

SEVENTY-SEVENTH DAY - MAY 14, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 14, 2013

PRAYER

The prayer was offered by Pastor Mark Ashton, Christ Community Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Conrad, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

GENERAL FILE

LEGISLATIVE BILL 543. Senator Chambers offered the following motion:

MO72

Bracket until May 21, 2013.

Senator Chambers withdrew his motion to bracket.

Senator Ashford offered his amendment, AM1380, found on page 1339, to the first Coash amendment.

SPEAKER ADAMS PRESIDING

Senator Chambers offered the following motion:

MO73

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 28:

| | | | | |
|----------|----------|----------|-----------|------------|
| Adams | Coash | Haar, K. | Krist | Schumacher |
| Ashford | Conrad | Hadley | Lathrop | Seiler |
| Avery | Cook | Harr, B. | McGill | Sullivan |
| Bolz | Crawford | Howard | Mello | Wallman |
| Campbell | Davis | Johnson | Murante | |
| Chambers | Dubas | Kolowski | Nordquist | |

Voting in the negative, 21:

| | | | | |
|-------------|----------|-------------|------------|----------|
| Bloomfield | Hansen | Larson | Price | Wightman |
| Brasch | Harms | Lautenbaugh | Scheer | |
| Carlson | Janssen | McCoy | Schilz | |
| Christensen | Karpisek | Nelson | Smith | |
| Gloor | Kintner | Pirsch | Watermeier | |

Not voting, 0.

The Chambers motion to invoke cloture failed with 28 ayes, 21 nays, and 0 not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 191. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study all state retirement plans administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System.

The study will examine issues as they relate to the funding needs, benefits, contributions, effectiveness and efficiency, and the overall administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 364. Placed on General File with amendment.
AM1360

- 1 1. On page 2, line 19, strike "government body" and
- 2 insert "city of the metropolitan, primary, or first class"; and in
- 3 line 20 strike "body" and insert "city".

LEGISLATIVE BILL 504. Placed on General File with amendment.
AM441

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 81-2511, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-2511 (1) All applications for state assistance under
- 5 sections 81-2509 to 81-2515 shall be in writing, ~~include a~~
- 6 ~~certified copy of the approving action of the governing body~~
- 7 ~~of the applicant describing~~ describe the proposed use for the
- 8 state assistance, and be of such form and contain the content as
- 9 the commission shall prescribe. An application from a political
- 10 subdivision shall include a certified copy of the action by
- 11 the governing body of the political subdivision approving the
- 12 application. The commission shall ~~and~~ publish application forms for
- 13 distribution to a political subdivision or nonprofit corporation
- 14 upon request.
- 15 (2) Upon receiving an application for state assistance,
- 16 the commission shall review the application and notify the
- 17 applicant of any additional information needed for a proper
- 18 evaluation of the application.
- 19 (3) Any state assistance received pursuant to sections
- 20 81-2509 to 81-2515 shall be used only for public purposes.
- 21 2. On page 2, line 22, after "subdivision" insert "or
- 22 nonprofit corporation"; and in line 24 after "used" insert "by the
- 23 applicant".
- 1 3. On page 3, line 1, after "subdivision" insert "when
- 2 the applicant is a political subdivision and in the political
- 3 subdivision where the nonprofit corporation is located when the
- 4 applicant is a nonprofit corporation"; in line 10 after "(3)"
- 5 insert "If no applications are approved, the commission may use
- 6 the funds in the Designated Collection Fund directly for the needs
- 7 listed in section 81-2510.
- 8 (4); and in line 13 after the second comma insert
- 9 "81-2511,".

LEGISLATIVE BILL 534. Placed on General File with amendment.
AM913

- 1 1. Insert the following new section:
- 2 Sec. 6. If a public postsecondary educational institution
3 is required to have a single audit as prescribed by Circular
4 A-133 of the federal Office of Management and Budget under the
5 federal Single Audit Act of 1984, 31 U.S.C. 7501, as amended, the
6 institution may either request the audit to be performed by the
7 Auditor of Public Accounts pursuant to subdivision (8) of section
8 84-304 or select a private, independent auditor that is a certified
9 public accountant or a firm registered under the Public Accountancy
10 Act.
- 11 2. On page 2, line 17, after "records" insert "pursuant
12 to subsection (1) of this section".
- 13 3. On page 3, after line 12, insert the following new
14 subsection:
15 "(4) If there is a dispute between the agency and the
16 section regarding access to any information or records under
17 subsection (1), (2), or (3) of this section, the section may
18 petition the Attorney General to review the matter to determine
19 whether the agency has failed to comply with subsection (1), (2),
20 or (3) of this section."; and in line 13 strike "(4)" and insert
21 "(5)".
- 22 4. On page 4, line 1, strike "(5)" and insert "(6)"; in
23 line 12 strike "(6)" and insert "(7)"; and in line 20 strike "(7)"
1 and insert "(8)".
- 2 5. On page 10, line 19; and page 24, line 21, strike the
3 new matter and insert "(5) and (6)".
- 4 6. On page 33, lines 4 and 5, strike the new matter
5 and insert "The auditor may conduct a single audit as prescribed
6 by Circular A-133 of the federal Office of Management and Budget
7 required under the federal Single Audit Act of 1984, 31 U.S.C.
8 7501, as amended, only if (a) requested by a public postsecondary
9 educational institution and (b) a contract for such auditing
10 services has been signed by the auditor and a representative of the
11 public postsecondary educational institution.".
- 12 7. On page 34, lines 12, 14, and 17, strike "information
13 or"; in line 17 after "records" insert "pursuant to subsection (1)
14 of this section"; and in line 20 strike "materials" and insert
15 "records".
- 16 8. On page 35, line 5, strike "information or"; and after
17 line 7 insert the following new subsection:
18 "(3) If there is a dispute between the public entity
19 and the Auditor of Public Accounts regarding access to any records
20 under this section, the Auditor of Public Accounts may petition
21 the Attorney General to review the matter to determine whether the
22 public entity has failed to comply with this section.".
- 23 9. Renumber the remaining section accordingly.

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 6. Placed on Final Reading Second.
ST22

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 4, "(5)" has been struck and "(4)" inserted.

LEGISLATIVE BILL 242. Placed on Final Reading Second.

LEGISLATIVE BILL 265. Placed on Final Reading Second.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB225:
AM1379

(Amendments to Final Reading copy)

- 1 1. On page 4, strike lines 8 through 12; in line 13
- 2 strike "(3)" and insert "(2)"; and in line 15 strike "(4)" and
- 3 insert "(3)".

Senator Smith filed the following amendment to LB225A:
FA78

Strike the enacting clause.

NOTICE OF COMMITTEE HEARING
Natural Resources

Room 1525

Tuesday, May 28, 2013 8:45 a.m.

Michelle Bucklin - Environmental Quality Council
Joseph Citta Jr. - Environmental Quality Council
Mark Czaplewski - Environmental Quality Council
Rodney Gangwish - Environmental Quality Council
Robert Hall - Environmental Quality Council
Lance Hedquist - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

(Signed) Tom Carlson, Chairperson

MOTION - Override Veto on LB553

Senator Nordquist offered his motion, MO69, found on page 1337, that LB553 becomes law notwithstanding the objections of the Governor.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 192.** Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study conducting elections by mail. In 2005, the Legislature passed a bill to allow counties with less than 7,000 inhabitants to conduct elections by mail after making application to the Secretary of State. In 2009, that number was increased to the current level of counties with less than 10,000 inhabitants. In 2013, the Government, Military and Veterans Affairs Committee considered LB 292 which would expand the number of counties eligible for conducting elections by mail to counties with less than 20,000 inhabitants.

The issues to be examined by this study will include reviewing how other states are conducting elections by mail, the benefits and drawbacks to all-mail elections, and whether allowing only certain precincts in the state to conduct elections by mail raises any constitutional questions. Representatives of the Secretary of State's office and county officials, along with other interested parties, shall be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study the role of political parties in the election process. In 2013, the Government, Military and Veterans Affairs Committee considered LB 450 which sought to clarify the role of the county clerk or election commissioner when a political party decides to caucus to elect delegates to the county convention. LB 450 raised larger questions about the role of political parties in the election system and, specifically, whether state law should be changed to allow political parties more discretion to operate through their own rules.

The issues to be examined by this study will include how political parties elect delegates to national conventions, how political parties should conduct county and state postprimary conventions, and how state law should be changed to provide clarity when a political party holds a caucus instead of a primary. Representatives of the Secretary of State's office and the political parties, along with other interested parties, shall be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by Avery, 28.

PURPOSE: To examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB543: AM1339 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senators Bolz and Smith asked unanimous consent to add their names as cointroducers to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from West Lawn Elementary, Grand Island; 32 fourth-grade students and teacher from St. Michael Elementary, Hastings; 76 third-grade students, teachers, and sponsors from Hill Elementary, Lincoln; and third-grade students and teacher from Rousseau Elementary, Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator Nelson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators Lautenbaugh and McGill who were excused until they arrive.

MOTION - Override Veto on LB553

Senator Nordquist renewed his motion, MO69, found on page 1337 and considered in this day's Journal, that LB553 becomes law notwithstanding the objections of the Governor.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 3 nays, and 22 not voting.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

SPEAKER ADAMS PRESIDING

Senator Nordquist moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Nordquist requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 32:

| | | | | |
|----------|----------|----------|------------|----------|
| Adams | Coash | Hadley | Krist | Seiler |
| Ashford | Conrad | Harms | Lathrop | Sullivan |
| Avery | Cook | Harr, B. | McGill | Wallman |
| Bolz | Crawford | Howard | Mello | Wightman |
| Campbell | Davis | Johnson | Nordquist | |
| Carlson | Dubas | Karpisek | Scheer | |
| Chambers | Haar, K. | Kolowski | Schumacher | |

Voting in the negative, 1:

Kintner

Present and not voting, 15:

| | | | | |
|-------------|---------|---------|--------|------------|
| Bloomfield | Gloor | Larson | Nelson | Schilz |
| Brasch | Hansen | McCoy | Pirsch | Smith |
| Christensen | Janssen | Murante | Price | Watermeier |

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB553A

Senator Nordquist offered his motion, MO70, found on page 1337, that LB553A becomes law notwithstanding the objections of the Governor.

Senator Nordquist moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

| | | | | |
|----------|----------|----------|-----------|------------|
| Adams | Conrad | Hansen | Lathrop | Schumacher |
| Ashford | Cook | Harms | McGill | Seiler |
| Avery | Crawford | Harr, B. | Mello | Smith |
| Bolz | Davis | Howard | Murante | Sullivan |
| Campbell | Dubas | Johnson | Nelson | Wallman |
| Carlson | Gloor | Karpisek | Nordquist | Wightman |
| Chambers | Haar, K. | Kolowski | Price | |
| Coash | Hadley | Krist | Scheer | |

Voting in the negative, 1:

Kintner

Present and not voting, 10:

| | | | | |
|------------|-------------|-------------|--------|------------|
| Bloomfield | Christensen | Larson | McCoy | Schilz |
| Brasch | Janssen | Lautenbaugh | Pirsch | Watermeier |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

SENATOR COASH PRESIDING

COMMUNICATION

May 14, 2013

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB553e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB553e, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 553e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2013.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

May 14, 2013

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB553Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB553Ae, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 553Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2013.

(Signed) Greg Adams
President of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 195. Introduced by Brasch, 16.

WHEREAS, Riley Hancock of Blair, Nebraska, 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 rank 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, Riley 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. For his community service project, Riley fabricated and donated feral cat houses to the animal shelter for the shelter's catch, neuter, and release program in and around the Blair community; and

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

WHEREAS, Riley, 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 THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Riley Hancock on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Riley Hancock.

Laid over.

LEGISLATIVE RESOLUTION 196. Introduced by Brasch, 16.

WHEREAS, Kyle Stang of Herman, Nebraska, 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 rank 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, Kyle 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. For his community service project, Kyle refurbished and erected a flagpole for the American Legion in Herman; and

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

WHEREAS, Kyle, 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 THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Kyle Stang on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kyle Stang.

Laid over.

AMENDMENT - Print in Journal

Senator Cook filed the following amendment to LB366:
AM1397

(Amendments to Standing Committee amendments, AM785)

- 1 1. On page 1, line 9, strike "borne by participants" and
- 2 insert "associated with participation".

SELECT FILE

LEGISLATIVE BILL 196. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 197. ER98, found on page 1276, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 195. ER99, found on page 1332, was adopted.

Senator Chambers offered his amendment, AM1321, found on page 1282.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a record vote on his amendment

Voting in the affirmative, 36:

| | | | | |
|------------|-------------|----------|-------------|----------|
| Adams | Christensen | Hadley | Lathrop | Seiler |
| Ashford | Coash | Hansen | Lautenbaugh | Smith |
| Avery | Cook | Harr, B. | McGill | Sullivan |
| Bloomfield | Crawford | Howard | Murante | Wallman |
| Brasch | Davis | Johnson | Price | |
| Campbell | Dubas | Karpisek | Scheer | |
| Carlson | Gloor | Kolowski | Schilz | |
| Chambers | Haar, K. | Krist | Schumacher | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|--------|---------|--------|-----------|
| Bolz | Janssen | McCoy | Nordquist |
| Conrad | Kintner | Mello | Pirsch |
| Harms | Larson | Nelson | Wightman |

Excused and not voting, 1:

Watermeier

The Chambers amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Mello offered his amendment, AM1325, found on page 1334.

The Mello amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. ER100, found on page 1332, was adopted.

Senator Mello offered his amendment, AM1323, found on page 1333.

The Mello amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 199. ER101, found on page 1332, was adopted.

Senator Coash offered his amendment, AM1232, found on page 1270.

The Coash amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Mello offered his amendment, AM1353, found on page 1335.

The Mello amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. ER97, found on page 1333, was adopted.

Senator Dubas offered the following amendment:

AM1395

(Amendments to E & R amendments, ER97)

- 1 1. On page 3, after line 24 insert the following:
- 2 "The Legislative Council shall contract for an
- 3 independent study to determine the following:
- 4 (1) Whether the state should purchase a plane and assume
- 5 the resulting short-term and long-term costs and liabilities or
- 6 whether privately owned aircraft should be used through rental,
- 7 time-share, lease, or other arrangements; and
- 8 (2) If it is determined that the state should purchase
- 9 its own airplane, what airplane will best fit the needs of the
- 10 state. This would include, but not be limited to, a determination
- 11 of performance and passenger requirements; whether to purchase
- 12 a new aircraft with warranty versus a used plane; and the
- 13 identification of the short-term and long-term (life-cycle) costs
- 14 of all aircraft under consideration."

- 15 2. On page 30, strike lines 23 through 27.
16 3. On page 31, strike lines 1 through 8.

The Dubas amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. Senator Mello offered his amendment, AM1346, found on page 1333.

The Mello amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 536. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 483. ER80, found on page 1114, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 483A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 623. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 583. ER81, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. ER93, found on page 1236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 410. ER95, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB66:
 MO75
 Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB563:
 AM1392

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Ashford filed the following amendment to LB561:
 AM1394 is available in the Bill Room.

Senator Ashford filed the following amendment to LB561:
 AM1401

(Amendments to AM1394)

- 1 1. Insert the following new sections:
- 2 Sec. 57. Section 43-4314, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 43-4314 Private agency means a child welfare agency
- 5 that contracts with the department or the Office of Probation
- 6 Administration or contracts to provide services to another child
- 7 welfare agency that contracts with the department or the Office of
- 8 Probation Administration.
- 9 Sec. 58. Section 43-4318, Revised Statutes Cumulative
- 10 Supplement, 2012, is amended to read:
- 11 43-4318 (1) The office shall investigate:
- 12 (a) Allegations or incidents of possible misconduct,
- 13 misfeasance, malfeasance, or violations of statutes or of rules
- 14 or regulations of the department by an employee of or person
- 15 under contract with the department, a private agency, a licensed
- 16 child care facility, a foster parent, or any other provider of
- 17 child welfare services or which may provide a basis for discipline
- 18 pursuant to the Uniform Credentialing Act; and
- 19 (b) Death or serious injury in foster homes, private
- 20 agencies, child care facilities, juvenile detention facilities,
- 21 staff secure juvenile facilities, and other programs and facilities
- 22 licensed by or under contract with the department or Office of
- 1 Probation Administration and death or serious injury in any case in
- 2 which services are provided by the department to a child or his or
- 3 her parents or any case involving an investigation under the Child
- 4 Protection Act, which case has been open for one year or less.
- 5 The department and Office of Probation Administration shall report
- 6 all cases of death or serious injury of a child in a foster home,
- 7 private agency, child care facility or program, or other program

8 or facility licensed by the department to the Inspector General
9 as soon as reasonably possible after the department or Office of
10 Probation Administration learns of such death or serious injury.
11 For purposes of this subdivision, serious injury means an injury or
12 illness caused by suspected abuse, neglect, or maltreatment which
13 leaves a child in critical or serious condition.

14 (2) Any investigation conducted by the Inspector General
15 shall be independent of and separate from an investigation pursuant
16 to the Child Protection Act. The Inspector General and his or
17 her staff are subject to the reporting requirements of the Child
18 Protection Act.

19 (3) Notwithstanding the fact that a criminal
20 investigation, a criminal prosecution, or both are in progress, all
21 law enforcement agencies and prosecuting attorneys shall cooperate
22 with any investigation conducted by the Inspector General and
23 shall, immediately upon request by the Inspector General, provide
24 the Inspector General with copies of all law enforcement reports
25 which are relevant to the Inspector General's investigation. All
26 law enforcement reports which have been provided to the Inspector
27 General pursuant to this section are not public records for
1 purposes of sections 84-712 to 84-712.09 and shall not be subject
2 to discovery by any other person or entity. Except to the extent
3 that disclosure of information is otherwise provided for in the
4 Office of Inspector General of Nebraska Child Welfare Act, the
5 Inspector General shall maintain the confidentiality of all law
6 enforcement reports received pursuant to its request under this
7 section. Law enforcement agencies and prosecuting attorneys shall,
8 when requested by the Inspector General, collaborate with the
9 Inspector General regarding all other information relevant to the
10 Inspector General's investigation. If the Inspector General in
11 conjunction with the Public Counsel determines it appropriate, the
12 Inspector General may, when requested to do so by a law enforcement
13 agency or prosecuting attorney, suspend an investigation by the
14 office until a criminal investigation or prosecution is completed
15 or has proceeded to a point that, in the judgment of the Inspector
16 General, reinstatement of the Inspector General's investigation
17 will not impede or infringe upon the criminal investigation or
18 prosecution. Under no circumstance shall the Inspector General
19 interview any minor who has already been interviewed by a law
20 enforcement agency, personnel of the Division of Children and
21 Family Services of the department, or staff of a child advocacy
22 center in connection with a relevant ongoing investigation of a law
23 enforcement agency.

24 Sec. 59. Section 43-4320, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 43-4320 (1) Complaints to the office may be made in
27 writing. The office shall also maintain a toll-free telephone line
1 for complaints. A complaint shall be evaluated to determine if it
2 alleges possible misconduct, misfeasance, malfeasance, or violation

3 of a statute or of rules and regulations of the department by
 4 an employee of or a person under contract with the department,
 5 a private agency, or a licensed child care facility, a foster
 6 parent, or any other provider of child welfare services or alleges
 7 a basis for discipline pursuant to the Uniform Credentialing Act.
 8 All complaints shall be evaluated to determine whether a full
 9 investigation is warranted.

10 (2) The office shall not conduct a full investigation of
 11 a complaint unless:

12 (a) The complaint alleges misconduct, misfeasance,
 13 malfeasance, violation of a statute or of rules and regulations of
 14 the department, or a basis for discipline pursuant to the Uniform
 15 Credentialing Act;

16 (b) The complaint is against a person within the
 17 jurisdiction of the office; and

18 (c) The allegations can be independently verified through
 19 investigation.

20 (3) The Inspector General shall determine within fourteen
 21 days after receipt of a complaint whether it will conduct a full
 22 investigation. A complaint alleging facts which, if verified, would
 23 provide a basis for discipline under the Uniform Credentialing Act
 24 shall be referred to the appropriate credentialing board under the
 25 act.

26 (4) When a full investigation is opened on a private
 27 agency that contracts with the Office of Probation Administration,
 1 the Inspector General shall give notice of such investigation to
 2 the Office of Probation Administration.

3 Sec. 60. Section 43-4321, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:

5 43-4321 All employees of the department, all foster
 6 parents, and all owners, operators, managers, supervisors, and
 7 employees of private agencies, licensed child care facilities,
 8 juvenile detention facilities, staff secure juvenile facilities,
 9 and other providers of child welfare services shall cooperate
 10 with the office. Cooperation includes, but is not limited to, the
 11 following:

12 (1) Provision of full access to and production of records
 13 and information. Providing access to and producing records and
 14 information for the office is not a violation of confidentiality
 15 provisions under any law, statute, rule, or regulation if done in
 16 good faith for purposes of an investigation under the Office of
 17 Inspector General of Nebraska Child Welfare Act;

18 (2) Fair and honest disclosure of records and information
 19 reasonably requested by the office in the course of an
 20 investigation under the act;

21 (3) Encouraging employees to fully comply with reasonable
 22 requests of the office in the course of an investigation under the
 23 act;

24 (4) Prohibition of retaliation by owners, operators, or

25 managers against employees for providing records or information or
26 filing or otherwise making a complaint to the office;

27 (5) Not requiring employees to gain supervisory approval
1 prior to filing a complaint with or providing records or
2 information to the office;

3 (6) Provision of complete and truthful answers to
4 questions posed by the office in the course of an investigation;
5 and

6 (7) Not willfully interfering with or obstructing the
7 investigation.

8 Sec. 61. Section 43-4324, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-4324 (1) In conducting investigations, the office
11 shall access all relevant records through subpoena, compliance
12 with a request of the office, and voluntary production. The
13 office may request or subpoena any record necessary for the
14 investigation from the department, a foster parent, a licensed
15 child care facility, juvenile detention facility, staff secure
16 juvenile facility, or a private agency that is pertinent to an
17 investigation. All case files, licensing files, medical records,
18 financial and administrative records, and records required to be
19 maintained pursuant to applicable licensing rules shall be produced
20 for review by the office in the course of an investigation.

21 (2) Compliance with a request of the office includes:

22 (a) Production of all records requested;

23 (b) A diligent search to ensure that all appropriate
24 records are included; and

25 (c) A continuing obligation to immediately forward to the
26 office any relevant records received, located, or generated after
27 the date of the request.

1 (3) The office shall seek access in a manner that
2 respects the dignity and human rights of all persons involved,
3 maintains the integrity of the investigation, and does not
4 unnecessarily disrupt child welfare programs or services. When
5 advance notice to a foster parent or to an administrator or his
6 or her designee is not provided, the office investigator shall,
7 upon arrival at the departmental office, bureau, or division, the
8 private agency, the licensed child care facility, the juvenile
9 detention facility, the staff secure juvenile facility, or the
10 location of another provider of child welfare services, request
11 that an onsite employee notify the administrator or his or her
12 designee of the investigator's arrival.

13 (4) When circumstances of an investigation require,
14 the office may make an unannounced visit to a foster home, a
15 departmental office, bureau, or division, a licensed child care
16 facility, a juvenile detention facility, a staff secure juvenile
17 facility, a private agency, or another provider to request records
18 relevant to an investigation.

19 (5) A responsible individual or an administrator may be

20 asked to sign a statement of record integrity and security when
21 a record is secured by request as the result of a visit by the
22 office, stating:

23 (a) That the responsible individual or the administrator
24 has made a diligent search of the office, bureau, division, private
25 agency, licensed child care facility, juvenile detention facility,
26 staff secure juvenile facility, or other provider's location to
27 determine that all appropriate records in existence at the time of
1 the request were produced;

2 (b) That the responsible individual or the administrator
3 agrees to immediately forward to the office any relevant records
4 received, located, or generated after the visit;

5 (c) The persons who have had access to the records since
6 they were secured; and

7 (d) Whether, to the best of the knowledge of the
8 responsible individual or the administrator, any records were
9 removed from or added to the record since it was secured.

10 (6) The office shall permit a responsible individual, an
11 administrator, or an employee of a departmental office, bureau,
12 or division, a private agency, a licensed child care facility, a
13 juvenile detention facility, a staff secure juvenile facility, or
14 another provider to make photocopies of the original records within
15 a reasonable time in the presence of the office for purposes of
16 creating a working record in a manner that assures confidentiality.

17 (7) The office shall present to the responsible
18 individual or the administrator or other employee of the
19 departmental office, bureau, or division, private agency, licensed
20 child care facility, juvenile detention facility, staff secure
21 juvenile facility, or other service provider a copy of the request,
22 stating the date and the titles of the records received.

23 (8) If an original record is provided during an
24 investigation, the office shall return the original record as soon
25 as practical but no later than ten working days after the date of
26 the compliance request.

27 (9) All investigations conducted by the office shall
1 be conducted in a manner designed to ensure the preservation of
2 evidence for possible use in a criminal prosecution.

3 Sec. 62. Section 81-8,245, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 81-8,245 The Public Counsel shall have the power to:

6 (1) Investigate, on complaint or on his or her own
7 motion, any administrative act of any administrative agency;
8 (2) Prescribe the methods by which complaints are to be
9 made, received, and acted upon; determine the scope and manner
10 of investigations to be made; and, subject to the requirements
11 of sections 81-8,240 to 81-8,254, determine the form, frequency,
12 and distribution of his or her conclusions, recommendations, and
13 proposals;

14 (3) Conduct inspections of the premises, or any parts

15 thereof, of any administrative agency or any property owned,
16 leased, or operated by any administrative agency as frequently as
17 is necessary, in his or her opinion, to carry out duties prescribed
18 under sections 81-8,240 to 81-8,254;

19 (4) Request and receive from each administrative agency,
20 and such agency shall provide, the assistance and information
21 the counsel deems necessary for the discharge of his or her
22 responsibilities; inspect and examine the records and documents
23 of all administrative agencies notwithstanding any other provision
24 of law; and enter and inspect premises within any administrative
25 agency's control;

26 (5) Issue a subpoena, enforceable by action in an
27 appropriate court, to compel any person to appear, give sworn
1 testimony, or produce documentary or other evidence deemed relevant
2 to a matter under his or her inquiry. A person thus required
3 to provide information shall be paid the same fees and travel
4 allowances and shall be accorded the same privileges and immunities
5 as are extended to witnesses in the district courts of this state
6 and shall also be entitled to have counsel present while being
7 questioned;

8 (6) Undertake, participate in, or cooperate with general
9 studies or inquiries, whether or not related to any particular
10 administrative agency or any particular administrative act, if he
11 or she believes that they may enhance knowledge about or lead to
12 improvements in the functioning of administrative agencies;

13 (7) Make investigations, reports, and recommendations
14 necessary to carry out his or her duties under the State Government
15 Effectiveness Act; ~~and~~

16 (8) Carry out his or her duties under the Office of
17 Inspector General of Nebraska Child Welfare Act. If any of
18 the provisions of sections 81-8,240 to 81-8,254 conflict with
19 provisions of the Office of Inspector General of Nebraska Child
20 Welfare Act, the provisions of such act shall control; ~~and~~;

21 (9) Investigate and address the complaint and case of:

22 (a) Any juvenile committed to the custody of a youth
23 rehabilitation and treatment center; and

24 (b) Any juvenile released from a youth rehabilitation
25 and treatment center for reentry into the community, while
26 that juvenile is subject to the Community and Family Reentry
27 Process, or to any other service or treatment program in which
1 the juvenile may be involved after his or her release from a
2 youth rehabilitation and treatment center, whether that service
3 or program is administrated by the Office of Juvenile Services
4 or a private provider in the community. The Office of Juvenile
5 Services and private providers in the community shall cooperate
6 with any investigation conducted by the Public Counsel pursuant to
7 this subdivision, and provide all documentation and information
8 requested by the Public Counsel in connection with such an
9 investigation.

- 10 2. Renumber the remaining sections and correct the
 11 repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 197. Introduced by Nordquist, 7; Ashford, 20; Howard, 9; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the top-ranked Omaha South High School Packers defeated the third-ranked Creighton Prep High School Bluejays to win the 2013 Class A Boys State Soccer Championship; and

WHEREAS, this victory marked the third time this season that the Packers boys soccer team defeated the Bluejays, and the first time since 1990 that an Omaha South High School sports team won a state title; and

WHEREAS, the championship match brought two proud high school communities together resulting in a record crowd of 8,200 fans at Morrison Stadium to witness a phenomenal soccer competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha South High School Packers boys soccer team and coaches for winning the 2013 Class A Boys State Soccer Championship.

2. That a copy of this resolution be sent to Omaha South High School.

Laid over.

LEGISLATIVE RESOLUTION 198. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Conrad, 46; Davis, 43; Kolowski, 31; Mello, 5.

PURPOSE: The purpose of this resolution is to study the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 14 eleventh-grade students and teachers from Papillion/La Vista; 75 fifth-grade students and teachers from Johnson Crossing Elementary, Fremont; 52 fourth-grade students, teachers, and sponsors from Blumfield Elementary, Omaha; and 22 fourth-grade students and teacher from Axtell.

ADJOURNMENT

At 5:41 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Wednesday, May 15, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

