 department.

5 (7) The department or local authority issuing a permit
6 may require a permit fee of not to exceed twenty-five dollars,
7 except that:

8 (a) The fee for a continuous or continuing permit may not
9 exceed twenty-five dollars for a ninety-day period, fifty dollars
10 for a one-hundred-eighty-day period, or one hundred dollars for a
11 one-year period; and

12 (b) The fee for permits issued pursuant to subdivision
13 (1)(a)(ii) of this section shall be twenty-five dollars for a
14 thirty-day permit and fifty dollars for a sixty-day permit. Permits
15 issued pursuant to such subdivision shall be valid for thirty days
16 or sixty days and shall be renewable for a total number of days not
17 to exceed two hundred ten days per year.

18 A vehicle or combination of vehicles for which an
19 application for a permit is requested pursuant to this section
20 shall be registered under section 60-3,147 or 60-3,198 for the
21 maximum gross vehicle weight that is permitted pursuant to section
22 60-6,294 before a permit shall be issued.

23 2. On page 2, lines 9 and 14, strike "electric", show as
24 stricken, and insert "electrical".

25 3. On page 3, lines 19, 21, and 23; and page 6, line 10,
26 strike "electric" and insert "electrical".

27 4. On page 3, line 21, strike "electrical" and insert
1 "electric".

2 5. On page 3, line 23, after the period insert "This
3 subsection shall not be construed to apply to activities performed
4 by an authorized and qualified person employed by an electrical
5 utility on the electric system of another electrical utility
6 when the nonowning or nonoperating electrical utility has a
7 written agreement with the owning and operating electrical utility
8 (a) providing for the joint use of or interconnection of the
9 electric systems of both the electrical utilities or (b) approving
10 authorized and qualified persons employed by the nonowning or
11 nonoperating electrical utility to work on the electric system of
12 the owning or operating electrical utility on an ongoing basis.".

13 6. On page 5, line 8, after the period insert "This
14 subsection shall not be construed to apply to activities performed
15 by an electrical utility on high voltage conductors of another
16 electrical utility when the electrical utilities have a written
17 agreement (a) providing for joint use of poles or structures
18 supporting the high voltage conductors of the electrical utilities

- 19 or (b) approving the nonowning electrical utility's performance
 20 of the activities described in subdivisions (1)(a), (b), and (c)
 21 of this section on an ongoing basis on the owning or operating
 22 electrical utility's high voltage conductors."
 23 7. On page 6, strike beginning with "written" in line
 24 10 through "move" in line 13 and insert "a signed affirmation
 25 under oath that for any load sixteen feet high or higher that
 26 the applicant has contacted any and all electrical utilities that
 27 have high voltage conductors and infrastructure that crosses over
 1 the roadway affected by the move and made arrangements with such
 2 electrical utilities for the safe movement of the load under any
 3 high voltage conductors owned by such electrical utilities".
 4 8. Renumber the remaining sections and correct the
 5 repealer section accordingly.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

J. L. Spray - Commission of Industrial Relations

Aye: 7 Ashford, Carlson, Cook, B. Harr, Lathrop, Smith, Wallman. Nay: 0.
 Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. The McCoy amendment, AM2229, found on page 741 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB821:
 AM2323

(Amendments to E & R amendments, ER196)

- 1 1. On page 5, line 6, after "(b)" insert "The
 2 commission shall create a committee to examine the structure and
 3 responsibilities of the Office of Juvenile Services as they exist
 4 on the effective date of this act. Such committee shall review the
 5 role and effectiveness of the youth rehabilitation and treatment

6 centers in the juvenile justice system and make recommendations
7 to the commission on the future role of the youth rehabilitation
8 and treatment centers in the juvenile justice continuum of
9 care. Such committee shall also review the responsibilities of
10 the Administrator of the Office of Juvenile Services, including
11 oversight of the youth rehabilitation and treatment centers
12 and juvenile parole, and make recommendations to the commission
13 relating to the future responsibilities of the administrator.
14 (c)".

Senator Lathrop filed the following amendment to LB821:

AM2276

(Amendments to E & R amendments, ER196)

1 1. On page 15, strike lines 6 through 13 and insert the
2 following new subsection:
3 "(3) Notwithstanding the fact that a criminal
4 investigation, a criminal prosecution, or both is in progress, all
5 law enforcement agencies and prosecuting attorneys shall cooperate
6 with the investigations conducted by the Inspector General and
7 shall provide the Inspector General with all records, information,
8 documents, and files and access to all relevant persons and
9 witnesses and to all physical evidence, immediately upon request
10 by the Inspector General. If the Inspector General in conjunction
11 with the Public Counsel determines it appropriate, the Inspector
12 General may, when requested to do so by a law enforcement agency
13 or prosecuting attorney, suspend an investigation by the office
14 until a criminal investigation or prosecution is completed or
15 has proceeded to a point that, in the judgment of the Inspector
16 General, reinstatement of the Inspector General investigation
17 will not impede or infringe upon the criminal investigation or
18 prosecution.".

Senator Krist filed the following amendment to LB998:

AM2332 is available in the Bill Room.

VISITOR

Visitor to the Chamber was State Representative Frank Kloucek from Scotland, South Dakota.

ADJOURNMENT

At 5:01 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

