

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 222

Introduced by McCoy, 39.

Read first time January 15, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state government; to amend sections 2-3962,
 2 2-3965, 13-1205, 13-2114, 43-3342.05, 48-166, 77-709,
 3 77-4601, and 89-186, Reissue Revised Statutes of
 4 Nebraska, and sections 37-1406, 43-296, 43-405, 43-517,
 5 43-534, 43-1303, 43-4331, 43-4406, 43-4407, 43-4408,
 6 50-405, 50-424, 50-1205, 66-1336, 68-1207.01, 68-1735.02,
 7 68-2004, 71-825, 71-1904, 71-2518, 71-51,103, 71-5206.01,
 8 79-318, 79-10,142, 79-1905, 81-1360, 81-1430, 81-1845,
 9 81-2213, 81-3133, 83-924, 84-901.01, 84-907.06, 84-910,
 10 and 84-1219, Revised Statutes Cumulative Supplement,
 11 2012; to require that reports and other information
 12 submitted to the Legislature, the Clerk of the
 13 Legislature, the Executive Board of the Legislative
 14 Council, and committees of the Legislature be submitted
 15 electronically; to change and eliminate certain reporting
 16 requirements; to change submission requirements for state
 17 agencies; to require the submission of certain

1 information to the Legislative Performance Audit
2 Committee by each state agency; to harmonize provisions;
3 to repeal the original sections; and to declare an
4 emergency.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3962, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3962 The board shall prepare a report on or before
4 October 1 of each year setting forth the income received from the
5 assessments collected in accordance with section 2-3958 for the
6 preceding fiscal year, and the report shall include:

7 (1) The expenditure of funds by the board during the year
8 for the administration of the Dairy Industry Development Act;

9 (2) A brief description of all contracts requiring the
10 expenditure of funds by the board;

11 (3) The action taken by the board on all such contracts;

12 (4) An explanation of all programs relating to the
13 discovery, promotion, and development of markets and industries for
14 the utilization of dairy products and the direct expense associated
15 with each program;

16 (5) The name and address of each member of the board; and

17 (6) A brief description of the rules, regulations, and
18 orders adopted and promulgated by the board.

19 ~~Such~~ The board shall submit the report electronically to
20 the Clerk of the Legislature and shall make the report shall be
21 available to the public upon request.

22 Sec. 2. Section 2-3965, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 2-3965 (1) Sections 2-3965 to 2-3992 and the publications
25 adopted by reference in subsections (2) and (3) of this section shall

1 be known and may be cited as the Nebraska Milk Act.

2 (2) The Legislature adopts by reference the following
3 official documents of the National Conference on Interstate Milk
4 Shipments as published by the United States Department of Health and
5 Human Services, United States Public Health Service/Food and Drug
6 Administration:

7 (a) Grade A Pasteurized Milk Ordinance, 2005 Revision, as
8 delineated in subsection (3) of this section;

9 (b) Methods of Making Sanitation Ratings of Milk
10 Supplies, 2005 Revision;

11 (c) Procedures Governing the Cooperative State-Public
12 Health Service/Food and Drug Administration Program of the National
13 Conference on Interstate Milk Shipments, 2005 Revision; and

14 (d) Evaluation of Milk Laboratories, 2005 Revision.

15 (3) All provisions of the Grade A Pasteurized Milk
16 Ordinance, 2005 Revision, including footnotes relating to
17 requirements for cottage cheese, and the appendixes with which the
18 ordinance requires mandatory compliance are adopted with the
19 following exceptions:

20 (a) Section 9 of the ordinance is replaced by section
21 2-3969;

22 (b) Section 15 of the ordinance is replaced by section
23 2-3970;

24 (c) Section 16 of the ordinance is replaced by section
25 2-3974;

1 (d) Section 17 of the ordinance is not adopted; and

2 (e) Section 3 of the ordinance, Administrative
3 Procedures, Issuance of Permits, is adopted with the following
4 modifications:

5 (i) The department may suspend a permit for a definite
6 period of time or place the holder of a permit on probation upon
7 evidence of violation by the holder of any of the provisions of the
8 Nebraska Milk Act; and

9 (ii) Decisions of the department may be appealed and such
10 appeals shall be in accordance with the Administrative Procedure Act.

11 (4) Copies of the Ordinance, the Appendixes, and the
12 publications, adopted by reference, shall be filed in the offices of
13 the Secretary of State, Clerk of the Legislature, and Department of
14 Agriculture. The copies filed with the Clerk of the Legislature shall
15 be filed electronically.

16 Sec. 3. Section 13-1205, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 13-1205 The department shall have the following powers,
19 duties, and responsibilities:

20 (1) To collect and maintain data on the level of public
21 transportation services and needs in the state and identify areas not
22 being adequately served by existing public or private transportation
23 services;

24 (2) To assess the regional and statewide effect of
25 changes, improvement, and route abandonments in the state's public

1 transportation system;

2 (3) To develop a six-year statewide transit plan and
3 programs for public transportation in coordination with local plans
4 and programs developed by municipalities, counties, and transit
5 authorities;

6 (4) To provide planning and technical assistance to
7 agencies of the state, political subdivisions, or groups seeking to
8 improve public transportation;

9 (5) To advise, consult, and cooperate with agencies of
10 the state, the federal government, and other states, interstate
11 agencies, political subdivisions, and groups concerned with public
12 transportation;

13 (6) To cooperate with the Public Service Commission by
14 providing periodic assessments to the commission when determining the
15 effect of proposed regulatory decisions on public transportation;

16 (7) To administer federal and state programs providing
17 financial assistance to public transportation, except those federal
18 and state programs in which a municipality, county, transit
19 authority, or other state agency is designated as the administrator;

20 (8) To prepare and submit a biennial report to the
21 Governor, and the State Energy Office, ~~and the Clerk of the~~
22 ~~Legislature~~ detailing its activities under the Nebraska Public
23 Transportation Act. ~~The report submitted to the Clerk of the~~
24 ~~Legislature shall be submitted electronically.~~ The report shall make
25 recommendations to strengthen, expand, and improve public

1 transportation in the state; and

2 (9) To exercise all other powers necessary and proper for
3 the discharge of its duties, including the adoption and promulgation
4 of reasonable rules and regulations to carry out the act.

5 Each member of the Legislature shall receive an
6 electronic copy of the report required by subdivision (8) of this
7 section by making a request for such report to the director.

8 Sec. 4. Section 13-2114, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 13-2114 Within one hundred twenty days after the end of
11 the third year following the designation of an area as an enterprise
12 zone and at the end of each two-year period thereafter, the original
13 applying political subdivision shall file with the department a
14 report on the enterprise zone detailing the status of the zone on the
15 qualifying economic distress criteria, the current status of economic
16 activity within the zone, including the number and type of new
17 business enterprises which have located within the zone and their
18 levels of employment, the status of local efforts to carry out the
19 enterprise zone economic development plan outlined in the original
20 application, the status of local efforts to comply with commitments
21 made under subdivisions (9) and (10) of section 13-2104, the
22 membership and activities of the enterprise zone association, and
23 such other items as the department shall request to enable it to
24 assess the current status of the enterprise zone and to make
25 appropriate recommendations to the Legislature upon the enterprise

1 zone program as set out in the Enterprise Zone Act. Prior to filing
2 such report, the applying political subdivision shall provide copies
3 of the report to its enterprise zone association which shall attach
4 thereto for filing with the department such comments or additional
5 information or recommendations as it deems appropriate. ~~Prior to the
6 commencement of the next following legislative session, the
7 department shall file electronic copies of such reports with the
8 Clerk of the Legislature along with any comments or recommendations
9 it may have with regard thereto or with regard to the act.~~

10 Sec. 5. Section 37-1406, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 37-1406 (1) The adaptive management plan required under
13 section 37-1404 shall be updated at least once every three years
14 following its initial development. The plan shall be submitted to the
15 Governor and the Agriculture Committee of the Legislature. The plan
16 submitted to the committee shall be submitted electronically.

17 (2) The Nebraska Invasive Species Council shall submit an
18 annual report of its activities to the Governor and the Agriculture
19 Committee of the Legislature by December 15 of each year. The annual
20 report shall include an evaluation of progress made in the preceding
21 year. The report submitted to the committee shall be submitted
22 electronically.

23 (3) The council shall complete the initial adaptive
24 management plan within three years after April 6, 2012.

25 (4) Prior to the start of the 2015 legislative session,

1 the council shall ~~prepare~~ submit electronically a report to the
2 Agriculture Committee of the Legislature that makes recommendations
3 as to the extension or modification of the council.

4 (5) The council may establish advisory and technical
5 subcommittees that the council considers necessary to aid and advise
6 it in the performance of its functions.

7 Sec. 6. Section 43-296, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 43-296 All associations receiving juveniles under the
10 Nebraska Juvenile Code shall be subject to the same visitation,
11 inspection, and supervision by the Department of Health and Human
12 Services as are public charitable institutions of this state, and it
13 shall be the duty of the department to pass annually upon the fitness
14 of every such association as may receive or desire to receive
15 juveniles under the provisions of such code. Every such association
16 shall annually, on or before September 15, make a report to the
17 department showing its condition, management, and competency to
18 adequately care for such juveniles as are or may be committed to it
19 and such other facts as the department may require. Upon receiving
20 such report, the department shall provide ~~a~~ an electronic copy of
21 such report to the Health and Human Services Committee of the
22 Legislature on or before September 15 of 2012, 2013, and 2014. Upon
23 the department being satisfied that such association is competent and
24 has adequate facilities to care for such juveniles, it shall issue to
25 such association a certificate to that effect, which certificate

1 shall continue in force for one year unless sooner revoked by the
2 department. No juvenile shall be committed to any such association
3 which has not received such a certificate within the fifteen months
4 immediately preceding the commitment. The court may at any time
5 require from any association receiving or desiring to receive
6 juveniles under the provisions of the Nebraska Juvenile Code such
7 reports, information, and statements as the judge shall deem proper
8 and necessary for his or her action, and the court shall in no case
9 be required to commit a juvenile to any association whose standing,
10 conduct, or care of juveniles or ability to care for the same is not
11 satisfactory to the court.

12 Sec. 7. Section 43-405, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 43-405 The administrative duties of the Office of
15 Juvenile Services are to:

16 (1) Manage, establish policies for, and administer the
17 office, including all facilities and programs operated by the office
18 or provided through the office by contract with a provider;

19 (2) Supervise employees of the office, including
20 employees of the facilities and programs operated by the office;

21 (3) Have separate budgeting procedures and develop and
22 report budget information separately from the Department of Health
23 and Human Services;

24 (4) Adopt and promulgate rules and regulations for the
25 levels of treatment and for management, control, screening,

1 evaluation, treatment, rehabilitation, parole, transfer, and
2 discharge of juveniles placed with or committed to the Office of
3 Juvenile Services;

4 (5) Ensure that statistical information concerning
5 juveniles placed with or committed to facilities or programs of the
6 office is collected, developed, and maintained for purposes of
7 research and the development of treatment programs;

8 (6) Monitor commitments, placements, and evaluations at
9 facilities and programs operated by the office or through contracts
10 with providers and submit electronically an annual report of its
11 findings to the Legislature. For 2012, 2013, and 2014, the office
12 shall also provide an electronic copy of the report to the Health and
13 Human Services Committee of the Legislature on or before September
14 15. The report shall include an assessment of the administrative
15 costs of operating the facilities, the cost of programming, the
16 savings realized through reductions in commitments, placements, and
17 evaluations, and information regarding the collaboration required by
18 section 83-101;

19 (7) Coordinate the programs and services of the juvenile
20 justice system with other governmental agencies and political
21 subdivisions;

22 (8) Coordinate educational, vocational, and social
23 counseling;

24 (9) Coordinate community-based services for juveniles and
25 their families;

1 (10) Supervise and coordinate juvenile parole and
2 aftercare services; and

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

6 Sec. 8. Section 43-517, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 43-517 (1) The Department of Health and Human Services
9 shall provide a report to the Governor and the Legislature no later
10 than December 1 each year regarding the data and information
11 collected pursuant to section 43-516, including a summary of such
12 data and information. The report submitted to the Legislature shall
13 be submitted electronically.

14 (2) The data and information collected under such section
15 shall be considered a public record under section 84-712.01.

16 Sec. 9. Section 43-534, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 43-534 Every department, agency, institution, committee,
19 and commission of state government which is concerned or responsible
20 for children and families shall submit, as part of the annual budget
21 request of such department, agency, institution, committee, or
22 commission, a comprehensive statement of the efforts such department,
23 agency, institution, committee, or commission has taken to carry out
24 the policy and principles set forth in sections 43-532 and 43-533.
25 For 2012, 2013, and 2014, the Department of Health and Human Services

1 shall provide a ~~an~~ electronic copy of its statement submitted under
2 this section to the Health and Human Services Committee of the
3 Legislature on or before September 15. The statement shall include,
4 but not be limited to, a listing of programs provided for children
5 and families and the priority of such programs, a summary of the
6 expenses incurred in the provision and administration of services for
7 children and families, the number of clients served by each program,
8 and data being collected to demonstrate the short-term and long-term
9 effectiveness of each program.

10 Sec. 10. Section 43-1303, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 43-1303 (1) The office shall maintain the statewide
13 register of all foster care placements occurring within the state,
14 and there shall be a monthly report made to the registry of all
15 foster care placements by the Department of Health and Human
16 Services, any child-placing agency, or any court in a form as
17 developed by the office in consultation with representatives of
18 entities required to make such reports. For each child entering and
19 leaving foster care, such monthly report shall consist of identifying
20 information, placement information, and the plan or permanency plan
21 developed by the person or court in charge of the child pursuant to
22 section 43-1312. The department and every court and child-placing
23 agency shall report any foster care placement within three working
24 days. The report shall contain the following information:

25 (a) Child identification information, including name,

1 social security number, date of birth, gender, race, and religion;

2 (b) Identification information for parents and
3 stepparents, including name, social security number, address, and
4 status of parental rights;

5 (c) Placement information, including initial placement
6 date, current placement date, and the name and address of the foster
7 care provider;

8 (d) Court status information, including which court has
9 jurisdiction, initial custody date, court hearing date, and results
10 of the court hearing;

11 (e) Agency or other entity having custody of the child;

12 (f) Case worker; and

13 (g) Permanency plan objective.

14 (2)(a) The office shall designate a local board to
15 conduct foster care file audit case reviews for each case of children
16 in foster care placement.

17 (b) The office may adopt and promulgate rules and
18 regulations for the following:

19 (i) Establishment of training programs for local board
20 members which shall include an initial training program and periodic
21 inservice training programs;

22 (ii) Development of procedures for local boards;

23 (iii) Establishment of a central record-keeping facility
24 for all local board files, including foster care file audit case
25 reviews;

1 (iv) Accumulation of data and the making of annual
2 reports on children in foster care. Such reports shall include (A)
3 personal data on length of time in foster care, (B) number of
4 placements, (C) frequency and results of foster care file audit case
5 reviews and court review hearings, (D) number of children supervised
6 by the foster care programs in the state annually, (E) trend data
7 impacting foster care, services, and placements, (F) analysis of the
8 data, and (G) recommendations for improving the foster care system in
9 Nebraska;

10 (v) To the extent not prohibited by section 43-1310,
11 evaluation of the judicial and administrative data collected on
12 foster care and the dissemination of such data to the judiciary,
13 public and private agencies, the department, and members of the
14 public; and

15 (vi) Manner in which the office shall determine the
16 appropriateness of requesting a court review hearing as provided for
17 in section 43-1313.

18 (3) A local board shall send a written report to the
19 office for each foster care file audit case review conducted by the
20 local board. A court shall send a written report to the office for
21 each foster care review hearing conducted by the court.

22 (4) The office shall report and make recommendations to
23 the Legislature, department, local boards, and county welfare
24 offices. Such reports and recommendations shall include, but not be
25 limited to, the annual judicial and administrative data collected on

1 foster care pursuant to subsections (2) and (3) of this section and
2 the annual evaluation of such data. The report and recommendations
3 submitted to the Legislature shall be submitted electronically. In
4 addition, the office shall provide copies of such reports and
5 recommendations to each court having the authority to make foster
6 care placements. The executive director of the office or his or her
7 designees from the office may visit and observe foster care
8 facilities in order to ascertain whether the individual physical,
9 psychological, and sociological needs of each foster child are being
10 met. The executive director shall also provide, at a time specified
11 by the Health and Human Services Committee of the Legislature,
12 regular electronic updates regarding child welfare data and
13 information at least quarterly, and a fourth-quarter report which
14 shall be the annual report. The executive director shall include
15 issues, policy concerns, and problems which have come to the office
16 and the executive director from analysis of the data. The executive
17 director shall recommend alternatives to the identified problems and
18 related needs of the office and the foster care system to the
19 committee. The Health and Human Services Committee shall coordinate
20 and prioritize data and information requests submitted to the office
21 by members of the Legislature. The annual report of the office shall
22 be completed by December 1 each year, beginning December 1, 2012, and
23 shall be submitted electronically to the committee.

24 Sec. 11. Section 43-3342.05, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 43-3342.05 (1) The Child Support Advisory Commission is
2 created. Commission members shall include:

3 (a) Two district court judges whose jurisdiction includes
4 domestic relations, to be appointed by the Supreme Court;

5 (b) One member of the Nebraska State Bar Association who
6 practices primarily in the area of domestic relations;

7 (c) One county attorney who works in child support;

8 (d) One professional who works in the field of economics
9 or mathematics or another field of expertise relevant to child
10 support;

11 (e) One custodial parent who has a court order to receive
12 child support;

13 (f) One noncustodial parent who is under a support order
14 to pay child support;

15 (g) The chairperson of the Judiciary Committee of the
16 Legislature, who shall serve as the chairperson of the commission;

17 (h) The chairperson of the Health and Human Services
18 Committee of the Legislature;

19 (i) The State Treasurer or his or her designee;

20 (j) The State Court Administrator or his or her designee;

21 and

22 (k) The director of the Title IV-D Division or his or her
23 designee.

24 (2)(a) The Supreme Court shall notify the Executive Board
25 of the Legislative Council of its intent to review the child support

1 guidelines pursuant to section 42-364.16. Following such
2 notification, the chairperson of the commission shall call a meeting
3 of the commission.

4 (b) Each time the commission meets pursuant to
5 subdivision (2)(a) of this section, the Supreme Court shall make
6 appointments to fill the membership under subdivision (1)(a) of this
7 section and the chairperson of the Executive Board shall make
8 appointments to fill each membership under subdivisions (1)(b)
9 through (f) of this section. The terms of these members shall expire
10 after the commission has fulfilled its duties pursuant to subsection
11 (3) of this section.

12 (c) Members shall serve without compensation but shall be
13 reimbursed for their actual and necessary expenses incurred in the
14 performance of their duties as provided in sections 81-1174 to
15 81-1177.

16 (d) If determined to be necessary to perform the duties
17 of the commission, the commission may hire, contract, or otherwise
18 obtain the services of consultants, researchers, aides, and other
19 necessary support staff with prior approval of the chairperson of the
20 Executive Board.

21 (e) For administrative purposes, the commission shall be
22 managed and administered by the Legislative Council.

23 (3) The duties of the commission shall include, but are
24 not limited to:

25 (a) Reviewing the child support guidelines adopted by the

1 Supreme Court and recommending, if appropriate, any changes to the
2 guidelines. Whenever practicable, the commission shall base its
3 recommendations on economic data and statistics collected in the
4 State of Nebraska. In reviewing the guidelines and formulating
5 recommendations, the commission may conduct public hearings around
6 the state; and

7 (b) Presenting reports, as deemed necessary, of its
8 activities and recommendations to the Supreme Court and the Executive
9 Board. Any reports submitted to the Executive Board shall be
10 submitted electronically.

11 (4) The Supreme Court shall review the commission's
12 reports. The Supreme Court may amend the child support guidelines
13 established pursuant to section 42-364.16 based upon the commission's
14 recommendations.

15 Sec. 12. Section 43-4331, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 43-4331 On or before September 15 of each year, the
18 Inspector General shall provide to the Health and Human Services
19 Committee of the Legislature and the Governor a summary of reports
20 and investigations made under the Office of Inspector General of
21 Nebraska Child Welfare Act for the preceding year. The summary
22 provided to the committee shall be provided electronically. The
23 summaries shall detail recommendations and the status of
24 implementation of recommendations and may also include
25 recommendations to the committee regarding issues discovered through

1 investigation, audits, inspections, and reviews by the office that
2 will increase accountability and legislative oversight of the
3 Nebraska child welfare system, improve operations of the department
4 and the Nebraska child welfare system, or deter and identify fraud,
5 abuse, and illegal acts. The summaries shall not contain any
6 confidential or identifying information concerning the subjects of
7 the reports and investigations.

8 Sec. 13. Section 43-4406, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-4406 On or before September 15, 2012, and each
11 September 15 thereafter, the department shall report electronically
12 to the Health and Human Services Committee of the Legislature the
13 following information regarding child welfare services, with respect
14 to children served by any lead agency or the pilot project and
15 children served by the department:

16 (1) The percentage of children served and the allocation
17 of the child welfare budget, categorized by service area and by lead
18 agency or the pilot project, including:

19 (a) The percentage of children served, by service area
20 and the corresponding budget allocation; and

21 (b) The percentage of children served who are wards of
22 the state and the corresponding budget allocation;

23 (2) The number of siblings in out-of-home care placed
24 with siblings as of the June 30th immediately preceding the date of
25 the report, categorized by service area and by lead agency or the

1 pilot project;

2 (3) An update of the information in the report of the
3 Children's Behavioral Health Task Force pursuant to sections 43-4001
4 to 43-4003, including:

5 (a) The number of children receiving mental health and
6 substance abuse services annually by the Division of Behavioral
7 Health of the department;

8 (b) The number of children receiving behavioral health
9 services annually at the Hastings Regional Center;

10 (c) The number of state wards receiving behavioral health
11 services as of September 1 immediately preceding the date of the
12 report;

13 (d) Funding sources for children's behavioral health
14 services for the fiscal year ending on the immediately preceding June
15 30;

16 (e) Expenditures in the immediately preceding fiscal year
17 by the division, categorized by category of behavioral health service
18 and by behavioral health region; and

19 (f) Expenditures in the immediately preceding fiscal year
20 from the medical assistance program and CHIP as defined in section
21 68-969 for mental health and substance abuse services, for all
22 children and for wards of the state;

23 (4) The following information as obtained for each
24 service area and lead agency or the pilot project:

25 (a) Case manager education, including college degree,

- 1 major, and level of education beyond a baccalaureate degree;
- 2 (b) Average caseload per case manager;
- 3 (c) Average number of case managers per child during the
4 preceding twelve months;
- 5 (d) Average number of case managers per child for
6 children who have been in the child welfare system for three months,
7 for six months, for twelve months, and for eighteen months and the
8 consecutive yearly average for children until the age of majority or
9 permanency is attained;
- 10 (e) Monthly case manager turnover;
- 11 (f) Monthly face-to-face contacts between each case
12 manager and the children on his or her caseload;
- 13 (g) Monthly face-to-face contacts between each case
14 manager and the parent or parents of the children on his or her
15 caseload;
- 16 (h) Case documentation of monthly consecutive team
17 meetings per quarter;
- 18 (i) Case documentation of monthly consecutive parent
19 contacts per quarter;
- 20 (j) Case documentation of monthly consecutive child
21 contacts with case manager per quarter;
- 22 (k) Case documentation of monthly consecutive contacts
23 between child welfare service providers and case managers per
24 quarter;
- 25 (l) Timeliness of court reports; and

1 (m) Non-court-involved children, including the number of
2 children served, the types of services requested, the specific
3 services provided, the cost of the services provided, and the funding
4 source;

5 (5) All placements in residential treatment settings made
6 or paid for by the child welfare system, the Office of Juvenile
7 Services, the State Department of Education or local education
8 agencies, any lead agency or the pilot project through letters of
9 agreement, and the medical assistance program, including, but not
10 limited to:

11 (a) Child variables;

12 (b) Reasons for placement;

13 (c) The percentage of children denied medicaid-reimbursed
14 services and denied the level of placement requested;

15 (d) With respect to each child in a residential treatment
16 setting:

17 (i) If there was a denial of initial placement request,
18 the length and level of each placement subsequent to denial of
19 initial placement request and the status of each child before and
20 immediately after, six months after, and twelve months after
21 placement;

22 (ii) Funds expended and length of placements;

23 (iii) Number and level of placements;

24 (iv) Facility variables; and

25 (v) Identification of specific child welfare services

1 unavailable in the child's community that, if available, could have
2 prevented the need for residential treatment; and

3 (e) Identification of child welfare services unavailable
4 in the state that, if available, could prevent out-of-state
5 placements;

6 (6) From any lead agency or the pilot project, the
7 percentage of its accounts payable to subcontracted child welfare
8 service providers that are thirty days overdue, sixty days overdue,
9 and ninety days overdue; and

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

18 Sec. 14. Section 43-4407, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 43-4407 (1) Each service area administrator and any lead
21 agency or the pilot project shall annually survey children, parents,
22 foster parents, judges, guardians ad litem, attorneys representing
23 parents, and service providers involved with the child welfare system
24 to monitor satisfaction with (a) adequacy of communication by the
25 case manager, (b) response by the department, any lead agency, or the

1 pilot project to requests and problems, (c) transportation issues,
2 (d) medical and psychological services for children and parents, (e)
3 visitation schedules, (f) payments, (g) support services to foster
4 parents, (h) adequacy of information about foster children provided
5 to foster parents, and (i) the case manager's fulfillment of his or
6 her responsibilities. A summary of the survey shall be reported
7 electronically to the Health and Human Services Committee of the
8 Legislature on September 15, 2012, and each September 15 thereafter.

9 (2) Each service area administrator and any lead agency
10 or the pilot project shall provide monthly reports to the child
11 advocacy center that corresponds with the geographic location of the
12 child regarding the services provided through the department or a
13 lead agency or the pilot project when the child is identified as a
14 voluntary or non-court-involved child welfare case. The monthly
15 report shall include the plan implemented by the department, lead
16 agency, or the pilot project for the child and family and the status
17 of compliance by the family with the plan. The child advocacy center
18 shall report electronically to the Health and Human Services
19 Committee of the Legislature on September 15, 2012, and every
20 September 15 thereafter, or more frequently if requested by the
21 committee.

22 Sec. 15. Section 43-4408, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 43-4408 On or before September 15, 2012, and on or before
25 each September 15 thereafter, the department shall provide

1 electronically a report to the Health and Human Services Committee of
2 the Legislature on the department's monitoring of any lead agencies
3 or the pilot project, including the actions taken for contract
4 management, financial management, revenue management, quality
5 assurance and oversight, children's legal services, performance
6 management, and communications. The report shall also include review
7 of the functional capacities of each lead agency or the pilot project
8 for (1) direct case management, (2) utilization of social work theory
9 and evidence-based practices to include processes for insuring
10 fidelity with evidence-based practices, (3) supervision, (4) quality
11 assurance, (5) training, (6) subcontract management, (7) network
12 development and management, (8) financial management, (9) financial
13 controls, (10) utilization management, (11) community outreach, (12)
14 coordination and planning, (13) community and stakeholder engagement,
15 and (14) responsiveness to requests from policymakers and the
16 Legislature. On or before December 31, 2012, the department shall
17 provide an additional report to the committee updating the
18 information on the pilot project contained in the report of September
19 15, 2012.

20 Sec. 16. Section 48-166, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 48-166 On or before January 1 of each year, the Nebraska
23 Workers' Compensation Court shall ~~issue~~submit electronically an
24 annual report to the Clerk of the Legislature for the past fiscal
25 year which shall include (1) pertinent information regarding

1 settlements and awards made by the compensation court, (2) the causes
2 of the accidents leading to the injuries for which the settlements
3 and awards were made, (3) a statement of the total expense of the
4 compensation court, (4) any other matters which the compensation
5 court deems proper to include, and (5) any recommendations it may
6 desire to make.

7 Sec. 17. Section 50-405, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 50-405 It shall be the duty of the council (1) to
10 investigate and study the possibilities for consolidation in state
11 government for elimination of all unnecessary activities and of all
12 duplication in office personnel and equipment and of the coordination
13 of departmental activities or of methods of increasing efficiency and
14 effecting economies, (2) to investigate and study the possibilities
15 of reforming the system of local government with a view to
16 simplifying the organization of government, (3) to study the merit
17 system as it relates to state and local government personnel, (4) to
18 cooperate with the administration in devising means of enforcing the
19 law and improving the effectiveness of administrative methods, (5) to
20 study and inquire into the financial administration of the state
21 government and the subdivisions thereof, the problems of taxation,
22 including assessment and collection of taxes, and the distribution of
23 the tax burden, and (6) to study and inquire into future planning of
24 capital construction of the state and its governmental agencies as to
25 location and sites for expansion. ~~Such proposed planning shall be~~

1 ~~submitted electronically to the Executive Board of the Legislative~~
2 ~~Council for review and recommendation to the Legislature and the~~
3 ~~Appropriations Committee.~~

4 Sec. 18. Section 50-424, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 50-424 On December 15 of 2012, 2013, and 2014, the Health
7 and Human Services Committee of the Legislature shall provide a
8 ~~written~~ report to the Legislature, Governor, and Chief Justice of the
9 Supreme Court with respect to the progress made by the Department of
10 Health and Human Services implementing the recommendations of the
11 committee contained in the final report of the study conducted by the
12 committee pursuant to Legislative Resolution 37, One Hundred Second
13 Legislature, First Session, 2011. The report submitted to the
14 Legislature shall be submitted electronically. In order to facilitate
15 such report, the department shall provide electronically to the
16 committee by September 15 of 2012, 2013, and 2014 the reports
17 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,
18 71-1904, and 71-3407 and subdivision (6) of section 43-405. The
19 Children's Behavioral Health Oversight Committee of the Legislature
20 shall provide its final report to the Health and Human Services
21 Committee of the Legislature on or before September 15, 2012.

22 Sec. 19. Section 50-1205, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 50-1205 The committee shall:

25 (1) Adopt, by majority vote, procedures consistent with

1 the Legislative Performance Audit Act to govern the business of the
2 committee and the conduct of performance audits;

3 (2) Ensure that performance audits done by the committee
4 are not undertaken based on or influenced by special or partisan
5 interests;

6 (3) Review performance audit requests and select, by
7 majority vote, agencies or agency programs for performance audit;

8 (4) Review, amend, if necessary, and approve a scope
9 statement and an audit plan for each performance audit;

10 (5) Respond to inquiries regarding performance audits;

11 (6) Inspect or approve the inspection of the premises, or
12 any parts thereof, of any agency or any property owned, leased, or
13 operated by an agency as frequently as is necessary in the opinion of
14 the committee to carry out a performance audit or preaudit inquiry;

15 (7) Inspect and examine, or approve the inspection and
16 examination of, the records and documents of any agency as a part of
17 a performance audit or preaudit inquiry;

18 (8) Administer oaths, issue subpoenas, compel the
19 attendance of witnesses and the production of any papers, books,
20 accounts, documents, and testimony, and cause the depositions of
21 witnesses either residing within or without the state to be taken in
22 the manner prescribed by law for taking depositions in civil actions
23 in the district court;

24 (9) Review completed performance audit reports prepared
25 by the section, together with comments from the evaluated agency, and

1 adopt recommendations and incorporate them into a committee report;

2 (10) Release the committee report to the public and
3 distribute it electronically to the Clerk of the Legislature with or
4 without benefit of a public hearing;

5 (11) Hold a public hearing, at the committee's
6 discretion, for the purpose of receiving testimony prior to issuance
7 of the committee report;

8 (12) Establish a system to ascertain and monitor an
9 agency's implementation of the recommendations contained in the
10 committee report and compliance with any statutory changes resulting
11 from the recommendations;

12 (13) Issue an annual report each September, to be
13 prepared by the Legislative Auditor and approved by the committee,
14 summarizing recommendations made pursuant to reports of performance
15 audits during the previous fiscal year and the status of
16 implementation of those recommendations;

17 (14) Consult with the Legislative Auditor regarding the
18 staffing and budgetary needs of the section and assist in presenting
19 budget requests to the Appropriations Committee of the Legislature;

20 (15) Approve or reject, within the budgetary limits of
21 the section, contracts to retain consultants to assist with
22 performance audits requiring specialized knowledge or expertise.
23 Requests for consultant contracts shall be approved by the
24 Legislative Auditor and presented to the Legislative Performance
25 Audit Committee by the Legislative Auditor. A majority vote shall be

1 required to approve consultant contract requests. For purposes of
2 section 50-1213, subsection (11) of section 77-2711, and subsections
3 (10) through (13) of section 77-27,119, any consultant retained to
4 assist with a performance audit or preaudit inquiry shall be
5 considered an employee of the section during the course of the
6 contract; and

7 (16) At its discretion, and with the agreement of the
8 Auditor of Public Accounts, conduct joint fiscal or performance
9 audits with the Auditor of Public Accounts. The details of any joint
10 audit shall be agreed upon in writing by the committee and the
11 Auditor of Public Accounts.

12 Sec. 20. Section 66-1336, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 66-1336 The board shall retain the services of a full-
15 time administrator to be appointed by the board. The administrator
16 shall hold office at the pleasure of the board. The administrator
17 shall compile a biennial report to be submitted to the board, ~~and the~~
18 ~~Clerk of the Legislature. The report submitted to the Clerk of the~~
19 ~~Legislature shall be submitted electronically.~~ The report shall set
20 forth the activities, contracts, and projects of the board for the
21 previous biennium and the amount of funds expended. Each member of
22 the Legislature shall receive an electronic copy of such report by
23 making a request for it to the board.

24 Sec. 21. Section 68-1207.01, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 68-1207.01 The Department of Health and Human Services
2 shall annually provide a report to the Legislature and Governor
3 outlining the caseloads of child protective services, the factors
4 considered in their establishment, and the fiscal resources necessary
5 for their maintenance. The report submitted to the Legislature shall
6 be submitted electronically. For 2012, 2013, and 2014, the department
7 shall also provide electronically the report to the Health and Human
8 Services Committee of the Legislature on or before September 15. Such
9 report shall include:

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

14 (2)(a) The number of child welfare case managers employed
15 by the State of Nebraska and child welfare services workers,
16 providing services directly to children and families, who are under
17 contract with the State of Nebraska or employed by a private entity
18 under contract with the State of Nebraska and (b) statistics on the
19 average length of employment in such positions, statewide and by
20 service area designated pursuant to section 81-3116;

21 (3)(a) The average caseload of child welfare case
22 managers employed by the State of Nebraska and child welfare services
23 workers, providing services directly to children and families, who
24 are under contract with the State of Nebraska or employed by a
25 private entity under contract with the State of Nebraska and (b) the

1 outcomes of such cases, including the number of children reunited
2 with their families, children adopted, children in guardianships,
3 placement of children with relatives, and other permanent resolutions
4 established, statewide and by service area designated pursuant to
5 section 81-3116; and

6 (4) The average cost of training child welfare case
7 managers employed by the State of Nebraska and child welfare services
8 workers, providing child welfare services directly to children and
9 families, who are under contract with the State of Nebraska or
10 employed by a private entity under contract with the State of
11 Nebraska, statewide and by service area as designated pursuant to
12 section 81-3116.

13 Sec. 22. Section 68-1735.02, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 68-1735.02 The Department of Health and Human Services
16 shall ~~report annually~~ submit electronically an annual report to the
17 Legislature on October 1 on the following:

18 (1) The number of persons on a quarterly basis
19 participating in a self-sufficiency contract who are engaged in one
20 of the following activities:

21 (a) An associate degree program;

22 (b) A vocational education program not leading to an
23 associate degree;

24 (c) Postsecondary education other than a program
25 described in subdivision (1)(a) or (b) of this section;

- 1 (d) Adult Basic Education;
- 2 (e) English as a Second Language; or
- 3 (f) A general education development program; and
- 4 (2) The number of persons participating in a self-
- 5 sufficiency contract who obtain or maintain employment for six
- 6 months, twelve months, eighteen months, and twenty-four months after
- 7 such persons are no longer eligible for cash assistance due to
- 8 obtaining employment.

9 Sec. 23. Section 68-2004, Revised Statutes Cumulative

10 Supplement, 2012, is amended to read:

11 68-2004 The department shall report to the Health and

12 Human Services Committee of the Legislature on utilization controls,

13 including, but not limited to, the rates of initial service

14 authorizations, reauthorizations subsequent to initial service

15 authorizations, and denials for behavioral health services for

16 children under nineteen years of age. The first report shall be due

17 on October 1, 2012, and shall contain such rates of initial service

18 authorizations, reauthorizations subsequent to initial service

19 authorizations, and denials for behavioral health services for

20 children under nineteen years of age for the first three quarters of

21 2012. Thereafter, on January 1, April 1, and July 1 of each year, the

22 department shall report electronically such rates of initial service

23 authorizations, reauthorizations subsequent to initial service

24 authorizations, and denials for behavioral health services for

25 children under nineteen years of age for the previous calendar

1 quarter.

2 Sec. 24. Section 71-825, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 71-825 The department shall provide an annual report, no
5 later than December 1, to the Governor and the Legislature on the
6 operation of the Children and Family Support Hotline established
7 under section 71-822, the Family Navigator Program established under
8 section 71-823, and the provision of voluntary post-adoption and
9 post-guardianship case management services under section 71-824,
10 except that for 2012, 2013, and 2014, the department shall also
11 provide the report to the Health and Human Services Committee of the
12 Legislature on or before September 15. The ~~report~~reports submitted
13 to the Legislature and the committee shall be submitted
14 electronically.

15 Sec. 25. Section 71-1904, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 71-1904 (1) The department shall adopt and promulgate
18 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for
19 (a) the proper care and protection of children by licensees under
20 such sections, (b) the issuance, suspension, and revocation of
21 licenses to provide foster care, (c) the issuance, suspension, and
22 revocation of probationary licenses to provide foster care, (d) the
23 issuance, suspension, and revocation of provisional licenses to
24 provide foster care, (e) the provision of training in foster care,
25 which training shall be directly related to the skills necessary to

1 care for children in need of out-of-home care, including, but not
2 limited to, abused, neglected, dependent, and delinquent children,
3 and (f) the proper administration of sections 71-1901 to 71-1906.01.

4 (2) The training required by subdivision (1)(e) of this
5 section may be waived in whole or in part by the department for
6 persons operating foster homes providing care only to relatives of
7 the foster care provider. Such waivers shall be granted on a case-by-
8 case basis upon assessment by the department of the appropriateness
9 of the relative foster care placement. The department shall submit
10 electronically an annual report to the Health and Human Services
11 Committee of the Legislature on the number of waivers granted under
12 this subsection and the total number of children placed in relative
13 foster homes. For 2012, 2013, and 2014, the department shall provide
14 the report electronically to the Health and Human Services Committee
15 of the Legislature on or before September 15.

16 Sec. 26. Section 71-2518, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 71-2518 (1) The Division of Public Health of the
19 Department of Health and Human Services shall establish a lead
20 poisoning prevention program that has the following components:

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

24 (i) Provide a standard, stated in terms of micrograms of
25 lead per deciliter of whole blood, to be used in identifying elevated

1 blood-lead levels;

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

7 (iii) Recommend that a child be tested for elevated
8 blood-lead levels if the child resides in a zip code with a high
9 prevalence of children with elevated blood-lead levels as
10 demonstrated by previous testing data or if the child meets one of
11 the criteria included in a lead poisoning prevention screening
12 questionnaire developed by the department; and

13 (b) An educational and community outreach plan regarding
14 lead poisoning prevention that shall, at a minimum, include the
15 development of appropriate educational materials targeted to health
16 care providers, child care providers, public school personnel, owners
17 and tenants of residential dwellings, and parents of young children.
18 Such educational materials shall be made available to the general
19 public via the department's web site.

20 (2) The results of all blood-lead level tests conducted
21 in Nebraska shall be reported to the department. When the department
22 receives notice of a child with an elevated blood-lead level as
23 stated in the plan required pursuant to subdivision (1)(a) of this
24 section, it shall initiate contact with the local public health
25 department or the physician, or both, of such child and offer

1 technical assistance, if necessary.

2 (3) The department shall report electronically to the
3 Legislature by January 1, 2013, and each January 1 thereafter, the
4 number of children from birth through age six who were screened for
5 elevated blood-lead levels during the preceding fiscal year and who
6 were confirmed to have elevated blood-lead levels as stated in the
7 plan required pursuant to subdivision (1)(a) of this section. The
8 report shall compare such results with those of previous fiscal years
9 and shall identify any revisions to the plan required by subdivision
10 (1)(a) of this section.

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

15 Sec. 27. Section 71-51,103, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 71-51,103 There is hereby created the Nebraska Emergency
18 Medical System Operations Fund. The fund may receive gifts, bequests,
19 grants, fees, or other contributions or donations from public or
20 private entities. The fund shall be used to carry out the purposes of
21 the Statewide Trauma System Act and the Emergency Medical Services
22 Practice Act, including activities related to the design,
23 maintenance, or enhancement of the statewide trauma system, support
24 of emergency medical services programs, and support for the emergency
25 medical services programs for children. ~~The Department of Health and~~

1 ~~Human Services shall annually, on or before January 1, submit~~
2 ~~electronically a report to the Legislature which includes a general~~
3 ~~accounting of the income and expenditures of the fund.~~ Any money in
4 the fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act and
6 the Nebraska State Funds Investment Act.

7 Sec. 28. Section 71-5206.01, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 71-5206.01 (1) The Legislature may provide funding to the
10 Office of Rural Health for the purpose of funding the cost of
11 resident stipends and benefits, which funding may include health
12 insurance, professional liability insurance, disability insurance,
13 medical education expenses, continuing competency expenses, pension
14 benefits, moving expenses, and meal expenses in family practice
15 residency programs based in Nebraska but which are not under a
16 contract pursuant to section 71-5206. The resident stipends and
17 benefits funded in this section shall apply only to residents who
18 begin family practice residency training at a qualifying institution
19 in years beginning on or after January 1, 1993. The total funding
20 provided in the form of stipend and benefit support per resident to a
21 family practice residency program under this section shall not exceed
22 the total funding provided in the form of stipend and benefit support
23 per resident to a family practice residency program under section
24 71-5203.

25 (2) Upon receiving an itemized statement of the cost of

1 stipends and benefits of a family practice residency program from a
2 sponsoring institution and upon determining that the sponsoring
3 institution is not receiving funds under a contract pursuant to
4 section 71-5206, the office may reimburse such institution fifty
5 percent of such cost for each family practice resident in the
6 program. The office may reimburse such institution twenty-five
7 percent of the remaining cost per family practice resident for each
8 year that one of the program's graduates practices family medicine in
9 Nebraska, up to a maximum of three years for each graduate, and an
10 additional twenty-five percent of the remaining cost per resident for
11 each of the program's graduates who practices family medicine in an
12 area of Nebraska classified as of January 1, 1991, by the United
13 States Secretary of Health and Human Services as Medicare Locale 16.
14 The total number of residents receiving annual financial payments
15 made under this section shall not exceed nine students during any
16 school year.

17 ~~(3) At the end of the third year of the funding under~~
18 ~~this section, the sponsoring institutions and the office shall report~~
19 ~~electronically to the Legislature regarding the performance of the~~
20 ~~residency programs and the placement of residents and physicians for~~
21 ~~training and practice.~~

22 Sec. 29. Section 77-709, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-709 The property assessment division of the Department
25 of Revenue shall publish an annual report detailing property tax

1 valuations, taxes levied, and property tax rates throughout the
2 state. The annual report shall display information by political
3 subdivision and by property type within each county and also include
4 statewide summarizations. The department shall submit the report
5 electronically to the Clerk of the Legislature. The department may
6 charge a fee for copies of the annual report. The Tax Commissioner
7 shall set the fee, based on the reasonable cost of production.

8 Sec. 30. Section 77-4601, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-4601 On or before July 15 of each year, the Tax
11 Commissioner and the Legislative Fiscal Analyst shall certify the
12 monthly estimate of General Fund net receipts for each month of the
13 current fiscal year. Such certification shall be filed electronically
14 with the Clerk of the Legislature. The certification shall include
15 estimates of gross receipts to the General Fund and refunds for
16 sales, corporate income, individual income, and other miscellaneous
17 receipts and refunds by month. The total of the monthly estimates for
18 the fiscal year shall take into consideration the most recent net
19 receipts forecast provided during a regular legislative session by
20 the Nebraska Economic Forecasting Advisory Board pursuant to section
21 77-27,158 plus any revisions due to legislation enacted which has an
22 impact on receipts that were not included in the forecast. If the
23 total of monthly estimates so certified is at variance with the
24 estimates of the Nebraska Economic Forecasting Advisory Board, the
25 certification shall include a statement of the specific statistical

1 or economic reasons for the variance.

2 Sec. 31. Section 79-318, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 79-318 The State Board of Education shall:

5 (1) Appoint and fix the compensation of the Commissioner
6 of Education;

7 (2) Remove the commissioner from office at any time for
8 conviction of any crime involving moral turpitude or felonious act,
9 for inefficiency, or for willful and continuous disregard of his or
10 her duties as commissioner or of the directives of the board;

11 (3) Upon recommendation of the commissioner, appoint and
12 fix the compensation of a deputy commissioner and all professional
13 employees of the board;

14 (4) Organize the State Department of Education into such
15 divisions, branches, or sections as may be necessary or desirable to
16 perform all its proper functions and to render maximum service to the
17 board and to the state school system;

18 (5) Provide, through the commissioner and his or her
19 professional staff, enlightened professional leadership, guidance,
20 and supervision of the state school system, including educational
21 service units. In order that the commissioner and his or her staff
22 may carry out their duties, the board shall, through the
23 commissioner: (a) Provide supervisory and consultation services to
24 the schools of the state; (b) issue materials helpful in the
25 development, maintenance, and improvement of educational facilities

1 and programs; (c) establish rules and regulations which govern
2 standards and procedures for the approval and legal operation of all
3 schools in the state and for the accreditation of all schools
4 requesting state accreditation. All public, private, denominational,
5 or parochial schools shall either comply with the accreditation or
6 approval requirements prescribed in this section and section 79-703
7 or, for those schools which elect not to meet accreditation or
8 approval requirements, the requirements prescribed in subsections (2)
9 through (6) of section 79-1601. Standards and procedures for approval
10 and accreditation shall be based upon the program of studies,
11 guidance services, the number and preparation of teachers in relation
12 to the curriculum and enrollment, instructional materials and
13 equipment, science facilities and equipment, library facilities and
14 materials, and health and safety factors in buildings and grounds.
15 Rules and regulations which govern standards and procedures for
16 private, denominational, and parochial schools which elect, pursuant
17 to the procedures prescribed in subsections (2) through (6) of
18 section 79-1601, not to meet state accreditation or approval
19 requirements shall be as described in such section; (d) institute a
20 statewide system of testing to determine the degree of achievement
21 and accomplishment of all the students within the state's school
22 systems if it determines such testing would be advisable; (e)
23 prescribe a uniform system of records and accounting for keeping
24 adequate educational and financial records, for gathering and
25 reporting necessary educational data, and for evaluating educational

1 progress; (f) cause to be published laws, rules, and regulations
2 governing the schools and the school lands and funds with explanatory
3 notes for the guidance of those charged with the administration of
4 the schools of the state; (g) approve teacher education programs
5 conducted in Nebraska postsecondary educational institutions designed
6 for the purpose of certificating teachers and administrators; (h)
7 approve certificated-employee evaluation policies and procedures
8 developed by school districts and educational service units; and (i)
9 approve general plans and adopt educational policies, standards,
10 rules, and regulations for carrying out the board's responsibilities
11 and those assigned to the State Department of Education by the
12 Legislature;

13 (6) Adopt and promulgate rules and regulations for the
14 guidance, supervision, accreditation, and coordination of educational
15 service units. Such rules and regulations for accreditation shall
16 include, but not be limited to, (a) a requirement that programs and
17 services offered to school districts by each educational service unit
18 shall be evaluated on a regular basis, but not less than every seven
19 years, to assure that educational service units remain responsive to
20 school district needs and (b) guidelines for the use and management
21 of funds generated from the property tax levy and from other sources
22 of revenue as may be available to the educational service units, to
23 assure that public funds are used to accomplish the purposes and
24 goals assigned to the educational service units by section 79-1204.
25 The State Board of Education shall establish procedures to encourage

1 the coordination of activities among educational service units and to
2 encourage effective and efficient educational service delivery on a
3 statewide basis;

4 (7) Submit a biennial report to the Governor ~~and the~~
5 ~~Clerk of the Legislature~~ covering the actions of the board, the
6 operations of the State Department of Education, and the progress and
7 needs of the schools and recommend such legislation as may be
8 necessary to satisfy these needs; ~~. The report submitted to the Clerk~~
9 ~~of the Legislature shall be submitted electronically;~~

10 (8) Prepare and distribute reports designed to acquaint
11 school district officers, teachers, and patrons of the schools with
12 the conditions and needs of the schools;

13 (9) Provide for consultation with professional educators
14 and lay leaders for the purpose of securing advice deemed necessary
15 in the formulation of policies and in the effectual discharge of its
16 duties;

17 (10) Make studies, investigations, and reports and
18 assemble information as necessary for the formulation of policies,
19 for making plans, for evaluating the state school program, and for
20 making essential and adequate reports;

21 (11) Submit to the Governor and the Legislature a budget
22 necessary to finance the state school program under its jurisdiction,
23 including the internal operation and maintenance of the State
24 Department of Education;

25 (12) Interpret its own policies, standards, rules, and

1 regulations and, upon reasonable request, hear complaints and
2 disputes arising therefrom;

3 (13) With the advice of the Department of Motor Vehicles,
4 adopt and promulgate rules and regulations containing reasonable
5 standards, not inconsistent with existing statutes, governing: (a)
6 The general design, equipment, color, operation, and maintenance of
7 any vehicle with a manufacturer's rated seating capacity of eleven or
8 more passengers used for the transportation of public, private,
9 denominational, or parochial school students; and (b) the equipment,
10 operation, and maintenance of any vehicle with a capacity of ten or
11 less passengers used for the transportation of public, private,
12 denominational, or parochial school students, when such vehicles are
13 owned, operated, or owned and operated by any public, private,
14 denominational, or parochial school or privately owned or operated
15 under contract with any such school in this state, except for
16 vehicles owned by individuals operating a school which elects
17 pursuant to section 79-1601 not to meet accreditation or approval
18 requirements. Similar rules and regulations shall be adopted and
19 promulgated for operators of such vehicles as provided in section
20 79-607;

21 (14) Accept, on behalf of the Nebraska Center for the
22 Education of Children who are Blind or Visually Impaired, devises of
23 real property or donations or bequests of other property, or both, if
24 in its judgment any such devise, donation, or bequest is for the best
25 interest of the center or the students receiving services from the

1 center, or both, and irrigate or otherwise improve any such real
2 estate when in the board's judgment it would be advisable to do so;

3 (15) Accept, in order to administer the Interstate
4 Compact on Educational Opportunity for Military Children, any devise,
5 donation, or bequest received by the State Department of Education
6 pursuant to section 79-2206; and

7 (16) Upon acceptance of any devise, donation, or bequest
8 as provided in this section, administer and carry out such devise,
9 donation, or bequest in accordance with the terms and conditions
10 thereof. If not prohibited by the terms and conditions of any such
11 devise, donation, or bequest, the board may sell, convey, exchange,
12 or lease property so devised, donated, or bequeathed upon such terms
13 and conditions as it deems best and remit all money derived from any
14 such sale or lease to the State Treasurer for credit to the State
15 Department of Education Trust Fund.

16 Each member of the Legislature shall receive an
17 electronic copy of the report required by subdivision (7) of this
18 section by making a request for it to the commissioner.

19 None of the duties prescribed in this section shall
20 prevent the board from exercising such other duties as in its
21 judgment may be necessary for the proper and legal exercise of its
22 obligations.

23 Sec. 32. Section 79-10,142, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 79-10,142 The department shall collect data regarding the

1 number of sponsors, the number of sites utilized by sponsors, and the
2 number of children served as a result of the grants awarded under
3 section 79-10,141. The department shall submit a report
4 electronically to the Education Committee of the Legislature on this
5 data not later than December 1 each year.

6 Sec. 33. Section 79-1905, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 79-1905 The State Department of Education and the
9 Department of Health and Human Services shall annually report to the
10 ~~Legislature and the Governor~~ regarding the actions, activities,
11 accomplishments, and shortcomings in carrying out the Nebraska Read,
12 Educate, and Develop Youth Act. ~~The report submitted to the~~
13 ~~Legislature shall be submitted electronically.~~

14 Sec. 34. Section 81-1360, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 81-1360 The administrator shall be the head of the
17 office. The administrator shall be given all necessary top management
18 support to insure that there is compliance with Nebraska's program
19 and shall be provided with sufficient staff and budget support to
20 carry out the duties of the office. The administrator shall:

21 (1) Have the authority and responsibility for
22 coordinating, directing, and implementing the program;

23 (2) Adopt and promulgate rules and regulations for the
24 implementation of the agencies' plans;

25 (3) Provide counseling and technical assistance to the

1 agencies in the development of their plans;

2 (4) Review agency plans and direct modification to insure
3 the effectiveness of the plans and their compliance with the program;

4 (5) Monitor the progress of agency plans by establishing
5 reporting forms as required by the program;

6 (6) Review the quarterly reports of the agencies;

7 (7) Monitor the progress of the program and report
8 quarterly to the Governor;

9 (8) Make formal recommendations for legislation, when
10 necessary, in order to make changes in the program;

11 (9) Serve as liaison between the state and federal
12 compliance agencies;

13 (10) Plan, coordinate, and conduct training in equal
14 employment opportunity, racial awareness, and concerns of women, the
15 disabled, and aging for all segments of the state government work
16 force;

17 (11) Coordinate the activities of the agency affirmative
18 action individual in each agency;

19 (12) Investigate any complaints involving unfair
20 treatment, terms and conditions of employment, or perceived acts or
21 policies involving discrimination;

22 (13) Conduct contract compliance reviews on all vendors,
23 grantees, and contractors who have programs or projects which are
24 funded in whole or in part by state funds;

25 (14) Coordinate the Disadvantage Business Enterprise and

1 Women Business Enterprise programs which are funded in whole or in
2 part by state or federal funds; and

3 (15) Submit an annual report to the Governor, ~~and~~
4 ~~Legislature. The report submitted to the Legislature shall be~~
5 ~~submitted electronically.~~

6 Sec. 35. Section 81-1430, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 81-1430 (1) A task force is hereby established within the
9 Nebraska Commission on Law Enforcement and Criminal Justice for the
10 purposes of investigating and studying human trafficking, the methods
11 for advertising human trafficking services, and the victimization of
12 individuals coerced to participate in human trafficking.

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

22 (3)(a) The Department of Labor shall work with the task
23 force to develop or select informational posters for placement around
24 the state. The posters shall be in English, Spanish, and any other
25 language deemed appropriate by the task force. The posters shall

1 include a toll-free telephone number a person may call for
2 assistance, preferably the National Human Trafficking Resource Center
3 Hotline (888)373-7888.

4 (b) Posters shall be placed in rest stops and strip
5 clubs. The task force shall work with local businesses and nonprofit
6 entities associated with the prevention of human trafficking to
7 voluntarily place additional signs in high schools, postsecondary
8 educational institutions, gas stations, hotels, hospitals, health
9 care clinics, urgent care centers, airports, train stations, bus
10 stations, and other locations around the state deemed appropriate by
11 the task force.

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

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

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

17 (c) The Superintendent of Law Enforcement and Public
18 Safety or his or her designee;

19 (d) The Director of Correctional Services or his or her
20 designee;

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

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

25 (g) A county sheriff;

1 (h) A county attorney;

2 (i) A county commissioner;

3 (j) A mayor or city manager;

4 (k) A person involved with the control or prevention of
5 juvenile delinquency;

6 (l) A person involved with the control or prevention of
7 child abuse;

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

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

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

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

21 (6) The members of the task force appointed by the
22 Governor shall serve six-year terms, except that of the members first
23 appointed, four shall serve initial two-year terms, four shall serve
24 initial four-year terms, and six shall serve initial six-year terms
25 from January 1 next succeeding their appointments. Thereafter, all

1 members shall serve six-year terms. A member may be reappointed at
2 the expiration of his or her term. Any vacancy occurring otherwise
3 than by expiration of a term shall be filled for the balance of the
4 unexpired term in the same manner as the original appointment.

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

14 (8) The chairperson of the task force shall be designated
15 by the Governor to serve at the pleasure of the Governor. The
16 chairperson shall be the chief executive officer of the task force
17 but may delegate such of his or her duties to other members of the
18 task force as may be authorized by the task force.

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

23 (10) The members of the task force shall serve on the
24 task force without compensation, but they shall be entitled to
25 receive reimbursement for any actual expenses incurred as necessary

1 incident to such service as provided in sections 81-1174 to 81-1177.

2 (11) Eleven members of the task force shall constitute a
3 quorum for the transaction of any business or the exercise of any
4 power of the task force. The task force shall have the power to act
5 by a majority of the members present at any meeting at which a quorum
6 is in attendance.

7 (12) All appointments shall be made not later than thirty
8 days after July 19, 2012. The chairperson shall meet with the task
9 force not later than sixty days after July 19, 2012.

10 (13) Not later than one year after July 19, 2012, and
11 every July 1 and December 1 thereafter, the task force shall report
12 electronically to the Clerk of the Legislature the results of its
13 investigation and study and its recommendations, if any, together
14 with drafts of legislation necessary to carry its recommendations
15 into effect by filing the report with the clerk.

16 Sec. 36. Section 81-1845, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 81-1845 (1) Any public or private nonprofit agency may
19 apply to the Nebraska Commission on Law Enforcement and Criminal
20 Justice for selection and funding as a victim and witness assistance
21 center pursuant to sections 81-1843 to 81-1851.

22 (2) The commission shall consider the following factors,
23 together with any other factors it deems appropriate, in selecting
24 applicants to receive funds and be designated as a victim and witness
25 assistance center:

1 (a) The number of volunteers that the proposed center
2 will utilize;

3 (b) The stated goals of the applicant;

4 (c) The potential number of people that may be served by
5 the proposed center and the needs of the community for such a center;

6 (d) Evidence of community support for the establishment
7 of the proposed center; and

8 (e) The organizational structure of the agency which will
9 operate the proposed center and provide services to victims and
10 witnesses of crimes.

11 (3) Upon evaluation of all applicants, the Nebraska
12 Commission on Law Enforcement and Criminal Justice shall select a
13 number of public or private nonprofit agencies which the commission
14 deems qualified for designation to receive funding for the
15 establishment and operation of such centers.

16 (4) The commission shall, upon the establishment of such
17 centers, conduct appraisals of their performance to determine which
18 of the centers shall receive continuation grants. The commission
19 shall report its finding to the Governor, ~~and the Clerk of the~~
20 ~~Legislature. The report submitted to the Clerk of the Legislature~~
21 ~~shall be submitted electronically.~~

22 Sec. 37. Section 81-2213, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 81-2213 The department shall have the following powers
25 and duties:

1 (1) To develop, approve, and submit to the Governor a
2 two-year, three-year, or four-year state plan on aging, as determined
3 by the department, for purposes of administering grant funds
4 allocated to the state under the federal Older Americans Act, as now
5 or hereafter amended, or administering state funds allocated to the
6 Nebraska Community Aging Services Act;

7 (2) To cooperate with similar departments, commissions,
8 or councils in the federal government and in other states;

9 (3) To adopt and promulgate rules, regulations, and
10 bylaws governing its procedure and activities and as necessary to
11 carry out the policies of the department and the policies prescribed
12 by the Administration on Aging pursuant to the federal Older
13 Americans Act, as now or hereafter amended;

14 (4) To create committees to aid in the discharge of its
15 powers and duties;

16 (5) To cooperate with and assist other state and local
17 governmental agencies and officials on matters relating to services
18 for older individuals;

19 (6) To divide the state into planning-and-service areas
20 as provided in section 71-807 for behavioral health regions, except
21 that Regions 3 and 5 may each be divided into two planning-and-
22 service areas with boundaries as established by the department for
23 planning-and-service areas in existence in those regions on July 1,
24 1982;

25 (7) To establish minimum standards for program operations

1 and to adopt and promulgate rules and regulations for the performance
2 of area agencies on aging and for any services provided by such area
3 agencies on aging which are funded in whole or in part under the
4 Nebraska Community Aging Services Act or the federal Older Americans
5 Act, as now or hereafter amended;

6 (8) To require the submission of a one-year and a five-
7 year area plan and budget by each area agency on aging or agency
8 seeking designation as an area agency on aging. Such plans and
9 budgets shall be submitted sixty days prior to the start of each
10 fiscal year in accordance with the uniform area plan format and other
11 instructions issued by the department;

12 (9) To review and approve a one-year and a five-year area
13 plan and budget for the support of each area agency on aging and the
14 provision of eligible activities and services as defined in section
15 81-2222;

16 (10) To adopt and submit electronically to the
17 Legislature a community aging services budget;

18 (11) To review the performance of each area agency on
19 aging and, based on the department-approved area plan and budget, to
20 determine the continued designation or the withdrawal of the
21 designation of an area agency on aging receiving or requesting
22 resources through the state or under the Nebraska Community Aging
23 Services Act or the federal Older Americans Act, as now or hereafter
24 amended. After consultation with the director of the area agency on
25 aging and the governing unit of the area agency on aging, the

1 department may withdraw a designation when it can be shown that
2 federal or state laws, rules, or regulations have not been complied
3 with, state or federal funds are not being expended for the purposes
4 for which they were intended, or older individuals are not receiving
5 appropriate services within available resources. Withdrawal of a
6 designation may be appealed to the department. Upon withdrawal of a
7 designation, the department may temporarily perform all or part of
8 the functions and responsibilities of the area agency on aging, may
9 designate another agency to perform such functions and
10 responsibilities identified by the department until the designation
11 of a new area agency on aging, and, when deemed necessary, may
12 temporarily deliver services to assure continuity;

13 (12) To conduct continuing studies and analyses of the
14 problems faced by older individuals within the state and develop such
15 recommendations for administrative or legislative action as appear
16 necessary;

17 (13) To develop grants and plans, enter into contracts,
18 accept gifts, grants, and federal funds, and do all things necessary
19 and proper to discharge these powers and duties;

20 (14) To accept and administer any other programs or
21 resources delegated, designated, assigned, or awarded to the
22 department from public or private sources;

23 (15) To report and make recommendations to the Governor
24 ~~and the Legislature~~ on the activities of the department and the
25 committee and improvements or additional resources needed to promote

1 the general welfare of older individuals in Nebraska. ~~The report~~
2 ~~submitted to the Legislature shall be submitted electronically.~~ Each
3 member of the Legislature shall receive an electronic copy of the
4 report by making a request for it to the department; and

5 (16) Such other powers and duties necessary to
6 effectively implement the Nebraska Community Aging Services Act.

7 Sec. 38. Section 81-3133, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 81-3133 (1)(a) On or before July 30, 2012, the Division
10 of Children and Family Services of the Department of Health and Human
11 Services shall report in writing its expenditures between January 1,
12 2012, and June 30, 2012, and the outcomes relating to such
13 expenditures to the Appropriations Committee of the Legislature and
14 the Health and Human Services Committee of the Legislature. Such
15 report shall identify any changes or movement of funds in excess of
16 two hundred fifty thousand dollars relating to child welfare between
17 subprograms within Budget Program 347.

18 (b) Beginning with the third calendar quarter of 2012,
19 the division shall report ~~in writing~~ electronically its expenditures
20 for each quarter and the outcomes relating to such expenditures
21 within thirty days after the end of the quarter to the Appropriations
22 Committee of the Legislature and the Health and Human Services
23 Committee of the Legislature. Such report shall identify any changes
24 or movement of funds in excess of two hundred fifty thousand dollars
25 relating to child welfare between subprograms within Budget Program

1 347.

2 (2)(a) For the biennium ending June 30, 2015, and the
3 biennium ending June 30, 2017, the Division of Children and Family
4 Services of the Department of Health and Human Services shall, as
5 part of the appropriations request process pursuant to section
6 81-132, include a strategic plan that identifies the main purpose or
7 purposes of each program, verifiable and auditable key goals that the
8 division believes are fair measures of its progress in meeting each
9 program's main purpose or purposes, and benchmarks for improving
10 performance on the key goals for the state as a whole and for each
11 Department of Health and Human Services service area designated
12 pursuant to section 81-3116. The division shall also report whether
13 the benchmarks are being met and, if not, the expected timeframes for
14 meeting them. Such key goals and benchmarks shall be developed by the
15 Division of Children and Family Services with the assistance of the
16 budget division of the Department of Administrative Services pursuant
17 to subdivision (2) of section 81-1113.

18 (b) Not later than September 15, 2013, and not later than
19 September 15, 2015, the Division of Children and Family Services of
20 the Department of Health and Human Services shall report
21 electronically to the Health and Human Services Committee of the
22 Legislature and the Appropriations Committee of the Legislature on
23 the progress towards the key goals identified pursuant to this
24 subsection that occurred in the previous twelve months.

25 (3) It is the intent of the Legislature that

1 appropriations of funds for child welfare aid be designated as a
2 separate budget program beginning July 1, 2012.

3 Sec. 39. Section 83-924, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 83-924 Subject to the supervision and approval of the
6 Director of Correctional Services, each assistant director shall have
7 the following duties, powers, and responsibilities:

8 (1) To coordinate and direct all programs and facilities
9 under his or her jurisdiction;

10 (2) To select and manage such staff and supervise the
11 operation of such equipment as he or she may require;

12 (3) To make such revisions to internal systems in each
13 division as may be necessary to promote economy and facilitate
14 maximum utilization of existing correctional services and facilities;

15 (4) To cause any existing program and facilities to be
16 utilized by or merged with those of any other division in order to
17 provide for greater efficiency or achieve any economic advantage;

18 (5) To provide the Legislature and the Governor technical
19 assistance, advice, and information concerning administrative
20 operations within his or her division;

21 (6) To provide the ~~Legislature and the Governor~~ with
22 recommendations for dealing with financial, management, and
23 organization problems affecting ~~his or her~~ the assistant director's
24 division; ~~. The recommendations submitted to the Legislature shall be~~
25 ~~submitted electronically; and~~

1 (7) To exercise all powers and perform all duties
2 necessary and proper in carrying out his or her responsibilities.

3 Sec. 40. Section 84-901.01, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 84-901.01 (1) When legislation is enacted requiring the
6 adoption and promulgation of rules and regulations by an agency, such
7 agency shall adopt and promulgate such rules and regulations within
8 one year after the public hearing required under subsection (2) of
9 section 84-907. Such time shall not include the time necessary for
10 submission of the rules and regulations to the Attorney General
11 pursuant to section 84-905.01 or submission of the rules and
12 regulations to the Governor pursuant to section 84-908. Any agency
13 which does not adopt and promulgate such rules and regulations as
14 required by this section shall submit ~~electronically~~ an explanation
15 to the Executive Board of the Legislative Council and the standing
16 committee of the Legislature which has subject matter jurisdiction
17 over the issue involved in the legislation, stating the reasons why
18 it has not adopted such rules and regulations as required by this
19 section, the date by which the agency expects to adopt such rules and
20 regulations, and any suggested statutory changes that may enable the
21 agency to adopt such rules and regulations.

22 (2) The changes made to the Administrative Procedure Act
23 by Laws 2011, LB617, shall not affect the validity or effectiveness
24 of a rule or regulation adopted prior to May 25, 2011.

25 Sec. 41. Section 84-907.06, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 84-907.06 Whenever an agency proposes to adopt, amend, or
3 repeal a rule or regulation, (1) at least thirty days before the
4 public hearing, when notice of a proposed rule or regulation is sent
5 out, or (2) at the same time the agency applies to the Governor for a
6 waiver of the notice of public hearing, the agency shall send
7 ~~electronically~~ to the Executive Board of the Legislative Council (a)
8 a copy of the hearing notice required by section 84-907, (b) if
9 applicable, a draft copy of the rule or regulation, and (c) the
10 information provided to the Governor pursuant to section 84-907.09.

11 Sec. 42. Section 84-910, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 84-910 On or before July 1 of each year, each agency
14 shall ~~provide electronically to notify~~ the Legislative Performance
15 Audit Committee ~~a of the status report on of~~ all rules and
16 regulations pending before the agency which have not been adopted and
17 promulgated. If an additional appropriation was made with respect to
18 legislation enacted to provide funding for or additional staff to
19 implement a program for which rules and regulations are required to
20 be adopted, the ~~status report notification~~ shall include what the
21 funding has been used for and what functions the staff have been
22 performing while such rules and regulations are pending. The format
23 of the ~~report notification~~ shall be established by the committee no
24 later than June 1, 2011, and shall be updated thereafter.

25 Sec. 43. Section 84-1219, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 84-1219 The administrator shall prepare a biennial report
3 on the status of programs established by the administrator as
4 provided in the Records Management Act and on the progress made
5 during the preceding biennium in implementing and effectuating such
6 programs and in reducing costs. Copies of this report shall be
7 furnished to the Governor, the ~~Speaker-Clerk~~ of the Legislature, and
8 such other officials and state and local agencies as the Governor or
9 the board shall direct. The report submitted to the ~~Speaker-Clerk~~ of
10 the Legislature shall be submitted electronically.

11 Sec. 44. Section 89-186, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 89-186 (1) The Legislature hereby adopts by reference the
14 following:

15 (a) The standards of the National Conference on Weights
16 and Measures published in National Institute of Standards and
17 Technology Handbook 44 entitled Specifications, Tolerances, and Other
18 Technical Requirements for Weighing and Measuring Devices as it
19 existed on January 1, 2003, except Section 3.31. Vehicle - Tank
20 meters. UR.2.2. Ticket Printers; Customer Ticket, Section 2.20.
21 Scales, N.3. Minimum Test Weights and Test Loads; and Table 4, are
22 not adopted. In addition to the language found in Section 3.30.
23 Liquid-Measuring Devices, S.1.6.4., S.1.6.5., UR.3.2., and UR.3.3. of
24 such handbook, any computing device in which a product or grade is
25 offered for sale at more than one unit price may also compute at the

1 lowest possible unit price for such transaction. All prices shall
2 still be displayed or posted on the face of the dispenser. Such
3 handbook shall govern all commercial and law enforcement weighing and
4 measuring devices in the state;

5 (b) The Uniform Regulation for the Method of Sale of
6 Commodities of the National Conference on Weights and Measures
7 published in National Institute of Standards and Technology Handbook
8 130 entitled Uniform Laws and Regulations as it existed on January 1,
9 2003. Such handbook shall be used to determine the proper units of
10 measurement to be used in the keeping for sale or sale of
11 commodities;

12 (c) The Uniform Packaging and Labeling Regulation of the
13 National Conference on Weights and Measures published in National
14 Institute of Standards and Technology Handbook 130 entitled Uniform
15 Laws and Regulations as it existed on January 1, 2003. Such handbook
16 shall govern the packaging and labeling by weight, measure, or count
17 of commodities kept for sale or sold in this state; and

18 (d) The procedures designated in National Institute of
19 Standards and Technology Handbook 133 entitled Checking the Net
20 Contents of Packaged Goods as it existed on January 1, 2003.

21 (2) Copies of the handbooks adopted by reference in this
22 section shall be filed with the Secretary of State, Clerk of the
23 Legislature, and Department of Agriculture. Copies filed with the
24 Clerk of the Legislature shall be filed electronically.

25 (3) Whenever there exists an inconsistency between the

1 provisions of the Weights and Measures Act other than this section
2 and any of the handbooks adopted by reference, the requirements of
3 such provisions of the act shall control.

4 Sec. 45. Original sections 2-3962, 2-3965, 13-1205,
5 13-2114, 43-3342.05, 48-166, 77-709, 77-4601, and 89-186, Reissue
6 Revised Statutes of Nebraska, and sections 37-1406, 43-296, 43-405,
7 43-517, 43-534, 43-1303, 43-4331, 43-4406, 43-4407, 43-4408, 50-405,
8 50-424, 50-1205, 66-1336, 68-1207.01, 68-1735.02, 68-2004, 71-825,
9 71-1904, 71-2518, 71-51,103, 71-5206.01, 79-318, 79-10,142, 79-1905,
10 81-1360, 81-1430, 81-1845, 81-2213, 81-3133, 83-924, 84-901.01,
11 84-907.06, 84-910, and 84-1219, Revised Statutes Cumulative
12 Supplement, 2012, are repealed.

13 Sec. 46. Since an emergency exists, this act takes effect
14 when passed and approved according to law.