

EIGHTH DAY - JANUARY 14, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 14, 2011

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Carlson, Christensen, Cook, Council, and Janssen who were excused; and Senator Karpisek who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB282	Appropriations
LB283	Education
LB284	Judiciary
LB285	Government, Military and Veterans Affairs
LB286	General Affairs
LB287	Education
LB288	Business and Labor
LB289	Transportation and Telecommunications
LB290	Health and Human Services
LB291	Business and Labor
LB292	Government, Military and Veterans Affairs
LB293	Judiciary
LB294	General Affairs
LB295	Transportation and Telecommunications
LB296	Judiciary

LB297	Revenue
LB298	Judiciary
LB299	General Affairs
LB300	Judiciary
LB301	Judiciary
LB302	Judiciary
LB303	Banking, Commerce and Insurance
LB304	Health and Human Services
LB305	Agriculture
LB306	Agriculture
LB307	Nebraska Retirement Systems
LB308	Urban Affairs
LB309	Urban Affairs
LB310	Judiciary
LB311	General Affairs
LB312	Government, Military and Veterans Affairs
LB313	Education
LB314	General Affairs
LB315	Banking, Commerce and Insurance
LB316	Health and Human Services
LB317	Banking, Commerce and Insurance
LB318	Revenue
LB319	Revenue
LB320	Revenue
LB321	Revenue
LB322	Banking, Commerce and Insurance
LB323	Revenue
LB324	Judiciary
LB325	Appropriations
LB326	Executive Board
LB327	Transportation and Telecommunications
LB328	Natural Resources
LB329	Urban Affairs
LB330	Health and Human Services
LB331	Education
LB332	Education
LB333	Education
LB334	Education
LB335	Urban Affairs
LB336	General Affairs
LB337	Government, Military and Veterans Affairs
LB338	Government, Military and Veterans Affairs
LB339	Judiciary
LB340	Natural Resources
LB341	Business and Labor
LB342	Natural Resources
LB343	Government, Military and Veterans Affairs
LB344	Government, Military and Veterans Affairs
LB345	Banking, Commerce and Insurance

LB346 Business and Labor
LB347 Banking, Commerce and Insurance
LR21 Health and Human Services
LR22 Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Monday, January 24, 2011 1:30 p.m.

LB332
LB333
LB331
LB334

Tuesday, January 25, 2011 1:30 p.m.

LB235
LB236
LB130
LB247

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 24, 2011 1:30 p.m.

LB47
LB112
LB163

Tuesday, March 1, 2011 2:30 p.m.

Patrick Flanagan - Nebraska Information Technology Commission
Lance Hedquist - Nebraska Information Technology Commission
Daniel Hoelsing - Nebraska Information Technology Commission
Harold Huggenberger - Nebraska Information Technology Commission
Doug Kristensen - Nebraska Information Technology Commission
Dan Shundoff - Nebraska Information Technology Commission

(Signed) Deb Fischer, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Alberts, Dan
Wendlab Development USA

Barrett, John
Cox Communications

Goc, John J.
Metropolitan Utilities District

Howell, Rachel
Nebraska Friends of Midwives

Karavas, Julie M.
GeneSeek, a Neogen Corporation Company

Mines, Mick
3M Traffic Safety Systems
Cameco (formerly Crow Butte) Resources, Inc.
Cargill/Excel
Corn Growers Association, American
Humane Society, Nebraska
Insurance and Financial Advisors, National Association of
Johnson & Johnson
League of Nebraska Municipalities
Mines & Associates
Papio Valley Preservation Association
Syngenta
Tobacco & Candy Distributors, Nebraska Association of

Mueller Robak LLC
National Popular Vote
Plasma Therabies, Alliance for

Radcliffe, Walter H. of Radcliffe & Associates
Church Street Health Management, dba CSHM.LLC c/o MultiState
Associates, Inc.
National Football League
Nebraska Citizens for the Arts Education Fund

Sanford, Robert A.
Domestic Violence Sexual Assault Coalition, Nebraska

Segura, April
Nebraska Friends of Midwives

Streamlined Sales and Use Tax System

Cornett

Smith

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 420. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601, 60-605, and 60-6,301, Reissue Revised Statutes of Nebraska; to define farm wagon; to provide for an exception from load limits for farm tractor-farm wagon combinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 421. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to motor vehicle park entry permits; to amend section 37-438, Reissue Revised Statutes of Nebraska, and section 37-440, Revised Statutes Cumulative Supplement, 2010; to change fees for annual and temporary permits and fees for issuance of the permits; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend sections 44-4221 and 44-4228, Reissue Revised Statutes of Nebraska; to expand eligibility for pool coverage; to require notice of ineligibility as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 423. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1901, 77-1902, 77-1909, 77-1914, 77-1915, and 77-1916, Reissue Revised Statutes of Nebraska; to change tax foreclosure provisions relating to liens of sanitary and improvement districts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 424. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to bonds; to amend section 85-1738, Reissue Revised Statutes of Nebraska; to change provisions relating to

personal liability on Nebraska Educational Finance Authority Act bonds; and to repeal the original section.

LEGISLATIVE BILL 425. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections 13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the use of multiple grants; and to repeal the original section.

LEGISLATIVE BILL 427. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-625, 54-626, 54-627, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised Statutes of Nebraska; to provide enhanced requirements and an outstanding designation for commercial dog breeders; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Cornett, 45; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 429. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-486 and 66-6,113, Reissue Revised Statutes of Nebraska; to change provisions relating to collection commissions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 430. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2010; to change property tax levy limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 431. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to health care; to amend sections 28-435.01, 38-1,126, 38-1,127, 71-6736, and 71-7460.02, Reissue Revised Statutes of Nebraska; to adopt the Health Care Quality Improvement Act; to eliminate provisions relating to peer review committees; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-2046, 71-2047, 71-2048, 71-7901, 71-7902, and 71-7903, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 432. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to create sales and use tax credits for certified renewable export facilities; to create a fund and a board; to provide powers and duties; and to define terms.

LEGISLATIVE BILL 433. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require restriction, monitoring, and reporting on contracts with private agencies for the provision of child welfare and related services and programs.

LEGISLATIVE BILL 434. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1272 and 81-1274, Reissue Revised Statutes of Nebraska; to provide a termination date for the Business Development Partnership Act; to prohibit appropriation of General Funds to carry out the act; to state purpose and intent of legislation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1201.01, 81-1201.03, 81-1201.07, and 81-1201.20, Reissue Revised Statutes of Nebraska; to create the Business Ombudsman Division; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Gloor, 35; Campbell, 25; Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2602 and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of cigarettes and other tobacco products; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 437. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Krist, 10; Schumacher, 22.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to adoption of the state building code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Howard, 9.

A BILL FOR AN ACT relating to handicapped parking; to amend section 18-1741.02, Revised Statutes Cumulative Supplement, 2010; to increase fines for handicapped parking infractions; and to repeal the original section.

LEGISLATIVE BILL 439. Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, January 26, 2011 1:30 p.m.

LB197
LB167
LB293
LB310
LB296

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Friday, January 21, 2011 1:30 p.m.

LB96 (cancel)
LB118 (cancel)
LB119 (cancel)

Friday, January 21, 2011 1:30 p.m.

LB33

LB69

(Signed) Abbie Cornett, Chairperson

Business and Labor

Room 2102

Monday, January 24, 2011 1:30 p.m.

LB261

LB262

LB263

LB151

LB189

(Signed) Steve Lathrop, Chairperson

General Affairs

Room 1510

Monday, January 24, 2011 1:30 p.m.

LB249

LB256

LB279

LB294

LB311

(Signed) Russ Karpisek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 440. Introduced by Heidemann, 1; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Cornett, 45; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Hansen, 42; Harms, 48; Karpisek, 32; Langemeier, 23; Schilz, 47; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to adjusted valuation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 441. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2010; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 442. Introduced by Avery, 28.

A BILL FOR AN ACT relating to outdoor outfitters; to adopt the Outdoor Outfitters and Guides Licensure Act.

LEGISLATIVE BILL 443. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 81-505.01 and 81-1575, Reissue Revised Statutes of Nebraska, and section 81-15,121, Revised Statutes Cumulative Supplement, 2010; to increase certain fees relating to services performed by the State Fire Marshal, registration of aboveground storage tanks, and permits for underground storage tanks; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to provide examples of methods for giving public notice; and to repeal the original section.

LEGISLATIVE BILL 445. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Commissioner of Education; to amend sections 79-1044, 79-1047, and 79-1051, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Cumulative Supplement, 2010; to change and eliminate duties as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 446. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217 and 79-1241.03, Revised Statutes Cumulative Supplement, 2010; to provide for participation in statewide projects as prescribed; to change a tax levy limitation; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicular pursuit; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend section 81-1252, Reissue Revised Statutes of Nebraska; to prohibit appropriation of General Funds to carry out the Nebraska Visitors Development Act; to state purpose and intent of legislation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 449. Introduced by Nelson, 6; Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-208, 32-219, 32-305, 32-312, 32-615, 32-617, 32-811, 32-903, 32-910, 32-913, 32-947, 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-606, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election commissioners, deputy election commissioners, deputy registrars, voter registration, filing for office, nominations by petition, nominations without opposition, creation of precincts, access to polling places, inspection of election records, procedures for voting early, payment of costs of elections, recall petitions, and recall elections; and to repeal the original sections.

LEGISLATIVE BILL 450. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-205, 24-227.01, 25-2921, 29-2259.02, and 29-2262.07, Revised Statutes Cumulative Supplement, 2010; to extend Supreme Court cash fund authority in the next biennium; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 451. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 20-159, 24-502, 24-507, 24-515, 25-2221, 25-2406, 29-2259, and 42-361, Reissue Revised Statutes of Nebraska, and sections 24-301.02 and 32-524, Revised Statutes Cumulative Supplement, 2010; to change payment of certain fees; to delay implementation of a district court judgeship; to change and eliminate county court and court office provisions; to provide for judicial hearing officers; to change election provisions for district court clerk; to provide for dissolution of marriage without a hearing; to harmonize provisions; to repeal the original sections; and to outright repeal section 24-512, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 452. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 9-810, Reissue Revised Statutes of Nebraska; to provide for lottery winnings and tax refund intercept for debts owed to a court; to harmonize provisions; to repeal the original section; and to outright repeal section 77-27,208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 453. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a fund; and to outright repeal section 81-1211, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 454. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate obsolete provisions relating to certain property controlled by the department; and to outright repeal sections 81-1222.01 and 81-1222.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 455. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to repeal the Venture Capital Network Act; and to outright repeal sections 81-1265, 81-1266, 81-1267, 81-1268, 81-1269, 81-1270, and 81-1271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 456. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Gloor, 35; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-457, 71-503.01, 71-6037, 71-6052, 77-2704.54, 81-2204, 81-2213, and 81-2226, Reissue Revised Statutes of Nebraska, and section 68-906, Revised Statutes Cumulative Supplement, 2010; to change a date in a reference to federal law within the Medical Assistance Act; to change provisions relating to communicable and other reportable diseases; to change a reference to the Supplemental Nutrition Assistance Program; to eliminate the Division of Medicaid and Long-Term Care Advisory Committee on Aging and the Nursing Home Advisory Council; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1101, 68-1103, 68-1104, 68-1105, 68-1106, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049, 71-6050, 71-6051, 81-2205, and 81-2212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 457. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1311, 77-1311.03, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1514, and 77-5027, Reissue Revised Statutes of Nebraska, and sections 77-1502 and 77-1507, Revised Statutes Cumulative

Supplement, 2010; to change certain dates relating to property taxes; to require notice of preliminary valuations of real property; to provide for in-person meetings relating to property taxes as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Schilz, 47; Bloomfield, 17; Brasch, 16; Larson, 40; Wallman, 30.

A BILL FOR AN ACT relating to political subdivisions; to provide requirements for the adoption of any law regarding the ownership of animals as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 460. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4001.01, 29-4004, 29-4006, 29-4007, 29-4013, and 83-174.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Sex Offender Registration Act; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to civil rights; to adopt the Freedom of Conscience Act; and to provide severability.

LEGISLATIVE BILL 462. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to trade names; to amend sections 21-1931, 21-19,151, 21-2028, 21-20,173, 67-234, 67-455, 87-208, 87-209, 87-210, 87-211, 87-212, 87-213, 87-215, 87-216, 87-217, and 87-218, Reissue Revised Statutes of Nebraska, and sections 84-511 and 87-214, Revised Statutes Cumulative Supplement, 2010; to include statutory damages as a remedy; to eliminate a penalty for failure to register; to harmonize provisions; to repeal the original sections; and to outright repeal section 87-220, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 463. Introduced by Ashford, 20; at the request of the Governor.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-416, 29-2258, 29-2262.08, 43-2,108.05, 43-2,129, 79-209, 79-2104.02, and 79-2115, Revised Statutes Cumulative Supplement, 2010; to change a controlled substances penalty, sealed records access, and juvenile services

plans; to transfer administrative probation sanctions; to change provisions relating to truancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 465. Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to eliminate provisions relating to eligibility for non-United-States citizens; to provide an operative date; to outright repeal section 68-1070, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 466. Introduced by Gloor, 35; Howard, 9; at the request of the Governor.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to a preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-915 and 68-1723, Reissue Revised Statutes of Nebraska; to change eligibility provisions relating to the medical assistance program; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 468. Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-909 Reissue Revised Statutes of Nebraska; to change provisions relating to copayments; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to define a term; to prohibit retail sales of novelty lighters; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 470. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to libraries; to amend sections 16-251 and 51-211, Reissue Revised Statutes of Nebraska; to provide requirements for approval of personnel policies and procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 471. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2708 and 18-2714, Reissue Revised Statutes of Nebraska; to expand local sources of revenue for the use of economic development programs; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to labor and employment; to adopt the Nebraska Workers Adjustment and Retraining Notification Act.

LEGISLATIVE BILL 473. Introduced by Louden, 49; Hansen, 42; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to adopt the Black-Tailed Prairie Dog Management Act; to harmonize provisions; and to repeal the original section.

RESOLUTIONS**LEGISLATIVE RESOLUTION 29CA.** Introduced by Nelson, 6.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 25 to Article XV:

XV-25 (1) The government of the State of Nebraska shall not engage in collective bargaining.

(2) For purposes of this section, government of the State of Nebraska shall include, but not be limited to:

(a) The State of Nebraska;

(b) Any agency, board, branch, bureau, commission, committee, council, department, division, office, unit, or subunit of the state;

(c) Any public institution of higher education;

(d) Any political subdivision of or within the state; and

(e) Any government institution or instrumentality of or within the state.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit the government of the State of Nebraska from engaging in collective bargaining.

For

Against.

LEGISLATIVE RESOLUTION 30. Introduced by Campbell, 25; Cook, 13; Gloor, 35; Hadley, 37; Mello, 5; Nordquist, 7.

WHEREAS, the One Hundred First Legislature, Second Session, created a select committee pursuant to Legislative Resolution 467 to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act; and

WHEREAS, the interim study conducted pursuant to Legislative Resolution 467 examined health care financing and delivery under the federal act to determine the impact on health care coverage for all Nebraskans; and

WHEREAS, the select committee conducted several public hearings in Nebraska to facilitate wide collaboration, gather guidance and information from a variety of sources, and begin to develop recommendations to present to the Legislature regarding health care reform and the implementation of the federal act in Nebraska; and

WHEREAS, the select committee has determined that continued input is necessary to monitor the ongoing development of the implementation of the federal act.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the select committee of the Legislature to be known as the Health Care Reform Implementation and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the executive board. The executive board shall give first consideration to members of the select committee appointed pursuant to Legislative Resolution 467. The membership of the Health Care Reform Implementation and Oversight Committee of the Legislature shall consist of two members of the Appropriations Committee, two members of the Banking, Commerce and Insurance Committee, the chairperson and one other member of the Health and Human Services Committee, and three additional members of the Legislature. The members of the Health Care Reform Implementation and Oversight Committee shall vote for one of the two members of the Health and Human Services Committee to serve as the chairperson of the Health Care Reform Implementation and Oversight Committee.

2. That the Health Care Reform Implementation and Oversight Committee shall continue the work of the select committee appointed pursuant to Legislative Resolution 467. The committee shall consult and encourage

collaboration, coordination, and systemwide communication with a broad array of public and private entities involved in Nebraska health care issues, including employers, small businesses, consumers, insurers, health care providers, institutions of higher education, community health centers, national and regional policy research organizations, state agencies, federal agencies, and other interested parties. The committee shall assist with the communication and collaboration of health care reform implementation between standing committees of the Legislature as the committees develop health care reform policies and proposed legislation within their subject matter jurisdiction.

3. That the Health Care Reform Implementation and Oversight Committee may consider issues, including, but not limited to:

a. Nebraska's strategic implementation of the federal Patient Protection and Affordable Care Act with special attention to medicaid expansion, eligibility determination and enrollment processes, benefit design, the insurance exchange, health insurance reform, and workforce development;

b. Review of policy improvements and efficiencies to Nebraska health care delivery systems and payment reforms to ensure Nebraskans have quality and access, including capacity and affordability, through Nebraska's health care systems;

c. Utilization of technology for safe storage and transmission of health information, medical administration efficiencies, health care delivery, and aggregate data across systems to monitor population health, identify priorities for improvement, and track progress toward improvement goals;

d. Leveraging federal grants, pilot programs, and other nonstate funding sources to assist with health care reform; and

e. Aligning purchasing power of the state within medicaid, the Children's Health Insurance Program, public employees and retirees, and the insurance exchange to form public-private partnerships to coordinate and integrate efforts with providers, employer-sponsored insurance companies, and other stakeholders to provide health care redesign in Nebraska to improve efficiencies and delivery, ensure financial sustainability, and maximize public health and wellness.

4. That the Health Care Reform Implementation and Oversight Committee is hereby authorized to continue its work until the beginning of the One Hundred Second Legislature, Second Session, and shall, upon the conclusion of its work, make a report of its findings, together with its recommendations, to the Legislature on or before December 31, 2011.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR30 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 31. Introduced by Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; Fulton, 29; K. Haar, 21; McGill, 26; Wallman, 30.

WHEREAS, Leola Bullock was born in Meadville, Mississippi, on January 19, 1929, to Charlie and Mary (Jackson) Fells, attended Jackson State College, and moved to Lincoln in 1950 after her marriage to the late Hugh B. Bullock; and

WHEREAS, Leola became a passionate social justice and civil rights activist in Lincoln after living in segregation in both Mississippi and Nebraska; and

WHEREAS, Leola strived for a multicultural society, often participating in picket lines, striving for equal representation in school textbooks, and providing a voice for minority representation to law enforcement; and

WHEREAS, Leola served as the president of the National Association for the Advancement of Colored People and served on the boards of Nebraskans for Peace, the Clyde Malone Community Center, Nebraskans Against the Death Penalty, the Lincoln Justice Committee to Free Ed Poindexter and Mondo We Langa, the YWCA, and the Training Teachers of Teachers Project at the University of Nebraska-Lincoln; and

WHEREAS, Leola's numerous awards for excellence in social justice include the 1985 Nebraska African-American Woman of the Year, the 1996 Racial Justice Award, the 1998 Community Service Award, the 1999 Chancellor's Fulfilling the Dream Award, the 2002 Lenora Letcher Community Award, the 2004 Nebraskan of the Year, the 2005 Rev. Dr. Martin Luther King, Jr. Living the Dream Award, and in 2008 the Community Service Award, which was later named the Leola Bullock Community Service Award; and

WHEREAS, Leola's legacy continues to exist in Lincoln. In 1989, Lincoln Public Schools established the Leola Bullock Multicultural Award, which continues to be awarded annually; and

WHEREAS, Leola Bullock passed away on October 17, 2010, at the age of eighty-one.

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

1. That the Legislature honors the lifetime achievements of Leola Bullock.
2. That the Legislature extends its sympathy and condolences to the family of Leola Bullock.
3. That a copy of this resolution be sent to the family of Leola Bullock.

Laid over.

LEGISLATIVE RESOLUTION 32. Introduced by Pahls, 31.

WHEREAS, Nebraskans suffered a great tragedy on January 5, 2011; and
WHEREAS, Millard South High School is one of the leading high schools in Nebraska; and

WHEREAS, Millard South High School's administrators, teachers, staff, students, parents, and board of education strive for excellence in education and community building; and

WHEREAS, the Millard South High School community is healing from its wounds; and

WHEREAS, the Millard South High School community is in the process of moving forward from a heartbreaking loss; and

WHEREAS, Millard South High School's administrators, teachers, staff, students, parents, and board of education continue to provide leadership to the state in the manner in which they rebuild and recover.

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

1. That the Legislature expresses its sorrow at the losses Millard South High School has suffered.

2. That the Legislature commends Millard South High School's administrators, teachers, staff, students, parents, and board of education in their rebuilding efforts and in the leadership they provide in helping the state heal from such a calamity.

3. That the Legislature supports the Millard South High School community in its efforts to shore up, recover, and rededicate its mission.

4. That a copy of this resolution be sent to Millard South High School.

Laid over.

LEGISLATIVE RESOLUTION 33. Introduced by Pahls, 31.

WHEREAS, Dr. Vicki Kaspar started teaching English at Millard South High School in 1988 and became assistant principal in 1998; and

WHEREAS, Dr. Kaspar is remembered by students as a person who cared about their success and who went to great lengths to support them; and

WHEREAS, Dr. Kaspar was always open-minded and willing to listen, had a forgiving nature, and cared for students as if they were her own; and

WHEREAS, teachers, administrators, and staff remember Dr. Kaspar as a person who guided them but let them find their own way; and

WHEREAS, Dr. Kaspar promoted educational excellence at Millard South High School, devoted herself to serving students, and embodied the spirit of genuine caring for students; and

WHEREAS, Dr. Kaspar lost her life in the course of pursuing her calling; and

WHEREAS, Dr. Kaspar is survived by her husband, Ron, and her three sons, Ron Jr., John, and James.

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

1. That the Legislature extends its sympathy and condolences to the family, friends, and coworkers of Dr. Vicki Kaspar and to her students and their parents.

2. That a copy of this resolution be sent to the family of Dr. Vicki Kaspar and to Millard South High School.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Howard, 9.

WHEREAS, each year National Professional Social Work Month is observed in the month of March; and

WHEREAS, National Professional Social Work Month is a time to celebrate the profession of social work and raise awareness of the benefits and challenges; and

WHEREAS, this year's theme, Social Workers Change Futures, illustrates the undeniable benefit social workers provide to society; and

WHEREAS, social workers are champions of fairness and advocates for those overcoming adversity; and

WHEREAS, social work is essential to helping individuals and to long-term systematic change; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of Nebraska.

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

1. That the Legislature recognizes the month of March 2011 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers - Nebraska Chapter.

Laid over.

LEGISLATIVE RESOLUTION 35. Introduced by Heidemann, 1.

WHEREAS, Cody Arend Dreier, the son of Joan and the late Don Dreier of Humboldt, Nebraska, and a member of Troop 387, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Cody earned 34 merit badges, is a Brotherhood member of the Order of the Arrow, and earned all four Catholic Religious Awards in the Cornhusker Council; and

WHEREAS, Cody's community service project consisted of painting the inside of the newly constructed Bath House at the Humboldt Lake Park; and

WHEREAS, Cody has chosen to continue his scouting career as an assistant scoutmaster with Troop 387; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Cody, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cody Arend Dreier on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cody Arend Dreier.

Laid over.

LEGISLATIVE RESOLUTION 36. Introduced by Howard, 9; Hansen, 42; Harms, 48; Wallman, 30.

WHEREAS, Brady Kruse lived nearly his entire life at the Beatrice State Developmental Center; and

WHEREAS, Brady was moved from the Beatrice State Developmental Center in February 2009; and

WHEREAS, Brady was the tenth resident of the Beatrice State Developmental Center to pass away after the move; and

WHEREAS, Brady could not talk, see, or hear out of one ear, but he had a beautiful smile.

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

1. That the Legislature acknowledges the life of Brady Kruse and the loss of his passing.

2. That the Legislature extends its sympathy and condolences to the family of Brady Kruse.

3. That a copy of this resolution be sent to Terry and Deb Kruse.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30; Avery, 28; Coash, 27; Conrad, 46; Dubas, 34; Hadley, 37; Hansen, 42; McGill, 26; Mello, 5.

WHEREAS, in July, 2009, the Department of Health and Human Services began the child welfare reform initiative, known as Families Matter, to address the growing number of children in out-of-home placements. The department selected six separate private agencies as lead agencies to implement the reform initiatives which increased responsibilities of private agencies to provide services to children and families. The private agencies were also subject to a new reimbursement methodology that changed from fee-for-service to risk-based reimbursement. Significant changes ensued regarding how children and families are served by the child welfare and juvenile services system in Nebraska; and

WHEREAS, on October 15, 2010, the Department of Health and Human Services announced that the remaining private agencies would receive greater case management responsibility and that new lead agencies in the remaining service area would be sought. As a result, department staff that provide critical case management services and a last safety net if a private agency is unable to provide services in the future would be greatly reduced; and

WHEREAS, by November 1, 2010, only two lead agencies were still under contract with the Department of Health and Human Services to assist with implementing the child welfare reform initiative. Departing agencies cited the loss of significant funds as they sought to carry out the terms of the contract. During hearings for Interim Study LR568, the Health and Human Services Committee of the Legislature heard additional concerns regarding lack of documentation in records, failure to pay providers and foster parents fully and promptly, confusion regarding division of responsibilities, quality of care and training, and long-term planning to sustain the child welfare reform initiative and ensure safety and protection of Nebraska's children. These difficulties have resulted in a lack of stability within the child welfare system.

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

1. That the Health and Human Services Committee of the Legislature be designated to review, investigate, and assess the effect of the child welfare reform initiative which the Department of Health and Human Services began implementing July, 2009.

2. That the committee shall consult with the department, service providers currently or formerly under contract to the department, the Supreme Court, the Foster Care Review Board, and stakeholders representing state and local government, provider organizations, consumers, consumer advocates, and other parties as the committee deems helpful.

3. That the committee shall utilize existing studies, reports, and past presentations of information by the department to the Legislature; the Foster Care Review Board; and current and previous lead agencies and their

subcontractors for their reports relating to the effort to improve the child welfare system. The committee shall not be limited to such studies, reports, or legislation.

4. That the committee may hold public hearings on the implementation of child welfare reforms and, pursuant to section 50-406 and the rules of the Nebraska Unicameral Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses in the manner prescribed by law for taking depositions in civil actions in the district court.

Issues to be considered may include, but shall not be limited to:

(a) The goal formation, delineation of outcome measurements, coordination, and long-term planning of the child welfare reform initiative by the Department of Health and Human Services;

(b) The effectiveness of the public-private partnership in providing services to children and families involved with the department including the number of children attaining permanency through adoption;

(c) The system of accountability, funding, and financial sustainability of the child welfare reform initiative;

(d) The effect of the child welfare reform initiative on meeting the federal Child and Family Service Reviews of outcomes and indicators, permanency and well-being; and

(e) The option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare reforms.

5. That the committee shall provide the Legislature a final report no later than December 15, 2011.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR37 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Room 1507

Tuesday, January 25, 2011 1:30 p.m.

LB23

LB24

LB315

LB347

LB25

LB26

(Signed) Rich Pahls, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 474. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Pankonin, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 84-1503, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to require certain reports be submitted to the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

WITHDRAW - Cointroducer

Senator Lathrop withdrew his name as cointroducer to LB416.

UNANIMOUS CONSENT - Add Cointroducers

Senator Wallman asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB417. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB416. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB345. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB266. No objections. So ordered.

Senator Schilz asked unanimous consent to add his name as cointroducer to LB195. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB387. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB389. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB386. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB345. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:20 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Tuesday, January 18, 2011.

Patrick J. O'Donnell
Clerk of the Legislature