

THIRTY-SECOND DAY - FEBRUARY 23, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 2006

PRAYER

The prayer was offered by Pastor Robert Litzenberger, New Hope Evangelical Free Church, Gothenburg.

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 Combs, McDonald, and Redfield who were excused; and Senators Brown, Cornett, Erdman, Howard, Janssen, Johnson, Landis, Dw. Pedersen, Price, Stuhr, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

**STANDING COMMITTEE REPORTS
Revenue**

LEGISLATIVE BILL 1105. Placed on General File as amended.
(Standing Committee amendment, AM2389, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

Health and Human Services

The Health and Human Services 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.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

The Health and Human Services 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.

James Devaney - Commission for the Deaf and Hard of Hearing
Kenya Taylor - Commission for the Deaf and Hard of Hearing

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

The Health and Human Services 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.

Janet Coleman - State Board of Health
Linda Heiden - State Board of Health
Russell Hopp - State Board of Health
Pamela List - State Board of Health
Roger Reamer - State Board of Health
Robert Sandstrom - State Board of Health
Leslie Spry - State Board of Health
Daryl Wills - State Board of Health

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 1008:
FA487

P. 2, in lines 11, 14, 19 and in lines 22 and 23 strike "less than" show as stricken and insert "under".

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

Board of Emergency Medical Services
Ronald Balthazor
Bruce Beins
John W. Doyle
Dan Hakel
Val Snyder

George Tom Surber

Voting in the affirmative, 27:

Baker	Fischer	Jensen	Pahls	Smith
Burling	Flood	Kremer	Pederson, D.	Stuthman
Byars	Foley	Kruse	Preister	Wehrbein
Connealy	Friend	Langemeier	Raikes	
Cudaback	Heidemann	Louden	Schimek	
Cunningham	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 8:

Aguilar	Bourne	Chambers	Kopplin
Beutler	Brashear	Engel	Thompson

Excused and not voting, 14:

Brown	Erdman	Johnson	Pedersen, Dw.	Stuhr
Combs	Howard	Landis	Price	Synowiecki
Cornett	Janssen	McDonald	Redfield	

The appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

Child Abuse Prevention Fund Board
 Jennie Cole-Mossman
 Angela Wagner

Voting in the affirmative, 31:

Aguilar	Connealy	Hudkins	Mines	Stuhr
Baker	Cudaback	Jensen	Pahls	Stuthman
Beutler	Cunningham	Johnson	Preister	Wehrbein
Bourne	Fischer	Kremer	Raikes	
Burling	Foley	Landis	Schimek	
Byars	Friend	Langemeier	Schrock	
Chambers	Heidemann	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Brashear	Flood	Kruse	Thompson
Engel	Kopplin	Pederson, D.	

Excused and not voting, 11:

Brown	Erdman	McDonald	Redfield
Combs	Howard	Pedersen, Dw.	Synowiecki
Cornett	Janssen	Price	

The appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

State Foster Care Review Board

Linda Broderick
 Larry Brown
 James Gordon
 Gene Klein
 Joellen McGinn
 Judy Meter
 Mary Jo Pankoke
 Mario Scalora
 Gerald Schenck
 Georgina Scurfield
 Burrell Williams

Voting in the affirmative, 27:

Aguilar	Cudaback	Hudkins	Pahls	Stuhr
Baker	Cunningham	Jensen	Preister	Stuthman
Beutler	Fischer	Johnson	Raikes	Wehrbein
Bourne	Foley	Landis	Schimek	
Burling	Friend	Langemeier	Schrock	
Byars	Heidemann	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Brashear	Engel	Kremer	Pederson, D.
Chambers	Flood	Kruse	Thompson
Connealy	Kopplin	Mines	

Excused and not voting, 11:

Brown	Erdman	McDonald	Redfield
Combs	Howard	Pedersen, Dw.	Synowiecki
Cornett	Janssen	Price	

The appointments were confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 292. Introduced by Kremer, 34.

WHEREAS, Marylou Andrews, an esteemed resident of Hampton, Nebraska, and a student at Aurora High School, has achieved national recognition for exemplary volunteer service by receiving a 2006 Prudential Spirit of Community Award; and

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

WHEREAS, Ms. Andrews earned this award by giving generously of her time and energy to the creation and distribution of 2,000 Child Identification DNA Kits in cooperation with the Hamilton County 4-H Club; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Andrews who use their considerable talents and resources to serve others.

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

1. The Legislature congratulates and honors Ms. Andrews as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to her family.

Laid over.

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LR 259CA:
AM2403

- 1 1. On page 2, line 17, strike "used" through "Act",
- 2 show as stricken, and insert "distributed exclusively through
- 3 competitive grants to public and private entities as determined
- 4 by the Nebraska Environmental Trust Board for the purpose of
- 5 conserving, enhancing, and restoring the natural physical and
- 6 biological environment of Nebraska, for related transfers to
- 7 the Nebraska Environmental Endowment Fund, and for related
- 8 administrative costs".
- 9 2. On page 4, line 8, before the period insert "and

10 change provisions relating to the use of state lottery proceeds
 11 transferred to the Nebraska Environmental Trust Fund".

SELECT FILE

LEGISLATIVE BILL 975. The third Schrock pending amendment, FA485, found on page 750, was renewed.

Senator Chambers offered the following amendment to the third Schrock pending amendment:

FA488

Amendment to FA485

1. On page 1, strike beginning with "(1)" in line 2 through "a" in line 3 and insert "A"; in line 7 after "is" insert "solely"; and strike lines 9 through 22.
2. On page 2, strike lines 1 through 12.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Beutler

Voting in the negative, 19:

Baker	Erdman	Hudkins	Louden	Stuhr
Burling	Fischer	Kremer	Mines	Stuthman
Cunningham	Foley	Landis	Schrock	Wehrbein
Engel	Heidemann	Langemeier	Smith	

Present and not voting, 22:

Aguilar	Connealy	Johnson	Pederson, D.	Synowiecki
Brashear	Cudaback	Kopplin	Preister	Thompson
Brown	Flood	Kruse	Price	
Byars	Friend	Pahls	Raikes	
Chambers	Howard	Pedersen, Dw.	Schimek	

Excused and not voting, 7:

Bourne	Cornett	Jensen	Redfield
Combs	Janssen	McDonald	

The Chambers amendment lost with 1 aye, 19 nays, 22 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senators Mines, Brashear, and Landis filed the following amendment to LB 876:

(Amendment, AM2287, is printed separately and available in the Bill Room, Room 1104.)

Senator Cunningham filed the following amendment to LB 795:
AM2395

- 1 1. On page 11, line 21, strike "or the number of years"
- 2 and insert "unless a lesser number of years is".

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1116. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File as amended.

(E & R amendment, AM7166, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 757. Placed on Select File as amended.

E & R amendment to LB 757:

AM7168

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 84-106, Revised Statutes Cumulative
- 4 Supplement, 2004, is amended to read:
- 5 84-106 The Governor is authorized to call to his or
- 6 her assistance and to appoint any number of persons necessary to
- 7 assist the Superintendent of Law Enforcement and Public Safety to
- 8 enforce ~~the provisions of~~ the criminal laws. The superintendent and
- 9 his or her assistants, who shall be designated ~~and named~~ deputy
- 10 state sheriffs, shall qualify by ~~each~~ taking and filing an oath
- 11 in writing. Such ~~individuals~~ persons shall be bonded or insured as
- 12 required by section 11-201. The premiums may be paid for out of
- 13 appropriations made ~~available~~ to the state offices, departments,
- 14 commissions, or other agencies to which such deputy state sheriffs
- 15 are assigned. No deputy state sheriffs shall be assigned to the
- 16 Department of Correctional Services. The superintendent and his or
- 17 her assistants shall have the same powers in each of the ~~several~~
- 18 counties of the state as the sheriffs have in their respective
- 19 counties, insofar as the enforcement of the criminal laws is
- 20 concerned. An action against the superintendent or any of his or

21 her assistants for an act done by them or either of them ~~in~~ by
 22 virtue of, or under color of their offices respectively, or for
 23 any neglect of their official duties, shall be brought ~~either~~ in
 1 Lancaster County, Nebraska, or in the county where the cause of
 2 action or some part thereof arose.

3 Sec. 2. Original section 84-106, Revised Statutes
 4 Cumulative Supplement, 2004, is repealed.

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

7 2. On page 1, line 2, after "Statutes" insert
 8 "Cumulative"; in line 3 strike "supervision and"; in line 4 strike
 9 "and"; and in line 5 after "section" insert "; and to declare an
 10 emergency".

LEGISLATIVE BILL 409. Placed on Select File as amended.

E & R amendment to LB 409:

AM7167

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

3 Section 1. Section 40-104, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 40-104 The homestead of a married person cannot be
 6 conveyed or encumbered unless the instrument by which it is
 7 conveyed or encumbered is executed and acknowledged by both
 8 husband and wife; except as otherwise ~~hereinafter~~ provided in this
 9 section. The interest of either or both spouses may be conveyed
 10 or encumbered by a guardian or conservator acting in accordance
 11 with the provisions of the Nebraska Probate Code and may also be
 12 conveyed or encumbered by an attorney in fact appointed by and
 13 acting on behalf of either spouse under any power of attorney which
 14 grants the power to sell and convey real property. If either the
 15 ~~husband or wife is incompetent the homestead may be encumbered for~~
 16 ~~the purpose of paying or refinancing any valid existing lien for~~
 17 ~~which the homestead might be sold upon order of sale or execution,~~
 18 ~~or for the purpose of paying taxes, provided the instrument by~~
 19 ~~which it is to be encumbered is executed and acknowledged by the~~
 20 ~~competent spouse and the interest of the incompetent person is~~
 21 ~~encumbered in the manner and form provided for encumbering the~~
 22 ~~interest of an incompetent person in other real property. Any claim~~
 23 of invalidity of a deed of conveyance of homestead property because
 1 of failure to comply with the provisions of this section must be
 2 asserted within the time provided in sections 76-288 to 76-298.

3 Sec. 2. Original section 40-104, Reissue Revised Statutes
 4 of Nebraska, is repealed.

LEGISLATIVE BILL 860. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File as amended.

E & R amendment to LB 795:

AM7170

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

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendment to LB 787:

AM7173

- 1 1. On page 6, line 13, strike "section" and insert "act".

LEGISLATIVE BILL 792. Placed on Select File as amended.
E & R amendment to LB 792:

AM7171

- 1 1. On page 1, line 4, strike the second "and"; and in
- 2 line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 819. Placed on Select File.

LEGISLATIVE BILL 1066. Placed on Select File.

LEGISLATIVE BILL 833. Placed on Select File.

LEGISLATIVE BILL 789. Placed on Select File.

LEGISLATIVE BILL 1008. Placed on Select File.

LEGISLATIVE BILL 1008A. Placed on Select File.

LEGISLATIVE BILL 823. Placed on Select File.

LEGISLATIVE BILL 921. Placed on Select File as amended.
E & R amendment to LB 921:

AM7172

- 1 1. On page 4, line 5, strike "administrator" and insert
- 2 "administrators".

LEGISLATIVE BILL 941. Placed on Select File.

LEGISLATIVE BILL 771. Placed on Select File.

LEGISLATIVE BILL 1067. Placed on Select File.

LEGISLATIVE BILL 1178. Placed on Select File.

LEGISLATIVE BILL 815. Placed on Select File as amended.
E & R amendment to LB 815:

AM7169

- 1 1. On page 1, lines 4 and 5, strike "large loads" and
- 2 insert "other vehicles".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 821. Placed on General File as amended.
Standing Committee amendment to LB 821:

AM2314

1 1. Strike the original sections and insert the following
 2 new section:
 3 Section 1. Each school board shall allow the part-time
 4 enrollment of students who are also enrolled in another public,
 5 private, denominational, or parochial school or in a school which
 6 elects pursuant to section 79-1601 not to meet accreditation or
 7 approval requirements and shall establish policies and procedures
 8 for such part-time enrollment. Such policies and procedures may
 9 require part-time students to follow school policies that apply to
 10 other students at any time the part-time student is present on
 11 school grounds. Part-time enrollment shall not entitle a student to
 12 transportation or transportation reimbursements pursuant to section
 13 79-611. Nothing in this section shall be construed to exempt
 14 any student from the compulsory attendance provisions of sections
 15 79-201 to 79-207.

(Signed) Ron Raikes, Chairperson

SELECT FILE

LEGISLATIVE BILL 975. Senator Chambers offered the following motion:
 Reconsider the vote taken on FA488.

The Chambers motion to reconsider failed with 2 ayes, 8 nays, 32 present and not voting, and 7 excused and not voting.

Senator Schrock offered the following amendment to the third Schrock pending amendment:
 AM2423

(Amendments to FA485)

- 1 1. On page 1, line 14, strike "the greater of (a) ten
- 2 percent or (b)".

SENATOR JANSSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 1115:
 AM2405

(Amendments to Standing Committee amendments, AM2038)

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 25-2802, Revised Statutes Cumulative
- 3 Supplement, 2004, is amended to read:
- 4 25-2802 (1) The Small Claims Court shall have subject
- 5 matter jurisdiction in all civil actions of any type when the
- 6 amount of money or damages or the value of the personal property

7 claimed does not exceed the jurisdictional amount specified in
8 subsection (4) of this section, exclusive of interest and costs.

9 (2) The Small Claims Court shall have subject matter
10 jurisdiction in civil matters when the plaintiff seeks to
11 disaffirm, avoid, or rescind a contract or agreement for the
12 purchase of goods or services not in excess of the jurisdictional
13 amount specified in subsection (4) of this section, exclusive of
14 interest and costs.

15 (3) The Small Claims Court shall have jurisdiction when
16 the party defendant or his or her agent resides or is doing
17 business within the county or when the cause of action arose within
18 the county.

19 (4) The jurisdictional amount was ~~one thousand five~~
20 ~~hundred dollars through June 30, 1990, one thousand eight hundred~~
21 ~~dollars from July 1, 1990, through June 30, 1995, and two thousand~~
22 ~~one hundred dollars from July 1, 1995, through June 30, 2000. The~~
1 ~~jurisdictional amount is~~ two thousand four hundred dollars from
2 July 1, 2000, through June 30, 2005. The jurisdictional amount is
3 two thousand seven hundred dollars from July 1, 2005, through June
4 30, 2006. The jurisdictional amount is four thousand dollars from
5 July 1, 2006, through June 30, 2010.

6 The Supreme Court shall ~~continue to~~ adjust the
7 jurisdictional limit for the Small Claims Court ~~every fifth year~~
8 ~~commencing July 1, 2000~~ to be in effect for a five-year period
9 beginning on July 1, 2010. The adjusted jurisdictional amount shall
10 be equal to the then current jurisdictional amount adjusted by
11 the average percentage change in the unadjusted Consumer Price
12 Index for All Urban Consumers published by the Federal Bureau
13 of Labor Statistics for the ~~five-year~~ four-year period preceding
14 ~~the adjustment date~~ July 1, 2010. The jurisdictional amount shall
15 be rounded to the nearest one-hundred-dollar amount. Thereafter
16 the Supreme Court shall continue to adjust the jurisdictional
17 limit for the Small Claims Court every fifth year commencing July
18 1, 2015. The adjusted jurisdictional amount shall be equal to
19 the then current jurisdictional amount adjusted by the average
20 percentage change in the unadjusted Consumer Price Index for
21 All Urban Consumers published by the Federal Bureau of Labor
22 Statistics for the five-year period preceding the adjustment
23 date. The jurisdictional amount shall be rounded to the nearest
24 one-hundred-dollar amount.

25 2. On page 17, line 26, strike "33" and insert "34".

26 3. On page 33, line 14, strike "29, 30, 38, 39, 40, and
27 44" and insert "30, 31, 39, 40, 41, and 45"; and in line 25 after
1 the first comma insert "25-2802,".

2 4. Renumber remaining sections accordingly.

Senator Kremer filed the following amendment to LB 346:
AM2418

(Amendments to Standing Committee amendments, AM0284)

- 1 1. Strike amendments 1 and 2 and insert the following
 2 amendments:
 3 1. Strike original section 11 and insert the following
 4 new section:
 5 Sec. 11. The changes made in sections 77-5201, 77-5203,
 6 77-5208, 77-5209, and 77-5211 to 77-5213 by this legislative
 7 bill shall become operative for all credits earned in tax years
 8 beginning or deemed to begin on and after January 1, 2007, under
 9 the Internal Revenue Code of 1986, as amended. For all credits
 10 earned in tax years beginning or deemed to begin, prior to January
 11 1, 2007, under the code, the provisions of the Beginning Farmer Tax
 12 Credit Act as they existed prior to such date shall apply.
 13 2. On page 4, line 7, strike "section 6" and insert
 14 "sections 6 and 11".
 15 3. On page 6, line 22, strike "and", show as stricken and
 16 insert "The board"; and in line 26 before the period insert "and
 17 qualified beginning farmers and livestock producers as eligible for
 18 the tax credit authorized by section 6 of this act".
 19 4. On page 8, line 10, strike beginning with "Beginning"
 20 through "a" and insert "A"; and in line 22 strike beginning with
 21 "Beginning" through "an", show as stricken, and insert "An".
 22 5. On page 10, line 28, strike the new matter and
 1 reinstate the stricken matter.
 2 2. Renumber the remaining amendment accordingly.

Senators Jensen, Byars, Cunningham, Erdman, Howard, Johnson, and Stuthman filed the following amendment to LB 994:
 AM2157

- 1 1. Insert the following new sections:
 2 Sec. 25. Section 68-1713, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 68-1713 (1) The Department of Health and Human Services
 5 shall submit a waiver request or requests to the United States
 6 Department of Health and Human Services and the United States
 7 Department of Agriculture as necessary for federal authorization to
 8 implement the provisions of the Welfare Reform Act. The Department
 9 of Health and Human Services may include the provisions of sections
 10 68-1718 to 68-1726 in its waiver requests and shall designate
 11 counties for implementation on or after July 1, 1995, of such
 12 sections for recipient families in the aid to dependent children
 13 program. It is the intent of the Legislature that such designated
 14 counties include at least one county with a population of not
 15 more than thirty-five thousand inhabitants and one county with a
 16 population of at least one hundred fifty thousand inhabitants but
 17 not more than three hundred thousand inhabitants.
 18 The Department of Health and Human Services shall
 19 implement the following policies:
 20 (a) Permit Work Experience in Private for Profit
 21 Enterprises;

- 22 (b) Permit Job Search; ~~to Extend Beyond Eight Weeks Each~~
 23 ~~Year;~~
- 1 (c) Permit Employment to be Considered a JOBS Program
 2 Component;
- 3 (d) Make Sanctions More Stringent to Emphasize
 4 Participant Obligations;
- 5 (e) Alternative Hearing Process;
- 6 (f) Permit Adults in Two-Parent Households to Participate
 7 in JOBS Activities Based on Their Self-Sufficiency Needs;
- 8 (g) Eliminate Exemptions for Individuals with Children
 9 Between the Ages of 12 Weeks and Age Six;
- 10 (h) Providing Poor Working Families with Transitional
 11 Child Care to Ease the Transition from Welfare to Self-Sufficiency;
- 12 (i) Provide Transitional Health Care for 12 Months After
 13 Termination of ADC;
- 14 (j) Cap Family Benefits Based on the Number of Children
 15 in the Unit at the Time of Initial Eligibility;
- 16 (k) Require Adults to Ensure that Children in the Family
 17 Unit Attend School;
- 18 (l) Encourage Minor Parents to Live with Their Parents;
- 19 (m) Establish a Resource Limit of \$4,000 for a single
 20 individual and \$6,000 for two or more individuals for ADC;
- 21 (n) Exclude the Value of One Vehicle Per Family When
 22 Determining ADC Eligibility;
- 23 (o) Exclude the Cash Value of Life Insurance Policies in
 24 Calculating Resources for ADC;
- 25 (p) Permit the Self-Sufficiency Contract Assessment to
 26 Substitute for the Six-Month ADC Redetermination Process;
- 27 (q) Establish Food Stamps as a Continuous Benefit with
 1 Eligibility Reevaluated with Yearly Redeterminations;
- 2 (r) Establish a Budget the Gap Methodology Whereby
 3 Countable Earned Income is Subtracted from the Standard of the
 4 Need and Payment is Based on the Difference or Maximum Payment
 5 Level, Whichever is Less. That this Gap be Established at a Level
 6 that Encourages Work but at Least at a Level that Ensures that
 7 Those Currently Eligible for ADC do not Lose Eligibility Because of
 8 the Adoption of this Methodology;
- 9 (s) Adopt an Earned Income Disregard of Twenty Percent of
 10 Gross Earnings in the ADC Program and One Hundred Dollars in the
 11 Related Medical Assistance Program;
- 12 (t) Disregard Financial Assistance Received Intended for
 13 Books, Tuition, or Other Self-Sufficiency Related Use;
- 14 (u) Culture: Eliminate the 100-Hour Rule, The Quarter of
 15 Work Requirement, and The 30-Day Unemployed/Underemployed Period
 16 for ADC-UP Eligibility;
- 17 (v) Make ADC a Time-Limited Program;
- 18 (w) Eliminate Self-Initiated Training as a JOBS Option;
 19 and
- 20 (x) Other Waivers: Statewide Operation of the

21 Demonstration Project.

22 At the end of the first year of implementation, the
23 department shall identify any adjustments or adaptations that may
24 be needed before the policies of the Welfare Reform Act are
25 implemented in other areas of the state. Such review shall include
26 an evaluation of the impact of such policies. The department shall
27 implement the policies in additional counties as necessary to
1 complete statewide implementation.

2 (2) The Department of Health and Human Services shall (a)
3 apply for a waiver to allow for a sliding-fee schedule for the
4 population served by the caretaker relative program or (b) pursue
5 other public or private mechanisms, to provide for transitional
6 health care benefits to individuals and families who do not
7 qualify for cash assistance. It is the intent of the Legislature
8 that transitional health care coverage be made available on a
9 sliding-scale basis to individuals and families with incomes up to
10 one hundred eighty-five percent of the federal poverty level if
11 other health care coverage is not available.

12 Sec. 26. Section 68-1721, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 68-1721 (1) Under the self-sufficiency contract developed
15 under section 68-1719, the principal wage earner and other
16 nonexempt members of the applicant family shall be required to
17 participate in one or more of the following: Education, job skills
18 training, work experience, job search, or employment.

19 (2) Education shall consist of the general education
20 development program, high school, Adult Basic Education, English
21 as a Second Language, postsecondary education, or other education
22 programs approved in the contract.

23 (3) Job skills training shall include vocational
24 training in technical job skills and equivalent knowledge.
25 Activities shall consist of formalized, technical job skills
26 training, apprenticeships, on-the-job training, or training in the
27 operation of a microbusiness enterprise. The types of training,
1 apprenticeships, or training positions may include, but need not be
2 limited to, the ability to provide services such as home repairs,
3 automobile repairs, respite care, foster care, personal care, and
4 child care. Job skills training shall be prioritized and approved
5 for occupations that facilitate economic self-sufficiency.

6 (4) The purpose of work experience shall be to improve
7 the employability of applicants by providing work experience and
8 training to assist them to move promptly into regular public or
9 private employment. Work experience shall mean unpaid work in a
10 public, private, for-profit, or nonprofit business or organization.
11 Work experience placements shall take into account the individual's
12 prior training, skills, and experience. ~~A placement shall not
13 exceed three months.~~

14 (5) Job search shall assist adult members of recipient
15 families in finding their own jobs. The emphasis shall be placed on

16 teaching the individual to take responsibility for his or her own
 17 job development and placement. ~~If an intensive job search does not~~
 18 ~~result in employment within three months, the comprehensive assets~~
 19 ~~assessment and the self-sufficiency contract shall be reassessed.~~

20 (6) Employment shall consist of work for pay. The
 21 employment may be full-time or part-time but shall be adequate
 22 to help the recipient family reach economic self-sufficiency.

23 2. Renumber the remaining sections accordingly.

24 3. Correct internal references and the repealer so that
 25 the sections inserted by this amendment become operative on their
 26 effective date with the emergency clause.

Senator Erdman filed the following amendment to LB 853:
 AM2421

(Amendments to E & R amendments, AM7161)

1 1. Insert the following new sections:

2 Sec. 15. Section 60-601, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 60-601 Sections 60-601 to 60-6,377 and section 16 of this
 5 act shall be known and may be cited as the Nebraska Rules of the
 6 Road.

7 Sec. 16. Local authorities may place and maintain road
 8 name signs on the same sign posts as signs under the jurisdiction
 9 of the Department of Roads when highway visibility would not be
 10 impaired. Local authorities may also place and maintain road name
 11 signs in the right-of-way of any highway under the jurisdiction
 12 of the Department of Roads when highway visibility would not be
 13 impaired.

14 2. On page 19, line 7, strike "19" and insert "20"; and
 15 in line 12 after "60-4,139," insert "60-601,".

16 3. Renumber the remaining sections accordingly.

Senators Cudaback and Baker filed the following amendment to LB 663:
 (Amendment, AM1816, is printed separately and available in the Bill Room,
 Room 1104.)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 166A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1261A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 1261, Ninety-ninth Legislature, Second Session, 2006.

VISITORS

Visitors to the Chamber were Beth, Katie, Robbie, and Matthew Litzenberger from Brady; and Norm and Phyllis Saale from Grand Island.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2006.

Patrick J. O'Donnell
Clerk of the Legislature