

FORTY-THIRD DAY - MARCH 14, 2012
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 2012

PRAYER

The prayer was offered by Senator Wallman.

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 Ashford, Coash, Conrad, Cook, Larson, Lautenbaugh, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 963. Placed on Select File.

LEGISLATIVE BILL 870. Placed on Select File with amendment.
ER212

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-757, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 79-757 Sections 79-757 to 79-762 and section 2 of this
- 6 act shall be known and may be cited as the Quality Education
- 7 Accountability Act.
- 8 Sec. 2. On or before August 1, 2012, the State Board
- 9 of Education shall establish an accountability system to be used
- 10 to measure the performance of individual public schools and school
- 11 districts beginning with school year 2012-13. The accountability
- 12 system shall combine multiple measures, including, but not limited
- 13 to, graduation rates, student growth and student improvement on

14 the assessments provided in section 79-760.03, and other indicators
 15 of the performance of public schools and school districts as
 16 established by the board. The measures selected by the board for
 17 the accountability system may be combined into a school performance
 18 score and district performance score.

19 The board shall establish levels of performance for
 20 the indicators used in the accountability system in order to
 21 classify the performance of public schools and school districts.
 22 The State Department of Education shall annually report the level
 23 of performance of individual public schools and school districts
 1 on the indicators used in the accountability system as part of the
 2 statewide assessment and reporting system.

3 Sec. 3. Section 79-760.05, Revised Statutes Supplement,
 4 2011, is amended to read:

5 79-760.05 (1) The State Board of Education shall
 6 implement a statewide system for tracking individual student
 7 achievement, using the student identifier system of the State
 8 Department of Education, that can be aggregated to track student
 9 progress by demographic characteristics, including, but not
 10 limited to, race, poverty, high mobility, attendance, and limited
 11 English proficiency, on available measures of student achievement
 12 which include, but need not be limited to, national assessment
 13 instruments, ~~and~~ state assessment instruments, and the indicators
 14 used in the accountability system required pursuant to section 2
 15 of this act. Such a system shall be designed so as to aggregate
 16 student data by available educational input characteristics, which
 17 may include class size, teacher education, teacher experience,
 18 special education, early childhood programs, federal programs, and
 19 other targeted education programs. School districts shall provide
 20 the department with individual student achievement data from
 21 assessment instruments required pursuant to section 79-760.03 in
 22 order to implement the statewide system.

23 (2) The department shall annually analyze and report
 24 on student achievement for the state, each school district, each
 25 public school, and each learning community aggregated by the
 26 demographic characteristics described in subsection (1) of this
 27 section. The department shall report the findings to the Governor,
 1 the Legislature, school districts, educational service units, and
 2 each learning community. Such analysis shall include aggregated
 3 data that would indicate differences in achievement due to
 4 available educational input characteristics described in subsection
 5 (1) of this section. Such analysis shall include indicators of
 6 progress toward state achievement goals for students in poverty,
 7 limited English proficient students, and highly mobile students.

8 Sec. 4. (1) Any school district, with the approval of
 9 the State Department of Education, may establish and operate a
 10 career academy. The purpose of the career academy is to provide
 11 holistic education to help students find a career-based educational
 12 alternative to a college-bound educational curriculum. A school

13 district may partner with another school district, an educational
 14 service unit, a learning community, a postsecondary educational
 15 institution, or a private entity in the establishment and operation
 16 of a career academy.

17 (2) A career academy established pursuant to subsection
 18 (1) of this section shall:

19 (a) Recruit students who seek a career-based curriculum,
 20 which curriculum shall be based on criteria determined by the
 21 department;

22 (b) Recruit and hire instructors based on their expertise
 23 in career-based education;

24 (c) Serve students in grades seven through twelve; and

25 (d) Provide an academic curriculum focusing on
 26 mathematics, science, and technology with a transition component
 27 to prepare youth for the workforce, including, but not limited to,
 1 internships, job training, and skills training.

2 (3) The number of students enrolled in a career academy
 3 and their grade levels shall be accounted for separately by the
 4 operating school district in the reports required pursuant to
 5 section 79-528.

6 (4) In addition to funding from the establishing school
 7 district or any of the district's partners, a career academy may
 8 also receive private donations for operating expenses.

9 (5) The department shall define standards and criteria
 10 for (a) the establishment, evaluation, and continuing approval of
 11 career academies, (b) career-based curriculum utilized by career
 12 academies, (c) the necessary data elements and collection of
 13 data pertaining to career academies, and (d) the establishment
 14 of advisory boards consisting of business and education
 15 representatives to provide guidance and direction for the operation
 16 of career academies.

17 Sec. 5. Section 79-828, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 79-828 (1) The contract of a probationary certificated
 20 employee shall be deemed renewed and remain in full force and
 21 effect unless amended or not renewed in accordance with sections
 22 79-824 to 79-842.

23 (2) The purpose of the probationary period is to allow
 24 the employer an opportunity to evaluate, assess, and assist the
 25 employee's professional skills and work performance prior to the
 26 employee obtaining permanent status.

27 All probationary certificated employees employed by ~~Class~~
 1 ~~I, II, III, and VI school districts~~ any class of school district
 2 shall, during each year of probationary employment, be evaluated
 3 at least once each semester, unless the probationary certificated
 4 employee is a superintendent, in accordance with the procedures
 5 outlined below:

6 The probationary certificated employee shall be observed
 7 and evaluation shall be based upon actual classroom observations

8 for an entire instructional period. If deficiencies are noted in
 9 the work performance of any probationary certificated employee, the
 10 evaluator shall provide the ~~teacher or administrator~~ probationary
 11 certificated employee at the time of the observation with a list
 12 of deficiencies, and a list of suggestions for improvement and
 13 assistance in overcoming the deficiencies. The evaluator shall also
 14 provide the probationary certificated employee with ~~and~~ followup
 15 evaluations and assistance when deficiencies remain.

16 If the probationary certificated employee is a
 17 superintendent, he or she shall be evaluated twice during the first
 18 year of employment and at least once annually thereafter.

19 Any certificated employee employed prior to September
 20 1, 1982, by the school board of any Class I, II, III, or VI
 21 school district shall serve the probationary period required by law
 22 prior to such date and shall not be subject to any extension of
 23 probation.

24 (3) If the school board or the superintendent or
 25 superintendent's designee determines that it is appropriate to
 26 consider whether the contract of a probationary certificated
 27 employee or the superintendent should be amended or not renewed for
 1 the next school year, such certificated employee shall be given
 2 written notice that the school board will consider the amendment
 3 or nonrenewal of such certificated employee's contract for the
 4 ensuing school year. Upon request of the certificated employee,
 5 notice shall be provided which shall contain the written reasons
 6 for such proposed amendment or nonrenewal and shall be sufficiently
 7 specific so as to provide such employee the opportunity to prepare
 8 a response and the reasons set forth in the notice shall be
 9 employment related.

10 (4) The school board may elect to amend or not renew
 11 the contract of a probationary certificated employee for any reason
 12 it deems sufficient if such nonrenewal is not for constitutionally
 13 impermissible reasons, and such nonrenewal shall be in accordance
 14 with sections 79-824 to 79-842. Amendment or nonrenewal for reason
 15 of reduction in force shall be subject to sections 79-824 to 79-842
 16 and 79-846 to 79-849.

17 (5) Within seven calendar days after receipt of
 18 the notice, the probationary certificated employee may make a
 19 written request to the secretary of the school board or to the
 20 superintendent or superintendent's designee for a hearing before
 21 the school board.

22 (6) Prior to scheduling of action or a hearing on
 23 the matter, if requested, the notice of possible amendment
 24 or nonrenewal and the reasons supporting possible amendment or
 25 nonrenewal shall be considered a confidential employment matter as
 26 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be
 27 released to the public or any news media.

1 (7) At any time prior to the holding of a hearing or
 2 prior to final determination by the school board to amend or not

3 renew the contract involved, the probationary certificated employee
4 may submit a letter of resignation for the ensuing year, which
5 resignation shall be accepted by the school board.

6 (8) The probationary certificated employee shall be
7 afforded a hearing which shall not be required to meet the
8 requirements of a formal due process hearing as set forth in
9 section 79-832 but shall be subject to section 79-834.

10 Sec. 6. Original section 79-828, Reissue Revised Statutes
11 of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes
12 Supplement, 2011, are repealed.

13 Sec. 7. The following sections are outright repealed:
14 Section 79-760, Reissue Revised Statutes of Nebraska, and section
15 79-760.04, Revised Statutes Supplement, 2011.

16 2. On page 1, strike beginning with "79-757" in line
17 1 through line 9 and insert "79-828, Reissue Revised Statutes of
18 Nebraska, and sections 79-757 and 79-760.05, Revised Statutes
19 Supplement, 2011; to provide duties for the State Board of
20 Education and the State Department of Education; to provide for
21 an accountability system to measure school performance pursuant to
22 the Quality Education Accountability Act; to change provisions for
23 tracking and reporting on individual student achievement and for
24 evaluation of probationary certificated employees; to provide for
25 establishment of career academies; to eliminate requirements for
26 a prior assessment and reporting system and a joint plan for a
27 learning community; to harmonize provisions; to repeal the original
1 sections; and to outright repeal section 79-760, Reissue Revised
2 Statutes of Nebraska, and section 79-760.04, Revised Statutes
3 Supplement, 2011."

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 1125. Placed on General File with amendment.
AM2378

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

3 Section 1. Section 2-3226.05, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 2-3226.05 (1) A district with an integrated management
6 plan as described in subsection (1) of section 2-3226.01 may levy
7 an occupation tax upon the activity of irrigation of agricultural
8 lands within such district on an annual basis, not to exceed ten
9 dollars per irrigated acre, the proceeds of which may be used
10 for (a) repaying principal and interest on any bonds or refunding
11 bonds issued pursuant to section 2-3226.01 for one or more projects
12 under section 2-3226.04, (b) the repayment of financial assistance
13 received by the district pursuant to section 2-3226.07, or (c)

14 payment of all or any part of the costs and expenses of one or more
15 qualified projects described in section 2-3226.04. If such district
16 has more than one river basin as described in section 2-1504 within
17 its jurisdiction, such district shall confine such occupation tax
18 authorized in this section to the geographic area affected by
19 an integrated management plan adopted in accordance with section
20 46-715.

21 (2)(a) Acres classified by the county assessor as
22 irrigated shall be subject to such district's occupation tax
23 unless, ~~on or before July 1, 2007, and~~ on or before March 1 in each
1 subsequent year, the record owner certifies to the district the
2 nonirrigation status of such acres.

3 (b) A district may exempt from the occupation tax acres
4 that are enrolled in local, state, or federal temporary irrigation
5 retirement programs that prohibit the application of irrigation
6 water in the year for which the tax is levied.

7 (c) Except as provided in subdivisions (2)(a) and (b) in
8 this section, a district is prohibited from providing an exemption
9 from, or allowing a request for a local refund of, an occupation
10 tax on irrigated acres regardless of the irrigation source while
11 the record owner maintains irrigated status on such acres in the
12 year for which the tax is levied.

13 (d) Notwithstanding subdivisions (2)(b) and (c) of this
14 section, the record owner may present evidence of the nonirrigation
15 status of the acres subject to the tax within twelve months after
16 the date the tax was levied and the district may refund amounts
17 collected upon such acres if an occupation tax was not levied by
18 the district the previous year and the district had not adopted
19 an integrated management plan as described in subsection (1) of
20 section 2-3226.01 by March 1 in the current year. Subdivision
21 (2)(d) of this section terminates on October 1, 2012.

22 (3) Any such occupation tax shall remain in effect so
23 long as the natural resources district has bonds outstanding which
24 have been issued stating such occupation tax as an available source
25 for payment and for the purpose of paying all or any part of the
26 costs and expenses of one or more projects authorized pursuant to
27 section 2-3226.04.

1 (4) Such occupation taxes shall be certified to,
2 collected by, and accounted for by the county treasurer at the
3 same time and in the same manner as general real estate taxes,
4 and such occupation taxes shall be and remain a perpetual lien
5 against such real estate until paid. Such occupation taxes shall
6 become delinquent at the same time and in the same manner as
7 general real property taxes. The county treasurer shall publish and
8 post a list of delinquent occupation taxes with the list of real
9 property subject to sale for delinquent property taxes provided
10 for in section 77-1804. In addition, the list shall be provided to
11 natural resources districts which levied the delinquent occupation
12 taxes. The list shall include the record owner's name, the parcel

13 identification number, and the amount of delinquent occupation tax.
 14 For services rendered in the collection of the occupation tax, the
 15 county treasurer shall receive the fee provided for collection of
 16 general natural resources district money under section 33-114.

17 (5) Such lien shall be inferior only to general taxes
 18 levied by political subdivisions of the state. When such occupation
 19 taxes have become delinquent and the real property on which the
 20 irrigation took place has not been offered at any tax sale, the
 21 district may proceed in district court in the county in which the
 22 real estate is situated to foreclose in its own name the lien
 23 in the same manner and with like effect as a foreclosure of a
 24 real estate mortgage, except that sections 77-1903 to 77-1917 shall
 25 govern when applicable.

26 Sec. 2. Original section 2-3226.05, Revised Statutes
 27 Cumulative Supplement, 2010, is repealed.

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

LEGISLATIVE BILL 1161. Placed on General File with amendment.
 AM2381

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

3 Section 1. Section 57-1101, Reissue Revised Statutes of
 4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
 5 Second Legislature, First Special Session, 2011, is amended to
 6 read:

7 57-1101 Any person engaged in, and any company,
 8 corporation, or association formed or created for the purpose of,
 9 transporting or conveying crude oil, petroleum, gases, or other
 10 products thereof in interstate commerce through or across the
 11 State of Nebraska or intrastate within the State of Nebraska, and
 12 desiring or requiring a right-of-way or other interest in real
 13 estate and being unable to agree with the owner or lessee of
 14 any land, lot, right-of-way, or other property for the amount of
 15 compensation for the use and occupancy of so much of any lot, land,
 16 real estate, right-of-way, or other property as may be reasonably
 17 necessary for the laying, relaying, operation, and maintenance
 18 of any such pipeline or the location of any plant or equipment
 19 necessary to operate such pipeline, shall have the right to acquire
 20 the same for such purpose through the exercise of the power of
 21 eminent domain, except that for any major oil pipeline as defined
 22 in section 5 of this act to be placed in operation in the State of
 23 Nebraska after the effective date of this act, any such person,
 1 company, corporation, or association shall comply with section 3,
 2 Legislative Bill 4, One Hundred Second Legislature, First Special
 3 Session, 2011, and receive the approval of the Governor for the
 4 route of the pipeline under such section, or beginning January
 5 1, 2013, shall apply for and receive an order approving the
 6 application under the Major Oil Pipeline Siting Act, prior to

7 having the rights provided under this section. The procedure to
 8 condemn property shall be exercised in the manner set forth in
 9 sections 76-704 to 76-724.

10 Sec. 2. Section 3, Legislative Bill 1, One Hundred Second
 11 Legislature, First Special Session, 2011, is amended to read:

12 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
 13 Act are to:

14 (a) Ensure the welfare of Nebraskans, including
 15 protection of property rights, aesthetic values, and economic
 16 interests;

17 (b) Consider the lawful protection of Nebraska's natural
 18 resources in determining the location of routes of major oil
 19 pipelines within Nebraska;

20 (c) Ensure that a major oil pipeline is not constructed
 21 within Nebraska without receiving the approval of the commission
 22 under section 9 of this act;

23 (d) Ensure that the location of routes for major oil
 24 pipelines is in compliance with Nebraska law; and

25 (e) Ensure that a coordinated and efficient method for
 26 the authorization of such construction is provided.

27 (2) Nothing in the Major Oil Pipeline Siting Act shall be
 1 construed to regulate any safety issue with respect to any aspect
 2 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
 3 is intended to deal solely with the issue of siting or choosing the
 4 location of the route aside and apart from safety considerations.
 5 The Legislature acknowledges and respects the exclusive federal
 6 authority over safety issues established by the federal law, the
 7 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
 8 express preemption provision stated in that act. The Major Oil
 9 Pipeline Siting Act is intended to exercise only the remaining
 10 sovereign powers and purposes of Nebraska which are not included in
 11 the category of safety regulation.

12 (3) ~~The Major Oil Pipeline Siting Act shall not apply to~~
 13 ~~any major oil pipeline that has submitted an application to the~~
 14 ~~United States Department of State pursuant to Executive Order 13337~~
 15 ~~prior to the effective date of this act. The Major Oil Pipeline~~
 16 ~~Siting Act shall not apply to any major oil pipeline that, prior to~~
 17 ~~January 1, 2013, has submitted an application to the United States~~
 18 ~~Department of State pursuant to Executive Order 13337 or, prior to~~
 19 ~~January 1, 2013, has applied for or is granted international border~~
 20 ~~crossing authority pursuant to federal law.~~

21 Sec. 3. Section 3, Legislative Bill 4, One Hundred Second
 22 Legislature, First Special Session, 2011, is amended to read:

23 Sec. 3. (1)(a) If any pipeline carrier has submitted an
 24 application to a federal agency or agencies seeking international
 25 border crossing authority pursuant to federal law or executive
 26 order, the ~~The~~ department may collaborate with a federal agency
 27 or agencies in a review under the National Environmental Policy
 1 Act involving a supplemental environmental impact statement for oil

2 pipeline projects within, through, or across the state. Prior to
3 entering into such shared jurisdiction and authority with a federal
4 agency or agencies, the department ~~shall enter into a memorandum of~~
5 ~~understanding may collaborate~~ with such federal agency or agencies
6 ~~that sets and set forth~~ the responsibilities and schedules that
7 will lead to an effective and timely review under the National
8 Environmental Policy Act involving a supplemental environmental
9 impact statement.

10 (b) If no application has been submitted as described in
11 subdivision (a) of this subsection, the department may conduct a
12 study similar to a review or study under the National Environmental
13 Policy Act of the environmental impact of an oil pipeline route
14 within, through, or across the state. Such study may be provided
15 upon request by a pipeline carrier for use in an application to a
16 federal agency or agencies. If a pipeline carrier requests access
17 to the study and subsequently files an application with a federal
18 agency or agencies for an oil pipeline with a route that is within,
19 through, or across the state but does not incorporate the study
20 into its application, the department may seek reimbursement for the
21 cost of the study from the pipeline carrier. The department may
22 conduct a joint review or study as described in this subdivision
23 with a federal agency or agencies and may enter into an agreement
24 that sets forth the responsibilities and schedule that will lead to
25 an effective and timely review or study.

26 (2) Since the objectives of the process are to ensure
27 adequate information gathering, full and careful agency and public
1 review, objective preparation of a supplemental environmental
2 impact statement, adherence to a defined schedule, and an
3 appropriate role for a pipeline carrier which avoids the appearance
4 of conflicts of interest, it is the intent of the Legislature that
5 the state fully fund the process of preparation of a supplemental
6 environmental impact statement ~~and that no fees will be required of~~
7 ~~an applicant.~~ or study conducted pursuant to subdivision (1)(b) of
8 this section. The department may contract with outside vendors in
9 the process of preparation of a supplemental environmental impact
10 statement or study conducted pursuant to subdivision (1)(b) of
11 this section. The department shall make every reasonable effort to
12 ensure that each vendor has no conflict of interest or relationship
13 to any pipeline carrier that applies for an oil pipeline permit.

14 (3) In order for the process to be efficient and
15 expeditious, the department's contracts with vendors pursuant to
16 this section for a supplemental environmental impact statement or
17 study conducted pursuant to subdivision (1)(b) of this section
18 shall not be subject to the Nebraska Consultants' Competitive
19 Negotiation Act or sections 73-301 to 73-306 or 73-501 to 73-509.

20 (4)(a) After the supplemental environmental impact
21 statement is prepared pursuant to subdivision (1)(a) of this
22 section, the department shall submit it to the Governor. Within
23 thirty days after receipt of the supplemental environmental impact

24 statement from the department, the Governor shall indicate, in
 25 writing, to the federal agency or agencies involved in the review
 26 as to whether he or she approves any of the routes reviewed in the
 27 supplemental environmental impact statement.

1 (b) The department shall notify the Governor if a
 2 pipeline carrier has requested access to the review or study
 3 conducted under subdivision (1)(b) of this section. The Governor
 4 shall, within thirty days after such notice, indicate in writing
 5 to the department and to any federal agency or agencies involved
 6 in such review or study or any other appropriate federal agency or
 7 body as to whether he or she approves any of the routes reviewed
 8 in such review or study. The department shall not provide access to
 9 the review or study to the pipeline carrier without the Governor's
 10 response.

11 Sec. 4. Original section 57-1101, Reissue Revised
 12 Statutes of Nebraska, as amended by section 1, Legislative Bill
 13 1, One Hundred Second Legislature, First Special Session, 2011,
 14 section 3, Legislative Bill 1, One Hundred Second Legislature,
 15 First Special Session, 2011, and section 3, Legislative Bill 4,
 16 One Hundred Second Legislature, First Special Session, 2011, are
 17 repealed.

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

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 470. Introduced by Harms, 48.

WHEREAS, the Gering speech team won the 2012 Western Conference Meet in Chadron, defeating five area high schools; and

WHEREAS, Gering teams took first and fourth places in Oral Interpretation of Drama; and

WHEREAS, Darrin Gonzales took first place, Miranda Doremus-Reznor placed second, and Blake Weltring placed fifth in Poetry; and

WHEREAS, Kayleigh Schadwinkel took first place, Jessica Wolf placed second, and Kate Duncan placed sixth in Informative; and

WHEREAS, Kyle Upp took first place and Amy Christensen placed second in Persuasive; and

WHEREAS, Samuel Eastman and Caleb Hayden placed second and Kaleigh Mueller and Colin Chatterton placed third in Duet Acting; and

WHEREAS, Tanner Baird placed third and Gavin Hovseth placed sixth in Entertainment; and

WHEREAS, Tanner Baird placed fourth and Kyle Upp placed fifth in Extemporaneous; and

WHEREAS, Andrew Delcamp placed fourth and Samuel Eastman placed fifth in Humorous Prose; and

WHEREAS, Darrin Gonzales placed fifth in Serious Prose; 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 Gering speech team on winning the 2012 Western Conference Meet and for their outstanding individual and group performances.

2. That a copy of this resolution be sent to the Gering speech team and their coach, Tyler Thompson.

Laid over.

LEGISLATIVE RESOLUTION 471. Introduced by Harms, 48.

WHEREAS, the Scottsbluff Bearcats boys' basketball team won the District B-6 championship and qualified for the 2012 Class B Boys' State Basketball Tournament for the 35th time in school history; and

WHEREAS, the Bearcats defeated the Sidney Red Raiders 52-34 to win their second straight district title and qualified for the state tournament for the third time under fifth-year coach Tony Siske; and

WHEREAS, the members of the Scottsbluff Bearcats team are Ty Benson, Isaiah Castellaw, Zach Clements, Ty Dunkel, Julian Garcia, Michael Hadden, Trenton Harris, Jackson Hinze, Matt Klein, Beau Lofink, Tyler Mickey, Eric Moreno, Randy Wentz, Rich Williams, and Taylor Winkler; 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 Scottsbluff Bearcats boys' basketball team on winning the District B-6 championship and qualifying for the 2012 Class B Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Scottsbluff Bearcats and their coach, Tony Siske.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 902. Title read. Considered.

Committee AM2281, found on page 836, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB902

Senator Flood asked unanimous consent to expedite LB902. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 472. Introduced by Lathrop, 12; Council, 11; B. Harr, 8; Mello, 5; Nordquist, 7; Pirsch, 4; Smith, 14.

WHEREAS, the Creighton University mens' basketball team won the 2012 Missouri Valley Conference Tournament by defeating Illinois State in an exciting overtime victory; and

WHEREAS, the victory marked the Bluejays' eleventh conference tournament championship and their seventh in the past fourteen seasons; and

WHEREAS, the Bluejays were led by Missouri Valley Conference Larry Bird Player of the Year and the tournament's Most Valuable Player Doug McDermott, who scored 33 points in the title game; and

WHEREAS, Doug McDermott was joined on the All-Tournament Team by Antoine Young and Gregory Echenique; and

WHEREAS, the Bluejays have an excellent coaching staff led by Head Coach Greg McDermott, who led them to twenty-eight wins this season; and

WHEREAS, the championship earned the Bluejays their first NCAA Men's Division I Basketball Tournament bid since 2007.

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 mens' basketball team for their achievements during the season and extends its best wishes for continued success in the NCAA Men's Division I Basketball Tournament.

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

Laid over.

MESSAGE FROM THE GOVERNOR

March 14, 2012

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 446, 473, 526e, 686, 723, 733, 739e, 759, 760, 773, 780, 786e, 790e, 794, 801, 811, 831, 841e, 849e, 860, 871, 878, 904, 943, 1031, and 1064 were received in my office on March 8, 2012.

These bills were signed and delivered to the Secretary of State on March 14, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE**LEGISLATIVE BILL 968.** Considered.**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB1161:
AM2401

(Amendments to Standing Committee amendments, AM2381)

- 1 1. On page 4, line 19, strike "but" and insert "and".

RESOLUTION**LEGISLATIVE RESOLUTION 473.** Introduced by Avery, 28.

WHEREAS, the Norfolk Veterans' Home Heroes Park Foundation has offered to the Norfolk Veterans' Home Heroes Park Project a gift of materials, labor, and in-kind services of \$450,000; and

WHEREAS, the gift of materials, labor, and in-kind services will be used for grading, soil preparation work, and over-seeding for soil erosion prevention for Phase I of the Norfolk Veterans' Home Heroes Park Project; and

WHEREAS, Phase I of the project will not require the funding of any additional personnel on the part of the Norfolk Veterans' Home, and the Norfolk Veterans' Home Heroes Park Foundation will be responsible for all perpetual maintenance of Phase I of the project, excluding normal mowing and snow removal that will be performed by the Norfolk Veterans' Home; and

WHEREAS, Heroes Park will be easily accessible for members of the Norfolk Veterans' Home and their visiting families and will enhance the quality of life of the members of the home; and

WHEREAS, the Government, Military and Veterans Affairs Committee of the Legislature held a public hearing on this matter on March 13, 2012.

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

1. That the Legislature approves the gift from the Norfolk Veterans' Home Heroes Park Foundation to the Norfolk Veterans' Home Heroes Park Project of materials, labor, and in-kind services of \$450,000.

2. That such approval is granted with the understanding that the materials, labor, and in-kind services will be used for Phase I of the Norfolk Veterans' Home Heroes Park Project.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Committee AM2098, found on page 828, was considered.

Senator Cornett withdrew her amendment, FA45, found on page 878.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Flood withdrew his amendment, FA41, found on page 833.

Senator Cornett withdrew her amendment, FA44, found on page 877.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB970:

FA50

Amend AM2391

Strike Section 1.

Senator Karpisek filed the following amendment to LB807:
AM2382

(Amendments to AM2030)

1 1. Insert the following new section:

2 Section 1. Section 29-820, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-820 (1) Unless other disposition is specifically
5 provided by law, when property seized or held is no longer required
6 as evidence, it shall be disposed of by the law enforcement agency
7 on such showing as the law enforcement agency may deem adequate, as
8 follows:

9 (a) Property stolen, embezzled, obtained by false
10 pretenses, or otherwise obtained unlawfully from the rightful owner
11 thereof shall be restored to the owner;

12 (b) Money shall be restored to the owner unless it was
13 used in unlawful gambling or lotteries or it was used or intended
14 to be used to facilitate a violation of Chapter 28, article 4, in
15 which case the money shall be forfeited and disposed of as required
16 by Article VII, section 7, of the Constitution of Nebraska;

17 (c) Property which is unclaimed or the ownership of which
18 is unknown shall be sold at a public auction held by the officer
19 having custody thereof and the net proceeds disposed of as provided
20 in subdivision (b) of this subsection, as shall any money which is
21 unclaimed or the ownership of which is unknown;

22 (d) Except as provided in ~~subdivision (2)(b) subsection~~
1 (2) of this section, articles of contraband shall be destroyed; ~~and~~

2 ~~(e) Except as provided in subdivision (2)(a) of this~~
3 ~~section, firearms, Firearms, ammunition, explosives, bombs, and~~
4 like devices which have been used in the commission of crime shall
5 be destroyed; ~~and-~~

6 (f) Firearms which have come into the law enforcement
7 agency's possession through a seizure or otherwise and (i) have not
8 been used in the commission of crime, (ii) have not been defaced or
9 altered in any manner that violates any state or federal law, (iii)
10 may have a lawful use and be lawfully possessed, and (iv) are not
11 subject to section 29-440 shall be restored to the owner.

12 (2) When the following property is seized or held and is
13 no longer required as evidence, such property shall be disposed of
14 on order of the court as the court may deem adequate:

15 ~~(a) Firearms which may have a lawful use; and~~

16 ~~(b) Goods which are declared to be contraband but may~~
17 reasonably be returned to a condition or state in which such goods
18 may be lawfully used, possessed, or distributed by the public.

19 (3) When any animal as defined by section 28-1008 is
20 seized or held and is no longer required as evidence, such animal
21 may be disposed of in such manner as the court may direct. The
22 court may consider adoption alternatives through humane societies
23 or comparable institutions and the protection of such animal's

24 welfare. For a humane society or comparable institution to be
 25 considered as an adoption alternative under this subsection, it
 26 must first be licensed by the Department of Agriculture as having
 27 passed the inspection requirements in the Commercial Dog and Cat
 1 Operator Inspection Act and paid the fee for inspection under the
 2 act. The court may prohibit an adopting or purchasing party from
 3 selling such animal for a period not to exceed one year.

4 (4) Unless otherwise provided by law, all other property
 5 shall be disposed of in such manner as the court in its sound
 6 discretion shall direct.

7 2. Renumber the remaining sections and correct the
 8 repealer section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 474. Introduced by Fulton, 29.

WHEREAS, Hope Edwards, an esteemed resident of Lincoln and a student at Lincoln Southeast High School, has achieved national recognition for exemplary volunteer service by receiving a 2012 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers throughout the United States who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Edwards conceived of and spearheaded a city-wide community service day, "Student Serve Day," in which over nine thousand students volunteered at businesses, nonprofit organizations, parks, school grounds, and neighborhoods throughout the city of Lincoln; and

WHEREAS, Ms. Edwards embodies the treasured Nebraska values of service, self-sacrifice, community, and determination; and

WHEREAS, the future prosperity of the State of Nebraska and the integrity of our communities depend on the dedication of young people like Ms. Edwards 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 Hope Edwards on receiving a 2012 Prudential Spirit of Community Award and recognizes her contributions to the betterment of the city of Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to Hope Edwards.

Laid over.

LEGISLATIVE RESOLUTION 475. Introduced by Larson, 40.

WHEREAS, the Saint Mary's High School boys' basketball team won the 2012 Class D-1 Boys' State Basketball Championship by defeating Pawnee City High School by a score of 56-54; and

WHEREAS, the Saint Mary's High School boys' basketball team ended the season with a perfect record of 28-0; and

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

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

1. That the Legislature congratulates the Saint Mary's High School boys' basketball team on winning the 2012 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Saint Mary's High School boys' basketball team and their coach, Gary Chvala.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 969. Title read. Considered.

Committee AM2068, found on page 830, was considered.

PRESIDENT SHEEHY PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 476. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska's business entity statutes should be updated. The study should include a review of the Model Entity Transactions Act, which is a collaborative effort of the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Bar Association to provide the states with a recommended, comprehensive statutory framework governing mergers, interest exchanges, conversions, and domestications involving various business entities. In order to carry out the purpose of this resolution, the study committee should seek the assistance of Nebraska members of NCCUSL and the Secretary of State and should consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

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

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 12 fourth-grade students and teacher from Faith Lutheran School, Lincoln; 48 fifth-grade students and teachers from Clarmar Elementary, Fremont; Roland and Adelyne Koranda from Wahoo; 27 fourth-grade students and teacher from Wildewood Elementary, Ralston; and retired Lt. Col. Brian Worth and Madeline Worth from Omaha.

RECESS

At 11:59 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

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

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 902. Placed on Select File with amendment.
ER213

- 1 1. On page 1, lines 5 and 6, strike "and provide for
- 2 applicability" and insert "; to provide operative dates".

(Signed) Tyson Larson, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Adams has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 969. Committee AM2068, found on page 830 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 477. Introduced by Wightman, 36.

WHEREAS, the Ravenna Bluejays coached by Paul Beranek won the 2012 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Bluejays defeated Lutheran High Northeast 61-51 in the championship game to give the Bluejays their third state title in the last four years; and

WHEREAS, the Bluejays finished their outstanding season with an undefeated record of 28-0; and

WHEREAS, Bluejays teammates Connor Beranek and Trevor Cyboron were named to the Class C-2 All-tournament team by both the Lincoln Journal Star and the Omaha World-Herald, and Connor Beranek was also named to the All-tournament team for all classes by the Omaha World-Herald; 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 Ravenna Bluejays and their head coach, Paul Beranek, on winning the 2012 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluejays and their head coach, Paul Beranek.

Laid over.

LEGISLATIVE RESOLUTION 478. Introduced by Nordquist, 7; Ashford, 20; Avery, 28; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; McGill, 26; Mello, 5.

PURPOSE: The purpose of this study is to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska and to evaluate the need for legislation that would promote equal protection for all of our state's residents.

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

- (1) The need to strengthen basic civil rights protections for all Nebraskans;
- (2) The need to provide legal recourse for persons discriminated against based upon their sexual orientation or gender identity;
- (3) The impact of laws that provide equal employment protections on employee recruitment and retention;
- (4) The impact of laws that prohibit discrimination based on sexual orientation and gender identity in attracting new residents and businesses to the state;
- (5) The impact of a lack of uniformity in antidiscrimination ordinances and policies across the state; and
- (6) The need for an exemption for religious organizations.

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1072. Title read. Considered.

Committee AM2358, found on page 848, was considered.

SENATOR CARLSON PRESIDING

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 1145. Placed on General File with amendment.
AM2387

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-802, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-802 (1) A person commits pandering if such person:
- 6 (a) Entices another person to become a prostitute; or
- 7 (b) Procures or harbors therein an inmate for a house of
- 8 prostitution or for any place where prostitution is practiced or
- 9 allowed; or
- 10 (c) Inveigles, entices, persuades, encourages, or

11 procures any person to come into or leave this state for the
12 purpose of prostitution or debauchery; or

13 (d) Receives or gives or agrees to receive or give any
14 money or other thing of value for procuring or attempting to
15 procure any person to become a prostitute or commit an act of
16 prostitution or come into this state or leave this state for the
17 purpose of prostitution or debauchery.

18 (2) Pandering is a Class IV felony for a first offense,
19 unless the person being enticed, procured, harbored, or otherwise
20 persuaded to become a prostitute in violation of this section is
21 under the age of eighteen years, in which case pandering is a Class
22 III felony for a first offense. Pandering is a Class III felony for
23 a second or subsequent offense.

1 Sec. 2. (1) A task force is hereby established within
2 the Nebraska Commission on Law Enforcement and Criminal Justice
3 for the purposes of investigating and studying human trafficking,
4 the methods for advertising human trafficking services, and the
5 victimization of individuals coerced to participate in human
6 trafficking.

7 (2) The task force shall examine the extent to which
8 human trafficking is prevalent in this state, the scope of efforts
9 being taken to prevent human trafficking from occurring, and the
10 services available to victims of human trafficking in this state.
11 The task force shall also investigate the limitations upon victims
12 who wish to come forward and seek medical attention; investigate
13 the potential to stop human trafficking; and investigate the
14 potential to promote recovery, to protect families and children who
15 may be profoundly impacted by such abuse, and to save lives.

16 (3)(a) The Department of Labor shall work with the task
17 force to develop or select informational posters for placement
18 around the state. The posters shall be in English, Spanish, and any
19 other language deemed appropriate by the task force. The posters
20 shall include a toll-free telephone number a person may call
21 for assistance, preferably the National Human Trafficking Resource
22 Center Hotline (888)373-7888.

23 (b) Posters shall be placed in rest stops and strip
24 clubs. The task force shall work with local businesses and
25 nonprofit entities associated with the prevention of human
26 trafficking to voluntarily place additional signs in high schools,
27 postsecondary educational institutions, gas stations, hotels,
1 hospitals, health care clinics, urgent care centers, airports,
2 train stations, bus stations, and other locations around the state
3 deemed appropriate by the task force.

4 (4) The task force shall consist of the following
5 members:

6 (a) The Attorney General or his or her designee;

7 (b) The executive director of the Nebraska Commission on
8 Law Enforcement and Criminal Justice;

9 (c) The Superintendent of Law Enforcement and Public

10 Safety or his or her designee;

11 (d) The Director of Correctional Services or his or her
12 designee;

13 (e) The chief of police or director of public safety of a
14 city of two hundred thousand inhabitants or more;

15 (f) The chief of police or director of public safety of a
16 city of less than two hundred thousand inhabitants;

17 (g) A county sheriff;

18 (h) A county attorney;

19 (i) A county commissioner;

20 (j) A mayor or city manager;

21 (k) A person involved with the control or prevention of
22 juvenile delinquency;

23 (l) A person involved with the control or prevention of
24 child abuse;

25 (m) The Commissioner of Education or his or her designee;

26 (n) The director of the Commission on Latino-Americans or
27 his or her designee; and

1 (o) Six members, at least three of whom shall be women,
2 from the public at large.

3 (5) The Governor shall appoint the members of the task
4 force listed in subdivisions (4)(e) through (l) and (o) of this
5 section for terms as provided in subsection (6) of this section.
6 The membership of the task force shall represent varying geographic
7 areas and large and small political subdivisions. One member from
8 the public at large shall be a professional representing child
9 welfare, and one member of the public at large shall represent
10 juvenile pretrial diversion programs.

11 (6) The members of the task force appointed by the
12 Governor shall serve six-year terms, except that of the members
13 first appointed, four shall serve initial two-year terms, four
14 shall serve initial four-year terms, and six shall serve initial
15 six-year terms from January 1 next succeeding their appointments.
16 Thereafter, all members shall serve six-year terms. A member may
17 be reappointed at the expiration of his or her term. Any vacancy
18 occurring otherwise than by expiration of a term shall be filled
19 for the balance of the unexpired term in the same manner as the
20 original appointment.

21 (7) No member shall serve beyond the time when he or she
22 holds the office, employment, or status by reason of which he or
23 she was initially eligible for appointment. Any member of the task
24 force appointed by the Governor may be removed from the task force
25 for cause upon notice and an opportunity to be heard at a public
26 hearing. One of the causes for removal shall be absence from three
27 regularly scheduled meetings of the task force during any six-month
1 period when the member has failed to advise the task force in
2 advance of such meeting that he or she will be absent and stating a
3 reason therefor.

4 (8) The chairperson of the task force shall be designated

5 by the Governor to serve at the pleasure of the Governor. The
6 chairperson shall be the chief executive officer of the task force
7 but may delegate such of his or her duties to other members of the
8 task force as may be authorized by the task force.

9 (9) Notwithstanding any provision of law, ordinance, or
10 charter provision to the contrary, membership on the task force
11 shall not disqualify any member from holding any other public
12 office or employment or cause the forfeiture thereof.

13 (10) The members of the task force shall serve on the
14 task force without compensation, but they shall be entitled to
15 receive reimbursement for any actual expenses incurred as necessary
16 incident to such service as provided in sections 81-1174 to
17 81-1177.

18 (11) Eleven members of the task force shall constitute a
19 quorum for the transaction of any business or the exercise of any
20 power of the task force. The task force shall have the power to
21 act by a majority of the members present at any meeting at which a
22 quorum is in attendance.

23 (12) All appointments shall be made not later than thirty
24 days after the effective date of this act. The chairperson shall
25 meet with the task force not later than sixty days after the
26 effective date of this act.

27 (13) Not later than one year after the effective date
1 of this act, and every July 1 and December 1 thereafter, the
2 task force shall report to the Clerk of the Legislature the
3 results of its investigation and study and its recommendations, if
4 any, together with drafts of legislation necessary to carry its
5 recommendations into effect by filing the report with the clerk.

6 Sec. 3. (1) This state shall provide mandatory training
7 for law enforcement agencies, prosecutors, public defenders,
8 judges, juvenile detention center staff, and others involved in the
9 juvenile justice system and the criminal justice system and other
10 relevant officials in addressing human trafficking. The task force
11 established in section 2 of this act shall work with such agencies,
12 persons, and staff to develop a proper curriculum for the training
13 and to determine which state entity would be most appropriate
14 in providing the training. The determination and accompanying
15 legislation recommendations shall be made by December 1, 2012. Such
16 training shall focus on:

17 (a) State and federal law regarding human trafficking;

18 (b) Methods used in identifying United States citizen
19 and foreign national victims of human trafficking, including
20 preliminary interview techniques and appropriate questioning
21 methods;

22 (c) Methods for prosecuting human traffickers;

23 (d) Methods of increasing effective collaboration with
24 nongovernmental organizations and other relevant social service
25 organizations in the course of investigating and prosecuting a
26 human trafficking case;

- 27 (e) Methods for protecting the rights of victims of human
 1 trafficking, taking into account the need to consider human rights
 2 and the special needs of women and minor victims;
 3 (f) The necessity of treating victims of human
 4 trafficking as crime victims rather than as criminals; and
 5 (g) Methods for promoting the safety and well-being of
 6 all victims of human trafficking.
 7 (2) The task force shall also seek the input and
 8 participation of appropriate nongovernmental organizations and
 9 other relevant organizations regarding the provision, preparation,
 10 and presentation of the training called for in this section.
 11 Sec. 4. Original section 28-802, Reissue Revised Statutes
 12 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB1158:
 AM2418

(Amendments to Standing Committee amendments, AM1936)

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

- 7 percent of the aggregate of all income and revenue earned by the
8 contractor and related parties under the contract; and
9 (6) Provide that a minimum of one-quarter of one percent
10 of the aggregate of all income and revenue earned by the contractor
11 and related parties under the contract be contingent on performance
12 metrics.
13 2. On page 1, strike line 1 and insert "1. Strike section
14 1 and insert the following sections:".

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teacher from Freeman Public School, Adams; and 5 twelfth-grade students and teacher from Sutherland.

The Doctor of the Day was Dr. Craig Meier from Elkhorn.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

