

TWENTY-NINTH DAY - FEBRUARY 16, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 2005

PRAYER

The prayer was offered by Pastor Jose Flores, Zion Peace Lutheran Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Brown, Byars, Combs, Cunningham, Mines, Raikes, and Thompson who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs**

LEGISLATIVE BILL 451. Placed on General File.

LEGISLATIVE BILL 525. Placed on General File.

LEGISLATIVE BILL 167. Placed on General File as amended.

Standing Committee amendment to LB 167:

AM0396

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Nebraska Archaeological Resources Preservation Act.
- 5 Sec. 2. The Legislature hereby finds and declares that:
- 6 (1) The resource base of archaeological sites is being
- 7 threatened at an increasing rate by agricultural, urban,
- 8 commercial, transportation, governmental, and industrial

- 9 development; and
- 10 (2) Archaeological sites represent an important public
11 resource embodying the record of our state's cultural heritage.
- 12 Sec. 3. For purposes of the Nebraska Archaeological
13 Resources Preservation Act:
- 14 (1) Archaeological resource means any material object of
15 past human life or activities that is of archaeological interest.
16 Such objects include, but are not limited to, pottery, basketry,
17 bottles, weapons, tools, structures or portions of structures,
18 dwellings, rock paintings, rock carvings, intaglios, graves, human
19 skeletal materials, or any portion or piece of any of such items.
20 Nonfossilized and fossilized paleontological specimens, or any
21 portion or piece thereof, shall not be considered archaeological
22 resources unless found in an archaeological context. No object
23 shall be treated as an archaeological resource under this
24 subdivision unless such object is determined to be at least fifty
1 years of age;
- 2 (2) Archaeological site means a place or location where
3 archaeological resources are found;
- 4 (3) Master archaeological site file means the records
5 inventory of all known Nebraska archaeological sites maintained by
6 the Nebraska State Historical Society;
- 7 (4) National Register of Historic Places means the
8 register of districts, sites, buildings, structures, and objects
9 significant in American history, architecture, archaeology,
10 engineering, and culture, maintained by the Secretary of the
11 Interior under the authority of the federal Historic Sites,
12 Buildings, and Antiquities Act, 16 U.S.C. 462(b), and the National
13 Historic Preservation Act, 16 U.S.C. 470a(a)(1)(A);
- 14 (5) State agency means any division, department, board,
15 bureau, commission, or agency of the State of Nebraska; and
- 16 (6) Undertaking means a project, activity, or program
17 funded in whole or in part under the jurisdiction of a state
18 agency.
- 19 Sec. 4. (1) There is hereby established the State
20 Archaeology Office which shall be a division within the Nebraska
21 State Historical Society. The purpose of the office shall be to
22 coordinate and encourage appropriate archaeological undertakings
23 and to preserve archaeological resources. The State Archaeology
24 Office may adopt and promulgate rules and regulations to carry out
25 the purposes of the Nebraska Archaeological Resources Preservation
26 Act.
- 27 (2) The State Archaeology Office shall be headed by the
1 State Archaeologist. The State Archaeologist shall be a graduate
2 of a recognized college or university with a graduate degree in
3 archaeology or anthropology and shall have sufficient practical
4 experience and knowledge of archaeology to carry out the purposes
5 of the act.
- 6 (3) The State Archaeology Office shall:

- 7 (a) Promote development of archaeological resources for
8 educational, cultural, tourism, and scientific purposes;
- 9 (b) Support popular and avocational interest in
10 archaeological resources through field trips, demonstrations,
11 seminars, and excavations throughout the state;
- 12 (c) Conduct a program of locating, identifying,
13 quantifying, and assessing the significance of the state's
14 archaeological resources;
- 15 (d) Maintain the master archaeological site file;
- 16 (e) Advise state agencies, political subdivisions,
17 nongovernmental organizations, commercial and business interests,
18 private property owners, individuals, and others as to the
19 provisions and requirements of the act;
- 20 (f) Serve as the liaison office in transactions dealing
21 with archaeological resources between state agencies and between
22 the state and the federal government;
- 23 (g) Cooperate with state agencies and others in
24 overseeing the execution of undertakings required by the act;
- 25 (h) Serve as the liaison office between state agencies
26 and Indian tribes, the Commission on Indian Affairs, or other
27 constituent groups culturally affiliated with archaeological sites
1 involved in undertakings;
- 2 (i) Maintain a list of archaeologists qualified to
3 conduct research projects required by the act;
- 4 (j) Maintain a permanent repository and electronic data
5 base of published and unpublished sources on the archaeological
6 resources of the state;
- 7 (k) Prepare, publish, and distribute for professional use
8 and public education reports, bulletins, pamphlets, maps, and other
9 products necessary to achieve the purposes of the act;
- 10 (l) Implement a program of emergency salvage archaeology,
11 which includes surveys and either salvage or preservation of
12 archaeological resources imperiled by development activities or
13 natural forces;
- 14 (m) Administer and manage grants, bequests, devises, tax
15 incentives, and easements of property to the state for the purposes
16 of preserving archaeological sites and resources; and
- 17 (n) Ensure the long-term curation and management of
18 collections and records resulting from undertakings within the
19 state;
- 20 (o) Identify properties included in the National Register
21 of Historic Places that are endangered, and coordinate or
22 facilitate the purchase and maintenance of such properties by other
23 public or private agencies; and
- 24 (p) Conduct all other activities necessary to carry out
25 the purposes of the act.
- 26 Sec. 5. (1) Except as provided in subsection (2) of this
27 section, the head of any state agency having jurisdiction over a
1 proposed state or state-funded undertaking, which has potential to

2 affect archaeological resources or sites, shall, prior to the
3 approval of the expenditure of any state funds on the undertaking,
4 notify the State Archaeology Office of the undertaking and
5 cooperate with the office to identify and develop measures to
6 mitigate the effect of the undertaking on any archaeological site
7 or resource that is included in or eligible for inclusion in the
8 National Register of Historic Places.

9 (2) The Department of Roads shall be exempt from the
10 provisions of the Nebraska Archaeological Resources Preservation
11 Act as long as a cooperative agreement exists between the
12 Department of Roads and the Nebraska State Historical Society which
13 ensures that all highway construction projects meet federal
14 historic preservation legislation and regulations, and such federal
15 preservation legislation and regulations fulfill or exceed the
16 objectives and standards of the act.

17 (3) Nothing in this section shall be construed to abridge
18 the rights of private property owners and in no case shall a
19 private property owner be required to pay for activities undertaken
20 by the State Archaeology Office.

21 Sec. 6. The State Archaeology Office may accept, use,
22 disburse, and administer all funds or other property, services, and
23 money allotted to it for purposes of the Nebraska Archaeological
24 Resources Preservation Act and may prescribe the conditions under
25 which such funds, property, services, or money will be accepted and
26 administered.

27 Sec. 7. (1) Any person who knowingly and willfully
1 appropriates, excavates, injures, or destroys any archaeological
2 resource on public land without written permission from the State
3 Archaeology Office is guilty of a Class II misdemeanor. All
4 articles and materials illegally taken and all money and materials
5 derived from the sale or trade of the same shall be forfeited to
6 the state.

7 (2) When the State Archaeology Office has cause to
8 believe that a person has engaged in or is engaging in any unlawful
9 conduct prescribed in this section, it may apply for and obtain, in
10 an action in the appropriate district court of this state, a
11 temporary restraining order or injunction, or both, pursuant to the
12 Nebraska rules of civil procedure prohibiting such person from
13 continuing such practices, or engaging therein, or doing any act in
14 furtherance thereof.

15 Sec. 8. No person shall enter or attempt to enter upon
16 the lands of another without permission and intentionally
17 appropriate, excavate, injure, or destroy any archaeological
18 resource or any archaeological site. Any person committing such
19 act is guilty of a Class II misdemeanor. All articles and material
20 illegally taken and all money and materials derived from the sale
21 or trade of the same shall be forfeited to the private property
22 owner.

23 Sec. 9. The Nebraska State Historical Society may use

24 General Fund appropriations to match other funds, grants, or money
 25 received to carry out the Nebraska Archaeological Resources
 26 Preservation Act.

27 Sec. 10. The State Archaeology Cash Fund is hereby
 1 created. The fund may be used to carry out the purposes of the
 2 Nebraska Archaeological Resources Preservation Act. Any money in
 3 the fund available for investment shall be invested by the state
 4 investment officer pursuant to the Nebraska Capital Expansion Act
 5 and the Nebraska State Funds Investment Act.".

- LEGISLATIVE BILL 35.** Indefinitely postponed.
- LEGISLATIVE BILL 74.** Indefinitely postponed.
- LEGISLATIVE BILL 233.** Indefinitely postponed.
- LEGISLATIVE BILL 290.** Indefinitely postponed.
- LEGISLATIVE BILL 408.** Indefinitely postponed.
- LEGISLATIVE BILL 477.** Indefinitely postponed.
- LEGISLATIVE BILL 581.** Indefinitely postponed.
- LEGISLATIVE BILL 591.** Indefinitely postponed.
- LEGISLATIVE BILL 685.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations
 Room 1524

LB 746 Monday, February 28, 2005 Monday, February 28, 2005 AGENCY 5 - Supreme Court and State Court Administrator AGENCY 15 - Board of Pardons and Board of Parole AGENCY 64 - State Patrol	1:30 p.m. 1:30 p.m.
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(Signed) Don Pederson, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 38 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 38.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 533. The Standing Committee amendment,

AM0238, printed separately and referred to on page 447 and considered on page 522, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

LB 43	Wednesday, February 23, 2005	1:30 p.m.
LB 464	Wednesday, February 23, 2005	1:30 p.m.
LB 510	Wednesday, February 23, 2005	1:30 p.m.
LB 592	Wednesday, February 23, 2005	1:30 p.m.
LB 621	Wednesday, February 23, 2005	1:30 p.m.
LB 759	Wednesday, February 23, 2005	1:30 p.m.
LB 4	Thursday, February 24, 2005	1:30 p.m.
LB 269	Thursday, February 24, 2005	1:30 p.m.
LB 504	Thursday, February 24, 2005	1:30 p.m.
LB 505	Thursday, February 24, 2005	1:30 p.m.
LB 714	Thursday, February 24, 2005	1:30 p.m.
LB 730	Thursday, February 24, 2005	1:30 p.m.
LB 218	Friday, February 25, 2005	1:30 p.m.
LB 280	Friday, February 25, 2005	1:30 p.m.
LB 632	Friday, February 25, 2005	1:30 p.m.
LB 633	Friday, February 25, 2005	1:30 p.m.
LB 724	Friday, February 25, 2005	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 150. Title read. Considered.

The Standing Committee amendment, AM0218, found on page 467, was considered.

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 150A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Education

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

Stan Carpenter - Nebraska Educational Telecommunications Commission

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, Raikes, Schrock, and Stuhr. Nay: None. Absent: Senator McDonald.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 263:
AM0450

1 1. Insert the following new section:
2 "Sec. 6. (1) The county assessor shall perform an
3 income-approach calculation for all rent-restricted housing
4 projects constructed to allow an allocation of low-income housing
5 tax credits under section 42 of the Internal Revenue Code and
6 approved by the Nebraska Investment Finance Authority when
7 considering the assessed valuation to place on the property for
8 each assessment year. The income-approach calculation shall be
9 consistent with any rules and regulations adopted and promulgated
10 by the Property Tax Administrator and shall comply with
11 professionally accepted mass appraisal techniques. Any low-income
12 housing tax credits authorized under section 42 of the Internal
13 Revenue Code that were granted to owners of the project shall not
14 be considered income for purposes of the calculation but may be
15 considered in determining the capitalization rate to be used when
16 capitalizing the income stream. The county assessor, in
17 determining the actual value of any specific property, may consider
18 other methods of determining value that are consistent with

19 professionally accepted mass appraisal methods described in section
20 77-112.

21 (2) The owner of a rent-restricted housing project shall
22 file a statement with the county assessor on or before October 1 of
23 each year that details income and expense data for the prior year,
24 a description of any land-use restrictions, and such other
1 information as the county assessor may require."
2 2. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 54:
AM0428

1 1. Insert the following new sections:
2 "Sec. 8. Section 48-227, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 48-227. Veterans who obtain passing scores on all parts
5 or phases of an examination shall have five ~~points~~ percent added to
6 their passing score if a claim for such ~~points~~ preference is made
7 on the application. An additional five ~~points~~ percent shall be
8 added to the passing score of any disabled veteran.
9 Sec. 9. Section 48-229, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 48-229. It shall be the duty of the Commissioner of
12 Labor to enforce the provisions of sections 48-225 to 48-231. The
13 commissioner shall act on preference claims as follows:
14 (1) When the employing agency and the claimant are in
15 disagreement or when there is doubt as to any preference claim, the
16 commissioner shall adjudicate the claim based on information given
17 in the claim, the documents supporting the claim, and information
18 which may be received from the armed forces of the United States,
19 the United States Department of Veterans Affairs, or the National
20 Archives and Records Administration;
21 (2) The commissioner shall allow a tentative ~~five-point~~
22 five-percent preference, pending receipt of additional information,
23 to any person who claims either a ~~five-point~~ five-percent or a
24 ~~ten-point~~ ten-percent preference but who furnishes insufficient
1 information to establish entitlement thereto at the time of
2 examination; and
3 (3) The commissioner shall decide appeals from preference
4 determinations made by any employing agency.
5 Sec. 37. The following section is outright repealed:
6 Section 81-1393, Reissue Revised Statutes of Nebraska."
7 2. On page 49, strike line 13 and insert "Sec. 34.
8 Sections 1 to 4, 10 to 13, 15, 21 to 27, and 29 to 35"; in line 14,
9 strike "to 33"; and in line 22, after "48-225," insert "48-227,
10 48-229,".
11 3. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 54:
(Amendment, AM0304, is printed separately and available in the Bill Room,

Room 1104.)

Senators Mines and Beutler filed the following amendment to LB 119:
AM0398

- 1 1. Insert the following new section:
- 2 "Sec. 27. Section 44-7508.02, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 44-7508.02. (1) For policy forms to which this section
- 5 applies as provided in section 44-7508.01, each insurer shall file
- 6 with the director every policy form and related attachment rule and
- 7 every modification thereof which it proposes to use. For policy
- 8 forms to which this section applies, no insurer shall issue a
- 9 contract or policy except in accordance with the filings that are
- 10 in effect for such insurer as provided in the Property and Casualty
- 11 Insurance Rate and Form Act except as provided in subsection (10)
- 12 or (11) of this section or as provided by rules and regulations
- 13 adopted and promulgated pursuant to section 44-7514 or 44-7515.
- 14 (2) Every filing shall state its effective date, which
- 15 shall not be prior to the date that the director receives the
- 16 filing.
- 17 (3) Every policy form filing shall explain the intended
- 18 use of such policy forms. Filings shall include a list of policy
- 19 forms that will be replaced when the approval of a filing will
- 20 result in the replacement of previously approved policy forms. In
- 21 addition, insurers shall maintain listings of policy forms that
- 22 have been filed so that such listings can be provided upon request.
- 23 (4) The director shall acknowledge receipt of a policy
- 24 form filing as soon as practical. A review of the filing by the
- 1 director is not required to issue this acknowledgment, and
- 2 acknowledgment shall not constitute an approval by the director.
- 3 (5) The director may review a policy form filing at any
- 4 time after it has been made. The director shall review a policy
- 5 form filing for insurance covering risks of a personal nature,
- 6 including insurance for homeowners, tenants, private passenger
- 7 nonfleet automobiles, mobile homes, and other property and casualty
- 8 insurance for personal, family, or household needs, within thirty
- 9 days after the filing has been made. Following such review, the
- 10 director shall disapprove a filing that contains provisions,
- 11 exceptions, or conditions that: (a) Are unjust, unfair, ambiguous,
- 12 inconsistent, inequitable, misleading, deceptive, or contrary to
- 13 public policy; (b) are written so as to encourage the
- 14 misrepresentation of coverage; (c) fail to reasonably provide the
- 15 general coverage for policies of that type; (d) fail to comply with
- 16 the provisions or the intent of the laws of this state; or (e)
- 17 would provide coverage contrary to the public interest.
- 18 (6) If, within thirty days after its receipt, the
- 19 director disapproves a filing that requires disapproval pursuant to
- 20 subsection (5) of this section, then a written disapproval notice
- 21 shall be sent to the insurer. The disapproval notice shall specify

22 in what respects the filing fails to meet these requirements. Upon
23 receipt of the notice of disapproval, the insurer shall cease use
24 of the filing as soon as practical but may use the form for
25 policies that have already been issued or when pending coverage
26 proposals are outstanding.

27 (7) If, within thirty days after its receipt, the
1 director requests additional information to complete review of a
2 policy form filing, the thirty-day review period allowed in
3 subsection (6) of this section shall commence on the date such
4 information is received by the director. If a filer fails to
5 furnish the required information within ninety days, the director
6 may, by written notice sent to the insurer, deem the filing as
7 withdrawn and not available for use.

8 (8) An insurer whose filing is disapproved pursuant to
9 subsection (6) of this section may, within thirty days after
10 receipt of a disapproval notice, request a hearing in accordance
11 with section 44-7532.

12 (9) An insurer may authorize the director to accept
13 policy form filings made on its behalf by an advisory organization.

14 (10)(a) Subject to the requirements of this subsection,
15 policy forms unique in character and designed for and used with
16 regard to an individual risk under common ownership subject to the
17 rate filing provisions of section 44-7508 shall be exempt from
18 subsection (1) of this section.

19 (b) At the earliest practical opportunity, but no later
20 than thirty days after the effective date of the policy using
21 unfiled provisions, the insurer shall provide the prospective
22 insured with a written listing of the policy forms that have not
23 been filed with the director. This requirement does not apply to
24 renewals using the same unfiled policy forms.

25 (c) A policy form that has been used in this state or
26 elsewhere by the insurer for another risk shall not be subject to
27 the exemption provided by this subsection, except that an insurer
1 may use a policy form previously developed for a single risk for a
2 second risk if the policy form is filed within sixty days after its
3 second usage.

4 (d) The exemption provided by this subsection shall not
5 apply to policy forms that, prior to their use by the insurer, had
6 been filed by an advisory organization in this state or had been
7 filed by the insurer in any jurisdiction, regardless of whether
8 approval was received.

9 (e) The director may by rule and regulation or by order
10 make specific restrictions relating to the exemption provided by
11 this subsection and may require the informational filing of policy
12 forms subject to such exemption within a reasonable time after
13 their use. Any such informational filings specifically relating to
14 individual risks shall be confidential and may not be made public
15 by the director except as may be compiled in summaries of such
16 activity.

17 (11) The director may by rule and regulation suspend or
 18 modify the filing requirements of this section as to any type of
 19 insurance or class of risk for which policy forms cannot
 20 practicably be filed before they are used. The director may
 21 examine insurers as is necessary to ascertain whether any policy
 22 forms affected by such rules and regulations meet the standards
 23 contained in the Property and Casualty Insurance Rate and Form Act.

24 (12) If, at any time after the expiration of the review
 25 period provided by subsection (6) of this section or any extension
 26 thereof, the director finds that a policy form, attachment rule, or
 27 modification thereof does not meet or no longer meets the
 1 requirements of subsection (5) of this section, the director shall
 2 hold a hearing in accordance with section 44-7532.

3 (13) Any insured aggrieved with respect to any policy
 4 form filing subject to this section may make written application to
 5 the director for a hearing on such filing. The hearing application
 6 shall specify the grounds to be relied upon by the applicant. If
 7 the director finds that the hearing application is made in good
 8 faith, that a remedy would be available if the grounds are
 9 established, or that such grounds otherwise justify holding a
 10 hearing, the director shall hold a hearing in accordance with
 11 section 44-7532.

12 (14) If, after a hearing held pursuant to subsection (12)
 13 or (13) of this section, the director finds that a filing does not
 14 meet the requirements of subsection (5) of this section, the
 15 director shall issue an order stating in what respects such filing
 16 fails to meet the requirements and when, within a reasonable period
 17 thereafter, such policy form or attachment rule shall no longer be
 18 used. Copies of the order shall be sent to the applicant, if
 19 applicable, and to every affected insurer and advisory
 20 organization. The order shall not affect any contract or policy
 21 made or issued prior to the expiration of the period set forth in
 22 the order."

23 2. On page 33, strike beginning with the comma in line 5
 24 through "(C)" in line 9 and insert "or (B)".

25 3. On page 116, line 2, strike the third comma and
 26 insert "to".

27 4. Renumber the remaining sections and correct internal
 1 references accordingly.

Senator Jensen filed the following amendment to LB 301:
 AM0441

1 1. Strike original section 44 and insert the following
 2 new section:

3 "Sec. 70. Section 81-3202, Revised Statutes Supplement,
 4 2004, is amended to read:

5 81-3202. The powers and duties of the Department of
 6 Health and Human Services Regulation and Licensure shall include,
 7 but are not limited to, the following:

- 8 (1) To operate in coordination with the Department of
9 Health and Human Services and the Department of Health and Human
10 Services Finance and Support;
- 11 (2) To consult and cooperate with other state agencies so
12 as to coordinate its activities in an effective manner with related
13 activities in other agencies;
- 14 (3) To adopt and promulgate necessary rules and
15 regulations to implement its programs and activities as required by
16 state law or under federal law or regulation governing grants or
17 contracts administered by the Department of Health and Human
18 Services Regulation and Licensure;
- 19 (4) Under the direction and guidance of the Adjutant
20 General and the Nebraska Emergency Management Agency, to coordinate
21 assistance programs established by the Adjutant General under
22 section 81-829.72 with the programs of the department;
- 23 (5) To enter into such agreements as may be necessary or
24 appropriate with the Department of Health and Human Services
1 Finance and Support to provide services and manage funds as
2 provided under the Nebraska Health and Human Services System Act,
3 including the administration of federal funds granted to the state
4 in the furtherance of the activities of the Department of Health
5 and Human Services Regulation and Licensure;
- 6 (6) To enter into such agreements with and among the
7 Department of Health and Human Services and the Department of
8 Health and Human Services Finance and Support as may be necessary
9 or appropriate to carry out the intent and purposes of the act,
10 which may include, but are not limited to, agreements for the
11 transfer of personnel, for the authority of such department or
12 departments to act as its agent in carrying out services or
13 functions, or a portion of them, or for the joint implementation of
14 public or private grants or performance of contracts;
- 15 (7) To seek grants and other funds from federal and other
16 public and private sources to carry out the purposes of the act and
17 the missions and purposes of the Department of Health and Human
18 Services Regulation and Licensure and to accept and administer
19 programs or resources delegated, designated, assigned, or awarded
20 by the Governor or by other public and private sources;
- 21 (8) To contract with and act as the agent of the federal
22 government in matters of mutual concern in conformity with the act
23 and the scope of authority of the department as provided by law;
- 24 (9) To provide comprehensive information to the
25 Legislature and the Appropriations Committee of the Legislature
26 relating to funding requests for programs and subprograms;
- 27 (10) To manage services and programs of the Department of
1 Health and Human Services Regulation and Licensure, whether
2 contracted or delivered directly by the state, including, but not
3 limited to: (a) Providing services in accordance with established
4 policies, desired outcomes, priorities, and goals; (b) identifying

5 strategies jointly with communities for accomplishing identified
 6 goals and outcomes; and (c) assuring service coordination and
 7 access through public education and information, community resource
 8 development, technical assistance, and coordinated service
 9 management;

10 (11) To ensure the quality of statewide health and human
 11 services based on outcomes and performance measures, including, but
 12 not limited to: (a) Developing evaluation measurements and
 13 analyzing results; (b) certifying and licensing facilities and
 14 professionals; (c) evaluating services or programs to determine
 15 compliance with state, federal, or other contractual requirements;
 16 (d) developing, reviewing, and revising rules and regulations in
 17 accordance with established systemwide policies and objectives; (e)
 18 coordinating with the Department of Health and Human Services to
 19 develop appropriate technical assistance, education, training, and
 20 joint problem-solving; and (f) providing a common-sense approach to
 21 regulation and licensure that focuses on the outcomes and assures
 22 compliance consistent with those outcomes;

23 ~~(11)~~ (12) To adopt and promulgate confidentiality rules
 24 and regulations as provided in section 81-3007.01; and

25 ~~(12)~~ (13) To perform such other duties as are provided by
 26 law."

27 2. In the E & R amendments, AM7008, on page 1, strike
 1 beginning with "51" in line 3 through "70" in line 4 and insert
 2 "50, 52 to 63, 69"; and in line 5 strike "52, 67 to 69" and insert
 3 "66 to 68".

4 3. On page 6, strike beginning with "section" in line 21
 5 through "Act" in line 22, show as stricken, and insert "42 U.S.C.
 6 1396d(a)(ii)".

7 4. On page 73, line 18, strike "The act and sections
 8 are" and insert "This section is".

9 5. On page 75, line 21, strike "71-5177,"; and in line
 10 28 strike "section 81-3102" and all amendments thereto and insert
 11 "sections 71-5653, 81-3102, and 81-3202".

12 6. Renumber the remaining sections accordingly.

Senator Byars filed the following amendment to LB 89:
 AM0447

1 1. On page 2, line 25, after "period" insert ", if the
 2 requirements regarding education and examination for licensure in
 3 the state of licensure are equal to or exceed the requirements
 4 regarding education and examination for licensure in Nebraska".

Senator Raikes filed the following amendment to LB 126:
 AM0363

1 1. Strike sections 37 and 44 and insert the following
 2 new section:
 3 "Sec. 37. Section 79-611, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

- 5 79-611. (1) The school board shall either provide free
6 transportation or pay an allowance for transportation in lieu of
7 free transportation as follows:
- 8 (a) When a student in grades kindergarten through eight
9 attends an elementary school in his or her own district and lives
10 more than four miles from the public schoolhouse in such district;
11 and
- 12 (b) When a student in grades kindergarten through eight
13 is required to attend an elementary school outside of his or her
14 own district and lives more than four miles from such elementary
15 school. ;
- 16 ~~(c) When a student attends a secondary school in his or~~
17 ~~her own Class II or Class III school district and lives more than~~
18 ~~four miles from the public schoolhouse. This subdivision does not~~
19 ~~apply when one or more Class I school districts merge with a Class~~
20 ~~VI school district to form a new Class II or III school district on~~
21 ~~or after January 1, 1997; and~~
- 22 ~~(d) When a student, other than a student in grades ten~~
23 ~~through twelve in a Class V district, attends an elementary or~~
24 ~~junior high school in his or her own Class V district and lives~~
25 ~~more than four miles from the public schoolhouse in such district.~~
- 26 (2) The transportation allowance which may be paid to the
27 parent, custodial parent, or guardian of students qualifying for
28 free transportation pursuant to subsection (1) of this section
29 shall equal two hundred eighty-five percent of the mileage rate
30 provided in section 81-1176, multiplied by each mile actually and
31 necessarily traveled, on each day of attendance, beyond which the
32 one-way distance from the residence of the student to the
33 schoolhouse exceeds three miles.
- 34 (3) Whenever students from more than one family travel to
35 school in the same vehicle, the transportation allowance prescribed
36 in subsection (2) of this section shall be payable as follows:
- 37 (a) To the parent, custodial parent, or guardian
38 providing transportation for students from other families, one
39 hundred percent of the amount prescribed in subsection (2) of this
40 section for the transportation of students of such parent's,
41 custodial parent's, or guardian's own family and an additional five
42 percent for students of each other family not to exceed a maximum
43 of one hundred twenty-five percent of the amount determined
44 pursuant to subsection (2) of this section; and
- 45 (b) To the parent, custodial parent, or guardian not
46 providing transportation for students of other families, two
47 hundred eighty-five percent of the mileage rate provided in section
48 81-1176 multiplied by each mile actually and necessarily traveled,
49 on each day of attendance, from the residence of the student to the
50 pick-up point at which students transfer to the vehicle of a
51 parent, custodial parent, or guardian described in subdivision (a)
52 of this subsection.
- 53 (4) The board may authorize school-provided

3 transportation to any student who does not qualify under the
 4 mileage requirements of subsection (1) of this section and may
 5 charge a fee to the parent or guardian of the student for such
 6 service. ~~An affiliated high school district may provide free
 7 transportation or pay the allowance described in this section for
 8 high school students residing in an affiliated Class I district.~~
 9 No transportation payments shall be made to a family for mileage
 10 not actually traveled by such family. The number of days the
 11 student has attended school shall be reported monthly by the
 12 teacher to the board of such public school district.

13 (5) No more than one allowance shall be made to a family
 14 irrespective of the number of students in a family being
 15 transported to school. If a family resides in a Class I district
 16 which is part of a Class VI district and has students enrolled in
 17 any of the grades offered by the Class I district and in any of the
 18 non-high-school grades offered by the Class VI district, such
 19 family shall receive not more than one allowance for the distance
 20 actually traveled when both districts are on the same direct travel
 21 route with one district being located a greater distance from the
 22 residence than the other. In such cases, the travel allowance
 23 shall be prorated among the school districts involved.

24 (6) No student shall be exempt from school attendance on
 25 account of distance from the public schoolhouse".

26 2. Amend the repealer, renumber the remaining sections,
 27 and correct internal references accordingly.

ANNOUNCEMENT

Senator Kopplin designates LB 500 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Introduced by Howard, 9;
 Cunningham, 40; Price, 26.

WHEREAS, the Savidge family of Holt County were pioneers in
 American aviation history; and

WHEREAS, Joe and Matt Savidge constructed a heavier-than-air self-
 powered vehicle for flight and successfully held a public demonstration with
 that vehicle on May 7, 1911. The Savidge brothers successfully built and
 flew many airplanes during the infancy of air flight; and

WHEREAS, Matt Savidge was among the first to develop a method of
 skywriting; and

WHEREAS, the Savidge brothers barnstormed across the Great Plains,
 bringing the dream of airplane flight to thousands of people; and

WHEREAS, according to Duane Hutchinson, author of Sandhills
 Aviators, Joe Savidge coined the flying adage "May you always land an
 equal number to the times you took off"; and

WHEREAS, Matt Savidge's death in a 1916 plane crash ended an

important chapter in American and Nebraskan aviation history; and

WHEREAS, the Savidge family's contributions and sacrifices in aviation have not been given the recognition they deserve.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature recognizes and honors the aviation achievements of the Savidge family.

2. That the Clerk of the Legislature send a copy of this resolution to descendants of the Savidge family.

Laid over.

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

LB 107	Monday, February 28, 2005	1:30 p.m.
LB 108	Monday, February 28, 2005	1:30 p.m.
LB 430	Monday, February 28, 2005	1:30 p.m.
LB 702	Monday, February 28, 2005	1:30 p.m.
LB 668	Monday, February 28, 2005	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Business and Labor

Room 2102

LB 297	Monday, February 28, 2005	1:30 p.m.
LB 442	Monday, February 28, 2005	1:30 p.m.
LB 230	Monday, February 28, 2005	1:30 p.m.
LB 354	Monday, February 28, 2005	1:30 p.m.
LB 134	Monday, February 28, 2005	1:30 p.m.
LB 192	Monday, February 28, 2005	1:30 p.m.
LB 590	Monday, February 28, 2005	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

MESSAGE FROM THE GOVERNOR

February 15, 2005

President, Speaker Brashear,
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Please withdraw Dr. Donald Taylor, Jr.'s name from confirmation to the

Rural Health Advisory Commission due to his resignation.

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 722. Placed on General File as amended.
(Standing Committee amendment, AM0442, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ed Schrock, Chairperson

Education

LEGISLATIVE BILL 142. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 503. Title read. Considered.

The Standing Committee amendment, AM0380, printed separately and referred to on page 515, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

The Standing Committee amendment, AM0059, found on page 345, was considered.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 201. Placed on General File.

LEGISLATIVE BILL 209. Placed on General File.

LEGISLATIVE BILL 210. Indefinitely postponed.

LEGISLATIVE BILL 405. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 545. Placed on General File.

LEGISLATIVE BILL 564. Placed on General File.

LEGISLATIVE BILL 647. Placed on General File.

LEGISLATIVE BILL 676. Placed on General File.

LEGISLATIVE BILL 41. Indefinitely postponed.

LEGISLATIVE BILL 391. Indefinitely postponed.

LEGISLATIVE BILL 688. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

Education

LEGISLATIVE BILL 270. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Urban Affairs

LEGISLATIVE BILL 528. Placed on General File.

LEGISLATIVE BILL 626. Placed on General File.

LEGISLATIVE RESOLUTION 2CA. Placed on General File.

LEGISLATIVE BILL 384. Indefinitely postponed.

LEGISLATIVE BILL 414. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 570 as its priority bill.

VISITORS

Visitors to the Chamber were Elizabeth Koehler from Lincoln Southeast; Anthony and Emily Boubin and Joy Roos from Lexington Public Schools; Sara Achelpohl from Omaha; 53 members of Leadership Tomorrow from Hall County, Leadership York from York County, and Leadership Hastings from Adams County; 40 fourth-grade students and teachers from Eagle; and Janice Coordsen from Gilead and Faye Schellpeper from Stanton.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

