

**SIXTY-FIFTH DAY - APRIL 23, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 23, 2013

**PRAYER**

The prayer was offered by Pastor Penny Schulz, Dunbar/Auburn Presbyterian Church, Dunbar.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Smith who was excused; and Senators Conrad, Johnson, McCoy, McGill, Scheer, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 623.** Title read. Considered.

Committee AM518, found on page 678, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 522.** Title read. Considered.

Committee AM709, found on page 788, was offered.

Senator Christensen withdrew his amendment, AM978, found on page 966.

Senator Christensen offered his amendment, AM1071, found on page 1073, to the committee amendment.

Pending.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 243.** Placed on Select File.

**LEGISLATIVE BILL 208.** Placed on Select File.

**LEGISLATIVE BILL 377.** Placed on Select File.

**LEGISLATIVE BILL 42.** Placed on Select File with amendment.

ER68

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 38-2401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-2401 Sections 38-2401 to 38-2425 and sections 3 and 7
- 6 of this act shall be known and may be cited as the Nursing Home
- 7 Administrator Practice Act.
- 8 Sec. 2. Section 38-2402, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 38-2402 For purposes of the Nursing Home Administrator
- 11 Practice Act and elsewhere in the Uniform Credentialing Act, unless
- 12 the context otherwise requires, the definitions found in sections
- 13 38-2403 to 38-2416 and section 3 of this act apply.
- 14 Sec. 3. Facility operated primarily for caring for
- 15 persons with head injuries and associated disorders means a nursing
- 16 home in which all or a majority of the persons served by the
- 17 nursing home have head injuries and associated disorders.
- 18 Sec. 4. Section 38-2418, Reissue Revised Statutes of
- 19 Nebraska, is amended to read:
- 20 38-2418 Each nursing home within the state shall be
- 21 operated under the supervision of an administrator duly licensed
- 22 in the manner provided in the Nursing Home Administrator Practice
- 23 Act. Each facility within the state operated primarily for caring
- 24 for persons with head injuries and associated disorders shall be
- 25 operated under the supervision of an administrator duly licensed in
- 26 the manner provided in the Nursing Home Administrator Practice Act.
- 27 If there is a vacancy in the position of licensed administrator
- 28 of a nursing home, the owner, governing body, or other appropriate
- 29 authority of the nursing home may select a person to apply for a
- 30 provisional license in nursing home administration to serve as the
- 31 administrator of such facility.
- 32 Sec. 5. Section 38-2419, Reissue Revised Statutes of
- 33 Nebraska, is amended to read:
- 34 38-2419 (1) The department shall issue a license to
- 35 an applicant who submits (a) satisfactory evidence of completion
- 36 of (i) an associate degree which includes the core educational
- 37 requirements and an administrator-in-training program under a
- 38 certified preceptor, (ii) a degree or an advanced degree and a
- 39 mentoring program under a certified preceptor, (iii) a nursing
- 40 degree, previous work experience in health care administration,

18 and a mentoring program under a certified preceptor, (iv) a  
19 degree or an advanced degree in health care and previous work  
20 experience in health care administration, or (v) an associate  
21 degree which includes the core educational requirements, previous  
22 work experience, and a mentoring program under a certified  
23 preceptor, and (b) evidence of successful passage of the National  
24 Association of Boards of Examiners for Nursing Home Administration  
25 written examination.

26 (2) The department shall license administrators in  
27 accordance with the Nursing Home Administrator Practice Act and  
1 standards, rules, and regulations adopted and promulgated by the  
2 department, with the recommendation of the board. The license shall  
3 not be transferable or assignable.

4 (3) Each administrator shall be responsible for  
5 and oversee the operation of only one licensed facility or  
6 one integrated system, except that an administrator may make  
7 application to the department for approval to be responsible  
8 for and oversee the operations of a maximum of three licensed  
9 facilities if such facilities are located within two hours' travel  
10 time of each other or to act in the dual role of administrator  
11 and department head but not in the dual role of administrator and  
12 director of nursing. In reviewing the application, the department  
13 may consider the proximity of the facilities and the number  
14 of licensed beds in each facility. An administrator responsible  
15 for and overseeing the operations of any integrated system is  
16 subject to disciplinary action against his or her license for any  
17 regulatory violations within each system.

18 (4)(a) ~~Notwithstanding the provisions of the Nursing  
19 Home Administrator Practice Act, the department shall issue a  
20 license as a nursing home administrator to an applicant who will  
21 function as the administrator of a facility caring primarily for  
22 persons with head injuries and associated disorders who submits  
23 satisfactory evidence that he or she (i) has at least two  
24 years of experience working with persons with head injuries or  
25 severe physical disabilities, at least one of which was spent  
26 in an administrative capacity, (ii) is (A) a psychologist with  
27 at least a master's degree in psychology from an accredited  
1 college or university and has specialized training or one year  
2 of experience working with persons with traumatic head injury or  
3 severe physical disability, (B) a physician licensed under the  
4 Uniform Credentialing Act to practice medicine and surgery or  
5 psychiatry and has specialized training or one year of experience  
6 working with persons with traumatic head injury or severe physical  
7 disability, (C) an educator with at least a master's degree  
8 in education from an accredited college or university and has  
9 specialized training or one year of experience working with persons  
10 with traumatic head injury or severe physical disability, or (D)  
11 a certified social worker, a certified master social worker, or a  
12 licensed mental health practitioner certified or licensed under the~~

13 Uniform Credentialing Act and has at least three years of social  
 14 work or mental health practice experience and specialized training  
 15 or one or more years of experience working with persons who  
 16 have experienced traumatic head injury or are severely physically  
 17 disabled, and (iii) is of good moral character. The applicant shall  
 18 also provide his or her social security number.

19 (b) ~~A license issued pursuant to this subsection shall  
 20 be issued without examination and without the requirement of  
 21 completion of an administrator-in-training or mentoring program.  
 22 Such license may be renewed without the completion of any  
 23 continuing competency requirements.~~

24 Sec. 6. Section 38-2420, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 38-2420 (1) Except as provided in subdivision (1)(a)(iv)  
 27 ~~and subsection (4)~~ of section 38-2419 and section 7 of

1 this act, in order for a person to become licensed as a  
 2 nursing home administrator, he or she shall complete an  
 3 administrator-in-training program or a mentoring program. The  
 4 administrator-in-training program shall occur in a nursing home  
 5 under the direct supervision of a certified preceptor, and it may  
 6 be gained as an internship which is part of an approved associate  
 7 degree. A mentoring program shall occur in a nursing home under  
 8 the supervision of a certified preceptor. The certified preceptor  
 9 in a mentoring program need not be at such facility during the  
 10 period of such supervision but shall be available to assist with  
 11 questions or problems as needed. A mentoring program may be gained  
 12 as an internship which is part of a degree or advanced degree. A  
 13 person in a mentoring program may apply for a provisional license  
 14 as provided in section 38-2423.

15 (2) An applicant may begin his or her  
 16 administrator-in-training or mentoring program upon application  
 17 to the department with the required fee, evidence that he or she  
 18 has completed at least fifty percent of the core educational  
 19 requirements, and evidence of an agreement between the certified  
 20 preceptor and the applicant for at least six hundred forty hours  
 21 of training and experience, to be gained in not less than four  
 22 months. Such training shall occur in a Nebraska-licensed nursing  
 23 home under a certified preceptor.

24 (3) The certified preceptor shall submit a report to  
 25 the department by the fifth day of each month for the duration  
 26 of the administrator-in-training or mentoring program, describing  
 27 the nature and extent of training completed to date. At the  
 1 conclusion of the program, the certified preceptor shall report to  
 2 the department whether the applicant has successfully completed the  
 3 board's approved course for such program. With the concurrence of  
 4 the certified preceptor, the applicant may remain in such program  
 5 until successfully completed or may reapply to enter another  
 6 administrator-in-training or mentoring program.

7 (4)(a) The administrator-in-training or mentoring program  
8 shall occur under the supervision of a certified preceptor. An  
9 applicant to become a certified preceptor shall (i) be currently  
10 licensed as a nursing home administrator in the State of Nebraska,  
11 (ii) have three years of experience as a nursing home administrator  
12 in the five years immediately preceding certification, and (iii)  
13 complete a preceptor training course approved by the board.

14 (b) All preceptor certificates shall expire on December  
15 31 of every fourth year beginning December 31, 2000. Before  
16 acting on an application for renewal, the board shall review the  
17 performance of the applicant. Such review may include consideration  
18 of survey and complaint information, student evaluations, and  
19 any other related information deemed relevant by the board. The  
20 board may deny an application for renewal upon a finding that  
21 the applicant's performance has been unsatisfactory based on such  
22 review.

23 Sec. 7. (1) In order to qualify to function as the  
24 administrator of a facility operated primarily for caring for  
25 persons with head injuries and associated disorders, an individual  
26 shall be licensed as a nursing home administrator if he or she  
27 meets the requirements of this section. A license issued under this  
1 section permits the holder to serve as a nursing home administrator  
2 only in a facility operated primarily for caring for persons with  
3 head injuries and associated disorders.

4 (2) To receive a credential to practice nursing home  
5 administration for a facility operated primarily for caring for  
6 persons with head injuries and associated disorders, an individual  
7 shall:

8 (a) Have at least four years of experience working with  
9 persons with head injuries or severe physical disabilities, at  
10 least two of which were spent in an administrative capacity; and

11 (b) Either:

12 (i) Hold a credential as:

13 (A) A psychologist pursuant to the Uniform Credentialing  
14 Act, with at least a master's degree in psychology from an  
15 accredited college or university;

16 (B) A physician licensed pursuant to the Uniform  
17 Credentialing Act to practice medicine and surgery or psychiatry;

18 (C) An educator with at least a master's degree in  
19 education from an accredited college or university;

20 (D) A certified social worker, a certified master social  
21 worker, or a licensed mental health practitioner pursuant to the  
22 Uniform Credentialing Act;

23 (E) A physical therapist, an occupational therapist, or  
24 a speech-language pathologist pursuant to the Uniform Credentialing  
25 Act; or

26 (F) An administrator or executive of a health care  
27 facility as defined in section 71-413 who is a member in good  
1 standing with an organization that offers voluntary certification

2 for the purpose of demonstrating managerial knowledge and  
 3 experience for health care managers; or  
 4 (ii) Have at least eight years of experience working  
 5 with persons with head injuries or severe physical disabilities,  
 6 at least five of which were spent in an administrative capacity  
 7 in a facility operated primarily for caring for persons with head  
 8 injuries or severe physical disabilities.

9 (3) A license issued pursuant to this section shall  
 10 be issued without examination and without the requirement of  
 11 completion of an administrator-in-training or mentoring program.  
 12 Such license may be renewed without the completion of any  
 13 continuing competency requirements.

14 Sec. 8. Original sections 38-2401, 38-2402, 38-2418,  
 15 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska, are  
 16 repealed.

17 2. On page 1, line 2, after the first comma insert  
 18 "38-2402."; in line 3 after the semicolon insert "to define a  
 19 term."; and in line 5 after "facility" insert "operated primarily  
 20 for caring".

**LEGISLATIVE BILL 59.** Placed on Select File.

**LEGISLATIVE BILL 493.** Placed on Select File.

**LEGISLATIVE BILL 345.** Placed on Select File with amendment.  
 ER66

1 1. On page 1, strike beginning with "transfer" in line 1  
 2 through line 6 and insert "real estate transfers; to amend sections  
 3 76-2,126 and 76-3409, Revised Statutes Cumulative Supplement, 2012;  
 4 to change requirements for transfer on death deeds and certain real  
 5 estate filings; to provide operative dates; to repeal the original  
 6 sections; and to declare an emergency.".

**LEGISLATIVE BILL 172.** Placed on Select File with amendment.  
 ER69

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 30-2601, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 30-2601 Unless otherwise apparent from the context, in  
 6 the Nebraska Probate Code:  
 7 (1) Incapacitated person means any person who is impaired  
 8 by reason of mental illness, mental deficiency, physical illness  
 9 or disability, chronic use of drugs, chronic intoxication, or  
 10 other cause (except minority) to the extent that the person  
 11 lacks sufficient understanding or capacity to make or communicate  
 12 responsible decisions concerning himself or herself;  
 13 (2) A protective proceeding is a proceeding under the  
 14 provisions of section 30-2630 to determine that a person cannot  
 15 effectively manage or apply his or her estate to necessary ends,

16 either because the person lacks the ability or is otherwise  
17 inconvenienced, or because the person is a minor, and to secure  
18 administration of the person's estate by a conservator or other  
19 appropriate relief;

20 (3) A protected person is a minor or other person for  
21 whom a conservator has been appointed or other protective order has  
22 been made;

23 (4) A ward is a person for whom a guardian has been  
1 appointed. A minor ward is a minor for whom a guardian has been  
2 appointed solely because of minority;

3 (5) Full guardianship means the guardian has been granted  
4 all powers which may be conferred upon a guardian by law;

5 (6) Limited guardianship means any guardianship which is  
6 not a full guardianship; and

7 (7) For purposes of article 26 of the Nebraska Probate  
8 Code, interested person means children, spouses, those persons  
9 who would be the heirs if the ward or person alleged to be  
10 incapacitated died without leaving a valid ~~last will and testament~~  
11 who are adults and any trustee of any trust executed by the ward  
12 or person alleged to be incapacitated. After the death of a ward,  
13 interested person also includes the personal representative of a  
14 deceased ward's estate, the deceased ward's heirs in an intestate  
15 estate, and the deceased ward's devisees in a testate estate. The  
16 meaning of interested person as it relates to particular persons  
17 may vary from time to time and must be determined according to the  
18 particular purposes of, and matter involved in, any proceeding. If  
19 there are no persons identified as interested persons above, then  
20 interested person shall also include any person or entity named as  
21 a devisee in the most recently executed ~~last will and testament~~ of  
22 the ward or person alleged to be incapacitated.

23 Sec. 2. Section 30-2628, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25 30-2628 (a) Except as limited by section 30-2620, a  
26 guardian of an incapacitated person has the same powers, rights,  
27 and duties respecting the guardian's ward that a parent has  
1 respecting the parent's unemancipated minor child, except that a  
2 guardian is not liable to third persons for acts of the ward solely  
3 by reason of the parental relationship. In particular, and without  
4 qualifying the foregoing, a guardian has the following powers and  
5 duties, except as may be specified by order of the court:

6 (1) To the extent that it is consistent with the terms  
7 of any order by a court of competent jurisdiction relating to  
8 detention or commitment of the ward, a guardian is entitled to  
9 custody of the person of his or her ward and may establish the  
10 ward's place of abode within this state or, with court permission,  
11 outside of this state. When establishing the ward's place of abode,  
12 a guardian shall make every reasonable effort to ensure that the  
13 placement is the least restrictive alternative. A guardian shall  
14 authorize a placement to a more restrictive environment only after

15 careful evaluation of the need for such placement. The guardian may  
16 obtain a professional evaluation or assessment that such placement  
17 is in the best interest of the ward.

18 (2) If entitled to custody of his or her ward, a guardian  
19 shall make provision for the care, comfort, and maintenance of  
20 his or her ward and, whenever appropriate, arrange for the ward's  
21 training and education. Without regard to custodial rights of the  
22 ward's person, a guardian shall take reasonable care of his or her  
23 ward's clothing, furniture, vehicles, and other personal effects  
24 and commence protective proceedings if other property of his or her  
25 ward is in need of protection.

26 (3) A guardian may give any consents or approvals  
27 that may be necessary to enable the ward to receive medical,  
1 psychiatric, psychological, or other professional care, counsel,  
2 treatment, or service. When making such medical or psychiatric  
3 decisions, the guardian shall consider and carry out the intent of  
4 the ward expressed prior to incompetency to the extent allowable  
5 by law. Notwithstanding this provision or any other provision of  
6 the Nebraska Probate Code, the ward may authorize the release  
7 of financial, medical, and other confidential records pursuant to  
8 sections 20-161 to 20-166.

9 (4) If no conservator for the estate of the ward has been  
10 appointed, a guardian shall, within thirty days after appointment,  
11 prepare and file with the appointing court a complete inventory of  
12 the ward's estate together with the guardian's oath or affirmation  
13 that the inventory is complete and accurate so far as the guardian  
14 is informed. The guardian shall mail a copy thereof by first-class  
15 mail to the ward, if the ward can be located and has attained  
16 the age of fourteen years, and to all other interested persons  
17 as defined in section 30-2601. The guardian shall file with the  
18 court a certificate of mailing showing that copies were sent to all  
19 interested persons by first-class mail along with a form to send  
20 back to the court that indicates if such person wants to continue  
21 receiving notifications about the proceedings. The guardian shall  
22 keep suitable records of the guardian's administration and exhibit  
23 the same on request of any interested person. To the extent a  
24 guardian, who has not been named a conservator, has possession or  
25 control of the ward's estate, the guardian shall file with the  
26 court an updated inventory every year along with ~~an affidavit of~~  
27 ~~mailing a certificate of mailing~~ showing that copies were sent to  
1 all interested persons and, if a bond has been required, to the  
2 bonding company by first-class mail, ~~along with a form to send~~  
3 ~~back to the court that indicates if such person wants to continue~~  
4 ~~receiving notifications about the proceedings.~~

5 (5) If no conservator for the estate of the ward has been  
6 appointed, a guardian may:

7 (i) Institute proceedings to compel any person under a  
8 duty to support the ward or to pay sums for the welfare of the ward  
9 to perform such person's duty;



10 (ii) Receive money and tangible property deliverable to  
11 the ward and apply the money and property for support, care, and  
12 education of the ward; but a guardian may not use funds from his  
13 or her ward's estate for room and board which the guardian or the  
14 guardian's spouse, parent, or child has furnished the ward unless a  
15 charge for the service is approved by order of the court made upon  
16 notice to at least one of the next of kin of the ward, if notice is  
17 possible. A guardian must exercise care to conserve any excess for  
18 the ward's needs; and

19 (iii) Exercise a settlor's powers with respect to  
20 revocation, amendment, or distribution of trust property when  
21 authorized by a court acting under the authority of subsection (f)  
22 of section 30-3854. In acting under the authority of subsection (f)  
23 of section 30-3854, the court shall proceed in the same manner as  
24 provided under subdivision (3) of section 30-2637.

25 (6) A guardian is required to report the condition of  
26 his or her ward and of the estate which has been subject to  
27 the guardian's possession or control, at least every year and as  
1 required by the court or court rule. The court shall receive from  
2 any interested person, for a period of thirty days after the filing  
3 of the guardian's report, any comments with regard to the need for  
4 continued guardianship or amendment of the guardianship order. If  
5 the court has reason to believe that additional rights should be  
6 returned to the ward or assigned to the guardian, the court shall  
7 set a date for a hearing and may provide all protections as set  
8 forth for the original finding of incapacity and appointment of a  
9 guardian.

10 (7) If a conservator has been appointed, all of the  
11 ward's estate received by the guardian in excess of those funds  
12 expended to meet current expenses for support, care, and education  
13 of the ward must be paid to the conservator for management as  
14 provided in the Nebraska Probate Code, and the guardian must  
15 account to the conservator for funds expended.

16 (b) Any guardian of one for whom a conservator also has  
17 been appointed shall control the custody and care of the ward and  
18 is entitled to receive reasonable sums for the guardian's services  
19 and for room and board furnished to the ward as agreed upon between  
20 the guardian and the conservator if the amounts agreed upon are  
21 reasonable under the circumstances. The guardian may request the  
22 conservator to expend the ward's estate by payment to third persons  
23 or institutions for the ward's care and maintenance.

24 (c) Nothing in subdivision (a)(3) of this section or in  
25 any other part of this section shall be construed to alter the  
26 decisionmaking authority of an attorney in fact designated and  
27 authorized under sections 30-3401 to 30-3432 to make health care  
1 decisions pursuant to a power of attorney for health care.

2 Sec. 3. Section 30-2647, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 30-2647 Within thirty days after appointment, every

5 conservator shall prepare and file with the appointing court a  
 6 complete inventory of the estate of the protected person together  
 7 with the conservator's oath or affirmation that the inventory  
 8 is complete and accurate so far as he or she is informed. The  
 9 conservator shall mail a copy thereof by first-class mail to the  
 10 protected person, if the protected person can be located and has  
 11 attained the age of fourteen years, and to all other interested  
 12 persons as defined in section 30-2601. The conservator shall file  
 13 with the court a certificate of mailing showing that copies were  
 14 sent to all interested persons by first-class mail along with a  
 15 form to send back to the court that indicates if such person  
 16 wants to continue receiving notifications about the proceedings.  
 17 Every conservator shall file an updated inventory with the annual  
 18 accounting required under section 30-2648. The conservator shall  
 19 keep suitable records of his or her administration and exhibit the  
 20 same on request of any interested person.

21 Sec. 4. Original sections 30-2601, 30-2628, and 30-2647,  
 22 Revised Statutes Cumulative Supplement, 2012, are repealed.

23 2. On page 1, line 2, strike "30-2628" and insert  
 24 "30-2601, 30-2628,"; and in line 3 after the semicolon insert "to  
 25 redefine a term;".

**LEGISLATIVE BILL 643.** Placed on Select File with amendment.  
 ER67

- 1 1. On page 7, line 6, after "notice" insert an
- 2 underscored comma.

**LEGISLATIVE BILL 386.** Placed on Select File.

**LEGISLATIVE BILL 166.** Placed on Select File with amendment.  
 ER65

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".
- 3 2. On page 8, line 13, strike "(5)"; and in line 14
- 4 strike "section" and insert "subdivision".

**LEGISLATIVE BILL 192.** Placed on Select File.

**LEGISLATIVE BILL 458.** Placed on Select File.

**LEGISLATIVE BILL 459.** Placed on Select File.

**LEGISLATIVE BILL 549.** Placed on Select File with amendment.  
 ER72

- 1 1. On page 1, line 4, strike "the tire disposal fee" and
- 2 insert "certain grant allocations".

**LEGISLATIVE BILL 435.** Placed on Select File.

**LEGISLATIVE BILL 361.** Placed on Select File.

**LEGISLATIVE BILL 420.** Placed on Select File with amendment.  
ER71

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 154.** Placed on Select File.

**LEGISLATIVE BILL 477.** Placed on Select File.

**LEGISLATIVE BILL 442.** Placed on Select File with amendment.  
ER78

- 1 1. On page 5, line 20, strike "herein" and insert "in
- 2 this subsection".
- 3 2. On page 7, lines 13 and 14, strike "sections 76-825
- 4 to 86-894"; show as stricken, and insert "the Nebraska Condominium
- 5 Act".
- 6 3. On page 8, line 19, after "against" insert "the".
- 7 4. On page 10, line 19, strike "(1)" and insert "(a)";
- 8 and in line 24 strike "(2)" and insert "(b)".
- 9 5. On page 11, line 11, strike "(3)" and insert "(c)"; in
- 10 line 17 strike "(4)" and insert "(d)"; in line 21 strike "(5)" and
- 11 insert "(e)"; and in line 23 strike "herein" and insert "in this
- 12 section".

**LEGISLATIVE BILL 303.** Placed on Select File with amendment.  
ER70

- 1 1. On page 3, line 3, strike ". Three", show as stricken,
- 2 and insert ", and three"; and in line 12 strike the comma and show
- 3 as stricken.

**LEGISLATIVE BILL 349.** Placed on Select File.

**LEGISLATIVE BILL 222.** Placed on Select File with amendment.  
ER73 is available in the Bill Room.

**LEGISLATIVE BILL 344.** Placed on Select File.

**LEGISLATIVE BILL 500.** Placed on Select File.

**LEGISLATIVE BILL 223.** Placed on Select File.

**LEGISLATIVE BILL 103.** Placed on Select File with amendment.  
ER77

- 1 1. In the Lathrop amendment, AM86, on page 2, line 25,
- 2 strike "and" and show as stricken and after "(3)" insert ", and
- 3 (4)".
- 4 2. On page 1, line 4, after "judges" insert "general";
- 5 and strike beginning with "at" in line 4 through "prescribed" in
- 6 line 6.

**LEGISLATIVE BILL 329.** Placed on Select File.

**LEGISLATIVE BILL 169.** Placed on Select File with amendment.  
ER74

- 1 1. On page 1, strike beginning with "provide" in line
- 2 2 through line 3 and insert "change provisions relating to jury
- 3 commissioners".

**LEGISLATIVE BILL 277.** Placed on Select File with amendment.  
ER76

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-935, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-935 For purposes of the False Medicaid Claims Act:
- 6 (1) Attorney General means the Attorney General, the
- 7 office of the Attorney General, or a designee of the Attorney
- 8 General;
- 9 ~~(2) Claim means any request or demand, whether under~~
- 10 ~~a contract or otherwise, for money or property that is made to~~
- 11 ~~a contractor, grantee, provider, or other recipient if the state~~
- 12 ~~provides any portion of the money or property that is requested~~
- 13 ~~or demanded or if the government will reimburse the contractor,~~
- 14 ~~grantee, or other recipient for any portion of the money or~~
- 15 ~~property that is requested or demanded, whether or not the state~~
- 16 ~~pays any portion of such request or demand;~~
- 17 (2) Claim means any request or demand, whether under a
- 18 contract or otherwise, for money or property, and whether or not
- 19 the state has title to the money or property, that:
- 20 (a) Is presented to an officer, employee, or agent of the
- 21 state; or
- 22 (b) Is made to a contractor, grantee, or other recipient,
- 23 if the money or property is to be spent or used on the state's
- 1 behalf or to advance a state program or interest, and if the state:
- 2 (i) Provides or has provided any portion of the money or
- 3 property requested or demanded; or
- 4 (ii) Will reimburse such contractor, grantee, or other
- 5 recipient for any portion of the money or property which is
- 6 requested or demanded;
- 7 (3) Good or service includes (a) any particular item,
- 8 device, medical supply, or service claimed to have been provided
- 9 to a recipient and listed in an itemized claim for payment and (b)
- 10 any entry in the cost report, books of account, or other documents
- 11 supporting such good or service;
- 12 ~~(4)~~(4)(a) Knowing or and knowingly means that a person,
- 13 with respect to information:
- 14 ~~(a)~~(i) Has actual knowledge of such the information;
- 15 ~~(b)~~(ii) Acts in deliberate ignorance of the truth or
- 16 falsity of such the information; or

17 ~~(e)-(iii)~~ Acts in reckless disregard of the truth or  
 18 falsity of ~~such the~~ information;

19 (b) Acts committed in a knowing manner or committed  
 20 knowingly shall not require proof of a specific intent to defraud;

21 (5) Material means having a natural tendency to influence  
 22 or be capable of influencing the payment or receipt of money or  
 23 property;

24 (6) Obligation means an established duty, whether or  
 25 not fixed, arising from (a) an express or implied contractual,  
 26 grantor-grantee, or licensor-licensee relationship, (b) a fee-based  
 27 or similar relationship, (c) statute or rule or regulation, or (d)

1 the retention of any overpayment;

2 ~~(5)-(7)~~ Person means any body politic or corporate,  
 3 society, community, the public generally, individual, partnership,  
 4 limited liability company, joint-stock company, or association; and

5 ~~(6)-(8)~~ Recipient means an individual who is eligible to  
 6 receive goods or services for which payment may be made under the  
 7 medical assistance program.

8 Sec. 2. Section 68-936, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 68-936 (1) A person presents a false medicaid claim and  
 11 is subject to civil liability if such person:

12 (a) Knowingly presents, or causes to be presented, ~~to an~~  
 13 ~~officer or employee of the state,~~ a false or fraudulent claim for  
 14 payment or approval;

15 (b) Knowingly makes, ~~or~~ uses, or causes to be made or  
 16 used, a false record or statement material to obtain payment or  
 17 approval by the state of a false or fraudulent claim;

18 (c) ~~Conspires to defraud the state by obtaining payment~~  
 19 ~~or approval by the state of a false or fraudulent claim;~~ commit a  
 20 violation of the False Medicaid Claims Act;

21 (d) Has possession, custody, or control of property or  
 22 money used, or ~~that will to~~ be used, by the state and; intending  
 23 to defraud the state or willfully conceal the property, delivers,  
 24 or causes to be delivered, less property than the amount for which  
 25 such person receives a certificate or receipt; knowingly delivers,  
 26 or causes to be delivered, less than all of the money or property;

27 (e) Is authorized to make or deliver a document  
 1 certifying receipt of property used, or to be used, by the state  
 2 and, intending to defraud the state, makes or delivers the receipt  
 3 knowing that the information on the receipt is not true;

4 (f) Knowingly buys, ~~(e) Buys,~~ or receives as a pledge of  
 5 an obligation or debt, public property from any officer or employee  
 6 of the state knowing that such officer or employee who may not  
 7 lawfully sell or pledge such property; or

8 ~~(f)-(g)~~ Knowingly makes, uses, or causes to be made or  
 9 used, a false record or statement ~~with the intent to conceal,~~  
 10 ~~avoid, or decrease an obligation to pay or transmit money or~~  
 11 property to the state; material to an obligation to pay or transmit

12 money or property to the state or knowingly conceals, avoids, or  
 13 decreases an obligation to pay or transmit money or property to the  
 14 state.

15 (2) A person who ~~presents a false medicaid claim under~~  
 16 ~~subsection (1) of this section~~ commits a violation of the False  
 17 Medicaid Claims Act is subject to, in addition to any other  
 18 remedies that may be prescribed by law, a civil penalty of not more  
 19 than ten thousand dollars. In addition to any civil penalty, ~~a any~~  
 20 ~~such person who presents a false medicaid claim under subsection~~  
 21 ~~(1) of this section~~ may be subject to damages in the amount of  
 22 three times the amount of the false claim ~~submitted to the state~~  
 23 ~~due to the act of such person, because of the act of that person.~~

24 (3) If the state is the prevailing party in an action  
 25 under the False Medicaid Claims Act, the defendant, in addition to  
 26 penalties and damages, shall pay the state's costs and attorney's  
 27 fees for the civil action brought to recover penalties or damages  
 1 under the act.

2 (4) Liability under this section is joint and several for  
 3 any act committed by two or more persons.

4 Sec. 3. Original sections 68-935 and 68-936, Reissue  
 5 Revised Statutes of Nebraska, are repealed.

6 2. On page 1, strike lines 2 through 6 and insert  
 7 "sections 68-935 and 68-936, Reissue Revised Statutes of Nebraska;  
 8 to define and redefine terms; to change provisions relating to  
 9 presentation of a false medicaid claim; and to repeal the original  
 10 sections."

**LEGISLATIVE BILL 538.** Placed on Select File with amendment.  
 ER75

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

3 Section 1. Section 81-1401, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:

5 81-1401 For purposes of sections 81-1401 to 81-1414.10,  
 6 unless the context otherwise requires:

7 (1) Commission means the Nebraska Commission on Law  
 8 Enforcement and Criminal Justice;

9 (2) Council means the Nebraska Police Standards Advisory  
 10 Council;

11 (3) Director means the director of the Nebraska Law  
 12 Enforcement Training Center;

13 (4) Felony means a crime punishable by imprisonment for a  
 14 term of more than one year or a crime committed outside of Nebraska  
 15 which would be punishable by imprisonment for a term of more than  
 16 one year if committed in Nebraska;

17 ~~(4)(5)~~ Handgun means any firearm with a barrel less than  
 18 sixteen inches in length or any firearm designed to be held and  
 19 fired by the use of a single hand;

20 (6) Incapacity means incapable of or lacking the  
 21 ability to perform or carry out the usual duties of a law  
 22 enforcement officer in accordance with the standards established  
 23 by the commission due to physical, mental, or emotional factors.  
 1 Incapacity does not exist if a law enforcement officer remains  
 2 employed as a law enforcement officer, including employment as a  
 3 law enforcement officer in a restricted or limited-duty status;

4 ~~(5)-(7)~~ Law enforcement agency means the police  
 5 department or the town marshal in incorporated municipalities, the  
 6 office of sheriff in unincorporated areas, and the Nebraska State  
 7 Patrol;

8 ~~(6)(a)-(8)(a)~~ Law enforcement officer means any person  
 9 who is responsible for the prevention or detection of crime or  
 10 the enforcement of the penal, traffic, or highway laws of the  
 11 state or any political subdivision of the state for more than one  
 12 hundred hours per year and is authorized by law to make arrests and  
 13 includes, but is not limited to:

14 (i) A full-time or part-time member of the Nebraska State  
 15 Patrol;

16 (ii) A county sheriff;

17 (iii) A full-time, part-time, or reserve employee of a  
 18 county sheriff's office;

19 (iv) A full-time, part-time, or reserve employee of a  
 20 municipal or village police agency;

21 (v) A full-time or part-time Game and Parks Commission  
 22 conservation officer;

23 (vi) A full-time or part-time deputy state sheriff; or

24 (vii) A full-time employee of an organized and paid  
 25 fire department of any city of the metropolitan class who is  
 26 an authorized arson investigator and whose duties consist of  
 27 determining the cause, origin, and circumstances of fires or  
 1 explosions while on duty in the course of an investigation;

2 (b) Law enforcement officer does not include employees of  
 3 the Department of Correctional Services, probation officers under  
 4 the Nebraska Probation System, parole officers appointed by the  
 5 Parole Administrator, or employees of the Department of Revenue  
 6 under section 77-366; and

7 (c) A law enforcement officer shall possess a valid law  
 8 enforcement officer certificate or diploma, as established by the  
 9 council, in order to be vested with the authority of this section,  
 10 but this subdivision does not prohibit an individual from receiving  
 11 a conditional appointment as an officer pursuant to subsection (2)  
 12 of section 81-1414;

13 ~~(7)-(9)~~ Training academy means the training center or  
 14 such other council-approved law enforcement training facility  
 15 operated and maintained by a law enforcement agency which offers  
 16 certification training that meets or exceeds the certification  
 17 training curriculum of the training center;

18 ~~(8)-(10)~~ Training center means the Nebraska Law  
 19 Enforcement Training Center; and  
 20 ~~(9)-(11)~~ Training school means a public or private  
 21 institution of higher education, including the University of  
 22 Nebraska, the Nebraska state colleges, and the community colleges  
 23 of this state, that offers training in a council-approved  
 24 pre-certification course.

25 Sec. 2. Section 81-1403, Revised Statutes Cumulative  
 26 Supplement, 2012, is amended to read:

27 81-1403 Subject to review and approval by the commission,  
 1 the council shall:

2 (1) Adopt and promulgate rules and regulations for law  
 3 enforcement pre-certification, certification, continuing education,  
 4 and training requirements. Such rules and regulations may include  
 5 the authority to impose a fine on any individual, political  
 6 subdivision, or agency who or which violates sections 81-1401 to  
 7 81-1414.10 or any of such rules and regulations. The fine for each  
 8 separate violation of sections 81-1401 to 81-1414.10 or of any  
 9 rule or regulation adopted and promulgated by the council pursuant  
 10 to such sections shall not exceed either (a) a one-time maximum  
 11 fine of five hundred dollars or (b) a maximum fine of one hundred  
 12 dollars per day until the individual, political subdivision, or  
 13 agency complies with such rules or regulations. All fines collected  
 14 pursuant to this subdivision shall be remitted to the State  
 15 Treasurer for distribution in accordance with Article VII, section  
 16 5, of the Constitution of Nebraska;

17 (2) Adopt and promulgate rules and regulations for the  
 18 operation of the training center;

19 (3) Recommend to the executive director of the commission  
 20 the names of persons to be appointed to the position of director of  
 21 the training center;

22 (4) Establish requirements for satisfactory completion  
 23 of pre-certification programs, certification programs, and advanced  
 24 training programs;

25 (5) Issue certificates or diplomas attesting satisfactory  
 26 completion of pre-certification programs, certification programs,  
 27 and advanced training programs;

1 (6) Revoke or suspend such certificates or diplomas  
 2 according to rules and regulations adopted and promulgated by the  
 3 council pursuant to sections 81-1401 to 81-1414.10 for reasons  
 4 which shall include, but not be limited to, (a) incompetence, (b)  
 5 neglect of duty, (c) physical, mental, or emotional incapacity, and  
 6 (d) final conviction of or pleading guilty or nolo contendere to a  
 7 felony. The rules and regulations shall provide for the revocation  
 8 of a certificate or diploma without a hearing upon the certificate  
 9 or diploma holder's final conviction of or pleading guilty or  
 10 nolo contendere to a felony. ~~For purposes of this subdivision,~~  
 11 ~~felony means a crime punishable by imprisonment for a term of~~  
 12 ~~more than one year or a crime committed outside of Nebraska which~~



13 ~~would be punishable by imprisonment for a term of more than one~~  
14 ~~year if committed in Nebraska.~~ When a law enforcement officer  
15 is separated from his or her agency due to physical, mental,  
16 or emotional incapacity, the law enforcement agency shall report  
17 the separation to the council, and the officer's law enforcement  
18 certificate shall be suspended pursuant to rules and regulations  
19 adopted and promulgated by the council until such time as the  
20 officer demonstrates to the council that the incapacity no longer  
21 prevents the officer from performing the essential duties of a law  
22 enforcement officer. The council shall adopt and promulgate rules  
23 and regulations ~~shall to~~ include a procedure for hearing appeals of  
24 any person who feels that the revocation or suspension of his or  
25 her certificate or diploma was in error;

26 (7) Set the tuition and fees for the training center  
27 and all officers of other training academies not employed by  
1 that training academy's agency. The tuition and fees set for the  
2 training center pursuant to this subdivision shall be adjusted  
3 annually pursuant to the training center budget approved by the  
4 Legislature. All other tuition and fees shall be set in order to  
5 cover the costs of administering sections 81-1401 to 81-1414.10.  
6 All tuition and fees shall be remitted to the State Treasurer for  
7 credit to the Nebraska Law Enforcement Training Center Cash Fund;

8 (8) Annually certify any training academies providing  
9 a basic course of law enforcement training which complies with  
10 the qualifications and standards promulgated by the council and  
11 offering training that meets or exceeds training that is offered  
12 by the training center. The council shall set the maximum  
13 and minimum applicant enrollment figures for training academies  
14 training non-agency officers;

15 (9) Extend the programs of the training center throughout  
16 the state on a regional basis;

17 (10) Establish the qualifications, standards, and  
18 continuing education requirements and provide the training required  
19 by section 81-1439; and

20 (11) Do all things necessary to carry out the purpose of  
21 the training center, except that functional authority for budget  
22 and personnel matters shall remain with the commission.

23 Any administrative fine imposed under this section shall  
24 constitute a debt to the State of Nebraska which may be collected  
25 by lien foreclosure or sued for and recovered in any proper form  
26 of action by the office of the Attorney General in the name  
27 of the State of Nebraska in the district court of the county  
1 where the final agency action was taken. All fines imposed by the  
2 council shall be remitted to the State Treasurer for distribution  
3 in accordance with Article VII, section 5, of the Constitution of  
4 Nebraska.

5 Sec. 3. This act becomes operative on January 1, 2014.

6 Sec. 4. Original sections 81-1401 and 81-1403, Revised  
7 Statutes Cumulative Supplement, 2012, are repealed.

**LEGISLATIVE BILL 332.** Placed on Select File.

**LEGISLATIVE BILL 141.** Placed on Select File.

**LEGISLATIVE BILL 647.** Placed on Select File with amendment.

ER79

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 harmonize provisions;".
- 3 2. On page 2, line 24, strike "tuberculous" and insert
- 4 "tuberculosis".

**LEGISLATIVE BILL 107.** Placed on Select File.

(Signed) John Murante, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 522.** The Christensen amendment, AM1071, found on page 1073 and considered in this day's Journal, to the committee amendment, was renewed.

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

Committee AM709, found on page 788 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR155 was referred to the Reference Committee.

### RESOLUTION

**LEGISLATIVE RESOLUTION 156.** Introduced by Crawford, 45; Price, 3.

WHEREAS, Jerry Mosser was the men's basketball coach for Bellevue University for twenty years, and as head coach led the Bruins to more than 200 wins; and

WHEREAS, Jerry Mosser also served as athletic director for Bellevue University for thirty-five years, and was instrumental in the formation of the Midlands Collegiate Athletic Conference; and

WHEREAS, on April 20, 2013, Jerry Mosser was inducted into the Bellevue University Athletics Hall of Fame.

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

1. That the Legislature congratulates Jerry Mosser on being the first honoree inducted into the Bellevue University Athletics Hall of Fame, and recognizes his years of service to Bellevue University and the Bellevue community.

2. That a copy of this resolution be sent to Jerry Mosser.

Laid over.

### AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB99:  
AM1075

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 20-501, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 20-501 Racial profiling is a practice that presents a  
6 great danger to the fundamental principles of a democratic society.  
7 It is abhorrent and cannot be tolerated. ~~Motorists who have~~ An  
8 individual who has been detained or whose vehicle has been stopped  
9 by the police for no reason other than the color of ~~their~~ her or  
10 her skin or ~~their~~ his or her apparent nationality or ethnicity ~~are~~  
11 the victims is the victim of a discriminatory practices. practice.

12 Sec. 2. Section 20-502, Reissue Revised Statutes of  
13 Nebraska, is amended to read:  
14 20-502 (1) No member of the Nebraska State Patrol or  
15 a county sheriff's office, officer of a city or village police  
16 department, or member of any other law enforcement agency in this  
17 state shall engage in racial profiling. The disparate treatment of  
18 an individual who has been detained or whose motor vehicle has  
19 been stopped by a law enforcement officer is inconsistent with this  
20 policy.

21 (2) Racial profiling shall not be used to justify the  
22 detention of an individual or to conduct a motor vehicle stop.

23 Sec. 3. Section 20-504, Reissue Revised Statutes of  
1 Nebraska, is amended to read:  
2 20-504 (1) On or before January 1, ~~2002, 2014,~~ the  
3 Nebraska State Patrol, the county sheriffs, all city and village  
4 police departments, and any other law enforcement agency in this  
5 state shall adopt and provide a copy to the Nebraska Commission  
6 on Law Enforcement and Criminal Justice of a written policy that  
7 prohibits the detention of any person or a motor vehicle stop  
8 when such action is motivated by racial profiling. Such racial  
9 profiling prevention policy shall include definitions consistent

10 with section 20-503 and one or more internal methods of prevention  
 11 and enforcement, including, but not limited to: and the action  
 12 would constitute a violation of the civil rights of the person.

13 (a) Internal affairs investigation;

14 (b) Preventative measures including extra training at the  
 15 Nebraska Law Enforcement Training Center focused on avoidance of  
 16 apparent or actual racial profiling;

17 (c) Early intervention with any particular personnel  
 18 determined by the administration of the agency to have committed,  
 19 participated in, condoned, or attempted to cover up any instance of  
 20 racial profiling; and

21 (d) Disciplinary measures or other formal or informal  
 22 methods of prevention and enforcement.

23 None of the preventative or enforcement measures shall  
 24 be implemented contrary to the collective-bargaining agreement  
 25 provisions or personnel rules under which the member or officer in  
 26 question is employed.

27 (2) The Nebraska Commission on Law Enforcement and  
 1 Criminal Justice may develop and distribute a suggested model  
 2 written racial profiling prevention policy for use by law  
 3 enforcement agencies, but the commission shall not mandate the  
 4 adoption of the model policy except for any particular law  
 5 enforcement agency which fails to timely create and provide to the  
 6 commission a policy for the agency in conformance with the minimum  
 7 standards set forth in this section.

8 ~~(2)-(3)~~ With respect to a motor vehicle stop, on and  
 9 after January 1, 2002, and until January 1, 2014, the Nebraska  
 10 State Patrol, the county sheriffs, all city and village police  
 11 departments, and any other law enforcement agency in this state  
 12 shall record and retain the following information using the form  
 13 developed and promulgated pursuant to section 20-505:

14 (a) The number of motor vehicle stops;

15 (b) The characteristics of race or ethnicity of the  
 16 person stopped. The identification of such characteristics shall  
 17 be based on the observation and perception of the law enforcement  
 18 officer responsible for reporting the motor vehicle stop and the  
 19 information shall not be required to be provided by the person  
 20 stopped;

21 (c) If the stop is for a law violation, the nature of the  
 22 alleged law violation that resulted in the motor vehicle stop;

23 (d) Whether a warning or citation was issued, an arrest  
 24 made, or a search conducted as a result of the motor vehicle stop.  
 25 Search does not include a search incident to arrest or an inventory  
 26 search; and

27 (e) Any additional information that the Nebraska  
 1 State Patrol, the county sheriffs, all city and village police  
 2 departments, or any other law enforcement agency in this state, as  
 3 the case may be, deems appropriate.

4 ~~(3)-(4)~~ The Nebraska Commission on Law Enforcement and

5 Criminal Justice may develop a uniform system for receiving  
6 allegations of racial profiling. The Nebraska State Patrol, the  
7 county sheriffs, all city and village police departments, and  
8 any other law enforcement agency in this state shall provide to  
9 the commission (a) a copy of each allegation of racial profiling  
10 received and (b) written notification of the review and disposition  
11 of such allegation. No information revealing the identity of  
12 the law enforcement officer involved in the stop shall be used,  
13 transmitted, or disclosed in violation of any collective-bargaining  
14 agreement provision or personnel rule under which such law  
15 enforcement officer is employed. No information revealing the  
16 identity of the complainant shall be used, transmitted, or  
17 disclosed in the form alleging racial profiling.

18 ~~(4)-(5)~~ Any law enforcement officer who in good faith  
19 records information on a motor vehicle stop pursuant to this  
20 section shall not be held civilly liable for the act of recording  
21 such information unless the law enforcement officer's conduct was  
22 unreasonable or reckless or in some way contrary to law.

23 ~~(5)-(6)~~ On or before October 1, 2002, and annually  
24 thereafter, ~~until January 1, 2014,~~ the Nebraska State Patrol, the  
25 county sheriffs, all city and village police departments, and all  
26 other law enforcement agencies in this state shall provide to the  
commission, Nebraska Commission on Law Enforcement and Criminal  
1 Justice, in such form as the commission prescribes, a summary  
2 report of the information recorded pursuant to subsection ~~(2)-(3)~~  
3 of this section.

4 ~~(6) On and after January 1, 2002, and until April 1,~~  
5 ~~2014, the commission may, (7) The Nebraska Commission on Law~~  
6 Enforcement and Criminal Justice shall, within the limits of  
7 its existing appropriations, including any grant funds which the  
8 commission is awarded for such purpose, provide for a-an annual  
9 review and analysis of the prevalence and disposition of motor  
10 vehicle stops based on racial profiling and allegations of racial  
11 profiling involved in other detentions reported pursuant to this  
12 section. After the review and analysis, the commission may, when it  
13 deems warranted, inquire into and study individual law enforcement  
14 agency circumstances in which the raw data collected and analyzed  
15 raises at least some issue or appearance of possible racial  
16 profiling. The commission may make recommendations to any such  
17 law enforcement agency for the purpose of improving measures to  
18 prevent racial profiling or the appearance of racial profiling.  
19 The results of such review, analysis, inquiry, and study and  
20 any recommendations by the commission to any law enforcement  
21 agency shall be reported annually to the Governor and the  
22 Legislature, beginning on or before April 1, 2004, until April  
23 1, 2014. The report submitted to the Legislature shall be submitted  
24 electronically.

25 (8) Any law enforcement officer, prosecutor, defense  
26 attorney, or probation officer, unless restricted by privilege, who

27 becomes aware of incidents of racial profiling by a law enforcement  
 1 agency, shall report such incidents to the Nebraska Commission  
 2 on Law Enforcement and Criminal Justice within thirty days after  
 3 becoming aware of such practice.

4 Sec. 4. Section 20-505, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 20-505 On or before January 1, 2002, the Nebraska  
 7 Commission on Law Enforcement and Criminal Justice, the  
 8 Superintendent of Law Enforcement and Public Safety, the Attorney  
 9 General, and the State Court Administrator may adopt and  
 10 promulgate: (1) ~~A~~a form, in printed or electronic format, to be  
 11 used by a law enforcement officer when making a motor vehicle stop  
 12 to record personal identifying information about the operator of  
 13 such motor vehicle, the location of the stop, the reason for the  
 14 stop, and any other information that is required to be recorded  
 15 pursuant to subsection ~~(2)~~(3) of section 20-504 and (2) a form, in  
 16 printed or electronic format, to be used to report an allegation of  
 17 racial profiling by a law enforcement officer.

18 Sec. 5. Section 20-506, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 20-506 (1) The Racial Profiling Advisory Committee is  
 21 created.

22 (2)(a) The committee shall consist of:

23 (i) The executive director of the Nebraska Commission  
 24 on Law Enforcement and Criminal Justice, who also shall be the  
 25 chairperson of the committee;

26 (ii) The Superintendent of Law Enforcement and Public  
 27 Safety or his or her designee;

1 (iii) The director of the Commission on Latino-Americans  
 2 or his or her designee; and

3 (iv) The executive director of the Commission on Indian  
 4 Affairs or his or her designee.

5 (b) The committee shall also consist of the following  
 6 persons, each appointed by the Governor from a list of ~~three~~five  
 7 names submitted to the Governor for each position:

8 (i) A representative of the Fraternal Order of Police;

9 (ii) A representative of the Nebraska County Sheriffs  
 10 Association;

11 (iii) A representative of the Police Officers Association  
 12 of Nebraska;

13 (iv) A representative of the American Civil Liberties  
 14 Union of Nebraska;

15 (v) A representative of the AFL-CIO;

16 (vi) A representative of the Police Chiefs Association of  
 17 Nebraska;

18 (vii) A representative of the Nebraska branches of the  
 19 National Association for the Advancement of Colored People; and

20 (viii) A representative of the Nebraska State Bar

21 Association appointed by the Governor from a list of attorneys

22 submitted by the executive council of the Nebraska State Bar  
23 Association.

24 (3) The committee shall meet and organize within thirty  
25 days after the appointment of the members. The committee shall meet  
26 semiannually at a time and place to be fixed by the committee.  
27 Special meetings may be called by the chairperson or at the request  
1 of two or more members of the committee.

2 (4) The committee shall advise the commission and its  
3 executive director ~~of the commission~~ in the conduct of ~~his or her~~  
4 their duties regarding (a) the completeness and acceptability  
5 of written racial profiling prevention policies submitted by  
6 individual law enforcement agencies as required by subsection (1)  
7 of section 20-504, (b) the collection of data by law enforcement  
8 agencies, any needed additional data, and any needed additional  
9 analysis, investigation, or inquiry as to the data provided  
10 pursuant to subsection (3) of section 20-504, (c) the review,  
11 analysis, inquiry, study, and recommendations required pursuant to  
12 subsection ~~(6)-(7)~~ of section 20-504, ~~provide including~~ an analysis  
13 of the review, analysis, inquiry, study, and recommendations, and  
14 ~~(d) and make~~ policy recommendations with respect to the prevention  
15 of racial profiling and the need, if any, for enforcement by the  
16 Department of Justice of the prohibitions found in section 20-502.

17 Sec. 6. Original sections 20-501, 20-502, 20-504, 20-505,  
18 and 20-506, Reissue Revised Statutes of Nebraska, are repealed.

### VISITORS

Visitors to the Chamber were 30 fourth-grade students from St. Bonaventure, Columbus; 6 seventh- and eighth-grade students from Zion Lutheran, Pierce; 45 fourth-grade students from Loveland Elementary, Omaha; 13 seventh- and eighth-grade students and teachers from Sioux County School, Harrison; and 7 twelfth-grade students and teacher from Sutherland.

### RECESS

At 11:50 a.m., on a motion by Senator Crawford, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senator Smith who was excused; and Senators Ashford, Bolz, Conrad, and Davis who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 583.** Title read. Considered.

Committee AM664, found on page 757, was offered.

Senator McCoy offered the following amendment to the committee amendment:

AM1082

(Amendments to Standing Committee amendments, AM664)

- 1 1. On page 1, strike lines 4 through 9 and insert "on
- 2 current water availability and drought conditions in Nebraska;
- 3 and".

Senator McCoy withdrew his amendment.

Senator McCoy offered the following amendment to the committee amendment:

FA62

Amend AM664

On line 4 after the word "on" add the word "cyclical."

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

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

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Senator Larson offered the following amendment:

AM1089

- 1 1. Strike original section 1.
- 2 2. On page 4, strike lines 15 through 21.
- 3 3. Amend the repealer and renumber the remaining sections
- 4 accordingly.

**SENATOR KRIST PRESIDING**

Senator Larson withdrew his amendment.

Senator Larson offered the following amendment:

FA63

Strike original section 1.

Add the word cyclical before climate change on lines 16 and 21 on page 4.



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

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

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB82:  
AM1078

(Amendments to Standing Committee amendments, AM693)

- 1 1. Strike section 4.
- 2 2. On page 1, line 13, strike "77-2703"; in line 14
- 3 strike the comma; and strike lines 16 through 23 and insert the
- 4 following new subsection:
- 5 "(3) For purposes of this section, program rate means the
- 6 sum of (a) the lesser of the Treasury Yield Curve Rate, commonly
- 7 referred to as Constant Maturity Treasury rate, for a ten-year
- 8 maturity United States Government note on the last business day
- 9 of the month in which the tax investment was made or five percent
- 10 per annum, times the number of years, or fraction thereof, between
- 11 the making of the tax investment and the claiming of the tax
- 12 credit, plus (b) an inflation adjustment calculated by dividing
- 13 the United States Department of Labor, Bureau of Labor Statistics,
- 14 Consumer Price Index for All Urban Consumers, United States City
- 15 Average, All Items factor, on June 30 of the year the credit is
- 16 claimed by the Consumer Price Index for All Urban Consumers, United
- 17 States City Average, All Items factor, for the month in which
- 18 the tax investment was made. If the Consumer Price Index for All
- 19 Urban Consumers is no longer published then the factor shall be
- 20 determined by use of an index having similar function.".
- 21 3. On page 2, strike lines 1 through 7; and in lines 14
- 22 and 27 strike "77-2703," and the last comma.
- 1 4. On page 3, line 11, strike "(3)(b)" and insert
- 2 "(3)(a)"; and in line 13 strike "(3)(a)" and insert "(3)(b)".
- 3 5. On page 21, line 19, strike "77-2703".
- 4 6. Renumber the remaining sections accordingly.

Senator Hadley filed the following amendment to LB23:  
AM1095

(Amendments to E&R amendments, ER61)

- 1 1. On page 29, line 14, strike "and"; after line 14
- 2 insert the following new subdivision:
- 3 "(d) Fourth, one million dollars to the General Fund;

4 and"; in line 15 strike "(d) Fourth" and insert "(e) Fifth"; and in  
 5 line 19 strike "and (c)" and insert "(c), and (d)".

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 384A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

**LEGISLATIVE BILL 269A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend section 105, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, One Hundred Third Legislature, First Session, 2013; to change appropriations; and to repeal the original section.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 69.** Placed on Select File.

**LEGISLATIVE BILL 483.** Placed on Select File with amendment.  
 ER80

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) Research reveals that children who have parents
- 5 involved in their lives perform better academically and socially in
- 6 school, experience fewer mental health and substance abuse issues,
- 7 and are less likely to commit serious crime;
- 8 (b) Strategies to address family stability and
- 9 intergenerational poverty are specifically needed for children with
- 10 incarcerated parents; and
- 11 (c) Research reveals that family-based reentry planning,
- 12 including relationship development and housing and employment
- 13 strategies, results in lower recidivism and greater family economic
- 14 stability.
- 15 (2) The Department of Correctional Services shall
- 16 establish a two-year pilot program for the purpose of providing in
- 17 Nebraska adult correctional facilities an evidence-based program of
- 18 parent education, early literacy, relationship skills development,
- 19 and reentry planning involving family members of incarcerated
- 20 parents prior to their release. Incarcerated parents of children
- 21 between birth and five years of age shall have priority for

22 participation in the program. The department may award a contract  
 23 to operate the pilot program. Such contract shall be based on  
 1 competitive bids as provided in sections 73-101 to 73-105. The  
 2 department shall track data related to program participation and  
 3 recidivism.

4 (3) It is the intent of the Legislature to appropriate  
 5 two hundred fifty thousand dollars from the General Fund to the  
 6 department in each of fiscal years 2013-14 and 2014-15 for purposes  
 7 of funding the pilot program required by this section.

8 Sec. 2. Section 83-150, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 83-150 All funds received by the Department of  
 11 Correctional Services under sections 83-144 to 83-152 shall be  
 12 remitted to the State Treasurer for credit to the Correctional  
 13 Industries Revolving Fund, which fund is hereby created. The fund  
 14 shall be administered by the Director of Correctional Services.  
 15 The fund (1) shall be used to pay all proper expenses incident  
 16 to the administration of sections 83-144 to 83-152 and (2) may be  
 17 used to carry out section 1 of this act, except that transfers  
 18 from the fund to the General Fund may be made at the direction of  
 19 the Legislature. Any money in the Correctional Industries Revolving  
 20 Fund available for investment shall be invested by the state  
 21 investment officer pursuant to the Nebraska Capital Expansion Act  
 22 and the Nebraska State Funds Investment Act.

23 Sec. 3. Original section 83-150, Reissue Revised Statutes  
 24 of Nebraska, is repealed.

25 2. On page 1, strike lines 2 through 6 and insert  
 26 "83-150, Reissue Revised Statutes of Nebraska; to state intent; to  
 27 provide for a reentry planning pilot program in adult correctional  
 1 facilities; to change provisions relating to the use of a fund; and  
 2 to repeal the original section."

**LEGISLATIVE BILL 623.** Placed on Select File.

(Signed) John Murante, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 296.** Title read. Considered.

Committee AM354, found on page 664, was offered.

Senator Chambers offered the following motion:

MO53

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

The committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 476.** Title read. Considered.

Committee AM984, found on page 972, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

### RESOLUTION

**LEGISLATIVE RESOLUTION 157.** Introduced by Seiler, 33.

WHEREAS, Stacy Shaw of Hastings, Nebraska, is the mother of four children and a fifth-grade teacher at Longfellow Elementary School who ran the Boston Marathon on April 15, 2013; and

WHEREAS, ten days before the marathon, Ms. Shaw was diagnosed with severe and painful ankle tendonitis and her ankle swelled so badly that she could not walk; and

WHEREAS, on the day of the marathon, Ms. Shaw entered the race hobbled by her ankle which vastly slowed her usual pace and was advised by medics to drop out; and

WHEREAS, Ms. Shaw persevered despite her pain and reduced pace and crossed the finish line with a net time of 4:44:14, just as the first of two terrible explosions occurred.

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

1. That the Legislature congratulates Stacy Shaw on her remarkable finish in the 2013 Boston Marathon despite physical obstacles and recognizes her strong perseverance and personal courage.

2. That a copy of this resolution be sent to Stacy Shaw.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 561.** Title read. Considered.

Committee AM734, found on page 998, was offered.

**SENATOR CARLSON PRESIDING**

Senator Ashford offered the following amendment to the committee amendment:

FA64

Amend AM734

On page 69, line 16, strike "ten" and insert "five"

Senator Ashford withdrew his amendment.

The committee amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB517:  
AM1048

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Nebraska's water resources are finite and must
- 5 be wisely managed to ensure their continued availability for
- 6 beneficial use;
- 7 (2) The state must invest in: (a) Research and data
- 8 gathering; (b) further integrating the management of Nebraska's
- 9 water supplies; (c) improving the state's aging and antiquated
- 10 water supply infrastructure; (d) building new water supply
- 11 infrastructure; (e) promoting coordination and collaboration among
- 12 all water users; and (f) providing information to policymakers to
- 13 justify a stable source of project funds;
- 14 (3) To determine the costs of effective conservation,
- 15 sustainability, and management of Nebraska's water resources, the
- 16 state's identified water needs must be compiled and organized and a
- 17 process must be established in order to identify statewide projects
- 18 and research recommendations; and
- 19 (4) To facilitate the creation of a funding process, a
- 20 collaborative effort of experts representing all water interests
- 21 and areas of the state is important to ensure fair and balanced
- 22 water funding.
- 23 Sec. 2. (1) The Water Funding Task Force is created. The
- 1 task force shall consist of the members of the Nebraska Natural
- 2 Resources Commission and ten additional members to be appointed
- 3 by the Governor. The Director of Natural Resources or his or her
- 4 designee, the chairperson of the Natural Resources Committee of the
- 5 Legislature or his or her designee, and five additional members of
- 6 the Legislature appointed by the Executive Board of the Legislative
- 7 Council shall be nonvoting, ex officio members of the task force.
- 8 In appointing members to the task force, the Governor:

9 (a) Shall seek to create a broad-based task force with  
10 knowledge of and experience with and representative of Nebraska's  
11 water use and economy;

12 (b) Shall give equal recognition to the importance of  
13 both water quantity and water quality;

14 (c) Shall appoint one member from each of the following  
15 categories: Public power; public power and irrigation districts;  
16 irrigation districts; municipalities; agriculture; wildlife  
17 conservation; livestock producers; agribusiness; manufacturing; and  
18 outdoor recreation users; and

19 (d) May solicit and accept nominations for appointments  
20 to the task force from recognized water interest groups in  
21 Nebraska.

22 (2) The members of the task force appointed by the  
23 Governor shall represent diverse geographic regions of the state,  
24 including urban and rural areas. Such members shall be appointed  
25 within thirty days after the effective date of this act. Members  
26 shall begin serving immediately following notice of appointment.  
27 Members shall be reimbursed for their actual and necessary expenses  
1 incurred in carrying out their duties as members as provided in  
2 sections 81-1174 to 81-1177.

3 Sec. 3. (1) The Water Funding Task Force may consult  
4 with other groups in its work, including, but not limited to, the  
5 University of Nebraska, the Department of Environmental Quality,  
6 the Game and Parks Commission, the United States Army Corps of  
7 Engineers, the United States Geological Survey, the United States  
8 Fish and Wildlife Service, the United States Bureau of Reclamation,  
9 and the Natural Resources Conservation Service of the United States  
10 Department of Agriculture.

11 (2) For administrative and budgetary purposes, the task  
12 force shall be housed within the Department of Natural Resources.  
13 Additional advisory support may be requested from appropriate  
14 federal and state agencies.

15 (3) The task force may meet as necessary and may hire a  
16 consultant or consultants to facilitate the work and meetings of  
17 the task force and enter into agreements to achieve the objectives  
18 of the task force. The task force may create and use working  
19 groups or subcommittees as it deems necessary. Any contracts  
20 or agreements entered into under this subsection shall not be  
21 subject to the Nebraska Consultants' Competitive Negotiation Act or  
22 sections 73-301 to 73-306 or 73-501 to 73-510.

23 (4) The Water Funding Task Force terminates on December  
24 31, 2013.

25 Sec. 4. (1) On or before December 31, 2013, the  
26 Water Funding Task Force shall develop and provide a report  
27 electronically to the Legislature which contains the following:

1 (a) Recommendations for a strategic plan which  
2 prioritizes programs, projects, and activities in need of funding.  
3 The recommendations shall give equal consideration to and be

- 4 classified into the following categories:  
5 (i) Research, data, and modeling needed to assist the  
6 state in meeting its water management goals;  
7 (ii) Rehabilitation or restoration of water supply  
8 infrastructure, new water supply infrastructure, or water supply  
9 infrastructure maintenance;  
10 (iii) Conjunctive management, storage, and integrated  
11 management of ground water and surface water; and  
12 (iv) Compliance with interstate compacts or agreements or  
13 other formal state contracts or agreements;  
14 (b) Recommendations for ranking criteria to identify  
15 funding priorities based on, but not limited to, the following  
16 factors:  
17 (i) The extent to which the program, project, or activity  
18 provides increased water productivity and otherwise maximizes the  
19 beneficial use of Nebraska's water resources for the benefit of its  
20 residents;  
21 (ii) The extent to which the program, project, or  
22 activity assists the state in meeting its obligations under  
23 interstate compacts or decrees or other formal state contracts  
24 or agreements;  
25 (iii) The extent to which the program, project, or  
26 activity utilizes objectives described in the Annual Report and  
27 Plan of Work for the Nebraska State Water Planning and Review  
1 Process issued by the Department of Natural Resources;  
2 (iv) The extent to which the program, project, or  
3 activity has been approved for, but has not received, funding  
4 through an established state program;  
5 (v) The cost effectiveness of the program, project, or  
6 activity relative to achieving the state's water management goals;  
7 (vi) The extent to which the program, project, or  
8 activity contributes to the state's ability to leverage state  
9 dollars with local or federal government partners or other partners  
10 to maximize the use of its resources; and  
11 (vii) The extent to which the program, project, or  
12 activity contributes to multiple water supply management goals,  
13 including, but not limited to, flood control, agricultural  
14 uses, recreation benefits, wildlife habitat, conservation of  
15 water resources, and preservation of water resources for future  
16 generations;  
17 (c) Recommendations for legislation on a permanent  
18 structure and process through which the programs, projects, or  
19 activities described in this section will be provided with funding,  
20 including:  
21 (i) A permanent governing board structure and membership;  
22 (ii) An application process;  
23 (iii) A statewide project distribution mechanism; and  
24 (iv) A timeframe for funding allocations based on the  
25 list of programs, projects, and activities provided for in this

26 section;

27 (d) Recommendations for the annual funding amount and the  
1 start date for distribution of funds; and

2 (e) Recommendations for statutory changes relating to  
3 regulatory authorities and to funds and programs administered by,  
4 and boards and commissions under the direction of, the department,  
5 based on the task force's evaluation of the efficiency of such  
6 funds, programs, boards, and commissions.

7 (2) The task force shall make every effort to identify  
8 and consult with all water use stakeholder groups in Nebraska on  
9 the development of the recommendations required under sections 1 to  
10 4 of this act.

11 Sec. 5. The Department of Natural Resources shall  
12 establish a separate budget subprogram to account for funds  
13 appropriated to carry out sections 1 to 4 this act. No later than  
14 February 1, 2014, the department shall notify the Natural Resources  
15 Committee of the Legislature and the Appropriations Committee of  
16 the Legislature regarding the projected unexpended and uncommitted  
17 balance remaining in the separate budget subprogram.

18 Sec. 6. Since an emergency exists, this act takes effect  
19 when passed and approved according to law.

Senator Carlson filed the following amendment to LB517A:  
AM1068

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

3 Section 1. There is hereby appropriated (1) \$1,000,000  
4 from the General Fund for FY2012-13 and (2) \$-0- from the General  
5 Fund for FY2013-14 to the Department of Natural Resources, for  
6 Program 334, to aid in carrying out the provisions of Legislative  
7 Bill 517, One Hundred Third Legislature, First Session, 2013.

8 The unexpended General Fund appropriation balance  
9 existing on June 30, 2013, is hereby reappropriated.

Senator Bloomfield filed the following amendment to LB232:  
AM1090

(Amendments to Standing Committee amendments, AM200)

1 1. Strike amendment 1 and insert:

2 1. On page 2, line 10, strike "XX" and insert "one  
3 hundred forty-nine thousand two hundred fifty-five dollars and  
4 eleven cents"; and in line 11 strike "XX" and insert "one hundred  
5 fifty-two thousand nine hundred eighty-six dollars and forty-nine  
6 cents".

Senator Nordquist filed the following amendment to LB553:  
AM1073

(Amendments to Standing Committee amendments, AM802)

1 1. On page 22, line 20, strike "thereafter,", show as  
2 stricken, and insert an underscored comma.



- 3 2. On page 24, strike beginning with "Beginning" in line  
 4 18 through "thereafter" in line 19 and insert "On July 1 of each  
 5 year".
- 6 3. On page 27, line 27, strike beginning with "Beginning"  
 7 through the last comma and show as stricken.
- 8 4. On page 28, line 1, strike "each", show as stricken,  
 9 and insert "Each"; in line 13 after the semicolon insert "and"; in  
 10 line 24 strike the new matter and reinstate the stricken matter;  
 11 and strike beginning with "(8)" in line 25 through the period in  
 12 line 27 and show the old matter as stricken.
- 13 5. On page 29, strike beginning with "Beginning" in line  
 14 4 through "thereafter" in line 5 and insert "On July 1 of each  
 15 year".

Senator Lathrop filed the following amendment to LB306:  
 AM1114

(Amendments to E & R amendments, ER59)

- 1 1. Insert the following new section:  
 2 Section 1. Section 24-201.01, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:  
 4 24-201.01 ~~On July 1, 2010, the salary of the Chief~~  
 5 ~~Justice and the judges of the Supreme Court shall be one hundred~~  
 6 ~~forty-two thousand seven hundred fifty-nine dollars and fifty-five~~  
 7 ~~cents.~~ On July 1, 2012, the salary of the Chief Justice and  
 8 the judges of the Supreme Court shall be one hundred forty-five  
 9 thousand six hundred fourteen dollars and seventy-four cents. On  
 10 July 1, 2013, the salary of the Chief Justice and the judges of  
 11 the Supreme Court shall be one hundred fifty-two thousand eight  
 12 hundred ninety-five dollars and forty-eight cents. On July 1, 2014,  
 13 the salary of the Chief Justice and the judges of the Supreme Court  
 14 shall be one hundred sixty thousand five hundred forty dollars and  
 15 twenty-five cents.
- 16 The Chief Justice and the judges of the Supreme Court  
 17 shall hold no other public office of profit or trust during their  
 18 terms of office nor accept any public appointment or employment  
 19 under the authority of the government of the United States for  
 20 which they receive compensation for their services. Such salaries  
 21 shall be payable in equal monthly installments.
- 22 2. On page 12, line 13, strike "24-703" and insert  
 1 "24-201.01, 24-703,".
- 2 3. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB269:  
 AM1108

(Amendments to E & R amendments, ER51)

- 1 1. On page 1, lines 13 and 14, strike the new matter;  
 2 in line 16 after the period insert "Any such association and  
 3 the department shall be responsible for applying for any health  
 4 insurance available to the juvenile, including, but not limited to,

- 5 medical assistance under the Medical Assistance Act."; and in line  
 6 23 strike the new matter.
- 7 2. On page 2, lines 1 and 3, strike the new matter  
 8 and insert "The plan shall include a statement regarding the  
 9 eligibility of the juvenile for any health insurance, including,  
 10 but not limited to, medical assistance under the Medical Assistance  
 11 Act.".
- 12 3. On page 3, strike beginning with "determination" in  
 13 line 4 through "68-911" in line 6 and insert "statement regarding  
 14 the eligibility of the juvenile for health insurance, including,  
 15 but not limited to, medical assistance under the Medical Assistance  
 16 Act".
- 17 4. On page 10, line 11, strike "within thirty days after  
 18 April 12, 2012.", show as stricken, and insert an underscored  
 19 period.
- 20 5. On page 11, line 7, after "appointed" insert "within  
 21 thirty days after the effective date of this act".

## RESOLUTION

**LEGISLATIVE RESOLUTION 158.** Introduced by Davis, 43.

WHEREAS, the Beel Family has owned and operated their 22,000 acre cattle ranch near Johnstown, Nebraska, for 75 years; and

WHEREAS, the ranch was handed down by grandfather Henry O. Beel and father Henry C. Beel who instilled in the current Beel generation the importance of treating the land with care and maintaining our natural environment; and

WHEREAS, ranch records indicate that in 1945 Henry O. Beel entered into the first of many conservation plans which allowed for rotational grazing, weed mowing, seeding of wheat, and thoughtful well placement; and

WHEREAS, almost seven decades later conservation and range management practices continue to play important roles in the current operation of the Beel Ranch which serves as a shining example of best practices for cattle and beef production; and

WHEREAS, the Leopold Conservation Award is sponsored by the Sand County Foundation and presented in honor of renowned conservationist and author Aldo Leopold who called for an ethical relationship between people and the land they own and manage; and

WHEREAS, in 2013 the Sand County Foundation will present Leopold Conservation Awards in California, Colorado, Kentucky, Texas, Utah, Wisconsin, Wyoming, and Nebraska; and

WHEREAS, the 2013 Nebraska Leopold Conservation Award is presented to the Beel Family. The award is a prestigious recognition of a Nebraska livestock producer's commitment to the care and preservation of the land.

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

1. That the Legislature congratulates the Beel Family as recipient of the 2013 Nebraska Leopold Conservation Award.

2. That a copy of this resolution be sent to Frank and Jennifer Beel, Henry and Mary Beel, and Adam and Jenny Beel.

Laid over.

### **CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senator Karpisek has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

### **VISITORS**

Visitors to the Chamber were 46 fourth-grade students and sponsors from Abraham Lincoln Elementary, Hastings; 15 third- through sixth-grade students, teachers, and sponsor from Elba; and 45 fourth-grade students, teachers, and sponsors from Walt Disney Elementary, Omaha.

The Doctor of the Day was Dr. Randy Kohl from Firth.

### **ADJOURNMENT**

At 5:38 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, April 24, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

