

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 222

Final Reading

Introduced by McCoy, 39.

Read first time January 15, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state government; to amend sections 2-3962,
 2 2-3965, 13-1205, 13-2101.01, 43-3342.05, 48-166, 60-658,
 3 77-709, 77-4601, 79-602, 79-1901, and 89-186, Reissue
 4 Revised Statutes of Nebraska, and sections 37-1406,
 5 43-296, 43-405, 43-517, 43-534, 43-1303, 43-4331,
 6 43-4406, 43-4407, 43-4408, 50-405, 50-424, 50-1205,
 7 66-1336, 68-1207.01, 68-1735.02, 68-2004, 71-825,
 8 71-1904, 71-2518, 71-51,103, 71-5206.01, 79-318,
 9 79-10,142, 81-1360, 81-1430, 81-1845, 81-2213, 81-3133,
 10 83-924, 84-901.01, 84-907.06, 84-910, and 84-1219,
 11 Revised Statutes Cumulative Supplement, 2012; to require
 12 that reports and other information submitted to the
 13 Legislature, the Clerk of the Legislature, the Executive
 14 Board of the Legislative Council, and committees of the
 15 Legislature be submitted electronically; to change and
 16 eliminate certain reporting requirements; to change

1 submission requirements for state agencies; to require
2 the submission of certain information to the Legislative
3 Performance Audit Committee by each state agency; to
4 harmonize provisions; to repeal the original sections; to
5 outright repeal section 13-2114, Reissue Revised Statutes
6 of Nebraska, and section 79-1905, Revised Statutes
7 Cumulative Supplement, 2012; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

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

3 2-3962 The board shall prepare a report on or before
4 October 1 of each year setting forth the income received from the
5 assessments collected in accordance with section 2-3958 for the
6 preceding fiscal year, and the report shall include:

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

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

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

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

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

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

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

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

24 2-3965 (1) Sections 2-3965 to 2-3992 and the publications
25 adopted by reference in subsections (2) and (3) of this section shall

1 be known and may be cited as the Nebraska Milk Act.

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

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

9 (b) Methods of Making Sanitation Ratings of Milk
10 Supplies, 2005 Revision;

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

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

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

20 (a) Section 9 of the ordinance is replaced by section
21 2-3969;

22 (b) Section 15 of the ordinance is replaced by section
23 2-3970;

24 (c) Section 16 of the ordinance is replaced by section
25 2-3974;

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

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

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

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

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

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

18 13-1205 The department shall have the following powers,
19 duties, and responsibilities:

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

24 (2) To assess the regional and statewide effect of
25 changes, improvement, and route abandonments in the state's public

1 transportation system;

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

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

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

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

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

20 and

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

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

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

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

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

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

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

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

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

1 electronically.

2 (3) The council shall complete the initial adaptive
3 management plan within three years after April 6, 2012.

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

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

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

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

1 Legislature on or before September 15 of 2012, 2013, and 2014. Upon
2 the department being satisfied that such association is competent and
3 has adequate facilities to care for such juveniles, it shall issue to
4 such association a certificate to that effect, which certificate
5 shall continue in force for one year unless sooner revoked by the
6 department. No juvenile shall be committed to any such association
7 which has not received such a certificate within the fifteen months
8 immediately preceding the commitment. The court may at any time
9 require from any association receiving or desiring to receive
10 juveniles under the provisions of the Nebraska Juvenile Code such
11 reports, information, and statements as the judge shall deem proper
12 and necessary for his or her action, and the court shall in no case
13 be required to commit a juvenile to any association whose standing,
14 conduct, or care of juveniles or ability to care for the same is not
15 satisfactory to the court.

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

18 43-405 The administrative duties of the Office of
19 Juvenile Services are to:

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

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

25 (3) Have separate budgeting procedures and develop and

1 report budget information separately from the Department of Health
2 and Human Services;

3 (4) Adopt and promulgate rules and regulations for the
4 levels of treatment and for management, control, screening,
5 evaluation, treatment, rehabilitation, parole, transfer, and
6 discharge of juveniles placed with or committed to the Office of
7 Juvenile Services;

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

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

23 (7) Coordinate the programs and services of the juvenile
24 justice system with other governmental agencies and political
25 subdivisions;

1 (8) Coordinate educational, vocational, and social
2 counseling;

3 (9) Coordinate community-based services for juveniles and
4 their families;

5 (10) Supervise and coordinate juvenile parole and
6 aftercare services; and

7 (11) Exercise all powers and perform all duties necessary
8 to carry out its responsibilities under the Health and Human
9 Services, Office of Juvenile Services Act.

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

12 43-517 (1) The Department of Health and Human Services
13 shall provide a report to the Governor and the Legislature no later
14 than December 1 each year regarding the data and information
15 collected pursuant to section 43-516, including a summary of such
16 data and information. The report submitted to the Legislature shall
17 be submitted electronically.

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

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

22 43-534 Every department, agency, institution, committee,
23 and commission of state government which is concerned or responsible
24 for children and families shall submit, as part of the annual budget
25 request of such department, agency, institution, committee, or

1 commission, a comprehensive statement of the efforts such department,
2 agency, institution, committee, or commission has taken to carry out
3 the policy and principles set forth in sections 43-532 and 43-533.
4 For 2012, 2013, and 2014, the Department of Health and Human Services
5 shall provide ~~a~~ an electronic copy of its statement submitted under
6 this section to the Health and Human Services Committee of the
7 Legislature on or before September 15. The statement shall include,
8 but not be limited to, a listing of programs provided for children
9 and families and the priority of such programs, a summary of the
10 expenses incurred in the provision and administration of services for
11 children and families, the number of clients served by each program,
12 and data being collected to demonstrate the short-term and long-term
13 effectiveness of each program.

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

16 43-1303 (1) The office shall maintain the statewide
17 register of all foster care placements occurring within the state,
18 and there shall be a monthly report made to the registry of all
19 foster care placements by the Department of Health and Human
20 Services, any child-placing agency, or any court in a form as
21 developed by the office in consultation with representatives of
22 entities required to make such reports. For each child entering and
23 leaving foster care, such monthly report shall consist of identifying
24 information, placement information, and the plan or permanency plan
25 developed by the person or court in charge of the child pursuant to

1 section 43-1312. The department and every court and child-placing
2 agency shall report any foster care placement within three working
3 days. The report shall contain the following information:

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

6 (b) Identification information for parents and
7 stepparents, including name, social security number, address, and
8 status of parental rights;

9 (c) Placement information, including initial placement
10 date, current placement date, and the name and address of the foster
11 care provider;

12 (d) Court status information, including which court has
13 jurisdiction, initial custody date, court hearing date, and results
14 of the court hearing;

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

16 (f) Case worker; and

17 (g) Permanency plan objective.

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

21 (b) The office may adopt and promulgate rules and
22 regulations for the following:

23 (i) Establishment of training programs for local board
24 members which shall include an initial training program and periodic
25 inservice training programs;

1 (ii) Development of procedures for local boards;

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

5 (iv) Accumulation of data and the making of annual
6 reports on children in foster care. Such reports shall include (A)
7 personal data on length of time in foster care, (B) number of
8 placements, (C) frequency and results of foster care file audit case
9 reviews and court review hearings, (D) number of children supervised
10 by the foster care programs in the state annually, (E) trend data
11 impacting foster care, services, and placements, (F) analysis of the
12 data, and (G) recommendations for improving the foster care system in
13 Nebraska;

14 (v) To the extent not prohibited by section 43-1310,
15 evaluation of the judicial and administrative data collected on
16 foster care and the dissemination of such data to the judiciary,
17 public and private agencies, the department, and members of the
18 public; and

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

22 (3) A local board shall send a written report to the
23 office for each foster care file audit case review conducted by the
24 local board. A court shall send a written report to the office for
25 each foster care review hearing conducted by the court.

1 (4) The office shall report and make recommendations to
2 the Legislature, department, local boards, and county welfare
3 offices. Such reports and recommendations shall include, but not be
4 limited to, the annual judicial and administrative data collected on
5 foster care pursuant to subsections (2) and (3) of this section and
6 the annual evaluation of such data. The report and recommendations
7 submitted to the Legislature shall be submitted electronically. In
8 addition, the office shall provide copies of such reports and
9 recommendations to each court having the authority to make foster
10 care placements. The executive director of the office or his or her
11 designees from the office may visit and observe foster care
12 facilities in order to ascertain whether the individual physical,
13 psychological, and sociological needs of each foster child are being
14 met. The executive director shall also provide, at a time specified
15 by the Health and Human Services Committee of the Legislature,
16 regular electronic updates regarding child welfare data and
17 information at least quarterly, and a fourth-quarter report which
18 shall be the annual report. The executive director shall include
19 issues, policy concerns, and problems which have come to the office
20 and the executive director from analysis of the data. The executive
21 director shall recommend alternatives to the identified problems and
22 related needs of the office and the foster care system to the
23 committee. The Health and Human Services Committee shall coordinate
24 and prioritize data and information requests submitted to the office
25 by members of the Legislature. The annual report of the office shall

1 be completed by December 1 each year, beginning December 1, 2012, and
2 shall be submitted electronically to the committee.

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

5 43-3342.05 (1) The Child Support Advisory Commission is
6 created. Commission members shall include:

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

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

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

12 (d) One professional who works in the field of economics
13 or mathematics or another field of expertise relevant to child
14 support;

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

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

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

21 (h) The chairperson of the Health and Human Services
22 Committee of the Legislature;

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

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

25 and

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

3 (2)(a) The Supreme Court shall notify the Executive Board
4 of the Legislative Council of its intent to review the child support
5 guidelines pursuant to section 42-364.16. Following such
6 notification, the chairperson of the commission shall call a meeting
7 of the commission.

8 (b) Each time the commission meets pursuant to
9 subdivision (2)(a) of this section, the Supreme Court shall make
10 appointments to fill the membership under subdivision (1)(a) of this
11 section and the chairperson of the Executive Board shall make
12 appointments to fill each membership under subdivisions (1)(b)
13 through (f) of this section. The terms of these members shall expire
14 after the commission has fulfilled its duties pursuant to subsection
15 (3) of this section.

16 (c) Members shall serve without compensation but shall be
17 reimbursed for their actual and necessary expenses incurred in the
18 performance of their duties as provided in sections 81-1174 to
19 81-1177.

20 (d) If determined to be necessary to perform the duties
21 of the commission, the commission may hire, contract, or otherwise
22 obtain the services of consultants, researchers, aides, and other
23 necessary support staff with prior approval of the chairperson of the
24 Executive Board.

25 (e) For administrative purposes, the commission shall be

1 managed and administered by the Legislative Council.

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

4 (a) Reviewing the child support guidelines adopted by the
5 Supreme Court and recommending, if appropriate, any changes to the
6 guidelines. Whenever practicable, the commission shall base its
7 recommendations on economic data and statistics collected in the
8 State of Nebraska. In reviewing the guidelines and formulating
9 recommendations, the commission may conduct public hearings around
10 the state; and

11 (b) Presenting reports, as deemed necessary, of its
12 activities and recommendations to the Supreme Court and the Executive
13 Board. Any reports submitted to the Executive Board shall be
14 submitted electronically.

15 (4) The Supreme Court shall review the commission's
16 reports. The Supreme Court may amend the child support guidelines
17 established pursuant to section 42-364.16 based upon the commission's
18 recommendations.

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

21 43-4331 On or before September 15 of each year, the
22 Inspector General shall provide to the Health and Human Services
23 Committee of the Legislature and the Governor a summary of reports
24 and investigations made under the Office of Inspector General of
25 Nebraska Child Welfare Act for the preceding year. The summary

1 provided to the committee shall be provided electronically. The
2 summaries shall detail recommendations and the status of
3 implementation of recommendations and may also include
4 recommendations to the committee regarding issues discovered through
5 investigation, audits, inspections, and reviews by the office that
6 will increase accountability and legislative oversight of the
7 Nebraska child welfare system, improve operations of the department
8 and the Nebraska child welfare system, or deter and identify fraud,
9 abuse, and illegal acts. The summaries shall not contain any
10 confidential or identifying information concerning the subjects of
11 the reports and investigations.

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

14 43-4406 On or before September 15, 2012, and each
15 September 15 thereafter, the department shall report electronically
16 to the Health and Human Services Committee of the Legislature the
17 following information regarding child welfare services, with respect
18 to children served by any lead agency or the pilot project and
19 children served by the department:

20 (1) The percentage of children served and the allocation
21 of the child welfare budget, categorized by service area and by lead
22 agency or the pilot project, including:

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

25 (b) The percentage of children served who are wards of

1 the state and the corresponding budget allocation;

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

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

9 (a) The number of children receiving mental health and
10 substance abuse services annually by the Division of Behavioral
11 Health of the department;

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

14 (c) The number of state wards receiving behavioral health
15 services as of September 1 immediately preceding the date of the
16 report;

17 (d) Funding sources for children's behavioral health
18 services for the fiscal year ending on the immediately preceding June
19 30;

20 (e) Expenditures in the immediately preceding fiscal year
21 by the division, categorized by category of behavioral health service
22 and by behavioral health region; and

23 (f) Expenditures in the immediately preceding fiscal year
24 from the medical assistance program and CHIP as defined in section
25 68-969 for mental health and substance abuse services, for all

1 children and for wards of the state;

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

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

6 (b) Average caseload per case manager;

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

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

14 (e) Monthly case manager turnover;

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

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

20 (h) Case documentation of monthly consecutive team
21 meetings per quarter;

22 (i) Case documentation of monthly consecutive parent
23 contacts per quarter;

24 (j) Case documentation of monthly consecutive child
25 contacts with case manager per quarter;

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

4 (l) Timeliness of court reports; and

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

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

15 (a) Child variables;

16 (b) Reasons for placement;

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

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

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

- 1 (ii) Funds expended and length of placements;
- 2 (iii) Number and level of placements;
- 3 (iv) Facility variables; and
- 4 (v) Identification of specific child welfare services
- 5 unavailable in the child's community that, if available, could have
- 6 prevented the need for residential treatment; and
- 7 (e) Identification of child welfare services unavailable
- 8 in the state that, if available, could prevent out-of-state
- 9 placements;
- 10 (6) From any lead agency or the pilot project, the
- 11 percentage of its accounts payable to subcontracted child welfare
- 12 service providers that are thirty days overdue, sixty days overdue,
- 13 and ninety days overdue; and
- 14 (7) For any individual involved in the child welfare
- 15 system receiving a service or a placement through the department or
- 16 its agent for which referral is necessary, the date when such
- 17 referral was made by the department or its agent and the date and the
- 18 method by which the individual receiving the services was notified of
- 19 such referral. To the extent the department becomes aware of the date
- 20 when the individual receiving the referral began receiving such
- 21 services, the department or its agent shall document such date.

22 Sec. 14. Section 43-4407, Revised Statutes Cumulative

23 Supplement, 2012, is amended to read:

24 43-4407 (1) Each service area administrator and any lead

25 agency or the pilot project shall annually survey children, parents,

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

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

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

3 43-4408 On or before September 15, 2012, and on or before
4 each September 15 thereafter, the department shall provide
5 electronically a report to the Health and Human Services Committee of
6 the Legislature on the department's monitoring of any lead agencies
7 or the pilot project, including the actions taken for contract
8 management, financial management, revenue management, quality
9 assurance and oversight, children's legal services, performance
10 management, and communications. The report shall also include review
11 of the functional capacities of each lead agency or the pilot project
12 for (1) direct case management, (2) utilization of social work theory
13 and evidence-based practices to include processes for insuring
14 fidelity with evidence-based practices, (3) supervision, (4) quality
15 assurance, (5) training, (6) subcontract management, (7) network
16 development and management, (8) financial management, (9) financial
17 controls, (10) utilization management, (11) community outreach, (12)
18 coordination and planning, (13) community and stakeholder engagement,
19 and (14) responsiveness to requests from policymakers and the
20 Legislature. On or before December 31, 2012, the department shall
21 provide an additional report to the committee updating the
22 information on the pilot project contained in the report of September
23 15, 2012.

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

1 48-166 On or before January 1 of each year, the Nebraska
2 Workers' Compensation Court shall ~~issue~~submit electronically an
3 annual report to the Clerk of the Legislature for the past fiscal
4 year which shall include (1) pertinent information regarding
5 settlements and awards made by the compensation court, (2) the causes
6 of the accidents leading to the injuries for which the settlements
7 and awards were made, (3) a statement of the total expense of the
8 compensation court, (4) any other matters which the compensation
9 court deems proper to include, and (5) any recommendations it may
10 desire to make.

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

13 50-405 It shall be the duty of the council (1) to
14 investigate and study the possibilities for consolidation in state
15 government for elimination of all unnecessary activities and of all
16 duplication in office personnel and equipment and of the coordination
17 of departmental activities or of methods of increasing efficiency and
18 effecting economies, (2) to investigate and study the possibilities
19 of reforming the system of local government with a view to
20 simplifying the organization of government, (3) to study the merit
21 system as it relates to state and local government personnel, (4) to
22 cooperate with the administration in devising means of enforcing the
23 law and improving the effectiveness of administrative methods, (5) to
24 study and inquire into the financial administration of the state
25 government and the subdivisions thereof, the problems of taxation,

1 including assessment and collection of taxes, and the distribution of
2 the tax burden, and (6) to study and inquire into future planning of
3 capital construction of the state and its governmental agencies as to
4 location and sites for expansion. ~~Such proposed planning shall be~~
5 ~~submitted electronically to the Executive Board of the Legislative~~
6 ~~Council for review and recommendation to the Legislature and the~~
7 ~~Appropriations Committee.~~

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

10 50-424 On December 15 of 2012, 2013, and 2014, the Health
11 and Human Services Committee of the Legislature shall provide a
12 ~~written~~ report to the Legislature, Governor, and Chief Justice of the
13 Supreme Court with respect to the progress made by the Department of
14 Health and Human Services implementing the recommendations of the
15 committee contained in the final report of the study conducted by the
16 committee pursuant to Legislative Resolution 37, One Hundred Second
17 Legislature, First Session, 2011. The report submitted to the
18 Legislature shall be submitted electronically. In order to facilitate
19 such report, the department shall provide electronically to the
20 committee by September 15 of 2012, 2013, and 2014 the reports
21 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,
22 71-1904, and 71-3407 and subdivision (6) of section 43-405. The
23 Children's Behavioral Health Oversight Committee of the Legislature
24 shall provide its final report to the Health and Human Services
25 Committee of the Legislature on or before September 15, 2012.

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

3 50-1205 The committee shall:

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

7 (2) Ensure that performance audits done by the committee
8 are not undertaken based on or influenced by special or partisan
9 interests;

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

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

14 (5) Respond to inquiries regarding performance audits;

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

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

22 (8) Administer oaths, issue subpoenas, compel the
23 attendance of witnesses and the production of any papers, books,
24 accounts, documents, and testimony, and cause the depositions of
25 witnesses either residing within or without the state to be taken in

1 the manner prescribed by law for taking depositions in civil actions
2 in the district court;

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

6 (10) Release the committee report to the public and
7 distribute it electronically to the Clerk of the Legislature with or
8 without benefit of a public hearing;

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

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

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

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

24 (15) Approve or reject, within the budgetary limits of
25 the section, contracts to retain consultants to assist with

1 performance audits requiring specialized knowledge or expertise.
2 Requests for consultant contracts shall be approved by the
3 Legislative Auditor and presented to the Legislative Performance
4 Audit Committee by the Legislative Auditor. A majority vote shall be
5 required to approve consultant contract requests. For purposes of
6 section 50-1213, subsection (11) of section 77-2711, and subsections
7 (10) through (13) of section 77-27,119, any consultant retained to
8 assist with a performance audit or preaudit inquiry shall be
9 considered an employee of the section during the course of the
10 contract; and

11 (16) At its discretion, and with the agreement of the
12 Auditor of Public Accounts, conduct joint fiscal or performance
13 audits with the Auditor of Public Accounts. The details of any joint
14 audit shall be agreed upon in writing by the committee and the
15 Auditor of Public Accounts.

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

18 60-658 School bus shall mean any motor vehicle which
19 complies with the general design, equipment, and color requirements
20 adopted and promulgated pursuant to subdivision ~~(13)~~(12) of section
21 79-318 and which is used to transport students to or from school or
22 in connection with school activities but shall not include buses
23 operated by common carriers in urban transportation of school
24 students.

25 Sec. 21. Section 66-1336, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 66-1336 The board shall retain the services of a full-
3 time administrator to be appointed by the board. The administrator
4 shall hold office at the pleasure of the board. ~~The administrator~~
5 ~~shall compile a biennial report to be submitted to the board and the~~
6 ~~Clerk of the Legislature. The report submitted to the Clerk of the~~
7 ~~Legislature shall be submitted electronically. The report shall set~~
8 ~~forth the activities, contracts, and projects of the board for the~~
9 ~~previous biennium and the amount of funds expended. Each member of~~
10 ~~the Legislature shall receive an electronic copy of such report by~~
11 ~~making a request for it to the board.~~

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

14 68-1207.01 The Department of Health and Human Services
15 shall annually provide a report to the Legislature and Governor
16 outlining the caseloads of child protective services, the factors
17 considered in their establishment, and the fiscal resources necessary
18 for their maintenance. The report submitted to the Legislature shall
19 be submitted electronically. For 2012, 2013, and 2014, the department
20 shall also provide electronically the report to the Health and Human
21 Services Committee of the Legislature on or before September 15. Such
22 report shall include:

23 (1) A comparison of caseloads established by the
24 department with the workload standards recommended by national child
25 welfare organizations along with the amount of fiscal resources

1 necessary to maintain such caseloads in Nebraska;

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

9 (3)(a) The average caseload of child welfare case
10 managers employed by the State of Nebraska and child welfare services
11 workers, providing services directly to children and families, who
12 are under contract with the State of Nebraska or employed by a
13 private entity under contract with the State of Nebraska and (b) the
14 outcomes of such cases, including the number of children reunited
15 with their families, children adopted, children in guardianships,
16 placement of children with relatives, and other permanent resolutions
17 established, statewide and by service area designated pursuant to
18 section 81-3116; and

19 (4) The average cost of training child welfare case
20 managers employed by the State of Nebraska and child welfare services
21 workers, providing child welfare services directly to children and
22 families, who are under contract with the State of Nebraska or
23 employed by a private entity under contract with the State of
24 Nebraska, statewide and by service area as designated pursuant to
25 section 81-3116.

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

3 68-1735.02 The Department of Health and Human Services
4 shall ~~report annually~~ submit electronically an annual report to the
5 Legislature on October 1 on the following:

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

9 (a) An associate degree program;

10 (b) A vocational education program not leading to an
11 associate degree;

12 (c) Postsecondary education other than a program
13 described in subdivision (1)(a) or (b) of this section;

14 (d) Adult Basic Education;

15 (e) English as a Second Language; or

16 (f) A general education development program; and

17 (2) The number of persons participating in a self-
18 sufficiency contract who obtain or maintain employment for six
19 months, twelve months, eighteen months, and twenty-four months after
20 such persons are no longer eligible for cash assistance due to
21 obtaining employment.

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

24 68-2004 The department shall report to the Health and
25 Human Services Committee of the Legislature on utilization controls,

1 including, but not limited to, the rates of initial service
2 authorizations, reauthorizations subsequent to initial service
3 authorizations, and denials for behavioral health services for
4 children under nineteen years of age. The first report shall be due
5 on October 1, 2012, and shall contain such rates of initial service
6 authorizations, reauthorizations subsequent to initial service
7 authorizations, and denials for behavioral health services for
8 children under nineteen years of age for the first three quarters of
9 2012. Thereafter, on January 1, April 1, and July 1 of each year, the
10 department shall report electronically such rates of initial service
11 authorizations, reauthorizations subsequent to initial service
12 authorizations, and denials for behavioral health services for
13 children under nineteen years of age for the previous calendar
14 quarter.

15 Sec. 25. Section 71-825, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 71-825 The department shall provide an annual report, no
18 later than December 1, to the Governor and the Legislature on the
19 operation of the Children and Family Support Hotline established
20 under section 71-822, the Family Navigator Program established under
21 section 71-823, and the provision of voluntary post-adoption and
22 post-guardianship case management services under section 71-824,
23 except that for 2012, 2013, and 2014, the department shall also
24 provide the report to the Health and Human Services Committee of the
25 Legislature on or before September 15. The ~~report~~reports submitted

1 to the Legislature and the committee shall be submitted
2 electronically.

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

5 71-1904 (1) The department shall adopt and promulgate
6 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for
7 (a) the proper care and protection of children by licensees under
8 such sections, (b) the issuance, suspension, and revocation of
9 licenses to provide foster care, (c) the issuance, suspension, and
10 revocation of probationary licenses to provide foster care, (d) the
11 issuance, suspension, and revocation of provisional licenses to
12 provide foster care, (e) the provision of training in foster care,
13 which training shall be directly related to the skills necessary to
14 care for children in need of out-of-home care, including, but not
15 limited to, abused, neglected, dependent, and delinquent children,
16 and (f) the proper administration of sections 71-1901 to 71-1906.01.

17 (2) The training required by subdivision (1)(e) of this
18 section may be waived in whole or in part by the department for
19 persons operating foster homes providing care only to relatives of
20 the foster care provider. Such waivers shall be granted on a case-by-
21 case basis upon assessment by the department of the appropriateness
22 of the relative foster care placement. The department shall submit
23 electronically an annual report to the Health and Human Services
24 Committee of the Legislature on the number of waivers granted under
25 this subsection and the total number of children placed in relative

1 foster homes. For 2012, 2013, and 2014, the department shall provide
2 the report electronically to the Health and Human Services Committee
3 of the Legislature on or before September 15.

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

6 71-2518 (1) The Division of Public Health of the
7 Department of Health and Human Services shall establish a lead
8 poisoning prevention program that has the following components:

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

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

15 (ii) Require that a child be tested for an elevated
16 blood-lead level in accordance with the medicaid state plan as
17 defined in section 68-907 if the child is a participant in the
18 medical assistance program established pursuant to the Medical
19 Assistance Act; and

20 (iii) Recommend that a child be tested for elevated
21 blood-lead levels if the child resides in a zip code with a high
22 prevalence of children with elevated blood-lead levels as
23 demonstrated by previous testing data or if the child meets one of
24 the criteria included in a lead poisoning prevention screening
25 questionnaire developed by the department; and

1 (b) An educational and community outreach plan regarding
2 lead poisoning prevention that shall, at a minimum, include the
3 development of appropriate educational materials targeted to health
4 care providers, child care providers, public school personnel, owners
5 and tenants of residential dwellings, and parents of young children.
6 Such educational materials shall be made available to the general
7 public via the department's web site.

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

15 (3) The department shall report electronically to the
16 Legislature by January 1, 2013, and each January 1 thereafter, the
17 number of children from birth through age six who were screened for
18 elevated blood-lead levels during the preceding fiscal year and who
19 were confirmed to have elevated blood-lead levels as stated in the
20 plan required pursuant to subdivision (1)(a) of this section. The
21 report shall compare such results with those of previous fiscal years
22 and shall identify any revisions to the plan required by subdivision
23 (1)(a) of this section.

24 (4) This section does not require the department to pay
25 the cost of elevated-blood-lead-level testing in accordance with this

1 section except in cases described in subdivision (1)(a)(ii) of this
2 section.

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

5 71-51,103 There is hereby created the Nebraska Emergency
6 Medical System Operations Fund. The fund may receive gifts, bequests,
7 grants, fees, or other contributions or donations from public or
8 private entities. The fund shall be used to carry out the purposes of
9 the Statewide Trauma System Act and the Emergency Medical Services
10 Practice Act, including activities related to the design,
11 maintenance, or enhancement of the statewide trauma system, support
12 of emergency medical services programs, and support for the emergency
13 medical services programs for children. ~~The Department of Health and
14 Human Services shall annually, on or before January 1, submit
15 electronically a report to the Legislature which includes a general
16 accounting of the income and expenditures of the fund.~~ Any money in
17 the fund available for investment shall be invested by the state
18 investment officer pursuant to the Nebraska Capital Expansion Act and
19 the Nebraska State Funds Investment Act.

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

22 71-5206.01 (1) The Legislature may provide funding to the
23 Office of Rural Health for the purpose of funding the cost of
24 resident stipends and benefits, which funding may include health
25 insurance, professional liability insurance, disability insurance,

1 medical education expenses, continuing competency expenses, pension
2 benefits, moving expenses, and meal expenses in family practice
3 residency programs based in Nebraska but which are not under a
4 contract pursuant to section 71-5206. The resident stipends and
5 benefits funded in this section shall apply only to residents who
6 begin family practice residency training at a qualifying institution
7 in years beginning on or after January 1, 1993. The total funding
8 provided in the form of stipend and benefit support per resident to a
9 family practice residency program under this section shall not exceed
10 the total funding provided in the form of stipend and benefit support
11 per resident to a family practice residency program under section
12 71-5203.

13 (2) Upon receiving an itemized statement of the cost of
14 stipends and benefits of a family practice residency program from a
15 sponsoring institution and upon determining that the sponsoring
16 institution is not receiving funds under a contract pursuant to
17 section 71-5206, the office may reimburse such institution fifty
18 percent of such cost for each family practice resident in the
19 program. The office may reimburse such institution twenty-five
20 percent of the remaining cost per family practice resident for each
21 year that one of the program's graduates practices family medicine in
22 Nebraska, up to a maximum of three years for each graduate, and an
23 additional twenty-five percent of the remaining cost per resident for
24 each of the program's graduates who practices family medicine in an
25 area of Nebraska classified as of January 1, 1991, by the United

1 States Secretary of Health and Human Services as Medicare Locale 16.
2 The total number of residents receiving annual financial payments
3 made under this section shall not exceed nine students during any
4 school year.

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

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

12 77-709 The property assessment division of the Department
13 of Revenue shall publish an annual report detailing property tax
14 valuations, taxes levied, and property tax rates throughout the
15 state. The annual report shall display information by political
16 subdivision and by property type within each county and also include
17 statewide summarizations. The department shall submit the report
18 electronically to the Clerk of the Legislature. The department may
19 charge a fee for copies of the annual report. The Tax Commissioner
20 shall set the fee, based on the reasonable cost of production.

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

23 77-4601 On or before July 15 of each year, the Tax
24 Commissioner and the Legislative Fiscal Analyst shall certify the
25 monthly estimate of General Fund net receipts for each month of the

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

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

17 79-318 The State Board of Education shall:

18 (1) Appoint and fix the compensation of the Commissioner
19 of Education;

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

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

1 employees of the board;

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

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

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

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

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

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

1 ~~(9)~~—(8) Provide for consultation with professional
2 educators and lay leaders for the purpose of securing advice deemed
3 necessary in the formulation of policies and in the effectual
4 discharge of its duties;

5 ~~(10)~~—(9) Make studies, investigations, and reports and
6 assemble information as necessary for the formulation of policies,
7 for making plans, for evaluating the state school program, and for
8 making essential and adequate reports;

9 ~~(11)~~—(10) Submit to the Governor and the Legislature a
10 budget necessary to finance the state school program under its
11 jurisdiction, including the internal operation and maintenance of the
12 State Department of Education;

13 ~~(12)~~—(11) Interpret its own policies, standards, rules,
14 and regulations and, upon reasonable request, hear complaints and
15 disputes arising therefrom;

16 ~~(13)~~—(12) With the advice of the Department of Motor
17 Vehicles, adopt and promulgate rules and regulations containing
18 reasonable standards, not inconsistent with existing statutes,
19 governing: (a) The general design, equipment, color, operation, and
20 maintenance of any vehicle with a manufacturer's rated seating
21 capacity of eleven or more passengers used for the transportation of
22 public, private, denominational, or parochial school students; and
23 (b) the equipment, operation, and maintenance of any vehicle with a
24 capacity of ten or less passengers used for the transportation of
25 public, private, denominational, or parochial school students, when

1 such vehicles are owned, operated, or owned and operated by any
2 public, private, denominational, or parochial school or privately
3 owned or operated under contract with any such school in this state,
4 except for vehicles owned by individuals operating a school which
5 elects pursuant to section 79-1601 not to meet accreditation or
6 approval requirements. Similar rules and regulations shall be adopted
7 and promulgated for operators of such vehicles as provided in section
8 79-607;

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

16 ~~(15)~~ (14) Accept, in order to administer the Interstate
17 Compact on Educational Opportunity for Military Children, any devise,
18 donation, or bequest received by the State Department of Education
19 pursuant to section 79-2206; and

20 ~~(16)~~ (15) Upon acceptance of any devise, donation, or
21 bequest as provided in this section, administer and carry out such
22 devise, donation, or bequest in accordance with the terms and
23 conditions thereof. If not prohibited by the terms and conditions of
24 any such devise, donation, or bequest, the board may sell, convey,
25 exchange, or lease property so devised, donated, or bequeathed upon

1 such terms and conditions as it deems best and remit all money
2 derived from any such sale or lease to the State Treasurer for credit
3 to the State Department of Education Trust Fund.

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

7 None of the duties prescribed in this section shall
8 prevent the board from exercising such other duties as in its
9 judgment may be necessary for the proper and legal exercise of its
10 obligations.

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

13 79-602 All school boards, the governing authorities of
14 any nonpublic schools in this state, and all independent contractors
15 who or which provide student transportation services for such boards
16 and governing authorities and for military installations shall cause
17 all pupil transportation vehicles used for the transportation of
18 students to be inspected before school opens in the fall and each
19 eighty days during that part of the year when school is in session by
20 a motor vehicle mechanic appointed by the board or governing
21 authority having jurisdiction over such students, except that any
22 pupil transportation vehicle that has been inspected under rules and
23 regulations of the Public Service Commission shall be exempted from
24 the provisions of this section. The mechanic shall thoroughly inspect
25 every vehicle used for the transportation of students as to brakes,

1 lights, windshield wipers, window glass, tires, doors, heaters,
2 defrosting equipment, steering gear, exhaust system, and the
3 mechanical condition of every part of such pupil transportation
4 vehicle to ensure compliance with the minimum allowable safety
5 criteria established pursuant to section 79-607 and subdivision ~~(13)~~
6 (12) of section 79-318. Within five days after such inspection, the
7 mechanic shall make a report of his or her inspection in writing on
8 regular forms provided by the State Department of Education which
9 shall show if the vehicle met the minimum allowable safety criteria
10 for use. Any item not meeting such criteria shall be brought into
11 compliance prior to the vehicle being used to transport students. One
12 copy of the mechanic's report shall be filed with the board or
13 governing authority and, if the school contracts with an independent
14 contractor to provide transportation services, one copy with the
15 independent contractor. The chief administrative officer of each
16 school district shall annually certify, by a written verification
17 statement, to the State Department of Education that the inspections
18 required pursuant to this section have been performed. Such
19 verification statement shall be sent to the department no later than
20 June 30.

21 In addition to the inspection requirements prescribed in
22 this section, the driver of each pupil transportation vehicle shall
23 make daily inspections of such vehicle to ensure that all lights and
24 equipment are fully operational or repaired before his or her daily
25 route. Reports of such daily inspections shall be kept by the driver

1 in the vehicle and filed weekly with the head mechanic or
2 administrator in charge of the transportation system. If the
3 inspection reveals any significant defect in the lights or equipment,
4 the driver shall immediately report the defect to the head mechanic
5 or administrator in charge of the transportation system.

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

8 79-10,142 The department shall collect data regarding the
9 number of sponsors, the number of sites utilized by sponsors, and the
10 number of children served as a result of the grants awarded under
11 section 79-10,141. The department shall submit a report
12 electronically to the Education Committee of the Legislature on this
13 data not later than December 1 each year.

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

16 79-1901 Sections 79-1901 to ~~79-1905~~79-1904 shall be
17 known and may be cited as the Nebraska Read, Educate, and Develop
18 Youth Act.

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

21 81-1360 The administrator shall be the head of the
22 office. The administrator shall be given all necessary top management
23 support to insure that there is compliance with Nebraska's program
24 and shall be provided with sufficient staff and budget support to
25 carry out the duties of the office. The administrator shall:

- 1 (1) Have the authority and responsibility for
2 coordinating, directing, and implementing the program;
- 3 (2) Adopt and promulgate rules and regulations for the
4 implementation of the agencies' plans;
- 5 (3) Provide counseling and technical assistance to the
6 agencies in the development of their plans;
- 7 (4) Review agency plans and direct modification to insure
8 the effectiveness of the plans and their compliance with the program;
- 9 (5) Monitor the progress of agency plans by establishing
10 reporting forms as required by the program;
- 11 (6) Review the quarterly reports of the agencies;
- 12 (7) Monitor the progress of the program and report
13 quarterly to the Governor;
- 14 (8) Make formal recommendations for legislation, when
15 necessary, in order to make changes in the program;
- 16 (9) Serve as liaison between the state and federal
17 compliance agencies;
- 18 (10) Plan, coordinate, and conduct training in equal
19 employment opportunity, racial awareness, and concerns of women, the
20 disabled, and aging for all segments of the state government work
21 force;
- 22 (11) Coordinate the activities of the agency affirmative
23 action individual in each agency;
- 24 (12) Investigate any complaints involving unfair
25 treatment, terms and conditions of employment, or perceived acts or

1 policies involving discrimination;

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

5 (14) Coordinate the Disadvantage Business Enterprise and
6 Women Business Enterprise programs which are funded in whole or in
7 part by state or federal funds. ~~;~~ and

8 ~~(15) Submit an annual report to the Governor and~~
9 ~~Legislature. The report submitted to the Legislature shall be~~
10 ~~submitted electronically.~~

11 Sec. 37. Section 81-1430, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 81-1430 (1) A task force is hereby established within the
14 Nebraska Commission on Law Enforcement and Criminal Justice for the
15 purposes of investigating and studying human trafficking, the methods
16 for advertising human trafficking services, and the victimization of
17 individuals coerced to participate in human trafficking.

18 (2) The task force shall examine the extent to which
19 human trafficking is prevalent in this state, the scope of efforts
20 being taken to prevent human trafficking from occurring, and the
21 services available to victims of human trafficking in this state. The
22 task force shall also investigate the limitations upon victims who
23 wish to come forward and seek medical attention; investigate the
24 potential to stop human trafficking; and investigate the potential to
25 promote recovery, to protect families and children who may be

1 profoundly impacted by such abuse, and to save lives.

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

9 (b) Posters shall be placed in rest stops and strip
10 clubs. The task force shall work with local businesses and nonprofit
11 entities associated with the prevention of human trafficking to
12 voluntarily place additional signs in high schools, postsecondary
13 educational institutions, gas stations, hotels, hospitals, health
14 care clinics, urgent care centers, airports, train stations, bus
15 stations, and other locations around the state deemed appropriate by
16 the task force.

17 (4) The task force shall consist of the following
18 members:

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

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

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

24 (d) The Director of Correctional Services or his or her
25 designee;

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

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

5 (g) A county sheriff;

6 (h) A county attorney;

7 (i) A county commissioner;

8 (j) A mayor or city manager;

9 (k) A person involved with the control or prevention of
10 juvenile delinquency;

11 (l) A person involved with the control or prevention of
12 child abuse;

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

14 (n) The director of the Commission on Latino-Americans or
15 his or her designee; and

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

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

1 (6) The members of the task force appointed by the
2 Governor shall serve six-year terms, except that of the members first
3 appointed, four shall serve initial two-year terms, four shall serve
4 initial four-year terms, and six shall serve initial six-year terms
5 from January 1 next succeeding their appointments. Thereafter, all
6 members shall serve six-year terms. A member may be reappointed at
7 the expiration of his or her term. Any vacancy occurring otherwise
8 than by expiration of a term shall be filled for the balance of the
9 unexpired term in the same manner as the original appointment.

10 (7) No member shall serve beyond the time when he or she
11 holds the office, employment, or status by reason of which he or she
12 was initially eligible for appointment. Any member of the task force
13 appointed by the Governor may be removed from the task force for
14 cause upon notice and an opportunity to be heard at a public hearing.
15 One of the causes for removal shall be absence from three regularly
16 scheduled meetings of the task force during any six-month period when
17 the member has failed to advise the task force in advance of such
18 meeting that he or she will be absent and stating a reason therefor.

19 (8) The chairperson of the task force shall be designated
20 by the Governor to serve at the pleasure of the Governor. The
21 chairperson shall be the chief executive officer of the task force
22 but may delegate such of his or her duties to other members of the
23 task force as may be authorized by the task force.

24 (9) Notwithstanding any provision of law, ordinance, or
25 charter provision to the contrary, membership on the task force shall

1 not disqualify any member from holding any other public office or
2 employment or cause the forfeiture thereof.

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

7 (11) Eleven members of the task force shall constitute a
8 quorum for the transaction of any business or the exercise of any
9 power of the task force. The task force shall have the power to act
10 by a majority of the members present at any meeting at which a quorum
11 is in attendance.

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

15 (13) Not later than one year after July 19, 2012, and
16 every July 1 and December 1 thereafter, the task force shall report
17 electronically to the Clerk of the Legislature the results of its
18 investigation and study and its recommendations, if any, together
19 with drafts of legislation necessary to carry its recommendations
20 into effect by filing the report with the clerk.

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

23 81-1845 (1) Any public or private nonprofit agency may
24 apply to the Nebraska Commission on Law Enforcement and Criminal
25 Justice for selection and funding as a victim and witness assistance

1 center pursuant to sections 81-1843 to 81-1851.

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

6 (a) The number of volunteers that the proposed center
7 will utilize;

8 (b) The stated goals of the applicant;

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

11 (d) Evidence of community support for the establishment
12 of the proposed center; and

13 (e) The organizational structure of the agency which will
14 operate the proposed center and provide services to victims and
15 witnesses of crimes.

16 (3) Upon evaluation of all applicants, the Nebraska
17 Commission on Law Enforcement and Criminal Justice shall select a
18 number of public or private nonprofit agencies which the commission
19 deems qualified for designation to receive funding for the
20 establishment and operation of such centers.

21 (4) The commission shall, upon the establishment of such
22 centers, conduct appraisals of their performance to determine which
23 of the centers shall receive continuation grants. ~~The commission~~
24 ~~shall report its finding to the Governor and the Clerk of the~~
25 ~~Legislature. The report submitted to the Clerk of the Legislature~~

1 ~~shall be submitted electronically.~~

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

4 81-2213 The department shall have the following powers
5 and duties:

6 (1) To develop, approve, and submit to the Governor a
7 two-year, three-year, or four-year state plan on aging, as determined
8 by the department, for purposes of administering grant funds
9 allocated to the state under the federal Older Americans Act, as now
10 or hereafter amended, or administering state funds allocated to the
11 Nebraska Community Aging Services Act;

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

14 (3) To adopt and promulgate rules, regulations, and
15 bylaws governing its procedure and activities and as necessary to
16 carry out the policies of the department and the policies prescribed
17 by the Administration on Aging pursuant to the federal Older
18 Americans Act, as now or hereafter amended;

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

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

24 (6) To divide the state into planning-and-service areas
25 as provided in section 71-807 for behavioral health regions, except

1 that Regions 3 and 5 may each be divided into two planning-and-
2 service areas with boundaries as established by the department for
3 planning-and-service areas in existence in those regions on July 1,
4 1982;

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

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

17 (9) To review and approve a one-year and a five-year area
18 plan and budget for the support of each area agency on aging and the
19 provision of eligible activities and services as defined in section
20 81-2222;

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

23 (11) To review the performance of each area agency on
24 aging and, based on the department-approved area plan and budget, to
25 determine the continued designation or the withdrawal of the

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

18 (12) To conduct continuing studies and analyses of the
19 problems faced by older individuals within the state and develop such
20 recommendations for administrative or legislative action as appear
21 necessary;

22 (13) To develop grants and plans, enter into contracts,
23 accept gifts, grants, and federal funds, and do all things necessary
24 and proper to discharge these powers and duties;

25 (14) To accept and administer any other programs or

1 resources delegated, designated, assigned, or awarded to the
2 department from public or private sources; and

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

10 ~~(16)~~(15) Such other powers and duties necessary to
11 effectively implement the Nebraska Community Aging Services Act.

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

14 81-3133 (1)(a) On or before July 30, 2012, the Division
15 of Children and Family Services of the Department of Health and Human
16 Services shall report in writing its expenditures between January 1,
17 2012, and June 30, 2012, and the outcomes relating to such
18 expenditures to the Appropriations Committee of the Legislature and
19 the Health and Human Services Committee of the Legislature. Such
20 report shall identify any changes or movement of funds in excess of
21 two hundred fifty thousand dollars relating to child welfare between
22 subprograms within Budget Program 347.

23 (b) Beginning with the third calendar quarter of 2012,
24 the division shall report ~~in writing~~electronically its expenditures
25 for each quarter and the outcomes relating to such expenditures

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(6) To provide the Legislature and the Governor with~~
2 ~~recommendations for dealing with financial, management, and~~
3 ~~organization problems affecting his or her division. The~~
4 ~~recommendations submitted to the Legislature shall be submitted~~
5 ~~electronically; and~~

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

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

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

1 agency to adopt such rules and regulations.

2 (2) The changes made to the Administrative Procedure Act
3 by Laws 2011, LB617, shall not affect the validity or effectiveness
4 of a rule or regulation adopted prior to May 25, 2011.

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

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

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

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

1 funding has been used for and what functions the staff have been
2 performing while such rules and regulations are pending. The format
3 of the ~~report~~-notification shall be established by the committee no
4 later than June 1, 2011, and shall be updated thereafter.

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

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

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

18 89-186 (1) The Legislature hereby adopts by reference the
19 following:

20 (a) The standards of the National Conference on Weights
21 and Measures published in National Institute of Standards and
22 Technology Handbook 44 entitled Specifications, Tolerances, and Other
23 Technical Requirements for Weighing and Measuring Devices as it
24 existed on January 1, 2003, except Section 3.31. Vehicle - Tank
25 meters. UR.2.2. Ticket Printers; Customer Ticket, Section 2.20.

1 Scales, N.3. Minimum Test Weights and Test Loads; and Table 4, are
2 not adopted. In addition to the language found in Section 3.30.
3 Liquid-Measuring Devices, S.1.6.4., S.1.6.5., UR.3.2., and UR.3.3. of
4 such handbook, any computing device in which a product or grade is
5 offered for sale at more than one unit price may also compute at the
6 lowest possible unit price for such transaction. All prices shall
7 still be displayed or posted on the face of the dispenser. Such
8 handbook shall govern all commercial and law enforcement weighing and
9 measuring devices in the state;

10 (b) The Uniform Regulation for the Method of Sale of
11 Commodities of the National Conference on Weights and Measures
12 published in National Institute of Standards and Technology Handbook
13 130 entitled Uniform Laws and Regulations as it existed on January 1,
14 2003. Such handbook shall be used to determine the proper units of
15 measurement to be used in the keeping for sale or sale of
16 commodities;

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

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

1 (2) Copies of the handbooks adopted by reference in this
2 section shall be filed with the Secretary of State, Clerk of the
3 Legislature, and Department of Agriculture. Copies filed with the
4 Clerk of the Legislature shall be filed electronically.

5 (3) Whenever there exists an inconsistency between the
6 provisions of the Weights and Measures Act other than this section
7 and any of the handbooks adopted by reference, the requirements of
8 such provisions of the act shall control.

9 Sec. 47. Original sections 2-3962, 2-3965, 13-1205,
10 13-2101.01, 43-3342.05, 48-166, 60-658, 77-709, 77-4601, 79-602,
11 79-1901, and 89-186, Reissue Revised Statutes of Nebraska, and
12 sections 37-1406, 43-296, 43-405, 43-517, 43-534, 43-1303, 43-4331,
13 43-4406, 43-4407, 43-4408, 50-405, 50-424, 50-1205, 66-1336,
14 68-1207.01, 68-1735.02, 68-2004, 71-825, 71-1904, 71-2518, 71-51,103,
15 71-5206.01, 79-318, 79-10,142, 81-1360, 81-1430, 81-1845, 81-2213,
16 81-3133, 83-924, 84-901.01, 84-907.06, 84-910, and 84-1219, Revised
17 Statutes Cumulative Supplement, 2012, are repealed.

18 Sec. 48. The following sections are outright repealed:
19 Section 13-2114, Reissue Revised Statutes of Nebraska, and section
20 79-1905, Revised Statutes Cumulative Supplement, 2012.

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