

E AND R AMENDMENTS TO LB 222

Introduced by Murante, 49, Chairman Enrollment and Review

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

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

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

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

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

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

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

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

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

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

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

3 2-3965 (1) Sections 2-3965 to 2-3992 and the publications
4 adopted by reference in subsections (2) and (3) of this section
5 shall be known and may be cited as the Nebraska Milk Act.

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

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

13 (b) Methods of Making Sanitation Ratings of Milk
14 Supplies, 2005 Revision;

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

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

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

24 (a) Section 9 of the ordinance is replaced by section
25 2-3969;

26 (b) Section 15 of the ordinance is replaced by section
27 2-3970;

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

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

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

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

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

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

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

21 13-1205 The department shall have the following powers,
22 duties, and responsibilities:

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

27 (2) To assess the regional and statewide effect of

1 changes, improvement, and route abandonments in the state's public
2 transportation system;

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

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

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

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

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

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

1 ~~strengthen, expand, and improve public transportation in the state,~~
2 ~~and~~

3 ~~(9)~~ (8) To exercise all other powers necessary and
4 proper for the discharge of its duties, including the adoption and
5 promulgation of reasonable rules and regulations to carry out the
6 act.

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

10 Sec. 4. Section 13-2101.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 13-2101.01 Sections 13-2101 to ~~13-2114~~ 13-2112 shall be
13 known and may be cited as the Enterprise Zone Act.

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

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

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

27 (3) The council shall complete the initial adaptive

1 management plan within three years after April 6, 2012.

2 (4) Prior to the start of the 2015 legislative session,
3 the council shall ~~prepare~~ submit electronically a report to the
4 Agriculture Committee of the Legislature that makes recommendations
5 as to the extension or modification of the council.

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

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

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

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

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

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

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

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

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

25 (4) Adopt and promulgate rules and regulations for
26 the levels of treatment and for management, control, screening,
27 evaluation, treatment, rehabilitation, parole, transfer, and

1 discharge of juveniles placed with or committed to the Office of
2 Juvenile Services;

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

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

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

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

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

25 (10) Supervise and coordinate juvenile parole and
26 aftercare services; and

27 (11) Exercise all powers and perform all duties necessary

1 to carry out its responsibilities under the Health and Human
2 Services, Office of Juvenile Services Act.

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

5 43-517 (1) The Department of Health and Human Services
6 shall provide a report to the Governor and the Legislature no
7 later than December 1 each year regarding the data and information
8 collected pursuant to section 43-516, including a summary of such
9 data and information. The report submitted to the Legislature shall
10 be submitted electronically.

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

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

15 43-534 Every department, agency, institution, committee,
16 and commission of state government which is concerned or
17 responsible for children and families shall submit, as part of
18 the annual budget request of such department, agency, institution,
19 committee, or commission, a comprehensive statement of the efforts
20 such department, agency, institution, committee, or commission has
21 taken to carry out the policy and principles set forth in sections
22 43-532 and 43-533. For 2012, 2013, and 2014, the Department of
23 Health and Human Services shall provide a an electronic copy of
24 its statement submitted under this section to the Health and Human
25 Services Committee of the Legislature on or before September 15.
26 The statement shall include, but not be limited to, a listing of
27 programs provided for children and families and the priority of

1 such programs, a summary of the expenses incurred in the provision
2 and administration of services for children and families, the
3 number of clients served by each program, and data being collected
4 to demonstrate the short-term and long-term effectiveness of each
5 program.

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

8 43-1303 (1) The office shall maintain the statewide
9 register of all foster care placements occurring within the state,
10 and there shall be a monthly report made to the registry of
11 all foster care placements by the Department of Health and Human
12 Services, any child-placing agency, or any court in a form as
13 developed by the office in consultation with representatives of
14 entities required to make such reports. For each child entering
15 and leaving foster care, such monthly report shall consist of
16 identifying information, placement information, and the plan or
17 permanency plan developed by the person or court in charge of the
18 child pursuant to section 43-1312. The department and every court
19 and child-placing agency shall report any foster care placement
20 within three working days. The report shall contain the following
21 information:

22 (a) Child identification information, including name,
23 social security number, date of birth, gender, race, and religion;

24 (b) Identification information for parents and
25 stepparents, including name, social security number, address, and
26 status of parental rights;

27 (c) Placement information, including initial placement

1 date, current placement date, and the name and address of the
2 foster care provider;

3 (d) Court status information, including which court has
4 jurisdiction, initial custody date, court hearing date, and results
5 of the court hearing;

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

7 (f) Case worker; and

8 (g) Permanency plan objective.

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

12 (b) The office may adopt and promulgate rules and
13 regulations for the following:

14 (i) Establishment of training programs for local board
15 members which shall include an initial training program and
16 periodic inservice training programs;

17 (ii) Development of procedures for local boards;

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

21 (iv) Accumulation of data and the making of annual
22 reports on children in foster care. Such reports shall include
23 (A) personal data on length of time in foster care, (B) number of
24 placements, (C) frequency and results of foster care file audit
25 case reviews and court review hearings, (D) number of children
26 supervised by the foster care programs in the state annually, (E)
27 trend data impacting foster care, services, and placements, (F)

1 analysis of the data, and (G) recommendations for improving the
2 foster care system in Nebraska;

3 (v) To the extent not prohibited by section 43-1310,
4 evaluation of the judicial and administrative data collected on
5 foster care and the dissemination of such data to the judiciary,
6 public and private agencies, the department, and members of the
7 public; and

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

11 (3) A local board shall send a written report to the
12 office for each foster care file audit case review conducted by the
13 local board. A court shall send a written report to the office for
14 each foster care review hearing conducted by the court.

15 (4) The office shall report and make recommendations
16 to the Legislature, department, local boards, and county welfare
17 offices. Such reports and recommendations shall include, but not be
18 limited to, the annual judicial and administrative data collected
19 on foster care pursuant to subsections (2) and (3) of this
20 section and the annual evaluation of such data. The report and
21 recommendations submitted to the Legislature shall be submitted
22 electronically. In addition, the office shall provide copies
23 of such reports and recommendations to each court having the
24 authority to make foster care placements. The executive director
25 of the office or his or her designees from the office may
26 visit and observe foster care facilities in order to ascertain
27 whether the individual physical, psychological, and sociological

1 needs of each foster child are being met. The executive director
2 shall also provide, at a time specified by the Health and Human
3 Services Committee of the Legislature, regular electronic updates
4 regarding child welfare data and information at least quarterly,
5 and a fourth-quarter report which shall be the annual report.
6 The executive director shall include issues, policy concerns, and
7 problems which have come to the office and the executive director
8 from analysis of the data. The executive director shall recommend
9 alternatives to the identified problems and related needs of the
10 office and the foster care system to the committee. The Health
11 and Human Services Committee shall coordinate and prioritize data
12 and information requests submitted to the office by members of the
13 Legislature. The annual report of the office shall be completed
14 by December 1 each year, beginning December 1, 2012, and shall be
15 submitted electronically to the committee.

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

18 43-3342.05 (1) The Child Support Advisory Commission is
19 created. Commission members shall include:

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

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

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

25 (d) One professional who works in the field of economics
26 or mathematics or another field of expertise relevant to child
27 support;

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

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

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

7 (h) The chairperson of the Health and Human Services
8 Committee of the Legislature;

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

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

11 and

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

14 (2) (a) The Supreme Court shall notify the Executive
15 Board of the Legislative Council of its intent to review the
16 child support guidelines pursuant to section 42-364.16. Following
17 such notification, the chairperson of the commission shall call a
18 meeting of the commission.

19 (b) Each time the commission meets pursuant to
20 subdivision (2) (a) of this section, the Supreme Court shall make
21 appointments to fill the membership under subdivision (1) (a) of
22 this section and the chairperson of the Executive Board shall make
23 appointments to fill each membership under subdivisions (1) (b)
24 through (f) of this section. The terms of these members shall
25 expire after the commission has fulfilled its duties pursuant to
26 subsection (3) of this section.

27 (c) Members shall serve without compensation but shall

1 be reimbursed for their actual and necessary expenses incurred in
2 the performance of their duties as provided in sections 81-1174 to
3 81-1177.

4 (d) If determined to be necessary to perform the duties
5 of the commission, the commission may hire, contract, or otherwise
6 obtain the services of consultants, researchers, aides, and other
7 necessary support staff with prior approval of the chairperson of
8 the Executive Board.

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

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

13 (a) Reviewing the child support guidelines adopted by
14 the Supreme Court and recommending, if appropriate, any changes
15 to the guidelines. Whenever practicable, the commission shall base
16 its recommendations on economic data and statistics collected in
17 the State of Nebraska. In reviewing the guidelines and formulating
18 recommendations, the commission may conduct public hearings around
19 the state; and

20 (b) Presenting reports, as deemed necessary, of its
21 activities and recommendations to the Supreme Court and the
22 Executive Board. Any reports submitted to the Executive Board
23 shall be submitted electronically.

24 (4) The Supreme Court shall review the commission's
25 reports. The Supreme Court may amend the child support guidelines
26 established pursuant to section 42-364.16 based upon the
27 commission's recommendations.

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

3 43-4331 On or before September 15 of each year,
4 the Inspector General shall provide to the Health and Human
5 Services Committee of the Legislature and the Governor a
6 summary of reports and investigations made under the Office of
7 Inspector General of Nebraska Child Welfare Act for the preceding
8 year. The summary provided to the committee shall be provided
9 electronically. The summaries shall detail recommendations and the
10 status of implementation of recommendations and may also include
11 recommendations to the committee regarding issues discovered
12 through investigation, audits, inspections, and reviews by the
13 office that will increase accountability and legislative oversight
14 of the Nebraska child welfare system, improve operations of the
15 department and the Nebraska child welfare system, or deter and
16 identify fraud, abuse, and illegal acts. The summaries shall not
17 contain any confidential or identifying information concerning the
18 subjects of the reports and investigations.

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

21 43-4406 On or before September 15, 2012, and each
22 September 15 thereafter, the department shall report electronically
23 to the Health and Human Services Committee of the Legislature
24 the following information regarding child welfare services, with
25 respect to children served by any lead agency or the pilot project
26 and children served by the department:

27 (1) The percentage of children served and the allocation

1 of the child welfare budget, categorized by service area and by
2 lead agency or the pilot project, including:

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

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

7 (2) The number of siblings in out-of-home care placed
8 with siblings as of the June 30th immediately preceding the date of
9 the report, categorized by service area and by lead agency or the
10 pilot project;

11 (3) An update of the information in the report of
12 the Children's Behavioral Health Task Force pursuant to sections
13 43-4001 to 43-4003, including:

14 (a) The number of children receiving mental health and
15 substance abuse services annually by the Division of Behavioral
16 Health of the department;

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

19 (c) The number of state wards receiving behavioral health
20 services as of September 1 immediately preceding the date of the
21 report;

22 (d) Funding sources for children's behavioral health
23 services for the fiscal year ending on the immediately preceding
24 June 30;

25 (e) Expenditures in the immediately preceding fiscal year
26 by the division, categorized by category of behavioral health
27 service and by behavioral health region; and

1 (f) Expenditures in the immediately preceding fiscal year
2 from the medical assistance program and CHIP as defined in section
3 68-969 for mental health and substance abuse services, for all
4 children and for wards of the state;

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

7 (a) Case manager education, including college degree,
8 major, and level of education beyond a baccalaureate degree;

9 (b) Average caseload per case manager;

10 (c) Average number of case managers per child during the
11 preceding twelve months;

12 (d) Average number of case managers per child for
13 children who have been in the child welfare system for three
14 months, for six months, for twelve months, and for eighteen months
15 and the consecutive yearly average for children until the age of
16 majority or permanency is attained;

17 (e) Monthly case manager turnover;

18 (f) Monthly face-to-face contacts between each case
19 manager and the children on his or her caseload;

20 (g) Monthly face-to-face contacts between each case
21 manager and the parent or parents of the children on his or
22 her caseload;

23 (h) Case documentation of monthly consecutive team
24 meetings per quarter;

25 (i) Case documentation of monthly consecutive parent
26 contacts per quarter;

27 (j) Case documentation of monthly consecutive child

1 contacts with case manager per quarter;

2 (k) Case documentation of monthly consecutive contacts
3 between child welfare service providers and case managers per
4 quarter;

5 (l) Timeliness of court reports; and

6 (m) Non-court-involved children, including the number of
7 children served, the types of services requested, the specific
8 services provided, the cost of the services provided, and the
9 funding source;

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

16 (a) Child variables;

17 (b) Reasons for placement;

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

20 (d) With respect to each child in a residential treatment
21 setting:

22 (i) If there was a denial of initial placement request,
23 the length and level of each placement subsequent to denial of
24 initial placement request and the status of each child before
25 and immediately after, six months after, and twelve months after
26 placement;

27 (ii) Funds expended and length of placements;

1 (iii) Number and level of placements;
2 (iv) Facility variables; and
3 (v) Identification of specific child welfare services
4 unavailable in the child's community that, if available, could have
5 prevented the need for residential treatment; and

6 (e) Identification of child welfare services unavailable
7 in the state that, if available, could prevent out-of-state
8 placements;

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

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

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

24 43-4407 (1) Each service area administrator and any
25 lead agency or the pilot project shall annually survey children,
26 parents, foster parents, judges, guardians ad litem, attorneys
27 representing parents, and service providers involved with the

1 child welfare system to monitor satisfaction with (a) adequacy of
2 communication by the case manager, (b) response by the department,
3 any lead agency, or the pilot project to requests and problems,
4 (c) transportation issues, (d) medical and psychological services
5 for children and parents, (e) visitation schedules, (f) payments,
6 (g) support services to foster parents, (h) adequacy of information
7 about foster children provided to foster parents, and (i) the case
8 manager's fulfillment of his or her responsibilities. A summary of
9 the survey shall be reported electronically to the Health and Human
10 Services Committee of the Legislature on September 15, 2012, and
11 each September 15 thereafter.

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

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

27 43-4408 On or before September 15, 2012, and on or

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

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

23 48-166 On or before January 1 of each year, the Nebraska
24 Workers' Compensation Court shall ~~issue~~ submit electronically an
25 annual report to the Clerk of the Legislature for the past
26 fiscal year which shall include (1) pertinent information regarding
27 settlements and awards made by the compensation court, (2) the

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

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

8 50-405 It shall be the duty of the council (1) to
9 investigate and study the possibilities for consolidation in state
10 government for elimination of all unnecessary activities and of
11 all duplication in office personnel and equipment and of the
12 coordination of departmental activities or of methods of increasing
13 efficiency and effecting economies, (2) to investigate and study
14 the possibilities of reforming the system of local government with
15 a view to simplifying the organization of government, (3) to study
16 the merit system as it relates to state and local government
17 personnel, (4) to cooperate with the administration in devising
18 means of enforcing the law and improving the effectiveness of
19 administrative methods, (5) to study and inquire into the financial
20 administration of the state government and the subdivisions
21 thereof, the problems of taxation, including assessment and
22 collection of taxes, and the distribution of the tax burden,
23 and (6) to study and inquire into future planning of capital
24 construction of the state and its governmental agencies as to
25 location and sites for expansion. ~~Such proposed planning shall be~~
26 ~~submitted electronically to the Executive Board of the Legislative~~
27 ~~Council for review and recommendation to the Legislature and the~~

1 ~~Appropriations Committee.~~

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

4 50-424 On December 15 of 2012, 2013, and 2014, the
5 Health and Human Services Committee of the Legislature shall
6 provide a ~~written~~ report to the Legislature, Governor, and Chief
7 Justice of the Supreme Court with respect to the progress made
8 by the Department of Health and Human Services implementing the
9 recommendations of the committee contained in the final report
10 of the study conducted by the committee pursuant to Legislative
11 Resolution 37, One Hundred Second Legislature, First Session,
12 2011. The report submitted to the Legislature shall be submitted
13 electronically. In order to facilitate such report, the department
14 shall provide electronically to the committee by September 15 of
15 2012, 2013, and 2014 the reports required pursuant to sections
16 43-296, 43-534, 68-1207.01, 71-825, 71-1904, and 71-3407 and
17 subdivision (6) of section 43-405. The Children's Behavioral
18 Health Oversight Committee of the Legislature shall provide its
19 final report to the Health and Human Services Committee of the
20 Legislature on or before September 15, 2012.

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

23 50-1205 The committee shall:

24 (1) Adopt, by majority vote, procedures consistent with
25 the Legislative Performance Audit Act to govern the business of the
26 committee and the conduct of performance audits;

27 (2) Ensure that performance audits done by the committee

1 are not undertaken based on or influenced by special or partisan
2 interests;

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

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

7 (5) Respond to inquiries regarding performance audits;

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

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

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

22 (9) Review completed performance audit reports prepared
23 by the section, together with comments from the evaluated agency,
24 and adopt recommendations and incorporate them into a committee
25 report;

26 (10) Release the committee report to the public and
27 distribute it electronically to the Clerk of the Legislature with

1 or without benefit of a public hearing;

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

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

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

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

18 (15) Approve or reject, within the budgetary limits
19 of the section, contracts to retain consultants to assist with
20 performance audits requiring specialized knowledge or expertise.
21 Requests for consultant contracts shall be approved by the
22 Legislative Auditor and presented to the Legislative Performance
23 Audit Committee by the Legislative Auditor. A majority vote shall
24 be required to approve consultant contract requests. For purposes
25 of section 50-1213, subsection (11) of section 77-2711, and
26 subsections (10) through (13) of section 77-27,119, any consultant
27 retained to assist with a performance audit or preaudit inquiry

1 shall be considered an employee of the section during the course of
2 the contract; and

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

8 Sec. 20. Section 60-658, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-658 School bus shall mean any motor vehicle which
11 complies with the general design, equipment, and color requirements
12 adopted and promulgated pursuant to subdivision ~~(13)~~ (12) of
13 section 79-318 and which is used to transport students to or
14 from school or in connection with school activities but shall not
15 include buses operated by common carriers in urban transportation
16 of school students.

17 Sec. 21. Section 66-1336, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 66-1336 The board shall retain the services of a
20 full-time administrator to be appointed by the board. The
21 administrator shall hold office at the pleasure of the board. ~~The~~
22 ~~administrator shall compile a biennial report to be submitted to~~
23 ~~the board and the Clerk of the Legislature. The report submitted~~
24 ~~to the Clerk of the Legislature shall be submitted electronically.~~
25 ~~The report shall set forth the activities, contracts, and projects~~
26 ~~of the board for the previous biennium and the amount of~~
27 ~~funds expended. Each member of the Legislature shall receive an~~

1 electronic copy of such report by making a request for it to the
2 board.

3 Sec. 22. Section 68-1207.01, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 68-1207.01 The Department of Health and Human Services
6 shall annually provide a report to the Legislature and Governor
7 outlining the caseloads of child protective services, the factors
8 considered in their establishment, and the fiscal resources
9 necessary for their maintenance. The report submitted to the
10 Legislature shall be submitted electronically. For 2012, 2013, and
11 2014, the department shall also provide electronically the report
12 to the Health and Human Services Committee of the Legislature on or
13 before September 15. Such report shall include:

14 (1) A comparison of caseloads established by the
15 department with the workload standards recommended by national
16 child welfare organizations along with the amount of fiscal
17 resources necessary to maintain such caseloads in Nebraska;

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

25 (3) (a) The average caseload of child welfare case
26 managers employed by the State of Nebraska and child welfare
27 services workers, providing services directly to children and

1 families, who are under contract with the State of Nebraska
2 or employed by a private entity under contract with the State
3 of Nebraska and (b) the outcomes of such cases, including the
4 number of children reunited with their families, children adopted,
5 children in guardianships, placement of children with relatives,
6 and other permanent resolutions established, statewide and by
7 service area designated pursuant to section 81-3116; and

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

15 Sec. 23. Section 68-1735.02, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

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

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

23 (a) An associate degree program;

24 (b) A vocational education program not leading to an
25 associate degree;

26 (c) Postsecondary education other than a program
27 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
- 5 self-sufficiency contract who obtain or maintain employment for
- 6 six months, twelve months, eighteen months, and twenty-four months
- 7 after such persons are no longer eligible for cash assistance due
- 8 to obtaining employment.

9 Sec. 24. Section 68-2004, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 68-2004 The department shall report to the Health
12 and Human Services Committee of the Legislature on utilization
13 controls, including, but not limited to, the rates of initial
14 service authorizations, reauthorizations subsequent to initial
15 service authorizations, and denials for behavioral health services
16 for children under nineteen years of age. The first report shall be
17 due on October 1, 2012, and shall contain such rates of initial
18 service authorizations, reauthorizations subsequent to initial
19 service authorizations, and denials for behavioral health services
20 for children under nineteen years of age for the first three
21 quarters of 2012. Thereafter, on January 1, April 1, and July 1 of
22 each year, the department shall report electronically such rates
23 of initial service authorizations, reauthorizations subsequent to
24 initial service authorizations, and denials for behavioral health
25 services for children under nineteen years of age for the previous
26 calendar quarter.

27 Sec. 25. Section 71-825, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 71-825 The department shall provide an annual report,
3 no later than December 1, to the Governor and the Legislature
4 on the operation of the Children and Family Support Hotline
5 established under section 71-822, the Family Navigator Program
6 established under section 71-823, and the provision of voluntary
7 post-adoption and post-guardianship case management services under
8 section 71-824, except that for 2012, 2013, and 2014, the
9 department shall also provide the report to the Health and Human
10 Services Committee of the Legislature on or before September 15.
11 ~~The report~~ reports submitted to the Legislature and the committee
12 shall be submitted electronically.

13 Sec. 26. Section 71-1904, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 71-1904 (1) The department shall adopt and promulgate
16 rules and regulations pursuant to sections 71-1901 to 71-1906.01
17 for (a) the proper care and protection of children by licensees
18 under such sections, (b) the issuance, suspension, and revocation
19 of licenses to provide foster care, (c) the issuance, suspension,
20 and revocation of probationary licenses to provide foster care, (d)
21 the issuance, suspension, and revocation of provisional licenses to
22 provide foster care, (e) the provision of training in foster care,
23 which training shall be directly related to the skills necessary
24 to care for children in need of out-of-home care, including,
25 but not limited to, abused, neglected, dependent, and delinquent
26 children, and (f) the proper administration of sections 71-1901 to
27 71-1906.01.

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

14 Sec. 27. Section 71-2518, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 71-2518 (1) The Division of Public Health of the
17 Department of Health and Human Services shall establish a lead
18 poisoning prevention program that has the following components:

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

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

25 (ii) Require that a child be tested for an elevated
26 blood-lead level in accordance with the medicaid state plan as
27 defined in section 68-907 if the child is a participant in the

1 medical assistance program established pursuant to the Medical
2 Assistance Act; and

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

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

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

23 (3) The department shall report electronically to the
24 Legislature by January 1, 2013, and each January 1 thereafter, the
25 number of children from birth through age six who were screened
26 for elevated blood-lead levels during the preceding fiscal year and
27 who were confirmed to have elevated blood-lead levels as stated in

1 the plan required pursuant to subdivision (1)(a) of this section.
2 The report shall compare such results with those of previous fiscal
3 years and shall identify any revisions to the plan required by
4 subdivision (1)(a) of this section.

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

9 Sec. 28. Section 71-51,103, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 71-51,103 There is hereby created the Nebraska Emergency
12 Medical System Operations Fund. The fund may receive gifts,
13 bequests, grants, fees, or other contributions or donations from
14 public or private entities. The fund shall be used to carry out
15 the purposes of the Statewide Trauma System Act and the Emergency
16 Medical Services Practice Act, including activities related to the
17 design, maintenance, or enhancement of the statewide trauma system,
18 support of emergency medical services programs, and support for the
19 emergency medical services programs for children. ~~The Department of~~
20 ~~Health and Human Services shall annually, on or before January 1,~~
21 ~~submit electronically a report to the Legislature which includes a~~
22 ~~general accounting of the income and expenditures of the fund.~~ Any
23 money in the fund available for investment shall be invested by the
24 state investment officer pursuant to the Nebraska Capital Expansion
25 Act and the Nebraska State Funds Investment Act.

26 Sec. 29. Section 71-5206.01, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

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

17 (2) Upon receiving an itemized statement of the cost of
18 stipends and benefits of a family practice residency program from
19 a sponsoring institution and upon determining that the sponsoring
20 institution is not receiving funds under a contract pursuant to
21 section 71-5206, the office may reimburse such institution fifty
22 percent of such cost for each family practice resident in the
23 program. The office may reimburse such institution twenty-five
24 percent of the remaining cost per family practice resident for each
25 year that one of the program's graduates practices family medicine
26 in Nebraska, up to a maximum of three years for each graduate,
27 and an additional twenty-five percent of the remaining cost per

1 resident for each of the program's graduates who practices family
2 medicine in an area of Nebraska classified as of January 1, 1991,
3 by the United States Secretary of Health and Human Services as
4 Medicare Locale 16. The total number of residents receiving annual
5 financial payments made under this section shall not exceed nine
6 students during any school year.

7 ~~(3) At the end of the third year of the funding under~~
8 ~~this section, the sponsoring institutions and the office shall~~
9 ~~report electronically to the Legislature regarding the performance~~
10 ~~of the residency programs and the placement of residents and~~
11 ~~physicians for training and practice.~~

12 Sec. 30. Section 77-709, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-709 The property assessment division of the Department
15 of Revenue shall publish an annual report detailing property tax
16 valuations, taxes levied, and property tax rates throughout the
17 state. The annual report shall display information by political
18 subdivision and by property type within each county and also
19 include statewide summarizations. The department shall submit
20 the report electronically to the Clerk of the Legislature. The
21 department may charge a fee for copies of the annual report. The
22 Tax Commissioner shall set the fee, based on the reasonable cost of
23 production.

24 Sec. 31. Section 77-4601, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 77-4601 On or before July 15 of each year, the Tax
27 Commissioner and the Legislative Fiscal Analyst shall certify the

1 monthly estimate of General Fund net receipts for each month
2 of the current fiscal year. Such certification shall be filed
3 electronically with the Clerk of the Legislature. The certification
4 shall include estimates of gross receipts to the General Fund
5 and refunds for sales, corporate income, individual income, and
6 other miscellaneous receipts and refunds by month. The total
7 of the monthly estimates for the fiscal year shall take into
8 consideration the most recent net receipts forecast provided during
9 a regular legislative session by the Nebraska Economic Forecasting
10 Advisory Board pursuant to section 77-27,158 plus any revisions
11 due to legislation enacted which has an impact on receipts that
12 were not included in the forecast. If the total of monthly
13 estimates so certified is at variance with the estimates of the
14 Nebraska Economic Forecasting Advisory Board, the certification
15 shall include a statement of the specific statistical or economic
16 reasons for the variance.

17 Sec. 32. Section 79-318, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 79-318 The State Board of Education shall:

20 (1) Appoint and fix the compensation of the Commissioner
21 of Education;

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

26 (3) Upon recommendation of the commissioner, appoint and
27 fix the compensation of a deputy commissioner and all professional

1 employees of the board;

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

6 (5) Provide, through the commissioner and his or her
7 professional staff, enlightened professional leadership, guidance,
8 and supervision of the state school system, including educational
9 service units. In order that the commissioner and his or her
10 staff may carry out their duties, the board shall, through the
11 commissioner: (a) Provide supervisory and consultation services
12 to the schools of the state; (b) issue materials helpful in the
13 development, maintenance, and improvement of educational facilities
14 and programs; (c) establish rules and regulations which govern
15 standards and procedures for the approval and legal operation
16 of all schools in the state and for the accreditation of all
17 schools requesting state accreditation. All public, private,
18 denominational, or parochial schools shall either comply with
19 the accreditation or approval requirements prescribed in this
20 section and section 79-703 or, for those schools which elect not
21 to meet accreditation or approval requirements, the requirements
22 prescribed in subsections (2) through (6) of section 79-1601.
23 Standards and procedures for approval and accreditation shall
24 be based upon the program of studies, guidance services, the
25 number and preparation of teachers in relation to the curriculum
26 and enrollment, instructional materials and equipment, science
27 facilities and equipment, library facilities and materials, and

1 health and safety factors in buildings and grounds. Rules and
2 regulations which govern standards and procedures for private,
3 denominational, and parochial schools which elect, pursuant to the
4 procedures prescribed in subsections (2) through (6) of section
5 79-1601, not to meet state accreditation or approval requirements
6 shall be as described in such section; (d) institute a statewide
7 system of testing to determine the degree of achievement and
8 accomplishment of all the students within the state's school
9 systems if it determines such testing would be advisable;
10 (e) prescribe a uniform system of records and accounting for
11 keeping adequate educational and financial records, for gathering
12 and reporting necessary educational data, and for evaluating
13 educational progress; (f) cause to be published laws, rules,
14 and regulations governing the schools and the school lands and
15 funds with explanatory notes for the guidance of those charged
16 with the administration of the schools of the state; (g) approve
17 teacher education programs conducted in Nebraska postsecondary
18 educational institutions designed for the purpose of certificating
19 teachers and administrators; (h) approve certificated-employee
20 evaluation policies and procedures developed by school districts
21 and educational service units; and (i) approve general plans and
22 adopt educational policies, standards, rules, and regulations for
23 carrying out the board's responsibilities and those assigned to the
24 State Department of Education by the Legislature;

25 (6) Adopt and promulgate rules and regulations for
26 the guidance, supervision, accreditation, and coordination of
27 educational service units. Such rules and regulations for

1 accreditation shall include, but not be limited to, (a) a
2 requirement that programs and services offered to school districts
3 by each educational service unit shall be evaluated on a regular
4 basis, but not less than every seven years, to assure that
5 educational service units remain responsive to school district
6 needs and (b) guidelines for the use and management of funds
7 generated from the property tax levy and from other sources of
8 revenue as may be available to the educational service units,
9 to assure that public funds are used to accomplish the purposes
10 and goals assigned to the educational service units by section
11 79-1204. The State Board of Education shall establish procedures to
12 encourage the coordination of activities among educational service
13 units and to encourage effective and efficient educational service
14 delivery on a statewide basis;

15 ~~(7) Submit a biennial report to the Governor and the~~
16 ~~Clerk of the Legislature covering the actions of the board, the~~
17 ~~operations of the State Department of Education, and the progress~~
18 ~~and needs of the schools and recommend such legislation as may be~~
19 ~~necessary to satisfy these needs. The report submitted to the Clerk~~
20 ~~of the Legislature shall be submitted electronically;~~

21 ~~(8) (7) Prepare and distribute reports designed to~~
22 ~~acquaint school district officers, teachers, and patrons of the~~
23 ~~schools with the conditions and needs of the schools;~~

24 ~~(9) (8) Provide for consultation with professional~~
25 ~~educators and lay leaders for the purpose of securing advice deemed~~
26 ~~necessary in the formulation of policies and in the effectual~~
27 ~~discharge of its duties;~~

1 ~~(10)~~ (9) Make studies, investigations, and reports and
2 assemble information as necessary for the formulation of policies,
3 for making plans, for evaluating the state school program, and for
4 making essential and adequate reports;

5 ~~(11)~~ (10) Submit to the Governor and the Legislature a
6 budget necessary to finance the state school program under its
7 jurisdiction, including the internal operation and maintenance of
8 the State Department of Education;

9 ~~(12)~~ (11) Interpret its own policies, standards, rules,
10 and regulations and, upon reasonable request, hear complaints and
11 disputes arising therefrom;

12 ~~(13)~~ (12) With the advice of the Department of Motor
13 Vehicles, adopt and promulgate rules and regulations containing
14 reasonable standards, not inconsistent with existing statutes,
15 governing: (a) The general design, equipment, color, operation,
16 and maintenance of any vehicle with a manufacturer's rated
17 seating capacity of eleven or more passengers used for the
18 transportation of public, private, denominational, or parochial
19 school students; and (b) the equipment, operation, and maintenance
20 of any vehicle with a capacity of ten or less passengers used for
21 the transportation of public, private, denominational, or parochial
22 school students, when such vehicles are owned, operated, or owned
23 and operated by any public, private, denominational, or parochial
24 school or privately owned or operated under contract with any such
25 school in this state, except for vehicles owned by individuals
26 operating a school which elects pursuant to section 79-1601 not
27 to meet accreditation or approval requirements. Similar rules and

1 regulations shall be adopted and promulgated for operators of such
2 vehicles as provided in section 79-607;

3 ~~(14)~~ (13) Accept, on behalf of the Nebraska Center for
4 the Education of Children who are Blind or Visually Impaired,
5 devises of real property or donations or bequests of other
6 property, or both, if in its judgment any such devise, donation,
7 or bequest is for the best interest of the center or the students
8 receiving services from the center, or both, and irrigate or
9 otherwise improve any such real estate when in the board's judgment
10 it would be advisable to do so;

11 ~~(15)~~ (14) Accept, in order to administer the Interstate
12 Compact on Educational Opportunity for Military Children, any
13 devise, donation, or bequest received by the State Department of
14 Education pursuant to section 79-2206; and

15 ~~(16)~~ (15) Upon acceptance of any devise, donation, or
16 bequest as provided in this section, administer and carry out
17 such devise, donation, or bequest in accordance with the terms
18 and conditions thereof. If not prohibited by the terms and
19 conditions of any such devise, donation, or bequest, the board
20 may sell, convey, exchange, or lease property so devised, donated,
21 or bequeathed upon such terms and conditions as it deems best and
22 remit all money derived from any such sale or lease to the State
23 Treasurer for credit to the State Department of Education Trust
24 Fund.

25 Each member of the Legislature shall receive an
26 electronic copy of the report required by subdivision ~~(7)~~ of this
27 section by making a request for it to the commissioner.

1 None of the duties prescribed in this section shall
2 prevent the board from exercising such other duties as in its
3 judgment may be necessary for the proper and legal exercise of its
4 obligations.

5 Sec. 33. Section 79-602, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-602 All school boards, the governing authorities
8 of any nonpublic schools in this state, and all independent
9 contractors who or which provide student transportation services
10 for such boards and governing authorities and for military
11 installations shall cause all pupil transportation vehicles used
12 for the transportation of students to be inspected before school
13 opens in the fall and each eighty days during that part of the year
14 when school is in session by a motor vehicle mechanic appointed
15 by the board or governing authority having jurisdiction over such
16 students, except that any pupil transportation vehicle that has
17 been inspected under rules and regulations of the Public Service
18 Commission shall be exempted from the provisions of this section.
19 The mechanic shall thoroughly inspect every vehicle used for the
20 transportation of students as to brakes, lights, windshield wipers,
21 window glass, tires, doors, heaters, defrosting equipment, steering
22 gear, exhaust system, and the mechanical condition of every part
23 of such pupil transportation vehicle to ensure compliance with the
24 minimum allowable safety criteria established pursuant to section
25 79-607 and subdivision ~~(13)~~ (12) of section 79-318. Within five
26 days after such inspection, the mechanic shall make a report of
27 his or her inspection in writing on regular forms provided by the

1 State Department of Education which shall show if the vehicle met
2 the minimum allowable safety criteria for use. Any item not meeting
3 such criteria shall be brought into compliance prior to the vehicle
4 being used to transport students. One copy of the mechanic's report
5 shall be filed with the board or governing authority and, if
6 the school contracts with an independent contractor to provide
7 transportation services, one copy with the independent contractor.
8 The chief administrative officer of each school district shall
9 annually certify, by a written verification statement, to the State
10 Department of Education that the inspections required pursuant to
11 this section have been performed. Such verification statement shall
12 be sent to the department no later than June 30.

13 In addition to the inspection requirements prescribed
14 in this section, the driver of each pupil transportation vehicle
15 shall make daily inspections of such vehicle to ensure that all
16 lights and equipment are fully operational or repaired before his
17 or her daily route. Reports of such daily inspections shall be
18 kept by the driver in the vehicle and filed weekly with the head
19 mechanic or administrator in charge of the transportation system.
20 If the inspection reveals any significant defect in the lights
21 or equipment, the driver shall immediately report the defect to
22 the head mechanic or administrator in charge of the transportation
23 system.

24 Sec. 34. Section 79-10,142, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 79-10,142 The department shall collect data regarding the
27 number of sponsors, the number of sites utilized by sponsors, and

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

5 Sec. 35. Section 79-1901, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-1901 Sections 79-1901 to ~~79-1905~~ 79-1904 shall be
8 known and may be cited as the Nebraska Read, Educate, and Develop
9 Youth Act.

10 Sec. 36. Section 81-1360, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 81-1360 The administrator shall be the head of the
13 office. The administrator shall be given all necessary top
14 management support to insure that there is compliance with
15 Nebraska's program and shall be provided with sufficient staff
16 and budget support to carry out the duties of the office. The
17 administrator shall:

18 (1) Have the authority and responsibility for
19 coordinating, directing, and implementing the program;

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

22 (3) Provide counseling and technical assistance to the
23 agencies in the development of their plans;

24 (4) Review agency plans and direct modification to insure
25 the effectiveness of the plans and their compliance with the
26 program;

27 (5) Monitor the progress of agency plans by establishing

1 reporting forms as required by the program;

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

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

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

7 (9) Serve as liaison between the state and federal
8 compliance agencies;

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

13 (11) Coordinate the activities of the agency affirmative
14 action individual in each agency;

15 (12) Investigate any complaints involving unfair
16 treatment, terms and conditions of employment, or perceived acts or
17 policies involving discrimination;

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

21 (14) Coordinate the Disadvantage Business Enterprise and
22 Women Business Enterprise programs which are funded in whole or in
23 part by state or federal funds, and

24 ~~(15) Submit an annual report to the Governor and~~
25 ~~Legislature. The report submitted to the Legislature shall be~~
26 ~~submitted electronically.~~

27 Sec. 37. Section 81-1430, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 81-1430 (1) A task force is hereby established within
3 the Nebraska Commission on Law Enforcement and Criminal Justice
4 for the purposes of investigating and studying human trafficking,
5 the methods for advertising human trafficking services, and the
6 victimization of individuals coerced to participate in human
7 trafficking.

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

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

24 (b) Posters shall be placed in rest stops and strip
25 clubs. The task force shall work with local businesses and
26 nonprofit entities associated with the prevention of human
27 trafficking to voluntarily place additional signs in high schools,

1 postsecondary educational institutions, gas stations, hotels,
2 hospitals, health care clinics, urgent care centers, airports,
3 train stations, bus stations, and other locations around the state
4 deemed appropriate by the task force.

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

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

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

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

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

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

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

18 (g) A county sheriff;

19 (h) A county attorney;

20 (i) A county commissioner;

21 (j) A mayor or city manager;

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

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

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

27 (n) The director of the Commission on Latino-Americans or

1 his or her designee; and

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

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

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

22 (7) No member shall serve beyond the time when he or she
23 holds the office, employment, or status by reason of which he or
24 she was initially eligible for appointment. Any member of the task
25 force appointed by the Governor may be removed from the task force
26 for cause upon notice and an opportunity to be heard at a public
27 hearing. One of the causes for removal shall be absence from three

1 regularly scheduled meetings of the task force during any six-month
2 period when the member has failed to advise the task force in
3 advance of such meeting that he or she will be absent and stating a
4 reason therefor.

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

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

14 (10) The members of the task force shall serve on the
15 task force without compensation, but they shall be entitled to
16 receive reimbursement for any actual expenses incurred as necessary
17 incident to such service as provided in sections 81-1174 to
18 81-1177.

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

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

27 (13) Not later than one year after July 19, 2012, and

1 every July 1 and December 1 thereafter, the task force shall report
2 electronically to the Clerk of the Legislature the results of its
3 investigation and study and its recommendations, if any, together
4 with drafts of legislation necessary to carry its recommendations
5 into effect by filing the report with the clerk.

6 Sec. 38. Section 81-1845, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 81-1845 (1) Any public or private nonprofit agency
9 may apply to the Nebraska Commission on Law Enforcement and
10 Criminal Justice for selection and funding as a victim and witness
11 assistance center pursuant to sections 81-1843 to 81-1851.

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

16 (a) The number of volunteers that the proposed center
17 will utilize;

18 (b) The stated goals of the applicant;

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

22 (d) Evidence of community support for the establishment
23 of the proposed center; and

24 (e) The organizational structure of the agency which will
25 operate the proposed center and provide services to victims and
26 witnesses of crimes.

27 (3) Upon evaluation of all applicants, the Nebraska

1 Commission on Law Enforcement and Criminal Justice shall select
2 a number of public or private nonprofit agencies which the
3 commission deems qualified for designation to receive funding
4 for the establishment and operation of such centers.

5 (4) The commission shall, upon the establishment of such
6 centers, conduct appraisals of their performance to determine which
7 of the centers shall receive continuation grants. ~~The commission~~
8 ~~shall report its finding to the Governor and the Clerk of the~~
9 ~~Legislature. The report submitted to the Clerk of the Legislature~~
10 ~~shall be submitted electronically.~~

11 Sec. 39. Section 81-2213, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 81-2213 The department shall have the following powers
14 and duties:

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

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

23 (3) To adopt and promulgate rules, regulations, and
24 bylaws governing its procedure and activities and as necessary
25 to carry out the policies of the department and the policies
26 prescribed by the Administration on Aging pursuant to the federal
27 Older Americans Act, as now or hereafter amended;

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

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

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

12 (7) To establish minimum standards for program operations
13 and to adopt and promulgate rules and regulations for the
14 performance of area agencies on aging and for any services provided
15 by such area agencies on aging which are funded in whole or in
16 part under the Nebraska Community Aging Services Act or the federal
17 Older Americans Act, as now or hereafter amended;

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

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

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

3 (11) To review the performance of each area agency on
4 aging and, based on the department-approved area plan and budget,
5 to determine the continued designation or the withdrawal of the
6 designation of an area agency on aging receiving or requesting
7 resources through the state or under the Nebraska Community Aging
8 Services Act or the federal Older Americans Act, as now or
9 hereafter amended. After consultation with the director of the area
10 agency on aging and the governing unit of the area agency on aging,
11 the department may withdraw a designation when it can be shown
12 that federal or state laws, rules, or regulations have not been
13 complied with, state or federal funds are not being expended for
14 the purposes for which they were intended, or older individuals
15 are not receiving appropriate services within available resources.
16 Withdrawal of a designation may be appealed to the department.
17 Upon withdrawal of a designation, the department may temporarily
18 perform all or part of the functions and responsibilities of the
19 area agency on aging, may designate another agency to perform such
20 functions and responsibilities identified by the department until
21 the designation of a new area agency on aging, and, when deemed
22 necessary, may temporarily deliver services to assure continuity;

23 (12) To conduct continuing studies and analyses of the
24 problems faced by older individuals within the state and develop
25 such recommendations for administrative or legislative action as
26 appear necessary;

27 (13) To develop grants and plans, enter into contracts,

1 accept gifts, grants, and federal funds, and do all things
2 necessary and proper to discharge these powers and duties;

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

6 ~~(15) To report and make recommendations to the Governor~~
7 ~~and the Legislature on the activities of the department and~~
8 ~~the committee and improvements or additional resources needed to~~
9 ~~promote the general welfare of older individuals in Nebraska.~~
10 ~~The report submitted to the Legislature shall be submitted~~
11 ~~electronically. Each member of the Legislature shall receive an~~
12 ~~electronic copy of the report; and~~

13 ~~(16)~~ (15) Such other powers and duties necessary to
14 effectively implement the Nebraska Community Aging Services Act.

15 Sec. 40. Section 81-3133, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 81-3133 (1)(a) On or before July 30, 2012, the Division
18 of Children and Family Services of the Department of Health and
19 Human Services shall report in writing its expenditures between
20 January 1, 2012, and June 30, 2012, and the outcomes relating
21 to such expenditures to the Appropriations Committee of the
22 Legislature and the Health and Human Services Committee of the
23 Legislature. Such report shall identify any changes or movement of
24 funds in excess of two hundred fifty thousand dollars relating to
25 child welfare between subprograms within Budget Program 347.

26 (b) Beginning with the third calendar quarter of
27 2012, the division shall report ~~in writing~~ electronically its

1 expenditures for each quarter and the outcomes relating to such
2 expenditures within thirty days after the end of the quarter to
3 the Appropriations Committee of the Legislature and the Health
4 and Human Services Committee of the Legislature. Such report
5 shall identify any changes or movement of funds in excess of two
6 hundred fifty thousand dollars relating to child welfare between
7 subprograms within Budget Program 347.

8 (2)(a) For the biennium ending June 30, 2015, and the
9 biennium ending June 30, 2017, the Division of Children and Family
10 Services of the Department of Health and Human Services shall,
11 as part of the appropriations request process pursuant to section
12 81-132, include a strategic plan that identifies the main purpose
13 or purposes of each program, verifiable and auditable key goals
14 that the division believes are fair measures of its progress in
15 meeting each program's main purpose or purposes, and benchmarks
16 for improving performance on the key goals for the state as a
17 whole and for each Department of Health and Human Services service
18 area designated pursuant to section 81-3116. The division shall
19 also report whether the benchmarks are being met and, if not, the
20 expected timeframes for meeting them. Such key goals and benchmarks
21 shall be developed by the Division of Children and Family Services
22 with the assistance of the budget division of the Department of
23 Administrative Services pursuant to subdivision (2) of section
24 81-1113.

25 (b) Not later than September 15, 2013, and not later
26 than September 15, 2015, the Division of Children and Family
27 Services of the Department of Health and Human Services shall

1 report electronically to the Health and Human Services Committee of
2 the Legislature and the Appropriations Committee of the Legislature
3 on the progress towards the key goals identified pursuant to this
4 subsection that occurred in the previous twelve months.

5 (3) It is the intent of the Legislature that
6 appropriations of funds for child welfare aid be designated as a
7 separate budget program beginning July 1, 2012.

8 Sec. 41. Section 83-924, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 83-924 Subject to the supervision and approval of the
11 Director of Correctional Services, each assistant director shall
12 have the following duties, powers, and responsibilities:

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

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

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

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

24 (5) To provide the Legislature and the Governor technical
25 assistance, advice, and information concerning administrative
26 operations within his or her division; and

27 ~~(6) To provide the Legislature and the Governor~~

1 with recommendations for dealing with financial, management,
2 and organization problems affecting his or her division. The
3 recommendations submitted to the Legislature shall be submitted
4 electronically; and

5 ~~(7)~~ (6) To exercise all powers and perform all duties
6 necessary and proper in carrying out his or her responsibilities.

7 Sec. 42. Section 84-901.01, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

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

27 (2) The changes made to the Administrative Procedure Act

1 by Laws 2011, LB617, shall not affect the validity or effectiveness
2 of a rule or regulation adopted prior to May 25, 2011.

3 Sec. 43. Section 84-907.06, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 84-907.06 Whenever an agency proposes to adopt, amend,
6 or repeal a rule or regulation, (1) at least thirty days before
7 the public hearing, when notice of a proposed rule or regulation
8 is sent out, or (2) at the same time the agency applies to the
9 Governor for a waiver of the notice of public hearing, the agency
10 shall send ~~electronically~~ to the Executive Board of the Legislative
11 Council (a) a copy of the hearing notice required by section
12 84-907, (b) if applicable, a draft copy of the rule or regulation,
13 and (c) the information provided to the Governor pursuant to
14 section 84-907.09.

15 Sec. 44. Section 84-910, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 84-910 On or before July 1 of each year, each agency
18 shall ~~provide electronically to~~ notify the Legislative Performance
19 Audit Committee a of the status ~~report on~~ of all rules and
20 regulations pending before the agency which have not been adopted
21 and promulgated. If an additional appropriation was made with
22 respect to legislation enacted to provide funding for or additional
23 staff to implement a program for which rules and regulations
24 are required to be adopted, the ~~status report~~ notification shall
25 include what the funding has been used for and what functions the
26 staff have been performing while such rules and regulations are
27 pending. The format of the ~~report~~ notification shall be established

1 by the committee no later than June 1, 2011, and shall be updated
2 thereafter.

3 Sec. 45. Section 84-1219, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

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

14 Sec. 46. Section 89-186, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 89-186 (1) The Legislature hereby adopts by reference the
17 following:

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

1 is offered for sale at more than one unit price may also compute
2 at the lowest possible unit price for such transaction. All prices
3 shall still be displayed or posted on the face of the dispenser.
4 Such handbook shall govern all commercial and law enforcement
5 weighing and measuring devices in the state;

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

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

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

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

27 (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. 47. Original sections 2-3962, 2-3965, 13-1205,
5 13-2101.01, 43-3342.05, 48-166, 60-658, 77-709, 77-4601, 79-602,
6 79-1901, and 89-186, Reissue Revised Statutes of Nebraska,
7 and sections 37-1406, 43-296, 43-405, 43-517, 43-534, 43-1303,
8 43-4331, 43-4406, 43-4407, 43-4408, 50-405, 50-424, 50-1205,
9 66-1336, 68-1207.01, 68-1735.02, 68-2004, 71-825, 71-1904, 71-2518,
10 71-51,103, 71-5206.01, 79-318, 79-10,142, 81-1360, 81-1430,
11 81-1845, 81-2213, 81-3133, 83-924, 84-901.01, 84-907.06, 84-910,
12 and 84-1219, Revised Statutes Cumulative Supplement, 2012, are
13 repealed.

14 Sec. 48. The following sections are outright repealed:
15 Section 13-2114, Reissue Revised Statutes of Nebraska, and section
16 79-1905, Revised Statutes Cumulative Supplement, 2012.

17 Sec. 49. Since an emergency exists, this act takes effect
18 when passed and approved according to law.

19 2. On page 1, line 2, strike "13-2114" and insert
20 "13-2101.01" and after "48-166," insert "60-658,"; in line 3 after
21 the first comma insert "79-602, 79-1901,"; and in line 8 strike
22 "79-1905,".

23 3. On page 2, line 3, after the semicolon insert
24 "to outright repeal section 13-2114, Reissue Revised Statutes
25 of Nebraska, and section 79-1905, Revised Statutes Cumulative
26 Supplement, 2012;".