

FORTY-THIRD DAY - MARCH 18, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 18, 2008

PRAYER

The prayer was offered by Father Thomas MacLean, St. Mary's Catholic Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Christensen, Heidemann, Lautenbaugh, Nantkes, Schimek, Stuthman, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB959:
FA220

Amend AM2145

On page 4, lines 21 and 22, strike "-0-" and insert "600,000".

Senator Cornett filed the following amendment to LB1055:
AM2395

- 1 1. Insert the following new sections:
- 2 Section 1. Section 28-101, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 28-101 Sections 28-101 to 28-1350 and section 3 of this
- 5 act shall be known and may be cited as the Nebraska Criminal Code.
- 6 Sec. 2. Section 28-1008, Revised Statutes Supplement,
- 7 2007, is amended to read:
- 8 28-1008 For purposes of sections 28-1008 to 28-1017 and
- 9 section 3 of this act
- 10 (1) Abandon means to leave any animal in one's care,

11 whether as owner or custodian, for any length of time without
 12 making effective provision for its food, water, or other care as is
 13 reasonably necessary for the animal's health;

14 (2) Animal means any vertebrate member of the animal
 15 kingdom. The term does not include an uncaptured wild creature;

16 (3) Cruelly mistreat means to knowingly and intentionally
 17 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
 18 otherwise inflict harm upon any animal;

19 (4) Cruelly neglect means to fail to provide any animal
 20 in one's care, whether as owner or custodian, with food, water, or
 21 other care as is reasonably necessary for the animal's health;

22 (5) Humane killing means the destruction of an animal by
 23 a method which causes the animal a minimum of pain and suffering;

1 (6) Law enforcement officer means any member of the
 2 Nebraska State Patrol, any county or deputy sheriff, any member
 3 of the police force of any city or village, or any other public
 4 official authorized by a city or village to enforce state or
 5 local animal control laws, rules, regulations, or ordinances.
 6 Law enforcement officer also includes any inspector under the
 7 Commercial Dog and Cat Operator Inspection Act to the extent that
 8 such inspector may exercise the authority of a law enforcement
 9 officer under section 28-1012 while in the course of performing
 10 inspection activities under the Commercial Dog and Cat Operator
 11 Inspection Act;

12 (7) Mutilation means intentionally causing permanent
 13 injury, disfigurement, degradation of function, incapacitation,
 14 or imperfection to an animal. Mutilation does not include conduct
 15 performed by a veterinarian licensed under the Nebraska Veterinary
 16 Practice Act or conduct that conforms to accepted veterinary
 17 practices;

18 ~~(7)-(8)~~ Police animal means a horse or dog owned or
 19 controlled by the State of Nebraska for the purpose of assisting a
 20 Nebraska state trooper in the performance of his or her official
 21 enforcement duties; ~~and~~

22 (9) Repeated beating means intentional successive strikes
 23 to an animal by a person resulting in serious bodily injury or
 24 death to the animal;

25 ~~(8)-(10)~~ Serious injury or illness includes any injury
 26 or illness to any animal which creates a substantial risk of death
 27 or which causes broken bones, prolonged impairment of health, or
 1 prolonged loss or impairment of the function of any bodily organ;
 2 ~~and-~~

3 (11) Torture means intentionally subjecting an animal to
 4 extreme pain, suffering, or agony. Torture does not include conduct
 5 performed by a veterinarian licensed under the Nebraska Veterinary
 6 Practice Act or conduct that conforms to accepted veterinary
 7 practices.

8 Sec. 3. (1)(a) Any person convicted of a Class IV felony
 9 under section 28-1005 or 28-1009 shall not own, possess, or reside

10 with any animal for not less than fifteen years from the date of
11 conviction. Any person violating this subdivision shall be guilty
12 of a Class I misdemeanor.

13 (b) Any person convicted of a Class I misdemeanor under
14 subdivision (2)(a) of section 28-1009 or a Class III misdemeanor
15 under section 28-1010 shall not own, possess, or reside with any
16 animal for not less than five years from the date of conviction.
17 Any person violating this subdivision shall be guilty of a Class IV
18 misdemeanor.

19 (c) Any animal involved in a violation of subdivisions
20 (a) and (b) of this subsection shall be subject to seizure by law
21 enforcement.

22 (d) A court may extend the time restrictions for owning,
23 possessing, or residing with any animal under this subsection as
24 the court deems reasonable and necessary.

25 (2) The time restrictions in subdivisions (1)(a) and (b)
26 of this section shall not apply to any person convicted under
27 section 28-1005 or 28-1009 if a licensed physician confirms in
1 writing that ownership or possession of or residence with an animal
2 is essential to the health of such person.

3 Sec. 4. Section 28-1013, Revised Statutes Supplement,
4 2007, is amended to read:

5 28-1013 Sections 28-1008 to 28-1017 and section 3 of this
6 act shall not apply to:

7 (1) Care or treatment of an animal by a veterinarian
8 licensed under the Veterinary Medicine and Surgery Practice Act;

9 (2) Commonly accepted care or treatment of a police
10 animal by a law enforcement officer in the normal course of his or
11 her duties;

12 (3) Research activity carried on by any research facility
13 currently meeting the standards of the federal Animal Welfare Act,
14 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

15 (4) Commonly accepted practices of hunting, fishing, or
16 trapping;

17 (5) Commonly accepted practices occurring in conjunction
18 with rodeos, animal racing, or pulling contests;

19 (6) Humane killing of an animal by the owner or by his or
20 her agent or a veterinarian upon the owner's request;

21 (7) Commonly accepted practices of animal husbandry with
22 respect to farm animals, including their transport from one
23 location to another and nonnegligent actions taken by personnel
24 or agents of the Nebraska Department of Agriculture or the United
25 States Department of Agriculture in the performance of duties
26 prescribed by law;

27 (8) Use of reasonable force against an animal, other than
1 a police animal, which is working, including killing, capture, or
2 restraint, if the animal is outside the owned or rented property
3 of its owner or custodian and is injuring or posing an immediate
4 threat to any person or other animal;

- 5 (9) Killing of house or garden pests;
 6 (10) Commonly followed practices occurring in conjunction
 7 with the slaughter of animals for food or byproducts; and
 8 (11) Commonly accepted animal training practices.
 9 Sec. 5. Section 28-1014, Revised Statutes Cumulative
 10 Supplement, 2006, is amended to read:
 11 28-1014 Any city, village, or county may adopt and
 12 promulgate rules, regulations, and ordinances which are not
 13 inconsistent with the provisions of sections 28-1008 to 28-1017
 14 and section 3 of this act for the protection of the public, public
 15 health, and animals within its jurisdiction.
 16 Sec. 6. Section 28-1015, Revised Statutes Cumulative
 17 Supplement, 2006, is amended to read:
 18 28-1015 When an animal is owned by a minor child, the
 19 parent of such minor child with whom the child resides or legal
 20 guardian with whom the child resides shall be subject to the
 21 penalties provided under sections 28-1008 to 28-1017 and section 3
 22 of this act if the animal is abandoned or cruelly neglected.
 23 Sec. 7. Section 28-1016, Revised Statutes Cumulative
 24 Supplement, 2006, is amended to read:
 25 28-1016 Nothing in sections 28-1008 to 28-1017 and
 26 section 3 of this act shall be construed as amending or changing
 27 the authority of the Game and Parks Commission as established in
 1 the Game Law or to prohibit any conduct authorized or permitted by
 2 such law.
 3 2. On page 10, line 9, after the comma insert "sections
 4 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative
 5 Supplement, 2006, and sections 28-101, 28-1008, and 28-1013,
 6 Revised Statutes Supplement, 2007,".
 7 3. Renumber the remaining sections and correct internal
 8 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 1019. Title read. Considered.

Committee AM2334, found on page 977, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 988. Title read. Considered.

SPEAKER FLOOD PRESIDING

Committee AM2128, found on page 794, was considered.

Senator Fischer requested a division of the question on the committee

amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:
AM2367 is available in the Bill Room.

The second committee amendment is as follows:
AM2368 is available in the Bill Room.

The third committee amendment is as follows:
AM2369 is available in the Bill Room.

The fourth committee amendment is as follows:
AM2371 is available in the Bill Room.

The fifth committee amendment is as follows:
AM2402

- 1 1. Insert the following new sections:
- 2 2 Sec. 3. Section 79-233, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 79-233 For purposes of sections 79-232 to 79-246:
- 5 (1) Enrollment option program means the program
- 6 established in section 79-234;
- 7 (2) Option school district means the public school
- 8 district that ~~a~~an option student chooses to attend instead of
- 9 his or her resident school district; ~~except when a student chooses~~
- 10 ~~to attend another school district in a learning community in which~~
- 11 ~~the student resides pursuant to section 79-2110;~~
- 12 (3) Option student means a student that has chosen to
- 13 attend an option school district, including a student who resides
- 14 in a learning community and who has chosen to attend an option
- 15 school district in such learning community prior to the effective
- 16 date of the establishment of such learning community, but not
- 17 including a student who resides in a learning community and who
- 18 enrolls pursuant to section 79-2110 in another school district in
- 19 such learning community;
- 20 (4) Resident school district means the public school
- 21 district in which a student resides; and
- 22 (5) Siblings means all children residing in the same
- 23 household on a permanent basis who have the same mother or father
- 1 or who are stepbrother or stepsister to each other.
- 2 2 Sec. 4. Beginning with school year 2013-14, students
- 3 in kindergarten through grade three in the public schools shall
- 4 spend at least fifty percent of their school day in one or more
- 5 classrooms with twenty or fewer students. Up to ten days each
- 6 school year may be designated for any student or group of students
- 7 as special activity days to which the requirements of this section
- 8 do not apply. School districts may also apply to the State Board of

9 Education for a hardship waiver to waive the requirements of this
 10 section for a specified period of time due to circumstances that
 11 would cause the school district a substantial hardship to meet the
 12 requirements of this section for such period of time.

13 Sec. 39. Section 79-1022.02, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 79-1022.02 Notwithstanding any other provision of law,
 16 the certification of state aid pursuant to section 79-1022 to
 17 be paid to school districts during school year ~~2003-04, 2008-09,~~
 18 the certification of applicable allowable growth rates pursuant to
 19 section 79-1026 for school fiscal year ~~2003-04, 2008-09,~~ and the
 20 certifications of Class I school district allowable general fund
 21 budgets of expenditures pursuant to section 79-1083.03 for school
 22 fiscal year ~~2003-04 2008-09~~ are null and void. State aid to be paid
 23 during such school year and the certifications pursuant to ~~section~~
 24 sections 79-1022 and 79-1026 shall be recertified on or before June
 25 15, 2003, April 30, 2008, using data sources as they existed on
 26 February 1, ~~2003, 2008.~~

27 Sec. 44. Section 79-1031.01, Revised Statutes Supplement,
 1 2007, is amended to read:

2 79-1031.01 The Appropriations Committee of the
 3 Legislature shall annually include the amount necessary to fund the
 4 state aid that will be certified to school districts on or before
 5 February 15, 2007, April 30, 2008, and on or before February 1 for
 6 each ~~ensuing~~ school year thereafter in its recommendations to the
 7 Legislature to carry out the requirements of the Tax Equity and
 8 Educational Opportunities Support Act.

9 Sec. 48. Section 79-1229, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 79-1229 (1) On or before January 31 of each year, the
 12 administrator of each educational service unit shall submit to
 13 the Commissioner of Education a report described as the annual
 14 financial report showing (a) the amount of money received from all
 15 sources during the year and the amount of money expended by the
 16 educational service unit during the year, (b) other information
 17 as necessary to fulfill the requirements of sections 79-1241
 18 and 79-1243, and (c) such other information as the commissioner
 19 directs.

20 (2) The board of each educational service unit shall
 21 cause a complete and comprehensive annual audit to be made of the
 22 books, accounts, records, and affairs of the educational service
 23 unit. The audits shall be conducted annually, except that the
 24 Auditor of Public Accounts may determine an audit of less frequency
 25 to be appropriate but not less than once in any three-year period.
 26 The board of each educational service unit may contract with the
 27 Auditor of Public Accounts or select a licensed public accountant
 1 or certified public accountant or firm of such accountants to
 2 conduct the audit and shall be responsible for the cost of the
 3 audit pursuant to the contract. Such audit shall be conducted in

- 4 the same manner as audits of county officers. The original copy of
 5 the audit shall be filed in the office of the Auditor of Public
 6 Accounts.
 7 Sec. 52. Since an emergency exists, this act takes effect
 8 when passed and approved according to law.

The first committee amendment, AM2367, found in this day's Journal, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR FRIEND PRESIDING

Senator Erdman offered the following amendment to the first committee amendment:

FA228

Amend AM2367

Strike Section 15.

Pending.

COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 995. Placed on General File with amendment.
 AM2118

- 1 1. On page 5, line 5, strike the new matter and insert
 2 "The county board shall publish notice of such petition"; and in
 3 lines 23 and 24 strike the new matter.
 4 2. On page 6, line 3, strike the new matter and reinstate
 5 the stricken matter and after "for" insert "at least"; and in
 6 line 5 after the period insert "Additional mowings shall be at the
 7 discretion of the county board and each additional mowing may be
 8 subject to a public hearing at which the need for the additional
 9 mowing shall be presented to the county board.".
 10 3. On page 9, lines 11 through 14, strike the new matter.

(Signed) Vickie McDonald, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 958A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 958, One Hundredth Legislature, Second Session, 2008.

RESOLUTION

LEGISLATIVE RESOLUTION 281. Introduced by Cornett, 45; Gay, 14.

WHEREAS, the Bellevue East High School boys' basketball team placed second in the Nebraska Class A Boys' State Basketball Tournament, narrowly falling to Omaha Central High School by one point; and

WHEREAS, the Bellevue East High School girls' basketball team topped off a great season with a berth in the Nebraska Class A Girls' State Basketball Tournament; and

WHEREAS, the Bellevue West High School boys' basketball team placed third in the Nebraska Class A Boys' State Basketball Tournament by defeating Lincoln High School; and

WHEREAS, the Bellevue West High School girls' basketball team finished a terrific season with a twelve and nine record.

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

1. That the Legislature congratulates the Bellevue East High School boys' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

2. That the Legislature congratulates the Bellevue East High School girls' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

3. That the Legislature congratulates the Bellevue West High School boys' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

4. That the Legislature congratulates the Bellevue West High School girls' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

5. That a copy of this resolution be sent to Bellevue West High School and to Bellevue East High School.

Laid over.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Monday, March 31, 2008 9:00 a.m.

Gohl, James - Oil and Gas Conservation Commission

(Signed) LeRoy Louden, Chairperson

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB1092:
AM2376

(Amendments to Standing Committee amendments, AM1974)

- 1 1. On page 1, lines 5 and 18, strike "2010" and insert
- 2 "2012".

MESSAGES FROM THE GOVERNOR

March 13, 2008

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Information Technology Commission:

Trev Peterson, 6040 The Knolls, Lincoln, NE 68512
Janie Park, 6122 Hwy 20, Chadron, NE 69337

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

March 13, 2008

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Robert "Bob" Culver Jr., 1008 Dodge Street, #305, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and application are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

VISITORS

Visitors to the Chamber were members of Anne Batchelder Excellence in Public Service; 83 nursing students and teacher from Creighton University, Omaha; members of Nebraska Change to Win; and members of Papio Valley Preservation Association.

RECESS

At 12:01 p.m., on a motion by Senator Heidemann, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senator Cornett who was excused; and Senators Ashford, Dierks, Engel, Heidemann, Johnson, Langemeier, Synowiecki, and White who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Pankonin filed the following amendment to LB1045:
AM2406

(Amendments to Standing Committee amendments, AM1819)

- 1 1. On page 1, line 10, after "form" insert "if the named
- 2 insured requested the electronic form and there was an agreement
- 3 to that effect with the insurer prior to such request"; and in
- 4 line 13 strike "conclusively presumed" and insert "a rebuttable
- 5 presumption".

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 267, 268, 269, and 270 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 267, 268, 269, and 270.

GENERAL FILE

LEGISLATIVE BILL 988. The Erdman amendment, FA228, found in this day's Journal, to the first committee amendment, AM2367, was renewed.

Senator Erdman withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB959:
AM2171

(Amendments to Standing Committee amendments, AM2145)

1 1. Insert the following new sections:

2 Sec. 38. On or before June 30, 2008, the State

3 Treasurer shall transfer thirty thousand dollars from General Funds

4 appropriated to the University of Nebraska, for Program 781, to the

5 Agricultural Products Marketing Information Cash Fund.

6 Sec. 71. Laws 2007, LB 321, section 77, is amended to

7 read:

8 Sec. 77. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE

9 Program No. 27 - Departmental Administration

	FY2007-08	FY2008-09
10 GENERAL FUND	1,630,524	1,666,483
11 CASH FUND	207,838	211,347
12 CASH FUND	207,838	218,847
13 FEDERAL FUND est.	430,483	438,485
14 REVOLVING FUND	479,381	487,563
15 PROGRAM TOTAL	2,748,226	2,803,878
16 PROGRAM TOTAL	2,748,226	2,811,378
17 SALARY LIMIT	1,235,393	1,266,747

19 There is included in the appropriation to this program
20 for FY2007-08 \$242,232 Federal Funds estimate for state aid, which
21 shall only be used for such purpose. There is included in the
22 appropriation to this program for FY2008-09 \$242,232 Federal Funds
1 estimate for state aid, which shall only be used for such purpose.

2 There is included in the appropriation to this program
3 for FY2008-09 an additional \$7,500 Cash Funds to be used for the
4 purpose of supplementing the Livestock Market News program.

5 2. On page 2, line 15, strike "87" and insert "89".

6 3. On page 56, line 26, after "69," insert "77,".

7 4. Renumber the remaining sections accordingly.

Senator Rogert filed the following amendment to LB766:

FA231

Strike the enacting clause.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 961. Placed on Select File with amendment. ER8210 is available in the Bill Room.

LEGISLATIVE BILL 960. Placed on Select File with amendment. ER8209

- 1 1. In the Standing Committee amendments, AM2138:
- 2 a. On page 1, lines 4, 10, and 20, strike "Nebraska" and
- 3 insert "State"; and
- 4 b. On page 2, lines 3 and 10, strike "NEBRASKA" and
- 5 insert "STATE".
- 6 2. On page 3, line 6, strike "INFORMATION" and
- 7 insert "ACCOUNTING"; in line 7 strike "Information" and insert
- 8 "Accounting"; and in line 10 strike "192" and insert "194".
- 9 3. On page 34, line 19, after "bureau" insert "of the
- 10 Department of Administrative Services".

LEGISLATIVE BILL 959. Placed on Select File with amendment. ER8207

- 1 1. In the Standing Committee amendments, AM2145:
- 2 a. On page 2, line 12, strike "Information" and insert
- 3 "Accounting";
- 4 b. On page 7, line 20, strike "General" and insert
- 5 "Cash";
- 6 c. On page 8, line 4; page 9, line 3; and page 10, line
- 7 13, before "Health" insert "Nebraska";
- 8 d. On page 9, lines 14 and 17, strike "pharmacists" and
- 9 insert "pharmacies";
- 10 e. On page 10, line 12, strike the comma;
- 11 f. On page 17, line 17; and page 18, line 6, strike
- 12 "NEBRASKA" and insert "STATE";
- 13 g. On page 29, line 7; and page 30, line 5, strike
- 14 "Nebraska" and insert "State";
- 15 h. On page 43, line 25, strike "Director", show as
- 16 stricken, and insert "chief executive officer of the Department";
- 17 and
- 18 i. On page 56, line 17, after the semicolon insert "and".
- 19 2. On page 1, line 3, after the semicolon insert "and";
- 20 and strike beginning with "32" in line 3 through "215" in line 4
- 21 and insert "23, 24, 32, 46, 48, 49, 50, 55, 69, 88, 107, 119, 120,
- 22 123, 124, 177, 180, 182, 187, 215, 230, 236, 238, 239".

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 929. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Senator Erdman offered the following amendment to the first committee amendment:

FA230

Amend AM2367

Strike Sections 17 and 18.

Senator Erdman withdrew his amendment.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1019. Placed on Select File with amendment.
ER8208

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new section:
- 3 Sec. 2. The following sums of money, or so much thereof
- 4 as may be required, are hereby appropriated from the General
- 5 Fund or from other funds as indicated in the state treasury, not
- 6 otherwise appropriated, for the payment of tort claims which have
- 7 been settled by the Attorney General in the district court or
- 8 in which court judgments have been entered and which require the
- 9 approval of the Legislature for payment.
- 10 \$9,900,000.00 for Tort Claim Number 01-009, against the
- 11 Department of Roads, pay to Gail Fickle and the law firm of
- 12 Keating, O'Gara, Nedved & Peter, P.C., L.L.O., 530 South 13th
- 13 Street, Suite 100, Lincoln, NE 68508-2795, out of the Roads
- 14 Operations Cash Fund.
- 15 \$49,500.00 for Tort Claim Number 02-858, against
- 16 the Department of Health and Human Services, pay to Jennifer
- 17 Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134
- 18 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the
- 19 General Fund.
- 20 \$25,000.00 for Tort Claim Number 02-859, against the
- 21 Department of Health and Human Services, pay to Theresa Liberte-Ray
- 22 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,
- 23 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.
- 1 \$15,000.00 for Tort Claim Number 02-860, against the
- 2 Department of Health and Human Services, pay to Ethel Hanger and

- 3 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 4 600, Lincoln, Nebraska 68508, out of the General Fund.
 5 \$17,500.00 for Tort Claim Number 02-861, against the
 6 Department of Health and Human Services, pay to Penny Greenbush and
 7 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 8 600, Lincoln, Nebraska 68508, out of the General Fund.
 9 \$45,500.00 for Tort Claim Number 02-862, against the
 10 Department of Health and Human Services, pay to Elizabeth Morgan
 11 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,
 12 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.
 13 \$30,000.00 for Tort Claim Number 02-863, against
 14 the Department of Health and Human Services, pay to Selena
 15 Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South
 16 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General
 17 Fund.
 18 \$22,500.00 for Tort Claim Number 03-001, against the
 19 Department of Health and Human Services, pay to Mary Witter and
 20 Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln,
 21 Nebraska 68510, out of the General Fund.
 22 \$25,100.57 for Tort Claim Number 03-132, against the
 23 Department of Correctional Services, pay to Jeffrey D. Patterson,
 24 Attorney, Bartle & Geier Law Firm, 1141 H Street, P.O. Box 83104,
 25 Lincoln, NE 68501-3104, out of the General Fund.
 26 \$20,000.00 for Tort Claim Number 03-152, against the
 27 Department of Health and Human Services, pay to Robin Heuertz and
 1 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 2 600, Lincoln, Nebraska 68508, out of the General Fund.
 3 \$25,000.00 for Tort Claim Number 03-492, against the
 4 Department of Health and Human Services, pay to David Domina on
 5 behalf of Danielle Murray, 2425 South 144th Street, Omaha, NE
 6 68144, out of the General Fund.
 7 \$10,500.00 for Tort Claim Number 03-892, against the
 8 Department of Health and Human Services, pay to Sara Medlin and
 9 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 10 600, Lincoln, Nebraska 68508, out of the General Fund.
 11 \$10,000.00 for Tort Claim Number 03-893, against the
 12 Department of Health and Human Services, pay to Tamica Starks and
 13 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 14 600, Lincoln, Nebraska 68508, out of the General Fund.
 15 \$20,000.00 for Tort Claim Number 03-918, against the
 16 Department of Health and Human Services, pay to Kim Hudson and
 17 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
 18 600, Lincoln, Nebraska 68508, out of the General Fund.
 19 \$225,000 for Tort Claim Numbers 04-801 and 04-802,
 20 against the Department of Roads, pay to Theodore Neubert and
 21 Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th
 22 Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State
 23 Insurance Fund.
 24 \$75,000.00 for Tort Claim Numbers 00-577 and 99-686,
 25 against the Department of Health and Human Services, pay to Steven

26 Renteria, Attorney, and the conservator for Keith Dwayne Nolen,
 27 Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus
 1 Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan
 2 Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska
 3 68102, out of the General Fund.

4 The claims included in this section shall be paid through
 5 programs 591 and 594 in Agency 65.

6 For informational purposes only, the appropriations
 7 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
9 <u>GENERAL FUND</u>	<u>390,600.57</u>
10 <u>CASH FUND</u>	<u>9,900,000.00</u>
11 <u>REVOLVING FUND</u>	<u>225, 000.00</u>
12 <u>TOTAL</u>	<u>10,515,600.57</u>

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB961:
 AM2364

(Amendments to Standing Committee amendments, AM2139)

1 1. Insert the following sections:
 2 Section 1. Section 2-958.01, Revised Statutes Cumulative
 3 Supplement, 2006, is amended to read:
 4 2-958.01 The Noxious Weed and Invasive Plant Species
 5 Assistance Fund is created. The fund may be used to carry out
 6 the purposes of section 2-958.02. The State Treasurer shall credit
 7 to the fund ~~any money any funds transferred pursuant to section~~
 8 ~~54-857, funds~~ appropriated to the fund by the Legislature, and ~~any~~
 9 ~~money funds~~ received as gifts or grants or other private or public
 10 funds obtained for the purposes set forth in section 2-958.02. Any
 11 money in the fund available for investment shall be invested by the
 12 state investment officer pursuant to the Nebraska Capital Expansion
 13 Act and the Nebraska State Funds Investment Act.

14 Sec. 2. Section 54-857, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 54-857 All money received pursuant to the Commercial Feed
 17 Act shall be remitted by the director to the State Treasurer for
 18 credit to the Commercial Feed Administration Cash Fund which is
 19 hereby created. Such fund shall be used by the department to aid
 20 in defraying the expenses of administering the act. Any money in
 21 the fund available for investment shall be invested by the state
 22 investment officer pursuant to the Nebraska Capital Expansion Act
 1 and the Nebraska State Funds Investment Act.

2 On or before October 1, 2008, the State Treasurer shall
 3 transfer two hundred fifty thousand dollars from the Commercial
 4 Feed Administrative Cash Fund to the Noxious Weed and Invasive
 5 Plant Species Assistance Fund.

- 6 2. On page 12, line 17, strike "sections 59-1608.04"
 7 and insert "section 54-857, Reissue Revised Statutes of Nebraska,
 8 sections 2-958.01, 59-1608.04,".
 9 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:
 AM2400

(Amendments to E & R amendments, ER8210)

- 1 1. Insert the following new section:
 2 Sec. 5. Section 84-612, Revised Statutes Supplement,
 3 2007, is amended to read:
 4 84-612 (1) There is hereby created within the state
 5 treasury a fund known as the Cash Reserve Fund which shall be under
 6 the direction of the State Treasurer. The fund shall only be used
 7 pursuant to this section.
 8 (2) The State Treasurer shall transfer funds from the
 9 Cash Reserve Fund to the General Fund upon certification by the
 10 Director of Administrative Services that the current cash balance
 11 in the General Fund is inadequate to meet current obligations. Such
 12 certification shall include the dollar amount to be transferred.
 13 Any transfers made pursuant to this subsection shall be reversed
 14 upon notification by the Director of Administrative Services that
 15 sufficient funds are available.
 16 (3) The State Treasurer, at the direction of the
 17 budget administrator of the budget division of the Department
 18 of Administrative Services, shall transfer such amounts not to
 19 exceed seven million seven hundred fifty-three thousand two hundred
 20 sixty-three dollars in total from the Cash Reserve Fund to the
 21 Nebraska Capital Construction Fund between July 1, 2003, and June
 22 30, 2007.
 1 (4) The State Treasurer, at the direction of the budget
 2 administrator, shall transfer an amount equal to the total amount
 3 transferred pursuant to subsection (3) of this section from the
 4 General Fund to the Cash Reserve Fund on or before June 30, 2008.
 5 (5) In addition to receiving transfers from other funds,
 6 the Cash Reserve Fund shall receive federal funds received by the
 7 State of Nebraska for undesignated general government purposes,
 8 federal revenue sharing, or general fiscal relief of the state.
 9 (6) On June 15, 2007, the State Treasurer shall transfer
 10 fifteen million six hundred seventy-four thousand one hundred seven
 11 dollars from the Cash Reserve Fund to the General Fund.
 12 (7) On June 16, 2008, the State Treasurer shall transfer
 13 seventeen million nine hundred thirty-one thousand thirty dollars
 14 from the Cash Reserve Fund to the General Fund.
 15 (8) On June 15, 2009, the State Treasurer shall transfer
 16 four million nine hundred ninety thousand five hundred five dollars
 17 from the Cash Reserve Fund to the General Fund.
 18 (9) On or before June 16, 2008, the State Treasurer, at
 19 the direction of the budget administrator, shall transfer fifty

20 million dollars from the Cash Reserve Fund to the General Fund.

21 (10) On or before June 16, 2009, the State Treasurer,
22 at the direction of the budget administrator, shall transfer fifty
23 million dollars from the Cash Reserve Fund to the General Fund.

24 (11) From the effective date of an endowment agreement
25 as defined in subdivision (3)(c) of section 79-1101 until June
26 30, 2007, forty million dollars of the Cash Reserve Fund shall be
27 deemed to constitute the Early Childhood Education Endowment Fund.

1 Such funds shall remain part of the Cash Reserve Fund for all
2 purposes, except that the interest earned on such forty million
3 dollars shall accrue as provided in section 84-613.

4 (12) The State Treasurer, at the direction of the budget
5 administrator, shall transfer such amounts, as certified by the
6 Director of Administrative Services, for employee health insurance
7 claims and expenses, not to exceed twelve million dollars in total
8 from the Cash Reserve Fund to the State Employees Insurance Fund
9 between May 1, 2007, and June 30, 2011.

10 (13) On July 9, 2007, the State Treasurer shall transfer
11 twelve million dollars from the Cash Reserve Fund to the Nebraska
12 Capital Construction Fund.

13 (14) On July 9, 2007, the State Treasurer shall transfer
14 five million dollars from the Cash Reserve Fund to the Job Training
15 Cash Fund. The State Treasurer shall transfer from the Job Training
16 Cash Fund to the Cash Reserve Fund such amounts as directed in
17 section 81-1201.21.

18 (15) On July 7, 2008, the State Treasurer shall transfer
19 five million dollars from the Cash Reserve Fund to the Job Training
20 Cash Fund. The State Treasurer shall transfer from the Job Training
21 Cash Fund to the Cash Reserve Fund such amounts as directed in
22 section 81-1201.21.

23 (16) On or before August 1, 2007, the State Treasurer,
24 at the direction of the budget administrator, shall transfer
25 seventy-five million dollars from the Cash Reserve Fund to the
26 Nebraska Capital Construction Fund.

27 (17) On or before June 30, 2009, the State Treasurer
1 shall transfer nine million five hundred ninety thousand dollars
2 from the Cash Reserve Fund to the Nebraska Capital Construction
3 Fund.

4 (18) The State Treasurer, at the direction of the budget
5 administrator, shall transfer an amount equal to the total amount
6 transferred pursuant to subsection (12) of this section from
7 the appropriate health insurance accounts of the State Employees
8 Insurance Fund in such amounts as certified by the Director of
9 Administrative Services to the Cash Reserve Fund on or before June
10 30, 2011.

11 (19) On July 9, 2007, the State Treasurer shall
12 transfer one million dollars from the Cash Reserve Fund to the
13 Microenterprise Development Cash Fund.

14 (20) On July 9, 2007, the State Treasurer shall transfer

15 two hundred fifty thousand dollars from the Cash Reserve Fund to
 16 the Building Entrepreneurial Communities Cash Fund.

17 (21) On July 7, 2008, the State Treasurer shall
 18 transfer one million dollars from the Cash Reserve Fund to the
 19 Microenterprise Development Cash Fund.

20 (22) On July 7, 2008, the State Treasurer shall transfer
 21 two hundred fifty thousand dollars from the Cash Reserve Fund to
 22 the Building Entrepreneurial Communities Cash Fund.

23 (23) On or before July 15, 2008, the State Treasurer
 24 shall transfer fourteen million five hundred thirteen thousand nine
 25 hundred thirty dollars from the Cash Reserve Fund to the Roads
 26 Operations Cash Fund.

27 2. On page 11, line 9, strike "and"; in line 10 after the
 1 first comma insert "and 84-612,"; and in line 17 strike the first
 2 "and" and after the second comma insert "and 84-612,".

3 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:
 AM2389

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new sections:

2 Section 1. Section 18-2604, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 18-2604 There is hereby created in the state treasury a
 5 cash fund to be known as the Municipal Infrastructure Redevelopment
 6 Fund. The fund shall have a separate account for each municipality
 7 in the state. Transfers from the fund to the General Fund may be
 8 made at the direction of the Legislature. Money shall be deposited
 9 into the ~~fund~~ Municipal Infrastructure Redevelopment Fund pursuant
 10 to section 77-2602.

11 Any money in the fund available for investment shall be
 12 invested by the state investment officer pursuant to the Nebraska
 13 Capital Expansion Act and the Nebraska State Funds Investment Act.
 14 Investment earnings on each account shall be credited to that
 15 account.

16 Sec. 2. Section 19-102, Revised Statutes Cumulative
 17 Supplement, 2006, is amended to read:

18 19-102 There is hereby created the City of the Primary
 19 Class Development Fund. Amounts credited to the fund pursuant
 20 to section 77-2602 shall, upon appropriation by the Legislature,
 21 be first expended to support the design and development of the
 22 Antelope Valley project and financing costs related thereto for
 1 the Antelope Valley Study as outlined in the Environmental Impact
 2 Statement and Comprehensive Plan Amendment 94-60 to the 1994
 3 Lincoln/Lancaster County Comprehensive Plan. Transfers from the
 4 fund to the General Fund may be made at the direction of the
 5 Legislature. Any money in the ~~fund~~ City of the Primary Class
 6 Development Fund available for investment shall be invested by the
 7 state investment officer pursuant to the Nebraska Capital Expansion

8 Act and the Nebraska State Funds Investment Act.

9 No distribution from the fund shall be made unless
10 the city of the primary class provides matching funds equal to
11 the ratio of one dollar for each three dollars of the state
12 distribution. Funds derived from any state source may not be
13 utilized as matching funds for purposes of this section.

14 Sec. 3. Section 19-103, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 19-103 There is hereby created the City of the
17 Metropolitan Class Development Fund. Amounts credited to the
18 fund pursuant to section 77-2602 shall, upon appropriation by
19 the Legislature, be first expended to support the design and
20 development of the redevelopment projects within the riverfront
21 redevelopment plan designated for the area along the Missouri River
22 generally north of Interstate 480 to Interstate 680 by the city of
23 Omaha, except that each fiscal year there shall be no distribution
24 from the fund until the finance director of the city certifies
25 that other funds have been encumbered for that calendar year by
26 the city to pay the cost of the combined sewer separation program
27 project east of Seventy-second Street in the city of Omaha. Such
1 certification shall be required only until such sewer separation
2 project is completed or until no cigarette tax money is available
3 to the fund. The amount certified shall be at least seven million
4 dollars each calendar year until 2007 and at least four million
5 dollars each calendar year thereafter. The sewer separation project
6 has such a significant impact on the health and welfare of such a
7 large percentage of the population and on public health in general
8 that the project is a matter of statewide concern. Transfers from
9 the fund to the General Fund may be made at the direction of the
10 Legislature. Any money in the ~~fund~~ City of the Metropolitan Class
11 Development Fund available for investment shall be invested by the
12 state investment officer pursuant to the Nebraska Capital Expansion
13 Act and the Nebraska State Funds Investment Act.

14 No distribution from the fund shall be made unless the
15 city of the metropolitan class provides matching funds equal to
16 the ratio of one dollar for each three dollars of the state
17 distribution. Funds derived from any state source may not be
18 utilized as matching funds for purposes of this section.

19 Sec. 4. Section 37-351, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 37-351 There is hereby created a fund to be known as
22 the Nebraska Outdoor Recreation Development Cash Fund. The fund
23 shall contain the money ~~received~~ credited to the fund pursuant
24 to section 77-2602 and any funds donated as gifts, bequests, or
25 other contributions to such fund from public or private entities.
26 Transfers from the fund to the General Fund may be made at the
27 direction of the Legislature. Any money in the ~~fund~~ Nebraska
1 Outdoor Recreation Development Cash Fund available for investment
2 shall be invested by the state investment officer pursuant to

3 the Nebraska Capital Expansion Act and the Nebraska State Funds
4 Investment Act.

5 Sec. 7. Section 72-1001, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 72-1001 The Nebraska Capital Construction Fund is
8 created. The fund shall consist of revenue and transfers credited
9 to the fund as authorized by law. Money shall be appropriated
10 from the fund to state agencies for making payments on projects
11 as determined by the Legislature, including, but not limited to,
12 purchases of land, structural improvements to land, acquisition
13 of buildings, construction of buildings, including architectural
14 and engineering costs, replacement of or major repairs to
15 structural improvements to land or buildings, additions to existing
16 structures, remodeling of buildings, and acquisition of equipment
17 and furnishings of new or remodeled buildings. The fund shall
18 be administered by the State Treasurer as a multiple-agency-use
19 fund and appropriated to state agencies as determined by the
20 Legislature. Transfers from the fund to the General Fund may
21 be made at the direction of the Legislature. Any money in the
22 ~~fund~~ Nebraska Capitol Construction Fund available for investment
23 shall be invested by the state investment officer pursuant to
24 the Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 Sec. 8. Notwithstanding any other provision of law, for
27 bonds issued on or after the operative date of this act, funds
1 received by the issuer pursuant to section 77-2602 shall not be
2 pledged for repayment of the bonds unless the bonds are approved
3 by the Legislature or, if the Legislature is not in session, the
4 Executive Board of the Legislative Council. Within ninety days
5 after the date of submission of a request to permit pledging of
6 funds received pursuant to section 77-2602 for repayment of bonds,
7 the Legislature or, if the Legislature is not in session, the
8 Executive Board of the Legislative Council, shall either approve or
9 disapprove the request.

10 Sec. 9. Section 81-179, Revised Statutes Supplement,
11 2007, is amended to read:

12 81-179 (1) There is hereby created under the control
13 of the Governor, for allocation to building renewal projects of
14 the various agencies, a fund to be known as the Building Renewal
15 Allocation Fund. The fund shall contain the revenue from the
16 special privilege tax as provided in section 77-2602 and such other
17 money as is appropriated by the Legislature. Such appropriation
18 is declared to consist of building renewal funds which shall be
19 kept separate and distinct from the program continuation funds and
20 project construction funds. Transfers from the fund to the General
21 Fund may be made at the direction of the Legislature.

22 (2) Separate subfunds, subprograms, projects, or accounts
23 shall be established to separately account for any expenditures on
24 state buildings or facilities to comply with the federal Americans

25 with Disabilities Act of 1990. A minimal amount of the funds
 26 contained in the subfunds, subprograms, projects, or accounts may
 27 be used for planning and evaluation of buildings and facilities.

1 (3) The budget division of the Department of
 2 Administrative Services may administratively transfer funds to
 3 appropriate accounting entities to correctly account for the
 4 operating expenditures. A separate fund, cash fund, project, or
 5 other account may be administratively established for such purpose.

6 (4) Any money in the ~~fund~~ Building Renewal Allocation
 7 Fund available for investment shall be invested by the state
 8 investment officer pursuant to the Nebraska Capital Expansion Act
 9 and the Nebraska State Funds Investment Act.

10 Sec. 10. Section 81-2004.08, Revised Statutes Supplement,
 11 2007, is amended to read:

12 81-2004.08 The Nebraska Public Safety Communication
 13 System Cash Fund is created. The fund shall be established within
 14 the Nebraska State Patrol and administered by the Superintendent
 15 of Law Enforcement and Public Safety. The fund shall consist of
 16 all revenue credited pursuant to law, including any fund transfers
 17 authorized by the Legislature. The fund shall only be used to pay
 18 the patrol's direct costs related to administering, operating, and
 19 maintaining the Nebraska Public Safety Communication System, except
 20 that any unobligated money in the fund may first be used to reduce
 21 the patrol's General Fund costs to operate the Nebraska Public
 22 Safety Communication System; and ~~if additional unobligated money~~
 23 ~~in the fund exists, the Legislature may transfer money from the~~
 24 ~~fund to the State Fire Marshal and the Game and Parks Commission~~
 25 ~~to reduce the General Fund costs to operate the Nebraska Public~~
 26 ~~Safety Communication System.~~ General Fund. Any money in the ~~fund~~
 27 Nebraska Public Safety Communication System Cash Fund available
 1 for investment shall be invested by the state investment officer
 2 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 3 State Funds Investment Act.

4 Sec. 14. Sections 1, 2, 3, 4, 7, 8, 9, 10, and 15 of this
 5 act become operative on July 1, 2008. The other sections of this
 6 act become operative on their effective date.

7 Sec. 15. Original sections 18-2604 and 37-351, Reissue
 8 Revised Statutes of Nebraska, sections 19-102, 19-103, and 72-1001,
 9 Revised Statutes Cumulative Supplement, 2006, and sections 77-2602,
 10 81-179, and 81-2004.08, Revised Statutes Supplement, 2007, are
 11 repealed.

12 2. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB959:
 AM2401

(Amendments to Standing Committee amendments, AM2145)

- 1 1. Strike section 30.
- 2 2. On page 2, line 15, strike "87" and insert "86".
- 3 3. Renumber the remaining sections accordingly.

Senator Hudkins filed the following amendment to LB961:
AM2394

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new section:

2 Section 1. Section 29-3921, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:
4 29-3921 The Commission on Public Advocacy Operations Cash
5 Fund is created. The fund shall be used for the operations of
6 the commission. The fund shall consist of money remitted pursuant
7 to section 33-156. It is the intent of the Legislature that
8 the commission shall be funded solely from the fund. Any money
9 in the fund available for investment shall be invested by the
10 state investment officer pursuant to the Nebraska Capital Expansion
11 Act and the Nebraska State Funds Investment Act. ~~Any money in
12 the County Revenue Assistance Fund on April 19, 2002, shall be
13 transferred to the Commission on Public Advocacy Operations Cash
14 Fund.~~

15 The State Treasurer shall transfer two hundred fifty
16 thousand dollars from the Commission on Public Advocacy Operations
17 Cash Fund to the University Cash Fund within fifteen days after May
18 1, 2008. Such funds shall be used for a study of the juvenile legal
19 defense and guardian ad litem systems utilizing the University of
20 Nebraska Public Policy Center to create, administer, and review
21 a Request for Proposals to select from a national search a
22 research consultant that is qualified to provide a methodologically
1 sound and objective assessment of Nebraska's juvenile justice
2 system. The assessment shall include: (1) Gathering of general
3 data and information about the structure and funding mechanisms
4 for juvenile legal defense and guardian ad litem representation;
5 (2) a review of caseloads; (3) examining issues related to the
6 timing of appointment of counsel and guardians ad litem; (4)
7 supervision of attorneys; (5) frequency with which juveniles waive
8 their right to counsel and under what conditions they do so; (6)
9 allocation of resources; (7) adequacy of juvenile court facilities;
10 (8) compensation of attorneys; (9) supervising and training of
11 attorneys; (10) access to investigators, experts, social workers,
12 and support staff; (11) access to educational officers, teachers,
13 educational staff, and truancy officers; (12) the relationship
14 between a guardian ad litem, a juvenile's legal counsel, and
15 the judicial system with identified educational staff regarding
16 a juvenile's educational status; (13) examining issues related to
17 truancy and the relationship between the school districts and the
18 juvenile court system; (14) recidivism; (15) time to permanency and
19 time in court, especially when a guardian ad litem is appointed;
20 and (16) coordination of representation for those juveniles that
21 may have been appointed an attorney in a juvenile delinquency
22 matter and a guardian ad litem because of abuse or neglect. The
23 assessment shall also highlight promising approaches and innovative

24 practices within the state and offer recommendations to improve
 25 weak areas.

- 26 2. On page 11, line 8, strike "section" and insert
 27 "sections 29-3921 and"; in line 15 strike "section" and insert
 1 "sections 29-3921 and"; and in line 19 after the semicolon insert
 2 "to provide for a study";.
 3 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 988. The first committee amendment, AM2367, found in this day's Journal, was renewed.

The first committee amendment was adopted with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

The second committee amendment, AM2368, found in this day's Journal, was renewed.

The second committee amendment was adopted with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

MOTION - Print in Journal

Senator Erdman filed the following motion to LB988:
 MO145
 Bracket.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB988:
 AM2404

(Amendments to AM2369)

- 1 1. Strike sections 1, 32, 45, and 49.
 2 2. On page 24, line 3; page 25, lines 7, 8, 9, 14, 15,
 3 and 26; and page 26, lines 5, 9, 12, 23, and 27, strike the new
 4 matter and reinstate the stricken matter.
 5 3. On page 11, lines 9 through 12, strike the new matter.
 6 4. On page 23, lines 8 and 16, strike "assessed" and
 7 insert "adjusted".
 8 5. On page 24, lines 5 through 9, reinstate the stricken
 9 matter; and in line 11 strike the new matter and reinstate the
 10 stricken matter; in line 12 strike the new matter; in lines 13
 11 through 20, reinstate the stricken matter; in line 22 strike
 12 "assessed"; reinstate the stricken matter beginning with "(3)"
 13 in line 23 through the comma in line 25; in line 25 after
 14 the stricken "hundred" insert "ninety-six"; reinstate the stricken

15 matter beginning with "percent" in line 25 through the comma
 16 in line 26; in line 26 after the stricken "seventy-five" insert
 17 "seventy-two"; and reinstate the stricken matter in line 27.

18 6. On page 25, reinstate the stricken matter beginning
 19 with "For" in line 1 through the comma in line 2; in line 2 after
 20 the stricken "seventy-five" insert "seventy-two"; reinstate the
 21 stricken matter beginning with "percent" in line 2 through line 5;
 22 in line 6 strike the new matter and reinstate the stricken matter;
 1 in line 10, reinstate the stricken matter; and in line 24 strike
 2 the new matter and reinstate the stricken matter.

3 7. On page 26, lines 8 and 26; and page 27, lines 2 and 3
 4 strike the new matter and reinstate the stricken matter.

5 8. Amend the repealer, correct internal references, and
 6 renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB988:
 AM2423

(Amendments to AM2369)

1 1. On page 23, line 5, after "less" insert "(i) for
 2 school fiscal year 2008-09, ten cents, (ii) for school fiscal year
 3 2009-10, eight cents, (iii) for school fiscal year 2010-11, six and
 4 one-half cents, and (iv) for school fiscal year 2011-12 and each
 5 school fiscal year thereafter,".

Senator Kopplin filed the following amendment to LB988:
 AM2425

(Amendments to AM2369)

1 1. On page 23, line 5, after "less" insert "(i) for
 2 school fiscal year 2008-09, ten cents, (ii) for school fiscal year
 3 2009-10, nine cents, (iii) for school fiscal year 2010-11, eight
 4 cents, (iv) for school fiscal year 2011-12, seven cents, (v) for
 5 school fiscal year 2012-13, six cents, and (vi) for school fiscal
 6 year 2013-14 and each school fiscal year thereafter,".

Senator White filed the following amendment to LB1001A:
 AM2424

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

3 Section 1. There is hereby appropriated (1) \$197,700 from
 4 the General Fund for FY2008-09 and (2) \$37,100 from the General
 5 Fund for FY2009-10 to the Department of Revenue, for Program 102,
 6 to aid in carrying out the provisions of Legislative Bill 1001, One
 7 Hundredth Legislature, Second Session, 2008.

8 Total expenditures for permanent and temporary salaries
 9 and per diems from funds appropriated in this section shall not
 10 exceed \$20,800 for FY2008-09 or \$21,400 for FY2009-10.

11 Section 2. There is hereby appropriated (1) \$5,844,800
 12 from the Energy Conservation Improvement Fund for FY2008-09 and
 13 (2) \$8,547,200 from the Energy Conservation Improvement Fund for

14 FY2009-10 to the Department of Revenue, for Program 110, to aid in
15 carrying out the provisions of Legislative Bill 1001, One Hundredth
16 Legislature, Second Session, 2008.
17 No expenditures for permanent and temporary salaries and
18 per diems for state employees shall be made from funds appropriated
19 in this section.

VISITORS

Visitors to the Chamber were Jim and Garrett Smith; and 54 fourth-grade students, teachers, and sponsors from Rockwell Elementary, Omaha.

The Doctor of the Day was Dr. Nate DeNell from Lincoln.

ADJOURNMENT

At 5:46 p.m., on a motion by Senator Nantkes, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

